DATE: SEPTEMBER 11th, 2012

Staff Report

TO: PLANNING COMMISSION

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

SUBJECT: SHORELINE MANAGEMENT PROGRAM UPDATE PRELIMINARY REGULATION PROPOSAL #3

FOR MEETING OF: SEPTEMBER 21, 2012

ISSUES: DRAFT OF PROPOSED AMENDMENTS TO CURRENT SMP REGULATIONS FOR SHORELINE ENHANCEMENT, SHORELINE STABILIZATION, DREDGING, SHORELINE MODIFICATIONS (INCLUDING BREAKWATER, JETTIES, GROINS), PORTS AND WATER RELATED FACILITIES AND FLOOD HAZARD REDUCTION

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 because a review of the Comprehensive Plan policies 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.
A table listing the shoreline uses by designation is being developed, however, where necessary, the regulations by designation text will remain. This will obviate the need to create multiple notes for the table and the table can refer the reader back to the specific provision.

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 Commission attention.

1. The proposal clarifies the distinction between public and private boating facilities by distinguishing between those that serve more 5 or more residences and those serving 4 or fewer residences. This has been done to reflect a distinction in WAC 173-26-231(3)(b) between facilities that under certain conditions may be required to provide public access or are in fact public facilities and those docks and other boating amenities that are single or joint use structures serving no more than 4 residences and are considered as appurtenant structures.

   Public facilities are expected to provide public access, however, WAC 173-26-221(4) distinguishes between the construction of docks, buoys, moorage floats etc. that are required to provide public access to the water (unless the access is infeasible due to dangerous or incompatible uses, insecure or harmful to the shoreline’s ecological functions and values), and those developments that are not required to provide any kind of public access. The threshold between each is between 4-5 lots or units.

2. The proposal includes size limits and anchor standards for moorage floats.

3. The proposal sets out a permitting procedure and standards for new mooring buoys.

4. The proposal consolidates groins, jetties and bulkheads into a single shoreline modification section. The terms, armor and bulkhead have been replaced with the more accurate term ‘hard structural shoreline stabilization measure.’ In addition, this section clarifies the distinction between ‘repair’ and ‘replacement’ of structural shoreline stabilization measures. There is an increased emphasis on proving the need for hard shoreline stabilization measures and the need to protect structures.

5. The proposal provides standards and process for approving mooring buoys.

6. The proposal includes a table of development standards for residential docks serving 4 or fewer residences.
7. The proposal includes definitions of flood hazard reduction methods, shoreline enhancement, mooring float, and bulk storage.

POLICY QUESTIONS:

1. The proposed hard structural shoreline stabilization regulations limit the use of such measures to protecting threatened primary structures or ADU’s, underground utilities, roads or driveways or for shoreline restoration projects. This list would disallow the building of hard shoreline structural stabilization to limit the erosion land. The regulations are focused on structures rather than uses, is this emphasis appropriate?

2. Is the distinction between boating facilities serving 5 or more residences and those serving 4 or fewer clear? Are the different development standards applicable to each clear? Is there a better way to denote the distinction?

3. A question has arisen regarding dock access to private islands. Currently the code considers docks as appurtenant structures to residences which means that in order for some folks to gain access to their own island, they are required to take out a building permit or even a build a structure. Do we want to allow for docks in those odd circumstances of privately owned islands where a house is neither present nor wanted?