

San Juan County Shoreline Master Program (SMP) Periodic Update

San Juan County Council
December 3, 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 for \$84,000 is in process.

▶ Project website:

[https://www.sanjuanoco.com/1643/Shoreline-Master-Program-Periodic- Update](https://www.sanjuanoco.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:
<https://www.sanjuanoco.com/list.aspx>.
Select SMP Update under “News Flashes.”
- ▶ Project email: SMPCComments@sanjuanoco.com.
Provide your full name and address on emails for the record.

Tentative Hearings and Adoption Schedule

- ▶ February 21, 2020: Planning Commission public hearing
- ▶ April 2020: Joint Council/Ecology public hearing
- ▶ May/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:
 - ❖ Comply with amendments to state law, rules and guidance adopted between 2007 and 2019; and
 - ❖ Be consistent with the SJC Comprehensive Plan and development regulations and other local requirements.

Periodic Review

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

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

Preliminary Review

- ▶ September 16, 2019 memo to Council contains the preliminary review of Ecology's period review checklist
- ▶ Ecology's additional comment: address DCD policy about "other" residential appurtenant structures.

Preliminary Checklist Review

- ▶ Revise 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.
- ▶ Clarify shoreline substantial development permit exemption vs. meeting SMP substantive requirements.
- ▶ Clarify the definition of shoreline development. 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.

- ▶ Amend the floodway definitions in SJCC 15.12.030 and 18.20.190 to include the legislature’s options:
 - Either the area established in FEMA maps, or
 - The floodway criteria set in the SMA.

Local Circumstances

- ▶ Codify DCD policy, PP-2019-02: Attachment C of November 20, 2019 memo.
- ▶ Provides consistent interpretation of “other residential appurtenances” not identified in the definition of normal residential appurtenance.
- ▶ Addresses common residential accessory structures such as fire pits, dog houses, raised beds, and garden art/sculptures.
- ▶ Amend the definition of normal residential appurtenance.
- ▶ May require code changes in SJCC 18.50.540(D) regarding development standards for normal residential appurtenances.

SJC Code 18.20.140 “N” Definitions

“Normal residential appurtenance, shoreline” means a structure or development that is necessarily connected to the use and enjoyment of a single-family residence and which is expressly defined in WAC [173-27-040](#) and in Chapter [18.50](#) SJCC, for purposes of exemption from shoreline substantial development permit requirements in accordance with WAC [173-27-040](#)(g).

Structures and activities considered normal residential appurtenances include accessory dwelling units or other detached residential structures,

garages, sheds, decks attached to primary structures, private pedestrian pathways, stairways to access shorelines, ramps, patios, fences, driveways, utilities, on-site sewage disposal systems, antennas, solar arrays, wind power generators serving a single structure, satellite dishes, boat houses landward of the primary residential structure served by marine railways that require a substantial development permit, official registered historic structures, and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the OHWM.

WAC 173-27-040(1)(G) Developments exempt from substantial development permit requirement

“An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and the perimeter of a wetland.

On a statewide basis, normal appurtenances include a garage; deck; driveway; utilities; fences; installation of a septic tank and drainfield and grading which does not exceed two hundred fifty cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

Local circumstances may dictate additional interpretations of normal appurtenances which shall be set forth and regulated within the applicable master program. Construction authorized under this exemption shall be located landward of the ordinary high water mark;”

Status

- Developing a draft ordinance.
- Determining the best way to include 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.

Grant Lasts Until June 2021

- ▶ Funds not spent on the periodic update will be used on SMP implementation after Ecology's approval of the update.
- ▶ Hire a consultant for the cumulative shoreline monitoring program (SJCC 18.50.020(E)(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?

