The preliminary draft of the Goals and Policies element of the Shoreline Master Program, has been compiled to comply to with updated Shoreline Master Program guidelines (WAC 173-26) while keeping proposed amendments to the current SMP goals and policies to a minimum.

As proposed, the goals and policies are consistent with state’s requirements. Staff also recognizes that this is a preliminary document and subject to further revisions.

The Staff and Prosecuting Attorney’s proposed amendments to the draft approved by the Planning Commission are marked with distinct fonts. A key to the different amendments can be found at the top of the first page of text.

Possibly the most significant of the proposed changes in the document include; creating a new shoreline environment; combining two previously distinct but similar sections; deleting references to subarea plan specific shoreline designations; updating the language regarding critical areas; critical saltwater habitats and no-net loss provisions. Where possible, Staff has retained the language that is already present in the County’s Shoreline Master Program.

1. Currently the County’s SMP includes section 3.2 ‘Overall Shoreline Goals and Policies’ and section 3.4 ‘General Shoreline Policies.’ The provisions of each, while not identical are similar, for example 3.2 F provides direction for Conservation efforts while section 3.4.C addresses...
Environmental Impacts of development. Staff combined the goals and the policies of both.

The new combined general goals and policies section includes goals and policies for: Shoreline Use, Economic Development, Critical Areas, Public Access, Clearing, Grading and Vegetation Management, Prevention and Mitigation of Adverse Impacts, Historic and Archaeological Resources, Shorelines of Statewide of Significance, Signs, Flood Hazard Reduction and Administration.

Section 3.2.C Critical Areas designates the combination of critical areas identified in the Growth Management Act, (Wetlands, Fish and Wildlife Habitat, Geologically Hazardous, Critical Aquifer Recharge and Frequently Flooded areas) with those identified in the WAC 173-26-221(2)(iii)(A) critical saltwater habitats, including all kelp beds, eelgrass beds, spawning and holding areas for forage fish, such as herring, smelt and sandlance, subsistence, commercial or recreational shellfish beds, mudflats, intertidal habitats with vascular plants and those areas with which priority species have a primary association and designates them all Critical Areas.

2. The County’s eight proposed shoreline designations do not mirror the six shoreline environments described by WAC 173-26-211. The guidelines state local jurisdictions are not required to use the taxonomy proposed by the Department of Ecology. The WAC simply requires jurisdictions to have defined shoreline designations that serve specific stated purposes, possess classification criteria and management policies. As long as the proposed designations are consistent with the SMA and ensure no net loss of ecological functions then local jurisdictions are allowed to create their own shoreline designations.

In deference to the work that has been carried out by citizen’s committees in the past and the fact that the proposed shoreline designations, (Urban, Rural, Rural Residential, Rural Farm Forest, Ports, Marinas and Marine Transportation, Conservancy, Natural and Aquatic) are more clearly defined and specifically focused than their DOE counterparts, Staff recommends their retention.

Staff and the Planning Commission has recommended the elimination of specially named shoreline environments for Shaw Island and Eastsound subareas as the uses and development standards in these districts default to the parent district. For example, the direction for determining allowed commercial uses in Eastsound Conservancy is “Same as conservancy.” For permitted commercial uses in the Eastsound Natural shoreline environment, the reader is directed “Same as natural.” The goals and policies of the Shaw and Eastsound districts are parallel to their parent
environments, with the exception of the Eastsound Marina shoreline environment.

Within each of the shoreline environments there were minor adjustments to the existing language to account for and direct attention to the no net loss requirements.

Staff is proposing the creation of a specific shoreline environment for marinas and ports. The purpose of the environment is to recognize the unique use requirements of marinas and ports as one of the primary land-Salish Sea interfaces.

Currently ports and marinas are regulated within the catch all category of ‘boating facilities’ which incidentally includes buoys, marine railways and private residential docks. It is staff’s contention that the scale of marinas and ports, along with the specialized services that they provide, such as sewage pump outs and spill clean-up facilities, imply greater localized and general impacts than a joint use dock.

Marinas and ports provide mooring spaces for residents and tourists alike thereby reducing the need for docks serving individual residences and concentrating the majority of the upland and shoreline impacts within specific locales.

Marinas and ports are preferred uses within the SMA and often provide water access for a variety related water dependent businesses and activities.

3. The new Section 3.4 contains the goals and policies applicable to specific shoreline uses. The new Section 3.4 retains the majority of the text from the old Section 3.5 along with a new subsection for Essential Public Facilities. By incorporating goals and policies regarding shoreline Essential Public Facilities and their identification and siting criteria, Staff recognizes that the proposal is potentially contentious but holds that as a community of islands, a variety of public facilities may need to have a shoreline location and text recognizes existing facilities and provides guidelines for the identification of future sites.

Section 3.4.Q updates the Utilities and Capital Facilities shoreline goals and policies and addresses the current policy of precluding the use of Reverse Osmosis (RO) to provide water for new subdivisions in the shoreline.

In 2010/2011 the Marine Resources Committee and Water Resource Management Committee discussed the current policies and regulations
regarding RO and jointly developed the majority of the proposed amendments of this section. Staff recommends the County amend its approach to RO and allow its use, subject to appropriate shoreline permit conditions, in the provision of water to new development.

Recent studies have shown, (see The Current status of Desalinization Systems in San Juan County and Issues Impacting their Use. Ron Mayo and the San Juan County Water Resources Management Committee. January 2009, at http://sanjuanco.com/health/docs/ehswrm/StatusofDesal_FullRpt.pdf), the impacts of RO are minimal. In comparison, the dangers of salt water intrusion, well and water source contamination and the drawdown of groundwater are well known, well documented and potentially catastrophic.

This proposal is a significant policy shift from the current status quo.

An issue to be considered with regard to this proposal is the future development potential of the County’s shoreline and the extent the development potential would change subsequent to a change in policy and regulations.

While the current goals and policies of the County’s SMP are consistent with WAC’s requirements, the proposed amendments do include some significant policy issues for the Council’s consideration.