# Oak Harbor
# Shoreline Master Program Update
# Public Participation Plan

November 30, 2010

# I. Introduction

## A. Purpose of the Public Participation Plan

The purpose of this document is to guide the public participation process for the City of Oak Harbor Shoreline Master Program Update. Background on the Shoreline Management Act (SMA) and the public participation requirements for Shoreline Master Programs (SMP) are included to provide context for this effort. The Public Participation Plan identifies outreach objectives, roles and responsibilities, a strategy for maximizing public participation and input, stakeholders to engage and the various public involvement methods and techniques that will be used. A tentative schedule of public involvement opportunities is also included.

The purpose of the public participation effort is to achieve specific desired outcomes, including:

- Broad participation of all interested groups and individuals regardless of point of view,
- Public meetings and outreach designed for interested parties to listen and learn from one another,
- A transparent process which clearly documents all input, and
- All participants feel that their viewpoints were heard, even if specific views may not be reflected in the outcomes.

## B. Shoreline Management Act (SMA) and Shoreline Master Program (SMP) Background

In 1971 the State Legislature passed Washington's Shoreline Management Act (SMA) and it was adopted by the public in a 1972 referendum. Shoreline use and development is governed by the SMA and the primary goals of the SMA are to balance responsible shoreline development with environmental protection and public access. Under the SMA, each city and county with "shorelines of the state" must develop and adopt its own shoreline master program to regulate local shoreline use and development. "Shorelines of the state" generally refers to rivers, larger lakes and marine waterfronts along with their associated shorelands, wetlands and floodplains.

Washington State's Shoreline Management Act (SMA) requires jurisdictions that contain "shorelines of the state" within their boundaries to periodically update their Shoreline Master Programs (SMPs). The City of Oak Harbor is beginning the SMP update process and is expected to complete the update by December 2012.

The City's SMP was last updated in 1999. The Department of Ecology (Ecology) adopted updated SMP Guidelines in 2003, as part of the regulations contained in the Washington Administrative Code (WAC). These requirements are contained in Chapter 173-26 WAC. Cities and counties across the state (about 250 in all) must update their local SMPs to meet the new 2003 Guidelines.

The City of Oak Harbor has approximately twelve and a half (12.5) miles of shoreline, as well as associated wetlands (e.g. Freund Marsh, Crescent Marsh, etc.) within its shoreline management jurisdiction. Approximately ten (10) miles of this shoreline is under federal ownership, i.e. Naval Air Station (NAS) Whidbey.

The SMA and the new SMP Guidelines establish basic policy requirements that all SMPs must address, including:

- Protect ecological function and achieve "no net loss of ecological functions necessary to sustain shoreline natural resources",
- Preserve and enhance public access,
- Plan for and foster "all reasonable and appropriate uses",
- Give preference to uses that are dependent on and related to shoreline locations,
- Plan for restoration of ecological functions where they have been impaired, and
- Encourage public input in decision making.

The SMP update process involves a number of steps that must be completed before the SMP is ready for local and state adoption. These steps should be completed in sequence and include:

- Inventory, analysis and characterization of shoreline conditions,
- Establishment of shoreline environments and associated policies and regulations,
- Development of a restoration plan,
- Assessment of cumulative impacts, and
- Local and state adoption.

One of the key aspects in developing any SMP, as set forth by RCW 90.58.130, is the requirement for public involvement and participation in the process.

- Ecology Guidelines require that public participation begin at the beginning of the initial phase of the SMP update planning process and continue through adoption.
- Local governments are required to "make reasonable efforts to inform the people of the state" and "not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs".
- Furthermore, local governments are required to invite and encourage participation by all agencies of federal, state and local government.
- Of particular importance in Oak Harbor is the need to coordinate with the Navy, who owns and manages approximately 10 of the 12.5 miles of shorelines in Oak Harbor.

## II. Public Participation Plan Objectives

The overall goal of the public participation plan is to build support for timely adoption of a high quality Shoreline Master Program that meets the following objectives:

- Meets state law;
- Educates the public about shoreline conditions, the Shoreline Management Act and the Oak Harbor Shoreline Master Program;
- Nurtures a culture of shoreline stewardship in as many stakeholders as possible;
- Gains the informed consent of as many stakeholders and decision makers as possible;
- Reflect the unique local characteristics of Oak Harbor and its citizens;
- Harness the energies and knowledge of a broad range of stakeholders to ensure issues and concerns are understood, considered and incorporated into the outcomes wherever possible; and
- Builds upon the experiences, observations and suggestions of a wide range of local, state federal and tribal governments and agencies.

# III. Roles and Responsibilities

## A. City Staff

The City of Oak Harbor and its consultant team are responsible for all aspects of the SMP update (collectively referred to as City Staff in this document). Staff will manage the SMP Update process, compile required inventory and analysis information, develop draft policies and regulations for consideration by Planning Commission and the City Council and conduct required environmental review. The work of Staff also includes, but is not limited to:

- Project management,
- Documenting and keeping records,
- Fulfilling SMP process requirements,
- Informing decision makers of SMP legal requirements,
- Coordinating with Department of Ecology (Ecology),
- Directing the work of consultants,
- Coordinating public outreach and involvement with consultant assistance,
- Addressing and integrating public input in a transparent manner,
- Working with the Shoreline Advisory Committee (SAC), and
- Apprising the Planning Commission, City Council and interested parties of project progress and key policy and regulatory decisions.

The primary City Staff contact for the Oak Harbor SMP Update is:

Ethan Spoo, AICP
Senior Planner
City of Oak Harbor
865 SE Barrington Drive
Oak Harbor, WA 98277
(360)279-4513
Fax: (360)279-4519
espoo@oakharbor.org

## B. Planning Commission and City Council

The Planning Commission will review proposed SMP policies and regulations and provide a recommendation to the City Council. City Staff will take key policy and regulatory decisions to the Planning Commission in phases, prior to review of and recommendation on the entire document. The City Council will review proposed SMP policies and regulations, consider the recommendation of the Planning Commission and make the final decision on the SMP.

## C. Washington State Department of Ecology (Ecology)

Ecology will act in a support and review capacity and must approve changes to the shoreline master program. State law establishes a cooperative program of shoreline management between local government and the state. The Shoreline Management Act authorizes and directs Ecology to adopt guidelines for the development of Local Shoreline Master Programs. In keeping with the

relationship between state and local governments prescribed in the Act, the Guidelines have three specific purposes:

- To assist local governments in developing master programs;
- To serve as standards for the regulation of shoreline development in the absence of a master program along with the policy and provisions of the Act and,
- To be used along with the policy of RCW 90.58.020, as criteria for state review of local master programs under RCW 90.58.090.

Each local government approves its program after a public review and comment period. The local government then sends the shoreline master program to Ecology, who reviews it for consistency with The Guidelines. Ecology must approve the locally approved and submitted master program, before it takes effect. To ensure respect for private property rights, local and state legal authorities are required to review a shoreline program before formal adoption.

The primary Department of Ecology staff member assigned to provide guidance and feedback for the Oak Harbor SMP Update is:

David Pater
SEA Program, N.W. Regional Office
Washington State Department of Ecology
3190 160th Avenue S.E.
Bellevue, WA 98008-5452
(425) 649-4253
David.Pater@ecy.wa.gov

## D. Shoreline Advisory Committee

A temporary Shoreline Advisory Committee (SAC) will be established to provide input on the SMP. The SAC will be comprised of various stakeholders representing a range of interests, including representatives from the Planning Commission, Park Board, Marina Advisory Committee, property rights and environmental conservation interests. The role of the SAC will be to review SMP documents, particularly proposed policies, environment designations and regulations, and provide feedback in a series of meetings. Staff and the Consultants will consider this input and revise the SMP as necessary to address identified concerns. The SAC does not have a formal role in decision making. The intent is for City Staff to get focused input from a range of stakeholders to create a balanced SMP that reflects the community vision for Oak Harbor and the requirements of state law.

## E. Consultant

The Consultant will develop the SMP according to the Ecology Guidelines and direction provided by City Staff. Under the oversight of City Staff, the Consultant will help design and execute the public involvement program, including Shoreline Advisory Committee meetings, public workshops and open houses. The Consultant will assist with communication materials, develop presentations and lead workshops with the help of City Staff.

## IV. Guiding Principles

The following are a list of guiding principles that will direct the public participation process for updating the shoreline master program:

1. Communicate the purpose, scope, and objectives of the shoreline master program at the start and throughout the duration of the update process (i.e.: schedule, decision milestones, progress, and involvement opportunities).

2. Conduct public involvement consistent with the goals and policies of the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and consistent with transparent and open government.

3. Seek out and use input from local stakeholders about opportunities and problems whenever possible rather than solely relying on the opinions of "experts".

4. Define and effectively communicate the roles and interests of all participants.

5. Keep all written communication clear, concise, objective and free of technical jargon.

6. Use the City's website, City mailings and newsletters, and other media to provide and distribute general information to the public.

7. Communicate and distribute information/feedback regularly to participants, and at intervals to interested/affected parties. Follow-up would occur by:

    - Informing affected/ interested parties of outcomes;
    - Continuously evaluate the process to identify successes and shortcomings, and communicate results to participants; and
    - Evaluating the public participation process for effectiveness on community relationships and on perceptions of effectiveness of the process.

8. Use community resources and energies effectively and efficiently, and consider the relative cost-effectiveness of alternative techniques to achieve objectives.

## V. Key Stakeholders

Key parties to engage during the Shoreline Master Program update include the following:

- Shoreline Advisory Committee (SAC)
- Shoreline property owners
- United States Navy
- Swinomish Indian Tribal Community
- Lummi Indian Business Council
- The Tulalip Tribes
- Island County Marine Resources Committee (MRC)
- Island County Water Resources Committee (WRAC)
- Island County Salmon Technical Advisory Committee (TAG)

- Oak Harbor City Council
- Oak Harbor Planning Commission
- Oak Harbor Park Board
- Oak Harbor Marina Advisory Committee
- Oak Harbor Marina Customers
- Oak Harbor City Staff, including but not limited to Mayor, Parks, Public Works, Development Services and the Harbormaster
- Local dock and shoreline contractors
- Local residents and park users
- Whidbey Island Eco Net
- League of Women Voters
- State agencies, including Ecology, Fish and Wildlife and Department of Natural Resources
- Neighboring jurisdictions (e.g. Island County, especially their shoreline planner)

The City will contact all of the groups listed above, but will engage certain stakeholder groups to greater or lesser degrees based on their demonstrated level of interest and involvement. The City will also use different methods to engage different groups. For example:

- The Shoreline Advisory Committee will meet periodically throughout the project to review draft SMP documents.
- Shoreline property owners will be a particular focus for outreach because the regulations directly impact their property interest.
- The Navy will be contacted early in the process to obtain inventory information and will be briefed periodically by City Staff on the progress of the SMP update.
- Tribes will be contacted individually, issues regarding resource management will be highlighted and care will be taken to respect their status as sovereign nations.
- The City will contact resource and technical committees to solicit inventory information, and, as necessary, will brief them on the project and get direct feedback on the Draft SMP.
- The Planning Commission and City Council will receive periodic briefings during their scheduled meetings and play formal roles in the adoption process (i.e. recommendation and decision roles, respectively).
- Some events, such as the Visioning Workshop and Open House, will be broadly advertised to encourage participation by all interested parties.
- Other events, such as the briefing of particular committees or issue oriented meetings with specific groups, will be open to the public but will be focused on engaging that particular group.
- City residents and all interested parties will be encouraged to participate through broad mailings, city newsletters, notices posted in the parks and/or other noticing methods.
- Environmental groups will be contacted during the inventory stage and again during the development of the Draft SMP and will be encouraged to comment on proposed policies and regulations, as well as restoration opportunities.
- Island County will be contacted to ensure coordination between their SMP and the Oak Harbor SMP.
- The City will work closely with state agencies, particularly Ecology, to obtain information for the inventory and solicit comments on the draft SMP.
- Within the constraints of time and budget, City Staff will respond to requests to engage specific parties that would like to be more involved or are not otherwise mentioned above.

# VI. Key Challenges and Opportunities

1. Help the public understand the purpose of the shoreline master program, the regulations behind the update process, the science behind the regulations and how these relate to Oak Harbor's citizens (i.e. promote public access and enjoyment of the water environment, promote water dependent uses, protect shoreline functions, etc).

2. Recognize the unique needs of and value to the update process of specific shoreline interest groups in Oak Harbor, including bluff residential property owners, the Navy, and the City itself. Issue-specific meetings can be used to address the interests of individual groups, while public meetings at the Planning Commission and City Council are recommended for issues of a city-wide nature.

3. Recognize that Oak Harbor's shoreline is already mostly developed. The majority of future shoreline permits are likely to be for exemptions, repair, and maintenance work to existing structures and facilities within the shoreline. Public participation events should be designed with this context in mind.

4. Conduct broad outreach efforts as well as targeted efforts to attract specific shoreline stakeholders and groups. Thus, the public participation plan should include public meetings open to all, as well as issue-specific meetings.

5. Sustain the participation of interested parties throughout the extended two year update process mandated by the Department of Ecology grant funding requirements. Frequent updates to Planning Commission, City Council and the general public through a variety of methods (mail, website, public meetings, etc.) are recommended.

# VII. Public Participation Methods and General Description

## A. Methods and Tools

Based on the identification and description of key stakeholders in section V above, the following public participation methods and tools will be used as part of the SMP Update process:

1. **Shoreline Advisory Committee**: (Composed of members from the Planning Commission, Park Board, Marina Advisory Committee, specific interest groups and other stakeholders whose purpose is to work with City staff by making informal policy and regulatory recommendations through a series of public meetings.)

   Advantages:
   - ✓ Excellent for discussions on criteria or analysis of alternatives
   - ✓ Ability to draw on other members to answer difficult questions
   - ✓ Can provide a variety of different viewpoints based on the make-up of the committee
   - ✓ Builds credibility with key stakeholders
   - ✓ Maximizes feedback from participants
   - ✓ Good forum for achieving informed consent

   Possible drawbacks:

- ✓ Certain members may dominate group discussion
- ✓ Viewpoints of the committee may not always reflect wider interests
- ✓ Care must be taken to make sure members are a good reflection of the community as a whole
- ✓ Active facilitation is necessary

2. **Public Meetings/ Workshops:**

   Advantages:
   - ✓ Excellent for discussion on criteria or analysis of alternatives
   - ✓ Fosters small group or one-to-one communication
   - ✓ Ability to draw on other team members to answer difficult questions
   - ✓ Builds credibility
   - ✓ Maximizes feedback from a variety of participants
   - ✓ Fosters public ownership in solving problems

   Possible drawbacks:
   - ✓ Several small-group facilitators may be necessary
   - ✓ Difficult forum for achieving informed consent

3. **Issue Specific/Group Specific Meetings**:

   Advantages:
   - ✓ Targets specific issues of concern
   - ✓ Targets specific groups that are particularly interest in the SMP Update
   - ✓ Offers additional details on various subjects
   - ✓ Provides a focused forum for achieving informed consent

   Possible drawbacks:
   - ✓ Resource intensive – costs and time
   - ✓ Need to combine with broader outreach to ensure we address concerns of all stakeholders

4. **Outreach Via Electronic Network**:

   Advantages:
   - ✓ Offers additional details on various subjects
   - ✓ Reaches out to a broader audience
   - ✓ Allows input to be provided at the participants convenience

   Possible drawbacks:
   - ✓ Resource intensive – costs and time
   - ✓ Requires extra steps towards notifying the public
   - ✓ Not everyone has computer access

## B. Summary of Participation Methods and Sequence

Initial public outreach will begin with the notification of affected agencies, adjacent jurisdictions, tribes and other parties that may have useful technical information for the inventory and analysis.

Broader public notification will occur in advance of the first public workshop on Shoreline Visioning. Information on state SMP requirements and the draft inventory and characterization report will be shared during the public workshop and key management issues will be identified.

A Shoreline Advisory Committee will be identified and formed to provide focused input on the entire draft SMP as it is formed. At least two issue and group specific forums will be held to ensure key stakeholders are reached. Periodic briefings of the City Council will occur as well as project updates on the City website. Draft SMP documents will be posted on the website so they are available to the public. A public open house will be held prior to the Draft SMP going to the Planning Commission and City Council for review, public hearings and ultimately, adoption. Please see the detailed description and schedule of public participation opportunities in the next section.

# VIII. Opportunities for Public Input: Description and Schedule

## A. Phase 1: Preliminary Assessment and Inventory of Shorelines

1. Notify state agencies and affected tribes (early October 2010)
    a. The Consultant, with assistance from City Staff, will create mailing list that includes agencies, tribes, affected jurisdictions and others that may have technical information relevant to the shoreline inventory and characterization.
    b. The Consultant will craft and City Staff will mail a letter requesting all available and relevant information.

2. Introduce project and public participation plan to City Council members in committee meetings (early November 2010)
    a. City Staff will prepare a project process and timeline summary for the members of the Public Works and Governmental Services standing committees.
    b. Staff will introduce project to committee members, define state requirements and the scope of local influence, and present the public participation plan.
    c. If committee members request revisions, the Consultant will amend the document and City Staff will send it to Ecology for approval.

## B. Phase 2: Shoreline Analysis and Characterization

1. Notify public about initiation of Shoreline Master Program Update Process (January – February 2011)
    a. City Staff will provide project information on the City's website, the newspaper, city hall and potentially in other key locations to inform the general/larger public.
    b. Staff, with Consultant input, will identify how we intend to reach property owners and residents (e.g. tax record mailing addresses of properties within 300 feet of the shoreline jurisdiction, advertisements in the local paper, utility billing mailings, etc.).
    c. City Staff will send an informational mailing to all property owners within the shoreline jurisdictional area.
    d. City Staff will request volunteers for participation on the Shoreline Advisory Committee.

e. City Staff will notify other interested parties based on the methods identified in tasks above.

2. Establish a Shoreline Advisory Committee (March-early April 2011)
    a. All tasks listed below are performed by City Staff with input from the Consultant.
    b. Identify and contact interested parties, members of the Planning Commission, Park Board, Marina Advisory Committee, shoreline property owners, members of local marine and water resources advisory committees, environmental groups and other stakeholders that represent the range of interests and expertise found in the City for membership on the Shoreline Advisory Committee. Plans currently call for a Shoreline Advisory Committee of 7-9 members.
    c. Include a clear statement of the required commitment, timeline and project process for inclusion in the mailing to prospective Shoreline Advisory Committee members.
    d. If we encounter difficulty identifying Shoreline Advisory Committee members, work with City Council members to encourage participation or consider using additional Planning Commission, Marina Advisory Committee, and/or Park Board members.

3. Shoreline Advisory Committee Meeting #1– Establish common base of knowledge – Shoreline Analysis and Characterization (late April – May 2011)
    a. The Consultant will lead the SAC meeting with assistance from City Staff.
    b. Review project objectives, scope and opportunities for stakeholder influence.
    c. Share scientific information that has been collected through shoreline analysis and characterization reports and maps.
    d. Provide an opportunity for committee to provide anecdotal information and first-hand knowledge of habitat features, history, opportunities and problems.
    e. Share photos of near-shore conditions, educate about related ecological functions and obtain input on shoreline opportunities.
    f. Bring in outside speakers (Ecology, NOAA Fisheries, Marine Resources Committee, etc. for possible speakers).
    g. Identify shoreline management issues of local concern.
    h. Incorporate AC input into draft Shoreline Analysis and Characterization Report.

4. Update to City Council/Planning Commission/Park Board/Marina Advisory Committee (late May 2011)
    a. City Staff will update these entities during their regular meeting(s).
    b. Consultant will assist by providing updated progress reports via email.

## C. Phase 3: Shoreline Policy, Environmental Designation, and Regulation Development

1. Website Project Update (early June 2011)
    a. City Staff will update the website; the Consultant will provide input as necessary.
    b. Post project update, including a copy of the Shoreline Analysis and Characterization Report after review by Ecology and revision by the City.
    c. Consider issuing a broader news release on the project status.

2. Visioning Workshop #1 (June 2011)
    a. The Consultant will lead the workshop with assistance from City Staff.

b. Advertise and hold a public open house to explain the update process.
c. Clearly identify the role of the SMA, scope of state requirements and local influence.
d. Share information from the Draft Shoreline Inventory and Characterization Report, including maps and key findings.
e. Provide education on shoreline functions, impacts and preferred uses.
f. Seek public input on shoreline conditions, issues and opportunities.
g. Seek input on vision for public access and recreation, resource protection and restoration and demand for water related uses

3. Shoreline Advisory Committee Meeting #2 and #3 – Review and Discuss proposed changes to Shoreline Environmental Designations and General Goals and Policies (August 2011)
    a. The Consultant will lead the SAC meeting with assistance from City Staff.
    b. Review and discuss proposed general SMP policies and regulations.
    c. Review and discuss proposed environmental designations.
    d. Explore and document stakeholders' views about specific possible changes to the SMP.

4. Update to City Council/Planning Commission (early September 2011)
    a. City Staff will update these entities during their regular meeting(s).
    b. Consultant will assist by providing updated progress reports via email.

5. Issue Meeting #1 – Topic To Be Determined (early September 2011)
    a. City Staff and the Consultant will conduct the meeting.
    b. Potential topics include key issues of concern for residential property owners.
    c. A separate meeting could focus on shoreline stabilization requirements, e.g. for marine bluff property owners.

6. Shoreline Advisory Committee Meeting #4 and #5 – Review and Discuss Proposed Changes to Specific Shoreline Use and Modification Polices, Regulations and Standards (late September/early October 2011)
    a. The Consultant will lead the SAC meeting with assistance from City Staff.
    b. Review and discuss proposed shoreline use and modification activity goals and policies by environmental designation.
    c. Review and discuss proposed permitted and prohibited uses by environmental designation.
    d. Review and discuss bulk dimensional standards (buffers, setbacks, density, etc.) by environmental designation.
    e. Review and discuss standards for shoreline stabilization, overwater structures, dredging and other modifications.

7. Shoreline Advisory Committee Meeting #6– Review and Discuss Complete Draft SMP and Preliminary Cumulative Impacts Analysis (November 2011)
    a. The Consultant will lead the SAC meeting with assistance from City Staff.
    b. Review and discuss the complete Draft SMP.
    c. Review and discuss preliminary cumulative impacts analysis.
    d. Review no net loss findings and potential changes to the SMP resulting from the analysis.

8. City Council /Planning Commission/Park Board/Marina Advisory Committee Update (January 2012)

a. City Staff will update these entities during their regular meeting(s).
b. Consultant will assist by providing an updated progress report via email.
c. City Staff will provide a brief update to City Council members on the input received from the Shoreline Advisory Committee.

9. Issue Meeting #2 – Topic To Be Determined (early February 2012)
    a. City Staff and the Consultant will conduct the meeting.
    b. Potential options include key restoration priorities, explaining and refining stabilization standards or other concerns.
    c. Could include outreach to a specific group about proposed draft SMP standards rather than a specific issue.

## D. Phase 4: Restoration Planning and Revisit Phase 3 Products as Necessary

1. News Release and Project Update (late February 2012)
    a. City Staff will post the revised Draft SMP and Preliminary Cumulative Impacts Analysis on the website for public review.
    b. City Staff will issue public notice and post website project update describing the upcoming work on the Draft Restoration Plan.

2. Public Open House (March 2012)
    a. City staff and the Consultant will produce the public open house.
    b. Provide an opportunity for community members to provide additional comments on the Draft SMP before the adoption phase.
    c. Present key concepts of the Draft Restoration Plan at the meeting.
    d. Identify areas for refinement of Restoration Plan prior to going to the Planning Commission.

3. Complete all revisions to SMP documents based on additional analysis and public input received to date (July 2012)
    a. Consultant completes edits, with review by City Staff.

4. Update to City Council/Planning Commission/Park Board/Marina Advisory Committee (late July)
    a. City Staff will provide updates to these entities during their regular meetings.
    b. Consultant will assist by providing an updated progress report via email.

## E. Phase 5: Shoreline Master Program Adoption Process

1. News Release and Project Update (August 2012)
    a. City Staff will issue a news release and post a website project update describing the timeline for the Planning Commission and City Council adoption process.

2. Series of study sessions and public hearings held by the Oak Harbor Planning Commission and City Council. Draft is approved by City and sent to Department of Ecology by December 1, 2012. City Staff will lead the adoption process with assistance by the Consultant.

3. Following City Council action, distribute to stakeholders the City Council's response to input and any final Department of Ecology comments and revisions prior to final adoption.