

Chapter 17.05A

Shoreline Master Program Regulations and Procedures

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17.05A.050 - Applicability.

- A. This Shoreline Master Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state government agency, public or municipal corporation, or other nonfederal entity which develops, owns, leases, or administers lands, wetlands, or waters subject to this Shoreline Master Program.
- B. This Shoreline Master Program applies to all "development" as defined by this chapter and RCW 90.58, whether or not a shoreline permit or statement of permit exemption is required. All proposed uses, activities, and development occurring within shoreline jurisdiction shall comply with this Shoreline Master Program and RCW 90.58.

1. Requirements to obtain a shoreline substantial development permit, shoreline conditional use permit, shoreline variance, shoreline exemption, or other shoreline review to implement the Shoreline Management Act do not apply to lands under exclusive federal jurisdiction.

C. Applicability to federal agencies.

1. The policies and provisions of Chapter 90.58 RCW and this Shoreline Master Program shall be applied to federal lands and agencies as provided by the Coastal Zone Management Act (Title 16 United States Code § 1451 et seq.) and Washington Administrative Code (WAC) 173-27-060(1) and (3).
2. The requirements of this chapter shall apply to nonfederal activities undertaken on lands subject to nonfederal lease or easement, even though such lands may be under federal ownership.
3. The shoreline permit system shall apply to substantial developments undertaken on lands not federally owned but under lease, easement, license, or other similar federal property rights short of fee ownership, to the Federal government.
4. The provisions of this program shall not apply to lands held in trust by the United States for Indian Nations, tribes, or individuals.

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F. Developments not required to obtain shoreline permits or local reviews

1. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

a. Remedial actions. Pursuant to RCW 90.58.355, any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW.

b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW 90.58.355, any person installing site improvements for storm water treatment in an

existing boatyard facility to meet requirements of a national pollutant discharge elimination system storm water general permit.

c. WSDOT facility maintenance and safety improvements. Pursuant to RCW 90.58.356, Washington State Department of Transportation projects and activities meeting the conditions of RCW 90.58.356 are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

d. Projects consistent with an environmental excellence program agreement pursuant to RCW 90.58.045.

e. Projects authorized through the Energy Facility Site Evaluation Council process pursuant to chapter 80.50 RCW.

Commented [GJ1]: From Ecology guidance WAC 173-27-044

17.05A.060 - Shoreline environment designations and maps.

A. Shorelines of the state within Island County shall be designated on official shoreline maps to be kept in the office of the Island County Planning and Community Development Department. ~~(See Appendix: Island County Shoreline Environment Designations Map.)~~

Commented [JL2]: Add link to IC GeoMap

B. Shorelines shall be categorized into shoreline environment designations using the following six (6) designations: ~~a~~Aquatic, ~~n~~Natural, ~~r~~Rural ~~e~~Conservancy, ~~u~~Urban ~~e~~Conservancy, ~~s~~Shoreline ~~r~~Residential, and ~~h~~High ~~i~~ntensity. The ~~s~~Shoreline ~~r~~Residential designation includes the sub-designations of ~~s~~Shoreline ~~r~~Residential-~~e~~Canal ~~e~~Community and ~~s~~Shoreline ~~r~~Residential-~~h~~Historic ~~b~~Beach ~~e~~Community. For each shoreline designation, this section establishes the purpose and the criteria that are to be applied in establishing the extent of each designation.

C. In accordance with WAC 173-26-211, undesignated shorelines shall be automatically assigned an environment designation of Rural Conservancy.

Commented [MP3]: ECY recommendation

~~CD.~~ Whenever there is a conflict between parcel or other administrative boundaries ~~the descriptions of shoreline environment designations~~ and the mapped boundaries of the shoreline environment designations the county will rely on criteria contained in SMP chapter III (shoreline environment designations), RCW 90.58.030(2), and chapter 173-22 WAC pertaining to determinations of shorelands, as amended, rather than the incorrect or outdated map. When the Planning Director finds that a County map is in error, a correction shall be approved as a Type I ministerial decision pursuant to Chapter 16.19 ICC. Changes to shoreline environment designations other than those covered by this section shall only be made through a Comprehensive Plan Amendment or the periodic review process.

Commented [GJ4]: ECY recommendation

~~DE.~~ Aquatic shoreline environment designation.

1. Purpose: The purpose of the aquatic designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark.
2. Criteria for designation: Areas designated Aquatic should meet one (1) or more of the following criteria:
 - a. All saltwater areas waterward of the ordinary high water mark, including estuarine channels and coastal lagoons, other than those designated high intensity.

b. All SMA jurisdiction freshwater lakes waterward of the ordinary high water mark, to specifically include the following.

(i) Deer Lake;

(ii) Lone Lake;

(iii) Goss Lake;

(iv) Cranberry Lake; and

(v) Kristoferson Lake.

EE. Natural shoreline environment designation.

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FG. Rural conservancy shoreline environment designation.

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GH. Urban conservancy shoreline environment designation.

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HJ. Shoreline residential shoreline environment designation.

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3. Shoreline **fResidential-eCanal eCommunity** and **sShoreline fResidential-hHistoric bBeach eCommunity** are higher density residential areas adjacent to manmade canals or **low bank** marine shorelines that have historical platting and development patterns no longer allowed by zoning or the SMP. These waterfront lots are designated and mapped based on approved subdivision limits and are subject to the regulations for **sShoreline rResidential** designated areas, except when regulations specifically state that a regulation applies only to these specific communities.

4. Island County Historic Beach Communities include small parcels and historically dense shoreline neighborhoods~~the following platted subdivisions and other similarly situated plats~~ meeting the definition of **hHistoric bBeach eCommunity** set forth in section 17.05A.070. Historic Beach Communities shall be designated and mapped by the county as an overlay of the Shoreline Environment Designation map.

~~Madrona Beach (auditors file # 3997780 Nov. 1926)~~

~~Maple Grove Beach (auditors file # 3997763 Sept. 1930)~~

~~Maple Grove Beach No. 2 (auditors file # 3997761 Oct. 1930)~~

~~1st Addition Maple Grove Beach #2 (auditors file # 3997741 Oct. 1941)~~

~~Sunnyshore Acres (auditors file # 3997776 Aug. 1928)~~

~~Tyee Beach (auditors file # 3997748 July 1939)~~

~~Juniper Beach (auditors file # 3997784 June 1920)~~

Commented [MP5]: TRC recommendation

~~Pebble Beach Div. 1 (auditors file # 3997764 Aug. 1930)~~
~~Utsalady (auditors file # 3997706 Apr. 1881)~~
~~Utsalady Beach (auditors file # 3997814 Nov. 1950)~~
~~Columbia Beach (auditors file # 3998015 Aug. 1961)~~
~~Clinton Beach (auditors file # 3997789 Sept. 1920)~~
~~Bush Point Beach (auditors file # 3998106 Sept. 1967)~~
~~Pattons Beachwood Manor (auditors file # 3998033 Feb. 1966)~~
~~Hidden Beach Lots (auditors file # 3998078 Aug. 1964)~~
~~Whidbey Shores (auditors file # 3997878 May 1961)~~
~~Saratoga (auditors file # 3997698 June 1907)~~
~~Bell's Beach Waterfront Tracts (auditors file # 3997743 Dec. 1941)~~
~~Moonwink Div 1 (auditors file # 3999017 Oct. 1971)~~
~~Maxwelton Beach (North of Swede Hill Road, Maxwelton Rd. and Mill Beach Lane)~~
~~Possession Beach Walk (R32812-010-0100, R32812-054-0130, R32812-067-0130)~~
~~Sunlight Beach (S8220-01-00038-0, S8220-01-00040-0, S8220-01-00007-0, S8220-00-00004-0, S8220-00-00006-0, S8220-00-00007-0, S8220-00-00008-0, S8220-00-00009-0, S8220-00-00039-0 and S8220-00-00040-0)~~
~~Shore Ave. (R22923-153-3900, S6080-00-00001-0, S6080-00-00001-0, S6080-00-00003-0, & S6080-00-00004-0)~~
~~Sandy Point (lots R32902-458-3820, R32902-459-3950, R32902-460-4020, S8080-00-02001-0, S8080-00-02002-0, S8080-00-02003-0, and S8080-00-02004-0 on west end of Whale Walk)~~
~~West Beach and Seaview (Beachwood Drive/Whitecap Lane S7675-00-00001-0, S7675-00-00003-0, S7675-00-00004-0, S7675-00-00005-0, S7675-00-00006-0, & S7675-00-00007-0; W Crosby Rd., going south along W Beach Rd., starting at S7700-00-0000A-0 and ending at S8385-00-00020-0)~~