“The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.”

SHORELINE MANAGEMENT ACT

- Passed 1971
- RCW 90.58
- Requires all counties and most towns and cities with shorelines to develop and implement Shoreline Master Programs
- Establishes the concept of preferred shoreline uses, consistent with controlling pollution, preventing damage to the natural environment, or are unique to or dependent upon use of the shoreline.
  - Single-family residences
  - Ports
  - Shoreline recreational uses
  - Water-dependent industrial and commercial developments
  - Other developments providing public access opportunities
- As much as possible, shorelines should be reserved for "water-oriented" uses, including those that are "water-dependent," "water-related," and for "water-enjoyment."
ABOUT THE SHORELINE MASTER PROGRAM (SMP)

Established under the Shoreline Management Act

Shoreline Jurisdiction extends inland 200 feet from the Ordinary High Water Mark (OHWM), and also on certain lakes and streams

In Island County, Shoreline Jurisdiction is divided into six (6) different Shoreline Environment Designations (SED), and two (2) distinct overlays in the Shoreline Residential SED

Each SED has different standards for marine buffers, building setbacks, steep slope buffers, and impervious surface ratios

The Shoreline Master Program is jointly adopted by Island County and the Department of Ecology and must be updated on a regular basis

A comprehensive update to the SMP was done in 2016, this update is only a periodic review
KEY TERMS AND ACRONYMS

Shoreline Management Act (SMA)
Shoreline Master Program (SMP)
Ordinary High Water Mark (OHWM)
Shoreline Environment Designation (SED)

**Permit Types:**

*Permitted Uses*
- Shoreline Exemption – Limited Review (SHE-LR)
- Shoreline Exemption (SHE)
- Shoreline Substantial Development Permit (SDP)

*Other Uses*
- Shoreline Conditional Use Permit (SCUP)
- Shoreline Variance (SVAR)

**Shoreline Environment Designations (SEDs):**
- Natural (N)
- Rural Conservancy (RC)
- Urban Conservancy (UC)
- Shoreline Residential (SR)
  - Shoreline Residential Canal Community (SRCC)
  - Shoreline Residential Historic Beach Community (SRHBC)
- High Intensity (HI)
TASKS

STATE COMPLIANCE
State law, rules, and applicable updated guidance that may trigger the need for local SMP amendments

STAFF INITIATED UPDATES
Code changes implementing staff identified process improvements and language clarifications

SHORELINE MAPPING
Ensuring shoreline jurisdiction is accurately mapped, particularly as it relates to coastal lagoons and brackish wetlands, and Historic Beach Communities

SEA LEVEL RISE
Guidance and best management practices for shoreline property owners and coastal communities
### General Timeline and Process

**General Process**
- Bring topics and materials to the Technical Review Committee
- Then the Planning Commission
- Then the Board of Commissioners
- In that general order for discussion

**Jointly Adopted Ordinance**
- Island County and Ecology held a joint public comment period (March 26th - April 25th)
- Joint public comment hearing held on April 12th
- Today’s hearing is to recommend that the BOCC formally transmit the draft to Ecology for initial review
- BOCC will hold hearing on June 22nd to send the final draft to Ecology for their initial review
- Ecology will send back any comments on the initial draft
- Island County will incorporate Ecology’s comments, adopt the ordinance locally through public hearing with Planning Commission and BOCC
- Ecology will adopt the ordinance at the state level
TODAY’S PROCESS

Public Hearing

- Planning Commission is considering a recommendation to the Board of County Commissioners to:
  - Adopt a resolution formally transmitting the DRAFT to Ecology for initial review
CHANGES MADE TO DRAFT SINCE 4/26/21 MEETING
Incorporating Wetland Regulations into the SMP

- Currently adopted SMP, ICC 17.05A, has provisions included for Fish and Wildlife Habitat Conservation Areas
- The provisions for wetlands however, are referenced from the Critical Areas Ordinance (CAO)
  - They are also referenced as of a specific date:
    - **ICC 17.05A.090.C.14:** “14. Critical areas regulations adopted by reference: a. The following critical areas provisions of chapter 17.02A dated July 1, 2008 (Ordinance C-02-08), are incorporated into this Shoreline Master Program by reference...”

- Considerations:
  - Ecology requires jurisdictions whose SMPs reference their CAOs, that such reference be as of a date certain
  - That is the date Ecology reviewed and approved it for incorporation into the SMP, which is a jointly held ordinance
  - Version referenced by Island County’s SMP is now out of date, so staff have to keep an older version of the CAO to refer to for wetlands in shoreline jurisdiction
  - Per state law and Ecology guidance, wetland regulations are more strict in shoreline jurisdiction than allowed in upland areas, so understanding which sections of the referenced CAO apply and which cannot, has been difficult

- Proposal:
  - Consultants moved wetland provisions from CAO into SMP and adjusted to meet state law requirements – ICC 17.05A.090C
CHANGES MADE TO DRAFT SINCE 4/26/21 MEETING

Landscaping in Shoreline Setbacks and Buffers Blocking View Corridor

- ICC 17.05A.090.D.13

13. Within Shoreline Residential Canal and Historic Beach Communities, landscaping vegetation above 30 inches in height shall not be permitted within the water view corridor. Plantings within the shoreline buffer shall be installed in accordance with ICC 17.05A.090.G.
ITEMS FOR CONSIDERATION

The following items were brought up for consideration since the 4/26/21 meeting.
**ITEMS FOR CONSIDERATION**

- ICC 17.05A.090.E.1.e
- e. Replacement and expansion of existing residential structures in shoreline setbacks and buffers.

<table>
<thead>
<tr>
<th>Permit Processes for Replacement and Expansion Existing Residential Structures in Shoreline Setbacks and Buffers</th>
<th>Shoreline Buffer</th>
<th>Shoreline Setback</th>
<th>Steep Slope Setback¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replacement² (same footprint)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Expansion/Modification³ (including upwards expansion in height and expansion underneath existing footprint)</td>
<td>V</td>
<td>V</td>
<td>V</td>
</tr>
</tbody>
</table>

1. A geotechnical report will first be required for replacement or expansion of existing residential structures in the steep slope setback to determine if proposed action is safe.
2. As defined in ICC 17.05A.070
3. As defined in ICC 17.05A.070

**Definitions of 17.05A.070**

**Buffer** means the landward area adjacent to the OHWM, measured in feet, which protects the SMA waterbody from alterations caused by a development proposal. Buffers are established based on the shoreline environment designation. A buffer is measured horizontally and perpendicular from the ordinary high water mark, it runs parallel to the ordinary high water mark, and it includes the three-dimensional airspace above.

**View corridor** means the waterside area of a developed section of shoreline, within the Shoreline Setback and Marine Buffer, that shall not be blocked with accessory structures, except for those structures noted in section 17.05A.090.E.1.
ITEMS FOR CONSIDERATION

- ICC 17.05A.090.E.1.e
- A comment has been made requesting that vertical expansions of existing, non-conforming, structures within the setback or buffer be allowed where no expansion of the footprint is proposed
- Currently, this triggers the need for a variance
- Considerations:
  - Impacts to the view corridor
  - Allowing increase of non-conformity
- Staff do not recommend a change at this time
ITEMS FOR CONSIDERATION

- Planning Commissioner request that Planning Commission Findings be reworked and more detail provided
- Staff did not have time before today’s meeting to revise the findings
- These findings are just for transmitting the draft to Ecology for initial review
- **Suggested action:**
  - Staff can work to provide more detail in the findings before final adoption of the SMP and provide them to the Planning Commission ahead of time for review
CHANGES MISSED IN NEW DRAFT

Staff recommend including in the motion today, the following changes which were missed for inclusion in the published draft.
**Changes Missed in New Draft**

Staff recommend including in the motion today, the following changes which were missed for inclusion in the published draft:

- ICC 17.05A.110.A.8.I.
- Current Draft:
  - 1. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline stabilization measures exist on adjacent properties, the proposed stabilization must tie in flush with those stabilization measures as feasible. The new stabilization measure shall not extend waterward of the OHWM, except in those locations where the structure connects to the adjoining stabilization measure. The length of the hard structural shoreline stabilization transition area to adjacent properties shall be the shortest distance possible and shall not extend onto adjacent property.
- Proposed:
  - 1. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline stabilization measures exist on adjacent properties, the proposed stabilization must tie in flush with those stabilization measures as physically feasible. The new stabilization measure shall not extend waterward of the OHWM, except in those locations where the structure connects to the adjoining stabilization measure. The length of the hard structural shoreline stabilization transition area to adjacent properties shall be the shortest distance possible and shall not extend onto adjacent property.
Staff recommend including in the motion today, the following changes which were missed for inclusion in the published draft:

- ICC 17.05A.110.A.4.a.
- Current Draft:
  - a. New structural shoreline stabilization shall be prohibited in or adjacent to lakes.
- Proposed:
  - a. New structural shoreline stabilization shall be prohibited in or adjacent to lakes, *except that softshore stabilization may be permitted for those properties abutting Deer Lake in cases where a demonstration of need, consistent with the provisions of section 17.05A.110.A.3 ICC, can be provided.*
Staff recommend including in the motion today, the following changes which were missed for inclusion in the published draft:

- ICC 17.05A.040
- Current Draft:
  - Infrastructure means facilities and services needed to sustain industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.
- Proposed addition:
  - Infrastructure, public means infrastructure owned or available for use by the public.
Staff recommend including in the motion today, the following changes which were missed for inclusion in the published draft:

- ICC 17.05A.090.C.17.d
- Current Draft:
  - vi) The normal repair and maintenance of public infrastructure. For culvert repair or replacement, no BSA is required unless there is proposed expansion of conveyance capacity, configuration, or size.
  - vii) Minor utility repair within the improved right-of-way, provided that relocation of utility lines, equipment, or appurtenances shall occur as far as feasible from shoreline-associated critical areas, their buffers and/or the shoreline buffer. For culvert repair or replacement, no BSA is required unless there is proposed expansion of conveyance capacity, configuration, or size.
- Proposed addition:
  - vi) The normal repair and maintenance of public infrastructure, consistent with the definition of repair in 17.05A.070 ICC. For culvert repair or replacement, no BSA is required unless there is proposed expansion of conveyance capacity, configuration, or size.
  - vii) Minor utility repair within the improved right-of-way, consistent with the definition of repair in 17.05A.070 ICC, provided that relocation of utility lines, equipment, or appurtenances shall occur as far as feasible from shoreline-associated critical areas, their buffers and/or the shoreline buffer. For culvert repair or replacement, no BSA is required unless there is proposed expansion of conveyance capacity, configuration, or size.
Staff recommend including in the motion today, the following changes which were missed for inclusion in the published draft:

- ICC 17.05A.080 Table 1 – Footnote 16
- Current Draft:
  - 16. Legally established single-family residences that do not meet current standards and which are enlarged or expanded within the shoreline setback beyond that which is allowed by ICC 17.05A.090.E.11, shall be reviewed as a conditional use permit in accordance with section ICC 17.05A.140.C.
- Proposed addition:
  - 16. Legally established single-family residences that do not meet current standards and which are enlarged or expanded within the shoreline setback beyond that which is allowed by ICC 17.05A.090.E.11, shall be reviewed as a shoreline variance as a conditional use permit in accordance with section ICC 17.05A.140.C. ICC 17.05A.130.G.
After the Planning Commission has heard and considered all comments and discussion, staff recommend making two motions today:

1. Move to include the proposed amendments discussed on slides 10, and slides 16 through 20, as well as the commissioner proposed changes as read into the record, into the Draft proposed code amendments to Chapters 17.03 and 17.05A of Island County Code, Exhibit A.

2. Move to recommend that the Board of County Commissioners formally transmit the Draft Proposed Code Amendments to Chapters 17.03 and 17.05A of Island County Code, Element 3 of the Comprehensive Plan, and the Shoreline Environment Designation Map, enclosed as Exhibits A through F, to the Washington State Department of Ecology for initial review, as part of the periodic update of the Island County Shoreline Master Program in accordance with the optional joint review process of WAC 173-26-104.
THANK YOU!

MEREDITH PENNY
PLANNING MANAGER

GRANT JOHNSON
ASSOCIATE LONG RANGE PLANNER