

Skagit County Shoreline Master Program Update May/June 2013 Open Houses Summary



June 2013



Prepared by:



Prepared for:

**Skagit County Planning and
Development Services**



May/June 2013 SMP Open Houses Comment Summary

Introduction

Skagit County is in the process of updating its Shoreline Master Program (SMP), as required by State law. County citizens, landowners, businesses, various groups and organizations, and visitors all have a vested interest in this tremendous resource. To ensure all of these voices are informed and engaged in the SMP Update, the County is conducting a comprehensive public involvement program throughout the process, which includes public meetings held over the course of the SMP Update to inform and involve the public, and to ensure the public is given opportunities to provide input at key update milestones. This report documents the results of four public meetings, which were conducted in an open house format during late May and early June, 2013.

The Open Houses were held on May 28 (Mount Vernon), May 30 (Anacortes), June 4 (Lyman), and June 6 (Concrete) to:

- Provide an overview of the SMP update process and schedule;
- Provide an opportunity for residents, shoreline users, and interested parties to discuss the County's proposed updates to the SMP; and
- Provide input on the proposed draft.

Each Open House consisted of the following:

1. A **welcome table** where participants signed in and picked up an introductory handout of the SMP process and comment forms; welcome table staff informed attendees about the format of the meeting, the content and location of each station, and how they could participate.
2. Five **stations** were positioned throughout the room where attendees could review particular information or ask direct questions of the SMP Update team. Topic stations specifically included: residential development; critical areas regulations; piers, docks, and shoreline stabilization; and an interactive area for review of specific shoreline areas, including proposed Shoreline Designations. Each station was managed by a designated County or Consultant staff person. The posters at each of the stations were duplicated as 8.5x11 handouts (see attachments to this report).
3. Additional information was provided in poster form on the draft Shoreline Restoration Plan, proposed Shoreline Designations, and specific issues related to the Towns of Hamilton and Lyman.
4. Central **information and comment tables** contained extra copies of the SMP Goals, Policies and Regulations document and The Visioning Workshops Summary from 2011.
5. Comments were recorded directly on flip charts at each station location or were submitted anonymously in a comment box provided at the welcome table at each event. Staff recorded specific requests and provided follow up to those asking for additional information at the open houses.

Results

A total of 142 people signed in for all four meetings: 43 in Mount Vernon, 51 in Anacortes, 36 in Lyman, and 12 signed in at Concrete. Staff from Skagit County Planning and Development Services, along with consultant staff from The Watershed Company and BERK facilitated the open house events. Washington Department of Ecology's project officer also attended several of the open houses and was available for questions.

The recorded comments below captured the majority of the concerns expressed by attendees. Many additional verbal comments were received, but not recorded, which pertained to the format of the event, materials provided, and ability to answer questions. These comments were, for the most part, very positive. The availability of staff to answer direct questions regarding proposed SMP policies and regulations was appreciated, and the interactive station which allowed attendees to review proposed designations and available data for specific properties was very helpful.

Comments from the flip charts recorded at each station are summarized below.

1. Soft structures should utilize untreated logs. Make sure this is clear in the regulations.
2. Make sure beach nourishment is addressed.
3. Provide for incentives for lake shoreline protection/preservation/restoration. This could include reducing permit fees.
4. No safe water access in Lyman area – kids can't learn to swim
5. Lack of fishing access on Skagit River
6. Why do we need to do this if the existing system is working well?
7. Where is the money coming from?
8. The one-on-one meeting format works very well.
9. Ensure undeveloped lots on Big Lake are still able to be developed. This also applies across other shoreline areas as well.
10. Citizens should be able to remove gravel/sand for personal use from areas where it is abundant and impacts are mitigated.

Written Comments

Written comments were received via comment forms provided. They are recited here verbatim.

1. If the process is at 80%, how come we are just hearing about it? I never received a card for the visioning meetings.
2. Please review again the mapped environmental designations for Guemes Island. County staff previously indicated that the Guemes Island Subarea plan shoreline map would be incorporated – but there are still a number of discrepancies. We (GIPAC) would appreciate an explanation from the County regarding any of our plan designations that are not accepted by the County – so we at least have a chance to discuss these differences.
3. (Comment made regarding Anacortes SMP). Please explain why the shoreline designation of Urban has been applied to the 1st 50 feet landward between B Ave. and H Ave. in Anacortes – the same 50 feet is zoned R2 and R3 in the Anacortes Municipal Code.

4. An administrative variance for building within shoreline buffer should allow for 50% reduction of the buffer with residential permit.
5. How is the SMP collaborating or integrated with the Partnership for Puget Sound Action Plan?
6. Regarding bank stabilization: new neighbors are coming in and cutting the mature alders (diameter 8-10" at the base, 2 feet up from ground, on the 45 degree bank). They claim that in addition to the blocking the view, they sway in high winds and can disrupt the bank at their base around their root balls. Is there any validity to their rationale?
7. Trees should not be topped with this master plan. What about shrubs? I.e. what is the definition of "tree?" Is it designated by diameter of the trunk at the base?
8. Shoreline evaluations must be re-done for north end of Turners Bay, Fidalgo Island. Recent habitat restoration and removal of road has re-flooded area with marine water. Pictures, etc. will be submitted to County.
9. Public access language should be clear about the difference between parallel and perpendicular access.
10. Place definitions up front.
11. Make plan more reader friendly for those without high-speed internet.
12. Keep the regulations practical.
13. Review Aquifer Recharge Area Map. How does this relate to the SMP?
14. Review Geologic Hazards Map. How does this relate to the SMP? SMP must follow the Geohazard map.
15. Great meeting format.
16. This meeting format gives chances/opportunities for follow-up questions
17. How do I tell if someone is County or Consultant staff?
18. My property is residential houses on either side – you cannot see from aerial photos over tree coverage – it is being designated "Natural" – please it should be "rural reserve" per the property deed.
19. Thank you for providing all the information and for helping private property owners to be able to keep some of their property.
20. Very interactive format that worked for us.
21. The Skagit County employees were exceptionally helpful with their insights and knowledge of the system, especially Leah.
22. Handouts are good.
23. I would like to be sure that undeveloped lots in a final plat will still have the same setbacks from the lake that the lots had when the plat received final plat approval.
24. Thank you for holding this open house and being available for questions and comments. We appreciate the County's efforts to develop a new SMP which balances reasonable uses of private property with protection of our environment. We are concerned that Young Island be treated appropriately and not be singled out for special extra regulation. It isn't any different than other islands within the County with residential and recreational uses and shouldn't have any more burdensome regulations. We will provide additional comments by letter. Thanks!
25. I appreciate the opportunity to meet with the staff today. I'm here representing the Schulz Family Trust, which is half owner of Young Island. First, it was a surprise to see Young Island

shaded to the wrong zoning. Wow! I was reassured by Betsy that this was an error! Second, I'm encouraged by the effort to simplify the wording and complex content of the shoreline plan. The plan not only protects the environment, but it needs to serve the citizens of the state – so we have to be able to understand it. Finally, I would ask that if all possible, the specific wording related to Young Island be incorporated into the general designation for Rural Conservancy.

26. The latest draft appears to have way too many unnecessary overlays and additional restrictions imposed over the original version. The critical areas overlays are already restrictive enough – this is way too much control with the myriad new passages' verbiage. Recommend trimming the draft down significantly to be close to the original we live by now.



SKAGIT COUNTY SHORELINE MASTER PROGRAM UPDATE

SMP Process and Key Principles

What is a Shoreline Master Program (SMP)?

A comprehensive shoreline land-use plan that:

- balances **public and private interests**
- accommodates **all appropriate shoreline uses,**
- promotes **public access,**
- protects **shoreline processes,** and
- applies to **new uses and modifications**—it is not retroactive.

Where does the SMP apply?

The SMP applies to:

- **streams and rivers** with mean annual flow >20 cubic feet per second (cfs),
- **lakes** >20 acres,
- **marine** shorelines and aquatic area,
- **land within 200 feet** of the ordinary high water mark of these waterbodies, and
- associated **wetlands, floodways, and contiguous floodplains**



Need more information?

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What's the purpose of the SMP?

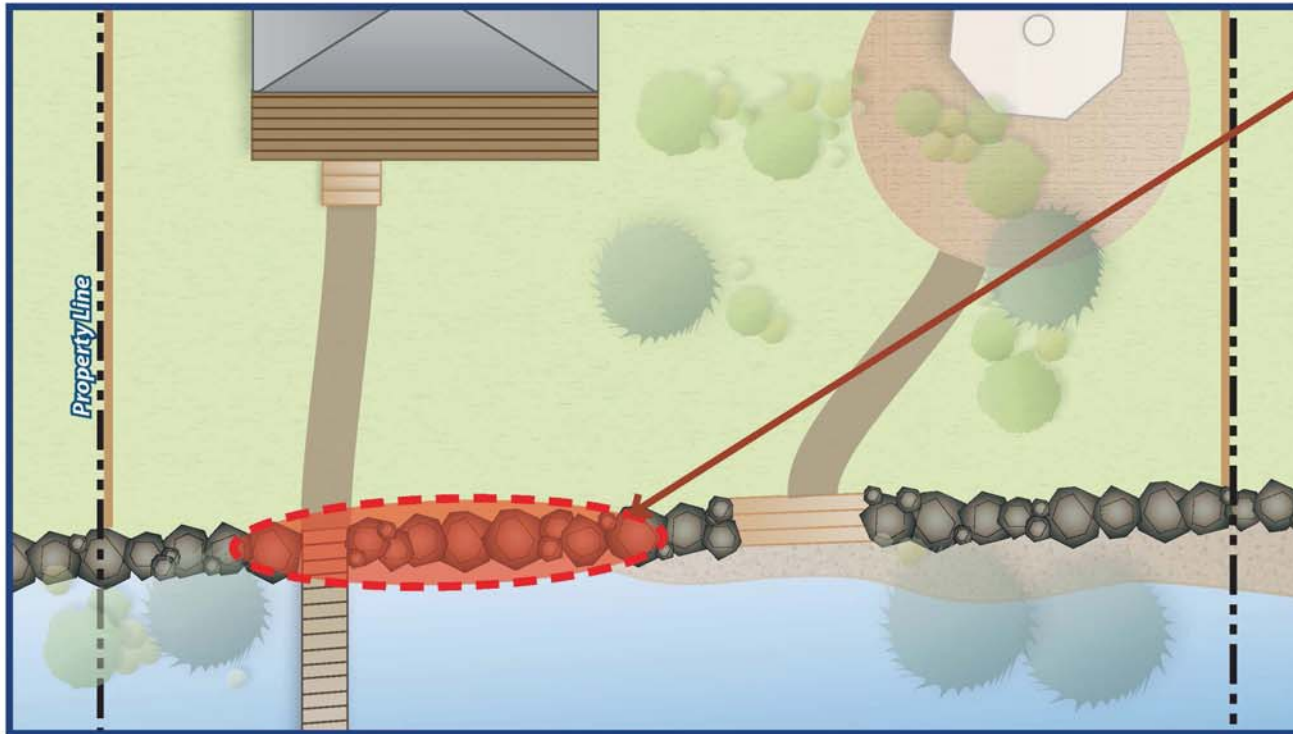
The State requires Shoreline Master Programs to meet these goals:

- encourage **reasonable and orderly development** of shorelines
- **protect the natural character** of Washington shorelines,
- provide shoreline **recreational opportunities,** and
- promote **public access** to shorelines



Existing Shoreline Stabilization

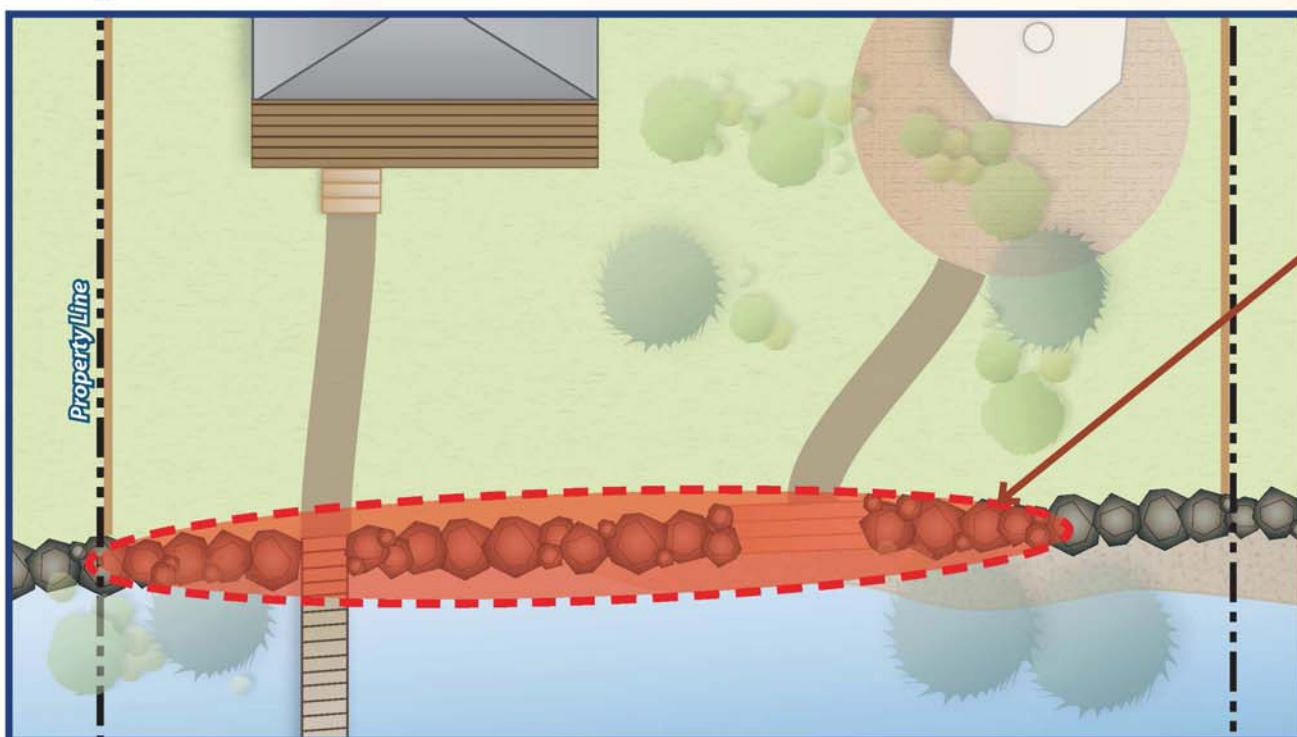
Repair - Shoreline Stabilization



Repair = when area of work < 50% of structure area or < 50 linear feet, whichever is less

- Allows repair of legally established stabilization structures.
- Reconstruction limited to up to 50% within a 3-year period.
- No increase of height is authorized under repair provisions.

Replacement - Shoreline Stabilization



Replacement = when area of work > 50% of structure area or > 50 linear feet, whichever is less

- Reconstruction more than 50% over a 3-year period.
- Treated as new stabilization and must adopt a soft solution unless need for hard stabilization is demonstrated.

Don't miss this!

- Geotechnical analysis is not required for replacement of stabilization structures if there is demonstrated need to protect principal structures.
- Use of soft stabilization techniques allows for some fill waterward of the OHWM to enhance substrate conditions and gradient.

New Shoreline Stabilization



Shoreline processes work together to help maintain beaches and shoreline ecosystems.



Upland development, including need to protect existing structures, can lead to unintended impacts.

To protect important shoreline functions, new shoreline stabilization is to be avoided.

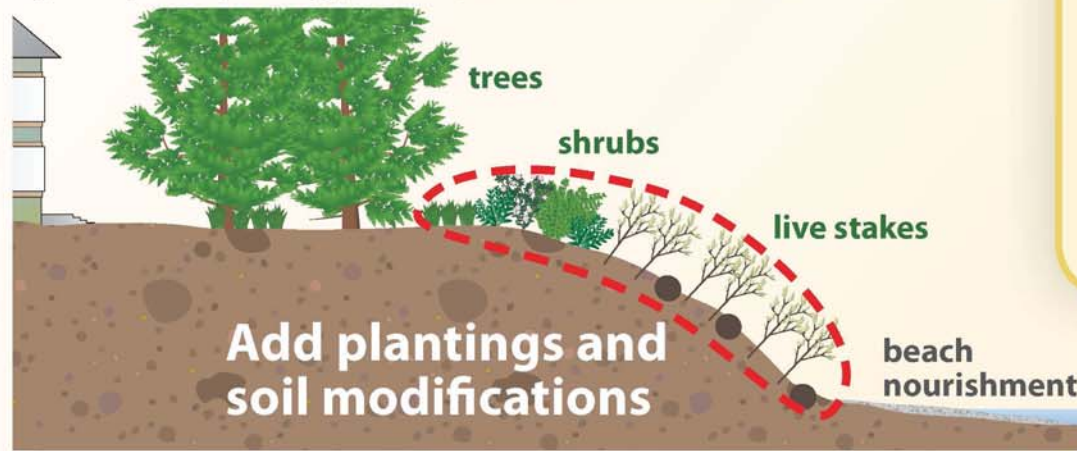
Must demonstrate the need for shoreline stabilization.

If needed:

1. Evaluate Soft Stabilization Priorities

1 Bioengineering

Use bioengineering techniques which may incorporate plantings, soil lifts, and beach nourishment.



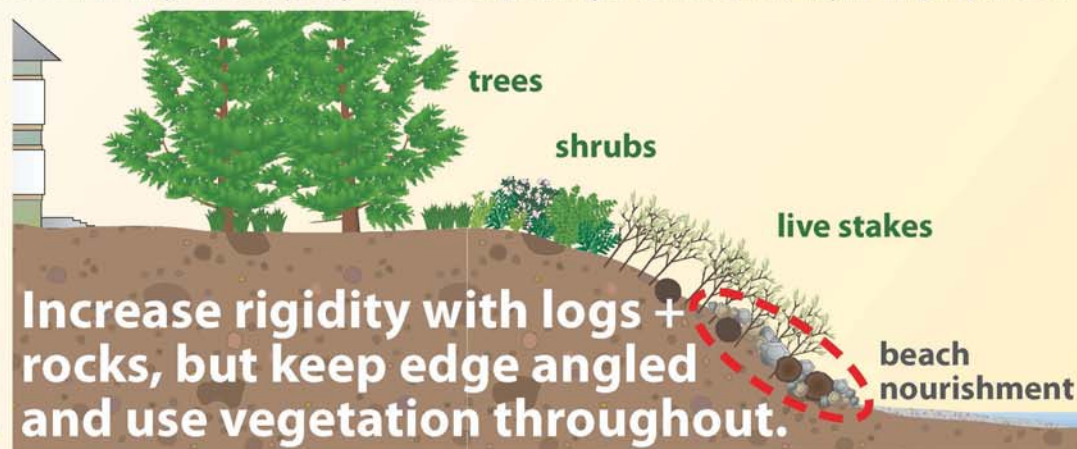
2 Soft Structure

Semi-natural arrangements of rock, wood, planting and beach nourishment.



3 Rigid Structure

Semi-natural arrangements of rock and wood, with greater rigidity to protect primary structure and adjacent properties.



All new or enlarged stabilization projects, hard or soft, must mitigate by:

1. Restoring impaired nearshore substrates; and
2. Planting native riparian vegetation along at least 75% of the shoreline frontage; or
3. An alternative plan approved by State and Federal agencies.

Don't miss this!

A mix of hard and soft stabilization techniques may be used on different portions of a single property.

2. Hard Stabilization Feasibility

Use of hard stabilization is the last option. Feasibility is required to demonstrate whether avoidance or soft approach is not possible.

Existing Docks

Repairs, replacements and modifications

Repair / Maintenance

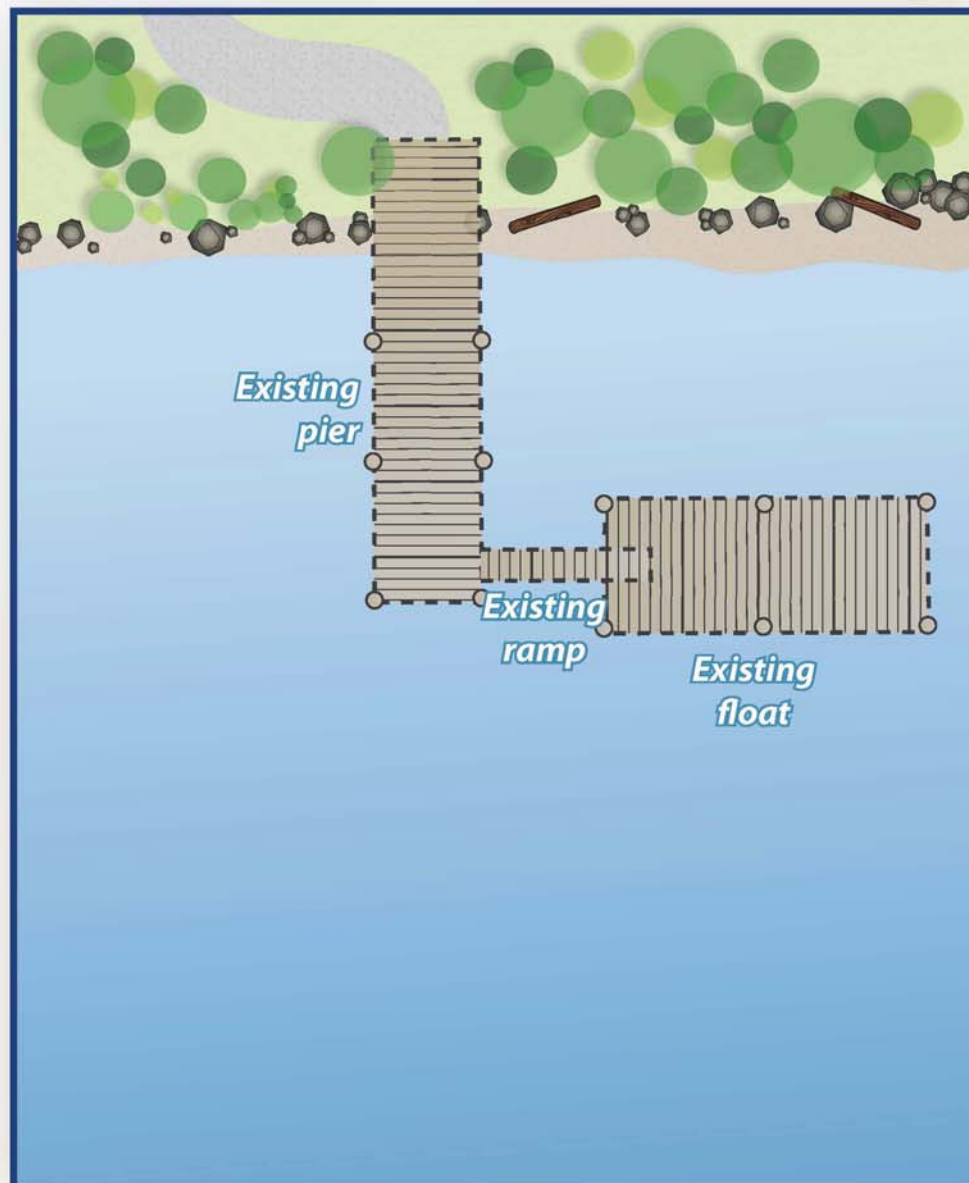


Repairs

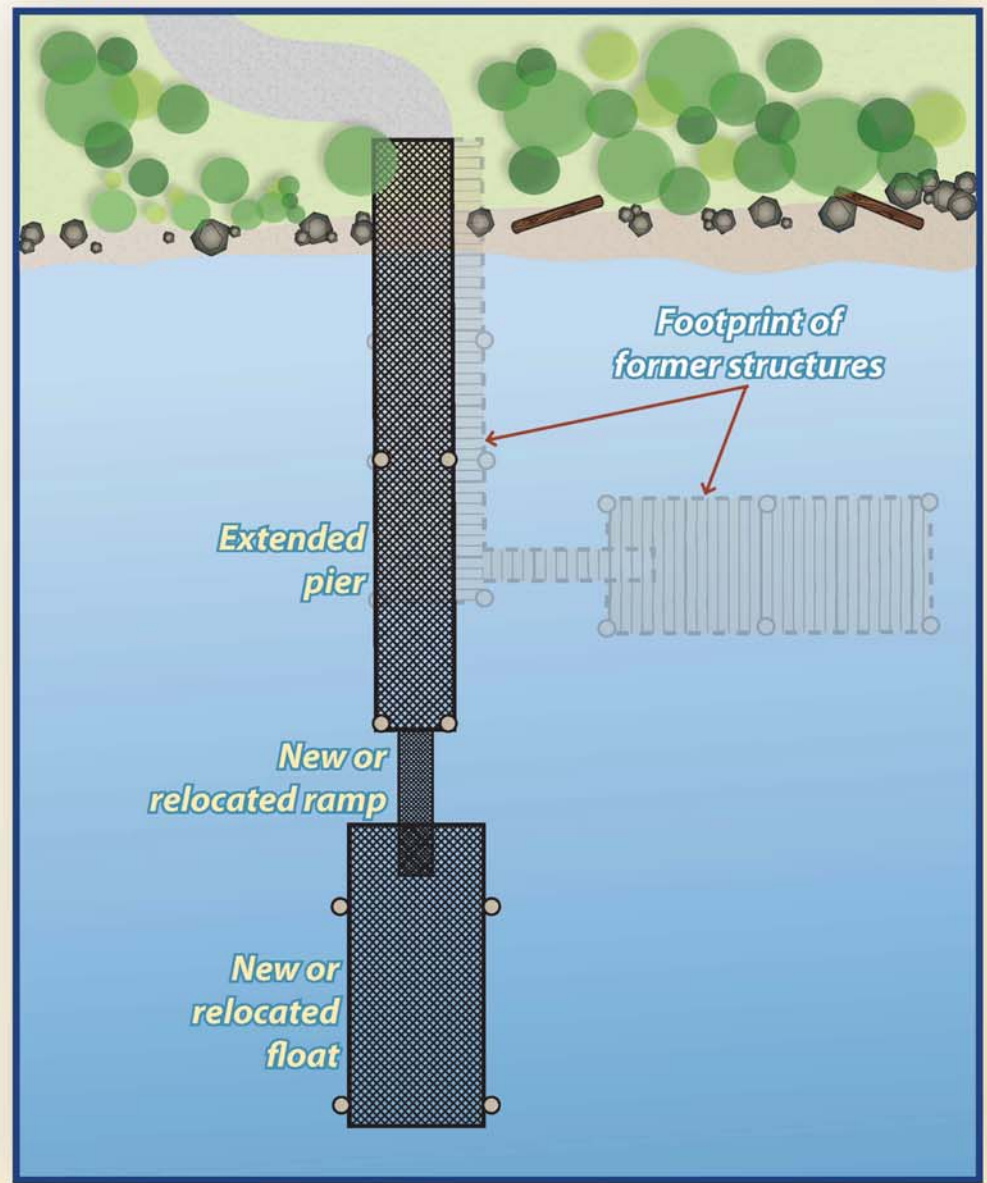
- Normal maintenance or repair of existing structures is exempt from a substantial development permit.
- Repairs may still be subject to State and Federal requirements and other provisions in the SMP.
- Assumes no change in configuration.
- No mitigation required.

Replace / Reconfigure

BEFORE



AFTER



Replacement

- Replacements must conform to the dimensional and material requirements for new structures.
- However, new provisions allow alternative designs if approved by Federal agencies.
- The total square footage of the replacement structure must not exceed the size of the existing structure.
- Any adverse impacts must be fully mitigated.
- May replace up to 75% of support piles and 100% of the overwater portion over a 5 year period.

New Docks for Residential Use

Protect the nearshore aquatic resources and provide flexible moorage options

Walkway:

Length:

As needed to prevent float or vessel grounding

Width:

- Pier ≤ 6'
- Ramp ≤ 4'

Values are variable in lake environments

Decking:

Marine

- Grated, if wider than 4'
- Must provide 30% functional grating

Lake

- Fully grated

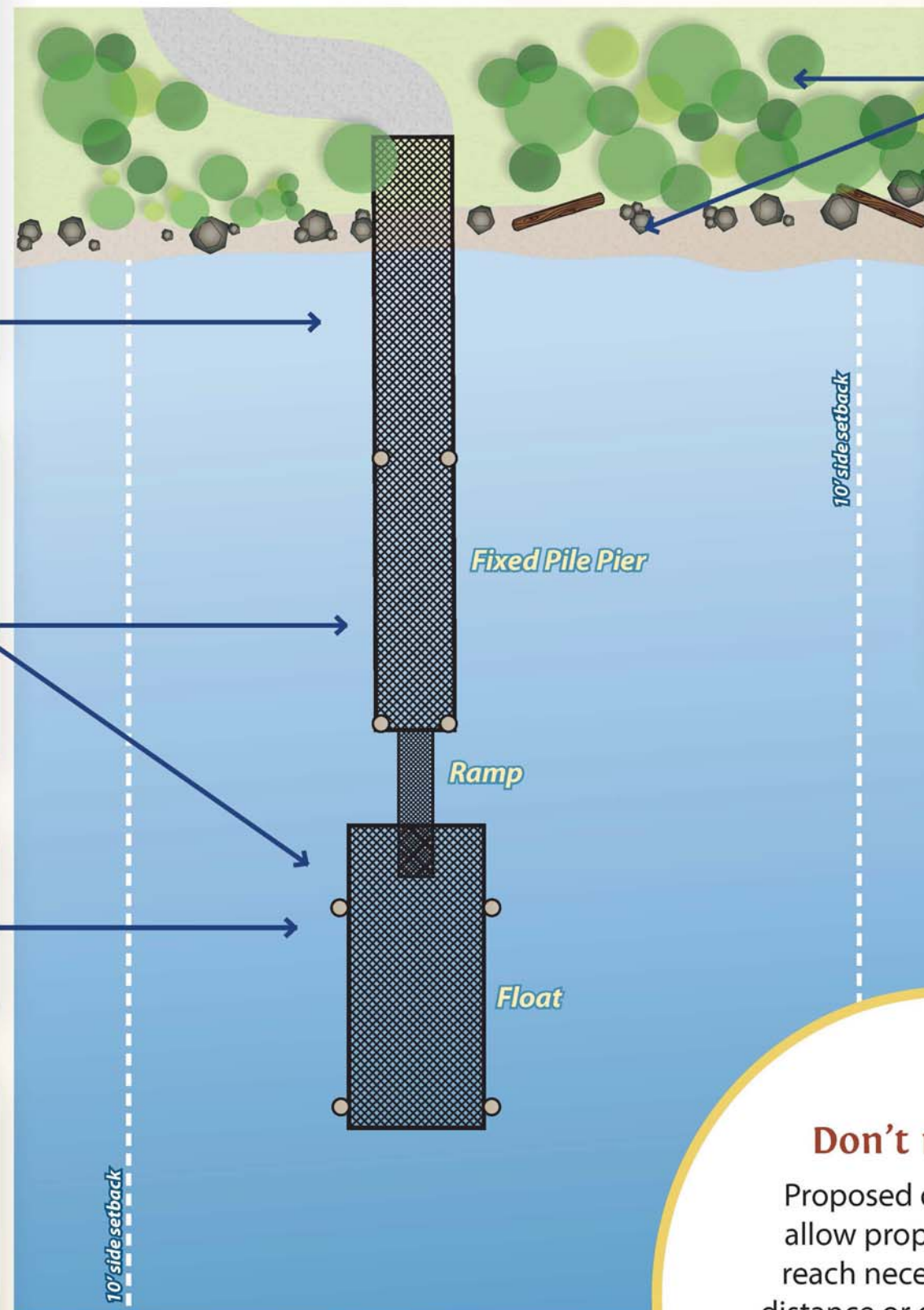
Decking:

- Width ≤ 8'
- Recreational floats must be no more than 8' x 8'

- New lifts, canopies, and covered moorage are not allowed in marine waters.
- Proposed draft standards allow up to 1 boatlift with transparent canopy and 2 watercraft lifts allowed in lake waters.

Options for Mitigation:

- Vegetation along shore; OR
- Augment beach with gravel /sand and emergent vegetation; OR
- Replace hard armoring with soft armoring



Don't miss this!
Proposed draft standards allow property owners to reach necessary moorage distance or depth. An overall float square footage limitation is specified rather than precise length dimensions.



Restoration Plan

Restoration is the voluntary reestablishment or upgrading of impaired ecological conditions

Restoration Objectives:

- Design using principles of landscape and conservation ecology and restore or enhance watershed processes that create and sustain shoreline habitat.
- Improve ecological function and processes and target to meet needs of identified plants, fish, and wildlife.
- Seek funding to implement restoration and enhancement projects, particularly those identified in the SMP and local watershed plans.
- Ensure this plan is consistent with other recovery goals for Chinook salmon, forage fish, and other species and/or populations.
- Seek funding for restoration, enhancements, easements or acquisitions using available funding sources.
- Coordinate projects with local public utility and conservation districts.
- Develop processing guidelines that streamline review of restoration-only projects.
- Allow use of tax-incentive programs to encourage projects that improve shoreline function and benefit fish, wildlife, and plants.

Don't miss this!

Restoration is not required as a component of private development. Restoration is intended to occur independently of private development through opportunities for public and private projects.

Examples

Cockreham Island



Restoration

The project will improve habitat and alleviate flooding of homes and infrastructure for Etach Slough and Cockreham Island, located along on the right bank of the Skagit River. Ambitious restoration is proposed due to high habitat value, high flood risks and associated costs, and relative low density of homes and infrastructure.

Restoration actions could include:

- removing or setting back bank protection structures;
- relocating homes;
- removing or relocating roads; and
- planting native vegetation in the floodplain.

Upper Wiseman Creek



Restoration

The project will restore a portion of the historic Wiseman Creek alluvial fan in Minkler Road area. The restored fan will provide sediment deposition and storage while improving fish habitat on the fan and downstream. In addition, the project will:

- improve spawning habitat conditions for salmonids;
- minimize the need for gravel maintenance activities;
- restore adult and juvenile fish access to the Wiseman Creek watershed;
- improve rearing habitat by restoring natural channel conditions; and
- re-establish natural hydrologic functions to wetlands.

Freestad Lake Barrier Lagoon Restoration



Restoration

The project will acquire a conservation easement and restore a pocket estuary on the southeast shore of Samish Island, which is currently a wet pasture with a levee and tide gates. The agreement will ensure ongoing public access.

The project will include:

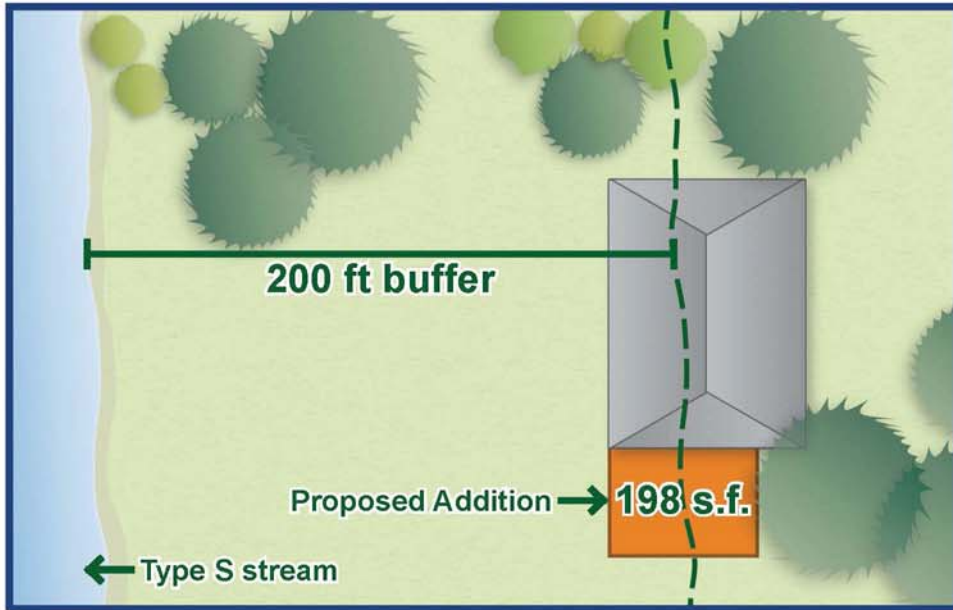
- partial levee removal;
- setback levee construction;
- channel modifications that will allow saltwater to enter;
- restoration of 26.5 acres of tidal wetland habitat; and
- recreation improvements, including a trail, parking area, and interpretive signs.

SKAGIT COUNTY SHORELINE MASTER PROGRAM UPDATE

Existing Residential Development

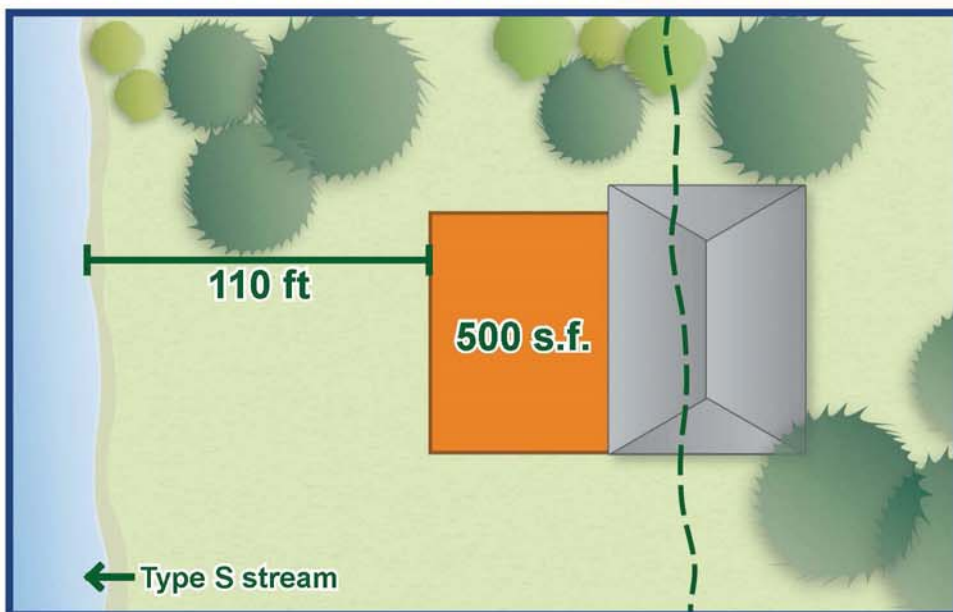
Options for expansion or enlargement

1 Expansion that could be approved by an Administrative Official



- Structure located landward of the OHWM
- No closer than most waterward point
- No further expansion into side yard setback
- Up to 200 square feet of additional footprint
- Mitigation provided to address impacts to ecological functions
- Must meet special flood hazard area requirements, if applicable

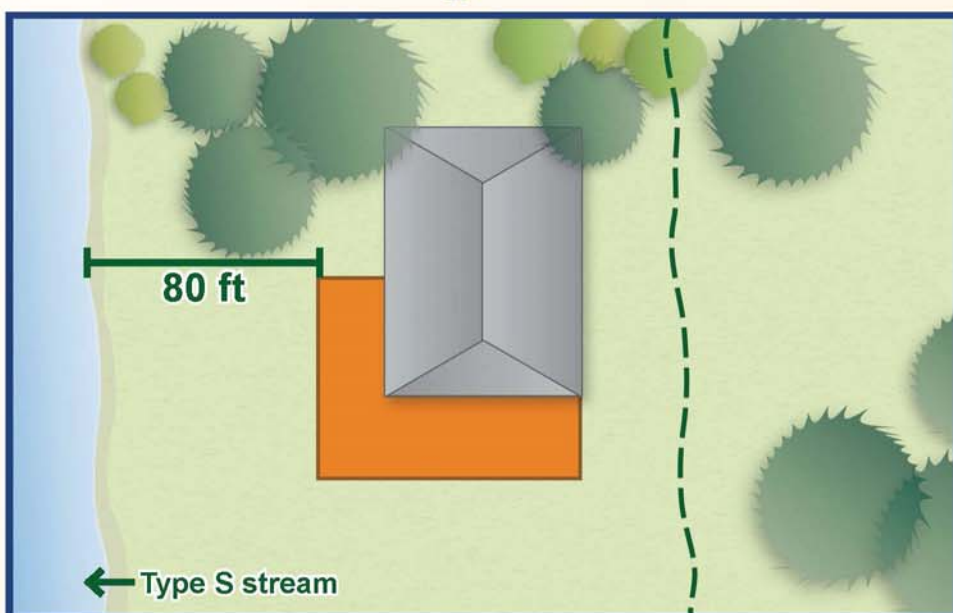
2 Level I Administrative Variance



If expansion does not meet all criteria above, but expansion requires buffer reduction more than 25% but less than 50%

- Level I Administrative Variances do not require public hearing but will require notification of nearby landowners
- They also allow for comment period prior to administrative decision and appeal process
- Buffer width reduction considered if mitigation sequencing is followed and degraded buffers are enhanced
- Protected Critical Area (PCA) site plan created and approved

3 Level II Hearing Examiner Variance



More than a 50% shoreline buffer width reduction

- Level II Variance requires a public hearing before the Hearing Examiner and approval by the State Department of Ecology

Don't miss this!

100% replacement is allowed under the SMP if a structure is destroyed, provided that it isn't precluded by other regulations.

SKAGIT COUNTY SHORELINE MASTER PROGRAM UPDATE

Critical Area Regulations in Shorelines

EXISTING REQUIRED BUFFERS

Streams/Rivers

Type	Buffer
S	200 feet
F > 5 feet wide	150 feet
F ≤ 5 feet wide	100 feet
Np	50 feet
Ns	50 feet

Marine/Lake

Designation	Buffer
Natural	200 feet
Conservancy	150 feet
Rural	100 feet
Rural Residential	100 feet
Urban	140 feet

S = Shoreline stream/river
 F = Fish bearing
 Np = Nonfish, perennial
 Ns = Nonfish, seasonal

PROPOSED BUFFERS

Streams/Rivers

Type	Buffer
S	200 feet
F > 5 feet wide	150 feet
F ≤ 5 feet wide	100 feet
Np (may not be SMA jurisdictional)	50 feet
Ns (may not be SMA jurisdictional)	50 feet

Marine/Lake

Designation	Buffer
Natural	200 feet
Rural Conservancy	150 feet
Urban Conservancy	150 feet
Shoreline Residential	100 feet
High Intensity	140 feet

■ **Note:** The F's aren't shoreline jurisdictional either, but, if within shoreline jurisdiction, would still be reviewed under SMP rather than CAO.

Key Elements

- All allowed water-dependent uses would have a zero-foot buffer.
- Replacement of a single family residential structure is also allowed, provided the replacement is requested, approved and completed within a specified amount of time and that other regulations would not preclude the replacement of the structure.
- The Administrative Variance process from the current Critical Areas Ordinance (CAO) is proposed to ease the permitting process and eliminate redundancy.



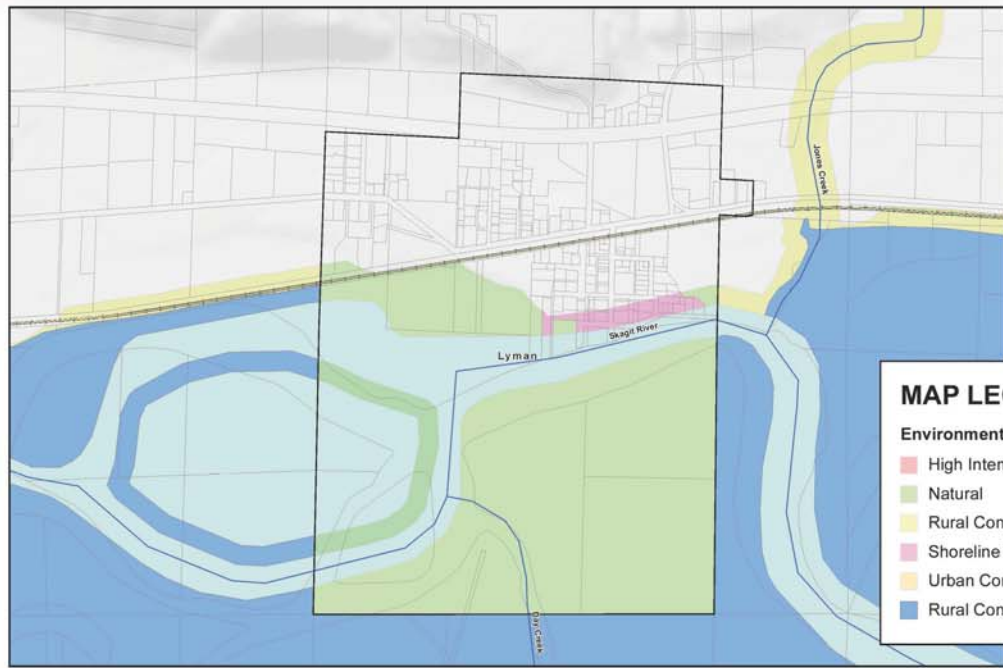
Don't miss this!

Pre-existing legally established residential structures in shoreline jurisdiction are considered conforming structures.

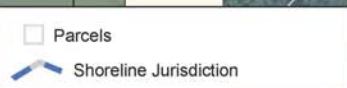
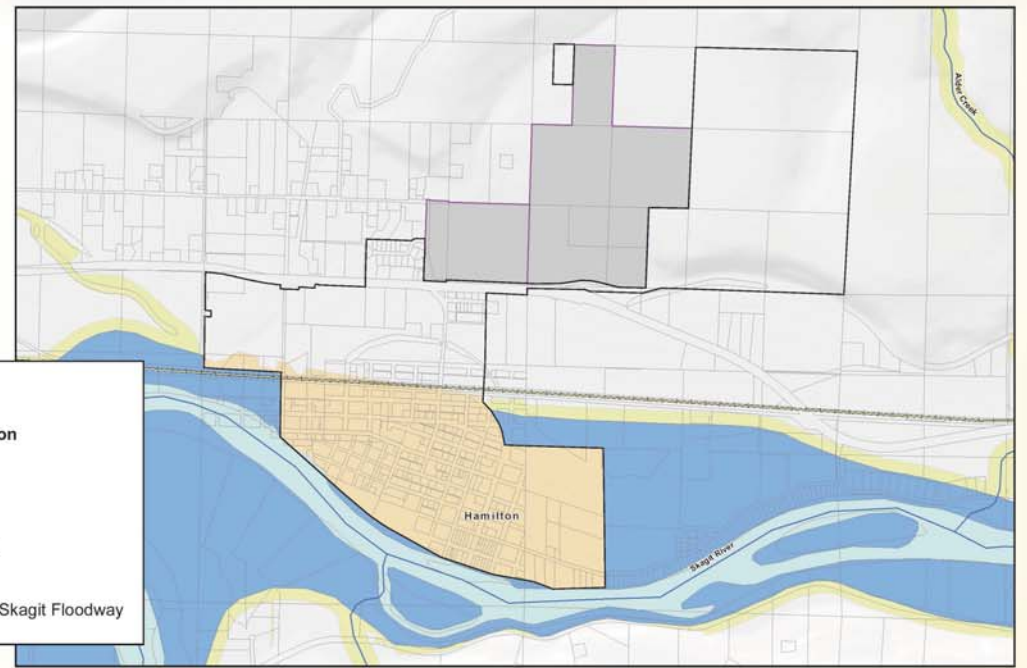
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Lyman/Hamilton Shoreline Regulations

LYMAN



HAMILTON



Streams/Rivers

Type	Buffer
1	200 feet
2	200 feet
3	100 feet
4	50 feet
5	50 feet

No Change Proposed

Streams/Rivers

Type	Buffer
1	200 feet
2	200 feet
3	100 feet
4	50 feet
5	50 feet

Buffer reduction allowed down to 50% with enhancement and documentation that no other reasonable alternative exists.

R1 Zoning: Lyman

Min. lot size = 12,500 square feet
 Lot coverage = 35%
 Height = 35 feet

Type 1: Shorelines
 Type 2: Fish bearing, >5 feet wide
 Type 3: Fish bearing, <5 feet wide
 Type 4: Non fish bearing, perennial
 Type 5: Non fish bearing, seasonal

▪ **Note:** Type 2-5 aren't shoreline jurisdictional either, but, if within shoreline jurisdiction, would still be reviewed under SMP rather than CAO.

Key Elements Consistent with County

- All allowed water-dependent uses would have a zero-foot buffer.
 - Replacement of a single family residential structure is also allowed, provided the replacement is requested, approved and completed within a specified amount of time and that other regulations would not preclude the replacement of the structure.
 - Consider an Administrative Variance process for Critical Areas buffer reduction to ease the permitting process and eliminate redundancy.

Don't miss this!

Pre-existing legally established residential structures in shoreline jurisdiction are considered conforming structures.