

**SHORELINE ADVISORY COMMITTEE
SUMMARY MEETING NOTES FOR MEETING #6
CITY HALL – CONFERENCE ROOM
February 15, 2012**

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

Agenda Item I – Welcome and Introductions

Agenda Item II - Public Comment:

Mr. Spoo addressed a question posed by Mr. Carl Freund at the January committee meeting. Mr. Freund's question concerned the ability to develop an RV Park on the vacant property zoned R-2 north of Beekma Drive. Mr. Spoo indicated there was uncertainty as to the mapped extent of shoreline jurisdiction on the property due to the availability of wetland data. If wetland is not present, then property is not in Shoreline jurisdiction and the SMP would not apply additional limits to the Freund property. If wetland is on property, then the City's critical area ordinance would prohibit an RV Park from being developed on property regardless. Either way, the SMP will not impose additional restrictions on the property.

Mr. Freund mentioned that a wetland study had already been completed for the property. Mr. Snedeker explained that the wetland study has not been digitized and thus could not be used as part of the inventory. Mr. Snedeker reiterated that the extent of shoreline jurisdiction is determined by the edge of wetland, not by the jurisdiction map; if information can be presented showing there is no wetland on the property, then it falls out of Shoreline jurisdiction.

Mr. Freund requested that dike repair and maintenance be accommodated in the SMP.

Harvey Herrigstad asked if stabilization would be discussed. Mr. Spoo confirmed stabilization was tonight's topic.

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

The following change was made to Chapter 2:

- Urban Public Facility Environment of Chapter 2, Regulation c. was reworded to address the designation issue for Mr. Freund's property. More work is necessary.

The following changes were made to Chapter 3:

- Public Access, Regulation 23a. was reworded to call out impervious surface as an administrative change which could be made to accommodate views.
- Vegetation Conservation, Regulation c3. was reworded to specify a range of water-oriented uses in setback 2.

The following changes were made to Chapter 4:

- TABLE 1 – Summary of Shoreline Development Standards was changed to allow ferry terminals in Maritime and Aquatic designations and to clarify further between primary utilities versus distribution.

- TABLE 2, Summary of Shoreline Development Standards was changed to distinguish between impervious limits in zones 1 and 2 of the setback.

Mr. Almberg was concerned that the archaeological standards requiring a survey for properties within 500 feet of a archaeological resource meant that shoreline jurisdiction would be expanded. Mr. Snedeker said that there is no connection between archaeology and shoreline jurisdiction.

Mr. Almberg asked if there were height averaging provisions similar to the setback averaging provisions. Mr. Snedeker said that the 35-foot height limit cannot be exceeded, unless a variance is applied for.

Ms. Meyer asked about what the SMP says about repairing the breakwater by the Navy's fuel pier. Mr. Snedeker said he did not believe there was anything in the SMP preventing repair. Additionally, the breakwater is on Navy land and is not subject to the SMP.

Agenda Item IV - Discussion of Chapter 5, Shoreline Modifications, including bulkheads, docks, piers, dredging, etc.

Mr. Snedeker started the discussion by giving examples of shoreline modifications: bulkheads, beach re-grading, docks, piers, fill, dredge, armoring. The focus is on the land/water interface and over water. Mr. Spoo noted that usually anything to prepare a site for a use is a shoreline modification.

Mr. Snedeker: the State's preference is for no armoring, but where stabilization is necessary to protect structures or uses the guidelines promote soft armoring approaches. In most cases you need to demonstrate why the chosen approach is the least impactful to the shoreline.

Mr. Snedeker showed example armoring pictures including: beach re-grading, beach coves, setting back bulkheads, log installation, vegetated buffers, slope bioengineering (see attached Powerpoint Presentation).

Mr. Almberg asked how "fish mix" beach enhancements stand up to wave/tide energy. Mr. Snedeker said cobbles help provide resistance to erosion. Mr. Spoo noted occasional maintenance is required.

Mr. Almberg used habitat mix at the Marina beach completed as mitigation for dredging as an example. If you have to constantly add mix, it's not a natural setting. Why are we adding more soil, if you have to dredge it back out?

Mr. Snedeker said that he could not comment on that specific project, but said he was talking about shoreline stabilization not simply mitigation.

Mr. Powers asked Mr. Snedeker about frequency of maintenance for the Marina mitigation areas. Mr. Snedeker said that it is based on the wave energy in that area. It could vary depending on location in a back bay, point, or spit.

Mr. Pater noted that any of the projects are going to be engineered by geologists/hydrologists to fit the situation best and address property owner concerns. Stabilizations have to be judged on a case-by-case basis.

Mr. Snedeker added that he is seeing allot of low walls setback from the ordinary high with soft stabilization measures in front of it. He is not seeing a lot of pure soft approaches outside of public parks. Mr. Snedeker referred the Committee to the "Green Shorelines document produced by the City

of Seattle. Mr. Snedeker said that it does a good job breaking up the components that need to be considered.

Mr. Spoo asked about costs of soft stabilization. Mr. Snedeker said costs vary based on necessary maintenance and repair. Generally, construction costs are less, but maintenance costs are higher. Stabilization approaches designed to respond to dynamic wave processes can save costs. The Guidelines are predicated on setting development back from the water's edge and are geared toward discouraging new hard stabilization structures.

Mr. Freund gave some history about the bay. He said that his family maintained the dike by piling up driftwood. When the Navy came with the seaplanes, they burned all the driftwood along the beaches except for his grandfather's land because his grandfather challenged the Navy through the courts.

Mr. Snedeker noted that there are different rules for new structural stabilization than there are for repair/replacement. New stabilization is only allowed where needed to protect an existing primary structure for erosion over a three year period. A geotechnical analysis is required to demonstrate that you are using the least impactful approach. Replacement is allowed where necessary to protect a structure or a use. The draft SMP accommodates minor/maintenance repairs without quite as much cost and analysis. More permissive maintenance/repair applies to flood control structures such as are in Freund Marsh.

Mr. Spoo asked how soft stabilization applies to Scenic Heights Bluff. Mr. Snedeker said that the bluff is tricky and a fundamentally dynamic environment. The same principles apply. If you can demonstrate a necessity to protect a structure, then hard stabilization can be considered. For the Residential Bluff Conservancy, draft SMP says bulkheads are require a conditional use permit.

Mr. Almborg asked for more information about the conditional use concept. Mr. Snedeker recited the conditional use criteria from Chapter 6 of the document.

Mr. Spoo asked why it was necessary to do a thorough alternatives analysis for a bluff environment where it seems obvious hard armoring is necessary? Mr. Pater said that they have seen soft stabilization on bluffs where logs are used.

Ms. Chatfield-Weeks asked if the county would take care of the stabilization or would the property owner? Mr. Snedeker said the property owner usually would unless it was a public property.

There were questions about the conditional use permit cost, approval time and whether a public hearing would be required. Mr. Spoo said that the cost is the same as a shoreline substantial development permit (SDP). The conditional use permit process could add 6 -8 weeks to the project, depending on whether a public hearing is required. Mr. Powers said that he would like the committee's direction on the conditional use permit process. Mr. Spoo said that Committee comments on Chapter 5 would be taken at the next meeting.

Mr. Snedeker referred the Committee to Chapter 5, Section C.2.b "New or Enlarged Structural Shoreline Stabilization" which requires a geotechnical analysis demonstrating a primary structure is in danger from erosion within a 3-year timeframe before hard stabilization can be approved.

Ms. Meyers asked if a structure failed to the point of disappearing would replacing what originally existed be treated as replacement or enlargement? Mr. Snedeker information about the original structure size could be taken into account when distinguishing replacements from enlargements.

Ms. Meyers asked if Nichols Brothers would be required to go through a conditional use permit? Ms. Meyers said that she wasn't entirely sure what kind of facilities Nichols Brothers would need to build and launch boats, but wanted to raise the issue. Mr. Snedeker said from a no net loss perspective, that area has already been impacted with hard armoring.

Mr. Spoo said one thing that should be taken from the shoreline stabilization discussion is that the guidelines are prescriptive on shoreline stabilization and are different than the existing SMP. Mr. Snedeker added that he was trying to define some areas of local flexibility.

Mr. AlMBERG pointed out that there were a lot of references to structures and asked about existing undeveloped land and whether you should be able to protect land. Mr. Snedeker said the Guidelines talk about protecting "uses and structures" not land. Mr. Snedeker added that flood control is different, we have greater flexibility to protect land in that case.

Mr. Spoo asked if there was language in the SMP about flood structures. Mr. Snedeker said that will need to be included in the draft SMP. The existing flood ordinance may suffice. Mr. Pater asked if the flood hazard code was part of the Critical Areas Ordinance or whether it was a separate code. Mr. Spoo said it was a separate code.

Mr. AlMBERG asked for clarification about the meaning of section C.1.c.5. Mr. Snedeker explained that when a structure is more than 10 feet away, there is a streamlined process for hard stabilization when the structure is already in harm's way.

Mr. AlMBERG asked about C.1.c.8 and consultant's obligation to pay for 3rd party review. Mr. AlMBERG thought that the statement said that the City selected the consultant for the applicant to use. Mr. Powers explained that the applicant hires their own consultant but the City may choose to hire someone to review the applicant's consultant's work. The City doesn't always have the in-house expertise to review what is being submitted. When talking about geotechnical studies or designs for piers or docks we are outside our arena of expertise and won't be able to adequately determine if the rules are being followed and whether we should issue the permit.

Mr. Snedeker said that the intent was to make this an as needed requirement. If we are worried about the language, we can change 8.d. to say "As necessary, a fee may be required by the City to review the shoreline stabilization plan." The Committee agreed with the change.

Discussion moved to piers and docks. Mr. Snedeker explained that the current code places few restrictions on the location of docks and piers. Staff doesn't believe there is a market demand for these structures along residential portions of the shoreline due to shallow depths. At this point we are saying piers and docks are permitted in the Marina (both sides of the Maritime designation), a conditional use in the urban mixed use designation (in front of the condos and homes). Mr. Spoo suggested adding a note for Urban Public Facilities that piers and docks would not be allowed at Windjammer Park but would be allowed at Flintstone Park.

Most of the SMP language pertains to private docks and little that pertains to public docks and marinas. Marinas need more flexibility because there is greater development. We have tried to be more flexible with marina standards because DNR and the Corp also regulate marina construction. There are some specific provisions in the "Boating Facilities" section targeted at marinas. For private docks draft language says 6 feet in width for the ramp. There are certain dimensions for floats, which are more flexible for a public pier. Commercial and industrial have even more flexibility for piers. Gabe asked the committee to read through the pier and dock standards and be sure to distinguish when it is talking about piers versus public marinas. Staff might reorganize for clarity.

Mr. Pater asked if we were mainly dealing with redevelopment of the marina and not expansion. Mr. Powers said that there is expansion and there is a redevelopment program that was adopted by the Council in 2006 which looks at adding a new dock as part of the existing facility but it also envisioned rebuilding it from the ground up so to speak. The marina is 40 years old.

Mr. Snedeker continued reviewing shoreline modification activities in Chapter 5, Table 3. Boat ramps are not permitted on private land due to depth and would require dredging where a pier would make more sense. In the Maritime zone there is maximum flexibility. Draft does not allow for recreational floats due to lack of demand.

Agenda Item V - Discussion of Chapter 6 and 7 (Including Nonconforming Development and other Sections As Determined by Committee Interest)

These Chapters will be covered in the next meeting.

Agenda Item V - Meeting Schedule and Next Steps

At the next meeting, staff will take Committee questions on Chapter 5 and then start looking at Chapter 6 which is the last substantial piece of the document.

Mr. Snedeker encouraged the Committee to look at the “Non-conforming Development” section in Chapter 6. That is one area that can be tailored to local circumstances/preferences.

Next Meeting
March 7, 2012

Meeting adjourned at 7:00 p.m.

DRAFT

WAC 173-26-231(3)(a)

“Shoreline stabilization includes actions taken to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as current, flood, tides, wind or wave action. These actions include structural and nonstructural methods.”



Image courtesy of WA Department of Ecology

“Hard” structural stabilization measures refer to those with solid, hard surfaces, such as concrete bulkheads...



Image courtesy of The Watershed Company

...while “soft” structural measures rely on less rigid materials, such as biotechnical vegetation measures or beach enhancement.













Frye Cove Bulkhead Restoration, Hood Canal



Sea Wall Removal Project, Seahurst Park, Burien
Image courtesy of WA Department of Ecology



Image courtesy of The Watershed Company

Bulkhead Removal, San Juan County



Before



After

Images courtesy of Friends of the San Juans



Image courtesy of StormSmart Coasts Network



