

Shoreline Master Program
SAG Meeting February 27, 2008

Caucus Representatives

John Umberger- Property Owners
Jerry Barnes – Agriculture
Raleigh Chinn – Business/recreation
Lee Bernheisel – Environment / Conservation
Absent Jon Wyss – Natural Resources
Absent Wendy Witt – Homeowners / Property Owners
Chris Johnson – City of Okanogan
George Brady – Town of Pateros
Chris Branch – Cities of Tonasket and Oroville
Dolores Castillo – Colville Confederated Tribes
Absent Vicky Welch – Methow Watershed Council
Dave Acheson – Town of Winthrop
Barry Hansen? - City of Omak
Absent – Town of Brewster
Don Willson – Town of Twisp

Jason Paulson

Guests: Roy Webster, Dan Boettger

Staff: Angie Hubbard, Okanogan County; Jeremy Pratt, ENTRIX, Inc. (facilitator);
Sandra Strieby and Sarah Schrock, Highlands Associates

Member reports

Jerry

- How will new Shorelines (e.g., shorelines created by impoundments) be handled?
- Interested in more information about the Elmway Riverwalk proposal

Chris Johnson gave information about the proposal to subdivide a piece of property along the river. There are 12 to 15 permits that they will need to get from various agencies before the proposal would be approved. Fill may be used in the floodplain but not in the floodway. FEMA and the Department of Ecology will need to review. In unincorporated Okanogan County you cannot build in the floodway.

Roy does not agree with Chris's assessment of the proposal.

Bernie

When will GIS maps would be available online? Sandra said that would not happen until after the analysis and characterization are further along. The science consultants are still working on data analysis and discussing how best to

display the results. Jeremy: once draft maps have been posted, it may be most efficient to resolve initial map issues via email, before having a work session

What type of ground truthing will there be for those maps? The SAG committee would like to be involved in that process. Staff explained that there will be no ground truthing. Due to the magnitude of the project, the analysis is being based on existing data. Comments by SAG members will be important to ensuring the maps are accurate.

Roy asked whether the maps are made by FEMA? He also asked who funds this project?

Response: the science consultants are developing the maps. Sandra stated that there is an inventory of all waters of the county that meet the criteria in the SMA. Those under local jurisdiction (county or cities as opposed to, e.g., USFS or CCT) will be addressed in the analysis and characterization.

Roy asked how do we integrate the Colville and Federal mapping in the SMP? Baseline data will come from the County GIS and ENTRIX.

Draft General Regulations-Sandra

Sandra-These are regulations that apply throughout the shoreline area. The document presented for review includes the general policies discussed last fall. Regulations that will be used to implement those policies have been added.

Bernie asked why his comments about water quantity (made last fall) were not addressed in the draft general regulations. Will they be addressed? Chris Johnson noted that RCW 90.58 (SMA) does not talk about water quantity; RCW 90.82 (watershed planning) does. Roy agrees that water quantity is a valid point. It is important to reconsider addressing water quantity in the SMP.

Raleigh is in favor of water quantity and quality to be in the document because quantity has a direct effect on water quality. This needs to be an agenda item at the next meeting so that it can be discussed with the Department of Ecology.

Critical Areas

(The CA language is very preliminary but generated considerable discussion)

Bernie said we all need to look at Okanogan County Critical Areas regulations. Also, some of the language comes directly from the WAC but does other language does not; what sources are staff using?

Roy asked whether the source documents are from Eastern or Western Washington?

The group discussed the relationship between the SMP and local critical areas ordinances. We need guidance from the County about how to address critical areas in the SMP; and we need to work with the cities to ensure that the SMP is consistent with updated CA regulations for each city (e.g., it may refer to each jurisdiction's regulations rather than spelling out specific provisions). Critical

areas in shorelines will be regulated by the Shoreline Master Program. Some cities already have updated, GMA-compliant CA regulations. We will also need to think about consistency at the boundaries between UGAs and unincorporated lands.

Bernie-Shoreline and wetlands have different definitions that need to mesh together. The County's critical areas regulations are not sufficient.

Chris B: State has commented on Oroville's draft critical areas ordinance. The way that the State wants wetlands buffered for Rural vs. Urban areas may not work. In Oroville the people would like to be able to walk along the shoreline on trails to educate the public about wetlands and their function and purpose.

Mitigation

- Chris J-SEPA procedure gives preference to the type of language that minimizes action
- Jerry-Ag lands will be directly affected. Be careful not to stomp on property rights by over applying mitigation
- Chris J-This will require good work from the people requesting permits

Archaeological, Cultural, Educational, Historic and Scientific Resources

- George
 - Cultural evaluations can be costly
 - Agency timelines can be burdensome—give reviewers deadlines
 - Need to define the resources that will be covered. (We have talked about this some in the past—what are “significant” resources? We will need to work with DAHP and Ecology)
- Chris J: be mindful of requirements that will discourage worthwhile projects—e.g., restoration projects on tight budgets. If there is any federal nexus, will be required to satisfy Section 106 requirements
- Group: discussion of identifying sensitive sites and handling sensitive data. The Department of Architecture and Historic Preservation (DAHP) and the County have an agreement to exchange the information

Economic Development

- Chris J: be sure to include adequate guidance for Administrator
- Roy-Does the administration language include policing? Sandra: compliance will be addressed in the Administration chapter. Local jurisdictions are more likely to respond to complaints than to actively enforce regulations. Chris B: administrative provisions are legislatively driven and are likely to be consistent among jurisdictions.

Environmental Impacts and Water Quality

- Chris J: Eastern WA stormwater manual applies only to projects of a minimum acreage
- Chris J: how handle retaining walls under the exemption value?
Sandra: suggest education, guidance for Administrator
- Jerry: shoreline stabilization limitations are not consistent with controlling erosion. Sandra-The intent is to encourage projects that do not require stabilization
- Jerry: requirement to retain runoff on site is at odds with new requirements for permits to use water retained on site

Public Access

- Jerry: minimize takings, respect property rights
- Chris: tie to comp plan, other approved plan. Consider developing a trail plan—proactively specify what is desired. Negotiate win-win arrangements rather than requiring by-the-book compliance that does not serve the intent of the SMA
- Bernie: be sure required access is not confused with mitigation
- Jeremy: implementation guidance to foster sensible design, minimize intrusion on private land
- Don: consider incentives rather than requirements
- George: beware of situations in which there's nothing for the access to tie in to. Some discussion between Raleigh and George: explore options for negotiating a solution but beware of counter-productive mandates
- Roy Webster
 - Will work better in higher-density areas (cities, e.g.)
 - Where does the requirement for public access in subdivisions with more than four lots come from—the Westside or the Eastside? Sandra: it comes from the SMP guidelines (WAC) and is based on the distinction between a short and a long plat. Four is the largest number of lots into which a parcel can be divided to be considered a short plat

Subdivisions

- Bernie: precludes establishing areas in which subdivision is not allowed (e.g., as is now the case in Rural environments)
- John Umberger: we need to discuss property lines in the Shoreline. It is unconstitutional not to allow lot lines down to the river.
- Roy: disagree, should get intent hashed out at this stage
- Decision: address subdivision separately when we have all provisions drafted—use-specific, designation-specific, etc.

Signage (one comment; there may be more to discuss next time)

- George: should be up to towns; should not prohibit all signs. The visual criteria used could potentially apply to all signs unless it suits the regulator. Signs should be allowed, there is already a city blocking the visual aesthetics.

Staff will address the following questions and comments at the next SAG meeting: March 26, 2008 at Okanogan City Hall

- How will newly-created shorelines be handled (e.g., shorelines created by inundation when Shanker's Bend project is built)
- Water-quantity—comments made by Bernie last fall. Jeremy suggests including Ecology in the discussion: what is to be addressed and how?
- How was critical areas language developed (what were the sources)?
- What definition of wetlands is being used?
- Must critical areas be addressed at such a high level of detail?
- What are people allowed to do once they reach the shoreline (e.g., via a public access easement)? Will be different for navigable waters
- *If we have missed any, please let us know ASAP so we can prepare for the March SAG meeting!*

