

**SHORELINE ADVISORY COMMITTEE
REGULAR MEETING - SUMMARY OF QUESTIONS/ISSUES RAISED BY MEMBERS
CITY HALL – COUNCIL CHAMBERS
July 13, 2011**

ROLL CALL: Present: Helen Chatfield-Weeks, Mahmoud Abdel-Monem, Rick Almberg, Jennifer Meyer and Keith Fakkema
Absent: Chris Skinner and Jill Johnson
Project Staff Present: Development Services Director, Steve Powers and Senior Planner, Ethan Spoo
Consultant - Gabe Snedeker, Project Manager AHBL

Agenda Item I: Welcome and Introductions – Ethan Spoo, Senior Planner.

Committee members and staff introduced themselves.

Agenda Item II: Role of the Citizen Advisory Committee, the Consultant and Opportunities for Public Involvement – Ethan Spoo, Senior Planner.

Mr. Spoo discussed the role of the committee. The draft Shoreline Master Program (SMP) the committee recommends will be forwarded to Planning Commission and eventually to City Council for their review. The State Department of Ecology has final approval authority for the SMP document.

Agenda Item III: SMA and SMP Guidelines, Process and Schedule Overview - Gabe Snedeker, Consulting Planner.

Mr. Snedeker displayed a Power Point presentation and discussed some basic concepts related to shoreline planning, the Shoreline Management Act and the Shoreline Master Program with the Committee. Major points of the presentation were as follows:

- The Shoreline Management Act (SMA) is a state law passed in 1971 which has three primary objectives: (1) protect environmental resources along the shoreline (2) preserve and enhance public access and enjoyment opportunities, and (3) Give priority to uses that require a shoreline location also called “water-oriented” uses.
- SMPs are locally adopted plans for managing development and activity along the City’s shoreline which meets the requirements of the Shoreline Management Act.
- The City is required to update its SMP by December, 2012 according to state guidelines adopted in 2003 which address “no net loss.”
- Shoreline planning is a local-state partnership. Local governments lead shoreline planning efforts and administer SMPs once adopted. Ecology provides state “Guidelines”, financial support and technical assistance and has final approval authority for SMPs.
- The SMP applies to lands extending 200 feet landward of the ordinary high water mark (OHWM) and to associated wetlands and floodplains.
- One of the key concepts of the SMA is “no net loss.” No net loss means that the condition of the environment must be kept the same as it is today. The baseline condition of the shoreline is established in the Inventory and Characterization Report. The Committee members received copies of the Inventory Characterization Report.
- Common myths about the SMP update are that: it will take away existing private property, require structures to be relocated out of the shoreline, or require that existing uses be discontinued. None of these are true.

- The Shoreline Inventory and Characterization report was an attempt to collect all reasonably available information on the land uses, environment, public access, utilities, and transportation within the City's shoreline.
- Schedule: the project is beginning phase III of a five phase project. Phase 3 is the drafting of the SMP.

Questions and Answers

Q. Are the (shoreline) regulations aimed at development?

A. Yes, the shoreline regulations apply to development activity and new uses. The program is triggered by applications for new development or expansions. Some aspects of existing uses, such as ongoing activities at the marina, may be regulated by the program.

Q. Does the 200 feet (shoreline jurisdiction) extend from the edge of the wetland or is the wetland in the 200 feet?

A. Shoreline jurisdiction includes wetlands where wetlands cross shoreline jurisdiction. The City can voluntarily choose to extend the shoreline jurisdiction to include the buffers of critical areas.

Q. Were wetlands included in shoreline jurisdiction prior to 2003?

A. Yes, wetlands were included in the definition of shoreline jurisdiction prior to 2003.

Q. Why does "no net loss" apply to what has already happened?

A. The baseline condition of the shoreline is where we are today. No net loss is measured against the condition of the shoreline today. Ecology requires that the SMP include restoration activities to account for activities that occur outside of the permit program.

Q. If Ecology is going to dictate what we need to do to achieve no net loss, why don't they just do it?

A. The State doesn't speak definitively about every issue. There is a lot of potential for local governments and citizens to influence the process of shoreline planning and permitting.

Q. Is the location of the new wastewater treatment plant outfall going to be incorporated into the Shoreline Plan?

A. The City has intended to have the wastewater treatment plant process and the SMP update process dovetail to the best possible degree. We want to make sure we have policies and shoreline use designations in the new SMP that will allow for the new wastewater treatment plant. If there is ecological improvement from the location of the treatment plant, we may be able to count this toward no net loss. That may provide assurances to Ecology that the City is taking on a big capital project that will improve the quality of effluent and have a positive impact on the environment.

Q. The City is currently going through the process of adopting a new low impact development (LID) code. Does LID get taken into account in the shoreline master program?

A. Yes, particularly in the cumulative impacts report (Phase 4). We will document where the City is committed to certain LID practices and make the case that LID will result in ecological improvement toward meeting "no net loss".

Q. Could the LID practices be viewed as credits against the losses that may have occurred since the last shoreline inventory?

A. LID will be credited against impacts from estimated future development. Those impacts will be estimated as part of the cumulative impacts analysis in Phase 4.

- Q. When determining “no net loss”, what is the timeline we are using for projections?
- A. Ecology hasn’t given a definitive answer to this question. The next required SMP update is in 7 years (2019). No net loss will need to be projected at least that far out.
- Q. The City is considering an MBR wastewater treatment plant which will produce class A water as a byproduct. The discharge of class A water in the harbor may change the salinity in the area of the outfall. How does that factor into “no net loss?”
- A. The City will need to look at the impacts from the treatment plant operating under design conditions and when the plant is experiencing issues as the result of age and deterioration and compare those with the existing conditions. The wastewater treatment plant will have to meet Clean Water Act requirements and put the plant project in a good position to meet “no net loss.”
- Q. Is it correct that we are only developing a Shoreline Master Program for the areas that are within shoreline jurisdiction on the “Proposed Minimum Shoreline Jurisdiction” map (Figure 1 of the Inventory and Characterization Report).
- A. Yes.
- Q. Does the Shoreline Master Program update process to extend the timeline for updates so we don’t have to go through the update process again in 7 years?
- A. The City is obligated to update the SMP according to the State’s schedule which is every 7 years.

Comment: The short review timeline (7 years) is incredibly expensive for the State and the City.

- Q. What is armoring in the context of shoreline planning?
- A. Armoring is protection that is put on a shoreline to prevent erosion, such as bulkheads. Armoring can also come in the form of rocks, sheet pile, timber and crib walls things that are used to protect the shoreline from erosion and to facilitate development. Armoring has environmental impacts by trapping sediment, which can starve beaches and impact fish habitat. Fish habitat impacts include more turbulent water, and deeper water that isn’t ideal for spawning. The state has very specific guidelines for armoring, but there is room for local preference, especially in terms of repairing existing armoring.
- Q. Who regulates bulkheads?
- A. In Oak Harbor, the Director of Development Services, who is also the Shoreline Administrator regulates bulkheads under the Shoreline Master Program.
- Q. The term “no net loss” is pervasive in this SMP update process. What happens if the shoreline is undergoing natural recovery as is the case with the Maylor Point wetlands? Maylor Point was originally a saltwater marsh where fill was placed from the Bayshore Drive construction. The marsh is slowly recovering. How do we account for that natural recovery in the Program update process?
- A. No net loss applies on the permit level and puts requirements in place for permit applicants. Applicants have to adhere to the no net loss requirement.
- Q. It (natural restoration at Maylor Point) seems in conflict with other goals. One of the (SMA) goals was to enhance public access. The marsh floods and the erosion impacts the public’s ability to use and access the bay. The filling-in of the bay (and natural restoration of the marsh) is counter to the economic development goals in the shoreline management act.

- A. The goals of the SMA are coequal and need to be balanced. We have conflicting priorities, just as is the case with a comprehensive plan, but we need to address both goals (economic development and the environment).

Agenda Item IV: Discussion of Shoreline Inventory, Analysis, and Characterization report and input from committee based on their local knowledge - Gabe Snedeker, Consulting Planner.

Mr. Snedeker displayed a Power Point presentation which summarized the findings of the Inventory and Characterization Report. Major points of that presentation included:

- Shoreline function is influenced by development. Impervious surfaces, impacts to wetlands, shoreline stabilization (bulkheads) contribute to degradation of the shoreline environment.
- Ecological function is highest in open space areas such as the Seaplane Base, Freund Marsh and Scenic Heights. The Crescent Harbor Salt Marsh restoration project has improved function significantly.
- The shoreline characterization was an effort to document shoreline conditions in words and maps. The report looked at the shoreline ecological functions which are healthy or have been altered.
- Items looked at and mapped in the report include current land use, drift cells, shoreline reaches, impervious surfaces, and critical areas among others.
- Key findings of the report include:
 - there are extensive areas of fill along the Seaplane Base and along east Pioneer Way.
 - Approximately 30% of the shoreline is armored. Reaches 5, 6, & 10 are entirely armored. Reaches 1 and 4 are heavily armored. There is minimal armoring in reaches 2, 3, 7, 8 and 9.
 - Wildlife includes forage fish, salmon, sea lions, eagles.
 - There are 18 documented archaeological sites within Oak Harbor's shoreline.
 - Extensive public access exists.
 - Large potential for restoration of the shoreline in Freund and Crescent Marshes.

Questions and Answers:

- Q. Has an inventory and characterization report been completed before now?
- A. This is the first time that Oak Harbor has documented existing conditions along its shoreline in this comprehensive manner.
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- Q. Are the regulations only going to regulate development?
- A. They will regulate both development and activity. The Program is triggered when people come to the City and want to expand their house, dock, or bulkhead within the shoreline. However, there are some aspects of use that are regulated, for instance, ongoing activities at marinas.
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- Q. What can we do about the eroding bluffs along Scenic Heights?
- A. One of the things we'll talk about are softer shoreline armoring techniques and over time you're putting less development in harm's way. Ultimately we are going to try and develop regulations that meet no net loss but meets the citizen's needs too. It is important to understand that the feeder bluffs have a function. The bluffs are an important source of sediment for the beaches.
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- Q. In relation to budget, does the City have the money to complete this study?

- A. Yes, the consultant is being paid with a State grant that covers the 2-year life of this project. Additionally, this project is in the City budget.
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- Comment: There was an article in the paper about Nichols Brothers coming to Oak Harbor. It would seem that would be an important aspect of our work to plan for the possibility of Nichols Bros. locating here.
- A. The SMA is on your side because it says that water-dependent uses are a preferred use in the shoreline. It's definitely something we will want to make sure we accommodate going forward in the future.
- Comment: We want to make sure Nichols Bros. addresses the impacts and the requirements in the plan. Permitting private development on Navy land is something that's new for the Navy. The shoreline planning effort is a great opportunity to discuss planning issues as relates to Nichols Bros.

Agenda Item V. Visioning Workshop and Shoreline Issues Discussion - Gabe Snedeker, Consulting Planner.

Staff informed committee members that a public visioning workshop would be held at the library on July 20, 2011. The workshop will give an opportunity for members of the public to engage in the shoreline planning effort. Topics discussed will include property owner concerns, management of the shoreline, public access and recreation plans, restoration opportunities, and shoreline use and environmental designations. Committee members were invited to attend.

Q. (from consultant): Does the committee have particular areas of concern in regards to shoreline planning that they would like to see addressed?

Particular Issues of Concern:

- It's a balancing act. We want to preserve the environment while allowing for development at the same time. The State's framework will help us do that. Our job is well-defined.
- Would like to see development of multi-family projects close to the waterfront addressed as an issue. The City made an error early on without knowing what we were doing. I would like to see multifamily restricted in the future. Gabe - It would definitely be more difficult to permit that type of development in the future.
- Municipal dock at Flintsonte park. Is this a "pie in the sky dream." Steve Powers – It's a matter of funding which is the larger challenge. The right set of circumstances has not yet arisen.
- Water quality is important. Marina should get the "Clean Marina Certification" which ensures that the processes of the Marina are not degrading the water quality.
- Coordinated solutions for management of the Scenic Heights bluffs should be looked at. Gabe - DOE has specific and more restrictive requirements about new bulkheads and replacing bulkheads. Applicants are required to demonstrate the need for a bulkhead and to use soft armoring instead of hard armoring.

Committee members will receive an e-mail regarding when the next meeting is scheduled.

Meeting adjourned at 7:30pm.