Meeting called to order at 9:02 a.m. by Chair Howard

**ROLL CALL**
Wayne Havens, Mike Joselyn, Leal Dickson, Mitchell Howard, Dean Enell, Val Hillers, Anne-Marie Sibon, William Lippens

Planning staff present: Robert Pederson – Director, Karen Stewart – Shoreline Master Program Planner/Coordinator.

**APPROVAL OF MINUTES**
January 24, 2012
Commissioner Hillers moved to approve the minutes as presented, Commissioner Lippens seconded, motion carried unanimously.

Commissioner Enell wanted to express concern regarding the comment made that future minutes would need to be more abbreviated than in the past.

February 13, 2012
Commissioner Enell moved to approve the minutes as presented, Commissioner Lippens seconded, motion carried unanimously

**ITEMS FROM THE PUBLIC**
No Comments

**DIRECTOR’S REPORT**

Mr. Pederson provided the Planning Commission with several Department updates:
The following items were approved by the Board of County Commissioners.
1. The 2012 Annual Review Docket.
2. Waiving fees for pre-applications.
3. Fee schedule adjusted for Temporary Use permits that reoccur each year; as long as there aren’t any changes to the parameters of the temporary use it can be renewed each year without a fee.

**OLD BUSINESS** - The Island County Shoreline Master Program (SMP) update process

The Planning Commission’s initial discussion on the draft Goals and Policies of the Shoreline Management Element of the Island County Comprehensive Plan.

SMP Coordinator Karen Stewart provided an explanation of SMP binder provided to the Planning Commission along with how future documents will be inserted.

A schedule for the Planning Commission process was provided as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time / Location</th>
<th>Agenda Item</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, August 14,</td>
<td>6:00 p.m.</td>
<td>Workshop / Public Meeting</td>
<td>Presentation of draft Shoreline Master Program; PC questions and discussion; Public comments.</td>
</tr>
<tr>
<td>2012</td>
<td>Coupeville - BOCC Hearing Room</td>
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<tr>
<td>Thursday, August 16,</td>
<td>6:00 p.m.</td>
<td>Workshop / Public Meeting</td>
<td>Presentation of draft Shoreline Master Program; PC questions and discussion; Public comments.</td>
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<tr>
<td>2012</td>
<td>Freeland – <em>Trinity Lutheran Church</em></td>
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<td>18341 State Rte 525</td>
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<tr>
<td>Tuesday, August 21,</td>
<td>6:00 p.m.</td>
<td>Workshop / Public Meeting</td>
<td>Presentation of draft Shoreline Master Program; PC questions and discussion; Public comments.</td>
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<tr>
<td>2012</td>
<td>Camano – <em>Camano Community Center</em></td>
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<td></td>
<td>606 Arrowhead Rd</td>
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<tr>
<td>Thursday, Sept. 6,</td>
<td>9:00 a.m.</td>
<td>Public Hearing on the draft SMP.</td>
<td>Public testimony received and PC comments.</td>
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<tr>
<td>2012</td>
<td><em>With a lunch break</em></td>
<td></td>
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<tr>
<td></td>
<td>Coupeville - BOCC Hearing Room</td>
<td></td>
<td></td>
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<tr>
<td>Tuesday, Sept. 11,</td>
<td>9:00 a.m.</td>
<td>Presentation of revised, draft SMP.</td>
<td>Finalize deliberation on the PC recommendation of the SMP for transmittal to the BOCC.</td>
</tr>
<tr>
<td>2012</td>
<td>Coupeville - BOCC Hearing Room</td>
<td></td>
<td></td>
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</tbody>
</table>

Transmittal of the PC recommendation on the Shoreline Master Program to the BOCC on September 17, 2012

Mr. Pederson advised there was a similar schedule for the BOCC approval process.

In August the shoreline inventory will be reissued on disc, after consideration of the public comment received. A new disc will be provided with all the 11 x 17 maps.
Ms. Stewart stated she has a folder of public comments received prior to the Planning Commission process if any of the Commissioners would like to review them.

**Draft Goal and Policies**

Ms. Stewart provided an introduction.

Shoreline goals and policies relate to a wide variety of shoreline uses and issues. There is a mandated hierarchy beginning with the most general goals and objectives organized in elements (similar to the GMA Comprehensive Plan). Special emphasis is placed on shorelines of statewide significance. The shoreline jurisdiction is divided into a classification scheme of shoreline environment designations. Management policies are then established for each of these six designations. Then policies are drafted for general application throughout the shoreline area for topics such as flood hazard reduction and archeological and cultural resources. Next policies are written for specific shoreline uses and modification.

Taken together, shoreline policies establish broad shoreline management directives. They are statements of intent by Island County that direct or authorize a course of action or specify criteria for regulatory or non-regulatory action. The policies serve as the basis for regulations that govern use and development along the shoreline. Island County must evaluate permit applications in light of the shoreline policies and may approve a permit only after determining that the development conforms to the policies of the Shoreline Master Program.

**Public Access**

Ms. Stewart discussed some of the key comments and concerns received related to public access:

- Private owner encroachment into public property and access.
- Better mapping and signage.
- Platted communities with public access for their homeowners concerned about general public related to garbage and trespassing oppose signs.
- Need for more public access in some areas.
- New houses blocking views – height restrictions should protect views for all.
- Future aspirations:
  - Anyone within a quarter mile of the shoreline could walk to a beach.
  - All public access points would be marked.
  - More public access including more kayak access points.
  - Public land sold or encroached upon would be reclaimed for the public.
  - The public would be educated on politeness of shorelines.
  - Views and beaches would be protected for all to enjoy.
  - Contentious public access areas would be resolved.

All comments and a summary from the public meetings held on this topic are on webpage.

Ms. Stewart explained how staff and the consultant team have tried to address the concerns and comments. The goals and policies is a starting point, getting more specific with the regulations.
Some of the topics currently being worked on are:

- Signs that will be allowed in all shoreline environments to signify access points.
- Parking, making sure it is tailored to the individual site.

Ms. Stewart also noted that the Code Enforcement process was the appropriate avenue to deal with ongoing violations, as it is beyond the scope of the SMP program, even at the level of the regulations.

The management of sites, such as hours of operation and dog owners cleaning up after their dogs is not addressed in the SMP. In addition the management of access points involves other departments and groups. Issues such as picking up trash, future acquisition plans, and working with some of the non-profit organizations are beyond the scope of this process.

**Public Comment:**

**Mike McVay**, 3208 Island Street, Langley
Representing Island Citizens for Public Beach Access, stated there needs to be another program, after the SMP is approved, to regulate the use. There needs to be penalties for encroachment of public property by property owners, (such as at Brighton Beach, Monroe Landing, West Beach). He discussed signage being needed from the seaward side for kayakers and boaters and road ends that have been blocked by plat maps as development occurred in the past.

**Andy Messer**, 3787 Oceanside Drive, Lagoon Point
Commented regarding Lagoon Point. It has two road ends with beach access; the community has worked to separate the private beach access from the public beach access by signage delineating these areas. During fishing season there is a huge problem between the rights of the public and trespass on private property. From the County standpoint things that can help are to provide garbage cans, sanitary facilities, clear delineation of parking, and what constitutes trespass and encroachments. We all need to work together to make this work.

**Elliot Menashe**, 5095 Zimmerman Rd, Langley
Stated issues with access should be part of the policies of the SMP. Planning only has one code enforcement officer for the entire County and that is not enough to cover the entire County. Perhaps a beach authority that deals with specific access, possibly an interdepartmental entity.

**Steve Erickson**, POB 53, Langley, WEAN
The County needs explicit policies that commit the County to recovering access points that have been closed off by encroachment and state that the County will begin to enforce penalties for the encroachment of beach access.

**Rufus Rose**, 6529 Four Sisters Lane, Clinton
There needs to be a clear understanding of the relationship of a plan to a code and there should be a plan for the implementation of the code in the plan. The plan generates law called code and
those codes are enforceable whereas a plan is not. How and what timeframe a plan should be implemented should be a part of the process.

The plan refers to the rise of sea level and that it is going to happen, he would like to know what the authority is for that prediction. It is a heavily debated issue. What to do about it and what it will cost should be in the plan.

There should be plans on maintaining the accesses.

**Dennis Gregoire**, 5249 Raindrop Lane, Freeland
The Shoreline Master Program is a great tool if you develop a Public Access Plan, a more definitive identification of what it is you have public access to and all of the policies listed in the plan should be the framework for a separate Public Access Plan. The SMP is a better plan since it also includes inventory.

The SMP needs to identify what role shoreline residential development plays in the economic picture of Whidbey Island. There also needs to be a way to mitigate the impact of bulkheads on habitats. A Shoreline Management Plan should be used as a positive tool.

**Dennis Hunsinger**, 4639 Saratoga Rd, Langley
Discussed Page 9 Chapter 3, and how Island County is adopting a variation of the State’s recommended system related to the Shoreline Environmental Designations. He would like to know what that recommended system was, what the variation is, and why we varied from that.

He also wanted to know what other counties have done and what their successes and failures have been. He further inquired about Rural Conservancy not allowing private camp grounds.

**Mark Raiden**, 6144 Wahl Rd, Freeland
The environmental issues seem to be the huge thrust for this rule making process. He has not heard of the cost to the public or County for these changes coming down from the State. What will these changes cost? The cost of the increased regulation should be determined either through an appraiser or through the Assessor’s Office before any decisions are made.

**Andy Messer**, 3787 Oceanside Drive, Lagoon Point
Noted the NOAA website indicates the rate of the rising sea level, currently mean sea level is rising at Port Townsend at the rate of .17 inches per decade, 7 inches a century.

He further discussed Lagoon Point where they have a boat ramp and major basin harbor, consisting of a main canal and two north south canals with 150 adjoining lots, all with private moorage created between 1969 - 1975. It is no longer in its natural state, but is still under the same restraints. They would like to help develop a sub-plan or an appendix to the master plan, specific to Lagoon Point that would pre-define what would be acceptable in terms of bulkheads, dock arrangements etc. Then a homeowner can come to the County and can be presented with an approved scheme of various options and be able to have a one day turn around on a permit.
If they wanted something different, then they would have to go through the huge process that is used today. He understands there are a few other communities that may have the same issues.

Commissioner Howard motioned for a short recess

Recess.

Ms. Stewart had a few responses to the public comments as the meeting resumed.

- Regarding the rise of sea level; Chapter 9 of the Shoreline Inventory and Characterization Report has several citations used on page 4.

- One of the topics the State has asked be addressed is the sea level rise. In the event it does happen there will be something in the plan that addresses how the County will respond.

- The Shoreline Environment Designations, as used by the State are general environment designations with a recommended classification system. There are over 260 jurisdictions using these general designations and therefore the State has flexibility and recognizes not all 260 jurisdictions have the same conditions and might need special types of provisions to address local conditions. The State’s six basic environments are:
  - High intensity
  - Shoreline Residential
  - Urban Conservancy
  - Rural Conservancy
  - Natural
  - Aquatic

Island County’s designations are following along with those designations. A sub designation of residential is being discussed with the consultant to deal with the traditional waterfront communities.

- Page 42 of the Draft Goals and Policies under Moorage Facilities, # 7 is a policy that is in our currently adopted SMP and is one being proposed to move forward in this update. It has exception language for Mariners Cove, Lagoon Point, and Sandy Hook, which are what is called lagoon communities; man-made lagoons created along the marine shoreline. This policy was never implemented into the current regulations.

- Regarding cost, regulations have not been drafted yet, but in addition there will be a cumulative impact analysis done as part of this process, which will plan for build out under a new set of regulations and this will identify what those impacts will be.
  - On the State’s web site, a cost benefit analysis was done back in 2003 when the new guidelines were approved. This addressed the cost to the taxpayers of Washington State having 262 jurisdictions updating Shoreline Master Programs to meet these new guidelines.

Commissioner Howard commented with some editorial changes:

- Page 29 Section 9; remove the “s” after impacts.
• Section 11 is redundant; in one case it is lower case in quotes and then it occurs upper case with no quotes, it needs to be tightened.

Commissioner Hillers commented on:
• Costs; There are human cost, environmental costs, and development costs. She would like to keep all of these in consideration.

Commissioner Havens commented on:
• Page 39 regarding minimizing the footprints on the beach as related to bulkheads, he questioned the 20% restriction.

Mr. Pederson stated the language was speaking to the type of permitting that is involved; there is an exemption in State law for repair and maintenance activities. The 20% referred to in this document is to develop a bright-line standard of what constitutes repair and maintenance versus total replacement.

Commissioner Havens commented on:
• Page 16, “Motorized vehicle travel should be prohibited on private and public tidelands.” He stated this should be clarified, stating other than construction vehicles.

Commissioner Sibon commented on:
• The word should as defined by the state means it shall be done unless you can show that it can’t be done. She felt in many instances in this document it should be shall, since should is such a very variable word. It needs to have a definition.

Ms. Stewart stated in WAC 173-26-191 under item 2 called basic requirements, the State has defined for Shoreline Master Programs the terms shall, may, and should.

Discussion of “should” continued.

Commissioner Enell commented on:
• Page 14, mentions Master Planned Resorts and he thought Master Planned Resorts were not allowed in the Comprehensive Plan.
• Discussed the importance of public access, suggested the easy access points to define should be signed, parking should be provided, and the County could keep moving down their list to the more controversial and expensive to define access points.
  o He pointed out many instances in the plan indicating the importance of public access, paths and trails for shoreline areas, linear access, and linkages between shoreline parks, recreational areas, and parking.

Commissioner Lippens commented on:
• Making public access a standalone piece to be easily referred to and also subcategorized.
**Shoreline Residential Development**
Ms. Stewart discussed the December 5th meeting comments on this topic in terms of issues and concerns. (All comments are located on the website.)

- Expansion of existing structures.
- Evaluation of impacts on adjacent parcels was suggested.
- Concern that Geotechnical Reports don’t address habitat impacts.
- Expression of a need to evaluate and encourage innovative and sustainable features with the expansion of structures.
- Concern that there should be no expansion towards the shorelines and limited expansion parallel to the shoreline.
- Non-conforming structures; big houses may have problems with water quality
  - County’s lack of penalties for water quality violations.
- Illegal uses and structures should not be grandfathered.
- Public aspirations for future,
  - Classes on shoreline stewardship.
  - Owners and the County should work collaboratively during the development permitting process.
  - Sustainable level of development; should not overtax fresh water resources causing salt water intrusion in the aquifer.
  - Incentives for good shoreline stewardship.
  - Disincentives for bad shoreline stewardship.

Ms. Stewart stated on page 5 of the draft, objective 1, indicates that under State law single family residential uses are a recognized priority use. Pages 34 – 36 addresses shoreline residential use and development and contains the policies related to this topic.

**Public Comment:**

**Elliot Menashe**, 5095 Zimmerman Rd, Langley
Discussed how education of landowners and contractors is critical. It is much more viable than over regulating. As a consultant for over 25 years he has seen firsthand that a lot of the damage has been done prior to a consultant being contacted or permit applied for. He would like to see ramifications for pre-destroying anything.

He also recommended all forestry, clearing, grading, logging, thinning be under a conversion permit not a DNR permit; logging on or near the shoreline needs to be looked at in a long term perspective, not just an environmental perspective.

Would like to discuss the definitions of or /and, the regulations should not allow any loopholes. Many places have a long string of conditions and then it says or, which precludes anything else.

Chapter 6 B, there is no specific mention of salmon net pens in the aquaculture section. Island County would not be well served allowing salmon net pens and he felt research should be done and they should be banned unless all conditions for their safe use could be made.
Chapter 6 pg 34, # 17 should also add pruning. Removal of all the understory encourages invasive vegetation and degrades the ability of the land to filter and meter water which leads to erosion, sedimentation, and flooding.

**Mark Raiden**, 6244 Wahl Rd, Freeland
Commented on Commissioner Haven’s comment of replacing 20% of a bulkhead, stating the replacement of one board of his dock requires a shoreline exemption permit, which is quite expensive.

Continued discussion of setbacks and costs.

**Rufus Rose**, 6529 Four Sisters Lane, Clinton
Discussed undivided property on the shoreline, as he understands it, cannot be subdivided in unincorporated Island County to smaller than five acre parcels. He felt sensitive development along the shoreline needs to be allowed.

**Steve Erickson**, WEAN
Discussed his thoughts on clustering development on the shoreline, RAIDS, and reasonable use.

**Dennis Gregoire**, 5349 Raindrop, Freeland
Discussed the economic development section, page 2, stating he thought the Commission needed to know more about economic development and its role in Whidbey Island’s history.

There is a need for a broader framework, a shoreline public access plan that identifies existing systems, where new ones can be defined, and how people can contribute to them. Need to look at how the single family homes that are doing projects meet the goals of the shoreline plan. If the goal is increased public access, how can that single family house or subdivision contribute to that goal? He further discussed the use of off-site mitigation plans, relating to bulkheads.

**Chuck Leavitt**, 3306 Harborview Dr, Langley
Asked if a budget or cost estimate had been made for this plan, if not there should be a companion document that goes along with the plan to help the decision making process.

He further discussed the expansion of the County document, the State says protect, the County says preserve and restore, is that justified? What is the cost impact of adding the two words to the objective?

He asked if it would be possible to have all the pages on the website to know what the Commissioners are looking at.

Ms. Stewart responded by saying there is a link to all of this on the website. She also explained the section Mr. Leavitt was discussing was located in the natural shoreline environment. The bottom of page 9, under Purpose talks about the purpose of the Natural designation is to preserve, protect, and restore areas. This comes from the County’s existing SMP.
Shoreline Stabilization
Ms. Stewart stated at the workshop in January 2012, some of the comments dealt with were:

- Soft shore armoring and where it can be done.
- The County should help people find solutions.
- Clarification of trimming and removal of specific trees.

Staff has been addressing these with policy language in pages 39 – 41.

Public Comment:

Rufus Rose, 6529 Four Sisters Lane, Clinton
It sounds to him like keeping things the way they are, protect the land and protect the properties. Does stabilization mean keeping things they way they were made to be and does the County have a duty in terms of public property, to keep boat launches in a usable fashion for example, and if so what is the cost?

Dennis Gregoire, 5349 Raindrop, Freeland
If Island County government and residents want to have boat launches, then the residents need to realize what Mother Nature is telling us. He disagreed with the definition on page 45 of jetties and groins. “The basic nature of jetties and groins is to alter the natural beach-forming process…” He stated there are a wide range of purposes for jetties and groins. A 110 year old 2,000’ jetty created one of the most valuable sections of habitat in all of Port Gardner Bay with 3 salt marshes functioning on the outer edge.

He did not feel this definition was written by someone in the business of creating jetties for things such as boat ramps. He felt there needs to be a plan to allow existing boat ramps to be maintained and function over a wider period of time than they are currently; jetties and groins may be required. They are a tool allowing public access and carrying out appropriate development in the shoreline area.

Steve Erickson, WEAN
Commented on jetties and groins, building a jetty to protect a boat ramp shifts the impact further into the drift zone. He felt there was good reason for having the language as stated. If you build a groin or jetty it alters the natural processes with far reaching impacts. Maintenance of boat launches need to be looked at, but he agreed with the definition.

Matt Kukuk, 4530 Latham Way, Clinton
Expressed concern of some of the language in the goals and policy language being overly specific and felt it would be more appropriate in ICC 17.05. Of particular concern was the section discussing repair and maintenance of structure and reducing it to 20 percent.

The subject of bulkheading and repair and maintenance is a huge issue; adding language like this in the goals and policies section could have a huge ramification.
Ms. Stewart discussed what is new in terms of the goals and policies.

- In the transportation section, a new policy has been added looking at a future possibility of a new ferry transport between Whidbey Island and Camano Island.
- Snohomish PUD is proposing a pilot project of tidal turbines. They are proposing to place 2 turbine generators on the seabed in Admiralty Inlet to study over the next 5 years the viability of tidal power to generate electricity.
- Sea level rise is being addressed.

Public Comment:

Andy Messer, 3787 Oceanside Drive, Lagoon Point
FEMA determines the floodplain elevations and this also needs to be looked at related to how sea level rise can impact and affect plans. There are numerous areas around the shoreline that are in these floodplains. It needs to be recognized as an impact on those specific areas. It is not identified in this plan at all.

Dennis Gregoire, 5349 Raindrop, Freeland
Discussed restoration plans and mitigation plans - they need to be addressed and be done in increments. He also discussed the complexity of plans and information. He further discussed jetty and groins.

Steve Erickson, WEAN Commented on:

- Need specific language regarding marine utilities. It needs to discuss user spatial conflicts.
- Forestry; the entire County needs to be declared, likely to convert under the Forest Practices Act.
- Aquaculture needs specific language addressing net pen aquaculture.
  - Banning prophylactic antibiotic use.
  - Disease transfer of wild stocks, wild salmon runs, and dispersing juveniles moving through an area. Net pen aquaculture should not be located anywhere where there is native wild salmon.
  - Escapement; the problem is competition of habitat and establishment of rivers and streams, breading places. Atlantic Salmon are a far more aggressive species than the pacific native salmon. Redundant containment systems should be required.
- Agricultural Uses (4.d) (5) minimizing should be changed to preventing when discussing clearing of riparian areas. This does not include existing agriculture.
- Under the restoration and conservation element, there needs to be more language regarding the impacts of climate change.
- Conservation element under purposes, to protect natural processes, including geomorphic processes, (movement of sand and ecological features).

Commissioner Howard asked for any Commissioners comments.
Commissioner Lippens commented on:
Having so many subcategories; getting into too much detail in the goals and policies would be counterproductive; suggested to see the details in the actual code.

Commissioner Hillers commented on:
The clarity of the document, it is well written and easy to understand.

Commissioner Enell commented on:
Under Boating Facilities, he would like to see the areas in Island County used for swimming address jet skis. He would to like to see language that separates jet skis from swimmers, protecting them from waves and noise.

Ms. Stewart said to keep in mind there are also 6 lakes. She asked if this should be addressed in fresh water and marine.

Commissioner Enell stated both, wherever there are swimmers.

Commissioner Enell also addressed:
- Shared use of piers and docks, stating this was important to protect the ecological function.
- Fish farming should be addressed. There are potential and serious environmental damage.
- Penalty for encroachment has merit.
- Schedule for the accomplishment of public access goals is warranted.
- Jetties gets back to the budget question, there is barely enough budget to do what should be done. Perhaps new areas should be considered for boat launches rather than those historically used if they are difficult to maintain.

Commissioner Enell moved to adjourn, Commissioner Havens seconded, motion carried unanimously.

Meeting adjourned at 12:05 pm

Respectfully submitted,

Paula Bradshaw