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Bridgehaven

Jefferson County

Shoreline Master Program Update

Board of
Commissioners -
Planning Commission
Pre-deliberation
Work Session

December 3, 2008



Presentation Overview

- Context and Background
- SMP Update Process
- The Proposed SMP
 - Environment Designations
 - Policies and Regulations
- Implications of the new Program



The SMP Update is:

- An *update* of *existing* shoreline policies and regulations
- Required by state law
- Funded by the Dept. of Ecology
- The product of extensive public input
- A local process that requires state approval



SMP Update Requirements

- Engage and inform the public
- Coordinate with Ecology and other agencies
- Inventory and analyze shoreline conditions
- Plan for restoration
- Update shoreline environment designations
- Develop policies and regulations consistent with state guidelines (WAC 173-26)
- Obtain Ecology approval



35 Years of Shoreline Management

1971	Shoreline Management Act passed in response to citizen's initiative
1972	State adopts implementing rules called <i>Guidelines</i>
1976	County adopts its first SMP
2000	Ecology adopts new Guidelines, which are challenged in court County begins SMP update, but does not adopt
2003	Ecology settles lawsuit and adopts new Guidelines
2006	County begins comprehensive SMP update



Why Update Now?

- New SMP must be in place by 2011
- Grant funds provided in 2005; compliance with grant requires local approval and submittal to Ecology by June 2009
- Updated SMP will incorporate new CAO



Supreme Court's Anacortes Ruling

- SMP updates resolve the transfer of authority questions raised by the Anacortes decision
- When comprehensive SMP updates are adopted and approved by Ecology, authority for protecting shoreline resources transfers solely to the SMP



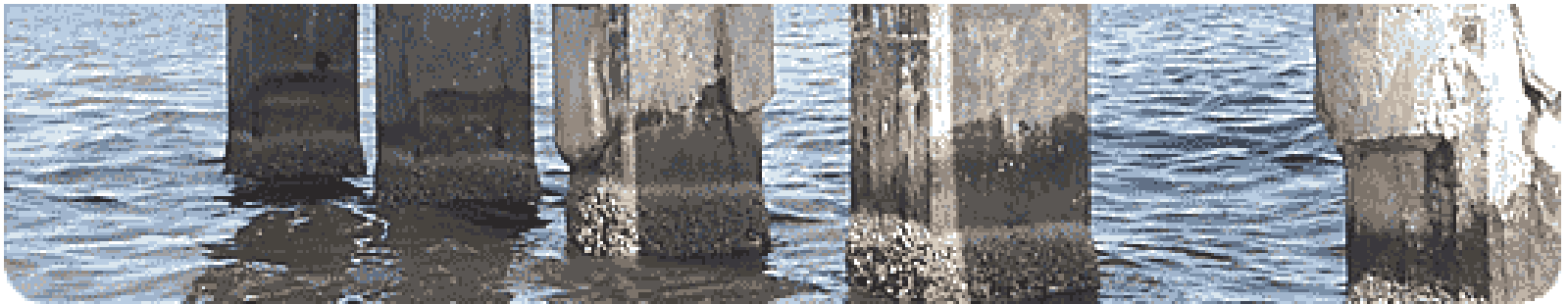
SMP – CAO Integration

- State Law: SMP regulations for critical areas must be at least as protective as the adopted CAO
- CAO provisions become SMP provisions upon adoption
- CAO buffers apply in shoreline jurisdiction
- Use of CASP allowed, may require a shoreline variance
- Reasonable Use = Shoreline Variance



Shoreline Management Act

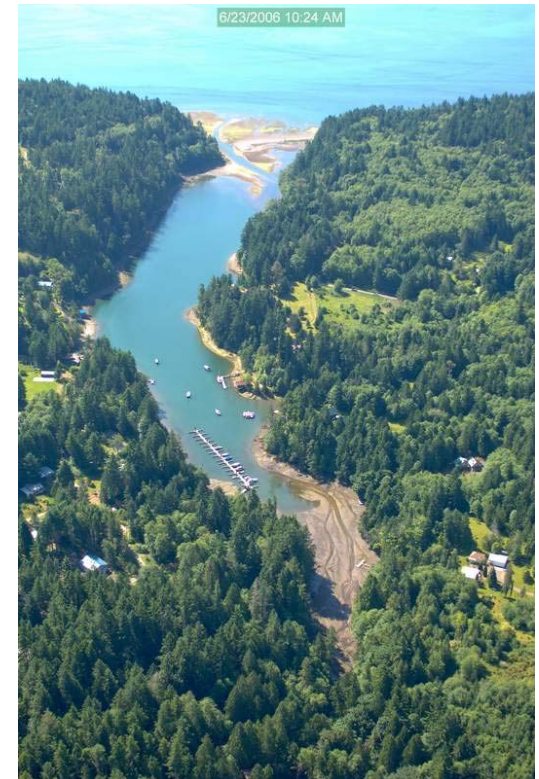
“...prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”





Policy Goals of the SMA

- Encourage water-dependent uses
- Protect shoreline resources
- Promote public access



Fisherman's Harbor

Jefferson County's Shorelines

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Port Ludlow

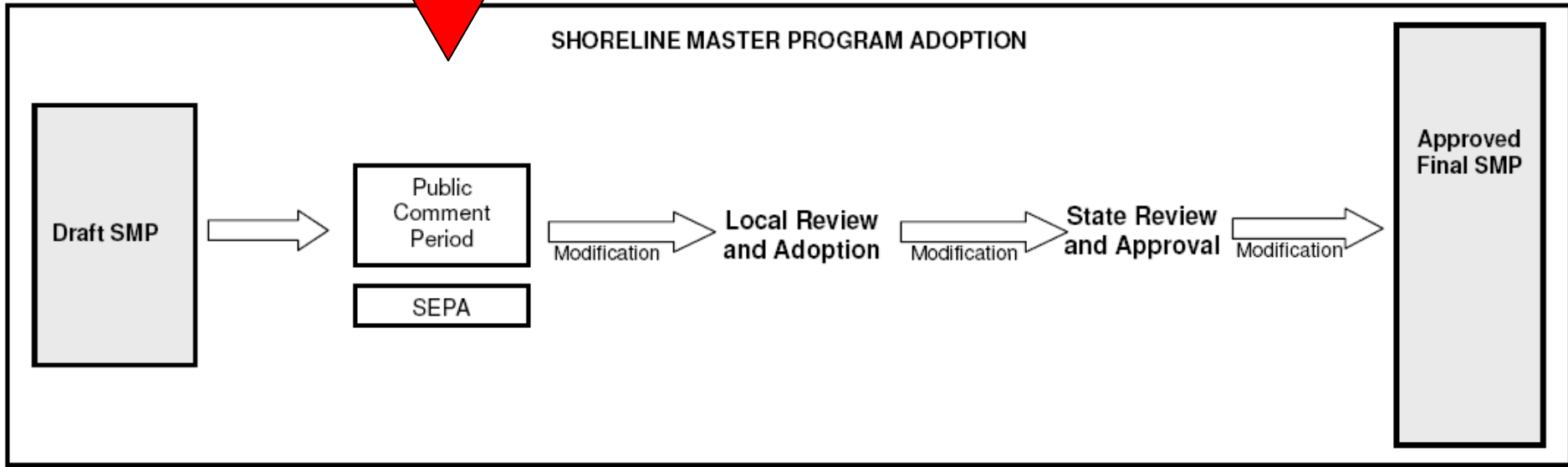
- **More than 250 miles of marine shore**
- **14 Lakes (~ 22 miles of lake shoreline)**
- **More than 238 miles of river (mostly west end)**
- **Associated “shorelands” (wetlands, floodplains, CMZs)**
- **Over 6,200 parcels potentially affected**



Components of the Update Process

- ☑ Consistency review
- ☑ Shoreline inventory
- ☑ Restoration plan
- ☑ New environment designation system
- ☑ Updated policies and regulations
- ☑ Informal public comment
- ☐ Cumulative impact assessment
- ☐ SEPA review
- ☐ 60-day public comment period
- ☐ PC Review
- ☐ BOCC Review
- ☐ Local adoption
- ☐ Ecology approval

Your Are Here



Shoreline Inventory and Characterization

- Describes processes that shape shoreline conditions
- Describes ecology of specific reaches or drift cells
- Describes existing and planned land use
- Includes a map portfolio
- Provides a basis for assigning environment designations
- Informs shoreline restoration plan and SMP policies and regulations



Shoreline Restoration Plan

- Identifies opportunities to improve shoreline conditions over time
- Required by WAC 173-26, and part of Ecology grant, but not a regulatory document
- Implemented via voluntary means or possibly when mitigation is required for development impacts
- Incorporated into the MRC's strategic plan once plan is accepted locally

The Condition of Our Shores

- Most areas are in good condition ecologically
- Bulkheads present on 11% of the marine shoreline (east Jefferson County)
- Value of the shorelines for salmon production, aquaculture and recreation can not be underestimated
- Single family residential use is the dominate land use
 - ~114 residents per marine shoreline mile



Extensive Public Outreach



G. LaRoche



Informing the Public

- Open houses
- Neighborhood information booths
- Mailings, fliers
- Project webpage

Let's do more with our shores!
PROTECT - USE - DEVELOP - RESTORE

Jefferson County is currently revising the Shoreline Master Program (SMP) to update the goals, policies, designations & development regulations that apply to our local **LAKES, STREAMS, RIVERS & SALTWATER** shorelines. Public input prior to the formal review process that starts this September is welcome & encouraged!

Important Dates!

June & July Neighborhood Outreach
 Stop by our information booth in your community

Thursday June 26	9 - 11 am	Port Ludlow Village Market
June 26	1 - 3 pm	Johnston Realty - Brinnon
June 26	4 - 6 pm	Quilcene Community Center
Saturday June 28	10 - Noon	Wild Birds Unlimited (4449 101, Cardine)
June 28	1 - 3 pm	Francis Surplus (4449 101, Cardine)
Tuesday July 1	12 - 1 pm	North Beach County Park (Port Townsend)
July 1	2 - 3 pm	Discovery Bay Golf Club (Lope Charge Rd)
July 1	4 - 6 pm	Port Townsend Safeway (Sims Way)
Wednesday July 2	2 - 3 pm	Shine Fire Station
Thursday July 3	11 - Noon	Coyle Community Center
July 3	2 - 3 pm	Nordland General Store (Pigler Road)
July 3	4 - 6 pm	Port Hadlock QFC (New's Corner Road)

July 10 - SMP Community Planning Workshop

- Open house displays with Q & A
- Stakeholder focus group meetings
- Evening public meeting to showcase draft SMP proposal

July 11 - Comments due on key documents

- Revised Committee Working Draft SMP
- Final Shoreline Inventory & Characterization Report
- Shoreline Restoration Plan

August 5 - Joint Advisory Committee Meeting
 Technical & Policy advisors provide feedback on key documents to staff & consultants

Learn More & Get Involved in the Shoreline Master Program Updates
www.co.jefferson.wa.us/CommDevelopment/ShorelinePlanning

Contact: Michelle McConnell • mmcconnell@co.jefferson.wa.us • 360/379-4484
 Department of Community Development, 621 Sheridan St., Port Townsend, WA 98368

Advisory Committees

Policy:

- Real estate
- Shoreline property owners
- Resource managers
- Port & Paper Mill
- Hood Canal Coord. Council
- People for Puget Sound Recreation
- Marine Industry
- Builders

Technical:

- Ecology
- Tribes
- DFW
- Puget Sound Partnership
- MRC
- Hood Canal Coord. Council





SMP Updates in Other Jurisdictions

- Ecology has funded 48 update efforts
- Only 6 updates approved by Ecology
 - Whatcom County (2008)
 - Port Townsend and 4 other cities
- Approval criteria still evolving



What's in the SMP?

- Goals – General framework for shoreline management consistent with the Comprehensive Plan (Article 3)
- Policies – Broad statements of intent to guide actions of the county and shoreline developers (Articles 4, 5)
- Regulations –
 - General regulations – apply everywhere, to all uses (Article 6)
 - Use-specific regulations – apply to uses and modifications (Article 7 and 8)
 - Environment designation-specific regulations (Article 7 and 8)
 - Allowed, prohibited and conditional uses
- Procedural and Administrative standards (Articles 9 and 10)

The SMP Regulates...

NEW shoreline use and development including but not limited to:

- Residential development
- Docks, mooring buoys, and beach stairs
- Marinas
- Bulkheads
- Vegetation management
- Water-related recreation
- Aquaculture, etc



Beckett Point

SMP generally Does NOT Regulate ...

EXISTING Uses/Developments and:

- Development on Tribal or Federal lands
- Vessels or navigation
- Fishing, hunting, or recreational shellfish harvesting
- In-stream flows
- Stormwater
- Septic systems
- Wells



Port Townsend

M. McConnell



Protecting the Environment and Maintaining Property Rights

- Special consideration for single family developments
- Allowances for 'non-conforming' lots
- Grandfathering of existing developments
- Streamlined conditional use permit process
- Reliance on other existing regulations where appropriate



Existing Developments

- Are 'grandfathered' or allowed to continue without prejudice
- Generally are not affected by the SMP unless/until new development is proposed
- Can be replaced 'in kind' if affected by fire, flood, etc.
- Can be enlarged or expanded up to 25% without a variance or conditional use permit



Port Ludlow

H. Shipman



Shoreline Environment Designations

- A system that establishes which uses are allowed on each shore segment
- Similar to a zoning overlay
- Enables the County to ensure that adjacent uses are compatible
- Recognizes the unique attributes of different areas (Tarboo Bay v Bridgehaven, for example)



SED Requirements

- Must be consistent with the WAC unless an alternative system provides equal or better implementation of the Act
- The classification system must be based on:
 - the existing land use pattern
 - the biological and physical character of the shoreline, and
 - the goals and aspirations of the community as expressed through the comprehensive plan



Proposed SED Changes

Existing

On Land

- Natural
- Conservancy
- Suburban
- Urban

In Water

- Aquatic

Proposed

On Land

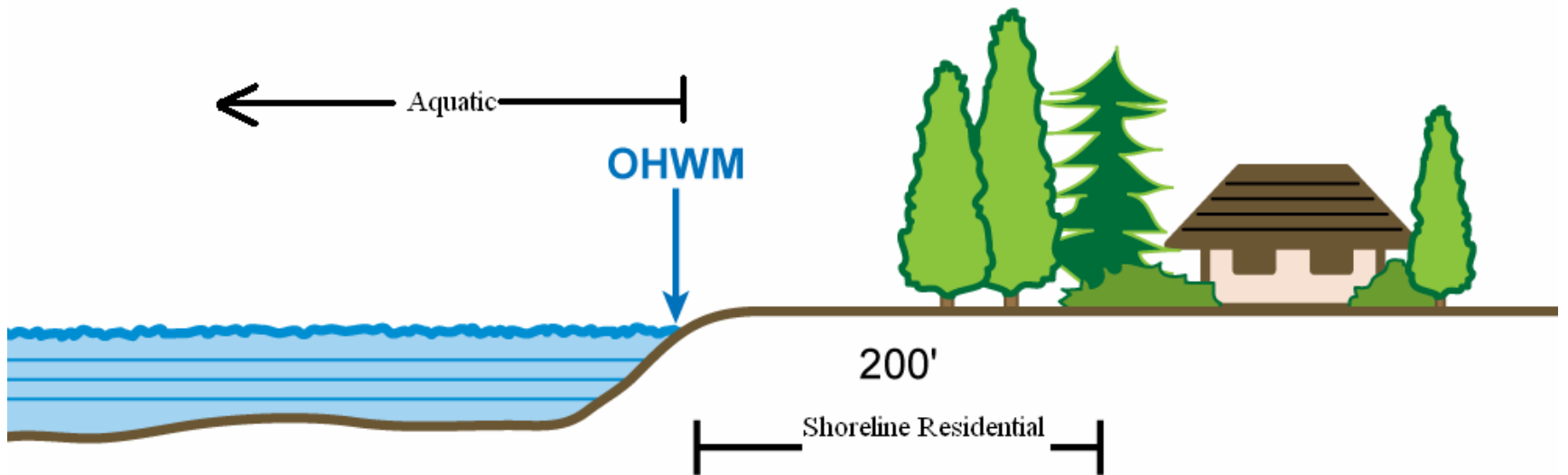
- Natural
- Conservancy
- Shoreline Residential
- High Intensity

In Water

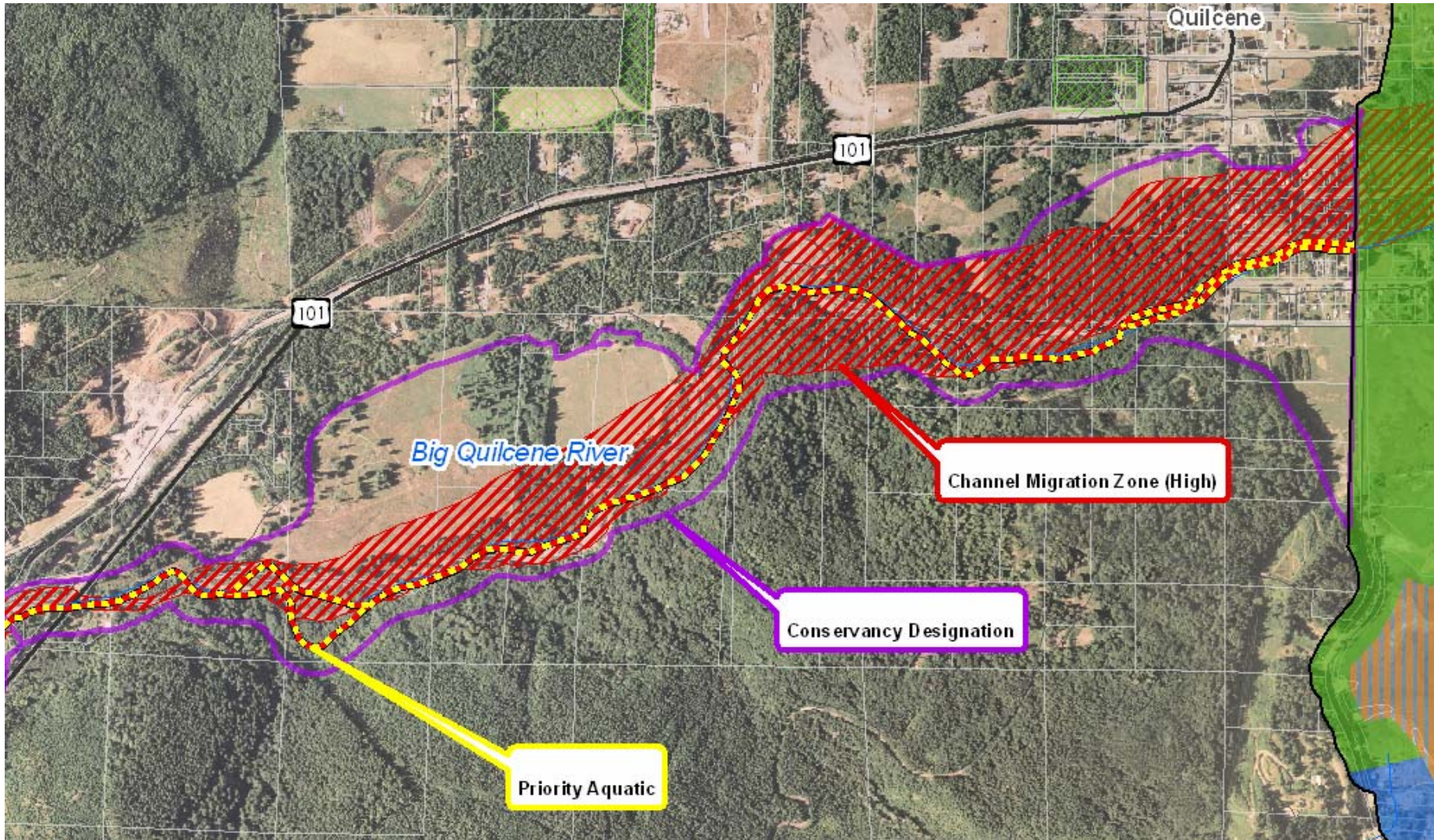
- Aquatic
- Priority Aquatic



Dual Shoreline Environment Designations

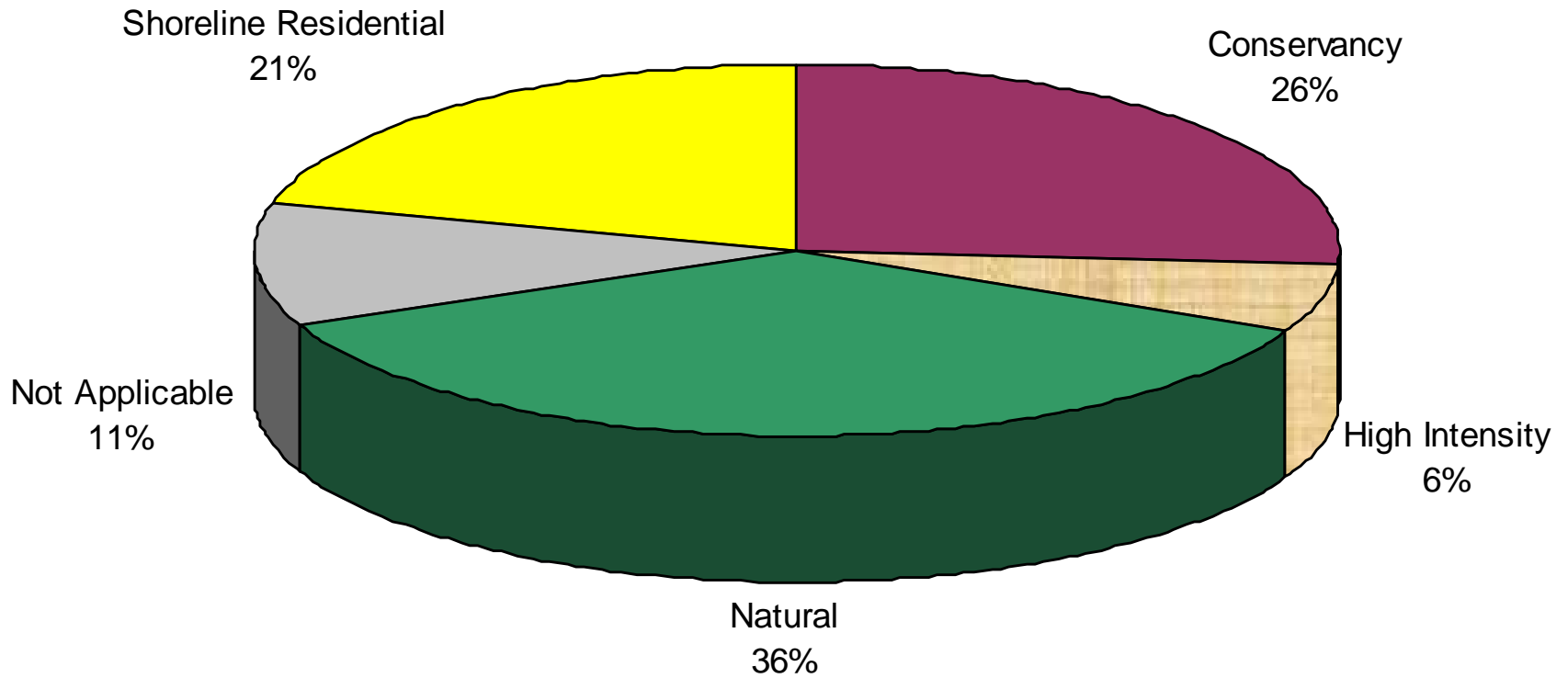


SED Mapping





Percent of Shorelines in Each SED - Eastern Jeferson County



Buffers and Vegetation Conservation

- Conserve vegetation by maintaining shoreline buffers
- 80% of buffer must be 'predominantly natural'; 20% can be 'active use'
- Pruning, limbing allowed (up to 25%)
- Buffer averaging and reductions are allowed per CAO
- Water-oriented uses are allowed in the buffer



Residential Use

- A 'preferred use' of the shoreline
- New homes in areas designated Natural will require a Conditional Use Permit
- Few additional restrictions on development (besides new buffer standards), but additional regulations on accessory uses (docks, stairs, etc)



Private Beach Access Structures

- Can be allowed with a Conditional Use Permit - does not a hearing
- Not allowed where impacts to feeder bluffs, critical areas, landslides or erosion hazards would occur
- Usually will require geotechnical study prior to approval
- Dimensions limited to prevent adverse impacts
- Only allowed if there is no other available access within 300 feet

Shoreline Stabilization

- Allowed as a Conditional Use where primary structure is in imminent danger
- Requires geotechnical study and mitigation for impacts
- 'Soft shore' approaches are preferred



Oak Bay

J. Johannessen

Public Access

- Required for public developments on public lands
- Required for subdivisions of > 4 lots (could be visual access only)
- Not required where there are concerns about safety, security, ecological protection
- Trespass laws are unaffected by the SMP



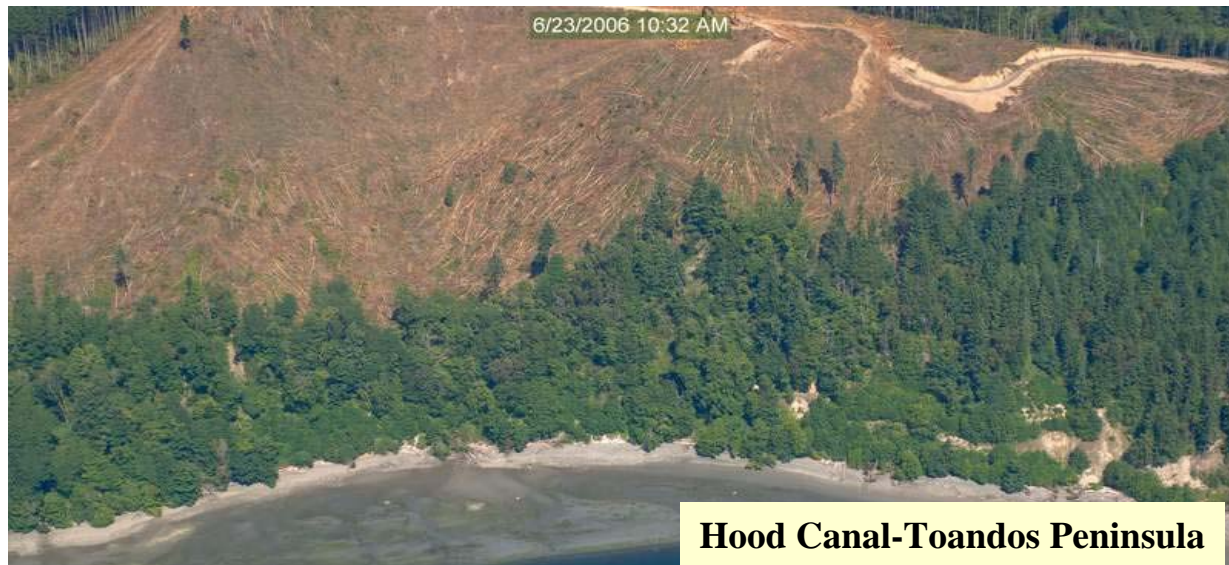


Aquaculture

- Recognizes economic and cultural values of aquaculture
- Regulations geared to different operations: bottom (geoduck, other), hanging and floating culture
- Consistency with 2007 Attorney General opinion
- Conditional use permits required for operations that have potential land use compatibility issues
- Draft provisions reflect extensive input from industry, Ecology, and others

Agriculture and Forest Practices

- No change for existing Agriculture on Ag lands
- Timber harvesting - defers to State DNR rules
- County permit required for non-harvest related 'developments' (e.g., roads, bridges, etc)





Commercial and Industrial Development

- Priority uses:

Water-dependent
Water-related
Water-enjoyment } = Water-oriented

- Non-water-oriented uses must restore the shoreline or provide public access
- Restored shorelines subject to special buffer provisions so owners are not penalized for restoration work



Administrative and Permit Standards

- Mostly dictated by the WAC
 - Exemptions
 - Noticing requirements
 - Permit criteria
 - Penalties
- Must be consistent with JCC Title 18
- No major changes from existing SMP, but administrative CUP process is added



Now What?

- Official public comment period starts today and ends January 30, 2009
- First public hearing is January 21, 2009
- Planning Commission deliberations begin after close of comment period
- Staff and consultants are available to facilitate your review
- Additional public hearings will likely be held by PC, BOCC and Ecology prior to final approval

Questions?

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