

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

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

DATE: December 11, 2023

SUBJECT: Briefing on Shoreline Master Program (SMP) Periodic Review
Transmittal of Planning Commission Recommendation

STATEMENT OF ISSUE:

Jefferson County has been working on an SMP Periodic Update, as required by the state Shoreline Management Act (SMA). The attached joint staff report from our SMP consultants and Department of Community Development (DCD) staff provides background on this process and lists attached documents and referenced background information stored elsewhere (i.e., through the SMP project webpage or within the Planning Commission directory in Laserfiche). Hyperlinks are provided in the staff report.

This briefing includes transmittal of the Planning Commission recommendation for SMP amendments, as described in the attached letter signed by the Planning Commission Chair. A majority of the Planning Commission reached a recommendation on November 15, 2023 following a duly-noticed public hearing on October 4, 2023.

Following a presentation from DCD staff and our SMP consultants at this briefing, along with potential Planning Commission statements concerning the Planning Commission recommendation, the decision before the Board is between the following options:

1. Accept the Planning Commission recommendation, forgoing a public hearing before the Board.
2. Schedule a public hearing before the Board.

After any questions that the Board may have following the presentation(s), staff recommends the following process: make a motion regarding one of those options, accept public comment, then act on the motion.

Note: You may wish to emphasize before the regular 9:00 AM public comment period that SMP-related comments will be accepted during the 10:30 AM SMP briefing, following the staff presentation and once a motion is under consideration.

ANALYSIS:

State adoption process

Regardless of whether the Board holds its own public hearing or not, once the Board adopts amendments to the SMP at a later meeting through ordinance, staff and consultants will coordinate completion of supporting documentation, then forward the package to the Washington State Department of Ecology for review. Pursuant to the SMA, Ecology has the final authority to approve local government SMPs or require

changes. Ecology will arrange for a written public comment period before taking final action on Jefferson County's SMP.

The choice for the Board is between moving the Planning Commission-recommended proposal to Ecology in the immediate future (through ordinance adoption, tentatively scheduled for January 2) or postponing that action until a public hearing is scheduled and held (tentatively scheduled for January 8), followed by Board deliberation (tentatively scheduled for January 16), and, finally, ordinance adoption based on Board decision.

Depending upon the nature of the set of SMP amendments adopted by the Board, staff and consultants may need to update/modify supporting materials—such as the Cumulative Impacts Analysis—before submitting the complete package to Ecology.

FISCAL IMPACT:

DCD has budgeted for this activity, irrespective of the Board decision to hold a public hearing. Long-Range Planning is paid for through the General Fund. (Ecology provided grant funds for this process, yet those funds were expended at the end of the last state fiscal biennium.) If the Board chooses to send SMP amendments recommended by the Planning Commission to Ecology, there would be a smaller expenditure for consultant assistance and less staff time needed. That said, staff considers the difference unsubstantial considering the relative importance of the SMP Periodic Review process.

RECOMMENDATION:

Staff requests that the Board, at the appropriate time in the briefing, make a motion for *one* of the following options:

1. Accept the Planning Commission recommendation.
2. Schedule a public hearing before the Board.

REVIEWED BY:


Mark McCauley, County Administrator

12/5/23
Date



Jefferson County Shoreline Master Program Periodic Review

Staff Report | December 7, 2023

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

Meeting

Board of County Commissioners Briefing:

- December 11, 2023, 10:30 AM
- <https://www.co.jefferson.wa.us/492/Board-of-County-Commissioners>

Purpose

Jefferson County is undertaking a periodic review of its Shoreline Master Program (SMP; Chapter 18.25 Jefferson County Code), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other Jefferson County plans and regulations, and is responsive to changed circumstances, new information, and improved data.

Review Process

2020-2022 – Development of Periodic Update Proposals and Ecology Review

A 30-day Joint Review with Jefferson County Planning Commission & Washington Department of Ecology was held May 17-June 16, 2021. A Planning Commission Public Hearing was held on June 16, 2021. After the public hearing, the Planning Commission deliberated at several sessions and made recommendations regarding the SMP Periodic Update in October 2021. On September 30, 2022, Ecology transmitted its Initial Determination of Consistency on the Draft Jefferson County SMP just about a year after the submittal of the Planning Commission recommendations.

2023 Grant Support and SMP Revisions

In Spring 2023, Jefferson County secured some grant funds to help support completion of the SMP Update process. The Planning Commission reviewed Ecology's comments and discussed key issues and potential options at meetings on June 7, June 29, and August 2, 2023.

A set of revisions was incorporated into a Hearing Draft, which was published on September 20, 2023. Public comments were solicited through October 4, 2023.

Following the Planning Commission hearing and deliberations through November 15, 2023, the recommendations are now forwarded to the Board of County Commissioners for consideration.

The County intends to complete the SMP Periodic Update by early 2024 following the Board's consideration. The revised amendments would then go to Ecology, which will hold its own comment period and consider the amendments as an approving agency per the SMA.

Materials

This report transmits several elements of the proposal or process. See also: [SMP Periodic Review webpage](#).

Attached for December 11 briefing

1. [Planning Commission recommendation transmittal letter](#), signed December 5, 2023.
2. [Staff report for November 15, 2023 Planning Commission meeting along with notations for results of Planning Commission motions on specific SMP issues/sections](#).
3. [Summary of written comments](#) submitted during the September 20 through October 4, 2023 comment period.
4. **[SMP with proposed amendments shown in Track Changes format](#)**, including margin annotations.
5. [Corresponding Jefferson County Code \(JCC\) 18.40 Amendment – Permit Type](#) – Proposed amendments to JCC 18.40.040 that change shoreline substantial development permits (SDPs) under the SMP from a Type III permit decision to a Type II permit decision.

Referenced with hyperlinks/file storage information

6. [SMP clean version with proposed amendments included](#) (i.e., what the language will be if and when amendments are adopted).
7. SMP Periodic Review Checklist – Tool for cities and counties subject to the SMA to ensure their SMP complies with current state laws, rules, and guidance and is consistent with the local comprehensive plan and development regulations. The [June 30, 2023 Periodic Checklist](#) and [Ocean Management Checklist](#) will be updated prior to Ecology submittal; the checklists are largely still applicable.
8. Initial Determination of Consistency Matrix – Set of required and recommended changes from Department of Ecology's review of previous SMP update draft. The June 30, 2023 copy of [Ecology's comments with consultant notes](#) will be updated prior to Ecology submittal. The responses are largely still applicable.
9. State Environmental Policy Act (SEPA) [Checklist issued September 20, 2023](#) for the SMP Proposals evaluated with the Planning Commission hearing draft.
10. [Cumulative Impacts Analysis \(CIA\) – Addendum](#) to 2009 CIA based on 2023 proposal. This will be finalized based on the Planning Commission recommendations after the Board's consideration.
11. Complete set of written comments submitted during the September 20 through October 4 comment period. [\[34 MB PDF file stored on Laserfiche.\]](#)
12. [Correspondence to the Planning Commission](#) after the comment period closed on October 4, 2023.
13. Planning Commission meeting minutes for October 4, 2023, at which time a public hearing was held on proposed SMP amendments ([found here on Laserfiche](#) within October 18, 2023 agenda packet folder).
14. Select Planning Commission packet information, including staff reports and presentations from DCD and consultants concerning aspects of the SMP Periodic Review:
 - Agenda Packets: June 29, August 2, October 4, October 18, November 1, and November 15 meetings (agenda packet folders [found here on Laserfiche](#) by meeting date).



JEFFERSON COUNTY
PLANNING COMMISSION

621 Sheridan Street | Port Townsend, WA 98368
360-379-4450 | email: PlanComm@co.jefferson.wa.us
www.co.jefferson.wa.us/580/Planning-Commission

December 5, 2023

Jefferson County Board of Commissioners
PO Box 1220
Port Townsend, WA 98368

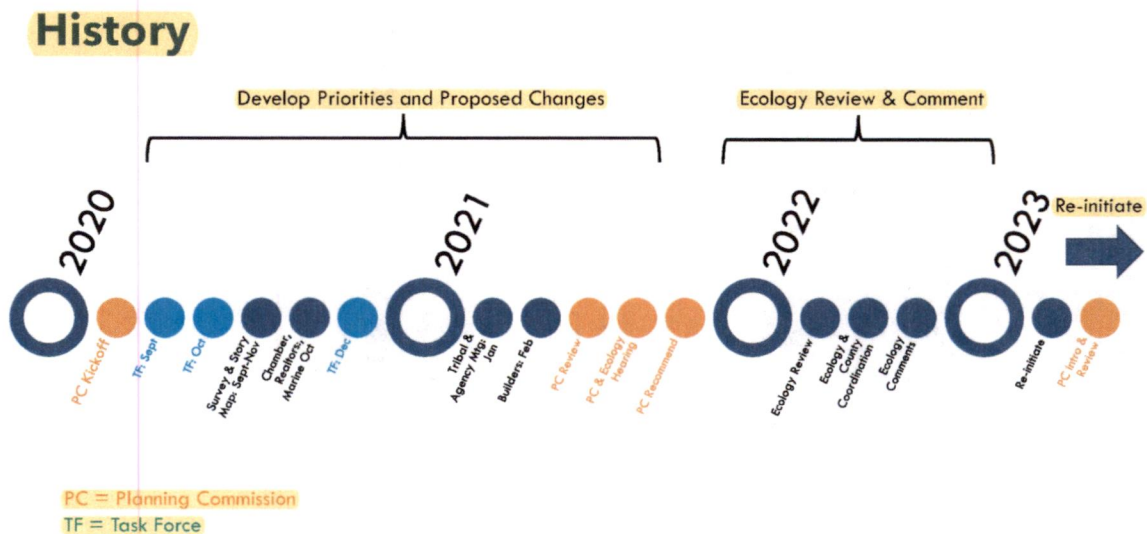
Re: Planning Commission Recommendation for Shoreline Master Program Periodic Review

Dear County Commissioners:

The Jefferson County Planning Commission is pleased to forward the following findings and recommendations regarding periodic review of the county's Shoreline Master Program (SMP). We provide these recommendations for consideration in your final deliberations regarding the proposed SMP amendments.

Planning Commission Review: All proposed amendments to the Comprehensive Plan and associated development regulations, including the SMP, are assessed by the Planning Commission, which makes a recommendation to the Board of County Commissioners (BoCC) after holding at least one open record public hearing.

Periodic Review of the SMP began in the 2019-2021, continued through the 2021-2013 biennium, and extended into the current 2023-2025 biennium. See the image below, created by BERK Consulting, for a graphic representation of the planning process to date.



Starting in June 2023, the Planning Commission held a series of meetings that included the SMP Periodic Review on the agenda. These meetings included staff reports and presentations from the Department of Community Development (DCD) and consultants, as well as public comment and Planning Commission discussion. On September 20, DCD initiated a duly-noticed formal public comment period that lasted to midnight on October 4, 2023. During the Planning Commission meeting on October 4, the Planning Commission held a public hearing on proposed amendments as published on September 20. During our meeting on October 18, we deliberated on the proposal, using the staff report from DCD and the consultants as a guide. At the conclusion of that meeting, we agreed in principle to a recommendation and requested that staff prepare complete versions of the proposed SMP update, including a Track Changes version and a clean version with all changes accepted. However, at our November 1 meeting, we were unable to reach a recommendation on a full SMP amendment proposal supported by a majority of the Planning Commission. Subsequently, DCD staff and consultants prepared a memorandum that included 2-3 options for us to decide among for remaining, unresolved issues. At our November 15 meeting, we voted on each of those issues and, ultimately, reached a recommendation for a complete set of SMP amendments by a vote of seven (7) for and one (1) against, with one (1) abstention. The staff memorandum has since been updated to include the results of each issue vote, for your consideration.

Planning Commission Findings: Pursuant to Jefferson County Code (JCC) 18.45.090, when making a recommendation to the Board of County Commissioners (BoCC) that involves amendments to the county's development regulation, the Planning Commission considers the criteria set forth in JCC 18.45.080(1)(b) and (c), as applicable.¹

JCC 18.45.080(1)(b)

(i) Whether 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;

Planning Commission Finding: This criterion does not apply to an SMP periodic review required by the Washington State Shoreline Management Act (SMA) and associated Washington Administrative Code (WAC). That said, circumstances have not changed significantly since the 2018 Comprehensive Plan periodic review.

(ii) Whether the assumptions upon which the Jefferson County Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the Jefferson County Comprehensive Plan; and

Planning Commission Finding: This criterion does not apply to an SMP periodic review required by the SMA and associated WAC. That said, circumstances have not changed significantly since the 2018 Comprehensive Plan periodic review.

(iii) Whether the proposed amendment reflects current widely held values of the residents of Jefferson County.

Planning Commission Finding: The importance of the county's SMP is recognized in the Jefferson County Comprehensive Plan. We believe that the widely held values of the residents of Jefferson

¹ Notwithstanding the reference in 18.45.080(1)(b), the growth management indicators set forth in JCC 18.45.050 are not applicable to an SMP periodic review required by the Washington State Shoreline Management Act.

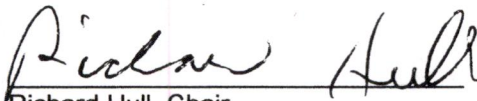
County include complying with the SMA and keeping the county's SMP up-to-date. The depth of public comment received during this planning process demonstrates the level of interest in the community. That said, there are differences of opinion for addressing a number of policy questions. We believe that the proposed SMP amendments as recommended by the Planning Commission reflect widely held values of the residents of Jefferson County.

Planning Commission Recommendation: The Planning Commission hereby transmits a recommendation to the BoCC for adoption of amendments to the SMP as a result of SMA-required Period Review.

The Planning Commission wishes to commend the Department of Ecology, the BoCC, the SMP Task Force, DCD staff, the consultants (BERK Consulting and Shannon & Wilson), stakeholders, and the public for their contributions to this process.

Our understanding is that staff will transmit an annotated line-in/line-out version of the SMP that reflects our amendment recommendations, along with the aforementioned "results memo" from our November 15, 2023 meeting and other supporting information.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Richard Hull", is written over a horizontal line.

Richard Hull, Chair
Jefferson County Planning Commission



Jefferson County Shoreline Master Program Periodic Review

Staff Report | November 10, 2023

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

Meeting Date

- **Location:** Tri-Area Community Center, 10 W Valley Rd Chimacum, WA 98325
- **Hybrid Meeting Zoom Option:** Zoom Meeting: Meeting ID: 886 7104 7253 Passcode: 894561
<https://us02web.zoom.us/j/88671047253?pwd=OU8vTWZGWTVRRGNRVEQ1c2k0WDVadz09>
- **Date and Time:** Wednesday, November 15, 2023, 5:30 PM

Key Topics and Options

Staff and consultants prepared a compete Shoreline Master Program (SMP) proposal (posted October 27, 2023) based on Planning Commission deliberation at its October 18, 2023 meeting. The October 27, 2023 material was discussed at the November 1, 2023 Planning Commission meeting, but the Planning Commission could not complete a recommendation. Links to those materials appear below:

- [2023 11 01 Track Changes Draft SMP - PC Recommendation](#)
- [2023 11 01 Clean Draft SMP - PC Recommendation](#)

The County Administrator, in consultation with the Chair of the Board of County Commissioners with respect to the Board's calendar, requested that the Planning Commission use its November 15, 2023 meeting to reach a recommendation. The topics that have generated discussion – geoduck aquaculture and marine shoreline buffer/setback provisions – are addressed in the table below (as well as errata noticed during Planning Commission review). The context of the comments and potential options are provided. The final column is blank and would be filled in per actions taken by the Planning Commission at its November 15 meeting.

Exhibit 1. Potential Options to Amend the 11/1/2023 Draft SMP with Planning Commission Recommendations

Topic	Context: State Rules, Comments	Options	Commission Recommendation 11/15/23
Conditional Use Permit – Geoduck Operations	- WAC 173-26-241(3)(b)(iv) – CUP required for new geoduck operations. Optional for conversions. Silent on expansions. - Shine Residents: Make all geoduck standard CUP. Expansions are like new proposals. - Producers: Do not use standard CUP. Upland environment designations should not direct form of permitting for tidelands. Historic or ongoing farms should not require permits.	- Maintain approach in 11/1/23 draft with a mix of standard and discretionary CUPs for new, conversion, or expansions depending on shoreline environment designation. - Maintain approach in 11/1/23 draft EXCEPT treat expansions like new geoduck operations. - Treat all geoduck aquaculture with standard CUP.	Option 1: 5 yea, 4 nay; motion passes Option 3: 4 yea, 5 nay; motion fails Amend line 4580 and 4585 (re: upland regulations) to match 4591: 8 yea, 0 nay, 1 abstention; motion passes
Geoduck – Aesthetics Standard	- WAC 173-26-241(3)(b)(C) says: “Aquacultural facilities should be designed and located so as not to spread disease to native aquatic life, establish new nonnative species which cause significant ecological impacts, <u>or significantly impact the aesthetic qualities of the shoreline.</u> (emphasis added) - Producers: Remove visual analysis requirements. Priority is on water-dependent uses over aesthetics analysis when there is a conflict according to WAC 173-26-221(4)(d)(iv), which says: “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.”	- Maintain approach in 11/1/23 draft with aesthetics analysis as a submittal requirement with the allowance that: Applicants may omit information from Table 18.22.400 that is demonstrably not applicable to a specific aquaculture proposal. An aesthetics analysis would be an important tool to determine first if there are conflicts, and second if and how they could be reconciled. - Remove submittal requirement for aesthetics analysis, but retain a performance standard that the geoduck aquaculture not significantly impact the aesthetic qualities of the shoreline.¹	Option 1: 7 yea, 0 nay, 2 abstentions; motion passes

¹ Remove Row (d) Visual Analysis in Table 18.25.440. Amend 18.25.440(6)(a) with the addition of another CUP criteria of approval (vi): The county shall review the considerations listed in WAC 173-26-241(3)(b)(i)(C) regarding ecological functions, design and location impacting ecology or aesthetic qualities of the shoreline, and requirements for mitigation of impacts to ecological functions.

Topic	Context: State Rules, Comments	Options	Commission Recommendation 11/15/23
Common Line Provisions	- Ecology – clarify use and avoid overlap of modest home and common line provisions. See Initial Determination. - WDFW – concerned with buffer width and code allowances for encroachment. - SMP 9/20/23 hearing draft included Option A removing common line and Option B to amend common line to be distinct and apply to conforming lots only. See 7/28/23 memo by Shannon & Wilson for more information on the Common Line Provision, included in the 8/2/23 meeting packet.	- Maintain approach in 11/1/23 draft (Option A). - Maintain approach in 11/1/23 draft but amend modest home criteria 18.25.270(5)(a)(viii) to address common line as a factor in setting the allowed buffer reduction provided other enhancement requirements apply.² - Implement Option B like in hearing draft, which allows common line with conforming lots whereas modest home is for non-conforming lots.	Option 3: 7 yea, 0 nay, 2 abstentions; motion passes

² **MODEST HOME – Criteria 18.25.270(5)(a)(viii):** The standard shoreline buffer is reduced by the minimum necessary to ensure that all structures are as far landward as possible and not closer than the greater of either the average of the nearest abutting residential structures per subsection 18.25.270(5)(b) common line, or 30 feet from the ordinary high water mark. The standard building setback of JCC 18.25.300 still applies to the reduced buffer; and ***

Retain portions of: 18.25.270 (5)(b) NONCONFORMING LOTS – COMMON LINE BUFFER to set the buffer distance on MODEST HOME lots per Criteria

18.25.270(5)(a)(viii): For the purpose of accommodating shoreline views on properties subject to modest home provisions in subsection (5)(a)(viii) to be adequate and comparable to adjacent residences, but not necessarily equivalent, the administrator may reduce the standard buffer for a new single-family residence on nonconforming lots consistent with the following criteria:

(i) The proposed residence must be located within 300-150 feet of an adjacent legally established single-family residential primary structure constructed prior to adoption of this program that encroaches on the standard buffer. The mere presence of nearby shacks, sheds or dilapidated buildings does not constitute the existence of a residence, nor can such structures be used to determine a common line buffer. The nearest corners of the adjacent residences are those closest to the side-yard property line of the proposed residence.

(ii) Existing Homes on Both Sides. Where there are existing residences adjacent on both sides of the proposed residence, the modest home provisions common line buffer shall be determined as the greater of either (A) a common line drawn between the nearest corners of each adjacent residence (see Figure 18.25.270(1)), or (B) a common line calculated by the average of both adjacent residences' existing setbacks (i.e., $(y+z)/2=x$ buffer; see Figure 18.25.270(2)).

(iii) Existing Home on One Side. Where there is only one existing residence adjacent to the proposed residence, the modest home provisions common line buffer shall be determined as the greater of either (A) a common line drawn between nearest corner of the foundation for the adjacent residence and the nearest point of the standard buffer on the adjacent vacant lot (see Figure 18.25.270(3)), or (B) a common line calculated by the average of the adjacent residence's setback and the standard buffer for the adjacent vacant lot (i.e., $(y+z)/2=x$ buffer; see Figure 18.25.270(4)).

(iv) Figures 18.25.270(1) through (4) illustrate examples of the common line buffer allowance. When discrepancy between the text and the graphic exists, the text shall govern. Graphics are for illustration only; buffer shall be measured perpendicularly from the ordinary high water mark as per this section. **Figures 18.25.270(1) – (4) *****

Topic	Context: State Rules, Comments	Options	Commission Recommendation 11/15/23
Clarify standard buffer reduction	▪ Add 50% threshold maximum percent reduction as a result of special report to support no-net-loss of shoreline ecological function. Otherwise, a variance applies.	1. Maintain approach in 11/1/23 draft. 2. Clarify that a 25% reduction of the standard buffer is the standard per the critical area regulations and 50% is a maximum if preparing a special report.³	Option 2: 6 yea, 0 nay, 3 abstentions; motion passes
Errata	▪ Clean up errata.	1. 11/1/23 clean copy: Lines 399 to 419 appear to not be in alphabetical order. 2. 11/1/23 clean copy: On line 6037 the symbol for European currency “€” is used instead of “th” to make the word “that”.	Consensus approval; no need for motion

* Motion to approve proposed amendments to 11/1 SMP version with changes per above: 7 yea, 1 nay, 1 abstention; passes

³ (ii) Buffer Reduction or Averaging. Proposals that request a decrease in the standard shoreline buffer of this program shall not require a shoreline variance if all of the shoreline critical area approval criteria in JCC 18.22.640(1) and (2) are met, with the addition of a 50% maximum buffer reduction in JCC 18.22.640(1)(b) when a special report is prepared by a qualified professional. All other shoreline buffer reduction or shoreline buffer averaging proposals shall require a shoreline variance.



Jefferson County Shoreline Master Program Periodic Review

Staff Report | October 16, 2023

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

Meeting Date

- **Location:** Tri-Area Community Center, Library Room, 10 W Valley Rd Chimacum, WA 98325
- **Hybrid Meeting Zoom Option:** Zoom Meeting: Meeting ID: 886 7104 7253 Passcode: 894561
<https://us02web.zoom.us/j/88671047253?pwd=OU8vTWZGWTVRRGNRVEQ1c2k0WDVadz09>
- **Time and Date:** October 18, 2023, 5:30 PM

Summary

The Planning Commission held a hearing on October 4, 2023, which was noticed on September 20, 2023. The Commission received 23 written comments during the comment period.

- Written public comment received from September 20 through October 4 has been compiled into one PDF file (34 MB), [found here on Laserfiche](#).

Several commenters also testified orally at the hearing, and the recording is available on Laserfiche. The persons or agencies below with asterisks also submitted written comments.

- 1) Neil Harrington – Jamestown S’Klallam Tribe*
- 2) Bernadette Olson – Hood Canal Environmental Council*
- 3) Gordon King – Port Townsend resident*
- 4) Marilyn Showalter – Shine resident*
- 5) Darlene Schanfald – Sequim resident
- 6) Kim Thompson – Pacific Coast Shellfish Growers Association (PCSGA)*
- 7) Sue Corbett – Shine resident*
- 8) Jan Wold – Jefferson County resident*
- 9) Steve Dittmar – Port Ludlow resident*
- 10) Anne Dutton – Port Ludlow resident

This document summarizes the comments and provides responses or options to address the comments. It is anticipated that the Planning Commission will deliberate and decide on specific SMP provisions during the October 18 meeting, which would result in changes to the September 20 hearing draft of the SMP proposal. Following Planning Commission deliberation, staff would coordinate with BERK Consulting to prepare a revised draft SMP that reflects Planning Commission recommendations. The revised draft would be presented to the Planning Commission for confirmation of the changes and a formal vote on the proposal, an action anticipated for the November 1, 2023 meeting.

Following the Planning Commission deliberations, the recommendations would be forwarded to the Board of County Commissioners for consideration. The County intends to complete the SMP Periodic Update by December 2023. The revised amendments would then go to Ecology, which will hold its own comment period and consider the amendments as the approving agency per the Shoreline Management Act.

Table 1. Comment Summary and Response Matrix

Number	Commenter	Topic	Response or Options
Letters			
1	Val and Donn Martinson	Require CUP for new Geoduck Operations and/or any shellfish operation	Response: The WAC rules require new geoduck operations to have a shoreline conditional use permit (CUP). ¹ Per the WAC rules, if there is a conversion, the requirement for a conditional use permit is at the discretion of local government. Options for conversions or expansions are under review per below.
2	Nezam Tooloee	Support of adopting the standard CUP process for new geoduck operations.	Response: See response to Comment 1.
3	Taylor Shellfish Company, Inc., by Plauché & Carr LLP (Jesse DeNike)		
3-1		Shellfish Farming Provides Important Benefits to Jefferson County.	Response: Agreed. Aquaculture including shellfish farming is important to Jefferson County.

¹ 173-26-241 (3) (b)(iv)

(A) Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of local government.

(B) All subsequent cycles of planting and harvest shall not require a new conditional use permit.

(C) Conditional use permits must take into account that commercial geoduck operators have a right to harvest geoduck once planted.

(D) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the same shoreline permitting jurisdiction.

Number	Commenter	Topic	Response or Options
3-2		Provisions must be consistent with state law and supported by scientific and technical information.	Response: Agreed. However, state law does not prevent the County from making its own determinations about the level of review a project receives. Available scientific/technical information also does not preclude the County from being specific about the types of information needed to evaluate a proposal's consistency with the Shoreline Management Act and the Shoreline Master Program.
3-3		Changes to SMP were based on comments after comment period and about a poorly managed farm that is not following laws.	Response: See link . The comment matrix submitted to Ecology on October 1, 2021, included comments from the public during the comment period and the hearing that addressed aquaculture standards and permitting. One letter post-hearing was a concern about what had been presented at the hearing, but was not a new topic.
3-4		The County should revert back to the proposed amendments that were proposed in May 2021.	Response: The amendments proposed in May 2021 reflected Task Force input, but did not yet reflect comments from the public or Planning Commission.
3-5		County has imposed the burden on shellfish farmers to demonstrate why any objectionable proposed revisions should be removed. The County should demonstrate that new aquaculture restrictions are supported by scientific and technical information and support water-dependent use of statewide interest.	Proposed Changes: See the attached potential amendments that would identify minimum standards with the ability for the Administrator to request additional information if needed, rather than listing requirements that then can be waived.

Number	Commenter	Topic	Response or Options
3-6		18.25.220, Table 18.25.220: The County's original proposal to require a discretionary CUP for new geoduck aquaculture aligns with state law, WAC 173-26-241(3)(b), and provides the County with the ability to require heightened review by the Hearing Examiner on a case-specific basis when warranted. The proposal to require a standard CUP for new, expanded, and converted geoduck is scientifically unsupported and will inappropriately hamper this use by imposing unnecessary permitting costs and delays on project proponents. The County should revert to its original proposal to require a discretionary CUP for new geoduck aquaculture.	Proposed Changes: The law requires a CUP for new geoduck aquaculture and leaves it to County discretion whether or not to require a CUP for conversion. The WAC leaves the mechanics of local government's CUP review and approval process to the local governments, many of which require a public hearing for all CUPs. The decision about whether or not to require a hearing is not based on scientific merit, but on weighing by local government of other factors, such as level of community interest or potential for controversy, and/or degree of local government expertise in a particular subject. The state review criteria for CUPs are based on multiple factors, the natural environment comprising one of them. See response to comment 3-7, regarding the approach to standard and discretionary CUPs.
3-7		18.25.440(3): The County is proposing to further amend the designation-specific regulations to specify that new geoduck aquaculture requires a standard CUP. The County should instead require a discretionary CUP.	Proposed Changes: See response to comment 3-6 above. Based on WAC rules, and extensive public and producer comments, the County is now proposing to require a hearing (standard CUP) for new geoduck aquaculture in priority aquatic, aquatic, and natural environments, with a hearing required at the County's discretion for new operations in other environments. For expansions and conversions, standard CUPs would be required in the priority aquatic and natural environments, and others would be subject to discretionary CUPs. This would match the approach of using SMP environment designations to identify areas where geoduck aquaculture would be allowed, particularly the different aquatic environments. See 2009 Shellfish Aquaculture Regulatory Committee Recommendations.

Number	Commenter	Topic	Response or Options
3-8		18.25.440(4)(b): The County first proposed to clarify a calculation for triggering a new permit but is now proposing extensive additional restrictions and permitting requirements for expansions. The County is also proposing new restrictions and permitting requirements for the cultivation of new species. These proposed revisions should be removed, and JCC 18.25.440(4)(b) should either remain unchanged or, at most, the limited clarification proposed in the May 2021 draft should be advanced.	Proposed Changes: See response 3-7 regarding changes to the standard and discretionary CUPs varying by shoreline environment designation based on the 2009 Shellfish Aquaculture Regulatory Committee Recommendations. The proposed revisions included in the hearing draft SMP related to cultivation of new species only added a new requirement for cultivation of “<i>non-native species not previously cultivated in the state of Washington.</i>” A requirement for added monitoring and adaptive management is appropriate in that circumstance, considering the harm that can be done by escaped non-native species.
3-9		18.25.440(4)(e)(v): The County appears to be proposing changes to the height of floating or hanging aquaculture structures and associated equipment, although given inconsistencies with the proposed language, the precise changes are unclear. Taylor Shellfish supports amendments that are required to align this code section with the WAC, although no such amendments appear necessary.	Proposed Changes: The changes proposed to (4)(e)(v) are intended to increase both clarity and flexibility in better implementing the WAC requirement to prevent significant impacts to “the aesthetic qualities of the shoreline” (WAC 173-26-241(3)(b)(i)(C)). We will re-examine the language to attempt to identify and correct any inconsistencies.
3-10		18.25.440(4)(e)(vii): The County is proposing to add a reference to “other water dependent uses” in this section. Revise per letter; includes revising this code section to include the “significantly conflict” standard in compliance with the Guidelines in lieu of the undefined and potentially confusing “materially interfere with” standard.	Proposed Changes: This change will be made as requested for consistency with language used in WAC 173-26-241(3)(b)(i)(C).

Number	Commenter	Topic	Response or Options
3-11		18.25.440(4)(e)(vii) The County is proposing numerous new requirements and restrictions related to gear use. As discussed above, Taylor Shellfish understands and appreciates the need to use appropriate gear, effective secure gear, and perform routine maintenance. Shellfish farmers are already required to follow these practices through federal permitting conditions, and the current SMP already requires operators to comply with such requirements. That said, Taylor Shellfish does not object to the new, proposed requirements in subparagraphs (B), (D), and (F) of this section. And, while most gear should use colors to blend with the natural environment, as set forth in (C), there may be some instances in which it is desirable to have gear more noticeable, so this should not be a universal requirement. And, while Taylor Shellfish agrees that gear that does become loose should be promptly retrieved, the remaining language in subparagraph (E) is inflammatory and unsupported, and it should be removed. The new, introductory language to this section, stating these measures are needed to limit ecological and aesthetic impacts from predator control measures, is not properly supported and serves no function; it should be removed as well.	Proposed Changes: [This is referring to 18.25.440(4)(e)(xii)] (C) is proposed to be modified to allow other colors to be used if required by other agencies or the Administrator to be more visible to provide other benefits, such as to support public safety, navigation, and necessary operation and maintenance. Changes to (B) and the original (E) and (F) intended to be included in the Hearing draft in response to an earlier Jamestown S'Klallam Tribe letter were incorrectly transferred (the first letter E in the hearing draft was inserted out of order and intended to replace the second letter E), and similar edits are made to the updated draft (see Attachment A). Additional edits are proposed to (xii) in response to this comment to further remove language that highlights potential effects.

Number	Commenter	Topic	Response or Options
3-12		8.25.440(4)(e)(xvi)- (xviii) The County is proposing new regulations addressing the use of equipment (xvi), accumulation of garbage (xvii), and complying with Coast Guard requirements. Taylor Shellfish supports the appropriate use of gear and management of sites so that they do not accumulate garbage or waste. Therefore, while Taylor Shellfish disagrees with the County's rationale for adding these provisions—relocating from the finfish section and incorporating Kitsap County SMP requirement—Taylor does not object to including them in the SMP. Taylor Shellfish does not believe that the County needs to separately include a requirement for aquaculture operators to comply with Coast Guard requirements and would recommend removing subparagraph (xviii).	Proposed Changes: Agree that the Coast Guard-related requirement in (xviii) is not necessary; the provision will be removed from the updated draft consistent with guidance in Ecology's handbook that indicates, "Local governments are encouraged to avoid including SMP provisions that duplicate state or federal requirements."
3-13		18.25.440(4)(e)(xix): The County is proposing to add a new regulation prohibiting aquaculture from, among other things, significantly impacting the aesthetic qualities of the shoreline. This new regulation appears to be based on WAC 173-26-241(3)(b)(i)(C). However, the SMA Guideline uses "should" rather than "shall." The SMP should similarly use the term as water-dependent uses are given priority over aesthetics when there are irreconcilable conflicts per WAC 173-26-221(4)(d)(iv).	Proposed Changes: Agreed. The change will be made in the updated SMP.
3-14		18.25.440(6): The County is proposing numerous new restrictions specific to geoduck aquaculture. See letter.	Response: The new geoduck-specific restrictions are nearly verbatim from WAC 173-26-241(3)(b)(ii-iv). These were the result of WAC amendments made in 2011 that were overlooked in the 2014 County SMP update.

Number	Commenter	Topic	Response or Options
3-15		18.25.440(7): The County is proposing extensive application requirements for aquaculture. See letter.	Proposed Changes: In response to Tribe and industry comments, a table identifying which application requirements apply to different aquaculture types has been incorporated in the draft SMP in place of the listing of requirements, based on the chart provided in the Tribe's comment letter.
4	Kerri Patterson	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.
5	Gordon King, Taylor Shellfish	Reviewed 2021 comments. There were requests for all geoduck farm permit applications to require Conditional Use Permits (CUP's) but there was no agency or public request to increase the collection of data and other information related to marine physical parameters and farm management when applying for a shellfish farming permit. Most of these regulations were written for Fin Fish farms and the information asked for is often difficult and expensive to provide and serves no reasonable purpose for a shellfish farm application. Regulations are from Kitsap County and not well written.	Proposed Changes: See response to comment 3-15 regarding table of application requirements.
6	Kim Thompson, Pacific Coast Shellfish Growers Association	Many of the data requirements in section 7 of the aquaculture chapter are actually aimed at finfish and not appropriate for shellfish farming. We recommend including language or a chart that outlines the core application requirements for each type of aquaculture in the SMP. Already meet Army Corps 2015 Programmatic Biological Assessment and the Services 2016 Biological Opinion.	Proposed Changes: See response to comment 3-15 regarding table of application requirements.

Number	Commenter	Topic	Response or Options
7	Sue Corbett	Retain Standard CUP for any new geoduck operations on Jefferson tidelands, including expansions and conversions of other shellfish to geoduck. By adopting the CUP process, Jefferson County will harmonize with Kitsap and Clallam counties in how they review commercial geoduck operations in our common waters.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.
8	Reed Gunstone J&G Gunstone Clams, Inc.	Language in Section 7 is excessive for non-geoduck aquaculture. Allows waiver but burden of proof is on applicant. Predator control language – blending colors will make it more difficult to see problems or tampering.	Proposed Changes: See response to comments 3-6 and 3-7 regarding CUPs. See response to comment 8 regarding waiver removal. See response to comment 3-11 regarding predator control language.
9	Discovery Bay Neighbors and Supporters	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.
10	Laura Hendricks Director, Coalition To Protect Puget Sound Habitat	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck. Attachment of Federal Lawsuit.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.
11	Marilyn Showalter	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.

Number	Commenter	Topic	Response or Options
12	Paull Steenberg	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck. Address buffer function even where they cross roadways.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs. Response: JCC 18.25.270(4)(c) in the Hearing draft was revised such that the Administrator will decide, either independently or based on a report, whether the buffer area on the upland side of a roadway is "functionally isolated from the shoreline or critical area such that it provides insignificant biological or hydrological function." (Note: The hearing draft repeats the last sentence twice and will be corrected.)
13	Jessica Bryant, WDFW		
13-1		Overarching Comments: Many changes requested previously incorporated. Concerned about desire that riparian management recommendations be addressed. Standard Shoreline Buffer: Use site potential tree height approach to buffers. Address other alternatives to buffer reduction	Response: As noted, the SMP changes respond to many informal WDFW comments made in 2020. WDFW referenced the riparian management recommendations as a source for planting plan standards in November 2020. See attached informal comments from WDFW. The Draft SMP was modified in 2020-2021 per input to increase the standards for proposals to expand non-conforming uses and to require the planting plan to meet no-net-loss of shoreline ecological function. Ecology requested in its 2022 comments a cumulative impacts assessment addendum, which was completed and shared in ahead of the hearing held October 4, 2023. WDFW's current letter is requesting the County change its standard buffer. The County's standard buffer is 150 feet applied to new development along rivers and marine shorelines and 100 feet along lakes. Using site potential tree height (SPTH) as a basis for buffers in shoreline jurisdiction would be difficult to implement and may be inconsistent with the SMA. The WDFW SPTH mapper does not

Number	Commenter	Topic	Response or Options
			provide widths for all shoreline locations, and adjacent property owners in the same environment designation and in similar landscape positions may have varying widths (e.g., no data, 105', 185', 187', 196', 211', 231', etc.). The SMA also requires accommodation of water-oriented and preferred uses in shoreline jurisdiction, which would be difficult with buffers that are close to or wider than shoreline jurisdiction. The SMA requires no net loss of ecological functions, recognizing that there is a developed baseline condition that needs to be considered.
13-2		Non-conforming development. Oppose waterward expansion. Do not support lateral expansion where encroaching on the riparian areas.	Proposed Changes: The County has worked closely with Ecology to craft very limited allowances for alterations of existing non-conforming development that do not require a variance. Additional edits are proposed to further reference critical area protections and mitigation sequencing and to remove reference to the common line setback. See July 28, 2023, memo by Shannon & Wilson for more information on the Common Line Provision, included in the Planning Commission's August 2, 2023 packet. Due to the availability of the buffer reduction and buffer averaging provisions, and enhanced criteria, it is proposed that the common line buffer be removed (Hearing Option A). That provision would allow the closest setback.

Number	Commenter	Topic	Response or Options
13-3		Section (4) (i) Buffer Reduction or Averaging. WDFW emphasizes an exploration of other alternatives to buffer reductions to sequentially avoid, minimize, and compensate for any impacts to the waterbody. WDFW advises that a consideration of the mitigation sequence if the County allows buffer alteration exceptions.	Response: Mitigation sequencing is part of the approval criteria, referenced at JCC 18.22.640(1) and (2).
14	Monica Montgomery, Jefferson County Marine Resources Committee		
14-1		Do not apply language from Kitsap County, which is more applicable to finfish. Support CUP for new geoduck farms. Review the change of water dependent to water oriented.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs. See response to comment 3-15 regarding table of application requirements. The commenter does not provide a specific location. However, regarding the change from water-dependent to water-oriented, see response to comment 3-10.
14-2		Do not prioritize common line over buffer averaging. Do not allow non-conforming development without a variance.	Proposed Changes: The staff recommendation proposed to be included in the updated SMP omits the common line buffer strategy, relying instead on buffer reduction, averaging, and modest home provisions. See July 28, 2023, memo by Shannon & Wilson for more information on the Common Line Provision, included in the Planning Commission's August 2, 2023 packet. The County has worked closely with Ecology to craft very limited allowances for alterations of existing non-conforming development that do not require a variance. Additional emphasis on application of critical area regulations and mitigation sequencing is proposed to be added.

Number	Commenter	Topic	Response or Options
15	Lee Steele	Section 7 aquaculture language is overly burdensome. Predator control language is contradictory.	Proposed Changes: See response to comment 3-15 regarding table of application requirements and comment 8 regarding waiver removal.
16	Lisa Carleton-Long, Rock Point Oyster Company, Inc.	Section 7 aquaculture language is overly burdensome. Predator control language is contradictory.	Proposed Changes: See response to comment 3-15 regarding table of application requirements and comment 8 regarding waiver removal.
17	Hansi Hals, Natural Resources Director, Jamestown S'Klallam Tribe		
17-1		Pg. 141, line 4591 – 4593 reflects updated language consistent with the Tribe's input on July 31, 2023 and reads "E) Predator exclusion devices that become dislodged, such as rubber bands, small nets, and area netting, shall be promptly recovered and/or disposed of to minimize the risk of harm to wildlife and, if not, may be subject to public nuisance regulations." However, subsection xii includes two repetitive clauses, both labeled as "E." The second "E" on lines 4596 – 4600 includes the original language that unnecessarily highlights harmful effects of predator exclusion devices that could be said of any other infrastructure associated with commercial uses. Remove the subsection typo of the second XII-E on lines 4596 – 4600 in favor of the first.	Proposed Changes: Changes to (B) and the original (E) and (F) intended to be included in the Hearing draft in response to an earlier Jamestown S'Klallam Tribe letter were incorrectly transferred (the first letter E in the hearing draft was inserted out of order and intended to replace the second letter E), and similar edits are made to the updated draft (see Attachment A). Additional edits are proposed to (xii) in response to Taylor Shellfish's comment 3-11 to further remove language that highlights potential effects.
17-2		Pg. 148, section 7, beginning on line 4853, lists items A-D (plus subsections) to be included in the application "unless waived by the administrator when an applicant has demonstrated that the requested information is not applicable to a specific proposal or type of aquaculture." This language does not delineate between aquaculture types and a	Proposed Changes: See response to comment 3-15 regarding table of application requirements. See response to comment 8 regarding waiver removal.

Number	Commenter	Topic	Response or Options
		table showing which items are required for each type of aquaculture practice (shellfish, geoduck, finfish, etc.) would be helpful, as was done in the Clallam County SMP. Additionally, current language puts the onus on the applicant to demonstrate why certain requirements are not applicable and creates additional, unnecessary work for all involved. Section 7 should read "In addition to the minimum application requirements in 4854 JCC 18.25.630, aquaculture applications shall provide the information listed in subsections (a) – (d) [based on in the table below depending on the type of aquaculture application being submitted.]	
17-3		Pg. 151. 18.24.400.7.f. This statement should be clarified that it applies only to finfish. It should read: "Where the county does not have expertise to analyze the merits of a report provided by an applicant [for a finfish permit], the applicant may be required to pay for third-party peer review of said report."	Proposed Changes: This provision was intended to be removed for the Hearing draft in response to the Tribe's earlier comments, and will be removed in the revised draft. The County has a global regulation in JCC 18.25.820 (Third-party review) that addresses this topic for all applications.
18	Phil Best, President Hood Canal Environmental Council	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck. Address buffer function even where they cross roadways.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs. See response to comment 12 regarding buffers across roadways.
19	Steve Ditmer	Keep CUP proposal for commercial growers of shellfish. Offer to have people come to site.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.
20	Marilyn Showalter	Response to Plauché-Taylor Shellfish 9-29-2023 letter to the Planning Commission	Response: Comments noted.

Number	Commenter	Topic	Response or Options
21	Call Nichols	Attached are two letters: one from me, Call Nichols, Jefferson county resident and career shellfish worker and devotee. The other is a letter from Jesse DeNike on behalf of Taylor Shellfish, which I wholeheartedly support.	Response: Acknowledge the major point of the Nichols letter – “a reminder of the importance of shellfish in our waters and people who work with shellfish in our communities.” Proposed Changes: See responses to comments 3-1 through 3-15 (Taylor Shellfish letter by Jesse DeNike).
22	J Creek	Support of adopting the standard CUP process for new geoduck operations. Including expansions and conversions of other shellfish to geoduck. Address buffer function even where they cross roadways.	Proposed Changes: See responses to comments 3-6 and 3-7 above. See response to comment 12 above.
23	Jan Wold	Unfounded Dependence of the Shellfish Industry on the Use of Two Army Corps of Engineers Required Biological Opinions for Commercial Shellfish Farming in Washington State	Response: Comments noted.
Hearing Commenters			
1	Neil Harrington – Jamestown S’Klallam Tribe	Aquaculture – propose changes to ensure standards and submittal requirements are appropriate. Thank you for making other edits in response to prior comments. See recording at 19:22-22:46 for full comments.	See Letter 17 and responses.
2	Bernadette Olson – Hood Canal Environmental Council	Support applying CUP to geoduck operations similar to Kitsap and Clallam Counties. Protect buffers including critical area buffers even when cross roads. See recording at 23:17-24:25 for full comments.	See Letter 18 and responses.
3	Gordon King – Port Townsend resident	Shellfish harvesting is important for the County’s economy. Shellfish producers want to ensure clean water and avoid pollution. Well written regulations are important. Aquaculture section is not well written and will affect	See Letter 5 and responses.

Number	Commenter	Topic	Response or Options
		shellfish jobs without more environmental regulations. The Planning Commission recommendations after the hearing applied not only a CUP requirement but also more submittal requirements. Was on Periodic Task Force for SMP. There is no scientific justification; only that it is Kitsap County. If you want a model code to reference use Mason County. Provided statistics on pollution and closed areas. Do not ignore input from industry. Go back to June 2021 version. Do not waste resources in front of Shorelines Hearing Board. See recording at 24:36-27:50 for full comments.	
4	Marilyn Showalter – Shine resident	Speaking to CUP requirement for geoduck harvesting. Has been in draft for 2 years. Continue the course. Prior to 2014, the County did not require a permit for shellfish harvesting. There is an unknown amount of acreage. If someone is expanding or expansions there may not be information about the basis. The CUP is a process that allows a neutral decision maker to weigh the evidence in that particular location. Need to consider in cumulative effects. PVC tubes are relatively new. See recording at 28:05-31:47 for full comments.	See Letters 11 and 20 and responses.
5	Darlene Schanfald – Sequim resident	Urge support of CUP. Laws are old and need to be updated. It is an industry in conflict with goals of Puget Sound Partnership, plastics remaining in environment and affect wildlife and plastics stay in animals. One third of shorelines taken up with aquaculture. See recording at 32:12-34:36 for full comments.	Proposed Changes: See responses to comments 3-6 and 3-7 regarding CUPs.

Number	Commenter	Topic	Response or Options
6	Kim Thompson – Pacific Coast Shellfish Growers Association (PCSGA)	Represent shellfish producers in multiple states including in Washington. Shellfish harvesting are important to the economy. Washington regulations are strongest among other states. Have concerns about Draft SMP on new and existing shellfish farms. Request going back to discretionary CUP. Also concerned about requirements for studies that may be unnecessary and related to finish. Impacts all growers. Already have federal opinions supporting requested level of regulations. See PCSGA letter and letter on behalf of Taylor Shellfish by Plauché & Carr. See recording at 35:16-38:07 for full comments.	See Letters 3 and 6 and responses.
7	Sue Corbett – Shine resident	Relayed richness of marine life. Habitat damaged with harvest of geoduck. Retain requirement for CUP. See recording at 38:20-40:00 for full comments.	See Letter 7 and Responses
8	Jan Wold – Jefferson County resident	About 30% of tidelands are under shellfish production. Geoduck harvesting uses PVC tubes 1 tube per square foot. Need thorough CUP process, and support current hearing draft. Consistent with Kitsap and Clallam Counties. Where buffers cross roads they should be protected. Make similar to Mason County SMP. Biological opinions quoted by other speakers are about a decade old and not appropriate to consider now. See recording at 40:14-43:29 for full comments.	See Letter 23 and responses.

Number	Commenter	Topic	Response or Options
9	Steve Dittmar – Port Ludlow resident	Own tidelands adjacent to geoduck operations. In support of having a CUP in the SMP. Considering impacts of PVC tubes, it seems reasonable to have for new farming. Local people have local knowledge and should be able to give input. Would be open to having County visit the tidelands and see what 40,000 PVC tubes per acre look like with wave action. See recording at 43:43-46:52 for full comments.	Proposed Changes: See responses to comments 3-6 and 3-7 above.
10	Anne Dutton – Port Ludlow resident	In support of having a CUP in the SMP like Jefferson and Clallam Counties; do not rely only on Army Corps of Engineers. Geoduck operations destroys natural habitat. Most is exported for profit. Local residents know the area. See recording at 47:10-48:50 for full comments.	Proposed Changes: See responses to comments 3-6 and 3-7 above.

Attachments

- Attachment A: Draft Amendments to Jefferson County Periodic Update September 20, 2023 Hearing Draft Document
- Attachment B: WDFW Informal Comments, November 2020

Jefferson County Code

The following edits have been part of the SMP Periodic Update review process. Ecology prefers the County not include other edits in the unified development code, but the County can show the edits as a related.

18.40.040 Project permit application framework.

Table 8-1. Permits – Decisions

Type I'	Type II	Type III	Type IV	Type V
Septic permits	Classification of unnamed and discretionary uses under Article II of Chapter 18.15 JCC	Reasonable economic use variances under JCC 18.22.250	Final plats under Chapter 18.35 JCC	Special use permits, such as for siting essential public facilities under JCC 18.15.110
Allowed uses not requiring notice of application (e.g., "Yes" uses listed in Table 3-1 in JCC 18.15.040 , building permits, etc.)	Release of six-year FPA moratorium for an individual single-family residence under JCC 18.20.160	PRRDs under Article VI-M of Chapter 18.15 JCC and major amendments to PRRDs under JCC 18.15.545 (3)	Final PRRDs under Article VI-M of Chapter 18.15 JCC	Jefferson County Comprehensive Plan amendments under Chapter 18.45 JCC
Minor amendments to planned rural residential developments (PRRDs) under JCC 18.15.545	Cottage industries under JCC 18.20.170	Shoreline substantial development permits , conditional use permits, and variance permits under the Jefferson County shoreline master program (SMP)		Amendments to development regulations
Home businesses approved under JCC 18.20.200	Short subdivisions under Article III of Chapter 18.35 JCC	Plat alterations and vacations under JCC 18.35.030 (3)		Amendments to the Jefferson County SMP
Temporary outdoor use permits under JCC 18.20.380	Binding site plans under Article V of Chapter 18.35 JCC	Long subdivisions under Article IV of Chapter 18.35 JCC		Subarea and utility plans and amendments thereto
Stormwater management permits under JCC 18.30.070	Administrative conditional use permits under JCC 18.40.520 (1)	Discretionary conditional use permits under JCC 18.40.520 (2)		Development agreements and amendments thereto under

Shading in Comment Flags: 1) **Yellow** in response to public comments within Planning Commission Recommendations October 2021. 2) **Pink** changes in response to Ecology initial review and Planning Commission discussions in 2023. 3) **Blue** based on Planning Commission motions.

December 2023: Permit Application Framework Amendments related to SMP

Type I'	Type II	Type III	Type IV	Type V
	and listed in Table 3-1 in JCC 18.15.040 as "C(a)"	[i.e., listed in Table 3-1 in JCC 18.15.040 as "C(d)"] where required by administrator		Article XI of this chapter
Road access permits under JCC 18.30.080	Discretionary conditional use permits under JCC 18.40.520 (2) listed in Table 3-1 in JCC 18.15.040 as "C(d)" unless Type III process required by administrator	Conditional use permits under JCC 18.40.520 (3) [i.e., uses listed in Table 3-1 in JCC 18.15.040 as "C"]		Master plans for master planned resorts
Sign permits under JCC 18.30.150	Minor variances under JCC 18.40.640 (2)	Major variances under JCC 18.40.640 (3)		Amendments to the Unified Development Code
Boundary line adjustments under Article II of Chapter 18.35 JCC	Shoreline substantial development permits under the Jefferson County shoreline master program (SMP) Administrative conditional use permits, under Jefferson County SMP, JCC 18.25.620 (3) listed in JCC 18.25.220 , Table 18.25.220 as "C(a)" Discretionary conditional use permits under Jefferson County SMP, JCC 18.25.620 (4) listed in JCC 18.25.220 , Table 18.25.220 as "C(d)," unless Type	Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC		

Commented [LG1]: Response to Comment: 12.23

Shading in Comment Flags: 1) **Yellow** in response to public comments within Planning Commission Recommendations October 2021. 2) **Pink** changes in response to Ecology initial review and Planning Commission discussions in 2023. 3) **Blue** based on Planning Commission motions.

December 2023: Permit Application Framework Amendments related to SMP

Type I ¹	Type II	Type III	Type IV	Type V
	III process required by administrator			
Minor adjustments to approved preliminary short plats under JCC 18.35.150	Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC	Major industrial development conditional use approval under Article VIII of Chapter 18.15 JCC		
Minor amendments to approved preliminary long plats under JCC 18.35.340	Small-scale recreation and tourist (SRT) uses in SRT overlay district under JCC 18.15.572 .	Forest practices release of a moratorium under Chapter 18.20 JCC		
Site plan approval advance determinations under Article VII of this chapter and boundary line agreements under Article VIII of Chapter 18.35 JCC	Plat alterations under JCC 18.35.670 .			
Exemptions under the Jefferson County SMP				
Revisions to permits issued under the Jefferson County SMP				

¹ If not categorically exempt pursuant to SEPA, Type I projects shall be subject to the notice requirements of JCC [18.40.150](#) through [18.40.220](#) and Article X of this chapter (the SEPA integration section).

Shading in Comment Flags: 1) **Yellow** in response to public comments within Planning Commission Recommendations October 2021. 2) **Pink** changes in response to Ecology initial review and Planning Commission discussions in 2023. 3) **Blue** based on Planning Commission motions.