BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON
[absent-Wm. L. McDowell, Chairman]
***Tom Shaughnessy*, Member**
***Mike Shelton*, Member**

ATTEST: By Ellen Meyer, Acting Clerk
Margaret Rosenkranz
Clerk of the Board BICC 98-345

APPROVED AND ADOPTED this 29th day of September, 1998.

BOARD OF COUNTY COMMISSIONERS OF ISLAND COUNTY, WASHINGTON
***Wm. L. McDowell*, Chairman**
***Tom Shaughnessy*, Member**
***Mike Shelton*, Member**

ATTEST: Ellen K. Meyer, Deputy
Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:
DAVID L. JAMIESON, JR.
Deputy Prosecuting Attorney
& Island County Code Reviser

(Note: Exhibits placed on file with the Clerk of the Board)

SHORELINE MASTER PROGRAM: POLICY ELEMENT; SHORELINE ADMINISTRATION, ICC 16.21; AND SHORELINE USE REGULATION, ICC 17.05

Hand-outs: Letter 9/23/98 from Swinomish Tribal Community
Packet of Proposed Shoreline Amendments [S-1 through S-19]

Proposed action: adoption of Resolution #C-124-98 [PLG-038-98] in the matter of adopting amendments to Island County's Shoreline Master Program. Provisions would not go into effect until after the Department of Ecology's approval. Under statute, DOE has authority to conduct their own hearing if desired, and then make final recommendations to the County for modifications. DOE's jurisdiction extends only to the amendments proposed; it is the amendments that DOE and Island County can agree to that become modifications to the Master Program.

Nineteen amendments were presented, prepared as a result of workshops, Planning Commission hearings and Board workshops. Also, Mr. Dearborn advised that one set of amendments was prepared by Jeff Tate after Friday's workshop in response to a letter from the Swinomish Tribal Community [letter dated September 23, 1998 placed in the record].

San Juan County chose to not have any of its comprehensive plan or development regulations under GMA go into effect until their Master Program was approved. Mr. Dearborn had not recommended that for Island County since the Master Program in terms of use activity covers a much smaller geographic area than it does in San Juan. Once the Board has finally approved the Mater Program and been through the DOE process, it is under GMA an element of the Comprehensive Plan and Development Regulations implementing the Comprehensive Plan and is thus appealable to the growth hearings board.

Jeff Tate presented proposed amendments.

S-1 Addition to Page 31, Line 4, Aquaculture, #20, add sentence: "Visual impacts will be considered in the review process".

Board Consensus: agreed with proposed changes

S-2 Modify description of proposal and rationale of the amendment sheet change improvement to "structure"
Page 38-line #1 change developments to "structures"
Page 38 #7 – add "or is necessary for the protection of existing structures"
Page 54 – add definition for structure (same as provided in 17.03)

Board Consensus: agreed with proposed changes.

S-3 Page 38, Q. Piers. Line #22 add to the phrase "except for those residential communities designed for private docks (i.e. Mariner's Cove, Lagoon Point, Sandy Hook)".

Board Consensus: agreed with the proposed addition, and to provide further clarification, add o the language in parenthesis to insert the word including to read "(i.e. including Mariner's Cove, Lagoon Point, Sandy Hook)".

S-4 Makes the definition of Accessory Structure consistent with 17.03.040
Board Consensus: approved

S-5 Definition of Clearing, for consistency with 11.02: Clearing means the cutting and removal of vegetation by mechanical or chemical methods.

Board Consensus: Add to the amendment page under Issue "(from 11.02)", and that definition is to read: "Clearing means the cutting and removal of vegetation by mechanical or chemical methods".

S-6 Shoreline Use Classification Table. When looking at the chart (first page) under boating and related facilities there are a number of uses that were permitted and had been proposed as conditional. The same is true in the shoreline modification activity action on the following page. Request for amendment is to have those remain as permitted [no change from current SMP]. There are, however, some minor changes under accessory dwelling where it used to be omitted altogether it is now a permitted use, conditional use.

Board consensus: concurred

S-7 Page 69, item #15. Modification to the general use requirements, change to read: All use requirements, regulations and standards prescribed in this SMP shall apply to all structures and uses which exist as of the effective date of the SMP. At this time, however, Mr. Tate recommended the following modification:

"All use requirements, regulations and standards prescribed in the SMP shall apply to all structures and uses which exist as of the effective date of the Master Program".

Mr. Dearborn explained that this covers those created or constructed after the effective date. The concern had been that the way the language had been drafted looked like illegally established lots would not have to comply with the SMP which is not the intent.

Board Consensus: agreed with Mr. Tate's proposed language.

S-8 Standards for locating docks and piers. Page 77, section 4 at the top of the page, has the following recommended changes:

Title: add the phrase "With the exception of those residential areas designed for private dock facilities" (then continue with existing language).

a. change proven to shown
b. delete
c. strike "and documented"
d. strike "in a manner prescribed by" and change it to read" "to the Administrator"

Mr. Tate thought the language could be improved upon in section a by replacing adequate or feasible with "available". Mr. Dearborn suggested all three words be used [i.e. it could be adequate and feasible but may not be available].

Mr. Tate suggested "c" as it reads now [which will be the new b]: "the possibility of a multiple-owner or multiple-user facility has been thoroughly investigated and documented, read instead: "adjacent lot owners have indicated in writing that they do not wish to share their dock ".

With regard to Item #7, Mr. Dearborn pointed out it is an existing policy that would seem now to defeat at least in part the idea of multiple owners going in on one dock.

Board consensus: agreed with the proposed amendment, modified as follows
a. using adequate or feasible or available
b. "adjacent lot owners either do not wish to share the dock or have not responded to the request".
#7 – delete in that the whole issue is the fact that the County tries to encourage multiple users for docks.

S-9 Page 83, Item #6 – provide for motorized access for those who are physically challenged. This addresses vehicular use on shorelines, specifically tidelands and beaches. The proposed amendment was to add language "for those individuals who are physically challenged", and to that, Mr. Tate suggested at the end of #6 to add the following: "for any approved exempt or non-exempt construction activities".