Meeting called to order at 6:03 p.m. by Chair Mitchell Howard

ROLL CALL

Anna-Marie Sibon, Dean Enell, Mitchell Howard, Leal Dickson, Val Hillers, Mike Joselyn

Planning staff present: Robert Pederson – Director, Karen Stewart – Shoreline Master Program Update Coordinator

Others present: Mark Johnson, consultant for the County on the SMP update from ESA (Environmental Science Associates)

ITEMS FROM THE PUBLIC

No Comments

NEW BUSINESS: Public Workshop

To discuss the proposed comprehensive update of the Island County Shoreline Master Program in compliance with the Shoreline Management Act and 2003 current state shoreline management guidelines. The update includes revised goals and policies that will amend the shoreline element of the Comprehensive Plan; revised shoreline environment designations; a restoration plan; and an amendment to replace the existing Chapter 17.05 ICC in its entirety with a new Chapter 17.05A ICC, to be known as the Shoreline Master Program Regulations and Procedures.

Karen Stewart provided the following presentation with the assistance of ESA consultant Mark Johnson. This meeting was the second of three workshops in different locations throughout the County, for the local adoption process for Island County. The same presentation has taken place in Coupeville, and a third would be on Camano Island.
Island County Shoreline Master Program Update

Shoreline Management Act of 1971

“…prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.”

SMA Jurisdiction

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<tr>
<th>Islands</th>
<th>Lakes</th>
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<td>Whidbey</td>
<td>Cranberry Lake</td>
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<td>Camano</td>
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Coastal Lagoons

| Harrington Lagoon       |                   |
| Race Lagoon             |                   |
| Kennedy's Lagoon        |                   |
| Twin Lagoons            |                   |
| Perego’s Lagoon         |                   |
| Deer Lagoon             |                   |
| Admiral’s Lagoon        |                   |
| Bush Point Lagoon       |                   |
| Swan Lake               |                   |
| Lake Hancock            |                   |
| Crockett Lake           |                   |

Policy Goals of the Act

- Foster reasonable and appropriate uses
- Protect natural resources
- Promote public access
SMA provides an overarching framework of goals and policies

3 Major goals of the Act

– hierarchy of land uses with priority on water oriented uses
– protect the natural resources and ecological functions
– promote public access – visual & physical

State and Local Partnership

Ecology – Develop Guidelines (Chapter 173-26 WAC)
Local Gov. – Draft Shoreline Master Programs
Ecology – Approve Shoreline Master Programs

Local Gov. – Issue Shoreline Development Permits; Recommend Shoreline Conditional Use Permits/Variances
Ecology – Review/approve local shoreline permits
Local Gov. – Enforce Permits

Why update?

- New requirements WAC Chapter 173-26 – effective in 2004
- Changed circumstances, land uses
- Community vision and shoreline conditions assessed; incorporate most current, accurate, and complete scientific and technical information available (201)
- Regulatory reform—create updated SMP that is easier to use (consolidated code), provide incentives, respects private property rights while protecting water quality and habitat

Components of SMP for Local Adoption

- Goals and Policies – amend Comprehensive Plan
- SEDs—maps, shoreline use classifications (Table 1)
- Regulations—consolidated Chapter 17.05A ICC
- Restoration Plan – appendix to Comp Plan

Shoreline Environment Designations

- 6 classifications with provisions in SR for lagoon communities and historic beach communities
- Examples: High Intensity, Natural, Rural Conservancy, Shoreline Residential, SR-Lagoon Community
- Examples: Parallel Designations
Mariner’s Cove SR-Lagoon Community

Three special lagoon areas are recognized

Parallel Designations
Rural Conservancy/SR SEDs

Recognize a kind of split personality designations
**Goals and Policies**
- Relate to inventory
- Basis for regulations

**Goals and Policies – Beach Public Access**
- Access is required for new subdivisions 5 lots or greater.
- Street ends, rights-of-ways and other public lands shall provide, enhance and preserve physical and visual access to the water where feasible.
- Designed to provide for public safety and minimize potential impacts to private property and individual privacy.
- Result in no net loss of ecological functions.
- Access is not required if demonstrated to be infeasible because of incompatible uses, safety, security, or constitutional and other legal limitations.

**Development Standards**
- Buffer enhancement
- Nonconforming structures
  - May continue as legal non-conforming structure
  - May be maintained and repaired
  - Non-conforming single family residences may be expanded
  - Expansion waterward may occur using the common line setback provision

- Common line setback

![Figure 4-1a](image-url)
- Residential buffers and setbacks (Table 3)
  Examples:
  - Natural
    Buffer – 125’ (area where the natural vegetation must be retained) Setback - 25’
    (for building structures)
  - Rural Conservancy
    Buffer – 75’ Setback - 25’
  - Shoreline Residential
    Buffer – 30’ Setback - 20’
  - Shoreline Residential- Lagoon Communities
    Buffer – 0’ Setback - 50’

Shoreline Stabilization
  - Bulkhead repair and replacement allowed
    - Shall not protrude waterward of existing structure
    - Size and quantity of material shall be the minimum necessary
  - New Bulkheads
    - Must show demonstration of need by a geotechnical analysis
    - Non-structural methods preferred. Soft approaches include:
      - Vegetation enhancement
      - Upland drainage control
      - Beach enhancement
      - Anchor large woody debris
      - Gravel placement
**Dennis Gregoire,** Freeland  
Commented on: the protection of waterfront property rights, public resources, and the SMA.

**Public Comment**

Chair Howard opened the meeting for public comments.

**John C. Martin,** 8201 Sandy Hook Dr. Clinton  
Commented on the goals and policies – opposed the statements that boathouses should be prohibited and public access should be being provided in lagoon communities. Opposed to the severe restrictions proposed for structural shoreline armoring, limiting bulkheads to lots having “existing houses”, and with bulkheads needing to be guaranteed for 100 years with agreement that no permits will be issued during that timeframe regardless of circumstances.

They supported the proposal of Sandy Hook having one master plan to cover all community property and privately owned lots within shoreline jurisdiction and with the language on page 92 of replacement and dredging being treated as new instead of regulating as grandfathered amenities.

**Susan Bennett,** 2191 Goss Ridge Rd., Freeland  
Asked whether there were provisions in the SMP requiring budgeting for education or for enforcement of the new regulations.

Director Pederson replied there was one full time code enforcement employee in the Planning & Community Development Department who also deals with shoreline issues in the County, as required by State statute.

**Darrell Vandervoll,** 717 Logan Rd. Lynwood, manages the historic Maxwelton Farm.  
Learned of this process very recently, concerned about the impacts on agriculture, on whether his 65 acres of farmland in Maxwelton Valley will be able to be maintained as farm land. Farming needs to be viable on Whidbey Island and the farm atmosphere provides the rural flavor most want to see maintained.

**John Shepard,** 2620 Sunlight Beach Rd.  
Commented on a portion of Sunlight Beach Rd. being classified as Shoreline Residential with a second portion that extends out toward the entrance to Deer Lagoon being classified as Rural Residential and asked to know why the change.
He further asked if Diking District 1 would be able to get a master plan similar to Sandy Hook to allow individuals to cover generalized repairs without such a complex permitting process.

Mr. Johnson stated he would look into the particulars of that area.

Mr. Pederson stated the discussion related to the Diking District having a master plan is a current ongoing discussion with Ecology.

John Martin,
Commented that this is supposed to be local and it needs to be done in a manner that is best for this community.

Steve Erickson, WEAN – Box 53 Langley
Commented on:
- Vegetation, including the need to allow the type of vegetation that naturally grows not just trees and shrubs.
- Fish & Wildlife Habitat Critical Area regulations update is overdue and he doesn’t believe the Shoreline Master Program should be approved until at least that portion that applies to the shoreline is updated.
- Recommends a policy that public access that has been taken over should be recovered for the public.
- Net Pen Aquaculture.
- No net loss requirement needs to incorporate the loss over time that occurs when mitigation or enhancement is coming to maturity.
- Hard armoring needs to consider climate change.
- Buffer and setback reduction based on the presence of developed lots that intrude into buffers and setbacks within 240’.

Robert Hunter, 5218 Bercott Rd., Freeland
Concerned about the mountain of details that must be combed through, felt more time to better understand the implications was needed. He asked for 3 more months.

Karen Stewart replied to his concern, advising of the time frame and multiple opportunities for the public to still provide input. She provided the schedule for the remaining meetings and hearings.

Mr. Pederson commented the update schedule was also set out in the RCW’s and the County has set a goal to complete this within the statutory requirement. He further stressed the multiple
opportunities for public comment and input and refining, both before the Planning Commission and the Board of Island County Commissioners.

**Marianne Edain, WEAN**
Concerned about some of the copy editing.

Mr. Pederson stated these can be submitted at any time

**Mike McVay, 3208 Island St., Langley Way**
Stated he has been working on the public access road end right of way and encroachment issue. Concerned there is no penalty for encroaching upon public property. He thinks penalties for encroachment need to be included in this Shoreline Master Program Update.

**Rufus Rose, 6529 Four Sisters Rd., South Whidbey**
Asked several questions:
- Are all recommendations subject to County approval and adoption?
- What mechanism is there to monitor the cost versus the benefits of this program?
- When will review of the adopted code be possible?
- What educational qualifications will be required of Island County staff and Department of Ecology to review proposed development plans?
- Whether those working on this plan have the appropriate scientific qualifications.
- Concerned about public access being required for new subdivisions, wanted to know if this had been through legal review with the Attorney General.
- Who decides what is appropriate buffer planting.
- How does a Geotechnical reviewer know what will happen in three years? If there is an unanticipated failure who ends up holding the bag?
- Commented on the lack of appropriate audio equipment for this meeting.

**Karen Bishop, Whidbey Conservation District 1, NE 4th St., Coupeville**
Commented on Agriculture:
- Chapter 6 of the Policies – part A. # 3.c – believes noxious chemicals should be changed to “agricultural” chemicals.
- Part A. # 6., the discussion relating to soil erosion control measures, she stated her comments bring in the recommendation that NRCS standards and specifications should be referred to for these standards.
- 17.05A.100 part A. Agriculture # 4.c – chemicals should be changed to “agricultural” chemicals.
- #5 should have an addition of “as specified in NRCS standards”.
- # 7 Buffers zones, thinks “meeting NRCS standards” should be added.
Ray Gabelein, 5785 Bayview Rd.
Stated he spoke from an agricultural perspective.
  - Agricultural BMP’s which are still under appeal are not complete and the SMP is now adding another layer of rules and regulations for agriculture.
  - Running out of real farms and farmers is the problem that needs addressed, not how to regulate agriculture more.
  - DOE has an agenda for natural and wild, farms do not fit their agenda.

Mr. Johnson replied existing agricultural uses have the right to continue.

Mr. Gabelein stated it is important to make it very clear that it covers existing and ongoing agriculture practices as it is clear in the Critical Area Ordinance. There is not one reference to how agriculture will be helped, protected, encouraged or enhanced in the entire proposal.
  - Repair of existing docks and piers: replacing 1 piling of a dock is considered new construction doesn’t seem right.
  - Pg. 92, E.1: Breakwaters, jetties, groins, tidegates, and weirs located waterward of the Ordinary High Water Mark shall be allowed only where necessary to support water-dependant uses, public access, shoreline stabilization or specific public purpose. Why does it not say public property?
  - Replacement of existing breakwaters, jetties, groins, tidegates or weirs shall be regulated as new structures. Felt this was unreasonable. Repairing or replacing existing facilities of a dike and drainage district shouldn’t be treated as a new project.

Gabriella DeLong, 5399 Freeland Ave., Freeland
Asked for a definition of the term no net loss.

Mr. Johnson read the definition: “No Net Loss means the maintenance of the aggregate total of the County’s shoreline ecological functions over time.”

Discussion continued.

Commissioner Dickson stated as a point of clarification in the definitions on page 16, it does define No Net Loss, page 19, the definition of Shoreline Ecological Functions, further identifies what is meant by no net loss.

Dennis Gregoire,
Stated these regulations have significant unintended consequences unless you understand exactly how they are applied. The referencing of the habitat conservation zone is going to be devastating to both residential development and to the Port’s boat ramps and public access to the water. The plan as currently written does not support those types of activities as it should. The Shoreline Act
is supposed to improve public access. He felt a separate document of a designated public access plan should be done and then referenced by the Shoreline Management Plan if improving public access is really the goal.

Further areas of concern included:

- The historic inventory: should include boathouses and the rebuilding of boathouses being allowed.
- The need for options for offsite mitigation.
- The standard for existing platted lots.

*Commissioner Hillers moved to adjourn, Commissioner Sibon seconded, motion carried unanimously.*

Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Paula Bradshaw