

Shorezone Code Amendment

Utility Infrastructure in Stream-Mouth Protection Zones

Governing Board

February 26, 2020

Background

- Stream-Mouth Protection Zone
 - Represents the historical meander pattern of tributary streams
- Shoreline Plan
 - Revised stream-mouth protection zone development standards
 - Standard, as written, applies to all “structures”
 - Need for utility upgrades not contemplated

STREAM MOUTH PROTECTION ZONE RESTRICTIONS:

- **NEW** structures are prohibited
- **EXISTING** structures may be repaired and maintained only

Code Amendment

UNINTENDED CONSEQUENCES

- Utilities prevented from:
 - Replacing lines that are beyond repair
 - Adding structural elements (e.g. expanding foundation to meet current construction standards)
 - Modifying facilities as new technology becomes available
- Deferred maintenance could have environmental consequences

PROPOSED AMENDMENT

- Add an exception to the limitation on reconstruction, expansion, and modification of existing structures
- Exception would apply to:
 - Private water intake lines
 - Public/quasi-public utilities, such as water, wastewater, power, gas, and communications

Code Language

Modify Subparagraph A.1.b of Subsection 84.4.3

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.4. PIERS

84.4.3. Development Standards

A. General Standards

1. Stream-mouth Protection Zones.

b. Development Restrictions:

No additional shorezone structures shall be permitted in Stream-mouth Protection Zones. Maintenance and repairs to existing structures may be allowed. ~~R~~ Reconstructions, expansions and modifications of existing structures shall be prohibited, except for private water-intake lines and public and quasi-public utilities, such as water, wastewater, power, gas, and communications services. Shorezone structures may only be relocated outside of Stream-mouth Protection Zones if authorized by other provisions of this Code.

Shoreline Plan Scope

- Proposed amendment fits within the scope of the Shoreline Plan
 - SMPZ restrictions as analyzed would apply to piers, moorings, and other boating access structures
 - Applying prohibition to utilities was not expressly part of the plan
- Amendment was examined in an IEC
 - Projects will need to comply with Shoreline Plan mitigation
 - Conclusion: no impacts

RPIC / APC Recommendations

- Regional Plan Implementation Committee (RPIC):
 - Reviewed on January 22, 2020
 - Recommended adoption
- Advisory Planning Commission (APC):
 - Reviewed on February 12, 2020
 - Recommended adoption
 - Requested staff return by May 2020 to discuss the process and criteria for determining the feasibility of relocating utility lines to less environmentally sensitive areas

Recommendation

- Recommend that the Governing Board:
 - Adopt the Findings (Attachment B)
 - Adopt the Ordinance (Attachment A)