

WHEREAS, the state Department of 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 is December 2011; 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, with an extension to December 31, 2009 currently pending final approval by Ecology; 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 Adolfsen (formerly Adolfsen 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 SMP goals, policies, environment designations, and use/development regulations; 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 the December 7, 2009 Locally Approved SMP (“LA-SMP”); and

WHEREAS, the BoCC now completes this process by the approval of this resolution 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)
- Local Approval

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 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.

3. 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.
4. 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.]”
5. Jefferson County’s first Shoreline Management Master Program (SMMP) was adopted on December 20, 1974.
6. 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.
7. 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.
8. The State of Washington adopted Chapter 36.70A RCW, known as the Growth Management Act (GMA) in 1990.
9. Jefferson County began planning under the GMA in the early 1990s.
10. 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.
11. 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.
12. The GMA, at RCW 36.70A.060 requires each county to adopt development regulations to protect critical areas.
13. 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.
14. In accordance with GMA §.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

15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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

21. 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.”*
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. An initial Consistency Report was produced in March 2006 and preliminary draft Integration Strategy was produced in April 2006 (described separately below).
28. 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

29. 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.
30. 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>
31. **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.

32. **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.
33. 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.
34. **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.
35. **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).
36. 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'.

37. 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.
38. 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).
39. **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.
40. 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.
41. Public attendance at the October 2006 three-day event totaled nearly 150.

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.

48. 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.
49. 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.
50. 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).
51. 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.
52. 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.

53. 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.

Shoreline Advisory Committees

54. 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.
55. **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.
56. 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.
57. 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.
58. 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.

59. 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.
60. 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).
61. 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.
62. 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.
63. 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.
64. On August 31, 2006, the SPAC met to review and provide feedback on the Consistency Report.
65. On September 12, 2006, the SPAC met to conclude discussion on the Consistency Report, and to review and provide feedback on the Integration Strategy.
66. 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.
67. The Final Consistency Report was published in August 2006 and the Final Integration Strategy was published in September 2006.

68. 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.
69. 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.
70. Also on December 14, 2006, the STAC met in the afternoon to discuss finalizing the Shoreline Inventory and Characterization Report (SICR).
71. 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.
72. 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 updated SMP.
73. 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 updated SMP. 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.

74. 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.
75. 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.
76. On October 9, 2007, the SPAC met to review and discuss chapter 6 of the CWD-SMP regarding general policies and regulations.
77. On October 16, 2007, the SPAC met to continue review and discussion of chapter 6 of the CWD-SMP regarding general policies and regulations.
78. On October 23, 2007, the SPAC met to review and discuss chapter 7 of the CWD-SMP regarding shoreline modifications policies and regulations.
79. 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.
80. 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.
81. 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.

82. 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.
83. 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.
84. 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.
85. 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.
86. 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.
87. 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

88. **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.

- 89.** 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).
- 90.** 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.
- 91.** 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.
- 92.** 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.
- 93.** 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.

94. **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.
95. 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.
96. 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).
97. 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.
98. **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.
99. In July 2009, DCD staff prepared supplemental data regarding vacant, non-conforming lots to augment the Draft CIA and assist Planning Commission deliberations.

- 100.** Prior to submittal of this Locally Approved SMP, DCD staff will finalize the Cumulative Impacts Analysis to ensure it accurately assesses 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

- 101.** 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.
- 102.** 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.
- 103.** 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.

- 104.** 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.
- 105.** 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.
- 106.** On January 21, 2009 the Planning Commission held a public hearing on the *Preliminary Draft SMP* proposal. Some 44 individuals provided oral testimony.
- 107.** 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.
- 108.** 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.
- 109.** 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.
- 110.** 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.
- 111.** 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.
- 112.** 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.
- 113.** 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.

114. 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.
115. 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.
116. 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.
117. 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.
118. 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.
119. 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.
120. 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.
121. 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.
122. 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.
123. 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.

124. 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.
125. 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.
126. 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.
127. 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.
128. 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.
129. 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.
130. 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.
131. On July 28, 2009 DCD submitted the PC Final Rec with a Board Agenda Request for presentation on August 3, 2009.
132. 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.

133. 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.
134. On August 19, 2009, the BoCC opened a formal public comment period on the *PC Final Rec.*
135. 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.
136. On September 2, 2009, the BoCC hosted a question and answer workshop with DCD staff, Planning Commission and the public on the SMP Update.
137. 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.
138. On September 14, 2009 the BoCC asked DCD staff questions and began deliberations to prepare an updated SMP for local approval.
139. On September 21, 2009, the BoCC continued deliberations on the *PC Final Rec.*
140. On September 23, 2009, the BoCC continued deliberations on the *PC Final Rec.*
141. On September 28, 2009, the BoCC continued deliberations on the *PC Final Rec.*
142. On October 1, 2009, the BoCC completed a collective 27 hours of deliberations on the *PC Final Rec.*
143. 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.
144. On October 22, 2009, DCD staff released the *DRAFT Locally Approved SMP* for BoCC review.
145. 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.

146. 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;

147. In light of the recent *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

148. 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. Therefore, these GMIs are not applicable to the BoCC review of the proposed Shoreline Master Program update.
149. 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:
150. 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.

- 151.** 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.
- 152.** 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 updated SMP version that has been generated, debated and now gains local approval through this Resolution.
- 153.** 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.

154. CP3 Land Use & Rural – The SMP as locally approved 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.

155. CP3 Land Use & Rural – The SMP as locally approved 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.

156. **CP4 Natural Resource Conservation** - The SMP as locally approved 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.’
157. **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 an updated SMP and now better understands the extent of those impacts and possible ways to avoid or minimize such impacts, ways to restore degraded ecological values.
158. **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.
159. **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].’
160. **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.

- 161. 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’.
- 162. 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.
- 163. 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.
- 164. 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.
- 165. 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.

- 166. 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.
- 167. 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

Local Approval

- 168.** The County is obligated, pursuant to RCW 90.58.080(2)(a)(iii) to update its Shoreline Master Program and adopt its updated SMP as an official control having regulatory effect on or before December 1, 2011.
- 169.** In order to meet the December 1, 2011 deadline the County has to “locally approve” an SMP and forward it (with other documents and work products) to the State Department of Ecology well in advance of that deadline so that Ecology can review the SMP, subject it to its public participation process (RCW 90.58.090) and render a decision on whether it can be approved, approved with conditions or rejected.
- 170.** The Board of County Commissioners concludes 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 per WAC 173-26-201.
- 171.** The County locally approves this SMP pursuant to the general police power granted to it by the State Constitution at Article XI, Section 11.
- 172.** Local approval of this SMP advances and supports the general health, safety and welfare of the citizens of this County.

NOW, THEREFORE, be it resolved _____ the Board of County Commissioners for Jefferson County, Washington, in regular session assembled does hereby resolve as follows:

1. **Local Approval for Submittal to State** -The County Commission approves the December 7, 2009 Locally Approved Shoreline Master Program attached to this Resolution and incorporated herein by reference, subject to the following:
 - a. Staff is directed to forward this Resolution and the attached 2009 Shoreline Master Program as part of a complete submittal package to the Department of Ecology (DOE) for their review in accordance with RCW 90.58.090
 - b. Following receipt of written findings and conclusions from DOE, the County Commission, with the assistance of staff, will review and take action as authorized by RCW 90.58.090.
 - c. The December 7, 2009 Locally Approved Shoreline Master Program shall not become final and effective until the County Commission reviews DOE findings and conclusions, and adopts, with any changes resulting from the process outlined in RCW 90.58.090, by ordinance the December 7, 2009 Locally Approved Shoreline Master Program into Title 18 of the Jefferson County Code.
 - d. Staff is authorized to correct any typographical errors, spelling, formatting and to make other minor revisions to improve the reader's comprehension of the document provided that any revisions do not alter the regulatory meaning and intent and provided further that said edits are shown at the time of ordinance adoption.
2. **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 environmental designations, and regulations identified in this Locally Approved SMP. Exhibit B lists the citations considered, but any conclusions/findings within those citations were not necessarily incorporated into the LA- 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.
3. **Severability** - In the event any one or more of the provisions of this resolution shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provisions of this resolution, but this resolution 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.

4. **Attachments -**

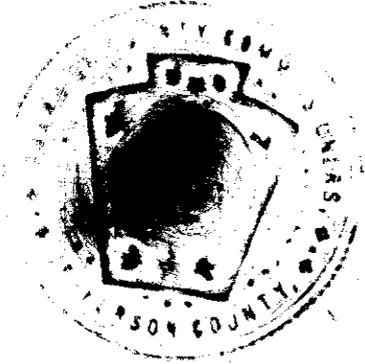
- Exhibit A** Locally Approved Shoreline Master Program (including Appendix A. Official Shoreline Map, and Appendix B. JCC 18.22 Critical Areas Ordinance)
- Exhibit B** Bibliography of Scientific and Technical Information Considered
- Exhibit C** August 2006 Consistency Report
- Exhibit D** September 2006 Integration Strategy
- Exhibit E** November 2008 Final Shoreline Inventory & Characterization Report
- Exhibit F** October 2008 Final Shoreline Restoration Plan
- Exhibit G** February 2009 Draft Cumulative Impacts Analysis

5. **SEPA: Adoption of Existing Environmental Documents** - The SEPA responsible official has determined that existing environmental documents provide adequate environmental review of this resolution to satisfy the requirements of WAC 197-11-600. In addition to the environmental documents supporting the amendment (described above), 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.

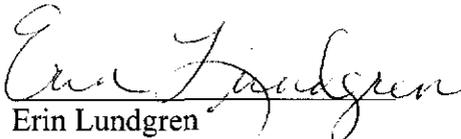
6. **Effective Date** - This resolution shall be in full force and effect immediately.

Approved and signed this 7th day of December, 2009.

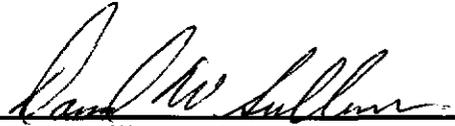


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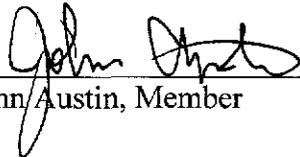
Attest:


Erin Lundgren
Clerk of the Board

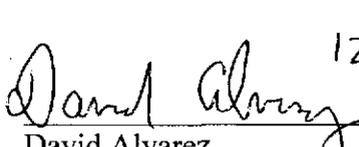
JEFFERSON COUNTY
BOARD OF COMMISSIONERS


David W. Sullivan, Chairman


Phil Johnson, Member


John Austin, Member

Approved as to Form Only:

 12/3/2009
David Alvarez
Deputy Prosecuting Attorney

List of Exhibits

Exhibit	Title	Provided
A	12-7-09 Locally Approved Shoreline Master Program, including: Appendix A. Official Shoreline Map; and Appendix B. JCC 18.22 Critical Areas Ordinance	Attached
B	Bibliography of Scientific and Technical Information Considered	Attached
C	August 2006 Consistency Report	Attached in digital format (CD); Also posted online
D	September 2006 Integration Strategy	Attached in digital format (CD); Also posted online
E	November 2008 Final Shoreline Inventory & Characterization Report	Attached in digital format (CD); Also posted online
F	October 2008 Final Shoreline Restoration Plan	Attached in digital format (CD); Also posted online
G	February 2009 Draft Cumulative Impacts Analysis	Attached in digital format (CD); Also posted online