

Shoreline Master Program
SAG Meeting January 24, 2007
Caucus Representatives
Jerry Barnes – Agriculture
Raleigh Chinn – Business/recreation
Dave Hanna – Homeowners / Property Owners
Absent – Lee Bernheisel – Environment / Conservation
Absent – Jon Wyss – Natural Resources

Introductions

Review Agenda

Peter Skowlund, Doug Pineo and Clynda Case from Washington Department of Ecology were present to answer some pre-determined questions as well as questions from the SAG, but prior to answering those questions, they said the best thing about the current Okanogan County SMP is that it is short and concise don't try to meet every wish and desire in the updated one. Keep it simple and straightforward. Cover as much as possible in the general regulations, use specific provisions only where they are really needed.

Here are the questions we asked Ecology staff to address, and answers provided by Doug in advance:

- ❖ Please provide a brief overview of the new SMA guidelines: what drove the need to revise the old guidelines and what were the key legislative intents?
 - SMP Guidelines adopted in 2003 after 8 years of effort
 - Required by legislature in 1995, part of regulatory reform
 - Settlement Agreement negotiation involving many stakeholders
 - Help clarify relationship between SMA & GMA

- ❖ What is the main difference between the previous and new guidelines, and how is the existing Okanogan County SMP deficient or out of compliance relative to the new guidelines? What parts do not meet the new standard? How will the local SMP need to change to comply with the new guidelines?
 - 2003 SMP Guidelines require science based shoreline inventory and characterization describing existing shoreline ecological function
 - The Guidelines require updated SMP's which result in no net loss of ecological function
 - 2003 Guidelines require Restoration Plans, for improving and sustaining shoreline ecological function over time
 - It's your role as a community to identify deficiencies in the old SMP, bring the updated SMP into compliance

- Existing SMP is not consistent with the County’s CAO and other GMA provisions, as required by the SMA and GMA
 - New SMP will require inventory and characterization of shoreline ecological function, land use patterns, identification of major shoreline management issues of concern, analysis of potential cumulative impacts to shoreline ecological function and public access, etc.
 - Your inventory and characterization will help you determine how the existing SMP should be updated
- ❖ Where do we need to be? What are the three most important things, in Ecology’s view, that the Okanogan SMP should accomplish?
- It’s arbitrary to limit the “most important things” to three, or two or four things.
 - The existing SMP is 32 years old, and in light of changes in population, land use, recent legislation, modern scientific understanding, evolving regional economies and other factors, should be updated.
 - The updated SMP must protect existing ecological function in the Shorelands of Okanogan County and municipalities, including existing native plant communities and fish and wildlife habitat (not just listed or priority species).
 - The updated SMP must protect public access to shorelines and recreational opportunities, while not diminishing existing ecological functions.
 - The updated SMP must contain a Restoration Plan with benchmarks and timelines for improving shoreland ecological functions above current degraded conditions.
 - The updated SMP must protect critical areas within SMP jurisdiction, and must be consistent with updated SMP provisions including Critical Area Ordinances.
- ❖ In what ways have minimum standards required under the SMP been changed by the new guidelines? What are the new minimum standards?
- Neither the SMP Guidelines or the SMA contain “minimum standards”
 - The SMA and Guidelines contain guiding principles and policy objectives, including prioritized “preferred uses” whose purpose is to protect the statewide interest in the state’s shorelines.
 - Use regulations including buffers, structural setbacks, and other bulk dimensional standards are determined using the best available science through adequate shoreland inventory and characterization.
- ❖ What are the requirements for inventory? How should the inventory effort be focused, given the schedule and budget within which we must work?
- The inventory requirements are spelled out in the SMP Guidelines, at WAC 173-236-201 (2)(a), notably,

- “Incorporating the most current, accurate, and complete scientific or technical information available.
 - Solicit and “incorporate information, experience, anecdotal evidence...solicit(ed) through the public participation process...”
 - And WAC 173-26-201(3)
- ❖ What are the requirements for cumulative impacts? How can this analysis be made useful without becoming too complex or too speculative?
- Analyzing cumulative impacts is discussed at WAC 173-26-201(3)(d)(iii).
 - Cumulative impacts analysis is an iterative exercise to be incorporated throughout the process of determining environment designations and use regulations.
- ❖ What problems or updates is Ecology finding that most older vintage SMP’s most need to fix or achieve under the new guidelines?
- Most older SMP’s don’t adequately protect shoreline ecological functions and public rights of navigation from adverse impacts from clearing and grading, residential development, dock proliferation;
 - Older SMP’s are not based on inventories and characterizations of shoreline ecological function conducted using acceptable scientific and technical standards.
 - Older SMP’s typically don’t prevent development which may lead to subsequent demands for bank stabilization and prevention of natural channel migration.
- ❖ What is it that the Department of Ecology thinks this group needs to know about the new process to move forward? What are the key items that a SAG needs to understand about the new SMP guidelines in order to function effectively in its role?
- Local communities can embrace the opportunities available in the SMP update process to protect and enhance their natural attributes, which will be amenities attracted long term economic development and security.
 - Identify and begin dealing with shoreline management issues of concern early in your process, and don’t let those unwilling to commit to the SMP update derail it late in the process.
 - The SMA and local SMP’s have been around for almost 2 generations. This is not something new. The SMP Guidelines adopted in 2003 don’t exceed the scope or authority of the previous Guidelines, or the SMA itself.

- ❖ How do the new SMP guidelines help us address the following Okanogan County specific issues? What do the new guidelines provide that can help us more effectively manage these concerns and at the same time protect shorelines?
 - Prohibition on subdivision within 200' of shoreline.
 - Your inventory and shoreline characterization will help you designate shoreline environments and develop use regulations providing for appropriate development while protecting shoreline natural character, resources and ecology (unique community assets).
 - Buffers
 - The SMP Guidelines outline a process and substantive elements for developing your new SMP using comprehensive information about ecological function in the county's shorelines. To the extent your inventory and characterization are more thorough and complete, your setbacks can be more tailored.
 - Don't place too much discretion with the Planning Director or official, and resist loading the inventory and analysis onto the property owner. Do your homework now, decide what you want your communities to look like consistent with the requirements of the SMA (and GMA), and make decisions in the communities' best interests.
 - Too much flexibility and too many exceptions will result in a complex SMP, difficult and expensive to understand and implement. Property owners and the community at large deserve certainty and predictability.

A question from the members – Is there a baseline standard for function and value?

- Existing condition is the baseline. There should be no degradation of current function – not required to bring it back to pre-settled conditions.

Nothing is retroactive, but the SMP provisions do apply to new development. Ongoing agriculture will not be affected.

Q. – Ecological function component, what is no net loss?

- try to keep in context, not destroy what is there.

Additional information from Ecology staff:

- The original SMP was based on an inventory – that inventory focused primarily on land use. The new one will also include biophysical conditions and assess ecological functions.
- The SMP should allow for and promote anticipated uses in appropriate places.
- Developing a regional plan will make it easier to do things than individual plans would – it will give a better sense of conditions and functions at the landscape level.

- Understanding of watershed and landscape planning and how stream systems work is much more sophisticated than it was when the original SMPs were developed; that understanding will inform the new SMP.
- Can use current environment designations, use the new ones from the guidelines, or tailor designations to fit local conditions.
- Restoration planning should address the community interest in ecological function. Extra-territorial restoration could be a possibility for cities and towns (that is, restoration outside corporate limits). Inventory will include restoration opportunities.
- Shoreline Critical Areas should be addressed through the SMP. SMP is to be no less protective than each jurisdiction's Critical Areas (CAO).
- SMP is to internally and externally consistent – that is, it should not contradict itself and it should be consistent with each jurisdiction's other laws.
- Mitigation should address loss of ecological function over the life of the project. SMP must identify and protect high value habitat/shoreline – use development standards. Cannot eliminate reasonable economic use. SMA explicitly provides for protection of property rights.
- Use good definitions to be clear about how regulations are triggered. Define jargon/terms of art such as riprap. Include a good Table of Contents. Consider including a users' guide.
- PUD is subject to local regulations as a junior taxing district. Ecology can ensure that PUD comes to the table. Chris Branch suggested looking at such issues and clarifying within the SMP.
- Jason noted the importance of making the SMP user-friendly – for staff and the public.
- Should be possible to allow subdivision within shorelines if the intent of the SMP can be met – craft the SMP with that in mind. Kurt noted that regulations regarding subdivision may vary for different environment designations, based on inventory.
- Law protects landowners from liability where public access is allowed. Need to preserve physical and visual access to shoreline.

No meeting in February, the next meeting is scheduled for March 28, 2007 where we anticipate having an outline and some text for SAG members to review.