



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

PHONE: (360) 679-7339 ■ from Camano (360) 629-4522, Ext. 7339 ■ from S. Whidbey (360) 321-5111, Ext. 7339 FAX: (360) 679-7306 ■ 1 NE 6<sup>th</sup> Street, P. O. Box 5000, Coupeville, WA 98239-5000. Internet Home Page: <http://www.islandcounty.net/planning/>

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### ~ MEMORANDUM ~

**TO:** Planning Commission  
**FROM:** Hiller West, Director  
**DATE:** February 1, 2019  
**SUBJECT:** Proposed "Door 2" amendments to ICC 11.02, 14.02A, 17.05A

#### **BACKGROUND**

At its January 14 Planning Commission workshop, staff provided an update regarding the recently received conditional letter of approval from FEMA for the "Door 2" amendments. The proposed amendments were reviewed with the Commission, and a public hearing date of February 11<sup>th</sup> was selected.

#### **DISCUSSION**

Currently, Island County enforces the National Flood Insurance Program (NFIP) under what is called the "door 3" approach. Under this approach, each development within the special flood hazard area (100-year floodplain and coastal high-velocity zone) must be individually assessed for its impact on shoreline habitat, specifically on the potential effect on threatened salmon species and Orca whales. This individual assessment takes place through submittal of a habitat assessment study with each building permit.

Over the last year, there has been an ongoing review with FEMA of the Island County shoreline and critical area regulations that have been updated as required by Washington State statute. FEMA reviewed Island County's regulations through a spreadsheet questionnaire that was eventually approved. A copy of the questionnaire is attached. A narrative was also provided to FEMA which describes Island County's shoreline and critical area regulations, and how they affect the review process for shoreline development.

Under the proposed “door 2” process, Island County is able to use its own adopted shoreline and critical area regulations to review shoreline development, and submittal of a project-by-project habitat assessment is no longer required for a flood development permit (it is important to note, however, that a habitat assessment may still be required by the shoreline permitting process). Under this process, FEMA also no longer periodically audits shoreline development permits issued by Island County, for compliance with requirements of the Biological Opinion (BIOp) regarding habitat protection. As proposed, in addition to the use of its own shoreline and critical area regulations, Island County would adopt several specific requirements governing shoreline development that were requested by FEMA to ensure protection of shoreline habitat. These requirements are the proposed code amendments before the Planning Commission.

### **PROPOSED AMENDMENTS – OVERVIEW**

As discussed at the workshop, the proposed definition of “development” is broader than that currently in use. FEMA requested that Island County address any alteration of natural site characteristics, not only construction. The addition of a definition for “low impact development” is needed because the Island County code does not currently define these practices, and low impact development will be required for shoreline development under the proposed standards.

FEMA has also requested that a notice on title be recorded as a condition of development approval whenever property is located within the Riparian Management Zone (the floodplain along rivers and streams) and/or the Special Flood Hazard Area. This is a relatively simple step that will require development of a form suitable for recording that a homeowner or applicant can use.

The proposed shoreline development standards involve the following:  
(a) a requirement for mitigation of habitat loss if the existing building footprint will be exceeded by over ten percent; (b) a minimum of two-thirds of native vegetation must be retained on-site; (c) any existing hard armoring must be repaired or replaced with soft shore armor; and (d) all storm water must be infiltrated on site using low impact development techniques.

In order for these standards to work effectively it will be likely necessary for staff to design habitat mitigation options for whenever residential footprints are exceeded by over ten percent, and to present recommendations to homeowners or developers for infiltration of all stormwater onsite.

## **RECOMMENDATION**

Based on the above, staff recommends adoption of the proposed code amendments. As a public hearing has been scheduled for February 11, it will be necessary for the Planning Commission to open the hearing and take public comment, then close the hearing and request any needed clarification or information from staff.

Should the Planning Commission determine to approve the proposed amendments, draft Findings of Fact are attached in support of the Planning Commission's decision, for adoption by separate motion.

If you have any questions, please let me know.

### **Enclosures:**

- NFIP Compliance checklist
- Draft Findings of Fact
- Proposed amendments to ICC 11.02, 14.02A, 17.05A

