

SKAGIT
COUNTY

SHORELINE
MASTER
PROGRAM

U P D A T E

Planning Commission Public Hearing

May 11, 2021



Outline for tonight

- 1) Follow-up to April 27th Planning Commission meeting
- 2) Recap of Planning Commission review
- 3) Overview of proposed changes following Ecology's preliminary review
 - a. CAO Integration
 - b. Agriculture
 - c. Forest Practices
 - d. Docks
 - i. Standards table
 - ii. Alternative design
 - e. Administrative variance process



Buffer reduction clarification

- Shoreline Variance (SCC 14.26.735) [page 220 of the Public Review draft]
 - Subsection (2) Currently reads:

(2) Types. There are two types of variances: administrative variances and Hearing Examiner variances.

- (a) Administrative variance. An application to reduce a standard buffer width by 50% or less is an administrative variance.
- (b) Hearing Examiner variance. Any other variance application, e.g. for relief from specific bulk, dimensional, or performance standards of this SMP, is a Hearing Examiner variance.

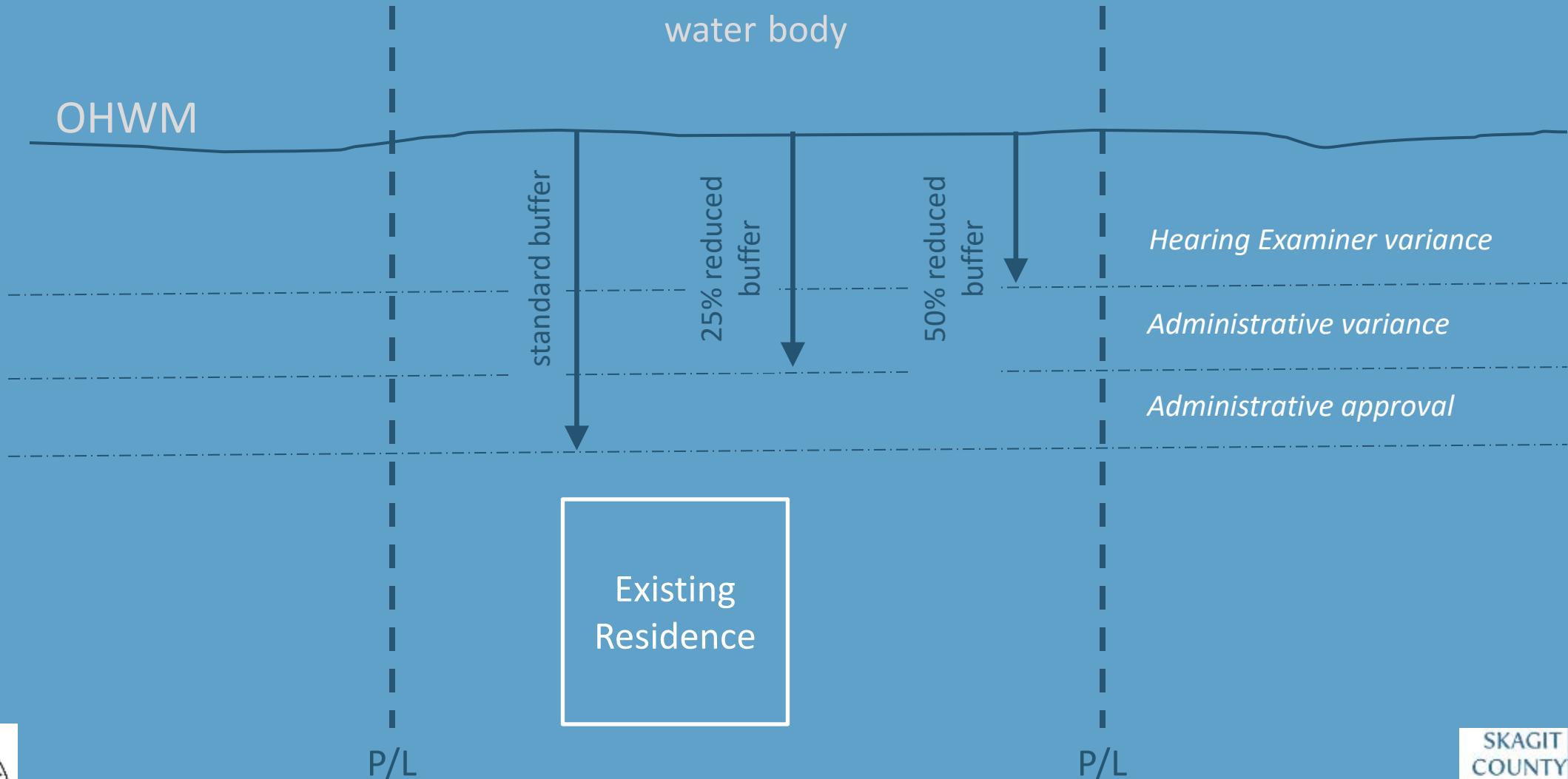
- The intent was to keep with the 2016 Planning Commission draft which allowed:

- Less than 25% buffer reduction
- 25-50% buffer reduction
- >50% buffer reduction

with mitigation approved by staff
with administrative variance
with Hearing Examiner variance



Buffer reduction clarification



Public Review Update

1. Public comment period (60 days) is from April 22 until 4:30pm June 22
2. Public hearing with Planning Commission on May 11
3. Virtual monthly project updates on May 13



Public comments

- Visit SMP Online Open House
www.SkagitSMPopenhouse.com
- Visit the County's project website
- Attend monthly public info meetings
- Mail comments to:
Planning and Development Services
1800 Continental Place
Mount Vernon, WA 98273
- Email questions to:
SMPPDS@co.skagit.wa.us



The landing page for the Skagit County Shoreline Master Program Online Open House. It features a banner image of a coastal landscape and the title "Skagit County Shoreline Master Program Online Open House". Below the title is a brief description of the program's purpose and the comment period.



The landing page for the Skagit County Shoreline Master Program Comprehensive and Periodic Update. It features a banner image of a bridge over water and the title "Skagit County is now accepting comments on the proposed Shoreline Master Program Comprehensive and Periodic Update". Below the title is a description of the comment period and a "LEARN MORE" button.



The landing page for the Skagit County draft SMP. It features a banner image of a bridge over water and the title "Skagit County is accepting public comments on proposed amendments to the draft SMP from April 22 to June 7 at 4:30 pm". Below the title is a "REVIEW THE DRAFT SMP" button.

Submit A Comment

There are many ways to submit your comments. Please read the instructions carefully as **comments not meeting these requirements will not be considered**. All comments become public records and, if requested, will be disclosed as required by the Public Records Act 42.56.RCW.

Online

Use the form on the right to submit your comments online. You may either type up your comments in the designated text box, or you may attach your comments in a document.

| | |
|------------------|----------------------|
| Name * | <input type="text"/> |
| First Name | <input type="text"/> |
| Last Name | <input type="text"/> |
| Home Address * | <input type="text"/> |
| Street Address 1 | <input type="text"/> |
| Street Address 2 | <input type="text"/> |
| City * | <input type="text"/> |



PC SMP Meeting Topics

1. January 26, 2021

- Legislative updates for consistency with State law (periodic update)
- CAO integration

2. February 9, 2021

- General Regulations
- Uses and Modifications

3. February 23, 2021

- Uses and Modifications, cont.

4. March 9, 2021

- Legally Established Pre-Existing Uses and Structures
- Administration
- Definitions
- Shoreline environment designation mapping

5. March 23, 2021

- Channel Migration Zone: removal of maps
- Environment Designation map changes

6. April 27, 2021

- Overview of Ecology preliminary review comments



Overview of recent changes

1. CAO Integration
2. Agriculture
3. Forest Practices
4. Docks
 - a. Standards table
 - b. Alternative design
5. Administrative variance process



CAO integration (Part V of the SMP)

- Critical Areas regulations in SCC 14.24 included as Part V, Critical Areas (SCC 14.26.500 through 14.26.590) [page 154 of the Public Review draft]
 - Existing CAO provisions have been brought into the body of the SMP as Part V, with exclusions that are not allowed per the SMA or not recommended



All changes to Part V are taken from applicable sections of SCC 14.24 (Critical Areas Ordinance). The following sections of SCC 14.24 are not included in Part V:

- 14.24.010 Introduction.
- 14.24.020 Title and purpose.
- 14.24.030 Authority.
- 14.24.040 Applicability, jurisdiction and coordination.
- 14.24.070 Activities allowed without standard review.
- 14.24.110 County regulation of forest practices for the protection of critical areas.
- 14.24.120 Ongoing agriculture.
- 14.24.140 Variances.
- 14.24.150 Reasonable use exception.
- 14.24.600 Frequently flooded areas designations.
- 14.24.610 Frequently flooded areas initial project review.
- 14.24.620 Frequently flooded areas development requirements.
- 14.24.630 Frequently flooded areas protection standards.
- 14.24.700 Compliance tracking.
- 14.24.710 Fees.
- 14.24.720 Administrative Official.
- 14.24.730 Appeals from the Administrative Official.



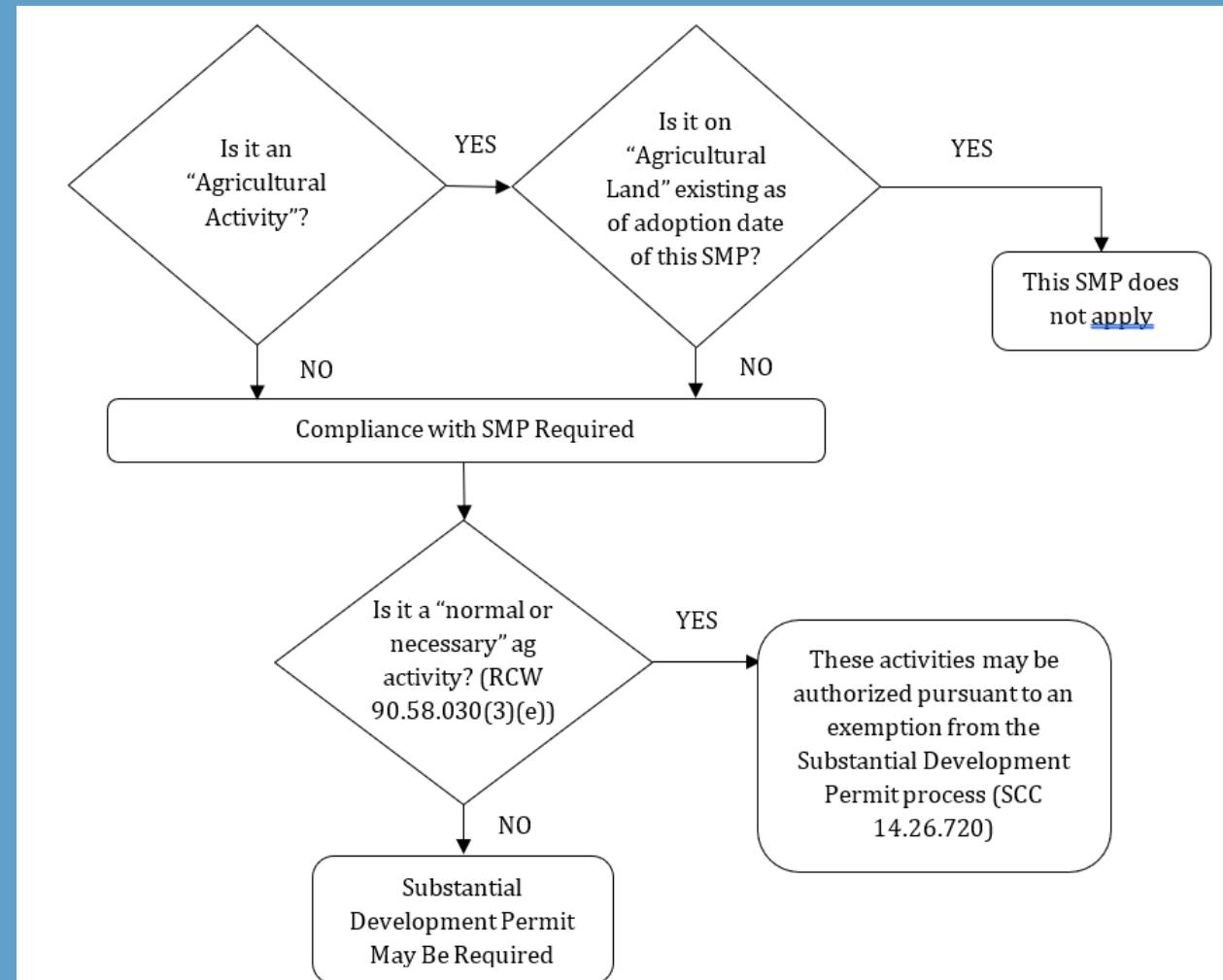
CAO integration (Part V of the SMP)

- Sections on forest practices and ongoing agriculture are excluded. These items are covered under their respective sections in the SMP
- Wetland impact minimization measures and mitigation ratios have been included instead of cross-referencing Ecology's guidance



Agriculture (Part IV of the SMP)

- Agricultural Activities (SCC 14.26.410)
[page 86 of the Public Review draft]
- SMP does not apply to agricultural activities on agricultural land
- VSP applies to areas outside of shoreline jurisdiction



Forest Practices (Part IV of the SMP)

- Forest Practices (SCC 14.26.445) [page 117 of the Public Review draft]
 - Revised for consistency with Ecology's rules and the 2017 legislative update. Specifically, this includes the clarification that,

"a forest practice that only involves timber cutting is not a development under the SMA and this SMP and does not require a shoreline substantial development permit or a shoreline exemption."

- Also added clarification that,

"clear cutting of timber that is solely incidental to the preparation of land for other uses is not considered a forest practice and is permitted subject to the use standards applicable to the proposed new use and development."



Forest Practices (Part IV of the SMP)

- Forest Practices (SCC 14.26.445) [page 117 of the Public Review draft]
 - Forest practices in the Natural environment require a conditional use permit per WAC 173-26-211

| Shoreline Use | Shoreline Environment Designation | | | | | |
|--|-----------------------------------|-------------------|-------------------|-----------------------|----------------|--------------|
| | Natural | Rural Conservancy | Urban Conservancy | Shoreline Residential | High Intensity | Aquatic |
| Dredging or dredge material disposal associated with restoration | SD/E | SD/E | SD/E | SD/E | SD/E | SD/E |
| Fill, Excavation, and Grading (see SCC 14.26.440) | | | | | | |
| Fill | X | SD/E | SD/E | SD/E | SD/E | CU |
| Excavation, grading | X | SD/E | SD/E | SD/E | SD/E | see dredging |
| Flood Hazard Reduction (see SCC 14.26.350) | | | | | | |
| Dikes, levees | X | SD/E | SD/E | SD/E | SD/E | upland |
| Forest Practices (see SCC 14.26.445) | | | | | | |
| All ^{2, 3} | CU | SD/E | SD/E | SD/E | SD/E | X |



Docks (Part IV of the SMP)

- Boating Facilities and Related Structures and Uses (SCC 14.26.420) [page 95 of the Public Review draft]
 - Development standards table (Table 14.26.420-1) was modified to combine the columns for docks on lakes with and without anadromous fish. Per Ecology and WDFW recommendation to use consistent width requirements for freshwater docks and change width from 6' to 4' for piers on lakes without fish

Table 14.26.420-1. Standards for docks.

| Element/ Sub-Element | Water Type | | |
|---|-----------------------------------|---|--------|
| | Marine Waters | Lakes | Rivers |
| Max Height from Surface of Water | | | |
| Individual dock | | 3 ft | 3 ft |
| Joint-use dock | | 3 ft | 3 ft |
| Commercial/Industrial Docks | as demonstrated by needs analysis | | |
| Max Width for Individual and Joint-Use Docks | | | |
| Pier/Fixed-Piling | 6 ft | 4 ft for single user; 6 ft for joint use | NA |
| Ramp | 4 ft | 4 ft | 4 ft |
| Floating section | 8 ft | 8 ft | 8 ft |



Legally Established Pre-Existing Uses and Structures (Part VI of the SMP)

- Pre-Existing Docks (SCC 14.26.630) [page 210 of the Public Review draft]

- Alternative design (Subsection (3)(b))
 - Ecology does not support the use of allowing alternative designs with federal and WDFW approval. However, Ecology will allow design flexibility for existing legally-established nonconforming structures as long as protection standards are used to ensure no net loss requirements are met.

Examples:

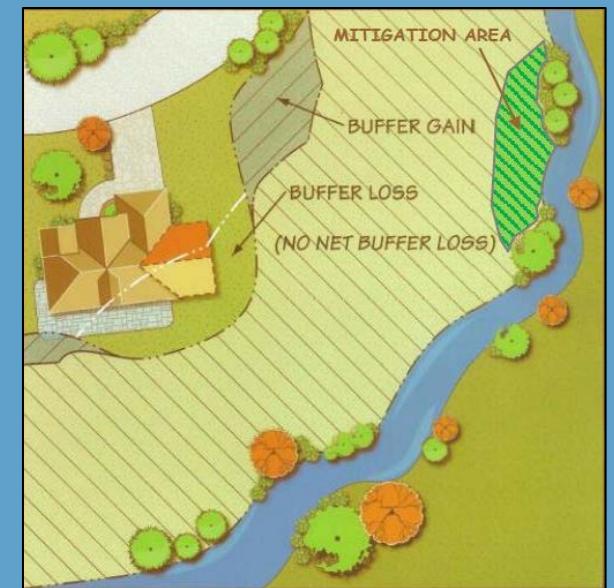
- No increase in overall square footage
- Grated decking
- Narrow nearshore walkways



Administrative Variances (Part VII of the SMP)

- Filing with Ecology (SCC 14.26.735) [page 222 of the Public Review draft]
 - The County has created an administrative variance for buffer reductions ~~up to~~between 25 and 50 percent. *
 - Such an administrative variance would be reviewed by the Administrative Official. Any buffer reductions greater than 50 percent would be reviewed by the Hearing Examiner.
 - Ecology requires that both variance decisions have the same filing procedures as they will view these under the same variance criteria.

* Edit is not in the public review draft but may be considered and recommended by the Planning Commission



Questions?

