

Skagit County Planning Commission
Discussion: Shoreline Master Program Update
July 2, 2013

Commissioners: **Annie Lohman, Chair**
 Josh Axthelm, Vice Chair
 Carol Ehlers
 Keith Greenwood
 Dave Hughes
 Bob Temples
 Elinor Nakis
 Matt Mahaffie
 Jason Easton (absent)

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

Public
Commenters: **Randy Good**

Chair Annie Lohman: Okay, I call to order the meeting of the Skagit County Planning Commission. It is July 2nd, 2013, and it is six o'clock, so if we could – everybody is here with the exception of Jason Easton, so we have a quorum. So if you could look over the agenda and if there's anything you'd like to change or correct, please let us know.

(silence)

Chair Lohman: Okay, seeing no changes or corrections let's move on to Public Remarks. And I'd like to remind the public that each speaker is allowed three minutes, up to fifteen minutes total. So if you could give your name and your address, so come on up.

Randy Good: My name is Randy Good, 35482 Highway 20, Sedro-Woolley. I wanted to tonight just to alert the Planning Commission to some dishonest actions that have been undertaken by certain Skagit County officials that have undermined all the time and work the Planning Commission has devoted to developing codes for Skagit County.

The County Commissioners requested bids for the following Cascade Trail paving project on May 20, 2013. That contract provided for improvement of 0.7 miles of the Cascade Trail and a parking – trailhead parking lot. It was placing and grading crushed surfacing top coarse, HMA, permanent signage, pink striping installation of drainage pipe, erosion control and other work. Our Skagit

County Comp Plan from 2007, Policy 8A-6.3 reads: “Like all transportation projects, non-motorized transportation projects must be added to the Six-Year Transportation Improvement Program (6-Year TIP) in order to be funded.”

I have a copy of a memorandum and I have copies for all the Planning Commission members, and it’s to the Skagit County Planning Commission from Kirk Johnson, Senior Planner, dated January 20, 2004, regarding Non-Motorized Transportation Plan Remand from the Board of County Commissioners. And it reads: “This memorandum summarizes the purpose for the Board of County Commissioners’ remand. The Board of County Commissioners considered the Planning Commission’s recorded motion on the Transportation Systems Plan and Non-Motorized Transportation Plan on November 17, 2003. That ordinance also remanded chapter 10, the Non-Motorized Transportation Plan, to the Planning Agency” – that’s the Planning and Permit Center – “and the Planning Commission for further consideration. The Board of Commissioners included the following findings in the ordinance as conditions of that remand.” I repeat, “The Board of County Commissioners included the following findings in the ordinance as conditions of that remand.” And it goes on under number 1: “The Cascade Trail is an existing transportation facility and is described as such in the Transportation Systems Plan. In addition to be used as a trail, it is important to preserve the right-of-way as a railroad corridor for potential future industrial use – for instance, if a saw mill were to locate in Hamilton.” And I’m still on the same issue on is the Commissioners’ remands. “Once the Non-Motorized Transportation Plan is adopted, there will be a public process conducted by the Board of Commissioners” –

Josh Axthelm: Randy, your time’s up, all right?

Mr. Good: – “to consider placing non-motorized transportation projects identified in the Plan onto the 6-Year TIP.”

Mr. Axthelm: Randy, your time’s up.

Mr. Good: Three minutes, you mentioned – right?

Mr. Axthelm: Yes.

Mr. Good: Well, that was fast. Since there aren’t many others could I have another minute?

Chair Lohman: I think we can –

Mr. Good: Okay. I appreciate it. Okay, yeah, I’ll – I have copies of that document for you members of the Planning Commission. The Planning Commission spent many hours deliberating on this issue. In fact, there’s a transcript on it dated February 3, 2004. The Skagit County Comp Plan Policy 8A

was adopted after the Planning Commission's deliberations. The fact is that this paving project must be on the 6-Year TIP. It was *not*, denying all public process and an environmental review. Is it your job, Mr. Walters – if Mr. Walters was here – or Tim Holloran's – County Administrator's – job to see to it that County Comp Plan policies and laws are followed? Or who ordered them to figure out and they failed at trying to find a way around this policy? The Planning Commission has done an outstanding job putting together the policy 8A-6.3 of the County Comp Plan, and then for Mr. Walters to try to go around that by trying to go around it, it's shameful. The Planning Commission members and the citizens deserve better. Thanks.

Chair Lohman: Thank you, Randy. And you have handouts, you said?

Mr. Good: Yes. I want to have you guys have a copy of that.

Chair Lohman: Okay, who would like to speak next? Anybody? Okay, so let's move on on the agenda to item number 3. This is a discussion of the Shoreline Master Program Update.

Betsy Stevenson: Thank you for your time tonight. I just wanted to take a few minutes and go over where we are in the process and people have been kind of asking what we heard from the Department of Ecology so I thought I'd take a few minutes and kind of go through that as well.

The first thing that I want to mention is the public participation and outreach process. We did in May and June have open houses that you may or may not be aware of. Probably you were. We sent out postcard mailers to over 20,000 landowners of unincorporated Skagit County and the towns of Lyman and Hamilton before those meetings to let them know that we were having them. On May 28th we met here in Mount Vernon; on May 30th we met in Anacortes; June 4th we were in Lyman; and June 6th we were in Concrete. We had over 142 people sign in the sign-in sheets and I know there were a lot more people there that chose not to sign in. So we had a very informal process and design where we just had speaking stations for people to come and talk to folks about different subject matter, and it was a great opportunity to meet people one-on-one and try to answer their questions and talk to them about some of the issues that have been raised over time in the Shoreline process. And just kind of – a lot of people that I had never met before and it was just a nice process.

I also sent you a copy of the open house summary that you should have gotten. I think there're some on the table there, too. It gives you some of the handouts that we used and some of the different visuals that we had. So that's available to you as well.

The preliminary comments from Ecology – I will say they're preliminary because what they received from us was a preliminary draft. We haven't had the

opportunity to meet with them yet or discuss them with them in any great detail so I'm going to go through them. It is still just a summary. I'm not going to get too specific, although I do have the sections where they made comments in the PowerPoint presentation that I'm providing tonight. We will be meeting with them shortly and hopefully work out some of the language and details. Some of the comments that they made are just changes that we need to make and they shouldn't be a real – a problem at all.

With that, the first section – (trouble here with the PowerPoint and most comments are unintelligible)

(short break in the proceedings)

Ms. Stevenson: Okay, the first section in the document are the Comprehensive Plan policies for the Shoreline Master Program Element. Their changes were kind of general and they wanted us to make some changes to reflect their guidelines. They had some general questions and comments. And then the last portion was the Aquaculture section and they wanted some clarification on what our intentions were there. So all of this we'll need to talk to them about, clarify, and continue on.

The first section was the Applicability section. They had some questions about the language that we were proposing to use and also some comments about whether or not the Shoreline Program applies for federal development on and off federal lands. So we'll have some discussions with them about that.

The Relationships to Other Codes, Plans and Ordinances: Again they had some questions about the language that we used and the way that we are choosing to incorporate some of our documents by reference, so we will have to have some additional discussion with them about that as well.

The Environment Shoreline Jurisdiction and Environment Designation section, which is Part II of the Shoreline Program: The Natural designation, they did want us to include some of the management policies that we have in the text in the matrix that we put together – the Use Matrix – so we'll have to talk to them about that and see how best to make that work. They had a question about our boundary dispute process, and I'm not exactly sure what they meant by that so we'll get back in touch with them and talk about that as well. They had a couple comments on the Use and Modification Matrix that we put together. They wanted us to look at upland finfish rearing facilities as agriculture. We had it in there as aquaculture – hatcheries and things like that. Also they weren't sure about how we were using unclassified uses and minor changes, so we'll work with them on that as well.

The Environmental Protection section, which is 14.26.310 under the General Regulations, they want us to make sure that we're demonstrating that the

language that we're using meets their no net loss standard. We do go through mitigation sequencing and all the things that I think we need to do, but we'll make sure that we meet what they're asking us to do with that. We'll have to.

Public Access was fairly simple but we're still working on that section. We'll work with them on that.

There was a question in the Water Quality, Stormwater and Nonpoint Pollution. We referred to some state and federal standards and they basically said if we included those that we would need to be the ones probably enforcing them if we put them in our Shoreline Program, so we'll go back and take some look at that again.

The Aquaculture section we actually were dealing with more than just our Project Officer on this. They kind of got a policy group together as well to make some comments so these are a little bit more detailed than I would get into with the rest of it. But as you saw and as you know, we spent quite a bit of time on this, so I'll go through this anyway.

They had some comments about our definitions and our general intentions of what we were including in Aquaculture. Harvesting shellfish on private property for personal consumption – they do consider that aquaculture and that was not our intention to include that there.

We had a section there that says, When is a shoreline permit required? They had a lot of comments about what types of activities would need a shoreline permit, so I think that we need to spend some time with them. The policy folks who are looking at our Aquaculture section evidently didn't refer back to any of the rest of the draft document, which some of the things that are in here you have to kind of refer back to other sections of the document to make sure that you're covering everything. So I think we are planning to have a meeting. We just haven't been able to schedule it and get everybody together.

The General Requirements section of the Aquaculture section: They had some concerns about our language as far as impacts to native eelgrass. At that point in time they hadn't necessarily differentiated between native and non-native eelgrass. They also – again – didn't have our Environmental Protection section where we do provide mitigation, we do address critical saltwater habitat and the different things that you need to do. So I think that's just some discussion that we need to have with them.

The rest of the General Requirements there: I'm going to read this one. "One of the best approaches that we've seen so far – simple and does not confound or get crosswise with state and federal regulations; minimizes them becoming obsolete; and it also avoids causing problems or extra steps for the industry. So woo-hoo, we got one right!

Floating Aquaculture: This is a comment about geoduck tubes and that they aren't considered structures, under an Attorney General's determination. So we'll have to clarify that – that we're not including those in there.

Our section on Shorelines of Statewide Significance, we got a "well done" there, too, so another happy dance!

The Net Pens: The comments that they have there, we proposed some different distances from the mouths of the rivers, from parks and different things, for locating these. They said in order for us to do that we would have to make sure that those distances could be supported through our science and Cumulative Impacts Analysis. I'm not sure we can do that, so we'll discuss those and we may be removing those numbers or at least talking to the Advisory Committee and perhaps to you guys as well to see how we best handle that.

The section on Geoduck Aquaculture: Basically there's a comment in there, or there was a statement in there that the County would rely on monitoring and reporting of other agencies to satisfy the local requirements, and their comment was that maybe that should apply to all aquaculture permits and not just geoducks. And I think that sounds like a good idea so we may move that into the General Standards section.

The next section was Boating Facilities. My comment here is we still have a lot of work to do on that. They had some comments and concerns with the way that some of the stuff that we were doing, so we need to make sure that we're still working on that section to clarify it, organize it better, have it make more sense, have some of the information about docks and things that affect more people upfront and easier to get at, and the marinas and some of the other things that you have to deal with in that section maybe towards the back. So basically their comments were, What about this and how are you handling that? So, yeah, it needs work.

Commercial Development: There was some question about our shoreline access for water enjoyment uses. I think we're going to have to talk to them about this one. I'm not sure that they understood what we meant by that because I think what we did was fine.

Mining: They just had some very minor changes there so I think we can rewrite those and be fine there.

Recreational Development: Some of their standards – we talked about critical areas and they wanted us to just add "and their buffers" to most of the areas where we make reference to critical areas. So we can look at that and probably rewrite those sections.

Shoreline Habitat and Natural Systems Enhancement Projects: They want us to change our long-term monitoring and maintenance requirements from three years to five years. We'll have to take a closer look at that and just see if that jives with some of the other things that we require now or if that's more. I know there was a concern raised by Tim Hyatt on the Advisory Committee from Skagit Systems because the grant money doesn't cover long-term monitoring and reporting, and so he was concerned with having any requirement. I said you have to do something, so we put it in at least for three years. So we'll have to go back and see.

Chair Lohman: So what did Ecology say?

Ms. Stevenson: They want us to change it from requiring three years of monitoring to five years.

Chair Lohman: So they support our –

Ms. Stevenson: We said three.

Chair Lohman: But they support us having the monitoring?

Ms. Stevenson: Right.

Chair Lohman: Okay.

Carol Ehlers: But not with money.

Ms. Stevenson: They aren't necessarily the ones who usually fund a lot of the restoration projects.

Ms. Ehlers: Who does?

Keith Greenwood: But they're the ones requiring it.

Dave Hughes: Tax revenue.

Ms. Stevenson: One of several. Yeah, there's lots of both non-profit organizations, state and federal agencies.

Ms. Ehlers: I think it would be useful if we talked about that someday.

Ms. Stevenson: Okay.

Ms. Ehlers: Because unfunded mandates are always tricky.

Ms. Stevenson: The Transportation and Parking: Again, just adding the comment of “buffers” associated with the different things that are listed there. We can figure out a way to reword that so that we comply with the state guidelines and standards.

Utilities: They had some comments about changing our language from “discourage” to “prohibited unless determined to be infeasible,” which – I don’t like to use the word “prohibited” because then they say, Oh, but they could get a variance. And it’s like, well, if you’re saying that it’s prohibited – a utility is prohibited to locate in a shoreline area – then you’re not really allowing necessarily the variance process, or you’re going to make it that much harder on somebody. So we’re going to have to have some discussion on that one and just see.

The next section was Part V, the Critical Areas. They had some comments about – again – our incorporation of the critical areas ordinance and how we’re going to do that, so Ryan has some ideas on that as well so we’ll have to talk in detail with Ecology about that.

They wanted some additional provisions under Fish and Wildlife Habitat Conservation Area. They had some questions and wanted some clarification, so we can go through and do that. Their wetlands specialist who works with us up here, Paul Anderson, who has come to Planning Commission work sessions for our critical ordinance update had some specific comments that he made as well – which I didn’t include here – some of which go back to our critical areas ordinance update that he made then that weren’t necessarily incorporated, so he’s making those again, and then some specific to the Shoreline Program. So we will meet with them. He was out of the office for a few weeks and we just haven’t been able to get together. So we’ll meet with them and try to come up with something that works for everybody, but we may be back to you asking for some help and support on that as well.

This section is one that we spent some time on and something that is different than what a lot of programs are doing. And what we were trying to do was bring in our critical areas ordinance allowance for administrative variances into the Shoreline Program so that we would allow an administrative variance for a standard buffer reduction up to 50%. Their comment on that was in terms of wetlands their science indicates that a buffer reduction could only be to 25% as an administrative variance, and then beyond that they would need a shoreline variance. So we’ll have to keep talking on that one. I’m hoping that we can convince them that this would work and is a good idea, but... It was only on wetlands. It wasn’t on the streams and everything else, so we may have to go with that. But another item for the discussion with them when we can meet.

The Administration section: The comment on Final Decisions is that the Department of Ecology wants copies of all the decisions on our administrative

decisions, which is fine. That's not a problem. We'll just add something in that language.

And under our Shoreline Amendments they also ask that we have either some criteria or acknowledge that there is still a limited shoreline amendment process. So we can do that as well.

Definitions: We're still working on them. We're going through right now to see if there are definitions in there that are terms that we aren't even using in the document anymore; if there's repetition; if there's a better way to do it if we're changing things. So we're getting that cleaned up now. So, again, more work needs to happen.

So that's pretty much the comments that we got in a nutshell.

Next steps: We're continuing to work on all of the document, cleaning up the sections that we really need to clean up. We will continue to do that. Our grant ended June 30th so we have finished as much of the work as we could do. We're finalizing and we'll get our final report and billing into the Department of Ecology within the next two weeks. We'll have a draft Cumulative Impact Analysis report, draft Restoration Plan that will continue to need more work because we started that fairly late in the process. Some of our mapping work that we needed to do and continue on with that, and then hopefully we'll be working on the draft document and the next draft that comes out and is available – I don't know what you guys' schedule is. I kind of wanted to ask you what you're thinking. I'd like to bring it back to you before it becomes the draft adoption document so you can have one more chance to kind of look through it – give it to you maybe a month in advance of when we're going to have a meeting so you do have some time to actually go through it. And then maybe we can just spend some time – some of the meetings where you did have long enough in advance of the meeting you were able to provide really excellent comments and responses to things – so at least give you a chance to go back and see if we did what we said we were going to do and if we made the changes or if we didn't, why, and all of that sort of thing. So that's my thought at this point. I know you've got other things that are going to be coming before you in the fall so we'll just kind of have to schedule it as we can. But I'm not sure how long it's going to take for us to get this draft prepared and ready to go, so it'll depend on that as well, but I have kind of factored some time in for you guys to have it again before it goes out for the Notice of Availability and comment time.

Chair Lohman: Any comments from the Planning Commission on that kind of schedule? Carol?

Ms. Ehlers: I'm very enthusiastic about that as I think it's crucial for our understanding and acceptance, and essential for the public understanding and

acceptance. And I'm very pleased Betsy's *suggesting* it instead of anyone having to ask for it. Thank you, Betsy.

Ms. Stevenson: Sure. Thank you for your time.

Chair Lohman: Thank you, Betsy. Okay, moving right along. Any other comments about the Shoreline Master Program from the Planning Commission?

Mr. Greenwood: My question just surrounds – we have – I have a working draft – the one that was submitted to Ecology. Is there room, Betsy, to make comments on that particular draft to you? Or is it – you've already got enough things from Ecology to work on?

Ms. Stevenson: Well, no. You can.

Mr. Greenwood: Okay.

Ms. Stevenson: We've made quite a few changes but you can go back _____.

Mr. Greenwood: Okay, because the latest one that I have.

Ms. Stevenson: Yeah. That's the latest one _____.

Mr. Greenwood: And you're not quite sure when we'll get the next one?

Ms. Stevenson: Right. _____.

Mr. Greenwood: Okay. All right.

Ms. Ehlers: I have something to mention. We have never talked about it, but if you look at the County zoning ordinance at the upper end of the Skagit – upriver end of the Skagit – just downstream from Bacon Creek, apparently the scenic river ends. And from Bacon Creek to Copper Creek, a little bit upriver from Copper Creek, it is not a scenic river nor is it in the – in any kind of federal protection program. That is because there was going to be a Copper Creek Dam placed there and which dam didn't work because it would have been a landfill dam on top of 300 feet deep gravel. I have the EIS for it and was intrigued with what I was reading. But the area between the scenic river ending and the national park is designated for mining, and I'm not sure that that is consonant with the rest of what we were told the river designation might ought to be. So I'm asking Betsy and whoever to take a good look at those maps and see if that's the appropriate use of the land because I don't think so. Apparently, according to a letter to the Concrete *Herald*, 700,000 people a year go over that road looking at that scenic area, and I don't think mines are in most of our category of scenic. So I thought I'd bring it up since I had just discovered it.

Chair Lohman: Okay, anything else on the Shoreline Master Plan?

(silence)

Chair Lohman: Okay, moving on, Dale, it'll be the Department Update.

Dale Pernula: Okay, a few things. I put a letter in your packet from the Washington D.O.T. Aviation Division regarding the Airport Compatibility. They came out with a new guidebook in 2008, I believe it is. Our current guidebook that our current standards are based on are based on the old 1999 guidebook and they asked us to review it in accordance with the new guidebook and also a couple of items there that are bulleted. One is to adopt Comprehensive Plan policies and development regulations that discourage siting of incompatible uses adjacent to public use general aviation airports, and formally consult with aviation interests prior to adopting Comprehensive Plan policies or development regulations that may affect property adjacent to public airports.

So what we will be doing is doing a – or having them do – a consultation with us regarding the Bayview Ridge Subarea Plan amendments, in accordance with this letter.

Ms. Ehlers: Good.

Chair Lohman: In addition to the consultant that you're working with?

Mr. Pernula: Yeah. Once we have – as we're working on the Plan update, which they're working on right now, we will present that to the Aviation Division of Washington D.O.T and then when we're getting in the process of adopting it we will ask for a formal consultation with them.

Chair Lohman: Okay, Robert?

Bob Temples: Dale, I've read the letter and – did they give you any insight as to what the differences might be, or is it just one of the state things simply saying, Well, we've made some changes and you'll have to deal with it?

Mr. Pernula: A few insights, and I'm not sure how – you know, without reviewing those standards in direct relationship to our proposed Plan update, I couldn't tell you what they are. But one thing in general is they don't like to see a lot of very high end homes right at the end of a runway. That's what they told me. Mixed uses – that kind of thing – is, although not the best example, it's better to have that than to have high-end, single-family dwellings. And they would discourage schools in some of those areas. Those are some of the comments they made. But specifically how that relates to our Plan, I couldn't tell you.

Mr. Temples: But is that – did they actually say that these were different than the old regs they were using?

Mr. Pernula: They say they are different but, you know, it's a big manual and our Plan's fairly extensive so we haven't really reviewed it in relationship of one to the other.

Mr. Temples: Have you scheduled anything as far as when you're going to meet with them to discuss this at this point? Or what's the –

Mr. Pernula: No, we're still in the process of drafting the update so no, not yet.

Mr. Temples: Yeah. All right – thank you.

Chair Lohman: Any other comments on this subject?

Ms. Ehlers: Not now.

Chair Lohman: Okay.

Mr. Pernula: Okay, I put a copy of a mailer that's going to be mailed to Bayview Ridge area residents, I think tomorrow. It's about a community meeting to be held July 30th, 6 to 8 p.m., at the Bay View School cafeteria, and it will be a presentation on the proposed PUD regulations for that area – the one – a similar presentation to what you got a couple months ago. And you are certainly welcome to attend that as well.

Next Tuesday morning the Board of County Commissioners will be reviewing the 2012 Comprehensive Plan proposed amendments and considering docketing of those issues, including the Anacortes UGA modification. That'll be next Tuesday.

Ms. Ehlers: At 8:30?

Mr. Pernula: I think it's more like 10:30. It's not at our regular time. They scheduled us, I think it's at 10:30 – 9:30 or 10:30 – I think it's 10:30.

And on the same light, this morning the Board of County Commissioners reviewed the legislative reform ordinance that you guys reviewed. I presented them copies of various things from the Commission. I presented Keith's memorandum – cover memo; the proposed bylaws from the Planning Commission; and the proposed public participation enhancements to the code. I also included a copy of that table that you have in front of you. What the table does is it takes a look at quite a number of issues and points out whether or not the Planning Commission's recommending in favor of it, what the state statute says, and so on. And they went through the list this morning from probably till

about – past 9:30 this morning, and adopted quite a few of those, including all of those that were presented by the Planning Commission, but several in addition to that, as well. They did not some of the things that we had in the staff draft, and I'll go over some of those:

There would not be the abandonment of the Planning Enabling Act.

They would not be going to the three-year terms.

There would not be a reboot of the Planning Commission.

There was a lot of discussion about Planning Commission training and I'm not sure where that's going to end up, but I think the discussion was more to have it provided to the Commission at Commission meetings to try to get the training, rather than just a mandatory requirement. That's kind of the way I remember it but I'll have to come up with the actual language.

And the bylaws would not be able to be adopted by the Planning Commission. They would still have to be approved by the Board of County Commissioners.

I think those are some of the things that were not adopted by the Board, but that's pretty much what happened, I think, this morning. And they directed staff to come up with a new ordinance that would address those items.

Ms. Ehlers: But we could *draft* the bylaws?

Mr. Pernula: Oh, absolutely. In fact, you did and you already submitted them to them. Yes.

Chair Lohman: And they accepted them?

Mr. Pernula: I didn't hear any negative comments about those.

Mr. Greenwood: Dale, I'm thinking that since Commissioner Dahlstedt was not there they were reluctant to make a final decision but, rather, they were giving comments on each one of the items as they went down through the table. And then they said – because I remember at the end – yeah, they were just pretty reluctant without Commissioner Dahlstedt. So I think there was going to be a continuation on some level before they – because they seemed to be making more comments, for one, and the other was that – like on training, for example, and as far as their approval or non-approval of our bylaws, Commissioner Dillon said that she didn't think they needed to give approval. And there was some discussion and I supported their giving us their blessing on our bylaws but still leave that in our hands. So there was more discussion rather than, Let's do this and let's do this and we approve this and we approve that.

Mr. Pernula: Yes.

Ms. Ehlers: But they did require *you* to draft something.

Mr. Greenwood: Yes.

Mr. Pernula: Yes. It couldn't have been approved today because there isn't an ordinance before them, so I will be drafting something with the legal staff in accordance with what they have here, but there will probably be a few things like training that will have to be worked out in final ordinance.

Ms. Ehlers: May I suggest something? When that agenda item was – I use the telephone to find out what's actually going to be on the agenda Monday and Tuesday. And when they said a decision would be made, or likely be made, and I knew there was nothing that was up that we knew of for them to decide on, it's disturbing. So it may be boilerplate language, but I suggest that the boilerplate language be modified. Because if there is not going to be a decision on something and they don't have a resolution written or something that we can see, don't raise people's concern.

Chair Lohman: Dale?

Mr. Pernula: Actually I think the concern should have been raised because they could have done one of two things that wouldn't have required an additional hearing. One would be is if they didn't take any action at all and they just said, We're done with it. The other is they held a public hearing on the original draft. They could have adopted that as well without any additional public hearing. So action could have been taken.

Ms. Ehlers: Okay. So I was right to be jumpy.

Mr. Pernula: You bet.

Ms. Ehlers: Thank you.

Chair Lohman: So it's still not finished.

Mr. Pernula: No. We're going to draft an ordinance now.

Ms. Ehlers: And one other thing: I really appreciated Commissioner Dillon's comment that your draft, after they've looked at it and done what they think they should do with it, will come back to us in case we see language that is not exactly what it was we thought it should be. I think that's the way it's phrased – something of that nature.

Chair Lohman: So it's coming back to us?

Ms. Ehlers: So the language is coming back to us so we can say, Ah, yes.

Mr. Axthelm: I don't believe it does.

Ms. Ehlers: No, he hasn't written it yet.

Mr. Axthelm: No, I know but we've already given our comments. I don't know if it does.

Ms. Ehlers: Dale hasn't written it. They're going to make some changes. They're going to change the 15 business days to 21 calendar days – some things like that.

Mr. Greenwood: Again, those are just points of discussion that – I didn't hear any motion. They didn't make any motion –

Ms. Ehlers: There wasn't?

Mr. Greenwood: – to do anything other than give Dale direction to put together what was discussed to date and start working on an ordinance. Commissioner Dillon felt that there would have to be an ordinance of some sort.

Ms. Ehlers: That's true. Yes, there would. Now there was a motion – there was a Planning Commission motion, our motion from the last meeting, that they made reference to but I don't have a copy of that. You said you didn't have a copy of it. We ought to have a copy of that.

Mr. Pernula: Of the Planning Commission motion?

Ms. Ehlers: Mm-hmm. The written one that you sent them.

Mr. Pernula: All I did was – this was not a – like what you do with a development regulation. This is just a transmittal of your action. Your motion was to deny approval of the ordinance that was before you and that was transmitted to them verbally this morning.

Ms. Ehlers: Okay. Now there's something else that people listening might be curious about. I went into the Commissioners' ordinance record to see what I could find on the Internet as far as historic ordinances/resolutions/documents establishing the Planning Commission. And it's very interesting. I recommend it to you because then you see certain things that have been consistent over the years including discombobulating things periodically. But you get a sense of a historic pattern from the beginning. But Sharon made reference to a Resolution 3078 establishing the Planning Commission. I didn't find that on the *public* version of the Internet so I have a copy here. It's interesting, I find, to see what

the original document is and what it says. You ought to see when it comes to subdivision ordinance the unbelievably small lots that they approved in the early '60s with both water and septic on it. 7500 square feet was supposed to take care of protecting a well and having a well, a septic field and a house.

Chair Lohman: Okay then. Anything else on –

Mr. Pernula: That's all I have.

Chair Lohman: I have a question just to clarify, because we did send a motion last meeting where – and it was to adopt the public participation enhancement. So was that transmitted?

Mr. Pernula: That was transmitted as well.

Chair Lohman: And they accepted that. Or because Commissioner Dahlstedt was absent nothing happened with it?

Mr. Pernula: I believe that if you look at the table, those items that are checked are those items that are – on the very right-hand column, I believe it is. It shows at the top that that's the Planning Commission recommendations. I believe that they accepted all of those recommendations of the Planning Commission.

Ms. Ehlers: That's my memory too.

Mr. Pernula: Yeah.

Chair Lohman: Okay. I just wanted to make sure that –

Mr. Pernula: They got that document that you guys forwarded.

Chair Lohman: Okay.

Mr. Pernula: And that – and as they went through this table, that list of items, all of those that are checked by the Planning Commission I believe they accepted.

Chair Lohman: Okay.

Mr. Greenwood: I don't think they made it through to the bottom of the table, though, because they were short of time, did they? Or did they _____.

Mr. Pernula: Well, they didn't read them individually but I heard them say, I agree with the rest of them.

Ms. Ehlers: Yes.

Mr. Pernula: That's my recollection.

Ms. Ehlers: Well, that seems to be nodding heads from the three of us who were there. That's gratifying.

Chair Lohman: Okay, anything else from the Department?

Mr. Pernula: That's all I have.

Chair Lohman: Okay, so moving right along at lightning speed, item number 5: This is Planning Commission Comments and Announcements. Anything from any Planning Commissioner?

Mr. Greenwood: The only thing I would say – and this relates to the last agenda item still – is my concern would be that I don't want to see too many riders on what we approved, if at all possible, so that it becomes a perceived ___ aspect to what – we've approved something pertaining to one particular element of the original ordinance – that was to enhance public participation. Many of these other elements were in the first that we recommended not be adopted. So and then we went through a committee to see what else in that ordinance we wanted, so if these other things – I'm thinking they should ride on their own and I'm a little concerned about having them co-mingled with ours where you end up with the whole thing getting thrown out again. Just a thought. You know, maybe a public participation ordinance or a portion of an ordinance, and these other elements clarifying aspects, if you will. Otherwise it becomes one of those bills that people don't like because there's pork in it. You know?

Ms. Ehlers: And one of the things I'm going to be looking for is to make sure that in 14.08.080 they still require evidence, such as maps and facts, because that's essential for our proper functioning.

Chair Lohman: I think the main thing is we didn't want them to just throw everything that's working out. Because that was the message, the universal. Okay, anything else?

(silence)

Chair Lohman: Okay, it looks like we could – I need a motion to adjourn.

Mr. Greenwood: I could do that. Can I make a motion that we adjourn?

Chair Lohman: Yes, you can.

Mr. Temples: I'll second.

Chair Lohman: (gavel) Okay, we are adjourned.