

# Skagit County SMP Update

## DISCUSSION GUIDE

### Planning Commission – June 5, 2012

#### OUTLINE

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# 1. Environment Designations

## Key Issues

1. Do the existing designations meet Ecology's Guidelines
2. Environment Designations are to be based on land use AND ecological conditions
3. Are there unique areas in the County that deserve unique designations
4. Current level of mapping is extremely poor

## Background (see SMP Handbook Chapter 13)

Shoreline environment designations are classifications of shoreline areas that reflect local shoreline conditions, including ecological functions and shoreline development. Environment designations provide "the framework for implementing shoreline policies and regulatory measures specific to the environment designation" [WAC 173-26-191(1)(d)].

Shoreline environment designations should be established for one or more similar shoreline reaches and are based on the inventory and characterization developed in Phase 2. Ecological characteristics, shoreline reaches, land use patterns, community goals, and shoreline management recommendations from the inventory and characterization report are all part of the equation for assigning environment designations.

Each environment designation must have a purpose statement, designation criteria, and management policies and regulations specific to each environment.

Local governments can establish a classification system different than that included in the Guidelines, or use their current environment designations. However, tailored environment designations must be consistent with the policies and purposes of the general environment designation provisions in the Guidelines and cover the breadth of the environments – the complete scheme for shoreline management – as included in the Guidelines [WAC 173-26-211(4)(c)].

**While existing land uses continue to be a key factor in designating shoreline environments, the Guidelines also require that designations incorporate information on current ecological functions. Shoreline ecological functions** identified during the inventory and characterization are one consideration for classifying environment designations. Characteristics may include:

- Channel movement and hydrological systems; flooding areas.
- Extent of riparian vegetation.

- Fish and wildlife habitat and presence of species.
- Areas of erosion and sedimentation.
- Water quality and temperature.
- Presence of nutrients and pathogens.
- Critical areas.
- Sites with potential for protection or restoration.

#### **Purpose, criteria and management policies**

- The purpose statement describes the unique shoreline management objectives of the designation in a manner that distinguishes it from other designations. A brief paragraph is usually sufficient for a purpose statement.
- Designation criteria describe the basis for assigning the particular designation to specific sections of the shoreline. Criteria describe the unique characteristics of shorelines that should receive the given designation (as differentiated from other shoreline segments within the jurisdiction). They also serve as a basis for evaluating requests for re-designating shoreline areas in the future.
- Management policies are the basis for the environment regulations and should be in sufficient detail to assist in their interpretation. They also help to evaluate consistency between the SMP and comprehensive plan.

### **Ecology Recommended Designations**

1. **Rural Conservancy (173-26-211 (5)(b))**: Purpose: "...to protect ecological functions, conserve existing natural resources and valuable historic and cultural areas in order to provide for sustained resource use...and provide recreational opportunities. Examples of uses that are appropriate include low-impact outdoor recreation uses, timber harvesting on a sustained-yield basis, agricultural uses, aquaculture, low-intensity residential development and other natural resource-based low-intensity uses."

Specific Criteria:

- Outside of UGAs and municipalities any of the following:
- Currently supporting lesser-intensity resource-based uses, such as agriculture, forestry, or recreational uses, or is designated agricultural or forest lands...;
  - Currently accommodating residential uses outside urban growth areas and incorporated cities or towns;
  - Shoreline is supporting human uses but subject to environmental limitations, such as properties that include or are adjacent to steep banks, feeder bluffs, or flood plains or other flood-prone areas;
  - High recreational value or with unique historic or cultural resources;
  - Shoreline has low-intensity water-dependent uses.
2. **Natural (173-26-211 (5)(a))**: Purpose is to protect shorelines that are relatively free of human influence or include ecologically intact or minimally degraded shoreline functions. Only low

intensity uses should be allowed, and local governments should include restoration planning for the degraded shorelines.

Specific notes:

- Commercial, industrial, and nonwater-oriented uses should not be allowed.
  - Single family residential is a conditional use and should be allowed only if the density and intensity is limited and ecological functions are protected.
  - Commercial forestry is a conditional use.
  - Agricultural uses of low intensity may be allowed subject to limitations.
  - New development or vegetation removal that would reduce the capability of vegetation to perform normal ecological functions should not be allowed.
  - Other uses such as scientific, historic, cultural, educational research and low-intensity water-oriented recreational may be allowed if no significant ecological impact will occur.
3. **Aquatic (173-26-211 (5)(c))**: applies to all water bodies together with their underlying lands waterward of the ordinary high water mark. An aquatic environment eliminates the problem of various upland designations extending into the water at odd angles due to shoreline configurations, creating a confusing puzzle of shoreline environments. Aquatic uses such as aquaculture and issues such as navigation and the Public Trust Doctrine can be addressed more effectively with an aquatic environment designation.

Uses allowed in the Aquatic environment should be compatible with allowed upland uses. For example, aquaculture uses that depend on good water quality may be incompatible with densely developed residential uses. Marinas or docks or other uses that depend on access from upland areas should be allowed in the Aquatic environment only if they are allowed in the adjacent upland environment.

Some Aquatic environment regulations will apply to uses and activities that occur only in the water and are not connected to the upland area. These may include aquaculture, dredging, deep water dredge spoil disposal siting, or offshore moorage.

Some local governments use more than one aquatic environment. For example, Coupeville's Aquatic environment and Urban Aquatic environment allow different types of development. The Urban Aquatic environment is adjacent to Coupeville's historic downtown in the Historic Urban environment and allows for more intense uses.

Shoreline uses and modifications in the Aquatic environment should prevent degradation of water quality and alteration of natural hydrographic conditions, minimize interference with surface navigation, consider impacts to public views, and allow for safe unobstructed passage of fish and wildlife. Other management policies call for:

- Allowing new overwater structures only for water-dependent uses, public access or ecological restoration.
  - Limiting the size of new overwater structures to the minimum necessary to support the intended use.
  - Encouraging multiple use of overwater facilities.
  - Prohibiting uses that adversely impact the ecological functions of critical saltwater and freshwater habitat except under specific circumstances
4. **High Intensity(173-26-211 (5)(d))**: Typically utilized within incorporated areas. High Intensity focuses on water-oriented commercial, transportation and industrial uses, with a priority on water-dependent uses. Nonwater oriented uses should not be allowed except as part of mixed use development, in limited situations where they would not conflict with or limit opportunities for water-oriented uses, or on sites where there is no direct access to the shoreline. However, if the shoreline use analysis shows that the needs of existing and anticipated water-dependent uses are met, a mix of water-dependent and non-water dependent uses may be established.
5. **Shoreline Residential (173-26-211 (5)(f))**: Typically utilized within incorporated areas of more intense residential developments. SR should accommodate residential development and appurtenant structures consistent with the Guidelines and also provide appropriate public access and recreational uses. SMPs may include two or more shoreline residential environments to accommodate different densities or conditions. Density requirements should be part of environment regulations to ensure that residential areas designated for lower density do not become higher density over time.

Management policies require:

- Standards to address density, setbacks, lot coverage, buffers, shoreline stabilization, vegetation conservation, critical areas protection and water quality.
  - Multifamily and multi-lot residential and recreational developments to provide public access and joint use for community recreational facilities.
  - Commercial development limited to water oriented uses.
  - Access, utilities and public services available and adequate to service existing and planned development.
6. **Urban Conservancy(173-26-211 (5)(e))**: This designation should be applied within incorporated municipalities and urban growth areas. Urban Conservancy should protect and restore ecological functions of open space, floodplain and other sensitive lands in urban and developed areas and allow compatible uses. Commercial or industrial “rural areas of more intense development” and mineral resource lands may also be designated Urban Conservancy if they meet criteria established in the Guidelines.

## Comparison Chart (see below)

- Existing Designations
- Proposed Designations to Consider
  - Includes unique designation for Skagit River Floodway between Sedro-Woolley and the Sauk River titled “Conservancy – Skagit Floodway”

## Towns

Lyman currently contains both Rural Residential and Conservancy. The proposed draft would include Shoreline Residential and Natural.

Hamilton currently is entirely Rural Residential. The proposed draft would include the jurisdiction area as entirely Urban Conservancy.

## Evaluation of Skagit County Environment Designations

**Table 1. Environment Designations Specific to Unincorporated Areas**

Existing County Designations and Criteria	Evaluation and Potential Proposed Criteria
<p style="text-align: center;"><b>Rural Residential</b></p> <p>Areas of low to medium intensity land uses, characterized by small-scale alterations to the natural shoreline. These include, but are not limited to, residential, commercial, recreational, and agricultural uses. Provides a transition between high and low intensity use areas.</p> <p><b>Example Areas Include:</b> Residential portions of Samish Island, Guemes Island, Fidalgo Island, Swinomish Channel, Big Lake, Lake Cavanaugh, Cape Horn, Hamilton, Lyman (north side)</p> <p><b>Criteria:</b></p> <ol style="list-style-type: none"> <li>(1) Areas presently developed or platted for residential uses.</li> <li>(2) Areas zoned for residential development with lot sizes ranging from one-fourth (1/4) acre (with public sewer and water) to five (5) acres. Also included are existing extensive small, single lot shoreline developments.</li> <li>(3) Areas which could support and serve the needs of planned unit developments (PUD).</li> <li>(4) Areas which could serve as transition zones between urban and rural, conservancy, or natural shoreline areas.</li> <li>(5) Areas having the physical ability to support low to medium density residential uses and associated commercial, recreational, and public service facilities.</li> <li>(6) Areas which are appropriate for low to medium intensity recreational uses compatible with residential and/or light agricultural activities (grazing, small-scale crop, or gardens).</li> <li>(7) Areas which are capable of supporting small-scale agricultural activities such as livestock grazing, small scale crop, gardens, or woodlots.</li> <li>(8) Areas which can provide and have the capabilities to support the necessary infrastructure of public services, utilities, and access to accommodate low to medium density development. Sewage disposal and water supply</li> </ol>	<p><b>Evaluation:</b> Ecology’s Rural Conservancy designation is broader than the County’s existing Rural Residential environment, and includes resource and conservation oriented lands. This designation is proposed to be combined with the County’s existing Conservancy environment, but would exclude areas of dense residential development which are more appropriate as Shoreline Residential designations.</p> <p><b>Potential Criteria for a Rural Conservancy Designation:</b></p> <ol style="list-style-type: none"> <li>(1) Areas outside of municipalities, urban growth areas, LAMIRDS, or planned master resorts that are presently developed, planned, or platted for residential uses.</li> <li>(2) Includes areas zoned for residential development with lot sizes ranging from one-fifth (1/5) acre to five (5) acres. Also included are existing extensive small, single lot shoreline developments.</li> <li>(3) Areas having the physical ability to support residential uses and associated commercial, recreational, and public service facilities.</li> <li>(4) Areas which can provide and have the capabilities to support the necessary infrastructure of public services, utilities, and access to accommodate low to medium density development. Sewage disposal and water supply facilities are provided on an individual or community basis or could possibly be provided via future regional networks of these facilities.</li> </ol>

Existing County Designations and Criteria	Evaluation and Potential Proposed Criteria
<p>facilities are provided on an individual or community basis or could possibly be provided via future regional networks of these facilities.</p> <p>(9) Areas officially designated on county comprehensive plans for future expansion of residential use in the Rural Open Space or Residential classifications.</p>	
<p><b>Rural</b></p>	
<p>Areas of, or intended for, low density and low to moderate intensity uses including, but not limited to, residences, agriculture, and outdoor recreation developments.</p> <p><b>Example Areas Include:</b> Unclear (based on poor map quality) as to the extent of this designation.</p> <p><b>Objective:</b> "...protect agricultural land from urban density expansion, regulate intensive development along undeveloped shorelines, function as a buffer area between Urban and Conservancy Shoreline Areas and maintain open spaces and opportunities for recreational activities and a variety of uses compatible with agriculture and the shoreline environment."</p> <p><b>Criteria:</b></p> <p>(1) Areas characterized or having the capability to support active agricultural practices and/or a variety of recreational development.</p> <p>(2) Areas where residential, utility, and transportation development is at a low density and of limited extent and, at this level, is compatible with the primary uses of agriculture and recreation.</p> <p>(3) Areas which provide a buffer between other shoreline areas of greater or lesser density of uses.</p> <p>(4) Areas modified from their natural vegetative cover and, in some cases, surface drainage patterns.</p> <p>(5) Areas designated in officially adopted park and recreation plans for recreational use.</p> <p>(6) Areas having valuable sand, gravel, and mineral deposits.</p> <p>(7) Areas zoned to permit compatible uses under applicable Skagit County ordinances."</p>	<p><b>Evaluation</b></p> <ol style="list-style-type: none"> <li>1. Ecology's Rural Conservancy designation is very similar to the County's Rural designation.</li> <li>2. However, areas within UGA's and LAMIRDs could be designated as Urban Conservancy under Ecology's criteria. Areas within UGAs should be coordinated with that local jurisdiction.</li> <li>3. The County is considering a unique designation for the middle reach of the Skagit River floodway.</li> </ol> <p><b>Potential Criteria for Rural Conservancy designation is listed above:</b></p>

Existing County Designations and Criteria	Evaluation and Potential Proposed Criteria
<p><b>Conservancy</b></p>	
<p><b>Example Areas Include:</b> Applies broadly across the County and includes portions of Cypress, Burrows, Vendovi, and Allan Islands, Nooksack River, Skagit Delta, Pilchuck Creek, Deer Creek, Upper Skagit system above Concrete, Lake Shannon and many of the smaller lake shorelines.</p> <p><b>Objective:</b> "...intended to ensure long term wise use, enhancement, and protection of natural resources and processes and valuable historic and cultural areas. Activities in this shoreline area should be conducted in a manner to ensure recreational benefits to the public and/or achieve sustained resource utilization without significant adverse impacts"</p> <p><b>Criteria:</b></p> <p>(1) Areas which may provide for present and future recreation needs for the county and region and where inappropriate modification or use would adversely affect such qualities.</p> <p>(2) Areas which contain resources manageable on a sustained yield, multi-purpose basis and are more valuable to the region than through any form of more intensive or single purpose development.</p> <p>(3) Areas possessing the following biophysical limitations to development, modification or unrestricted use:</p> <ul style="list-style-type: none"> <li>i. Steep slopes and slide hazard areas.</li> <li>ii. Floodways or marine tidal surge or storm areas.</li> <li>iii. Rivers and streams subject to frequent changes in alignment or direction.</li> <li>iv. Unstable, erosive streambanks, bluffs, and other landforms.</li> <li>v. Recognized accretion shoreforms.</li> </ul> <p>(4) Areas of critical natural and cultural features requiring a low overall density of people, structures and livestock with minimal changes in topography. Such areas may include forests, pastures, outdoor recreation areas, fish and wildlife habitats, historical and archaeological sites, and shorelines prone to limitations listed above.</p> <p>(5) Areas free of extensive development and whose existing character and features provide optimal, long term use and enjoyment by the public.</p> <p>(6) Areas zoned to permit compatible uses under applicable Skagit County ordinances."</p>	<p><b>Evaluation</b></p> <ol style="list-style-type: none"> <li>1. For the most part, Ecology's Rural Conservancy designation is very similar to the County's Conservancy designation.</li> <li>2. However, Ecology's criteria separates Conservancy based on whether the area is located within or outside of UGAs or LAMIRDs (i.e. Rural or Urban Conservancy).</li> <li>3. Based on the limited area and residential nature of the UGAs and LAMIRDs in the County, a distinct Urban Conservancy designation would only apply in a limited number of areas (i.e. UGAs and within the Towns of Hamilton and/or Lyman). This designation could be combined with portions of the existing Rural Residential and Rural designations if residential density is low enough.</li> </ol>

Existing County Designations and Criteria	Evaluation and Potential Proposed Criteria
<b>Natural</b>	<b>Natural</b>
<p><b>Example Areas Include:</b> Unclear (based on poor map quality) as to the extent of this designation.</p> <p><b>Definition:</b> "...preserve those dynamic natural features and systems in a manner relatively free of human influence and to encourage or permit those activities that best preserve the natural characteristics which make these shoreline areas unique and valuable. The designation seeks to ensure long-term preservation of these resources that yield optimum, unquantifiable benefits to the region in their natural condition"</p> <p><b>Criteria:</b></p> <p>(1) General</p> <ul style="list-style-type: none"> <li>i. Areas where human influence and development are minimal.</li> <li>ii. Areas recognized as unique and reasonably capable of being restored to a natural condition or that have been restored by a natural process.</li> <li>iii. Areas having a high scenic value and a high value for low intensity recreational use.</li> <li>iv. Unique areas not compatible for or with development, modification, extraction, or unrestricted use such as but not limited to: floodways, marshes, swamps, steeply sloping shores, erosion and accretion shores, and major seasonal havens or migratory routes for wildlife.</li> </ul> <p>(2) Wildlife Habitats</p> <ul style="list-style-type: none"> <li>i. An area utilized by rare, diminishing, or endangered species for food, water, cover, or protection.</li> <li>ii. A major seasonal haven or migratory route for fisheries and wildlife.</li> <li>iii. Original or unique wildlife habitats with developed areas.</li> </ul> <p>(3) Scientific and Educational Value</p> <ul style="list-style-type: none"> <li>i. Areas considered to represent basic ecosystems and geologic types or derivations thereof that are of particular scientific and educational interest.</li> <li>ii. Unique areas as described in this section which are close to population centers and/or educational facilities close to population centers and/or educational facilities.</li> <li>iii. Established natural science research areas or areas having a history of such use.</li> </ul> <p>(4) Areas may fall within any land use zones where a Natural designation would be of benefit to the community, citizens, and shoreline environment. Areas should be under public ownership or management or should be capable of such an</p>	<p><b>Evaluation</b> The County and Ecology's Natural designations are extremely similar.</p> <p><b>Potential Criteria:</b> ...if any of the following characteristics apply:</p> <ol style="list-style-type: none"> <li>1. Shoreline is ecologically intact and therefore currently performing an important, irreplaceable function or ecosystem-wide process that would be damaged by human activity;</li> <li>2. Considered to represent ecosystems and geologic types that are of particular scientific and educational interest;</li> <li>3. Unable to support new development or uses without significant adverse impacts to ecological functions or risk to human safety.</li> </ol>

Existing County Designations and Criteria	Evaluation and Potential Proposed Criteria
arrangement in order to fulfill the intent of a Natural designation.	
<b>Aquatic</b>	<b>Aquatic</b>
<p><b>Definition:</b> "...encourage and protect appropriate multiple uses of the water or, in some cases, single purpose, dominant uses in limited areas; to manage and protect the limited water surfaces and foreshores from inappropriate activities or encroachment; and, to preserve and wisely use the area's natural features and resources which are substantially different and diverse in character from those of the adjoining uplands and backshores."</p> <p><b>Criteria:</b></p> <p>(1) All marine water areas seaward of the ordinary high water mark including estuarine channels, sloughs, and associated wetlands.</p> <p>(2) All lakes subject to this program below the ordinary high water mark.</p> <p>(3) All streamways of rivers designated shorelines of the State.</p> <p>(4) All natural swamps, marshes, and wetlands adjoining the above three categories of water bodies and all those which are not designated a Natural Shoreline Area.</p>	<p><b>Evaluation</b></p> <p>The County and Ecology's Aquatic designations are extremely similar.</p> <p><b>Options to Consider</b></p> <p>1. Multiple Aquatic Designations (i.e. Aquatic Conservancy, Aquatic Harbor, Aquatic Marine, etc);</p>

**Table 2. Environment Designations Specific to Incorporated Areas, Urban Growth Areas (UGA), and Limited Areas of Intense Rural Development (LAMIRD)**

Existing County Designation and Criteria	Comparison and Proposed Criteria
<b>Urban</b>	
<p><b>Example Areas Include:</b> Already incorporated areas, but also western portion of March Point (Anacortes UGA).</p> <p><b>Objective:</b> "...ensure optimum utilization of shorelines within urbanized or potentially urbanized areas, to identify areas suitable for intensive uses, both public and private, and to manage development and maintain urban shorelines for a variety of uses..."</p> <p><b>Criteria:</b> (1) Areas of high intensity land use including recreation, residential, public facility, commercial, industrial development, and port activities. (2) Areas officially designated for expansion of urban uses that are in conformance with the Act and this Master Program. (3) Areas possessing few or no natural limitations for urban intensive areas. (4) Areas which can provide adequate public services, utilities, and access consistent with this program. (5) Areas currently zoned to permit compatible uses under applicable Skagit County ordinances."</p>	<p><b>Evaluation</b> Compared to Ecology's High Intensity designation, the County's Urban designation includes a broader scope of uses (e.g. residential and recreational).</p>
<b>Rural Residential</b>	
<p><b>Objective:</b> "...provide for a transition area between the more intensive Urban Shoreline Area uses and those low intensity uses of the Rural Shoreline Area. It also intends to identify those shoreline areas that presently exhibit the low to medium, level of uses and have the environmental capabilities to support such uses for future development."</p> <p><b>Criteria:</b> (1) Areas presently developed or platted for residential uses. (2) Areas zoned for residential development with lot sizes ranging from one-fourth (1/4) acre (with public sewer and water) to five (5) acres. Also included are existing extensive small, single lot</p>	<p><b>Evaluation</b> Ecology's shoreline residential designation applies to residential development in UGAs, LAMIRDS, and cities. As an alternative example, Whatcom County does not require that the Shoreline Residential environment be in UGA or LAMIRDS, instead, it says that densities are generally less than 1 acre.</p>

<b>Existing County Designation and Criteria</b>	<b>Comparison and Proposed Criteria</b>
<p>shoreline developments.</p> <p>(3) Areas which could support and serve the needs of planned unit developments (PUD).</p> <p>(4) Areas which could serve as transition zones between urban and rural, conservancy, or natural shoreline areas.</p> <p>(5) Areas having the physical ability to support low to medium density residential uses and associated commercial, recreational, and public service facilities.</p> <p>(6) Areas which are appropriate for low to medium intensity recreational uses compatible with residential and/or light agricultural activities (grazing, small-scale crop, or gardens).</p> <p>(7) Areas which are capable of supporting small-scale agricultural activities such as livestock grazing, small scale crop, gardens, or woodlots.</p> <p>(8) Areas which can provide and have the capabilities to support the necessary infrastructure of public services, utilities, and access to accommodate low to medium density development. Sewage disposal and water supply facilities are provided on an individual or community basis or could possibly be provided via future regional networks of these facilities.</p> <p>(9) Areas officially designated on county comprehensive plans for future expansion of residential use in the Rural Open Space or Residential classifications.</p>	

## 2. General Upland

- a. These provisions generally apply to upland projects, those which are landward of the ordinary high water mark.
- b. Development must be located to avoid shoreline stabilization. [14.26.300(1.)]
- c. Requirements for screening mechanical equipment and outdoor storage areas. [14.26.300(2.)]
- d. View corridors may be required for building heights greater than 35 feet. [14.26.300(6.)]

## 3. Public Access

- a. Policies and objectives are largely adapted from the UGA Open Space Concept Plan and other existing plans to give guidance on appropriate locations and types of public access.
- b. Proposed regulations would require public access for shoreline developments on public lands and on private lands at certain thresholds, provided there are findings of nexus and proportionality.
- c. Exceptions identify that if public access already exists, or if there are environmental, safety, security, or disproportionate costs, public access does not need to be provided.
- d. There is flexibility in the types of public access – physical and visual. Access does not all have to be linear, e.g. can consist of viewpoints or other options.
- e. A Shoreline Public Access Plan will be developed based on adopted plans (e.g. the UGA Open Space Plan and other County parks plans), to ensure that public access where provided is consistent with it, rather than have uncoordinated access.
- f. Off-site public access would be allowed when on-site access is not feasible. Fee-in-lieu is suggested as a concept but needs more vetting.
- g. Conditions of approval are proposed to ensure appropriate design (e.g. rural versus urban trail materials), respect for adjacent private property, accessibility standards, etc.

## 4. Recreational Development

- a. Allowed in all shoreline environments, except conditionally permitted in Natural; emphasis on water-oriented recreation (see Use table, 14.26.180, starting on SCC 14.26 page 13 of Working Draft)
- b. Performance standards direct away from flood hazard areas
- c. Design – ensure privacy and compatibility of adjacent uses
- d. Preference for water oriented facilities close to the shoreline and other accessory facilities upland
- e. Fragile areas to be used for non-intensive activities
- f. Limits on how motor vehicles are accommodated
- g. Recreation facilities should be supported by proper utilities and facilities (e.g. power, wastewater, pet waste receptacles etc.)
- h. Proper application of pesticides, herbicides and fertilizers
- i. Link to Commercial standards for commercial recreation
- j. Impervious maximums set by shoreline environment

## 5. Residential

- a. Policies generally come from existing language, modified in places
- b. Use table (14.26.180, starting on SCC14.26 page 13 of Working Draft)
  - Current SMP prohibits Residential use in Natural designation, however, SMP Guidelines allow this with CUP.
  - For Multi-Family Uses, it was presumed that some form of attached housing may be allowed in LAMIRDs in rural areas. Therefore, made CUP. However, this could be altered.
  - Also covered:
    - Overwater residential uses: prohibited
    - Floating: prohibited.

- Liveboards: allowed in Aquatic environment
- c. Review of Development Performance Standards – for new residential development or the creation of new lots.

## 6. Commercial Uses

- a. Goals and policies are based on existing SMP policies, which have been reduced in number and lightly modified in intent.
- b. Use Table (14.26.180, starting on SCC 14.26 page 13 of Working Draft)
  - This table is less restrictive than the current SMP use allowances (when looking at the performance standards). The intent is to let the underlying zoning control together with SMP performance standards. Some review is left to do in comparing zoning maps to shoreline environment designation maps, with the expectation that there are some instances of Rural Commercial zoning in some locations (per Analysis Report) that may have a shoreline designation of Rural or Urban, or something else.
  - Question: should we add the following use restrictions in the commercial development performance standards, based on the current SMP – this would bring back in more restrictions as noted:
    - Shoreline Residential: Shoreline dependent and related commercial development is permitted provided such uses do not significantly alter the character of the Shoreline Residential area and are of a community serving nature. Such uses include: cafes, restaurants, and community retail, service and grocery stores.
    - Rural Conservancy: Shoreline dependent commercial development is permitted provided such uses do not significantly alter the character of the Rural Conservancy area. Such uses include: campgrounds, group camps, public and private parks and recreational facilities, farm related sales and services, and commercial uses in restoration of historical structures.
    - Urban Conservancy: Commercial development is prohibited except for low intensity recreational and planned unit developments which do not significantly alter the character of the Urban Conservancy Area.

- Preference for Commercial Uses:
  - The proposed SMP is based on SMP Guidelines, which promotes water oriented uses – water dependent, water related, and water enjoyment – with greatest priority given to water dependent uses
  - Current SMP is more limiting by focusing on water dependent uses only: (1.) Permitted uses - Only those commercial developments that are related to or dependent upon a shoreline location shall be permitted.
- Nonwater-dependent commercial uses over water. The proposed SMP is more permissive (and follows SMP Guidelines) compared to the current SMP, which says: “(2.) Over water structures - Commercial docking and boat fueling stations are permitted to locate structures over the water. All other commercial over water structures are prohibited.”
- Is mixed use residential a desired use? In the past it’s been a concern that if a use is not on the use matrix (e.g. mixed use commercial/residential) then it’s a CUP.

## 7. Institutional Development

- a. Per 14.26.360 (Commercial Uses), Institutional development and essential public facilities must comply with the regulations applicable to Commercial uses.
- b. “Institutional Development” means those public and/or private facilities including, but not limited to, police and fire stations, libraries, activity centers, schools, educational and religious training centers, water-oriented research facilities, and similar non-commercial uses. This section also references essential public facilities as defined in the Growth Management Act.

## 8. Industry

- a. Allowed in High Intensity with the simplest permitting
- b. Water dependent industry permitted in Aquatic, Rural Conservancy and Urban Conservancy environments, with water related industry a conditional use in the latter two designations
- c. Not allowed in Natural environment
- d. Performance standards show preference for water dependent or water related uses

- e. Non-water-oriented industry allowed if there's a public benefit (e.g. restoration and public access) or if on a site separated from the shoreline
- f. Preference for accessory uses to be upland of water oriented uses
- g. Preference for joint-use of piers and docks
- h. Petroleum products industries are considered a conditional use
- i. Log storage subject to limits to prove no adverse environmental impacts
- j. Emphasis on ecological functions and meeting water quality and air quality standards
- k. Screening and landscaped buffers may apply