

SPECIAL SHORELINE SETBACKS AND BUFFERS

Topics covered in this Development Information Bulletin (DIB) include:

- Definitions
- Setbacks
- Setback Reductions
- Buffer Reductions
- Archaeological Sites

The following standards are applicable to all parcels that are located within 200 feet of the Ordinary High Water Mark (OHWM) as of June 21, 2001. The OHWM is generally considered to be the vegetation line or a bulkhead, provided the bulkhead is in good condition. It is important to be able to locate the OHWM as many of the setback and buffer restrictions are measured from this point.

DEFINITIONS:

- A **SETBACK** is the minimum distance between a boundary and a structure. Landscaping, on-grade decks, septic systems, or other non-structural improvements may be allowed in a setback area **if** there is **no** buffer required.
- A **BUFFER** is an area that is to be maintained in a completely undisturbed state.
- The **Ordinary High Water Mark (OHWM)** is defined either where a bulkhead exists, the line of vegetation on the beach, or the toe (bottom) of a bluff. The OHWM is **not** related to a tidal reference.

SETBACKS – Setbacks and buffers vary within each shoreline jurisdiction. The following chart provides a brief description of setbacks and buffers. The process for reviewing development proposals based on these standards is different for each type of setback and buffer; please inquire with the Island County Planning and Community Development Department for specific application requirements and process timelines.

| | <i>Natural (N)</i> | <i>Conservancy (C)</i> | <i>Rural (R)</i> | <i>Shoreline Residential (SR)</i> | <i>Urban (U)</i> | |
|--|--|--|--|--|---|--|
| Setback from the OHWM | For SFRs and other residential structures – Conditional use with a 75 foot setback | For SFRs and other residential structures – Conditional use with a 75 foot setback | For SFRs and other residential structures – Permitted use with a 50 foot setback | For SFRs and other residential structures – Permitted use with a 50 foot setback | 0 feet for Water Dependent Uses; 50 feet for all other uses | Can be reduced through setback reduction averaging but not less than 25' in the R, SR and U designations and not less than 50' in the N and C designations. See ICC 17.05.200.10.c.i for method of reduction |
| Fish & Wildlife buffer (also measured from the | 75 feet | 75 feet | 75 feet | 75 feet | 75 feet | For those vacant lots that are 100 feet or less in width and are classified as low bank waterfront, if there are houses on each side of the vacant lot, |

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|--|--|--|--|--|---|
| OHWM) shown on Critical Area maps as "Marine Fish & Wildlife Habitat Conservation Areas" | | | | | the setback can be reduced based on the methodology described in ICC 17.02.110.C.4.b.i. For those lots granted a buffer reduction, compliance with SFR shoreline BMPs is required and may be recorded against property title. |
|--|--|--|--|--|---|

SETBACK REDUCTIONS

For the purpose of accommodating shoreline views within existing developed areas, **setbacks** for residential uses may be **averaged** as follows:

- There must be at least one home within 240 feet of either side of the proposed residence that is located within the setback area.
- The setback for any new residential structure may be reduced to the average of the setbacks of the nearest existing adjacent homes that are within 240 feet on each side.
- No above-ground structures (greater than 30-inches high) may be constructed seaward of the setback line.
- The setback of the adjacent homes is measured from the Ordinary High Water Mark (OHWM) to the closest point on the **roof line**.
- If there is only one adjacent home within the setback, and the lot on the other side is either vacant or the setback to the home on that lot is greater than 50' (or 75' in the C or N areas), then the setback for the new home may be reduced to the average of the standard setback and the adjacent home within the setback, **OR**, to **25 feet, whichever is greater**, in all jurisdictions except Natural and Conservancy, where the minimum reduction is to 50 feet. **EXAMPLE:** If the average is 35 feet, you will be permitted to build to 35 feet. If the average is 15 feet, you will be permitted to build to 25 feet.

BUFFER REDUCTIONS

As of August 7, 2000 the 75' **buffer** on shoreline fish and wildlife habitat conservation areas may be reduced to the average of the buffer of the existing adjacent homes for a new residential structure provided the building lot meets **all** of the following standards:

- The building lot must have been in existence on or before October 1, 1998.
- The shoreline frontage of the building lot must be 100 feet or less.
- The shoreline frontage of at least 3 adjacent lots must be 100 feet or less on each lot.
- The building lot must be low bank (less than ten (10) feet in elevation).
- The buffer may be reduced to a distance not less than the shoreline **setback** (see above).
- There must be homes on both immediately adjacent lots.
- The adjacent homes must lie within the buffer.
- No decks, patios, storage buildings, fences, septic system components, or any other structures or improvements may be placed within the buffer.

- The setback of the adjacent homes is measured from the Ordinary High Water Mark (OHWM) to the closest point on the **roof line**.
- For lots with existing single-family residences that encroach on the required buffer on both sides of the proposed building lot, the required buffer may be reduced to the average of the setbacks of the existing adjacent waterfront single-family residences.
- For the end lot in a development the required buffer may be reduced to the average of 75' and the distance between the OHWM and the **roof line** of the principal residence on the adjacent developed lot.
- If a hard armored bulkhead exists on the subject lot, the applicant must fill out a management plan addressing the use of fertilizers and pesticides on the portion of the lot seaward of the residence, OR a 15' wide zone of native vegetation landward of the existing bulkhead shall be maintained or planted.
- If no hard armored bulkhead exists and native vegetation exists as of 12/1/98, then native vegetation must be retained in the portion of the lot within 25' of the OHWM. If vegetation is absent or degraded, then a revegetation plan must be submitted, approved and implemented prior to final inspection.
- A path to the shoreline through any required buffer of native vegetation may be provided, but shall not exceed five (5) feet in width.
- Where no hard armored bulkhead exists, a **COASTAL GEOLOGIC ANALYSIS** shall be required to assure that the reduced buffer is adequate for the expected life of the of the residence without **ever** requiring a hard armored bulkhead. An acknowledgment of this limitation must be signed by the applicant and recorded against the title of the property. In other words, **NO "HARD" BULKHEAD WILL EVER BE PERMITTED WHEN A BUFFER REDUCTION IS GRANTED.**
- Any septic drainfield shall be located landward of the principal residence in compliance with Island County Health regulations and be subject to a maintenance program approved by the Island County Health Department.
- Copper shall not be used in exterior finish materials.
- Stormwater from roofs should be infiltrated into dry wells or other infiltration facilities where feasible.

The above summarizes requirements from ICC 17.02.110.C.4 and Appendix F to the Island County Critical Areas Best Management Practices Comprehensive Manual. Please refer to the ordinance and manual for the full text of setback requirements.

What if I can't meet the above SETBACK reduction standards?

A Variance may be applied for if the setback reduction standards above cannot be met, for example, if there is no adjacent development. Variance standards include the following:

1. The granting of the variance must be necessary for the reasonable use of the land or building. Only a home and typical appurtenances may be approved. For example, a variance for a boathouse or gazebo will generally not be granted.
2. The requested variance is the minimum required to accomplish the purpose. In other words, a 50' setback reduction will not be approved when a 20' reduction will suffice.
3. The granting of the variance must not substantially impair or diminish property values of surrounding properties.
4. The granting of the variance must not grant the applicant any special privilege or use that is incompatible with other properties and uses in the zone and in the surrounding community. In other

words, a variance will not be granted for a 30' setback reduction for a 3-story 5,000 square foot home when surrounding houses are smaller.

The above is a summary of the variance standards. Refer to ICC 17.03.210 for the complete text of the variance requirements.

What if I can't meet the above BUFFER reduction standards?

A section of the Critical Areas Ordinance provides for development of a single-family residence within buffers, but only when it can be shown that there is no other reasonable location. If, for example, a property adjacent to a shoreline fish and wildlife habitat conservation area is so small that there is no way to develop it with a homesite without altering the buffer, and there is no adjacent development, approval may be granted for alteration subject to the following:

1. The alteration must be the minimum necessary – the buffers must be avoided to the greatest extent possible.
2. Only the residence, access and necessary appurtenances including, if necessary, well site, septic system and drainfield utilities can be approved under this section.
3. The footprint of the residence and any accessory structures may not exceed 2800 square feet.
4. The buffer may not be used for residential landscaping.
5. Mitigation, such as planting native vegetation within portions of the buffer not used by the development, must be provided to the extent that it is feasible.

The above is a summary of the "Reasonable Use" standards. Refer to ICC 17.02.107.D for the complete text.

What if I just want an addition, or to replace an existing deck or other structure?

Within an existing buffer or setback, any expansion **seaward** of the existing structure must meet all buffer and setback requirements. A **second-story addition** may be permitted within a buffer area, but would have to meet all **setback** requirements.

Replacement of an existing deck will be allowed, provided it does not exceed the original footprint.

IMPORTANT NOTE - "Development Information Bulletins" (DIBs) are intended to assist the general public in understanding the effect of codes and regulations. DIBs are not complete statements of the laws and rules and should not be used as a substitute for them. If conflicts and questions arise, the code and regulations are the final authority. Because these regulations may be revised or amended at any time, consult Island County staff to be sure you understand all current requirements before beginning any work. It is the responsibility of the applicant to ensure that the project meets requirements of all current codes and regulations.

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