Jefferson County's 2009 Local Approved **Shoreline Master Program update**: Highlights & notes

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Jefferson County

- North Olympic Peninsula
  from Pacific to Puget Sound
- 28,000 population
- Ocean, river, stream, lake, estuary, Puget Sound & Hood Canal –
- 250 miles of marine shorelines
- 6200 parcels in jurisdiction

Eastern Jefferson County

Shoreline 20 CFS Upstream Limits (USGS, 1998)

1,000 CFS Upstream Limits (USGS, 1998)

Jefferson County Boundary

Stream

Jefferson County Shorelines of the State

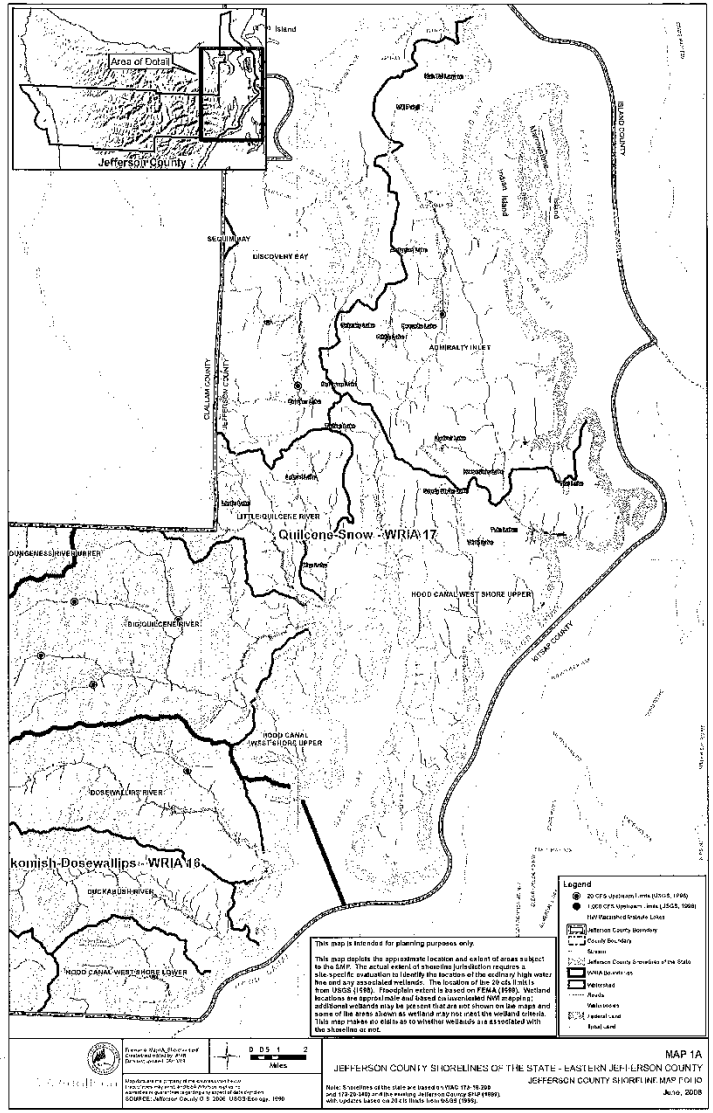
WRIA Boundaries

Roads

Waterbodies

Federal Land

Tribal Land



Acknowledgements

- The Jefferson County SMP was developed by an outstanding team effort, with many, many players.
- Michelle McConnell & Margaret Clancy were central to organizing and & authoring.
- Josh Peters, Al Scalf, Neil Harrington and Stacie Hoskins all played significant roles from early on.

SMP Update background

By the time we started in 2006, a lot of work had been accomplished that served as foundation.

Jefferson County started efforts to update the SMP well before the Guidelines took effect.

Critical Area Ordinance adoption

Jefferson County also updated its Critical Area ordinance in 2008.

Critical Area Buffers for marine shoreline areas of 150’ were required.

The Ordinance was appealed, and was upheld in 2009.

Restoration Planning emphasis added

Early on it was decided to conduct additional work in quantitative methods for evaluating restoration potential.

This work was based on what had been learned during the Port Townsend SMP update.

Learning from experience…

- Jefferson County conscientiously built public education and involvement into its SMP update effort.

- Technical and Policy Advisory Groups were formed as representative steering committees.

Early & Continuous participation

- Finally, Jefferson County did an exemplary job of maintaining clear communication with all interested parties via updated website and periodic emails to interested parties.
- Ecology, other State and Tribal Government representatives as well as citizens, waterfront landowners, and Non-government organizations were active participants
- Areas of concern regarding Guidelines requirements and public comments were steadily recognized and addressed in revisions

Highlights of the New SMP

- STANDARD BUFFER was established consistent with those adopted in the Critical Areas Ordinance:

- Marine - 150 ft.
- Lakes - 100 ft.
- Rivers - 150 ft.
- Streams – 150 ft.

Highlights of the New SMP

- Flexible approach to buffer zones, with 6 options to vary from the standard.
- Criteria for allowing single family residences in Natural Designated shoreline.
- Vegetation management provisions applied to limit damage to buffers.

Highlights of the New SMP

6 ways to vary standard buffer:

- Buffer Reduction
- Buffer Averaging
- Critical Area Stewardship Plan
- Non-conforming Lots standards
- Common Line Buffer
- Shoreline Variance

Residential Development

- Significant clarifications are made to the policies and regulations for single family residences.
- Definition of normal appurtenance and accessory use provisions is an area of concern.
- Vegetation management provisions much improved.

Highlights of the New SMP

- **Article 6.A.6.B.C**
  Vegetation Management

- *"All vegetation removal within the buffer area must comply with Article 6.1.D.8.*

- *In no instance shall vegetation removal exceed 20% of the required buffer area or 15 linear feet of the water frontage, whichever is greater."*

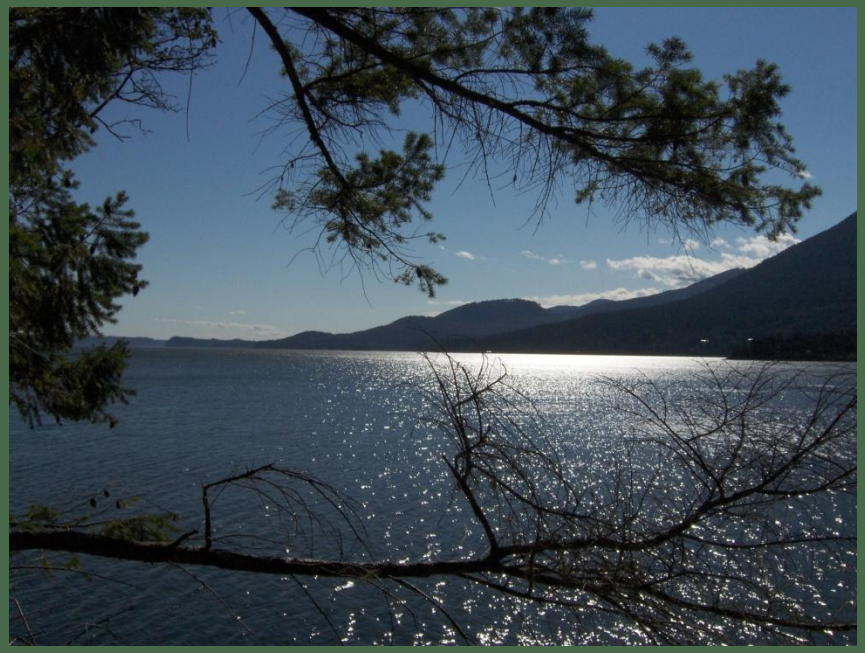
Stair Towers

- In Jefferson County increasing numbers of large and obtrusive beach access structures have been proposed and built over the last decade, some in unstable slope and other ecologically sensitive areas.

Highlights of the New SMP

- **Article 7.1.A.5**
- "Some properties will have view-only access to the water."

- **Article 7.1.D.A.8**
- "Existing lawfully constructed nonconforming beach structures may be repaired or replaced in kind as a nonconforming use as consistent with other provisions of this program."



Highlights of the New SMP

- For “beach access structures” such as staircases, new SMP distinguishes between “public” and “private.”

- Policy and regulation to minimize proliferation.

Highlights of the New SMP

- Article 7.1.B.1:
- "Beach access structures shall be prohibited from marine feeder bluffs in all environment designations."

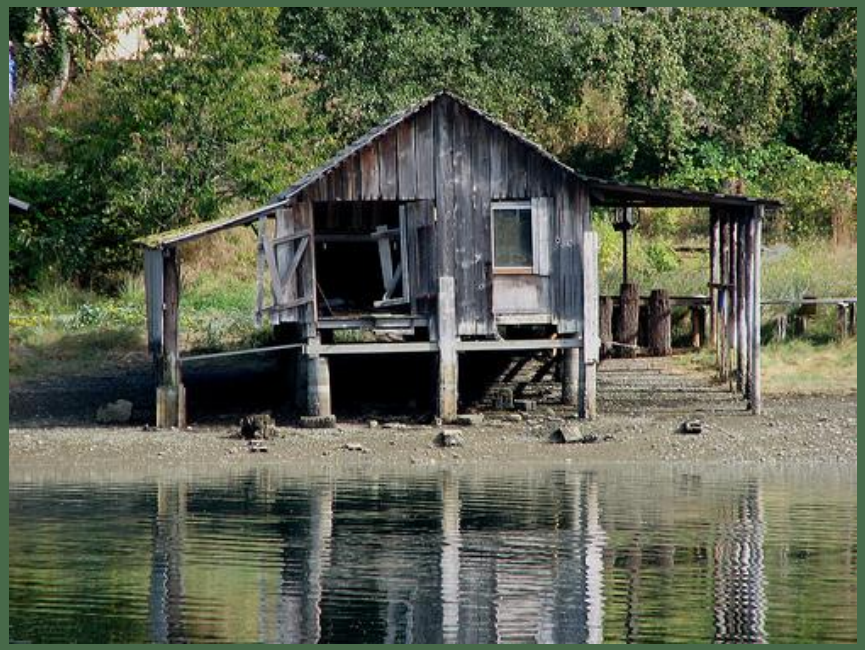
- Article 7.1.A.5:
- "Beach access structures may not be appropriate in some areas because of safety hazards or sensitive ecological conditions."

Nonconforming Structures

- Provisions for nonconforming structures were clarified and made more specific while retaining basic principles.

- Homes destroyed or damaged may generally be rebuilt in same footprint.

- Allowance is also made for specified degree of expansion, with conditional use or variance permit requirements beyond set criterion.



Non Conforming structure increase criteria

- Criteria establish between 10 and 25% as possible expansion parameters .

- Article 10.6.G identifies what qualifies, defines where, and which type of permit is required.

- Incentives for Native Plants Enhancement

Boating Facilities

- **Article7.2.A.3**
- “Docks and piers should not be allowed where shallow depths require excessive overwater length.”

Residential Development

- Residential development that can reasonably be expected to require structural shoreline armoring within 100 years is prohibited

Highlights of the New SMP

- Residential is a priority use of shoreline areas per the RCW, and so is protecting the resources and ecological functions.

- The reasons for limiting dock length in shallow bays, and for prohibiting structures from being built on unstable slopes are common sense and practical.

Balance of rights and resource

- **RCW 90.58.020**
- Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

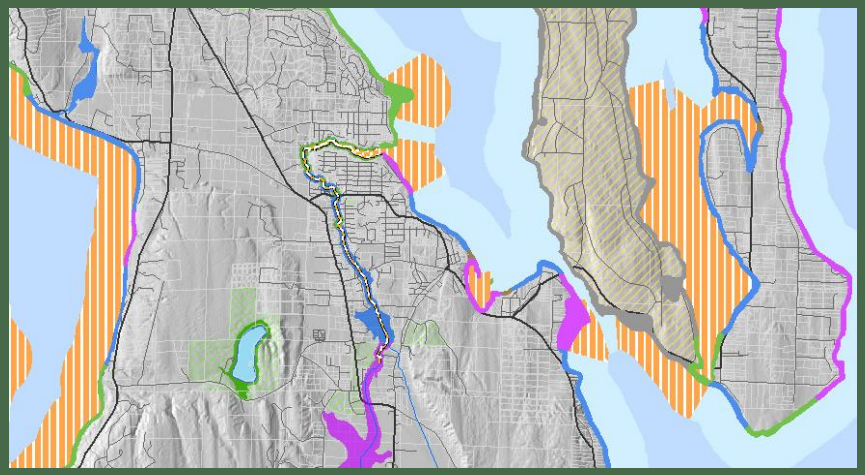
Shoreline Designations

- Advisory Committee did exemplary work in review of aerial photos relative to proposed new Designations.
- Consistent with requirements of the Guidelines, and based on careful scrutiny of existing conditions, significant shifts were made to how Jefferson County shorelines are Designated.
- New Guidelines version of Designations generally applied, except that Urban Conservancy was not used.

Natural Designation

- Substantial increase in Natural Designation.
- As in Whatcom, provision made within these newly Natural Designated areas to allow for carefully specified and limited construction of Single Family residences.
- Ecology review will need to closely scrutinize the effects of this and common line setback provisions as approved locally, considering No net Loss implications.

Shoreline Designations



- A custom Designation called "PRIORITY AQUATIC" was added.
- Priority Aquatic areas were identified as having exceptional values for restoration/ protection, with more protective standards and restriction on uses allowed.

Priority Aquatic designation

- The Priority Aquatic designation is assigned to the most vital salmon streams and nearshore areas and the highest value marine shellfish habitats waterward of the OHWM. These shorelines have the following qualities….”

- ESA listed species/ rearing areas
- Freshwater sites/criteria
- Intact drift cell processes
- Forage fish spawning
- Important shellfish areas

Highlights of the New SMP

- Aquaculture Provisions clarifications.

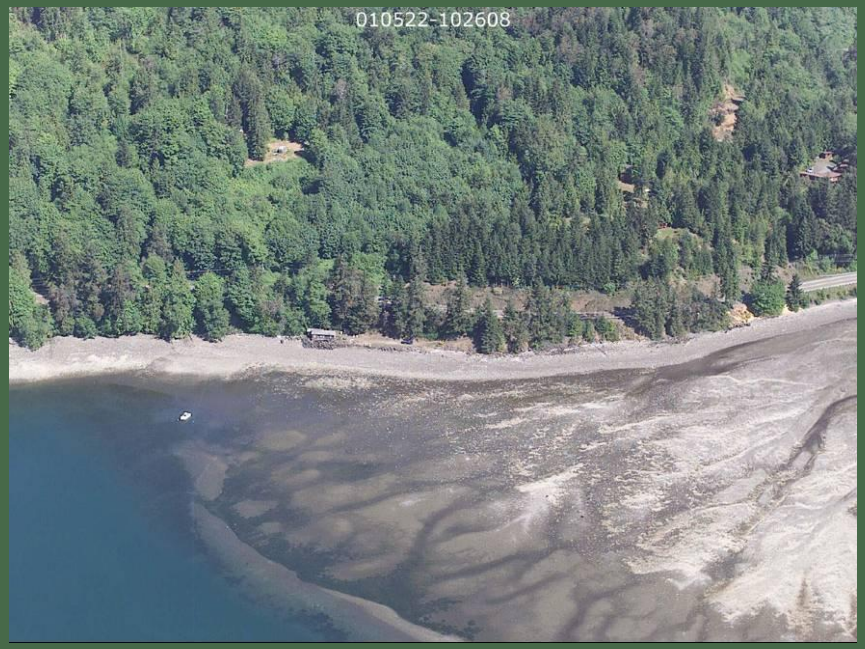
- Definitions make clear distinction between intertidal aquaculture and wild harvest of Geoducks. Wild harvest defined as a fishery rather than land use.

- Net Pen fish production (qualified) prohibition

Aquaculture policies

- Article 8.2.A.7
- “The County should promote cooperative arrangements between aquaculture growers and public recreation agencies so that public use of public shorelines does not conflict with aquaculture operations.”

- Article 8.2.A.6
- “Intensive residential…and other uses unrelated to aquaculture should be located so as not to create conflicts with aquaculture operations.”



Aquaculture regulations

- Distinctions made between many kinds of traditional harvest and cultivation activities. Language about intensity of use and timing relative to permits added.

- Conditional use permit required for specified types of activity.

Restoration Planning

- **Article 7.7.2 (policy)**

- "Jefferson County supports restoration efforts by strategically organizing programs between local, state, and federal or public organizations to improve shorelines with impaired ecological functions or processes."

  (sans excerpts)

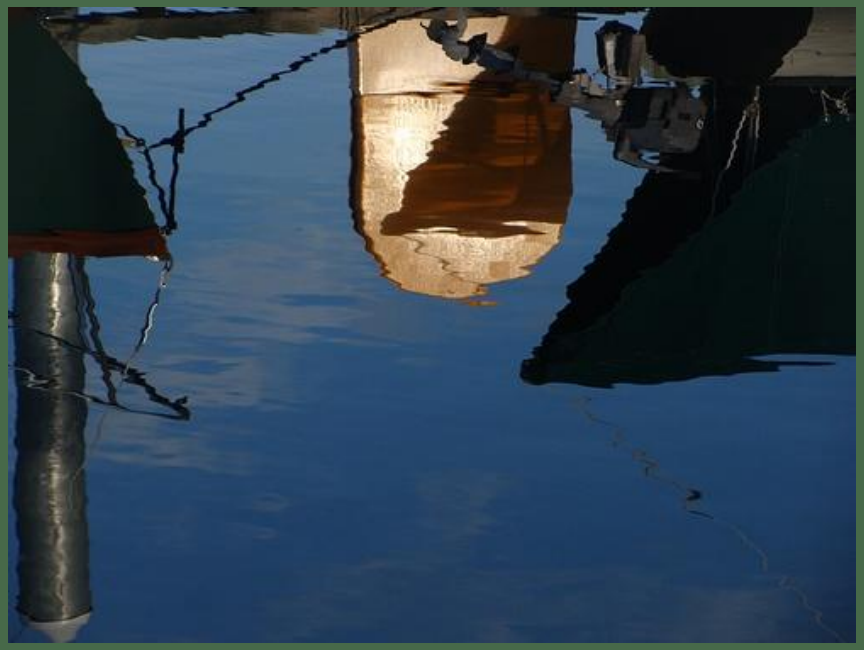
Highlights of the New SMP

- Article 3.d.2.F.2
  COMMERCIAL USES
- "When permitted…non-water oriented uses shall provide public access and/or restore shoreline ecological functions as follows:
- When part of a mixed-use development- 80% of the shoreline buffer area shall be restored to provide shoreline ecological functions…"

Highlights of the New SMP

- Article 3.d.2.F.2
- COMMERCIAL USES

- "When not part of a mixed use development- the County shall determine the type and extent of public access and restoration on a case-by-case basis according to the opportunities and constraints provided by the site."



Highlights of the New SMP

- Article 3.d.2.F.2
- COMMERCIAL USES

- "Where restoration is provided pursuant to this section, buffers protecting the restored area shall be sized and designed as appropriate to protect shoreline resources based on a specific restoration plan.

- The buffer width may differ from the shoreline buffers required in Article 6 Section 1 so as not to encumber adjacent properties, unduly constrain the development site, or create a disincentive for restoration."

Highlights of the New SMP

- The preceding passage illustrates a theme in the Jefferson SMP of striving to balance Guidelines requirements for ecological protection with acknowledging other values and interests.

- Similar language to the preceding examples will be found in various other sections.

Ocean Management

- With all the lands in western Jefferson County in federal or tribal management, this aspect of SMP Guidelines was considered to a quite limited degree.

- Ecology's review will further contemplate how the long term management of offshore resources is best attended.

Lessons Learned

The locally approved SMP for Jefferson County offers many useful examples worthy of consideration by other jurisdictions.

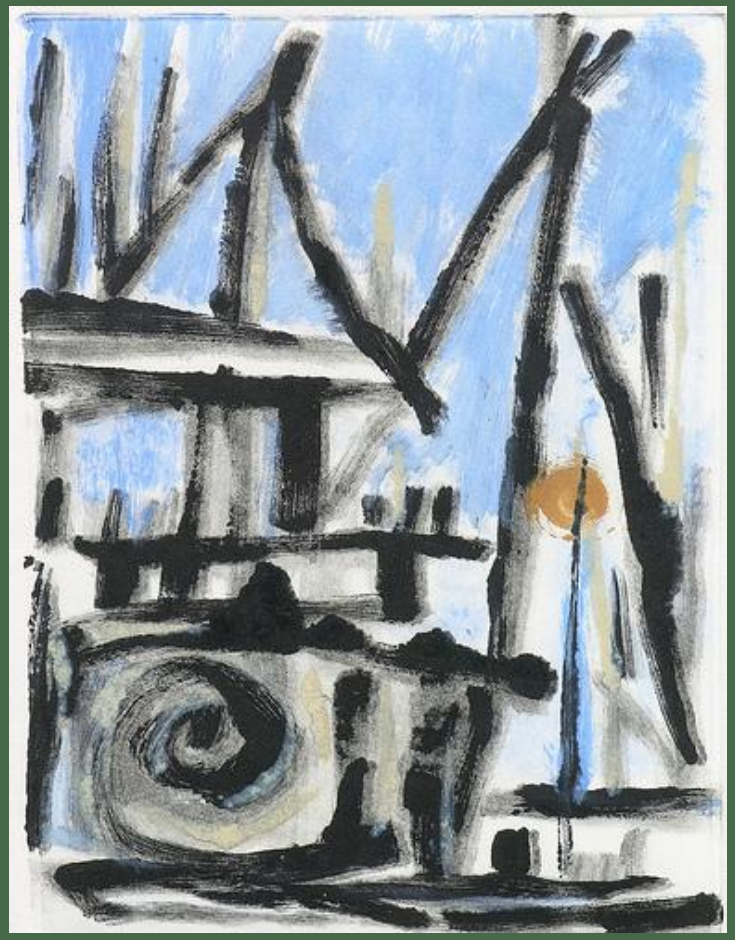
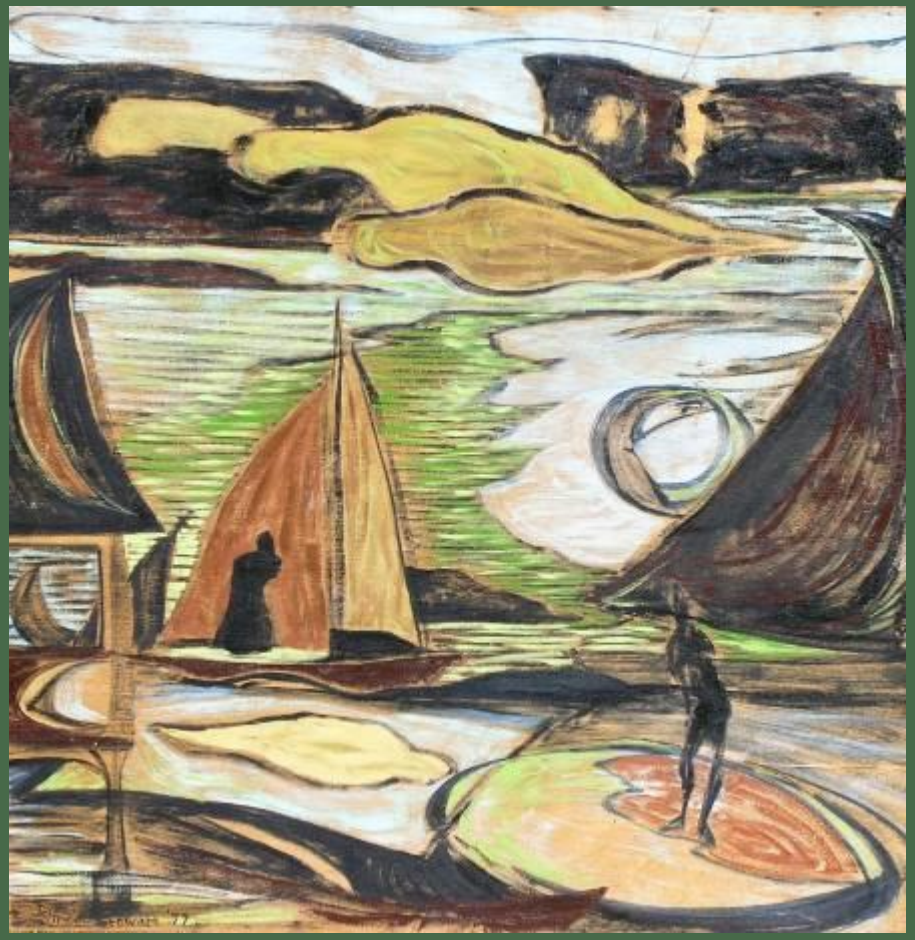
Michelle McConnell did an outstanding job with keeping full accounts of SMP development iterations available on the County website.

Time spent reviewing both the content and how the work was conducted across time is recommended highly.

Summary

- The Jefferson County SMP was constructed with similar structure as that of Whatcom County, while the Advisory Groups and public process made extensive revisions.

- I continue to believe we can make clearer and more concise formulations than this model of an SMP, while being convinced of its excellence in reflecting both the Guidelines requirements and Jefferson County citizen involvement.



Questions?