Meeting called to order at 6:05 p.m. by Chair Mitchell Howard

**ROLL CALL**

Mike Joselyn, Wayne Havens, Mitchell Howard, James Hall

Planning staff present: Robert Pederson – Director, Karen Stewart – Shoreline Master Program Update Coordinator, Jennifer Hagenow – Current Use Planner

Others present: Mark Johnson, consultant for the County on the SMP update from ESA (Environmental Science Associates), David Pater – Department of Ecology.

**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. Ms. Stewart stated this meeting was the third of a series of workshops throughout the County to discuss the compiled Shoreline Master Program in Island County (the documents are all available online). The same presentation also occurred in Coupeville and in Freeland.
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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<th>Islands</th>
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<td>Whidbey</td>
<td>Cranberry Lake</td>
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<td>Camano</td>
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<td>Harrington Lagoon</td>
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<td>Race Lagoon</td>
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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
Rural Conservancy SED

Shoreline Residential (SR) SED
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
• Residential buffers and setbacks (Table 3)

Examples:
  o Natural
    Buffer – 125’ (area where the natural vegetation must be retained) Setback - 25’
    (for building structures)
  o Rural Conservancy
    Buffer – 75’ Setback - 25’
  o Shoreline Residential
    Buffer – 30’ Setback - 20’
  o Shoreline Residential- Lagoon Communities
    Buffer – 0’ Setback - 50’

Shoreline Stabilization
  – Bulkhead repair and replacement allowed
    o Shall not protrude waterward of existing structure
    o Size and quantity of material shall be the minimum necessary
  – New Bulkheads
    o Must show demonstration of need by a geotechnical analysis
    o Non-structural methods preferred. Soft approaches include:
      ▪ Vegetation enhancement
      ▪ Upland drainage control
      ▪ Beach enhancement
      ▪ Anchor large woody debris
      ▪ Gravel placement
**Public Comment**

**Unidentified speaker**
Commented on the Ordinary High Water Mark (OHWM), stating he didn’t understand the definition of OHWM being where the vegetation changed and requested further explanation.

Mark Johnson replied the definition basically is talking about a location that is under natural conditions, without a bulkhead. It represents what a typical shoreline condition will have, where through tidal and wave action it will have a certain area where the water regularly laps up. That will control the kind of vegetation that will take hold. Upland of the location where the tide and wave action occur will be a different group or species of vegetation, consider the upland vegetation. That is what is meant when it talks about a change in vegetation that is indicative of where water normally inundates.

**Allison Warner, 316 Dove Dr., Camano**
Commented on buffers, stating it strikes her that this Shoreline Master Program is actually going to increase the impact within the shoreline, asked if a no net loss analysis had been done for what is being proposed.

Mr. Pederson replied that the idea of allowing encroachment in the buffer is tied to enhancement of some environmental functions through the planting of the buffer area. It is an option. There are still two ways to accomplish this, either through a variance as allowed today, or by this new option which has the potential for a net gain of habitat and function by allowing an easier path for the applicant that wants, (it is not mandatory) to provide additional buffer and habitat as defined in this document, without the need for a variance or different shoreline process.

Mr. Johnson added there was no place where the total of buffer plus setback is being reduced to less than it is currently. It is defining in shoreline residential generally, a buffer area where currently, except for the traditional Habitat Conservation areas there hasn’t been the mention of a buffer in those environments. The stringline is being preserved, and now a prescribed method of allowing a minimum amount of development into the building setback on a small lot is being spelled out with this enhancement requirement. It is a clearer path for what will be required for those circumstances where you can go into the setback.

**Allison Warner,**
Commented on:
- Shoreline residential designations working in concert with the Critical Areas Ordinance.
- Allowing non-conforming single family residences to expand.
- Climate change in the future, making it necessary for further hard-shore armoring.
Chair Howard formally opened the meeting for public comment.

**Dale Tyler**, 58 Utsalady, Camano
Commented on public access and maintenance of that access, buffers, and felt too many things are iffy. Felt the plan overlooked one of the most revered ecological system that Island County has, which is the sole source aquifer which goes right to the shoreline. There is no mention of this or protection for this.

He further commented on dikes, he did not feel the draft plan provided much prudence on the issues that surround dikes: how they are maintained, local neglect of a dike to create a wetland. After a dike has been in place for a fifty or hundred years it has created an entire ecological system on the upland side of the dike that most ecological engineers have not considered. If the dike is removed what happens to that system.

**Diane Hampson**, 131 Utsalady, Camano
Expressed a general concern about the fact that this community was developed long before setbacks, as summer places are turned into retirement homes those people would be precluded from using their home as they need; She hoped consideration has been given to the individuals that have paid their waterfront taxes and hope to stay in their homes, which would mean modifying it from a summer home to a full time residence.

**Allison Warner,**
Commented that she wanted it to be on record that she is concerned with maintaining the status quo and the lack of analysis regarding protections for climate change.

**Judy McDougal**, North Sunset Dr., Camano
Commented that they have a non-conforming shoreline property and discussed how the OHWM was measured.

**Barbara Brock**, 3302 Walnut Court, Camano
Commented on the policy document, stating she was concerned about the number of times the word should is used rather that shall as it makes enforcement rather fuzzy. She further commented on three items she felt were very positive: No Net Loss, softshore armoring, and beach access.

Mr. Pederson stated that the Goals and Policies are policy direction rather than regulation and the language of shall or shall not are used within the use regulations.

**Joan Schrammeck**, 1057 Scenic Ave., Camano
Commented on the color coding on the maps and whether any of these will change.
**Jerry Purdum**, 2908 Newell Rd., Camano
Commented on salt water intrusion on small water systems on south Camano, breaching dikes would allow seawater to come in, which will percolate down to the aquifer. He further stated this should be looked at further.

**Planning Commission comments**

Commissioner Hall
Commented on public access to beaches, wondered if there was an inventory of beach access locations, their condition and what it would cost to maintain those. He also wanted to know if there was an inventory of public access encroachment and whether there was some way of providing penalties for this encroachment.

Director Pederson responded there was a public access inventory which could be addressed by Ms. Stewart. There is not however, an inventory of the encroachments, each site location often requires expensive title work to determine if there are in fact encroachments, for which there is a lack of resources to accomplish this.

Another aspect of road ends is that Public Works, managers of the public rights of way and road ends, in order to remove obstructions, fences, mailboxes, landscaping, etc. there has to be a roadway purpose. The County Engineer cannot order a property owner to remove something in the public right of way unless that right of way is actually needed for a public roadway purpose. The County does not typically own the underlying fee title to those rights of way; essentially the right of way is an easement right to usage.

Ms. Stewart commented the Public Access inventory is map 16, and is available online.

**Dale Tyler,**
Commented on the need to define the access, suggested exploratory work is needed to be ready to launch this program. He further suggested a committee to define access, discuss it with shoreline homeowners associations. He felt the process shouldn’t be rushed before these accesses are defined and also it is determined how they will be maintained.

*Commissioner Hall moved to adjourn, Commissioner Dickson seconded, motion carried unanimously.*

Meeting adjourned at 7:49 p.m.

Respectfully submitted,

Paula Bradshaw