SHORELINE ADVISORY COMMITTEE
SUMMARY MEETING NOTES FOR MEETING #5
CITY HALL – CONFERENCE ROOM
January 11, 2012

ROLL CALL: Present: Helen Chatfield-Weeks, Keith Fakkema, Jill Johnson-Pfeiffer, Mahmoud Abdel-Monem and Jennifer Myer.
Absent: Rick Almberg.
Project Staff Present: Senior Planner, Ethan Spoo; Interim City Administrator, Steve Powers; Consultant, Gabe Snedeker; Project Manager AHBL

Agenda Item I – Welcome and Introductions

Because there was a number of members of the public in attendance, Mr. Spoo briefly described the purpose of this committee and the Shoreline Master Program (SMP) update project. He informed them that the Advisory Committee was formed in summer 2011 to look at drafts of the SMP. The SMP is an element of the City's Comprehensive Plan which is required to be updated by December 1, 2012. This is meeting #5 of the committee and the committee is currently reviewing Chapters 3 and 4 of the document.

Mr. Spoo gave an overview of the evening's agenda.

Agenda Item II - Public Comment:

Bill Massey spoke about his property in the shoreline located between Dock Street and Windjammer Park (see attached map). Mr. Massey was concerned Chapter 3, Section B, Regulation allowing the Administrator to resolve conflicts in regulation by implement objectives which most adhere to the the Shoreline Management Act is too subjective. He thought there should be an appeal process and decisions should not be strictly up to the Administrator.

Mr. Spoo noted that Chapter 6 of the draft SMP document (not yet released) contains the process variances and appeals from Administrator decisions.

Mr. Massey directed attention to Public Access Regulation 7 which requires a 12-foot land dedication for all new development to accommodate the Waterfront Trail. Mr. Massey was concerned that lateral public access was required from the public right-of-way to the Waterfront Trail.

Mr. Snedeker explained that Public Access Regulation 3 was added specifically for the express purpose of addressing a situation where the Waterfront Trail already crosses the property. In this case, there would be no requirement for additional public access. Public Access Regulation 8 speaks to this same issue.

Mr. Massey asked about the setbacks of buildings to the ordinary high water mark (OHWM). Mr. Snedeker said that tonight's discussion is about setbacks.

Fred Walrath, Carl Freund and Robin Kolaitis commented that their concerns were also about the setbacks. Robin Kolaitis also had concerns about where the OHWM is, and how the setback provisions will be communicated to property owners.

Agenda Item III - Review Chapter 2 through 4 edits to the Draft SMP based on previous comments

There were changes made to:

- Low Impact Development policies – Requirements for LID are contained in multiple places in the document. These were consolidated into one requirement in the Water Quality section of Chapter 3.
- Names of the relevant tribes are now listed on page 18.
- Regarding Public Access section of Chapter 3, Regulation 23(b) was reworded to eliminate the clause setting a maximum of 25% of the property width to preserve views. This clause was eliminated at committee request.

Questions:

David Wilson – Asked about no-net-loss. Mr. Snedeker explained the concept. SMP is not retroactive, it doesn't apply to what has already been built. Maintaining or the repair of existing structures is not subject to SMP.

Jill Johnson-Pfeiffer – questioned Public Access regulation 23 that says "in no case" can maximum height of 35 feet cannot be reduced to preserve views. Mr. Snedeker explained that there is a balance between protecting views and property rights/economic development. Committee members decided to keep the sentence as is to provide certainty in regulation.

Mr. Abdel-Monem suggested adding the word "source" after "non-point" in title of section 10, chapter 3.

Agenda Item IV - Discuss shoreline setback standards, alternatives and rationale

Mr. Snedeker restated the goal create a setback system that meets no-net-loss using what Ecology has accepted in other communities as a guide. Staff is suggesting the following two tier system:

Option A – Two Tier Setback

The two tier system is the option currently proposed in the working draft SMP. The setback is comprised of two zones: Vegetation Management Zone (Zone 1 or the VMZ) and the Shoreline Setback (Zone 2). Stronger vegetation protections are required and no structures are allowed in Zone 1. The VMZ is a priority vegetation enhancement area. Zone 2 allows pervious decks and patios and might allow building additions with VMZ enhancements. Additional distinctions could provide more flexibility for landscaping in Zone 2.

Other options are:

Option B – Minimum/Maximum Setback

This option proposes a maximum setback. Improvements past the maximum setback, but not the minimum setback, would be allowed with specific enhancements. Enhancements work on a point system. Greater enhancements mean greater flexibility for uses within the setback.

Option C – Standard Setback

This option uses a simple setback. Setbacks are larger, but have allowances for minor structures, activities and ornamental landscaping. This option is often easer to explain and administer. However, larger setbacks may be needed to meet no net loss because enhancements are not part of this option.

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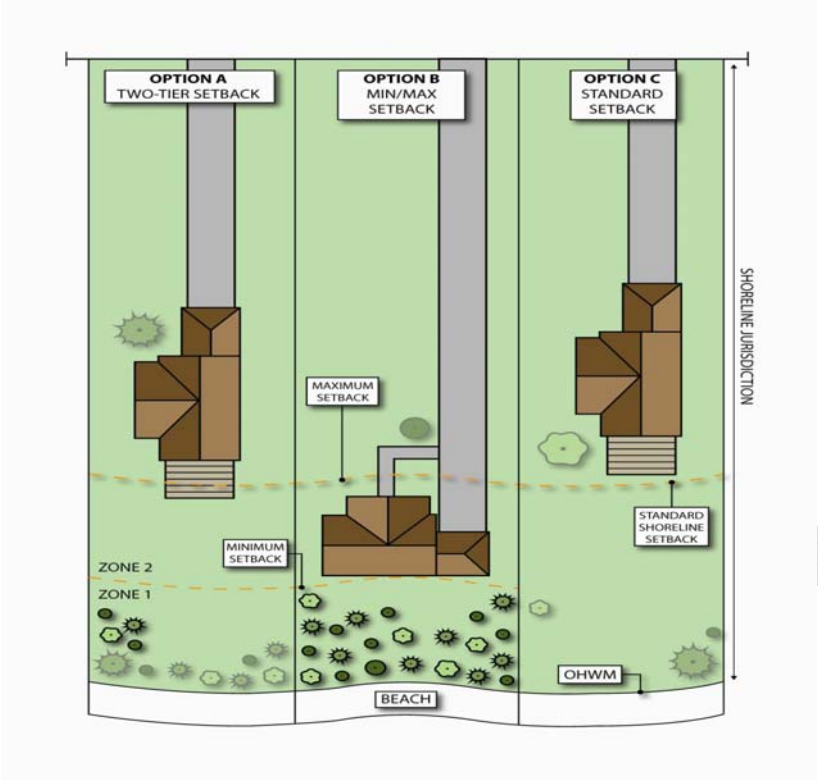
Image 1: Setback Options A-C

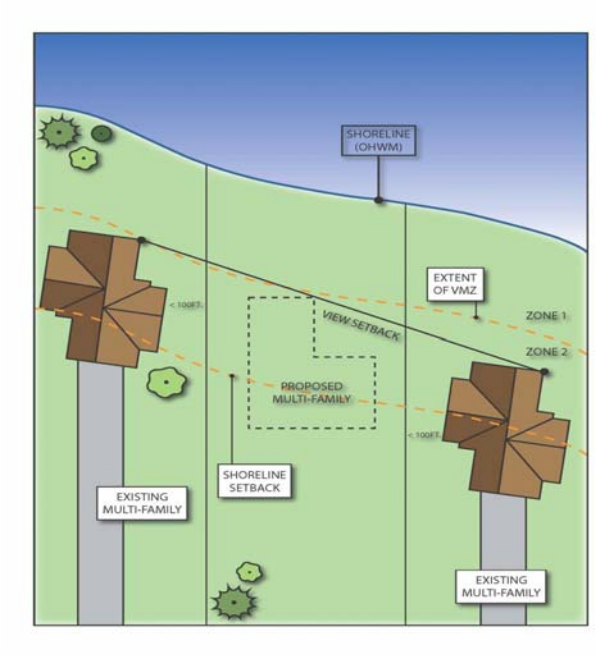


Committee discussed the three options and agreed that Option A provides flexibility and incentive for the homeowner to maintain the buffer zone.

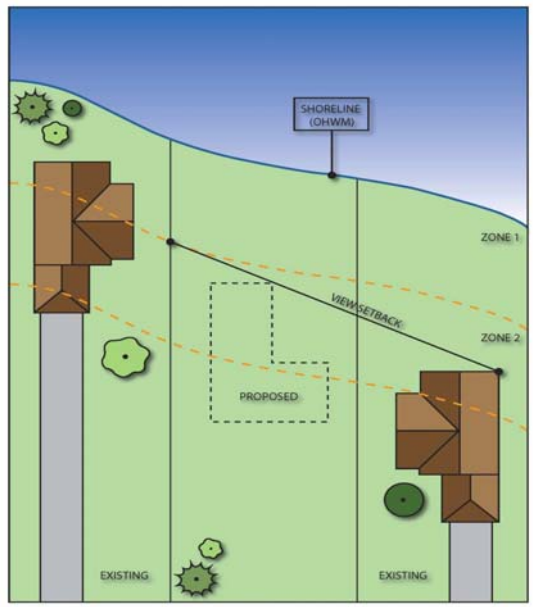
Duane Dillard asked about bulkhead replacement. Mr. Spoo said that Chapter 5 of draft SMP discusses bulk heads. The Committee has not discussed Chapter 5 yet, but will do so next month (February). Mr. Snedeker said the WAC Guidelines allow for maintenance of bulkheads where bulkheads are demonstrated to be necessary through geotechnical analysis. The State is discouraging new bulkhead construction by requiring buildings to be setback further.

Mr. Snedeker discussed standard “stringline” and modified “stringline” Provisions (setback averaging). The following two images depict the “stringline” setback provisions contained in Chapter 4 Development Standards, Table 1, Footnotes 4 and 6.

Standard Stringline Provision



Modified Stringline Provision (depicts what we will require if one of the homes intrudes on the VMZ)



There was discussion about how setback provisions would apply to properties between Dock Street and Windjammer Park.

Image 4: Deck and Garden Development

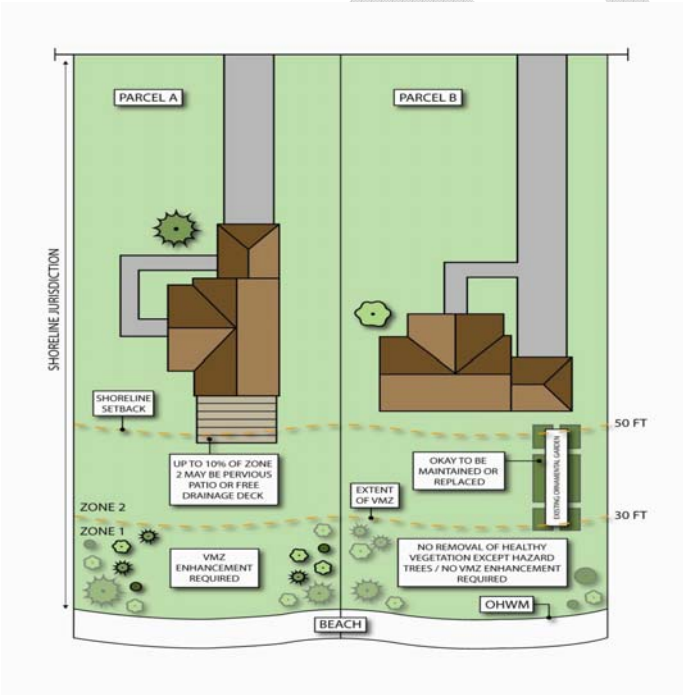
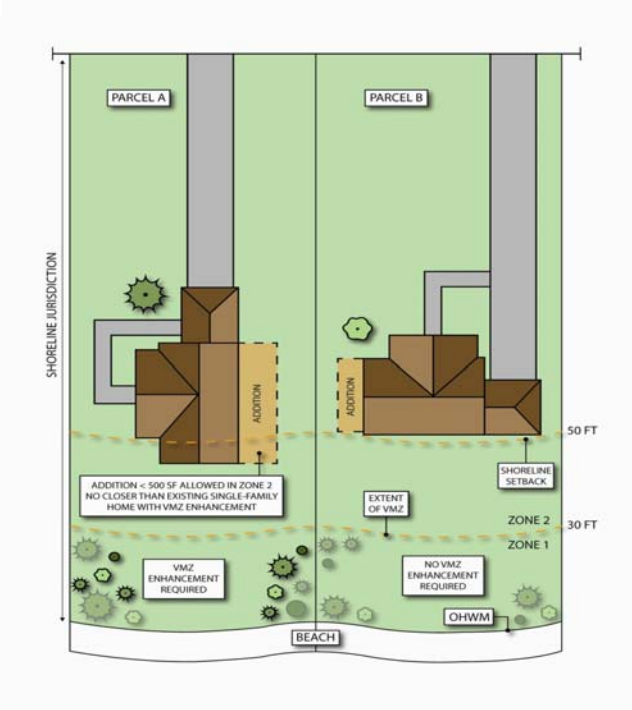


Image 5: Residential Addition Scenarios



Discussion - Image 4: Deck and Garden Development

Mr. Snedeker discussed development scenarios in Image 4. Right hand image shows that existing ornamental landscaping may be maintained and replaced, but not expanded. SMP language could be modified to allow landscaping expansion in Zone 2, but not Zone 1. The left hand image shows that pervious decks are allowed with VMZ enhancement.

Mr. Snedeker noted that the draft SMP needs further specificity for Zone 2 uses. Existing language allows for free-draining decks and pervious patios in Zone 2. There is language making it clear that existing ornamental vegetation can be maintained. The intent is to prevent the removal and replacement of native vegetation with non-native vegetation. Ecology will be looking for some limits on uses in Zone 2 that achieve no net loss of ecological function.

There was discussion about limiting deck height and uses in Zone 2. Water-oriented uses such as boat houses, gazebo/spa are favored over non-water oriented (storage shed). The Committee agreed that 42-inch height from existing grade for decks was acceptable. Staff will continue to work on allowing a broader range of water-oriented structures up to 20% coverage in Zone 2.

Discussion - Image 5: Residential Addition Scenarios

Image 5 depicts two scenarios for residential building additions. Right hand image shows no VMZ enhancements are required for additions behind the setback line. The left side depicts addition within the setback area, which the SMP language could be revised to allow with VMZ enhancements. Addition must not project beyond existing structure.

Mr. Snedeker asked whether there was a desire to allow building additions no closer than the existing structure where structure already infringes on Zone 2. VMZ mitigation (proportional or entire VMZ) would be required.

Ms. Johnson-Pfeiffer asked if the structure addition would count toward 20% coverage for Zone 2 and how such an allowance worked with deck coverage provisions. Mr. Snedeker said that structural allowance and Zone 2 coverage are independent provisions. The 20% coverage provision allows flexibility for everyone while the structural addition allows flexibility when a house already infringes on Zone 2. Some SMPs don't allow structural additions in Zone 2. Depending on existing structure configuration, it may not be possible for all homeowners to have an addition outside Zone 2.

Mr. Snedeker explained that DOE is not likely to approve both provisions (coverage in Zone 2 and structural additions) in the SMP. If we allow for structural additions in Zone 2, we can't have a broad range of other uses (decks, hot tubs, patios, boathouses, etc.) in Zone 2. It's a tradeoff. He asked the committee which they thought was more important?

The Committee directed staff to craft language which allows for the greatest amount of uses in Zone 2.

Agenda Item V - Discussion of Chapter 4, Tables I-II, Boating Facilities, Commercial, Industrial, Recreational and Residential Use Standards

Mr. Snedeker asked the Committee if they had specific concerns about Chapter 4.

Mr. Fakkema questioned why there was a distinction between height limit of 25 feet in Conservancy and 35 feet in all other designations. Answer: Conservancy is a preservation designation and the height limit of 25 feet shows additional restrictions in higher ecological function areas.

Ms. Myer asked about footnote 4 to Table 1 which states that "overwater walkways that run generally parallel to the OHWM shall require a CUP." Mr. Snedeker explained that the intent was to allow bridges, but reduce the number of crossings.

The Committee reviewed Commercial Use standards in Section D.4 of Chapter 4. Mr. Spoo and Mr. Snedeker indicated that the provisions say that new overwater commercial is prohibited except for water-oriented or accessory (to water-dependent) commercial use is proposed (i.e. espresso stand on

a public pier – primary use is water-dependent pier, accessory is espresso stand). Mr. Snedeker said Ecology WAC guidelines are restrictive on new overwater commercial structures.

Ms. Meyer asked about Accessory Utilities in Table 1 and if Navy utilities meet this definition. Mr. Snedeker indicated that the intent of the SMP is to emphasize alternative location of primary utilities out of shoreline. He indicated staff clarify difference between accessory (distribution) and primary facilities.

Mr. Fakkema noted that footnote 1 to Table 1 should say “concession stand” rather than “concession standards.” Staff concurred.

Ms. Johnson-Pfeiffer asked about Table 1 Residential Environment which prohibits multi-family. Mr. Snedeker noted that was consistent with underlying zoning for those areas (Dillard’s Addition and Scenic Heights both zoned R-1).

Mr. Freund asked about property that he owns where the City has expressed an interest in putting an RV park. Mr. Spoo indicated that if the land is not wetland it drops out of shoreline jurisdiction and the provisions don’t apply. Mr. Snedeker went on to say that areas not mapped as wetland, but within the 200 foot shoreline area should be designated Urban Park. Mr. Freund was concerned about the ability to put an RV Park on six acres of land north of Dillards and how the draft SMP will affect that.

Mr. Snedeker pointed out to Ms. Meyer that industrial development would allowed in Maritime zones on Maylor Point Navy property.

<u>Next Meeting</u>
February 15, 2012

Meeting adjourned at 7:00 p.m.

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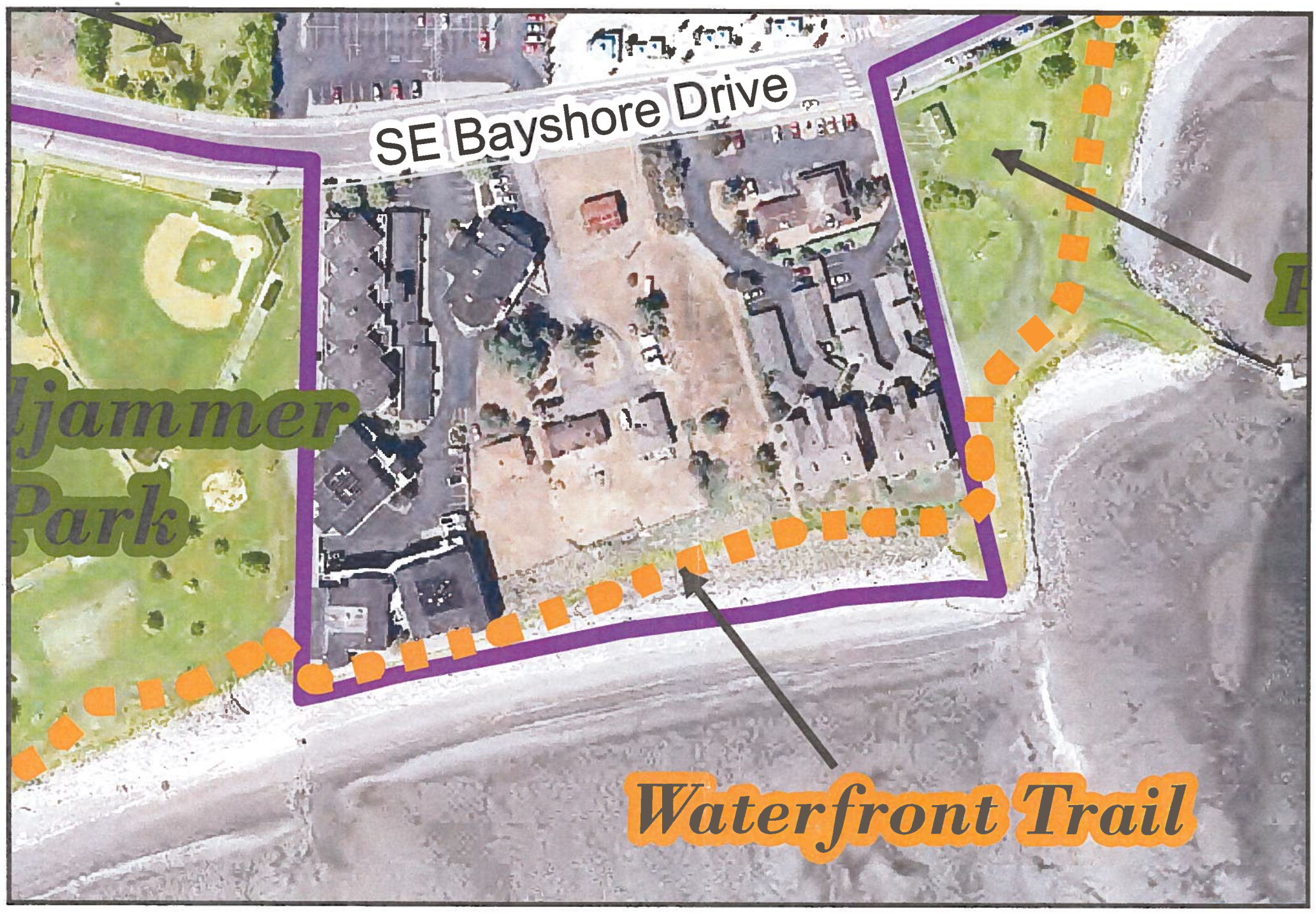

Attachment 1

CITY OF OAK HARBOR DATUM,NG
LEVEL (MSL) PLUS 100.00 FEET

Attachment 1