DATE: AUGUST 7, 2012

TO: PLANNING COMMISSION

FROM: SHIREENE HALE, PLANNING COORDINATOR AND PLANNING, COLIN MAYCOCK, AICP, PLANNER IV

SUBJECT: SHORELINE MANAGEMENT PROGRAM UPDATE PRELIMINARY REGULATION PROPOSAL

FOR MEETING OF: AUGUST 17, 2012

ISSUES: DRAFT OF PROPOSED AMENDMENTS TO CURRENT SMP REGULATIONS FOR GENERAL, ENVIRONMENTAL PROTECTION, SIGNS, COMMERCIAL DEVELOPMENT, TRANSPORTATION FACILITIES, PARKING, INDUSTRIAL DEVELOPMENT, INSTITUTIONAL DEVELOPMENT, UTILITIES, PUBLIC ACCESS, RECREATION AND PERMITTING PROCEDURES.

INTERNAL CONSISTENCY:

A central theme of the SMP preliminary proposal is to make the document clearer, less ambiguous and less redundant. It is axiomatic that the current and proposed regulations implement the goals and policies of the SMP. In recognition of that premise, the directions to review allowed projects for consistency with the goals and policies of the SMP, have been removed. The process for conditional use permits is an exception to this as a policy review is an appropriate part of the permitting activity.

Terminology throughout has been updated where appropriate, so that where, currently there is a phrase such as ‘minimizing adverse impacts to the environment’ it has been replaced with ‘ensure no net loss of ecological functions and values.’ Where the current SMP refers to the administrator, the proposal changes the title to ‘Director.’

Throughout the document references to the shoreline ‘environment’ has been changed to ‘designation’ where appropriate to match the preferred term in the revised Comprehensive Plan Goals and Policies.
As with the proposed revisions to the Goals and Policies, staff has striven to maintain the existing language and to clarify underlying intent.

POLICY CHANGES:

The preliminary draft includes proposed policy changes that would benefit from the Planning Commissions scrutiny and input. Among the most significant are:

1. Lifting the prohibition on using desalination technology to provide necessary water to new subdivisions.
   a. The negative impacts of exhausting ground water supplies, such as saltwater intrusion, are well known whereas there is evidence to suggest that generally speaking the negative impacts of Reverse Osmosis are far more limited.
   b. The County will be collecting information regarding the location and size of new and existing desalination units as a means of improving the appreciation of possible cumulative impacts of the systems.

2. Requiring that all shoreline projects obtain a determination of exemption, a substantial shoreline development project, a shoreline conditional use project or a shoreline variance.
   b. It is possible to interpret the current language for exemption determinations as only needed in specific circumstances dependent upon the evaluation of a project and whether it meets those circumstances.
   c. The department may need to reevaluate fee structure for Administrative determinations.

3. The WAC requires that a mitigation sequencing analysis is undertaken when considering shoreline projects. At 18.50.070, staff is recommending a procedure for determining when the mitigation sequencing analysis is necessary and the required elements of a mitigation plan and project. This is drawn directly from the proposed language in the Critical Areas Ordinance in order to ensure that there is consistency in administration.

4. WAC 173-27-100 allows the Director to evaluate and revise, if requested, existing shoreline permits. Currently the code specifies that permit revisions have to be approved by the Hearing Examiner. The WAC sets forth the criteria and process for administrative revisions. The proposal includes this option for projects that meet the criteria.

POLICY QUESTIONS:

1. It is current policy only to allow County docks on the islands served with County Roads, is this something that we’d like to maintain?

2. For reasons relating to safety, enforcement and equality of access, it is current policy to forbid overnight moorage at County docks, thoughts?
3. Barge landings, generally speaking are short term events for specific projects, such as moving a house, the current language appears to regulate only permanent structures rather than single events. The proposal contains changes to the Barge landing criteria to accommodate these intermittent activities. Is this a path that should be explored further?

4. The shoreline use table is a work in progress, it is imagined as being a ready reference with the direction to follow up with the text when necessary. Thoughts, comments, concerns?