

Shoreline Master Program
SAG Meeting June 25, 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

Absent George Brady – Town of Pateros

Chris Branch – Cities of Tonasket and Oroville

Dolores Castillo – Colville Confederated Tribes

Vicky Welch – Methow Watershed Council

Dave Acheson – Town of Winthrop

Absent Ralph Malone - City of Omak

Absent – Town of Brewster

Absent Don Willson – Town of Twisp

Alternate for Environment/Conservation: Jason Paulson

Guests: Roy Webster

Staff: Angie Hubbard, Okanogan County; Sandra Strieby and Sarah Schrock, Highlands Associates, Clynda Case, Facilitator

Round One (Opening Statement):

Lee (Environment) - I would like to keep the Rural Shoreline Environment as it is—keep subdivision out of the areas where it is not allowed now. There is less potential for impact in the Methow Review District because there are already more restrictive zoning regulations in place. The Minimum Requirement District is more open to impacts. I do not want to see subdivision allowed as has been proposed in the draft environment designation framework.

Delores (Colville Confederated Tribes) - We would like to retain our jurisdiction. Make sure that the Counties Plan does not impact Tribal projects, such as Omak Creek and the Chief Jo hatchery. We would like to allow for new hatcheries, ensure water quality, and protect fish. We would like to preserve the historic, cultural, and archeological aspects of the shoreline. We would like to protect our subdivision code, water rights, instream flows, and watersheds. CCT zoning and setbacks on large water bodies are important.

Chris Branch (Oroville/Tonasket): We will take the work done here to the towns, develop our own SMPs. We intend to allow subdivision in our shoreline areas. Intend appropriate infrastructure for water quality, shoreline development. Rural designations in UGAs, we want appropriate regulations and standards to allow subdivision, limit impacts in those areas. Interested in water quality, shoreline environment quality. Can use standards to minimize impacts of subdivision.

Raleigh (Business/Recreation): Protect the rights of business owners to develop in a responsible way. Adequate recreation facilities and aesthetic qualities for public enjoyment. Rules and regulations that are county-wide may not capture issues in Northern Oroville. Ensure that there is fairness. Balance adequate subdivision with quality of lake.

Dave (Winthrop): Development should primarily take place in municipalities. Expect subdivision where appropriate within UGAs. What can be developed within the shoreline environment according to the development regulations is the greater issue.

Vicky (Methow Watershed Council): Watershed plan deals with water quantity; one goal is increasing water storage potential. Storage and quantity are concerns, directly relate to subdivision regulations. The way the shoreline is treated affects those factors. Rip rap and vegetation removal lead to a decrease in water storage and quantity.

Jason (Environment/Conservation): The most important issue is no net loss of ecological function in the shoreline environment. This is the ultimate test, by statute. How do we quantify subdivisions' impact on no net loss? Look at the standards associated with subdivision regulations. The current standards have resulted in some of the most intact, functional habitat in the Upper Columbia basin. The standards within the current SMP have a restriction to 200 feet in Methow/Twisp. Most structures are kept back, as a result there is some of the best quality riparian habitat in that area. One size does not fit all...acknowledge towns, perhaps LAMIRDs. We need to recognize the value of what has been kept in good condition so far.

John (Property Owners): Impact from the definition of impact, I do not see any impact on subdivision in the shoreline environment. The word impact is used to scare. Would be better to talk of benefits than impacts. In favor of change. I can see five acre minimum lot sizes. Keep houses away from the river, allow agricultural uses close to the river—retain ability to use that land—may need it for fuel production. I would like to preserve farming. Plant drought tolerant crops. Change perspective. People that live close to the river will not always destroy it.

Jerry (Agriculture/WRIA 49): Would like no subdivision, 160 A. minimum. There are three options. We need to maintain agriculture. Salmon protection has

“buffered” agriculture out of shorelines; subdivision may be the only way to realize the value of the land. Properly done, subdivision can be consistent with maintaining shoreline value. It is ironic that owners have to stay away from the shoreline and agencies are allowed to develop. Think ag is the way to keep shorelines protected. There is pressure on farmers because there is an attraction to live on the water if agriculture; is not profitable then they have to sell. We need to keep agriculture profitable as an alternative to subdivision.

Chris Johnson (Okanogan): Will allow subdivision in City. Would like to see appropriate development guidelines. Implementing plans, development plans. There is inconsistency within the current SMP. We need a rational basis for development standards (including setbacks) that protect the shoreline. The regional plan should accomplish this. Consistency among regulations (floodplain, etc.)

Round Two (Impacts):

Chris Johnson (Okanogan): I don't see subdivision as a problem leading to degradation. Ownership, inconsistent standards, and inconsistent application are problems. If, based on science, the shoreline cannot handle development then the zoning should reflect that. There needs to be integration so there are fewer loop holes and less confusion when administering the SMP...consistent system of development regulations. Most land in the cities is already platted. A current science basis should allow for better use of the shoreline environment, lead to better decisions. The benefit of subdivision is that it entails a public process (including SEPA), which offers a greater chance to develop, apply, and uphold standards. SEPA is that it allows for better guidance results in greater benefit to property, unlike development with less oversight in the Minimum Requirement District.

Jerry (Ag WRIA/ 49) Impact on Lake, Land/Water space is limited. Sewage problems when septic systems are placed in the shoreline—need a sewer system. Prohibition of subdivision drives land prices up and leave unusable land. As long as there is a demand for waterfront residential land, need compromise. If lot lines are to the water with agreed upon setbacks, it should not matter that the lines go to the water. without such setbacks, problems with ownership, care, access.

John Umberger (property owners) I see no problem with 5 acre minimums and 50 foot setbacks. The most restrictive 200 feet. It is a flat taking not to be able to have your lot line go to the water. People have the right to fish and walk along the river. Have sold fishing rights to WDFW—would like to see that program enhanced. I do not see problems with grass as a filter—protects soil—lawns help with runoff. Access is a problem.

Jason (Environment/Conservation): there is significant vegetation in places, probably due to subdivision prohibition, at least in part. Contrasted with areas platted to river...can see cumulative removal of vegetation. When land is owned, people build close to river. Believe that affects temperature, etc. It is difficult to enforce vegetation conservation. People want to see the view of the river so they tend to clear the vegetation to retrieve that view. Wide CMZ areas should have greater setbacks, it is not safe to keep building there. Public access: current regulations facilitate with common area. Requirement for public access with 4+ lots could damage more than subdivision. Look differently at different parts of the landscape. Different areas may need different approaches.

Vicky (WRIA 48): historically there have been major impacts from subdivisions—vegetation removal, riprap, channel effects...results in decreased water storage, fish habitat. Feasible to control with development regulations in Okanogan County? Long history of resistance to enforcement. Better off prohibiting subdivision. Subdivision makes sense near the urbanized areas, outside CMZs. Ecological function, storage will be affected if subdivision is allowed in wider, flatter areas. A lot of adverse effects...favor 200' setback in areas where physical circumstances would endanger house or threaten habitat.

Dave Acheson (Winthrop): more in favor of regulations that reflect inappropriateness of building near river rather than prohibiting subdivision. Enforcement is a question of public will. Make regulations clear, understandable.

Raleigh Chinn (Business/Recreation)-I am in favor of growth with controlled public access, I do not want a provision to include that a subdivision over four lots must have a public access. I would like enough public access sites by the city and state parks. At least one more on the North and East sides of Lake Osoyoos. I am not in favor of gaining public access through private property. The city of Oroville is currently annexing parts of the lake. The city and county view could differ in the aspect of public access for Lake Osoyoos.

Chris Branch (Oroville/Tonasket)-The more parcels that are created, the greater the enforcement needs of the County and the more opportunities there will be for everyone to exercise property rights. Not seeing reasonable enforcement/response. The County usually responds to enforcement because a neighbor has sent in a complaint. Lots of parcels results in lots of opinions; often there is a lack of knowledge as to what is good and bad to do to your property. If more parcels are created, address with means to manage. Do not take away opportunity for good development. There can be good aspects of development but you must manage the rules that are set forth. Best available science should give us the baseline to know if minimal impact can be accomplished within critical areas then it should be allowed. We are still a long way from there. Deal with case by case, based on Best Available Science. Should allow if minimal impact.

Delores Castillo (Colville Confederated Tribe)-There was a resort developed in the 40's with lots that are 60 feet wide and run all the way to the ordinary high water mark. The septic systems for these lots were created within the shoreline environment, result in high levels of nutrients in water. The Department of Ecology has to aerate the soil. This development is very unattractive, it is crowded, there is loud noise from boat motors, and runoff from the lawns. If the science is suitable and can keep subdivision back from the shoreline, that would be ideal.

Lee (Environment/Conservation)-Good development guidelines could equal appropriate subdivision. However, that is not the case in Okanogan County. We do not enforce the 200 foot setback that we have now. They use averaging and other gimmicks to allow subdivision. There are impacts on vegetation when it is removed for development. Water quantity and quality are impacted. Buildings close to the water can affect enjoyment of river—fishing, boating, bird watching. Subdivision in the shoreline also impacts the visual aesthetics. The proposed Homestead River Ranch has $\frac{3}{4}$ of an acre or less lot sizes. The plat shows the 200 foot setback but they are advertising that the lots go to the river. In the Minimum Requirement District, the Shoreline Master Program is the only regulation we have.

Round three: proposed Solutions: The following solutions (proposed by SAG members) are arranged in order, as prioritized by SAG members, from most to least popular.

1. No subdivision in the Channel Migration Zones.
2. Clearly define hurdles for no net loss. The burden should fall on the developers to demonstrate no net loss.
3. Enforcement on a case by case basis. (An example is the Critical Areas Ordinance)
4. Identify shorelines that are developable. We need more information from the consultants.
5. No more up and out in the 100 year floodplain. Properties will be surveyed 0.02 feet out of the floodplain and will then be considered out of the 100 year floodplain.
6. Subdivision should be allowed with enforceable standards that mitigate the impacts on the shoreline environment. Such standards could include appropriate setbacks, vegetation management, lot consolidations, all of which should be based on the best available science.
7. The current prohibition on subdivision is not based on best available science. A 200 foot setback could work in one location but other locations may need more of a setback according to the science to retain no net loss.
8. All of this will depend on the Planning Department's ability to manage the enforcement.

9. Property rights should be respected. I agree with 5 acre minimum lot sizes in the basin.
10. Shoreline dependent uses should be allowed.
11. Development should be inside/around the Urban Growth Areas.
12. Rules and regulations should reflect the area. One size does not always fit all.
13. Shoreline Residential/Recreation (Draft designation) allows subdivision in the municipalities and the UGA's. Rural conservancy (draft designation) also allows subdivision.
14. Adequate public access in the framework of the SMP coupled with an access plan.
15. Green belts
16. Rules should reflect the citizens' wishes.
17. Water related/water dependent uses should be allowed. A recycling center in the shoreline environment may not be the best place for that activity.
18. Accurate FEMA maps. Stop rip rap and vegetation removal, except for fire protection. No FEMA insurance should be allowed in the floodplain.

Additional comments

Jennifer Molesworth, Bureau of Reclamation: Consider using CMZ overlaid with LIDAR to establish the width of the area that could be subdivided—variable width.

Chris Johnson: make regulations flexible enough to use new science (e.g., LIDAR).

Clynda: science approved by Ecology.