

**Skagit County Planning Commission**  
**Work Session: Shoreline Management Master Program Update**  
**[with Shoreline Advisory Committee (SAC)]**  
**May 22, 2012**

**Commissioners:** Annie Lohman, Chair  
Mary McGoffin, Vice Chair  
Jason Easton  
Josh Axthelm  
Matt Mahaffie  
Carol Ehlers  
Dave Hughes (absent)  
Elinor Nakis (absent)

**SAC Members:** Daryl Hamburg  
Kraig Knutzen  
Scott Andrews  
Herb Goldston  
Tim Hyatt  
Bill Dewey  
Wayne Crider  
Brian Lipscomb  
Kevin Bright  
Michael Hughes  
Kim Mower

**Staff:** Dale Pernula, Planning Director  
Betsy Stevenson, Senior Planner  
Kirk Johnson, Senior Planner

**Consultants:** Dan Nickel, The Watershed Company  
Melinda Posner

**Public Commenters:** Ed Stauffer

Chair Annie Lohman: (gavel) I'd like to call to order this meeting of the Skagit County Planning Commission for May 22<sup>nd</sup>, 2012. The purpose of this meeting is primarily a work session on the Shoreline Master Program Update. So if the Planning Commissioners could briefly review their agendas, and if you have any additions or corrections please let me know right away.

Mary McGoffin: Madame Chair, I'd like to propose a reordering here. I'd suggest that number 3, deliberations on our calendar, be moved to after the work session.

Jason Easton: \_\_\_\_\_ clarification. Mary?

Ms. McGoffin: Yeah?

Mr. Easton: That was a discussion about scheduling, right? That's not a – it's actually not deliberations though.

Chair Lohman: Right. It's scheduling.

Ms. McGoffin: Well, no. It is scheduling about our deliberations.

Mr. Easton: Of deliberations. I just want to clarify.

Ms. McGoffin: Yeah, I just felt that the work session people may not want to sit through our flipping through our calendars.

Mr. Easton: Oh, I concur.

Chair Lohman: Okay, it's been moved and seconded that we move the scheduling of the deliberations to after the work session and before Miscellaneous Business. All those in favor, say "aye."

Josh Axthelm, Mr. Easton, Chair Lohman, Matt Mahaffie, Ms. McGoffin and Carol Ehlers: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: So it's been moved and seconded that we move that item. So I'd like to start with the introduction of our new Planning Director, Dale Pernula.

Dale Pernula: He's right here. I don't know what you want to know about me. I'm very happy to be here. The last job that I had was in Juneau, Alaska, as the Director of the Community Development Department. I was there for about ten-and-a-half years and prior to that I was in Moscow, Idaho, for about twenty years, and I was also in Wyoming as a planner for about seven years. So I have a lot of experience. I hope I can help you out with some of my experience and I'm very happy to be here.

Chair Lohman: Okay. This meeting, because we have members of the Planning Commission and members of the Shoreline Master Plan Committee, I thought we would start with introductions, and we're going to go clockwise and I'll start. I'm Annie Lohman and I'm the Chairman of the Planning Commission.

Daryl Hamburg: Daryl Hamburg with Dike District 17.

Ms. Ehlers: Carol Ehlers, a member of the Planning Commission.

Kraig Knutzen: Kraig Knutzen, Shoreline Master Program.

Scott Andrews: Scott Andrews. I'm the Management Coordinator for the Swinomish Tribe.

Mr. Easton: Jason Easton, Planning Commission.

Herb Goldston: Herb Goldston, Shoreline Advisory Committee.

Mr. Axthelm: Josh Axthelm, Planning Commission.

Dan Nickel: I'm Dan Nickel from The Watershed Company.

Tim Hyatt: Tim Hyatt. I'm a biologist with the Skagit River Systems Cooperative, Tribal Natural Resources and Fisheries.

Bill Dewey: I'm Bill Dewey with Taylor Shellfish Farms on the Advisory Committee.

Wayne Crider: Wayne Crider, Skagit/Island Counties Builders.

Betsy Stevenson: Betsy Stevenson, the County Planning Department.

Mr. Pernula: Dale Pernula.

Brian Lipscomb: Brian Lipscomb, \_\_\_\_ Creek landowner.

Kevin Bright: Kevin Bright, Marigold Seafoods and Shoreline Advisory Committee.

Michael Hughes: Michael Hughes. I'm part of the Shoreline Advisory Committee.

Mr. Mahaffie: Matt Mahaffie, Planning Commission.

Ms. McGoffin: Mary McGoffin, Planning Commission.

Kim Mower: Kim Mower, dairy farmer, and I'm with the Shoreline Committee.

Melinda Posner: Okay, so we're going to start the work session and I'm going to turn it over to Betsy Stevenson.

Ms. Stevenson: Thank you. I think you got a copy of kind of our meeting objectives for tonight. We wanted to give the Advisory Committee a chance to come and talk to the Planning Commission and also give the Planning Commission a kind of overview of the Shoreline process. So you just got the documents tonight. We don't expect you to

have any idea of what's in it, and it was sort of planned that way. That way you can get a little bit of a sense of things before you start plowing through it.

Anyway, thank you all for coming tonight. I appreciate you being here. I'd like to thank all the Advisory Committee members for all their time and effort over the last several months. We're not done yet. It's still a very working draft rough document. So they would like to meet a couple more times and have a few sections that they're still working on. The Planning Department hasn't reviewed all the things that you have in front of you yet either. We haven't finished our review of it, so you're getting it without that, as well. So this is the initial chance you're going to get to see it. We'll go through it for the next couple of months. We have to have a draft to Ecology by the end of July and I think all they're really looking for is to see that we're making some progress so that, you know, what they're spending on the grant is actually coming to fruition with something. So I think we're about where we need to be at this point in our grant process. So don't get too bogged down in all the details. We know it's messy. We know it's not perfect, but overall we want you to get a sense of what we're doing and where we are in the process.

So, with that, I'm going to start my presentation which is just a bit of an overview and kind of what I would have shared with you a little bit in April. So we'd like to get through our presentation before you guys ask questions, if we could do that, because there's a lot of material. We really want to get to the discussion part with the Advisory Committee. If it's specific to the Update, you know, you can ask it and maybe we'll write it down and talk about it when we get to that section of the process even. But if it's pretty general we can try to answer it tonight. So let's just start that way, if that's okay.

And I apologize – hopefully you can see a screen from somewhere.

Basically I just kind of wanted to talk to you a little bit about what our existing shoreline regulations do and give you some kind of examples and an overview.

Dr. Goldston: Can you use the microphone?

Ms. Stevenson: I can. It's on. It's working. I have a really bad cold and sore throat so I'll do the best I can. You can come sit right up here, if you want!

Ms. Ehlers: Betsy, maybe you could get closer – move it closer to you.

Ms. Stevenson: We're really not supposed to do that. It kind of messes up everything else. Can you hear me now?

Mr. Easton: That's better, yeah.

Ms. Stevenson: Okay. Anyway, so what constitutes a shoreline area? Lakes and reservoirs greater than 20 acres in size; rivers and streams with mean annual flow of 20 cubic feet per second or more; lands extending 200 feet from the ordinary high water

mark from floodways; floodways and floodplain areas 200 feet landward of the floodway; associated wetland areas; and marine shorelines.

This is just kind of a diagram that shows you what is shoreline jurisdictional on a marine shoreline area, where you kind of just go down the side of the bluff.

What types of work would require a permit? And here is just an example under Residential. That seems to be a better spot – can you hear me better right there?

So some of these things are just examples under Residential. So Residential construction: Addition to an existing home or an accessory development. There are several different types of shoreline review: shoreline exemptions; shoreline substantial development permits; conditional use permits; or variances. Many residential activities are exempt from the substantial development permit requirements. We do have an application and review process here in Skagit County for exemptions because they still have to comply with the local laws and the Shoreline Management Act.

Some examples of exempt activities include single-family residences, private docks, and protective shoreline armoring.

What kinds of things trigger a need for a permit? If the work is a substantial development; if it does not meet the requirements and might need a variance; or if it's listed specifically as a conditional use in the Master Program.

Here's the definition of "development," and I can read through it really quickly. "A use consisting of construction or exterior alteration of structures; dredging; drilling; dumping filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or a temporary nature which interferes with the normal public use of the surface of the waters overlying land subject to the Shoreline Management Act at any state or water level."

"Substantial development," then, is "any development total cost or fair market value that exceeds 57.18" – which is an odd number, I know, and it changes every five years and will be adjusted this year in July by the Office of Financial Management – "or development which material interferes with the normal public use of the water or shorelines of the state."

This kind of gives you an idea of what the permit process is for a shoreline substantial development. I don't expect you to necessarily be able to read it, except there's just lots of steps in it and it's kind of busy.

Shoreline variance permits. They're most common for residential development and it's usually for a reduction in the shoreline setback. It can also be for height or site coverage requirements.

How we do this. Here's our shoreline designation map. So we would check to see first if the property is within shoreline jurisdiction and then what the designation is on the property. And then for residential development we'd go to the table for that and check to see what the setback requirements would be, and what the height and site coverage requirements are. It would be similar for other uses, as well. I just picked residential.

The shoreline setback determination is based on the environment designation, so it's a set number or the average setback of any residences within 300 feet of the site property lines, whichever is greater. So this kind of indicates – if you can see it very well – you're looking at the site and you have to measure all the properties 300 feet either side and take the average. If the average is less than, say, 50 feet then you'd have to stay at least 50, and if the average is more than 50 feet then you have to stay at least that distance.

This is the flow chart for permits for variances and conditional use permits. The difference in this process is it actually has to go to the state Department of Ecology for their approval as well.

Then we get into the ideas of shoreline and critical areas. We are going to have to go ahead and integrate our critical areas ordinance with our Shoreline Program, so that was sort of the point of going through this with you a little bit.

Shoreline areas are also critical areas. Critical area review is required and our critical area regulations do apply. So the standard review process for critical areas review is you submit an application and we complete a map review. We do a site visit and, if necessary, a site assessment is prepared by a qualified professional and then a protected critical areas site plan is developed and recorded. So here are the applications. Here's our map review and site visit form that we use. These are the maps – just little snippets of the maps – that we look at for wetlands and hydric soils, for DNR stream types, for geologic hazards and aquifer recharge areas. And some of the buffers that we have in our critical areas which would apply to shorelines – this is for lake and marine shorelines. So if you're in a natural area, there's a 200-foot buffer. If you're in a conservancy shoreline area, there's a 150-foot buffer. If you're in a rural area, there's 100-foot buffer; Rural Residential, 100-foot buffer; and urban, 170-foot buffer. And these are existing in our code now.

For streams that are shorelines: Those that flow more than 20 cubic feet per second mean annual flow, there's a 200-foot riparian buffer. And this gives you an idea of what a critical areas protected area site plan looks like.

We're going through the Update now, as you know, and there's the website that you can go to to look for that information.

The way that we plan to break up the Shoreline Program this time is we've developed it in policies, so part of it will become part of the elements of the Comprehensive Plan; the

development regulations, which will become part of the Skagit County Code; and then the environment designations map.

Here are the different Comprehensive Plan elements that'll be coming out of it.

And here are the development regulations sections, all of which you'll be getting very familiar with before we're finished.

This kind of gives you an idea of the flow chart of where we've been and where we're going. We started out with some public participation back last summer and some visioning, which is going to be discussed in a little while. We determined since some of the information that we have – at least on the streams – has changed, the shoreline jurisdictional areas have changed as well so we had to determine what actually was within shoreline jurisdiction, and those maps are available online. We did a draft inventory and analysis report, which I think I talked to you about once before when I came before you. Prepared the environmental designation map; the goals, policies and regulations of the working document. We also need to put together the Restoration Plan, the Cumulative Impacts Analysis, and then hopefully have local adoption. With ongoing public participation we hope to be out for open houses later in the fall after you get through this process and have several open houses again. And then hopefully we'll have some Ecology review and adoption as well.

In terms of upcoming meetings, the Advisory Committee has graciously agreed to meet hopefully once, maybe twice more – on June 14<sup>th</sup> and July 12<sup>th</sup> – to get through some final sections to get before you. And the Planning Commission meetings: the joint meeting tonight, the work sessions on June 5<sup>th</sup>, 19<sup>th</sup>, July 10<sup>th</sup> and 24<sup>th</sup>. Again, we're supposed to have our preliminary draft to Ecology by July 31<sup>st</sup>. We will hold work sessions to review those comments and make revisions sometime later in the fall with you; hold public hearings later in the winter/early next year; and then public open houses in October.

This kind of goes through what I talked about – the Cumulative Impacts Analysis, Restoration Plan, and the draft SMP needs to be to Ecology by November 31<sup>st</sup>. Then the Planning Commission and/or the Board of County Commissioners will consider all of those comments and revisions, and we hope for local adoption between maybe February and June of 2013.

So that's all really I have to offer. I'm going to turn it over to Dan Nickel from The Watershed Company to kind of go through what we've done so far – a little bit more detail in terms of how we came up with some of the information that we did. So thank you.

Mr. Nickel: Thanks, Betsy. All right. Thank you, everybody, again for coming tonight. Before I begin, I want to introduce Melinda Posner over in the corner over here. Melinda is a part of this consulting team helping the County out. Melinda was a part of facilitating our visioning workshops last summer – has done a fantastic job helping that

process along. Melinda will speak after I get done. She'll talk about the visioning results and try to give some framework about the public outreach that we've already done.

I'm going to briefly recap, again kind of go over a little bit about where we are in the SMP process. I'm going to dive a little bit into the Shoreline Inventory and Analysis Report that we've prepared. There is a draft document. Hopefully you have that available to you. It's also available on the County's website. I'm going to go into this in a little bit of detail and let you know kind of what's in it and then how to use it for the process moving forward. I'll talk a little bit about the future steps that Betsy talked about with the Planning Commission – meetings coming up – and then I'll touch on the Environment Designations draft that we have before us today in its proposed form.

So this kind of gets at the process that we're at right now. You can see here we are at the beginning of the SMP development stage. The Shoreline Advisory Committee has done a tremendous job. I think we started meetings back in September of last year. We've been meeting once a month and most recently twice a month to get through a lot of the issues that are going to be before the Planning Commission here shortly. And so I want to commend them for their efforts, and those efforts will be ongoing as we continue.

But I wanted to point out a couple of things. One, this Restoration Plan component. This is a new requirement from Ecology as part of their most recent guideline updates back in 2003. It requires all Shoreline Master Programs being updated now to include a Restoration Plan. It is a means for us to look at what type of restoration activities are planned already. It's not a development of a conceptual plan. It's more looking at what types of activities are going to be happening – that we anticipate happening in the future.

And we also have this Cumulative Impacts Analysis. This is a document that looks at the Shoreline Master Program when we're done, and it looks at its implementation over the next twenty years. And we need to evaluate what we anticipate development to take – what type of development's going to take place over those twenty years – and does the Master Program do a good job at mitigating for impacts and addressing impacts. And this Cumulative Impacts Analysis will look at showing that there's essentially no net loss of ecological functions in our shorelines.

Just a few things I want to point out related to the SMP: It does build upon this community vision, which Melinda will touch on. We have to base the Shoreline Master Program on Ecology's guidelines. Now there is flexibility there for local communities to, you know, bring forth elements that are unique to the character of that community, but we do have to follow their basic guidelines. And then part of the SMP gets developed based on what we're seeing out there on the ground in today's condition, what we're calling our "baseline condition," which is what the Inventory Analysis is there to do.

I also want to point out under the Shoreline Management Act there's three components here that we're trying to balance. We have to balance environmental protection but also public access, as well as water-oriented uses. These are three competing interests and we are trying to do our best to make sure that all three of those are accounted for in the Master Program. As Betsy pointed out, we still need to protect critical areas, we need to ensure that we have no net loss of ecologic functions, and we also have to encourage preferred uses, of one of which is residential – single-family residential uses on our shorelines.

So let me get into the Analysis Report. What is this trying to do? It is essentially an inventory of today's condition. We look at a number of data sources. A lot of that is through a Geographic Information System, a GIS database. You'll see in our report is a whole slew of maps that go along with this inventory of conditions on the ground. We take that information and we analyze ecological functions. We also look at what are our current land uses and what do we anticipate for future land use changes, as well as what type of restoration opportunities are out there.

So how do we use this information? One of the key ways that we use this – and we've already talked about this with the Shoreline Advisory Committee and I'll get to this in a bit, when I talk about the environment designations. But it does help us to evaluate what appropriate environment designations are. It also looks at, based on the inventory and the existing conditions, What are some of the recommended changes that might need to take place in our Master Program? It also provides a starting point for the Restoration Plan and provides a link to the changes that we develop.

This is a map showing shoreline jurisdictions, specifically in the area around Sedro-Woolley. As Betsy mentioned, in terms of shoreline jurisdiction we have not only the area 200 feet landward of the ordinary high water mark, but in areas where we have a designated floodway shoreline jurisdiction includes the floodway and it also includes 200 feet landward of the floodway if there's a floodplain present. So you'll see here the area in red is currently the adopted floodway, plus an additional 200 feet if the floodplain is present. And you'll also notice areas around the lakes, as well as the other various streams and rivers that are more than 20 cfs mean annual flow are also shorelines.

The inventory encompasses a wide variety of different types of data information. It relates to land uses, it relates to zoning, but it also relates to environmental issues, water quality. It pertains to overwater structures, the amount of shoreline armoring, impervious surfaces. And these inventory elements are developed from – it's not information that we are creating. We're not creating anything new. We are gathering our data from County sources, from state agencies, other resources that have this information already. It's kind of pulling the pieces together to help us assess what our conditions are like.

These are just some examples of some of the maps that we have available in our data set. This is comprehensive – the land use and zoning designations. There's a fairly

detailed body of work done on shoreline modifications. This would be, in this case, inventorying the amount of shoreline armoring in our marine environments.

In order to do this at a county scale we do this in a – we try to break up the shoreline into management units that are distinct. Usually this is based on watersheds. Some of this is based on topographic breaks. Some of it's based on land use breaks. But this is a way for us to organize this report. It's not a means of which we're trying to regulate these areas differently from one another, okay? I want to make that clear. So when you look through this report, you'll see a lot of the discussion broken up by management units, and it's a means for us to evaluate certain areas with each other but we're not out there to regulate them in different ways.

So in terms of analyzing ecological functions on the shoreline we have broken down those management units into distinct reaches. This is one of the elements that the Ecology guidelines in 2003 stated – that not only do we want to look at our environment designations by land use but we also want to look at those by ecological functions. You know, what's the environmental conditions on the shoreline? So by us breaking the shoreline into small reach segments we're looking at a means by which we could look at the environment designations in the future and where those breaks might be occurring. So you'll see that our reaches are broken up by land use as well as what is environmental change, usually in shoreline topography and geomorphology.

The functional analysis is done both in a qualitative and a quantitative sense. So we use the maps – we use the data that's in those maps to help us evaluate the various functions. Down near the bottom, there's four components here. There's hydrologic functions; hyperheic functions, which in a river environment is the function that's going on below subsurface; vegetative functions; as well as habitat functions. Those come from Ecology. Those are required elements that we need to review under Ecology guidelines.

I'm just going to briefly touch on an example of how we're evaluating. Some of this is just a snippet of information. If you look at here where this table is evaluating vegetative functions, these are just three components here. We have shade in this column; large, woody debris; and soil stabilization. And where you have an X here is just telling you that these date sources – here we have floodplain, the amount of armoring, vegetative cover – these are the components that go into the analysis of functions. Some of this is dependent upon what data we have. In some instances in a perfect world we would set this up differently, but sometimes we just simply don't have the data that we would typically need. We try to use what's relevant and reasonably available. That's per the state requirements.

So out of that ecological function analysis comes a score. We've rated these shorelines in a score from 1 to 5, based on each of these functional characteristics. It is a quantitative number, but I want to make sure that the score – the scores are not an absolute metric of ecological function. They're an indication of the shoreline condition. But you'll see in this body of work. You might have a score of 3.1. You might have

another shoreline that's a 3.3. We can't draw the conclusion that that 3.3 is a better functioning shoreline. Where we want to look at this information is to see, Where do we have areas of high functioning shoreline? Where do we have areas of low functioning shoreline? And do we see trends occurring along our shorelines?

Some of the general findings: The scores that come out of this are generally consistent with some of the intuitive waiting and past studies that have been done on shoreline conditions. But typically the functions are related to changes in land use, forest cover, armoring, overwater cover and land ownership. Those are the components that really drive the results in the analysis. They help gauge potential – the land use component helps us gauge potential development in the future, one of those components that we're trying to evaluate cumulative impacts down the road. We need to understand, What is the likely future development that's going to be occurring on our shorelines? Our land use evaluation helps us understand what's happened in the past to help us project what's happening in the future. We also look at some of the information from the Envision 2060 model, and we have some calculations on net change in residential development.

The land use component, or at least the vacant lands analysis we've done, looks at your existing developed lands. It looks at the amount of infrastructure that's there that basically takes out buildable area; land that's in the floodway that's not developable; lands that are currently held in conservation; and as well as it adds in a development factor the likelihood of development actually occurring within our timeframe. And we get a totally developable area. This is an area of land we anticipate to be developed in the twenty-year horizon that we're looking at.

We've also looked at public access, incorporated the 2003 survey of County parks that Parks and Rec needs. From this study there's a demand for regional parks, boat ramps and fresh water access. It also reviews the needs for a variety of elements – trails, street ends, water trails and the like.

So briefly I just want to touch on some of the future steps for the Planning Commission in the next couple of months. We will be looking at these environment designations a bit closer. We plan on trying to break up the discussions over the next four meetings into – we have general provisions that includes upland provisions, as well as aquatic provisions that kind of capture general regulations across the landscape, whether you're – and determine what designation you're in. We'll talk about other general provisions of public access – flood hazards, vegetation conservation, shoreline uses, and shoreline modifications.

I'm throwing this out here as potential topics. I think this is something that for the Planning Commission's sake we should maybe discuss the end of this meeting to try to get an idea about the topics that you want to bring forward for discussion and try to set an agenda for the next four meetings. I've sorted these out in terms of kind of progression of interest. This first meeting on June 5<sup>th</sup>, if we could cover environment

designations, vegetation conservation, shoreline stabilization and dredging. These are just topics I'm throwing out there; we can modify those if folks warrant that change.

Next I'm going to talk a bit about the environment designations that we have developed through the SAC process. You should have as part of the Planning Commission packets in your binder the tab under "Maps" – you can flip to that back page. It's towards the back. There's two things here. There is a document, a four-page document that goes through our methodology. And those SAC members that are here, most of you have seen this already from our discussions. We do have extra copies of the map set and the methodology near the door here, so raise your hand if you don't have a copy of that. We can get it to you. Kim?

So also with the methodology is a set of three maps – you should have it – A, B and C. And this depicts our current proposed designation system, which I'll go over here in a moment. But as Betsy mentioned, you know, all of this is a work in progress. This is a working draft. "Environment Designations" were one of the topics we spent quite a bit of time discussing with the Shoreline Advisory Committee, and I'm anticipating there'll be some more discussion tonight. But I do want to touch on just kind of how we got to where we are at.

I mentioned that the designations are based on land use. They're also based on ecological conditions. But we also want to point out that where there are unique areas in the county, they may deserve unique designations. I also want to point out the map that Betsy showed earlier of our existing designation system – I wish we had a paper copy here because the level of detail on the map is extremely poor, unfortunately, and it's really the only thing the County has to go off of. We don't have that electronically in a GIS-based system. So going through this process of updating the maps will allow the County Planning Department, specifically, as well as everybody else to be able to look specifically on a parcel-by-parcel basis and see where – you know, How is my parcel designated? – and make that process a lot smoother.

So the existing designation system currently has – the column on the left-hand side here – an Aquatic designation that is all areas waterward of the ordinary high water mark, no matter what shoreline you're on – lake, marine or riverine; Natural shorelines, Conservancy; Rural; Rural Residential; and Urban. We've talked a lot about a variety of designations that we would potentially change to, and we started with our discussion on Ecology's recommended environment designations, of which the column on the right tends to follow although we have some unique characteristics that I will get to. You'll note here we have several of them the same. We have Aquatic, Natural, but we also have a Conservancy – Skagit Floodway, which I'll explain in a moment; and Rural Conservancy; a Shoreline Residential instead of Rural Residential; High Intensity; and then an Urban Conservancy for the Towns of Hamilton and Lyman, which are also part of this process, which we failed to acknowledge in the beginning. But Hamilton and Lyman are also on the County's grant so we're also working with those jurisdictions.

I want to step through our methodology so what I'm going to do is talk a bit about this document here, which is in the front page of your map section. And this kind of highlights how we got to the map development that you have in front of you. First of all, all areas waterward of the ordinary high water mark are designated as Aquatic. Secondly, similar to our current designation system, we've taken all the large blocks of federal lands and designated those as Natural. One of the discussions that we had early on was that Natural designation and, What are the designation criteria there and should they simply be held only to public lands or can we look at potential private lands, as well?

High density residential. These are areas where residential development of less than an acre in size with associated development of similar characteristics are together – so not just one parcel, but a series of parcels. That would be designated as Shoreline Residential. Areas of more intense development, which we really only have a few areas in the county. Unincorporated areas would be designated as High Intensity. High Intensity is a designation coming from Ecology guidelines instead of using the term “Urban.” They use the term “High Intensity.”

Once we had set those areas aside we then looked at areas of high ecological function. We actually used the Analysis Report and took all the reaches that rated high in the functional categories of hydrologic functions, hyperheic functions, vegetative functions and habitat. We looked at where in the shoreline do we have reaches that rate high for all of those components. We took the top 10% of those reaches and gave those a Natural designation. This is just a draft. We wanted to find out, Okay, where are those shorelines located? So we started there. We gave those a Natural designation to start with. All the remaining areas were designated as Rural Conservancy. We did look at the Swinomish area. We made our designations consistent with what they had already developed in the tribal community there.

Then we went back and made some adjustments. We actually looked at parcels that were zoned Open Space of Regional and Statewide Importance – it's the first line – and some of those we went back and designated those as Natural. The County looked at those areas and determined some of those make sense to be a Natural designation.

Some other public parcels were also reviewed and deemed to be of a Natural condition so those were – these are instances where we had a Rural Conservancy designation in the past. They didn't pick up as a high functioning shoreline based on our analysis, but based on the review of existing conditions it made sense. Some high functioning parcels that came out as Natural, based on our rating, didn't really make sense to have as a Natural designation because of underlying land use, residential use being one of them. We adjusted those down to – in most cases – a Rural Conservancy designation.

Some areas of private ownership occur in the federal blocks of land. Those were adjusted down from a Natural to a Rural Conservancy. Then came the middle reach of the Skagit where we have the floodway. We initially talked about, Okay, should this be a Rural Conservancy designation? Should this be something else? We talked about

having that as a Natural designation because there's a lot of restrictions on development in the floodway already, based on other regulations. We talked this over quite a bit with the Committee. We came back (and) proposed a unique designation. We're currently calling this Conservancy dash Skagit Floodway. It would only apply to the middle reach of the Skagit from Sedro-Woolley up to I think it's the Sauk River. And we haven't developed – this has been really developed recently, we haven't come up with the designation criteria, the management policies yet for this reach. But we wanted to make sure this was a unique designation that applied to just the Skagit River's floodway but it was specific enough where we could call out what's truly allowed to happen in that area that's consistent with our other body of regulations, noting that it may not be appropriate to have it as a Natural designation.

So I think you can see this. So this is just some examples. I've got three examples of the designation systems that the maps that you have in front of you, and I believe they'll be available electronically as well, I think.

Ms. Stevenson: They are.

Mr. Nickel: They are? Are there already – okay. So the area – and here's the area around Sedro-Woolley – the area in blue is that Conservancy – Skagit Floodway designation. You will note it's bounded by an area in yellow designated as Rural Conservancy. That is the area outside of the floodway because the jurisdiction expands 200 feet beyond the floodway if a floodplain is present. In some of these instances you have a band of – it's at least 200 – it's 200 feet, up to 200 feet outside the floodway.

We also have areas that – you'll see it on here on Clear Lake, the area in green. That is an area that I believe scored high for ecological functions, as well as this area here. It also could be based on property ownership. If it's public land – I think this area is – sorry, this area down here I believe is in public ownership and it was brought into a Natural designation because of that.

Other examples – again, the area on the south fork of the Nooksack. This is an area of Open Space. It's got that Regional and Statewide Importance designation. That was proposed for Natural. We've also talked to the towns of Hamilton and Lyman and talked to their representatives. And the town of Hamilton, the area in shoreline jurisdiction is entirely within the floodway, as most of you know, and that was proposed for Urban Conservancy. And the town of Lyman, most of the town in the shoreline jurisdictional area is actually designated and zoned Open Space already, and they were proposing a Natural designation there with the shoreline area above First – along First Street – with Shoreline Residential.

And then last, this is an area around – \_\_\_ it on Lake Campbell here around Anacortes to the south, as well as the Swinomish Tribal Community. It's kind of pointing out some differences between where we have Shoreline Residential designations and where we have Rural Conservancy. Some of those breaks are based on the type of residential development – how dense it is. And so you'll see Shoreline Residential along this

stretch here; it's Shoreline Residential because of its density. It's a little less dense along this stretch, and based on the designation criteria, it falls under our Rural Conservancy designation instead of Shoreline Residential.

At this point I'm going to turn it over to Melinda before we start our discussions, and Melinda will talk a bit about the visioning process that we went through last summer and go from there.

Ms. Ehlers: Question: Are we going to come back to these topics later for questions?

Ms. Posner: Yes. Thank you. Glad to be here as well. I'll share quickly a little bit about last year – the visioning effort that was taking place in June and ended in July. How many of you attended – I see many familiar faces – at least one of the visioning meetings? Great.

So a quick summary: We had four meetings in the county – in Concrete, in Lyman, Mount Vernon, and also in Anacortes and we had over 180 people total who signed in in those four different workshops. And at each meeting, for those of you who were there and members of the Shoreline Advisory Committee, we did the same kind of a format at each of the meetings. And the idea was to get folks thinking about vision. I mean the benefits of a visioning process are to really kind of expand the thinking beyond what you see and know today. And so what we tried to do is talk about the shoreline and the Shoreline Management Program in accessible terms. We tried to educate folks who know a lot and/or who know very little, and provide a forum for the public and other stakeholders to participate in thinking about the shoreline and what is the future vision.

So we went through a workshop format where individual and group brainstorming took place, and in the end we came up with a vision in each of the meetings that included key vision elements that the group reached consensus about. For those of you who attended, you may recall the table that was created with the headers across the top. The actual vision summary is in your binders and it includes four tables that look like this. And the headers across the top really represent the consensus of the participants. All of the data underneath that really represents all of the individual thoughts and opinions about the Shoreline Management process.

So where do we end up? You know, what is the conclusion of the visioning effort? One is that we want to raise the level of awareness. We've answered questions about the process and kind of informed the kinds of things that we're going to have to be talking about through the development of the SMP. And what we heard was a lot of similar kinds of thinking in each of the meetings. We heard a real kind of extreme views about protection of private property rights to protecting all the natural values we have. And what I think is kind of a balance, some of the points that Dan was making about the Shoreline Management Program itself – that we have to look at balancing environmental protection and public access and water-oriented use and preferred uses, like residential. And so I think what you'll see is some of the key elements are things like looking for flexibility, looking for incentives, accurate science in all areas of the

SMP, as well as ag preservation, water-oriented uses and all of those kind of key elements represented through these vision statements.

So obviously we can't literally address everybody's outcome for the vision, but what it does allow us to do is inform this process that the SAC has been undergoing for the past eight months, that the Planning Commission now will take over, and to kind of provide that link as you go through the process of, What are the objectives that we have to meet for the state and also, What is the County, the public and stakeholders thinking about what we want to do for the future of the shoreline?

So that's kind of a quick synopsis of the visioning effort. What we had hoped to do next was kind of transition into a discussion. As Betsy mentioned, one of the key objectives of the meeting tonight was to introduce you to each other and the roles that you have – that the Planning Commission is going to play and that the SAC *has* played, and to really kick off the next step in the process which is kind of a little bit of an overlap as the SAC continues its work and the Planning Commission is just starting to get involved.

And so we had posed a couple of questions for you to consider, if you like, for your discussion. And they were kind of framed to each of you as two separate groups. To the Planning Commission we were wanting to ask what is your greatest concern about the process and kind of what your work is and how it's cut out for you over the next, you know, potentially up to a year. And what might you hope to celebrate as a best outcome.

And then on the other hand, the Shoreline Advisory Committee – we thought what might be helpful for the Planning Commission to hear what has been one of the toughest issues for the Shoreline Advisory Committee and perhaps what the discussion has been and kind of the weighing of the pros and cons of a particular issue, as well as any of the highlights that you can look back on the last eight months and kind of point out as kind of key places where the group came together and perhaps struggled but has sort of a general agreement about the path forward. So that's a thought for the discussion, if you like. And I realize there may be questions about the information that has been shared up till now. So if we like, we could start with those questions and then go into the discussion. Is that agreeable? Great.

So, questions? I know Carol – I won't be able to necessarily answer all them but we'll have our project team here to respond.

Ms. Ehlers: Well, you folks gave us the inventory some months ago and I appreciate that because it's the most basic part of the whole discussion. There's a lot of work in it, but there are a number of errors and there are some sections that are incomprehensible. And we have to have information that is clear, not only for us but for the public which will be watching.

So my first question is one I've raised every time I've had a chance. I have no answer yet. What do the colors mean in the reaches, the numbers that are in the back? Some

are red, some are yellow, some are green. I've taken the shorelines that I know well around Fidalgo. I cannot find any correlation between color and number, and I think it would be enormously useful if there were one. If, for example, if number 5 was always green – or whatever other color you'd like to pick as the color for that – assuming number 5 is the best. I wasn't sure of that until tonight. So let's assume number 5 is the best and that's green, and then number 4 is yellow because that's next in the spectrum, and number 3 is orange, and number 2 is red. That would mean we could go through – we, anybody – could go through and say, Oh, that's red. What do we have to think about it? And then you'd have an inventory that people could scan. So that's my first concern.

The second, when I looked at the section on the islands – as, of course, I would because that's what I understand – the section on 4.3.4 on the islands is so confused I can hardly find my way through it. Not because the information isn't crucial and not because it appears to be incorrect, it just isn't presented in a way that we might recognize it most easily. So I think that might be an editing job.

If anyone else has any questions I'd be glad to – but I have a list of –

Ms. Posner: Let's get a show of hands. Who else has questions – questions about any of the information that's been shared this evening so far?

Ms. Ehlers: I'm thinking just of the inventory. Let's start with that.

Ms. Stevenson: Yeah.

Ms. Posner: I just wanted to get a sense of how –

Mr. Easton: I have a question.

Ms. Posner: Yeah. Okay. All right, anybody else? Just I need a show of hands. I'm not – if you decide you have –

Mr. Easton: Actually I have two questions. How many questions does Carol have is one of my questions.

Ms. Posner: Okay.

Mr. Easton: No, I'm just kidding. Carol, do you want me to go next or do you want to go?

Ms. Ehlers: I only have one, so...

Mr. Easton: Really? Shocking. Maybe I'll stimulate some more. Go ahead.

Ms. Ehlers: The properties owned by the San Juan Preservation Trust or controlled by the San Juan Preservation Trust are not identified in this document, nor is the San Juan Preservation Trust. Now it's a mile-and-a-half on Fidalgo. It's probably a mile on Guemes. It's the entirety of Jack Island and the entirety of Vendovi Island. Those are too important collectively, if you're talking about cumulative impact, which we should. Those are too important to ignore.

There are also, in terms of the development – and this is a bone I have to pick with the South Fidalgo Stormwater Management Plan and the Envision process. There are all too many parcels identified as developable that cannot be, no matter how you wish to twist it, because they are too steep, they are too dangerous, they are too wet, there's something else wrong with critical areas. I don't think you could do anything about that in this document anymore than the Stormwater Management Plan can or that the Envision Skagit could. But there has been a discussion recently as to how many developable parcels there are out there. It's a matter of argument and discussion, and we need – I have to bring it up, though, because that becomes a – there's 762 here and there's 452 there. Those are fuzzy data. That's –

Ms. Posner: Excellent. I'm noting here and I know we're – do you have anything you want to share in response?

Mr. Nickel: I can address those. Is it okay if I answer those? So on the table issue-related color schemes, what we're trying to do there – and we can add in a scale for you. I mean, it \_\_\_\_\_ in terms of areas in green we generally try to have those be the higher functioning shoreline, areas in red be the lower functioning shorelines. It's not depicted that way. I apologize if it looks like that. That's generally the idea is that the colors are more just for visual information. The numbers are the numerical values that they \_\_ represent the true score. But the colors are there just for visual enhancement. So if it would maybe help to have a bar – a scale bar –

Ms. Ehlers: It would. And if it doesn't cost too much, I really would have the colors coded to the numbers because that would speed up the process for the next twenty years.

Mr. Nickel: I think that – hopefully the colors are coded, based on the numerical values. If they're not, we'll take a new look at that.

Ms. Ehlers: Not where I was looking.

Mr. Nickel: The other question related to the islands, the presentation about that information I think it's probably worthwhile. Yeah, we can talk about where those differences are \_\_\_\_\_. We could do that outside the meeting.

Ms. Ehlers: I'd be glad to.

Mr. Nickel: The document's still in a draft form. It's not finalized yet so, you know, we can make other revisions of the document. Related to San Juan Preservation Trust, I think we didn't have all that data initially when we first produced this report back in August of 2011. I think we have most of that information now, which we've actually tried to bring in to the environment designations development. So we have the information now and we could add it into the maps themselves.

Then I'll do your last one about the developable area. One of the things we tried to do with the Land Use Analysis, we actually did incorporate the critical areas elements into basically subtracting those out of the developable area. One of the difficulties we had with that assessment, though, is because we have critical area based on not parcel but it's based on, you know, wide areas, we had to take into account all the shorelines as a whole, as an acreage, and look at subtracting out the acreage of critical areas. And doing that, what we end up with is an evaluation of okay, this is the amount of acres of developable land and we have to – then based on zoning requirements in a certain reach, you evaluate how much land's *potentially* developable in the future. So we're not doing it on a parcel basis. We're doing it on an aggregate basis and that's where, I think, there might be some inconsistencies with how it's presented.

Ms. Ehlers: Well, there's difficulties because supposedly I have three developable parcels and I don't have any. And if you multiply that out that could become significant.

Mr. Nickel: And you don't have any because of critical areas?

Ms. Ehlers: Critical areas and erosion.

Mr. Nickel: And our assessment accounts for that. It doesn't do it for your parcels specifically but it accounts for it as a whole.

Ms. Posner: Okay, I think there's another question. Do you still – go ahead, Jason. And maybe beforehand I'll just – good reminder that I think you all received this document tonight. Is that right? So the idea wasn't necessarily – we didn't expect you to kind of mind-read it all through tonight and to get really deep into the content, but I think a few key, clarifying questions if we're able to answer, and kind of food for thought. So, Jason, and then – I can't see your name.

Ms. McGoffin: Mary.

Ms. Posner: Mary.

Mr. Easton: So here's a couple questions. One, I'm having a hard time – I'm glad that Taylor – that the fish guys are here because I have a question about this. I'm really missing the economic portion of this. And granted, it wasn't CTED or the Department of Ag – what do you call them now? What do they call CTED now?

Chair Lohman and several other voices: Commerce.

Mr. Easton: Department of Commerce that seems to have much of a handle – the way this was handled. I'm a little concerned about the lack of addressing the economic issues in relationships to jobs and protecting the marine industry. I mean, this whole region, a significant portion \_\_\_\_ been built on \_\_\_\_\_. Granted, a vast majority of that is in, you know, the city jurisdictions but for those places where it's not it's extremely critical that this is handled with the utmost of care. And I'll go one step further. If I think that there may be some Natural areas that are – we need to consider the fact that that could expand and I'd want to see those industries not only protected but the potential for their expansion. And I don't – I feel like when I look at the way the designations are spelled out that it's not really addressed. And that brings some concern. I have a significant concern about pacing. The Planning Department in their wisdom four or five years ago under other leadership that's no longer with us did not pace the consultant on a long project very effectively so – I'm going to address this mostly to Betsy. Are we in a position if this takes us another year – which is realistically potential – or almost a year, that Watershed's going to be paced to the place where we can work with them right up to the end? Because we ran into a problem with trails where we made requests to change mapping but we had already – the consulting budget had already been spent. And so I'm a little concerned about – I just want to make sure that we're in place and how we're anticipating expense – that we're still going to be able to make some adjustments with our having the consultants with us as we go along. Is that something you can address?

Ms. Posner: We're doing fine so far. It's going to depend on what you're going to ask for.

Mr. Easton: Well, I realize that's relative. I get that.

Ms. Posner: We're moving along in draft \_\_\_ but we are finalizing things as we go, as well. We aren't to that point yet. So, so far so good, but I can't say that it's open-ended.

Mr. Easton: No, I respect that. I'm a little concerned about – concerned that when we get to the end that we make sure – I just want to put this on record to all of you. To me one of the most critical things not to lock early is the maps because maps, to me, should be one of the last things that's produced based on the regulations of this group – that this group gets to a place of some sort of consensus on. And I think that's really important that we put quality above quantity in front of the public when it comes to how we address this.

Ms. Posner: I think – to answer a little more – we do understand that there're going to be some changes when we get the maps out for the public to look at, too – when they see their property.

Mr. Easton: Sure.

Ms. Posner: So that is factored into the budget.

Mr. Easton: So basically that would cover it.

Ms. Posner: Yeah.

Mr. Easton: Okay, great. And so if – at least in another – maybe one of these other four upcoming meetings if we could talk more about industrial, that would be great. But I'm a little concerned that I won't have access to Bill in that future meeting. So I don't want to derail things, Madame Chair, but I'm cognizant of the fact that the SAC has some special qualities that will not be with us all summer as we enjoy our light reading.

Ms. Posner: \_\_\_ effectively. So, Mary? Questions? Comments?

Ms. McGoffin: Well, this goes under "greatest concern." I'm just getting an inkling of the scope of this, and it took three maps end to end for me to figure out the scope. And my concern is that – I mean my background's nursing. I think triage. Is there a necessity to triage what we're doing at all or are we going to keep it as flat as that schedule where everything's important, everything's on the table and our policies are going to emerge out of that very flat kind of view? Maybe that's what we're supposed to do. So that's my concern, is am I supposed to think, you know, from a mountaintop or am I supposed to get down and go into details? So I'm going to need a little help on that.

Ms. Posner: (inaudible)

Chair Lohman: Okay, mine's kind of starting with a basic question. We talked about what the floodplain was but I think I would like to hear what you're calling the floodplain. Because on your map – I mean I'm an established delta farmer and \_\_\_ a floodplain, so I want to know where you're designating – I can see on the map the pictures, but what is going to be the designated floodplain?

Mr. Easton: Is there a difference between "floodplain" and "floodway"?

Several voices: Yes.

Chair Lohman: Yeah. But I know when I looked up the regulations of where the SMP – the jurisdiction – it mentions in certain circumstances the floodplain, 100-year floodplain.

Ms. Stevenson: Yeah, we have the option to designate the whole floodplain as shoreline if we choose to. We haven't done that in our mapping work at this point. Our existing maps have areas that we've included a lot of floodplain area outside of what would normally be shoreline jurisdiction, so those are certainly things that we can look at.

Chair Lohman: Well, are you going – because it's largely agricultural and currently exempt from substantial development permits. Is that why it's not? I guess I want to know where the lines are.

Ms. Posner: Yeah, what we're required to do, the floodway is definitely in jurisdiction. Okay, so all of the floodway. If a floodplain beyond the floodway extends 200 feet then that entire area is picked up as shoreline designation too. Okay?

Chair Lohman: Mm-hmm.

Ms. Posner: And otherwise additional areas that we would want to consider or you may want to consider that are within the floodplain can be included in shoreline designation. Correct me if I'm wrong. I'm not sure we did that \_\_\_\_\_.

Mr. Nickel: Yeah, we're not proposing an extended – like Betsy said, you have the option – the County has the option to include the entire floodway – excuse me, the entire floodplain – or portions of that floodplain. We haven't gone that route. We are required to include the floodway and then 200 feet beyond the floodway if a floodplain is present there. So that's a requirement. That's what you're seeing in those maps and that's only present from Sedro-Woolley upstream. So it's not present down below. There's a floodway designated there. So what you're seeing in the delta is just 200 feet from the ordinary high water mark and any associated wetlands, which are also required.

Ms. Posner: I think we need to start discussion here. If you're comfortable with this, maybe going around the tables just as a start just so everyone has a chance to – if you've had some time to think about it – maybe you share quickly your greatest – from Planning Commission – if you're a Planning Commission member, what is your greatest concern and the best outcome in your mind for the end of this process? And the Shoreline Advisory Committee, the toughest issue – which may be just something personally tough – issue of the Advisory Committee or that you know will be troublesome, kind of highlight. And it doesn't have to be a long justification as to why, but just kind of top of the mind quickly go around. Who wants to start? And we'll just go around the table. Kim?

Ms. Mower: I can start. So I looked at the questions and I jotted them down here so that I would remember what to say. The greatest concern that I came to the table with was that there would be more restrictive land use over and above the EPA rules. The best outcome celebration would be a consensus of the group with a conceptual final draft that meets the needs of the stakeholder citizens.

And the toughest issue in my mind so far has been the middle Skagit area. Neither the Natural or the Rural Conservancy fits the needs. We grappled with that and we need to work on it a great deal more. A special designation should be considered.

The highlight that has been for me is working together with a group of engaged folks to reach the goal of land use rules from a bottom-up approach.

And any advice I have for the Planning Commission is patience. We're getting there.

Ms. Posner: Great. Thank you.

Chair Lohman: Okay. Well, I have several concerns in no particular order. But I, too, am concerned about the property east of Highway 9 upriver. I don't want us to ignore the long-term and current use in agriculture and timber and rural development and residential and recreational, and lose that in the designation of Natural – may be too broad-brushed.

I want to make sure that we utilize our GPS to its full capacity, because we have a pretty renowned GIS – not GPS – GIS department and I think that we could really utilize them and get down to parcel by parcel if we need to and use their technical skills.

And I'm really concerned that we could potentially have a super complex layer of regulations that's difficult to decipher for a regular property owner. We have our current land use zoning and then you have the overlay of the Shoreline Master Plan and then you have the critical areas dovetailed into that. Then we have the flood damage FEMA BiOp regulation, and all of those regulations coming together. And how is a property owner supposed to navigate that kind of scheme? I mean, we're regular folks and we don't speak zoning code, and so we need a clear path to what we can do with our properties.

I'm also concerned about potentially subdividing activities that could – that are spelled out as being exempt and maybe saying that – maybe kind of getting a little – maybe we need to be careful on how we – what we look at uses. We don't get too specific. And I want to make sure that we don't lose sight of how much property this county already has protected privately and publically, because it *is* a big number and we've done a lot of work and we do have some good things to celebrate and I don't want to lose that.

On the second question, under best outcome I think not making the SMP any more complicated than necessary to comply with our regulations, and not getting it so complex and overly onerous that you can't use it, understand it or manage it. And so I really think that if we can come up with a simple, easily \_\_\_ regulation or whatever you want to call this plan, I think that would be the best outcome.

Ms. Posner: (inaudible)

Mr. Hamburg: I'll go if I have to. Going through and being a part of this committee as we've walked through this process, one of the things that has been very apparent that is important is that we don't overlap regulations, create more process than necessary or that's already initiated. So it's kind of one of those things we watched real close. Probably one of the big problems we ran into with that process is that designated

floodway and how do we handle that so that we're not trying to reinvent the wheel that's already been invented.

So I think this group has been very – I'd say, probably flexible, considering how many diverse focuses there are. And I guess if you want to celebrate we celebrate that we really worked well together considering where our focuses are.

Ms. Ehlers: As far as I can tell, Herb and I are the only two here whose interest starts on the marine shorelines – the saltwater shorelines. Well, Mr. Dewey. Who else?

Herb and I will speak from the standpoint of the property owner. I asked the Assessor if his new computer could say how much property value there was in the shorelines of Fidalgo and Guemes Islands, and he said  $\frac{3}{4}$  of a billion dollars, providing 6  $\frac{1}{2}$  million in property taxes every year. And I'd like to preserve that.

As I look in Fidalgo, there aren't many shoreline parcels that can be developed, so when I read in this document "future" and "new," I feel a bit optimistic as long as it doesn't mean we will destroy that which is already there, which is what a lot of people at the Anacortes meeting were afraid of. We're afraid that if a house burns down someone will decide on God knows what reasoning that the house cannot be rebuilt, not because of ecological reasons like it's on a cliff that you have no business being on because it's eroded away, but simply because there might be some critter out there someplace who might not like your house. That was started by Senator Ranker's bill and it still lurks and we can't forget it, although it shouldn't preoccupy us.

I would like some laws that work together. When the DNR says that a group of people who had a boat dock down in a corner of a bay for sixty years can't continue using it, but it would be better for those boats to be anchored out in the bay in deep water, and you read the Shoreline guidelines and it says exactly the opposite, you say to yourself, Let's have something that works together, and people cooperate.

There are all too many cases where because we don't know precisely what we're looking at we could misjudge on something, or because we don't know what the other person speaking from another set of perspectives with an entirely different geography is meaning. And that is one of my concerns. It's part of what Mary's speaking of. How does any of us look in territory that is so completely different from what we know? And as a scholar, I have been taught that you go back to the basic documents and you look to see precisely what they say and why they say it, and then conclude from that – perhaps you're agreeing with everything that's been proposed, but it's a cross-fertilization of what you're supposed to do because that's the way laws are written and what you'd like to do because that's the way most of us – or many of us – think. And I'd like it to work together for the benefit of all of us.

Ms. Posner: (inaudible)

Ms. Ehlers: And that's the way I think.

Mr. Knutzen: One of my biggest concerns to this point, I think, is it feels – and I've mentioned this in the past – it feels like the process, especially in the last month, has gone extremely fast. It's been pushed, trying to bring everything to the table and get through things to try to move it into a working draft document. I felt that and other Committee members see that and I think I've seen that from the County staff also trying to move through everything that they have to get through along with what they're doing. We all have jobs and responsibilities and for some of us it's a very busy season to try to get through along with keeping up with reams of documents to make it through and actually absorb and understand what it means. So I think that's been a little bit of a challenge. And, hopefully, as this working draft comes out it will be exactly that. It will be a flexible working draft. It is not a rigid or a difficult thing to change, and as we get more input and feedback from the citizens and these committees and stuff that it will be manipulable or we can massage it into something that's going to be workable.

Successes? I concur totally that – I think the greatest success I've seen is working with a very diverse group of intelligent committee members here that's brought many views and opinions to the table. And it's been a real pleasure. And, in short, I think the best result we could come up with is a document that will not be overly restrictive to residents and businesses in the future.

Mr. Andrews: Well, I'd like to mention three things. Two of them I'll sort of call "special charges" that I was given by my superiors to bring to the Advisory Committee, and one kind of an overarching main concern, main issue or problem I think ties us together. So I'll kind of use that as a bridge in this.

One aspect that in particular I was supposed to be paying attention to and hopefully \_\_\_\_\_, kind of the unique relationship we have between the Swinomish Tribe and the County on certain lands within the reservation which are privately owned, in this case mostly uplands, but they're adjacent to the shoreline. The Tribe owns the tidelands with a couple of small exceptions around the reservation \_\_\_\_\_ water and then ownership of the upland above that. In some cases it's tribal but in a lot of areas along the shoreline are private owners. And at first we had the Memorandum of Understanding on how that planning function works there. \_\_\_\_\_. So we need to cooperate on those kinds of issues. And since I'm – or my task is shoreline management on the reservation, that's the issue that I continue to need to work with the County staff on and so I've been happy to see the first step here. And one of the first steps of the designation areas is trying to make those designations compatible to the ones we have. And the continuing concern is to try to make that whole process of cooperation through the MOU and stuff to continue to work.

The overarching sort of bridge issue that I think needs to be really looked at: shoreline stabilization or shoreline bank protection issues I think is really where the – mixing metaphors here – where the rubber hits the road. The biggest impact on shorelines, particularly marine shorelines, which I know a little bit more about than \_\_\_ rivers. Probably the biggest impact is shoreline protection structures. And those are really

impacting the Puget Sound, the large amount of Puget Sound that has been \_\_\_\_\_ hardened structures on and they really do destroy a lot of ecological values and functions of those shorelines. And yet shoreline protection structures that are protecting an existing single-family residence are exempt at least from the substantial development permit, so at least part of the process, even if they have to meet the rest of the \_\_\_\_\_. So how do you deal with that whole thing and ensure what is supposed to be ensured under the Shoreline Management Act, which is no net loss of ecological function? I think that is in many regards for the long run going to be one of the hardest things to do and if I was at the table I'd make sure to look at it. And as people talk about, you know, not wanting to harm private property rights versus ecological stuff, finding the balance of that one I think is going to be tough.

And to make it even worse is the next part of the overarching issue that I want to bring up, which really hasn't been included in this plan yet. We did have a brief discussion of it the other day, and that's the issue of sea level rise. As some of you may know, the Swinomish did a two-year-long study dealing with possible impacts of sea level rise and other climate change issues, and it brings up a whole lot of issues far beyond what we can talk about right at the moment. But it makes everything far more difficult in the long run. In the short run, probably the thing that starts coming in first of all is the in-bank protection structures, because if you stick something in the way and then the sea level is slowly rising up against it, once you have sea level break into a solid wall you've lost any shoreline ecological value. Most of it is gone. You've basically got water against a wall. So how do you deal with that in the long run? And some of those questions we need to start. You know, even if we're looking at sea level rise fifty years, a hundred years down the line building this stuff that's going to be in the way we're already starting to make decisions that are going to impact decades after.

So those are kind of the three issues that I want to tell you to take here and then just say in some cases stuff we can deal with fairly easily with cooperation. Some stuff's going to be hard. And some stuff's going to be really hard in the long run.

Mr. Easton: All right. I think I touched earlier on one of my great concerns – is the lack of recognition by the Department of Ecology and/or the mandate that we're under to consider the economic development factor. I recognize that some people live in a world where they believe all that should happen within the city limits. That's nice on a napkin but the combination of Growth Management saying to keep everything in the cities and the river's running right through where they do doesn't really account for a working shoreline that doesn't necessarily recognize the best place for shellfish beds might not be in a city limits off of their shores.

So I have some concerns about the lack of – I would say that's one of my greatest concerns is the lack of the approach about the economics, and I touched on that earlier so I won't go into that much more.

I think the other thing that I'm concerned about is now being a veteran of a few Planning Commission wars or challenges I've grown weary of expecting a great deal of – I'm

growing weary of my expectations that we will always choose to do more than we need to because Ecology said we could, or because of other jurisdictions around us. And God bless our consultants over the years. They've worked for larger jurisdictions and we tend to end up with plans that are longer, deeper and less applicable to us personally than they need to be. This is not King – you know, I'm going to sound like Carol for a minute – no, we're not King County and we're not the city of Vancouver, B.C. or – you know, and so we have to find that balance. We have got a unique – God bless, I think – ability to protect agriculture in the midst of sitting next to a very powerful river and needing to protect a very, very, very important industry and relationship that we have with the tribe and industry that we have in relationship with fish. Can we keep that balance and not implement twenty-seven of these if we only need two, you know? I want to find the line where Ecology says, You have to update this much, and I don't want to go 80% past it, you know? I can live with another 20% more rules. I get a little concerned that we just seem to take that sort of outcome.

And then I think the best case scenario here is – you know, it's kind of a picture for me – it's a really well attended series of, you know, probably one or two public hearings that'll probably be before us because they usually have us do them – that are well attended but very few people find something so objectionable that they come unglued during testimony. And being the veteran of a few unglued testimonies for – I should say for sitting in on some of your unglued testimonies over the years – some of your others \_\_\_\_ – that would be the best outcome for me. I don't – I'm not Pollyanna enough to believe that we will pass anything that has to do with shorelines and keep multi-millionaire homeowners, travel interests and all the other diversities in between everything everybody happy. But, and I'm – right on that edge, that would be perfect for – that would be the best outcome.

Dr. Goldston: I'll try to be succinct. I guess my concerns have three Cs: compliance – with the Shoreline Guidelines. We have to comply with those. Number two, clarity – the point of the Shoreline Update is to be clear, as clear as we can be. And then costs. \_\_\_\_ take a moment to contemplate. In terms of the plans, you know, we do have to comply with the Shoreline Guidelines as enunciated by a handbook \_\_\_\_\_. We have a task ahead of us to comply. If we can't comply with that we're going to – it's not going to be – it's going to be contested and it's going to cost the County a lot more to defend. So we have to comply – number one. And it's important to – I think the Planning Commission should be educated on what that compliance is. The handbook is very valuable. They have a compressed website. Planners, too, I would strongly urge you to go to. Planners \_\_\_\_ and Ecology and read the chapters on what they viewed as compliance now.

And so compliant, though, there's a lot of flexibility Ecology allows for water-dependent use. It's not a critical area. It's a shoreline, okay? And it *is* a critical area but it isn't. And there's a lot of – a sort of balance. I think we need to keep our eye on balance, trying to balance private property interests and \_\_\_\_\_, as well as complying with Ecology. Otherwise we're going to get into another round of extremely costly litigation and it's going to cost the County a huge amount of money, the way I look at it. It's going

to be a mess. It's going to be a boxing match. And I think that Ecology does allow a lot of site-specific flexibility for water-dependent usage. But my concern, in terms of compliance, is that we're not innovative enough to explore ways of trying to achieve that balance with private owner interests as well as no net loss of ecologic function.

And in terms of that I just want to make one comment about no net loss of ecologic function, which I think is critical. We have to comply with that. But that's cumulative. It's not – every development is going to have some loss that's got to be mitigated or restored, but it's the County's cumulative indicators of ecologic net loss that has to be accounted for. And I don't know how the County is going to do this. We haven't really talked about that in terms of how we're going to do the accounting of the no net loss, and that's going to \_\_\_ to try to deal with, I think. We need to discuss that. I'm trying to be succinct.

Number two is clarity. I don't need to \_\_\_. A lot of people have talked about that. It's got to be as clear as we can. You know, try to make it very user-friendly to the public, try to make their regulatory \_\_\_\_\_.

And the cost – I think it's important to the Planning Commission to sort of try to get to this whole thing in terms of cost of implementing. Also the cost of sort of what the County's going to have to do to keep on going to sort of watch the no net loss. You know, how are you going to account for this and be responsible in a fiduciary manner? I think that's going to be extremely important.

In terms of highlights, I think the handbook that Ecology has is very educational. I have \_\_\_\_\_ review that. The inventory was a very good highlight for knowing what the ecologic function is in the shoreline. And then the collaboration we had. I don't think anyone's walked out of our meeting, including members, yet. \_\_\_\_\_. So it has been very informative for me. There's a lot of technical expertise in this committee and I've been **endowed** with a lot of good people to communicate with. Thank you.

Mr. Axthelm: I have a couple concerns. One is just making sure that they continue to involve the public. I think it's great that the public are involved in the process, but I would like to make sure that as this progresses and as this document is developed that it's not rushed along so quickly that the public doesn't have the opportunity and time to make sure they read it and understand it. It's real easy, I think, for committees and staff to take a look at – or to hear the experts, but I think the public opinion is \_\_\_\_\_.

Also as – looking at the maps, I think definitions are important. Definitions are important because sometimes a definition may look like it gives public access to land and look like it has certain restrictions, where that might not be the case. So that's a concern to me. And also the public definitely needs to be educated and need to understand why we're doing this. What's going on? What needs to be protected? And so but there's got to be a balance between that because I think that with everything \_\_\_ on this use is that if we have restrictions, are the restrictions placed on the land just because or is it something that's necessary? And then if we have some restrictions that are so

restrictive that that land can't be used, that the public can't access – you know, there're certain areas – parks – that I used to go to that you could go in and see what was there, and now it's totally blocked off and you have no opportunity to see what's going on, I think that that – why have it if the public can't access it and use it? The human interaction is important, and that's where that balance comes into play – is that we need to have a balance of human interaction that can happen and people can be educated, but also that those lands and the shorelines can be protected.

Mr. Hyatt: As far as the toughest issue so far I think I would agree that it's probably been the pace. We started off kind of slow with a lot of foundational issues and spent a lot of time on the characterization. But then when we finally got to the regulations it came as a pretty big lump for a lot of us to swallow. I don't think we all got through it all, yet we were discussing it –

Unidentified male: Speak for yourself!

(laughter)

Mr. Hyatt: We haven't gotten through it all yet, and yet I would have liked a chance to go through it a couple of times – to go through it, edit it, come back, talk about it a little more. We're not going to have time for that. It's going off into your laps now. And I would have liked to have spread out the part on the regulations, maybe at the expense of some of the other aspects. And I would like to be able to come back and revisit some of that in the next few weeks before we're all done with it.

As far as the highlight of the process, I hate evening meetings. I really do. So the biggest – one of the biggest delights I really have to – I want to publicly thank Betsy for bringing soup and feeding us so we didn't get so cranky. You guys won't be quite as fortunate, but she has spoiled us and I want to acknowledge that. And working with the staff – they were extraordinarily patient. We got through a lot of stuff. It wasn't always under a full agreement but I think they moved us along and it worked out pretty well.

As far as advice for the Planning Commission, having reviewed shoreline plans for Whatcom and Snohomish Counties, and now working on this one and the one for Island County – and San Juan County is starting up – I've been through a few of these. I would say pay a lot of attention to the exemptions. The impacts that we see from day to day – individual permit review, maybe not so much in Skagit County but elsewhere – the impacts we see are for residential bulkheads, private docks, repairs and maintenance – things that are exempt according to the state rules. And if the Skagit Plan can tighten up on those exemptions, acknowledge that the exemption is there but, Here is how you need to deal with this exemption, I think we can get a little closer to the no net loss goal that the state has set out for us. Part of that exemption – or part of that is going to be, again, tightening up on the definitions so that “repair” is not substituted for “replacement.” If you continue to replace things under a repair rule you never actually bring them into compliance over time. It's kind of getting into the weeds and the finer

details but it's something that's common to shoreline plans, and I hope you guys can take a look at it.

And finally I wasn't going to mention this but it's come up a couple of times on the costs. Yes, we have to be careful not to put anybody out of business. I think one of the more difficult issues in this plan – we haven't really dealt with it that much – is going to be aquaculture. We want to encourage aquaculture. We want that to flourish but at the same time we don't want to loosen up the regulations so much that other resources, like natural fin fish, are hampered or diminished. That deals with costs to other people, particularly tribes, commercial fishermen. There are also costs with letting the environmental quality go. If you think preservation is expensive, look at what a good restoration project costs. So look at in on both sides. And we still need to do a little work on some of those shoreline uses and who's affected.

Mr. Dewey: So I don't want to be redundant here. I think that my fellow committee members have covered adequately probably the toughest issues I would have raised, as well as the highlights. I thought I had one coming that no one had mentioned yet, which was to compliment staff, and you took that one away from me.

Ms. Stevenson: That's okay. You can say it again!

Mr. Dewey: In fairness, you know, this is a big project and there's been a lot of materials and I did think the consulting firm has done a lot of the job at both working with Betsy to get us drafts of chapters and recommendations, regulations, and then listening to our input and modifying it accordingly. It's been a lot of work for them, as well as us, and I just want to make sure they get the credit they deserve doing great work in that regard.

Then I thought I'd maybe use a minute just to respond to your question, Jason, on the economics. And certainly that's a concern for us as an industry here. And we're fortunate in that the Shoreline Management Act and the state rules that give us guidance as to how to develop our master programs include language that call out those water-dependent preferred uses and try to encourage them, as Dan mentioned in his opening comments and specifically as it relates to aquaculture, you know, when it's consistent with the control of pollution and prevention of damage to the environment, it is the water-dependent preferred use. So, obviously, that's one of the reasons I applied to be on this committee, is that aquaculture chapter. It's awfully important to us. But, in fact, several of the other sections in the document are, as well, because we require clean water and a healthy environment in which to work, and that's what the rest of this document is all about. Ensuring, as well. So striking that balance and trying to find the appropriate balance between the right amount of regulations so that we'll protect the environment but not restricting economic development. That's a challenge obviously for you folks since as we pass this on. It has been for us, as well.

The aquaculture section is missing from what you got tonight. It's still a work in progress. I've definitely appreciated direct admission by my fellow committee members

that the tone of the aquaculture section that came to us was more *discouraging* than *encouraging*, as far as trying to enable us to grow or have more of an industry. And their willingness to consider revising that – revising that tone and trying to create something that’s going to be a little more enabling, but not – you know, I appreciate Tim’s concern for not wanting to diminish the environmental protections but I think, as I’ve shared with our committee, we’ve – at least the shellfish side of the equation is intensely regulated from a number of different angles and they’re trying – there’s actually a state process to try to look at that to eliminate some of the duplication that we’ve got and give us some predictability to our permitting process.

So I’ll leave it at that. I guess advice to the Planning Commission from the project team, the only one that I would offer is that as you go forward and as you have questions don’t be afraid to use the Advisory Committee as a resource, either individually if you’ve got questions on topics, or collectively as a body you can call us back in for a work session. \_\_\_ to me.

Mr. Crider: Okay, I started out here with my eyes fairly open but yet not understanding everything that we had to do. And it was quite a learning process for me and it has been all along, and I haven’t been able to make all of the meetings but Betsy here has been great at keeping me up-to-date on most of the stuff. In fact one time one of the days that the County wasn’t working she brought a stack of stuff to me at my office to be sure that I was up-to-date. So the staff really cares, as well as those on the committee, I believe, care about getting this done and getting it done properly.

The toughest issue that I’ve had on this whole thing is trying to figure out how they’re going to put together the County’s policy that there’s not going to be any net loss in agricultural land, and yet we’re not going to have any net loss in shoreline, too. I’m still trying to figure out how that’s going to happen with floodways being a portion of this and different things being able to be brought in. Plus the whole BiOp is still out there still so I think the floodplain is still in limbo as to where it’s really going to be. So I think there’re a lot of unknowns that we’re having to deal with now. As the unknowns become known, then we’re going to have to look at them a little bit differently.

The highlight, I think, for me was a really diverse group. Yeah, I got pinged on a little bit by some of the folks. I pinged on some of the folks as well. But, you know, when Scott there came to me and told me that the Tribe would need to get together with the builders to work on a way to redo the shorelines, I thought, Wow, we’re going to work together. That was really a highlight. Thank you, Scott.

Mr. Lipscomb: I’ll tell you about one of my greatest concerns was the lack of maps. That’s been talked before about and is continuing to perpetuate the mistakes that are out there \_\_\_\_\_. Not looking at, I guess, the true ecological impact of stuff but just saying it’s 100 feet or 200 feet. It just doesn’t seem right. I mean, with all the experts and engineers we should be able to make things better and not burn people just to burn them.

So another tough issue that I had was just being able to live where it's called the floodway to be above the dam. Base flood elevation – yes. Also understand that there are people that are floodways and they really do flood, and then just because mine doesn't I need to put my mind in that these are real dangerous places in a lot of areas. Not all of them.

The other one was no net loss is always talked about. It's never discussed, no net gains. That's just been a tough issue for me how we can say ongoing degradation is a net loss. So not having ongoing degradation will put us back to \_\_\_\_ times. We're going to have I-5 there. The dikes are going to be there. So to call that ongoing degradation as a net loss just was a very tough issue for me. I've yet to solve it.

I have several highlight topics \_\_\_\_, some of them good, some not so good. The not so good ones were the lack of involvement from the public. I would go up to my neighbors and try and discuss this – they don't care. In fact, the truth is I wouldn't care if I didn't try and get a permit at one time and run into some of these issues. I wish they'd \_\_\_\_\_. There's a lot of that. I didn't realize how much it was. The Department of Ecology seems to be the people controlling the strings. You know, they say the public's involved and we want your input and all that, but it amounts to basically they've told you that you're going to use paint and it's going to be green and the public gets to decide what shade. But it's not the large public involvement – you know, the setback ought to be 50 feet instead of 100. That was kind of a not-so-good, but a highlight to me to understand that.

Some of the good highlights were seeing the process firsthand. I've never been involved in any public, you know, things like that and I wondered, How do you get from the guy you voted for to, You can't build a carport? And I've kind of seen the process. So, see, it was a good highlight. I'm not sure how to solve it yet.

I truly enjoyed listening to the input of the other committee members. I mean Oscar's comments about the guy who wouldn't let people on his property so \_\_\_\_ complaining about the garbage and Oscar says, Oh, why don't you put a garbage can there? You know, people would use the things. He said, Yeah, that's what I'm afraid of: people would use it and you have to empty it. I could relate to that so well.

And of course some of the highlights are Betsy's culinary creations. That was certainly, certainly a highlight!

So the only advice I would give to the Planning Commission is allow the local professionals to determine the boundaries, not FEMA or Fish and Wildlife. I mean, to take a map that's sixty years old, you know, and not – when you've got so much other data from the SRC, the USGS and then to stick to a regulatory floodway, not even a hydraulic one, is just – I mean it's totally unfair to many people. That's it.

Mr. Bright: My toughest issue is when Scott dropped sea level rise on us at about 8:30 in the evening and kind of blew everybody's mind when we started diving into shorelines

rising and over-water uses and, you know, getting – but it is something we do have to give a nod to and acknowledge somewhere in the SMP. Are we going to solve the problem? Probably not, but we need to at least acknowledge it. So that's something that I thank Scott for bringing up.

But one of the things I think we wrestled a lot with – or at least I took away from the committee meetings – was public access and building public access. And, you know, if you have a development that you have to allow for some public access in that development – say, like on a dike – and it's just the Pandora's Box of issues that raises. Do you have to maintain a port-a-potty? What about garbage cans? Who's going to pay for the litter and \_\_\_, you know? So it's just kind of that whole Pandora's Box of Shoreline Program forcing you to have public access and then it's, like, Who foots the bill and who's carrying the liability for that? So that was – to me, that was one that we struggled over and over with on several discussions.

And then I guess the other one was nonconforming uses. That one seems like we just wrestled with it and tried to get our head around it, but I don't think we ever came to a good consensus on, What do you do with nonconforming uses, you know, and normal repair and maintenance and expanding those, or removing them if they fall into the water. So I think those were two issues that really stuck in my mind.

But to Jason, just one thing the Shoreline Management Act talks about is the shorelines being a statewide interest for recreational, ecological and economic uses. That's why they're very important. There's that whole commerce thing going on with the shorelines, shipping, navigation, aquaculture – certainly one of those economic uses – and then you've got the rivers and floodways and all those other things that play into it. So I think there's a fair amount of guidance you can pull out of that Ecology's handbook to kind of let you know what their – where their head's at and what they're thinking about and how they look at the Shoreline Management Act.

And I think highlights were just working together with this group. It's a diverse group. I learned a lot more about agriculture upland. My interest is in marine shorelines so all of a sudden I had to start thinking about Skagit rivers and big lakes and, you know, just – to me that shoreline always – my background's in marine biology so I've always got saltwater in my shorelines and I'm just starting to think about all the fresh water here. So I think that was a real highlight for me.

Mr. Hughes: Going in to this one of my greatest concerns was Ecology said that everyone in the state has to go through this process. It has these very strict guidelines through it, and this is what we do: We can make little changes to it, basically. And it turned out to be a tough issue for us as far as where can we actually make changes and how expensive can they be. There's a lot of stuff to learn. We had ideas, then kind of get looking into them and it was like our hands were kind of tied \_\_\_\_\_ actually\_\_\_\_. Ecology is saying, This is what you're doing, so you have to watch that.

A lot of it was – another tough thing was, How do we code all the different shorelines around the area? What category do we call them? We had some huge discussions around what they should be or shouldn't be, or what they are, what's out there, what we wish they could be, future plans for them. That's something that affects a lot of people because there's a lot of people in very different shorelines. We need to take into account how it's going to affect the people living there because it's going to be how everything is planned and how there's definitions \_\_\_\_\_ those definition are \_\_\_\_\_ citizens living out there.

So as far as a highlight, I think the committee had very diverse ideas and thoughts on things. And I think that Betsy and the team did a good job mingling all that together. That kind of takes into account what everyone was thinking and balanced all those desires and listened to it all. All that.

Mr. Mahaffie: It's no fun going at the end; there's not much left to say.

(laughter)

Mr. Mahaffie: Everyday I'm kind of involved in this. For example, the bulkheads: I've seen firsthand the damage because of the bulkheads. I've also stood with a couple that have retired into their dream home, worked their whole life to see it all be washed away. And that's kind of my little metaphor because I can't really decide where I fall, you know, on striking a balance. It's just been my biggest hope for this plan is the balance, a broader balance brought into this. And I really hope for some better maps – something I'd gladly see, even in a digital form.

Ms. McGoffin: Let me just add one thing on the best outcome. I know that North Cascade Institute does a lot of education for children, and the best outcome for me would be that when those children become homeowners they don't build bulwarks because they know better. That's one generation that in that time, twenty years, we educate this next group of people. To me that's the best outcome.

The other thing I would say is I've only been a Planning Commissioner three years. Every year we do Comprehensive Plan amendments. And in my view, this is going to be a dynamic process that goes on for years and we'll be doing amendments and amendments, because "dynamic" means it's moving. It's like a moving target. It's not going to be one set thing. So I expect to be working on it, you know. My grandchildren will work on it.

Ms. Ehlers: I've heard some people be pessimistic about no net gain. But there is an example of a gain on the shorelines in Burrows Bay. I'm one of the old timers. When we bought, it was cheap. It isn't anymore. But when we bought in the early '60s we were told Burrows Bay was dead. The various wood products industries at Skyline had poured all their chemicals straight into the bay from about 1900 up until the end of the Second World War. There weren't any crab. There wasn't much living there. And the people who settled around the bay decided among them to do what we could to restore

it, to protect it. It's lead to some very interesting experiences. There aren't 150 houses down on the beach. That was going to be done twice. There's no super tanker port there. There's no aquaculture that was going to have thousands of Styrofoam floats on it. There were a number of things that were proposed in the wrong site, at the wrong place and in the wrong way, and they're not there. San Francisco has sent people up to study what has happened to Burrows Bay and how it has become the quality it is so that they may be able to do something down there somewhat similar. But I don't think San Francisco realizes that it takes the efforts of everybody living around the bay and working in the bay and dealing with the bay to accomplish what I think of as a substantial gain. It's taken fifty years. So that's a much longer scope than most of us like to think of, but it's a – there's all kinds of crab there. I'm told by those who dive that there's very interesting – various things down there that I will never see, but I've seen pictures of.

And so there is hope and I don't think people should be discouraged. But I think it's a question of the right thing at the right place in the right way at the right time managed properly. And that's pretty complex.

Ms. Posner: Anybody else? The last comments on these notes, advice, anything else that hasn't been shared or something?

Mr. Bright: One thing I heard at some of the public scoping meetings was balance. The correct balance seemed to be – you know, the balance of uses and protections. That seemed to come out in a fair amount from people at the meetings. And that's something that I think is critical and the Shoreline Master Plan strikes that balance between protections and allowing uses. Because we can't just lock it all up and throw away the key, but we also have to protect it, too. So it's kind of that – it's a tough one – recreation, ecological protection and then economic protections – so that's a tough one to strike a balance between those three things, but that's what you're charged with doing so....

Ms. Posner: Comment? Question?

Unidentified male voice: I have a question here. What do you use as a definition of critical area?

Mr. Nickel: Critical areas covers a lot of things. \_\_\_\_, geologic patterns, \_\_\_\_, fish and wildlife habitat areas, streams, \_\_\_\_.

Same unidentified male voice: The reason I asked that question is because I heard in one of the presentations on the maps up there and I haven't \_\_\_\_ . Is it we don't want to have any development in critical areas or we want to minimize that? And I relate to you the Quiet Cove, Yokeko, Dewey Beach area which is a critical area that was a critical area for a specific purpose and it was started by the committee who was there, and I was part of that. It started in 2003. And because at that time only about 30% of the septic systems were adequate. The rest of them were either inadequate, failed or

non-existent with straight pipes going into the sound. And everybody who recognized the problem tried to do it and we ourselves asked for that to be a critical area because then that got us some help, including funding for people – you know, interest-free loans for people that couldn't afford it because basically to solve the problem was about anywhere from \$20 to 30,000 a lot. And so today it's about 90% in compliance. The other 10%'s either in work or the house is \_\_\_. And so it was never any attempt to slow down any development. It was only to fix an ongoing problem. Anything that was coming on, of course, would comply with the new rules. So that definition of "critical area" for that area had nothing to do with development. It had to do with solving a specific septic problem. And probably in a couple years we'll have another meeting and request to be taken off the list.

Ms. Posner: You were a part of that dynamic. There's things on the agenda and then there's another hand in the back. A question or comment?

Ed Stauffer: Madame Chair, is this now the open public comment period?

Ms. Posner: No.

Chair Lohman: No, it's the work session.

Ms. Posner: \_\_\_\_\_ so it's a tall task and a good start and a lot of hard work already put into this. So I appreciate all that you shared and kind of laying out where you go from here.

Chair Lohman: \_\_\_\_, are you planning on compiling all of this and supplying it to both committees then, both the Planning Commission and the –

Ms. Posner: Yeah. Sure.

Chair Lohman: I think that would be really useful. I noticed a lot of us were writing notes, but you can't capture everything.

Ms. Posner: Yes. Yes. I've captured it in terms of just those phrases or key headings. Yes.

Chair Lohman: Thank you.

Ms. Posner: Yeah.

Chair Lohman: Any other comments?

Ms. Ehlers: I have a question that I – I almost feel sorry for Daryl for my putting him on the spot, but I still think we need to. Yesterday afternoon in this room there was a very interesting discussion on flood and alternatives that have been proposed. Apparently the Army Corps is actually, really, genuinely, honestly, sincerely – shall I add any more

words? – planning to actually do something. And I would suggest – there was a – on flip charts – was a list of comments that people made on some proposed alternatives which deal with the river, and I would suggest that those lists be given to these people, too, so that the two main projects that deal with water and shorelines in this county that are going on at the same time have some relationship to one another, at least to the point people know the other one's going on. Would that be okay?

Mr. Hamburg: Betsy, I believe that Kara Symonds is putting those lists together and they will be on the County website within the next two weeks. So they are accessible. To have those lists submitted to this council, I would suggest we talk to Public Works because that's a Public Works –

Ms. Ehlers: Yes.

Mr. Hamburg: Dan Berentson, Kara Symonds – you could ask if they could submit that to this group.

Ms. Ehlers: There's the usual structured things like the Avon Bypass that now has a new name. But there were a whole list of unstructured, more natural things that were proposed that do bear a relevance to what we're collectively doing, and at least part of which raises a – again – a problem which has had great difficulties dealing with and that is once water gets onto the land, how you get it off. And it's a shoreline issue, among other things. So I wouldn't propose that this group would have to solve their problem or them to solve ours, but I think we need to know it.

Mr. Hamburg: Madame Chairman? If you wouldn't mind, I could take just a couple minutes to explain what's going on with the Corps of Engineers and flood control.

Chair Lohman: Go right ahead.

Mr. Hamburg: The Corps of Engineers is in a reset process with the GI Study, which the GI Study is a General Investigation of the Skagit River and delta for flood control. At this point of the reset they have come up with six rough draft alternatives. These alternatives, right now they're in the public information process that I've kind of – I've been a groupie of the tour for the last, I'd say, three weeks. I think I've been at – I think I'm at my eleventh presentation – same presentation, I've just seen it eleven times.

(laughter)

Mr. Hamburg: Yeah, I think I could probably – I hear Dan Johnson from the Corps of Engineers in my head when I'm sleeping at night! Last night we had a workshop with the Skagit County Flood Control Zone District Advisory and Technical Committees. We went through each one of those six alternatives and dialoged about concerns about each one of them. The list that Carol's talking about is the concerns that the group had on each one. Of course no rough draft alternative is a perfect alternative. If I could remember them through my head, the first one is a no action, do nothing alternative.

The second one, it was a non-structural alternative and I believe that the storage – the increased storage – at the Baker facilities was part of that non-structural. The third one was what they call the Joe Leary Bypass, which goes out through Sterling, and it had two different designations. One was a strict flow bypass; the other one was a sheet flow bypass where it would direct the water to a sheet flow-type area. Both flood designations or both bypasses were based on our current flood risk management capacity right now, so the water wouldn't be released unless it was a 35- to 40-year event so it would literally be a dry bypass. The third one was the Avon, which – I don't know what they called it.

Ms. Ehlers: Oh, the Swinomish, just so you wouldn't know it.

Mr. Hamburg: Swinomish Bypass, Avon Bypass – the one that's been talked about since, like, 1965.

Ms. Ehlers: 1921.

Mr. Hamburg: 1921. Well, I wasn't alive then! '65 I was three so I could function then!

The fourth one was to just basically ring-dike the urban areas. Fifth one – see, I should know these better. The fifth one, I believe, was levy setbacks through the whole corridor. And then I'm missing the sixth one.

Mr. Easton: Well, I've taken the liberty to send Betsy a link to the presentation so they can be shared with the group, and I think there's a link in – you might double-check, but I think there's also a spot in the public comment forum. \_\_\_\_\_.

Mr. Hamburg: And Kara Symonds has done this presentation before so we could ask her to give this presentation to both these groups, if we want to do it together. She's as good as the Corps and she's as knowledgeable as the Corps.

Ms. Ehlers: Mm-hmm, mm-hmm.

Mr. Hamburg: And we don't have to take Corps money out of our budget to get caught up on what's going on with this process. But it is huge. The sale district's been mandated by the new general in headquarters to get this done in three years, to do it for under three million bucks, and to put it in a three-inch binder. It's the 3, 3, 3 process.

Mr. Easton: The third one's the hardest!

Mr. Hamburg: Yeah. And there's only three GI projects that are budgeted to completion right now and we're number one, so this is a huge, huge thing going on right now. And it may be good for that process to be a part of this process, because you're right. When you start talking about bypasses and sheet flows, and we're starting to talk about floodways, we're starting to talk about designations that change.

Mr. Easton: We might actually get close to talking about how to find the money to do it.

Mr. Hamburg: And there's big money involved.

Mr. Easton: That's kind of one of the conversations that has to happen.

Mr. Hamburg: A minimum of \$300 million involved with this process. But I sure would like to put it together for you, if you'd like. I would just need, you know, for instruction from the Planning committee and I can work with the County – with Public Works – to put together a program for you. So thank you for your time.

Chair Lohman: Okay. Anything else from this committee – joint committee? Okay, well thank you very much for coming and sharing and –

Ms. Stevenson: Before we quit, you're coming back to us on the 5<sup>th</sup>. I hope we haven't totally scared you away. Are you okay with what we put in the front of your binder for the areas that we talk about? Can we start there at least?

Mr. Easton: Is that under "Administration Materials"? Or, no – oh, yeah, there it is.

Ms. Stevenson: Behind the first yellow sheet. That's kind of how we sort of divvied it up for now. Are you okay if we start there at least and then – I talked with these guys in the Advisory Committee, is we had a list and then we went around and they prioritized which ones they really wanted to talk about. It may be that some of them you don't. So we may get through a lot more than you think and we may get through a lot less than you think.

Ms. McGoffin: So if you were to add the speaker that he's referring to, where would you put that person?

Ms. Stevenson: I would put that person in August or September, after we're done with our review. I don't think you really have time – if that's okay with you.

Ms. McGoffin: I'm just asking.

Chair Lohman: Out of respect –

Mr. Hamburg: There'll be a lot more information by then.

Ms. Stevenson: Is there a lot of time on that? And we don't have a lot of time to give up in what we're trying to do, and –

Ms. McGoffin: Okay, so that'd be August, September?

Ms. Stevenson: – I know you guys like to take some time off, so, you know, September or sometime when we have some time. Because this is just the first round that we have

a deadline of the end of July. We aren't \_\_\_\_\_ yet so it will still be very important to the process. But I think Kara and those guys deserve more time \_\_\_\_\_.

Chair Lohman: I would like to, though, reserve some room that in case you get something that needs more time that you can maybe carry it over to another. I don't want it to be so rigid that – because certain elements are going to surface as being more hot button than the other ones.

Ms. Stevenson: And that's why at the bottom it says that schedule is subject to change. Because we may get through some stuff or we might not. I mean, we found that to be the case with the Advisory Committee. Some of the things people were good with or okay with or, Well, yeah, this is all right. I really want to spend time on this. And you guys may do the same thing. And, you know, I'm not asking you to come in any more. That's \_\_\_ choice. But, you know, we're up against the end of July, so I want to be sure \_\_\_ what you want.

Mr. Hamburg: I would like – if we're going to do that, though is I would like this committee to get that presentation either digit – you know, whatever you call it – PowerPoint or paper form because it will – we're in the public comment process right now so –

Ms. Stevenson: That's true. That's a good point.

Mr. Hamburg: – if there's something you want to get to the Corps that we're missing or they're missing that you say, Hey, this is – why don't you have this alternative in there?

Ms. Stevenson: That's a good point.

Mr. Hamburg: The door's open right now.

Ms. Stevenson: Maybe I can talk to Kara and see if she \_\_\_ real briefly during the comment period. I don't know when the comment period is up. Daryl?

Mr. Easton: (inaudible)

Mr. Hamburg: I think the comment period is up the end of June.

Mr. Easton: I think you're probably better off taking – at least talking to Kara and forwarding some things to us, or this group, and give people a chance to be aware of it – some coordination between the two, obviously. I serve on the Flood Advisory Committee. Daryl's the illustrious Chair and I'm his goon. But I think it would be important for us to start tying these together as much as possible. There is, for the first time in the five years I'm been around the GI process, actual momentum with real dollars. I mean – really – on the federal side. I mean, the County's been doing its work, given how much \_\_\_\_\_.

Mr. Hamburg: Well, it's not – you know, the money's always been there. It's about the goal that the Corps has and the mandate the Corps has. The Corps's never had a mandate to finish a GI and that's why we've been doing a GI for thirteen years. If there's a mandate, it's done in three years.

Ms. Ehlers: And furthermore, this guy knows how to hear you. He actually hears what you say the way you say it, which is remarkable.

Chair Lohman: The general?

Ms. Ehlers: No, Dan Johnson, the project leader. Now I have a –

Mr. Easton: I had a question for Betsy. Did I understand you right that we come the night of and then make the decision as a group at the beginning of the meeting which of these four are the highest priority to make sure we discuss it that night? Is that how you come up with prioritizations?

Ms. Stevenson: Well, yeah.

Mr. Easton: Okay.

Ms. Stevenson: \_\_\_\_ before, if you want to do it another time \_\_\_\_.

Mr. Easton: That seems to make sense to me \_\_\_\_, at least for the first we have a chance \_\_\_\_.

Ms. Stevenson: You made it through more things than you know.

Unidentified male voice: A question, please. That was the same that was on the \_\_\_\_. That's not – that list is not a \_\_\_\_\_ all topic areas either.

Ms. Stevenson: Right. There's going to be more. They were kind of the main ones.

Same unidentified male voice: Yeah, big topics and then you choose? If you look at your contents of your document, there's more, more \_\_\_\_.

Ms. Stevenson: So maybe that's the best way to start diving into it, is look at those as an example and then look at your table of contents and see what you want to prioritize and how you want to go about that, and get back to me so that everybody knows as soon as possible, so that you know what to be reading to be prepared for the June 5<sup>th</sup> meeting. Or if you're willing to take on that first batch at least for the June 5<sup>th</sup> meeting and we can have a discussion at the beginning of the meeting of what the important items to you are from the *whole* list. And I can send that list out to you, too, rather than trying to get it off the table of contents, if that would help.

Chair Lohman: Well, we need to be possibly then communicating that. Are we allowed to communicate that sort of thing on e-mail?

Ms. Stevenson: Ryan's not here!

Chair Lohman: I'm not saying what we're going to talk about, but it's –

Mr. Easton: We can't let each other know if we're coming to meetings or not in a group e-mail response. I mean –

Chair Lohman: Yeah, I'm not sure what the rules are exactly but I think we need as much lead time on what the material is we're going to be studying because I don't want to read the wrong chapter –

Ms. Ehlers: Mm-hmm.

Mr. Easton: Right.

Chair Lohman: – and be really prepared, and it's for nothing.

Ms. Stevenson: Okay, well, would you like for us to go back then and get all the \_\_\_ and divide them into different meetings?

Chair Lohman: Well, I almost think that for expediency – if the Planning Commission is agreeable – that maybe we should start with what you have for that one. That will give us a chance to look and then we can start our path or see if we concur with the path. But I think we have to have a decision sooner rather than later because it is May 22<sup>nd</sup> and we don't have a lot of time before June 5<sup>th</sup>. And I *hate* having homework dumped on me the night before.

Ms. Ehlers: Amen.

Ms. Stevenson: I'll get the list of all of them out to you so you can at least see what else there is. And if you want us to try to divide it how we think and how it went through the Advisory Committee it may take more time so it can be divided so that it seems to work out in the meetings, and have you guys respond and look at that at the next meeting. We can get that out in the next couple of days, too, if that would help.

Chair Lohman: I think that would be helpful as a guidance, but we have to go through the entire document anyway at some point, so I would like to get to the stuff that's going to – the hard stuff at the beginning –

Ms. Stevenson: Okay.

Chair Lohman: – and on the stuff that's nice and easy.

Mr. Easton: And, obviously, Elinor and Dave will have their packages sent – come pick them up or something.

Chair Lohman: Is that what the Planning Commission agrees with?

Mr. Easton: Yeah, that sounds good to me.

Ms. Ehlers: It sounds good to me but, Betsy, where in this three inches do I find these four categories – the first four?

Ms. Stevenson: It's in the working draft. It looks like this.

Ms. Ehlers: And that's where – in the working draft? Well, you see, that was my basic question. Because I just got this thing. I don't know how it's organized.

Ms. Stevenson: That's right, that's right. And then you'd go to the table of contents and then just go to those sections.

Ms. Ehlers: Okay.

Ms. Stevenson: And I'll start with those four for the first night on the 5<sup>th</sup> because that may be enough, and then I'll get you in the next couple of days a list of everything and how it might divide up and put some of the hard – and you're getting some of the hardest ones first – put some of the hard ones first and see if we can divide it so that you get a sense of how much there is to do in four meetings.

Chair Lohman: So to repeat, we're going to – for the June 5<sup>th</sup> meeting – we're going to talk about environmental designations, vegetation conservation, shoreline stabilization, and dredging. And then we will discuss the path.

Ms. Stevenson: And I – we may add some more, based on how many you have to get through.

Chair Lohman: Okay.

Ms. Stevenson: Okay.

Ms. Ehlers: But if you do have more, tell us where to find it.

Ms. Stevenson: Yep.

Ms. Ehlers: Please.

Ms. Stevenson: Yep, I'll do that. Thank you.

Mr. Easton: You'll want to update the website, too.

Ms. Stevenson: Yep. I wanted you guys to get it before it was out there, so I'm going to post it.

Mr. Easton: Yeah, it's just half of them were on there and half of them weren't.

Ms. Stevenson: Yeah, I'll post it tomorrow. In the back, too, under one of these empty tabs – I think the second to last one – the agendas from the Advisory Committee meetings and the meeting summaries are there so that you have those, as well, in your books.

Chair Lohman: So might we give our guests a chance to –

Ms. Posner: We are dismissed?

Chair Lohman: You are dismissed.

Mr. Easton: Thank you, guys.

Ms. Ehlers: Thanks for coming.

Ms. Stevenson: Thank you very much.

(break)

Chair Lohman: We're back in order for the Planning Commission on regular business and we're on agenda item number 3, and we are scheduling deliberations for the 2011 Comp Plan amendments. Go ahead and –

Kirk Johnson: Launch?

Chair Lohman: Launch in.

Mr. Johnson: So you held a hearing May 1<sup>st</sup>, I think it was, on the Comp Plan amendments. We typically try to follow up with that fairly quickly with deliberations but it turned out that was not possible this time because of Shoreline work that has to be done to keep that process on track. So as I looked at the schedule, it appears you have two options. One is to hold those deliberations on August 7<sup>th</sup>, which is the next available regularly scheduled Planning Commission meeting, or the other option is to schedule yet another special meeting in addition to ones that are already scheduled for the Shoreline Update for those deliberations. So I wanted to get your – hear what your preference is on that.

Mr. Easton: Madame Chair?

Chair Lohman: Go ahead, Jason.

Mr. Easton: I'd prefer August.

Chair Lohman: Anybody else? I kind of have to concur with what Jason says. These people have been waiting a long time for us to make a decision and I think we should respect that – their efforts – and make it soon. So that's my opinion. Anybody else?

Mr. Easton: I'd prefer August and then I would prefer to take the rest of August and the first two weeks of September off – take our regular meeting off in September since we don't usually – we wouldn't usually meet in August but I think this is important enough that we deliberate as quickly as possible, and so shift our regular vacation.

So I propose as a proposal for the rest of you that we meet on August 7<sup>th</sup>, that we cancel our regular scheduled meeting in September and return again the third Tuesday in September. Take six weeks off.

Ms. McGoffin: Madame Chair? I'd prefer to just do one thing at a time and meet in August – so are you saying our first meeting in August we would do deliberations?

Mr. Easton: Yes.

Mr. Johnson: Yeah, so that your first meeting –

Mr. Easton: It's the only actual scheduled meeting.

Ms. McGoffin: So I'm okay with that, and I don't want to start cancelling meetings until we know more about what the Shoreline Management is going to need.

Mr. Easton: The only hard deadline they're under is the one to get a report in for – by the end of July – for progress. We're going to need some time – I would think she's going to need some time after we go through this to assess what we have because I have a feeling we're going to add a lot \_\_\_ the process. Just a suggestion. You know, our first meeting lands right around Labor Day in September. It's kind of historically a little bit of a challenge to get \_\_\_\_\_. I don't have a calendar in front of me, but it's just something to throw out there. And I don't think those deliberations are going to take more than one meeting, I wouldn't think.

I want to clarify one thing, too. Remember those things are going to take the rest of the calendar year, sometime all the way to December – historically – before the Commissioners make a final decision on those Comp Plan amendments. So we're not slowing anything down by not doing this until August, right? Historically?

Mr. Johnson: They shouldn't need to unless there's one staff person doing multiple things and they just – I mean, if you had a staff person that was just focused on Comprehensive Plan amendments we could probably get them done by March, but we don't have that.

Mr. Easton: Okay.

Mr. Johnson: So, I mean –

Mr. Easton: Are we the reason they're not getting done? I mean, should we try to speed these up? That's what I'm getting at.

Mr. Johnson: I wouldn't have been ready to bring them to you June 5<sup>th</sup>, because we just had the comments photocopied. So you're not the delay there, but probably, you know, by the middle of June or certainly the beginning of July we would have been ready for you, and then if you deliberate and we prepare your recorded motion and transmit it to others, the one other amendment proposal that's floating out there may rejoin these before the Board takes final action or it may not. It kind of depends on – that's the Bayview Ridge one – how the PUD ordinance, how that process goes. So it's hard to say, you know. If those got rejoined and the Commissioners – they can only take action once a year to amend the Comprehensive Plan, so if they wanted to wait, sure, it could be the end of the year before they took final action on these anyway. But I can't say that's for sure.

Chair Lohman: So do we want a motion on \_\_\_\_, or do we need one?

Mr. Easton: No, I don't think we need one.

Chair Lohman: So we're going to for sure do it on August 7<sup>th</sup>?

Mr. Johnson: Sounds good to me.

Ms. Ehlers: I have a very big question to raise. My comments have been stripped out.

Mr. Johnson: Ryan was going to talk to you on Friday because you have recused yourself and there are some legal implications of your comments being included, and since Ryan – I didn't hear from Ryan by today. If we had put your comments in there and then you had talked to Ryan and decided that you didn't want them included in there they would have been in there and all the other Planning Commission members would have seen them. So they can be added but they couldn't have been removed, so we didn't put them in the packet, and Ryan will have a talk with you and you can make a decision and we'll go from there.

Ms. Ehlers: I think you folks need to have a thought about the difference between zoning and land division, and I think you need to have a discussion with yourselves as to whether somebody who happens coincidentally to be one of thirteen people downhill from a project loses their right to completely for any opportunity to defend the existence of their one remaining lot. One of the people who would speak for himself was ordered by the County to not say anything against any Natural Conservancy issue if he wanted a building permit, after having owned a platted lot for forty-five years.

Mr. Easton: Point of order.

Ms. Ehlers: What I'm saying –

Mr. Easton: Point of order, Madame Chair.

Ms. Ehlers: I understand your point of order. I'm angry.

Mr. Easton: Point of order.

Chair Lohman: (inaudible)

Mr. Easton: I'm concerned for your rights to be protected. If you continue to speak on this issue while there still is some of a legal cloud kind of hanging over recusal, testimony – we're in an open public session right now. This is also – I mean, I just don't want you to make things worse, in your anger right now, about your desire to want to get on the record. And so I just would like the Chair to rule on my point of order. I would prefer that we not discuss this issue outside of counsel.

Ms. Ehlers: I'm not asking you to discuss it. I'm saying I don't like the –

Mr. Easton: I would prefer that another Commissioner would not put us in a position where we're going to have to hear your statements because we don't want to make this more difficult, and I'm afraid that with much talk on this it might become more of a challenge. Madame Chair?

Chair Lohman: I'm going to defer to the body that my thought is that you should probably –

Mr. Easton: Wait and talk to Ryan.

Chair Lohman: – wait, but talk to Ryan.

Mr. Axthelm: I personally would like to know the outcome, though. It seems to me –

Mr. Easton: Either way I think that this should be reported back to us.

Mr. Axthelm: Yeah, I mean just because you're on the Commission you should still have the ability to speak.

Ms. McGoffin: Right.

Mr. Axthelm: I mean, if you pull yourself out of our discussion, then why shouldn't you be able to just talk as a general public person?

Mr. Easton: Right. I would recommend that we get some sort of memo from Ryan explaining.

Chair Lohman: We're not telling you to be quiet. We're just saying, Be cautious here.

Mr. Easton: I want to make sure you're protected to make sure you can say as much as you want. For saying it right now, I'm concerned that that may become more of a problem.

Chair Lohman: Let's refer to counsel.

Ms. Ehlers: We shall, but I did my damndest to make it generic.

(laughter)

Chair Lohman: Okay, let's move on.

Mr. Easton: I'd like to request to address – Madame Chair? I'd like the Department to request that counsel, as Josh asked – just codify this with them – that we all get a response from Ryan about what the policy is. Because, to be honest, since I've sat here for five years I've seen three other Commissioners, including Annie – I mean, including Mary – have these kinds of dynamics play out right in live – you know, live TV in front of God and everybody. And we had a former Chair who ended up stop – he resigned his Chairmanship just so he could testify on behalf of his parents who were, you know, not of an age that he felt they would want to testify anymore. So we need some sort of guidance from legal staff about what our – you know, how this *is* a small community; this happens to Carol; it happened to Mary; it's happened to others. So I'd like something from Ryan that clarifies what our role is in these kinds of situations, please.

Ms. Ehlers: I think there is an additional thing, and I will use an example from many years ago. If there is testimony given at a hearing that is not correct or not honest, there must be a way for the staff to ascertain what is or is not correct and make sure it is known.

Chair Lohman: I was under the impression at the last hearing you gave me instructions – it was the first hearing I really conducted – and you gave me instruction there was opportunity for rebuttal. And so we did \_\_\_\_\_.

Mr. Easton: We recalled – yeah, we recalled \_\_\_\_.

Ms. Ehlers: And what I did was try to put generic information in the comments.

Chair Lohman: Carol, let's not.

Mr. Johnson: Ryan was sick yesterday. I didn't hear anything from him today. I had asked him to get back to me. I will find out if he's in tomorrow and tell him that he needs

to give you a call and tell you what the issues are as he sees it and you can tell him what your preferences are, and we'll go from there. And then we'll have him either come and address the Planning Commission as a whole or write a memo so that everybody understands.

Mr. Easton: I think a memo would be helpful.

Ms. Ehlers: I think a memo on – any legal advice that we are given of that sort should be in a memo so it can be used again.

Mr. Easton: I would prefer a memo.

Chairman Lohman: Mm-hmm. Okay, so back to the subject of the schedule. To recap what we're going to do: We're going to have a June 5<sup>th</sup> meeting. It's going to be on the Shorelines. A July 10<sup>th</sup> meeting about the Shorelines. These are regular scheduled meetings. Then we're going to have a May – tonight's meeting. Then we're going to have a June 19<sup>th</sup> special session meeting on Shorelines, a July 24<sup>th</sup> special session meeting on Shorelines. Then we're going to have a regular meeting August 7<sup>th</sup> for Comp Plan amendment deliberations. Correct?

Mr. Axthelm: Did you have a July 5<sup>th</sup> in there?

Chair Lohman: No, I had July 24<sup>th</sup>.

Mr. Easton: No, it's July 10<sup>th</sup>.

Mr. Axthelm: July 10<sup>th</sup>? \_\_\_\_\_?

Mr. Easton: June – it's *June* 5<sup>th</sup>.

Ms. McGoffin: And there's a July 10<sup>th</sup>.

Chair Lohman: June 5<sup>th</sup>, July 10<sup>th</sup> are regular meetings and then the rest of them are considered special. Then August 7<sup>th</sup> we jump back and it's a regular meeting.

Mr. Easton: And August 7<sup>th</sup>, I would suggest, might be a good time to invite Public Works on the issues of the flood with the GI plan.

Mr. Johnson: Yeah.

Mr. Easton: Because again, I don't think we have three hours' worth of deliberations to do on the Comp Plan amendments. And, you know, if we could carve an hour for a presentation on the GI Study, that would be good.

Chair Lohman: Why don't we see what happens on these other meetings for scheduling that, because that's a ways out. So let's see how these other meetings go. I would hate to box us in.

Mr. Easton: Betsy mentioned that she thought August was a better – August or September were a better choice for the GI stuff, so that's why I suggested it.

Chair Lohman: Well, August 7<sup>th</sup> is also the moving in day for the Skagit County Fair.

Mr. Easton: Oh.

Chair Lohman: And I am the Superintendent for the Dairy Grange division.

Mr. Easton: I guess you won't be here.

Chair Lohman: No, I will be here but my co-Superintendent will be there while I'm here, so –

Ms. Ehlers: And you will be busy the day before at six o'clock.

Chair Lohman: That was a pretty exciting day – on a personal note. Sorry about that. Anything else on scheduling?

Mr. Johnson: So did you agree as a group to not hold the regular September –

Chair Lohman: No, we held that off.

Mr. Easton: I think it died for a lack of anybody else speaking for a second.

Chair Lohman: You had no second.

Ms. Ehlers: Oh, I'll second that.

Mr. Easton: About the September meeting?

Ms. Ehlers: The second – I'll –

Mr. Axthelm: Well, it can always be added if we need it, right?

Mr. Easton: Yep. We add meetings all the time. We just added three.

Chair Lohman: It was left hanging and nobody made a second.

Mr. Easton: No, you were right. You were right to kill it. Now we've got a second, though.

Ms. Ehlers: There's a second here.

Mr. Axthelm: Avoid it if we can.

Chair Lohman: Well, we can have a discussion now that we have a late second and I was kind of slow on –

Mr. Easton: So I move that we cancel our regularly scheduled September standing meeting and schedule a meeting for the third week in September.

Ms. Ehlers: I'll second that.

Chair Lohman: It's been moved and seconded that we cancel our regular scheduled meeting in September and delay it till the third Tuesday in September.

Mr. Johnson: So which looks like the 18<sup>th</sup>.

Chair Lohman: Oh. Is it? Discussion?

Mr. Easton: To me it's honoring our length of commitment to this organization and the tendency for an Indian summer, we'll take the two weeks in September instead of two weeks in June or July. That's my suggestion.

Ms. Ehlers: Now that's practical.

Mr. Easton: Six weeks without meetings makes sense and I think it also gives the Shorelines folks some time to regroup after our intensive time together in the earlier summer.

Chair Lohman: Any discussion?

Ms. McGoffin: Well, I would just leave the option for the Department to add back that meeting if they need it.

Chair Lohman: Are you amending the motion?

Ms. McGoffin: Well, I would – I mean, it's our regularly scheduled one, Jason. I mean...

Chair Lohman: I'm reluctant to cancel meetings just carte blanche without –

Mr. Easton: I'm comfortable with people voting no.

Chair Lohman: – information.

Ms. McGoffin: For discussion.

Mr. Easton: I'm not open to the \_\_\_.

Chair Lohman: I would rather have a shorter meeting than a longer meeting to make up for it. And I know we have a lot on our agenda potentially.

Mr. Axthelm: Can we put it to a vote?

Chair Lohman: Mm-hmm. All those in favor?

Mr. Axthelm: Aye.

Ms. Ehlers: Of the motion or –

Mr. Easton: Yeah, the motion.

Chair Lohman: The motion.

Mr. Easton: Four, two.

Ms. Ehlers: You can always –

Chair Lohman: The motion passed.

Ms. Ehlers: We can always change our mind if it's necessary.

Mr. Easton: We can revisit the end of July if we need to.

Ms. McGoffin: Okay. That's not a big deal.

Ms. Ehlers: We've done that more than once.

Chair Lohman: Okay, anything else on the – any Miscellaneous Business?

Mr. Easton: I have some.

Chair Lohman: Jason.

Mr. Easton: I think, Kirk, before this an e-mail from Tim about the issue that we raised last time about asking the Chair to contact the Commissioners about member nine, the mystery of member nine.

Chair Lohman: I forgot to write the letter.

Mr. Easton: So maybe Dale has an update for us on member nine?

Mr. Pernula: I met with the Commissioners on yesterday morning, on the Monday morning briefing, and I brought up that issue. And so Commissioner Dahlstedt said he wanted me to have the secretary set up a meeting with the applicants – and I believe there are about a half a dozen – to meet with him and I real soon. And so it is working forward right now.

Mr. Easton: Great. Thanks, Dale.

Ms. Ehlers: We have a real lack of somebody – as far as I know – with expertise in forestry.

Mr. Pernula: Forestry?

Mr. Easton: I know that Commissioner Dahlstedt said to me offline that that's something he's considering, too.

Chair Lohman: Any other new business, Miscellaneous Business?

(silence)

Chair Lohman: Okay, public comment period. I want to remind the public that, while you are recorded, that this is not part of a hearing and it won't be incorporated into a record. But you are allowed to speak.

Mr. Stauffer: Why is that?

Mr. Easton: It can't be part of a public record because we're not doing a public hearing.

Mr. Stauffer: Oh.

Chair Lohman: Just state your name and your address so that we know who you are. We know who you are, but...

Mr. Stauffer: Yeah. I'm Ed Stauffer and I live on Barrel Springs Lane, west of Alger in the foothills of the Chuckanuts. Shoreline Master Plan. There are a couple of \_\_\_ in this room that have done this before. I saw the first graphic that went on they called this an "Update." I think it's very important for the general public as well as for you and due process to define for us if our Shoreline Master Plan is found to be incomplete or fallacious or inappropriate or unworkable for some reason. My impression is we've done an excellent job. It's been mentioned that we have an annual opportunity to make adjustments to the Comprehensive Plan, which the Shoreline Master Plan is a part. I'm not sure that ever an amendment has been proposed. Now that would indicate to me that there's no call from the constituents of the County for an extensive, massive update. And listening to the procedures and attending the opening meetings that were put on by the same people that are here tonight initially, I see this more at the top down

rather than the bottoms up process that we're going through now. It sounds to me like we're being told what we need to do. I see no recognition for what we've already done.

Of concern to the members of an organization of which I'm President this year, the Alger Watershed Association, from the initial go-around and repeated again tonight we find terms like we need to account for "cumulative impacts of development" resulting in "no net loss of ecological function." I don't think there's anybody on the planet that knows anything about how to specifically address that with an ordinance or what it means. This is going to lead to a restoration plan, whatever in the world that is. But it sounds like to a lot of – me and my neighbors that maybe the best thing to do is for the people to move out of the county.

So what, short of that, is this effort all about? Is this something that you have time or a need to address? What if you say "no"? Is this another case of we're going through an exercise because we got a grant, or is there a real need that needs to be addressed?

So I raise these questions because I'm naïve. I'm sure there's a lot of things I don't know about things that need to happen. But I'd like each of you to stop and think. Regardless of what your mission ultimately is I find you to be the most effective source in the process at checks and balances and development of policy to represent the views of the citizens and the taxpayers of Skagit County. So I'd like you to think in your own mind, Is there any tweak that our existing Shoreline Management Plan really needs? And if there's not, tell these people to go home and take their money with them. Thank you.

Ms. Ehlers: There have been two updates of the Shoreline Master Plan since I've been around.

Mr. Stauffer: Locally.

Ms. Ehlers: Local. One was on a detailed analysis of how we could put dam after dam after dam in small creeks in Skagit County, and that got shut down. And then there were the aquaculture amendments. There was a citizens advisory committee for that that included people from all aspects of aquaculture, including floating nori. The staff consultant for the County refused to allow nori to be discussed at any time until it came to the Planning Commission, at which point it finally was discussed. The most crucial part of the aquaculture amendments that I remember – since I was the one that stubbornly insisted that nori be considered – the most crucial part is something that's a question in everything that people do. Do you tell an applicant upfront what they have to do in order to make this a successful application or do you play games with them? And what the aquaculture amendment started as –

Chairman Lohman: Carol, please.

Ms. Ehlers: He raised the question. It started as you play with them. And we decided that you wouldn't play with them. You would tell them upfront what was necessary. And that is the most significant part, I think, that has to be kept.

Mr. Easton: Motion to adjourn?

Mr. Axthelm and Ms. McGoffin: Second.

Chair Lohman: It's been moved and seconded that we (gavel) adjourn.