

# San Juan County Shoreline Master Program (SMP) Periodic Update

San Juan County Planning Commission

December 20, 2019

2<sup>nd</sup> 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 grant agreement is signed.

▶ 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

- ▶ Subscribe for project newsflashes and notices at:  
<https://www.sanjuanco.com/list.aspx>.  
Select SMP Update under “news flashes.”
- ▶ Project email: [SMPCComments@sanjuanco.com](mailto:SMPCComments@sanjuanco.com).

# Status and Tentative Schedule

- ▶ Briefed Council on December 3<sup>rd</sup>,
- ▶ No public comments have been submitted
- ▶ Drafting Ordinance, PA review, touch base with Council on their requests
- ▶ Run SEPA and provide Commerce 60-day notice
- ▶ **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 SJC Comprehensive Plan Element 3 and shoreline regulations.

- ▶ RCW 90.58.080 - requires periodic review.
- ▶ WAC 173-26-090 - minimum scope:
  - ❖ To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
  - ❖ 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

- Distinct from the 2018 comprehensive update.
- Make consistent with new laws/guidance,
- Check consistency with revised plans and regulations, and
- Update - changed circumstances, new information or improved data.

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

# Preliminary Review

- ▶ October 29, 2019 memo - preliminary assessment using Ecology's periodic review checklist.
- ▶ Identified revisions needed to be consistent with laws, rules and updated guidance.
- ▶ Ecology: Must address DCD policy on “other” appurtenant structures.

# Address Three Issues From Council

- ▶ Address institutional uses, post offices.

Make institutional land uses the same as commercial in the land use table. Add water-enjoyment uses and water-related uses to the list.

- ▶ Address permitting time/expense - public pedestrian trails.

Allow the director, not Hearing Examiner to make decide shoreline substantial devel. permits. Amend SJCC 18.80.110 and land use table.

- ▶ Address existing nonconforming barge landing sites. Ensure allowed when the use is the same as the historic frequency and cargo types.

Clarify and do not require a certificate of exemption.

# Preliminary Checklist Review

- ▶ Revise shoreline exemptions in SJCC 18.50.040 and .050:
  - Dock value thresholds;
  - Enhancement projects - kelp, eelgrass & native oyster restoration; and
  - Retrofit existing structures to comply with the ADA.
- ▶ Clarify that uses exempt from shoreline substantial devel. permits must meet substantive requirements.
- ▶ Update the shoreline development definition to not include dismantling or removing structures if no other development or re-development.

# Preliminary Checklist Review

- ▶ Amend SJCC 18.80.110 to comply with WAC 173-27-044,  
“Date of filing” replaces “date of receipt” for permits sent to Ecology.
- ▶ Amend SJCC 15.12.030 and 18.20.190 to include options for defining “floodway” as:
  - Either the area established in FEMA maps, or
  - The floodway criteria set in the SMA.

# Ecology: codify DCD Policy PP-2019-02

- ▶ Addresses “other” unnamed structures not in the definition of normal residential appurtenance.
- ▶ Amend the definition.
- ▶ Amend SJCC 18.50.540(D) regarding standards for other normal residential appurtenances.

# Grant funds lasts until June 2021.

- ▶ Unspent \$\$ after Ecology approves the update go to SMP implementation.
- ▶ Hire a consultant to do cumulative shoreline monitoring.
- ▶ 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 4 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?

