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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

Creating Solutions for Our Future

MEMORANDUM

TO: Planning Commission
FROM: Andy Deffobis, Associate Planner
DATE: **August 15, 2019**
SUBJECT: Introduction to Proposed Chapter 19.600 – Shoreline Use and Modification Development Standards

At the August 21, 2019 Planning Commission meeting, discussion will focus on a general overview of the components of Proposed Chapter 19.600 of the Shoreline Master Program update: 'Shoreline Use and Modification Development Standards'. If time permits, we will begin reviewing the edits in the strike-through version of that chapter (included in your packet).

Proposed Chapter 19.600 includes policies and regulations for different land uses that may occur within shoreline jurisdiction. The chapter includes a table that explains which activities are allowed in each shoreline environment designation, and the type of permits required. Written regulations follow the table for various shoreline land uses. The language in proposed Chapter 19.600 builds on the general goals and policies in Proposed Chapter 19.300.

The draft chapter includes development standards for several types of shoreline uses that have already been subject to significant public and Planning Commission discussion. Areas of focus include aquaculture, shoreline stabilization (e.g. bulkheads), and residential development. Below is an overview of proposed development standards for these uses to aid discussion.

Aquaculture in the Proposed SMP

New aquaculture activities are proposed to require a substantial development permit (SDP), unless exemption criteria listed in Proposed Section 19.500.100 are met. New geoduck aquaculture would require a conditional use permit (CUP), and an SDP if the operation causes substantial interference with normal public use of surface waters per WAC 173-26-241.

A complex framework of state and federal requirements for aquaculture is already in place. These requirements may include health certifications, aquatic farm permits, NPDES permits, aquatic land leases, fish transfer permits, tribal harvest notifications, Endangered Species Act consultations and more (SMP Handbook Chapter 16, Page 8). County applicants are not required to duplicate information that was already provided in local, state, or federal permit applications.

Applicants must provide a site plan delineating the area of the proposed use, and describe adjacent upland uses, vegetation, structures, and other modifications. They must describe where substrate modification will occur, and make access provisions for marine and vehicle traffic. Applicants must provide a baseline description of environmental conditions, and an operational plan that describes the type and quantity of aquatic product to be raised, and the scale and logistics of the proposed operation.

Under the proposed rules, aquaculture is not permitted where it would result in a net loss of shoreline ecological functions, or where adverse effects to critical salt- and freshwater habitats cannot be mitigated. The proposed rules also include specific standards for various types of aquaculture, including commercial geoduck and net pen aquaculture.

Shoreline Stabilization in the Draft SMP

The proposed draft discusses both soft and hard shoreline stabilization techniques. Soft shoreline stabilization would require an administrative CUP. It may be exempt from an SDP if criteria in Section 19.500.100 are met (i.e. normal protective bulkheads common to single-family residences). Hybrid stabilization approaches would also require an administrative CUP, while hard stabilization is proposed to require a CUP. New structural stabilization is only permitted when a geotechnical analysis shows it is necessary to protect existing primary structures, water- and non-water dependent development (under certain circumstances), and restoration and hazardous substance remediation projects.

The chapter includes information applicants must submit, such as a habitat survey, tidal elevations, and estimated rates of erosion. Soft shoreline stabilization measures (i.e. non-structural) must be used unless a geotechnical analysis demonstrates they are not sufficient to protect primary structures, dwellings, and businesses. Where new hard shoreline stabilization measures are proposed, they must assure no net loss of ecological functions, and are limited to the minimum size necessary. Mitigation is proposed to be required for both hard and soft shoreline stabilization, hard or soft.

Replacement of existing stabilization structures to protect principle uses or structures from erosion caused by tidal action, currents and waves may be permitted, if a geotechnical report demonstrates it is needed. Alternative or soft approaches must be considered prior to in-kind replacement. Replacements must be designed and constructed to assure no net loss of ecological functions, be no larger than the existing structure, and perform the same stabilization function.

The proposed SMP does not allow shoreline stabilization measures to preserve residential lawns, yards, or landscaping, unless a health and safety issue exists. The draft also prohibits use of shoreline armoring to protect a platted lot where no primary use or structure exists.

Residential Development

Proposed Chapter 19.600 requires a CUP for new single-family residences and subdivisions in the Natural SED, while multi-family units and accessory dwelling units (ADUs) are prohibited. New single-family residences in the Rural Conservancy, Urban Conservancy, and Shoreline Residential SEDs may be exempt from SDP requirements if they meet exemption criteria in proposed Section 19.500.100. Multifamily units, ADUs and subdivisions are proposed to require an SDP in the Shoreline Residential SED, and a CUP in the Rural and Urban Conservancy SEDs.

In the proposed draft, new residential development or subdivision of land must be designed and developed in a manner that ensures no net loss of shoreline ecological function. New and remodeled residential development, and new subdivisions, must be designed and constructed so that stabilization structures are not required to protect structures or uses. New over-water residences are prohibited, though life safety improvements may be made to existing over-water residences. New multi-unit residential development or subdivision must provide for public access for the lots in question, with some exceptions for compatibility, safety, security, and shoreline impacts.