

## Jefferson County SMP Update CWD SMP Review

### Chapter 8 (part 2) – Use Policies and Regulations

#### Commercial:

##### 1. What does the WAC say?

- Master programs shall first give preference to water-dependent commercial uses over non-water-dependent commercial uses; and second, give preference to water-related and water-enjoyment commercial uses over non-water-oriented commercial uses.
- Master programs shall assure that commercial uses authorized as water related or water enjoyment uses incorporate appropriate design and operational elements so that they meet the definition of water related or water enjoyment uses.
- The design, layout and operation of certain commercial uses directly affects their classification with regard to whether or not they qualify as water related or water enjoyment uses.
- Master programs should require that public access and ecological restoration be considered as potential mitigation of impacts to shoreline resources and values for all water-related or water-dependent commercial development unless such improvements are demonstrated to be infeasible or inappropriate.
- Master programs should prohibit non-water-oriented commercial uses on the shoreline unless they are part of mixed use developments or there are navigation issues.

##### 2. Key Policy and Regulatory Issues:

- Water-dependent uses cannot be displaced by non water- dependent uses. The same provision holds for water-related and water-enjoyment uses.
- Nonwater-oriented uses shall provide public access in the form of unrestricted open space.
  - The Administrator shall determine the amount of access on a case-by-case basis
  - If no water-oriented uses are located on or adjacent to the water as part of the mixed use development, eighty percent (80%) of the shoreline and associated buffers shall be restored to provide shoreline ecological functions and processes that approximate the functions provided by the site in natural greater. Current SMP says they are prohibited unless you can show that no adverse effects will occur.
- When commercial developments include shoreline restoration, they can be eligible for a buffer reduction so they are not penalized and do not constrain too much of the site with buffers. The buffers would be based on the current condition, not the restored condition.

#### Industrial and Port Development:

##### 1. What does the WAC say?

- Provisions are generally identical to Commercial provisions.
- Lands designated for industrial development should not include shoreline areas with severe environmental limitations, such as critical areas.

##### 2. Key Policy and Regulatory Issues:

- Log storage, boat building and related used are strictly limited to achieve the No Net Loss standard.

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### **Mining:**

#### 1. What does the WAC say?

- Determine areas that are appropriate for mining by considering the designation of mineral resource lands and determining that mining is dependent on a shoreline location.
- Meeting the no net loss of ecological function standard shall include avoidance and mitigation of adverse impacts during the course of mining and reclamation. It is appropriate to determine whether there will be no net loss of ecological function based on evaluation of final reclamation required for the site.
- Mining within the active channel or channels (a location waterward of the ordinary high-water mark) of a river shall not be permitted unless there are no adverse impacts.
- Preference shall be given to mining proposals that result in the creation, restoration, or enhancement of habitat for priority species.

### **Recreation:**

#### 1. What does the WAC say?

- Master programs should assure that shoreline recreational development is given priority and is primarily related to access to, enjoyment and use of the water and shorelines of the State.

### **Recreation:**

#### 1. What does the WAC say?

- Master Programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development. Such provisions should include specific regulations for setbacks and buffer areas, density, shoreline armoring, vegetation conservation requirements, and, where applicable, on-site sewage system standards for all residential development and uses.
- Residential development, including appurtenant structures and uses, should be sufficiently set back from steep slopes and shorelines vulnerable to erosion so that structural improvements, including bluff walls and other stabilization structures, are not required to protect such structures and uses.
- New multiunit residential development, including the subdivision of land for more than four parcels, should provide community and/or public access in conformance to the local government's public access planning and this chapter.
- Plats and subdivisions must be designed, configured and developed in a manner that assures that no net loss of ecological functions results from the plat or subdivision at full build-out of all lots and prevents the need for new shoreline stabilization or flood hazard reduction measures that would cause significant impacts to other properties or public improvements or a net loss of shoreline ecological functions.