



and Associates

PLANNING, LAND USE  
AND DEVELOPMENT SERVICES

## Memorandum

**Date:** November 5, 2015  
**To:** Regional Working Group, Regional Shoreline Master Programs Updates  
**From:** Bill Stalzer, Project Team Leader, Regional SMP Updates  
**Re:** Yellowhawk Creek SMP Buffer

At its June 17<sup>th</sup> meeting, the project management team considered the comments of the regional working group regarding the appropriate SMP buffer for Yellowhawk Creek. Due to the lack of time to research the issue sufficiently prior to the required June 30<sup>th</sup> submittal date, the project management team decided to retain the 50 foot buffer in the preliminary draft SMP and directed The Watershed Company to conduct additional analysis.

Over the ensuing months The Watershed Company researched the issue and held discussions with me and representative of the Departments of Ecology and Fish and Wildlife. The results of those efforts culminated in the attached draft letter from Dan Nickel summarizing their findings and recommending two buffer approaches: one which utilizes a variable buffer between 75 and 100 feet and another which utilizes a uniform 100 foot buffer. Dan Nickel presented the findings and recommendations at the October 14<sup>th</sup> project management team meeting. After discussion of the approaches, the project management team decided upon the following solution to ensure a functioning habitat area and flexibility for the property owner:

### Variable 75-100 foot SMP Buffer

1. This buffer would be a riparian habitat buffer per SMP Appendix A, Section 6.5.B and subject to all of the applicable provisions in Section 6.0 modified as provided below.
2. An property owner has two options:

#### Option 1:

- a. Retain a qualified professional to conduct a "riparian habitat buffer determination" which analyzes existing riparian vegetation for the area between 75 and 100 feet within SMP jurisdiction. This determination would not require a Critical Areas Report; instead a new section would be added to Appendix A, Section 6.0 Fish and Wildlife Habitat Conservation Areas defining the elements of the determination.
- b. Based on the determination, the SMP buffer would be established that can vary from 75 to 100 feet.
- c. Section 6.10 Buffer Averaging and Section 6.12 Buffer decrease would not apply.
- d. Buffer averaging to allow reasonable use of a parcel (Section 6.10.B requiring a Critical Areas Report including the additional requirements in Section 6.3 of Appendix A) would apply.
- e. The riparian habitat buffer determination would be submitted to the county as part of the normal SMP permit review process, including review by a qualified professional if required by the SMP Administrator (see Appendix A, Section 1.10.F). The buffer would be recorded on title.
- f. In lieu of hiring a qualified professional, the property owner may opt for professional input from the Washington Department of Fish and Wildlife to determine the riparian buffer width

#### Option 2:

- a. The property owner chooses not to conduct a riparian habitat determination; instead, a 100-foot wide SMP buffer would be recorded on title.
- b. Buffer averaging (including the reasonable use provisions) allowing up to a 25% decrease in the buffer width would be allowed with a Critical Areas Report (see Appendix A, Section 6.10.A.5 and Section 6.12.C)
- c. A buffer width reduction of up to 25% per Section 6.12 would be allowed (with the required habitat enhancement plan).
- d. A Critical Areas Report and/or habitat management plan would be submitted with the proposed action as part of the normal SMP permit review process, including review by a qualified professional if required by the SMP Administrator (see Appendix A, Section 1.10.F).