

**Jefferson County Shoreline Master Program (SMP) Update
Shoreline Policy Advisory Committee (SPAC)**

8-31-06 Meeting Notes

Location: Jefferson County Library, Port Hadlock

Attendees: *Committee Members* – Al Bergstein, Karen Best, Scott Brewer, John Cambalik, Greg Coates, Larry Crockett, Hans Daubenberger, Peter Downey, Alice McConaughy, Connie Muggli, David Roberts, Tim Snowden, Kevin Tuuri;

Staff & Consultants - Josh Peters, Michelle McConnell, Margaret Clancy, Gabrielle LaRoche

Audience – 13 members of the public signed the attendance sheet

Materials: Final agenda; Consistency Review Summary document from 6/2/06;

1:00 pm Welcome & Introductions – Project Coordinator Michelle McConnell welcomed attendees. The group of committee members, staff and consultants each introduced themselves giving name, representation and organizational affiliation

1:05 pm Public Comment – Two members of the audience made comments:

- It would be nice if the Consistency Report identified how the '00 Draft SMP meets or exceeds the '03 SMP Guidelines, where it's deficient or compliant, and helped differentiate between State and County requirements.
- In reviewing the meeting notes from the June 2nd joint meeting with the technical and policy advisory committees on this project there was a question about the effect of the new SMP on the Fred Hill Materials Pit-to-Pier proposal - what answer was given and who gave it?

1:15 pm Consistency Report – 2000 Draft SMP – Project Manager for the Adolphson consultant team, Margaret Clancy, presented the following components of the review in order of the matrix found in Table 1 of the document. Comments & discussion included the following:

- Shoreline Environment Designations (SEDs)
 - '89 SMP has no residential development and no forestry development in the “Natural” SED
 - May want to consider urban- versus rural residential
 - “Public Conservancy” SED for publicly owned lands not in '03 SMP Guidelines
 - “Private Conservancy” may be considered as an SED somewhere between “Natural” and “Urban Conservancy” as an equivalent to the Rural Conservancy SED.
- Archaeological & Historical Resources
 - Need to consider known vs. unknown sites
 - Coordinate with tribal governments for cultural expertise & input
- Critical Areas
 - Requirement is that SMP must meet or exceed the Critical Areas Ordinance (CAO) in order to maintain baseline conditions identified in Inventory & Characterization
 - '00 Draft SMP had minimal description and protection of processes
 - Must address Best Available Science (BAS) requirement
 - Critical Freshwater habitat protections missing in '00 Draft SMP
 - Consider the cumulative impacts of '00 Draft SMP vs. the '03 Guidelines

Jefferson County Shoreline Master Program (SMP) Update
Shoreline Policy Advisory Committee (SPAC)

- SMP proposal will undergo a State Environmental Protection Act (SEPA) review
- Restoration Plan – A sidebar conversation:
 - Restoration Plan helps identify how the SMP regulations will meet the “no net loss” (NNL) criteria
 - SMP goals, policies and regulations, as well as non-regulatory approaches (incentives/alternatives) need to improve the base level conditions of areas identified as degraded
 - Priority goes to water-dependent or water-related activities, but it is possible to have non-water related uses. Restoration efforts may be a way for non-water uses to “get a foot in” on the shoreline
 - Baseline conditions are identified in the Shoreline Inventory & Characterization Report
 - What’s the geographic scope of the NNL policy? State Ecology and Dept. of Fish & Wildlife are considering options for off-site mitigation/optimization. There may need to be a statewide policy between agencies.
 - GMA Critical Area’s requirements call for “full spectrum of planning (e.g. SEDs) and regulatory measures” to meet NNL. The SMP Restoration Plan may be part of the solution.
- Wetlands
 - ’00 Draft SMP has policies but no regulations
 - CAO based only on federal wetlands? State is required to use the 1997 wetland delineation manual which is almost identical ’87 Army Corps of Engineers delineation manual. The state and federal wetland definitions are virtually the same.
- Geo-Hazard Areas
- Critical Saltwater Habitats
 - Marine shorelines in CAO = “Fish and Wildlife Habitat Conservation Areas” (FWHCA)
 - CAO are not habitat specific but SMP could get more specific to habitat features (e.g. eelgrass, kelp, forage fish spawning areas, etc.) &.or functions (e.g. water quality)
 - Integration Strategy will help avoid any contradictory regulations between CAO and SMP
 - There’s no mention of standard buffers in the ’00 Draft SMP; need to be clear differences between buffers and setbacks
- Critical Freshwater Habitats
 - Channel Migration Zones (CMZs) are of major significance
 - County database is not available as parcel-by-parcel yet, but eventually will be part of the interactive map server to look at CMZs in detail
 - Current critical areas maps and CMZs for East Jefferson County are now online at <http://www.co.jefferson.wa.us/idms/mapserver.shtml>
- Flood Hazard Reduction
 - CMZ info is missing in ’00 Draft SMP – look further at CAO
 - Look to integrate with other flood management and Water Resource Inventory Area (WRIA) management efforts
 - Consider issue of gravel removal as flood control method? Public access, property rights and public safety issues
- Public Access
 - How is access defined? Being able to reach, touch, enjoy, travel upon and along, and to view shoreline resources. Different types at different locations.
 - Consider conflicts with private tidelands, shellfish production – recent Kitsap County court ruling (Committee member Peter Downey has more info)

**Jefferson County Shoreline Master Program (SMP) Update
Shoreline Policy Advisory Committee (SPAC)**

- Keep access appropriate to site ecology and adjacent land uses
- '00 Draft SMP has goals and policies but no regulations. One example: over water structures (i.e. docks, piers) for water dependent uses vs. for public access
- Vegetation Conservation
 - Both ecological and aesthetic considerations
 - Management tools include buffers, setbacks, mitigations and other limits (e.g. clearing and grading standards)
 - How does SMP integrate with Forest Practices/Forest & Fish regulations? Forest Practices Act applies to commercial timber harvest activities, SMP applies to forest land conversions to non-forest uses, and to shoreline activities associated with timber harvest (e.g. roads, bridges, etc.). Timber harvest on shorelines of statewide significance cannot exceed removal of 30% over a 10-year period.
 - The SMP Restoration Plan will have opportunities for addressing vegetation conservation issues
- Water Quality, Stormwater, and Non-point Pollution
 - '00 Draft SMP needs to better address both aesthetic and recreational aspects; but how is “aesthetic quality” defined?
 - Issues of quality and quantity are a blended effort with County Surface Water Management efforts
 - How does SMP nexus with on-site septic issues? Need to look at this more closely
 - There was a Hood Canal effort, now also in Discovery Bay and Mystery Bay, but none of these have a Harbor Management Plan
 - Will all septs eventually be enrolled in database? Yes, via building permits
 - Health and safety issues should rank before recreational and aesthetic and would likely be noticed sooner
- Shoreline Modifications
 - Only allowed to protect legal existing or permitted use
 - Aim to limit impacts (both individual and cumulative) by tailoring methods suitable to site conditions
 - Which prevails - the WAC or the guidelines? The guidelines are WAC 173-26.
 - “Steep slope” not defined in the guidelines; possibly in the CAO – such as different categories for 15%, 30%, 45% slope but mostly by level of risk for erosion and landslides based on mapping of soil composition
 - There are often geotechnical report requirements for permit requests to document the need and various options

3:00 pm Break

3:15 pm Consistency Report; *continued* –

- Piers & Docks
 - Clarification – Water oriented uses are defined on page 99 of the '03 Guidelines. In order of preference they are water-dependent, water-related, water-enjoyment.
 - What about a re-build of an existing dock with a restaurant? Restaurant would be a non-conforming use
 - Docks & piers must be “made of material approved by state agencies” means no new creosoted logs. Consider materials maintenance and other impacts on water quality
 - SMP should reference possible additional regulatory obligations and permit processes: Hydraulic Project Approval from WDFW, approval from Army Corps of Engineers, etc.) perhaps with a policy statement at beginning of section

**Jefferson County Shoreline Master Program (SMP) Update
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- Fill
 - Conditional uses reviewed by Ecology
 - CMZ component needs to be added
- Breakwaters
 - Inventory & Characterization will offer important information about current status
- Beach & Dune Management
 - Nothing in the '00 Draft SMP
- Dredging
 - '00 Draft SMP needs reference in Chapters 7 and 10 re: compliance with state and federal MTCA and CERCLA
- Natural Habitat Enhancements
- Agriculture
 - Very tied to the SEDs
 - Allowed where appropriate
 - Keep in mind NNL
 - Buffers based on science and state adopted Best Management Practices (BMPs)
 - Ag conversions missing in the '00 Draft SMP
 - Buffers included, but will depend on CAO
- Aquaculture
 - Consider how to avoid, minimize and/or mitigate impacts to the surrounding ecology (non-native species; diseases), navigation, and other water dependent uses
 - No mention of eelgrass in other components of SMP? Need to seek consistency between general and specific throughout the SMP → general goals & policies and specific use regulations
- Boating Facilities
 - Issue of spreading invasive species
 - Mooring buoys are not included for single family residences (SFR)
- Commercial Development
 - This issue was rather contentious for City of PT given the historic buildings
 - Does providing public access count as mitigation of environmental impacts?
 - Applicants have to disclose if they're water dependent use
- Forest Practices
 - Commercial harvest goes by Forest & Fish agreements
 - Conversions go by Co. codes
 - Do any forest shorelines fall under agriculture? US Forest Service is part of US Department of Agriculture... but no, not in Jefferson County
 - Residential development now allowed in JeffCo at 1 unit to 80 acres, and in the shoreline at 1:5, 1:10 or 1:20.
 - No reference to Forest Practices Act or Class IV Conversions
- Industry
 - State/regional interests trump individual interests
 - "Water-dependent" needs to be identified/clarified
- In-Stream Structures
 - Would this affect fish habitat enhancements?
- Mining
 - River channel vs. CMZ?
- Recreational Development
 - Plan for future use

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- Reference to State-owned shores missing in '00Draft SMP
- Residential Development
 - NNL addressed through buffers, setbacks, vegetation mgmt, septic, slope stabilization
 - May be nothing on the plats or short plats; nothing on subdivisions... but moot since _____
 - CAO may apply and need specific reference
- Transportation & Parking
 - Consider circulation – cars, bikes, pedestrians, boats
 - Transportation and parking now separate – consider joining?
 - Allow for above and beyond upland regulations
 - Surface Water Management to be part of the water quality section
 - Possibly add low impact development (LID) components
 - Impervious surfaces mentioned in “Rural Intensive” SED but nowhere else
- Utilities
 - SEDs to guide to possible prohibitions (i.e. tidal generation)
 - What about those Canadian cables going through Discovery Bay?

Other discussion included:

- How will SMP nexus with commercial fishing? With federal land?
- Is an ‘adaptive management’ program required in the SMP?

4:50 pm Announcements – Michelle made the following announcements:

- 9/12 agenda will include follow-up on the Consistency Report, and review of the Integration Strategy
- Revised charrette approach will include a 3-day Shoreline Charrette Primer, October 12 – 14 in preparation for 6-day full Shoreline Charrette in February '07.
- '00 CAG report will be provided to the SPAC as additional background on the '00 Draft SMP
- 8/31 meeting notes will be prepared and provided to the committee

4:55 pm Public Comment – Two members of the audience made comments:

- How will the public be allowed to participate through this process? *Attend public meetings, provide written/verbal comments, attend work sessions and focus groups during charrette events, then formal public process begins with Planning Commission review of SMP proposal.*
- There are weaknesses in the Consistency Report:
 - Need more detail on gaps/needs/opportunities
 - Look at consistency with SMA not just the guidelines
 - This is a waste of time with the CAO still in progress
 - SMA vs. GMA which trumps? Courts are still deciding
 - Need to do a ‘conflict of laws’ analysis
 - This seems to overlap with other planning processes

5:00 pm Adjourn