



FREQUENTLY ASKED QUESTIONS: Shoreline Master Program Update

Issued: May 27, 2010

For the past several years, Jefferson County has been working to update the existing Shoreline Master Program (SMP) to meet state requirements. The process has involved citizens, stakeholder organizations, government agencies, tribes, appointed and elected officials and is now at the final state review and approval phase. The following questions and answers are related to the most current version of the document – the December 2009 Locally Approved Shoreline Master Program (LA-SMP). Please note that additional changes could occur prior to final adoption by ordinance. This document is available at the Department of Community Development (621 Sheridan St. Port Townsend, WA 98368) or online at www.co.jefferson.wa.us.

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GENERAL

Is the new SMP currently in effect?

No. The *Locally Approved SMP (LA-SMP)* is under state review by the WA Department of Ecology. After the comment period ended May 11, Ecology is considering the public input and reviewing the document for consistency with state requirements. Then they'll notify the County of their decision. The state may require changes prior to final adoption. Formal action by the Board of County Commissioners to adopt by ordinance will be the final step making the new SMP effective.

Where does the SMP apply?

Shoreline jurisdiction includes approximately 200' from the ordinary high water mark on certain lake, river/stream and marine shores in Jefferson County. To qualify, lakes must be over 20 acres in size, rivers/streams must have a mean annual flow rate of 20 cubic feet per second (cfs), and all marine shorelines from ordinary high water out to the County line. However, there is no SMP jurisdiction on federal or tribal lands.

The total is over 500 miles of shoreline, including about 22 miles of lake shore, 238 miles of river/streams and over 250 miles of marine shore. Shoreline jurisdiction also includes the river deltas, estuaries and wetlands associated with shorelines, even if those features are more than 200' away from the ordinary high water mark. The approximate upland jurisdictional area is shown in the LA-SMP Appendix A maps that depict shoreline designations. Also see the ordinary high water mark section below, shoreline environment designations section below, and Figure 1. at the end of this document. [LA-SMP Reference: Article 4 Jurisdiction; and Appendix A maps]

To what shoreline activities will the new SMP apply?

The SMP applies to all shoreline activities, whether they require any type of permit or not. This said, there are allowances that existing uses/structures may continue 'as is', while new use and development will be subject to the new provisions. Proposed use and development must also meet all other applicable code requirements, such as stormwater, septic, building, etc. [LA-SMP Reference: Article 1 - Introduction]

Where is the ordinary high water mark (OHWM)?

The interface between land and water is dynamic by nature, with the ebb and flow creating constant change. However, the state Shoreline Management Act identifies the ordinary high water mark location by determining where there is physical evidence in the soil and vegetation. The OHWM is not mapped and local jurisdictions often make site visits to determine the on-the-ground location. Should the site prove difficult, or if the location is disputed, WA Department of Ecology has final authority. For general conversation, OHWM location along marine shores is approximately the high tide line, and along freshwater shores is approximately the usual high water level.

What is the 'no net loss' standard?

The state SMP Guidelines (WAC 173-26) require that local master programs must include policies and regulations designed to achieve no net loss (NNL) of ecological functions. This does not mean no adverse impacts are allowed, but rather the overall condition of shorelines must not decline from the established baseline. The shoreline inventory and characterization work establishes the baseline of shoreline conditions. However, adverse impacts need to be avoided, minimized or compensated for through replacement or mitigation. The NNL standard is applicable at the project scale as well as at the programmatic scale so that both individual actions and the SMP as a whole must comply.

What does 'locally approved' mean?

Local approval of the SMP is the first of three steps that must occur before the SMP has the force of law in Jefferson County. Local approval via County Resolution # 77-09 occurred on December 7, 2009. Ecology is currently reviewing the LA-SMP and must provide a decision to deny, approve the SMP or approve with changes. The SMA states that a "master program shall become effective when approved by the department," meaning Ecology. After Ecology approval, the final step will be adoption of the SMP via a County Ordinance, giving the SMP the effect of local law.

How long will Ecology approval take?

Ecology review started with the March 1, 2010 submittal of the LA-SMP and could take a few to several months for a decision. The process and timeline are defined by SMP Guidelines (WAC 173-26-210). The key steps of the state review include a public comment period, review for consistency with state requirements, and establish findings and conclusions, provide the County with a decision to approve/deny, and come to agreement with the County on any needed changes to the LA-SMP. By statute, Jefferson County must be in compliance before the December 1, 2011 deadline set for us by state law.

Do the rules surrounding "best available science" apply when updating the SMP?

No. The term 'best available science' (BAS) is from the state Growth Management Act (GMA), which specifically states the BAS standard is not applicable to the adoption of an SMP. However, both the SMA and the SMP Guidelines require use of "natural and social sciences and the environmental design arts", "all plans, studies inventories and systems of classification made or being made by federal, state, regional or local agencies or by organizations dealing with the pertinent shorelines of the state", and "the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern."

The County has been diligent in using science to determine the text of the SMP. The reader is referred to the November 2008 Final Shoreline Inventory and Characterization Report, the October 2008 Final Shoreline Restoration Plan, and the February 2010 Cumulative Impacts Analysis.

Why update the current Shoreline Master Program?

The state Shoreline Management Act (SMA) requires all jurisdictions to develop or amend a Shoreline Master Program (SMP) to comply with the current regulations adopted by the WA State Department of Ecology (Ecology) in 2003. The

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state Legislature adopted a timeline for all jurisdictions, indicating the date by which each local government had to comply. Jefferson County's deadline is December 1, 2011.

Why can't the County simply make minor changes to its current SMP?

The County's first SMP was adopted in 1974. After revisions, the current SMP was adopted in 1989 with the last of several minor amendments made in 1998. Much has changed over time – population, development patterns, shoreline conditions and our scientific understanding of how shorelines work. Further, Jefferson County adopted a Growth Management Act Comprehensive Plan in 1998 (readopted in 2004) that has goals and policies for the shoreline that must be reflected and implemented in a new SMP. Minor revisions to the current SMP will not accomplish the task of compliance with 2003 state requirements and consistency with the community vision represented by the County's Comprehensive Plan.

What does the LA-SMP document contain?

Introduction	Sets the general context and applicability for shoreline planning and management	Article 1
Definitions	Defines many terms used in the SMP and in the review and permit issuance process	Article 2
Goals	General framework for shoreline management consistent with the Comprehensive Plan and state requirements	Article 3
Policies	Broad statements of intent to guide actions of the county and shoreline developers	Articles 4, 5, 6
Shoreline Environment Designations (SED)	Categories to help tailor regulatory provisions to existing shoreline conditions	Article 4
Regulations	<ul style="list-style-type: none"> • General regulations – apply everywhere, to all uses • SED Regulations – determines which uses are allowed, prohibited or allowed only with conditions based on shoreline conditions • Specific Use Regulations – apply to uses and modifications 	Article 6 Article 4, 7 and 8 Article 7 and 8
Procedural & Administrative standards	Provisions to establish how the SMP is implemented – exemptions, noticing requirements, permit criteria, appeal processes, penalties, and exceptions to standard provisions	Articles 9 and 10
Official Shoreline Map	Set of 20 graphic images to represent where SEDs are applied and approximate extent of shoreline jurisdiction	Appendix A
Critical Areas Ordinance (CAO)	Title 18.22 of the Jefferson County Code (JCC 18.22) is adopted by reference for implementation within shoreline jurisdiction. JCC 18.22 is included as a convenience for the 'stand-alone' version of the LA-SMP, and to avoid including duplicative text when the SMP regulatory provisions are codified in the JCC.	Appendix B

EXISTING USE & DEVELOPMENT

Will I have to relocate my existing home outside the new buffer?

No. Existing structures that have been legally established can stay right where they are, even if they're inside the new buffer. Most new repair and maintenance activities for these 'grandfathered' structures will be allowed through a streamlined administrative process for permit exemption approval. Also see the buffers & setbacks section below. [LA-SMP Reference: Article 9 – Exemptions]

Can I still mow my lawn, tend my garden, and maintain my existing landscaping?

Yes. Any use/development legally existing before the new SMP takes effect can continue 'as is'. However, if you want to expand your lawn, add new garden beds, or increase your landscaping, the new provisions may apply depending on

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the specifics of your case. In general, the new SMP promotes improving native vegetation conditions and limiting use of chemicals along lake, river and marine shores. Also see the vegetation section below. [LA-SMP Reference: Article 6.4 – Vegetation Conservation; and 6.5 Water Quality]

What does ‘non-conforming’ mean?

The term ‘non-conforming’ means that a use/structure was in compliance with all codes when it was established, but no longer meets code requirements because the codes have changed – like the term ‘grandfathered’. Non-conforming is not the same as illegal. Non-conformity is often due to location where buffer and setback requirements are not met. Many existing shoreline uses/structures that were legally established before the first Jefferson County SMP (1974) have been non-conforming for decades with little consequence. [LA-SMP Reference: Article 2 - Definitions]

Non-conforming ≠ Illegal

What if my house burns down?

If a legal non-conforming structure is damaged by natural disaster, it may be rebuilt in the same location and to the same configuration, as long as certain criteria are met. For example, the rebuilt structure must not be expanded and permitting time limits must be met. The few exceptions are if rebuilding would damage the shoreline or adjacent property, or if the location is in/over water or geologically unsafe. [LA-SMP Reference: Article 10.6 Non-Conforming Development]

Can I remodel my non-conforming home?

Yes. The SMP usually doesn’t apply to interior remodels, but add-ons, expansions and enlargements must comply with the Program. Existing homes that become non-conforming with the new SMP may be allowed to expand/enlarge the footprint inside the new buffer area if certain criteria are met –

- minor expansion with only an administrative shoreline exemption approval;
- moderate expansion with a conditional use permit; and
- substantial expansion with a shoreline variance approval.

Also see Figure 3 at the end of this document. [LA-SMP Reference: Article 10.6 Non-Conforming Development]

NEW RESIDENTIAL DEVELOPMENT

Can I build a new home on my shoreline property?

Yes. Residential development is not water-dependent but is a preferred use of shorelines when done in a manner that is consistent with requirements. New homes:

- Must locate outside standard buffer, or adjust the buffer with one of the six options provided
- Single family homes will be allowed on non-conforming lots that are too small for the standard buffer
- Will be allowed along Natural designated shorelines, where currently prohibited

[LA-SMP Reference: Article 8.8 Residential]

What if my lot is too small for the standard buffer?

One of the six buffer adjustment options is the Non-conforming Lots standards for single family homes. This provision allows modest homes to be built on small lots inside the standard buffer area by using prescriptive criteria without a shoreline variance or conditional use permit. The total footprint (i.e. home, garage, lawn/landscaping – septic drainfield not included) must be less than 2,500 sq. ft. with additional area allowed for a driveway. The home must be sited in the

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least environmentally damaging location on the lot. Generally, a streamlined administrative permit exemption approval process would be used, unless the location is along a Natural designated shoreline.

BUFFERS & SETBACKS

What will the new standard buffers be?

Standard shoreline buffers of 150' (marine and rivers) and 100' (lakes) are proposed. The current Critical Areas Ordinance already requires a 150' buffer along fish & wildlife habitat and Type 'S' streams. Both requirements must be met by new development.

Standard Shoreline Buffers	
Marine	150'
River/stream	150'
Lake	100'

However, if your lot is part of a plat that establishes the waterfront setback, the plat setback will prevail. Similarly, if you have already have an issued permit or Site Plan Approval Advance Determination (SPAAD) vested before the new SMP takes effect, the buffer/setback established by the permit/SPAAD will be honored.

Can the standard buffer be adjusted?

Yes. There are six options to adjust the buffer if certain criteria are met. Two options are specifically for non-conforming lots. Buffer Reduction and Buffer Averaging allow up to a 25% reduction of the standard buffer. The CASP option allows property owners to avoid the standard buffer by developing protective measures specifically tailored to their site.

Buffer Adjustment Options

1. Buffer Reduction
2. Buffer Averaging
3. Critical Area Stewardship Plan (CASP)
4. Non-conforming Lots (SFR only)
5. Common Line Buffer (SFR views only)
6. Shoreline Variance

Single family residential (SFR) on lots that are too small for the standard buffer may also use the Non-conforming Lots standards or the Common Line Buffer (for protecting views) options instead of the standard buffer. And for unique cases that don't find remedy with the above options, a Shoreline Variance may provide relief. Also see Figure 2 at the end of this document. [LA-SMP Reference: Article 6.1 Buffers; JCC 18.22 Critical Areas]

Are there both a buffer *and* a setback required?

Yes. Buffers are intended to protect natural resources and shoreline functions. A 10' setback from the buffer is also required to ensure the buffer isn't damaged by construction or maintenance activities. A 5' side-yard setback is also required along property lines, and road frontage setbacks may be required by other County codes. [LA-SMP Reference: Article 6.1 Buffers; and 6.6 Setbacks]

Are the buffers a 'no touch' zone?

No. The new SMP will require keeping buffers well vegetated with native plants, however:

- 20% of the buffer area can be 'active use' (i.e. lawn, pathway, garden/landscaping)
- Some vegetation trimming/removal will be allowed for views
- Water dependent uses/structures (e.g. boating facilities) can be located in the buffer if criteria are met
- Some vegetation management activities will be permitted as exempt from the standards

[LA-SMP Reference: Article 6.1 Buffers; and 6.4 Vegetation Conservation]

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How were the proposed buffers determined?

Buffers are based on 1) State requirements and 2) a review of science as documented in the 2008 Final Shoreline Inventory & Characterization Report. Before March 2010, the state required that protection of critical areas in shoreline areas must be equal to the protection of critical areas outside shorelines.

Because the County's Critical Areas Ordinance requires a 150' buffer for Fish & Wildlife Habitat Conservation Areas, establishing a shoreline buffer of 150' meets the requirement for equal protection. In addition, the range of science reviewed included over 200 sources, of which more than 90 papers addressed the marine environment. This technical review showed that buffers between 15' and 450' are needed to protect shoreline functions and values. As of March 2010, the state now requires updated SMPs to include protection of critical areas in shoreline jurisdiction that meets the 'no net loss' standard. [LA-SMP Reference: November 2008 Final Shoreline Inventory & Characterization Report]

Why not 50' buffers like in Port Townsend?

Port Townsend is the only incorporated city in Jefferson County and has its own SMP. City shoreline buffers range from 50' to 200' depending on shoreline conditions. There is quite a difference between the City's heavily developed urban waterfront and most of the County's rural shorelines; therefore the same buffers may not be appropriate. Further, the review of science did not support a 50' standard buffer as adequate for County shorelines, nor would 50' have been equivalent to the 150' critical area buffers. [LA-SMP Reference: Article 6.1 Buffers; and November 2008 Final Shoreline Inventory & Characterization Report]

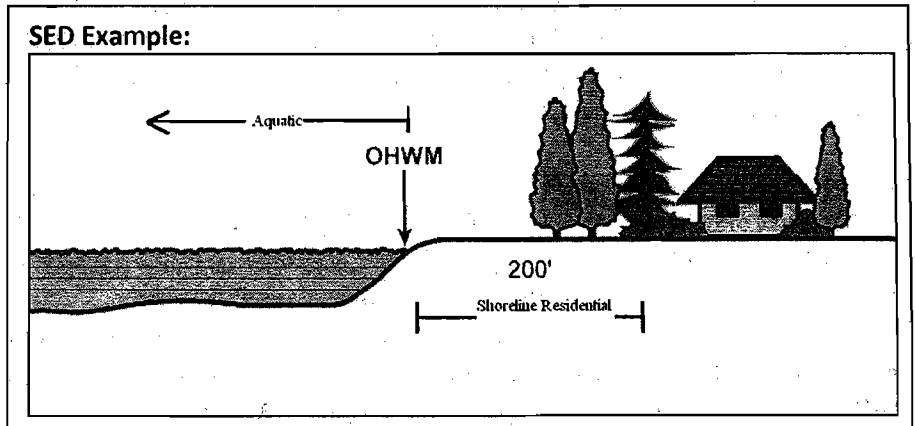
SHORELINE DESIGNATIONS

What is a Shoreline Environment Designation?

Shoreline Environment Designations (SEDs) are similar to a zoning overlay, but do not change land use zoning (e.g. Rural Residential, Rural Village Center, Commercial Forest, etc). SEDs categorize existing shoreline conditions so the regulations can be tailored and sensitive areas get the most protection for natural resources. This helps avoid a 'one size fits all' approach and allows for development density and intensity to be appropriate for the location.

Above OHWM	Below OHWM
Natural	Priority Aquatic
Conservancy	Aquatic
Shoreline Residential	
High Intensity	

Two shoreline designations are assigned to every stretch of shoreline under SMP jurisdiction – one for the on-land portion above the ordinary high water mark (OHWM), and one for the in-water portion below OHWM. On land the four options are: Natural, Conservancy, Shoreline Residential, and High Intensity. In the water the two options are Aquatic or Priority Aquatic. [LA-SMP Reference: Article 4 Jurisdiction and Environment Designations]



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What do the shoreline designations mean?

- Check the Appendix A maps to see what designations apply to your area
- Look at the Article 4 Allowed Use Table for a 'quick glance' overview of what's allowed/prohibited based on the designation
- Read the details in Articles 6, 7, and 8 for specific criteria and standards

[LA-SMP Reference: Article 4 Jurisdiction and Environment Designations]

How were the shoreline designations determined?

The SEDs for each segment of shoreline were established based on a review of many factors including:

- Physical conditions
- Biological conditions
- Existing development – type and density
- Current zoning – anticipated future use/development

This technical information was compared with the purpose and criteria for each SED to find the best match. The state guidelines provide purpose and criteria for 5 of the 6 SEDs proposed by Jefferson County. The Priority Aquatic designation was created by a team of County staff, consultants and advisory committees for the purpose of protecting specific areas most important to salmon and shellfish resources. *[LA-SMP Reference: Article 4 Jurisdiction and Environment Designations]*

Is there a proposed increase in the amount of shoreline designated Natural?

Yes. In east Jefferson County, approximately 40% of all shorelines – lake, river and marine combined - are proposed to be designated Natural. The existing SMP is based on outdated purpose and criteria definitions from the state so that currently the Natural designation is applied sparingly to areas that are unique, fragile, unaltered or hazardous. The newer state guidelines include revised requirements for SED purposes and criteria that result in broader geographic application of the "Natural" SED.

Our community is fortunate to have many areas that are 'mostly ecologically intact' or 'minimally disturbed'. These most sensitive areas need the greatest protection to ensure shoreline resources stay healthy. For example, in order to allow some development in sensitive areas but limit the density and intensity so that ecological impacts are minimized, single family homes may be permitted in the Natural designation, but accessory dwelling units (ADUs) are prohibited in such areas. Also see the existing use and development section above. *[LA-SMP Reference: Article 4 Jurisdiction and Environment Designations]*

BEACH ACCESS

Will the new SMP prevent me from using my own beach?

No. The SMP does not change your ownership of shoreline property. As long as you own the tidelands or waterfront area, you can certainly enjoy your beach. However any use/development activity on that beach must comply with the SMP, whether a permit is required or not.

[LA-SMP Reference: Article 7.1 Beach Access Structures]

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How will I get down to my beach?

Beach access structures like boardwalks, steps, stairways, stair towers and trams (cable lifts) are common means for accessing the shoreline. Beach access structures can be either private or public. To minimize unwanted effects on natural resources, provisions apply regarding location and design of beach access structures. For safety and environmental reasons, some properties will have view-only access to the shoreline.

Due to the sensitive nature of erosional bluffs (AKA 'feeder bluffs') all new beach access structures are prohibited from these areas to ensure shoreline functions are protected. In order to minimize the number of structures while serving greater number of people, public beach access structures may be permitted in sensitive areas, while private structures are not. In other areas, beach access structures will be permitted if they meet the development standards. [LA-SMP Reference: Article 7.1 Beach Access Structures]

Will the new SMP force me to allow the public on my private property?

While public access is a primary goal of the state Shoreline Management Act, it is not a blanket requirement for all shoreline use/development. Public access includes both visual and physical access and is intended to connect people to public lands and public waters. Public access does not allow trespassing on private property.

Some types of new development will require public access to be provided, but not for existing homes nor for new single family homes when part of new plat with four or fewer lots. There's also an option to provide required public access at an off-site location when on-site public access is infeasible. [LA-SMP Reference: Article 6.3 Public Access]

New Shoreline Development	Public Access Required?
<ul style="list-style-type: none"> Single family residential with 1- 4 lots/units 	No
<ul style="list-style-type: none"> Single family residential with 5 or more lots/units Private commercial or industrial developments Projects by public entities (i.e. government, Port, utility district) on public lands 	Yes – must provide physical public access to the shoreline, unless safety and environmental risks prevail.

VEGETATION MANAGEMENT

How does the new SMP address shoreline vegetation?

Some key policy concepts include:

- Maintain and establish native shoreline vegetation to ensure well-vegetated, stable shorelines that provide habitat and other ecological benefits and so that the composition, structure, and density of the plant community resemble a natural, unaltered shoreline as much as possible.
- Limited and selective clearing for views and lawns may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that an unobstructed view of the water is guaranteed.

Preferred	Not Preferred
Maintaining well-vegetated shorelines	Clearing vegetation to create views or provide lawns
Native plant communities	Non-native ornamental vegetation that requires use of fertilizers, herbicides and/or pesticides
Trimming and pruning	Removal of native vegetation

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Preferred	Not Preferred
Structures and associated development are placed to avoid disturbance of established native plants, especially trees and shrubs	
Established areas of native plants are preserved to maintain slope stability and prevent surface erosion	Clearing and grading near bluff edges and other erosion- or landslide-prone areas
Removing invasive or non-native species and planting native species when doing so would improve ecological functions and processes	
Overhanging trees along shorelines to provide shading and other ecological functions	

Can any vegetation be trimmed or removed?

Yes. While the overall direction is to maintain existing native vegetation, some clearing and trimming may be allowed. Inside the buffer area, 80% of the buffer area must be kept as 'predominantly natural' while 20% can be 'active use' for lawns, pathways, landscaping, or other non-structural use. Within shoreline jurisdiction (both inside and outside the buffer), vegetation trimming and removal for view maintenance must meet the criteria with no more than 25% of a single tree or the canopy of a stand of trees removed. The exceptions are if/when safety or environmental impacts make vegetation clearing/trimming detrimental to people or shoreline resources.

Will all shoreline use activities have to meet the vegetation standards?

Some activities are not subject to the requirement to maintain all native vegetation, such as:

- Maintenance of landscaping (e.g. lawns & gardens) in existence before the new SMP (i.e. 'non-conforming use' or 'grandfathered');
- Trimming limbs/branches of trees/shrubs with trunk less than 3" diameter;
- Trails no wider than 5' for non-motorized use
- Hazard tree removals
- Removal of noxious weeds
- Harvest of wild crops (e.g. berry picking)

Further, the new SMP encourages landowners to voluntarily improve shoreline conditions by:

- Avoiding or minimizing the use of lawn/garden chemicals;
- Not dumping yard waste in the shoreline area (e.g. over the bluff/bank)
- Restoring and enhancing shorelines by
 - Removing non-native and invasive plants; and
 - Planting more native vegetation

[LA-SMP Reference: Article 6.4 Vegetation Conservation]

SHORE ARMORING

Will the new SMP prohibit all new bulkheads?

No, although non-structural 'soft' shoreline stabilization methods are preferred. New or expanded shore armor will be prohibited on lake shores, and in low-energy areas (bays, spits) where erosion is not a threat. Repair and maintenance of an existing bulkhead or other shore armor may be allowed with an exemption approval. Replacement of existing shore armor/stabilization may be permitted if documentation shows the erosion is due to currents/tides/waves, not drainage or bank stability issues.

New residential bulkheads may be allowed as an exemption as long as certain performance criteria are met. For example, new shore armor must be designed and constructed to allow surface water flow, to avoid any 'damming effect'. Materials used to construct new shore armor must be erosion resistant, non-toxic, and cannot be any sort of waste/debris (e.g. tires, concrete, old boats). Other types of shore armor or stabilization may be permitted as a conditional use where it is documented that a primary structure is in imminent danger, and may require a geotechnical study and mitigation for impacts. *[LA-SMP Reference: Article 7.8 Shoreline Armor and Stabilization]*

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FIGURE 1. SMP Jurisdiction - Waterbodies Affected:

Marine	Lakes	Rivers – East
East - All shorelines of Puget Sound, Hood Canal and Strait of Juan de Fuca within Jefferson County, including bays, beaches, estuaries and river deltas.	Anderson	Big Quilcene River
	Beausite	Chimacum Creek
	Crocker	Dosewallips River
	Gibbs	Duckabush River
	Leland	Fulton Creek
	Lords	Little Quilcene River
	Ludlow	Salmon Creek
	Mill Pond/Unnamed Lake	Snow Creek
	Peterson	
	Rice	
	Sandy Shore	
	Tarboo	
	Teal	
Wahl		
Rivers - West		
Alder Creek	Hurst Creek	Nolan Creek
Anderson Creek	Kalaloch Creek	Owl Creek
<i>*Bogachiel River</i>	Kunamakst Creek	<i>*Quinault River</i>
Cedar Creek	Manor Creek	Salmon River
Christmas Creek	Maple Creek	Sams Creek
<i>*Clearwater River</i>	Matheny Creek	Shale Creek
Deception Creek	McKinnon Creek	Snahapish River
Dowans Creek	Miller Creek	Solleks River
Elk Creek	Miller Creek (E. Fk.)	Stequaleho Creek
Goodman Creek	Minter Creek	Tacoma Creek
Hell Roaring Creek	Mosquito Creek	Willoughby Creek
Hoh River (S. Fk.)	Mud Creek	Winfield Creek
<i>*Hoh River</i>	<i>* = Shoreline of Statewide Significance</i>	

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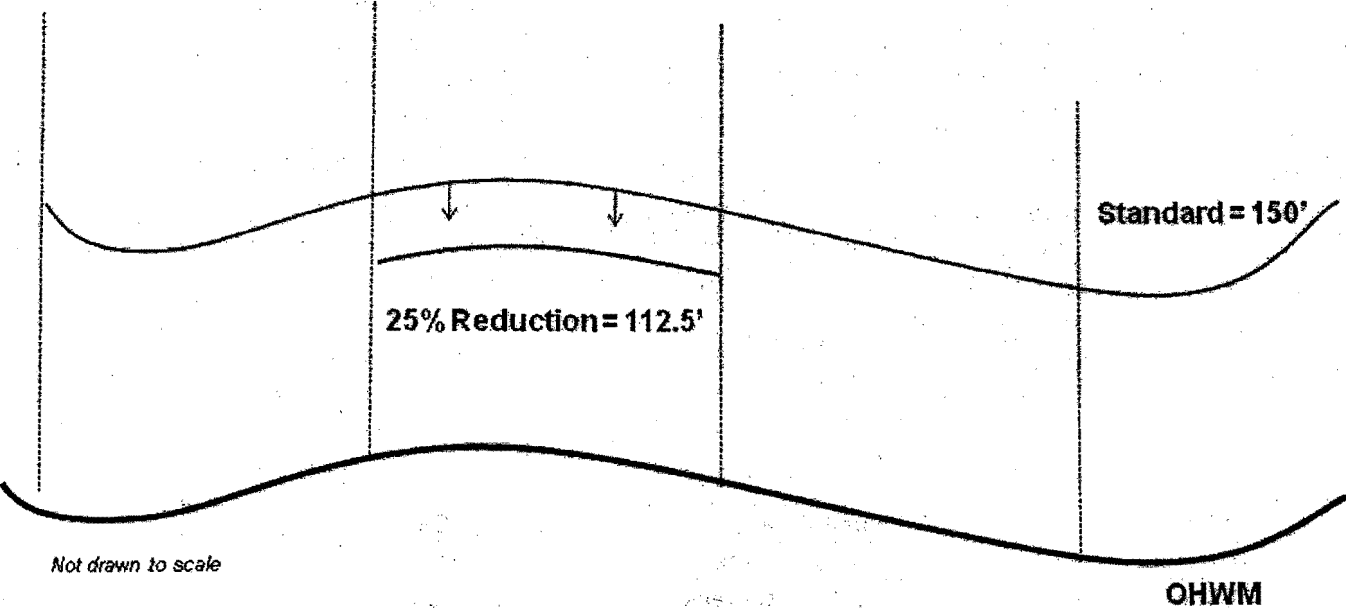
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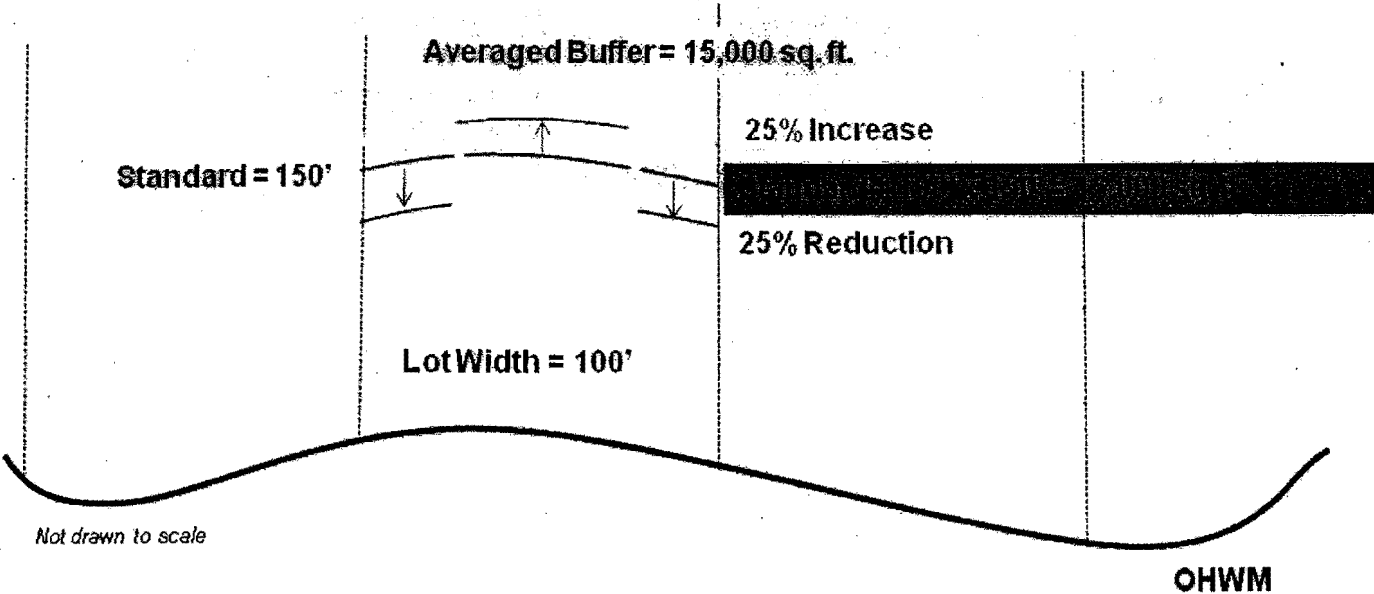
FIGURE 2. Buffer Adjustment Options

[LA-SMP Reference: Article 6.1 Buffers]

Buffer Reduction Example:

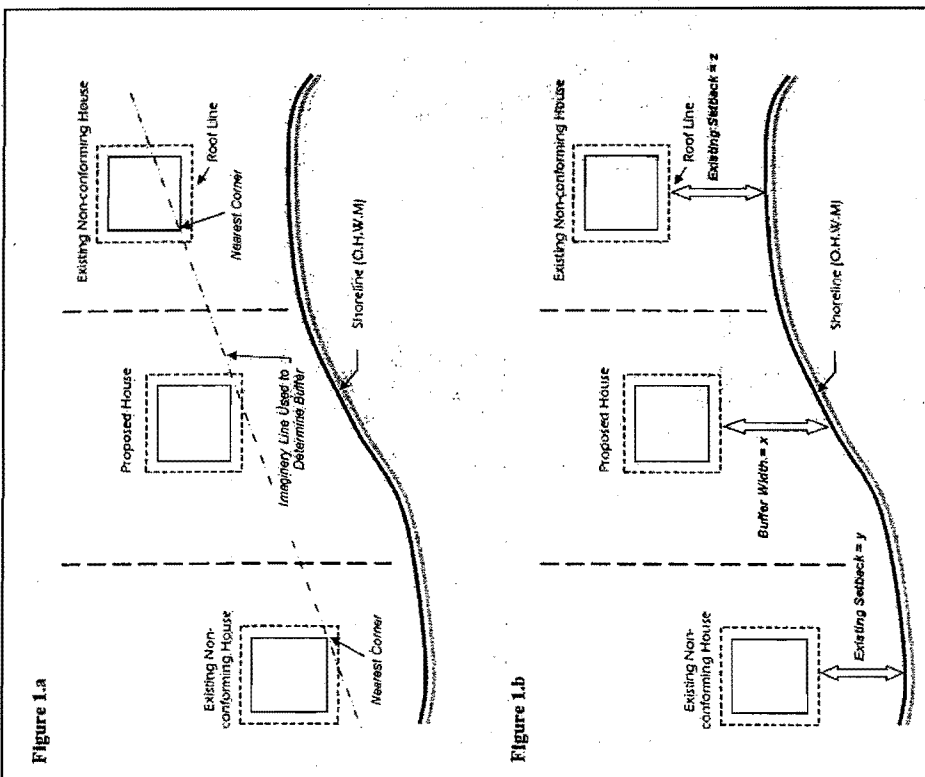
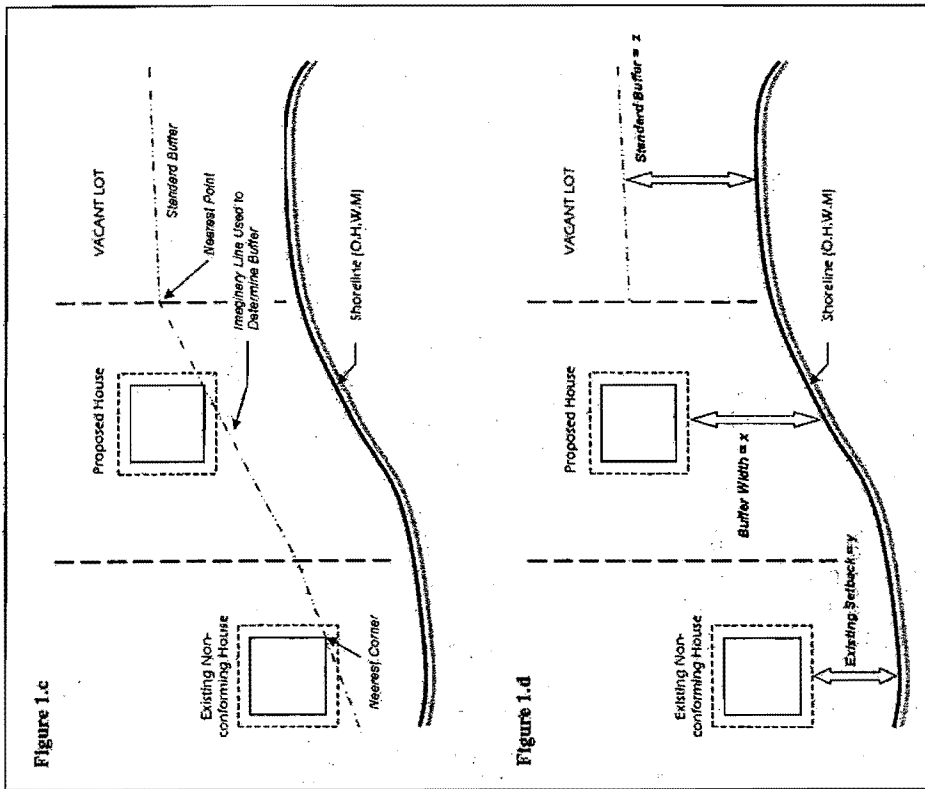


Buffer Averaging Example:



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Common Line Buffer Examples:



Either draw a line between the two nearest points or calculate as $x = (y + z) \div 2$

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FIGURE 3. Expanding/Enlarging a Non-conforming Single Family Residence

*Jefferson County Shoreline Master Program (SMP) Comprehensive Update
Locally Approved SMP (LA-SMP) Article 10.6*

Expanding/Enlarging a Non-conforming Single Family Residence

LA-SMP Article 2 Definitions

Nonconforming structure means a structure which does not conform to the dimensional regulations of this Program, including but not limited to setback, buffer, height, lot coverage, density, and building configuration (Note: Nonconformity is different from and not to be confused with illegality.)

Single Family Residential Expand/Enlarge Footprint or Additional Appurtenance	Up to 10% of Footprint	11—25% of Footprint Or Up to 35' Height Limit	More than 25% of Footprint or Vertical Expansion or Adverse Effect on Critical Area or Views	Waterward Expansion or Height over 35', or Further Encroach on Critical Area or Side yard Setback
Criteria	<ul style="list-style-type: none"> Landward expansion only No lateral, waterward or vertical expansion Do not locate in/over water Do not threaten critical areas Do not significantly impair shoreline views 	<ul style="list-style-type: none"> Landward or vertical expansion No lateral or waterward expansion Do not locate in/over water Do not threaten critical areas Do not significantly impair shoreline views Do not increase the degree of non-conformity Equivalent area of shoreline buffer to be enhanced with native vegetation 	<ul style="list-style-type: none"> Expand footprint more than 25% Landward, lateral or vertical expansion No waterward expansion Adverse effects on critical areas Obstruct view of adjacent development 	<ul style="list-style-type: none"> Waterward expansion Further encroach into critical area Further into side yard setback Increase height over 35'
Permits	<ul style="list-style-type: none"> Allowed w/o Conditional Use Permit or Shoreline Variance Administrative review for consistency w/ criteria as part of SFR Exemption from Shoreline Substantial Development Permit 	<ul style="list-style-type: none"> Allowed w/o Conditional Use Permit or Shoreline Variance Administrative review for consistency w/ criteria as part of SFR Exemption from Shoreline Substantial Development Permit 	<ul style="list-style-type: none"> Conditional Use Permit required 	<ul style="list-style-type: none"> Shoreline Variance required

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NOTE: The information provided herein is intended to be general in nature. Case-by-case analysis may be required for site-specific answers. Should any discrepancy exist between FAQ information and the LA-SMP, text of the proposed code shall prevail.