

Skagit County Board of County Commissioners
Work Session: Shoreline Management Program Update
June 13, 2022

Commissioners: **Ron Wesen (District 1) – Acting Chair**
 Peter Browning (District 2) – Chair (absent for part of session)
 Lisa Janicki (District 3)

PDS Staff: **Hal Hart, Director**
 Betsy Stevenson, Senior Planner
 Jenn Rogers, Assistant Long Range Planner

Others: **Dan Nickel, Consultant (The Watershed Company)**

Chair Peter Browning: (gavel) All right, welcome back. It's Monday, June 13th, 2022. It's 10:30 a.m. and we're here with Planning and Development Services, but first would you all please join me in the flag salute?

(everyone recites the Pledge of Allegiance)

Chair Browning: Thank you. All right, we're here with Betsy Stevenson, Hal Hart and we're here to talk about the – and Dan Nickels (sic) online – here to talk about the Shoreline Master Program and this is a work session. And I'm going to turn it over to Hal Hart.

Hal Hart: Thank you and good morning, Commissioners. Also in the room is Jenn Phillips, our long range assistant planner. I would also make a note that we have provided a one-page memo and then we have recently – is this out yet or is this under review?

Chair Browning: This is out.

Mr. Hart: So we have the Shoreline Master Program Periodic Review 20 to '22 Public Comments Matrix. So people can find their public comments there and staff's response to those as we move forward, Commissioners.

With that, I think we'll have Dan, who's up on the screen, and Betsy begin.

Dan Nickel: Great. Well, thank you very much, Hal. Again, this is Dan Nickel from the Watershed Company, and I will kind of continue where Hal left off. I planned to walk through specifically some of the response to comments today that the Department has proposing here, but before I do that I do want to walk through the matrix that you have in your packet so that, you know, we have a – maybe a little more clear how this is laid out. We saw, I think, a draft of this – not a complete draft, but a partial draft of some of the responses that we walked through the last time.

But just for context, we did have 30 written submittal comments that came in, as well as, I believe, another 12 verbal comments that came in at the hearing back in March. The extent of the written comments, a few of them – or actually four of them – warranted a bit more substance in terms of the responses, so we have in the matrix in your packet, which is a fairly large document, we have responded to most of the comments. And in the first – I don't know how many pages we have

here, but the first number of responses here. But we do have four appendices, and the appendices represent responses to – the first one being responses to the Swinomish Tribe as well as the Skagit River System Cooperative. They had combined comments. Appendix B was responding to a document prepared by Kyle Loring on behalf of many entities in the county, including Evergreen Islands and Washington Environmental Council, for example.

The third appendix is responding to Washington Department of Fish and Wildlife's comments, specifically from Shannon Brenner, but that actually refers to comments that were received last year from Bob Warriner from that agency.

And then the last set of comments is from Futurewise. The comments were received from Tim Trohimovich. So that is Appendix D.

And then in addition we did prepare a supplement to the topic area of sea level rise and climate change. We did discuss this at the last meeting. We did go over some of our draft responses in that meeting. That is actually supplied as the supplement to the comment matrix, and you'll find that on the end of the matrix packet.

But today – I mean, I guess we're here today to go over this material. I think specifically what I would suggest doing is I could walk through the very specific recommendations that are coming through the Department that address these comments, and then maybe I could walk through those and then respond to any comments that you have as well as then take any other discussion or comments, questions from the Board related to everything else in the packet. So if that works for you, I will go ahead and proceed and walk you through these changes. I've got a PowerPoint presentation that I will share my screen on, so just bear with me for a second.

Okay, is everybody able to see my screen?

(silence)

Mr. Nickel: All right, so again I'm going to walk through. I've got nine specific topic areas that I do want to walk through today. These are responses to the public comments. These are in order as they are presented in the comment response matrix.

Betsy Stevenson: Dan?

Mr. Nickel: Yes?

Ms. Stevenson: You've got several different things on your screen. It's not just your one slide showing up. There's a Teams notification and something else. Did you see that?

Mr. Nickel: No.

Ms. Stevenson: That's not filling your whole screen.

Mr. Nickel: Am I still sharing?

Ms. Stevenson: Not yet.

Mr. Nickel: Okay.

Ms. Stevenson: Now if you do a slide show from there, you should be good.

Mr. Nickel: Yeah.

Commissioner Lisa Janicki: I don't know what mode that's called. What we see is the screen and then the next screen coming up.

Ms. Stevenson: There you go. Thank you.

Mr. Nickel: Sure thing. I appreciate that. So the first recommended change is related to Lake Cavanaugh, which received some comments that were specific to concern about the maximum height that docks are required to be above the surface of the water. Certainly this was a comment related to Table 14.26.420-1. There is a reference in that table that speaks to the maximum height the dock could be above the surface of the water. And the comments were concerned about – you know, lake levels in Lake Cavanaugh fluctuate quite a bit. We recognize that. And essentially the point of the regulations was to regulate from the high water level, not just the surface elevation that could be variable throughout the ___. Our suggestion here is to specifically make adjustments in Table 420-1 which would emphasize or read that docks shall be a maximum height, shall be a level of ordinary high water. It's not necessary to be on the ordinary high water mark. The ordinary high water mark is actually a location along the shoreline, a horizontal distance that is used for shoreline setbacks in shoreline jurisdiction. So it needs to read the level of _____ high water. And I think that would address the comments.

I'm going to go ahead and I'll pause there. If there's any specific comments from the Board or discussion from the Board, I'm happy to answer questions on _____.

(silence)

Commissioner Janicki: No questions.

Mr. Nickel: No questions. Okay.

The second item. This is in relationship to addressing concerns about sea level rise and climate change. We did discuss this at the last meeting _____ and I've got a number of recommendations in the following slides. But the key thing here was really the – many comments came in related to concerns that the County wasn't addressing sea level rise or climate change factors at all in the Shoreline Program. And we have this supplementary memo that was produced that you've already seen. That did actually recognize the County's intent in future years to walk through some of the necessary analysis that needs to take place in order to really get at a better understanding and more specificity in terms of the impacts that the County will see and how to address that. But first and foremost the Department recognizes that there's things that we can do right now to recognize these concerns. And a lot of these suggestions or recommendations to policy and regulations pertain to making sure that we are considering climate change impacts, climate change factors in our development applications and review. And so you'll see that language. It's pretty common in all the slides.

So there's a handful of specific policies that we are making suggested changes to, some of which are new policies and some of which are ___ policies. Under General Policies we have two specific additions to the conservation policies under Environmental Protection. These will be two new ones, the first being that applicants proposing shoreline development for usage should be

encouraged to consider sea level rise projections when assessing potential project-specific impacts.

And the second is for – to recognize and monitor the potential effects of sea level rise as additional scientific information becomes available, and consider additional specific policies and regulations based on new and accepted scientific projections. The latter one here – that last policy – is really getting at kind of a future look at and a more in depth look at what sea level rise impacts the county may be facing in the future. There definitely needs to be more study on this, more community outreach and input, but we also recognize that as science also improves we get a better understanding of these impacts and we can apply it to future policies and recommendations.

A few more policies that are specific policies. These are in the Shoreline Uses and Modifications Policies. One to Institutional Development. This is a new policy. This would, you know, consider the location of essential public facilities and associated new development in relationship to sea level rise concerns.

Similarly for residential development and considering future sea level rise and climate change factors during the evaluation of residential development siting. So when we are planning for our development, making sure that we're considering these factors.

And then the last one under Shoreline Stabilization: This is a similar policy that already exists for freshwater systems for our river and streams systems, but this would be for estuarine and marine shorelines where we would work to remove armoring where it exists but it is not necessary. It's a way to improve our natural conditions.

Moving on to recommended regulations, again we've got a handful here that do relate to some of the policies we've already described. Under Commercial Development, which is where our institutional development occurs – and this would again encompass these essential public facilities so this would implement the policies that we just were speaking of. So again, siting essential public facilities in relationship to floodplains and areas of marine shorelines, making sure that we're considering areas of inundation ___ sea level rise. Both of these are regulations under subsection (3) and subsection (4) of section 430 – is where those would be.

And then the last two, one under Residential Development. Again this is relating to siting of residential development. It must consider future sea level rise and other climate change factors in that siting process. And then ___ under Structural Shoreline Stabilization this would actually implement the policy with regarding the removal of existing shoreline armoring in estuarine and marine areas where it's feasible and appropriate. That must be considered.

The last one here, and then I'll pause, but is for pre-existing, single-family residences and appurtenant structures. This is in chapter 6, so 14.26.620. This specifically – I didn't provide the full excerpt of where this is located but this is for minor expansion of residential – existing residential structures. This specifically would allow an existing structure to be – for the height to be increased as an allowance specifically when the sole purpose is to raise the structure to prevent flooding with the sea level rise. So this would put into place an allowance for a structure to potentially be at a greater height than would otherwise be allowed.

I'm going to pause there and see if there's any questions or comments.

Commissioner Ron Wesen: One of the things you mentioned, estuaries – removing armoring protecting estuaries. As you know, all of Skagit County – the saltwater dikes that protect the agricultural land: Are you saying that in the future they aren't going to be able to protect the agricultural land? Or at some point somebody's going to decide that doesn't need to be protected?

Mr. Nickel: No, and that is a good question. That is not the intent here. In the freshwater systems we recognize that there are areas of shoreline armoring where it either is a relic from the past and is no longer necessary for whatever reason, and it's looking at applying that same principal in the estuarine and marine _____. So looking at areas that don't *need* the shoreline armoring anymore. And your example here is where in most circumstances that are existing it would be protected and continue to be protected. So that is not the intent of this language.

Commissioner Wesen: And the other question I have is on the infrastructure. Who decides if that is an essential infrastructure and how much should they raise it out of the potential sea level rise area?

Mr. Nickel: Yeah, that would be partly on the County to help _____ those essential public facilities. But essentially the consideration of, you know, how high to avoid or where to site these facilities would be up to the applicant to propose but also for the County to review. So there would be some – there'd be work on both parties to make sure that that is done.

Commissioner Wesen: And the other thing is I'm concerned about having the County take responsibility for protecting some of these properties that we know are in floodplains or potentially affected. By putting this in place, are we taking some responsibility away from the property owners who ultimately should be the one responsible for making sure their property's raised high enough out of the way?

Mr. Nickel: In this early stage where we are emphasizing these considerations, that is not the intent. So we are trying to get to recognize that if we have a change in processes _____ sea level rise _____. So an applicant needs to or should be considering these changes. The County doesn't really have the – hasn't gone through the process of fully evaluating sea level rise vulnerability risk. That is a process that the County hopes to go through here in the near future, looking at future state funding/grant funding. And at that point in time the County's going to have a much better picture of where these areas are _____.

Still even then the risk is on the applicant and not on the County necessarily because the County's not going to be in the position of deciding where their development's going to be placed. That's going to still be on the applicant. The County's going to be responsible for viewing that development, making sure that it follows the code requirements and ___ risk in terms of sea level rise back with – is still going to be on the applicant.

Commissioner Wesen: And the other thing on that is we've got, like, a lot of drainage districts out there that have tide gates or tide doors. You know, that's the infrastructure. But it's designed in such a way that it could be submerged for a short amount of time. I mean, how do we say no, you can't do it there or you built it in such a way that it's your fault or your responsibility?

Mr. Nickel: That is a tough one, right, in a future that is still uncertain in terms of what we might be faced with and what _____. So that's going to be hard to say, especially at this point in time _____.

Commissioner Wesen: Thank you.

Commissioner Janicki: Yeah, Dan, thanks for the overview. Commissioner Wesen covered a lot of my concerns. Probably my biggest concern is around residential development and kind of this open-ended considerations of new development – new development must consider future sea level rise and climate change. I mean, you know, I've been wanting to say that I'd love to see people not building up on the hillside up against Secondary or Industrial Forestlands because of wildfire protection potentially on the westside. So a statement like that would allow for, I think, you know, some rules around that but if it's just up to the residential applicant to, say, check a box and say, yeah, we considered it, then we don't – so I'm worried about something being so prescriptive in a document like this or it being just so it's not going to matter if they just check the box and say they thought about it, you know. So, you know, actually quite a bit of concern around that. Or people with waterfront property who in saying that they've considered sea level rise all of a sudden, you know, yet find themselves with houses that are inundated, you know, with the next King Tide event. We were just talking King Tides and what happens there. So and maybe this is really a question, Director Hart, for you as to what role this, as we – this document is somewhat aspirational in ways and I want it to be that, but I also don't want to make it just an open door for litigation – that the County gets sued because hey, right there you said that residents have to consider shoreline and you didn't make them consider that and now, you know, an entire new neighborhood is under water. You know, how does this play out as housing is actually built?

Mr. Hart: My response is that shoreline master programs are both goals and objectives as well as strategic documents, and importantly for people that come in everyday to our office we want to have a pathway for them to do the right thing by their property. So if the right thing in that case and it's allowed is to raise the home and to take precautionary – you know, if they feel like they want to make that investment and take that precautionary approach, that we have a pathway through our permitting process to do that.

So that's on the one hand. And then on the other hand, I think there's the public education information and outreach process, which can, I think, be bolstered later this year working with our partners – DOE and others – talking about the what-if scenarios and the percentages of change that may – they may have to look at, whether it's more storm events or, you know, keeping things armored or moving away from armored in their specific location. That's an ongoing discussion between staff, DOE, and the neighborhoods.

Commissioner Janicki: Okay, it just – go ahead, Commissioner.

Commissioner Wesen: And one of the things – from my perspective, the easy places to develop have already been developed in the county. And maybe I'm wrong on that and you guys don't want to deal with it. Unless we change the zoning and we allow things different, I think the easy places have already been developed and so this is just another layer to encourage that property owner to look at these things. Am I wrong on that assumption, or are there some easy places that are just sitting out there waiting for people to come in and start developing?

Mr. Hart: I think that's generally true. I'll let Betsy answer for Skagit County, but I know there's so many examples of planning where we've missed the mark. At one point we never thought – in the '70s and '80s, if you were to drive through I-5 and go through Seattle you would see Queen Anne Hill and you would see Capitol Hill all forested. Nobody in the '60s and '70s ever thought that those steep slopes would be redeveloped. So the policy didn't keep up with – for the City of Seattle, in that case – and so you're always trying to be ahead of – so you're absolutely right. I just think this is a desirable place to locate properties that a generation or two ago would never have been developed because there were easier properties. People will come in loaded with engineering talent and try and propose something, and that becomes a much tougher proposition

both for permit review, for Betsy, as well as just the complexity of the issues that they have to deal with. Go ahead, Betsy.

Ms. Stevenson: No, I think that's very true. We see more and more people finding properties that are pretty encumbered with critical areas and natural resource lands and things, and trying to figure out a way to – How do I get from here to there when I have to cross these wetlands and do all that stuff? So most of the properties that are pretty good to go and may have water and, you know, good soils for septic have been developed in one sense or another. Maybe not to their full potential but there aren't that many lots out there to build a new home on that isn't going to come with a whole lot of additional study work and siting work that wouldn't necessarily have to have happened so much in the past. So I think that's very true and I think, although it's kind of hard to hear Dan a little bit, I think he did mention that we are intending to continue on with looking at sea level rise and climate change factors by getting some grant funding to go ahead, and doing the vulnerability and risk analysis and coming up with some projections. So we're trying to start with something in our code that says we're considering it, we're looking at it. And as we get more knowledgeable, there was a good model that was prepared in this state. Now I understand that California has one that people seem to think is better, so I think – as Peter has said in past meetings, it's a moving target. The information is going to keep coming and coming and we need to be prepared to listen to it and look at it and figure out what we need to do. So it's not easy and there aren't good answers, but we need to work with all our partners throughout the county and not just necessarily in our shoreline areas to figure out how we're going to deal with this. But I think we can come up with the most vulnerable areas at least and identify those that we know now are having issues and will continue – it'll only get worse – and look at some of that information before we get to a point where we can tell somebody or even *want* to try to tell somebody if we did that just, Hey, you *are* in an area that has some high vulnerability and probability and there is a higher risk and here's some things that you need to consider as you're designing your structures. I mean, because I understand what you guys are saying too. I think that's really important. We don't want to be the ones to say, Oh, well, if you're at this elevation you should be good because we don't know that. Nobody does at this point really.

Mr. Hart: Or the things that we know about, Commissioners, the classical of 20, 30 years has been avoid: If you know there's a problem, try and avoid that problem. And then next to that is if you can't avoid it when you're going to develop, you try and minimize the impact. And the third thing is if there's something you can do, to mitigate for that too. So now, I think, we're adding another one and that's education in a big way. Because we can forecast some of the longer-term effects better, we think, than maybe we've been able to do. So I don't know if that's the way – I probably messed that up by putting that one in there.

Ms. Stevenson: No, that's fine. There's just – there's no easy answers so we're going to have to work together. And the other portion of that is the outreach and education. We need the people who live on the land too, you know. All that information is good. They're the observers who have been watching it over the years and what's happening, and we need that information as well. So everybody needs to be a part of this. But I think you're right. You know, FEMA came through and told us where our floodplains were and all of that. It wasn't us necessarily, and they're the ones with the insurance program. So we'll have to determine how we want this to play out as we have all the information that we can put together. There are other places who are doing this work, so we are kind of learning as we go and so is Ecology. I know they have money available to continue on, at least as far as our shoreline programs go and what we need to be doing. So we were hoping to go ahead and apply for some of that money to do the vulnerability and risk assessment and the education and outreach so that we continue on, but it is more than just in the shoreline areas. You know, there are other places that we're going to need to think about, but for now that gives

us a good start. And I think, as you've heard, there are a lot more people who are a lot more interested in this issue now than there were when we first started this process. So I think that we will have a good group of people involved, and the more people that you get involved with their thoughts and ideas and experiences and knowledge, the better whatever program we come up with is going to be. That's kind of planner talk, but I believe in it and it's, I think, a good way to go at this point.

And I know Dan has some more slides. I don't know if we've talked about this enough, if you're comfortable with it. We hear what you're saying. We just don't feel like we have a whole lot better information yet to say more than that, but, you know, with bulkheads and things to do hard armoring instead of trying softshore stabilization, we have language in there now that says that they kind of need to show us why the soft doesn't work. So we're going to want something more than just to check a box that, oh yeah, we considered that but we're not going to do anything. So we'll figure out what that looks like.

Commissioner Wesen: But also with the soft armoring, we have done some projects years ago and they have to be maintained. And making it easier to come back for that second or third maintenance time, you know, 15, 20 years later, would sure help convince them that it's okay to do the soft armoring than to put in this big cement wall when you know that's going to last 80 or 100 years. That's part of our own internal issues with the rules and regulations.

Ms. Stevenson: Yeah. Yeah.

Mr. Hart: That's a good point.

Commissioner Janicki: Yeah, no other questions for right now, especially if Dan's got some more slides to finish out.

Mr. Nickel: All right. Well, great. Thank you very much. Am I coming across okay in terms of volume, or is it hard to hear?

Commissioner Janicki: It's hard to hear you.

Ms. Stevenson: Yeah.

Commissioner Janicki: Your mic is a little fuzzy. I don't know if it's volume as much as just kind of a fuzzy microphone.

Mr. Nickel: ___ make adjustments. I'll try to talk a little bit louder and make it clearer.

Commissioner Janicki: Okay.

Mr. Nickel: So let me carry on. We've got about seven other areas to cover, some of which are a bit more simple in terms of, I guess, the understanding and the recommendations that we're making.

Number 3 here was related to public access and was a comment that came from the Department of Fish and Wildlife. They actually recognized a disparity in our Use and Modifications Matrix table. That was under section 14.26.405 table 1. They recognized that we had under the Boating Facilities section in the Natural designation we had a prohibition on docks and ramps, launch ramps, whereas in the Recreational Use section of that same table we had water-dependent

recreation as a conditional use. And so their concern, obviously, is making sure that public access is allowed, whether it's a conditional use or not it's something that could be allowed in these areas to enhance public access. And so because of that reason we are making some suggested recommendations, specifically one correction in the Use Matrix table. That would be to put a footnote under the X, which is the prohibition in the Natural designation. The footnote would emphasize that community docks and launch ramps for public access in the Natural environment would be a conditional use permit, or could be allowed under a conditional use permit. And then we're also suggesting two other clarifications to emphasize public access docks, one in section 420, subsection (1)(a)(i)(E), to add public access dock in that section, as well as subsection 420(3)(b).

Number 4. This is related to shoreline environment designation mapmaking. I believe this was a comment from – I think it was the Swinomish Tribe was commenting on the shoreline designation maps for a number of areas. They had some questions about the applicability of a Rural Conservancy designation. In one specific area, on Young Island, the ownership of Young Island has now changed to Washington State Parks from a private owner back in 2015. So one consideration there would be to change the designation that we're proposing for Young Island from Rural Conservancy to the Natural designation. We feel like we do need to get in touch with Washington State Parks and, you know, discuss with them what their – you know, if they have plans; what they think about that change. I would note that with the suggested change that we just talked about in the recommendation with ___ to allow docks and launch ramps for public access, the Washington State Parks might be – might consider this an okay change. But we will need to get in touch with them to discuss that.

Recommendation #5: This is in relationship to vegetation conservation. Again, a comment, I believe, that came from the Swinomish Tribe, looking specifically at the replacement ratio for trees. When trees are removed there is a replacement ratio of 3 to 1. So when you're removing significant trees, you would be required to replant with three other trees. And one of the things we found in our review of this issue was that under subsection 380, number (3), this relates to illegal removal or violations where trees are removed without County authorization. It would, you know, essentially be a violation. In that instance, we've made a recommendation to change the replacement ratio when that occurs to 6 to 1 instead of just using the same replacement ratio that we'd get with a permit. Just to make it a little bit more of a deterrent for someone to come in and remove trees without authorization.

Number 6 – Recommendation #6 is also in the Vegetation Conservation section. There is an existing policy, Policy 6G-3.2, which does prioritize conifers as the preferred tree species when you're replacing trees – replacement trees or even preserving trees. And so the comments here recognize that we didn't have an implementing regulation for that policy. And looking back at this, we've gone ahead and made two recommended changes here. One is in the Vegetation Conservation section, 380(3)(c). This would add recognizing that native conifers are a preferred tree species when looking at the selection of various vegetation priority list. And then again in subsection (3)(d), which looks at replacement trees, we're giving preference to native conifers in subsection (A)

Number 7 – let's see, I've got a few more here. Number 7 relates to a comment regarding imprecise terminology in aquaculture provisions. The prior language here in section 415, subsection (7)(b) must use the words "propagate." Propagating the species that you are raising for aquaculture purposes. This is specific to net pen aquaculture. And the comments there would encourage removal of the word "propagation" in this context and instead refer to something that

isn't – may be misleading in terms of the intent of that regulation. And so we are suggesting to remove that term and instead just use the term “rearing” in relationship to subsection (7)(b).

And recommended change #8. This is in regards to overwater canopies – the boatlift canopies. Table 420-1, this actually requires – the existing requirement is to use translucent canopies. That was changed, removed – to not use that. And so an opaque or a canopy that did not have light transmission could be used. The comment that came in was to emphasize: you know, can we have these canopy covers removed during the off-season? And, you know, that does make sense. We see oftentimes canopy covers are removed when the boat's not on the water. Those during an off-season. So here under Policy 6C-3.3 we've added the words – the sentence began “Removal of boatlift canopies when not in use for significant periods during the off-season is encouraged.” We do recognize that in some situations – and we've heard this thought from folks at Lake Cavanaugh – that some boats are used throughout the year. So this is not a requirement across the board but it could be something that is encouraged in our policies to remove those covers when not in use.

And then the last recommended change, #9, this is in relationship to the Flood Hazard Reduction Policies, so policy 6I-1.8. The comment here was to add a new policy regarding tidal flood and storm surge hazard protection measures. Make sure that those result in no net loss, specifically in the marine and estuarine shorelines. After reviewing this, we've made the recommendation to actually just incorporate it into Policy 6I-1.3 as an existing policy related to such protection measures for rivers and streams by adding marine and estuarine areas into that policy.

So most of those that I just covered are fairly straightforward. I'd be happy to answer questions regarding our recommended changes and also discuss any of the other comments that you may have questions about that are in the Comment Matrix. I will turn this back over at this point.

Commissioner Janicki: Dan, I don't have any specific questions at this time. I do want to reserve just a little bit of time for an overview of the Swinomish conversation, the second meeting that happened, and just kind of a flavor of what the direction of those topics went.

Commissioner Wesen: Yeah, I don't either. Dan, thank you very much for the presentation. It's a long time coming to this and I really appreciate all the work you've put into it, and Betsy and all the rest of our staff.

Commissioner Janicki: So Betsy, do you want to give us just kind of high-level topics?

Ms. Stevenson: Sure. Some of them you just heard about because they did bring about some changes, so that was good. I think the main one that we heard about, and I can't necessarily say for sure whether it was the first meeting or the second meeting, but we had good discussion on the vegetation conservation section. They had comments about the riparian habitat zone and the information that came out of the Fish and Wildlife guidelines for the riparian areas, so we talked a bit about that. Ecology was also on these calls so they were able to share some of the discussions that they had had with Fish and Wildlife about that and how that's kind of on a separate track, not necessarily part of the Shoreline Master Program planning process. So we're interested in listening and hearing, but it did kind of snowball into, Well, if you're going to be doing this then you ought to look at putting all of your floodplain areas under Shoreline designation, which we've never done nor were we intending to do, and I don't think that's something that we would necessarily want to do for Skagit County. So we talked a little bit about that.

They indicated that they were glad that we made some effort to integrate some new policies and proposed regulations for sea level rise and climate change factors. So they were glad to see that. They questioned and made sure that we were going to continue on and that that wasn't the end of it, that it was just the beginning. And so they definitely supported us doing the additional studies and assessments that we talked about – the vulnerability and risk assessments – and keeping them onboard. They did ask that they be considered as an adjacent jurisdiction so that they would be a part of our review process, so we talked about our ID team, which we have in place where we do get different agencies and groups together on certain projects and go out and take a look at them as a whole – DNR, Fish and Wildlife, Ecology, the County, the tribes. They really appreciate those processes and would like to do more of it on projects that they're interested in, and they'd like to hear from everybody else. So that language is still in our code because it's part of our critical areas, which will now be part of our Shoreline Program. So we can continue working with them there. If they want notice of applications for certain areas or different things, we can keep having those conversations. We didn't necessarily change the code or made any proposed recommended changes there.

There were some areas that they were asking us to make reference to and bring in portions of other codes into our Shoreline Program, and we had those discussions and let them know we didn't feel that we necessarily had the authority to do those things under the Shoreline Program or the Shoreline Management Act, but those were standalone: the Clean Water Act. Those are stand-alone laws on their own with different agencies with authorities and jurisdiction, and we would certainly be involved in water quality issues and things like that as well, but not necessarily adding that into our Shoreline Program. And, you know, we've always talked about it. It would be great if everybody's regulations were all aligned, but the federal government has laws and they have things that they have to do; the state government the same; and the County the same. And we just seem to get it all on top of us to try to sort out and figure out how best to make it all happen. And so we're doing the best we can, but it doesn't always work out the way everybody wants it to. So I think we're still open to conversations but we're doing the best we can.

So I think the conversations have been great. I know there are new people working for the Tribe and new people working for the County so I'm hoping that we can continue to do that. I know our permitting folks have great relationships so I think we as the longer range planning group need to do a better job maybe and reach out a little more often – early and often. I think that would really help everybody come up with better things and more understanding of each other's concerns. Because what we did talk through we did come up with, I think, some good compromises and a lot of things – the propagation – I had no idea! You know, "propagate" means something much different than how we were using it there, you know. We don't expect those fish to reproduce while they're in those pens and that's what that means. So yeah, that was an easy one to change. So it's just misunderstandings in use of words. That's a pretty easy conversation to have. So I'm hopeful we can continue on with those conversations and work with Ecology and the tribes to make sure that we come up with a really good master program and something that we can all, you know, we can bring back to you and say, Hey, we've had these conversations again and here's the areas where we think we might want to put on our list to look at.

Commissioner Janicki: All right. No, I appreciate that. I think, you know, there's sometimes there's pushback about that the tribes ask for a consultation on different matters, but in truth, you know, we're all living in the same community. We're all living on the same piece of land and to work together with a relationship basis just makes sense. Not that we're looking for, you know, one government, one entity has authority over the other, but that – to me, it's very similar how, you know, we meet with the mayors and discuss things that impact the community overall. You know,

the tribes are different, but the same idea. It's easier to get things done with that relationship there, nurtured, and cared for. So thanks for your work on that.

Ms. Stevenson: Yeah. Oh, it was my pleasure and I hope we continue.

Commissioner Janicki: Yeah. Good work.

Ms. Stevenson: Dan, are you finished, do you think? Did you do everything you wanted to?

Mr. Nickel: I did, yes.

Ms. Stevenson: Okay. The next thing that I kind of mentioned in my memo, and I'm not sure, is: Where do we go from here? How comfortable are you feeling and what more do you need from us? More meetings? More discussion? You know, at some point we'll get to the point of producing an intent-to-adopt resolution for you guys to consider and take a look at. I don't know how close we are. I hate to even jinx it and bring up anything that looks like we're getting closer, but I think we're starting to get there. So I don't know if you want a broader overview of everything, because we've really never gone through it that. But we've done the response to comments and I think unless you see some in there that you think we really missed the boat on or others that you think we should say something different or you want us to do something different with the responses we made, I think we're done with providing you with information. Now we just need to know what you need from us that we haven't given you, or more information that makes you feel more comfortable moving this forward.

Commissioner Wesen: Yeah, I appreciate the work and the consulting with the Swinomish Tribe. Was the Upper Skagit there also and the Samish or Sauk-Suiattle?

Ms. Stevenson: No.

Commissioner Wesen: So we did reach out to those also, right?

Ms. Stevenson: Yes.

Commissioner Wesen: From my perspective, you know, the Shoreline Master Plan, we've been working on this for a long time, and the other thing I want people to – you can go ahead and explain. I mean, we – the next step for the County is to have a proposal: This is what we *think* we're going to do. And then we send it to Olympia, and generally they'll have public comment also, and then they'll send something back to us and then we decide how we want to handle it and then we approve it. But the County Code, the things that were going to be in place for an applicant who comes in for a permit, is that taking place now or is it going to take place after all this is done? Does that make sense, what I'm asking? How's it going to affect that property owner who wants to come in for a project?

Ms. Stevenson: Yeah. So this is a co-management situation with the state. We both have authority so our Shoreline Program isn't adopted and in effect until it's approved by the state as well. So we share equal, kind of equal but not quite equal because they only come in on certain – like variances and conditional use permits and things where they have authority to approve or deny kind of what we've done. But no, it won't become effective for us until we get everything back from them and it's adopted on their end and all the appeal timeframes are over. Or maybe not – maybe it does become effective even if it's appealed. I shouldn't say that. I take that back.

Commissioner Wesen: But somebody may – you know, if this says, you know, you will look at that, a potential property owner may look at it. Somebody may come back and say, What's that mean? And so your thought, or the Planning Department's thought is to keep it very broad so there's no specific – 6 inches or a foot or whatever?

Ms. Stevenson: Yeah. I've actually had people with the climate impacts group, they came up with a great model kind of thing that you could determine what the probability of inundation or what the probability of some flooding was and in what kind of timeframe that would happen, and some of the depths that you might get to. So I've passed that along to some of the designers and architects here when they were building in areas that were – you know, we all know that are fairly low. And they used that information. So that was great and we will continue to do that, and I think that's one of the things that we can do is at least provide them the information and the tools to go look these things up and have them do that and see what they come up with.

Commissioner Wesen: So from my perspective, I'm ready to move on. And you've addressed the comments and what came forward, and that's my thought.

Commissioner Janicki: I agree. So the next step for the Board of Commissioners will be to approve it to be sent to Ecology for review. Is that – we're ready to pass it on?

Ms. Stevenson: Yeah. I think the resolution would be an intention to adopt, that if you guys approve this this is the document that we would like to adopt, basically. And then the additional documents that you need to be approving as part of that: the no-net loss report; I think the Cumulative Impacts Analysis; and the mapping – the different things that we did. So we'd have that all ready to go for you as well. But I wasn't sure if you guys were comfortable yet or if you wanted more, and it's going to take us a little while to put that together, so we'd take a look at the calendar and see. But I thought you might want some more discussion or ask more questions, but I guess you can still do that even if we do have something in front of you to propose.

Commissioner Janicki: Well, and with the new state law in place that even if we don't call for another public hearing – which I don't think we need to do that at this point because Ecology will now do a public hearing – is the public comment has to be available at each meeting where there's a significant decision, so there will be an opportunity for public comment on that full package before we take action. So I would be very – are those other documents ready in draft form yet?

Ms. Stevenson: Yeah.

Commissioner Janicki: I don't think I've seen them. Have I seen them yet?

Ms. Stevenson: Um...it would have been a long time ago. It would have been when we first came to you in 2016. They probably were transmitted but you didn't get very far so you may not have looked through them. We can – once we have something together, we can kind of finalize, and I think Dan's working on that.

Commissioner Janicki: Well, let's work on a date. I think we should work on a date when all three Commissioners are going to be here –

Ms. Stevenson: Yeah, okay.

Commissioner Janicki: – in the next – there's some different – Commissioners are going to be out, but, you know, so maybe – I'm looking to Linda but –

Ms. Stevenson: I can work with Linda, Amber, whoever, and figure out how long it's going to take us to put that together. The resolution's going to be kind of –

Commissioner Janicki: Well, is there a draft of that one yet?

Ms. Stevenson: No.

Commissioner Janicki: Oh! Okay.

Ms. Stevenson: I haven't had a chance to do that yet, but now I do! We got the comments responded to so the response is done.

Commissioner Janicki: I'm guessing in reality this might be, like, an early July thing to happen. Are you going to be ready that fast?

Ms. Stevenson: No, we're not!

Commissioner Janicki: We're ready!

Ms. Stevenson: Early July is only a couple weeks away!

Commissioner Janicki: That's right. That's what I was thinking – a couple weeks away.

Ms. Stevenson: And I've got lots of other things going on right now, so, yeah.

Commissioner Janicki: Hal and Betsy, I'll let you guys work it out!

Ms. Stevenson: We'll get it to you as soon as we possibly can. Does that sound fair? Hopefully in the month of July.

Commissioner Janicki: Okay.

Commissioner Wesen: And just to review, after you get it to us and we vote to approve it with whatever, but we have to go back to the Shorelines in the next six years? Or when do we have to go look at this again? What are we on their cycle?

Ms. Stevenson: I think it's every eight, isn't it? Eight for a periodic review?

Commissioner Janicki: Yes, that's what I thought.

Mr. Hart: But we're several years into the eight years now, right?

Commissioner Wesen: Okay.

Ms. Stevenson: Yeah, I'm not sure how that's going to work.

Commissioner Wesen: There's a continuous chance. This isn't once every 40 years we're supposed to –

Ms. Stevenson: No, and I think that we did make the statement – at least we have, as staff – that we would recommend too that as sea level rise information becomes available that we're not going to wait. If we get through our studies and assessments and reporting and outreach and we feel comfortable before that time period – which I hope we do – that we will come back with an amendment prior to that time for that specific issue at least. And the other thing we didn't really talk about is we send this to Ecology. If they deem it complete they're going to hold their own public hearing and accept comments. They're going to expect us to respond to all those comments, too, so we have another round of those to do before it comes back to you in final form of Ecology saying, We're going to approve it if you make all these changes. But in order to get it to them, we've got some homework to do, and I just don't want to overpromise and then not be able to get it done.

Commissioner Wesen: So the other thing, you said there will be maps on this?

Ms. Stevenson: Yeah, the Environment Designation maps are part of the adoption packet.

Commissioner Janicki: Those would be probably the first – I mean, just in time of critical reading, the maps are something I'd like to see sooner than later, even if the whole packet's not done.

Ms. Stevenson: Okay.

Commissioner Janicki: And then, Dan, you're onboard? You're not going anywhere? Watershed Company's going to be behind us on this until we hit the bitter end?

Mr. Nickel: Watershed Company will be behind us, correct.

Ms. Stevenson: He and I are committed to seeing this through.

Commissioner Janicki: Okay, good. No, I appreciate that. There's a lot of history here and I really appreciate the distillation down to the most salient points for our consumption at these meetings because there's *so much* information. But format and structure is very good and I appreciate your presentation.

All right. With that we are going to...we'll see you at 1:30 (gavel).