

**Skagit County Board of County Commissioners**  
**Introduction/Work Session: Shoreline Master Program Update**  
**January 25, 2022**

**Commissioners:**      **Commissioner Ron Wesen, Chair (District 1)**  
                                 **Commissioner Peter Browning (District 2)**  
                                 **Commissioner Lisa Janicki (District 3)**

**PDS Staff:**            **Hal Hart, Director**  
                                 **Betsy Stevenson, Senior Planner/Natural Resource Manager**  
                                 **Peter Gill, Long Range Planning Manager**

**Others:**                **Dan Nickel, Consultant**

Chair Ron Wesen: Good morning. I'd like to call the session of the Skagit County Commissioners back to order. It is a little after 9:30 on January 25<sup>th</sup>, 2022, and we are here this morning with Planning and Development Services dealing with our Shoreline Master Program Introduction Work Sessions. So Director Hart?

Hal Hart: Thank you, Commissioners. With me today are Senior Planner and Natural Resource Manager Betsy Stevenson; our Long Range Planning Manager, Peter Gill; and our consultant, Dan Nickel, to provide an overview for you. And we'll get going with that, so thank you.

Peter Gill: Good morning, Commissioners. My name's Peter Gill – for the record – with Planning and Development Services. We are glad to be here today to talk about the Shoreline Master Program Update. It's a project that's been going on for the Department for a number of years and we're happy to share the work that we've been doing with you today. The Planning Commission spent most of 2021 working on this project and they have sent over their recommendation. We sent that on December 14<sup>th</sup>, 2021, and they got a copy of that as well. The recommendation and meeting material can be found on our website, which I am going to go ahead and share my screen. We have a number of slides today. We have about 20 slides, but we do have a full hour for this meeting. So if you have questions as we're rolling through things here, please don't hesitate to ask.

So one thing Hal did ask me to cover in the beginning here is the process – or not the process but the schedule for discussing this with you all.

Betsy Stevenson: Peter? I don't want to interrupt but you've got lots of different screens that are showing up, it looks like to me.

Mr. Gill: Oh, do I have this sharing wrong? Let me see. Let me try this again. Thanks for letting me know, Betsy.

Ms. Stevenson: Our slip was showing – the notes were out there too!

Mr. Gill: Oh, you can see my notes. That might be helpful! Let's see. I think this is what I meant to do.

Ms. Stevenson: Looks good. Thank you.

Mr. Gill: All right. Thanks. Anyway, so our schedule: We have three meetings scheduled through March 1<sup>st</sup>. This first meeting we would like to introduce the work that's been done on the Shoreline Master Program. And we might refer to it as the "SMP" a number of times through this, so if we say "SMP" accidentally we're talking about the Shoreline Master Program. When you say this hundreds of times it just – the "SMP" flows a little better.

So today we're here to introduce the program, get some questions from you all and see if we can't answer those in the following meeting. At the second meeting we would like to talk about in more detail the Planning Commission recommendations and get feedback on your preferred alternative. And then at the third meeting deliberate and potentially take action and move this forward to the State. And we will talk a lot more about that as we go.

Okay. So this presentation today does follow the meeting materials, specifically the memo that was distributed originally on December 14<sup>th</sup>. It's found on our SMP website. Today Betsy is going to discuss the process. She's been here through it all. And Dan Nickel is here. He is here – he is with The Watershed Company and he has done a lot of the technical work on the program from the beginning, so he's going to discuss some of the changes, the big changes to the SMP, as we go. Betsy's going to cover the public comments. We had a hearing and we did get 300-and-some pages of comments back. And I will discuss the Planning Commission recorded motion and the next steps as we move forward to the State.

So now we'll jump into process. Betsy?

Ms. Stevenson: Thanks, Peter. Good morning, Commissioners. Everybody who's joining us, it's nice to see you. And you guys have to be here but those who are on with us I am glad that you're here interested and have stuck with us. So thank you for being here as well. I'm just going to go through this (in) maybe a little more detail than what you'd like, but a lot of people may not be familiar with where we've actually been on this process. So bear with me. I talk pretty fast so it shouldn't take too long.

We started the process more informally in 2009. In 2010 we got the grant together and we were awarded a grant by the Department of Ecology, put a consultant contract into place, and began working on the baseline data gathering for the Shoreline Program, working on the Shoreline Analysis and Characterization Report, which is that baseline information. We began planning all the public outreach meetings and developed the public participation plan.

Then moving into 2011, we had envisioning workshops in June in four different locations in the county: one in Concrete, one in Lyman, one in Mount Vernon, and one in Anacortes. We put out a notice for people interested in being a part of the Shoreline Advisory Committee and we got lots of interested parties in that. The Commissioners appointed 17 members to that advisory committee. I'd like to just publicly thank them again, if you guys will bear with me on that as well: Bill Dewey, Tim Hyatt, Jim Wiggins, Wayne Crider, Oscar Graham, Shirley Solomon, John Ostlund, Kevin Bright, Ward Krkoska, Kim Mower, Brian Lipscomb, Daryl Hamburg, Chuck Haigh, Herb Goldston, Michael Hughes, Scott Andrews, and Craig Knutzen. So thank you all for all the time that you spent in the early phases of this in helping us develop the first version of the Master Program that we came up with.

In 2012 we continued the work with the Shoreline Advisory Committee. They met monthly and just did an incredible job getting through the materials, having great discussions, and gave us

good guidance and direction. In March of 2012 we started meeting with the Planning Commission to get them involved and bring them up to speed on where we were and what was happening so that they were aware of what we were doing and kind of our timeline – when things would be before them. In May we released a first draft SMP document just to put something out there to see what people thought. And we had a joint Shoreline Advisory Committee and Planning Commission meeting, which was kind of a handoff from the Advisory Committee to the Planning Commission, where they were able to come and talk about what they had done and what they thought about it and the issues that they addressed and some of the concerns that they had. And in June we had an informal comment period on that draft. Next slide, please, Peter.

In 2013 we had a draft Ecology preliminary review document released. In March through July we were meeting with the Planning Commission going through that preliminary draft document. May through June we held open houses. That picture was the open house that we had in Mount Vernon. Continued work on all the background documentation and all the other information. In 2014 through July we had Planning Commission meetings at least once a month, sometimes twice a month. The staff worked through those meetings and through the rest of the year on the Planning Commission recommendations and things that they wanted us to look at and change and revise and update. The Planning Commission got in on the first round of things. They actually helped us. We went through it page by page. We wordsmithed the whole thing. So it took a long time and I appreciate all their time and effort on this. They put their hearts and soul into it as well.

In 2015 March and June, again we were still meeting with the Planning Commission and the staff began working on revisions for a final Planning Commission review document. Next slide, please, Peter.

In 2016 we had study sessions with the Planning Commission and, again, they spent a lot of time. This was the second version of the document that they were seeing at that point in time, I think. Maybe the third. The revised draft was released. We held a public hearing. We had a comment period. It ended. The Planning Commission had deliberations. They issued their recommendations on the Shoreline Master Program document before them at that time, and their recommendations in the form of the recorded motion was presented to the County Commissioners in September of 2016. Next slide, please.

Now SMP Revisited, Part 2. In 2021 we had a complete SMP draft document that we started with. We took what we had from 2016 and made some updates that were necessary as part of the periodic review to have it be in compliance with the State guidelines and laws and some of the different things that had changed over the years that we needed to address. We started an online open house website, which was very helpful for people and it was something that our consultant had already done and something that we learned was very helpful in the EISs that we did for the refinery projects that we had recently. So that online open house was important to us as well because it's a great place for people to find information that they want when they want it instead of waiting for a call back from somebody from staff. It was a good place for them to ask some questions. We had online monthly public meetings, similar things where we just talked about – we had an issue or two that we raised and then we just let people ask questions about what was happening, when it was going to happen, how they could comment, how they could get more information, issues that they were concerned about. Those were very helpful, I think. I appreciated them and all the comments that we got from the people who attended and participated in those meetings.

The Planning Commission held study sessions for most of the year. There was a working draft SMP available online. The Planning Commission and public review draft came out for public

comment in April, the end of April. The Planning Commission held a public hearing – next slide, please – which, of course, we had to do online but people did a great job of sharing their comments. Staff and the consultants responded to the comments and we presented those to the Planning Commission in the format that you see there in that table. The Planning Commission had additional study sessions to review those comments, to review the documents again, to kind of go over them and give us their thoughts on the comments that we received and the responses that we had prepared. They deliberated. We had additional discussions through most of the year. They came up with their recommendations and a recorded motion and that was transmitted to you in December.

So that kind of brings us up to speed there. Is there one more slide maybe? Maybe I'm all done. Yep. Okay, I'm all done. Thank you.

I would say before I stop – sorry, Dan! – while you find your unmute button, and you have already – for anybody who wasn't involved in the entire process, the website, the smp.net website has a lot of excellent information. It has all the minutes from all the Advisory Committee meetings, the Planning Commission meetings, all the notes that – you know, and the focused topic issues that we were discussing with them. So if anybody is curious or interested, I would send you to the webpage. There's lots of great information. If you just keep scrolling down, you'll get to the historical documents. Thank you.

Dan Nickel: Great. Thank you, Betsy. Good morning, Commissioners. My name is Dan Nickel. I'm from The Watershed Company and have been fortunate enough to be helping out on these updates for many years, working alongside Betsy, dating back when this first process started. So I do have quite a bit of history on where we've been and hopefully can help guide where we're going.

So this morning I want to spend some time kind of talking about the changes that are being proposed to the Shoreline Master Program. And I guess I kind of want to begin with a statement that recognizes that the County has an existing master program that dates back to the '70s, back when the Shoreline Management Act was first originated in the early '70s. And there have been some updates to that – the County's master program – but not a complete, comprehensive update. And that was initiated through, you know, updated guidelines from the State in the early 2000s that predicated this process to begin. And so essentially what we're faced with is a completion of a comprehensive update. That's first and foremost. And secondly is what the State calls a periodic update. And I'm going to go over, you know, kind of both components here because we've had to address both of these issues through this current process that we're going through. Peter, why don't you go ahead and go to the next slide, if you can. Thank you.

So I've got a few slides here. And I'm really only going to be hitting on – you know, they'd be key highlights, I'd say. They're high level areas of which the Shoreline Master Program has been proposed to change. There's many other areas, and you'll see in the document, you'll see in some of the Planning Commission recommendations and discussions, there's other areas that we have touched on. But I did want to just kind of highlight some of these key areas because they do make a, you know, a significant difference in how the SMP is implemented and what it means to both the County, local property owners, stakeholders, and so on.

So I'm going to begin. So the first thing really is ensuring that we are consistent with state laws. This is evident in both the comprehensive update process as well as the periodic update process. We want to make sure that all the legislative changes that have occurred at the State level, that the County's document is consistent with those. This is important because this is a set of policies

and regulations that is implemented at the local level but at the same time it is also regulated at the State level. The Department of Ecology is considered an equal partner here. And so we do need to make sure that we are consistent with State laws. There is some flexibility, which we have integrated into our master program, but there are some basic consistency issues that we need to make sure of. And, you know, examples of this are here: You know, making sure that we are consistent with the definitions in the State law; making sure that we are using consistent exemption language. There's a bunch of rules related to various uses and modifications that we need to be consistent with, as well as the administration of the overall program. And so we've done a very extensive review of those consistency issues. There's a checklist that comes out of the Department of Ecology that we have completed, and they're very useful to make sure that we're, you know, dotting the i's and crossing the t's.

One of the big areas that we've addressed – and this occurred back in the 2016 draft as well as the current draft – is the integration of critical area regulations. And, you know, the key here is trying to make sure that we are consistent with what applies *outside* of shoreline jurisdiction as well as within shoreline jurisdiction. And to do that we have actually brought into this Shoreline Master Program – and you can see that as Part V of the Master Program – is a section on critical area regulations. And for consistency, we have brought forward the current critical areas ordinance into the Shoreline Master Program. The one key change that we have brought forward in the current draft is this 2018 Ecology Wetland Guidance. And if you're not familiar with that, in 2018 the Department of Ecology did come out with updated guidance for wetland regulations, and with that came a modification of their buffer table. We've been – typically with some history here with critical areas regulations, typically when Ecology comes out with updated guidance, it has resulted in an increase in buffers, something that a lot of people aren't necessarily happy with all the time. But in this case in 2018, what Ecology was doing was they were actually recalibrating their guidance that came out originally in – well, most recently in 2014. And with that recalibration, what they were doing is studying a bunch of wetland areas and, in a sense, what happened is they adjusted their buffer tables. And it does result in actually a slight reduction in buffer width for some wetlands. And so we've incorporated that into this current draft. It's not an across-the-board reduction in buffers but it does affect some wetlands. And it's important to recognize here that Ecology, in their review, they are assuring that that doesn't necessarily reduce the *protection* of those wetlands. What their recalibration has shown is that those certain wetlands that qualify, actually a lower buffer is enough to protect those wetlands in terms of their ecological functions.

Peter, why don't you go ahead and go to the next slide?

Some other changes that have occurred here: So one of the things we've brought into this document is this recognition of the protection of legally established, pre-existing uses and structures, to recognize them that they were established under current rules at the time. And it allows for those uses and structures – in the case of structures – to allow them to be repaired, to be replaced, and in certain circumstances to be expanded upon. And so we've brought into this documents that flexibility for those pre-existing uses and structures. That applies to things such as single-family homes. It applies to docks and overwater structures. And, you know, really trying to allow for flexibility for those pre-existing uses and structures.

Another area that we also worked on was the administrative approval process. And so we worked to bring forward an administrative process that dealt with situations that are commonly encountered from a permitting process. And one of those is to work with our buffers and look at applications which propose a buffer reduction and in some cases a variance from those buffers, and to go through an administrative process rather than using a hearing examiner for those relatively minor and common applications. In the case of variances, we established a – I guess,

let me back up. In the case of the buffer reduction options, if a proposal was coming in for a buffer reduction up to 25% reduction, that can be handled through an administrative process by the County staff. For buffer reductions that are anywhere from 25 to 50% reductions are considered a variance and in the eyes of Ecology are going to be considered a shoreline variance that has to go through their variance criteria. But at the County level, that review process can be handled administratively rather than going through a hearing examiner. For any variances that are greater than 50%, those still would need to qualify for the shoreline variance criteria but those would go through a hearing examiner process. This adjustment will, you know, alleviate a lot of extensive process for those otherwise more commonly applied for applications.

Additionally, for agricultural uses it was very important that we remain consistent with State law, that we have exemptions for existing agricultural practices. So existing and ongoing agriculture is considered exempt under the State Shoreline Management Act, and so we have ensured that consistency continues. We've also recognized the existence of the County's Voluntary Stewardship Program. That is a program that does work outside of shoreline areas to address critical areas. Peter, why don't you go to the next slide?

And a couple other things to point out: One was related to dock standards. This was actually an area where we discussed at length for many years, dating back to the work with the Planning Commission and the Shoreline Advisory Committee when we first started this discussion, but it does carry forward with the discussions with the Planning Commission. There were quite a few questions related to dock standards. One of the keys here is to make sure that we are consistent with State law, and when it comes to overwater structures it isn't just the County but it's also the State Department of Fish and Wildlife. It's also at times the Army Corps of Engineers that have regulatory jurisdiction over these structures as well. And we would like to make sure that we are consistent with State law and so that's one of the focuses we've had. But also to recognize that we do need to provide some flexibility when it comes to existing structures. There's many structures out there that don't necessarily fit the rules of these standards, but they are existing. And kind of consistent with that – you know, the legally existing, pre-existing structure rules – we do want to allow for some flexibility to be able to modify those. So that is also built into this program.

And lastly I'd just like to point out the – there's a Shoreline Environment Designation mapping. The County currently has mapped out various shoreline designations throughout the county. That mapping isn't – it's there but there's many improvements that we're proposing to make. We've remapped this in Geographic Information Systems – at the GIS level – making that very parcel-by-parcel-specific. It's one of the focuses we had. Using the – and what that does is it's used the existing designations. It's also what the ecological functions that came out of the inventory and characterization, as well as looking at underlying land uses and future uses. And so that mapping is complete but there were some changes that came out of the 2016 Planning Commission recommendations. One of those is actually the relations to the Guemes Island designations as well as the designation in the Upper Skagit Floodway area. Both of those came out of the Planning Commission recommendations. And also there was a comment that came out from the PUD and an agreement with Ecology to actually remove Judy Reservoir from shoreline jurisdiction. Judy Reservoir actually meets the criteria from a size perspective but its use as a reservoir, Ecology has agreed to remove that from shoreline jurisdiction.

So again, these are just some of the highlights we will go over in more detail in upcoming workshops on some of the more specific items that the – both in the document as well as the Planning Commission recommendations. But I think at this point I think that we'll move on to kind

of go into an overview of the public comments that have come in. So I think I'll hand this over to Betsy now.

Ms. Stevenson: Thanks, Dan. We had several different ways for people to comment. They could use the online open house. We had a comment portal there that we used. (You can change it to the next slide – although that's such a pretty picture, Peter – whenever you want to.) We also took verbal testimony over the virtual public hearing where we received some comments, and then we also received some hard copy mail and comments. It sounded like, from what Peter said, there were 350-some odd pages of actual comments. I know there were over 1500 pages of comments and supporting documentation for those comments that we reviewed and went over. We took some time and responded. Here's the comment form that we used online to receive them through the portal. So there were 87 written comments received electronically through the open house portal, 11 verbal comments through the virtual public hearing process. Next slide, please.

The comment topics generally include:

Lake Cavanaugh. We have a lot of the homeowners out there involved in discussions, which we have from the beginning. They've been involved the entire time, just as far as the dock standards and shoreline setback standards.

Aquaculture: Specifically, there were certain comments on shellfish and also the net pens.

We had lots of comments about climate change and sea level rise.

Shoreline buffers: I think there were comments on both sides of those. They were too large or they were too small.

Shoreline stabilization: Allowing people to protect their property, but at what cost in terms of ecological functions of the shoreline area is.

The vegetation conservation: Providing vegetative buffers in those areas so that people weren't cutting down all the vegetation to improve their views.

No net loss: What does that mean? What does that mean to different people and how did they use those in their comments? And what does that mean for the process? How are we going to track that and make sure that we know that what we're doing is actually making a difference?

Variations. Are we too liberal with our variance policies and how we do variations? Should they be allowed? As much as we do, should we have allowed for an administrative variance process? It is in keeping with our critical areas ordinance, so we're trying to keep those consistent both inside and outside shoreline areas.

Drinking water impacts: What impacts will any of this have in terms of – I think this part of the discussion would be for PUD – in terms of whether the shoreline program had impacts on their drinking water situation up there? I think there are also some wells located where places that – should they be there or should they not be there? Does development along shorelines impact people who rely on those waters to get their drinking water sources?

Tribal treaty rights was an important one for several different areas, both just their normal and accustomed fishing and gathering areas, their cultural resources, and their cultural heritage areas

that are very important to them. So we heard from most of the tribes over time, either with talking to them or receiving written comments from them.

Public access was another big issue. Should we provide *more* public access? Are there areas where we can provide additional public access? A lot of people thought that perhaps the dikes would be good places to do that work, and joint agreements between public entities and dike and drainage districts, where maybe perhaps they would allow public access as we do. There are places in District 12 in Burlington that allows people to walk on the dikes. The Padilla Bay Trail is a partnership of different organizations, the County being one of them, where there's public access allowed there. But it isn't something that's supported by all the dike districts in all locations. So that was an interesting discussion as well. There are also landowners along some of the public access areas that are existing that had concerns about additional public access and what kinds of problems it causes for them as people walk through their areas and their yards and their neighborhoods.

Flood hazards: Some questions came up in terms of dike and drainage work and protection to make things safe for people and to drain water as quickly as possible out of those areas. So we had good discussions with the drainage consortium and Jenna to come up with some language that acknowledged all their authorities through the dike, drainage, and irrigation districts, and that we were not going to step on their toes. And we honor those authorities and we will work with them and continue to work with them as we have for as long as I've been doing this work to make sure that properties are still protected.

I think – yep, now we're back to Peter. Thank you.

Mr. Gill: Thank you, Betsy. Thank you, Dan. I just want to, before I go into discussing the Planning Commission recorded motion and their recommendation, I just want to remind folks that the shoreline environment designation maps are part of the meeting materials. All the public comments and our response to those public comments – many of which that Betsy just went over – are also part of the meeting materials. It's an attachment. There's also the draft Shoreline Program was part of the meeting materials as well. So folks can find that at [skagitcounty.net/smp](http://skagitcounty.net/smp).

So on to the Planning Commission recommendation: We wanted to make sure we highlighted some of the bigger points that were made through our process of working with them. So in the recorded motion we have Findings, and I'll discuss those in a minute. It's important to let you know that the recorded motion was adopted unanimously on November 30<sup>th</sup> with a number of recommended changes, which I will cover here. But first, some of the Findings – the reasons for their action, plus there was a number of process-based Findings that are in that recorded motion. And if you are looking at the meeting materials, this is Attachment 4. It starts on page 248. I'm not going to cover everything in there. I'm just going to hit some of the highlights.

So the first 12 Findings in there are specific to some of the final recommendations made by the Planning Commission. One of the things they wanted to stress is the importance of aquaculture and natural resource industries to the county. They also wanted to recognize the diking and drainage districts and what a unique role they play actually in Skagit County with all the low-lying delta land that we have here. It's pretty unique along with Puget Sound to have such a large role for the diking and drainage districts. So they did want to make sure that's part of everything that comes out of the Shoreline Program.

They wanted to call for some respect of private property and recognize that local stewardship and local knowledge of the land is often the best way to protect the land.

They had some concerns with transparent boatlift canopies and dock safety and making sure that was part of why they made the recommendations they did.

They wanted to reserve floating homes as an option for future housing.

They want to look for – make notice of redevelopment of lawfully established structures.

And then the rest of the 20-some Findings are really about the process, and we wanted to make sure we documented the process with the Planning Commission well. So that's what you'll find in the Findings section of the recorded motion.

In the recommendation, again just the highlights. I'm not going to cover everything or provide the same level of detail as what's in the document. But they wanted to make sure that the Open Space Concept Plan was not part of the SMP public access plan.

They wanted to recognize again the Dike and Drainage District authority, as Betsy mentioned as well.

They wanted to eliminate permeable or light-transparent boat canopies and allow for six-foot dock widths.

They wanted to recognize that there shouldn't be a substantial development permit for low impact roads to access forest practice areas – or forest practices, I should say.

They made note of the less than 25% buffer reduction would not be reviewed as a shoreline variance. You'll see that in there.

They wanted to prohibit non-native finfish net pen aquaculture. That's a bit of a tongue-twister.

They mentioned that – or they want to make sure that sign lighting is directed away from critical areas.

They're looking at minimizing lot coverage to 10% within the Rural Conservancy shoreline environment only on newly created lots.

They want to look for or make sure there's early involvement of State and tribal authorities regarding archaeological resources.

And they are looking at extending the review distance for critical area indicators.

And I should note that most of these bullets – or many of these – came as a result of the public comments that we received and that we provided for the Planning Commission to consider. And so a number of these, you'll see in there, come out of the public comment process.

Any questions on the recorded motion before I move on to the final section here?

Chair Wesen: Commissioner Browning, do you have any questions?

Commissioner Peter Browning: Yes, I do. I'm not sure that we stopped at the appropriate time for this. But, you know, looking at public access to dikes, I still want to make sure that we don't lose track of that being something that is negotiated with the dikes, and all the people who want

to use the dikes don't realize how much money dike district people pay into their dikes. They own them and they keep them up. And so I would *love* at some point for us to get the community members and the dike people to talk about access to the dikes for just good health reasons, but with some very good signage for us explaining what their obligations are in that area. So weird. I know we kind of went past that. We didn't stop for questions, but that's something I'm serious about. Thanks.

Chair Wesen: Commissioner Janicki, anything?

Commissioner Lisa Janicki: Yeah. Just with the Planning Commission's recommendations, I thought I understood it and now I'm confused over the lift canopies. Because there was a lot of public comment about, you know, non-permeable – like walking, lift canopies, and I'm reading the recommendation that says "to remove the requirement for lift" – for the boat lift canopies to be constructed. So are we at – so I don't know where we ended up. By "remove that requirement," does that mean they can put in non – I mean, like walking canopies or not? We went back and forth on the conversation. I truly don't understand where it ended!

Mr. Gill: Yeah. Chair, I can respond to that, if you'd like. Yeah, they are – their request was that new boat lift canopies not – would not have to be light-permeable, recognizing that if there's a boat on the boat lift the light's still not going to get down below the boat anyway. And so they were not in favor of transparent boat lift canopies.

Commissioner Janicki: And the – maybe I misread the responses to the public comment, but I was under the impression that the recommendation in those responses is to not allow light-blocking canopies. So is there a – is staff and Planning Commission at odds with each other on that issue?

Mr. Gill: That is – that's a good question. There is – I guess some of that came from the State and I guess I'd look to Betsy and Dan to help me out on that, but I believe some of that came from the State.

Ms. Stevenson: Yeah. I can respond and Dan, feel free to jump in if you want to. I think at the next meeting – this'll be the tickler for showing up again! – we will have a table that shows what the Planning Commission recommendations are and what the staff recommendations are, and there will be places where we agree. A lot of the things that they're included here in their recommendations were things that we were recommending as well, but there are some areas where we did take separate paths and they're well aware of it. So this is one of those areas that we can have that discussion, but, yeah, there is still some evidence out there that would indicate that they do perhaps provide some additional value by having light-permeating canopies. So we'll just put that in there and have all the information for you prior to our next discussion.

Commissioner Janicki: Thanks, Betsy. I'll leave that as the teaser.

Ms. Stevenson: Yep, we've got to get you excited to come back!

Commissioner Janicki: There's plenty here to be excited about. All right, thanks.

Chair Wesen: I know you guys all understand the shorelines and what that is. Could you go back into the definition of what shorelines – what are we talking about here? I mean, we didn't really talk about that. So it's marine waters and lakes...

Mr. Gill: Dan, do you want to take that?

Ms. Stevenson: Marine waters – sorry; lakes equal to or greater than 20 acres in size; streams with mean annual flow of 20 cubic feet per second or greater – oh, what did I forget? – associated wetlands; frequently flooded or floodplain – frequently flooded areas – yes? Floodways and then floodplain areas can be included at our discretion – additional floodplain areas beyond the floodway. Like shoreline streams – yeah, marine waters. I think that's it.

Chair Wesen: And the one question I have: The one comment you had was 10% of the lot coverage – no greater than 10% of lot coverage in Rural Conservancy environment. So does that mean 10% of the 200 feet or is it 10% of the lot?

Mr. Gill: That's 10% within that 200-foot shoreline jurisdiction.

Chair Wesen: Yep. Thank you. I see Commissioner Browning has his hand up.

Commissioner Browning: I still think we need to make sure and – from my point of view – correct me, but the people who are living on the water own the land up to the water, and anything out in the water is kind of the generous ability for people – or to ask us to put on a dock, for example. So for the 6-foot docks, I grew up with 6-foot docks. We never had any bigger. They work fine. But when people feel like they have a right to put a much bigger and much more ornate – and so I appreciate your kind of sticking to that because it really does make the water access better, safer. And they get enormous when allowed to be. So it's just my – but I do think that sometimes you've got to remind the public that asking for waterfront opportunities that they do not own – and very – in some case they do own out from a ways, but in most cases they don't own the water. Thank you.

Chair Wesen: I think – go ahead and move on then.

Mr. Gill: Great. Thank you. So we want to talk about what's left in terms of the review process. So as I mentioned in the beginning, we have a number of meetings scheduled. Today is January 25<sup>th</sup>. It's the first introduction and work session. February 7<sup>th</sup>, we've got another meeting scheduled. We'd like to talk, as Betsy mentioned, about the recommendations from the Planning Commission and from the Department and see where you all want to go with those. And then we have another meeting for March 1<sup>st</sup>, and if you're ready we would propose a resolution to pass the local approval to the State for their review. That said, if you all are interested in making substantive changes to the proposal that's provided by the Planning Commission, we can open up the public review process and have a hearing to discuss those and get feedback from the public on those potential changes.

Chair Wesen: Peter, on that, if we had another hearing, what would that do to your timeline?

Mr. Gill: That would shift it quite a bit because we would be responding to those comments. I think last time we had a 45-day open comment period, so there would be that plus then the – we had 80-some comments last time – I think 87 – and so we would respond to those and then we would bring those back to you all for consideration, and then any changes you wanted to make in response to those comments, we would work through with you all.

Ms. Stevenson: Just a quick reminder too –

Mr. Gill: It's hard to give you a specific date. Sorry.

Ms. Stevenson: Sorry. Just a quick reminder: We'd extend the comment period to 60 days too upon request.

Mr. Gill: That's right. That's right.

Chair Wesen: Thank you.

Mr. Gill: So when the County passes a resolution it does not make this new Shoreline Program in effect. It has to go through the State review process. And I think Dan mentioned this earlier, but this is very unique among our land use regulations in that the Shoreline Master Program is also managed by the State and they have some jurisdiction and review and regulatory power on this. And so once the local entity approves a document or a new plan or program, then the State reviews it to make sure it's consistent with State rules and laws. So Ecology will – and part of that process is to have a public hearing through the comprehensive update process so they would provide a 30-day comment period and a public hearing. The County then responds to those comments, as requested by the Department of Ecology. Ecology will review all those. There's a chance for some back and forth there between the local entity. And then the State will issue a conditional approval letter that will outline required changes and recommended changes to the SMP. And then they will send it back to us and we will have a chance to consider – “we” being the Board of Commissioners – will have a chance to consider those changes and if at that point you would like to have a public hearing regarding whether those changes fit for Skagit County or not, you could do so at that point in time as well. And then once that is done, then Ecology will sign off and we – this Shoreline Master Program does take effect at that point in time.

Commissioner Janicki: Can I just ask a clarifying question on the Department of Ecology calling for public comments? So is that a – I thought I had read in the staff memo to us that Ecology *could* call for a comment period or public hearing, but this says they're going to do it. So is it a maybe or is it a for sure?

Mr. Gill: Yeah. If my understanding – and Dan has been through this a lot so you can correct me, Dan – if through the comprehensive update of shoreline programs, Ecology will hold a hearing. If it's just a periodic review, they have an option, I believe.

Mr. Nickel: And Peter, I would just add that I think under the comprehensive update process if Ecology feels as if, based on the public comments that came in during the County's process, that a public hearing may not be warranted, they have the option of not holding a public hearing. They would still need to hold a public comment period. In this case, because we did have a lot of public comments that came in and obviously there's a lot of public interest, they definitely would hold a public hearing.

Mr. Gill: Thank you.

Chair Wesen: Commissioner Browning, any other comments or questions?

Commissioner Browning: No, I'm okay at the moment. I mean, I have the same concerns that Commissioner Janicki that Ecology – at some point you feel like they just keep opening a can of worms. They have to be addressed but – with their community meetings. We've done a lot of community meetings. But that's just my own prejudice. Sorry.

Chair Wesen: Commissioner Janicki, any other comments?

Commissioner Janicki: The looking forward part of this, you have said there's a periodic update and a comprehensive update. We're kind of doing both at the same time right here. Then when will our *next* periodic update be, looking forward? When would that be due?

Mr. Gill: I am not sure. Is that an eight-year cycle? Dan?

Mr. Nickel: It *is* on an eight-year cycle. This periodic update, I believe, was technically due in 2021. Is that correct, Betsy? So eight years beyond that would be the next required update.

Ms. Stevenson: Yes.

Commissioner Janicki: Thanks.

Chair Wesen: It's \_\_ mandated by the State and we just have to do what they tell us on that, correct? When the cycle is. And so based on the population or whatever of each county, there's a certain – there's a schedule.

Ms. Stevenson: I'm not sure they ever updated their schedule. We actually put off a year and let them use the money they were going to – the grant money – they were going to give us to finish the Phase One group. So I think they still put us in a batch a year ahead of when ours is actually due. But I'll doublecheck on that and make sure as well. But it would be eight years from where we ended up. But I think in the – if you look it up in the law where we're listed, it's different than what we agreed – to put it off for a year. And then we decide whether we think we're okay or whether we need to go ahead and make some amendments at the periodic. We are just looking at it at that point and changing things that we think we need to, or if we feel like we still meet all the laws and everything else then we would kind of report that, as I understand it. A lot can change in eight years, though.

Chair Wesen: Absolutely, as we found out since we've been working on it since 2011 or 9, since this thing started. I really appreciate the update here. I just – there is a comment in our Chat here about farmland. As mentioned before, ag is exempt if it's pre-existing ag. Isn't that correct, Betsy?

Ms. Stevenson: Yes.

Chair Wesen: So. Any other comments or questions? We have a 10:30 that's going to start in three minutes here, so we will see you in a couple more weeks, right? Or another month? Another update?

Mr. Gill: Yes, sir. Thank you.

Ms. Stevenson: Thank you for your time.

Chair Wesen: Thank you. So with that, we will be adjourning for a couple minutes here and we'll be back in session at 10:30. Thank you.