

Policy Group  
Approved Meeting Summary  
April 17<sup>th</sup>  
Key Bank, Friday Harbor

In attendance:

Lovel Pratt	Tom Cowan	David Roberts
Stephanie BF	Peter Kilpatrick	Bob Fritzen
Lincoln Bormann	Jonathan White	Patty Miller
Mary Riveland	Susan Key	Lisa Byers

Decisions:

1. March 6<sup>th</sup> meeting summary approved with no changes.
2. Staff will send to Policy Group proposal that Community Development and Planning submitted to EPA for education and technical assistance.
3. Consensus by Policy Group on the issues outlined in the April 17<sup>th</sup> Issue Paper:
  - a. Consensus (S. Key abstained) on direction for vegetation retention regulations with the following elements: There is a process for exception
    - i. There is a prescriptive standard with a strong intent stated
    - ii. There are variable standards for various shoreline characteristics.
    - iii. Create a small sub committee to flesh out details: Mike Carlson, David Roberts, Ron Henrickson
  - b. Bulkhead repair and replacement standards: Repairs of existing bulkheads are allowed (S. Key abstained). Replacement of an existing bulkhead is allowed when main structure (including driveway, septic, house) is threatened. Policy Group directed staff to present a spectrum of options including this one to the public and gather public input.
  - c. A standard setback unless both the adjacent homes are each 50 feet or closer to the proposed new home, then use existing setback averaging. (S. Key abstained).
  - d. County needs the ability to hire experts to review the applicant's permit in complicated shoreline vegetation, setback and bulkhead permit reviews. The fees need to be adequate to review the permits adequately.
  - e. Request support from PSP to continue the SJI in a letter signed by Lovel and Jonathan.
  - f. Continue to pursue USFWS money.

Summary of presentations to King County Council and Snohomish County.

- Snohomish is interested in creating a similar effort.
- Lovell suggested we present to the Island Trust the joint Canadian/US group in June

Phase 4 – progress report

The San Juan Initiative will be hosting a public workshop series in May. The workshops will be coordinated with the CAO and staff will create a presentation to reduce confusion about how these recommendations fit in with the CAO process. Feedback from community will be communicated to CAO committee.

Key Issues Discussed by Policy Group: The goal of these discussions was to clarify Policy Group recommendations for community workshops and to identify issues the Policy Group would like community input on.

1. Should there be an easy-to-enforce prescriptive standard for creating and maintaining a view or should there be flexibility in how a view is created, and how the ecological and environmental functions of trees and shrubs are protected?

Key points:

- When picking a standard for vegetation, be sure to include the water quality function which relates to canopy cover and how much water gets into the ground water system.
- Staff's proposal of allowing 15% of the limbing of trees, may be a slippery slope.
- We need to identify what you want and what we don't want, be clear about the purpose of the vegetation and the goal of having vegetation. Regardless of the benchmark of where you start, we want the same vegetation everywhere. Come up with a goal of what you consider sustainable vegetation and then require that. Trees waterward of the setback should be removed only after the house is built. The underbrush is really important.
- Policy Group assumes several key points about vegetation regulations: there is an exception process for parcels that simply don't fit and understory is preserved.
- Policy Group consensus on having a prescriptive component that applies to greater than 50% of the parcels and then have a process that allows flexibility on odd/out of the ordinary parcels.
- Encourage some incentives, have a carrot and a stick.
- Staff proposal: We come up with a preferred future, knowing it won't fit every site, it is something around 85% vegetation is retained with an upper limit for very long shoreline parcels. Regulations should describe the desired outcome, how much vegetation we want to see on the shoreline and develop an exception process to that. We need to do some more research and identify what we want on specific shoreline types. 85% becomes the regulatory standard and then education becomes possible and we build a norm within the community.
- Like the 85% because it takes into account the cumulative, gets rid of the adding up 15% this year and 15% next year. 85% is the trees, always protecting the ground cover.
- Look at the forest practices regulations, refer to DNR variable standards. Look at the streams and variable width buffers, preference for leaving it wider in other areas. May be a custom approach.
- We need a strong statement of intent with the regulations. Most of the examples we are giving are about creating a view, rather than maintaining a view. How do we manage on going view maintenance?
- We need to create an illustrated compendium of the UDC. Show what we mean by views.
- From the SMA perspective, there is not a lot of guidance on how to specifically maintain vegetation functions. Under SMA, we need to provide for no net loss.
- Consensus from PG : We go out to talk with the community. Within a week, we do more research and have a small committee bounce ideas off with staff. The recommendations have the following elements:
  - i. There is a process for exception
  - ii. There is a prescriptive standard with a strong intent stated

- iii. There are variable standards for various shoreline characteristics.
- iv. Sub Committee: Mike Carlson, David Roberts, Ron Henrickson

2. When repairing a significant portion of an existing bulkhead, should a property owner be required to either move the structure above ordinary high water or install a soft shore structure?
  - 10-15 years ago, bulkheads, even replacements, were only allowed for threatened structures. Recommend using the same standard for replacements as for a new bulkhead.
  - Staff is concerned that this is too drastic for community support. Concerned with taking this question out to the public, because the public does not understand that it is a major impact to the shoreline.
  - Like in the vegetation discussion, we have a goal, a vision for the future of the shoreline, maybe we need the same standard for replacements and for new bulkheads.
  - Climate change is going to increase bulkheads. Illegal bulkheads should not get an exemption.
  - When a primary structure is threatened, then it is protected. And, if it isn't protecting a primary structure, pull them back.
  - This idea is consistent with the goals of the SMA though the language in the guidelines is different.
  - Middle ground is the difference between repair and replace. The best practice is no bulkheads. Staff will go out and test the water and show the spectrum of options for allowing bulkheads and gather the reaction to the different parts of the spectrum.
  - Advise against a dollar amount as a trigger.
  - PG consensus: Repairs of existing bulkheads are allowed. Replacement of an existing bulkhead is allowed when main structure ( including driveway, septic, house) is threatened.
  - Key points: Define threatened
    - Define threshold for what is a repair and what is a replacement.
3. Should there be different setback requirements for a home and different standards for a bulkhead when a home is adjacent to homes that don't meet the setback requirements or existing bulkhead standards?
  - Consensus by Policy Group: A standard setback unless both the adjacent homes are each 50 feet or closer to the proposed new home, then use existing setback averaging.
  - Bulkhead standard has been decided above by only allowing replacement and new bulkheads when the main structure is threatened.
4. When does the County require technical expertise to review permits and who should pay for the expertise?
  - Why is this different than any other expert determination?
  - Instead of funding twice, what if the county and the applicant can agree on a consultant? Have a public works roster?
  - It is critical that people can shop around for consultants. People will want to know that they have some control with the costs.
  - PG consensus: County needs the ability to hire experts to review the applicant's permit in complicated shoreline vegetation, setback and bulkhead permit reviews. The fees need to be adequate to review the permits adequately.

5. What resources and support systems need be in place after June 2009 to ensure successful implementation of the Initiative recommendations?
  - Support a cultural shift in how we think about protection in County.
  - Need to step up the integration of the Initiative with the County.
  - Need to be clear about outcomes and deliverables.
  - It will take real effort to have the PSP fund the SJI. If the structure stays the same, then it is more likely to continue the effort.
  - Need to influence the way the County does business. We need to create the structure within county government to receive these recommendations.
  - Need to add to our current suite of recommendations, specific recommendations for collaboration.
  - PG consensus: write a letter in support to PSP to continue the SJI. Authored and signed by Lovel and Jonathan.
  
6. Should the Initiative pursue a grant with the US Fish and Wildlife Service to begin the terrestrial assessment and address protection of the Island Marble butterfly on San Juan Island?
  - How would we use the money in order to support more information on our particular county?
  - Disappointing that there isn't more money for terrestrial, but should still move forward.
  - One of the most powerful functions of the SJI is the audit function. Can we focus on the audit function, factually and scientifically audit with this money?
  - PG consensus: Continue to pursue USFWS money.