

Meeting #7 Shoreline Advisory Committee: DRAFT SUMMARY  
Thursday, February 9, 2012  
Skagit County Board of Commissioners' Hearing Room

SAC members present: Scott Andrews, Kevin Bright, Herb Goldston, Oscar Graham, Chuck Haigh, Daryl Hamburg, Michael Hughes, Kraig Knutzen, Ward Kroska, Brian Lipscomb, Jon Ostlund, Jim Wiggins

SAC members absent: Wayne Crider, Bill Dewey, Tim Hyatt, Kim Mower, Shirley Solomon

Others present: Diane Cooper (representing Bill Dewey); Betsy Stevenson, Skagit County SMP Project Manager; Dan Nickel, The Watershed Company; Mark Daniel, The Watershed Company

New handout materials made available to committee members:

1. Meeting #7 Agenda (note that the shoreline uses and modifications materials listed in the agenda were not available for distribution to the SAC)
2. Meeting #7 Discussion Guide – Vegetation Conservation (Buffers and/or Setbacks)
3. Preliminary Draft Shoreline Master Program Outline
4. Preliminary Draft SMP Environment Designations
5. Preliminary Draft SMP Definitions

The first topic on the agenda was **Opening Comments and Recap**. The consultant team and County staff noted that they are working to keep the website up-to-date with SAC-related materials. A SAC member stated that the SAC meeting summaries were particularly valuable.

The consultant team reviewed the project schedule for the upcoming months. In March and April the SAC will be discussing draft sections of the SMP. In May, the SAC will have a joint meeting with the Planning Commission. At the end of July, a complete, preliminary draft of the SMP is expected to be submitted to the Department of Ecology for their preliminary review and comment.

The second topic on the agenda was **Review of Current Materials**. The consultant team provided a brief overview of the Preliminary Draft SMP Outline and the Preliminary Draft SMP Definitions, noting that both documents were works in progress. It was noted that the definitions came from the existing County SMP, the Revised Code of Washington (RCW), and the Washington Administrative Code (WAC). A SAC representative urged that definitions from the RCW or WAC not be modified significantly.

The Draft SMP Environment Designations document was thoroughly reviewed. Regarding the Aquatic designation, a SAC member brought up the issue of having two distinct Aquatic designations (such as Aquatic and Aquatic Conservancy). This approach was contrasted with the approach of regulating aquatic activities based on their adjacent upland environment. The SAC generally agreed that the latter approach (based on upland environment) was preferable, in part due to the difficulty of mapping out multiple aquatic environments.

During the review of the High-intensity environment designation, the SAC discussed the concept of no net loss of shoreline ecological functions and how it was achieved in practice. It was noted that no net loss is addressed at both the programmatic and project levels. County staff noted that the existing SMP lacks mitigation provisions, so the CAO is relied upon for shoreline mitigation. The SAC discussed the potential for off-site mitigation and the



restoration plan to help achieve no net loss. A SAC member indicated that no net loss should perhaps be defined in the SMP.

In the review of the Natural environment designation, multiple SAC members noted that the criteria currently listed could potentially bring in large amounts of land into the Natural environment and that these criteria should be narrowed. Additionally, a SAC member noted that the current map does not include salt marsh at the mouth of the Skagit River as Natural, though other potentially less ecologically valuable areas are included in this designation. The consultant team noted that the map should be expected to be further developed.

Furthermore, a SAC member also noted that any potential inclusion of non-public land in the Natural designation, while potentially appropriate, should include additional scrutiny and coordination with potentially affected landowners. Particular attention should be given to coordinating with land holdings, such as the Skagit Land Trust.

Reviewing the Rural Conservancy environment, a SAC member noted that it may be beneficial to define "lesser-intensity residential development" in 6A-4.1(b). Another SAC member noted that the reference to lesser-intensity recreational uses in 6A-4.1(a) is ambiguous.

In the review of the Shoreline Residential environment, the basis for the one-acre criterion was discussed. The SAC generally approved the criterion.

After discussion of the Urban Conservancy environment, a SAC member noted that as the process moves forward, the SAC should consider development related to energy production, such as offshore wind and tidal power generation facilities.

The next agenda topic was **SMP Development/Committee Discussion of Vegetation Conservation (Buffers and/or Setbacks)**. A SAC member had a question regarding shoreline jurisdiction when floodways were present. The consultant team and staff indicated they would try to find a diagram illustrating this.

The consultant team mentioned that currently the SMP refers to "self-sustaining vegetation," as opposed to native vegetation. The SAC agreed that the SMP should refer to native vegetation, where appropriate.

The buffers in the existing CAO were reviewed. The existing CAO includes two separate buffer tables, one for streams and rivers, and one for marine and lake shorelines. A question was asked about why the buffer for marine and lake Urban shorelines was larger than the buffer in other marine and lake environments, such as Conservancy. It was noted that this was likely due to an increased need for protection from more intense uses.

The SAC was in agreement that the existing CAO approach (distinct buffers for stream/river and marine/lake shorelines) should be carried forward in the draft SMP.

The SAC discussed buffers for the proposed Rural Conservancy environment (which is to some degree a combination of the existing Conservancy and Rural environments). The existing CAO includes buffers of 150 and 100 feet, respectively, for these two environments along lake and marine shorelines. The consultant team and County staff discussed the need to, at a minimum (per Ecology), maintain at least a similar level of protection provided by the existing CAO. The SAC discussed and generally agreed that lake and marine shorelines should include a 150-foot buffer within the Rural Conservancy environment.

The potential for expansion of existing nonconforming structures was discussed. The SAC discussed how structures should be able to expand (vertically, landward, etc). Some suggested incentivizing landward expansion relative to other directions. County staff noted that having administrative tools for structure expansion was desirable. The SAC discussed at length the recent legislation allowing some existing nonconforming shoreline development to be designated as conforming. A SAC member asked if background information on this issue could be provided. After extensive discussion, the SAC generally agreed that the County should keep its non-conforming regulations as long

as existing structures were offered some flexibility to repair, remodel, and potentially expand laterally, as long as no expansion was positioned waterward of the most waterward point of the existing structure.

A SAC member wondered whether buffer reduction options similar to those in the CAO could be employed in the SMP. The consultant team and County staff confirmed this as likely outcomes. A SAC member noted that clear requirements for reduction should be established. The consultant team noted that Ecology generally only allows buffer reductions of up to 25 percent.

A SAC member mentioned that climate change was an important issue to contemplate when considering buffers. It was noted that flexibility is important in coping with climate change.

Allowed uses in buffers was then discussed. The consultant team stressed that the allowed buffer uses in the SMP would differ from those in the CAO. The concept of a tiered approach to buffers (such as having a waterward buffer with very limited activities and an landward buffer with more activities allowed) was discussed. In general, the SAC asserted that a single buffer rather than a multi-zone approach would be preferred due to its simplicity.

Whether to use the term buffer or setback was discussed. It was noted that the term buffer is used in the existing CAO. An SAC member noted that the term "vegetation management" should be used in this context.

A SAC member noted that new structures within buffers should not be allowed to have permanent foundations.

It was clarified that buffers and setbacks are currently required to be recorded on title in Skagit County at the time of development.

MEETING ADJOURNED.