

AGENDA REQUEST

STATEMENT OF ISSUE:

ANALYSIS:

FISCAL IMPACT:

RECOMMENDATION:

REVIEWED BY:

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Jefferson County Shoreline Master Program (SMP) Periodic Review

Summary of Proposed SMP Responses | February 22, 2024

By: BERK Consulting, Inc., Shannon & Wilson, and Jefferson County Department of Community Development

Summary

This document summarizes changes included in the February 16, 2024 draft of proposed amendments that cumulatively address issues addressed through February 5, 2024. These will be reviewed during continued deliberations at the Board meeting on **February 26, 2024**, beginning at 9:30 AM.

- **Proposed SMP amendments** - Planning Commission recommendation with Board direction based on deliberations to date (posted on DCD's [SMP Periodic Review webpage](#) on February 16, 2024)
- **Options discussed by the Board on February 5, 2024** - basis for the changes described in this report

Draft Amendments Responding to Direction through February 5, 2024

Following the February 5, 2024 Board of County Commissioners' session regarding the Shoreline Master Program (SMP) Periodic Review, the Consultants and Staff prepared "progress" amendments to the SMP in addition to the Planning Commission recommendations. This table describes those changes.

Draft Chart of Changes to Planning Commission Recommendation with Board Direction to Date

Topic #	Section	Summary	Notes
1.	Definitions in 18.25.100	Adjustment to reconcile with definitions in the Unified Development Code (JCC 18.10)	See matrix under separate cover dated February 1, 2024. Only changes to JCC 18.25 are under consideration at this time. The disposition of other potential changes under JCC 18.10 could occur in a future docket.
2.	Table 18.25.220	Treat geoduck aquaculture expansions like new geoduck operations.	In addition to modifying the table to match exemptions to new geoduck aquaculture, additional notes are added above the row in the matrix to explain the location of most aquaculture activities. Edits also clearly identify when an upland designation influences the permit type in an aquatic area.
3.	18.25.440 (3)	Aquaculture Shoreline Environment Regulations	Updated text to match use matrix direction.

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4.	18.25.440 (4)(b)	Aquaculture General Regulations – address baseline date for when non-geoduck aquaculture expansions are measured.	Similar to current SMP that identifies a baseline date for meeting the potential to expand by 25%. The operation/cultivation trigger continues to be omitted because (4)(c) provides the triggers for when cultivation and other activities require a permit – this includes changes in use or activity that now interfere with public use of surface waters, involve placement of structures, or add dredge or fill. A fifth trigger was added as (4)(c)(v) based on conditions of approval or permit revision criteria in WAC 173-27-100 or this SMP (18.25.770).
5.	18.25.440 (7)	Preamble to Table 18.25.440 – Applications Requirements by Aquaculture Type	Jefferson County may include information contained in the application as conditions of the project.
6.	Table 18.25.440	Recognize industry best management practices (BMPs) in submittal requirements.	If the applicant will be implementing industry BMPs, those shall be included in the application. The Pacific Coast Shellfish Growers Association (PCSGA), for example, has an Environmental Code of Practices that is available to members. The Washington Department of Natural Resources (DNR) also has a list of BMPs for geoduck aquaculture that is conducted on state-owned aquatic lands.
7.	Table 18.25.440	Add application requirement to describe how prevention of marine debris accumulation would be addressed.	Add a specific regulation to the application requirements that is similar to provision included in Clallam County's SMP.
8.	Table 18.25.440	Add requirement to submit any existing permits in effect at the time of application. Any permits issued during the County's review shall also be provided upon receipt.	This will support County's review and appropriate conditioning of projects, and may support evaluation of cumulative effects.

Other Public Comments

During the public comment period of the Board's February 20, 2024 meeting, a pair of issues were raised that merit clarification:

1. **Contention:** Shoreline armoring and other impactful uses require less process and/or simpler permits than aquaculture. To clarify, the Shoreline Management Act (SMA) contains a shoreline permit exemption (since the original act adopted 1970-71) for shoreline armoring to protect single-family residences. Since then, the WAC has changed to integrate habitat protection more firmly into review of shoreline armoring proposals (even though the SMA exemption has not changed). Our existing and proposed SMP includes standard updates to the shoreline armoring regulations per Ecology, with a focus on the evaluation of non-structural means before structural means and provision of geotechnical analysis (see page 134 of 241, for example). Even for exempt shoreline armoring, compliance with Ecology's very prescriptive shoreline armoring regulations as incorporated into the SMP is required.
2. *Requiring a Conditional Use Permit (CUP) for new geoduck aquaculture is burdensome:* As explained in [a comment summary to the Planning Commission dated October 16, 2023](#), the Washington Administrative Code (WAC) was changed in 2011 to require a shoreline CUP for new geoduck aquaculture. (See WAC 173-26-241(3)(b)(iv).) That same WAC provides discretion to local government on the permit type (and, by extension, process) for conversion. Finally, the WAC is silent on whether expansion is "new" or not. The type of process to get to a shoreline CUP is at the County's discretion, per discussion and deliberations.