



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.

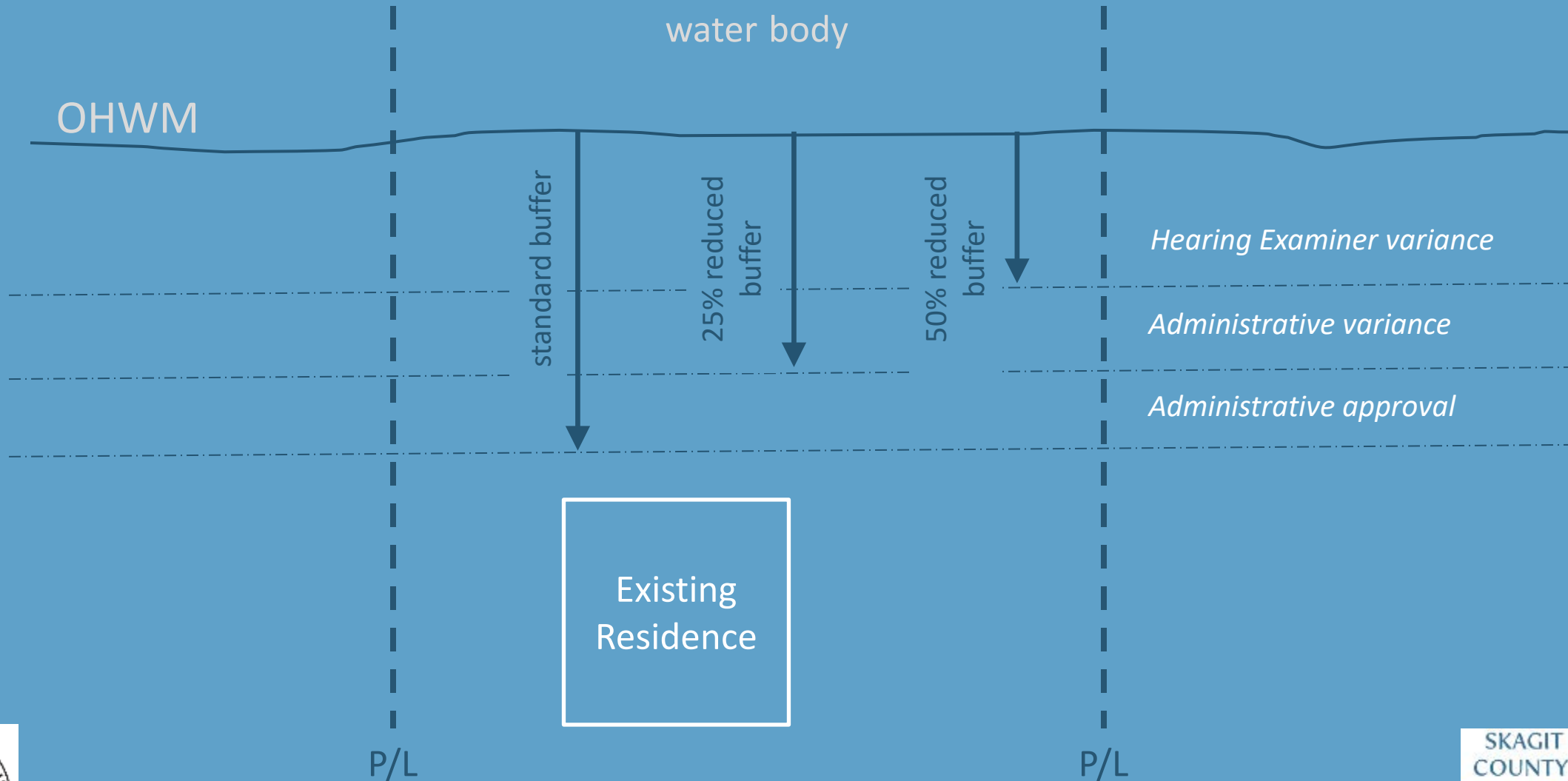
(b) Hearing Examiner variance. Any other variance application, e.g. for relief from specific bulk, dimensional, or performance standards of this SMP, is a Hearing Examiner variance.

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

- | | |
|----------------------------------|-----------------------------------|
| • Less than 25% buffer reduction | with mitigation approved by staff |
| • 25-50% buffer reduction | with administrative variance |
| • >50% buffer reduction | with Hearing Examiner variance |

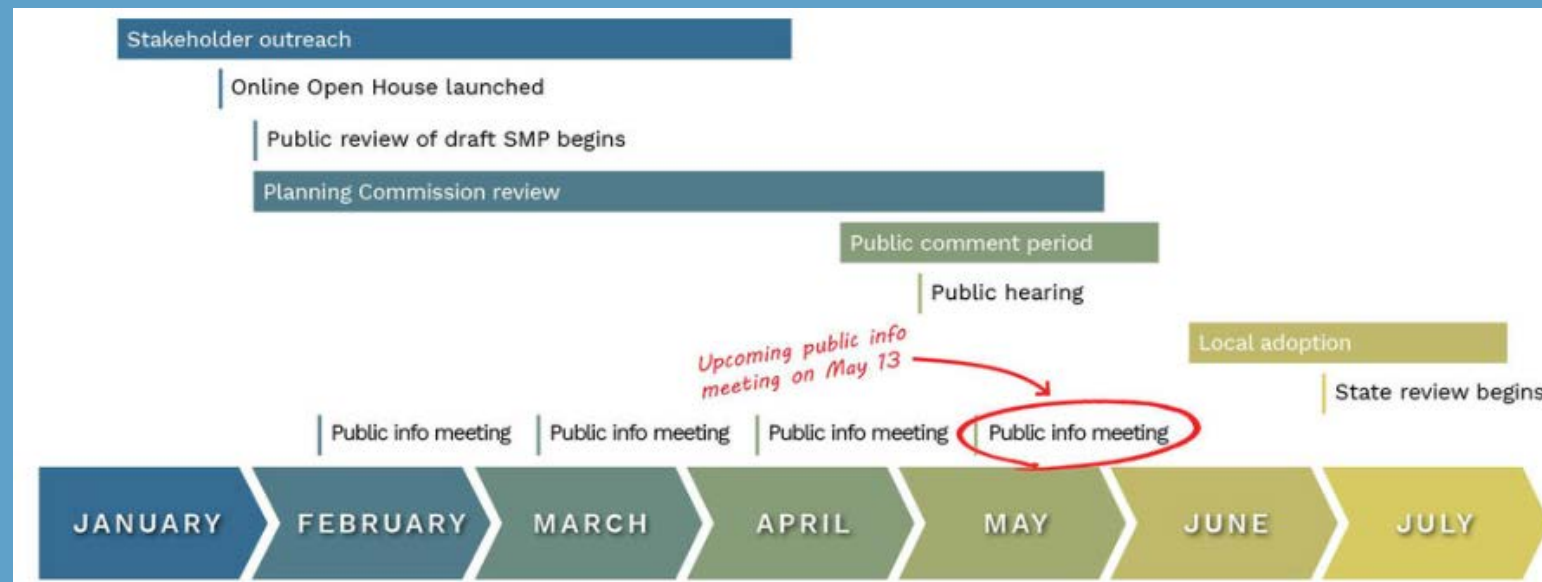


Buffer reduction clarification



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



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



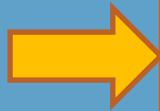
Overview of recent changes

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.

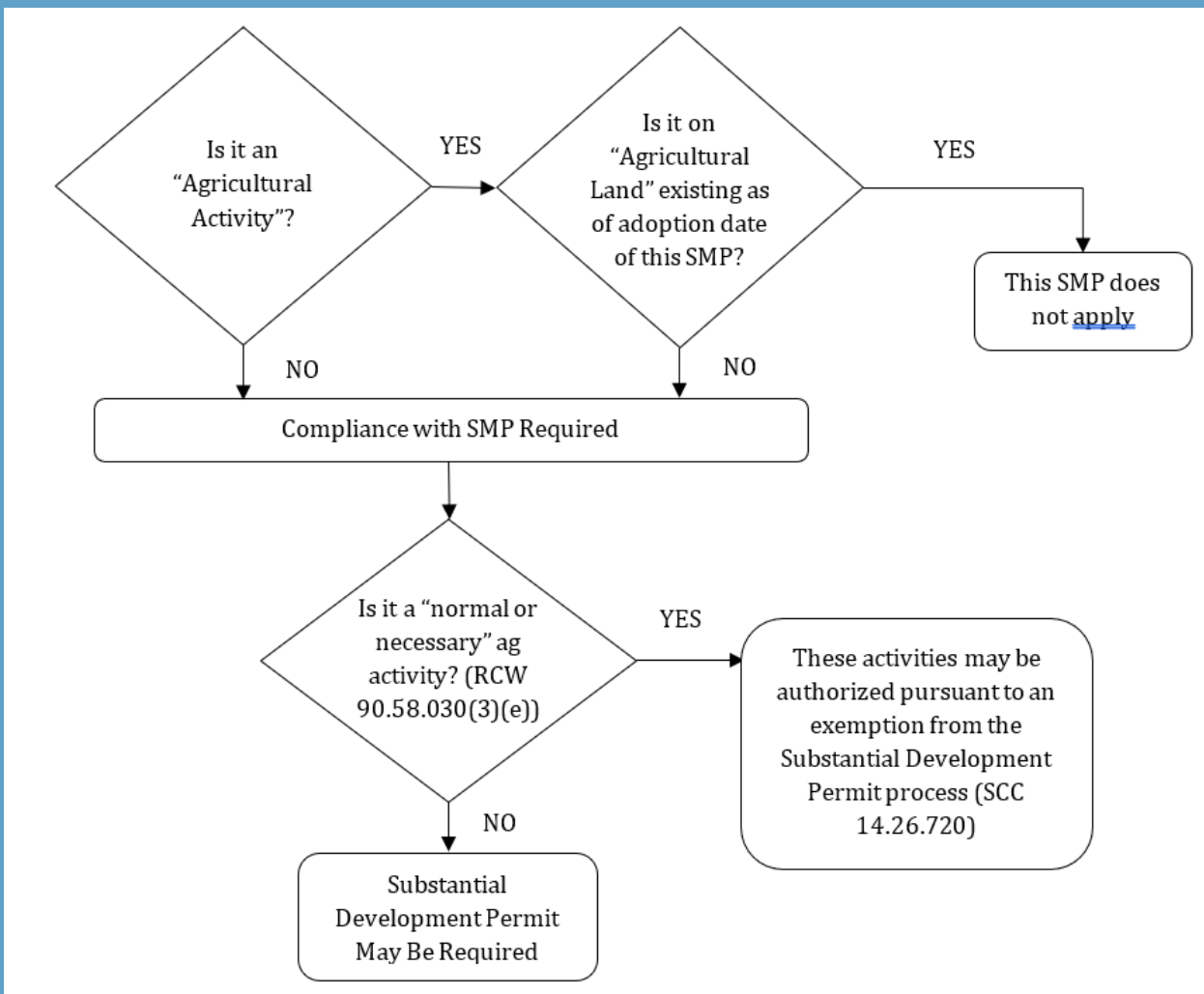
CAO integration (Part V of the SMP)

- 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



Questions?

