



## ISLAND COUNTY PLANNING & COMMUNITY DEVELOPMENT

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**SUBJECT:** 'Limited Review' Exemptions & Statements of Shoreline Exemption

**POLICY NO:** 001/25

**EFFECTIVE DATE:** March 2025

**PURPOSE:** To address the requirements of the Island County Shoreline Master Program (SMP) and the Island County Code (ICC) 17.05A associated with the issuance of Statements of Shoreline Exemption, as well as amend Policy 006/14 (issued September 10, 2014) establishing criteria for "Limited Review" of certain Shoreline Exemption applications. "Limited Review" Shoreline Exemptions are those that require minimal interagency coordination and regulatory review, are exempt from SEPA and therefore, may be processed more expeditiously and at a reduced fee.

**POLICY:** Island County Code section 17.05A.070 defines shoreline exemptions as those developments or uses which are exempt from the requirement to obtain a Shoreline Substantial Development permit, pursuant to WAC 173-27-030(7) for activities identified in WAC 173-27-040 and ICC 17.05A.130.D.2.e. Pursuant to ICC 17.05A.130.D.1.c, any person wishing to undertake an exempted development on regulated shorelines shall apply to the shoreline administrator for a 'Statement of Exemption'.

Provided the development proposal is a Type 1 decision (pursuant to ICC 16.19) and is determined to qualify for limited review, the shoreline administrator may grant a Statement of Exemption either through a Limited Review Shoreline Exemption (SHE-LR) or as a condition on the decision for another underlying permit decision issued by the County (e.g. building permit, septic permit, access permit). The Statement of Exemption shall make clear which specific exemption from a shoreline development permit is being relied on, as well as any conditions of approval they are requiring to ensure compliance with the SMP.

The standard process for issuance of Statements of Exemption for projects qualify as 'Limited Review' shall be the SHE-LR permit. However, in those cases where a Statement of Exemption becomes a condition of another underlying permit, a memorandum shall be prepared by Planning Department staff and transmitted to the reviewing division or department via SmartGov.

Examples of projects that may qualify for a "Limited Review" Shoreline Exemption include:

- Repair of on-site septic systems, which may include work permitted as 'repairs' or 'emergency repair' by the Island County Health Department. Septic repair work regularly

includes the installation of new or additional septic tanks and the construction of new drainfields but may also include in-kind replacement of structures;

- Construction related activities associated with lifting of Single Family Residences (SFRs) to bring the structure above the base flood elevation of the FEMA floodzone when there is no additions/expansions proposed to the structure. Work may include minor clearing/grading around the perimeter of structures and reconstruction of associated decks and entryway platforms/stairs. Existing at grade decks located within marine buffer/shoreline setback may not be raised more than 30-inches above grade except that entryway platforms and stairs may extend the minimum necessary when required for compliance with the building code (ICC chapter 14);
- Repair/maintenance/replacement of accessory structures, including but not limited to decks, porches/patios, gazebos, carports, tool/garden sheds, greenhouses, fences, firepit/barbecue structures, and pedestrian pathways;
- Installation of heat pump equipment, provided a building (mechanical) and/or Flood Development Permit is issued, as required by the Island County Building Department;
- Access permits for the construction of a new access point off of a County road, associated with residential construction;
- Utility permits for repair/replacement of existing utilities including waterlines, powerlines, communications lines and similar;
- Vegetation management pursuant to ICC 17.05A.090.K, which may include the removal of danger trees. An arborist report is typically required to justify the removal of a dangerous tree. Removal of vegetation, including danger trees, within a geologically hazardous area may also require a geotechnical engineering report, pursuant to ICC 11.02;
- Enhancement plans (including within Fish and Wildlife Habitat Conservation Area (FWHCA) buffers) pursuant to ICC 17.05A.090.H. (not to include restoration associated with enforcement actions). A separate Shoreline Mitigation (S-MIT) permit may be required as a condition of approval;
- Stand-alone projects involving stormwater management including: infiltration trenches, drywells, green roofs, and rain gardens. Stormwater management projects on steep slopes or within 100-ft from unstable slopes generally do not qualify as 'limited review' exemptions.

To qualify as a "Limited Review" Shoreline Exemption, the project must comply with all of the following criteria:

- 1) The project must be exempt from Substantial Development Permit Requirements per WAC 173-27-040 and ICC 17.05.130.D.2.;
- 2) The project must qualify for Type I permit review per ICC 16.19 and not require a threshold determination under SEPA (i.e. categorical exemption) pursuant to ICC 16.14C.180 and WAC 197-11-800;
- 3) If applicable, applicant must be capable of providing documentation that the existing use or structure was legally established. For example, to qualify for a repair/maintenance exemption;
- 4) With the exception of Fish and Wildlife Habitat Conservation Areas (i.e marine and lake buffers), projects involving new construction within critical areas or their associated buffers may not qualify as a limited review exemption unless the project is already identified as a critical areas exemption pursuant to ICC 17.02B.300.;

- 5) The project must be located landward of the Ordinary High Water Mark (OHWM). New or replacement bulkheads and other forms of shoreline modification (pursuant to ICC 17.05A.110) are not eligible for “Limited Review”;
- 6) Sites within an area mapped by the State Department of Archaeology and Historic Preservation (DAHP) as being within the vicinity of archaeological, historic or cultural resource feature are not eligible for “Limited Review”.

Combined projects (i.e. those including multiple parcels for the same exempted activity) are not allowable under “Limited Review” Shoreline Exemptions. However, multiple exempted activities on a single-parcel may be allowed through SHE-LR review, provided all of the exempted activities qualify for limited review. If any elements do not qualify for limited review, a standard shoreline exemption permit shall be required.

The Planning and Community Development Department will have discretion in application of this policy, consistent with Island County Code, the Island County Shoreline Master Program, and WAC 173-27-040.

**APPLICATION FEE:** The application fee for processing either a Statement of Exemption or Limited Review Shoreline Exemption shall be \$133.00 (or as identified in the ICPCD fee schedule).

**FORMS:** If no other Type 1 permit is under review for the project, the applicant will submit a Shoreline Exemption Limited Review (SHE-LR) application form (available on Planning’s website) and a standalone staff decision will be issued. When a determination of exemption is required for another underlying permit, staff may administer their review via the Request for Information (RFI) process and the Statement of Exemption shall be made in a memorandum on department letterhead or via a SHE-LR permit decision.

**PROCESSING TIME:** Limited Review Shoreline Exemptions will receive expedited processing. The department will aim to review and issue Statements of Exemption and SHE-LR’s within 10-business days.

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