

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners (BoCC)
Mark McCauley, County Administrator

FROM: Josh D. Peters, AICP, Community Development Director

DATE: January 16, 2024

RE: Shoreline Master Program (SMP) workshop

STATEMENT OF ISSUE:

The Board help a public hearing on January 8, 2024 in association with the consideration of proposed amendments to the Jefferson County Shoreline Master Program (SMP) as part of required Periodic Review.

Next steps in the process are this workshop with staff and consultants on January 16, deliberations tentatively scheduled for January 22, and consideration of an ordinance to locally adopt SMP amendments in February.

ANALYSIS:

This process has been underway since 2020. The Board has policy choices to consider with respect to the Planning Commission recommendation and public input. A workshop with staff and consultants will assist in framing issues.

FISCAL IMPACT:

There are budgeted funds for staff time and—to a degree—consultant services associated with this process.

RECOMMENDATION:

Review options. Schedule time for deliberations with the objective of directing staff to draft an adopting ordinance that reflects Board choices.

REVIEWED BY:

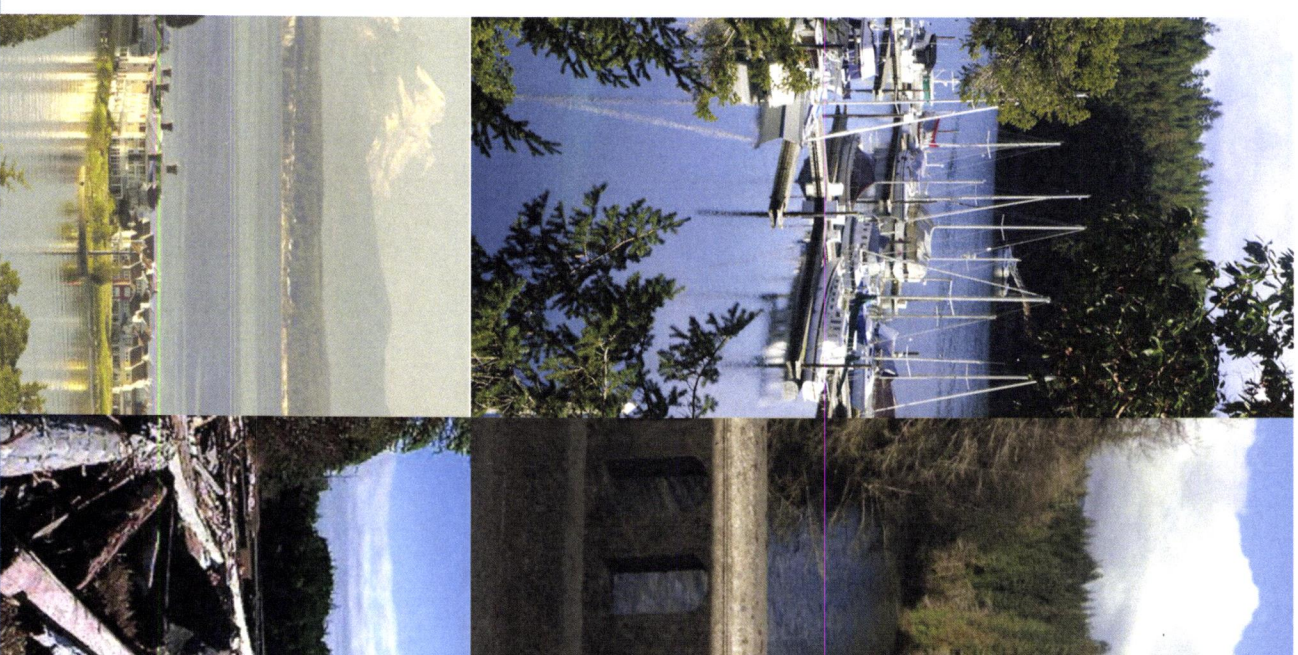

Mark McCauley, County Administrator

1/11/24
Date



SMP Periodic Review

January 16, 2024



BERK

SHANNON & WILSON

Shoreline Exemptions

- Some types of development are exempt from requirements for a substantial development permit. The law ([RCW.90.58.030\(3\)\(e\)](#)) calls out shoreline development and activities that are not considered substantial and therefore are not subject to this specific permit requirement. (Or associated fees.)
 - Effective July 1, 2022, the dollar threshold for **substantial development** permit. The dollar amount is adjusted for inflation by the Office of Financial Management every five years: **substantial development** is \$8,504 ([WSR-22-11-036](#)) (3)(e)(vii)(I).
 - The dollar amount is adjusted for inflation by the Office of Financial Management every five years: adjustment is due July 1, 2027. \$28,000 (RCW 90.58.030(3)(e)(vii)(I)) or \$13,900 for all other docks constructed in fresh waters RCW (3)(e)(vii)(II).
 - The dollar amount is adjusted for inflation by the Office of Financial Management every five years: adjustment is due July 1, 2028.
- Exempt development must still meet SMP policies and regulations.
 - 18.25.550 (2) An exemption from the substantial development permit process is not an exempt development with the Act or this program, or from any other regulatory requirements. To be authorized, all developments must be consistent with the policies and provisions of this program and the Act.

Proposed Pathways on Single Family Homes

Standard

Conforming Lot

Meet Standard Buffer
Marine & River: 150 feet
Lake: 100 feet

Process for reducing/averaging buffer
to 50-75% of standard

Modest Home Provision (Nonconforming Lot)

Non-conforming Lot Depth defined

Buffer reduced to min. necessary and
not less than 30 feet
Building/footprint size retained (2,500
sf house and 1,000 sf driveway)
Not subject to geologic hazards
Enhance 80% of shoreline frontage

Conforming (now Conforming)

Accommodate

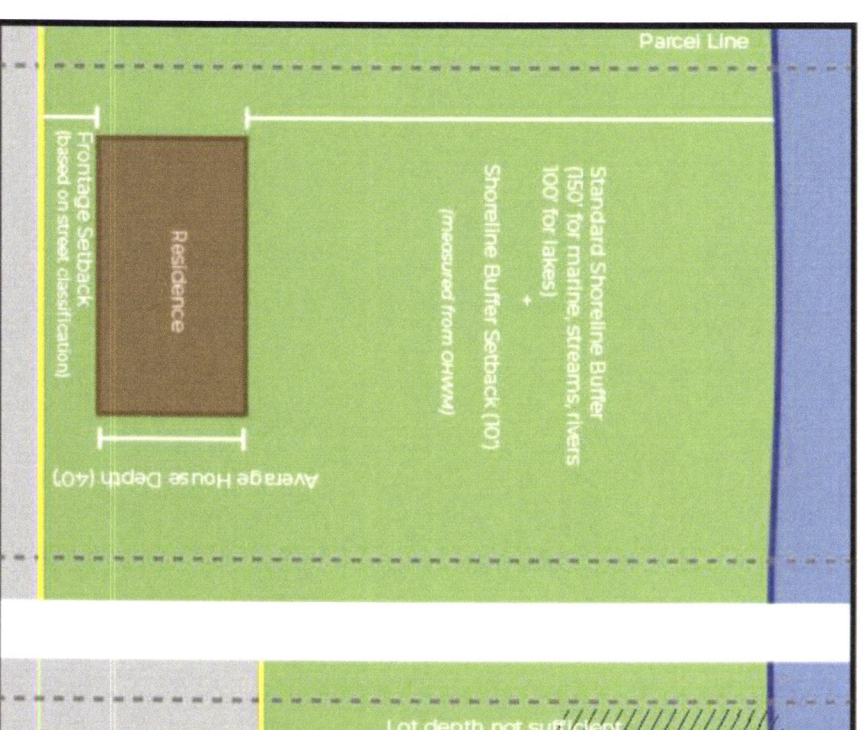
Address particular
homes

Enhance 80%



Modest Home Provisions

- **Purpose**
 - Allow home on lot that is nonconforming in depth to allow reasonable sized home while protecting buffer functions (It could be used by new home or replacement.)
- **Revisions**
 - Clarified that Modest Home is for non-conforming lot and defined dimensions in non-conforming lot definition.
 - An example is: standard marine shoreline buffer 150 feet + shoreline building setback 10 feet + common house depth 40 feet + frontage setback 20 feet = 220 feet.
 - Size of home/driveway retained: 2,500 sf house and 1,000 sf driveway
 - Criteria includes minimizing intrusion and enhancing 80% of shoreline frontage.
 - Added criteria as recommended by Ecology (e.g. no bank).
 - Provide option for applicant to submit a geotechnical report to prove the site is not subject to geologic hazards.



Definition of modest home

Nonconforming Lot Definition

- 1310 |h) "Nonconforming lot" means a legal lot of record in existence prior to the effective date of this
 1311 |program and any amendments thereto, on which it is not possible to construct a primary structure
 1312 |outside of/landward of the standard shoreline buffer or which does not otherwise meet the
 1313 |~~minimum~~ due to insufficient lot size requirements as set forth in this program depth or width. Depth
 1314 |of lot is measured as the distance from ordinary high water mark to the inside edge farthest
 1315 |landward of property line. Where the side property lines are not equal in length, lot depth is
 1316 |calculated as the mean of the frontage setback; those two distances. A non-conforming depth is
 1317 |equal to the sum of:
 1318 |(i) Standard shoreline buffer per JCC 18.25.270(4)(d)
 1319 |(ii) Shoreline building setback per JCC 18.25.300(b)
 1320 |(iii) Common house depth 40 feet
 1321 |(iv) Frontage setback per JCC 18.30.050, Table 6-1
 1322 |An example is: standard marine shoreline buffer 150 feet + shoreline building setback 10 feet +
 1323 |common house depth 40 feet + frontage setback 20 feet = 220 feet.

Criteria

- 2571 (a) Nonconforming lots — Development allowed with
 2572 |single single-family development, either new or repla
 2573 |shoreline jurisdiction that is nonconforming with res
 2574 |allowed encroach into the standard shoreline buffer
 2575 |(i) The lot is nonconforming as defined by this pr
 2576 |of the lot (distance from the ordinary high water
 2577 |setback) is equal to or less than the standard sh
 2578 |dimensions required by subsection JCC 18.25.10
 2579 |(ii) The building area lying landward of the shore
 2580 |setbacks as defined in JCC 18.25.100(x)(iii) is not
 2581 |driveway is not more than 1,100 square feet; a
 2582 |frontage setbacks unless varied under (v) below
 2583 |setback to provide access in a practicable and el
 2584 |entire area that will be disturbed to construct th
 2585 |drainfields), and landscaping; and
 2586 |(iii) All single-family residences approved under
 2587 |common line buffer; and
 2588 |(iv)(iii) Appropriate measures are taken to mitiga
 2589 |impact development measures such as pervious
 2590 |surfaces; and
 2591 |(vi) Opportunities to average or reduce the sta
 2592 |to vary the side yard and/or frontage setbacks a
 2593 |nonconformity when doing so will not create a b
 2594 |inconsistent with this program and Chapter 18.3
 2595 |(vi) The residence is located in the least environ
 2596 |shoreline and any critical areas; and
 2597 |(vii) There is no opportunity to consolidate lots
 2598 |the nonconformity; and
 2599 |(viii) The lot is not subject to geologic hazards; a
 2600 |(ix) All (vii) The lot is not subject to geologic haza
 2601 |demonstrated in a report prepared by a qualifie
 2602 |from nor to increase risk of landslides or erosion
 2603 |marine shoreline at risk for impacts of sea level i
 2604 |(viii) The standard shoreline buffer is reduced by
 2605 |structures are as far landward as possible and no
 2606 |water mark. The standard building setback of JCC
 2607 |and
 2608 |(ix) At least 80 percent of the remaining buffer area
 2609 |and/or critical areas is maintained in a naturally veget
 2610 |enhanced by planting native vegetation per the appli



Modest Home

Commerce [critical areas ordinance guidance](#)

- “A reasonable use is often thought to be a modest single-family adjacent uses, and the size of the property.”
- Other communities address size of modest house and driveways

Bellevue, Lakewood, Mukilteo, and others).



Map of Shoreline Environment Designati

- Primary Source:

<https://gisweb.jeffcowa.us/LandRecords/>

- Also: [Shoreline Master Program Periodic Review](#)

[Story Map](#)



Aquatic and Priority Aquatic

- Priority Aquatic
 - The priority aquatic designation protects to the highest degree possible and, where feasible, restores waters and their underlying bedlands deemed vital for salmon and shellfish.
- Aquatic
 - The aquatic designation protects, manages, and, where feasible, restores lake, stream, and marine waters and their underlying bedlands that are not designated as priority aquatic.
- Mapped during adopted in 2011
- No map change

Cumulative Impacts Analysis

- Prepared in 2009 for full SMP
- CIA Addendum per Ecology
 - Beach Access Structures
 - Nonconforming Lots –
Development Allowed
Without a Variance (Modest
Home Provision)
 - Minor Expansion
Nonconforming
Development
 - Common Line Buffer



Geoduck/Aquaculture and Aesthetics

- SMA approach to geoduck/aquaculture as preferred, water-dependent use and balance with visual impacts clause elsewhere.
- WAC 173-26-221(4)(d)(iv) :
“Where there is an irreconcilable conflict between water-dependent shoreline uses or physical public access and maintenance of views from adjacent properties, the water-dependent uses and physical public access shall have priority, unless there is a compelling reason to the contrary .”

Washington Sea Grant report

- website:

<https://wsg.washington.edu/research/26155-2-10/>

- report:

https://wsg.washington.edu/wp-content/uploads/wp-ordpress/wp-content/uploads/Boggeberg_WSGProgressReport_2020

- Responses were generally regional- and species-specific highlighting how a complex of local environmental conditions, aquaculture type, focal species, and vertical to bivalve aquaculture, can interact to influence the response.
- The habitat function of bivalve aquaculture varies by type, focal species, and regional environmental and conditions.
- Relative to mudflats and eelgrass, species diversity are not change with the presence of aquaculture in Hood increased on aquaculture sites in North Sound, and d aquaculture sites in South Sound.

Appendix

 **HILBERK**

Key Issues

- **Requirements and**

- Engagement**

- Meet Periodic Update Requirements
 - Ecology Required and Recommended Changes
 - SMP Task Force and Public Comments 2020-2023
 - Planning Commission Recommendations 2021-2023

- **Aquatic Uses**

- Aquaculture

- **See following slides**

- Mooring Buoys and Marinas
 - Match federal and state guidelines

- **Buffer Ma**

- **See fo**

- Mo
 - Sta
 - Cor
 - Buf
 - Buf

Aquaculture History

- Task Force stage (2020): changes required to address State
- Planning Commission stage (2021):
 - Received many comments (letters and testimony)
 - Considered approaches from other counties
 - Require standard CUP and incorporate Kitsap County requirements
- Planning Commission stage (2023): Address Ecology commission

Aquaculture - Recent Input

- Supporting aquaculture as a water-dependent industry county while applying appropriate standards for non-shoreline ecological function
- Ensure regulations (e.g. submittal requirements) are geoduck and not unintentionally affecting other aqu
- Support both commercial aquaculture for local food and restoration projects involving aquaculture activiti

Aquaculture Approach

- Apply a mix of standard and discretionary CUPs for new, conversion, depending on shoreline environment designation.
 - Similar to Ecology guidance at time state rules were being developed for aquaculture.
- Create a table of submittal requirements that distinguish different types of aquaculture.
 - Helpful tribal and producer comments.
 - Include aesthetics analysis as a submittal requirement to consider impacts with the allowance that: Applicants may omit information from Tab 3 if it is demonstrably not applicable to a specific aquaculture project.

Common Line Provisions

▪ Purpose

- Accommodate Shoreline Views
- Recognize existing development patterns
- Continue to achieve no-net-loss of shoreline ecological function

▪ Amendments

- Clarify to be for conforming lots with 1 or 2 horizontal
- Shorten distance between proposed and adjacent
- Require applicant to demonstrate buffer average would not provide adequate views and that project is minimum necessary
- Require applicant to provide 80% of remaining vegetation



Next Steps

Jefferson County Board of County Commissioners
Consideration & Approval

- December 2023 – Q1 2024

Washington Department of Ecology

- Standard Process (WAC173-26-100)
- Ecology review process will start with a state comment period, Ecology determining whether to accept the county proposal or require changes