Council Executive Overview
Of Shoreline Master Program Updates
January 2013

Overview
This round of SMP updates is shaped by the legal settlement of a large lawsuit between the state and multiple plaintiffs related to the building and development industry. The core subject at stake was the extent of regulation the state must undertake to be responsive to the federal listing of salmon and orca as endangered species and the commensurate habitat protections needed to assist in recovery.

Stemming from the above mentioned settlement one of the prime features of this update is the concept of “no net loss of ecosystem function or value” from the current condition. You will find this requirement restated everywhere through this SMP update. The current condition is the condition on the day of adoption which is described in detail in the Shoreline Inventory and Analysis. The Shoreline Inventory document is in this notebook.

This SMP update is driven by the Submission Checklist provided by the Department of Ecology. It is very detailed and specific. There is a copy of the current state of the checklist in your notebook.

All the documents in your notebook are also on the TFH website. Click on the "Shoreline" section at the lower left side of the screen.

Key Guiding Factors
There are several big picture factors that control the conditions that the Towns updated SMP must ensure going forward in time. They are;
- Federal endangered species list of several species of salmon, all of whom spend part of their lifecycle in the San Juans.
- Federal endangered species listing of 3 species of rockfish all of which have substantial habitat in the San Juans.
- The Washington State Legislature’s designation of the San Juans as a State Biological Reserve RCW 28B.20.320
- The designation of the waters of the County as Shorelines of Statewide Significance RCW 90.58.030.
- The programmatic requirement for “No Net Loss”.

Basic Components of the Update;
This SMP update has several statutorily required components. They are
- Shoreline Inventory and Analysis
- Revised Ordinance
- Cumulative Impacts Analysis
- Restoration Plan
- Monitoring program at both the Plan and Project level that ensures “No
Net Loss”

**Key Changes in local ordinance and related regulations**

Due to the controlling factors, the conditions on the ground and the requirement for “no net loss” the following changes are recommended.

**Landuse:**
1. Rezone the southernmost Shoreline Accommodation Zone to Multifamily Residential.
2. Rezone residential parcels above the Port from Multifamily Residential to Commercial.
3. Redesignate the “Playgrounds” and Kwan Lamah as Shoreline Residential 2 which is a new lower density designation.

**SMP Ordinance changes (largely, but not entirely, located in section 6.02):**

1. **Buffers, Setbacks and other protective measures:**
   The conventional method of protecting environmentally sensitive areas is through the use of buffers and setbacks. In the case of Friday Harbor the entire Aquatic Environment is federally designated as *critical habitat* (see guiding factors above). This is analogous to critical fish and wildlife habitat under Growth management Act (GMA) Critical Areas Ordinances (CAO). There are two basic options for dealing with the required protections:
   - Apply shoreline buffers as described in the table in Appendix G (pg 105) of the attached Protection of Marine Riparian Functions in Puget Sound, Washington document. Taking this route would make the bulk of the Friday Harbor water front a non-conforming use. This approach might also raise the possibility of a taking situation at the south end of town where undeveloped lot depth is app. 90 feet.
   - Apply the vegetation and stormwater protections to the entire 200 shoreline jurisdiction. Dept. of Ecology has commented that application of the protections to the whole jurisdiction may be used instead of substantially increasing shoreline buffers. Given the very small setback of structures from the shoreline within the town this seemed to be a more logical solution.

2. **Vegetation Protection:**
   a. Require retention of existing vegetation within 200’ of Ordinary High water Mark (OHWM)
   b. For substantial redevelopment require net gain in shoreline vegetation.
   c. Promote shade creating vegetation.
3. Stormwater Management
   a. Increase use of Low Impact Development (LID) techniques throughout the jurisdiction where stormwater drains naturally to the bay.
   b. For substantial redevelopment require a net gain in pervious surfaces using approved LID techniques.
   c. Move toward elimination of piped point discharge of runoff from shoreline properties and replace with approved LID techniques.
   d. Move toward elimination, to the maximum extent possible, of impervious surfaces within the setback area.
   e. Require compliance with the Town's Stormwater Technical Manual large parcel requirements for all shoreline development.

4. Provides for the application of stormwater and vegetation protections to entire shoreline jurisdiction.

5. Docks (pier-ramp-float)
   a. Add light permeable grating requirements for piers, ramps and floats on all new construction and on all rebuild/renovation projects.

6. “No net loss”
   a. Changes the phrase “minimize adverse impact” to language that refers to cumulative impacts and “no net loss” throughout the draft Ordinance.

7. Fulfills requirement for town monitoring of no net loss.

8. Moves the burden of technical expertise and analysis to the project proponent.

9. Administration section changes;
   a. Mitigation sequencing required on all shoreline projects.
   b. Cumulative impact analysis occurs at the individual project level as well as at the plan and regulation level.
   c. Requires licensed professional sign off of no net loss at the project level.
   d. Implements a town monitoring program to document no net loss.

Changes not driven by the controlling factors but required by Department of Ecology include;

10. Analysis of aquaculture opportunity.

11. Including specific development parameters (eg height,
setback, density, etc.) hard coded within the draft Ordinance.

Where we are now.
The Planning Commission has reviewed and approved the assemblage of documents, resignations and rezones. This was done over the last couple of years utilizing the Planning Commission meetings as a series of public work sessions while we worked through the requirements of the Submission Checklist.

The collection of required documents, resignations and rezones that you have in your notebook has been informally reviewed and approved by Department of Ecology. That's what the “OK” in the 3rd column of the Submission Checklist means. Ecology has final formal approval authority after the SMP update has been approved by the Council.

The Towns contract with Department of Ecology for completing this update ends June 30, 2013. We have worked to make it possible for the update process to be complete by then. To do so would be timely for Town budget preparation for the 2014 budget.

The Town Council will need to do a formal Public Hearing sometime during your deliberations on the way to adoption.

Next steps
- Sepa review and determination
- Notice of intent to adopt.
- Rezones
- Council review and adoption of draft Shoreline Inventory and Analysis, draft Ordinance, draft Cumulative Impacts Analysis, and draft Restoration Plan which as a package, along with the rezones, constitute the Shoreline Master Program Update.