



**JEFFERSON COUNTY
PLANNING COMMISSION**

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***Final Draft Shoreline Master Program:
Recommendation with Findings and Conclusions***

To: Board of County Commissioners, Chair David Sullivan;
Department of Community Development, Director Al Scalf; and
Interested public of Jefferson County

Date: July 15, 2009

Attached: A. Final Draft SMP; B. Additional Findings & Conclusions

The Planning Commission is pleased to submit our *Final Draft Shoreline Master Program* recommendation to the Board of County Commissioners for review and adoption (See Attachment A). Since receiving staff's *Preliminary Draft Shoreline Master Program* (PDSMP) in December 2008, the Planning Commission has worked diligently to review and revise the document in an effort to provide guidance to the Board on this important effort to update the Jefferson County Shoreline Master Program.

We recognize the hard work that the Department of Community Development (DCD) staff, consultants and the two committees of citizen and agency advisors put into preparation of the PDSMP, and we largely support their proposal for amendments to the Comprehensive Plan and Unified Development Code. However, there are a number of issues on which we differ in our recommendation. To guide our review of the PDSMP, we established goals to help us prepare a final recommendation that complies with State requirements and works for Jefferson County – including agencies and the people.

The key issues on which our *Final Draft SMP* recommendation differs significantly from the PDSMP proposal include:

- **Aquaculture** – shellfish operations will require a conditional use permit when proposed to be adjacent to shoreline residential environmental designation. This is to account for potential use conflicts between shellfish aquaculture and shoreline residential uses; and conditional allowance for net pen operations when potential negative effects are eliminated.
- **Beach Access Structures** – reduced differentiation between public and private structures
- **Boating Facilities** - reduced differentiation between public and private structures
- **Critical Areas/Buffers** – reduced marine shore buffer to 50' along Shoreline Residential and High Intensity shoreline designations; and provision to encourage locating structures along no- and low-bank marine shores at an elevation to avoid potential threat of sea level rise due to global climate change
- **Industrial/Port Development** – no differentiation between new and expansion of existing non-water dependent/related uses; and no requirement for proponent to present alternative designs
- **Mineral Extraction & Processing** – redefined 'mining' as mineral extraction and processing; prohibition of mineral extraction and processing within river channels; and requirement that project proponent shows need for shoreline location
- **Non-conforming Structures** – allowance for rebuilding after fire/flood damage on existing footprint without 75% threshold requirements; allowance for landward enlargement/expansion of non-conforming single family residential without Conditional Use Permit (CUP) or Shoreline Variance, without buffer enhancement requirement, and without footprint percentage thresholds; and allowance for enlargement/expansion of any non-conforming structure with a CUP, without performance criteria
- **Permit Requirements** – reduced the number of instances where Conditional Use Permits are required in lieu of Substantial Development Permit to keep more permit decisions local
- **Setbacks/Height** – allowance for 5' building setback from buffer

In preparing our *Final Draft SMP* recommendation, we have considered the growth management indicators and other general guidance on required findings, and therefore do hereby declare the following findings and conclusions in support of our decision:

A. Required findings as per Jefferson County Code (JCC) Title 18.45.080(1)(b)(i-iii):

1. The circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Jefferson County Comprehensive Plan. For example, new science is available and new Ecology guidelines (WAC).
2. The assumptions upon which the Jefferson County Comprehensive Plan is based are still valid. New information is available which was not considered during the adoption process or any annual amendments of the Jefferson County Comprehensive Plan. For example, new science and new Ecology guidelines, as well as newly updated statistical information (demographic and geological data).
3. The proposed amendment does reflect current, widely held values of the residents of Jefferson County. For example, Planning Commission received over 600 public comments which informed our decision making process.

B. Additional required findings as per Jefferson County Code (JCC) Title 18.45.050(4)(c)(i-viii):

1. The *Final Draft SMP* proposal is a programmatic, not site-specific, amendment, therefore concurrency requirements for transportation and effects on adopted level of service standards for public facilities and services are not applicable. The SMP will apply to all parcels across the county which meet jurisdictional definitions.
2. The *Final Draft SMP* proposal is a programmatic, not site-specific, amendment, however, it is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson County Comprehensive Plan.
3. The *Final Draft SMP* proposal is a programmatic, not site-specific, amendment, however, it will not result in probable significant adverse impacts that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities.
4. The *Final Draft SMP* proposal is a programmatic, not site-specific amendment, and therefore will apply to all parcels across the county that meet jurisdictional definitions. The land use designation and the anticipated land use development, including planned surrounding land uses, is not anticipated to change due to adoption of the SMP.
5. The *Final Draft SMP* proposal is a programmatic, not site-specific, amendment, and therefore will not create a pressure to change the land use designation of other properties.

6. The *Final Draft SMP* proposal is a programmatic, not site-specific, amendment, and therefore does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan.
7. The *Final Draft SMP* proposal is a programmatic, not site-specific, amendment, and therefore does not materially affect the adequacy or availability of urban facilities and services to the overall Urban Growth Area and immediate area.
8. The *Final Draft SMP* proposal is consistent with the Growth Management Act (Chapter 36.70A RCW), the County-Wide planning Policies for Jefferson County, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws.

C. Inquiry to the growth management indicators as per Jefferson County Code (JCC) Title 18.45.050(4)(b)(i-vii):

1. Growth and development as envisioned in the Comprehensive Plan is occurring as anticipated. For example, Jefferson County has gained 2,107 inhabitants from 2000 to 2008, but more recently the number of building applications has dropped significantly.
2. The capacity of the county to provide adequate services has diminished due to current economic situation and the subsequent budget cuts.
3. There is sufficient urban land, as designated and zoned to meet projected demand and need. For example, the Irondale/Port Hadlock UGA has been adopted.
4. The assumptions upon which the Comprehensive Plan is based are still found to be valid
5. There are changes in county-wide attitudes which necessitate amendments to the goals of the Comprehensive Plan and the basic values embodied within the Comprehensive Plan Vision Statement. For example, there is a wider awareness of ecological and economic consequences of land use decisions.
6. There are changes in circumstances which dictate a need for amendment to the Comprehensive Plan. See examples above.
7. There are not inconsistencies between the Comprehensive Plan and the GMA or the Comprehensive Plan and the Countywide Planning Policies for Jefferson County.

D. The Record

In addition to the guidance provided by GMA, the Countywide Planning Policies, the Jefferson County Code, and the Comprehensive Plan, the Planning Commission finds:

1. The record also contains evidence with respect to this proposal, including numerous written and verbal public comments, the *Final Shoreline Inventory and Characterization Report*, the *Final Shoreline Restoration Plan*, and the *Draft Cumulative Impacts Analysis* with supplemental data.
2. Assertions in the record can be confirmed by information from other sources.
3. Our *Final Draft SMP* recommendation is based on the record.
4. Our *Final Draft SMP* recommendation does satisfy legal criteria.
5. Our *Final Draft SMP* recommendation is specific to the application to update the Shoreline Master Program (MLA08-00475).

E. Additional Findings and Conclusions

The Planning Commission further supports our *Final Draft SMP* recommendation with the additional findings and conclusions included in Attachment B.

We recognize that our recommendation will be reviewed and considered by the Board of County Commissioners, who will then take formal action to submit a locally-approved SMP to the State Department of Ecology by October 30, 2009 for the final review and adoption process. We strongly support the additional public review and comment opportunities that will be part of the remaining adoption process.

Recommendation to the Board of County Commissioners

The Planning Commission does hereby recommend the Board of County Commissioners approve the proposed Comprehensive Plan and Unified Development Code amendment MLA08-00475 with modifications as indicated in our *Final Draft SMP* (Attachment A.)


Peter Downey, Chair

7-27-09

Date

Jefferson County Planning Commission