

Stephanie Haug

From: Skylar Marcum <skylar.marcum@gmail.com>
Sent: Sunday, August 16, 2020 8:30 PM
To: Emily Weimer; Nicole Stickney
Subject: SMP Comments

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Hi Emily,

In addition to the comments I provided during the public meeting on the SMP I am including some comments below.

1. Regarding specific changes in the SMP, I saw that the language in the proposed SMP update at page 4 tries to summarize RCW 90.58.030 is confusing and incorrectly summarized. There should be a semicolon after (OHWM) rather than a comma as is shown now. The comma makes it sound like shorelands include the area that is 200 feet from floodways, which is not correct.

Compare the SMP language with the Statutory language (which the SMP is trying to summarize):

SMP

Shorelands means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways, and contiguous floodplain areas landward two hundred (200) feet from such floodways; and additionally all wetlands and river deltas associated with such rivers, streams, lakes, and tidal waters (RCW 90.58.030).

RCW 90.58.030(2)(d):

"Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

Can you please track the statutory language.

2. As for other general comments:

2.1 In your original update for 2007 guidance (pg. 12) you had a comment that Floodway should be defined in a single way. You subsequently took no action. Seems out of compliance with the legislature and Ecology. It would be beneficial if Floodway was defined in a single way according to the relevant FEMA maps.

2.2 In general there are several updates to Wetlands. It would be great if more details or options on mitigation options are provided. As an example, Mitigation Banking.

2.3 In 2012 the legislature amended the appeal process to the SMP. Can amendments be added to outline the appeal process to the SMP.

3. Large portions of Michelle's 213 acres are placed in the "Urban Conservancy". This should be made to be Shoreline Residential. The Floodplain and Floodway development restrictions serve the necessary function of limiting development as needed. The property is zoned as Residential and the SMP designation should match that.

4. Can you please send me any updated draft for the SMP? I noticed language was moved from Title 14 that was redundant with SMP and would like to cross-reference or check if anything changed here.

Thank you,
-Skylar

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