



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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### ~ MEMORANDUM ~

**DATE:** January 7, 2019

**TO:** Island County Planning Commission

**FROM:** Hiller West, Planning and Community Development  
Meredith Penny, Planning and Community Development

**SUBJECT:** FEMA Door 2 Option Conditional Approval

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#### **BACKGROUND**

On December 10, 2018, staff updated the Planning Commission regarding the progress of negotiations with FEMA towards adoption of the BOp “Door 2” option, which involves a proposed set of voluntary development standards within the Special Flood Hazard Area (SFHA) along the marine shoreline that will provide a streamlined permitting process for residents. Meeting these voluntary development standards would satisfy the requirement to submit a Biological Site Assessment for permit applications in the Special Flood Hazard Area.

Staff have received conditional approval from FEMA indicating that upon adoption of a few regulatory changes, the Door 2 option will become effective. Staff will review these proposed regulatory changes, as attached to this memo, with the Planning Commission at their January 14<sup>th</sup> meeting.

Upon adoption, Island County can then use its own regulations and standards to review and approve development permits within the shoreline.

# Island County Planning & Community Development

## Code Changes for FEMA BiOp Compliance

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Island County's compliance with the Federal Emergency Management Agency (FEMA) Biological Opinion (BiOp) will allow shoreline residents (who meet the performance criteria) to take advantage of the streamlined permitting option ("Door 2 approach").

To become compliant the FEMA BIOP Island County will made the following code changes:

### **Island County Code 11.02 – Clearing and Grading Requirements**

ICC11.02.030 Definitions Additions:

- **Development** - "development" is any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, alteration of natural site characteristics, paving, excavation, drilling operations or storage of equipment or materials, or removal of substantial amounts of vegetation.
- **Low Impact Development (LID)** - LID is a storm water management strategy that emphasizes conservation and the use of existing natural site features by integrating them with distributed, small-scale storm water controls to mimic natural hydrologic patterns. LID is more than on-site infiltration of storm water (e.g., through rain gardens and pervious surfaces). LID also captures and stores water for later reuse, filters out pollutants, and reduces water velocities during storm events. Thus, even where infiltration is not feasible, other LID techniques are still able to be used. For Low Impact Development Practices see the Low Impact Development Technical Guidance Manual for Puget Sound (January 2005).

### **Island County Code 14.02a – Flood Damage Prevention Ordinance**

ICC14.02A.020 Definitions Addition:

- **Development** - "development" is any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, alteration of natural site characteristics, paving, excavation, drilling operations or storage of equipment or materials, or removal of substantial amounts of vegetation.

ICC14.02A.040.A.1 Development permit required Addition:

- The applicant must record a Notice on Title that the property contains land within the RHZ and/or 100-year floodplain before a permit for a subdivision of land or a new or substantially improved structure may be issued.

ICC14.02A.040 Administration Addition:

- Meeting the following performance standards allows the FEMA BiOp programmatic review/approval for shoreline development permits:
  - If you exceed 10% of the existing footprint, mitigation is required.
  - You must retain 65% of native vegetation.
  - Hard armoring will be replaced with soft armoring or keep natural shoreline.
  - All storm water must be infiltrated on site.

### **Island County Code 17.05A- Shoreline Master Program Regulations and Procedures**

17.05A.090.L Flood Hazard Reduction Addition:

- All new development will select least impactful area for development (outside the SFHA, where feasible).