

**Skagit County Planning Commission  
Public Hearing: Shoreline Master Program Update  
March 15, 2016**

**Commissioners:**      **Josh Axthelm, Chair**  
**Annie Lohman, Vice Chair**  
**Kathy Mitchell**  
**Martha Rose**  
**Hollie Del Vecchio**  
**Tim Raschko,**  
**Tammy Candler**  
**Amy Hughes (absent)**

**Staff:**      **Dale Pernula, Planning Director**  
**Betsy Stevenson, Senior Planner/Project Manager**

**Public Remarks**  
**Commenters:**      **Lori Scott**  
**Sharyn Sowell**  
**Larry Hurlimann**  
**Ellen Bynum, Friends of Skagit County**  
**Ed Stauffer**  
**George Wolner**

**Public Hearing**  
**Commenters:**      **Nancy Fox, GIPAC Chair**  
**Hal Rooks, GIPAC**  
**Michael Brown, GIPAC**  
**Connie Munsey**  
**Gary Hagland**  
**Joe Geivett**  
**Jackie Chriest**  
**Brenda LaSorella**  
**Jeff LaSorella**  
**Bill Dewey**  
**Jeff Eustis, Lake Cavanaugh Improvement Association**  
**Jan Davis**  
**Carol Ehlers**  
**Ellen Bynum, Friends of Skagit County**  
**Brian Lipscomb**  
**Rich Wagner**  
**Dave Christensen**  
**Randy Good**  
**Dennis Clark**  
**Ed Stauffer**  
**De Anna Claus**

Chair Josh Axthelm: Good afternoon (gavel). It's Tuesday, March 15<sup>th</sup>. Welcome to our Planning Commission meeting. If you'll please be seated. Okay, so welcome to our Planning Commission meeting, the hearing for the Shoreline Master Plan. Before we get started, we have – if you have an agenda we have a couple things I'd like to read through. Oh, actually, before I start that, does anybody have any comments or changes to the agenda, Commissioners?

Several Commissioners: No.

Chair Axthelm: Okay, seeing none we'll proceed on to the first item, Public Remarks. And please note that the Public Remarks, this is not regarding the hearing. This is actually general public remarks, so anything – for this portion of it – so anything – I'll just read it here: This is the time in the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for public hearing the same day or items that have had a public hearing and are still under Planning Commission deliberations. Public Remarks, which is not part of the formal public participation process for any development regulation or Comprehensive Plan Amendment project, is limited to three minutes per speaker and up to 15 minutes total.

So can I have a show of hands who would like to have the general Public Remarks, because we do have a hearing today so we're trying to keep that down to a minimum. So one, two, three, four, five, six. Okay.

Unidentified female voice from the audience: Did I hear you correctly that the SMP cannot be commented on in public tonight?

Chair Axthelm: No, no, no. That's – you can comment on the SMP during the hearing. This is before the hearing. We have a portion that's just general public remarks.

Same female voice: Oh, okay.

Chair Axthelm: Okay? So if you could just approach the microphone and state your name and address. Thank you.

Lori Scott: I'm going to hand these out, if you don't mind. I'm passing them down. There's one for everybody. My name's Lori Scott. I live at 3351 Old Highway 99 North, and I'm here – on February 16<sup>th</sup> of 2016 the Chelan County Board of Commissioners adopted Resolution 2016-14, amending a prior resolution. The resolution is regarding nonconforming uses of cannabis production, declaring nuisances nonconforming uses and structures and mandating cessation within two years. I'm here on behalf of the neighbors surrounding the only outdoor grow of cannabis that's allowed in Skagit County. Since July of 2014, our neighborhood has objected to the permitting, which was done without notice to the public, of an outdoor marijuana grow in our neighborhood and have participated cooperatively throughout the process of establishing moratoriums and finally the adoption of resolutions and code which clearly eliminated outdoor grows in Skagit County and made the grow in our neighborhood a nonconforming use. The grow was allowed to continue even though it did not seem, according to Skagit County, to meet the definition of "legally established" due to numerous code violations before the adoption of the moratorium on December 15<sup>th</sup> of 2014. On August 7<sup>th</sup> of 2015 we were informed that the County had not stated whether the outdoor grow was legally established, but it has been allowed to continue. We were also advised by the County that it was not possible to terminate or time-limit the nonconforming use. At present, through negotiations regarding a voluntary

compliance agreement with the growers, Skagit County is actually considering expanding their grow area, which is not allowed per Skagit County Code 14.16.880(1) and (2)(a).

I'm submitting the Chelan County resolution as an example of another county's action to terminate nonconforming use within a given timeframe. On page 5, section 7, the resolution states "Uses herein declared permanently prohibited that were lawfully established and in actual operation prior to September 29<sup>th</sup> of 2015 are nonconforming and must cease, abate, and terminate no later than March 1<sup>st</sup> of 2018." This information was provided to the Board of County Commissioners on March 8<sup>th</sup> at their regular public remark part of their hearing.

Many of the Planning Commission members here invested a lot of time – and we really appreciated it – to develop thoughtful plans and codes for the operation of I-502 businesses here in Skagit County, and now we're requesting consideration of an amendment to the Skagit County resolution that would bring the few I-502 businesses that were vested prior to the moratorium and are nonconforming into conformity. Thank you all.

Sharyn Sowell: I'm Sharyn Sowell, 14922 Valley View Drive in Mount Vernon. Last year the Planning Commission and the County Commissioners did an exceptionally careful job to craft ordinances and zoning regulations that made sense and were fair for all regarding marijuana growth and processing. I commend you on your part in the job and I ask you to remind the Commissioners what a strong and fair piece of legislation resulted from that diligence.

As Lori Scott just said, there's one nonconforming marijuana grow in the residential area of Alger. The Commissioners requested recently that the LCB not renew their license due to a wide variety of violations and unpaid penalties, but the LCB renewed it anyway. And now, with no explanation, staff have been negotiating with the attorney for the grow and it is proposed that the County waive all penalties that would even grant them a huge increase in what would be allowed in this nonconforming grow. And we citizens expect our officials and the staff of the County to work to bring nonconforming properties into compliance with code, and not to permit or even encourage an increase in what violates – the polar opposite of what the regulations are. I request that you strongly remind Commissioners and staff that the current code is fair for all and is a result of careful consideration. Sticking to code is wise and that encouraging nonconformity is a foolishness that violates the trust of the citizens. If this settlement would be reached, what alternatives would the neighbors have but to bring a suit against the County, which is completely avoidable merely by sticking to existing regulations? Thank you.

Chair Axthelm: Thank you.

Larry Hurlmann: Hello, my name is Larry Hurlmann. I live at 3401 Old Highway 99 North in Burlington. I also live in the Alger community along with Lori Scott, where the Tier 3 outdoor recreational marijuana grow site is on an adjoining property.

I just wanted to follow Lori's comments with some additional details about the current situation in our county. An administrative order to pay civil penalties was issued to the neighboring marijuana producers in September 2015. As Lori already mentioned, the marijuana producers have numerous code violations. The administrative order to pay civil penalties spelled out the requirement to pay civil penalties in the amount of \$13,772. In October of 2015, the Skagit County Planning and Development Services provided documentation to the Washington State Liquor and Cannabis Board objecting to the license renewal of the marijuana producers in our community. Included in the objection was a statement: "Because the applicant's use is no longer allowed in this zone, their use is limited to the footprint of the structures in place prior to the

adoption of the County's new rules, which is no more than 6700 square feet." Since that time, the marijuana producers in our community have appealed their administrative order to pay civil penalties. During the appeal process, the Skagit County Planning and Development Services drafted a proposed voluntary compliance agreement. A couple interesting details within that compliance agreement – voluntary compliance agreement: Skagit County agreeing to waive 100% of already-accrued civil penalties if the agreed corrective action is completed by the deadline specified. The other one: The total square footage of covered crop production, including both sizes of hoop structures, may not exceed 21,800 square feet.

If this proposed voluntary compliance agreement is finalized, it will contradict documentation that Skagit County Planning and Development Services provided to the Washington State Liquor and Cannabis Board that stated the marijuana grow site is limited to 6700 square feet. In addition, finalizing the agreement would send a message to others in the Skagit County marijuana industry that if they have County Code violations or fines to pay they just need to work with the right people in Skagit County Planning and Development Services to get civil penalties waived and potentially increase their grow site by over three times what Skagit Code allows. Finalizing the agreement undermines the permanent regulations for marijuana facilities adopted last August and undermines all the hard work and time invested by all of you here on the Planning Commission, as well as individuals in the county, like myself, that provided public comment during the development of regulations.

Based upon the level of frustration and outrage felt by myself and others in the community over the situation with the County and the marijuana grow site in our community, I would just like to finish by reiterating what my wife recently told Commissioner Wesen: "We are ready to start making some noise." Thank you.

Ellen Bynum: Good evening, Commissioners. Ellen Bynum, Friends of Skagit County. I'll be very brief. For those of you that don't know, Friends of Skagit County started 22 years ago by citizens who wanted to monitor and advocate for good land use decisions during the development of the Comprehensive Plan and the codes and the Countywide Policies. One of the things that we are seeing, and the marijuana example is a good one because we have one situation where the proponent is in compliance with the state laws, but not in maybe in compliance with the local laws, and another situation where they're in compliance – they could be in compliance with the local laws and out of compliance in the state laws. We need certainty. We need certainty on both sides, so we need it for the citizens and we need it for the developers or, in this case, the growers.

I just want to close with one thing: A reminder that June Kite was the president of Friends for many, many years and she continues to remind me that it is impossible to permit an illegal action. So just consider that when you're making your recommendations on this issue. Thank you.

Ed Stauffer: Good evening, Planning Commissioners, Director Pernula, Ms. Stevenson. I'm Ed Stauffer, Bow, Washington.

A general comment about due process: The Planning Commission is, of course, part of a three-part planning agency in Skagit County. Commissioner Dahlstedt has recently defined your function as being the eyes and ears of the Board of County Commissioners. I just want to say that I did attend your March 1<sup>st</sup> meeting and I was concerned that there were a number of items that are required for public hearing to be delivered for your and the public's deliberation at a specified legal time period prior to the public hearing. A large number – over 100 pages of some

of the items – were either missing or incomplete and to be added later to this proposal. I certainly haven't had a chance to look at any of them. I don't know that any of you have had the chance to digest and think about them creatively. I think you need to stop and think whether it's appropriate to advance this at this point to public hearing under the law, even recognizing that it's not a top – that it's not a bottom-up process here. It goes from our draft to your – I don't know what you call them – the authors of this proposal for review and comment and sent back to you for correction. So unless they buy this whole thing, we're going to be doing this process all over again. I'm not sure you have time to do that.

I also want to ask if it would not be appropriate for the Chair to give us the opportunity to do the Pledge of Allegiance to the flag. Thank you.

Chair Axthelm: Thank you.

George Wolner: My name is George Wolner. I live north of Sedro-Woolley. I'd like to just make a short comment. Situations like this can be a very controversial – it's a we/them situation oftentimes, us against government, et cetera, et cetera. I would like to at this time ask people if they're willing to do it and stand up and give a pledge of allegiance to our flag. This is America, folks, not we/them. Would you please stand up?

Chair Axthelm: No.

Mr. Wolner: Pledge allegiance to the flag of the United States of America.

Chair Axthelm: Sorry, sir.

Mr. Wolner: And to the republic for which it stands.

Mr. Wolner and some audience members: One nation under God, indivisible, with liberty and justice for all.

Mr. Wolner: Thank you.

Chair Axthelm: We have no problem with that but we do need to – no, we don't have any problem with it. That's not an issue. But there are order of things how we do things and that is not how we do it.

Are there any more public comments?

I do have one more comment to say. I'm an Eagle Scout and I know very well how important that the flag is and the Pledge of Allegiance, and they are very important. But forcing ourselves upon people is not the way to go. There's an order of things and there's a procedure.

Mr. Wolner: Everybody had a choice whether they wanted to stand or not.

Chair Axthelm: That was not your choice to put forward. Okay. So we have a few things that we need to (do) before we go into the full public hearing, but Dale Pernula and Betsy have some things that they'd like to cover before we start.

Dale Pernula: I just have a couple of words. One is that this began more than four years ago and it began with an Advisory Committee that advised in the drafting of the Shoreline Master

Program, and then it went to the Planning Commission just about four years ago and the Planning Commission went through three complete drafts of the proposal, including finishing up a few weeks ago with the third full review. And so I'm going to turn it over to Betsy now and she'll do a brief overview and we'll open it up for a public hearing.

Betsy Stevenson: Thank you. Welcome. Thank you all for showing up tonight. I really appreciate it. Hopefully you'll offer some comments that'll help us through this process. Thank you to those of you from the Advisory Committee who came. It's nice to see your faces again. It's been a while unfortunately. So I'm going to make this really fast so that you can get to your comments instead of listening to me.

These are in a different order than I remember but I'm just going to go for it. Okay, so anyway, we have been at this for a while. The things that are changing in this program from our old one – as I've said before, don't try to compare the old one to the new one. It's totally different. It's rewritten. We're under new guidelines and so there's new standards that we have to address. There are new shoreline environment designations that we're using that aren't the old ones so our maps are very different. There's some permit streamlining also involved in the process. We have decided to go with substantial development permits actually being an administrative process so they wouldn't require a public hearing before the Hearing Examiner anymore – only notification to adjacent property owners and comment periods. Also if a variance for whatever reason is required, it would only be one variance because our critical areas requirements and our shoreline requirements would be integrated and reviewed under one application.

Okay, here we go. Now we're back on track. The Shoreline Program are the regulations that regulate development and activities on lakes, marine shorelines, and rivers and streams that meet a certain threshold. All Counties and any Cities with shorelines in their jurisdiction are required to update their SMPs.

The components of the Shoreline Program are comprehensive plan policies; development regulations; and our shoreline environment designation maps. Something that really isn't changing are the shoreline buffers or setbacks. Those are currently in our critical areas ordinance so they'll – although they are different than what's currently in our Shoreline Program, they still are in our laws.

The timeline for public comment started in February on the 4<sup>th</sup>. We're having the hearing tonight. Hopefully we'll get a chance to hear from everybody tonight. The public comment period continues through April 4<sup>th</sup>. We will accept your written comments up until that time. We've actually allowed for 60 days for comment. What would help us tremendously: Tell us what you like if there's anything about the Plan; tell us the things that you don't like; give us – be as specific as you can about the things that you don't like and suggest changes. Like, Well, we don't like this and we would suggest you make it this. That would be really, really helpful because then it gives us a place to start a conversation.

Again, just a reminder: For the public hearing tonight you'll get three minutes per person. Direct your comments to the Planning Commission. It's a time to provide testimony. If you ask a question you're just using time that you may or may not get an answer to tonight anyway. I'll be here after the meeting. You can e-mail me. My contact information is on the webpage. Also we really would appreciate anything that you do that you do follow it up in writing. It gives you a little bit more time to think, and maybe gives you a little bit more time to add more than three minutes' worth.

Your written comments, we do have a place, our e-mail box: [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us). We'll take comments until 4:30 on Monday, April 4<sup>th</sup>. You need to actually include in the subject line "SMP Update." We have gotten some that don't have that. It's my understanding that we aren't going to be accepting those, so if you have sent something already and it didn't say that and you didn't follow the directions specifically, you might either want to get hold of me or just submit it again. We also would like to get your full name and address, and there's more information about the proposal on that webpage, and a lot of this information is on flyers at the back, as well. And that's all I have, so thank you very much.

Chair Axthelm: Okay. Before we open the public hearing, I'd like to read the opening statement. Betsy covered some of it but it helps us understand the process here.

The purpose of the public hearing is to receive testimony and written correspondence regarding the proposed Shoreline Master Program Update, which includes Comprehensive Plan policies, development regulations, and shoreline environment designation maps. There's a sign-up sheet in the back – actually I have that sign-up sheet – at the back of the room for those who would like to testify. There may be an opportunity at the end of the hearing for those who wish to testify but did not sign up to speak. Please limit your comments to three minutes so that everyone will have a chance to speak. Special interest groups, associations, or those representing others are encouraged to designate one spokesperson for your group to allow greater participation and cross-representation.

Before you testify, clearly state your name, spell your name, and your address – or state your address. A recording system will record your comments. Written comments are also being accepted and can be placed in the box located at the staff table near the front of the room. The written comment period is open until Monday, April 4<sup>th</sup>, at 4:30 p.m. Written comments are encouraged and are not limited in length or on the number of issues that you may raise.

Before we begin to take public comment, staff – oh, staff gave a presentation.

Okay, so thank you for your time, or taking your time to come here tonight. We appreciate people coming from the general public and being willing to talk. We're interested in your opinion for sure. Okay, so with that we'll open the public hearing to comment. I have a list of individuals that have signed up. The first on the agenda is – not agenda. First on the list is Nancy Fox. And the second person – if you'll be ready so we can keep it rolling – is Hal Rooks.

Nancy Fox: Good evening. My name is Nancy Fox. That's F-o-x. My address is 7202 Channel View Drive on Guemes Island, and I'm the Chair of the Guemes Island Planning and Advisory Committee and I appreciate the chance to share our comments with you tonight.

In order to keep our comments brief, we did hand in to Betsy before the hearing some written comments, which will be more extensive. But tonight I just wanted to provide some context for our comments and hit on – just touch very briefly on the subject of the shoreline environments map as it relates to Guemes Island.

As background, I wanted to remind everyone that Guemes Island has a Subarea Plan. It was adopted by the Skagit County Board of Commissioners in early 2011. That plan was the

culmination of 20 years of work by community volunteers with support and contributions from the County as well as many other agencies and organizations.

The County adopted the Guemes Plan as policy but promised to implement the Plan as it updated its development codes over time. The Shoreline Master Program Update that's before you now represents the first piece of development code that has – really the first opportunity for implementing a piece of our Plan. So we're anxious to finally see our Plan put into action, at least this very first piece of it.

As part of the planning process, Guemes Island volunteers conducted a rapid shoreline inventory which provided on-the-ground data, documenting areas of exceptional wildlife habitat. The Guemes Plan recommendations on the map are based on this survey and also informed by deep local knowledge of shoreline conditions, including environmental constraints, existing development, and critical habitat areas. We're therefore concerned that the draft Shoreline Master Program does not incorporate all of the mapping recommendations of the Guemes Plan. There are nine areas of difference between the map in the Guemes Plan and the map in the draft Shoreline Master Program, and those differences are highlighted on a map that I submitted with our written testimony so you'll see that on a map.

As examples of these differences, there are some large properties on both the east and west sides of Guemes Island which we believe should be designated Natural, but the draft Shoreline Plan shows as Rural Conservancy. These are sites that are 20 and 30 acres in size with very steep, unstable slopes; undisturbed shoreline character; and significant wildlife values. In some other cases –

(beeping sound)

Ms. Fox: Is that it?

Annie Lohman: Your time's up.

Ms. Fox: Okay. Please take a look at our written testimony. We've got all the areas identified and our hope is that the final version of the Shoreline Plan will incorporate all of our recommendations on the map. Thank you.

Chair Axthelm: Thank you. And then so Hal Rooks, and the next one up is Michael Brown.

Hal Rooks: Good evening, Commissioners and members of the audience. My name's Hal Rooks. That's R-o-o-k-s – and I'm a member of the same group that Nancy's the Chair of, the Guemes Island Policy Advisory Committee.

So continuing the stream of her comments, a key concern with the Guemes Subarea Plan was the need for increasing building setbacks from the shore to provide greater protection for shoreline resources and habitat. Setbacks play an important role in meeting the state's directive of ensuring no net loss of shoreline functions over time. The County's draft Shoreline Master Plan incorporates the setbacks recommended in the Guemes Plan – 150 feet in Rural Conservancy and 100 feet in the shoreline Residential environment; however, the County proposal also incorporates a new variance process that would allow these setbacks to be reduced up to 50% by a simple administrative decision with no required hearing before the Hearing Examiner nor approval by the state. This proposed variance process is inconsistent with the Guemes Plan goal of achieving greater building setbacks to protect shoreline functions

and resource values. Even worse, from our perspective, when combined with the new methodology for calculating shoreline setbacks – i.e., the average setbacks of neighboring properties will no longer be taken into consideration – in some cases shoreline setbacks could actually be less than the present plan provides, and all through a simple administrative action. In our view, administrative discretion to reduce shoreline setbacks should be no more – should be no greater than 25%.

On a different topic, the Subarea Plan for the island notes that piers and docks are vulnerable to breakup by the powerful, often destructive currents and tides that move around the island. For this reason the Plan would prohibit individual private docks along its shoreline. We ask that this prohibition be added to the draft Shoreline Master Plan for protection of property owners as well as the environment.

The proposed SMP would allow mining as a conditional use in the Rural Conservancy environment. We find this provision completely inconsistent with protection of fragile shoreline resources on Guemes Island and ask that mining and associated activities be prohibited in the shoreline, consistent with the adopted Subarea Plan.

Lastly, the Guemes Plan states that commercial aquaculture shall not be permitted on the shorelines of Guemes Island because of its potential to significantly degrade ecological functions over the long term. We ask the County to include this prohibition in the draft Shoreline Master Plan. Thank you for your consideration.

Chair Axthelm: Thank you. So next up is Michael Brown and after that is Connie Munsey.

Michael Brown: Hello. My name is Michael Brown. I live at 4366 Clark Point Road on Guemes Island. I am on the same committee that these folks are on, GIPAC, and I'm a longtime Island resident.

In addition to agreeing and supporting Nancy Fox's and Hal Rooks's comments, I would like to address another concern for us on the island. We have noticed a number of property owners who have cleared the shore sides of their properties of native vegetation and large trees in an effort to maximize their views. The obvious consequences of their actions are shoreline degradation and bluff erosion, both on their property and, more importantly, on adjacent properties. The most recent storms of this past week has already caused several large slides on some of our steep and unstable bluffs. When a property owner cuts down a 90-foot tree then only is asked to replant *like* trees, it will take 50 years to replace the protections those trees provide, meanwhile enjoying the enhanced view. We feel the current protections are inadequate and would like to see a new work program item for a tree cutting ordinance and sharp enforcement of critical areas. And this is simply for people who are living on the shoreline. With rising sea levels in our future, protection of native vegetations on our shorelines is of utmost importance to the residents of Guemes Island. Thank you for allowing us to have our comments.

Chair Axthelm: Thank you. Connie Munsey, and then after that is Gary Hagland.

Connie Munsey: Good evening, Commissioners. There's a couple of some new ones since the last time I testified here. Welcome to the tedious fray of planning.

First, kudos to Betsy for all of these years of going through this tedious process. I've been to some of the meetings on this thing and it would have been easier to sit through a timeshare presentation because at least you might get a free trip out of it.

(laughter)

Ms. Munsey: I'm concerned about this plan draft. It's still not done. It's been almost five years and so I'm really concerned about the urgency. How urgent is this? You know, originally the Shoreline Act was to prevent Waikiki-style development on our seacoasts. That was Washington's goal. In 1972 Washington voters approved a measure authorizing rules to manage shorelines locally that resulted in a perfectly reasonable eight-page plan in 1976 by Skagit County. We now have a 219-page update that's in actuality a replacement. We're told that this iteration is rewritten for clarity, consistency, and brevity. I don't know how eight pages turning to 219 is brevity. Maybe it's Common Core. I don't know. The government document for the entire country fits into a side pocket of my purse so this is really a bit much. Are we really about protecting shorelines or is this truthfully just justifying Department of Ecology's reason for being?

In 1972 we were assured there would be no negative impact to privately-owned property. This plan we're discussing actually poses the question: How can I use my property? The fact that that question is in the plan should concern everybody. By accepting the Department's grant dollars, the boilerplate guide that Betsy's had to work with is exactly what the folks feared back in 1972. The ballot in the voters' guide read, quote: "The environmentalists managed to amend the bills until they included streams, rivers, lakes, and even bodies which some of us would call a puddle, plus adjacent areas in all directions. With the voters' approval, bureaucracy will take over an area of personal rights that has been inherent since the founding of our republic. In its present form it's strip zoning directed toward owners of ocean, lake, river, stream, or trickle property, restricting their rights to build on or do what they please with their own property." It goes to say that the voters will recognize it as one more attempt to take away more privileges of American citizenship. Are you familiar with the concept of boiling a frog so slowly that it doesn't know it's in hot water? We are those frogs, and the erosion of our individual rights is the hot water. I realize it's probably too late in this process to just shelve the whole thing and tell Ecology, We'll stay with our 1976 plan, thank you very much. But before this gets a final blessing from the Board, could somebody please tell us: Has staff provided an impact statement on private property rights for the Board? And how much has this whole five-year process cost, including consultant fees? And what was the rationale behind excluding all but one of the 17 amendments submitted by the public? All of you who have worked on this will never get those five years back.

Ms. Lohman: Your time's up.

Ms. Munsey: I'm just sorry I wasn't here at the beginning to beg you not to take the money.

Chair Axthelm: Next up is Gary Hagland and after that is Joe G-e-i-v-e-t-t.

Gary Hagland: Okay, my name is Gary Hagland. I live at 2211 37<sup>th</sup> Court in Anacortes. I'm also with the Skagit chapter of the Citizens Alliance for Property Rights.

I was not able to attend the March 1<sup>st</sup> open house but I got to watch parts of what happened on TV21 and I read parts of the transcript. There's a lot about it but I just have a couple of things that kind of jumped out at me I'd like to bring up.

Number one, and I don't think he's here tonight, a Mr. Brian Lipscomb – oh, there you are. Okay. I'm going to take your name in vain, sir, if that's okay. He stated, and I've got no reason

not to believe him, that streams in this county are being rated and designated as to their vitality by the Skagit Watershed Council and the Skagit River System Cooperative. Neither organization is a bastion of property rights activism – okay? – for the rural residents of Skagit county. In fact, the Skagit River System Cooperative is – or rather represents only the Swinomish and Sauk-Suiattle Tribes. I believe they were consultants in this process? Anyway, Mr. Lipscomb had problems with the accuracy of the ratings – of *their* ratings – as he asserted the ecological health of the streams appeared to be understated. Are these ratings and designations, are they going to be part of the SMP? That's a rhetorical question.

Number two, Ms. Stevenson – Betsy – who's worked very, very hard on this SMP, admitted that there was a lot of room for improvement. One specific item she mentioned was a concept of no net loss of ecological function. She commented about the new guidelines that came about in 2003 which, she said, set a slightly higher level of environmental protection for our shoreline resources. She went on to say, and I quote: "They have a new goal" – I think she means Ecology – "of no net loss of shoreline ecological functions." So we've spent a whole lot of time trying to figure out what that means, how we're supposed to do that, and I have a little better idea but still not really sure. I'm not sure we're really going to know until we get through the process and start doing some of this as we track and monitor some of the work. Now it's probably a little bit better than the Nancy Pelosi statement for the Affordable Care Act, but there's a lot of confusion. And the problem is no net loss is a primary goal of the SMP Update, or probably it's better called Reversion or Replacement. And I've heard over the years various people ask for a definition and it's never coming. And if you can't define it, how can you apply it? And that, I think, people should think about. And my guess is no net loss –

(beeping)

Ms. Lohman: Your time's up, sir.

Mr. Hagland: Anyway, before I quit I just think that should be included and it should be defined and you should get it from Ecology. And, ladies and gentlemen of the Planning Commission, I appreciate your work and I hope – my understanding of your mission is more than Mr. Stauffer said. Your mission is to protect the citizens and residents of Skagit County and ensure their interests. Thank you.

Chair Axthelm: Thank you.

Unidentified female voice from the audience: Does this thing work?

Chair Axthelm: Yes, it does. And after that is Jackie C-h-r-i-e-s-t.

Joe Geivett: Yeah, so shifting gears into the Lake Cavanaugh crew is kind of the next several folks coming up. My name is Joe Geivett. I have a property at Lake Cavanaugh at 35035 South Shore. I'm a civil engineer and I do the lake level monitoring for the community up there. We had 2½ inches of snow up there this morning so it is a different environment up there than you guys see down here.

This exhibit – you know, I'll submit it – basically it shows that lake levels vary about four feet from high water to low water – high water in the winter, low water in the summer. The conditions out at Lake Cavanaugh are different than what most conditions are at this lake. We get 100 mile an hour winds every year. We get lots of surf. We get snow when nobody else does.

I want to talk tonight about docks and setbacks. Something that's unclear in the language of the plan regarding docks is floats versus the overall dock. With the lake fluctuation that we have, docks really need to have a fixed portion of ramp and then a floating portion. In the plan it mentions that floats can only be eight feet by eight feet, and it's unclear if that's describing the floats that are part of the floating dock. If so, boats are 20 to 25 feet long. You can't really secure it to that. An eight-foot-wide dock in this environment will be just tossed around all day long. Some later people will show some pictures of some docks. Every year we have small docks that wash up onto the shore because they get destroyed. If it's related to the floats, I'm wondering if – like, when people inflate trampolines and stuff out there, does that count as a float? If so, those are 15 to 20 feet in diameter because of safety – trying to keep people from just flying and crashing into each other – so I would like some clarity on that.

In the dock description, it talks about open air grating, basically, on the top and asks for 50%. This is a dock that's 40%. The materials that you can get commonly for a recreational dock are 40% air instead of 50%. 50% you get more into an industrial grate. It's hard to go and sit down on it and have your kids walk out on it. So looking to see if we can refine that a little bit to something that's more – a little bit more practical. And I've got several examples that I'll leave. It's pretty straightforward on that.

The next issue (is) pilings. The plan says 16 – or, no, 18-foot spacing on the pilings. All the dock guys that come out there put the pilings in at eight feet on center because of all the forces that are on the docks. If you went with the bigger spacing, those docks would get annihilated. Even in the plan they talk about \_\_\_\_\_ beams needed in between the docks. The pilings and what-not, that just doesn't work. So we'd like that refined.

On the walkway to the dock, the fixed dock portion they say it has to be above the ordinary high water. With the lake level fluctuations that we have, that would put you about six or seven feet above the water in the summer. And then they limit it to four feet in width.

(beeping)

Ms. Lohman: I'm sorry. Your time is up.

Mr. Geivett: Okay, I'll have to – I'll provide some more –

Ms. Lohman: But if you could put all of this in writing, that would be great.

Mr. Geivett: Yeah. Okay. Yeah, I will do that. Thank you for your time. We have Betsy actually coming out to the lake this next week so we'll –

Ms. Stevenson: Not in the snow! I won't make it!

Mr. Geivett: It's melting slowly up there. Thank you.

Chair Axthelm: Okay, thank you. The next person is Jackie C-h – Chriest? Okay – and then after that is – it looks like Brenda LaSorr – sorry.

Brenda LaSorella: LaSorella.

Chair Axthelm: LaSorella. Thank you.

Jackie Chriest: Hi, my name's Jackie Chriest. I'm a fulltime resident of Lake Cavanaugh and I also own Lake Cavanaugh Realty. And I'm talking about, I guess, the values of the property. If it gets to be a Hearing Examiner variance, every time it's within the 100 feet, it's going to be almost all of our properties due to where the water is, your well, and your septic. And when someone's trying to sell their property and I get a buyer that thinks it's going to be a year to obtain a building permit due to that, because it takes so long, they walk away a lot. And so my sellers want to know why they can't do what their neighbors have done to improve their property within a reasonable time so they can obtain the value they did. That's all I have to say.

Chair Axthelm: Thank you. After Brenda is Jeff LaSorella.

Ms. LaSorella: Hello. My name is Brenda LaSorella. I have a property at 34343 South Shore Drive. It's Mount Vernon but really Lake Cavanaugh.

I purchased this property 15 years ago – it has a small cabin on it – with the vision of someday this will be my retirement home. We have three children. We go up there every weekend, spend all summer up there. It's fabulous. My little cabin sits – little cottage – sits about 50 feet from, you know, the high water mark on our property. But right behind my little cabin is a very large septic field so part of my concern moving forward is this 100 feet issue, because I can't build on my septic field. So if I want to actually, you know, rebuild the little cabin so I can move there in a few years, which has always been my dream, I can't go back because I have a septic field and I can't because of the variance things. And I've looked at that, too: Do I need to move? Do I need to sell the property? I actually looked at that a few years ago out of the great concern that, How am I ever going to get a permit and how many years is it going to take to, you know, build a house that I've always envisioned I'm going to be able to do, and made this investment in the community and the property and maintained my property well. But it's kind of like it scares me because I don't know that I can do that. And it's kind of like that unknown. So I pay my property taxes on time, I do everything I'm supposed to do, and then, talking to Jackie, it's like, Well, you know, you can go through this process. And I'm just kind of like today very fearful what that process means. And most of my neighbors, all of their homes are right in line with my home. You know, it's like I look over, my neighbor's house is right there. I look over, my neighbor's house is right there. So to be able to just kind of develop my property, I don't know what the process is going to mean for me with some of these changes that are going to be going on, or how long it's going to take. So that's just kind of why I wanted to talk about my concerns of this – the 100 feet from the, you know. Because right now I take – I have a permit to take water out of the lake. We use the water for, you know, everything – drinking, ice cubes, everything. You know, we have one of the cleanest lakes, I think, in Washington. So I'm told. It's a beautiful lake. So if you could think about what that means with setting these standards of 100 feet for – you know. I know in some places maybe it's really important, but coming up to Lake Cavanaugh and seeing how that lake has developed over the years and the people that live there and want to, you know, continue to develop the property for the future, for our families, too, and to live there, you know, 20, 30 years from now. It would be good for you to see that, so I'm excited that you're going to come up. So, anyway, thank you very much.

Chair Axthelm: Next up is Jeff LaSorella and after that is Bill Dewey.

Jeff LaSorella: I live with her.

Dear Planning Commission, Thank you for the opportunity to speak to you. As a 15-year – I'm sorry. I'm Jeff LaSorella, 34343 South Shore Drive. As a 15-year property owner at Lake Cavanaugh, I would like to go on record requesting that you consider making modifications to

the plan to address the unique conditions of our lake environment and community. Lake Cavanaugh has become a lake community with many fulltime residents, many weekend residents, and all there to enjoy the waterskiing, sailing, wake boarding, swimming, and other water-related activities. Because there are so many lake-related activities, I have concerns regarding dock size and building setbacks.

Docks are used for boat access and, as well, just sitting on the end of the dock to be as close to the water as possible. The views of the lake and surrounding mountains available at Lake Cavanaugh are majestic. Limiting a dock size to eight-foot by eight-foot is extremely restrictive to having any amount of people on the dock comfortable or even from a safety factor, as it does not allow enough area to sit or lay on the dock and have enough personal space. Lake Cavanaugh lake depths vary greatly depending on the location on the lake, so limiting a dock to a maximum length of 25 feet would not allow – would not provide enough depth in many locations to allow boating activities from a dock. My dock is over 50 feet in length and I still have to address adjusting our boat lift midsummer to allow enough depth to be able to dock my 20-foot boat. Because of these conditions, please consider revising the proposed dock regulations and total area allowed and overall lengths of docks.

A building setback of 100 feet is very restrictive and will make the majority of existing structures nonconforming. Understanding that the setback's purpose is to protect the lake environment, the intention is honorable but the reality there is different. Most properties do not have the room to have 100-foot setback and have a house that would be located far enough away from the busy road to have a peaceful environment, and having a structure 100 feet from the lake may mean that there is no view of the lake to enjoy. I feel a more workable and fair setback arrangement might be the average of the existing properties currently in place.

Please know that all the residents, full- and part-time, that I know personally are good custodians and strong proponents in support of keeping Lake Cavanaugh clean and environmentally healthy for wildlife as well as recreation. Thank you.

Chair Axthelm: Thank you. Bill Dewey, and then next up is John, or – sorry – Jeff Eustis.

Bill Dewey: Thank you, Mr. Chair. Good evening, Commissioners. I'm Bill Dewey. I reside at 704 East Hiawatha Boulevard in Shelton, and I am the Director of Public Affairs for Taylor Shellfish Farms. Taylor's, as you know or may know, has a large operation in Samish Bay and a retail store up on Chuckanut Drive. I also have a shellfish farm in Samish Bay of my own. Chuckanut Shellfish is my business and I have a second home on Samish Island that I stay at when I'm up here working on my farm.

So a lot of experience working in shellfish aquaculture in Samish Bay. I ran Rockpoint Oyster Company for ten years before Taylor's purchased it in 1991, and then have been involved in the bay with my own farm up there for a good portion of time as well since the mid-1990s. I served on the Shoreline Advisory Committee for Skagit County's SMP. I also am Chair of the Mason County Planning Commission and we're updating our SMP as well so I can empathize with all of the meetings and all that goes into this. We've been paralleling Skagit County's process down there in Mason County with lots and lots of – lots of meetings. And, really, all I have to say tonight is to compliment the County on the process. It's been a long one. The Shoreline Advisory Committee that we sat on had a number of meetings. We spent an inordinate amount of time on the aquaculture section in particular. There's certainly some concerns there. We have a keen interest in that. But the Committee did a lot of deliberating on that, as did the Planning Commission. We had a couple work sessions with you as well, and we're really quite happy with

the way it's come out at the end of the day. A lot of good thinking went into it and, really, the rest of the Shoreline Master Program as well. So I just commend you on the efforts and look forward to following the process along as it wraps up. Thank you very much.

Chair Axthelm: After Jeff is Jan Navis.

Jeff Eustis: Just a sec. I need to load up a presentation here. My name is Jeffrey Eustis. I'm an attorney. I represent the Lake Cavanaugh Improvement Association. I prepared a fairly lengthy comment letter, which I distributed this afternoon. I gather that it will be sent to you electronically. And since it says way more than I can say in three minutes, I'd like you to read it.

I'm going to talk about two issues: setbacks and docks. And what I'm asking for and what I propose in the letter is that the regulations relating to setbacks and docks be more carefully tailored to the circumstances at Lake Cavanaugh.

So first let me address setbacks. Okay. This is Lake Cavanaugh – roughly 25 miles from here, 1000-foot elevation. If you went there, there was snow on the ground. If you look really closely, you can see many docks around the lake. Well, here's another view. This is on the west shore. You can see that practically all of the lots have been developed and that practically all of them have docks. Now you might ask, How does this happen? This is in the foothills of the Cascades. This is surrounded by timberlands. This should be a rural area, et cetera. Well, it happened because this was platted roughly 60, 70 years ago, before all of these nice laws that we have. So if you take a close look, you will see that there are all sorts of red lines around the lake. The lake shore is divided in something around 500 separate lots. Each of these lots is 60 feet. And these aren't just lots in theory. Roughly on the order of 90% of these lots have been built upon. Now if you go to the lake you will see that the shore side is relatively steep. It's backed by steep slopes and forestlands. So what you have is a situation where you have shallow, short lots along the shoreland between the road and the lake and you have deeper lots behind. Generally the pattern is to construct behind the lots.

Okay, we have here – this was taken on the south shore – two maps. One is a plat map and each of those vertical lines on the plat map is about 100 feet. Right below it is an aerial of those lots. You see how people have dealt with the 100-foot setback. These houses are on the order of 25 to 50 feet. So in terms of setback, I implore you not to establish a 100-foot setback or not to even create an administrative variance that forces people to go through the variance process in order to build a lot that is less than 100 feet. And the reason for that is it's completely unnecessary. I understand the purpose for 100-foot setback – to protect the shoreline, \_\_\_\_ greater protection for fish. But 90% of these lots have already been built upon, so if you force the remaining people to now set back 100 feet –

(beeping)

Mr. Eustis: – or 50 feet, you will not achieve the objective. Now the remaining point is to illustrate why docks need to be made more robust. A picture taken during last Sunday's windstorm: a dock underwater.

Ms. Lohman: Your time's up, sir.

Mr. Eustis: Okay. And then I give examples of a more robust dock, which should be allowed. Thank you very much.

Ms. Lohman: If you could provide all that in your written testimony, that'd be very helpful.

Mr. Eustis: It is in my written testimony, and now you have my PowerPoint. Let's see. I was told to put up this agenda before I left. Thank you very much.

Chair Axthelm: Thank you. So Jan Navis, and after that is Carol Ehlers.

Kathy Mitchell: Jan Davis.

Chair Axthelm: Jan Davis – it's Davis?

Ms. Mitchell: Davis, mm-hmm.

Jan Davis: Yes, my name is Jan Davis. I live at 5544 Smith Road and that's out near Edison. I have a 100-year-old rock and dirt dike surrounding a hay field out near Edison. Over the past two decades I have kept the dike in working order by adding rocks to the water side and dirt to the slumps as needed. I imagine my predecessors did much the same. What isn't the same is the amount of paperwork, permit costs, and studies required. Last year it was almost a quarter of my dike maintenance budget of \$4000. Regarding the SMP, I'm alarmed by 14.26.640, Pre-existing structural shoreline stabilization, paragraph three, and I paraphrase: A new structure is created by reconstruction of 50% or 50 feet of linear length, whichever is less, within three years. On a mile-long dike 12 feet wide by 12 feet tall, does this mean 51 feet of rock placed along the waterward edge or a 51-foot long slump that needs filling? Maybe a breach 6½ feet high by 6½ feet wide. There are many miles of dike in this county. What studies determined that 50 feet was the critical threshold? I admit I am dismayed and perplexed. I do not think this document is yet written for an average person like me to understand, but rather a further opening for the necessity of costly experts and consultants that will add more paperwork and money to *simple maintenance* before a single rock is placed. Thank you.

Chair Axthelm: Carol Ehlers. After that is Ellen Bynum.

Carol Ehlers: Carol Ehlers, west Fidalgo Island, with thanks to Betsy for the effort she's done and the things she has responded to, and with items which still need to be responded to.

Since many of you on the Planning Commission are new, I suggest – I have given you copies of two public documents recently issued for newcomers. It has an excellent set of maps of Skagit County in it that show shoreline access, which is what I'm going to talk mainly about, and the context of things. I suggest the rest of you get them. They're brand new. You've seen them before but this is the latest edition. It's been out a whole week.

Now the hearing for this document was the Shoreline Master Plan but there's another document that's been in existence since 2011. That's the inventory. We've had open houses about it. We've had discussion about it collectively. There's never been a hearing. It's the basic document for evaluating and making decisions on what the shoreline is or isn't. Guemes has already talked about it. It's full of errors and absent information. There's no reason to deny its existence or criticize it out of existence. That's not my intent. I want accurate information. There needs to be another hearing on that and on the information handed out on the 26<sup>th</sup> of February, which many of us still don't have.

One of the problems that the consultant had is that you can't find decent road maps in the Skagit County GIS series. You can find State Route 20, but God help you to find the South

Skagit Highway. So I spent two weeks hunting for maps. This is the one put out in January by SCOG. You can see there is a road along the south shore of the Skagit River, in addition to the state highway on the north. You can see there is one on either side of the Sauk. You don't have access to anything if you don't have roads or if you can't get there by water. And that is not something that these documents even think about.

So I can't turn this in as black and white because the yellow won't copy. So I went looking for other maps. There's a beautiful walking trail guide – it's a copy – and a bike map. You can learn a lot from both of them. They're paid for by donations. They're available lots of places. You can find out many of the roads –

(beeping)

Ms. Ehlers: – much of the access –

Ms. Lohman: Excuse me, Carol. Your time is up.

Ms. Ehlers: Well, I want this to be shown so people know it exists. This is a map of Skagit County that everybody says doesn't exist. It's from the Department of Ecology and it shows you all the publicly-owned land. Ecology wants more land. They aren't satisfied with close to 65, 70% of it. There's a lot that this Planning Commission should see that I have. I've spent a year collecting the information. I really – I'm close to resenting the fact that I can't give it to you because, of course, I can only give it to you in black and white in 8½- by 11½-inch text.

Chair Axthelm: After Ellen is Brian Lipscomb.

Ellen Bynum: Ellen Bynum, Friends of Skagit County. My last name is B-y-n-u-m, 110 North First, Mount Vernon. I have some written comments.

I have to say that I spent an hour today downloading 12 files from the maps. That is how long it took. I think we have a problem with accessibility. I think we have a problem with not providing paper maps. I understand there is no way to come in here and ask for the paper maps or look at them in the lobby or have some way to access them, so that's an issue.

First I want to say thank you to Betsy for persevering. I know that you were asked for a lot of things that some of which you can and can't provide, and I want to help the rest of the staff that help you in your efforts, Linda and Dale and et al.

The suggested template from DOE suggests that we use a one-size-fits-all approach for all the counties. And as you can hear from the testimony, the one-size-fits-all doesn't work in all areas of the county. I think that we need to make statements in that regard for the areas that we know are going to be problematic, and I commend you for, you know, sticking with it because I think it's going to be a lot of work between now and April 4<sup>th</sup> for you to come up with a list of things that do need to be addressed differently.

So I wanted to say that the public notice of February 4<sup>th</sup> and 5<sup>th</sup> didn't include all the publications and maps that are now listed on the website as something that you're going to be asked to consider to make your decisions. So you have two options on that. You can re-notice and ask for additional – and in the new notice put the additional documentation so that that is covered with your public hearing, or you could continue your hearing today and then ask for – do a work session where you come in and address the maps. I did a few map downloads and they're in

black and white and I had to color them. So this is – let me say that the mapping that's in the Watershed reports comes from about 12 different sources of data. None of it is standardized. There's no baseline on any of it. And some of it is actually – it's for proposing and advocating for certain programs. So this is a little shoreline along Fir Island, and this green part is listed as "potential wetlands." It's not wetlands now. And the sand-colored stuff, which also continues along in front of the proposed wetlands, is what is actually there. This is a document that came from the Washington State Shore Zone Inventory in 2001 from DNR. That's inaccurate. Here's another one. This one has Ika and Goat Island and Kiket –

(beeping)

Ms. Lohman: I'm sorry, Ellen. Your time's up.

Ms. Bynum: Sure – being owned by different entities. Goat Island is owned by WDFW, Ika's a private island, and Kiket is co-owned by Parks and somebody else. There's a lot of work to be done on the mapping, and I think that you desperately need to have a work session because the maps are inaccurate and you can't turn them in as regulation and turn them into regulation when you don't have the accuracy in the beginning. It's dishonest.

Chair Axthelm: Thank you. Brian Lipscomb, and after that is Tim Hyatt.

Tim Hyatt: Mr. Chairman?

Chair Axthelm: Yes?

Mr. Hyatt: I didn't plan on speaking tonight. I'll provide written comments later, so strike Tim's name.

Chair Axthelm: Okay. Thank you.

Brian Lipscomb: Brian Lipscomb, Gilligan Creek area, unincorporated Skagit County, Sedro-Woolley. A lot of people are discussing that the maps don't seem to be accurate. I know anybody that was on the Shoreline Committee knew that I took every single opportunity I had to point that fact out and even some opportunities I didn't. The bottom line is here is the mighty Skagit. It's going downstream. Here is an armored embankment and here is the floodway. The water comes here. It takes a 90 and it takes another 90. It doesn't matter that this is actually above base flood elevation. The fact is we drew the line there and that's where it is. If you don't believe me, I have pointed this out to so many people so many – everybody here probably has a copy of this at least once. If not, please refer to the BiOp. It'll tell you exactly what page, what paragraph of the 1985 Flood \_\_\_\_ Study. Your data is from 1963, long before a lot of this riprap was there. If you don't believe me, ask Tim. He'll tell you the riprap wasn't there and it is now. So the bottom line? The maps are wrong. Come around to the 2010 FIS. They refer to it and they give you the 1985 data. There was nothing done in 1985. It was a map. Anyway, you've all heard it from me many times. You don't need to hear it anymore.

So I did have the opportunity, though, to be on the Advisory Committee and it's amazing how that happened because this was from a \_\_\_\_ I had to do. That's when I printed out the data. It didn't exist. And so the County's just messing with me. So I'm walking from the mailbox up to my house and I get a letter from Skagit County and I'm just fuming. I mean, What do they want now? I mean, \_\_\_\_\_. It was my acceptance letter to the Shoreline Committee. So I was just floored.

(laughter)

Mr. Lipscomb: I mean, I was absolutely floored. So it was good, I mean, because one thing I really needed to know is how do we get from the people we vote for to these crazy-ass regulations? I mean, they are so bad. And the way it is done – I know how it's done now. And the best thing I found out about the SAC was it's not the County people. It's not the people that are coming up to me telling me, You can't do that and all that. It goes up above. It's Department of Ecology pushing our people around at the County. It's FEMA pushing Department of Ecology around. And who's pushing them around? Some of the NGOs, of course. You know, look at the BiOp. I mean, whether or not you agree with that or not, I mean, this is where that comes from. Who's going to come up and show up at these meetings? I mean, I go to my neighbors. I say, Look. These maps – 250 feet from here, you cannot build anything without a Fish and Wildlife Habitat Conservation Assessment. They say, We don't care. We don't get permits. You know, well, other people do, you know, and all's we do is create anxious. So the bottom line is there was a huge effort on the Committee, and one of my favorite times, I think, was – well, Tim and Bill were talking one time. That was pretty interesting. But, Scott, are you here anywhere? I didn't see Scott, but Scott was pushing sea level rise, you know, at the very last minute – all that. And so of all the times, Scott sits next to me on this meeting. Well, I \_\_\_\_\_. I said, Well, Scott, how do you – you know, how do you come up with sea level rise? And he said, Well, everybody knows that \_\_\_\_\_. I said, Well, this map here shows Puget Sound up here. If you look really close it shows that sea level has dropped 1.3 millimeters a year here in Puget Sound. I'm not going to argue with you about this, he says. I couldn't keep the smirk off my face the rest of the night. I'm sorry about that but that was –

Ms. Lohman: I'm sorry, Brian. Your time's up.

(laughter)

Mr. Lipscomb: But here is the bottom line here, and I'll just leave it at that. I mean, that – what's in a word? You guys talk about frequently flooded. What does "frequent" mean? Well, frequently flooded is once in a hundred years. Once in three generations – that's frequently? If you look at the SMP, it says we'll revise it annually, even frequently. Well, then "frequently" obviously means more than annually. So I've just got to say, I mean, here it is and – and the other one is – \_\_\_\_\_. Well, I'm sorry about that. Thanks for giving me two extra minutes here. I think Ike said it best. \_\_\_\_\_.

(laughter)

Chair Axthelm: Okay, next up is Rich Wagner. After that is David Christensen.

Rich Wagner: I don't know that I can zoom in here and I hate to put this over Ike, but does that – that really doesn't show.

Chair Axthelm: You can take Ike off of there now that they're public record.

Mr. Wagner: And does this zoom in?

Martha Rose: Yes.

Mr. Wagner: Thank you. I wanted to put a picture – I'm part of the Cavanaugh group, and I wanted to put a picture of what our view looked like.

Chair Axthelm: You need to state your name and your address and also approach the microphone.

Mr. Wagner: My name is Rich Wagner and I own property at 32787 South Shore Drive, and I wanted to put this view up there because this is my view, and if anybody is thinking that I'm not interested in protecting this view or protecting this lake or protecting the fish in it, I'd like to talk to them because they'd be very, very wrong. That's my introduction.

I actually am an architect by practice. I spent 14 years on my hometown planning commission in Renton, so I want to first of all thank you guys for your volunteer efforts. I know what it's like to listen to us. I also know what it's like to make hard decisions. The first thing I want to talk about is the 100-year buffer. First of all, I didn't think it was that clear. And I did send a letter in – an e-mail in – dated March 13<sup>th</sup> but I realized tonight I might not have put the – quote – "SMP Update" – quote – on there, so I'll send that in again. And in there I tried to highlight a whole lot of issues, many of which I won't touch on tonight. But on each one I also tried to offer some solutions. I think that's where we really need to go, and based on what I'm hearing tonight perhaps there's an opportunity.

The first thing is the 100-foot buffers. I think it's way too much. You've heard a lot of testimony on that already. I just want to put my word in there that I think the 35- to 50-foot that we work with now is very workable, and using the averages – if it's a little greater than that – averages of your neighbors is also a great rule for the neighborhood that we live in up there.

Dock heights. 18 inches clear from the ordinary high water line. Remember, as Joe testified, our water goes up and down four to five feet. If you add the 18 inches and then add the structure and add the decking, you've now – I'm the one that said you're now at eight feet above summer water line. In addition, at eight feet you probably should put a rail on there, so now your vision is impacted by an 11-foot slot at every site.

The eight-by-eight section – I'm the one that said, Where do you put the cooler? There just isn't room on something like that. And imagine then that the dock that you want to tie up to is eight feet in the air. So I think that is just not a workable solution. And I also put in there some other ideas on how we might be able to work on that.

Dock length. Allegedly it's 50 feet, but if you subtract out the float, subtract out the ramp to the float, which is now two-to-one at eight feet, the dock that you're ending up with is 26 feet long. At 26 feet, I think I might have 18 inches of water depth *maybe* – probably more like 12. It's just not a workable solution.

Lastly, I would ask that the boat cover be considered as translucent. The whole purpose of these boat covers is to keep the boat clean and dry.

(beeping)

Ms. Lohman: I'm sorry. Your time's up.

Mr. Wagner: Thank you. The other purpose is to make sure that the cover is not shadowing the fish and the environment underneath. I think we all get that. But remember, the boat's right underneath it. Thank you.

(laughter)

Chair Axthelm: Thank you. So David Christensen, and then after David is Randy Good.

David Christensen: My name's Dave Christensen. I live at 13291 Bayview Lane in Mount Vernon here. I am – unfortunately, two architects in a row. It's hard to believe. I apologize for that, but I'm an architect and planner – I'm in Bellingham and very active politically up there, but I moved here a couple years ago. I just built a new net zero energy house. I love being here a lot, and I'm going to get much more involved here. And one thing I notice as I'm doing architecture and planning, as I've done for the last 36 years around the state of Washington, every jurisdiction has administrators of the Shoreline Master Plan and interprets it a little differently. It's hard for me to understand how *exactly* 50 feet, *exactly* 100 feet – what if the ecology says it's 94 feet or 47 feet or 98 feet? I mean, sometimes it's performance versus prescriptive is involved, and what you want to meet is the intent. And what I find in zoning regulations that have evolved around the state is what's missing all the time is the intent of the regulatory language. The intent here is to save the environment, to have a better ecology for people, to have a better environment for the homes or buildings. And staff, my clients, myself are frustrated because of the regulatory rules say this. And staff is like, I'm stuck, you know? It says this, I know you're doing the right thing. That's what they always want to say is, This is the right thing to do. The intent is to preserve the ecology, the quality of water and all this, and I could do this a different way. Well, I'm stuck. And so having some language to allow some flexibility for the administrator to meet the intent with some flexibility, because there's different situations, like Lake Cavanaugh, for example, out on Bayview-Edison Road or some other areas where you have to have a 100-foot buffer from the shoreline but there's a public, impervious road in front of you. Well, how are you preserving 100 feet of ecology and environment when there's an impervious surface area there? So what should happen is that in cases like that or other wetlands or other areas where the setback is there, we need to be able to look at the unique situation, which is everywhere. So in those cases maybe it defaults to the standard county setbacks and/or the average if there's homes within 300 feet, as the language does now – which is good – in the current SMP. But sometimes there isn't a home within 300 feet so maybe it should default to the standard regulations that everyone can kind of live with.

The other little detail I'll just talk about is in some lots that exist you have a record that may be smaller, and meeting this 30% impervious surface area is extremely difficult sometimes. And what happens is it's the law of unintended consequences. So it counts impervious surface areas: the roof area, the walks, the driveway, everything. So now what is happening is –

(beeping)

Mr. Christensen: – if I had a family, they have a smaller roof so I don't get overhangs because –

Ms. Lohman: I'm sorry, sir. Your time.

Mr. Christensen: – it's counted. So having pervious surface area of pervious concrete count as open space, which is allowed around the jurisdictions around the state, should be allowed. Thank you. Three minutes is fast.

Chair Axthelm: Randy Good, and next after that is Dennis Clark.

Randy Good: Randy Good, 35482 State Route 20, Sedro-Woolley. Just a few of my comments. I'll hand my other comments in.

The SMA includes objectives and goals referencing as being based on the Skagit County UGA Open Space Concept Plan. The Skagit Countywide UGA Open Space Concept Plan is only a concept plan with no legal binding merit. And I have the pages ID'd in my comments.

On page 74, Skagit County Code 14.26.370, Public access, number (3)(c): This section needs enforcement language. Absolutely no language to address enforcement in this plan. Once these public access areas are not maintained – and they will be – they become public nuisances with crime-related activities as we have witnessed on the Cascade and Centennial Trails. How can we expect the Sheriff's Department to ensure public safety of all these trails and keep the public safe? As it is now, the Sheriff has no process to report and keep record of the complaints and incidents on trails and public access because there's no legal address. We suggest adding policy such as the County and Cities must create legal markers and addresses on all non-motorized and recreational trails and public access areas to allow Sheriff deputies and first responders an address to respond to and to file and to keep a record of complaints and incidents.

I was out harrowing pasture today and I had to add this: We find it morally and unconstitutionally wrong that authors of this plan can impose public access through private property by regulations yet do not even address the compensation, enforcement, and safety issues this will cause. Thanks.

Chair Axthelm: Dennis Clark, and after that is George Theo-

Dennis Clark: Dennis Clark, 3805 M Avenue, Anacortes. I do not own a parcel that is on water and yet I, you Commissioners, and everyone in this room is a waterfront property owner. And that's because the bottom of Lake Cavanaugh, the bottom of the Skagit River, the bottom of Skagit Bay and Padilla Bay are owned by all of us – all 7.3 million Washingtonians. And so we all have a stake in these SMPs, which govern our use of the land – all of us. So as you respond to thoughtful comments you've heard tonight, I encourage you to keep in mind that there are other property owners who won't show up here and won't speak and yet their interests are also at stake. And a strong SMP will help ensure their property rights and ensure that the land and the water that we value so much here in Skagit and across the state will be healthy for 50 or 100 years to come. Thank you for your work and good luck.

Chair Axthelm: George Theodoratos. Okay, and then –

Ms. Stevenson: George is right there. He just can't hear you.

Chair Axthelm: Oh, George?

George Theodoratos: (inaudible)

Chair Axthelm: Okay. All right, and then Ed Stauffer.

Mr. Stauffer: Thank you, Chairman Axthelm. I was a proud Boy Scout my own self. Congratulations on achieving the rank of Eagle Scout. That takes some doing and a long arm for all the merit badges.

I wanted to start off with a little bit of constitutional history, and they've dialed us in so I'll just show you here what I have is the oath of office that's taken by our County Commissioners. In this case when you Google it on the webpage of the County, they give you the one that Commissioner Sharon Dillon signed, so I thought, Well, I can go ahead and not white her name out because she was here when this started and only two of you Planning Commissioners were here with her at that time. So what are we all going to do? Well, the first thing that comes to my mind is you hear testimony, garbage in and garbage out. There's some flaws in the data behind this plan. You know what they are. You can't ignore them. You can't pretend that they're not there. You have to realize the implications are that you're making decisions based on those which are going into a plan which they are forming the benchmarks for evaluating people's uses of property. The stakes of you getting it right affect me, my property, my safety, security, my constitutional rights. The oath of office taken by the Skagit County Commissioners do solemnly swear that they will support the Constitution and laws of the United States, the Constitution and laws of the state of Washington and will faithfully and impartially perform and discharge the duties of the – in her case – District 3 in the county of Skagit, state of Washington according to law and the best of my ability.

By taking the appointment from the Board of County Commissioners, you are inured with the responsibility of following and advising them as their eyes and ears on those exact same issues. Joe King. Commissioner Del Vecchio, do you recognize this document? I gave you a copy of it at your first meeting. Joe was the Speaker of the House of Representatives from '86 to '92, spearheaded and is the father of the Growth Management Act. On page 7 of the document, which I've made part of the record in a previous occasion, I quote Joe in an interview with the state – that was done by the state –

(beeping)

Mr. Stauffer: – in 2006 –

Ms. Lohman: Sorry, Ed. Your time's up.

Chair Axthelm: Okay, so next on the list is De Anna Claus, and then after that is Lorna Ellestad.

De Anna Claus: I'm De Anna Claus. I live on Biz Point, which is out on the western side of Fidalgo Island. I did not have a chance for – with enough advance notice to read this whole document, but I thought I'd get up and speak anyway because my parents bought our beach lot land 61 years ago. They paid \$2500 for the lot. It is currently evaluated at \$315,000 so it has gone astronomically upward. When they bought it, they built a modest house on it, being modest people, and that house is currently valued at \$121,000, has never been fixed up in any way, and we pay \$400 a month taxes for the land and house. That's pretty steep. I would like to be able to develop that house. I talked to Betsy today. I don't know whether we will be allowed to – to do what I'd like to do. Our next door neighbors had the same situation with a very modest ranch home. When they went to remodel, the County said, Well, you can put a second story on but only on the back half of your house. So they have this very strange half-story up there. They wanted to – they have a porch that the roof is absolutely part of their house. They wanted to close in their porch so they got a little bit more room in their house. They were not allowed to put walls around their porch supports. We have the same situation. Will we be allowed to put walls

around our porch supports so that I could possibly have a tiny bit of room for a dining room? The house doesn't even have a dining room. So it really involves a lot of individual property rights and situations. And I know the man from Guemes spoke against variances being, you know, quite so easy, but from my point of view my neighbors might have liked a variance and I might like one. And I'm very interested in what you're doing, and thank you.

Chair Axthelm: Thank you. Lorna Ellestad.

Lorna Ellestad: (inaudible)

Chair Axthelm: Is there anybody else from the public that would like to speak that was not on the list?

Ms. Claus: Could I just add that I'm on high bank waterfront, so I don't think I'm bothering the fish or anything, you know, to be opposed to the porch.

Chair Axthelm: Planning Commissioners, if you have any – it's not deliberations, but do you have any comments that you'd like to make for the public hearing?

Hollie Del Vecchio: I don't. I would rather give my time to the public if anybody does need a second round.

Ms. Rose: I don't have any comments right now.

Tim Raschko: I'd just quickly thank everybody for their comments. I found them very useful and I actually see some people I know. And myself, I'll take what you say very seriously.

Ms. Lohman: And I want to echo what Tim, my colleague to the right of me, said, too. I was furiously writing as fast as I could and I plan to review the tape on some of them that I couldn't get everything down. It's really important that you participate and the oral part is just a tiny little snippet, so if you have more, please, I urge you to put it in writing. And be specific. Add the pictures, and it can be just a hand-drawn picture if you need to show us your circumstance. But all of those are really valuable to us. Thank you.

Ms. Mitchell: I'd like to make sure that everybody in the public knows now and in the future – and tell your friends as time goes on – the Planning Commission, staff, and everybody else changes with time so, Brian, go ahead and tell us anyway because chances are there's been enough overturn that people might know – not know, and oftentimes that's the case. So don't assume that we do know because chances are we may not, and the way things run it does not hurt for repetition, if that is the case. I'm really grateful that a number of people have come out and showed us and told us things. I can guarantee you that we would have not have known about Lake Cavanaugh's situation or other things if you had not come forward. The same thing with some other folks. It's very important that you take the time to do that. This is a big deal for this document, and it's very difficult for people on the Planning Commission, staff, the County Commissioners, or anybody else involved to do what's best for as many people as possible around the county without having the input. So please don't short-cheat yourself. We do want to hear from you and we want to know detail, and so please take time to write things and send more into us. Pick up the phone and call me or anybody else if you need to let us know more as time goes on. The information is fine. Betsy's always accessible and so is Mr. Pernula. Thank you.

Chair Axthelm: Tammy, do you have anything?

Tammy Candler: No, other than – well, actually I do. I was very pleased to see how many people came tonight and we do appreciate your comments. Thank you for being here.

Chair Axthelm: So can I have a show of hands who would like to present additional information? Four people?

Ms. Mitchell: Five.

Chair Axthelm: Five. Okay, so those that had raised their hand, please approach over here one at a time? And please again state – you'll have to state your name again, as well, for the record and limit to three minutes.

Mr. Geivett: Thank you very much. Joe Geivett, 35035 South Shore, Lake Cavanaugh. I just – I'm, like, a minute-and-a-half away. So –

Chair Axthelm: Hold on, Joe.

Mr. Geivett: Yes.

Chair Axthelm: Wait a second. We can't hear you. Public, a reminder if they'd like to speak, to talk amongst each other, to step outside. Thank you.

Mr. Geivett: Okay, I just wanted to finish my point about the docks that I was talking about at Lake Cavanaugh. I had already spoken about the grates and the dock width and the conditions and the wood that the pilings – the spacing for the pilings. One issue that we have – and some of the other people mentioned it – is the fixed portion of the dock, the way the document's written, is probably seven, eight feet above the lake level and the – so picture that above this camera. And the width of the dock that you're allowed is four feet for that fixed portion. So now imagine that you've got your little kids and you're heading down to the boat and you're eight feet above the rocks and the mud and stuff, and you're trying to walk down a four-foot walkway to get down to your boat. So we're looking for that fixed portion of the dock to also be wider to something closer – I mean, eight feet. Four feet sounds great if you're on a sidewalk in the street, but if you're eight feet in the air it's really narrow. So, anyway, looking for some tweak on that.

I did have one sketch on the building setback portion, which some folks kind of spoke to. Sorry – just reorient you here a little bit. A little hard to read, but basically the little yellow post-it notes are the few vacant lots in this one stretch of properties. If you look, there's 50-foot setbacks for every house along this portion of the lake, and then what we're saying is the undeveloped houses would be 100 feet. These houses up front have a view much like Rich showed you from his phone – have gorgeous views of the environment. The new person now has a view of this guy's garbage can, his truck, and his garage, and this guy, he keeps his junk pile on the side. So rather than have a house that's in line with these others that can enjoy it, they're set back. So that's just an example. I'll submit that with the written testimony.

And then the last point I just want to mention is in the '70s an EIS was done at Lake Cavanaugh. Army Corps of Engineers did a big report. There was a project proposed to help address that lake level fluctuation. And all the agencies were involved, a project was proposed, they were working on all of this with the EIS. Ended up in a fight and the project never got built.

So the studies that were done in the '70s, though, were readdressed again in the '90s. I've forwarded those to the County and I'll make sure Betsy has those. But in those the agencies, the Army Corps of Engineers in particular, spends a lot of time talking about the unique circumstances at Lake Cavanaugh, the unusual forces, the amount of water that flows through there. So just more information for you to have as you make your decision. Thank you very much.

Chair Axthelm: Thank you.

Mr. Lipscomb: Brian Lipscomb, West Gilligan Creek, Sedro-Woolley area, unincorporated Skagit County. So one thing that wasn't mentioned that I wanted to earlier is people don't understand what the Planning Commission actually did for you. The Department of Ecology was actually after 250-foot setbacks and the Planning Commission luckily has held them at 200. That's actually – that's quite a good thing.

The other thing that was trying to be done? Sea level rise. They wanted regulations in here to start taking into account the sea level rise. The Planning Commission also kiboshed that. You've got to thank them for that.

The other thing that they did is to \_\_ the floodway regulations from any of its shoreline and put them back in 14.34 where they belong. I mean, you only to give – you guys deserve credit for that, I mean for really putting the brakes on because everybody's always saying you guys just do this, and I've certainly said that myself, but I want to thank you.

But let's get back to what does a word mean. I mean, what does "frequently" mean? It's often, right, okay? But we call it "frequently flooded." That's just not right. My favorite is "best available science": If you've ever had any dealing at all with Washington Department of Fish and Wildlife, you know that they have 1000 citations of science. They say "best available science," and if you start calling their bluff on stuff and say things – Well, I notice that you didn't have that in your best available science and this actually says that there are areas where riprap can do some good. They say, It's not in *our* science. So it doesn't matter. If it's not in their science, it doesn't exist. I mean, and it's just too bad. I mean, what does a word mean? Exactly what it \_\_\_\_\_. No net loss. I mean, "net" – we all know it. We've got pluses and we've got minuses, and net zeroes it out. If I plant a tree, that's a net gain. I planted hundreds of trees. How do I get credit for that? You want to talk about net loss? I pick up an average of one net every two years – large fishing nets – off my property in the Skagit River. Is that a net gain? I just got myself a net! Well, we know what it means! And so what do I do with that? I've actually taken derelict fishing gear and I haven't returned it to the proper owner. Well, you know, who knows?

But anyway, so, again, I just to – the science, guys. I mean, let's get some common sense in here. Just because somebody says and, you know, and they quote stuff like that. I mean, I'm academically challenged, but how much education does a guy need to understand what "frequently" means? One every 100 years. Thank you.

(applause and laughter)

Ms. Ehlers: Carol Ehlers. How can I compete with that? Back to the DOE map. The Department of Ecology has on this map identified all of the publicly-owned lands, according to them. Now according to them, there is insufficient access. So I did some work down here in Padilla Bay, which is clearly one of *the* shorelines to talk about. It's the one that actually looks like a beach that everyone thinks of. You know, there's a small shoreline and there's this lovely mud and

sand beach that goes on for miles. Well, this is what there is already in public access on that beach going from south to north. You start with the Padilla Bay Trail, two miles. That's on private land, I think. Then you go to Bayview State Park. Then you go to Breazeale – at Padilla Bay – Interpretive Center. They have 64 acres on land. And the Padilla Bay National Estuary Research Preserve has 11,960 acres. That doesn't count the DOE property up here that is for wildlife.

Now how much more do you need? And the county is full of that kind of thing, with illustration after illustration. But the most important things that are left out of all these documents is the National Scenic River mapping. The Skagit River is a Scenic River from east Sedro-Woolley to Bacon Creek. It stops at Bacon Creek because there was going to be a dam there. From Bacon Creek to the Recreation Area, Skagit County has it zoned to be mined – the whole area including the road. The area up here that is in the National Recreation Area – Ross Lake, the three dams, and all the rest of it – is on the other side of this area which is zoned to be mined. There are other National Scenic Rivers. The Sauk, which comes down here, is Wild and Scenic. The Suiattle that curves around Glacier Peak is Wild and Scenic. The Cascade River that goes up and, if you're really lucky, you can go over Cascade Pass and end up at Lake Chelan, which I did years ago. That's Wild and Scenic now. And as of the 19<sup>th</sup> of December last year, Illabot Creek is Wild and Scenic. You better take the mining off of that one.

Now in addition to all of this –

(beeping)

Ms. Ehlers: – you have a designated Scenic Highway system that starts at the Olympic Scenic Highway of 101 and over here at the ferry at Anacortes to the San Juan Islands a world class scenic area equaled only by the Greek islands, and that road goes through this county all the way up into Whatcom and then down into here. You don't cherish it. It's not identified as a – it's the North Cascades Scenic Highway on the federal maps, on the state maps. There's also State Route 11 that goes up past Chuckanut. That's on the state maps. None of this is recognized as Scenic, as access, as the kind of thing that if you combined it with real information of what it already is here, boy, what we have. I can't believe how much we have and how little we know about it. So if anyone wants to help, I'd like the help. I think the County should create a map and then see what we don't have. I can't find anything on the Samish River. Thank you.

Chair Axthelm: Thank you.

Mr. Christensen: Dave Christensen again. Boy, I feel like I should talk about something global here! If you ever read "The Death of Common Sense," it's mainly about land use issues. I highly recommend it if you haven't read that book. But I'm going to drill down to the metrics of the Shoreline Master Plan, which we have. And what I didn't get to talk about in depth here was, as I mentioned, the intent. And what's happening around the state, the Department of Ecology intent is to have clear water going into our bays and rivers and streams. And right now with the new Ecology manual, pervious pavement is actually required and you have to prove you *can* do it. And I found through many developments actually it is less expensive because you don't have the detention vaults, you don't have catch basins, you don't have pipes, and it helps the ecology and it's actually cheaper to develop. So in the cases of either houses or commercial, having pervious concrete be the same as the water quality of earth. What happens on some houses, for example, it's 40% lot coverage. Well, what that means is 40% of the house, the foundation on the ground. Impervious area, if it's 30%, is the roofs, the walks, the driveway – anything that doesn't let water go through to the earth. Well, pervious concrete or pervious paving of any kind

lets it go through and it clarifies it and it adds quality to it and lets it go out. It's the way it's meant to be. And so right now the regulations are not clear about allowing pervious concrete. This would allow the kind of economic commerce to happen that needs to happen to allow some architectural freedom rather than restricting. When you go by a house or a building sometime, you say, Why the heck does it look like that? And then the owner will say, Well, regulations made me do it like this because I had to count the overhangs, or something. You wanted something to be compatible with the neighborhood. We all want that. And what's sad is most regulations are designed for the few bad apples. When somebody takes advantage of the situation, rules go into effect for everybody. And if you've been to areas that don't have those kind of onerous regulations – I mean, I was surprised when we were doing design standards up in Bellingham and I went down to Bend, Oregon, and I said, I want to see a copy of your design standards. We're including them up in Bellingham. They said, Well, we don't have any. I said, What are you talking about? Everybody's doing good things here. Well, I don't know. People just do the right thing. And they didn't have that evil developer \_\_\_. Everyone was doing the right thing. And that's what we want to do with this Shoreline Master Program is do the right thing. And if there's more creative ways to do it, as I mentioned earlier about having the intent, and using things that other jurisdictions around the state use in planning departments, and giving some control to the Planning Department to do the right thing for unique situations that are everywhere. Thank you.

Mr. Wagner: Rich Wagner again. Thank you. I can't let one architect speak without the other, you know. Dave, in his introduction he really didn't say this, but you should know that he runs master planning charrettes around the country and has been doing that for probably 20 years. So he has a vast amount of experience and would be more than happy to be a resource.

I wanted to pick up a little bit on what Brian was saying. Now I've never met Brian other than tonight you get the feeling like you know him. The idea of saying thank you – having spent so much time on my own planning commission I know that that runs deep. One of the things that I want to encourage you to do with this thank-you is don't be shy about pushing back on Fish and Wildlife, Department of Ecology. Our practice as architects, we practice from Alaska to San Diego. We go to Mexico to serve. The issue that I think a lot of people don't realize is Ecology is pushing an agenda which they're paid to push. I remember a study that the City of Newcastle did, and they tried to figure out just what is best management practices. How does Ecology come up with those? And what they found was Ecology – first of all, if you've ever crossed them you don't get hired. If you are looking to do a study on steep slopes they look for six or seven of the most conservative engineers they can find. Then they pick the top three most conservative and they average those, and that all of a sudden becomes the best management practices. You can push against that and I would encourage you to do that.

The second thing I'd want to say is, as you've heard tonight: I would hate to see all of this effort over the last five years end up being a negotiation for all these little exceptions laid upon staff. I've done a lot of work with staff. Betsy, I think, is great. I've done a lot of work with Leah. I think she's great. But don't put them in this box when you could actually show some more flexibility within the plan for what are you really trying to achieve. Thank you.

Chair Axthelm: Thank you.

Ms. Bynum: Ellen Bynum, Friends of Skagit County, 110 North First, Mount Vernon. Couple of things that come to mind: One is I really want to urge you to continue the hearing and conduct a work session where you actually have a dialogue with the public. We haven't had the opportunity to have that very often. I think you need it, not just for public testimony but I think

you need the expertise of the people who have volunteered to raise their hands and help, you know, conduct sort of expert evaluation of what's in the plan at the moment.

Thank you very much for talking about pushback. I was reading the Coastal Zone Management Act and on DOE's website it said that the Coastal Zone Management Act has no enforcement mechanism. Well, if it doesn't have an enforcement mechanism, how did DOE get the authority to do enforcement? They assumed it or were given it by the legislature or whatever. So I think there is room to make differences in the way that we do things here. If we have justification that's practical and that makes sense for this – as a solution for people who obviously have a pre-existing situation that they've got to solve problems for. I mean, one-size-fits-all does not work. It's supposed to be site-specific design and planning. That's the best practices for architecture, is it not?

So I just want to urge you guys to continue the hearing, to do a work session, and then come back and do another hearing and complete that. Because I don't feel like we – I don't think there're enough people that have said enough things and I think it's going to take you quite a bit of work to actually get a handle on what's been said tonight, much less the material, which I haven't read, you know, and I've been working on it full-time for quite some time. And I've got – you know, I might get it done by April 4<sup>th</sup>.

So, you know, we all live in Skagit because we love how it looks. Part of how it looks has to do with the rules that we play by. Some of it has to do with the – you know, the people that have been brave enough to stand up and say, We don't like it; therefore, we challenge it – a lot of people in this room have done that. We'd rather not do that on this particular situation because it wastes a lot of time and money and the lawyers get paid and we pull our hair out and, you know, don't always get what we want. So we'd like to be proactive and we'd like to get the best recommendations in at the get-go instead of coming back and having to be reactive about it. So I urge you to continue the hearing and hold a work session. Thank you.

Chair Axthelm: Thank you. Any other public comment?

Unidentified male voice in the audience: Round three?

(laughter)

Chair Axthelm: Okay, so any other comments from the Commissioners?

Ms. Mitchell: On this topic or \_\_\_\_?

Chair Axthelm: On this topic. Just specifically – we'll have our deliberation chance, but is there any comments you want to make as far as the Shoreline?

Ms. Mitchell: Just one more. For anybody else that has shoreline property that may be affected or your neighbors may be, make sure you contact them and let them know to ask them to look at this stuff pretty quickly because time's really running out for us.

Ms. Rose: No, I think my comments probably fall under the deliberations.

Chair Axthelm: Okay. So I appreciate you coming tonight and I know three minutes is short. It doesn't always \_\_\_\_ at the time. That's why I'm on the Commission, because I had the same thing happen to me when I was – first moved here. So I do have one question for Betsy, though.

There was a comment made about some of the documents not being readable or not being accessible or posted. Is that – did I interpret that right? Is that the case or –

Ms. Stevenson: No, I didn't try them today. They've opened for me in the past. So I'm not sure specifically. There again we need some specifics.

Chair Axthelm: Okay. Okay, so who – okay. Do we want to ask anybody on whether they were able to access all the documents?

Ms. Del Vecchio: It looks like Carol might have some input on that.

Chair Axthelm: I understand, Carol. Did anybody else have any issues with access in the documents or not having them available?

(several sounds of assent from the audience)

Chair Axthelm: Okay, if I could have you approach the microphone and briefly mention what –

Ms. Bynum: Sure. Ellen Bynum. The issues that I have with the documents: First of all I had people calling me asking me how to access the documents because some people couldn't just click on the link and it wouldn't come up. It came up with some proprietary thing and they couldn't get in. So that was one issue.

The second issue was when you're looking at the documents you cannot read them at the 100% level, right? So you've got to make them be 200% and then if you're looking at one side of it, if you have a screen that's this size, you know, you can't look at the whole map. I would really, really like to have paper printouts in the lobby so that we can, you know, do some work on that. Get people together and have them come in and look at them as a whole, because the context is really, really important on a number of these maps. The other thing about the maps is they're layers, right? So there's 29 layers of information. There's not a map that has all of that on it because you couldn't – I presume because you couldn't do it or you couldn't read it or whatever. But in some instances you have to be able to see all of them at the same time, at least side-by-side on some of them, or you can't make the determination. And they're sometimes in conflict. So the access piece also applies to people that don't have any Internet. I mean, we have – you know, I would like you to think about doing a work session where you put a map or a portion of a map up here and you talk about it, you know? I mean, that would be really good for people.

Chair Axthelm: Were there any documents that were on the hearing – that were for the hearing – that were not accessible or weren't there?

Ms. Bynum: The maps were the ones that I had the biggest problem with. No, the other documents –

Chair Axthelm: So just issues accessing them. They were there but they just were hard to read.

Ms. Bynum: Yeah. Well, they're impossible to read and they take a real long time to download. I mean, I did 12 of them in an hour and most people – and I have a DSL connection. So, I mean, you know, that's not your fault but that's just how it is.

Chair Axthelm: I just want to make sure that all the documents were there.

Ms. Bynum: Yeah. Well, I don't know that because I didn't – I actually was going on what was noticed in the notice for February and I was reviewing those for two weeks, and then all of a sudden I realized the Watershed Company report was a part of it, right? That's part of the record. And so I had to – so then I had to go back and say, Well, I've got to read that whole thing. I guess what happened is you posted those later than you posted the ones in February – or the documents in February. They haven't been on the web that long.

Chair Axthelm: But the hearing tonight was just based on the Shoreline Master Plan document.

Ms. Stevenson: I have a question for Ellen, if I could ask it, if that's not –

Ms. Bynum: Sure.

Ms. Stevenson: The maps that you're talking about now are the maps that were part of the Shoreline Inventory, right? The map folio? You're not talking about the Shoreline Environment Designation maps?

Ms. Bynum: The figures 1 through 29.

Ms. Stevenson: Okay, I'm guessing that's what that is. I don't know. Like the land use cover and some of those other things.

Ms. Bynum: Yeah, yeah.

Ms. Stevenson: We don't have hard copies of those. I do have the Shoreline Environment Designation maps.

Ms. Bynum: Could we make hard copies of them – like one, you know? We don't need a zillion. I mean, I just think having one copy would sort of legally satisfy accessibility.

Ms. Stevenson: We can get our GIS Department to print those and we can have them out in the lobby for people to look at.

Ms. Bynum: That would be great. That would be really, really good.

Ms. Stevenson: We don't intend to have these maps available in hard copies, though, because there's so much information and they are so big. But we will go ahead and get some out so people can look at them and go through them.

Ms. Bynum: I think that would be really good.

Ms. Stevenson: And I do have the Shoreline Environment – the proposed Shoreline Environment Designation maps in a size that we had at the open house, and I'd be glad to put those out so people can actually see parcels and what the proposed shoreline designation is for those. I just wasn't sure at first what maps you were talking about.

Ms. Bynum: Yeah, I think that would be very helpful because the maps are generated from different data sets and there's no comparison. Like you can't – in some of them the data is different for the same parcel of ground, so, you know, I don't know what you're going to do about that. I think you'd want it to be the same if you're then going to put a regulation on it that you've got to enforce at some point. But, you know, what do I know about that? Not that much.

Chair Axthelm: No, I just to make sure the information that was advertised was actually there to review.

Ms. Ehlers: Well, this is something that I wanted to raise. On March 1<sup>st</sup> at that workshop here there were nice maps here on the wall of the designation which, for those who don't know, what in Comp Plan/Comprehensive Planning/Growth Management, zoning is. In the shoreline, they call it designation. And it's crucial in both cases for both sets of laws to make sure that what you're in is what is appropriate for you. That's where everything hits the fan. I have never known that this map designation exists. I think there ought to be a very small legal notice that there is a Shoreline Designation zone – or Designation map and that it's available to be seen at 1800 Continental Place. And then you may find people want it – I'm sure they want it on the line. I'm sure there's other places. But at least tell people it exists.

Chair Axthelm: Carol, the question I had: Is there any of the documents that were advertised or they're supposed to be there, are there any of them that are not there?

Ms. Ehlers: The only thing that was advertised were the February 4<sup>th</sup> and 5<sup>th</sup> documents. The rest of it was not noticed.

Chair Axthelm: Okay. Thank you.

Ms. Ehlers: And those are the documents, I think, that Ellen's talking about. It's full of maps. For example, Burroughs Bay is one reach. That's fine. If you're looking only at the shore and the shoreline and the sand beach, it is a unit. But after the catastrophe of November 1990, they did – GIS and others – did a study of the uplands in west Fidalgo. It doesn't fit one unit in any way you can describe it. So what does this shoreline designation – is it based on? If the Indians do what they claim they were going to do and use these detailed inventory maps and the code to have them do the enforcement on us and go after those of us who may or may not have something that is on a map or isn't on a map, I don't want to be enforced against on something I don't know what it is and it's based on a wrong map.

Chair Axthelm: Okay, Carol –

Ms. Ehlers: That's the crux of it.

Chair Axthelm: And if you have those comments, that's fine. I'd like to see them but if you could give them in writing. I was just making sure that there was no omissions. And if there's no omissions – I mean, I'm talking from what was advertised.

Ms. Ehlers: That whole 2011 Watershed Study was not advertised.

Chair Axthelm: Okay.

Ms. Ehlers: Thank you. Thank you very much for letting us come back.

Chair Axthelm: Thank you. So, Betsy, are we doing the hearing on the Watershed study?

Ms. Stevenson: It's part of the proposal.

Chair Axthelm: And it was not advertised as one of the documents that we were having the hearing on?

Ms. Stevenson: We just said the Shoreline Management Program.

Chair Axthelm: But is that a separate document from the Shoreline Management Program or is it – because I have the Shoreline Management Program and I reviewed that.

Ms. Stevenson: And we provided the Planning Commission at the time we started the analysis reports, as well, so I – I mean, it's been online since 2011. It's part of the package.

Ms. Mitchell: One of the things I think that might be helpful – and I know what he's getting at. I've had a number of phone calls and was buttonholed at different places in the last two weeks. There is definitely confusion when you look at the Shoreline Master page which part is actually for part of the public hearing. Obviously the big document – but if you could bring up that page and point out which documents apply, because I've heard arguments for both ways. My assumption was it was the main document for what was on the 4<sup>th</sup> – those documents, and also the supporting documents that went underneath. That's what my initial assumption was. But, again, that was my assumption. I don't think other people are thinking that.

Ms. Stevenson: Any information that we've used and compiled that we put together to help us develop the SMP is – I mean, people can get up and comment on whatever they want to, basically.

Ms. Ehlers: We've never done that!

Ms. Mitchell: So in a nutshell, if I'm hearing right, so it's anything that – any of the documents that are on the Shoreline Management webpage, the main documents that come under the SMP 2016, and any of the supporting documents that go under. Is that correct? I just want people to – that understand. So that's all part of the package?

Ms. Stevenson: Mm-hmm.

Ms. Mitchell: Okay. Thank you.

Chair Axthelm: I just want to make sure there was nothing omitted.

Ms. Stevenson: I'm sorry?

Chair Axthelm: I wanted to make sure there was nothing omitted, that the information was there. And if it was there, then that's – if that's what you say, that's fine.

Okay, so with that – that doesn't –

Unidentified female voice from the audience: Wait a second, please. Carol had \_\_\_\_\_.

Chair Axthelm: Carol?

Ms. Ehlers: This is what is on the document page. So what we're being told is that everything on this entire list is to be commented on by the 4<sup>th</sup> of April, even though the first four items is what was referred to in the legal notice. If this is the way the legal process is to be done from

here on in the future, we all need to know it so that we can translate from what the legal notice says to what's on the Internet. That's all I really want to know. We're talking about a difference between 200 pages, which is what Betsy's been writing all these months, and 200 more pages, which is in the inventory. So is this hearing on 200 pages or on 400 pages plus no net loss and how you're going to have no net loss when you permit mining in a river?

Unidentified male voice from the audience: Carol, I can answer that because I have \_\_\_\_\_.

(laughter)

Chair Axthelm: Thank you. Okay.

(unintelligible comments from several audience members)

Chair Axthelm: Any other questions or concerns? If the public will let us continue, please. Okay, so if there's no more comments, that closes the public comment portion of the hearing, at least here. But you can still do the written comments until – what was the date?

Several Commissioners: April 4<sup>th</sup>.

Chair Axthelm: April 4<sup>th</sup>. Is it 4:30 p.m.?

Mr. Pernula: Yes.

Chair Axthelm: So please do that if you have any additional comments. We'd love to see them and we will be looking at those and reviewing those. So if we could move on to the Department Update.

Mr. Pernula: I was just going to mention a little bit about the process from here on and how we've got it scheduled in the future. And what we have scheduled is, as you just mentioned, the public comment ends on April 4<sup>th</sup> and then Planning Commission deliberations will be at the April 19 meeting, also at an April 26<sup>th</sup> meeting and perhaps if we need a third meeting it'll be on May 3<sup>rd</sup> on the Shoreline Master Program.

Chair Axthelm: You talking deliberations?

Mr. Pernula: Those three meetings for deliberations, depending on how much time you need and so on.

Now on the Comprehensive Plan, the 2016 Comprehensive Plan Update, the public hearing will be April 5<sup>th</sup>, a possible continuation of the public hearing until April 12, and public comment ending on the Comprehensive Plan Update on April 14. The deliberations on the Comprehensive Plan Update will be May 10, May 17, and perhaps May 24<sup>th</sup> if it can't be done on the first two dates. So you can see that there's a lot of work to be done. We will be compiling the information – all the written comments and responding to it and providing a staff report to the Planning Commission prior to the deliberations. That's it.

Chair Axthelm: So that's basically one meeting a week?

Mr. Pernula: That's a lot of meetings, depending on how long it takes you to get through them. Yep. Two big projects.

Chair Axthelm: Thank you. That's it?

Mr. Pernula: That's it unless you've got some feedback.

Ms. Stevenson: Yeah, I guess I would just encourage you if you do have questions while the public comment is still happening before we get back for deliberations, please send them along so we can start working on them. The more questions that we can answer for you ahead of time – you know, trying to do deliberations when you still have a lot of questions is going to be tough. So if you've got ideas of things that you would like, you know, to ask about, please send those to us and we'll start working on that so we can respond. And, you know, we'll respond to all of you so you'll all get the same information and the answers. But that's something that we can be doing as we still are accepting public comments, is at least working on your questions. I'm sure you have them.

Ms. Lohman: So we could do that through e-mail?

Ms. Stevenson: Yes.

Ms. Mitchell: Thank you.

Chair Axthelm: And that does really help. The last time I noticed that the few people – or the Commissioners that did. Yep.

Ms. Lohman: But we can submit stuff to the public record, too, through the public comment channel, correct? Is that what you want us to do?

Chair Axthelm: We can still submit through public comment. If we want to submit public comments that aren't through deliberations, we can submit written comments.

Ms. Stevenson: I've never seen a Planning Commission member write a letter.

Mr. Pernula: Normally the Planning Commission –

Ms. Lohman: Because on marijuana you asked us to do that.

Ms. Stevenson: Not me.

Chair Axthelm: Well, because if we make comments during deliberations, those comments aren't necessarily accepted. I guess that's – yeah.

Ms. Stevenson: That's a good question to ask in an e-mail and we can get an answer for you. I've never had anybody ask me that before that was on the Planning Commission that wanted to write a letter or a comment letter on the project.

Ms. Lohman: Because staff requested that during the marijuana situation.

Ms. Mitchell: Right.

Ms. Stevenson: Okay. I wasn't involved in that so I don't know.

Ms. Mitchell: We've done it before. So the question is if somebody wants to do it they can do that as a citizen, correct?

Ms. Stevenson: I don't know.

Ms. Candler: As a citizen, they can't stop you.

Ms. Mitchell: Right. As a citizen, you're on your own.

Ms. Stevenson: Was that at a public hearing before *you* or a public hearing before the Commissioners? I mean, I don't know.

Mr. Pernula: I thought that was before the Commissioners – the Board.

Ms. Stevenson: We'd have to look into that. So I can try to find out. I don't know.

Chair Axthelm: Okay.

Ms. Lohman: Because I think we need to find a clearer answer because we were told that if we had something that we wanted to bring up before deliberations that it had to go through the public comment process. So we need to make sure that it goes to the right – you know.

Mr. Pernula: We'll get that right back to you.

Ms. Stevenson: Yeah. Thank you.

Chair Axthelm: Okay, so with that the next item on our agenda is the Planning Commissioner Comments and Announcements. I'd like to start it out just as a matter of discussion, I know when I came onto the Commission I came on and it was one meeting a month, occasionally two. But now it's – well, at least for this stuff it's closer to four, and I want to make sure that the Commissioners are all right with this or if we have any concerns if you can put your time forward on it. These are important issues, so are we able to put our time forward to do this effectively or is this too much? Let's go down the line and let us know how you feel. Tammy?

Ms. Candler: Same thing. When I was talking to the Commissioner about doing this it was once a month. It's already twice a month as a pretty standard. Four times a month with my schedule, I just don't think that's realistic for me. And the problem that I have is if I –

Mr. Pernula: We can't hear. We can't hear what you guys are saying at all. It's noisy back there.

Ms. Candler: If I choose to absent myself – so the problem that I'm having is the same thing as what the Chairman was mentioning. When we signed on it was once a month – was sort of the idea. It was twice a month pretty much ever since I've been on the Commission except for August. I am going to have a problem staying, you know, with these kind of hours every week for, it looks like, five, six weeks in a row, something like that.

Ms. Mitchell: Eight. It's going to be eight.

Ms. Candler: Eight weeks in a row. I just don't think that's realistic for me. And I don't want to skip this deliberation and, you know, be part of that one. I could do that but it's not ideal. So I'm not sure what to do. I do think that we're on a time crunch. Am I the only one that has that problem?

Chair Axthelm: Kathy?

Ms. Mitchell: I have the time because I'm not working, so that makes a difference. But it is a lot of work. It's like doing term papers every week. But I understand that and I can handle it and I can help take up the slack. I am very concerned about the ones that are working jobs as well. I don't know how they're doing it already.

Mr. Pernula: Josh, could I make a quick point in here?

Chair Axthelm: Yeah.

Mr. Pernula: One thing: The reason why we have such an advanced schedule is that by statute we're supposed to have the 2016 Comprehensive Plan Update by – adopted by June 30<sup>th</sup>, so we're on a tight schedule, and we should have the SMP done by then as well. That said, you know, if we don't get it done by then – we're going to try our very best to do it, but if we don't get it done by then, so be it. Also the schedule that I gave you is probably a worst case scenario. We wanted to make sure that all those dates are set for those hearings and those deliberations and perhaps it could take less time than that.

Chair Axthelm: Okay. Annie?

Ms. Lohman: I'm a farmer so I'm looking at, if it stops raining, April and May – I mean, it's kind of putting me in a real spot, especially since the Commission has invested so much time. And then you're asking the difference of what puts food on my table and coming here, and it's a no-brainer. And it just bothers me that I might not be able to attend because of the timing. But that being said, potentially maybe what we ought to think about is if we want to extend our time and go later. Are we willing to go to 10 in absolute – or have a – or 9:30? Maybe extend our time, because just adding another meeting day is almost worse than just going a half-hour or 45 minutes longer – for me.

Mr. Raschko: I'm retired and I've got the time. I'd go to extending the meetings, but what I do not want to do is waste my time. And I apologize for saying this but if we can run these meetings real efficiently and stick to the timelines for people – and people are not going to want to hear this, but, you know, we have a time for people in the audience to speak but it seems like it just keeps going on and on and on and these meetings run on and on, and I get tired of it. The other side of that is it's important to hear what everybody has to say, but I still think we need to stick within rules and we can get these meetings run efficiently and get out of here. And I'd come to all the meetings that we need to have if we can do that.

Ms. Rose: I'm not retired but I'm not working fulltime so I could probably handle whatever meetings are settled on. And I also like the idea of fewer meetings and longer meetings. If we can run it up to an hour extra and skip the next week, I prefer that over every week. But if every week is needed, I'll do it unless something comes up or it's a conflict with something else that I've already got on my calendar.

Ms. Del Vecchio: So I don't feel like I have the luxury of raising an issue about this because I was warned when I was brought on to the Commission that this was coming up. But as far as down the road – so I did know coming on to this that April and May were going to be rough months and I voluntarily entered into that. I was not prepared for 10 p.m. meetings, so I guess I am on the flip side. I would rather do all the weeks – all the meetings that are scheduled and be done by 8:30 at the latest. That's – I don't know about everybody else, but my mental capacity starts diminishing rapidly at that point, and it makes the next day much more challenging for me. So going forward, I guess my two thoughts are in the immediate future for those who do have a hard time with this, is it possible to do a scheduled rotating absentee list? Because really we need a quorum. Obviously the more people we have here the better, but it's going to be a challenging couple of months and if there's a way of letting up, giving folks some relief by having a rotating list of who's going to be absent and not – obviously other things come up so we want to plan for that, as well. But and then for the more distant planning, I have a feeling that we've known what these deadlines were for a fair amount of time, so if we could avoid pushing up against two big deadlines at the same time that would be really helpful. That is all I've got. But I will be here. I did know coming into this that these meetings were planned so I do plan on being here. My request would be that we end them at a reasonable time.

Chair Axthelm: Okay. Thank you. Myself, you know, my time's important. I have kids at home. So it's not what I had planned but I think – I think we've learned from the past on some of our meetings we've had in deliberations if we can keep the deliberation shorter but giving – we don't have to rewrite the code. We don't have to rewrite everything. This is – these are our recommendations to the Commissioners, not rewriting the whole thing. So, Dale?

Mr. Pernula: I was just going to say we're part of it, too, as the staff. We'll try to take the comments and boil down the issues to as clean an issue that you can deal with, listen to all different sides, and make an informed decision. So we'll see what we can do to help you out the best we can.

Chair Axthelm: Okay. Yeah, and I think we can get through this in a lot less meetings if we can keep our comments a little shorter. Do we have any suggestions on how we can do that, especially you new people? Do you see a different way that we can get these deliberations or these comments down to a shorter amount, besides writing in ahead of time to the Planning Department. I think that really helped last time.

Ms. Rose: Well, I haven't been involved with deliberations on comments, public comments, yet so I don't have any suggestions, but it seems that we will have – you know, we've heard the comments, we'll have time to digest the information before our next meeting or before our deliberations so it's not going to be new to us. And so I think that we all need to sort of figure out what our thoughts are ahead of time, you know, and come prepared to be brief. Yeah.

Chair Axthelm: Okay. Dale?

Mr. Pernula: I'll make a quick comment. When we were going over some of the elements of the Comprehensive Plan Update I thought you were very efficient when we looked at each of the issues and you went right down the row, asked everybody for their comments, and dispatched with it fairly quickly, I thought. I think that was a method that worked and we'll try to employ it with these deliberations as well.

Chair Axthelm: Okay. Yeah, that sounds good. I think if we can get some of our specific stuff – I know I have a few specific comments and I'll try my best to get those in to you ahead of time so

that way they don't have to be addressed during deliberations, or they can be short during deliberations.

Ms. Stevenson: And it's not necessarily comments as much as questions. If there are things that you still want more information that we can be researching and providing you. There was a memo that you guys got in early January before we got to this point that you talked about kind of how you were going to handle deliberations and dividing things up. So we can refine and revise that a little bit, but it did break the Shoreline Program down into certain parts that you would talk about each night. So we'll try to keep with that and we will try to prepare the report on the comments that we received and divide them into those sections so that it's not all over the place as well. So like if one person writes a letter and they've got comments about lots of different things, we'll split it up so that the comments that are related to the things that you're going to talk about that night are included in there and it's not just all these comments, if that makes sense. So we'll try to organize it very well for you as well so that you can have those as far ahead of time as we can get them to you. Right now it's not a very long turnaround time for us to get all the comments put together and get them back to you by the 14<sup>th</sup> from the 4<sup>th</sup> or whatever it is. So we will do our darnedest to get them to you a week in advance, and I don't know how we're going to do that but we will try.

Chair Axthelm: Well, and we're not doing the first deliberations until – is it the 19<sup>th</sup>?

Ms. Stevenson: Oh, okay. That sounds better. At least it's a little more time.

Chair Axthelm: Yeah.

Ms. Stevenson: Yeah. Okay.

Chair Axthelm: I mean, unless we did it – no, we have the hearing on the 5<sup>th</sup>.

Ms. Stevenson: Yeah. Okay, okay. All righty, but we can kind of revamp that a little bit and send it out again, too, just as a here's-what-we're-going-to-try-to-talk-about.

Chair Axthelm: I mean, ideally it would be nice if we could get it all done in one meeting!

Ms. Del Vecchio: I doubt that's going to happen so I wouldn't get our hopes up.

Chair Axthelm: Yeah. But if we can keep it as close to that...

Ms. Stevenson: I haven't been so involved and so I can talk with other staff members, but I'm assuming that we come back to you with a draft template of a recorded motion – the sum of the stuff – and then you guys add your flavor and touch to it and do the things that you need to to add to that. And I know at the last meeting, the workshop, you kind of asked that we try to include as many of the comments that you had along the way, and we might keep that kind of separate from that but have it for you so that you can see as best as we can pull that information together for you too – over the time that we've had, these were some of the things that you had mentioned.

Ms. Mitchell: That helps. Thank you.

Ms. Stevenson: Does that make sense? And I'm open to try to make this as painless for all of us as we can so if you think of ways and information and how to display it and how you want it or how we can provide it for you, just let us know.

Chair Axthelm: Okay.

Ms. Del Vecchio: Can I make just one final comment hopefully, that we've now been talking for half-an-hour about how to speed meetings up?

Chair Axthelm: Yeah. Well.

Ms. Del Vecchio: Okay. So not having this conversation at the end of every hearing might be a way of speeding that up. And, with that, can I move to adjourn? Are we there yet?

Ms. Lohman: Second.

Ms. Mitchell: We've got Commissioner Comments.

Ms. Del Vecchio: Oh, I thought we were already in that. Oh, we are not done. Okay. I will withdraw my motion.

Chair Axthelm: Okay.

Ms. Lohman: But I might not.

Chair Axthelm: So are there any more general comments from the Commission?

Ms. Mitchell: I've got a general comment on a happy note. For anybody that can stay afterwards, we have a very special occasion tonight. It's Carol's birthday and there's a little celebration just afterwards.

Chair Axthelm: For those of you who are new to the Commission, Carol served on the Commission for –

Ms. Ehlers: 25 years.

Chair Axthelm: – 25 years.

Ms. Ehlers: I was appointed to do the Shoreline Master Program.

(laughter)

Chair Axthelm: Okay.

Ms. Del Vecchio: I believe the motion's still on the table actually.

Chair Axthelm: Yes.

Several female Commissioners: Second.

Chair Axthelm: Okay. Meeting's (gavel) adjourned.