

## Skagit County Planning Commission's Recorded Motion Regarding Shoreline Master Program Update

<b>Proposal publish date:</b>	February 4, 2016
<b>Proposal name:</b>	Shoreline Master Program Update
<b>Documents available at:</b>	<a href="http://www.skagitcounty.net/smp">www.skagitcounty.net/smp</a>
<b>Public hearing body:</b>	Skagit County Planning Commission
<b>Public hearing date:</b>	Tuesday, March 15, 2016, at 6 p.m.
<b>Written comment deadline:</b>	Monday, April 4, 2016, at 4:30 p.m.
<b>PC deliberations:</b>	April 19, April 26, June 7, July 19, and Wednesday, August 17, 2016

After considering the written and spoken comments and considering the record before it, the Planning Commission enters the following findings of fact, reasons for action, and recommendations to the Board of County Commissioners.

### Findings of Fact and Reasons for Action

1. The State of Washington requires the Shoreline Master Program, originally adopted in 1976, be updated consistent with current law.
2. The Shoreline Master Program should value environmental protection, aesthetics, recreational enjoyment of the shoreline, and private property rights.
3. Aquaculture and other natural resource industries are important parts of Skagit County's economy and culture.
4. In the early 1990s, Skagit County's rivers were identified as prime habitat sites due to Skagit County's agriculture and rural nature. Local stewardship of natural resources was respected and viewed positively. Property owners know best the nuances of their properties and the effects that neighboring projects can have on them. Pre-application neighborhood meetings (for habitat enhancement projects) reflect the value Skagit County places on local stewardship, knowledge, and experience.
5. Skagit County encompasses a diverse environmental ecosystem. Rivers and streams originate at the crest of the North Cascades from north of the Canadian border, to south of Glacier Peak in Snohomish County. These vibrant river and stream systems cascade through Skagit County and into the marine habitats in the west. The Planning Commission recognizes that the Skagit County landscape is not static.

6. While the process of erosion is a concern in shoreline areas, it should also be recognized that accretion (especially of sediment flowing down the Skagit River) is also a natural process that creates new shoreline areas.
7. Staff has indicated that notices will be sent to (a) owners of property that would receive new shoreline environment designations as a result of this recorded motion (recommendation #1) before final adoption of the SMP Update, and (b) owners of property not already designated natural that would be designated natural in this SMP Update.

### **Recommendation**

The Planning Commission recommends that the Board of County Commissioners **approve** the proposal with the following changes:

1. Change the Shoreline Environment Designation map as requested in Nancy Fox's March 15 comment letter, and shown on the attached map, with the exception of the ferry dock area:
  - a. Guemes map issue 1, from Rural Conservancy to Shoreline Residential.
  - b. Guemes map issue 4, from Rural Conservancy to Natural.
  - c. Guemes map issue 6, from Shoreline Residential to Rural Conservancy.
  - d. Guemes map issue 8, from Shoreline Residential to Rural Conservancy.
  - e. Guemes map issue 9, from Rural Conservancy to Natural.
2. Delete SCC 14.26.370(4) regarding the Shoreline Public Access Plan.
3. Require legal markers at public access points to assist the sheriff and first responders.
4. Delete empty proposed SCC 14.26.520-540, and section .560.
5. Move the content of proposed SCC 14.26.550, Additional Provisions for Fish and Wildlife Habitat Conservation Areas, into SCC Chapter 14.24, Critical Areas.
6. Update the table in existing SCC 14.24.530(2), Lake and Marine Shoreline Buffers, to reflect the new shoreline environment designations.
7. Fix the reference to mitigation sequencing in SCC 14.26.415(4)(c) and (d).
8. Revise proposed SCC 14.26.415(2)(b)(ii) to read: "Ongoing maintenance, harvest, replanting, changing culture techniques or species does not require shoreline review unless cultivating a new species in the waterbody or using a new culture technique, and that new species or culture technique has significant adverse environmental impacts (if not allowed by an existing shoreline permit)."
9. Revise proposed SCC 14.26.415(2)(b)(iii) to require "shoreline review," not necessarily a "shoreline permit."

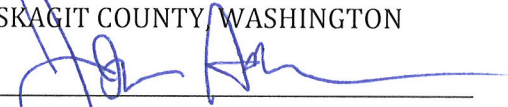
10. Revise proposed SCC 14.26.415(3) to read, “A letter of exemption is required for aquaculture activities that require shoreline review and do not constitute substantial development or otherwise require a Conditional Use Permit or Variance.
11. Revise SCC 14.26.415(4)(h) to allow control of invasive species.
12. Revise SCC 14.26.415(8)(d)(vi) to delete “and avoid conflicts with neighboring uses.”
13. Add a note to proposed SCC 14.26.440, Fill, Excavation, and Grading, to explicitly exempt aquaculture from that section.
14. Add a definition of “flood hazard reduction” to Part VIII, Definitions, and make it clear that it includes dikes and levees. Add notes to “shoreline stabilization” sections in Part IV and VI to clarify that these sections do not apply to flood hazard reduction measures.
15. Reverse the order of (1)(d) and (1)(e) in SCC 14.26.140.
16. In SCC 14.26.620(3)(b), replace (iii) and (iv) with new (iii) to read: “the enlargement does not cause the existing structure to exceed the height limit, or in the case of an existing over-height structure, the enlargement does not increase the structure’s existing height.”
17. Correct citations to the mitigation sequencing in SCC 14.26.310.
18. Revise SCC 14.26.380(3)(d)(v)(A) to replace “historically found on the site” with “appropriate to the site.”
19. Add Shoreline Exemptions to the list of applications exempt from Notice of Development Application in SCC 14.06.150(2).
20. Add shoreline variances to the list of permits subject to time limits in SCC 14.26.715(3).
21. In SMP Part II, add 10% impervious surface limit to Rural Conservancy and Urban Conservancy for new lots created after the adoption of the SMP.
22. Integrate Ecology’s edits as expressed in their April 4, 2016, comment letter with the edits noted in Supplemental Staff Reports #3 and #4, except FB-36.
23. Modify SCC 14.26.480(2)(a) and (2)(c)(i) to replace “an existing structure” with “existing primary structure(s).”
24. In proposed SCC 14.26.420(4)(b), regarding development standards for docks, replace Table 14.26.420-1 (and related dimensional standards in the narrative) with a requirement for all saltwater docks to comply with WAC 220-660-380 or the conditions of Hydraulic Project Approval, and all freshwater docks to comply with WAC 220-660-140 or the conditions of Hydraulic Project Approval. Move the numeric limits on the number of boat lifts and canopies into the development standards section.

25. Modify proposed SCC 14.26.420(5)(c)(iii) allowing planting of riparian vegetation as mitigation for overwater structures only when in-kind mitigation options are proven infeasible.
26. Add definitions of “dock” (already defined in Boating Facilities but not in Part VIII) and “pier,” “ramp,” and “float” from WAC 220-660-140(1) to Part VIII and the applicability subsection in Boating Facilities and move Figure 14.26.420-1 illustrating dock components, into the applicability subsection. Add cross-references to Part VIII, Definitions, for the definitions contained in SCC 14.26.420.
27. Extend the Rural Conservancy-Skagit Floodway designation on the map to cover all Rural Conservancy upstream on the Sauk River and on the upper Skagit River, to the limit of the FEMA floodway, and make the designation criteria (policy 6B-5.1) consistent.
28. Add definitions in Part VIII for each of the Shoreline Environment Designations that include cross-references to SMP Part II, Shoreline Environment Designations.
29. Revise proposed SCC 14.26.420(4)(b)(iv) regarding community docks to allow a 1:1 ratio of boats to residential units.
30. In proposed SCC 14.26.475 Shoreline Habitat and Natural Systems Enhancement Projects, add a requirement to hold a pre-application neighborhood meeting, with details about timing and notifications (in SCC Chapter 14.06), and a requirement that projects may not have negative effects on neighboring properties.

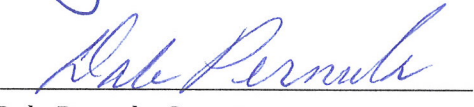
**This recorded motion approved August 17, 2016:**

<b>Commission Vote</b>	<b>Support</b>	<b>Oppose</b>	<b>Absent</b>	<b>Abstain</b>
Josh Axthelm, Chair	✓			
Annie Lohman, Vice Chair	✓			
Tammy Candler	✓			
Hollie Del Vecchio			✓	
Amy Hughes	✓			
Kathi Jett	✓			
Kathy Mitchell	✓			
Tim Raschko	✓			
Martha Rose	✓			
<hr/> Total	8	0	1	0

SKAGIT COUNTY PLANNING COMMISSION  
SKAGIT COUNTY, WASHINGTON

  
\_\_\_\_\_  
Josh Axthelm, Chair

8/17/16  
Date

  
\_\_\_\_\_  
Dale Pernula, Secretary

8/17/16  
Date