

Meeting #9 Shoreline Advisory Committee: DRAFT SUMMARY  
April 12, 2012  
Skagit County Board of Commissioners' Hearing Room

SAC members present: Scott Andrews, Wayne Crider, Bill Dewey, Herb Goldston, Oscar Graham, Chuck Haigh, Daryl Hamburg, Michael Hughes, Tim Hyatt, Kraig Knutzen, Ward Krkoska, Brian Lipscomb, Kim Mower, Jim Wiggins

SAC members absent: Kevin Bright, Jon Ostlund, Shirley Solomon

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

New handout materials made available to committee members:

1. Meeting #9 Agenda
2. Meeting #9 Discussion Guide – Working Draft SMP
3. Preliminary Draft Sections
  - General Aquatic Provisions
  - General Upland Provisions
  - Residential
  - Commercial Development

The first topic on the agenda was **Opening Comments and Recap**. The consultant team and County staff noted that they are still working on getting summaries of previous SAC meetings and the remaining draft SMP sections to the group.

A joint meeting between the SAC and Planning Commission is scheduled for May 22. County staff requests that if SAC members have specific issues or sections that they would like to discuss at the meeting that they tell County staff prior to the meeting in order to get the item on the agenda.

The consultant team recapped their general approach to drafting the SMP document. Drafting of the SMP is being done from scratch. However, where parts of the existing SMP are still relevant, the consultant team has attempted to excerpt them into the draft SMP update document, making refinements to text as necessary. Generally, the approach has been to add elements to the draft SMP to make it compliant with current state law and improve usability. The consultant team and County staff stated they were trying as hard as possible to get all of the draft sections of the SMP document distributed to the SAC. They also stated that in the near future all the sections of the draft SMP update document would be compiled to make for a more cohesive document.

The second topic on the agenda was **Overview of Distributed Materials**. The consultant team provided a brief overview of the preliminary draft sections of the SMP before leading into a **Discussion of Detailed Sections**, the agenda item on which the majority of the SAC meeting was spent.



#### General Aquatic Provisions:

The bullet points from the discussion guide were reviewed with the SAC. An SAC member had concerns about provision 14.26.310(12), which addresses trash and unauthorized fill removal below the ordinary high water mark. Concern was noted that this provision should be written to assure it would not adversely affect aquaculture operations, which often incorporate some of the items included in this provision. The SAC member also had concerns with 14.26.310(15), which concerns the retention of natural features. They wanted to make sure that natural features that interfere with aquaculture operations could be removed. The consultant team and staff indicated that they would review these provisions to ensure their compatibility with aquaculture operations. The same SAC member additionally commented on provision 14.26.310(18), which concerns anchors for in-water infrastructure. It was noted that in some locations moorage locations go totally dry, and that it would therefore not be possible to suspend anchor lines off the bottom at all water elevations. The consultant team and staff indicated that they would review this provision. The SAC then discussed lighting in the shoreline in general. One SAC member asked to be provided with technical guidance on shoreline lighting. Floatation materials were also discussed by the SAC. Whether Styrofoam is specifically banned by legislation was discussed. It was noted that Styrofoam floatation material is still widely present in the County. An SAC member asked whether the wording in provision in 14.26.310(16) was sufficiently broad to allow concrete encapsulation. The consultant team indicated that they would revisit the wording of this provision to make sure concrete encapsulation is allowed.

#### General Upland Provisions:

The bullet points from the discussion guide were reviewed with the SAC. Regarding provision 14.26.300(1)(c), which concerns development on steep slopes or bluffs, multiple SAC members agreed that the text should include a requirement that the geotechnical analysis should incorporate best available science.

The SAC then discussed the view corridor provision at length. The consultant team indicated that the Shoreline Management Act (RCW 90.58.020) states in part that permits for any new or expanded building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences will not be issued on areas adjoining such shorelines except when overriding considerations of the public interest will be served. The consultant team also noted that a view analysis may be required to demonstrate view impacts according to WAC 173-27. An SAC member noted that under the existing SMP residential structures may go over 35 feet in height if they are more than 100 feet away from the ordinary high water mark. Another SAC member noted that this allowance provides an incentive for shoreline development to be located away from the shoreline. It was noted that under the existing regulations, accessory structures (i.e. garages, carports) can only go up to 15 feet high. Another SAC member inquired whether the view analysis could consider views from the water to the shore. Other SAC members further noted that real estate concerns should be considered and that some localities require shoreline structures to use colors that blend in with surroundings to minimize view impacts. The consultant team recapped the view corridor discussion with the following observations: that the SAC appeared to agree that heights above 35 feet could be allowed via an administrative conditional use process if consistent with underlying zoning; that increased residential heights were okay if greater than 100 feet away from the shore; and that the issue of how a view analysis could incorporate views from the water should be revisited.

### Residential:

The bullet points from the discussion guide were reviewed with the SAC along with the proposed use table. The SAC seemed to generally agree that farmworker housing could be treated as a multi-family use. Whether floating homes should continue to be prohibited was discussed. It was noted that in other regions of the country, floating homes are being built as a non-structural flood alternative and that this may become more common in the County. The consultant team suggested that floating homes could be specifically prohibited below the ordinary high water mark. The issue of vessel liveaboards was discussed. It was noted by an SAC member that sanitary waste from liveaboards has caused problems for aquaculture operations in the past and that enforcement of this issue has been problematic. However, the SAC generally agreed that liveaboards should be allowed in areas where adequate facilities exist to accommodate them (e.g. marinas).

The issue of whether the average setback calculation for residential development could be eliminated was discussed. The County would prefer to eliminate the use of the average calculation, noting difficulty with adjacent site access. An SAC member noted that when considering setbacks it is important to get an accurate location of the ordinary high water mark. The consultant team indicated that language requiring a determination of the ordinary high water mark by a qualified professional could be required. Overall, the majority of SAC members agreed to remove the use of a common line setback or buffer.

The issue of incentivizing the use of low impact development in residential development was discussed. Multiple SAC members thought this was desirable.

The SAC made comments on specific draft regulations. The meaning of “primary facilities” in 14.26.480(3)(c) was asked about. The consultant team indicated that this term could probably be removed and this provision may just be cross-referenced. It was noted that the “more than four parcels” language in 14.26.480(3)(d) needs to be consistent with the language in similar provisions elsewhere in the document (e.g. five or more). It was noted that 14.26.480(3)(e) might just be able to be cross-referenced. Regarding 14.26.480(3)(f), which concerns landfilling, the SAC indicated that the wording should be tightened up. Specifically, potential wetland impacts from filling due to site development needs, should be reviewed. Similarly for 14.26.480(3)(h), the SAC requested that it be made more clear when this would apply. Last, in relation to 14.26.480(3)(i), the SAC requested that shoreline stability be mentioned and low impact development techniques perhaps be encouraged.

### Commercial Development:

The bullet points from the discussion guide and use table were reviewed with the SAC. The consultant team indicated that the allowed commercial uses were controlled by the underlying zoning. Regarding the draft regulations, SAC members indicated that the first sentence of 14.26.390(11) regarding “neat and orderly” could be removed due to its vagueness. The SAC generally agreed that 14.26.390(12) regarding review of development that continues outside of jurisdiction could be removed from the document.

Agricultural:

The bullet points from the discussion guide were reviewed with the SAC. Note, draft text was not provided at this time, since County staff is still working to bring this section in line with other agricultural policies and regulations. Therefore, the full section is not available at this time. County staff indicated that the County plans to use its existing agricultural definitions due to the extensive process that went into getting agreement on them. An SAC member mentioned that the incentives for buffer/setback maintenance/enhancement that currently exist in other (non-SMP) County agricultural provisions might be transferable to shoreline buffers/setbacks.

The next topic on the agenda was **Roundtable Comments**. This allowed SAC members to voice comments about any issue. There were positive comments about productivity of the meeting. There was a request to see remaining sections of the SMP. One SAC member indicated that any agricultural restrictions should be limited.

There was a brief **Review of Calendar** and wrap-up. County staff indicated that additional draft sections of the SMP will be distributed to the SAC without County pre-review to give the SAC as much time with the material as possible. An additional meeting in early May is likely. Date to be determined.

MEETING ADJOURNED.