

**STATE OF WASHINGTON**  
**County of Jefferson**

**IN THE MATTER OF CREATING AN** }  
**UPDATED SHORELINE MASTER PROGRAM,** }  
**TO REPEAL AND REPLACE** } **Ordinance No. \_\_\_\_ - \_\_\_\_ -13**  
**CHAPTER 18.25 JCC,** }  
**SHORELINE MASTER PROGRAM** }

**WHEREAS**, RCW Chapter 90.58, *et seq.*, also known as the Washington Shoreline Management Act (“SMA”), requires each city and county to develop and implement a local Shoreline Master Program (“SMP”); and

**WHEREAS**, Jefferson County adopted a joint Shoreline Management Master Program in 1974 with the City of Port Townsend. Subsequently, the Jefferson County SMP was amended in 1989, 1993, 1996, and 1998; and

**WHEREAS**, RCW Chapter 36.70A, *et seq.*, also known as the Washington Growth Management Act (“GMA”), requires that counties planning under the GMA adopt development regulations that are consistent with and implement their comprehensive plans; and

**WHEREAS**, the Unified Development Code (UDC) was originally adopted on December 18, 2000 as a development regulation required by the Growth Management Act, to be effective January 16, 2001; and

**WHEREAS**, for proper citation in courts of law the existing SMP has been codified within the Jefferson County Code (JCC) at Chapter 18.25; and

**WHEREAS**, Jefferson County applied for and was approved to receive federal FY 98/99 Coastal Zone Management grant funds to support revision of goals and policies as the first part of a required seven-year SMP update (G9900057). After a thorough interview process, the County procured the professional services of Cascadia Community Planning Services; and

**WHEREAS**, Jefferson County applied for and was approved to receive FY 99/00 federal Coastal Zone Management grant funds to support revision of development regulations as the second part of a required seven-year SMP update (G0000019). For project continuity, the County retained the professional services of Cascadia Community Planning Services. The Department of Community Development

(“DCD”) staff and consultants worked with an SMP Citizen Advisory Group to develop the key work product of this effort - the July 12, 2000 DRAFT Shoreline Master Program that did not proceed to formal public review due to the anticipated November 2000 release of new state SMP guidelines; and

**WHEREAS**, the state Department of Ecology (“Ecology”) adopted new SMP guidelines in December 2003 (WAC 173-26), which requires all jurisdictions in the state to update their SMPs by 2014. Jefferson County’s legislative due date was December 2011 although Ecology has allowed the County to continue working on the update past this date given the County’s continued show of good faith effort; and

**WHEREAS**, Jefferson County applied for and was approved to receive FY 03/04 federal Coastal Zone Management funds to support initial shoreline inventory and analysis work as the first phase of an SMP update (G0400080). This grant contract was later amended to extend the timeline to June 2005. DCD staff completed the key work product for this effort – the 2005 Shoreline Inventory & Analysis; and

**WHEREAS**, in January 2005 Jefferson County applied for and was approved to receive FY 05/07 state Department of Ecology grant funds to support a comprehensive update of the SMP (G0600343). This grant contract was later amended to extend the timeline to October 30, 2009; and

**WHEREAS**, the DCD solicited and received numerous statements of qualifications/quotations from interested consulting firms. After a thorough interview process, the County selected and then finalized a contract agreement with ESA Adolfson (formerly Adolfson Associates Inc.) in November 2005 to provide professional services on the project; and

**WHEREAS**, the DCD also procured professional services of the Battelle Marine Sciences Laboratory in January 2006 to assist with the marine shoreline restoration planning component of the SMP update project; and

**WHEREAS**, the DCD formed and worked with two citizen/stakeholder groups, the Shoreline Technical Advisory Committee (“STAC”) and the Shoreline Policy Advisory Committee (“SPAC”), during the initial phase of project work from 2006 to 2008 to assist development of new proposed SMP goals, policies, environment designations, and use/development regulations contained in a Preliminary Draft SMP; and

**WHEREAS**, the DCD proposed Comprehensive Plan (“CP”) and Unified Development Code (“UDC”) amendments for a comprehensive SMP update in the November 24, 2008 Master Land Use Application (MLA) #08-475; and

**WHEREAS**, the Planning Commission held a January 21, 2009 public hearing on the MLA08-475 proposed December 3, 2008 Preliminary Draft SMP (PDSMP); and

**WHEREAS**, the Planning Commission considered the public comments and decided to revise the PDSMP to prepare the June 3, 2009 Planning Commission Revised Draft SMP (PC RDSMP); and

**WHEREAS**, the Planning Commission held a June 17, 2009 public hearing on the PC RDSMP; and

**WHEREAS**, the Planning Commission considered the additional public comments and prepared the July 15, 2009 Planning Commission Final Draft SMP Recommendation with Findings and Conclusions (“PC Final Rec”); and

**WHEREAS**, the Planning Commission forwarded the July 15, 2009 PC Final Rec proposal to the Board of County Commissioners as their official recommendation; and

**WHEREAS**, the DCD reviewed the PC Final Rec and provided the Board of County Commissioners with comments in the August 20, 2009 DCD Staff Recommendation with attached Final Draft SMP Line-in/Line-out suggested text revisions regarding MLA08-475; and

**WHEREAS**, the Board of County Commissioners (“BoCC”) held a September 8, 2009 public hearing on the Planning Commission proposal; and

**WHEREAS**, the BoCC considered the public comments during their 27 hours of review and deliberation of the PC Final Rec and directed DCD staff to make document revisions to the PC Final Rec, and prepare the October 22, 2009 DRAFT Locally Approved SMP for further review; and

**WHEREAS**, the BoCC further deliberated, requested final document revisions to the October 22, 2009 DRAFT Locally Approved SMP and directed DCD staff to prepare a final proposed document and subsequently took action on December 7, 2009 (Resolution 77-09) to locally approve the proposed SMP for submittal to Ecology for the state’s final review and approval. The document was titled the *Locally Approved SMP* (“LA-SMP”); and

**WHEREAS**, in March 2010 the County sent the *Locally Approved SMP* submittal packet to Ecology

**WHEREAS**, in August 2013, after extensive review and deliberation of supporting information, consideration of the issues raised, additional public input, policy and technical guidance from Ecology and other state and federal agencies, the BoCC completed the County’s formal response to the state’s conditional approval and agreed to proceed with the final adoption process.

**WHEREAS**, the BoCC now completes the Comprehensive SMP Update process by the adoption of this ordinance and makes the following findings of fact and conclusions of law, organized into sections as follows:

- Guiding Statutes
- Need for Revision
- Grant Funding
- Public Participation
- Shoreline Advisory Committees
- Supporting Analysis & Documents
- Formal Public Review
- Growth Management Indicators (GMIs) and SEPA
- Local Approval
- State Review Process
- Finfish Aquaculture
- Finfish Aquaculture Rationale

## **Guiding Statutes**

1. The State of Washington adopted the Shoreline Management Act (SMA) as Chapter 90.58 of the Revised Code of Washington (RCW) in 1972 after it was affirmed by a vote of the people as a ballot initiative in 1971.
2. The SMA, at RCW 90.58.020, is explicit about the identified public problem it addresses when it states “there is great concern throughout the state relating to their utilization, protection, restoration and preservation” of the shorelines of the state, which “are among the most valuable and fragile of its natural resources.”
3. RCW 90.58.020 further states “that much of the shorelines and adjacent uplands are in private ownership [and]that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest.”
4. RCW 90.58.020 states “coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.”
5. RCW 90.58.020 finds there is and was “a clear and urgent demand for a planned, rational, and concerted effort” to be jointly performed by all levels of government.
6. In light of the above findings regarding the shorelines of the state, RCW 90.58.020 affirms “[i]t is the policy of this state to provide for the management of the shorelines of the state by planning and fostering all reasonable and appropriate uses.”
7. The SMA has three (3) broad policy goals: Encourage water-dependent uses/development along the shoreline; promote public access to public shores and waters of the state; and protect the shoreline environment and natural resources.
8. The SMA directs the Washington Department of Ecology (Ecology) to work with and

support each local jurisdiction to prepare, review and administer a local Shoreline Master Program (SMP), including periodic updates.

9. In accordance with RCW 90.58.050, Jefferson County, as a local government, has “the primary responsibility for initiating the planning required by [the SMA] and administering the regulatory program consistent with the policy and provisions of [the SMA.]”
10. Jefferson County’s first Shoreline Management Master Program (SMMP) was adopted on December 20, 1974.
11. The County and the State adopted SMP amendments over the years, including an update completed in 1989 and the most recent SMP minor revision in 1998.
12. The SMP was codified as Jefferson County Code Chapter 18.25 Shoreline Master Program (SMP) upon adoption of the Jefferson County Unified Development Code (UDC), effective January 16, 2001.
13. The State of Washington adopted Chapter 36.70A RCW, known as the Growth Management Act (GMA) in 1990.
14. Jefferson County began planning under the GMA in the early 1990s.
15. The Jefferson County Comprehensive Plan, adopted in August 1998 and updated in December 2004, includes goals and policies to provide environmental protection and allow development of the shorelines of the county.
16. The GMA, at RCW 36.70A.050, requires the state Department of Commerce (formerly Community, Trade, and Economic Development or CTED) to provide guidelines to classify and protect critical areas. Critical areas include aquifer recharge areas, frequently flooded areas, geologic hazard areas, fish & wildlife habitat, and wetlands.
17. The GMA, at RCW 36.70A.060 requires each county to adopt development regulations to protect critical areas.
18. Jefferson County adopted a revised Critical Areas Ordinance (CAO) in March 2008, recently amended in May 2009 that has been deemed in full compliance with GMA by the Western WA Growth Mgmt. Hearings Board.
19. In accordance with GMA, at RCW 36.70A.480(4), any SMP adopted by this county “shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the [county’s] critical areas ordinances adopted .... pursuant to RCW 36.70A.060(2)” and the County has done so in the SMP at Article 6, Section 1, listed here by way of example only.

## Need for Revision

20. New scientific information regarding shorelines has become available since the last SMP revision in 1998, and new Ecology guidelines (WAC 173-26), adopted November 2003, also necessitate the update of the County's SMP.
21. Beyond legal obligation to comply with state law, the SMP update also addresses the problem of ecosystem degradation in Jefferson County. Human activities have resulted in negative impacts to flora and fauna, and the natural systems that support them, which ultimately pose risks to human inhabitants that are also reliant on clean air, clean water, and a sustainable supply of natural resources for food, shelter, commerce and quality of life.
22. The state Puget Sound Action Team's (now Puget Sound Partnership) 2007 State of the Sound reports Puget Sound ecosystem health is degraded and getting worse: *"The Sound's overall trajectory, as charted in this report, continues to be one of decline, with continuing harm to the clean water, abundant habitat and intact natural processes that are the foundations of a healthy environment. The pace of growth in the region, coupled with associated increases in impervious surface, alteration and loss of habitat, and pollutants in the air and water, are the drivers of this silent crisis. While the Sound appears beautiful, its web of life is in danger."* Jefferson County is included as part of the Puget Sound eco-region in this assessment.
23. Landward from our saltwater shorelines, the upland areas of local watersheds show signs of degradation as well. The state Department of Ecology states *"Increased population and increased pollution go hand-in-hand. In urban areas, stormwater runoff is the Number 1 water pollution problem. Developing land typically creates changes in the natural water patterns of an area. As more surfaces can't absorb water, polluted runoff from rain or snowfall carries oil, fertilizers, pesticides, trash and pet waste into lakes, streams and the Puget Sound. Bacteria from failing septic systems are released into the earth. Our waters, both on the surface and underground, become contaminated. Despite occasional high-snowfall years, such as the winter of 2007-08, global warming and climate change are shrinking snow packs and lengthening droughts. Increasingly, Washington lacks water where and when it is needed for communities and the environment."* Watershed health impacts human health and safety via drinking water supplies, harvested fish & shellfish, and air pollution. (Ecology publication #08-01-018, Healthy Watersheds, Healthy People). Jefferson County watersheds are included in these assessments.

24. As per the Watershed Planning Act (RCW 90.82), inter-disciplinary Watershed Planning Unit groups and other organizations are actively working to manage and improve impaired ecological functions in Water Resources Inventory Areas (WRIAs) 16, 17, 20 and 21. Portions of those WRIAs are in Jefferson County. Watershed plans, detailed implementation plans, salmon & steelhead habitat limiting factor analyses and more have been prepared and approved by the state Department of Ecology in compliance with the statute and local polices and requirements.
25. The proposal and eventual adoption of new shoreline goals, policies, environment designations, and regulations addresses the known and documented problem of natural resource degradation posing risks to human health, safety and quality of life, and the need for protection and restoration of said resources, in Jefferson County.

## **Grant Funding**

26. The BoCC meeting minutes for September 20, 2004 report: *“At a meeting on the dissolved oxygen levels in Hood Canal, it was decided that the County is interested in receiving the funding that was mentioned in an email from the Hood Canal Coordinating Council for the Shorelines Plan update earlier than scheduled. The County will ask for 100% funding.”*
27. On January 10, 2005, the BoCC took formal action to send a letter of support for the SMP Comprehensive Update Project to the state Department of Ecology requesting grant funding for the project. This letter accompanied the grant application.
28. The County entered a grant funding contract agreement with the state Department of Ecology, finalized in June 2006 and last amended in July 2009, which requires submittal of a locally-approved SMP to Ecology by October 30, 2009. The total Ecology grant funds awarded and received by the County equal \$670,000. An additional contract amendment for extending the grant timeline to December 31, 2009 is currently awaiting final approval by Ecology.
29. The County contracted with consulting firm ESA Adolfson for technical analysis and policy development professional services and began coordinating on project tasks, starting with a Project Kick-off Meeting in October 2005.

30. Project work began in earnest in February 2006, and the DCD team of staff and consultants began initial review of the 2000 Draft SMP and the 2005 Shoreline Inventory and Analysis for consistency with state requirements.
31. Efforts began in February 2006 to develop an integration strategy to ensure the new SMP would mesh well with the Comprehensive Plan and UDC, the County's Surface Water Management Plan, as well as with watershed planning, ocean management, Northwest Straits Marine Conservation Initiative, and other plans and programs.
32. An initial Consistency Report was produced in March 2006 and preliminary draft Integration Strategy was produced in April 2006 (described separately below).
33. In March 2006, the County convened a Project Partner Kick-off meeting with DCD staff, ESA Adolfson, Battelle, and Ecology to clarify roles, timeline, data exchange protocols, and work product sequencing.

## **Public Participation**

34. Exceeding the requirements in RCW 36.70A.140, RCW 90.58.130 and WAC 173-26- 201, the County put extraordinary effort into informing and engaging stakeholders and the general public in this SMP update project. The actions taken to invite and actively encourage people, groups, entities, agencies and tribes to participate were started early and made often throughout the multi-year process.
35. Feedback and informal comment received was considered in development of technical analyses and amendment proposal. The efforts are further described below and documented on the project webpage at <http://www.co.jefferson.wa.us/commdevelopment/ShorelinePublicOutreach.htm>
36. **Webpage** - The County expanded an existing webpage, starting in the fall of 2005, to include information and materials for the SMP update project. The SMP project webpage currently includes over eight (8) sub-pages summarizing and providing access to documentation of the public participation efforts, the shoreline advisory committee process, the formal review process, public comments received, and a multitude of iterative work product documents and other supporting materials. Stakeholders and the public were and are able to conveniently access information about this project because project materials were readily accessible online.

37. **Press Coverage** - In September 2005, DCD staff distributed the first news release about the SMP update project, announcing the Request for Qualifications (RFQ) for professional consulting services to assist the project. In the four (4) years that followed, over fifty (50) additional news releases have been distributed to local newspapers, the email list, and posted online in an ongoing effort to inform and engage the public.
38. News releases and public meeting notices are typically distributed to the *Port Townsend Leader*, the *Peninsula Daily News*, and the *Forks Forum*. Additional news and outreach articles were prepared specifically for other publications such as the *Ludlow Voice*, *Kala Point Newsletter* and *Walker Mountain News*. A special sub-page on the project website was created, called SMP Media Coverage, where news releases, legal notices, and press coverage published about the project are available for viewing and download.
39. **Email List** - In July 2006, DCD staff created the Shoreline Master Program Interested Parties Email Distribution List to inform the public about the project. The list grew to include over 500 addresses and periodic project notices were sent to the group about SMP update project public events, document availability, project schedule and process, and other shoreline related topics. The public was repeatedly invited to join the list, and individuals joined the list by sending a request to DCD staff.
40. **Direct Mailings** - In September 2006, the first of six (6) direct mail notices was sent to approximately 3,200 Jefferson County shoreline property owners. The one-page flyer was produced as a collaborative effort with Puget Sound Action Team (PSAT; now Puget Sound Partnership), North Olympic Salmon Coalition, Jefferson County Marine Resources Committee (MRC), and Washington State University (WSU) Extension's Shore Stewards and Water/Beach Watchers programs. The notice included an overview of the SMP update project, announcement for a landowner training opportunity, and a calendar of shoreline-related events, including the SMP Update Shoreline Charrette Primer (described separately below).
41. Direct mail notices were designed and produced 'in-house' by DCD staff, and processed by a private mailing service to maximize savings by using automated folding, labeling and batching, and meeting federal 'bulk rate' standards. Materials were sent via US Postal Service to over 3,000 addresses obtained from County Assessor's Office records as determined by a GIS mapping query for parcels intersected by shoreline jurisdiction. The list was updated for subsequent mailings to ensure the most up-to-date Assessor records were used. Owners of multiple shoreline properties received one notice, rather than sending duplicates. Doing so minimized cost. There was no legal or grant contract requirement for such landowner notification, rather these public outreach actions were made as good faith efforts to maximize public participation in the SMP update project. Each notice included

SMP update project contact information with DCD staff name, mailing address, phone, email and website URL, encouraging readers to ‘learn more and get involved’.

42. Concerns about the direct mail noticing surfaced regarding who did/did not receive the notice. DCD staff investigated some of these claims and found a variety of reasons: 1) the person was a tenant or condominium owner not the parcel owner; 2) the property owner was confirmed to be on the mailing list and should have received the mailing; 3) the property owner did not own a parcel that was within SMP jurisdiction; 4) upon viewing the direct mail notice the person stated it looked like junk mail and should look more like ‘government’; 5) the USPS return rate of undelivered mailings was nearly zero.
43. In October 2006, DCD staff sent the second direct mail notice to the SMP mailing list (described separately above). This flyer announced and invited attendance at the October 12 to 14, 2006 Shoreline Charrette Primer public event (described separately below). This mailing was supported in part by North Olympic Salmon Coalition (NOSC), state Department of Ecology (Ecology) and state Department of Community, Trade, and Economic Development (CTED; now Commerce).
44. **Public Events** - On October 12 – 14, 2006, DCD staff and consultants conducted a three-day public event called the ‘Shoreline Charrette Primer: Preparing for a Community Planning Workshop’. The intent was to inform and engage stakeholders and interested citizens in the SMP update project and to provide background information and solicit general public input as preparation for a community planning workshop, called a ‘charrette’, planned for the following Spring 2007. A charrette is a dynamic planning approach to collaborative community solutions.
45. The three-day event, held in October 2006, included an evening public meeting, visioning session, and keynote address by a University of Washington researcher on climate change in coastal communities, an all-day joint meeting of the two advisory committees (described separately below), and an all-day educational workshop for marine waterfront landowners. The landowner workshop was primarily conducted by WSU Extension, PSAT, Jefferson County MRC, and NOSC.
46. Public attendance at the October 2006 three-day event totaled nearly 150.
47. In March 2007, DCD staff sent the third direct mail notice to the SMP mailing list (described separately above). This flyer announced and invited attendance at the SMP Road Show series of public events (described separately below) to be held later that month. The notice included a Shoreline Landowner Calendar of upcoming events. Publication was supported in

part by WSU Extension, the MRC and the City of Port Townsend.

48. On March 12 – 15, 2007, DCD staff and consultants, Ecology staff, and advisory committee volunteers conducted a series of evening SMP Road Show public outreach events at four (4) locations across Jefferson County including Chimacum, Port Ludlow, Brinnon, and Clearwater. Each event followed the same agenda, including an open house with informational displays, a slideshow presentation with project overview and introduction to findings of the Shoreline Inventory & Characterization Report (SICR; described separately below), and an audience participation exercise to gather local knowledge about shoreline restoration efforts and opportunities. DCD staff, consultants and committee volunteers were available to answer questions. Public participation in the events totaled nearly 130.
49. In September 2007, DCD staff sent the fourth direct mail notice to the SMP mailing list (described separately above). This flyer announced and invited attendance at the series of SMP Open House public events (described separately below) to be held the following month. The notice included a Shoreline Landowner Calendar of upcoming events and alerted readers to the availability of an online comment form to provide input.
50. On October 9, 16, 23 and 30, 2007, DCD staff and consultants, Ecology staff, and advisory committee volunteers conducted a series of SMP Open House public events at four (4) locations across Jefferson County including Chimacum, Port Ludlow, Quilcene, and Kalaloch.
51. Each October 2007 open house event followed the same agenda, including expanded informational displays, a repeating slideshow presentation with project overview, and an interactive digital mapping station where people could view the SICR (described separately below) collection of maps at closer range. A comment form was available for collecting citizen input, and staff and volunteers were available to answer questions.
52. The three October 2007 open house events held in east Jefferson County immediately followed SPAC (described separately below) meetings to encourage public attendance at the meetings, and to better involve committee volunteers in project outreach.
53. In the Spring of 2008, DCD staff created a project slogan in an effort to maximize outreach communication effectiveness. The phrase ‘Let’s do more with our shores! Protect – Use – Develop – Restore’ and a signature color scheme of eye-catching true red, white, and a standard Pantone reflex blue were used on the website, a direct mail flyer, bumper stickers, name tags and a six-foot vinyl banner to increase ‘brand recognition’ of the SMP update project and attract involvement. The slogan and color scheme prompted both enthusiasm

and controversy and achieved the purpose of encouraging public participation.

54. In June 2008, DCD staff sent the fifth direct mail notice to the SMP mailing list (described separately above). This flyer announced and invited attendance at the series of SMP Neighborhood Information Booths and a full-day Community Planning Workshop (described separately below) to be held the following month. The notice included a Shoreline Landowner Calendar of upcoming events.
55. On June 26, 28, July 1, 2 and 3, 2008, DCD staff, consultants conducted twelve (12) Neighborhood Information Booths at locations across east Jefferson County including Port Ludlow, Brinnon, Quilcene, Gardiner, Discovery Bay, North Beach, Cape George, Port Townsend, Shine, Coyle, Nordland, and Port Hadlock. The intent was to inform citizens about the SMP update project, invite participation by providing informal comment on key documents – the SICR, Shoreline Restoration Plan, and the CWD –SMP (described separately below), and encourage attendance at the upcoming Community Planning Workshop (described separately below).
56. On July 10, 2008, DCD staff, consultants and committee advisors conducted an all-day SMP update project Community Planning Workshop, held in Port Hadlock. The event included a mix of sessions to inform and engage the public, including an open house reception area with informational displays, a series of five (5) focus group meetings for stakeholder feedback, and an evening public meeting with slideshow presentation and Q & A group discussion.
57. The July 2008 stakeholder focus topics were 1) Vegetation Conservation & Shoreline Restoration; 2) Commercial, Port, Industrial, and Economic Development; 3) Public Access & Recreation; 4) Historical, Archaeological, Cultural, Scientific, and Educational Resources; and 5) Federal Consistency. The purpose was to present potential use-specific policy and regulatory changes, build broad awareness of the project, and invite feedback about the Revised Committee Working Draft SMP (described separately below). The event was not held as a full charrette, as originally intended, due to funding and other resource limitations. DCD staff, consultants and committee volunteers were available to answer questions.
58. In January 2009, the sixth and final direct mail notice was sent to the SMP Mailing List (described separately above). This postcard announced the formal public review process had begun, a Preliminary Draft SMP (described separately below) was available for Planning Commission and public review, the public hearing and comment deadline schedule, and briefly summarized key topics of interest for single family residential use/development from six (6) of the ten (10) chapters of the proposal document.

59. In May 2012, DCD staff Michelle McConnell, SMP Update Project Manager was recognized as a Puget Sound Champion by the Puget Sound Partnership for the extensive outreach, education, and public involvement efforts included as part of the SMP Update project.

## **Shoreline Advisory Committees**

60. In April 2006, DCD established two advisory committees to assist staff and consultants with the various phases and work products of the SMP update project.
61. **Advisory Committees** - DCD staff established a Shoreline Technical Advisory Committee (STAC) to assist with the compilation and review of “the most current, accurate and complete scientific and technical information available” as per WAC 173-26-201. The STAC was comprised of approximately 14 individuals selected primarily for their professional expertise. Representatives from area tribes, state and federal natural resource agencies, and non-profit organizations that conduct shoreline restoration included an array of biologists (aquatic, fishery, habitat, and marine), ecologists, geologist, and project specialists. Five representatives had alternates to attend meetings in their stead if/when schedule conflicts arose. STAC members provided feedback remotely via written comments and directly by attending meetings.
62. DCD staff also established a Shoreline Policy Advisory Committee (SPAC) in 2006 to assist with the development of goals, policies, and regulations based on the preceding technical work.
63. The SPAC was comprised of approximately 26 members selected to represent various citizen, local and state government, and tribal stakeholder interests. Eleven representatives had alternates to attend meetings in their stead if/when schedule conflicts arose. SPAC members primarily provided input by attending meetings.
64. The core of the SPAC was 10 citizen representations including Aquaculture, Building Industry, Environment/Conservation, Marine Industry, Port Townsend Paper Corporation, Real Estate, Recreation & Public Access, a Recent Shoreline Permittee, Rural Agriculture, and a legacy member from the 2000 Citizen Advisory Group.
65. In addition, the SPAC included five local government representatives, from the Hood Canal Coordinating Council (staff), Jefferson County Conservation District, Jefferson County Marine Resources Committee, Jefferson County Planning Commission, and the Port of Port

Townsend.

66. Five state government representations on the SPAC included state Departments of Ecology, Fish & Wildlife, Natural Resources, and Puget Sound Partnership (formerly Puget Sound Action Team).
67. Six tribal co-manager representative (staff) positions on the SPAC included the Hoh Tribe, Jamestown S’Klallam, Lower Elwha Klallam, Port Gamble S’Klallam, Quinault Nation, and Skokomish Tribe.
68. The STAC and SPAC were formed by, worked with, and were advisory only to the DCD team of staff and consultants in preparation of the amendment proposal MLA08-475. The groups were neither appointed by the BoCC nor formed as a committee of the Planning Commission. Both groups were chaired by staff with considerable consultant support/participation, functioned primarily by informal consensus rather than voting, and met as needed to review materials and provide feedback on draft work products. Between June 2006 and November 2008, the STAC met three (3) times exclusively, another five (5) times jointly with the SPAC, and the SPAC met another fourteen (14) times exclusively. All committee meetings were advertised and open to public attendance.
69. On June 2, 2006, the STAC and SPAC met jointly for a project kick-off meeting, including overview of the SMA, SMP Guidelines, project schedule and committee roles/responsibilities.
70. On August 31, 2006, the SPAC met to review and provide feedback on the Consistency Report.
71. On September 12, 2006, the SPAC met to conclude discussion on the Consistency Report, and to review and provide feedback on the Integration Strategy.
72. On September 26, 2006, the SPAC met to conclude discussions on the Integration Strategy and begin an overview of shoreline inventory and characterization requirements and methodologies.
73. The Final Consistency Report was published in August 2006 and the Final Integration Strategy was published in September 2006.

74. On October 13, 2006, as part of the three (3) day Shoreline Charrette Primer public participation event (described separately above), the STAC and SPAC met jointly to review and discuss the Draft Shoreline Inventory and Characterization Report, and to begin an overview of restoration planning requirements and methodologies.
75. On December 14, 2006, the SPAC met in the morning for an introduction to the key elements and organization of a Shoreline Master Program and to review and discuss draft versions of SMP chapters 1 and 3.
76. Also on December 14, 2006, the STAC met in the afternoon to discuss finalizing the Shoreline Inventory and Characterization Report (SICR).
77. On January 11, 2007, the SPAC met to review and discuss draft versions of SMP chapters 3 and 4. At this meeting the committee agreed with staff and consultants that review of a complete draft document would provide better and more comprehensive feedback, rather than a few chapters at a time. DCD committed to work with the consultant to provide a complete committee working draft SMP for review.
78. On March 6, 2007, the STAC met to review SMP Guideline requirements, hear technical presentations on the watershed characterization and marine shore restoration prioritization efforts, and to discuss the synthesis of technical information in the SICR, Restoration Plan and new Program..
79. In the Fall of 2007, DCD staff and consultants engaged the SPAC in a series of ten (10) meetings to review and provide feedback on a complete draft version of the new Program. Each meeting used the same format where staff and consultants presented a topical overview of the chapters to be discussed including WAC requirements, proposed allowed & prohibited activities, primary performance standards, and permit application requirements. Next, committee members were asked to provide input on:
- Any ‘make or break’ issues of dire concern
  - Missing, wrong, inappropriate polices/regulations
  - Provisions not consistent with WAC
  - Language that is not clear & understandable
  - Whether provisions had enough, but not too much flexibility
  - Whether provisions are ‘administratable’ and enforceable
  - Whether sufficient resource protection is provided
  - Whether the provisions are fair and respectful to private property rights
- During discussion, some topics that were decided to be secondary or which needed

additional time/analysis to consider were listed as ‘parking lot’ issues to come back to. Finally, staff and consultants would help wrap up each meeting with a summary of revisions agreed upon by group via consensus.

- 80.** On September 18, 2007, the SPAC met to review the ‘no net loss’ concept, meeting format to be used (described above), receive the September 2007 Committee Working Draft SMP, and discuss chapters 1 – 3 regarding document introduction, definitions, and program goals.
- 81.** On September 25, 2007, the SPAC met to review and discuss chapters 4 and 5 of the Committee Working Draft SMP (CWD-SMP) regarding shoreline jurisdiction, environment designations, and shorelines of statewide significance.
- 82.** On October 9, 2007, the SPAC met to review and discuss chapter 6 of the CWD-SMP regarding general policies and regulations.
- 83.** On October 16, 2007, the SPAC met to continue review and discussion of chapter 6 of the CWD-SMP regarding general policies and regulations.
- 84.** On October 23, 2007, the SPAC met to review and discuss chapter 7 of the CWD-SMP regarding shoreline modifications policies and regulations.
- 85.** On November 6, 2007, the STAC met in the morning to review and discuss the Draft Shoreline Restoration Plan and proposed shoreline environment designation system.
- 86.** Also on November 6, 2007, the SPAC met in the afternoon continue review and discussion of chapter 7 of the CWD-SMP regarding shoreline modifications policies and regulations.
- 87.** On November 13, 2007, the SPAC met to begin review and discussion of CWD-SMP chapter 8 regarding specific use policies and regulations, including agriculture, aquaculture, boating facilities, commercial development, forest practices and industrial/port development.
- 88.** On November 27, 2007, the SPAC met to continue review and discussion of CWD-SMP chapter 8 regarding specific use policies and regulations, with special focus on aquaculture, boating facilities, commercial development, industrial/port development, recreation, and residential development.

89. On December 4, 2007, the STAC and SPAC met jointly to review and discuss the shoreline environment designation (SED) system and proposed geographic application along shorelines under SMP jurisdiction. Detailed review included comparison between proposed SEDs and aerial oblique photos of the marine shoreline to ‘ground truth’ the proposal accurately reflected area conditions.
90. On December 11, 2007, the SPAC met to review and discuss CWD-SMP chapters 8, 9, and 10 regarding boating facilities, permit criteria and exemptions, administration and enforcement with special focus on non-conforming uses and application requirement. The group also reviewed and discussed various ‘parking lot’ issues such as ‘no net loss’, critical area protections adopted by reference, public access, sea level rise and other topics.
91. On May 22, 2008, a Revised Committee Working Draft SMP was released for further input by the STAC and SPAC and for informal comment by the public.
92. On August 5, 2008 the STAC and SPAC met jointly to review and discuss the feedback received on the Revised Committee Working Draft SMP, the Draft Shoreline Restoration Plan, and the Final Shoreline Inventory and Characterization Report.
93. On November 18, 2008 the STAC and SPAC met jointly to review and discuss the November 2008 STAC & SPAC Courtesy Copy of the Preliminary Draft SMP, including a matrix of revisions made to the Revised Committee Working Draft SMP.

## **Supporting Analysis & Documents**

94. **Shoreline Inventory** - DCD staff worked with ESA Adolfson (ESAA) and the Shoreline Technical Advisory Committee (STAC) to prepare the November 2008 Final Shoreline Inventory & Characterization Report (FSICR), consistent with WAC 173-26-201. This report updates and replaces: the 2005 Shoreline Inventory & Analysis; the September 2006 STAC Draft Shoreline Inventory & Characterization Report; the May 2007 Final Shoreline Inventory & Characterization Report; and the June 2008 Final Shoreline Inventory & Characterization Report.

95. By reviewing and synthesizing numerous scientific and technical sources of information, this report evaluates key ecosystem processes that drive the hydrological, sediment transport and water quality functions at the broad watershed scale to document how these processes in turn affect ecological functions and processes along SMP shorelines. The report also analyzes the existing shoreline conditions for discrete sections, or 'reaches', of the marine, stream/river, and lake areas under SMP jurisdiction to establish a current baseline and identify areas that are currently degraded. Documentation of current conditions is critical to achieving the 'no net loss' standard of the state SMP guidelines (WAC 173-26-186).
96. Overall, the shorelines of Jefferson County are in good condition compared to those of more urbanized jurisdictions in the Puget Sound region. However, there is evidence of considerable ecological damage in places, most of which could be reversed by restoration efforts, and places where intact ecological features demand protection and conservation to avoid further degradation or a net loss of ecological functions.
97. The state Department of Ecology (Ecology) provided technical support to the shoreline inventory and characterization work by conducting a detailed watershed characterization of east Jefferson County using a landscape analysis method. This characterization identifies areas (grouped by hydrogeologic units) that are most important to maintaining ecosystem functions, areas with human-caused alterations that degrade such functions, and which watershed sub-basins are best suited for protection, development and restoration based on the interplay of importance and degree of alteration. This report is appended to the October 2008 Final Shoreline Restoration Plan (FSRP) and the results are also incorporated into the restoration planning work for this SMP update project.
98. Battelle Marine Sciences Laboratory (Battelle) conducted a detailed marine nearshore analysis and prioritization for east Jefferson County. This effort was targeted to support the shoreline restoration planning aspect of the SMP update project, but also provided useful information for the FSICR (see above). Similar to the Ecology watershed characterization, Battelle identified the relative level of shoreline ecological function and stressors to those functions by scoring numerous controlling factors in order to identify and prioritize the relative potential for successful restoration and conservation efforts. This report is appended to the FSRP.
99. Physical parameters such as wave energy, light availability, substrate type and supply, water quality, and upland watershed condition were controlling factors considered in preparing the FSICR. Human use/development such as roads, shore armoring, docks, beach stairs, marinas, septic systems, and dikes were stressors considered in generating the report.

100. **Shoreline Restoration** - DCD also worked with ESAA, the STAC and the SPAC to prepare the October 2008 Final Shoreline Restoration Plan (FSRP), consistent with WAC 173-26-201. This report builds on the FSICR by providing a planning framework for where and how degraded shoreline ecological functions can be restored in Jefferson County.
101. The FSRP establishes Jefferson County's restoration vision and goals, identifies priority areas for freshwater and marine nearshore restoration and protection, and recommends specific restoration actions by reach area along with an overview of project implementation steps, anticipated technical/logistical considerations (cost, time, and difficulty), potential partner organizations and funding sources.
102. The FSRP supports the planning and regulatory roles of the SMP and is intended to serve as a tool for the County, private landowners, government agencies, non-profit organizations and the public to collectively improve shoreline conditions over time. Such restoration efforts are understood to help achieve the 'no net loss' standard of the state SMP guidelines (WAC 173-26-186).
103. Overall, the FSRP concludes Jefferson County shorelines have areas where functions have been impaired. Ecosystem processes and values need to be improved, the quality of habitat for salmon, shellfish, forage fish and other sensitive and/or locally-important species needs to be increased, restoration efforts need to be integrated with capital projects and resource management efforts, and cooperation actions need to involve local, state, federal, tribal, non-governmental organizations, and landowner partners.
104. **Cumulative Impacts** - In February 2009, DCD staff and consultants prepared the Draft Cumulative Impacts Analysis (Draft CIA) to assess the total collective effects the goals, policies, shoreline designations, and regulations proposed in the 12/3/08 PDSMP would have on the shorelines have if all allowed use and development occurred. The assessment is limited to cumulative impacts of reasonable foreseeable future development in areas subject to SMA jurisdiction. This report updated and replaced the June 2007 Draft Cumulative Impacts Analysis.
105. In July 2009, DCD staff prepared supplemental data regarding vacant, non-conforming lots to augment the Draft CIA and assist Planning Commission deliberations.

106. Prior to submittal of the Locally Approved SMP, DCD staff finalized the Cumulative Impacts Analysis to ensure it accurately assessed the collective effects that would be the reasonably foreseeable result of the provisions of the LA-SMP, rather than those effects arising from the text contained in the PDSMP. Should the findings of this final analysis reveal that SMP provisions passed by the BoCC will not meet state requirements; staff is directed to bring the issues before the Board for discussion.

## Formal Public Review

107. On November 24, 2008 the SEPA Responsible Official determined that existing environmental documents provided adequate review to satisfy the WAC 197-11-600 requirement of the State Environmental Policy Act (SEPA). A Notice to Adopt Existing Environmental Documents was published and a 60-day SEPA comment period was opened. In concurrence with the SEPA Optional DNS Process (WAC 197-11-355), a threshold determination of Determination of Non-significance (DNS) was retained at the close of the comment period.
108. On December 3, 2008, the Jefferson County Department of Community Development (DCD) presented the Planning Commission with a *Preliminary Draft Shoreline Master Program* (PDSMP) stand alone proposal for amending the Comprehensive Plan and Unified Development Code (MLA08-00475). This document updated and replaced previous draft versions including:
- December 2006 Draft Chapters 1 and 3 – version 1;
  - January 2007 Draft Chapters 1 and 3 – version 2;
  - April 2007 Initial Review Draft SMP;
  - September 2007 Committee Working Draft SMP;
  - February 2008 Internal Staff Review Copy Revised Committee Working Draft SMP;
  - May 2008 Final DCD Management Review Revised Committee Working Draft SMP;
  - May 2008 Revised Committee Working Draft SMP; and
  - November 2008 STAC & SPAC Courtesy Copy of the Preliminary Draft SMP.
109. On December 3, 2008, the Planning Commission and Board of County Commissioners met jointly for an SMP workshop open to the public. DCD staff and consultants presented a project overview and introduction to the stand-alone PDSMP proposal.

110. The Planning Commission conducted an extended 60-day public comment period from December 3, 2008 to January 30, 2009. Nearly 400 written public comments were received during the comment period. Comments were received in support and in opposition to the proposal, including submittals from tribes, County departments, non-governmental organizations (NGOs), commercial business interests, homeowner associations, and private individuals.
111. On January 7, 2009, the Planning Commission convened a regular meeting and the DCD staff and consultant team presented a ‘side-by-side’ comparison to highlight key similarities and differences between the existing SMP (JCC 18.25) and the *Preliminary Draft SMP* (PDSMP) proposal. The Planning Commission discussed the approach to be used in reviewing the PDSMP, but did not deliberate content as the comment period had not closed.
112. On January 21, 2009 the Planning Commission held a public hearing on the *Preliminary Draft SMP* proposal. Some 44 individuals provided oral testimony. This was the first of two open public hearings held by the Planning Commission; a total of six public hearings were held during the entire SMP Update process.
113. DCD staff prepared a topic-based matrix of comments received to support Planning Commission deliberations. The matrix included primarily written comments submitted and provided a file reference number for each letter to aid review and discussion. While almost 400 comment letters were received, over 900 topic-specific comments were submitted, since many letters commented on more than one topic.
114. On February 4, 2009 the Planning Commission convened a regular meeting to deliberate the PDSMP proposal. The group took formal action to request a 90-day timeline extension from the Board of County Commissioners, to allow completion of a final recommendation by June 30, 2009.
115. On February 18, 2009, the Planning Commission convened a regular meeting to deliberate beach access structure issues as they relate to shoreline protection, use, development and restoration. The group took formal action to adopt three (3) Planning Commission goals for updating the SMP:
  1. Comply with the requirements and goals of the Shoreline Management Act (RCW) and Guidelines (WAC), (e.g. conservation and shoreline resources, economic development, preference for water-dependent uses, public access, no net loss of ecological functions, etc.)
    - a. Responds to new requirements (WAC update)
    - b. Responds to new science (new local information, new scientific insights).

- c. Responds to new legal findings (e.g. Future wise vs. Anacortes, AG opinions)
  2. Create a Final Draft Shoreline Master Program that works for Jefferson County
    - a. Easy to understand.
    - b. Easy to Enforce.
    - c. Easy to comply with while providing appropriate protections. (Flexible, understandable).
    - d. Addresses problems with existing regulations.
    - e. Keeps permitting decisions local (minimize CUPs).
    - f. Respect private property rights while protecting the environment.
    - g. Be responsive to constituents.
    - h. Compliments but does not duplicate existing regulations.
  3. Support and reflect DCD procedural requirements, permitting processes, the role of agencies and tribes, the hierarchy of decision making authority and ultimately the role of the courts, which is the relationship between this program and the Shoreline Hearings Board.
    - a. Procedural Requirements: application type, administrative decision process, hearings examiner process and public noticing.
    - b. Role of Agencies: State level (Ecology, Fish & Wildlife, Natural Resources, Health) and Federal government including Corp of Engineers and the local Tribes.
- 116.** On February 25, 2009, the Planning Commission convened a special meeting to deliberate beach access structure and boating facility issues as they relate to shoreline protection, use, development and restoration.
- 117.** On March 4, 2009, the Planning Commission convened a regular meeting to deliberate boating facility issues as they relate to shoreline protection, use, development and restoration.
- 118.** On March 11, 2009, the Planning Commission convened a special meeting to deliberate aquaculture issues as they relate to shoreline protection, use, development and restoration.
- 119.** On March 18, 2009, the Planning Commission convened a regular meeting to deliberate agriculture, forest practices, and industrial/port development issues as they relate to shoreline protection, use, development and restoration.
- 120.** On March 25, 2009, the Planning Commission convened a special meeting to deliberate industrial/port development and critical area/buffer issues as they relate to shoreline protection, use, development and restoration.

121. On April 1, 2009, the Planning Commission convened a regular meeting to deliberate critical area/buffer issues as they relate to shoreline protection, use, development and restoration. The County Assessor also attended to discuss potential effects of the PDSMP on property values and taxation.
122. On April 8, 2009, the Planning Commission convened a special meeting to deliberate critical area/buffer and commercial use issues as they relate to shoreline protection, use, development and restoration. DCD staff also presented an overview of potential PDSMP implications for the proposed Brinnon Master Planned Resort maritime village development at Pleasant Harbor.
123. On April 15, 2009, the Planning Commission convened a regular meeting to deliberate shoreline setbacks/height, mining, and residential issues as they relate to shoreline protection, use, development and restoration. DCD staff also presented a variety of graphic examples to illustrate PDSMP non-conforming lot/structure provisions.
124. On April 22, 2009, the Planning Commission convened a special meeting to deliberate common line setback, non-conforming development, shore armor/stabilization, and definition issues as they relate to shoreline protection, use, development and restoration.
125. On April 29, 2009, the Planning Commission convened a special meeting to deliberate definition, administrative, permit, exemption, shoreline environment designation issues as they relate to shoreline protection, use, development and restoration.
126. On May 6, 2009, the Planning Commission convened a regular meeting to deliberate shoreline environment designation issues as they relate to shoreline protection, use, development and restoration. The group also discussed the need for two weeks of additional review time to allow completion of a final recommendation by July 15, 2009.
127. On May 13, 2009, the Planning Commission convened a special meeting to deliberate shoreline environment designation, public access, vegetation conservation, feeder bluff, mining, forest practices and aquaculture issues as they relate to shoreline protection, use, development and restoration.
128. On May 20, 2009, the Planning Commission convened a special meeting to deliberate shoreline environment designation, public access, vegetation conservation, feeder bluff, mining, forest practices, and aquaculture issues as they relate to shoreline protection, use, development and restoration.
129. On June 3, 2009, the Planning Commission released their *Revised Draft SMP* and convened a regular meeting held as a public workshop to introduce the document and answer questions from the public.

130. The Planning Commission conducted a two-week public comment period on the *Revised Draft SMP* from June 3 – 17, 2009. Over 200 written comments were received during the comment period. Comments were received in support of and in opposition to the proposal, including submittals from tribes, state agencies, County departments, non-governmental organizations (NGOs), commercial business interests, homeowner associations, and private individuals.
131. On June 17, 2009, the Planning Commission convened a regular meeting held as a public hearing on the *Revised Draft SMP*. Some 54 individuals provided oral testimony. The comment period closed at the end of the public hearing. This was the second of two open public hearings held by the Planning Commission; a total of six public hearings were held during the entire SMP Update process..
132. DCD staff prepared a second topic-based matrix of comments received to support Planning Commission deliberations. The matrix included only written comments submitted and provided the name of the commenter and a file reference number for each letter to aid review and discussion. While over 200 comment letters were received, over 570 topic-specific comments were submitted, since many letters commented on more than one topic.
133. On July 1, 2009, the Planning Commission convened a regular meeting to deliberate vegetation conservation, net pen aquaculture, climate change and common line setback issues as they relate to shoreline protection, use, development and restoration.
134. On July 8, 2009, the Planning Commission convened a special meeting to deliberate sea level rise, net pen and geoduck aquaculture, forest practices, mining, vegetation conservation, allowed use table, and shoreline environment designation issues as they relate to shoreline protection, use, development and restoration.
135. On July 15, 2009, the Planning Commission convened a regular meeting to deliberate setback/buffer, administrative, vegetation, commercial use, industrial/port use, beach access structure, and boating facility issues as they relate to shoreline protection, use, development and restoration. The group also took formal action to transmit their final recommendation to the Board of County Commissioners.
136. The Planning Commission, by a vote of six (6) in favor to zero (0) opposed, on July 15, 2009, did approve their *Final Draft SMP Recommendation* (PC Final Rec) for submittal to the Board of County Commissioners.
137. On July 28, 2009 DCD submitted the PC Final Rec with a Board Agenda Request for presentation on August 3, 2009.
138. On August 3, 2009 DCD presented the *Planning Commission Final Draft SMP Recommendation with Findings and Conclusions* to the Board of County Commissioners (BoCC). The BoCC approved publication of a legal notice to hold a public hearing on September 8, 2009 and to open a public comment period starting August 19, 2009.

139. On August 17, 2009, DCD staff attended the BoCC's afternoon County Administrator Briefing session to provide a status report on the pending DCD Staff Recommendation.
140. On August 19, 2009, the BoCC opened a formal public comment period on the *PC Final Rec.*
141. On August 24, 2009, DCD staff presented the 8/20/09 DCD Staff Recommendation with attached Final Draft SMP Line-in/Line-out suggested text revisions for MLA08-475 to the BoCC. The DCD Director also provided the BoCC a copy of a memo submitted to the DCD Planning Manager/Shoreline Administrator highlighting eight (8) significant of controversy ranked in order based on his perspective, including Buffers, Non-conformity, Vegetation management, Economic Development, Public interest, Residential use, Mooring buoys, and Procedural issues.
142. On September 2, 2009, the BoCC hosted a question and answer workshop with DCD staff, Planning Commission and the public on the SMP Update.
143. On September 8, 2009, the BoCC held a public hearing on the *PC Final Rec.*, at which some 55 individuals spoke to provide testimony. The public comment period closed at 9:00 pm at the end of the public hearing. Some 300 written comments were received during the open comment period. Comments were received in support of and in opposition to the proposal, including submittals from tribes, a federal agency, state agencies, County departments, non-governmental organizations (NGOs), commercial business interests, homeowner associations, and private individuals.
144. That September 8, 2009 public hearing was the first of three public hearings held by the BoCC; a total of six public hearings were held during the entire SMP Update process.
145. On September 14, 2009 the BoCC asked DCD staff questions and began deliberations to prepare a new Program for local approval.
146. On September 21, 2009, the BoCC continued deliberations on the *PC Final Rec.*
147. On September 23, 2009, the BoCC continued deliberations on the *PC Final Rec.*
148. On September 28, 2009, the BoCC continued deliberations on the *PC Final Rec.*
149. On October 1, 2009, the BoCC completed a collective 27 hours of deliberations on the *PC Final Rec.*
150. On October 19, 2009, the BoCC deliberated on the SMP and directed staff to incorporate requested changes (as detailed on the SMP Issues Pick List) to the *PC Final Rec* to prepare a *DRAFT Locally Approved SMP* for their review.
151. On October 22, 2009, DCD staff released the DRAFT Locally Approved SMP for BoCC review.
152. On October 26, 2009, the BoCC deliberated on the *PC Final Rec.*, requested DCD staff to

make final edits to the *10/22/09 DRAFT Locally Approved SMP*, approved the proposed schedule revision, and agreed to send a letter to Ecology requesting a grant contract timeline extension to December 31, 2009.

- 153.** Key changes the BoCC made to the *PC Final Rec* in response to comments received, in consideration of legal and procedural requirements, and to attain document consistency include:
1. Buffers – Changed standard buffer from 50’ along Shoreline Residential and High Intensity marine shorelines to 150’;
  2. Non-conformity – Included 10% and 25% thresholds to differentiate performance standards and permitting processes when a non-conforming single family residential (SFR) structure increases the total footprint to comply with state requirements;
  3. Vegetation management – Some text revisions and reorganization of the section for clarity;
  4. Economic Development –
    - a. Aquaculture- Included an outright prohibition on net pens and on all finfish aquaculture that uses/releases harmful materials; Removed the regulatory differentiation between ‘Bottom Aquaculture’ and ‘Floating/Hanging Aquaculture to address ‘Aquaculture Activities’ collectively, with an exception for geoduck aquaculture; Changed permit requirement for geoduck aquaculture from an Administrative Conditional Use Permit (CUP) only when adjacent to Shoreline Residential environment designation to a Discretionary CUP in the Natural, Conservancy, and Shoreline Residential designations, and a Substantial Development Permit in the High Intensity designation.
    - b. Industrial/Port – Included a provision to control noise, vibration, glare, and odor impacts;
  5. Residential use –
    - a. Common Line Buffer – Included revised graphics, some text revisions and reorganized the section for clarity;
    - b. Beach Access Structures and Boating Facilities – Included regulatory differentiation between public and private structures to prefer public structures that serve greater numbers of people and minimize the proliferation of individual structures as per state requirements;
    - c. Shore Armor – Included provision to allow shore armoring to protect existing public transportation infrastructure and essential public facilities when otherwise prohibited for other use/development;
    - d. SFR & ADUs in Natural SED – Removed allowance for accessory dwelling units (ADUs) related to single family residential (SFR) use/development to meet state requirements for density and intensity;

6. Mooring buoys – Changed permit requirement from Substantial Development Permit (SDP) in all environment designations to Administrative CUP when adjacent to Natural, Conservancy, and Shoreline Residential designation, and SDP when adjacent to High Intensity.
  7. Procedural issues – Changed the Allowed Use Table to reflect text changes;
154. The *Locally Approved SMP* prohibited net pens and most finfish aquaculture as defined in all shoreline designations of Jefferson County.
  155. The BoCC came to learn this was a sticking point preventing Ecology’s approval of the new Program because such aquaculture, as a water-dependent use, was preferred in accordance with the SMA.
  156. In light of the *Abbey Road* decision from the State Supreme Court, the BoCC hereby restates its intention that an approved Site Plan Approval Advance Determination (SPAAD) vests the application to the then existing Shoreline Master Program. The BoCC further finds that it has expressed this intent in the *Locally Approved SMP* (LA-SMP) Article 2 definition of a SPAAD but may opt to additionally express this intent in the regulations found in the proposed LA-SMP at Article 6.1.D.7.

### **Growth Management Indicators (GMIs) and SEPA**

157. When considering amendments to the County’s Comprehensive Plan and implementing regulations, the Jefferson County Code (JCC) requires review of the proposed changes with respect to a set of growth management indicators (GMIs). The GMIs codified at JCC §18.45.050(4)(b)(i) through and including JCC §18.45.050(4)(b)(vii), are criteria which relate solely to Planning Commission recommendations resulting from periodic assessment of the Comprehensive Plan.
158. In accordance with Jefferson County Code (JCC) §18.45.080(2)(c) and JCC § 18.45.090(4)(a), the BoCC is required to apply, to the extent one or more of them are applicable, the additional GMI criteria codified at JCC §18.45.080(1)(b) and JCC §18.45.080(1)(c), as applicable. These GMIs are addressed in the following statements:

- 159.** With respect to the GMI found at JCC §18.45.080(1)(b)(i), 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 regarding shoreline conditions, new state SMP guidelines were adopted (WAC 173-26), and there have been changes to the shorelines of the county, including but not limited to, more residential development along the shoreline with primary, appurtenant, and accessory structures constructed such as single family homes, garages, outbuildings, boating facilities, and beach access structures.
- 160.** With respect to the GMI found at JCC §18.45.080(1)(b)(ii), the assumptions upon which the Jefferson County Comprehensive Plan is based are still valid, however, new information is available which was not considered during the adoption process or any annual amendments of the Jefferson County Comprehensive Plan. Two decades have passed since the last major revision to the County’s SMP. In that time, many scientific reports and analyses of the issues impacting the ecological functions provided by and present at marine and freshwater shorelines, legal guidance from case law, and newly updated statistical information (demographic and geological data) has become available. The County established and engaged shoreline technical and policy advisory committees to assist the collection and review of relevant science and those committees have finished their work. The County conducted an inventory of conditions along some 500 miles of shoreline and a watershed characterization analysis of ecosystem processes that affect shoreline conditions. All of this is new information since the last major revision of the SMP.
- 161.** With respect to the GMI found at JCC §18.45.080(1)(b)(iii), the proposed amendment does reflect current, widely held values of the residents of Jefferson County. The County received over 1,000 written and oral comments on the various draft SMPs that have gone through the public participation process. In addition, the BoCC unanimous “local approval” of this SMP reflects the views of many County citizens and that the County has worked to meet its statutory obligation to update its SMP. Some citizens have expressed their opposition to any SMP update and/or the new Program’s version that has been generated, debated and now is formally adopted through this Ordinance.
- 162.** With respect to the GMIs found at JCC §18.45.080(1)(c), the SMP update is a programmatic, not site-specific, amendment and the SMP will apply to all parcels across the county which meet jurisdictional definitions. Therefore:
- i. The concurrency requirements for transportation and effects on adopted level of service standards for public facilities and services are not applicable;
  - ii. It is consistent with the existing goals, policies and implementation strategies of the

various elements of the Jefferson County Comprehensive Plan, as further described in subsequent findings below. However after adoption of the 'stand alone' SMP, the goals and policies will be incorporated into the Comprehensive Plan, and the regulations will remain codified as part of the Unified Development Code in accordance with WAC 173-26-191 and RCW 36.70A.480(1);

- iii. 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;
  - iv. 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;
  - v. It will not create a pressure to change the land use designation of other properties;
  - vi. It does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan;
  - vii. It does not materially affect the adequacy or availability of urban facilities and services to the overall Urban Growth Area and immediate area.
  - viii. It is consistent with the Growth Management Act (Chapter 36.70A RCW), the Shoreline Management Act, the County-Wide planning Policies for Jefferson County, any other applicable inter-jurisdictional policies or agreements, and the applicable local, state and federal laws.
- 163.** To the extent the policies made part of the new SMP will modify the County's Comprehensive Plan, the Board is required to make findings relating to the GMI listed in County Code at §18.050(4)(b)(i) through (b)(vii).
- 164.** Growth and development is occurring at a slower rate than was envisioned in the Comprehensive Plan as updated in 2004 presumably due to the ongoing worldwide recession.
- 165.** The capacity of the County to provide adequate services will not be diminished by adoption of the new SMP.
- 166.** Sufficient land that will ultimately be zoned for urban densities and uses will continue to exist in the County regardless of adoption of the new SMP.
- 167.** The assumptions upon which the County's Comprehensive Plan is based have not changed and do not need to be changed.

168. The adoption of the new SMP is not the result of changes in county-wide attitudes but is instead required by state law and favored by some of the County’s citizens.
169. The adoption of new shoreline management guidelines now codified in Chapter 173-26 WAC is and was the primary circumstance that caused the County to work for many years to generate and adopt a new SMP.
170. The Comprehensive Plan, the Countywide Planning Policies and the new SMP will be consistent with one another upon adoption of this Ordinance.
171. The policies of the new Program serve to implement “on the ground” the text of the County’s Comprehensive Plan. Several examples follow.
172. **CP3 Land Use & Rural** – The SMP as locally adopted furthers and is consistent with the GMA definition of ‘rural character’ by ensuring that the maintenance of ‘open space, the natural landscape, and vegetation [are] predominate over the build environment’ and by protecting ‘natural surface water flows and ground water and surface water recharge and discharge areas’ as described in the Comprehensive Plan Chapter 3 (CP3) Land Use and Rural Strategy Guidelines.
173. **CP3 Land Use & Rural** – The SMP as locally adopted furthers and is consistent with the Comprehensive Plan Land Use and Rural Goals LNG13.0 to conserve resource lands for sustainable forestry, agriculture, aquaculture and mining activities compatible with surrounding land uses and LNG 14.0 to protect the functions and values of critical environmental areas and protect development activities from the risks of environmental hazards. The SMP does this by:
- Establishing goals and policies consistent with state requirements to allow appropriate forest practices, agriculture, aquaculture and mining use and development along Shorelines of the State;
  - Incorporating JCC 18.22 Critical Area protections into shoreline jurisdiction for equal protection inside and outside shoreline jurisdiction; and
  - Establishing use and development regulations to ensure shoreline resources are not adversely impacted by use and development activities.
174. **CP4 Natural Resource Conservation** - The SMP as locally adopted furthers and is consistent with Comprehensive Plan Chapter 4 (CP4) Natural Resource Conservation Goal NRG 11.0 to “conserve and protect aquaculture lands and associated facilities in order to ensure a long-term commercial and recreational resource base” because the SMP recognizes aquaculture as ‘a preferred, water-dependent use of regional and statewide interest’, ‘commercial and recreational shellfish areas including Shellfish Habitat Conservation Areas are critical habitats’, and requires uses unrelated to aquaculture to locate ‘so as to not create

conflicts with aquaculture operations.’

175. **CP4 Natural Resource Conservation** - Natural Resource Policy NRP 11.4, relating to addressing cumulative impacts of land use activities on or adjacent to shellfish resources through the SMP, is also addressed and furthered by local adoption of this SMP because the County has prepared a cumulative impacts analysis as part of its preparation of the new Program and now better understands the extent of those impacts and possible ways to avoid or minimize such impacts, ways to restore degraded ecological values.
176. **CP6 Open Space, Parks & Rec, and Historical Preservation** – The open space strategy aims to protect and conserve the natural environment, manage natural resources for long-term productive use, and Comprehensive Plan Chapter 6 (CP6) Policy OSP 1.2 directs the county to ‘evaluate proposed development projects to preserve and protect... shoreline areas.’ The SMP furthers and is consistent with this because it contains goals, policies and regulations that also meet state requirements to ensure ‘no net loss of shoreline ecological function’ while allowing appropriate use/development along the shoreline.
177. **CP6 Open Space, Parks & Rec, and Historical Preservation** – The SMP helps is consistent with Comprehensive Plan Chapter 6 Policy OSP 4.7 to ‘ensure that parks and recreation facilities along marine shores, lake and streams are compatible with the goals, policies and performance standards of the Jefferson County [SMP].’
178. **CP8 Environment** - Local approval of the SMP advances Comprehensive Plan Chapter 8 (CP8) Environmental Goal ENG 4.0 ‘to preserve the long-term benefits of shoreline resources’ by utilizing and considering while updating the SMP the current, accurate and complete science with respect to the ecological functions provided by the lands within the shoreline jurisdiction. Further, SMP goals, policies and regulations target the protection, use, development and restoration of public access opportunities, historical, archaeological, cultural, scientific and educational shoreline resources, and integration with watershed and sensitive species planning and conservation efforts.
179. **CP8 Environment** - Local approval of the SMP serves to further and promote Comprehensive Plan Chapter 8 (CP8) Environmental Policy ENP 4.1 to increase public access and recreational opportunities for the public on shorelines of statewide significance because the SMP requires that ‘public and private development shall be encouraged to provide trails, viewpoints, water access points and water-related recreation opportunities where conditions are appropriate for such use’.

- 180. CP8 Environment** - Local approval of the SMP is a significant step in revising the County's Shoreline Master Program as is required by Comprehensive Plan Chapter 8 (CP8) Environmental Policy ENP 4.2.
- 181. CP8 Environment** - By way of example only, local approval of the SMP serves to further and promote Comprehensive Plan Chapter 8 (CP8) Policy ENP 4.6 to manage the shorelines so as to preserve sites having historic, cultural, scientific and archeological values because the County prepared a shoreline inventory which details the current conditions of distinct "reaches" or sections of this County's shorelines and by local approval of Article 6, Section 21 which governs precisely those historic, cultural, scientific and archeological sites.
- 182. CP8 Environment** - Local approval of the SMP advances Comprehensive Plan Chapter 8 (CP8) Environmental Goal ENG 5.0, which speaks of allowing development along shorelines which is compatible with the protection of natural processes, natural conditions and natural functions of the shoreline environment, finding that the SMP does so, in part, by describing and then locating on the County's shorelines six shoreline environmental designations requiring different levels of protection and as a corollary having different types and intensities of development permitted within and upon them.
- 183. CP8 Environment** - Local approval of the SMP advances, by way of example only, Comprehensive Plan Chapter 8 (CP8) Environmental Policy ENP 5.1, which has as its goal the preservation of the long-term benefits of the County's shoreline resources by utilizing and considering while updating the SMP current, accurate and complete science with respect to the ecological functions provided by the lands within the shoreline jurisdiction.
- 184. CP8 Environment** - With respect to Comprehensive Plan Chapter 8 (CP8) Environmental Policy ENP 5.3, which states that the County will "establish a preference for the use of non-structural rather than structural solutions in projects for shoreline stabilization", the SMP furthers and promotes this because the Allowed Use Table 1 permits non-structural stabilization in more shoreline environmental designations than structural stabilizations.
- 185. CP8 Environment** - With respect to Comprehensive Plan Chapter 8 (CP8) Environmental Policy ENP 5.6, which states that the County will "manage shoreline hazard areas such as unstable bluffs," local approval of the SMP promotes this policy because beach access structures are subject to detailed regulations in Article 7, Section 1.D, entitled Regulations. Those performance standards and rules authorize such structures but also outline circumstances where they will be prohibited if, for example, they would adversely impact a critical area or marine feeder bluff

- 186.** The SEPA responsible official has determined that existing environmental documents provide adequate environmental review of this ordinance to satisfy the requirements of WAC 197-11-600. The following existing environmental documents are being adopted:
- Draft and Final Environmental Impact Statements (DEIS/FEIS) and addenda prepared in anticipation of adoption of the Comprehensive Plan in 1998. The DEIS and FEIS are dated February 24, 1997 and May 27, 1998, respectively, and examined the potential cumulative environmental impacts of adopting alternative versions of the Comprehensive Plan.
  - 2004 Comprehensive Plan Amendment Docket Department of Community Development Integrated Staff Report and SEPA Addendum issued September 22, 2004. The Addendum included description and analysis of code amendments proposed in 2004 that are similar to those being proposed now. The current proposal is more protective than the 2004 proposal, which was not adopted, and incorporates best available science with respect to critical areas protection under GMA.

## **Local Approval**

- 187.** The County is obligated, pursuant to RCW 90.58.080(2)(a)(iii) to update its Shoreline Master Program and adopt its new Program as an official control having regulatory effect on or before December 1, 2011, although Ecology has allowed the County to continue working on the update past this statutory deadline given the County's continued show of good faith effort .

- 188.** For both applicants and regulators the new Program represents an improvement over the current SMP because it:
- a) is based on more current scientific and technical information;
  - b) reflects substantial public input from a broad array of stakeholders;
  - c) provides greater clarity of prescriptive requirements and performance standards;
  - d) utilizes more streamlined permit review processes;
  - e) provides improved protection of natural shoreline functions and processes with stronger requirements for mitigation of adverse impacts;
  - f) allows improved flexibility for adjusting standard buffer distances based on specific criteria and site conditions;
  - g) includes special provisions to allow residential development in the Natural designation where it is currently prohibited and on small parcels where non-conformance to the required buffers might otherwise preclude such uses;
  - h) provides stronger support and guidance for restoration of degraded shoreline resources; and
  - i) includes goals, policies, and regulations that Ecology supports, after extensive back-and-forth review and revision, as meeting the requirements of the SMA and the State's SMP Guidelines.
- 189.** The Board of County Commissioners concluded that the *12-7-09 Locally Approved SMP* (LA- SMP) appropriately balances the goals of the Shoreline Management Act, the Growth Management Act and incorporates the most current, accurate, and complete scientific and technical information available, as is required by WAC 173-26-201.
- 190.** On December 7, 2009 the BoCC took formal action (Resolution #77-09) to locally approve the proposed SMP for submittal to Ecology for final review and approval and directed staff to prepare the submittal packet.
- 191.** On March 1, 2010, acting on previous direction from the BoCC, DCD staff sent the *Locally Approved SMP* submittal packet to Ecology including the following components: Submittal Letter; SMP Checklist; Resolution No. 77-09 with Exhibits A - G; Summary of Edits to Draft Cumulative Impacts Analysis (Feb '10); Exhibit H. Cumulative Impacts Analysis (Final - Feb '10); Public Participation Strategy; Legal Review on Takings (Feb '10); SEPA Checklist and

Final DNS; Public Visioning Notes; Public Comments (Index 2961 #14-407; 500-709c; and 737-1029); and JCC Development Standards.

## **State Review Process**

- 192.** From April 12 to May 11, 2010 the Washington Department of Ecology conducted a state-wide public comment period on the County's *Locally Approved SMP*, including a public hearing on April 20, 2010 at Fort Worden State Park in Port Townsend, to accept public testimony. The public hearing started with an informational open house event and slideshow presentation by Ecology staff to inform attendees about the County's proposed SMP. During the state-wide public comment period Ecology received nearly 400 submittals of comments/testimony.
- 193.** The April 20, 2010 hearing held by Ecology was the fourth of six public hearings held during the entire SMP Update process.
- 194.** Pursuant to the SMP Guidelines (WAC 173-26) jurisdictions are required to provide a review and response to issues raised by public comments within 45 days of receipt (i.e. close of the comment period). Due to the large volume of public comments received by the State about the County's *Locally Approved SMP*, DCD staff submitted a requests twice to extend that 45 day deadline and Ecology agreed to those extensions.
- 195.** On November 30, 2010 the County submitted a Responsiveness Summary to Ecology that summarizes and groups individual public comments into twenty-two categories of topics, identifies the issues of public interest, including both pro and con perspectives, and responds generally to those issues.
- 196.** On January 26, 2011, the Washington Department of Ecology indicated that the County had met the procedural and policy requirements of the SMA and announced their conditional approval of the *Locally Approved SMP*, pending twenty-six (26) required changes. The letter from Ecology's director also included fourteen (14) recommended changes along with the findings and conclusions to support their decision.
- 197.** Three of Ecology's required changes pertained specifically to the County's proposal for an outright prohibition of finfish aquaculture, including net pens. Ecology's required revision was to allow finfish aquaculture as a conditional use in all shoreline jurisdictions, which would require permit review and approval by both the County and by Ecology.
- 198.** On February 7, 2011, the BoCC began initial review of Ecology's approval with required and recommended changes. Staff provided a handout with corrected citations and added page number references to assist review and the Chief Civil Deputy Prosecuting Attorney (DPA) provided a matrix to review alternatives related to holding another public hearing. The BoCC

directed staff to prepare a recommendation on possible changes to the LA-SMP including issues related to ocean resource management, reasonable economic use variance, shoreline environment designations, definitions, dredging, boating facilities, aquaculture, commercial use, forest practices, recreation, non-conforming development, buffers, and mapping.

- 199.** On February 22, 2011, the BoCC discussed DCD recommendations to agree, further study, decline, or propose alternatives to Ecology's required and recommended changes, as well as approximately twenty-three(23) additional clarifications suggested by staff to correct typographical errors and improve readability.
- 200.** The BoCC discussed a conceptual approach to allow in-water or marine finfish/net pen aquaculture that would potentially allow proposed facilities to site at nine (9) geographic locations in East Jefferson County where the Aquatic shoreline environment designation (SED) is adjacent to the High Intensity SED. The Board also considered a draft letter to Ecology expressing commitment to conduct another public review period and provide formal response to the state by the end of April 2011.
- 201.** On February 28, 2011, the BoCC continued their review of the DCD Recommendation and agreeing with most of the staff guidance and requested further consideration on some topics. Staff provided a handout to outline the Final Review & Adoption Process.
- 202.** On March 7, 2011, the BoCC continued review of possible changes to LA-SMP and directed staff to prepare draft response to Ecology including provisions for finfish/net pen aquaculture similar to those adopted by Whatcom County.
- 203.** On March 14, 2011, the BoCC reviewed Ecology's feedback to the County's specific questions about issues such as definition of 'appurtenance', boating facilities/residential dock length, net pen aquaculture, common line buffers for views, and administrative provisions for criminal penalties and completed review of staff's Draft Response to Ecology that reflected Board direction on each of the possible changes. The BoCC indicated agreement on all issues except finfish aquaculture.
- 204.** Staff recommended in March 2011 that the BoCC hold another public comment period and public hearing to allow review and feedback on the draft response, in the interest of continued citizen involvement, however because additional discussion was needed on the finfish aquaculture issue the date of a public hearing was postponed.

## **Finfish Aquaculture**

- 205.** On March 21, 2011, the BoCC continued their discussion of finfish aquaculture provisions for the Draft Response to Ecology and reviewed Ecology’s March 18, 2011 guidance on net pen aquaculture, the 1986 Recommended Interim Guidelines for Management of Salmon Net-Pen Culture in Puget Sound, and a summary of finfish aquaculture case law provided by the Prosecutor’s Office.
- 206.** On April 18, 2011 the BoCC continued their discussion of finfish/net pen aquaculture and agreed to take more time to review the growing collection of literature on the subject. Staff presented a bibliography of finfish aquaculture information containing approximately 60+ documents.
- 207.** On April 25, 2011, BoCC continued their discussion of finfish/net pen aquaculture, advised staff to temporarily cap the collection of additional literature, requested staff to prepare a revised draft of finfish aquaculture code proposal, and sent a letter to Ecology regarding project status.
- 208.** On June 6, 2011, the BoCC reviewed a draft finfish aquaculture code proposal and directed staff to make final edits and mapping revisions for the *Draft County Response to Ecology on Changes to LA-SMP* ("Draft County Response") in preparation for publishing a legal notice for a comment period and public hearing.
- 209.** On June 20, 2011, the BoCC approved the Draft County Response for public review regarding 63 possible changes to the LA-SMP, including finfish aquaculture provisions and two mapping changes, and approved the publication of a legal notice to hold a comment period and public hearing.
- 210.** The proposed finfish aquaculture provisions in the June 20, 2011 version provided for public review and comment required a discretionary conditional use permit (‘C(d)’), allowed in-water facilities only in the Aquatic SED when adjacent to the High Intensity SED, and allowed upland facilities in the Aquatic, Conservancy and High Intensity SEDs. Staff was also directed to correct an additional mapping error to accurately reflect the Board’s intent.
- 211.** From June 22 to July 25, 2011, the BoCC conducted another open public comment period, including a public hearing on July 11, to receive citizen input on the 6/22/2011 Draft County Response proposed changes to the LA –SMP including, but not limited to topics such as a common line buffer, tribal issues, residential dock length, in water and upland finfish aquaculture, non water oriented shoreline use/development, forest practices, boathouses, and vegetation trimming.

212. The July 11, 2011 hearing was the second occasion when the SMP had been the subject of a public hearing before the BoCC; a total of six public hearings were held during the entire SMP Update process.
213. On September 19, 2011, the BoCC began considering more than 70 public comments/testimonies received regarding the Draft County Response, some of which included extensive citations to and/or attached documents with technical information related to the finfish aquaculture issue.
214. On September 26 and October 3, 2011, the BoCC continued deliberations on the public comments and edits to the Response to Ecology, directing staff to prepare the final response document to include a ban on in-water finfish aquaculture based on the precautionary principle and the conflicting and inconclusive nature of the broad collection of science about the impacts of net pen to shoreline resources.
215. On October 31, 2011 staff completed the final Response to Ecology and provided it to Ecology staff on November 1, 2011 with a formal request for staff-to-staff consultation to ensure that Ecology would deem the County's position (especially regarding finfish aquaculture) generally compliant with the guidelines of WAC 173-26 prior to BoCC action to adopt by ordinance, so that adoption by the BoCC would not be a futile action.
216. The final response dated October 31, 2011 provided additional rationale to support the County's proposed prohibition on in-water finfish aquaculture while still proposing upland finfish aquaculture be allowed as a conditional use in the Aquatic, Conservancy, and High Intensity SEDs.
217. On December 7, 2011, Ecology provided a letter with feedback from their team of policy and technical experts on the County's continued proposal to ban finfish/net pen aquaculture. In summary, Ecology and State Attorney General staff did not support a prohibition in all waters of Jefferson County without adequate scientific analysis to show there is nowhere the use could not be adequately mitigated. Rather, Ecology encouraged an approach of limited allowance with effective protections for ecological resources.
218. Arising from Ecology's response, the County conducted further investigation in greater detail of available science in support of and opposition to finfish aquaculture, with special focus on in-water operations such as net pens. The Finfish Bibliography grew to include some 125 documents including peer-reviewed journal articles, state and federal agency policy and technical guidance, permit samples from existing Puget Sound net pen operations, Shoreline Master Programs from other Puget Sound jurisdictions, a programmatic Environmental Impact Statement (EIS), and other sources of pertinent information.

219. The Bibliography includes documentation submitted during formal public comment and constitutes a representative sample of the available science. The Bibliography contains recently published “current” science such as the February 2011 report of Michael Price *et al.* on juvenile salmon runs.
220. Correspondence from Ecology to the Northwest Straits Commission (September 2011) clarifies that the state relies primarily on key documents such as the *1986 Aquaculture Siting Study and Guidelines*, and the *2002 NOAA Technical Memo #53*.
221. The County considered these same sources of information and others from that era (i.e. *1988 Use Conflicts Study*; *1990 Final Programmatic EIS*; *2001 NOAA Technical Memo #49*), but also relies on more current science from the 2003 – 2011 era.
222. The BoCC acknowledged that the SMA requires the SMP to balance appropriate shoreline activities with adequate protection of the resources. The SMP Guidelines (WAC 173-26-186) require that shoreline use and development is regulated to ensure “no net loss of ecological functions”. Further, the Guidelines (WAC 173-26-201(3)(g)) require that when less is known the SMP take a more protective approach to avoid unanticipated impacts and to reasonably assure that shoreline resources are protected. The current science is inconsistent. Therefore, the County concludes it has no choice but to err at this time on the side of caution and protection while determining which locations would be suitable for this preferred use.
223. The County concludes the science dictates that in-water finfish aquaculture, including net pens, must be limited.
224. On December 19, 2011, the BoCC reviewed and discussed Ecology’s letter and directed staff to schedule a workshop with Ecology to further discuss the issue.
225. On January 3, 2012, the BoCC reviewed a draft list of questions for Ecology about finfish aquaculture and directed staff to make edits to clarify the focus and prepare possible conditional use permit criteria for consideration.
226. On January 17, 2012, the BoCC reviewed a working draft of specific questions for Ecology about finfish aquaculture, and a working draft of conditional use permit (CUP) criteria for including a limited allowance of the use in local waters. The BoCC directed staff to finalize the questions and revise the draft CUP criteria and provide them to Ecology in preparation for an upcoming workshop session.
227. On January 23, 2012, BoCC convened a workshop with staff from WA Department of Ecology and the National Oceanic & Atmospheric Administration (NOAA) to discuss the questions and possible CUP criteria. Staff was directed to work further with state, federal,

and other experts to further refine the CUP criteria, to prepare legal guidance on related procedural issues, and NOAA invited the County to visit their net pen research facility.

- 228.** At that January 23, 2012 workshop Dr. Mike Rust from NOAA stated his educated assumption that not many locations in the waters adjacent to Jefferson County are or were suitable for netpen aquaculture.
- 229.** On February 21, 2012, DCD staff sent a memo to Ecology requesting clarification on legal issues including the definition for ‘water dependent’, the possibility of adopting segments of the SMP, the rule making process, the public record, and appeals. DCD staff also conferred with Ecology staff via telephone about possible siting analysis to further evaluate the draft CUP criteria.
- 230.** On February 27, 2012, BoCC discussed next steps for proceeding with the finfish aquaculture issues, and directed staff to further coordinate with Ecology to prepare 1) revised CUP criteria, and 2) a scope of work for a possible siting analysis exercise. Staff was also directed to discuss with Ecology the possibility of an eighteen (18) month timeline for action under a moratorium to prepare for an eventual limited amendment regarding in-water finfish (net pen) aquaculture.
- 231.** Between April 23, 2012 and June 13, 2012, staff prepared and brought to the BoCC three versions of possible CUP criteria. Each time the BoCC had further suggestions, refinements or questions for staff to investigate. This iterative process consumed most, if not all, of the second quarter of 2013.
- 232.** The County’s legal counsel determined that or in-water finfish/ marine netpen aquaculture is a water dependent use and therefore, as a preferred use according to the SMA, could not be the subject of an outright ban in the new Program and that such a ban was presumably not legally defensible.
- 233.** On May 1, 2012, staff from DCD and Ecology joined two (2) County Commissioners on a site visit to NOAA Research Station and Icicle Sea Foods facility at Manchester, WA to observe scientific and commercial net pen operations.
- 234.** On June 19, 2012, the BoCC reviewed options for moving forward and directed staff to schedule a workshop with the State’s fish disease expert to help address continued concerns. Scheduling this workshop was delayed due to several months of limited availability of the key staff from Washington Department of Fish & Wildlife (WDFW).
- 235.** On July 26, 2012, the County received a letter from Ecology that recognized mutual agreement on all the proposed changes to the LA-SMP except for finfish aquaculture. The letter also required final action on the SMP Update, outlining three finfish aquaculture

options for completion, including 1) adopt an SMP to allow net pens with a CUP, 2) adopt an SMP to allow net pens with a CUP then enact a moratorium to allow time for the County to further study appropriate geographic locations, or 3) adopt an SMP to keep the outright prohibition on net pens thereby forcing Ecology to reject the adopted SMP and pursue either an appeal against the County or complete the County's SMP via rulemaking. Ecology requested the County's decision by August 15, 2012.

- 236.** By this time Ecology had also rejected as contrary to law any suggested route where the County and Ecology would adopt less than the whole SMP, leaving for later (as a Limited Amendment under the statute) any SMP text regarding marine or in-water finfish/netpen aquaculture.
- 237.** On August 13, 2012, the BoCC discussed Ecology's options and reviewed a draft response letter requesting the August 15 deadline be extended due to County management staff and a commissioner being unavailable for discussion.
- 238.** On August 31, 2012, a letter from Ecology allowed the deadline for a decision to be extended to October 1.
- 239.** On September 10, 2012, during continued review of the proposed CUP criteria, the BoCC confirmed eighteen (18) additional issues for staff to further study and/or clarify including, but not limited to siting & operations, salmon migration routes, effluent, food product tracking, density limits, closure plans, bonding, chemical use, double layer nets, and use of shoreline environment designations to ensure compatible uses.
- 240.** On September 17, 2012, the BoCC discussed Ecology's letter and the options proposed and directed staff to prepare a letter to inform the state of the County's intent to pursue the CUP approach to allowing in-water finfish aquaculture.
- 241.** On September 24, 2012, the BoCC sent a letter to Ecology selecting Option 1 to adopt the SMP with a CUP allowance for in-water finfish aquaculture noting continued concerns about the impacts of net pens, especially risks posed by disease and parasites.
- 242.** On October 8, 2012, the BoCC convened a workshop with several fish disease experts to further discuss potential risks of pathogens such as infections salmon anemia (ISA), infectious hematopoietic necrosis (IHN), sea lice, and other health threats to farmed and wild salmon, as well as the existing regulatory and surveillance requirements and protocols in place. This workshop was attended by experts from WDFW, NOAA Fisheries, US Geologic Survey Western Fisheries Research Center, and a private sector fisheries veterinarian specializing in aquaculture fish health.

243. During January and February 2013, DCD staff reviewed the voluminous Cohen Commission Report regarding Fraser River Sockeye (British Columbia, Canada) and information prepared by the Whidbey Environmental Action Network (science in opposition to net pens) per BoCC request, met individually w/ Commissioners to review staff progress on the 18 Additional Issues in an effort to identify any additional issues or the need for further research.
244. On February 19, 2013 the BoCC began reviewing staff feedback on the 18 Additional Issues.
245. On March 11, 2013, the BoCC further considered the 18 Additional Issues plus supplemental information about King County's SMP approach to regulating net pens, salinity and photic zone data for Puget Sound, definitions for habitat, status of state legislative effort to ban net pens in Puget Sound, and maps showing possible locations for net pens in Jefferson County. Staff was directed to prepare a hearing notice and schedule a public comment period on the proposed finfish aquaculture provisions.
246. On March 25, 2013, the BoCC approved the notice for a public hearing on April 15 and a comment period beginning March 27 directing staff to release the *Public Review Draft - Revised Response to Ecology on In-water Finfish Aquaculture Required Changes #13 – 15* for public review. This hearing was not legally required but included as a good faith effort to continue the tradition of ample public engagement that merited recognition by the Puget Sound Partnership.
247. During the public comment period established in March 2013 the BoCC received fifty-five (55) submittals of written and verbal testimony presenting both supporting and opposing input which staff compiled and assessed into some sixty (60) possible revisions to the proposed provisions.
248. On April 15, 2013, the BoCC conducted an open public hearing to accept testimony on the proposed provisions to regulate in-water finfish aquaculture (net pens) as a conditional use with geographic limitations and specific performance standards.
249. The April 15, 2013 hearing was the third and final occasion when the SMP (or portions thereof) had been the subject of a public hearing before the BoCC; this was the last of six public hearings held during the entire SMP Update process.
250. On June 3, 2013, the BoCC deliberated on the public input received and on DCD staff response to the issues and possible revisions to the in-water finfish aquaculture provisions for the final response to Ecology. Staff was directed to make changes to the provisions and to prepare an adopting ordinance to enact the new Program.

251. On June 24, 2013, DCD staff submitted the County's final formal response about the finfish aquaculture required and recommended changes for Ecology review and approval. Ecology subsequently indicated there were a few issues that needed additional clarification.
252. On July 10, 2013, to ensure Ecology would find the finfish aquaculture provisions the BoCC was prepared to adopt to be generally compliant with Ch. 173-26 WAC, DCD staff conferred with Ecology staff to clarify a few issues for the state. Based on this discussion, staff subsequently drafted some additional edits to the finfish aquaculture provisions to reflect Ecology's input.
253. On August 5, 2013, the BoCC considered a draft *Revised Final Response to Ecology* that included DCD staff's suggested additional edits intended to address Ecology's questions & concerns about the finfish aquaculture provisions. Ecology had previewed staff's suggested edits and indicated concurrence. The BoCC directed staff to make final edits to the document and proceed with an adopting ordinance.
254. On August 29, 2013, DCD staff submitted the final *Final Response to Ecology: Finfish Aquaculture Required Changes #13 -15* to Ecology as an addendum to the 10/31/2011 Response Matrix to complete the County's response to the state.
255. On September 4, 2013, Ecology indicated their support of the County's response, including the finfish aquaculture provisions.
256. The County's rationale for specific policy and regulatory provisions pertaining to finfish aquaculture use and development includes the following findings.

### **Finfish Aquaculture Rationale**

257. Finfish aquaculture includes both in-water and upland facilities.
258. The new Program allows new finfish aquaculture use/development with a discretionary conditional use permit, with some differentiation between the regulation of upland and in-water facilities.
259. The new Program requires review of proposals for conditional discretionary uses subject to specific criteria and performance standards, public notice, written public comment, and at the discretion of the Shoreline Administrator, an optional public hearing procedure to be determined by the project's potential impacts, size or complexity in compliance with the Jefferson County Code, Chapter 18.40, Section 520 (JCC 18.40.520). This Type III quasi-judicial permit review process also includes review by Washington Department of Ecology as the state's legislative authority for shoreline management, and final decision by a County Hearing Examiner.

- 260.** The new Program allows upland finfish aquaculture use/development with a discretionary conditional use permit ('C(d)') limited to the Aquatic, Conservancy and High Intensity shoreline designations. This limitation is appropriate given that such industrial use of natural resources is not compatible in Natural designated areas with significantly intact shoreline functions and processes or in Shoreline Residential designated areas with higher densities of single family residential use/development (Rural Residential 1:5, Urban Growth Area, Master Planned Resort, and/or pre-existing platted subdivisions with density equivalent/greater to such) where the risk of conflict between incompatible uses is greatest.
- 261.** The limited allowance of upland finfish aquaculture recognizes that an upland operation may require water intake and discharge components located waterward of the ordinary high water mark (OHWM) and allows such in the Aquatic shoreline designations only.
- 262.** In-water finfish aquaculture use/development, including net pens and floating contained systems, is also allowed by the new Program with a discretionary conditional use permit ('C(d)'). The use is limited to the Aquatic shoreline designation and allowed only 1) when sited adjacent to High Intensity shoreline designation, or 2) when sited adjacent to a shoreline designated as Natural provided more than eight (8) miles of County jurisdiction extends seaward from the shore, such as in the Strait of Juan de Fuca.
- 263.** This limited allowance is subject to the other applicable provisions and is included in order to 1) protect all other Natural designated areas located elsewhere in the County where offshore distances of jurisdiction are constrained, and 2) to be responsive to the interests of the industry and Ecology. The Program clarifies that facilities are not required to locate eight (8) miles offshore but that other provisions establish siting requirements (typically 1,500 to 2,000 feet offshore).
- 264.** Other areas with the Natural designation are constrained by limited in-water area adjacent to the Aquatic designation making them unsuitable for such intensive industrial in-water operations. Limiting in-water finfish aquaculture to High Intensity areas and one Natural designated area is consistent with the *Aquaculture Siting Study* (EDAW/Ecology; 1986) site selection guidance to "Avoid sites offshore of existing suburban residential development".
- 265.** Generally, Natural designated areas are not suitable for in-water finfish aquaculture because they contain the most intact and sensitive shoreline resources, however the County is aware that the Strait of Juan de Fuca is an area of interest to the industry and Ecology.
- 266.** Pursuant to the new Program there is available for the location of an in-water finfish aquaculture (marine netpen) facility some 43 square miles within the Strait of Juan de Fuca as well as the other possible siting areas: Glen Cove (0.5 square miles), Mats Mats Bay (1.2 square miles - outside the bay only), and Port Ludlow Bay (0.04 square miles).

- 267.** Further, a set of supplemental maps are included with the Program to show the approximate areas where in-water finfish aquaculture use/development might be proposed to locate based on shoreline environment designations (SEDs).
- 268.** The new Program also includes geographic limitations to ensure protection of sensitive habitat areas and areas with degraded water quality so that in-water finfish aquaculture is prohibited in the following areas: 1) Protection Island Aquatic Reserve; 2) Smith & Minor Islands Aquatic Reserve; 3) Discovery Bay; 4) South Port Townsend Bay; and 5) Hood Canal, south of the line extending from Tala Point to Foulweather Bluff, including Dabob and Tarboo Bays.
- 269.** Several provisions in the new Program address siting distance based on specific state guidance documents. They are listed in separate findings.
- 270.** Article 8.2.B(1)(a) and (b) prohibits in-water finfish aquaculture facilities within 1,500' of the Protection Island Aquatic Reserve and Smith and Minor Island Aquatic Reserve (Source: 1986 Interim Guidelines and 1990 Final Programmatic EIS).
- 271.** Article 8.2.D.5(viii) requires in-water finfish aquaculture use/development to locate at least 1,500' from any National Wildlife Refuge, seal and sea lion haulouts, seabird nesting colonies, or other areas identified as critical feeding or migration areas for birds and mammals. County may allow a lesser distance with approval from federal/state agencies (Source: 1986 Interim Guidelines and 1990 Final Programmatic EIS).
- 272.** Article 8.2.E.7(a) requires in-water finfish aquaculture facilities to locate (i) at least 300' in all directions from any wildlife refuge, sanctuary, aquatic reserve or similar are intended to protect threatened or endangered species in order to avoid adverse impacts to habitats of special significance and populations of food fish and shellfish; (ii) in shallow water less than 75' deep at least 300 feet down-current and 150 feet in all other directions from significant habitats; and (iii) in water deeper than 75' at least 150 feet from significant habitat (Source: 1986 Interim Guidelines and 1990 Final Programmatic EIS).
- 273.** Article 8.2.E.11(a) requires in-water finfish aquaculture facilities to locate a minimum of 1,500' from habitats of special significance for marine mammals and seabirds (Source: 1986 Interim Guidelines and 1990 Final Programmatic EIS).
- 274.** Article 8.2.E.12(a)(ii) requires in-water finfish aquaculture facilities to locate a minimum of 1,500 feet from ordinary high water mark, or a minimum of 2,000 feet when higher density residential development is present along the adjacent upland. The County may require a greater distance as determined by a visual impact assessment (Source: 1986 Aquaculture Siting Study and 1990 Final Programmatic EIS).

275. Article 8.2.E.15(b) requires in-water finfish aquaculture facilities to locate a minimum of 1,000 feet from any recreational shellfish beach, public tidelands, public access facilities (e.g. docks or boat ramps) or other areas of extensive or established recreational use (1988 Use Conflicts Study and 1990 Final Programmatic EIS).
276. The new Program requires new in-water finfish aquaculture use/development to meet detailed performance standards for siting and operations, including but not limited to topics such as:
- Site surveys and Monitoring;
  - Facility Operations Plan;
  - Insurance Coverage;
  - Bottom Sediments and Benthos;
  - Water Quality;
  - Phytoplankton;
  - Chemicals;
  - Food fish and Shellfish;
  - Importation of New Fish Species;
  - Genetic Issues;
  - Escapement and Disease;
  - Visual Quality;
  - Navigation, Military Operations and Commercial Fishing;
  - Human Health;
  - Recreation;
  - Noise;
  - Odor;
  - Lighting and Glare;
  - Upland Shoreline Use; and
  - Local Services.
277. The specific performance standards made part of the new Program are consistent with state guidance on finfish aquaculture use/development with respect to siting, use conflicts, and environmental impacts. Rationale for some specific provisions of particular interest to the reader follows.
278. **Agriculture – Aquaculture:** The new Program clarifies that while upland finfish aquaculture is recognized as a type of agricultural use/development it is to be managed by the more specific aquaculture policies and regulations of the Program. This is based on:
- The term ‘upland finfish’ being included in definitions for ‘agricultural products’ and ‘agricultural equipment/facilities’ in the Shoreline Management Act (SMA) at RCW 90.58.065(2)(b) and (c) and the Shoreline Master Program (SMP) Guidelines at WAC 173-26-020(3)(b) and (c);
  - SMP Guidelines WAC 173-26-191(1)(e) requirement for consistency with State Growth Management Act (GMA) comprehensive planning;
  - GMA definition for ‘agricultural lands’ includes ‘finfish in upland hatcheries’;
  - The Jefferson County Comprehensive Plan, Natural Resource Conservation Element (Chapter 4) includes Aquaculture Lands and resources, specifically shellfish and upland finfish aquaculture. Net pens are specifically identified as ‘not resource lands’ to be regulated under the SMP.

- The overarching principle of regulatory law that if two sets of regulations might be applicable to a particular use or activity, then the more specific ones should be applied.
- 279. Commercial – Restoration/Enhancement:** The BoCC strongly supports restoration and enhancement efforts aimed at recovery of native salmon stocks in the Puget Sound region and this is reflected in the Program in the definition for ‘in-water finfish aquaculture.
- 280.** Within that definition the County clarifies that any use/development with fish rearing structures in the water that meets the definition of ‘watershed restoration project’ per RCW 89.08.460 is not considered ‘in-water finfish aquaculture’. The County relies on existing statutory definitions for activities that are ‘primarily designed to... enhance the fishery resource available for use by all of the citizens of the state,’ and that are part of an authorized ‘watershed restoration plan’ developed/sponsored by state or federal agencies, tribes, local jurisdictions or conservation districts that has undergone SEPA and public review.
- 281.** Such use/development would be reviewed under the Article 7.7 Restoration provisions and other applicable sections of the Program (e.g. Article 6.1.B No Net Loss and Mitigation), along with SEPA, and require a Hydraulic Project Approval from WDFW.
- 282. Potential Risks:** The Board recognizes many public concerns still exist regarding the risks and potential impacts related to in-water finfish aquaculture, such as:
- Biodeposits – food and feces;
  - Chemical Use - pesticides, pharmaceuticals, etc;
  - Disease - bacteria, viruses;
  - Parasites - sea lice;
  - Escapement - GMOs, breed/compete with natives; and
  - Impacts to Puget Sound – low dissolved oxygen, shellfish beds, forage fish, kelp & eelgrass, mammals, ongoing restoration efforts.
- 283.** That all risks or possible risks related to in-water finfish aquaculture cannot be eliminated or remedied is not sufficient reason to adopt a Master Program which includes a prohibition on in-water finfish aquaculture because such a use is a preferred use in the regulatory scheme established by the SMA.
- 284.** However, County staff has conducted additional review of available technical information and consulted with experts in the fields of fish health, water quality permitting, escapement and genetics, and commercial and enhancement net pen operations.
- 285.** This further consideration of the complex issues related to in-water finfish aquaculture has allowed the County to conclude that such a limited allowance with reliance on the existing regulatory requirements of multiple state and federal agencies is a reasonable and adequate approach to striking a balance between outright prohibition and across the board allowance.
- 286. Compatible Uses:** The new Program prohibits finfish aquaculture in the Shoreline Residential designation as consistent with 1) state guidance to avoid dense residential areas,

- and 2) public sentiment reflected in the County's Comprehensive Plan that net pens are not regarded as a natural resource industry meriting protection as locally significant for long-term commercial/recreational values.
- 287.** The SMP Guidelines at WAC 173-26-211(5)(f) regarding the Shoreline Residential environment designation suggest water-oriented commercial use/development such as finfish aquaculture should be limited in areas intended to accommodate residential development, appurtenant structures, public access and recreational uses. The County considered this guidance in deliberating the issue of visual/aesthetic impacts along with technical information from documents including the *Aquaculture Siting Study* (EDAW/Ecology; 1986) and *Use Conflicts and Floating Aquaculture in Puget Sound* (Boyce/Ecology; 1988).
- 288.** The Jefferson County Comprehensive Plan clearly identifies the importance of natural resource lands (including aquaculture lands) to the rural character and economic vitality of the community and the need for compatibility between natural resources and other adjacent uses. These broad community values are reflected in numerous Land Use and Rural Goals and Policies, including but not limited to LNP 12.2, LNP 13.3, LNP13.4, LNG 19.0, LNG 21.0, and LNP 22.2. There is a common theme that other use/development (such as residential) should accommodate and be adaptive to avoid conflict with natural resource use/development.
- 289.** Although the Growth Management Act does not specifically include aquaculture lands as natural resource lands requiring protection and conservation, Jefferson County elected to do so in recognition of the importance of commercial aquaculture to the local and regional economy. Upland finfish hatcheries and commercial shellfish beds and their upland facilities are designated as Agricultural Lands of Long-Term Commercial Significance.
- 290.** The County's Comprehensive Plan makes clear that the community sees a distinct difference between types of aquaculture use/development with commercial shellfish beds/facilities and upland finfish hatcheries as strongly supported, but not including net pens (in-water finfish aquaculture) in the same category as made evident by Aquaculture Resources Policy NRP 11.6.
- 291.** The new Program requires a visual impacts study by a consultant discussing all variables made part of the approved methodology for such a report, such as those identified by the 1986 Aquaculture Siting Study.
- 292.** The new Program allows aquaculture uses only in appropriate areas in order to ensure no net loss of shoreline ecological resources and to minimize use conflicts that result from incompatible activities in close proximity. This approach will provide appropriate shoreline locations where this intensive industrial/agricultural use can occur while 1) ensuring adequate protection of nearshore habitat such as marine riparian and submerged aquatic vegetation, benthic communities, and migration corridors for endangered salmonids, and 2) minimizing the potential for use conflicts anticipated along most Natural, Conservancy, and Shoreline Residential designated shorelines.

293. The County adopts this SMP pursuant to the general police power granted to it by the State Constitution at Article XI, Section 11.
294. Adoption of this SMP advances and supports the general health, safety and welfare of the citizens of this County.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

**Final Adoption of a Comprehensively Updated Shoreline Master Program (SMP)** -The County Commission adopts the 2013 Shoreline Master Program attached to this Ordinance as **EXHIBIT A** and incorporated herein by reference, subject to the following:

- a. Staff is directed to forward this Ordinance and the attached 2013 Shoreline Master Program to the Department of Ecology (ECY) for their final adoption in accordance with RCW 90.58.090.
- b. The 2013 Shoreline Master Program shall be codified into Title 18 of the Jefferson County Code with the new SMP goals and policies appended to the Jefferson County Comprehensive Plan until which time they can be fully integrated into that document.
- c. The 2013 Shoreline Master Program's effective date is fourteen days from the date of Ecology's written notice of final action to the County indicating the state has approved the Program, as based on the process outlined in RCW 90.58.090.

**Science and Technical Information Considered** - All references listed in **EXHIBIT B** constitute the scientific and technical literature that was submitted, considered, and evaluated by citizens, agencies, tribes, the Planning Commission, Department of Community Development, and the Board of County Commissioners. This scientific literature was synthesized by the Board of County Commissioners and resulted in the goals, policies, shoreline environment designations, and regulations identified in this updated SMP. Exhibit B lists the citations considered, but any conclusions/findings within those cited records were not necessarily incorporated into the SMP. Exhibit B is not an exhaustive list of all sources considered. All sources considered, including public comment letters and other information, are contained in the record maintained by the Jefferson County Department of Community Development.

**Severability** - In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provisions of this ordinance, but this ordinance shall be construed and enforced as if such invalid provision had not been contained therein; PROVIDED, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

**Attachments -**

- Exhibit A** 2013 Shoreline Master Program (including Appendix A. Official Shoreline Map, and Appendix B. JCC 18.22 Critical Areas Ordinance)
- Exhibit B** Bibliography of Scientific and Technical Information Considered
- Exhibit C** August 2006 Consistency Report
- Exhibit D** September 2006 Integration Strategy

**Effective Date** - This ordinance shall be in full force and effect fourteen days from the date of Ecology's written notice of final action to the County indicating the state has approved the Program, as based on the process outlined in RCW 90.58.090.

**APPROVED AND ADOPTED this \_\_\_\_ day of December, 2013.**

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

Seal:

\_\_\_\_\_  
John Austin, Chair

Attest:

\_\_\_\_\_  
Phil Johnson

Carolyn Avery  
Deputy Clerk of the Board

\_\_\_\_\_  
David Sullivan

Approved as to Form Only:

\_\_\_\_\_  
David Alvarez, Chief Civil Deputy Prosecuting Attorney

**List of Exhibits**

<b>Exhibit</b>	<b>Title</b>	<b>Provided</b>
<b>A</b>	2013 Shoreline Master Program, including: Appendix A. Official Shoreline Map; and Appendix B. JCC 18.22 Critical Areas Ordinance	Attached
<b>B</b>	Bibliography of Scientific and Technical Information Considered	Attached
<b>C</b>	August 2006 Consistency Report	Attached in digital format (CD); Also posted online
<b>D</b>	September 2006 Integration Strategy	Attached in digital format (CD); Also posted online