

San Juan County Shoreline Master Program (SMP) Periodic Update

San Juan County Planning Commission

November 15, 2019

Preliminary briefing

Shoreline Management Act (SMA) (Chapter 90.58 RCW)
Washington Administrative Code Chapter 173-96, and 173-97 WAC

Ecology Grant & Public Participation Plan

- ▶ Ecology formula grant agreement is in process.
- ▶ Project website:

[https://www.sanjuanco.com/1643/Shoreline-Master-Program-Periodic- Update](https://www.sanjuanco.com/1643/Shoreline-Master-Program-Periodic-Update)

Staff reports, resources, notices, and public participation plan including a tentative schedule are on the project webpage.

How to Obtain Notices and Comment

- ▶ The public may subscribe for project newsflashes and notices at: <https://www.sanjuanico.com/list.aspx>.
Select SMP Update under “newsflashes.”
- ▶ Project email: SMPCComments@sanjuanico.com.

Tentative Hearings and Adoption Schedule

- ▶ February 21, 2019: Planning Commission public hearing.
- ▶ April 2020: Joint Council and Ecology public hearing.
- ▶ May or June 2020: County and Ecology final actions.

Mandatory Update

- ▶ The 2018 comprehensive SMP update included Element 3 of the SJC Comprehensive Plan and shoreline regulations.
- ▶ RCW 90.58.080 requires a periodic review.
- ▶ WAC 173-26-090(2)(d)(i) provides a minimum scope of review:
 - ❖ (A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
 - ❖ (B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.

Periodic Review

- This review is distinct from the 2018 comprehensive update.
- The focus is on consistency with new laws and guidance adopted since the comprehensive update.
- Check consistency with revised plans and regulations, and
- Update to reflect changed circumstances, new information or improved data.

Not required: Comprehensive revision of shoreline inventory/characterization report or restoration plan.

Preliminary Review

- ▶ WA State Department of Ecology's periodic review checklist.
- ▶ Preliminary identification revisions needed for consistency with state laws, rules and updated guidance adopted through 2019.
- ▶ October 29, 2019 memo: preliminary checklist review.
- ▶ Ecology's preliminary review checklist: address DCD policy about "other" appurtenant structures.

Preliminary Checklist Review

- ▶ Several revisions to shoreline exemptions in SJCC 18.50.040 and .050:
 - Dock value thresholds;
 - Enhancement projects including kelp, eelgrass and native oyster restoration; and
 - Retrofitting existing structures to comply with the Americans with Disabilities Act.
- ▶ Clarifications about shoreline substantial development permit exemption vs. meeting SMP substantive requirements.
- ▶ Clarify shoreline development definition because it does not include dismantling or removing structures if there is no other associated development or re-development.

Preliminary Checklist Review

- ▶ Amend SJCC 18.80.110 to comply with WAC 173-27-044, or include a new definition of date of filing in code:
 - “Date of filing” replaces “date of receipt” for shoreline permits sent to Ecology. Requires concurrent filing of permits.
- ▶ Amend the definitions in SJCC 15.12.030 and 18.20.190 to include the legislature’s options for defining "floodway" as:
 - Either the area that has been established in FEMA maps, or
 - The floodway criteria set in the SMA.

Local Circumstances

- ▶ Codify a 2019 DCD policy, PP-2019-02
- ▶ It addresses “other” unnamed structures not identified in the definition of normal residential appurtenance.
- ▶ Amend the definition of normal residential appurtenance.
- ▶ May require other code changes in SJCC 18.50.540(D) regarding normal residential appurtenances.

Status

- Developing a draft ordinance. Determining best way to make needed amendments and checking for unintended consequences in other code sections.
- Drafting a SEPA environmental checklist.
- Accepting comments on the preliminary review of the Ecology checklist or other amendments.
- Reviewing implications and process requirements if changing SJCC Chapter 15.12.

Good News: Grant lasts until June 2021.

- ▶ Funds not spent on this update can be used on SMP implementation after Ecology's approval of the periodic update.

- ▶ Unspent funds would be used to hire a consultant to work on the cumulative shoreline monitoring program (SJCC 18.50.020(E)(3):
 3. The department shall document all project review actions in the shoreline jurisdiction and evaluate the cumulative effects of such development on shoreline conditions. The cumulative effects evaluation shall be conducted every four years and consider:
 - a. Permit applications, decisions, environmental reports, and other data from authorized shoreline exemptions and permits and GIS maps;
 - b. Aerial and LIDAR photographs;
 - c. Other available data; and
 - d. Field observations.

Questions?

