

San Juan Initiative Phase 4 – Commit to Action

Protecting Marine Shorelines and Property Owner Interests

Discussion Draft
4/10/09

Introduction

The San Juan Initiative (Initiative) is a pilot effort to improve ecosystem protection countywide in a manner that supports community values, respects property owner rights, and builds local capacity for continued protection. The Initiative is now in *Phase 4 – Marine Shoreline - Commit to Action*, which began in January 2009 and ends July 1, 2009. The purpose of this phase is to work with the community and resource managers to develop the specific actions necessary to protect the marine shoreline, including the shoreline forests and the natural erosion processes that nourish our beaches and marine ecosystems.

These actions are the next step in implementing the recommendations of the Initiative's report, "Protecting our Place for Nature and People." The report focuses on what is needed across regulatory, incentive, education and voluntary programs to protect San Juan County's beautiful and ecologically significant marine shorelines. Similar to the approach the San Juan Initiative used to develop the recommendations, the Initiative is committed to working throughout the community to develop a supported suite of actions for the County, other government agencies, and non-profits.

This paper is the starting point for a two-month long community dialogue about how to best achieve the recommendations in the report. The Initiative staff will use it as the basis for discussion among key stakeholders in shoreline protection. It contains the following three sections:

Section I describes the five key findings from the Initiative report and a suite of objectives developed by the Policy Group to guide the development of the actions.

Sections II and III provides specific proposals for enhancing public information and technical assistance as well as the regulatory system.

This paper was first reviewed and discussed at a joint meeting of County staff and members of the Building Trades Work Group. The paper was subsequently revised and is now provided to the Policy Group for discussion on April 17th. Following the Policy Group discussion, staff will make revisions to the paper and conduct a series of meetings with community members on San Juan, Lopez and Orcas Islands.

I. Background Findings and Recommendations from “Protecting Our Place for Nature and People, 2008”

In Phase 4, the Initiative is building on the scientifically valid, community supported recommendations endorsed by the County Council and state and federal agencies. The recommendations were developed in Phase 3 of the Initiative (Creating Solutions) and outlined in the final report, *Protecting Our Place for Nature and People*. There were five key findings:

1. Management programs and the community have made positive improvements during the past 30 years. As a result, there is a lot of valuable shoreline to protect. For instance, despite increased development along the shoreline, over 85 percent of shoreline vegetation is still in place. We are, however, still losing some of our most sensitive and rare habitats, such as the eroding bluffs that feed our beaches with sand and gravel. We are at risk of losing more. More than a third of the feeder bluffs in 40 miles of the case study areas have been impounded behind retaining walls or bulkheads and 80% of the total length of shoreline armored are in inter-tidal forage fish spawning areas.
2. There is a lack of accountability to ensure people and governments are successful in carrying out their responsibilities in ways that result in shoreline protection and sensible use by private property owners. Over 200 bulkheads were identified in the case study area but only 11 permits for these bulkheads were found in the State and County databases.
3. Current regulatory protection programs are turning property owners off and our education and incentive programs are not meeting the needs of either the ecosystem or the shoreline property owners.
4. Property owners said again and again that current education is not detailed enough to answer their questions and that they do not know where to get the answers they need.
5. Due to scientific advancements and a strong ethic of stewardship, there is a tremendous opportunity for improvement.

Based on these findings, the Policy Group developed a suite of objectives for improved protection by focusing on all the tools -- education, incentives and regulations. The Policy Group directed the staff to develop specific actions for protecting shoreline vegetation and natural beach-forming processes.

1. Tailor regulations and enhance technical assistance and incentives to match the ecological sensitivity of a specific property.
2. Increase the consistency and certainty of requirements when buying land, building homes and applying for permits.
3. Foster a collaborative approach involving government regulators, environmental organizations, program managers, builders, real estate agencies, homeowners and others.
4. Provide information in an accessible, relevant and timely manner.
5. Reward actions that protect ecosystems and discourage actions that are damaging or not in compliance.

Throughout Phase 4, these objectives will be used to evaluate whether specific recommendations are consistent with Policy Group direction and will have the desired results.

II. Actions for Improving Information Resources and Technical Assistance

Background:

Through interviews, case studies, and community meetings, the Initiative found that shoreline property owners, builders and managers predominately want to act in ways that are protective of the shoreline. This strong ethic of stewardship can be built upon, resulting in a healthy shoreline in the future to be enjoyed by many. Conversations with the public, managers and builders have consistently identified the need to provide targeted information to people *before* they begin designing, building, clearing or developing their shoreline property. Information also needs to be clear about when a government permit is required to be consistent with local, state and federal regulations. There is also a need for County staff to have access to better technical support when they evaluate complex development proposals. Overall the information for property owners, builders, realtors and others must be accessible, relevant and timely.

Staff proposes a tiered information system that increases in detail about how to both protect the ecosystem and satisfy the property owner interests. The proposed four-tier system would use existing providers of information in San Juan County, including non-profit groups and government agencies: Friends

of the San Juans, San Juan Islands Conservation District, WSU Beach watchers, SJC Marine Resource Committee, SJ Community Development and Planning, SJC Public Works Department. This approach will require enhanced coordination between the providers to achieve a seamless system of information for shoreline residents, trade professionals and new home owners.

The following description of the tiered system more explicitly defines and recognizes the roles and capacity of each of the information providers and the audiences they target. Ultimately, more detail will be provided for each tier including best available science, good stewardship practices, and the regulatory requirements. This information will be provided through a combination of brochures, press articles, workshops and an upgrade of the County's website with clear links to the other information partners.

The Four Tiers

Tier One – Awareness: Provides general information for the general public about the relationship between shoreline ecology and living in the Islands and what needs to be considered by someone who owns or builds on the shoreline.

Tier Two – General Parcel Understanding: Provides initial ecological information on specific parcels of interest and more detailed information on what needs to be protected. This information clarifies the permitting requirements based on the specific and overall characteristics of the property.

Tier Three – Specific On-Site Considerations: Provides more detailed information on the property by technical experts and usually involves a site visit.

Tier Four – Permit Process: Provides the specific details required for a permit application and potential approval.

Each tier is explained below in more detail and outlines how information will be accessible, relevant and timely and identifies the responsible organizations.

Tier One – Awareness: provides general ecological information to the public about shoreline ecology and what needs to be considered by someone planning to own or build on the shoreline.

Audience: General public, current land owners and prospective buyers, builders, and realtors who are interested in stewarding shoreline property through the building process and on an ongoing basis.

Local Organizations Currently Providing Information:

The organizations listed below have areas of differing expertise but all are consistently focused on creating an ethic of stewardship in the Islands by providing general ecological information and suggestions for how to protect the ecosystem and natural habitats. These organizations provide numerous types of information and services, much of it would fit into the Tier 1 category:

San Juan Preservation Trust
Friends of the San Juans
Conservation District
San Juan Nature Institute
WSU BeachWatchers
SeaDoc Society
Marine Resources Committee
Lead Entity for Salmon Recovery
Local and regional media

Recommended Refinements: These programs are high quality and require adequate ongoing funding. Additional coordination of message and consistency of information would result in an overall improved system of general information to the public. It is hoped that the Puget Sound Partnership's ECO Net will provide some funding for improved coordination but additional resources will be necessary.

Tier Two - General Parcel Information: provides initial ecological information on the specific parcel of interest and more detailed information on what needs to be protected based on the overall characteristics of the property.

Audience: Builders, realtors, prospective buyers or current owners seeking more information about specific parcels of land.

Local Organizations Currently Providing Information and Resources:

San Juan County Assessors: Real Parcel Search Tool
(Soon to be released) San Juan County Public Works: Polaris GIS Tool
Community Development and Planning: Permit Coordinators available by phone.

(Much of the information provided through these tools was developed by Friends of the San Juans, WA State Department of Natural Resources and other state entities).

Recommended Refinements:

The objective within this tier is to provide a system in which a property owner or trade professional could assess their parcel on the County website and be directed to a list of common activities that landowners undertake. They would then be provided with information detailing what needs to be considered in order to meet regulatory requirements and maintain a healthy shoreline.

1. Change the tone of the content to address property owners and builders perspectives. For instance:
 - How far back from the beach do I have to locate my home?
 - How do I maintain my view?
 - How do I address erosion concerns on my property?
 - How can I get access to my beach?

2. Provide website links and criteria for federal and state permits and permitting requirements so that the prospective buyer or builder understands the breadth of the permitting process.

3. Enhance the San Juan County Public Works Polaris GIS Tool: Add existing ecological features that require regulatory standards for protection. At a minimum, these features would include: forage fish spawning area, eelgrass and kelp, hazardous slopes and other natural features like wetlands. Each of the map layers would have a pop-up box to direct users to more information. The additional information would be hosted by Community Development and Planning Department and/or the Conservation District. The additional information would help people identify what exists on their property that may change or modify their ability to develop or use their shoreline.

4. Develop Content on the San Juan County Community Development and Planning and/or the Conservation District Web pages link to Polaris:
 - Conservation District would have information about how to steward shoreline property. This information would build on what exists in Tier 1 and expand its specificity.

- Community Development and Planning Department would provide information that explicitly addresses typical actions likely to be taken by property owners, e.g. maintain a view, address erosion issues etc., and connect actions to regulatory standards and requirements for the following areas:
 - i. Eelgrass or kelp
 - ii. Unstable slopes
 - iii. Shoreline types
 - iv. Forage Fish/ Bald Eagles/ etc.
 - v. Shoreline vegetation

Tier Three – On-Site Specific Considerations: provides more detailed information and analysis of a specific property by technical experts and usually involves a site visit. At this level of information, the property owners, builder or agent would receive technical information and guidance about the ecological features on their property and possible actions to be taken on the property.

Audience: Current owners and prospective buyers of shoreline property who are considering expansion, changing shoreline vegetation, placement of a bulkhead or a dock; builders, excavators or realtors who may be acting as agents for property owners.

Local Organizations Currently Providing Information:

Conservation District: Currently provides a free site visit and produces a Natural Resource Inventory for the property owner. The Inventory helps the property owner understand natural drainage patterns, native plant communities, and site preparation for building, erosion prevention, and water quality improvements.

SJC Community Development and Planning: Residential Pre-Application or site visits related to submission of shoreline permits. Stormwater site evaluations are provided by the County but are not discussed in this section.

Recommended Refinements: Although the Conservation District and the site visit of the Residential Pre-Application (RPA) provide similar information, their purposes are quite different. The purpose of the Conservation District’s free site visit is to help property owners voluntarily steward their property through low impact techniques including drainage, protection of natural plant communities and other site-specific topics. They do not discuss regulatory standards or help interpret regulations. The County’s RPA provides specific guidance about how to meet the regulatory standards in the permitting process but does not look at eelgrass, forage fish, shoreline type, or provide

information about future concerns like erosion. Though it is not a binding permit, it is part of the regulatory program of San Juan County.

The refinements proposed below will require additional training of Conservation District and County Planning Staff. Funding for this training is part of the EPA proposal currently submitted by the County.

1. Conservation District:

- a. Add shoreline specific information to the Natural Resource Inventory conducted for each specific parcel of land.
- b. Provide an information sheet from the County that identifies the structures and actions that require permits from the County. This sheet would be provided by the County and would be distributed to the public by the CD and others. This information will also be available on line.

2. SJC Community Development and Planning:

- a. Add shoreline specific information to the RPA that includes forage fish, eelgrass, kelp, etc.
- b. Provide an information sheet that lists the structures or actions that require permits from the County. This is the same sheet mentioned above for the Conservation District.
- c. Require or strongly recommend pre-application site visits prior to submission of shoreline permit for bulkheads and docks.
- d. Identify plans, procedures, and resources required that may be necessary in the permitting process: vegetation management plans, hazard tree removal plans, geo-tech plans, etc.

Tier Four – Permit Process: provide comprehensive and specific details required for a permit application and potential approval.

Audience: Current owners of shoreline property submitting permits for expanding shoreline structures, changing shoreline vegetation, or building a bulkhead or a dock; builders, excavators or realtors who may be acting as agent for property owners.

Local Organizations Currently Providing Information:

SJC Community Development and Planning: Provides information to those whose applications require Shoreline Substantial Development Permits, Shoreline Exemption Permits, other land use and building permits.

Recommended Refinements:

SJC Community Development and Planning:

- a. Provide a pre-application conference with the property owner and their contractors to clearly outline what is required and what the standards are for approval.
- b. Provide a sheet of paper that outlines all the permits that may be necessary from state and federal agencies with websites (discussed in Tier 2 and 3 as well).
- c. Provide County staff access to experts who can help review complicated sites with important ecological features. For instance, on feeder bluffs a coastal geologist would be invited to the Residential Pre Application site visit or would at least be available for phone consultation.

III. Proposed Actions for Improving Shoreline Regulations

Background

Effective protection requires clear regulations with consistent and fair enforcement. The San Juan Initiative found that property owners, building trade professionals and county staff characterize current regulations and their administration as unclear, inconsistent and at times contradictory. These issues have led to significant gaps in the protection of the shoreline, landowner frustrations and often people doing what they want without getting permits or approval from the County. The San Juan Initiative's report provided recommendations to improve the regulatory system. The recommendations called specifically for:

1. Expanded inspections and improved enforcement, and
2. Clarified standards for retaining shoreline trees and shrubs, and improving protection of beaches and bluffs.

Proposed Actions to Improve Regulatory System

1. Expanded Inspections and Improvements to Enforcement

The San Juan Initiative Policy Group supports the County's two current efforts to improve compliance and enforcement: a new post-construction inspection program for all shoreline permits and a new code enforcement ordinance. The County is moving forward to conduct a new post-construction inspection for all shoreline permits and funding it through a new inspection fee. This means that docks, new and repaired bulkheads, and other shoreline structures will be inspected after construction for compliance with the conditions of the permit. This has not been done before in San Juan County and is a critical step in ensuring that regulations are followed.

County staff and the County Prosecutor have developed a new approach to enforce environmental regulations. The proposed code enforcement ordinance is scheduled for review by the Planning Commission in late April with a decision in May. The San Juan Initiative is submitting a letter to the County Council and the Planning Commission supporting proposed changes to the code enforcement ordinance. Future progress on compliance will be reported to the Policy Group and other interested parties.

2. Improving Standards for Retention of Riparian Vegetation and Protection for Beaches and Bluffs: Proposed Changes to the County Code

This section of the paper contains staff recommendations for County code changes to improve the level of protection as well as the clarity and usability of the County's Unified Development Code. The Unified Development Code is the regulatory tool to implement the goals, objectives and policies of the County. As an overall framework, staff is recommending the County develop regulatory standards tailored to shoreline type. There are three types of shoreline in San Juan County: beach, rocky and a few rare stream mouths.

The table below includes current regulatory requirements along with changes recommended by staff. The recommendations are based on a combination of best available science and policy guidance from previous Policy Group decisions. The proposed changes to the code influence the type of technical support and information described as necessary in the Information and Technical Assistance Section. The desired outcomes stated at the far left side of the table are based on what the science indicates is necessary to protect a functioning marine shoreline. The purpose of taking this paper to the public and to professionals during the next two months is to ensure that the proposals that follow stay true to the intent of the Policy Group to protect private property interests and increase the effectiveness of protecting key habitats and ecological processes.

THE LANGUAGE IN THIS TABLE IS PRELIMINARY. IT ALSO DOES NOT REFLECT THE PROPOSED CAO LANGUAGE THAT WILL BE DISCUSSED IN MAY BY THE CAO COMMITTEE.

Table 2: Changes Related to General Policies and Regulations.

| Desired Outcome | New language | Current language | Current code number |
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| <p>Maintaining erosion/accretion processes on beaches and bluffs</p> | <p>NEW BULKHEADS:</p> <p>On beach shore types, new or expanded hard shore stabilization, which includes bulkheads, rip rap, retaining walls and other structural stabilization techniques, for existing primary structures is prohibited unless there is conclusive evidence documented by a geotechnical analysis that there is significant possibility that the structure will be damaged within three years as a result of shoreline erosion caused by stream processes, tidal action or waves.</p> <p>Significant adverse impacts shall be mitigated to ensure no net loss of shoreline ecological functions and or processes. Where a geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as three years; the analysis may still be used to justify more immediate authorization for shoreline stabilization using techniques that mimic natural processes like beach nourishment or bioengineering approaches.</p> | <p>Bulkheads shall be permitted on marine feeder bluffs only where (a) a clear and significant danger to established development exists and (b) there is reasonable cause to believe that the bulkhead will in fact arrest the bluff recession and will not seriously disrupt the feeder action or the driftway.</p> | <p>18.50.210 Bulkheads</p> |

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| | <p>Bulkheads on rocky shores are usually unnecessary but may be approved based on the following standards: the bulkhead does not limit, disturb or alter a forage fish spawning area or a salmon feeding area. Upland vegetation must be maintained along the shoreline or replanted if removed during construction of bulkhead.</p> | | |
| <p>Maintaining erosion/accretion processes on beaches and bluffs</p> | <p>The following are not uses that allow the placement of a bulkhead due to non-significance or inherent location in risk zone: stairs/tram/trail to beach, boathouse, detached deck/patio, fence, stormwater facility, storage sheds, trees or other landscaping or natural vegetation.</p> <p>Policy Issue: What issues must we consider in determining whether a home is threatened in a three-year time-frame by bank erosion?</p> | <p>There is no current language</p> | <p>New language in CAO and SMP 18.50.210</p> |
| <p>Maintaining erosion/accretion processes on beaches and bluffs</p> | <p>REPAIR OF EXISTING BULKHEADS:</p> <p>Repairs of existing shoreline armoring, bulkheads or other shore protection structures shall be conditioned to reduce impacts to erosion, accretion and other sediment processes.</p> <p>Repairs that require a rebuild of greater than 75%</p> | <p>Maintain these exemptions: Normal maintenance or repair of existing structures or developments, including damage by fire, accident or the elements, subject to WAC 173-27-040(2)(b)</p> <p>Construction of a normal protective</p> | <p>18.50.020 General Applicability: F: Exemptions from Substantial Development Permit Requirements</p> |

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| | <p>of the current structure shall be moved back to above Mean High Water. Alternatively, placement of a soft shore structure would be allowed in the same footprint as the existing structure. Soft shore structures include: placement of beach logs, beach nourishment, re-vegetation of slope and dewatering of slope and upland.</p> <p>If an existing bulkhead is protecting a main structure that is threatened, then replacement with a structure adequate to arrest erosion is allowed. (Threatened must be defined)</p> <p>Applicants must submit a picture of current conditions and a site plan showing the location of existing structures within 200 feet of shoreline.</p> <p>Policy Issue: If more than 75% of a bulkhead needs to be repaired should the property owner be required to move hard shore structure back above Mean High Water or maintain existing footprint on the beach with a soft shore structure.</p> | <p>bulkhead common to single family residences subject to WAC 173-27-040(2)(c)</p> | <p>(b) 18.50.020 General Applicability: F: Exemptions from Substantial Development Permit Requirements (c)</p> |
| | <p>SETBACK ON AN UNSTABLE BLUFF</p> <p>If the property contains an unstable bluff, as indicated by the “Coastal Zone Atlas of WA” or similar reasonable evidence, a geotechnical report is required to show that the planned placement of the structure will not need a shore protection</p> | <p>If there is evidence that shoreline areas proposed for residential development may be unstable, the applicant may be required to submit a geological ...report. However, residential structures which will require bulkheads or other shoreline</p> | <p>18.50.330 Residential Development B. Regulations –</p> |

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| | <p>structure for a minimum of 75 years. A report from a licensed geotechnical professional stating the safety of the structure without a bulkhead for 75 years is required. Alternatively, the property owner may setback the main structure and all appurtenant structures 150 feet from top of bank.</p> <p>Maintain existing language: (b) Development on shorelines that have been identified as unstable or sensitive to erosion in SJCC 18.30-120 is not allowed unless the applicant demonstrates that the development is located a sufficient distance from the shoreline to prevent contributing to its instability.</p> | <p>fortifications at the time of construction or in the foreseeable future are prohibited. Evidence that such fortifications will be necessary to protect all or part of the development shall be ground for denial of all or part of the proposed development.</p> | <p>Location and Design (2).</p> <p>18.50.130 Vegetation Management</p> |
| <p>Protect the functions provided by coastal wetlands, estuaries and stream mouths</p> | <p>PROTECTION OF COASTAL STREAM MOUTHS</p> <p>Coastal estuaries, stream mouths and coastal wetlands provide critical ecosystem functions to the shoreline. Coastal wetlands and estuaries are protected under the wetland portion of the CAO (Add code numbers). Due to the rarity and sensitivity of stream mouths, the following functions shall be protected: freshwater input, sediment input, food inputs, maintain stream migration areas and protection of fish passage</p> <p>No development or clearing within 200 feet of stream mouth: No alteration or disturbance of natural sediment and/or water discharge quantity</p> | <p>There is no current language to replace</p> | |

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| | <p>or quality, maintain fish access. Maintain ability of stream mouth to meander.</p> | | |
| | <p>Define shore types: Rocky coasts geomorphic system; (rocky shore types) resistant bedrock with limited upland erosion and limited mobile sediment. There are three types of rocky landforms: plunging, platform and pocket beaches.</p> <ul style="list-style-type: none"> • Plunging shorelines have minimal erosion/deposition and no erosion of bench or platform. • Platform rocky landforms have wave-eroded platform/ramp, but no beach. • Pocket beaches are isolated beaches contained by rocky headlands and include cliff, backshore, beach face and low tide terrace. Pocket beaches, due to the use by forage fish and other organisms are managed as if they are a beach shore-type. <p>Beach geomorphic system: (Beach shore type) are shorelines consisting of loose sediment and influenced by wave action. There are two types of beach landforms:</p> <ul style="list-style-type: none"> • Bluffs which were formed by landward retreat of the shoreline. • Barrier beaches which were formed where sediment accumulates seawards of an earlier shoreline. | <p>Definitions to add to UDC There is no current language about shore-types</p> | |

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| | <p>Threatened by erosion: Need a scientific answer – defines threatened in a time frame and also provides for different ways to define threatened (average erosion rates, risk probability etc).</p> <p>Possible definition: Threatened is defined as the house, garage, deck attached to house, septic system, public road, and private driveway/road will be <u>undermined</u> within the next 3years. If the structure is not threatened in the next 3-years, than an application may be submitted later when the structure is at risk within the 5-year timeframe.</p> <p>Define undermined</p> | | |
| Maintain existing overhanging and riparian vegetation along beach shore types | <p>GENERAL STANDARDS FOR OVERHANGING VEGETATION</p> <p>Overhanging riparian vegetation on beach shore types provides shading, erosion control, nutrient inputs and large woody debris to the shoreline system.</p> <p>Where new developments and or uses are proposed along beach shore types, overhanging riparian vegetation shall be maintained.</p> <p>Pre-construction documentation of shoreline vegetation is required along all beach types. Removal of overhanging vegetation for trails, placement of armoring, docks, stairwells or other</p> | <p>A. All shorelines shall be protected form degradation caused by the modification of the land surface within the shoreline area or the adjacent upland.</p> <p>C. In providing visual access to the shoreline, the natural vegetation shall not be excessively removed either by clearing or by topping.</p> | <p>18.50.130 Vegetation Management</p> <p>18.50.140 View Protection</p> |

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| | structures shall be done in a way that the overall function of the overhanging vegetation is maintained or restored. | | |
| Maintain existing overhanging and riparian vegetation along beach shore types | <p>MAINTAINING A VIEW</p> <p>A filtered view is allowed pursuant to an approved vegetation management plan designed to maintain the functions provided by the native vegetation.</p> <p>Vegetation management plans shall describe actions that will be implemented to ensure that the setback area provides ecological functions equivalent to a dense native vegetation community.</p> <p>Where new developments and /or uses are proposed along beach shore types, lawn or turf is prohibited due to its limited functional benefits and need for chemical and fertilizer applications. Understory consisting of native groundcover and shrubs shall be provided at a sufficient density to prevent erosion, stabilize soils and intercept surface run off.</p> <p>Policy Issue: Should property owners be allowed to tailor their approach to creating a view from their home or should there be a prescriptive standard that is easy to enforce?</p> | | |
| Maintain existing overhanging and | STANDARDS FOR MAINTAINING RIPARIAN VEGETATION | A. Clearing and grading activities are allowed only if: | 18.50.060 Clearing |

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| <p>riparian vegetation along beach shore types</p> | <p>Native vegetation within 100 feet of shore shall be maintained and protected from clearing, grading, pesticides, herbicides or any other activity that limits the health of the shoreline vegetation. Along properties with no or limited native vegetation within shoreline buffer, native vegetation should be encouraged to grow and be replanted on a voluntary basis.</p> <p>HAZARDOUS TREES</p> <p>Hazardous trees within 100 feet may be removed after approval of a hazardous tree removal plan. Approval of a hazardous tree removal plan shall meet the following standards:</p> <ul style="list-style-type: none"> • The tree meets the definition of hazardous (listed in definition section of code) • Disturbance to neighboring vegetation during removal of tree is minimized • Replanting of disturbed or damaged adjacent vegetation within the shoreline buffer is accomplished within 1 year. | <p>1. Associated with an approved shoreline development; 2. Conducted only landward of a required building setback from shorelines and 3. Disturbed areas not converted to another use within one year are replanted with native species.</p> <p>B. Normal nondestructive pruning and trimming of vegetation for maintenance purposes is not subject to these clearing and grading regulations.</p> <p>C. Tree removal permitted in a development approval is exempt from the regulations in this section.</p> | <p>and grading</p> |
| <p>Vegetation retention on rocky shore types</p> | <p>Where new developments and /or uses are proposed on rocky shorelines, vegetation within 100 feet of the shoreline shall be protected and maintenance of a filtered view is allowed. A filtered view allows for minimal clearing of brush and trees and/or limbing of trees. The filtered view shall not limit the functions of the shoreline buffer and shall mimic a natural vegetated</p> | | |

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| | shoreline. NO VEGETATION MANAGEMENT PLAN REQUIRED. | | |
| Allow homes to be moved back to reduce impact from erosion and remain nonconforming relative to the setback regulations. | Retain EXISTING LANGUAGE: Non-conforming uses may be relocated on the same parcel where they occur, if the degree of non-conformity is not increased, and subjected to a | Non conforming uses or structures may not be moved to a new site nor be relocated on the same site. | Delete 18.80.120 (B) and retain 18.40.310 (H) |