

Meeting # 3 Shoreline Advisory Committee  
Thursday, October 13, 2011  
Skagit County Board of Commissioners' Hearing Room

SAC members present: Herb Goldston, Bill Dewey, Brian Lipscomb, Shirley Solomon, Jim Wiggins, Michael Hughes, Ward Krkoska, Kevin Bright, Chuck Haigh, Oscar Graham, Scott Andrews, Daryl Hamburg, and Tim Hyatt.

SAC members absent: Jon Ostlund, Kim Mower, Wayne Crider, and Kraig Knutzen.

Others present: Betsy Stevenson, Skagit County SMP Update Project Manager, Dan Nickel, The Watershed Company, Lisa Grueter, BERK, Melinda Posner, MPC.

No comments were received on the SAC Meeting #2 (September 8, 2011) Summary.

Handout materials were made available to the committee members:

Several pages from the Draft Shoreline Analysis that the tables did not print correctly the first time  
RCW 90.58

WAC 173-26

Skagit County Shoreline Management Master Program, Chapter 6, Shoreline Area Designations

Skagit County Shoreline Area Designation Map (2 sheets)

Skagit County Code 14.34 recently revised

Skagit County Code 14.24 recently revised

3 handouts regarding the code changes and implementation process related to the NMFS BiOp

The format for the discussion guide was considered, prior to reviewing the content. The **existing SMP Goal Statements** (page 3 of the Discussion Guide) were read and discussed. The existing goals are part of the Comprehensive Plan. It isn't just conservation and preservation and can be difficult to reconcile with one another. An example is shoreline hardening. The view on that has changed, but under the new guidelines, it is still listed as an exemption for SMP's. Balance is difficult.

How has the implementation of the intent of the goals through regulations and enforcement gone?

Does it stand the test of time? How do they serve us? These items need to be addressed and looked at.

How are the shoreline goals portrayed in the Comp Plan? Would like to see a copy of that. It was agreed that goal statement(s) is good. In practice, implementing people don't look at goal statements, they go right to the regulations. It is important to do both.

**Public access** (General Provisions, page 5 of the Discussion Guide) was presented and discussed by the committee members. One of the WAC requirements 173-26-221(3)(c)(iv) for new publicly funded dikes or levees to dedicate and improve public access led to a broader discussion about the use of dikes for public access and trails. Many of the dikes are built on easements granted by the landowner(s), which doesn't necessarily give the dike district the authority to grant public access. The Padilla Bay Trail is an issue now, because of the garbage and pet waste that is being left there. The dikes along the Samish River are privately owned and there is a real problem with human waste, especially during the fishing season. The public access requirement for new dikes could also be a problem for new setback levees



being done for salmon recovery efforts. When negotiating with the landowner(s) for siting of the levees, if public access becomes part of the negotiations, landowners may not agree to that. A copy of the agreement between the County and dike district for the Padilla Bay Trail might be useful. A conservation easement can be a similar issue. The landowner has the rights and can grant them or not. There have been new dikes built since 2003 when the WAC became effective. Our SMP doesn't require it.

Public access without adequate public facilities is a problem. Portable restrooms (at least) and pet waste stations, along with garbage receptacles need to be provided. There needs to be a way to measure and monitor impacts by the public on the shoreline areas. If there are adverse impacts, then there should be limits on the number of people, the times of the year, etc. similar to the way there are a limited number of permits issued to use wilderness areas. DNR's Chuckanut Mountain Overlook site is an example. The SEPA documents indicated that 40,000 people use the site, but there are only 2 portable toilets there, which is very inadequate.

For a project that includes a Section 7 consultation, it would have Corps scrutiny. Is public access looked at in that process?

A restoration project on Fir Island has a time restriction for public access because of sensitive species. When the area is open to the public, there aren't adequate accommodations for them (parking, restrooms, etc) and it is a serious issue.

The humpy runs bring people to the area, they make a mess and damage the streambanks. The SMP may not be able to take care of those issues. Outreach and education to the user groups about why the shoreline areas are important and why they need to be taking care of them would help. The County has limited resources and struggles with wanting to stay rural and agricultural, but the birdwatchers, fishers and other tourists bring money into the local economy. Nothing in the information says it has to be free public access. User fees or access permits could be considered.

Shoreline management has three legs – conservation, compatible uses and public access. The Padilla Bay Trail was one of the few projects in many years that has provided for public access. It is an agreement of several parties. The issues that have been discussed are some of the reasons why there have been so few public access opportunities provided.

#### FACILITATOR'S RECAP –

- Manage public access properly and appropriately
- Outreach and education is important
- Assets of the County should be protected and shared

Key issues of Public Access from page 5 of the Discussion Guide were presented and discussed.

SMP Guidelines include a threshold to provide physical and visual access when developments of 5 or more units are created. There has been some discretion whether the access is for the local community or the general public. What other jurisdictions have done was also considered. Flexibility is good and public access should be considered on a site specific basis. Let the development respond to the need. What did the City of Mount Vernon do about public access in their plan?

The Chelan County approach is intriguing. We should have a thoughtful planning process to improve access with adequate education. A plan could show development access areas and the accommodations for people who use those areas would need to be outlined and provided.

The Skagit County Open Space Concept Plan does some of that and could be used as a starting place. The issue of nexus and proportionality needs to be considered. Also, there may be public access TO the shoreline areas, but the tidelands may be in private ownership.

The physical geography of Skagit County is different and unique. There are floodplains, diked areas and mudflats. People may gain access to a dike, but can't clamber down into the mudflats easily or safely. There aren't very many real beaches. People come here to fish and hunt those areas, without available beaches. Whidbey Island does have more beach areas.

The shorelines of statewide significance policies speak to public access on publicly owned shorelines. How are these policies being written into other SMP's? Although they are policies they speak specifically to projects. We may need to look at the policies and incorporate them into the regulations to provide some sense of consistency in the implementation. The SMP is both planning (goals and policies) and regulatory(regulations).

There is an inventory of public access points on public lands, but it doesn't include access points on private land. Maybe there should be a goal to reach in this update effort. The team will try to provide flexibility in the draft proposal for public access.

Are there areas for public access?

Samish River.

Three bridge corridor project.

Dogfish Point off Chuckanut is privately owned and has become a nudist beach, but does not provide any facilities (parking, access, portable restrooms). Liability is an issue.

Samish Island may be the only access point for digging clams.

No public boat launch/access to Samish Bay. Larrabee State Park is the closest one.

Siting of public access should be flexible and site specific. An example if there is a shoreline area that is an unstable bluff, then perhaps the access is a visual one and does not necessarily include public physical access. There needs to be balance.

Look at the County study to see if it includes the facilities available in the cities and additional access possibilities within the limits of the cities.

A gap analysis might be worthwhile to determine what the access needs are, for the County and the cities.

**Critical Areas** from page 8 of the Discussion Guide was presented. Key issues include the integration of the CAO regulations into the SMP and it needs to be looked at - how it works and options for how to do it. Critical areas within shoreline jurisdiction need to be regulated under the SMP. There are two ways to accomplish that. One, by referencing the CAO in the SMP or two, by bringing critical area regulations into the language of the SMP, with some possible modification. The history of the issues and legislation was outlined. Critical areas will need to be addressed in the SMP Update. Those that relate to shoreline and would apply need to be brought in. The reasonable use is not applicable in the SMP, so it would not be incorporated into the SMP, for example.

Should buffers and setbacks for shorelines be managed in the same way as traditional critical area buffers?

It may depend on the shoreline designation and the type of shoreline(marine, river or lake). A buffer means something different than a setback. A buffer infers there is a native vegetation component, where a setback is a distance that an improvement needs to be set back from the water. How buffers and setbacks get applied should be discussed. What regulates in that area of overlap and how is it regulated? Vegetation conservation area will be covered in more detail later. There are different functions occurring in those areas. They are site specific and may require some flexibility in the process. The buffer areas could be phased into zones, or we could consider traditional CAO buffers. The CAO allows for some flexibility when developing mitigation. The SMP should too.

The length of the meetings was discussed. Some needed to leave at this time (7:00 PM), so were concerned if the meeting continued without them. Group agreed to try a 3 hour meeting for November to cover more information without scheduling an additional meeting.

MEETING ADJOURNED.

