

I have question about shoreline setbacks and the fact that the distance is being increased. To your knowledge, are there many lots in Port Ludlow that will become unbuildable when that happens? What about houses that don't meet the new requirements. Will it have an effect on the owner's ability to remodel? There is some consternation about this from some people, particularly in North Bay. We could probably use a clarification.

I will respond in order of your comments/questions, but first let me clarify: The current effort to update the Shoreline Master Program is a state-mandated action to continue implementing the 1971 State Shoreline Management Act and bring County code into compliance with the 2003 State SMP Guidelines. Jefferson County has had an SMP in place since 1974, and the current program was updated in 1989 with minor revisions last made in 1998. The SMP only applies within the area of shoreline jurisdiction – generally ~200' from ordinary high water, but sometimes more when associated features (such as wetlands, floodplains, channel migration zones) are present. The County's current program (JCC 18.25) is significantly outdated in light of changes in local human population, development patterns and new technical knowledge of shoreline conditions and due to new State requirements. The County released the *Preliminary Draft Shoreline Master Program* (PDSMP) proposal for formal public review on 12/3/08. A 2-month comment period closed recently on 1/30/09 and the Planning Commission is reviewing the PDSMP in order to provide a recommendation to the Board of County Commissioners (BoCC). The BoCC is currently under a funding contract agreement to submit a locally approved SMP to the State by 6/30/09 to begin final review and adoption. The new SMP won't likely take effect until sometime in 2010. There is a legislative deadline for the SMP update by 2011. Additional public comment periods will be included during the rest of the formal review process prior to final adoption.

Shoreline buffers are proposed for 100' on lakes and 150' on rivers & saltwater shorelines. There is also an additional 10' building setback proposed. The reasoning is threefold. The State requires: 1) existing shoreline conditions must be protected to ensure 'no net loss of ecological functions'; 2) protections must be based on science; and 3) SMP must provide protections equal to that provided by the Critical Areas regulations. The *Shoreline Inventory & Characterization Report* reviews the science that supports an increase in shoreline buffers from the existing range of 30' – 100'. The County's Critical Areas regulations (JCC 18.22) already set buffers at the same 100' on lakes and 150' on rivers and saltwater bodies to conserve critical fish & wildlife habitat.

Very few, if any lots in Jefferson County will become 'unbuildable' if/when the proposed changes are adopted as written. While the new buffers & setbacks would require new residential and other use/development to locate further away from the water than current code requires, there are numerous exceptions proposed that would allow single family residential and water-oriented accessory uses/development to locate within the buffer area.

- There are a number of prescriptive and site-specific options to adjust the standard buffer in order to accommodate unique conditions:
 - **Non-Conforming Lots Standards** – For single family residential development on small parcels that can't meet the standard buffer; Review of listed criteria as part of the administrative approval for a Shoreline Substantial Development Permit Exemption; would allow location of home within standard buffer area if sited as far from shoreline/sensitive features as possible, building envelope for the home and accessory structures is no more than 2,500 s.f. (not including septic) plus no more than 1,100 s.f. for a driveway, and at least 80% of the remaining buffer is kept naturally vegetated (native plant cover rather than lawn or landscaped ornamentals); Minimum of 30' distance from shoreline required; Shoreline Variance permit required if specific criteria not met;
 - **Common Line Setback** – For single family residential development on small lots/parcels that can't meet the standard buffer AND have neighboring homes within 50' on one/both sides of the proposed home site; Allows new home to locate so as to provide shoreline views that are similar to the existing neighbors' views;
 - **Buffer Reduction and Averaging** – maximum of 25% reduction; not allowed where there are steep slopes over 30% gradient; more than 25% reduction only by Critical Area Stewardship Plan or by Shoreline Variance
 - **Critical Area Stewardship Plan** – allowed in shoreline jurisdiction by proposed adoption of critical areas regulations as part of the SMP; for residential development on property greater than ¼ acre in size; For reduction of greater than 25% of the standard buffer; must provide equal/better protection than the

standard buffer and include performance standards, monitoring and adaptive management; Shoreline Variance Permit required if CASP used to reduce the 100' or 150' standard shoreline buffer, but no Variance required if CASP used to reduce a critical area buffer that falls within the shoreline area (such as non-SMP stream or detached wetland).

- o **Shoreline Variance** – For relief from specific bulk and dimensional requirements when extraordinary circumstances exist; Required for single family development on small lot/parcel that 1) can't meet the Non-Conforming Lots Standards, 2) if more than 25% reduction of standard buffer required, or 3) if CASP proposed to reduce the shoreline buffer; no detrimental effects to public interest allowed, or 4) CAO Reasonable Economic Use Variance criteria apply; specific criteria apply

In addition, single family residential development is currently prohibited along Natural designated shorelines, but is proposed to be allowed with a Conditional Use Permit. A revised *Draft Cumulative Impacts Analysis* report was just released to evaluate the outcome of allowing all development permitted by the proposed new regulations. That report is online at http://www.co.jefferson.wa.us/commdevelopment/ShorelineUpdate_2005-9.htm#Cumulative_Impacts

Keep in mind, Port Ludlow Associates properties are regulated under the current development agreement that is vested to the current SMP. Those properties would not be affected by the new SMP unless/until the development agreement is renegotiated to reflect new shoreline regulations. Properties not covered by the PLA Development Agreement would be subject to the new SMP for new uses/development activities. Everything else I describe here would not apply to PLA properties.

Legally existing structures (such as homes and accessory buildings) and shoreline uses (such as lawns and landscaping) that don't meet new requirements (such as buffer & setbacks or dimensional standards) are considered 'non-conforming' and can continue to exist as is. People can keep living in their home 30 feet from the water, keep mowing their lawn and keep maintaining their gardens. There are recommendations to encourage owners to limit impacts from use of chemicals and to increase native vegetation, and regulatory criteria for tree limbing/vegetation removal. For normal maintenance and repair of existing structures (home, deck, stairs, dock, etc), the state law exempts such activities (as defined) from any Shoreline Substantial Development Permit. Only a letter of exemption approval is required for such.

Owners that want to enlarge/expand existing homes/structures that become non-conforming with adoption of the new SMP would be allowed to do so up to a 25% increase in total footprint without a Shoreline Conditional Use Permit or Shoreline Variance. More than 25% change to the footprint would require a permit or variance. Remodeling within an existing footprint, without any further encroachment into the new buffers & setbacks (or other non-conformity), may not require any SMP review, only building permits.

In addition, should an existing home that becomes non-conforming get damaged by fire/flood etc, the owner CAN indeed rebuild as follows:

1. Damage up to 75% of replacement cost – Rebuild to previous existing location/configuration within 2 years
2. Damage over 75% of replacement cost –
 - o Rebuild in location/configuration to comply with new SMP (such as buffers, height limits, etc)
 - Except, single family residential may rebuild to previous location/configuration if not able to comply with new SMP

There seems to be great misunderstanding about this last item – see pages 10-6 and 10-7 of the PDSMP

I hope this is helpful – please let me know if you have further questions on the PDSMP proposal and process.

Best wishes,
Michelle

this up to you, but apparently there a folks who claim they don't know anything about this requirement, so it may be good to issue a reminder.

Thanks!

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