Meeting #8 Shoreline Advisory Committee: DRAFT SUMMARY
Thursday, March 8, 2012
Skagit County Board of Commissioners' Hearing Room

SAC members present: Wayne Crider, Bill Dewey, Tim Hyatt, Scott Andrews, Kevin Bright, Kim Mower, Oscar Graham, Chuck Haigh, Michael Hughes, Kraig Knutzen, Brian Lipscomb

SAC members absent: Shirley Solomon, Daryl Hamburg, Ward Kroska, Herb Goldston, Jon Ostlund, Jim Wiggins

Others present: Betsy Stevenson, Skagit County SMP Project Manager; Dan Nickel, The Watershed Company; Lisa Grueter, BERK

New handout materials made available to committee members:

1. Meeting #8 Agenda
2. Meeting #8 Discussion Guide – Working Draft SMP
3. Preliminary Draft Sections
    - Public Access
    - Shoreline Stabilization
    - Environmental Protection
    - Forest Practices
    - General Aquatic Provisions

The first topic on the agenda was **Opening Comments and Recap**. The consultant team and County staff noted that they are progressing on sending out working draft SMP sections and will have all sections out to the committee prior to the April 12th meeting. The SAC agreed to accept individual sections for review at the time they become available rather than wait to receive a block of sections together.

The consultant team and County staff reviewed the project schedule for the upcoming months. Concern was raised by staff that the SAC may not have enough time to complete their review and discussion with only one meeting remaining prior to the joint session with the Planning Commission scheduled for May 22nd. Upon further discussion with the SAC, it was determined that an additional meeting with the SAC was warranted and that it should be set for the end of April. Effort needs to be given to allow the Planning Commission sufficient time to meet and discuss the working draft SMP prior to submitting a preliminary working draft to Ecology which is due at the end of July. One committee member requested that this additional meeting take place on a day other than Thursday. No objections were given. The SAC tentatively agreed to hold the additional meeting on Tuesday, April 24th.

The second topic on the agenda was **Overview of Distributed Materials**. The consultant team provided a brief overview of the Preliminary Draft SMP Outline and status of working documents. Nearly all sections have been crafted into working drafts which are under preliminary review with County staff. It was noted that the proposed language came from a combination of the existing County SMP, the

Revised Code of Washington (RCW), the Washington Administrative Code (WAC) and other SMP example language from jurisdictions which have already received Ecology feedback.

The majority of the meeting was spent on a **Discussion of Detailed Sections**. The discussion started with **Public Access** with the following notes by committee members.

1. A committee member began by noting that it should be County policy to "promote acquisition of public access ROW and easements as opportunities and funding become available." Several members concurred noting that the County should not just rely on voluntary measures to make more public access opportunities available to residents.
2. Another committee member emphasized that a policy should be added to address public health needs by including sanitary waste facilities (including pet waste) at public access locations. It was noted that this was discussed by the SAC at meeting #3 in October 2011 with general consensus that it was a good idea.
3. Exception (d) should include Aquaculture in addition to Agriculture
4. Exception (L) should be clarified to add that "disproportionate cost" be identified by a percentage.
5. Discussion regarding division of land and requirement to install public access if creating more than 4 lots. Question was raised as to whether a land-owner could re-apply a year later for another 4 lots. Consultants responded by clarifying that such a case would not be allowed. State law requires a minimum of 5 years between applications.
6. A committee member emphasized that it should be clear as to when public access is required vs. when community access is sufficient (e.g. gated communities). Consultants clarified that community access may qualify for public access in some such situations. Consultants also mentioned that if a Public Access Plan is in place, there may be some allowances to not requiring public access if sufficient access is already available.
7. Another committee member expressed concern about Regulation #7 which would allow off-site public access in other areas. Member suggested that providing off-site public access on the same waterbody or within the same watershed should be a <u>requirement</u> and not just "preferred." Most members agreed with this statement.
8. Several questions were raised by committee members:
    a. Could private developments which are required to provide public access, charge fees? Answer: Yes, see State Parks. However, if fees are charged, than owner becomes liable. Consultants will provide information on a state law that limits liability for private property owners.
    b. Does water access count as Public Access? Answer: to some extent, yes (see Water Trails in other jurisdictions). However, most public access planning is intended to be from land (the SMP Guidelines definition of public access was reviewed).
    c. Who enforces the public access requirement? Answer: case by case
    d. What about access to dikes? Language is a bit foggy, but this really only would apply to new dikes. Committee members suggested adding language which refers to the requirement to supply public access only applies to NEW dikes and levees.

The discussion then moved on to **Shoreline Stabilization**. One committee member began by asking why stabilization would be allowed in the Aquatic designation, stating that it should be prohibited below the ordinary high water mark. Consultants noted that not all applications would meet that requirement. Staff gave an example of recent bridge abutments that were necessary to be permitted and should not be required to get a variance.

Committee member then stressed that all hard armoring should at least be a CUP. Another member asked if all "new" armoring could be considered CU. Another stressed that mitigation for new armoring needs to be at least 1:1 (i.e. for every foot installed, another foot of armoring needs to be removed somewhere else). Staff suggested that possibly soft armoring could be offered as a smoother permit process, possibly an Administrative review. At this point, it was suggested that the County consider a two tiered administrative review process for CU permits. County staff and Consultants will review for consideration.

Discussion continued regarding providing incentives for property owners to move to soft armoring instead of hard armoring. One member suggested adding a policy to distinctly provide incentives to voluntarily change shorelines from hard to soft armoring. Several members concurred with this notion, incentives should be built in. Question was raised as to whether soft armoring applications could forego a geotechnical analysis. Consultants responded by noting that even soft armoring has its impacts and that documented need should be required in either new hard or soft armoring applications.

Another member suggested that more emphasis needed to be given to shoreline conditions and existing physical processes. Specifically, recognizing the importance of feeder bluffs, drift cells, and eroding shorelines to overall ecological functions and that shoreline armoring should strongly be discouraged in such locations. Again, several committee members concurred.

The discussion regarding shoreline stabilization continued with the definition of Repair and Replacement. One committee member presented information regarding a recent permit approval for bulkhead "repair" that should have been considered either "new" or "replacement." Concern was given that the proposed language was not clear enough regarding the 50% or 50 feet threshold. Upon further discussion with committee members, it was generally felt that under the proposed regulations, the example could not have qualified as a "repair." However, there was general agreement that the regulation could be made clearer. Specifically, a 3-year limitation should be added to the threshold. Also, under (5) General Design Standards, the presence of trees should not be cause for shoreline armoring.

The discussion then moved to **Environmental Protection**. The Consultants began with clarifying that the requirement to meet No Net Loss (NNL) at the project level is assumed to be met if a project meets the requirements of the SMP (i.e. it is allowed and otherwise appropriately mitigates for project impacts). Some discussion ensued regarding whether mitigation truly meets NNL. Consultant responded that by completing an approved SMP and associated Cumulative Impacts Analysis, the County will have proven that implementation of the SMP will achieve the NNL standard.

The discussion concluded with **Forest Practices**. One committee member asked why clear cutting would be prohibited in the High Intensity environment. It was agreed, that while this designation does not apply in too many places within the County, this language should be reviewed further for appropriateness. The Consultants noted that the footnote indicates that clear cutting would not be prohibited if the uses are consistent with the SMP. Another committee member asked why forest practices would be prohibited in the Shoreline Residential environment. It was explained that this use is prohibited in the SR environment for several reasons: 1) these lots are already developed 1-acre lots; 2) because they are generally smaller, they should preserve as much vegetation as possible; and 3) for larger lots greater than 1 acre, salvageable timber could likely be located outside of jurisdiction.

MEETING ADJOURNED.