

Skagit County Planning Commission
Work Session: Shoreline Master Program Update
June 5, 2012

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

Staff: Betsy Stevenson, Senior Planner

**Advisory
Committee:** Ward Krkoska
Kim Mower
Tim Hyatt

Consultants: Dan Nickel, The Watershed Company
Lisa Grueter, The Watershed Company

Public Commenters: Jack Wallace
Kathy Mitchell
Peter Haase

Chair Annie Lohman: (gavel) I call to order the Skagit County Planning Commission work session on the Shoreline Master Program Update. So we have some absences, so we have Carol, Elinor, Mary, Annie and Josh present. Could you look over your agenda and make any corrections or additions?

Mary McGoffin: Chair?

Chair Lohman: Mary?

Ms. McGoffin: I'd like to add the topic of No Net Loss.

Chair Lohman: Do you agree that we can just pencil that in – “No Net Loss”?

Carol Ehlers: Well, we wouldn't have read anything about it, though.

Ms. McGoffin: Just as a broad concept. It's in the supporting documents in the beginning.

Chair Lohman: It is referenced repeatedly throughout as the underlying policy.

Ms. Ehlers: I realize that. It's that it's – and it's okay – it's just that I read more than just the minimum, but I like to know what it is I'm supposed to have up here in my head. So okay now, but please in the future, say, call ahead and put on the agenda ahead so that I can read ahead.

Ms. McGoffin: Well, why don't we put it on the June 19th one?

Ms. Ehlers: I'd appreciate that very much.

Ms. McGoffin: Okay.

Chair Lohman: Okay. Is that consensus to add "No Net Loss" to June 19th?

(sounds of assent)

Chair Lohman: Okay. So that's what we're going to do. Okay, seeing no changes we're going to move right into business and the work session and I'm going to turn it over to Betsy to get it started.

Betsy Stevenson: Okay. Thank you for coming. We've got quite a few items there to get through. Hopefully you've had a chance to look it over a little bit. Again, I just kind of want to reiterate for everybody this is a very working draft document, so try not to get too messed up in some of the detail work at this point. So let's just kind of see how it goes tonight and ask questions. We have some of our Shoreline Advisory Committee members here tonight that I'd like to thank for coming – Ward, Tim and Kim – so we put them up here with microphones just in case you have questions or they have things that they think they might be able to add to the discussion, if that's okay. So we'll have them be recognized by the Chair, as well, if that works for you.

At this point – also we have our consultants with us. I did want to mention because I did get a question from the audience. The working draft document is available online, as are the maps now, so if anybody is looking to see it and wants to comment they can do that. And, with that, I guess I would say let's just kind of get started, if that's okay with you. And if you need copies, I made some extra copies of the materials that I mailed to you. So what you found up in your spot was a reference and page numbers to the topic items because those weren't on the ones that I sent you, and Mary had indicated that she had a little bit of a problem trying to find some of this stuff. So I just went ahead and put all the different page numbers so you could find it a little easier there. So that should be there. And then if you need extra copies I brought the discussion bag as well.

And with that, if you guys are ready to start, I'll turn it over to our consultants Dan Nickel and Lisa.

Josh Axthelm: Betsy, I left my stuff out there.

Ms. Stevenson: Did you?

Mr. Axthelm: Do you have another copy?

Ms. Stevenson: Okay, sure.

Elinor Nakis: Yeah, and I couldn't get anything printed today at all so if you have extra –

Ms. Stevenson: Okay.

Ms. Nakis: I really appreciate it.

Mr. Axthelm: I found some of the documents don't let me print.

Ms. Stevenson: Really?

Mr. Axthelm: There's no print option at all. Is that – anybody else have the same trouble?

Chair Lohman: I found that you have to almost stand on your head to get it to happen on some things, but I managed to get it.

Mr. Axthelm: Yeah. Some of them do, some of them don't. Okay.

Ms. Stevenson: That shouldn't be happening.

Mr. Axthelm: I don't know if it's the way I downloaded it, if it's a different –

Ms. Stevenson: ___ downloading off the website?

Mr. Axthelm: Yes.

Ms. Stevenson: No, that's not good. Okay.

Mr. Axthelm: No, sorry – the ones you e-mailed me. That's the ones.

Ms. Stevenson: Okay.

Ms. Ehlers: I have been told that the way you get part of one of the County pdf files is a very fancy thing of right click and then do this and then do something else and right click and do that and transfer to somewhere else and copy and paste. I think I have finally

got my computer so it sort of works and I understand the frustration and fury of my neighbors who cannot find most of this stuff, and once they find it they cannot print off because it's apparently a very large pdf file. It's all as one lump. So if they wanted – for example, if you want to look at a code section, you can't get just the part of the code you want, like Rural Resource. You have to print the whole thing.

So I called the Information Services and they told me that I had to talk to the Planning Department because it was entirely the Planning Department of what you could or could not get off, which doesn't make sense to me because that's not the way it works in other organizations. But there are some serious problems with finding this stuff and being able to utilize it, unless you happen to have a photographic memory or an incredibly good printer.

Ms. McGoffin: Chair? So, staff – are you finished? – maybe it'd be helpful if staff from their home computers acted like a citizen and tried to print off some of those things and see where they're having those issues.

Ms. Ehlers: Yes.

Chair Lohman: Okay. Well, let's get back on to the topic.

Ms. Stevenson: At least for the documents that are draft online for this, if you're talking about the way the Skagit County Code is online I can't help you with that. But if you're talking about these draft documents, we probably could split them into chapters so that people could just print off the little section of it, if that would help.

Ms. Ehlers: That would be a big help, Betsy.

Ms. Stevenson: By "part," you know – it's divided into parts. We can probably do that. I've seen other places do that sort of thing so that you only get – so you're not printing, you know, the whole thing if you don't want the whole thing and you're only interested in one or two things. We could probably do that. I'll work with Brian on that and see.

Ms. Ehlers: I think that would be excellent public relations.

Ms. Stevenson: Okay. And I will test it at home, too, and just see what I get. Thank you.

Ms. Ehlers: Thanks for bringing it up, Mary.

Dan Nickel: Sure, I can start off. Before I begin I would like to introduce Lisa Grueter, who's here as part of the consulting team. Lisa was not here the last time you met but Lisa's been a part of the development of a lot of this material and is here to answer questions and participate in the discussion today of the sections that we have in front of us today.

I guess I would like to start with kind of setting the stage for the eight sections that we have proposed here for discussion. One of the things that we – we did the same type of process with the Shoreline Advisory Committee. We have a lot of material here to cover in a short period of time. Some of this we can try to preface with some background information and maybe a review of the Discussion Guide that we have. But maybe for your sake, try to prioritize what you anticipate being high priority topics for discussion. Maybe we can start there in terms of the topic areas of interest. We found this was very useful for the SAC discussions, because some of the areas may have slightly less importance than others, particularly. And Public Access was one of the areas that we spent a lot of time with the Shoreline Committee talking about. We might want to spend a little bit more time tonight talking about that subject. So if we kind of get a gauge from the Planning Commission about the various topics of interest and how much time we want to allot to each, it kind of helps us frame out how tonight's meeting will progress and kind of keep things on target.

So I guess with that what we could do right now to start things off is kind of step through the Discussion Guide. And I can just provide a brief synopsis of the Environment Designations and then Lisa can walk through the other sections, and then we can leave it up to you in terms of how the rest of the discussion will go.

Chair Lohman: Okay, why don't we just dive in? Because it's my understanding that the Environmental Designations are just almost title only in a way. Correct? You don't really have everything fleshed out on that?

Mr. Nickel: Right. We have – we spent a lot of time with the Advisory Committee discussing Environment Designations and one of the changes that happened kind of later on in the process was this idea of taking the middle Skagit – the floodway in the middle Skagit – and having a unique designation for that. We have not finished our discussions with the Shoreline Advisory Committee related to the designation criteria and the purpose statements for that specific area. That we hope to cover this next meeting with the Shoreline Advisory Committee. I think it's on the 14th of this month.

But the other sections of the Environment Designations, I think, are fairly reviewed and in place. I think we could discuss those, if you'd like.

Ms. McGoffin: I have a question.

Chair Lohman: Go ahead.

Ms. McGoffin: So I have a question. Are the titles set in stone – those names?

Mr. Nickel: No. We tried to follow – Ecology has a recommended system and we tried to follow that for consistency for a number of reasons: for similarity to other jurisdictions – you know, to consistency across the board. And, for the most part, they do make sense. But they're not set in stone. And Ecology does allow us some flexibility in how we – you know, in terms of the titles or how we even designate these shoreline areas.

Ms. McGoffin: Okay.

Chair Lohman: Carol.

Ms. Ehlers: Environmental Designations is going to be the thing I think most fought over because – at least where I am it will. And it depends upon your map. The map was an inventory that was done many years ago by Dan Downs. There was no public input allowed at that time for budgetary reasons so it has never been a public review of this version of the map. I don't understand how you could possibly come to some of the conclusions you do in the shorelines I know very well. So my first question is: How far back in the shoreline – how far back from the mean high tide do you go before you say there is development, upland development or whatever there is?

I'll illustrate. On Samish Island there was a house built that I saw on a tour. They were required to build 200 feet back from the top of the cliff and the cliff was probably 200 feet from the mean high water mark. The Planning Department told them that that's what the new rules were, that, in effect, you had to be 400 feet back. Nobody's 400 feet back unless there's an environmental thing in front of them. So there is no current body of knowledge as to what your criteria are. And I don't expect you to tell us tonight because this is a complex question with a complex answer. But if you have an entirely natural shoreline and then buildings – residential buildings – 3- to 400 feet back, how does that change that from it being a natural shoreline? It's not clear in here. I've read everything I could find today and there is no consistent answer.

There is also an issue that's important and that is of compatibility. That's in the Guidelines, the Department of Ecology Guidelines. And when you finally get the language settled to what you think it should be, go through it again and look at compatibility. Because the DOE is very clear you don't put high intensity commercial or industrial next to residential, but it is not clear in this map what is or isn't considered residential. It was much clearer in the old shoreline map, which I have a copy of. They indicated it by little blue dots, so Lake Cavanaugh, for example, has lots of little blue dots in it and you know that that's rural residency, so you then can see from what Lake Cavanaugh is like what it is the text is supposed to mean. And that's the kind of cross-checking that would make it easier for us and for anyone in the public later.

Chair Lohman: Okay. So why don't you just dive in?

Mr. Nickel: Sure. I think, you know, Lisa's going to provide some context there because I think the – one of the main issues that we did have was the existing map the County has is difficult to read. It's very parcel-level; it's very difficult. So what we've been able to do now is to put this into GIS into a very detailed map at the parcel levels. So we have, you know, breaks in our designations occurring on parcel lines, on parcel boundaries, and we have – we do have some hardcopy maps of the currently – where our current proposed system is back on the back table here. The electronic versions that are online and that are available for review can be viewed at a much more clearer

scale. So I think some of the questions about the residential breaks are fairly clear now in what's being provided.

You know, we did want to take a very close look at the residential uses and the difference between more dense residential uses in shoreline areas – specifically Lake Cavanaugh, Big Lake, and some of these areas that have higher densities of residential development going on. So we did create a Shoreline Residential designation. It's specific in the designation criteria in that it deals with lots that are generally an acre in size and are consistent. You know, there's multiple lots of that size and of that density. And that would be classified as a Shoreline Residential designation.

Other areas of lesser dense residential development would fall under our Rural Conservancy designation. So we tried to make that fairly clear and that should be evident in the maps, as well.

Ms. Ehlers: Not in my corner of the world! But go ahead.

Mr. Nickel: You'll see – I mean, I did step through the – I could if you'd like me to step through kind of the process of the designations and how they were developed. I went over that this last meeting. If you'd like me to go through that again, I can.

Ms. McGoffin: No, that's okay.

Ms. Ehlers: I'd like to know the difference between Conservancy and Natural. They seem very close.

Mr. Nickel: They are. The Natural designation in the prior system was strictly only related to areas of public ownership. Part of the discussion that we had was, you know, Should that Natural designation be more broad in terms of covering potentially parcels in private ownership? You know, areas of the land conservancy holdings, the areas that fall under a more natural condition. And so one of the approaches we took to that is actually looking at the analysis of ecological function scores that we did as part of our report and looked at areas that are high functioning, and that's where we broke out areas that are potentially Natural designations, versus a Rural Conservancy designation. And we're taking a closer look at land use now and where land use may trump a Natural designation. So we have a number of areas on the existing proposed maps that are still in question, that we're still trying to work out some of those details, so it's a work in progress still for that map.

Chair Lohman: What about residential lots that are platted but they haven't been fully developed yet, but they are adjacent to or ___ your Shoreline Residential? Because I could see when I looked at Samish Island, for example – which is close to me so I'm more aware of that – I could see where it starts and stops. So but if you do look at the map of Samish Island, like a zoning map or a plat map, it is platted. So are you looking at what's going on right now as where the boundary lines are? And how are you

accommodating people that have lots that they are expecting that they're going to be building, but not today or they haven't yet?

Mr. Nickel: That's a good question. I believe we are looking at areas of consistent lot size and development. So we don't want to be piecemealing – you know, having a small piece of Shoreline Residential, then Rural Conservancy, then Shoreline Residential. So the intent was to have consistency so that areas that are of a similar density – some areas are going to be undeveloped yet, and hopefully we captured those within the same Shoreline Residential designation. If there're specific areas on Samish Island, for instance, that we need to be aware of, maybe we missed something and we should call that out, maybe take a closer look at that. But then the intent there was clearly to try to group areas of similar types, similar expected development and existing development, and to group those together. So we didn't piecemeal that along the shoreline.

Chair Lohman: If I may follow up. So you are looking ahead and recognizing that there is going to be future development, and so you've accommodated that or you intend to accommodate that in some of your designations?

Mr. Nickel: Right, just to – certainly to some extent. It primarily occurs in the Residential.

Chair Lohman: Right.

Mr. Nickel: The Shoreline Residential designation. Correct.

Ms. McGoffin: Chair?

Chair Lohman: Go ahead.

Ms. McGoffin: So Betsy had asked us to highlight things we found confusing. So what I find confusing on these six designations is that the word "Conservancy" is used three times. And when you live in Skagit County, we already use that word a lot – the Skagit Conservation District, Nature Conservancy. I mean, in the public's mind "conservancy" has a connotation of "do not touch" or "natural." So for me it's confusing when I see it attached in these ways. And I realize you're trying to be consistent with the Department of Ecology. I don't know what the solution is. I'm just telling you from the public's point of view it's confusing.

Mr. Axthelm: When you were talking about changing some of the private lands to a Natural designation, I would have concern on that with basically private land ownership. If it's a piece of land that hasn't been touched for a long time and you're putting the Natural designation on it, are you restricting that landowner from using that land, just by that designation? And I think if somebody hasn't developed their land yet they still should have the option of doing so. But if you put the Natural on there, is that going to restrict them?

Mr. Nickel: I think primarily where that has occurred are generally with larger lots. The shoreline jurisdiction area is only the first 200 feet landward of the ordinary high water mark and so we're not looking at applying a Natural designation – at least for the most part right now – on small lots. We're looking at areas that have, you know, large, contiguous shorelines that have a Natural condition. And that's why they've either fallen out in the analysis of ecological functions scores and that's why we initially made them a Natural designation, or there may be some other overriding circumstance. Maybe they didn't come out at the functional scores. One area was the Skagit River delta. There's an area along the shoreline there which didn't come out as a high rated ecological function score for a variety of reasons based on the data that we had. But it does fit a Natural type of designation so we made that change.

So some of the changes that have occurred on the maps are the result of a review of existing conditions by looking at aerial photography, looking at the land use that's underlying – what's going on. So there are some adjustments. But I think we're not trying to take small shoreline parcels and turn them into a Natural designation – for the most part.

Mr. Axthelm: Okay. So large or small, how is the landowner going to be alerted that their land is being changed from that one designation – or the previous designation to the Natural? That it'll be a restriction on them?

Mr. Nickel: In terms of notification?

Mr. Axthelm: Mm-hmm. Is that something that'll be – what my concern is if you throw this – if you put this out there, not everybody's going to pick up on it. When your land changes zoning, you're told that your land is changing zoning or you get a notification on it, or somebody's zone next to yours is changing you're getting notification on it. Is this the same situation this will happen, or is it just going to change in the document?

Ms. Stevenson: The notification will be similar to what we do with our Comp Plan amendments and things, which we *don't* notify everybody in those scenarios because it can be countywide and everyone. We did notify everybody in the county when we started this process that we were beginning the process and to get involved and stay tuned. I don't know – I'd have to go back and look a little bit to see how many properties would be impacted and whether or not that's something that – I know there are a lot of them on there that we were going to try to talk to about it anyway and say, Look, here's what it shows – both public and private lands – that it shows that it would come out in our rating, based on the Analysis Report, that this would be a Natural shoreline area, and see whether or not they have issues with that or if they understand why it rated so high, and whether they're willing to work with us to try to protect those resources, and just talk to them. So we are going to try to do that.

Mr. Axthelm: Okay.

Ms. Stevenson: And I'll have to take a look. We've got lots of time before we're done to go ahead and notify them. And right now the map is still a working document, too. There're some areas that we are still looking at and need to make some more. But one thing to remember, too, is in our existing Master Program the Natural designation is very prohibitive. There's very little that you can do in a Natural shoreline area in our existing plan. Now under the state guidelines, that has changed. There is more allowed in those areas, but it is the most restrictive.

Mr. Axthelm: Okay.

Ms. Stevenson: So, you know, we will do everything that we can to try to notify those property owners that, Oh, by the way, on the draft map this is what it's showing for you. You know, if you want to talk about it, if you want to get hold of us, you know, hopefully you'll come out to some of the open houses as well, that we're going to have so that we can have those discussions. But we are going to try to – like I said, both the publicly owned and the privately owned, and have a conversation with people so that, you know, they are at least aware of it.

Mr. Axthelm: Yeah. Yeah, because, I mean, just reading that it says Natural's "free of human influence" – and, well, I mean, just a couple of notes in there. And the other one with Rural Conservancy allows the low-impact recreational use. So that's a significant difference. That concerns me. I would think others would be concerned about that.

Ms. Stevenson: Yeah. Okay.

Chair Lohman: Go ahead, Tim.

Tim Hyatt: I'd point out that regardless of the designation – and, you know, Betsy may correct me or maybe want to shift this a little – but regardless of the designation, there are a lot of things that are exempt from substantial development permits, and one of those is single-family residences. So even if you are designated – regardless of your designation, you have the right to do certain things. The designation really doesn't matter so much.

Ms. Stevenson: That's not quite accurate.

Mr. Hyatt: Not quite.

Ms. Stevenson: In a Natural area, a residence would require a conditional use permit the way that it's written now.

Chair Lohman: Carol.

Ms. Ehlers: Well, if the shoreline zone only goes back 200 feet, why are people told when they are 300 feet back that they can or can't do something because of the shoreline zone?

Ms. Grueter: I don't know.

Ms. Stevenson: Yeah, without the specifics of the property, I couldn't really answer that very easily.

Ms. Grueter: Yeah.

Ms. Ehlers: I have a neighbor who wanted to build an addition to her house. She told me that you had to be 250 feet away from the shoreline in order to do anything. But that's not what's – that's not 200 feet. And she was more than 250 feet away. It seems to me that someone should have done the measuring that I know you folks can do and said to themselves, This site is more than 200 feet away; I'll leave that one lay.

So my second point is: When we did the critical areas ordinance in '07, we didn't tell anybody what we were doing. We sent out a general notice that things were going to be done. In those days the process was not on television so they couldn't hear. And I still remember the day we took away a water system's wellhead protection area, and I was told I could not call and tell them what was going on. So there has to be some kind of process in this process for people to be able to be told that something's possibly happening that might be significant to them.

Chair Lohman: Well, I have a lot of concern about just designating private property with a Natural designation, because it's easy to designate public property that is already set aside or already has something –

Ms. Stevenson: Not necessarily.

Chair Lohman: Well – but I think that we should use an abundance of caution on using that Natural designation on private property.

Mr. Axthelm: Regardless of the size?

Chair Lohman: Regardless of the size. And I'm thinking of certain – like CREP contracts or maybe CRP, where they're actually a limited life contract. I mean, you can't just unilaterally go cut down a CREP buffer or whatever. I mean, there's going to be restrictions, but they're not a forever activity and if you put some other overlying restriction on I just don't think that's fair because those people entered something in good faith knowing that it had an expiration date. So that's a concern I have.

Mr. Nickel: Yeah, and I think one of the – certainly one of the approaches that we took when we started the process of looking at what might be considered Natural, again we took those functional scores that rated the – you know – the existing ecological functions – took basically 10% of all areas that are outside of federal ownership and that weren't a shoreline residential type of development to the 10% of the shoreline areas that rated very high in all of the functional categories. That was our starting point. From

there we looked at all the various types of land uses and ownership and removed quite a bit out of that Natural designation, based on what we were seeing on the land.

I still think there's some review and some changes that will likely occur as we continue to review those designated areas. This is kind of just, as Betsy mentioned, a system in process right now in terms of the map. We want to be contacting property owners where we notice that there's significant changes or issues that are going to be arising there.

Chair Lohman: Because regardless of the environmental designation, what the public really wants to know is, What are the restrictions on me? And I notice that in the draft document that that matrix or that table of what are the setbacks, what are the restrictions, it isn't available yet. It's not in the draft yet. But at the end of the day, you could have all kinds of words, but that's where it kind of puts it in black and white what exactly is going to happen on your parcel if it is whatever designation. And I think we should work to get that out as quickly as possible, particularly during this draft comment period. Because people can read this great big thing, but it doesn't matter until you know what's going to happen on your property.

Ms. Stevenson: So the use matrix is in there. Are you just talking about the residential development as far as what the _____?

Chair Lohman: Well, like the setback. Like, how far is the – what is the –

Ms. Stevenson: The dimensional?

Chair Lohman: The dimensional setbacks, because that's what folks want to know.

Ms. Stevenson: Yeah. Okay.

Ms. Ehlers: Some set of that, Annie, I agree with you. It's not only what it's going to be for the future, it's if you were permitted legally to build under a closer setback, or a lower setback, before, now that there is a greater distance what happens in terms of redeveloping the house if it gets burned or is simply so old that nobody with any sense can live there anymore? There are still some of those left. So it's a question of redevelopment. And there was a bill in the legislature last year about that. I think you should tell us about it in a future meeting. Because one of the things I have learned in listening to other counties is be very wary of the term "nonconforming."

Chair Lohman: I believe that we have that as a line item topic in a future meeting –

Ms. Ehlers: Do we?

Chair Lohman: – is the nonconforming uses.

Ms. Ehlers: Do we? Thank you.

Ms. Grueter: Mm-hmm – July 24th.

Chair Lohman: So we will have a lot of time on that.

Ms. Ehlers: Good.

Chair Lohman: So is there any interest on kind of breaking up any of those designations that you started with and customizing them further, or are you going to stick with them? Is it pretty – other than adding the Skagit floodway?

Ms. Stevenson: The Advisory Committee, and based kind of on our recommendations, just went through and thought it would be best to use Ecology's designations in most areas where it fit either with – we've kind of grouped what our existing ones were and figured out, based on the designation criteria, where that would kind of fit in, and thought that they worked fairly well going from one to the other. The more you customize the harder it is for people who do work in more than one jurisdiction, the harder it is for Ecology to remember what yours means.

So, I mean, if there's some reason to, there isn't any reason why we can't add additional ones if there's property that you find or that you see that just doesn't seem to fit into any of those categories at all we probably could. We were trying to keep it as simple and as easy and as consistent as possible. So I'd like to hear the arguments at least, but it's certainly open at this point, yeah.

Ms. Ehlers: Well, if you look at the DOE Guidelines they're much clearer than these – at least to me they are.

Chair Lohman: Any other thoughts on the designations?

Ms. Ehlers: Well, yes. Following up on what Mary brought to us, in terms of conserve, you have a Conservancy designation and you've done some discussion with us between that and Natural, and then you have Rural Conservancy, just to make sure it's confusing. One of these – and I think it was the Rural Conservancy – looked to me like one of the basic places where compatibility might be an issue. When those of us out in the west in Burrows Bay and those on Guemes and other places, like those who bought Vendovi Island to keep it permanently in natural state, did not protect those areas so that the state could come in and dump whatever they wanted to for the state's overwhelming economic interest in those areas. The state has a long history that I was unfortunately dragged into, of trying to prove that up here there is no environmental regulation – which is not the fact – and that we're all poor and so there's no value and so you can put whatever you want to in some of these places. And they have done in the past some very odd research proving that there is no value on the shorelines. That was their excuse. The Rural Conservancy designation is an open-sesame for that.

Chair Lohman: You use the phrase “low impact” in a variety of places: low impact recreation, low impact agriculture, low impact – you use that phrase but I can’t really find a definition. Is there a definition?

Mr. Nickel: I mean, I don’t think there is a true definition of “low impact” in the general terms.

Chair Lohman: So who decides?

Mr. Nickel: I think that would be up to some discretion at the staff level, I suppose.

Ms. Stevenson: And I think it would depend on where it’s located what kind of an impact it’s going to have, as well, because the same kind of recreational development in one place could be low impact, but in another it could have a lot of impact. So, I mean, it’s a tough thing to define. But you’re right. If you look for something where it – even in the Guidelines it talks about, you know, low impact stuff is allowable.

Chair Lohman: Right.

Ms. Stevenson: But it doesn’t ever say what that is. But what they’re trying to say is it’s something that you will know when you see it on property and whether or not it has much of an impact. I mean, that’s about the best response that I can give you at this point. Because once you try to define it and put it in a box, on one site it may not be very impacted but in another location it could have a real impact on the area.

Chair Lohman: So in the same idea, you also use – it’s probably the same thing – “low intensity,” and they’re almost sometimes interchanged.

Ms. Stevenson: We can try to see if we can make that clearer, too, somehow.

Ms. Ehlers: You might want to check the definition of “intensity,” because in the document that was done for South Fidalgo Stormwater Drainage the man thought that there would be ten septic systems per acre, and I know of a place where there are six septic systems clumped together because of the rocky terrain, but nowhere has Skagit County permitted anything so illegal as ten houses and ten septic systems on 1 acre. So that would, indeed, in my book be intense development. But as I look to a lot of these places, development has been prohibited or stopped.

Do you remember when we did the urban growth area open space document? Skagit County never did the last step and make a composite map of all of those things. I think it would be extremely useful for you, Betsy, and your staff to have GIS combine all of the various categories, not only in the first part of the document but Appendix B where you have all of the trusts and all of the open space of one category or another – not the CREP things; that’s not in there. But a large percentage of the shoreline that we’re worried about is protected already and it would be very helpful to the owner of the property and to you if you knew where.

Ms. Stevenson: We have a lot of that information on GIS, so we have that.

Ms. Ehlers: And if we had that map, the next time someone goes to the Puget Sound Partnership they could have a poster board of it and they will fall over in astonishment as to what's been done. Because I tried to tell them at the last meeting and they had trouble believing what we had accomplished because, you see, there was no map that showed it.

Chair Lohman: Anymore on the designations themselves? I think, as we go through this, we're going to be touching back to those designations frequently anyway, so if we don't answer all of our questions tonight they're going to come up repeatedly and it's almost better to talk about them in context. So if there isn't anything else that jumped out when you were reviewing all this, let's move on to the General Upland section. Is that all right with you, Dan? And if you refer to Betsy's proposed topic discussion schedule, this would be in section 14.26.300 on page 40 in the draft.

Ms. Ehlers: Well, I have heartburn over number 4, using our discussion guide: "View corridors may be required for building heights greater than 35 feet." I know of a subdivision where a building height was mandated to be 10 feet so that people driving down the road at fifty-five miles an hour could catch a glimpse of the shore. Since that same piece of property is mandated to have trees that go up to 100 and 150 feet, the 35-foot height of a house is somewhat silly. I think there must be view corridors but I don't think the way to do it is on a shoreline that the geohazards rules and the shoreline protection of the creek rules and everything else that I can think of prohibits cutting of trees. I don't think you should limit the height of a house. I think you should plan to have places where people who are driving can stop and see. It's done everywhere else. And it's not on the shorelines. It's on the roads so that you get a view of what the shoreline looks like. It'd be really nice if anywhere you could see the Skagit River, for example, except in that one spot. I think it's in the middle Skagit.

Chair Lohman: Okay. Well, let's get over to the General Upland section.

Ms. Ehlers: I have something else on the General Upland.

Ms. Grueter: I could respond to the height question, if ____.

Chair Lohman: Go ahead.

Ms. Grueter: Okay. The 35-foot height limit comes out of the Shoreline Management Act. There's a section in the actual Act, not just the Guidelines, that talks about limiting height to 35 feet unless there are overriding considerations of the public interest and that there wouldn't be significant blockage of views from substantial numbers of residences or public areas. It's generally to that effect. I'm summarizing. And so that's where that comes from. So there are some ways in which we can modify the height limit to exceed 35 feet, but (only) if we can show that we wouldn't have those impacts

and if we can identify a public interest. And so we've generally stated the 35 feet. We've allowed it to be taller if they're set back further distance from the ordinary high that's already in the current Shoreline Master Program. So we're retaining that, that feature.

Ms. Ehlers: You just explained the fight going on in Anacortes, where it's been 35 feet for decades and they now want to put 50 feet in front of people who have had a view for decades. I'm in sympathy with that. What I'm thinking of is where you have this subdivision out in the country, which is what we're talking about, and you have a road and you want one person to keep the house down so that people can driving (sic) by in a hurry. I'd much rather that there was a space given along the edge of that road so somebody could actually look at it safely.

Ms. McGoffin: Carol, they talk about view corridors on the next page. Did you read that?

Ms. Ehlers: Mm-hmm. Now on the Upland issue I have something I'd like to show, if Betsy will let me. When we talk about shorelines we're usually talking about the impact of water on the shoreline, and that *is* significant – wave action, for example, or tsunami action or flood action. But I'd like everyone to realize that in Skagit County there's only one place that's been properly mapped in the question, but that's on Fidalgo Island, and this is the drainage basin map of Fidalgo, which makes it clear that every single shoreline is the bottom of a drainage basin. And there's a tendency in these rules to hold the last guy responsible for what happens on the shore or the cliff.

If water is coming from – and Dave Warriner gave me this figure – three miles uphill from you, it's very difficult for you, the last guy, to control it, especially if it's sub-surface. And as you can see, Campbell Lake is a good example. See how huge that area is? Mount Erie is 1300 feet, Campbell Lake is 100 feet. WSDOT did something stupid – which is the point of my tale – if you do something stupid in this upland, you can cause a problem – WSDOT took a creek – it comes down there to the south where you see the little 20 in the circle – and they put a bridge over the creek, and the next time there was a major storm – two years ago this last week-end – three inches of rain fell and all the fish washed out onto the beach. It had never happened before. It's not to be recommended. It's not a good use of stocking of fish. But, you see, WSDOT paid no attention whatsoever to the people down there on the east side of the island who said, You should think about this, you should think about that, you should think about something else. And so the people there on Meadow Creek – I can just see it in about a year – are going to be blamed for whatever happens on it, and it's the folks uphill who aren't doing anything. They're just there. The land is simply there and the drainage basin is there. So while we're thinking about the last 200 feet, think about the hundreds and hundreds of feet that are uphill from it.

Chair Lohman: Is there something specific in the draft, though, that caught your attention that would address your concern?

Ms. Ehlers: Not yet. I haven't found it, but I wanted to address it while we were on this generic topic. Thank you. No place else in the county has there been this kind of work. There ought to be, for example, around Big Lake, before we do anymore NPDES work out there. See, this is how these things interrelate.

Mr. Axthelm: I notice in here it has restrictions for – oh, where is it? It's for stabilization, or if there's an existing slope that you're supposed to match the existing slope or stay to it, it seems like. What if you have a situation where you have issues already and the developer or a homeowner wants to come in there and what he does actually helps the situation and stabilizes it? Is there – can they do that, if the natural slope is already – has issues to it? Does it allow for it?

Mr. Nickel: If the slope already has issues, what this is geared at is trying to stay away from that situation.

Mr. Axthelm: Okay.

Mr. Nickel: And so trying to site the development, you know, far enough upland so that if something happens to that slope it doesn't affect the development in the future.

Mr. Axthelm: Okay.

Mr. Nickel: So trying to avoid a need for stabilization is the impetus of that part of that code.

Mr. Axthelm: So if nature is causing the issues, just let nature happen and keep causing the issues. So you can't stop that? I mean, that's – the way I'm looking at it, if there's an option to stop it why not?

Mr. Nickel: Well, part of it's because that natural occurrence, that erosion is a natural process and that has many benefits actually to the aquatic environment both in terms of habitat and development of habitat in those water bodies. And so there's a definite need to try to prevent further stabilization because that then prevents that natural erosion sediment to actually be entering into these water bodies naturally.

Mr. Axthelm: Okay. Similar to the river when the sand moves.

Mr. Nickel: Very much so. Right, right. Good.

Chair Lohman: And this is all in context with within the shoreline jurisdiction. So just because you have upland doesn't mean that – not all upland is under the shoreline jurisdiction.

Mr. Nickel: Right. It's just the 200 feet.

Mr. Axthelm: Impact – once it impacted us, yeah.

Chair Lohman: Anything else?

Ms. Ehlers: Yes. I was watching a movie at Costco once –

Chair Lohman: Carol, can you –

Ms. Ehlers: – on Ireland and they have a different way of doing bulkhead protection there, where it's not the vertical that we tend to do, but it curves a natural – follows the natural curve of the shoreline and takes the beating of the Atlantic waves. I've not seen anything like that in any of our documentation.

Chair Lohman: Again, this is not going to be the last time we revisit these. This is kind of like, Get it out there and get it discussing and thinking more than just reading it privately. So let's – if there's nothing else on General Upland and none of the Advisory has anything to add, let's move on to Public Access. It'll be 14.26.230, page 24. So in the section of the code 14.26.230, page 24 in your draft, is the beginning.

Ms. Ehlers: I don't find the page number, Annie.

Chair Lohman: I got it online.

Ms. Ehlers: What I have on page 24 is Underground Utilities.

Chair Lohman: You have to go to the right code section, so 14.26.230.

Mr. Nickel: The document's separated into – the policies are in the front –

Chair Lohman: Right.

Mr. Nickel: – and the regulations are in the back.

Chair Lohman: I have mine on electronics so I can't tell how many inches I'm in. Okay, does anybody want to get us started? Do you have any thoughts? Go ahead.

Ms. Grueter: Yeah, I can give a quick overview. This Public Access section is in the general part of the SMP regulations so it's going to apply to all use environments. It's a topic that's very interesting to most folks. It's one of the three kind of pillars of the Shoreline Management Act. There's the environmental protection, the preferred water-oriented uses, and then public access.

And the way we set this up was in terms of the policies, we did draw a lot from the UGA Open Space Concept Plan. We are also anticipating that the County will complete the Parks and Rec Plan, if they haven't already. So that will get folded in as well. In terms of the regulations, we look at public access on public properties and we also look at public access on private properties. And in the guidelines there are some thresholds for

when public access should be required. Typically for five or more lots or dwelling units is one of those thresholds, and then also if you have a commercial or industrial use that's not particularly water-oriented you can make it more acceptable under the code if you add public access. That's one pathway to do sort of a site-by-site requirement. Another pathway is to look at your public access plans and see if you've got a better system that where you've already thought it through and it's more connected you can rely on that public access plan. So for example, you might say, Yes, we generally would like public access when there's a development of a certain size, but we'd rather have it be located where we've already planned for it, like on the UGA Concept Plan or the County Parks Plan. So you might allow for developments that are not on those preferred locations to put in their own private community access rather than public access, or you might allow them to do offsite access and help contribute to the County's overall system where you're really wanting to focus where the access is located. So for example, we wouldn't necessarily want it on sensitive areas or on areas that are unsafe or where you don't want a lot of people, where there's maybe levees but they're not designed for public access – that sort of thing. So we spent a lot of time talking about that with the Advisory Committee.

The other thing to point out is the Advisory Committee was interested in possibilities for incentives. And so we've included a couple of examples, one from Chelan County and one from Bothell, that look at giving breaks on lot dimensions or densities in exchange for public access.

Chair Lohman: Did they have a recommendation?

Ms. Grueter: We show that we provided that in response to their comment, but I don't think that we've gotten really direct feedback on those two examples. We just have feedback on, Yes, we want to have some kind of incentive system.

Chair Lohman: Because while it sounds benign, sometimes public access is definitely not –

Ms. Ehlers: Mm-hmm.

Chair Lohman: – a benign activity.

Ms. Grueter: Right.

Chair Lohman: And it can be a real headache for the property owner. And I'm thinking of all those fishermen on the Lower Samish.

Ms. Grueter: So we've included a series of exemptions from public access, and some have to do with safety or environmental impact – there's a whole list of them – or that the cost of installing it far exceeds the value of what the proposal is. And so there's quite a long list. I'll see if I can point that out. 25?

Chair Lohman: Yeah, it's on page 25, number (3).

Ms. Grueter: Yeah. Right. You'll see on (3)(c) that one of the exceptions is that the public access plan shows that public access is neither required nor needed. That's one. We also exempt agricultural or aquacultural uses. And then you'll keep going all the way through letter (m) in terms of when we would not expect public access to be provided.

Mr. Axthelm: A concern I have with public access – but I'm no lawyer! – is that when you require somebody to have public access to their land or to a development, it's still not public land. It's just public access. So they retain – from my understanding, they still retain the liability on that land. And that's significant.

Ms. Grueter: I think – I'm not sure if it's in this version, but we can provide it for one of your next packets – there's a state law that limits liability for allowing public access.

Ms. Ehlers: Do give us that one.

Chair Lohman: Yes.

Mr. Axthelm: Yes, please.

Chair Lohman: But if you charge – sorry I jumped in there – if you charged folks for accessing, does that liability go away?

Ms. Grueter: I think there is something to that, and I don't remember the exact language. But I think the law is geared towards just private property owners that allow for access on their properties without charge. I'll have to see what ____.

Chair Lohman: Because some folks have started charging because of all the litter pickup and providing Sani-Cans, and that's an expense and a problem.

Ms. Stevenson: That's one of the comments that Bill Dewey made, who is a part of our Advisory Committee, and he did indicate anywhere where we were suggesting public access be required that we make sure that there's accommodation for restroom facilities, garbage pickup and all of that, so you're right. There's a whole lot of things that come – it's not like the land is just left open for people to use. There's a lot of issues that come with that that need to be addressed as well. So, I mean he has trouble with that all over the place. I knew you all would in the Samish, as well.

Ms. Ehlers: Including an RCW which says that if there is no fence around a property with a gate, and no sign, *anybody* can trespass on *anybody's* property in this state at will. This was what – the problem that came up with the Cascade Trail. The County put the Cascade Trail through. The County did not want to put a fence so all kinds of people trespassed, sometimes into people's barns and chicken coops and other places. There was a huge brouhaha because the County never wanted to look at the RCW

which gave – must have been an 1889 RCW – which gave permission to trespass on everybody's land. And so that is a factor. My community has public access but there are fences. And that is a measurable help. But while we're requiring public access when the state limits the greatest public access there is – that's the state parks – it somehow or other implies that private people are supposed to compensate for the failure of the state to support their parks. Because that's what happens in places where there are state parks. If the state park is closed or the place where you can put your boat into the dock – Campbell Lake, for example, is a good example. It's a lovely lake for people because it's not deep, and normally it's a free access for someone going down and putting their boat in. But now that you have to have the Discover Pass – and most people don't know that it can apply to more than one car, which it can, I'm told – it doesn't have anywhere near the traffic it used to have. They're now crowding on people's private property, which, of course, is a natural thing. I don't know how you deal with that except take it up with the legislatures.

Ms. McGoffin: It doesn't look like you break out between public or private in this section, Public Access.

Ms. Ehlers: That's good.

Ms. McGoffin: Is that true?

Ms. Grueter: We have – on the bottom of page 24 we indicate where public access is required, and so we do reference where it's required on public and on private.

Ms. McGoffin: Okay.

Mr. Axthelm: Betsy? The state law limiting liability, that would be very good. I was on the other end of the Open Space Plan and putting in the trails, and I remember I was down south of Mount Vernon along the dike, and we have a lot of issues with the public coming through, thinking that it's public access. Because the dikes, from some public's understanding, that is public land, which it is not. It's private land and we own – actually I own both sides of the dike all the way out to the river. So there's issues of public going through. That actually helped because the public has had more understanding of that and we've had some reductions in that – in those issues – and some of the gates have been closed off. But I just want to make sure – it's not only me; it's a lot of other people that have those issues. When you get the public coming in there, it's not just the people coming in. It's the trash that comes with it, it's the – you have to police it because otherwise you have people in crime use those pathways to get to properties. I lived in Boise, Idaho, and that's exactly what they had, was issues that way, and they had to put police forces on bikes. Yeah, you put the police force on bikes, it worked great. It doesn't take care of it all but – anyway. That's public access: making sure people understand what that means and to respect the private property.

Ms. Ehlers: That's another example of fences, isn't it? Of the use of a fence.

Ms. Grueter: We do have some policies that do promote, you know, respect for private property rights and not trespassing, as well.

Ward Krkoska: There's one aspect of this whole thing which I tried to press with the Advisory Commission –

Chair Lohman: I can't hear you, sir.

Mr. Krkoska: – sorry – is the fact that the population of the county and the state is growing. There are going to be more people here and most of them do not own private property – do not own shoreline property but they're still, you know, coming/moving into this area with the hope and expectation that they're going to have access to the water.

Chair Lohman: Mm-hmm.

Mr. Krkoska: That still needs to be addressed, and unfortunately this is a planning document and a Planning Commission issue controlling buffers, defining access and what you can and cannot do regarding development along the shoreline. The flipside is that **most of the hearing amongst the Advisory communicated** a great deal of consternation about the same thing I'm hearing here tonight, which is the consequences of public access: the mess, the security issues. But still we need more access, but at the same time we're kind of stuck with a means of paying for that public access which is very antiquated. But, of course, we don't control that within the SMP. That's something that has to take place through, you know, the legislature, through the County Commission, through other – other people actually control the purse strings to, you know, provide the money to actually manage the public. It's kind of a flip side of two separate issues: We need to have more public access, but of course this document doesn't solve how to pay for it. So I'm just trying to put that forward, and, you know, keep in perspective what we're talking about here and the realization there has to be actions on both levels because, you know, the access of 1930 and 1950 and 1960 – I mean, we've completely – you know, now we're getting several thousand people going to the Skagit River when the humpy season comes up. That used to not happen. Now it does. How are we going to pay for that? Public's using it. Public pays taxes, you know. Where do we get the money? How does ___ process address that? Okay.

Chair Lohman: So –

Mr. Krkoska: I just wanted to put that forward as, you know, please try and balance this out as you consider the – you know, we've got to have more public access. We've got to pay for it, too.

Ms. McGoffin: So I have a –

Chair Lohman: Maybe –

Mr. Axthelm: Excellent question, as far as I'm concerned, and that's –

Ms. Ehlers: Yes.

Mr. Axthelm: – I think that's a valid point. It's just that you can't give the access before you provide the rest of it that goes along with it. If the public wants it and if they keep wanting it, if they keep wanting it, then they have to pay for it. The landowners already paid for their land. The landowners need to be protected. They *are* the ones that are paying the taxes. The people that are coming to this county that are renting or live in town, they paid for that house, they paid for that access in town, but they have not paid for that access and not paid for that view and not paid for that shoreline out in the county, and they need to understand that. And that's why that's an issue that's very – that sets with me. And I have no problem giving access to the public in certain areas, but that needs to be paid for or needs to be respected. And that's the major issue with that. Because if you open it up and say, Here, you can have this land and then take care of the issues later, that's not protecting the landowners and the taxpayers.

Ms. McGoffin: Chair?

Ms. Ehlers: Or the land.

Chair Lohman: Mary.

Ms. McGoffin: So I think your point is well made that this is a policy document. It's not an enforcement document. And it's out of our – well, I mean we're not – we do do regulations, but it's not our job to decide how these things get paid for. So my question to Betsy is, Is there some way to cross-reference this to other departments whose purpose *is* to look at the legal side of it and the funding side of it? I mean, we can't do it all.

Chair Lohman: I'm not sure I agree with your characterization that this is a policy document. This is the regulation document. This is where it says you can or cannot do x, y and z. Maybe there needs to be some more discussion – I mean, before you just allow public access, maybe you *have* to have that piece. Because in other zoning code it does have who's going to provide it and how it's – they don't say you're going to have to – how you're going to come up with the money to pay for it, but they do define who's obligated. And I think that's what you're talking about, that we haven't had that discussion.

Mr. Krkoska: Right.

Chair Lohman: And I don't see it in here.

Mr. Krkoska: And, unfortunately, you know, we have to write a – the new edition of the Shoreline Master Plan is due out now, and we have to plan for – you know, that it's going to be in place for the next – what is it, guys? Another ten more years before we do this all over again?

Ms. Grueter: Eight years.

Mr. Krkoska: Eight more years before we do this all over again. But, you know, we – meantime all these other discussions have to take place. I don't want to digress here. I was working with a small firm called SCEA, Skagit Conservation Education Alliance. One of our things we were scrambling for money for, of all things: portable toilets for the access areas along the Samish. You know, we were – I'm not with them anymore – a small NGO, we're going to every imaginable donor we can possibly imagine to try and come up with up money to pay for portable toilets to support public access. This is just one small example.

You know, it just kind of strikes in my mind. This has to kind of come out of the general fund, out of the general ___ – if nothing else, at least pay-as-you-go for the fishermen along the bank, if nothing else. But, you know, it needs to be probably __ and the responsibility more equitably and even efficiently spread out amongst the general public.

Ms. Grueter: I guess one point we could add here is just to go back to why we were cross-referencing the Open Space Plan and the County Parks Plan. It's because those plans have at least been vetted to a certain level about where the public access should be and that's why. And there's some funding associated or proposed funding, at least in the County Parks Plan. So our intent is to the extent that we can point back to those documents and say, you know, This is where we want it. And that's why there's an exception to not require it if there's not a defined need in those plans. It's because we're trying to focus it where the community has said, We would like to have public access and recreation.

Chair Lohman: Carol?

Ms. Ehlers: Where is the reference in this Shoreline document to all the shoreline parks that are already in this county, which is all public access? And where is the reference to all of the Trust islands and state park islands? We have a huge amount of existing public access – not for fishermen; that's a slightly different problem. But when it comes to public access, I don't know of a place that has better than this county. But if you don't have it referred to in here then nobody else will know it exists. Now you might – and I would take out the reference – if you've got four houses, why should four people have to provide 20 feet of public access when there might not even be a physical way to get public access? If you're going to say these four people – these four houses and they're over a steep cliff, you mean you're supposed to provide public access for them to go down and a public staircase for them to go down the steep cliff just because you have to have 20 feet that you can do that, when it's not safe at the bottom of the cliff? That's what I see on a number of the islands. And so somehow or other you have to deal with it.

Ms. Grueter: So in terms of the existing access, in the Shoreline Analysis Report there are maps that identify the existing and planned public access in the county. And I believe the County's Parks Plan does do an inventory – do point to that document – and it does have an inventory of current facilities.

And then with regard to the four lots, those are – anything less than five would be exempt from providing public access. If it's five or more, then you can also look at – there's exceptions for safety, and there's also the ability to do visual access; it doesn't have to be physical. So there's – we've tried to build in quite a bit of flexibility and reasonableness to when it would be provided. And the reason why we even have five or more in there is because these SMP Guidelines that were approved in 2003 specifically include that as a point of – a threshold. But we've tried to work with that by saying, Well, we have a public access plan so if there isn't a need defined in that location and if there's another way to do public access, like through views, but not through physical means, you know, then we've tried to build that in.

Chair Lohman: Josh?

Mr. Axthelm: Okay. I think I – the public access – my concern was this was going to require public access, but I see that that isn't the case. This says, "If Skagit County requires public access as part of private development..." And then down below it says, let's see, "An applicant is not required to provide a public access when it is determined that one or more of the following conditions apply." So if you go through that, but it – that is – precursor to that is "If Skagit County requires..." So is that – am I understanding that correctly? So this is not saying, You have to provide public access. This is saying, If it's required..." Okay. I think that's important to remember.

Ms. Grueter: So in section 1, we have: Applicability – generally, where is it required? Section 2 is findings that need to be made on nexus and proportionality that shows there's a demand and that what's being required is related to that demand. And then step 3 is if it's required then you also go through these exceptions to see if those apply. So there's this step-wise process.

Mr. Axthelm: Thank you.

Ms. Ehlers: That makes sense. But I've not forgotten what happened to Betsy when she and Oscar Graham tried to do a very sensible permit for somebody to put a little cabin on Young's Island, which unfortunately was not circular. It was a nightmare of detailed work trying to explain how this family who owned the island for fifty years could do something with it. And then when Betsy was finished and nobody disagreed with what was recommended – not one single person from anywhere – she sent it to the Department of Ecology and they turned it down flat because somebody didn't like what had happened. So while I'm giving my discussion here I'm thinking of the kind of evidence you need to drag along so that the person who says, Well, Skagit County doesn't have enough or this doesn't require enough, that Betsy or whoever presents it

can say, Yes, but look at this, this, this, this and this. Because it was a nightmare last time.

Ms. Stevenson: I can be sensitive to a couple of things. One, at least our County Parks is pretty well a skeleton crew right now. They have volunteers maintaining a lot of the parks that they have or they just aren't getting maintained at all. So I understand what you're saying that it seems ludicrous to require public access just on a blanket requirement when we can't take care of what we have. You know, state parks is charging more now to help take care of that, so I don't think we're trying to just outright say everybody's going to have to do it no matter what. But I think we need to take a look at it and people need to address it when they apply for something where they fall into the areas or the development proposal that might require that we at least look at it and see whether it's feasible or not or if there's something else they can be doing.

When we met with the Advisory Committee early on, we had representatives from different state and federal agencies – I think you guys were there, too; that was the joint meeting in December – and Greta was there from the Forest Service and she indicated that there's a lot of public access and that it isn't necessarily the need of the public access – more of it. It's just where it is and things like that. I think that's more of what we're finding – making people aware of where it is, just like Carol's saying. There's a lot of places already here. Or is it the right type? Are they getting, you know, to use the things that they want to use where they want to use them? So I think that's where we have an opportunity here to pull it all together and make some sense out of it. And if we identify those areas based on all the plans that have already been done, like Lisa was mentioning, and put together then we can take a look at that and say, Okay, if you've got a development in this area that's one of the areas that has been targeted for something more; how can we work with you to make something work here? So I think this is an opportunity to pull it all together, if that makes sense.

Ms. McGoffin: Yeah.

Ms. Stevenson: And I think in answer, Mary, to your earlier question to me – I wasn't trying to ignore you – there isn't any reason why we can't identify other County departments and things who can work with us on some of these issues to come up with, you know, some incentives like more ways to try to help pay for things and do some of that. We've done that in our existing program where we identify other departments who kind of work with us, or different programs that people might be interested in. So we can look at that, too.

Ms. Ehlers: Annie, there's just one more thing. We can't do this in the Planning Department, but if anyone listening – why isn't there any way to really access the Skagit River if you're not a fisherman and you don't want to go down the river in January when it's cold and fast? You simply want to have a chance to see one of the most beautiful rivers in the country. And I don't know of any way to have private access to it without having your own boat. So that's a kind of public access that planning departments can't do, but –

Chair Lohman: But maybe if there is, Carol, if there is public access maybe it's just as simple as signage. Maybe folks don't realize that it's right there and it's already on public land.

Ms. Ehlers: Oh, I'm not talking about that. I'm talking about being able to go out in a boat up the Skagit. It's gorgeous!

Chair Lohman: Well, I'm thinking of the park right next to Blade Chevrolet. It's right there on the Skagit, too.

Ms. Ehlers: Mm-hmm.

Chair Lohman: I mean, that's just picking on an urban section. I mean, so I think maybe it's a – does the public actually know where these public – where already....

Betsy, I have a question for you. There was a reference – I thought I saw it more than once – referring to that Open Space Plan, the UGA-slash-Open Space Plan, and I was under the impression it is not and it was not intended to be a de facto trails plan. Correct? Is that correct?

Ms. Stevenson: I'd have to check.

Ms. McGoffin: It's conceptual.

Chair Lohman: And it was conceptual in nature, a lot of it. So I want to make sure that it is kept in context of what it is.

Ms. Stevenson: I'd have to double-check and get back to you on that one.

Chair Lohman: Could you get back to us?

Ms. Ehlers: Yes, because her perception is mine.

Ms. Stevenson: I don't want to speak ____.

Mr. Axthelm: That's a good point because if the shoreline and some of these other things that we're developing for the – what was the recent one? – Envision Skagit County is referencing the Open Space Plan. They need to make sure they understand that.

Ms. Ehlers: The difficulty with the Open Space Plan was that you had little splotches on maps that represented the ownership of one group or another and there was no way you could visually relate this parcel to that parcel to that park to that whatever, which is why I want a map that has everything that's on it and so you can then see what needs yet to be done.

In terms of trails, Josh has brought up a very basic issue in terms of the levees, but there's a lot of people who think that the ideal place to put a trail is on an almost sliding cliff or an almost sliding riverbank. And I would hope that we would discourage that.

Chair Lohman: Okay, is there any more? And, again, we will probably touch back on this again – on public access. Anything from the Advisory?

(silence)

Chair Lohman: Okay, let's move on to Recreational Development. This will be 14.26.440, page 74 in your draft. You can just start.

Ms. Grueter: Sure. This part of the SMP gets into the use-specific standards. So whereas Public Access was really about any use environment in the general standards, the Recreation is also tied to the use matrix. And we are intending to allow recreation in all shoreline environments except that it would be conditionally allowed in the Natural environment, with an emphasis on water-oriented recreation. There's a series of performance standards and design standards that are somewhat based on your current SMP. They're logical, directing recreation away from flood hazard areas where possible; ensuring privacy and compatibility of adjacent properties. There is a preference for water-oriented facilities so, for example, you want the boat access or parks rather than the bowling alley as a form of recreation.

You know, avoiding fragile areas; limiting motor vehicles in fragile areas and just putting them on parking areas that are located further upland; there're some standards about how you apply pesticides, herbicides; and then there's – similar to your current SMP – there's proposals to have impervious surface limits for each use environment. So the more natural or sensitive would have less – a lower percentage of impervious area allowed – and the high intensity the most. And that's a concept carried over from your current SMP but we've updated it based on the use environment proposals.

Ms. Ehlers: That's what I think is usually referred to as low impact?

Ms. Grueter: Certainly, you know, there's a link. You know, lower impervious area or use of pervious materials, there's new techniques. Certainly that could be employed to make things more compatible with the environment.

Ms. Ehlers: What does capital C, capital U and capital P mean? It's in our guide – our guidance document.

Ms. Grueter: Right. Conditional use permit. It means a conditional use permit; we'll spell it out.

Chair Lohman: Anybody have *anything* on this? Silence?

Mr. Axthelm: Is there any – I guess between what's existing right now and this plan, is really the only significant difference is the Natural – restrictions on Natural? Or have you changed anything that you see there?

Ms. Grueter: I certainly don't think we've made it any *more* restrictive, and we've probably made it a little more liberal. I don't remember the specifics. In other parts of our discussion guide we've been very clear about where we've made some changes we want to your attention, and this is not one of those sections where we went radically one direction or the other. I mean, generally the guidelines have a preference for water-oriented uses so they have a more smooth path in terms of permitting and performance standards, because we're only talking about the first 200 feet. And so the idea is, you know, the other stuff that's more like enclosed and doesn't really need a shoreline location you'd want as far back as you can. But aside from sort of those kinds of preferences, I don't think there's a lot of change from the current SMP.

Mr. Axthelm: I didn't see anything.

Chair Lohman: I didn't see any red flags. Okay, well – just a second. Mary?

Ms. McGoffin: The only red flag – I haven't read the last one – would be 14, where it says there's no net loss of function. Was that in the original SMP?

Ms. Grueter: No. And that's one of those concepts that really came in that I'm sure at our next meeting we'll go through in more detail. But you'll see that repeated many times because it's repeated many times in the guidelines.

Ms. McGoffin: Okay.

Chair Lohman: Okay to move on, everybody?

Mr. Axthelm: Yeah, that's the only thing I'd be concerned on is the no net loss issue because it's a situation where somebody may not have – well, okay – may not have used that land and now all of a sudden will have the ability to do so.

Ms. Grueter: That – I mean, I don't want to go sidetrack too much into it, but that doesn't necessarily restrict the use. What it's saying is if – you can impact something, but you have to mitigate for it or – I mean, there has to be – you have to leave the place at least equal to or better than as a result of the development. It's not a no-development clause.

Mr. Axthelm: Perfect. That's what we should do.

Ms. Nakis: I have a question or suggestion. Wouldn't it be better or more wise to instead of ask people to provide public access when they do development water – you know, waterfront or shorelines – instead of doing that to pay some sort of fee into a

bucket that there would be used by the Parks Department to buy their own land and develop parks and open spaces?

Ms. Grueter: We do have some draft language on a fee-in-lieu concept, which is, I think, what you're getting at. You'll note there's a comment off to the side saying the language still needs to be further vetted by County staff – legal staff, in particular – but we've laid the framework for that discussion.

Ms. Nakis: Okay. Thanks.

Ms. Ehlers: Before we leave the Residential, where do you guys think all this new residential development's going to take place? We did a shoreline –

Chair Lohman: Wait. We haven't left it yet. We haven't gotten there yet. We're on Recreation. Sorry to jump in on you.

Ms. Ehlers: Residential comes –

Chair Lohman: Next. We're next – that's next. So hold that thought. On Recreation, are we finished?

Ms. Grueter: Yes.

Chair Lohman: Okay. Now, Carol, we're on Residential. This'll be on page 76.

Ms. Ehlers: Where do you folks think all this new residential development's going to take place?

Ms. Grueter: Well, I think, as Dan mentioned earlier, the Shoreline Residential designation – just about any designation, frankly, allows for residential. The real test is the critical area buffers and where you can put the home within the 200-foot jurisdiction area. But in terms of where would it be allowed, it's going to be very similar to where your zoning already allows it. We've tried to match as best we can the designations to it. So the designations are based on conditions, they're based on existing uses, they're also based on planned uses. So we did take those into account.

Ms. Ehlers: When we did the Shoreline Master Plan, there was discussion about the saltwater areas that would be good candidates for this. So I went and looked at all the saltwater areas that I know of and the only place you could possibly have one is Allan Island because everything else has been declared unsuitable. I'm not sure I see a lot of areas on Fidalgo Island that could be developed residentially. There's infill, but you're talking about subdivisions. And the LAMIRD process doesn't allow it so you can't expand them without an act of God and twenty meetings. If you look at the critical areas ordinance, I still remember when we were discussing whether Grandy Creek – which is a fish stream – whether the people who had a house 200 and 250 feet away from the creek could possibly add on to their deck, which might affect the creek, but we

could mine the damn thing. And mining the creek apparently wasn't going to do a thing to the fish. They were just going to be happy, swimming around all this mining equipment. But the increase of square footage on the deck was going to create a real major loss to the environmental quality of the creek.

So while you're looking at all of this, think of where the possibility really exists when you take all the other laws that limit it, and then see what you've got. That comes later in the process, I understand, but I want to bring it up because –

Ms. Grueter: Well, you know, I think it might be as well to go to page 15 with the use matrix, 14.26.15, and have a discussion of at least where are we starting from in terms of which areas are we allowing for residential. Certainly once we get to critical areas and other regulations at other agenda meetings – you know, on other agendas – we can certainly bring that issue back and talk about the layering of the regulations, but let's start maybe on the use matrix, page 15. At the top there –

Ms. Ehlers: Page 16?

Ms. Grueter: 14.26.15.

Ms. Ehlers: On page 15?

Ms. Grueter: 15. And you should see a matrix and at the top row there should be "single-family." Have folks found that? And so in terms of the single-family residential, single-family is considered a preferred use under the Shoreline Management Act. And you'll see that it's allowed on the upland properties by – it's allowed outright in the Rural Conservancy, Shoreline Residential and High Intensity. And then in Natural, right now your current SMP prohibits residential but we are allowing it by conditional use permit, and that is based on guidance from the Shoreline Master Program Guidelines. It specifically states that's how you allow for residential in the Natural environment is through a conditional use.

Then for multi-family, we've allowed it in Rural Conservancy, Shoreline Residential, High Intensity. In the Rural Conservancy it would be conditional. It would not be allowed in the Natural.

Ms. Ehlers: We don't have multi-family zone. That's apartments. We don't have it.

Chair Lohman: What about farm worker housing?

Ms. Grueter: Well, it could be mobile home parks. Yeah, I think – would farm worker housing be considered multi-family, Betsy?

Ms. Stevenson: We talked about this with the Advisory Committee. Farm worker housing is handled through the state requirements and I don't *even* want to go there,

because I don't think we do much with farm worker housing. Am I right? Aren't they licensed in – I think that comes through the state.

Ms. Ehlers: Well, then it doesn't have to be within 200 feet of the shoreline anyway.

Ms. Stevenson: We don't necessarily have a lot of multi-family now, and I'm not sure what kind of zoning districts we allow it.

Ms. Ehlers: We don't.

Ms. Stevenson: But we are working on PUD ordinances. We are working at walkable, livable communities. We are trying to do some mixed use kinds of things. So, again, this is supposed to be a forward thinking document to a certain degree. So, you know, it's there. That doesn't mean we have it right now. That means that these will be the places that it might be allowed, assuming that it's allowed under the zoning. If we just leave this document complying with what's existing in other codes we'd never move forward, if that make sense. At some point something has to be the first one out there and then something else catches up. So we're working on it in other places. So, I guess, you know, that's the best response I have at this point.

Ms. Ehlers: However, state law insists that in the rural area you can't have a sewer. And if you've got multi-family you have to have sewers. We're talking about multi-family buildings; we're not talking about – and some of the CaRDs. The CaRD is – the urban CaRD is a disaster waiting to happen because you can have a whole series of houses right next to each other and so far I don't think anyone in Skagit County has dared to build one. But we don't permit multi-family under the Growth Management Act, as I understand it.

Mr. Axthelm: Yet.

Ms. Ehlers: Well, that's why you have urban growth areas.

Mr. Axthelm: Yeah.

Ms. Ehlers: Because that's where it's supposed to be. According to years of people telling the Planning Commission how we have to think, and all of a sudden we're going to start permitting on the shorelines what isn't allowed anywhere else? Think about that one.

Ms. Nakis: We have shorelines right next to the city!

Ms. Ehlers: Yes, but it's under city development, city rules – not ours.

Mr. Axthelm: Betsy, I like the idea that you're addressing this. Just to me, architecturally I think you'll see a lot more of that come, but usually with those multi-unit developments they also have multiple restrictions for providing public access, providing

landscaping, providing the protections, and those areas end up being very nice areas. But they have to do it right, so hopefully the County will.

Ms. Grueter: And public access would be required for the multi-family development. And we've put it in, as Betsy mentioned, in anticipation that some of the work that's being done in mixed use areas or limited areas of more intense rural development might be the locations where those happen.

Mr. Axthelm: And I don't – I mean, I don't like the idea of requiring the public access just for that note, but requiring it kind of produces the density in a way, or pushes the density in a certain area so that those areas become low impact. Because there are so many people there, they will receive some impact from the people. So that's a good idea. Okay.

Ms. Grueter: Other notes on this use matrix: Floating homes would not be allowed but liveaboards would be allowed in the Aquatic environment. So I think floating homes, Dan, are the ones that are permanently moored, like at a marina, whereas a liveaboard they just move from place to place and in sort of a limited term, and they would have to meet the state water quality standards and so forth. I think the floating homes are like what you would see in Lake Union in Seattle, whereas I think the liveaboards, they might harbor at marinas but they'd move around. They wouldn't be a permanent, right?

Ms. Ehlers: Some arenas allow liveaboards.

Mr. Nickel: Liveaboards can be – you know, even the – you know, there's boats that qualify for liveaboard. You're living – if your area of residence is a – essentially a – whether it's a boat or some area of temporary mooring, if you're able to move around. I mean, that's a consideration for a liveaboard. There's areas in other jurisdictions that have dealt with liveaboards. Bainbridge Island is one.

Ms. Ehlers: In rural areas?

Mr. Nickel: The example I was giving is Bainbridge Island. They've actually had a liveaboard community for years and they've turned it into a designated aquatic marina. There's a distinct difference between a floating home and a liveaboard.

Ms. Nakis: A liveaboard is more like a boat.

Mr. Nickel: Right.

Ms. Nakis: And a floating home is a houseboat.

Mr. Nickel: Right.

Mr. Axthelm: Even more than a houseboat, it's permanent. Right? It's a more permanent structure versus –

Mr. Nickel: It is, and it can be moved. A floating home *can* be moved, but it's usually docked at a – whether it's a marina or a floating pier or dock structure. But it's attached to that structure. It's difficult to move either. It's definitely permanent in nature.

Ms. Ehlers: These have traditionally only been permitted in cities. La Conner has some in the port. I don't know whether Anacortes permitted it. I understand that where you have liveaboards you have less vandalism, but it's always been something that was characterized by a marina and usually under port authority and port management control. I have never heard of having liveaboards in a county that has no ordinances at all to manage it. And I'm thinking primarily of septic. Because, believe me, nobody's going to be willing to have a liveaboard outside one of these marine reserve areas where you're tied into a knot about what kind of septic control you have, and then here's this guy out here in a boat dumping it into the water.

Ms. Stevenson: I don't disagree. We've had issues with trying to limit liveaboards and try to figure out what they're doing with their waste and all that sort of thing. So I'm not necessarily all excited about allowing them.

Ms. Ehlers: I'm glad to hear that.

Ms. Stevenson: We don't now, so....

Ms. Ehlers: That's right.

Chair Lohman: My question is nonconforming, so I will hold that off because you can't hardly talk about Residential without touching it.

Mr. Hyatt: On the subject of liveaboards, how would that be regulated if they're not coming to you for a septic permit or a grading permit or a building permit, would you – is there any way for you to – you know, is Betsy going to go out there with her baton and force them to pull anchor and go or.... What would trigger that? How would it be enforced? Would you even know about it?

Mr. Axthelm: Illegal dumping.

Ms. Nakis: Right. I think the Coast Guard actually –

Mr. Hyatt: Oh, good luck. I'm sorry!

(several people speaking at the same time)

Mr. Hyatt: I don't think the – the Coast Guard is notorious for ignoring complaints about that kind of thing.

Ms. Ehlers: Well, they're also notorious for ignoring a barge that's been off the north coast of Guemes for months, has no running lights, has all kinds of problems with it and nobody's willing to even go find out what's the problem.

Chair Lohman: Okay, well, let's stay on topic – Residential. Anything else on Residential? Again, it's kind of a one that's going to touch multiple times back as we work our way.

Mr. Axthelm: An important note is that it still allows – I noticed here that it still allows for you to develop land that doesn't want you to stabilize – or to do stabilization structures but it allows it for roads. So if your land has a stabilization issue at one point and then it flattens out, you can get down to that land by putting a road in. That's how it appears to me. Am I misunderstanding that? (f) – (3)(f).

Ms. Grueter: We allow for access to a property.

Mr. Axthelm: Yes.

Ms. Grueter: And the minimum necessary.

Mr. Axthelm: The law says it allows infrastructure – sorry.

Chair Lohman: Such as roads.

Mr. Axthelm: Such as – yeah, such as roads, with no feasible alternative. Okay.

Ms. Stevenson: And, Annie, I'll remember for this section that you'd like to see the table _____.

Chair Lohman: Yeah. Okay, the next topic is Commercial Uses. We're going to backtrack again, page 54. So it's 14.26.360, page 54.

Ms. Grueter: Okay?

Chair Lohman: Yeah, go right ahead.

Ms. Grueter: So in terms of use allowances, this is one section where the proposal is more lenient than the current SMP. And in the discussion guide on page 16 and 17 we talk about, What are some of the differences in terms of the use table, not only in terms of whether it's permitted but also what some of the conditions were on where those uses could be?

Basically our approach is to promote water-oriented commercial in most designations and let the underlying zoning control where the commercial use is allowed. And so we've identified that in the Shoreline Residential designation, for example, right now there's a note in the current SMP that says that the commercial's just limited to cafes,

restaurants and community retail and so forth. It gives, like, a particular list. So we've not included that in here. We're letting the underlying zoning control.

Same with Rural Conservancy. There's a note saying you can have commercial but it shouldn't significantly alter the character of the area. And it has potential uses like campgrounds, and then some other related sales and service. So, again, rather than having a note on the use table, it has just that list. We're letting the underlying zoning control. And then, finally, Urban Conservancy is another one where it was very limited in where you could do the commercial.

So zoning would control, then the SMP would have performance standards. And some of those performance standards are, again: preference for water-oriented uses, putting non-water-oriented facilities upland as much as possible, requiring public access, and that sort of thing. Those are the sorts of standards that are in this section. There's others as well in terms of limiting bulkheading, climb landscaping, screening, and that sort of thing for compatibility.

Ms. Ehlers: Where in Skagit County do we have Urban Conservancy?

Mr. Nickel: We are also working on this document for the Towns of Hamilton and Lyman.

Ms. Ehlers: Okay.

Mr. Nickel: And then also, you know, any UGA areas in other jurisdictions that have the potential for Urban Conservancy – those would be dealt with here.

Mr. Axthelm: Okay. So these restrictions will apply to the urban growth areas. Is that what you're saying?

Ms. Grueter: One of the other things that we've added to the use matrix is the allowance for mixed uses. This is something we discussed with the Advisory Committee a bit, and the idea would be that you could have some mixed residential commercial developments on the shoreline. There's two kinds of mixed uses. Ecology considers a mixed use project to have water-dependent components as well as non-water-dependent components. That's their version of mixed use. We've also added a line for what the traditional planning version of mixed use is, which would be commercial residential.

Mr. Axthelm: Wouldn't that be the same thing? I mean essentially, because either way it has to have a water-dependent use.

Ms. Grueter: Yes. Either way in the rules we've set it up so that if you do mixed commercial residential you still have to have a water-dependent component or water-oriented component. The reason why we've made the distinction is because – at least I've personally been involved in some permitting situations where the SMP allows

commercial in a High Intensity area, for example, and it allows for residential. But the proposal was for mixed use, and if something's not specifically listed on the use matrix they'll say it's a conditional use, and so we had to process a mixed use project even though residential was permitted outright, commercial was permitted outright, we had to process it as a conditional use because it was mixed use. So just having been burned on that before, we thought it would be good to make sure that's a use that if the County sees happening that we would allow for it.

Chair Lohman: What happens to these historic – like granary lots that are too small – they don't meet any criteria but they were originally a – for commerce? What happens to stuff like that that we still have?

Ms. Grueter: Whether it could be used for a commercial purpose would be up to the zoning code and the way that we've structured this, because we've been more liberal than the current SMP. So it probably wouldn't be a matter of the SMP allowing for it; it'd probably be more a matter of whether the zoning allows for it.

Chair Lohman: Any other questions on Commercial? Carol?

Ms. Ehlers: One of the biggest fights we've gotten into out on Fidalgo has been the County's refusal to accept that the public out there thinks of it as a residential island. And I've told you all about what went on in the shoreline. Well, there were similar applications on the land. And most of us have no objection to something small like a local store because they're there, but that hasn't been the kind of thing that's proposed. And the issue of compatibility – which I have to bring up again – has been the essence of the difficulty, both for what was permitted on the shoreline and what is permitted on the water side of the shoreline.

If you want to get the highest amount of taxes off of residential land, you don't devalue it. And the County has historically never paid attention to the impact of devaluing by permitting this or permitting that, or allowing this to change from this to that. I am in great sympathy with your comment that if residence is directly permitted and commercial's directly permitted, something that combines it certainly shouldn't have to go through twenty steps. I can't think of where that exists, but if it does then that's – I'm not talking about that.

Chair Lohman: Okay, anymore Commercial? Okay, the last item on our list is Industry.

Ms. McGoffin: Institutional Development.

Chair Lohman: Oh, sorry.

Ms. Ehlers: Institutional Development.

Chair Lohman: I skipped.

Mr. Axthelm: But where's that?

Chair Lohman: Page 54, so it's right close to where we were.

Ms. Grueter: Yeah, Institutional: We've got separate policies for Institutional-type uses which could be government-type uses like police, fire, that sort of thing. There's a pretty broad list. It's on the discussion guide in terms of what we mean by "institutional" on page 17 – a wide variety of uses. It's got separate policies, it's treated separately on the use matrix where we allow for water-oriented Institutional by either conditional use or outright permit. But non-water-oriented would be more strict in terms of permitting requirements. But the regulations are linked to the Commercial standards we were just looking at because a lot of times institutional uses, it's a box of the building on a property. And so we're more strict in terms of permitting than we are for Commercial, and the reason is because there's such a wide variety of Institutional uses that could occur, and also the idea that we're just talking about the first 200 feet so we probably don't need the police station and the shoreline jurisdiction.

But as Dan and I were driving up here today we got discussion about Institutional uses and wanted to bring up a question for you. We think there might be value in calling out some more subsets of Institutional uses on the use matrix and maybe outright permitting those that are water-dependent. So we're thinking of marine research, and we were just starting to think of uses in Skagit County on some of the federal properties and so forth where, Is it Recreational or is it Institutional? And it could be both. And so we thought we might bring back a proposal after talking it through with staff a little bit more to be a little more sympathetic to the water-dependent Institutional uses and calling those out. But then for the rest of the big list, keeping it typically more conditional use except in High Intensity, where it's permitted. And, again, the reason is is that there's such a wide variety of things that could be and that it's mostly a building-intensive-type activity. But calling out those that are water-dependent would make more sense.

Ms. McGoffin: So would the Padilla Bay Interpretive Center be considered Institutional?

Ms. Grueter: Well, we were kind of thinking that what we might do is work with staff a little bit on a definition because I think if the primary use is for recreation we'd probably refer to the Recreation standards. And if the primary use of the property is more research, education, scientific then we might put it into the Institutional category.

Mr. Axthelm: Now on the Residential you had the no net loss. I don't see that here.

Ms. Grueter: Well, the Institutional Development has to meet the Commercial standards.

Mr. Axthelm: Or Commercial – I didn't even see the Commercial. Was it there?

Ms. McGoffin: Yeah, it's there.

Mr. Axthelm: It's there? Okay. All right.

Ms. Grueter: I thought it was.

Ms. Ehlers: Page 55.

Ms. Grueter: Oh, yes. Number 8.

Mr. Axthelm: Okay.

Ms. Ehlers: Why do you permit institutions that have no need whatsoever to be on the first 200 feet, to occupy that shoreline when perhaps public use might occupy the shoreline? It seems to me if you have limited shoreline you use it for shoreline uses, either private or public, as this research – water-oriented research facility, or a – if we ever got one – a police boat facility, police/fire boat facility kind of thing, which isn't on your list, and I don't remember ever seeing anywhere and we should have more than one in the county. But that sort of thing seems to be very clear that it – and I'm talking rural; I'm not talking – in my mind I'm not thinking of Lyman and Hamilton. You'll have – please excuse that. But I'm talking rural Skagit County, with La Conner existing and Mount Vernon existing – although it doesn't do anything on the water – and Anacortes existing. I don't see any reason for most of these things to occupy that 200 feet. There's plenty of land elsewhere on a water line, which is what they all would have to have, that is commercially designed with the right kind of pressure for it. Because a lot of these rural areas don't have commercially designed water lines, or water systems even, the difference between the two being the size of the pipe between a residential system and a commercial system – the size of the pipe and the fire flow and the number of hydrants that you have. It's a significant financial increase to have a commercially impacted area. So if you had a water system that was residential and you permitted a commercial use in there, you would be obligating that water system to change all of its pipes and all of its policies and have a lot of monetary expense just for that one thing, which is why they don't want it. So please do rethink what you're obligating us to do, or thinking of obligating us to do in that category.

Ms. Grueter: So one thing we could look at to get your input on this – page 14. It's the use matrix again – going back there. In the Institutional lines we've made it conditional use in most categories except for High Intensity.

Ms. Ehlers: You're not talking 17 in the guidelines but 14 somewhere else.

Ms. Grueter: 14 in the regulations, 14.26.14. And we have two rows. We have water-oriented where we allow for water-oriented institutional, by conditional use permit –

Ms. Ehlers: What page?

Ms. Grueter: 14.

Mr. Nickel: Page 14 in the regulations.

Chair Lohman: It's about a half-an-inch in, Carol.

Ms. Ehlers: Page 14 in the regulations. Okay.

Ms. Grueter: So in the water-oriented line, we have conditionally permitted in all environments except High Intensity would be outright allowed. And the reason why we made it conditional use, even for water-oriented, was because we were – you know, the location and not sure within that kaleidoscope of what's in the definition. But generally this would be for water-oriented.

And then non-water-oriented we either prohibit or allow only by conditional use. And conditional use is not only reviewed by the city as a special permit but also requires Ecology approval, so by – excuse me? Oh, did I say "City"? Excuse me – County – and so it would require Ecology approval as well. So it's a stricter process. But we could – I think what we'd like to do is call out the water-dependent research-type scientific education in its own light – be a little more liberal with that. But we could for the other uses be more restrictive than what we've laid out here if that's your preference, which means it would be prohibited in more locations. Or you can maintain a conditional use approach, which allows you to consider it if there's a public benefit. But it's a more strict process, both at the county and the state level.

Ms. Ehlers: Does a conditional use have a legal notice process?

Ms. Grueter: Yes, there's a hearing so there would be notice for the hearing locally.

Ms. Ehlers: That'd be before the Hearing Examiner.

Ms. Grueter: We have two choices. We can make either an administrative conditional use or a Hearing Examiner conditional use, and the Hearing Examiner would have the hearing involved.

Ms. Ehlers: Well, I went through the laws a couple of weeks ago and one of the spookiest things there is is this administrator decision because there's no legal requirement for many of the – for the announcement that the administrator has received an application. There is no way to find out that the application has been decided. You may appeal it within fourteen days of a decision you do not know is taking place. And stormwater is not considered a factor. They look at it, but they do not deal with cumulative effect of stormwater. So I am no longer very impressed with the conditional use process in that it seems all too quiet.

Ms. Stevenson: You're talking about two different processes. You're talking about conditional use permits and you're talking about an administrative process.

Ms. Ehlers: Okay, well. I'm glad –

Ms. Stevenson: You _____ the administrative review process.

Mr. Axthelm: I think I like the less restrictive here in this situation. The dike district building's probably a prime example, the one on down by Conway. We had issues for putting that in because of the height and it was replacing a building that was already there. We were basically building the same size building, but because of the shorelines there were restrictions like you couldn't build it so close. It ended up solving itself, but this would solve that problem because it would *allow* it. Now it doesn't mean that a fire station's going to be there unless, in that situation, it is needed in that area. It seems like what you're doing is allowing it in certain circumstances. Is that –

Ms. Grueter: Right.

Chair Lohman: Conway Fire Station.

Mr. Axthelm: Conway Fire Station – yeah – which is down in the floodplain, typically would be set somewhere else, but in order to serve the people out on Fir Island and those areas –

Chair Lohman: Yeah, it had to be there.

Mr. Axthelm: Yeah.

Ms. Ehlers: That's a good example.

Chair Lohman: So you're going to be doing more work – am I hearing that? – on the –

Ms. Grueter: Yes, I think we'd like to bring back just at least one or two additional rows that really just do a subset and make more allowances for the marine researcher, the facility that is clearly water-dependent. But keep the rest of them that are – you know, the typical governmental fire, police – you know – elementary school or whatever – keep them conditional use. They can ask. There's a more strict review process, but they can ask.

Ms. Stevenson: I guess I still have a question so I'd like to keep this discussion open and hear from you guys, because if you look at the Commercial development, which is supposed to be considered in a similar sense, the requirements for Commercial development are less than what we're proposing for Institutional. So why are we separating the public entities – some of them – out and making it more restrictive and requiring – so we just want to kind of look at that a little bit.

Ms. Ehlers: Well, the Commercial was supposed to be water-oriented.

Chair Lohman: Yeah, but look at the matrix over on – flip to page 13.

Ms. Stevenson: Yeah, we're talking Commercial as water-oriented and Institutional as water-oriented and we're not requiring the same types of permit review, is what I'm saying.

Ms. Ehlers: Well, if they're both water-oriented I have no difficulty with them being treated the same. But there were far more Commercial water-oriented proposals than this list for the Institutions, and maybe that's what turned us aside.

Ms. Stevenson: But it should have been the opposite then, if your theory holds.

Ms. Ehlers: Be more restrictive for the Institutional.

Chair Lohman: Well, look – Carol, flip over to 13 on that table and look at Commercial until you can see what Betsy's telling us.

Ms. Grueter: Basically we've broken out water-oriented into its three lines: so, water-dependent, water-related and water enjoyment are all types of water-oriented. So we've been more specific on the Commercial side. That's one difference.

For non-water-oriented uses, we've only allowed them in the High Intensity and the Aquatic. In the Aquatic there's limitations. There's a footnote there and there's some other restrictions in the performance standards.

Ms. Nakis: So – excuse me – what kind of Commercial development would be located in an Aquatic area?

Ms. Grueter: I think on harbor areas, waterfront – you know, docks. They might have parts of their business that are water-dependent and parts that are not. That's what this was intended to address.

So I would say in terms of non-water-oriented we only really allow in the High Intensity and a limited way in the Aquatic and we prohibit everywhere else, whereas on the Institutional the non-water-oriented we're allowing them to at least ask through a conditional use permit.

And then the mixed use commercial and the mixed use residential there, in the performance standards themselves there's a requirement that at least there be a component of a water-dependent use. So that one is kind of buried in the definition in the performance standards.

Chair Lohman: But you dropped off the non-water in front of those two, correct? That's implying they're non-water?

Ms. Grueter: No. The mixed use commercial and the mixed use residential in the performance standards have a requirement for a component to be water-dependent.

Chair Lohman: Okay.

Ms. Ehlers: And that's in the text?

Ms. Grueter: Yes. So what we can do is we can move the non-water-oriented down to the very bottom row to make that more clear.

Chair Lohman: That would be a good idea.

Ms. Ehlers: I don't like a principle which implies to somebody that they can get a permit for something and then the County puts up objection and objection and objection and objection. That's what the game was supposed to be with aquaculture and it wasn't fair. You need to – if you're not – if you know there's going to be a negative experience with something – with an application – because there has been before – like the apartments on Pass Lake – you don't imply to people that they might be able to get a permit if they did certain things, and then not tell them exactly what they have to do. I like to be fair to applicants.

Chair Lohman: Okay, anymore on Institutional Development?

(silence)

Chair Lohman: Okay, moving on: Industry, 14.26.400, page 63.

Ms. Grueter: So in terms of Industry, it's fairly similar to Commercial to many ways in the performance standards, but there are some differences in the use matrix. And we would allow Industry and High Intensity with the simplest permitting. Water-dependent Industry would be permitted in Aquatic Rural Conservancy and Urban Conservancy. We allow, by conditional use, water-related Industry in some of the designations. It would not be allowed in the Natural environment. And, similar to Commercial, there's a preference for water-oriented, water-related or water-dependant Industry over non-water-oriented uses. You can, however, add public access. There are some abilities to add non-water-oriented Industry if they're separated from the shoreline or if they provide significant public access.

There are some additional performance standards related to a preference for joint use of piers; what to do with petroleum product industries; log storage and that sort of thing. Some of those are already in your current SMP.

Ms. Ehlers: Why are you permitting Industry in Rural Conservancy which is residential – high density residential?

Chair Lohman: No, it's not.

Ms. Ehlers: Yes, it is.

Chair Lohman: No. That's an allowed.

Ms. Grueter: Shoreline residential's basically residential, but Rural Conservancy and Urban Conservancy, yes, they allow for residential but they may also allow for other non-residential uses.

Ms. Ehlers: Not here. I spent a lot of time on these designations because that's where I've seen the conflicts. And what I see and worry about is the – I've said it before; I guess I'll have to say it again: You don't mix residential areas with industry. That's why we got rid of the super tanker port. It would have been a wonderful industrial project someplace, but not where it was proposed.

Ms. Grueter: I think this is another example of where we're letting the underlying zoning control. So the Rural Conservancy could be applied over on top of a variety of different zones. So where it's a Rural Residential zone, then the underlying zoning's not going to allow for a wide variety of uses.

Ms. Ehlers: I spent a lot of time on this, and on the minimum guidelines to designate the various things, so that I could understand what Rural Conservancy is, I looked at the map. Where my neighborhood is is Rural Conservancy. So if I read this – and I don't want to say this – but if I read this the way I think I read it every damn thing we've done for the last fifty years we'll have to continue doing, and I don't think that's what is ideal. Because all too much of this – all too much of these proposed industrial things do not protect the shoreline the way I understand we are supposed to protect the shoreline. We're supposed to protect the beach. We're supposed to protect the environment. We're supposed to protect the context. The upland part of it – if you have any kind of upland you're supposed to protect that upland, so we bought it so it would remain absolutely pristine, the way it had been forever. You don't want to take that kind of an area and put any kind of industry in it because you can't say that there's no net loss. There *has* to be a net loss. And so there has to be some better relationship between these designations and the zoning that's on the shoreline in the 200 feet and a little above it, and what these rules say, in order to accomplish what I have always understood this document is to accomplish: No net loss. You don't make it worse. You make it better if you can.

Ms. Grueter: Betsy –

Chair Lohman: Carol, if I may, I think this is illustrating – some of us can see the different layers. You have the underlying zoning layer and then you have the critical areas layer, the shoreline layer, maybe a mineral overlay layer. Maybe what needs to happen is if – is it possible to create a chart so that folks can see their path? Is that possible – maybe that's a question for your –

Ms. Stevenson: You mean as far as just somebody wants to just – all the different places that they would need to ___ check?

Chair Lohman: No, I don't think you'd need – you could use an example. You could use an example of the Rural Residential in – that happens to be in the shoreline. So if you drew a path – okay, you have a Rural Residential – like Carol – and it's within the shoreline jurisdiction – it may be in the critical areas jurisdiction – so what is that path? You could do the same thing if you have an agricultural parcel also in the Rural Conservancy – what that path would look like. Is that a possible? Can you do a pictorial?

Ms. Stevenson: I'm still not necessarily following. For like a permit proposal or just, Here's your property; here's what your zoning is; here's all the other layers that may be there. I mean, are you looking for – I'm not sure....

Chair Lohman: Well, you know, it's kind of like when you have the Gray's Anatomy book and it has all those pages that you peel off. When you pile them all up, it's the whole body, but you can get down to the nerve system and the muscles and all of that. But this is sort of in a way like that because you have all these layers. And where Carol is illustrating a confusion is you have the overlying Rural Conservancy, and the very word "Conservancy" which we mentioned earlier has a certain connotation for a lot of us – what that means. Yet within that Rural Conservancy you have all these allowed activities or uses, but not necessarily. It's only if the zoning, which is the bigger Kahuna in there, says that you can have that use. So just because you're in Rural Conservancy – coincidentally so is Industry – doesn't mean next to your house there's going to be all of a sudden some kind of bottling plant or some kind of manufacturing.

Ms. Ehlers: Whatever it is, but you need to be able to see. Annie's absolutely right.

Ms. McGoffin: You're talking about layers.

Chair Lohman: Yeah. Because the public when – the majority of folks don't know all these little elements. They're regular folks. They're not getting down into the minutia. They've got a piece of property, they've spent all their money – their life's savings – on it. They want to know what in the heck can I do with it. They don't want to have to buy a road map to get through a use matrix. They want to know – cut right to the chase. They even want to know that probably before they buy it – what they can or cannot do with it.

Mr. Axthelm: It's similar to your – I think – your I-Map function, is that you can turn off certain layers and turn them on. Getting your trails, your – you know, all these different things – into that and having the ability to overlay it. And even if it's a pdf and they're all the same size – they're all the same size drawing – that you can overlay those on top of each other. And maybe that's the whole.

Ms. Stevenson: Overlay, I think, is the tough part, or at least it has been in the past. Yeah, for the GIS to be able to have one, put the other one over and continue to still see what's coming underneath.

Mr. Axthelm: To match up the points – yeah.

Ms. Stevenson: You can put some on and take them off, but you don't necessarily get it one on top of the other where it's something clear or transparent, like you're talking about the anatomy books where you could see one but you still can see the whole inside of the human body when you're finished. You'd have such a mess, I think, by the time you had all those layers on you wouldn't know what you had anymore. Because for one thing, the legends are all different as far as what it means on there. Like the mineral overlay is a cross-hatch, the zoning is a color, all the different things – it would be – I understand at least now what you're asking for and I'm not sure. I know we don't have that function now. It is a click on/click off kind of thing and I think it just becomes a GIS nightmare. And you have more – I'm not a GIS person who understands it.

Chair Lohman: Well, even if you got away from a map and did a chart.

Ms. Stevenson: But each property is going to be site-specific is the problem.

Chair Lohman: But they're going to be zoned similarly.

Ms. Stevenson: Not necessarily – I mean it depends on –

Ms. Nakis: Maybe if you went with colors instead of patterns.

Chair Lohman: Or – or – well, it's an idea.

Mr. Axthelm: I know when I was down in Idaho they had a county down there that was doing that actually. And they would layer – I thought it was I-Map that they were using as well, or something similar to that. But it was layered. And all their plumbing, all the – for the city, let's say, you have all the different lines – utility lines, your power, your setbacks. It was all a button that they clicked on and off. So, you know, I use I-Map and I overlay or I take the site plan, and then I switch it and turn it off and put the aerial on, and then I pull them into Photoshop and then overlay them myself. But they don't always match up and I can understand where that difficulty is.

Ms. Stevenson: Yeah, yeah. And it is a problem and, you know, our GIS folks would tell you the same thing. Every map that they do, the parcel information doesn't necessarily line up with all the other things, so when you try to do it your margin of error just starts getting bigger and bigger if you're looking – if somebody's looking for their specific parcel and wanting to do that. I'm just not quite sure how to address what you're saying in a fairly general way but still answer a landowner's issue for trying to do it, because they are going to be so different, depending on where the property is because the zoning's – you know, they're all variable.

Chair Lohman: But you're going to have to answer all those questions at some point.

Ms. Ehlers: Yes.

Chair Lohman: When somebody comes in and wants –

Ms. Stevenson: We do it everyday.

Chair Lohman: Right, right. And so if you could have a plan on how to –

Ms. Ehlers: Okay, then think of it – Betsy, think of it how you would think through what you would be able to say to somebody who came in and said, I want to buy this 5 acres here. Can I do this or that? Or the worst question for you is, What can I do with this or that? Or, I have this parcel in this subdivision. What am I going to be limited for? A new guy bought down the road. He looked in every place he could think of to see what was going to be next to him and he couldn't find it. And he's furious because he spent a lot of money trying to know what was predictable next to his property for the next ten or fifteen years, which is what I think most people now – especially the prices you have to pay for this land – are going to be doing. Some of us are lucky and folks bought it for nothing, but the new people who come in, they pay a lot for it and we all pay a lot of taxes for it, so you do need that predictability, for you folks as well as us.

Ms. Stevenson: We have a great set of maps that we did develop early on in the process that was kind of part of the Draft Analysis that uses existing data. I don't know how interactive they are for laying one over the other. But, I mean, you can certainly find a parcel on each one of them and go to the different ones and take a look at that. So in that sense it's great. You can do it over a base map, you can do it over an aerial. It's ____.

Mr. Nickel: That's what they – the maps do provide – I think we have those in high resolution formats online on the County's website. So you can actually zoom in, look at the underlying zoning, you know, go to the map that depicts the – it *will* be up – the environment designation speaks to the same thing. Then I think the question becomes, Okay, what other attributes do you need? Critical areas are highly variable along the shoreline and are probably even more important to discern, which you have there in terms of critical areas. The zoning and the environment designations piece are going to be fairly easy on a parcel. I'll be able to figure it out if I do it in a couple of clicks.

Ms. Ehlers: Zoning's easy to find. The difficulty is that when we zoned we completely ignored topography.

Mr. Axthelm: One more comment for the Industry section. We weren't totally finished with that, were we?

Chair Lohman: No, it's still open.

Mr. Axthelm: Okay. It seems to me that I would be concerned about issues from the industry getting into the rivers or getting into the shorelines. But I can understand why

you wouldn't put all that in here because environmental restrictions will restrict that. I mean, just because you allow it doesn't mean it's going to happen. The environmental restrictions say, No, they can't do that there because it causes issues with the shoreline. I would think. Am I wrong?

Ms. Grueter: There are definitely performance standards we've put in here that do relate to environmental conditions, and there may be other agencies that will have to permit an industrial use way above the County, and it may be difficult to put that in.

Ms. Stevenson: And if they don't already have something operating there and they're going out to purchase property, headed for the shoreline is not where they're necessarily going to go. I mean, you know, if it's something new, because it's so expensive and, as Carol mentioned, a lot of the places they don't really have the utilities and the things that they need in place in a lot of the rural shoreline areas. So I guess in that sense, unless it's something that's already existing or, you know, that wants to expand or do something, you may not have a lot of new industry unless it is water-dependent and they need that location.

Mr. Axthelm: Since I'm saying it because I'm more of a public ___, because people need to understand. It's not like you're allowing this. You're saying, Okay, this can happen. There're still restrictions there. So thank you.

Chair Lohman: Anybody have anything else?

Ms. Ehlers: Not now.

Chair Lohman: Okay, we're at the end of the list. So the next agenda item is to wrap up and review for the June 19th special meeting.

Mr. Axthelm: I have one question. The last meeting we had a gentleman that had brought something up about why – I understand why you have to redo some of this, but because it said "update" in the first place on the Shoreline Master Plan, and it actually is rewriting a good share of it. Do you have an answer to that?

Ms. Stevenson: Sure. We are required by the law to update our Shoreline Program. The state has adopted new guidelines and rules on what that Shoreline Program looks like. If we just tried to send in our existing program, it's going to come back – Sorry, that doesn't cut it. I appreciated his comments but this is a perfectly good program. Why are we doing this? The citizens didn't ask for it. But we are required by state law to do it, and if we don't perform that function in the reasonable amount of time that they've allocated they'll do it for us. So the state has the authority to write our plan for us if we say, No, we like the one we have. We're just not going to do it. So I don't think that's a good option.

Mr. Axthelm: I would encourage you to put something in the notification that states – maybe to the effect that it's an update but we are trying to match the state, or

Department of Ecology, so that they understand it's not just updating. You're still – you are taking items from the other Plan –

Ms. Stevenson: Yes.

Mr. Axthelm: – but it's so extensive that you have to pretty much rewrite it.

Ms. Stevenson: And there's a lot of new things that we have to address that we just didn't address back thirty-three years ago.

Mr. Axthelm: It seemed important ___.

Ms. Stevenson: Thank you.

Mr. Axthelm: Thank you.

Ms. Ehlers: In the introduction to the Definitions you indicated what you had done to take the old set of definitions and improve them to the new set, and with strike in the red. I thought that was very sensible. Is that – is there anyplace here in the rest of the text where you did that?

Mr. Axthelm and Chair Lohman: Mm-hmm.

Ms. Stevenson: In some instances, yes.

Ms. Ehlers: Because some places in the rest of the text I find red type and I find blue type, and I thought maybe that was the difference between one draft and another as terms of the committee.

Mr. Axthelm: Page 125.

Chair Lohman: Yeah, and then 153.

Ms. Ehlers: Page 187, for example. There's red type and then there's red overlay. On page 186 there's some strikethroughs. Are the strikethroughs from previous editions of this so that the Shoreline Committee knows what you've changed?

Mr. Nickel: I believe, besides the Definitions section, the strikethrough –

Ms. Ehlers: No, I'm past the Definitions. I'm in the 14.26.

Mr. Nickel: Okay. The other areas that we left in track changes were part of the critical areas regulations. We wanted to note, because we're bringing in the critical areas language into this Master Program, there are certain changes that needed to be made. We want to make it clear where those changes were occurring. And so you can see where the language has been edited at this point.

Mr. Axthelm: Are you replacing the critical areas?

Mr. Nickel: No. Part of our requirement here is to address critical areas in shoreline jurisdiction. And so what's going to happen here is that once this Master Program is approved, critical areas that are located within shoreline jurisdiction will be regulated under the SMP.

Mr. Axthelm: So instead of having a duplication, you would refer it to this. It will take care of it here?

Mr. Nickel: Right. So once the SMP is approved, critical areas will be regulated either in shoreline jurisdiction, they'll be regulated under the SMP's critical areas regulations. If you're outside a shoreline jurisdiction then you are dealing with the CAO. We need to separate these and that's part of what the state requirements are. You know, right now the CAO, because it's more recently updated, it pertains to both outside and inside shoreline jurisdiction. Right now. That's why we're really trying to do a – to include the regulations as they stand right now – include them into the Master Program as they are. There're certain things under state requirements that we can't include. We can't include some of the reasonable use exception, for example. We have to do a variance process instead of under the shoreline requirements. So certain changes that we have made to the critical areas regulations, that's why we've shown it in strikethrough and underline.

Ms. Ehlers: But what does the red ink mean?

Mr. Nickel: I'm sorry. I have a black and white copy.

Ms. Grueter: I think there's just different authors of different changes and that's why there's different colors, but it's all the same issue as trying to update it for inclusion in the SMP.

Ms. Ehlers: I just wanted to know whether color meant anything because –

Ms. Grueter: No.

Mr. Nickel: No, not in that case. We had different people ____.

Ms. Ehlers: So far it hasn't seemed to mean anything anywhere and I think that's a disappointment. Does this mean that you're going to coordinate the Shoreline regulations with the Forest Board Manual regulations for shorelines that have fish in it so that these will be the same as the Board Manual regulations, which are really quite tough? And I'll follow/continue with that: Does that mean that a whole bunch of fish streams in Skagit County are no longer going to be zoned for mining?

Chair Lohman: Carol? If I could direct you to June 19th's potential agenda list, Forest Practices is on there.

Ms. Ehlers: Thank you.

Chair Lohman: Go ahead, sir.

Mr. Krkoska: I just want to say _____ going on with different regulations from different agencies, multiple layers of government, being on the Advisory Committee and watching these guys write this thing up I've been rather – actually very – happy with the amount of effort they've been trying to put into focus on making the SMP consistent with everything else around all those layers. I mean, it's not an easy job, and of course all the questions are good. And I know the public is going to be nightmarishly concerned about all these little bits of minutia across the layers, but watching these guys work and write this thing, they're trying their best to make sure the SMP is consistent with everything else, and that's one of the big reasons why this update of the SMP has to take place. You know, the old language isn't working with the new paradigms in the other layers, so that's part of the big reason why this thing does have to go forward right now on schedule.

Chair Lohman: Okay. Looking at the June 19th list here, with the addition of No Net Loss at the bottom, is that agreeable to everybody?

Ms. Ehlers: Mm-hmm. It seems like a full agenda.

Chair Lohman: Okay.

Mr. Axthelm: Some of these are pretty simple.

Chair Lohman: Mm-hmm.

Ms. Stevenson: Is this going to work okay for you guys, do you think? I mean, did this forum work okay tonight?

Mr. Axthelm: Mm-hmm.

Ms. Stevenson: Because I thought it was great and it was a good discussion.

Chair Lohman: And I appreciate the Advisory, even though I felt like we underutilized them.

Ms. Stevenson: They have a standing invitation to come. I haven't asked or requested them to because they're spending so much time and they're still meeting, too, as an Advisory Committee. But I hope they felt comfortable in stepping in and, you know, you acknowledged them when they wanted to comment at least. And each time we may get different people interested in different items who come. I don't know for sure. We'll just kind of play it by ear. But if you have specific questions that you want to ask, I think they were very happy to come back or, you know, ask the questions and get back to

you and that sort of thing, as well. So don't hesitate to go, What did they say about this? We do have in your notebook at least some draft meeting summaries of what those discussions were at the meetings that you can refer to, but don't hesitate to ask if you have those questions, for sure.

Chair Lohman: Well, I think we're going to get a heck of a lot more specific as we get into the details. Because we're not – we're in the big picture here and it's really hard to ask some of those detail questions, and maybe it's somewhat premature.

Ms. Ehlers: Yeah.

Chair Lohman: Any other thoughts on this?

Ms. Ehlers: I just hope that next time we meet, people speak up a little louder.

Ms. Stevenson: Okay. I will try.

Ms. Ehlers: Please. I never thought I had trouble hearing until I sit in this room.

Chair Lohman: And there is no dumb question so even if you think that it's, Oh, well, everybody knows that answer – no, we don't. Because there's a lot here that we could all miss. So even from the Advisory, thoughts – wave us down so we can recognize you to throw them out there. Because this is a work session and we need to flesh stuff out because we're not experts.

Ms. Mower: Thank you.

Chair Lohman: The next item, then, is Public Comment. Okay, this is the way public comment works. You can come up there and say your name and your address. It will not become part of the record. You will be recorded but it's not part of the official record because this is not a public hearing. So go ahead in no specific order.

Mr. Axthelm: But if you submit your information per the letter – at the public hearing, right?

Chair Lohman: Well, there is public comment being taken on the draft to the end of business on June 29th, but this is not part of that. Okay.

Jack Wallace: My name is Jack Wallace. I live at 11163 Blue Heron Road on Samish Island. My understanding from looking at the draft rules coming out of the CAC is that they will reduce the – or expand the shoreline setback from 50 feet to 100 feet in the Shoreline Residential area. And I own property on Samish Island and my home, built only fifteen years ago, according to the rules will now be a nonconforming structure. And in looking at Google Maps and looking at all the homes on Samish Island, Sinclair Island, Guemes Island, Similk Bay, Skagit Bay, all of the waterfront – saltwater waterfront – homes in Skagit County will become nonconforming. And what that does is

it transforms a relatively simple permit process into one that is a fiasco, that takes a lot more citizen time but also a lot more County staff time. And for this huge change being brought about by these rules, there's very little gain on the other side of the coin. And I sympathize with the person who commented at your last meeting about, Why do we toss out our existing SMPs? After all, citizens, voters, taxpayers of Skagit County have invested huge amounts in their homes, their properties, over the last thirty years in reliance on those rules, and now, just to try to be consistent with DOE's Guidelines, you toss those out. And I would differ with staff's comments about the requirement to do so. Even the document where the County received the grant to go through this process spells out quite clearly that the County doesn't have to follow the Guidelines. What the County has to do is include certain elements. So it wasn't necessary to throw out the rules. And I think it's important to remember that the citizens of Skagit County have invested and relied upon those rules, and it would be unfair to the other residents of Samish Island, Guemes Island and everywhere else that have waterfront homes, waterfront properties, to pull the rug out from under them now for very little gain.

So above all else, what I'd like to see – my selfish interest and interest of other homeowners – is try to respect the existing dimensional standards: the shoreline setback, the side yard setback, and the other hard and fast rules that have applied for thirty years. Let's not pull them out and toss them out just with the desire to try to be consistent with what DOE would like to see. Think more about what Skagit County residents would like to see, what they need, what they've tried to live up to for the past several decades. Thank you.

Chair Lohman: Thank you.

Kathy Mitchell: My name's Kathy Mitchell. I live at 1155 Chuckanut Ridge Drive, Bow, and I'd like to concur with what Mr. Wallace said front to back. I do agree with everything that he said.

A lot of us have invested in our homes and our properties and have invested in a number of the programs that the state and the County have put forth, like the stewardship programs, et cetera and so forth for forest stewards and other things. And what we see on practicalities with living there and taking care of those properties everyday is different than what's in the books and what the state would like for us to do for DOE requirements for changing because they think we need to.

Some of the practicalities that we live with – and I'd like to just come back to two things that you guys went around with a number of questions and comments about, which I was really pleased to hear – for just simple things like public access and recreational development. Here's practical, everyday things: We live very close to Chuckanut Drive, Highway 20, a state highway. The state and the roads do have easements, just like we have an easement on our private roads across each other's properties, because there's one road in, one road out, where we are. As the crow flies, we're probably less than a quarter of a mile to the water – very steep slopes, railroad down below us, state highway down below us. There are turnoffs. There are accidents that happen all the

time on Chuckanut. There's an awful lot of sightseers coming from all over the world enjoying the beauty that we have.

The difference is that we bought the property, pay the taxes, live with it, clean up and take care of it, and they don't. And I don't mean to sound too curt because we understood when we bought and we moved there that this is a natural resource that everybody loves. But the practicality of it is that we're the ones that have to take care of it. Who's kidding who? The state is not paying for taking care of much except for the road itself. The railroad pays for a lot and takes care of a lot of maintenance down below. Now what happened with us being residents, I am a first responder, not because I want to but because I have to because the state changed laws several years ago where they said, If you are further than five miles from the fire department that serves you we will not insure you anymore. At our gate is the five-mile mark. We've never had a problem with fire service not reaching us. We also abut up to DNR property and the DNR – if it's a home, the fire stations and fire departments take care of it. If it is wild land – i.e., forest – DNR takes care of it. We are at the interface. There are quite a few people in our area and our neighborhood – there's three conjunction – neighborhoods – that run up together that all pull together to try to take care of things, and have done a very good job. Taylor Shellfish Farms is below us. They're good stewards of their area as well.

But the practicality is when we had an awful lot of folks coming through, we're the ones living with it and taking care of it. If you could see the garbage, the awful, that is deposited out on the roadsides that we have to walk through and live with. We're talking condoms and everything else. It's disgusting. Back to what the gentlemen were saying, What's Betsy going to do for the liveaboards? You know, is she going to come out and try to get them to move on? Well, we have a problem with liveaboards in the form of mobile homes that are parked down at the turnouts all the time. They don't just come and go, guys. They live there. They live there. They might move twenty feet or to the next turnout, but they live there.

Another thing that we deal with are the squatters. There are squatters down below, and when somebody brought up the issue – it might have been Josh was bringing up the issue about liability and such – interesting thing about property owners and liability. I'm not a lawyer and I'm not going to pretend to be. There are different RCWs and WACs, but we found out some very interesting things. There were some squatters that had periodically set off fires – accidental or not; we don't know. There's kids that party – bonfires all the time down there, and I'm talking in the summer when the winds are blowing uphill. That scares the bejesus out of us for rightful reasons. Not everybody is responsible. Yeah, you do have some folks that are but there's an awful lot that are careless and irresponsible. We've put out numerous fires down there. We've put out numerous fires that the train starts. It's really hard to get there and to find them.

So what I'm asking respectfully is for folks to please consider when you're talking about changing to more public access, to more places, we're already having a very difficult time taking care of things as they are because the state doesn't have the money for it,

the County doesn't have the money for it and, quite frankly, the landowners and the people that live around there are the ones that are ponying up and do all the work. And we pay the taxes and our taxes just went up \$2000 this year.

One more thing. Because of the squatters and the problem, here's one of the legal issues that I did not know, and thank goodness I've got contacts in the DM, DNR and also the Fire Marshal's office. We kept reporting time and time again when these things were happening. They can send out the Sheriff, they can send out the Fire Marshal, but catching the folks is a whole other ballgame, and sometimes they do. Believe it or not, in Skagit County we've even had the help from the Bellingham Police Department coming down and stopping people from attacking people there. So _____, drive around Chuckanut, get off on one of the little turnouts, go down the hill on one of the trails that they see. They don't realize that they're on private property, whether it's the railroad or one of the residents, because residents own property all the way down to the water. They don't realize the liabilities that are incurred. Then these folks get attacked by some squatter. Somebody sets a fire. There's garbage – a awful lot – there. There's needles out there. There's all kinds of awful things. I'm not saying this to scare you. I'm telling you the reality of what happens. So we were trying to move out some squatters because one of those squatters set off fires a number of times – really very concerning, especially in the summer. I don't know if you guys know inherently how fires behave, but it's not unusual from daytime to nighttime for conditions to change. Frequently daytime the winds will be different and good fire Forest Service people, DNR, others, realize they have to watch that constantly. They actually have people that *only* do that, changing with conditions quickly. Frequently what happens in our area at nighttime, wind shifts. The windshifts can come – they may be coming down the mountain out on the water during the day. Nighttime – shifts right back up, and it happens just like that.

So this is very real, concerning kind of things. When we had problems with these perpetual squatters that were causing a lot of the fires and attacking people, it took two years with law enforcement, with legal, with fire marshals, to finally try to get the situation rectified. And one of the problems was is we had to find the landowners that owned the land but lived elsewhere and get their permission to post. There's a set of rules. You have to post that it's private property; no fires; no trespassing. That has to be up there all the time so we try to keep word for that and watch for that. Nobody else pays anybody else to do that. Then, finally, when they could do something and move in, there was some help and aid for putting barricades up and putting signs up – this was with County, state, fire marshals. I don't know who-all helped with this – to finally get that area closed up because that was a perpetual problem, and with the kids coming down partying. They bring bonfire materials and set off fires down there – for fun.

So one of the things that really alarmed me that I did not know as a landowner and a citizen – we've got 24 acres out there, just a little further away; most of the people out there have 20 acres – if – and if I'd known we were going to have this conversation I would have brought the RCWs and WACs with me; I did not know – if a squatter or somebody else sets off a fire that ends up being a raging fire, going up the mountain,

crossing into state lands – i.e., DNR properties – and it's a big one and they have to bring in helicopters and other kind of services elsewhere, guess who they come back to pay for it? The landowner where it started. That's where they come back and get the money.

So you can understand why so many times a lot of the residents and property owners and landowners, they're not just being squishy because they don't want somebody walking across the property. It's because they hold the major liability for things. Heaven forbid if there's something else that happens. So understanding these things – and you can look up these laws and find them yourselves, or call the Fire Marshal's office and find out – these are very real things. And with the shoreline properties around – we've got thousands and thousands of miles. Does anybody even know how many miles of shoreline property that we have that you're addressing for the county, let alone the state?

Ms. McGoffin: Actually I did read that. It's a lot.

Ms. Mitchell: Yeah, it's a lot.

Chairman Lohman: You need to –

Ms. Mitchell: Yeah, I'll stop. But my point is is this. There's a lot of miles, and I loved the idea when somebody said something about fee for use. We need to take care of the parks that we have, the public access that we have and those kinds of areas and look and focus there. Every time you open it up and put it across private property owners, they just don't have the big bucks behind to take care of it, but they do have all the liability and the worry and the concern. Thank you.

Ms. Ehlers: Everything the County's talking about we have seen. The kayakers that come up on the beach –

Chair Lohman: Carol, it's public comments, not us.

Ms. Ehlers: – build fires, leave them.

Peter Haase: Thank you. My name is Peter Haase. I live at 14951 Benson Heights Place in Bow. And I want to comment on three things and I'll try and make it very short.

And the first one is I'd really like to thank you all and the folks who aren't here for taking the time to do this. You're putting in a lot of time and you've got to put in a lot more time. And it's a big job but it's an important job, and most of us that live here certainly value the shorelines and the protection and we want to see them protected a lot more.

Secondly, it has to do with the public. I was happy to see mention that these things are more available now on the website. I think after the last meeting some of the things that were supposed to be available wouldn't come up, but they are. So I think the public will

begin to pay more attention and get – dive into the kinds of materials that you're seeing, and particularly as September and October come along and it becomes public participation and workshop and input time, I'm sure you'll see a lot of public input – probably more than you even want. So I wouldn't worry about that.

And the third thing is that I know for me I was pretty concerned about this process because there's so many other environmental processes that are also having to be dealt with: the new NPDES Phase II requirements, the BiOp requirement, critical areas, the whole business up in the Samish River that we can't seem to get a handle on. And a lot of us were worried that there was time to work all these things and so it's really been good for me to see that the staff has been made available to work on this issue; that the people I know on the Advisory Committee are well-qualified to do the job you've asked them to do. We have a real variety of skills and experiences and abilities and knowledge there, I think. And the consulting firm has done this before and certainly understands what's trying to happen and what the mechanics of it are, and I think that's an important thing. And then lastly for me, I think the guidelines and the direction and the possibility of threat from the Department of Ecology is an important issue here, that this is a state regulation, a state requirement. We do need to meet state – we can't just do what we want or an individual citizen wants or Guemes Island wants. It is a state issue and these are state shorelines.

And so I think we have a lot of things going for us and I look forward to it, and I thank you very much for the time you're putting in. Thanks.

Chair Lohman: Okay. Do I have a motion to adjourn?

Ms. McGoffin: I move that we adjourn.

Ms. Ehlers: Second.

Chair Lohman: There's been a motion that we move to adjourn and seconded. All those in favor?

Ms. Ehlers, Chair Lohman, Ms. Nakis, Ms. McGoffin and Mr. Axthelm: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: (gavel) We're adjourned.