

**Skagit County Planning Commission
Discussion: Shoreline Master Program
March 4, 2014**

Commissioners: Annie Lohman, Chair
Josh Axthelm, Vice Chair
Jason Easton
Robert Temples
Kevin Meenaghan
Tammy Candler
Keith Greenwood
Matt Mahaffie
Dave Hughes (absent)

Staff: Dale Pernula, Planning Director
Betsy Stevenson, Senior Planner
Ryan Walters, Civil Deputy Attorney

Public Commenters: Ed Lipsey
Carol Ehlers
Ed Stauffer
Ellen Bynum, Friends of Skagit County

Chair Annie Lohman: (gavel) I call to order the March 4th, 2014, meeting of the Skagit County Planning Commission. So the only Commissioner not present is Dave Hughes, so if you could review the agenda and submit any corrections or changes. All right, seeing none, we'll move on to number 2, Public Remarks. Come on up and be sure to give your name and where you live. You can come right up here to the microphone.

Ed Lipsey: Okay, I'm Ed Lipsey and I'm concerned about your Public Remarks. Why aren't we having Public Remarks *after* this meeting? I'm new here. I don't know what's going on. I have a lot of river frontage and I haven't heard too much about anything. I haven't studied any of the programs so I'd like to move that Public Remarks to the end of the meeting. Is that going to be possible?

(silence)

Mr. Lipsey: I hear a no. Why?

Chair Lohman: The Public Remarks are a courtesy of the Planning Commission to the public and you're not testifying. These are just so that you can just speak.

Mr. Lipsey: I can just be here?

Chair Lohman: Mm-hmm.

Mr. Lipsey: That don't seem right. I think that we should move that back here because I haven't listened to any of you people yet to find out what you've got.

Jason Easton: Madame Chair?

Chair Lohman: Jason.

Mr. Easton: So up until a few years ago public remarks at work sessions and at regular sessions of the Commission did not exist – did not exist for over thirty – almost the whole length of the time that the Commission has existed. Due to the nature of some of our membership changing over the years, we decided to allow for a section of Public Remarks which are not actually intended for what the topic is of that given night. There are public – this is a public work session where we in public are going to be hearing about the Plan, in our case for the first time, from staff – although we got a chance to review it and it has been posted. Then there'll be plenty of opportunities to testify when this becomes an actual public *hearing*. There'll actually be a public hearing where the public testifies about the particular project, in this case the Shoreline Master Plan. So I hope that helps explain why the order is that way but tonight we're citizens, eight out of the nine of us – usually nine citizens – diverse citizens from around the county are here to help represent you to understand what's going on with the update to the Shoreline Master Plan.

Chair Lohman: And the public may contact any of the Planning Commissioners –

Mr. Easton: Or the staff at any time.

Chair Lohman: – at any time.

Mr. Lipsey: At any time.

Chair Lohman: Well, within reason – you know, ___ time.

Mr. Lipsey: Now that wasn't the answer I really wanted but....

Chair Lohman: Thank you, sir. Next?

Carol Ehlers: Carol Ehlers. I didn't intend to say anything but I want the gentleman who just spoke to understand that when it comes to public comment at the hearing you are likely to get three minutes orally and everything else must be given in writing. Thank you.

Ed Stauffer: Good evening, Commissioners. I've been thinking a lot – because I can't help it – about the events taking place in central Europe these days. And it made me realize how deeply indebted and how grateful I am to you for being of the people, for being my representative, our first line of defense against despots. Because you're *of* the people; you're appointed to represent the people of Skagit County. What a job, and what an honor it is to be able to attain that role and to have people who are willing to do it in spite of the confusion and things that are put in your way. In 1961 in the spring in my senior year I was preparing for our graduation. Our debate professor brought a visitor to school who was a twenty-two-year-old man from Hungary. He was a Hungarian refugee and he described what it was like to be a citizen in the streets of

central Europe where a lot of our forefathers came from to escape that type of oppression, armed only with homemade Molotov cocktails against the advancing Russian tanks. Citizens in the streets. And yet he had a sense of humor because he explained to us all seventeen-, eighteen-year-old kids at the time, If you ever find yourself in that position always light the wick behind you and throw. Don't throw it back first and throw. We don't want to go there.

Shoreline Master Plan: I was at the kickoff. This is one that my Commissioners tell me and our staff tells us we are required to do this. We're getting information that comes to us, much through the process from Dan Nickels, who is a representative of either the granting agency or a private non-profit who carried the message with him to us and was with us through most of those meetings. And I asked him a key question: At your kickoff, Dan, you got up and explained to the citizens of Skagit County that the goal of this update of our Shoreline Master Plan, which has stood in good stead for thirty years, is happening. And the goal is – of this effort, this update of what we're doing part of tonight – is no net loss of ecological function. Now I have asked five different times in public, most of them off the record at this opportunity: Mr. Nickels, Stevenson, others at the state level, please – an operational definition of your goal. I am a rural resident of Skagit County living under the Skagit County Comprehensive Plan and the Growth Management Act. As a landowner I have rights within what they now call the Rural Conservancy that I need to be recognized. I need you to recognize them and I need you to recognize when they're not being presented.

Josh Axthelm: Ed, your time's up.

Mr. Stauffer: Thank you. I want you to understand why our staff listens to you, makes modifications, sends it to the Department of Ecology where it's juried and changed to suit them, not us. Thank you.

Chair Lohman: Next?

Ellen Bynum: Good evening. Ellen Bynum, Friends of Skagit County. I have some comments that are somewhat relevant to what you're going to be discussing. I actually didn't take Betsy's advice when she said to me, You don't want to take the old Shoreline Master Plan and compare it to the new one. And I started doing that because for me to understand what is going to be changed I have to understand what the thing is originally, and I don't keep that in my brain so I've got to go look that up.

So I started with the Definitions that are in the existing Shoreline Master Plan, and I, you know, didn't get very far going through them because I kept running across additions and deletions, which, you know, are going to happen if you're going to do an update to something. But I had some just basic questions that have to do with coordination of the definitions of the updates, and this would apply to the Shoreline Master Plan update as well as to the Hazard Mitigation Plan as well as to the 2016 Comp Plan update that we're going to start working on pretty shortly. And those observations are:

In the proposed update, which Mr. Walters has worked on and is still working on, it cites the WAC that is the reference for the various parts of those definitions. And I really appreciate having that and I'm assuming those links will eventually be up and running. You can push it and it goes to the WAC, but it doesn't go to what the definition might have been previously. There's no coordination between the definitions of the Hazard

Mitigation Plan and the Shoreline Master Plan, as far as I know, and staff can correct me if I'm wrong. It seems to me that as the Planning Commission you need to be looking at those definitions and getting some kind of uniformity that would at least – you know, at a minimum it has to comply with the WAC, of course, that it comes from. But for use by an average citizen we have to understand that when a definition says this is what something is, it doesn't change the next time you look at the next plan. And that's a huge cliff. Because when I started looking at it I realized, you know, you're going to have a lot of work to do to comply with that.

And I guess the other observations that I had were there's some new language in the agricultural equipment and agricultural facilities, and I use those only as an example. There's language that adds "and roadside stands and on-farm market for marketing fruits or vegetables." With the implementation of the cottage products – cottage manufacturing products – law that came into effect, I guess, this year or possibly last year at the legislature, I don't know that we want to be so specific of just saying it's only for marketing fruits and vegetables, because there is a whole range of things that you could offer under that law. And I assume Mr. Walters wants to add that, you know, law or a reference to it in there. But I think it'd be useful if we had some indication of where – you know, where the definitions come from if there's no WAC that informs the definition. Or if the definition came from the previous iteration of the document, that would be useful to note. And I realize that's a lot of work and I don't expect that one person would go through and do all that work, but perhaps if you divide that task up amongst you you might be able to do that. So –

Mr. Axthelm: Ellen, your time's up.

Ms. Bynum: Okay. It's not just the things that are newly added but it's also the things that are omitted from the past, like purposes for this program and explanations like that. And I understand there's a need for efficiency but I just had a problem trying to figure it out. Thanks.

Chair Lohman: Next? Anybody else from the public?

(silence)

Chair Lohman: Okay, moving on to item number 3, the Shoreline Master Program Update. Betsy, you're on.

Betsy Stevenson: Thank you. Just so that you know, this is the first of several meetings with you – the second round of study sessions going over the second reiteration of a working draft document for you.

Is that better at all? Okay, I'll just get real close.

We laid out a schedule with you guys last time so we're going to start just going through that. We can do it however you choose. I thought we'd just start according to the list. Talk about the section (and) you guys can go through any questions or comments that you have until we get done – kind of like we did the last time. If you have other ideas of how you'd like to try to do it, I'm certainly open to that tonight and maybe we can kind of land on something that seems to be working for the discussion.

So with that, the memo from our last meeting at the end sort of went over what we were going to talk about. I think the agenda for tonight does as well. The first thing would be Part I, the Authority, Purpose and Jurisdiction. So I guess have Annie recognize you if you've got any questions or comments, and we'll just do it that way. So I'll turn it back over to you to be in charge.

Chair Lohman: I don't think that we need – I want to dispense with I have to call on you, unless it gets unruly, and in our past we haven't been unruly so I think we should just be able to freely interact. Robert?

Ryan Walters: Do you want to go over the ___?

Chair Lohman: Robert?

Ms. Stevenson: Yeah.

Chair Lohman: And then he makes me call on him!

Robert Temples: I've got to make up for last month. A real quick question and I think the answer's going to be simple. On page 26 there's a colored out reference part referring to Item D of the natural resource process, and at the end it says "responds to Planning Commission comment to address" the tidal energy facility as well as upland facilities. I realize I wasn't here before when this was reviewed, but how did that get injected and why was it highlighted is my question.

Mr. Walters: That highlight is just a note. Those highlighted notes will go away in the draft product.

Chair Lohman: Mm.

Mr. Temples: So this is just simply saying this was added?

Chair Lohman: I'm trying to recall if it was a Planning Commissioner who was contemplating the idea of tidal energy possibly being done somewhere and they wanted to be – was that you? You're the one!

Mr. Easton: No, my point was, I think, well captured by staff. I just – I know that particularly Representative Jeff Morris in the 40th has been working on ongoing _____ about this issue and I just want to make sure that we have a – in some sense it's almost a glorified place holder but it's a point of reference that was important.

Mr. Walters: The note just reflects that where the Planning Commission had comments on the previous draft, staff tried to integrate those comments into the draft. Before we get too far into it, Betsy has some typographical corrections to the memo.

Ms. Stevenson: You guys probably caught them, but as I was going through and preparing for tonight – and I apologize for that – I found a couple in the memo that we sent out to you last week, I guess, before the meeting. Item number 3, where we deleted, it says, 6A-13.2. That should be 6C-7.2.

Chair Lohman: And I had a question. Well, I don't want to jump ahead.

Ms. Stevenson: And I've got one more. The second one was number 5 where it says "Revise 6C-19.2(a)i." It's 6C-13.2(a)ii.

Mr. Easton: Could you repeat the first one again?

Ms. Stevenson: The first one was instead of 6A-13.2, it's 6C-7.2.

Mr. Easton: Thank you.

Ms. Stevenson: Sorry about that.

Mr. Walters: In the draft that you saw before, every policy was 6A and now there are divisions.

Chair Lohman: But the two 6As should be 6B-1.1 and 6B-1.2, right?

Kevin Meenaghan: Under number 4.

Chair Lohman: I think it is.

Mr. Walters: Oh, yeah. Yeah, yeah. That's an auto numbering issue.

Ms. Stevenson: Yes. Thank you.

Mr. Easton: So under 4 that's a 6B?

Ms. Stevenson: Where it says "Designation Criteria" where it says 6A-1.1.

Mr. Easton: And also under Management Policies.

Ms. Stevenson: Yes. Thank you.

Chair Lohman: And also in the memo on the section where you're talking 14.26.360, Public Access, where you refer to the WACs, I just wanted to clarify because those WACs are really difficult to read because they don't indent anything and they use little i to mean different things. So it might be Roman numeral little i, but they also use the alphabetical letter little i. And so that WAC 173-26-241(3) is little i, not Roman numeral little i. And then moving down on the next Roman numeral 5, little 5, under (a), the WAC is 173-26-241(3), missing (j) – it should be little j.

Mr. Walters: And I think the intent is ultimately to remove those references. They're just notes. The WAC may change.

Chair Lohman: Right.

Mr. Walters: Each of those sections are in the Shoreline Program because the WAC basically instructs us to put them there.

Chair Lohman: But for clarity of the memo, since we published it.

Ms. Stevenson: I'll probably just issue you guys another one just to clean it all up, too, so that you have those right –

Mr. Easton: That would be helpful.

Ms. Stevenson: – so that when you try to go back to it – What did she say? I don't remember! – so and I apologize for that. We were just kind of working out of three different drafts and different numbering and the whole _____. And we'll work harder to get those WACs right, but they're hard to read.

Chair Lohman: But I did appreciate the memo because it really kind of helped keep me on task.

Ms. Stevenson: Yeah, we actually put it up and started doing it, so as we made a change we added it to the memo so it made it a lot easier for us, too. But we'll get better at it, I hope.

Mr. Easton: Before we move on, did you feel like your question got answered?

Mr. Temples: No.

Mr. Easton: I was a little concerned about that. Maybe if you ask it again, and now I'm remembering that I'm the one who asked for it to be added, maybe I can address it.

Mr. Temples: Well, I'm just trying to understand whether or not these highlighted things are kind of going away, that it has been added. Because I see it here as an item, number vi. It says "Tidal and wave energy facilities."

Mr. Easton: You're on page 29, right?

Mr. Temples: 27. So it looks like it has been added, so I'm assuming that it's just noting the fact that it was requested by the Commission and therefore it's been noted.

Ms. Stevenson: Right.

Mr. Temples: Is that correct?

Ms. Stevenson: Yes.

Mr. Temples: Okay. I'm fine.

Mr. Meenaghan: So while we're on that page, I would like to know what a tidal and wave energy facility is and do we have any, or is this something we're planning for?

Mr. Easton: (unintelligible)

Ms. Stevenson: Yeah, you can if you want to! Either way.

Mr. Easton: Well, we don't have one.

Ms. Stevenson: We actually have had some proposals.

Mr. Meenaghan: Okay.

Ms. Stevenson: The energy companies are required to look at alternative energy sources – I mean, by law – for a certain percentage of the power that they produce. So I know Snohomish PUD has been very active in looking at different sites, and a couple of them are in Skagit County. So I don't know how far they are in their FERC _____ processes but I know that they have looked at some sites and that's been going on for _____.

Mr. Easton: So the simplest way to describe tidal energy, my experience would say, is that it's using tidal forces to turn a turbine in the same way that you would – it's basically very similar to hydro except for the source is instead of gravity or the things that approach a dam in that sort of sense are done more through a tidal. And the area that is the most susceptible in our area that would be considered – and north Snohomish has shown some interest, although I don't believe it ever rose to the level of an official-like investigation or application. They floated some new – there were news items a few years back where they had considered approaching the area around Deception Pass because of the strength of the tidal areas there. How far along that whole industry is still relatively – I think it's still very new, at least in this region. It's kind of a challenge because obviously we're writing a plan that has to exist today but also has to exist, as we've learned from this last – considering that we're doing an update that's nearly as old as me, then we also have to kind of try to anticipate the future too.

Mr. Temples: Well, it's like twenty years ago how many of us would have envisioned tons and tons of – or the wind thing that's going on now.

Mr. Easton: Sure, and Betsy's right. I mean, these aren't – alternative energy options are not actually being mandated in the future. They're actually being required of our utilities now by state law, which was an initiative that passed a few years back.

Mr. Walters: And if you recall from the memo that we provided to you and you read through at the last meeting, we haven't gone through and sorted through all the definitions yet, which is why the Definitions chapter is not on your list of things to review. As you go through the document if you identify terms that you feel really need a definition, then you should highlight those for us and we can work up definitions for them. And maybe that's one of them. Maybe it's not. I advocate not defining things unless we need to. And then there's also the question of how we want to define them. Frequently you'll look at the WAC definition and the WAC definition is not very good. So, yeah, it's whack. So we've in some cases tried to move away from that. But, in any case, we're not there yet on Definitions at all. So feel free to make a list. Bring them up in this meeting or e-mail to Betsy so that we have them.

Ms. Stevenson: And I'm not aware of any wave facilities, but you've seen – if you haven't seen them, I can sure get you some articles on stuff. They just actually try to capture – you know, they move up and down with the motion of the waves and stuff and they capture that energy and the same kind of thing.

Mr. Easton: And the upland side of this – because that's part of what I had added to – is also vague. I mean, if the technology was launched today versus launched twenty years from now, I think the upland needs would probably be diminished in the amount of space

that we need. So that's again – it's a factor, but given – for me, given the geography of our county – you know, if we were in the middle of landlocked Benton County or something I don't think this is obviously something we would include, but this is something that could – and particularly with Deception Pass – could be something that we need to discuss in the future. There are – and by no means am I advocating for it yet or even have plans to advocate – there's tremendous questions that need to be answered about fish. There're tremendous questions that need to be answered about other species and how they would be – I mean, things just have not been studied out that I'm aware of too far down the road. So it's still a – it's in process, I guess, is the best way to explain it.

Mr. Meenaghan: Thanks.

Chair Lohman: Why don't we jump back to the memo and go in the order – I mean, the order on the memo isn't 100% chronological, but let's use it so that we don't confuse our audience and ourselves.

Ms. Stevenson: So that would be to Part 1. Do you want to do it that way?

Chair Lohman: Yes, please.

Ms. Stevenson: Okay. So the order of the memo for Authority, Purpose and Jurisdiction, so that's actually – it goes half the Comp Plan section, so I'm on page 49. Hopefully you guys have the same page numbers?

Mr. Walters: So I think our plan was not to read through the whole thing – just to sort of walk through it and if you have any comments take them down in each section as we go through. Explain anything. Do we want to read through each heading?

Ms. Stevenson: Well –

Tammy Candler: That's _____.

Ms. Stevenson: Yes.

Chair Lohman: But doesn't your memo start with the Comp Plan?

Ms. Stevenson: I'm referring back to the other memo – I'm sorry – where we actually listed out what we were going to do that night. I thought that's what you meant. So you want to go back to the memo that you – it lists the different Comp Plan changes. So, okay – my mistake.

Chair Lohman: Well –

Mr. Walters: The most recent memo is just additional updates, so the real meat is in the Plan itself.

Ms. Stevenson: These are just things that we changed since you got the Plan.

Chair Lohman: Okay. Well, let's start with – I don't want to switch horses. We'll start with where you are, on Part I, the Authority, Purpose, Jurisdiction. Page 49.

Mr. Walters: So a lot of this – oh.

Chair Lohman: Go ahead.

Mr. Walters: A lot of this is rather boilerplate stuff. Authority is the Shoreline Management Act.

Mr. Temples: I didn't observe any changes to this.

Mr. Walters: There may not be any.

Mr. Temples: In section I.

Mr. Walters: Right.

Keith Greenwood: Well, I was looking at under Applicability, and when I looked back to my notes, on page 50, 14.26.130, Applicability, item (1) says that all proposed uses, activities, development occurring within shoreline jurisdiction must conform to the intent and requirements of the SMA and the Shoreline Master Program. And I believe in the previous version it stopped there. And then this additional information, if I remember right, perhaps came from Department of Ecology's recommendation, where it says "...whether or not a permit or other form of authorization is required." And I could look and see if that's correct, but I don't think that that's necessary – that additional –

Mr. Walters: I think that it is, and the reason is is because there's a shoreline substantial development permit that you need to get frequently, but sometimes you're exempt from the shoreline substantial development permit and lots of uses are exempt from the shoreline substantial development permit requirement. When you're exempt from the permit, you're not exempt from the regulations and that's, I think, an important distinction to draw because people frequently get confused about that concept.

I don't actually remember if Ecology recommended that or not.

Mr. Greenwood: Well, if I read it again that you must conform to the intent and requirements of the SMA and the Shoreline Master Program period. That says it applies to everyone. So if you get a substantial development permit that's additional information required. If you have an exemption that's additional information required of you, but it doesn't exempt you from the Shoreline Master Program. So that additional language you think is for clarification?

Mr. Walters: Yeah. It doesn't expand on the authority. It's just to clarify, to make it very clear that an exemption from the permit doesn't exempt you from the regs. And there will probably be other places in the Plan where that concept is addressed as well.

Mr. Greenwood: Yeah, I just – for me it created more confusion than clarification. It left more of a hanger there for me, thinking that, wait a minute. I'm already getting a permit. Now there might be *other* things required of me in addition to that substantial development permit and in addition to the exemption that I already saw and got.

And I will look back to see what their comment was, but I thought that's where it came from. Sorry to grab that right away. I'll look for it. ___ move on to something else.

Mr. Walters: Yeah, that might be – it might definitely be reworded.

Chair Lohman: I kind of have to agree with Keith on that. You stumble over it. I have it flagged too.

Ms. Stevenson: Okay.

Chair Lohman: And the special – calling out the federal ownership of property, unless it's leased: Is that a – that was an Ecology request? But it still says "all." So why did we need a special –

Mr. Walters: If you look on page 2 of the most recent memo, we've revised that further. These rules apply regardless. The federal government is going to have jurisdiction – exclusive jurisdiction in certain cases – regardless of what we put in the Plan.

Chair Lohman: Right.

Mr. Walters: It's just an attempt to summarize when the federal government has jurisdiction and maybe a little bit to push the envelope to make it clear that we *do* have jurisdiction in some debatable circumstances.

Mr. Greenwood: Well, I would – maybe along those lines, a concern that I would have is that we would – the federal government – while we have jurisdiction perhaps, we're pretty loose in our assessment and categorization of putting most of the federal shoreline programs, our land forms, under a Natural environmental setting. And they might use that as a point of emphasis to say that's why they can't do what maybe needs to be done in an area. Currently the administration is one where – looking at the Forest Service, for example, they look at a lot of the areas that are under their responsibility and they do kind of a caretaker management approach. If we then identify it as a Natural area because that's their current management, then they may think that that's the forever and always type of prohibition – everything 200 feet away. Where they do have infrastructure and they have activities and they've had historic activities that may make it to where it's not any more natural than any other place along the shoreline. So I just want to be a little careful, because when we did our inventory I think almost everything that I saw in the upland area that was Forest Service-managed, it all just fell into a Natural category. If we want to take credit for it, maybe that's one thing but I don't think that it should necessarily. Just be careful, I think, when we categorize them.

Chair Lohman: So are you agreeing then with their simplification of that section 3 then on this page? Because they went from having (a) through (e) to just (a) and (b).

Mr. Greenwood: Tell me where that's at. Is that in the memo you sent?

Chair Lohman: It's on – yeah.

Mr. Greenwood: Oh, okay. That's why I missed it.

Chair Lohman: Page 2 on the memo.

Mr. Walters: So basically we say that if it's land that the federal government owns or land that the federal government leases and they're doing some federal activity on it then they're not subject to this section.

Mr. Temples: Federal laws trump state laws.

Mr. Walters: Yeah, which is why I say that it – this section is not completely ineffective but, you know, we would have to recognize the federal government's jurisdiction even if we didn't address this at all.

Mr. Greenwood: Right. So in the Shoreline Master Program, original Revised Code of Washington, does it say that the federal government is under this jurisdiction or not?

Mr. Temples: It supersedes it.

Mr. Walters: I don't think so.

Mr. Greenwood: I don't think so either. So I think that telling them that it doesn't apply to them would be appropriate and maybe even not listing them and categorizing them on our maps would be appropriate as well. Can we do that?

Mr. Walters: I think we need to categorize all of it. They could sell it.

Ms. Stevenson: The times that I've had experience with this is when they lease some properties for small hydro-electric projects or things like that to somebody else who comes in and wants to use Forest Service lands for something that they want to do, that's when – at least what I understand – our state laws and our shoreline programs would have an impact. If it's federal, on federal property and a federal activity, then no, we don't. But I think we have called that out and we did call it out in our old Shoreline Program, if that's what you were asking.

Mr. Greenwood: Okay. All right. So these two statements are for clarification.

Ms. Stevenson: And then the other one is if it's federally owned or federally leased but somebody – it's not federal activity or development, it's somebody else doing it, whether it's a private person with an agreement with the federal government on that land then they would fall under our purview. So we do need to have some sort of a shoreline designation there just in case something does happen, if that makes sense.

Mr. Greenwood: Yeah, it makes it complicated for sure.

Mr. Walters: It is actually quite a bit more complicated than that, because case law says that if you're performing a federal function, even if you're a private actor on federal land, then there may be a different standard. We don't want to get into all that. Also it's case law. It could be evolving. So these two bullets are intended just to capture the general principles.

Chair Lohman: So you basically clarified it and simplified it greatly. The recommendation is like on the memo. So any other comments on that from –

Mr. Axthelm: We could do a lot more of this. _____.

Mr. Temples: Annie? I do have a question.

Chair Lohman: Yeah?

Mr. Temples: I went through all of this for several weeks now and I've been sort of mulling things over. I know the importance and the value of this document, but what's been kind of scratching at me at one point – and I even highlighted one reference to it – we have no idea how much land this really even affects, how much waterfront. I mean, I've lived my entire life in the northwest. I've been along the shores everywhere and what do you see? Existing housing, in many cases that have been here for seventy years or more, and other developments that are well-established. I mean, how many vacant lots do you think are still remaining around the coast?

Mr. Greenwood: But doesn't it affect those existing ones as well? I mean –

Mr. Temples: Well, yeah. I'm not discounting this. I'm just saying, you know, it's almost like I guess the old saying of shooting fish in a barrel. I mean, we don't have a lot of fish left to shoot. And, yeah, this is going to cover any changes people want to do down the road to their homes and stuff, but it just seemed like it's – I guess in my opinion. I mean, I know when this was drafted. So the intent was very good but it seems like it's affecting a very, very small percentage of shoreline property. That's just an opinion. I'll leave it at that.

Mr. Greenwood: I can tell you that it affects a lot of property that I work with quite a bit, because we're in the upland creeks and streams and things like that that have that kind of _____. So we may think of it in the marine environment but it affects, you know, the Skagit and its tributaries, too, which are quite extensive.

Chair Lohman: Well, and wetlands, too.

Mr. Greenwood: Page 2 and 3 of the maps.

Mr. Temples: I'm just saying how much of that has in any form been developed? I mean, Dale, what have you seen since you've been here?

Dale Pernula: I think you're right on the shorelines. A lot of them have been developed. But there are a lot of streams and rivers in Skagit County that aren't and they would be affected by this.

Chair Lohman: But even within a residential development undeveloped lots would be affected potentially.

Mr. Pernula: Or even developed lots if a structure's destroyed. There's all kinds of rules that the Commission went over a year or so ago that we spent a lot of time on – on how to deal with nonconforming lots or if a building's destroyed – that kind of thing. There're some tough rules that they reviewed.

Chair Lohman: Or even if a building becomes obsolete and somebody wants to – you know, it's past its usual life and they want to do something different. These rules would probably –

Mr. Temples: Well, I know the rules are important. I'm just saying it seems like it's a lot of effort and a lot of rules for something that we don't do much of. That's all I'm saying. A lot of it's been well established for so many years. I mean, even when this thing was written in the '70s a lot of that was already developed. I don't know.

Mr. Walters: So the next –

Mr. Axthelm: I had a question on 14.26.140.

Mr. Walters: That's the next section.

Mr. Axthelm: Oh. Go ahead.

Mr. Walters: This, I think, summarizes what you've already seen. One big choice in this section that the County has to make is how to deal with wetlands that go beyond the shoreline jurisdiction of 200 feet. And the staff proposal is to include them – the buffers of the wetlands – is to include them so if you're doing work in that area you're getting a shoreline permit, not a shoreline permit and a critical areas.

Chair Lohman: Okay, can you repeat that again and a lot louder?

Mr. Walters: So the only choice here really, in terms of shoreline jurisdiction, is how to treat the associated wetlands' buffers. So if you have a shoreline, you're going to have a Shoreline jurisdiction of 200 feet out from the shoreline, and then if you have a wetland in that jurisdiction you may have buffers that go beyond the 200 feet. So the question is: How do you treat those buffers? And the answer that's in this document is treat them all as shoreline jurisdiction. I think that that is very straightforward because, first of all, the shoreline Program incorporates the critical areas ordinance so it should be all the same rules. And then you don't need to get a critical areas review *and* a shoreline permit. You're doing one process.

Chair Lohman: You're attempting to say that in number 7, right?

Mr. Walters: Yeah.

Chair Lohman: Because you have associated wetlands up above.

Ms. Stevenson: Right.

Mr. Walters: Yeah. Associated wetlands are not debatable. It's the other.

Ms. Stevenson: And then the other choice we have is how much of the floodplain you want to include. We have to include a certain amount of it adjacent to the floodway, but you could include the entire floodplain if you wanted to. And we haven't done that, and I think we've scaled back on our draft jurisdictional maps from what our existing plan is in certain areas because we did choose to go ahead and designate some floodplain areas in the prior version and I don't think we've done that as much in this one. We just went

as far as we had to beyond the floodway. So that's another choice that you can keep in your mind and think about as we go through it, too.

Mr. Easton: It doesn't seem to me that what you just explained is captured in what you just referenced, so you're either – we either need to improve that language or we need you to tell us where you're referencing that so that that's clear.

Mr. Walters: Are you talking about the floodplains or what?

Ms. Stevenson: The floodplains?

Mr. Easton: I'm speaking to number 7. I'm talking about shoreline jurisdiction. If you're using that as an explanation for why you don't need a shoreline permit and a critical areas permit for your upland wetland that is not within 200 feet of the shoreline – or the definition of the shoreline – then I don't draw that from what's written here.

Mr. Walters: When you get to critical areas, the critical areas section says that critical areas are regulated by the Shoreline Plan and not by the critical areas ordinance.

Mr. Easton: Okay. That clarifies only a portion of it then. It doesn't clarify the fact – it just clarifies which is regulated – how they fold into each other. What it doesn't address is the fact that you made the point – which is an important point that I think needs to be drawn out in a simple way, which is that you don't need a permit for – you would not need both. Your compliance with the Shoreline Master Plan makes you compliant with the critical areas ordinance at the point that this is updated, correct? If you're compliant to the Shoreline Master Plan then you will be compliant to the critical areas ordinance. Or why are we in the business of updating this Plan to not match the plan we currently have? So where are we clearly communicating that you wouldn't need both?

Mr. Walters: Well, I think the most – the place it's most clearly communicated is in .500, the critical areas section.

Mr. Easton: With the blessing of the Chair, since it's on the topic of this reference also, could we – is that all right with you?

Chair Lohman: Yeah.

Mr. Easton: So take us to where you believe in .500 that's clear and the guy who doesn't do this for a living and the guy who does way too much of this for a living – and I mean that with respect – will see where we line up on that.

Chair Lohman: But the challenge is going to be the second part of that sentence: "wholly lying within" your objection is easy to deal with, but the part –

Ms. Stevenson: 158.

Mr. Easton: Thank you.

Mr. Walters: Yeah, on page 158 the first section of part 5 –

Mr. Easton: Give us a second to get there.

Mr. Walters: This is part 5 of the development regulations, Critical Areas Regs in Shoreline Jurisdiction. And it says “Where critical areas exist within shoreline jurisdiction, shoreline activities must comply with chapter 14.24, Critical Areas, as in effect on the date of adoption of this SMP. Included in this SMP is Appendix 3 and subject to the additional provisions in this part.”

Mr. Easton: The man who spends way too much time with code, law and all those other kinds of things that might not rise to the same level that I do, if you’re using that to defend the fact that it’s clarified, I definitely disagree.

Mr. Walters: No, I agree with you.

Mr. Easton: Okay.

Mr. Walters: There was at some point a provision – I thought – that said “and not independently reviewed by a district’s critical areas ordinance.” But we can clarify that.

Mr. Easton: If language could be presented to us in the future that – which I don’t believe in the nine of us drafting too many things together on this level, so I’d prefer that you bring this back to us, unless the Commission disagrees. Bring us some clarification so that the simplest of us amongst us in the county can read this and know that they both don’t apply.

Mr. Walters: I think our plan here is to get your comments and go back and insert in every instance –

Mr. Easton: I don’t want to pretend to tell you how to word it live, but I can tell you that it’s not accomplished, in my opinion again.

Matt Mahaffie: Betsy, can you explain it to me again – number 7?

Ms. Stevenson: Yeah.

Mr. Easton: Back to where we were.

Ms. Stevenson: What we’re trying to do is – okay, associated wetlands that are associated with the shoreline area are jurisdictional under the Shoreline Program.

Mr. Mahaffie: I totally grasp that.

Ms. Stevenson: Okay, so now if you’ve got a buffer of that wetland – the required buffer – it may be outside, it may beyond that 200 feet or whatever. It *is* beyond once it gets past the wetland. So we have a choice. We have a choice. We have a choice. We can either include it as being under shoreline jurisdiction or we can regulate it independently with the critical areas ordinance. We can do it either way.

Chair Lohman: Well, then why not on number 4, then, put “and their buffer,” if that’s what your intent is, right?

Mr. Mahaffie: Well, critical areas –

Mr. Walters: I think because the RCW or the WAC lays out via this bulleted list exactly as written here, so where we need to make the choice we're expanding upon it in a different number. Try not to vary too much from the exact _____.

Mr. Easton: So, Matt, in the practical sense then, if you were working on a project like this you –

Mr. Mahaffie: How she's explaining it I'm reading much differently than how it's being explained in here.

Mr. Easton: So what do you see happens after you cross that 200 feet?

Mr. Mahaffie: How it seemed to be explained at first, that a critical area – say the wetland went outside of the jurisdiction, outside of 200 feet, the wetland – a sloped wetland came in that would not technically be an associated wetland; it just happened to be adjacent – you could have shoreline jurisdiction 400 feet up the hill.

Mr. Easton: Or more.

Mr. Temples: I think that 200 feet is from the center of the deepest portion of the channel. Isn't that correct?

Ms. Stevenson: No.

Several other voices: No.

Mr. Temples: No?

Ms. Stevenson: From the ordinary high water mark normally.

Mr. Greenwood: That's the word I'd like to find because I was reading the consultant's references as talking about – when they were in the inventory where they were talking about looking at associated, they said if it's hydrologically connected.

Ms. Stevenson: Right.

Mr. Greenwood: So that turns into a pretty broad –

Mr. Mahaffie: Others would define this 'hydrologically *driven by*.' You have more of an association that just 'adjacent to.'

Mr. Greenwood: Because hydrologic connection can be subsurface, could weaken the watershed.

Mr. Mahaffie: Other jurisdictions even try to define a depth of that connectivity.

Mr. Easton: Betsy, what's the practical side of the two different options then? Are you – you said one option would be that you basically pull the buffer and the remainder of the wetland and the buffer in this example get pulled into the Shoreline Master Plan rules. That's one option. Other option is that they end – in this case, in this example, 200 feet

it ends. Wherever that 200 feet hits inside the wetland – if it's 5 feet in or if it's 95% in – then the critical areas ordinance takes over from that line back to the end of wherever the buffer would be called out for in the critical areas ordinance?

Ms. Stevenson: Yeah, maybe using the wetland example is a bad one because whether or not it's associated if you use a different type of critical area that we might have a buffer on, then it would end at the jurisdiction of the 200 feet or wherever that line was. What we were trying to do was incorporate critical areas and whatever buffers were required that are partially within shoreline jurisdiction. Just go ahead and consider them all under the Shoreline Program, because we are using the critical areas regulations anyway and there could be a scenario where you did – like as in now, you might end up having to still, to satisfy both, get permits from both codes.

Mr. Easton: I can't – I'm having a hard time –

Ms. Stevenson: Even though we're trying to clarify it and make it easier it doesn't sound like we've established that here.

Mr. Easton: Right. So what I'm trying to clarify is – if I may – is am I eating Velveeta or am I eating real cheddar here? Am I *perceiving* that we just took the Shoreline Master Plan and made it – eat up more – make this guy that has to comply end up with *more* of it? You know, is it creep? I mean, is this like the worst case of government creep? We took a 200-foot rule and now we made it 700 feet because that poor sucker had a 400-foot wetland in the wrong damn place? Is that real cheese or Velveeta? Or, oh, I'm just *perceiving* that that's wrong because that poor sucker was going to have to deal with the critical areas ordinance anyway.

Mr. Walters: No, because it's the same rules. The shoreline rules incorporate the critical areas rules.

Mr. Easton: But here's the kicker. The guy on the Commission who does this for a living isn't following you, so we clearly have some work to do.

Mr. Greenwood: I'd like to hear from Matt, if I could.

Mr. Mahaffie: For all practical purposes, I can't really perceive somebody in the situation *not* having to deal with both permits. You always have to do a critical area review. You always have to do your \$300 fee. It seems like anyway. I understand you're trying to simplify things, but...

Chair Lohman: So is it a fee waiver, maybe, is the answer? You don't have to pay a fee for both?

Mr. Walters: I don't think it's the fee. I think it's the process.

Mr. Mahaffie: I mean any consultant here is going to do the same assessment regardless of –

Ms. Stevenson: The same rules are going to apply.

Mr. Mahaffie: Yeah.

Ms. Stevenson: So if there were a situation where somehow by splitting them apart you ended up having to do review under both, it just makes it simpler to say, You know what? You're just doing it under this one law instead of having to do two. You're still doing the same thing, I guess.

Mr. Mahaffie: Yes, but, I mean, if you're bringing your buffer out farther it's not just the buffer. I mean, is it going to affect your developed area, your site coverage if you're bringing that zone out farther? Or is it you're just saying the buffer extends regardless?

Ms. Stevenson: I think all we were saying was that we would include the buffer within shoreline jurisdiction, not extending it further.

Mr. Mahaffie: I mean it's jurisdiction applies to all shorelines, critical areas, wholly or partly. Yeah, I guess I would just have to say I just – I just don't get it!

Ms. Stevenson: Yeah, okay. We need to work on it some more obviously.

Mr. Greenwood: Well, I would – I made a note to this one that Department of Ecology's comments I would want to watch how we respond to those because to date we – I like this language, even if it's not clearer, better than the language that they suggested because it was even more restrictive, I believe, in that their suggestion was "critical areas wholly or partially within are regulated by the critical areas provisions of this SMP, not independently of 14.24." And I think the main thing is we need to clarify it, right, so that we understand what's under what jurisdiction. And I think there's even a distinction between the critical area itself and the buffer, when we talk about what is under the jurisdiction – is it the critical area itself or the buffer as well? Because then you start to get into am I touching this or am I touching that.

Chair Lohman: Part of the confusion, I think too, is that the shoreline is an overlay. It's not the buffer itself. The critical area has the buffer. So you're not adding another 200 feet.

Mr. Easton: Jump in, Tammy.

Ms. Candler: Keith, can I ask you what you don't like about the Department of Ecology language? It sort of sounds like it includes the excluder that they're trying to make a benefit, saying –

Mr. Greenwood: Well –

Ms. Candler: I'm not – what is it that you don't like about the language?

Mr. Greenwood: Sure. Okay, there are comments where they highlighted that section. I guess that was probably what I should have read for you. It's questioning what about buffers otherwise outside of jurisdiction as allowed by RCW 90.58. So he was looking to extend it beyond just the critical area itself, but also the critical area buffer.

Ms. Candler: Ah.

Mr. Greenwood: So then the shoreline jurisdiction starts to get the creep that you were talking about –

Ms. Candler: Right.

Mr. Greenwood: – because your critical area has a buffer on it, so what is that buffer and then what is the jurisdiction?

Mr. Easton: So forced to choose – go ahead.

Mr. Axthelm: Betsy, wasn't that what you were saying earlier? If the shoreline extended, it would include the buffer.

Chair Lohman: So it may be wider than 200 feet in that particular instance then.

Mr. Axthelm: But it stops at that point, right? So it includes the 200 feet but – er, sorry – it includes the buffer but it stops at the edge of the buffer. Or does it extend 200 feet beyond that point?

Ms. Stevenson: No, it would just stop at the buffer – at the end of the buffer

Mr. Axthelm: Okay.

Ms. Stevenson: It would just all be regulated under one code.

Mr. Greenwood: Does that include then – Matt, you can help me on this. If there's a creek that falls under the critical areas ordinance and it ties into the shoreline –

Mr. Mahaffie: That was the question in my head.

Mr. Greenwood: That goes up the hill. How far does it go? That could be a long way.

Mr. Mahaffie: Or a landslide hazard area.

Mr. Easton: And those are both very practical issues that we deal with.

Mr. Mahaffie: On the flip side, I'm working right now, actually, on a project for a bulkhead that's also in a landslide hazard zone and a shoreline jurisdiction, and the way this jurisdiction's code was written you're asking for an exemption, you're asking for a conditional use permit, you're asking for a shoreline variance, and you're asking for a critical areas variance for a 35-foot rockery to keep the house from falling in the water.

Mr. Greenwood: ___ streamlined.

Mr. Mahaffie: Yeah.

Mr. Easton: For clarification purposes, different jurisdiction.

Mr. Mahaffie: Different jurisdiction but I – on the flip side I understand and compliment the County on trying to streamline it because otherwise, you know, it can get very time-consuming and very expensive.

Mr. Easton: I realize I'm asking you to thread a tight needle, but if the language – I mean, I see a real red line sort of drawn in the sand kind of approach from some of the public when we put this out. If we use language attempting to try to clarify or attempting to try and not have it appear that one has to get both, if we use language that makes it sound like we're taking the SMP beyond 200 feet, which is already not going to be well received in a lot of people's minds, we're setting ourselves up for testimony that varies off-topic or – best case scenario – and worst case scenario becomes incendiary, if you have a false choice of between the two, I think you're better off leaving SMP as defined at the end of that 200 feet and let critical areas bump up against it. And the other reason I believe that might be the case – and I know it may create situations where people are like in his example: they're getting three things potentially. The other thing is these timings of these updates are not going to match up. We're not doing both these updates at the same time either. So if the critical areas ordinance, we'll update it next before this does again, potentially that back end of that equation is going to change and now we're tying that – we're not – we would be putting ourselves in an awkward position, I think, if we take the whole concept out of it and say, No, it's just the Shoreline Master Plan that overlays that. So if this County in their wisdom decide to triple – in twenty years from now – triple buffers on the CAO and we haven't updated the SMP, wouldn't you have caused a bunch of confusion there because they think they're still only regulated by the SMP?

Mr. Walters: Quite a few different things just went on there. To back up just a second to Matt's comment. That's an interesting example of the creek that flows up and how far up does it go? I mean, obviously not to the headwaters. But what's your –

Mr. Greenwood: It's associated.

Mr. Walters: Right, right, right. What's your limiting principle? I haven't seen another jurisdiction's Shoreline Plan that addresses that, but maybe there is one or maybe we can create some new language to address that issue and make that clearer.

Mr. Temples: I think what I'm hearing from everybody here is it doesn't sound like there's a real clear and concise definition of what this 200-foot buffer really is. Is that a horizontal dimension? So if you've got somebody with a nice house sitting up on a hillside bank and it's like this but it's got to go 200 feet and it goes all the way up the bank –

Mr. Walters: Well, to back up, it's not a buffer. We're talking jurisdiction. So the Shoreline Plan applies within 200 feet of the shoreline and then there are some additional details here. But it is measured horizontally.

Mr. Temples: Oh, it is?

Mr. Walters: From the ordinary high water mark. But it's jurisdiction. The setback –

Mr. Easton: Which makes you eligible to be a part of our awesome plan.

Mr. Walters: Right. The setback, the buffer, that's a different question. The jurisdiction is what we're talking about right now, so it's just where it applies and where a different set of rules applies beyond that mark.

Mr. Temples: Well, my question was how's the ___ spelled out and you answered that. So it – and the funny thing is, you know, we're not exactly living in eastern Washington here. So I've seen an awful lot of bodies of water that are next to cliffs and everything else around here. I think Matt has a very good point. It's a strange scenario.

Mr. Walters: So the other thing I was going to say, though, in response to Jason's comment was I don't think we're writing this based on fear of public testimony. We're trying to write the best plan. So if permit streamlining is a goal of the Board I think we're going to try to get to permit streamlining. And it sounds like we've got some work to do in terms of clarifying the language and we'll go do that. But permit streamlining, I think, is a goal. So we're going to –

Mr. Easton: Let me respond to that because that's a left field comment, in my opinion, from my comments so let me clarify. By no means am I speaking against permit clarification. Shoot, in seven-plus years on this Commission I think that's probably been one of my favorite things to say. So what I'm speaking to about the public is not a fear – it's fear of – make sure of writing in a way that clearly communicates that we didn't just take a state law that's requiring to have eligibility come in at 200 feet and make it 400 feet. The perception here and the press coverage, the comments by the Planning Commission to this point and the comments by the Commissioners to this point is basically let's do everything we can to comply with the state law in a way that doesn't make things worse for us here, and makes it workable. And I don't want to – in trying to clarify – just as a guidance – when you guys go back and try to figure out how to clarify this section, as a guidance let's be careful about using language that – I'd rather err on the side of them having to think about using two different plans than put out the *perception* that we just expanded how far away you are when you become eligible. I don't want the back end of that critical area to now sound like that's the regular jurisdictional point that reaches. I just don't want that clarification to be lost.

Mr. Axthelm: Could a simple word like “directly” be inserted in that? Like “directly associated”? Something that points out, Okay, this is not the wetlands, the next wetlands, the next wetlands all linked together. It's just the directly associated one.

Mr. Walters: For number 4, I think there's going to be a lot of – for number 4, Associated Wetlands, I think there's going to be a lot of guidance from Ecology on what “associated wetlands” means.

Mr. Mahaffie: Your number 4 is just standard everywhere.

Mr. Walters: Right.

Mr. Axthelm: I was meaning number 7.

Mr. Walters: Okay, so number 4 is well established. I don't think we can change number 4 really. Number 7 is where the choice comes in and we can definitely do some work to clarify that.

Mr. Greenwood: I think there's a great opportunity there, because as I read the Revised Code of Washington section dealing with it it said “Any city or county may also include in its Master Program land necessary for buffers for critical areas.” So we can define that

how we would like, and so I would like to offer – I don't know what you guys think about it but I'd be interested in it. I'd like to stop at 200 feet and make a clear line that says 200 feet the critical area and its buffer can extend beyond, and the same responsibilities for protection would exist outside the shoreline jurisdiction. There'd be consistency within and without. But I'd like to have that 200 feet be 200 feet, and that way the resource is protected. It doesn't sound like there's going to be a whole lot of additional streamlining, but where we had it before, if I understand it correctly, is we had shoreline jurisdiction and then the critical areas we had kept out of the Shoreline Program so we were having to deal with critical areas ordinances inside the shoreline boundary. Is that correct? So that's where the duplication took place, where you had shorelines did previously address the critical areas and then the critical area ordinance addressed them separately, even though they were within the 200-foot shoreline jurisdiction. So if we make a harder, firmer line at 200 feet then I don't think we have duplication any more.

Mr. Axthelm: Then the critical areas takes over is what you're saying.

Mr. Greenwood: Once you get outside the 200 feet.

Mr. Walters: Yeah. The background there is you had your Shoreline Management Act come in in 1970-whatever, and then your GMA critical areas requirements come in in 1990, and then we had an interesting series of cases – all involving Anacortes – that went all the way to the Supreme Court that resulted in us having to regulate – or started with us having – I don't know; it got very confusing – started with us having to regulate with critical areas and shoreline jurisdiction, and then the legislature got involved after the court decided the opposite was true. Anyway, it became very messy and our opportunity –

Mr. Greenwood: So the “may” may or may not be the correct wording, even though it's in the original Shoreline Management Act.

Mr. Walters: No, “may” is still correct for beyond the jurisdiction. It's just that within shoreline jurisdiction we will be regulating with the shoreline.

Mr. Greenwood: Okay.

Mr. Walters: But *maybe* there's a way to modify the critical areas ordinance simultaneous with this SMP update so that we do the reverse, so that if you had to get a shoreline permit and you're outside of the jurisdiction on your critical area buffer that the critical areas ordinance would waive the critical areas review? Maybe. Maybe there's a way to do that reverse and maybe that would be simpler?

Mr. Greenwood: That sounds simpler.

Ms. Candler: It is.

Mr. Walters: Now to get to the other comment about the critical areas ordinance update being on a different schedule than the SMP, that is completely true. What we had anticipated was when we do a critical areas ordinance update, submit it to Ecology for approval as a limited Shoreline Plan amendment so that they are always in sync so that there aren't two different sets of rules.

Mr. Easton: That would be the first time we would have done that. That would be –

Mr. Walters: First time we've updated the SMP.

Mr. Easton: Well, no, that would be – we didn't submit our last critical areas ordinance for their review. That – just as a matter of fact, because it wouldn't have been applicable at the time.

Mr. Walters: Right.

Mr. Easton: But is that unprecedented? Or are other jurisdictions doing that?

Mr. Walters: Other jurisdictions are having to figure out how to do this. And some other jurisdictions –

Mr. Easton: Yeah, but did they come up with the same solution?

Mr. Walters: I don't know. Some other jurisdictions are taking their entire critical areas ordinance and pasting it into their Shoreline Plan, which means you have a lot of duplication and you will eventually end up with two different sets of rules.

Mr. Easton: I hope they don't get as big a bill from their consultant.

Mr. Walters: Well, this is what we had in our first draft – everything pasted in like this.

Mr. Temples: Where would I find that definition for the buffer?

Mr. Easton: The 200 feet?

Mr. Temples: Yeah. I just asked a question here – you know, how's it paced off, so to speak, and you're saying horizontally. That's got to be written down somewhere, I would think.

Chair Lohman: It's at the very beginning of the Plan, isn't it? It starts on page – the bottom of page 6 in that indented. It says "Shore lands are minimally defined as _____ extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark. Floodways and contiguous floodplains areas, LAMIRD, 200 feet from such floodways, and all wetlands and river deltas associated with streams, lakes and tidal waters which are subject to the provisions of this chapter."

Mr. Walters: So when you look at 14.26.140 the first thing it says is "Shorelines of the state and their associated shore lands," so you have to look at the definition of "shorelines of the state" in part.

Mr. Temples: I'd love to know who came up with that 200 feet.

Mr. Walters: There's a statute.

Chair Lohman: An RCW.

Mr. Temples: _____ or what. Somebody came up with it.

Mr. Easton: Who came up with it?

Mr. Temples: Yeah.

Mr. Easton: I don't think that's something we're going to be able to answer right now.

Mr. Temples: Well, I think I figured that out, but it just seems like, Oh, what are we going to call? 150 feet? 200 feet? 300 feet?

Mr. Greenwood: Well, the legislature came up with this definition. It's in the statute.

Mr. Walters: Probably somewhat arbitrary. ____ pick a number.

Mr. Greenwood: It's almost exactly _____. It's word-for-word.

Mr. Temples: Probably over a glass of beer.

Mr. Greenwood: But I think a key point is that in that definition, in that quote, it says "wetlands or river deltas associated with stream, lake, tidal waters that are subject to the shoreline." So it's really only the wetlands and the river deltas shouldn't be – so it shouldn't be the creeks, the other critical areas types of areas that have buffers within our critical areas ordinances that are connected. It's just talking about wetlands and river delta so –

Mr. Easton: I'm not sure the Department of Ecology would agree with what you just said.

Chair Lohman: I don't think we –

Mr. Walters: There is a later statute that addresses the need to regulate critical areas within shoreline jurisdiction.

Chair Lohman: I think the marching orders are that we need to work on that language.

Mr. Mahaffie: When we first started talking about 7 here you said we had a choice to make on this, but also about the floodplain. Where is that coming in here, and what is our choice?

Ms. Stevenson: We can include more than what's in here –

Mr. Mahaffie: Okay.

Ms. Stevenson: – under number – which one is it?

Mr. Walters: 6.

Ms. Stevenson: 6. That's what you *have* to include. But we have the opportunity to include more of the floodplain areas if we wanted to in certain locations. We chose not to do that this time. I was just kind of drawing that to your attention. The whole Nookachamps area is shoreline right now under our existing code, and it's mapped that

way. We didn't do that in the proposed update, okay? So there are a lot of areas where we did kind of widen it out but we're not doing that this time. It doesn't say that anywhere. We just chose not to. I was just saying that's another area where you have that potential.

Mr. Easton: Before we move on, I don't want to lose – I don't know where it plugs in right, but the comment that was both made by both these gentlemen about the creek – the creek example and how far – you know, I mean, where's that? Where it is the common sense of the critical areas ordinance – sort of strange to put those in – for me to put those into one sentence together – where does that collide with the – how's that collide with the shoreline?

Chair Lohman: Where's the baton handoff?

Ms. Candler: (unintelligible)

Mr. Walters: I think we'll have to address that. We'll have to come up with some language to address that.

Mr. Easton: I'm not sure where you would address that. I just want to make sure you guys capture that in your notes – that we should have some – we'd like to circle back to that.

Mr. Walters: We've got that. I assume that if it's a linear thing like that that you would just cut it off right at 200 feet and it's just the buffer that reaches beyond that. You wouldn't _____.

Mr. Greenwood: Because I was snowshoeing at the top of one and it's not where I wanted to be addressing it.

Ms. Stevenson: When you mentioned that, I was kind of like, Whoa, wait a minute. And I think it would be if you've got a river that *is* a shoreline area and you have a stream coming into it then the shoreline jurisdiction would go 200 feet from the river ordinarily, which would cover the portion of that stream even though the stream wasn't jurisdictional within that 200-foot area.

Mr. Greenwood: Right. That's right.

Ms. Stevenson: So then whatever was at that area and whatever those buffers were right around there would be what would still be within shoreline. That's how I would in my mind ____ - that's how –

Mr. Greenwood: So it's within 200 feet still. So the 200-foot and then the buffer on that –

Ms. Stevenson: Right. But the point that you brought up was that that stream keeps going. It's still a critical area. ___ the buffer and wouldn't it extend? So that's where I was thinking one thing and you brought up something different so it really is a cut.

Mr. Easton: So say continues versus not continues.

Mr. Walters: Which is the point of this exercise.

Ms. Stevenson: Right.

Mr. Walters: To get that so that we write it down and we fix it.

Ms. Stevenson: Right.

Mr. Easton: Okay.

Mr. Temples: Well, I was on a site today (and) I was looking at the map that showed those critical areas and it was like, Holy Man! I mean, we're talking all the way up to the pass. So it's a pretty extensive network.

Mr. Axthelm: I do have one more question on 5 and 6. When you have a dike situation – so it mentions the floodway and 200 feet from the floodway. I could understand that in a situation where there's no dike, but if there is a dike there does it stop at the top of the dike or does it extend 200 feet past the top of the dike? Because that area is not associated – when you put the dike there, it's not associated any more.

Ms. Stevenson: Yeah, we can talk about that. Ecology did adopt their own definition of what a floodway is, so we can look at that now or I can talk to you about it if you want to. It does get kind of complicated. We have always used the __, the __ of the dike – as being where you start measuring.

Mr. Axthelm: Because the old code used to show – I remember this from a project we worked on at one time – that the ordinary – it was the ordinary high water mark – is if you have a dike situation it stopped at the ordinary high water mark versus going beyond that point. But I – yeah.

Ms. Stevenson: I can find it for you real quick and then we could talk about it or I can –

Mr. Axthelm: I don't need that now. That's okay. I just –

Ms. Stevenson: I can look for it and get it to you.

Mr. Axthelm: Okay.

Ms. Stevenson: Like I said, Ecology adopted some language that unfortunately makes it a little more problematic when you're dealing with the floodway.

Mr. Axthelm: Yeah.

Ms. Stevenson: But there are some things that you can do to address it when you're dealing with an area, because there is no mapped floodway, you know, once you get this side of Sedro-Woolley. So it's not the __ maps or anything like that but they have a definition so we can work through that if you want to.

Mr. Axthelm: Okay. Because I could understand outside of the dikes but when there's a dike there – like the city of Mount Vernon, you get inside the dike it's no longer in the floodplain.

Mr. Mahaffie: Betsy? I was going to bring this up at the end actually. I was in talking with Jack last week and he had me absolutely running in circles on floodway definitions, like how they're actually computed. And it was very, very educational. If he ever was around when we're talking about floodways – how they're actually defined by FEMA, Ecology – you're not going to get it out of a book. It was pretty good.

Ms. Stevenson: Different part of Ecology that defines it that way definitely. The stuff that's in the Shoreline, it's different.

Mr. Mahaffie: I sat there for the better part of two hours with him.

Mr. Walters: So moving on, the next section, 150, has some sort of boilerplate text about relationship to other plans, codes. It does include some language about regulation by critical areas ordinance which I think we'll clean up and put in another place, as well as maybe leave it here. But we'll address that.

Chair Lohman: You're still working on that in addition to what you wrote on the memo?

Mr. Walters: Well, we thought we were done but we're not, as a result of this meeting, so we'll fix it.

Chair Lohman: Okay.

Mr. Walters: There's a rule of liberal construction of this Plan – a non-optional one – and then there's the effective date. Now the Shoreline Plan, unlike almost everything else you do, has to be reviewed and approved by the Department of Ecology. The Shoreline Plan has to be approved by the Department of Ecology, so the effective date of this document will hopefully be when the Board approves it after Ecology approves it. Typically they want us to approve it and send it off to them, but what we prefer is if we can get it provisionally approved by the Board, send it off to Ecology for their blessing, and then get final approval because the Board may get comments back from Ecology with mandatory changes. So if they have to make a change, they'll have to do that after Ecology gives its final review.

Mr. Easton: We're trying to avoid that by the fact that we've been sharing this with –

Mr. Walters: Right.

Mr. Easton: – Ecology as we go?

Mr. Walters: Right. We want to know what their comments are before their final comments.

Mr. Easton: Betsy's face – you don't inspire a lot of confidence that we may not still run into some problems with them sending back amendments that are required for us to adjust.

Mr. Walters: Well, and most of the time we're only talking to one person at Ecology and they have eleven people that will review it.

Mr. Easton: Right, right. And the person who's going to approve this Plan is not the person we're going to necessarily get to talk to?

Ms. Stevenson: I've been trying to get them to change the way they do that but for whatever reason they're making everybody kind of go through it twice.

Mr. Walters: Well, and also we may want to push back on some of their changes –

Mr. Greenwood: And I'd encourage that.

Mr. Walters: – and they may relent. They may relent later or not –

Mr. Easton: So how do we do – but if the way this language is written, it doesn't give us much room to push back against the mandatory ones.

Mr. Walters: Because of the way this language –

Mr. Easton: The way the language is written here under the Effective Date? I'm a little concerned that if they send back mandatory ones we're tied to this 14-day – we're tied to this 14 –

Mr. Walters: No, no. The 14 –

Mr. Easton: Will they approve it with mandatory changes? Then it becomes law in 14 days so we only have 14 days to push back?

Mr. Walters: No, no, no, no. What would happen is they would give us comments and say, This change is mandatory. We would then have to adopt it. We would have to adopt those changes.

Mr. Easton: Before they would approve.

Mr. Walters: Right – give their final approval.

Mr. Easton: So they don't take our final document, throw their two cents in, and call it approved. They send it back to us first.

Mr. Walters: Correct. They don't make the changes. We make the changes.

Mr. Easton: Because we're forced to.

Mr. Walters: Because they may in fact say something is a mandatory change and we may say, Well, what about this? And they say, Oh, okay, that'll be fine too. We are hoping that there will be an opportunity for that back and forth.

Mr. Greenwood: There are a lot of cases where they've made comments and it comes from their guidelines. And guidelines are guidelines. In some areas there's some flexibility there. I'm seeing some flexibility and I think Betsy's responded appropriately in the places that I've been looking. I appreciate that.

Mr. Easton: No, I don't disagree with that. I still don't understand how that traffic works between the two entities there. So you believe this Effective Date doesn't leave us in a position where we're going to – at least we're going to still have a chance – not that we'll necessarily get through to them, but a chance to object to what they feel like has to be required that we, for some reason, hadn't. That's the best we can get.

Mr. Walters: So now the section on the schedule is Comp Plan 6B. Do we want to go there?

Mr. Greenwood: Is 6B renumbered from 6A? Did it used to be 6A or are we just not looking at 6A?

Mr. Walters: No, previous – well, in your previous draft, everything was 6A. There wasn't anything that wasn't 6A.

Mr. Greenwood: Okay. So the copy I'm looking at has 6A, which was the Introduction.

Chair Lohman and Ms. Stevenson: Right.

Mr. Greenwood: And we're not going to look at that, or we're satisfied with that?

Chair Lohman: 6A is still the Introduction.

Mr. Walters: Yeah, I think we just didn't put that on the list.

Mr. Temples: So you want to start at 6B?

Chair Lohman: Why don't we start at the beginning so there's no loss – nothing's lost?

Mr. Greenwood: And the only reason I wanted to start there was because this was the first time I read the Introduction – well, first time in a long time since I read the Introduction, and I just find that it would be nice to clarify our opening statement. I know it's language that we've used before but once we open the Pandora's box, you know, it should be an opportunity for review. And I just didn't want to state this opening paragraph as a fact. It's a legislative finding. So if we could quote the part that's quoted and attribute it to the RCW which it comes from, which is 90.58.020, I just want to encourage that so that it is clear where it comes from: "The legislature finds that" this.

Mr. Walters: Yep, that's easy to do.

Mr. Greenwood: Okay.

Mr. Easton: Yeah, I think that's a good ___.

Mr. Greenwood: And I would encourage us to go even one line further into the next paragraph in where this language came from, because it also says it is the policy of this Act that – and also I didn't put the whole thing in here but "fostering all responsible and appropriate uses." So we can just look at the paragraph and then go just skip a little bit further –

Mr. Walters: That's the next paragraph in the statute?

Mr. Greenwood: Yes, in the statute under the legislative findings. And I can read that if we need that.

Ms. Stevenson: I've got it right here if you want it.

Mr. Easton: I want to add – I believe that in justifying our actions to disagree with Ecology as I anticipate those disagreements coming, we should quote the Act back to them. Their overreach or potential overreach and consistent overreach is based on the fact that they don't read their own Introduction and this phrase that's extremely important, I think, when we argue with them about things in the future. This Act is primarily the responsibility of this community to protect the shorelines, not 2700 bureaucrats in an office in Olympia under the Department of Ecology. We're the ones who are primarily responsible – this Commission, the Commissioners – and that's clearly in the Act. It's the general welfare of the people of Skagit County and the responsibility of this county to protect the shorelines how we see best to protect them. And so I think that's ___. It may sound obvious. I would expect some of that level to blow us off for even using that as a statement of defense, but it's the reality of actually following through on the RCW. The legislators' intent and the people in 1972 – the people's intent – wasn't to regulate this to the point that it's being decided by the Department of Ecology. It was being decided by locals with the best information and the best guidance they could get. And sometimes that comes from the Department – well, rarely – that comes from the Department of Ecology.

Mr. Greenwood: Right. I think they have a different objective.

Mr. Easton: World view?

Mr. Greenwood: Yeah, world view. That would be a good way to put it. I could read what I was looking for here. It says, "It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses." That's just kind of a capstone and I think it's included in other bullet points further in the document.

Mr. Walters: I think 6A-1 is also quoted from somewhere and we can do the same with that.

Mr. Greenwood: Okay. I would just encourage that.

Mr. Temples: When I was reading through this, there was at one point – and I can't be specific; I'm not finding it as I'm glancing – but there was discussion about what this document was inclusive of, as in aquaculture, agriculture, horticulture. A bunch of things were listed there. One of them that's kind of a new wrinkle – and I did some Googling on this because I saw something on it – is what they're calling hydroculture. And these are hydroponic, indoor plant growing that can actually be grown all year long.

Mr. Easton: How's that tie in with shoreline then?

Mr. Temples: Huh?

Mr. Easton: How's that tied in with shoreline?

Mr. Walters: It could be a use inside the shoreline jurisdiction.

Mr. Temples: It could be within the jurisdiction. It could be on agricultural property with, you know, water fed from a local stream. I mean, it could be a lot of other things, but I'm just – you know, as we're talking here you're looking at new types of technology, and the one point that they made was on one acre of hydroculture they could raise the equivalent in one year of close to 500 acres of property, so it's like, oh, that's interesting.

Mr. Greenwood: So I'm wondering, Robert, then would you think that that type of agriculture would necessarily be tied to a shoreline? Would it be a form of agriculture that is needing the shoreline to be functional, or is it something that could be pushed offsite?

Mr. Temples: Well, shoreline is probably defined best as fresh water.

Chair Lohman: Yeah, but I think the definition of agriculture is very broad in the Shoreline Act. And I think it's incorporated in there. They don't get into the weeds of whether you're driving a Deere or an International tractor.

Mr. Temples: Yeah, but it's an entirely different form of farming.

Chair Lohman: Hydroponics have been around for quite a while.

Mr. Temples: I know it's been around for quite a while but it's probably been adopted more in the last ten years than –

Mr. Easton: What's the benefit of adding it to the list?

Mr. Temples: By the what?

Mr. Easton: Where's the benefit of adding it to the list of things?

Mr. Temples: I just think it's like it's a whole other way of raising –

Chair Lohman: I think when you get involved in list making, the peril is all the people you didn't put on the list.

Mr. Easton: You mean opening up regulated – opening up an area that doesn't currently need to be regulated by this document to being regulated by this document? That'd be my concern.

Mr. Walters: I think we can look at that and get back to you. We can identify –

Mr. Temples: I'm just raising the question more than anything else at this point. Jason, I don't know.

Mr. Easton: I don't want – I mean, I'd be very concerned about adding something.

Chair Lohman: But let's get back to the Comp Plan.

Mr. Greenwood: Okay. I think it might fit in the agriculture when we start talking about agriculture – would that be appropriate?

Chair Lohman: I think so.

Mr. Greenwood: One other thing I think Jason brought up about an approach, and in the Purpose statement on page 4, 6A-1.c, it emphasizes that this policy contemplates protecting adverse effects to the public health and the land, vegetation and wildlife, and then it goes down into giving preferential uses. But I think when I read a lot of the Department of Ecology comments to our previous draft they turned some of these priorities or preferences upside down a little bit or they get them out of order, and I want to make sure that we continue to look at each one of these objectives and preferences so that we consider those when we make limitations on them. Otherwise I would say there're some categories of or typing of shorelines that I wouldn't want to be in that category because it limited the activities or preferentially discounted some of the activities from – or excluded them from 200 feet within a shoreline, because that might not be *their* top preference. There're several places where we talk about a preferential use and then they scratch that out and say that's not a preferential use because we want it to be left just like it is. So I'm just highlighting that.

Mr. Easton: Are there portions of the Purpose that are required or that we've gotten feedback from them that they are not intended for us to attempt to manipulate?

Mr. Walters: I don't –

Mr. Easton: Are they defending any ground inside the Purpose at this point?

Mr. Walters: I don't recall that they had any comments.

Mr. Easton: Because I have an issue with the first one. I have an issue with point 1, or small letter i.

Mr. Walters: Under c.?

Mr. Easton: Yeah.

Mr. Walters: Okay, well, that would be –

Mr. Greenwood: That's from the Act.

Mr. Walters: That's from the Act.

Mr. Easton: That's from the Act.

Mr. Walters: Yeah.

Mr. Easton: So that would be – they would have to – I mean, I recognize it's part of the Act. I'm not sure I'd like to have it part of our Introduction.

Mr. Walters: I guess we could not quote it, but it is part of the statute.

Mr. Easton: They're going to require it to be there?

Ms. Stevenson: It may not need to be in the Comp Plan ___.

Mr. Walters: We can't exclude it from the list.

Mr. Easton: I recognize we don't have the power to take it out of the Act. We can't exclude it from the list?

Mr. Walters: If we're quoting from the Act I don't think we could exclude it from the list. We'd have to quote the whole section there, but I guess we could – maybe not.

Mr. Easton: I question the logic behind that. All right.

Mr. Walters: But yeah, I would recommend not getting too excited about the policies because it's the regs that make the difference to property owners on the ground.

Mr. Easton: Agreed. I'd like to get to the point that I actually vote yes for this, and that would actually mean that there'd have to have parts of it that I actually speak to how I would speak to this.

Mr. Walters: Yeah.

Mr. Easton: And the last thing I would say is that sentence. The last sentence I would ever say is to "recognize and protect the statewide interest" of Skagit County shorelines over our own local interest. I find that very unlikely that I would say that.

Mr. Greenwood: And yet that's why they implemented the Act.

Ms. Stevenson: Right.

Mr. Greenwood: Because they said we think that the state benefits are to be considered higher than; otherwise we wouldn't take these rights away from you.

Mr. Easton: But they have created a train wreck which is what we are all living in where they turn over the responsibility to the local jurisdiction to define what's best.

Mr. Greenwood: I know. I think – tough one. That's a tough to make _____.

Mr. Easton: Define it yourself _____.

Mr. Greenwood: I know.

Mr. Easton: These edits that are – can we move on to 6A-2? Or are we on B – I'm sorry – supposed to be 6B-2?

Mr. Greenwood: No, it's 6A-2.

Mr. Walters: We amended it to B.

Mr. Greenwood: Oh, sorry.

Mr. Easton: 6A-2, the public access. Refresh my memory: This is a quote from the SAC then? This is an input that the SAC wanted – the highlighted portion? “Edits based on an SAC draft and as presented to the Planning Commission”? We had some comments from the SAC about public access? It’s not ringing a bell for me. I could have missed that night. Does anybody remember any comments from them about public access?

Chair Lohman: I don’t remember the SAC commenting to us on public access.

Mr. Easton: I’m trying to figure out how that fits together because the definition of public access here seems pretty clear. I’m just trying to recall _____.

Mr. Greenwood: Is this a revision to the original Comprehensive Plan language? I remember it being different from then.

Ms. Stevenson: Yeah, it must be.

Mr. Greenwood: The thing we had previously adopted.

Mr. Easton: Hanging chad from a previous update?

Ms. Stevenson: Yeah, I’d have to go back and look at our notes from the SAC meeting. I know we had a good discussion about public access and what all that meant and all that sort of thing, so I’m guessing that we had something originally proposed and this reflects a change that they made.

Mr. Easton: Oh, okay. So if that’s the case, can you bring us back both versions then? Bring us back what they changed – what was there and now what they changed it to? Because I’m getting confused about which one’s which. Is this their – because the first time I read this I thought that meant they wanted to tell us about something they wanted changed.

Ms. Stevenson: No, this is the change.

Mr. Easton: Or this is the actual change, so could we – when you investigate this, could you look at the two of them side by side? Please?

Ms. Stevenson: Yes – sorry.

Mr. Easton: Thank you.

Mr. Greenwood: And before we flip the page, I’d like to go up one paragraph to the Conservation element. Maybe element’s not the right word, but it’s a goal – the b. Just the last sentence says currently “Only renewable resources should be extracted and in a manner that will not adversely affect the shoreline environment.” And I think that the goal of the Shoreline Master Program is to result in a – I know Ed’s not going to like this – Mr. Stauffer – but result in a no net loss of ecological function. Because I think that’s different than having an adverse effect on the shoreline environment. And I’d also like to bring up an example where it may be a resource that the County decides is appropriate but may not be a renewable source. One thought that came to mind was gravel, sometimes when it’s beneficial, in lakes and dams. It might not be a renewable resource

but you'll never get another one in if you then say anytime you have an adverse effect on the shoreline environment you can't do it. So that's why I wanted to perhaps change it to "Resources should only be extracted in a manner that will not result in a net loss of ecological function," which is a responsibility of the County overall for the Shoreline Master Program – to not have a net loss of ecological function in the system.

Mr. Easton: I'd support that language. It's more –

Mr. Greenwood: It allows you to mitigate even –

Mr. Easton: Well, this sentence is pretty – that sentence – if you take that definition of that sentence straightforward that's pretty limiting.

Mr. Greenwood: It is very limiting, I think.

Mr. Walters: Yep.

Mr. Greenwood: Does that help?

Mr. Easton: Is that suggested Ecology language? Betsy? Hey, Betsy, is that suggested Ecology language?

Mr. Greenwood: That was in our original Comprehensive Plan. That's the current Plan language.

Mr. Easton: All right. That probably was, then.

Mr. Axthelm: I think I remember one of those discussions on that – the public access.

Mr. Easton: You do?

Mr. Axthelm: ____ part of it is that you have – was it number 5? Thank you. 5 – it says "increase public access to publicly-owned areas of the shorelines." Meaning if somebody's within the shoreline and has it as private land, then they can't take that and make it public access.

Mr. Easton: Oh, you're moving back to Purpose. I was over on the Shoreline Goals. So you're over back on 5?

Mr. Axthelm: Okay.

Mr. Easton: Under 6A-1. I was looking at 6A-2.c. But you're saying –

Mr. Axthelm: It's pretty clear there is increased public access to *publicly*-owned areas of the shoreline. It's not taking private areas of the shoreline and making them publicly accessible.

Chair Lohman: Right.

Mr. Axthelm: So if somebody owns it privately and they retain that ownership that is theirs. It is not to be turned over to be made public.

Mr. Greenwood: Well, I think – Josh, I’m thinking that this language is a little closer to being something that the County can do, rather than the original language which was to provide a safe, convenient, properly administered and diversified public access – access to publicly-owned shorelines. I like the part about not infringing upon personal property or property rights to adjacent residents in the original language. But when you say you’re going to provide something then you say – it’s almost like the word “ensure.” You know, you’re going to make sure that it’s safe and make sure that it’s convenient and make sure that it’s properly administered, and a lot of government agencies have a hard time with “properly administered.”

Mr. Easton: I’d be nervous about “ensure.” Applying liability, too – potentially – for the jurisdiction. Can you read back that language again that was included before about infringement? Because I think that phrase – we should incorporate that phrase in this update.

Mr. Greenwood: Okay. “Access to publicly-owned shorelines in Skagit County without infringing upon the personal property rights of adjacent residents. Such access should not have an adverse impact on the environment.”

Mr. Easton: I wouldn’t do the second sentence, but the first sentence that you just read.

Mr. Greenwood: “Without infringing upon the personal property rights of adjacent residents”?

Mr. Easton: I would suggest that that be after the semi-colon on point 5, under 6A-1 –

Ms. Candler: Well, that’s the language of the – that language we can’t change, right?

Mr. Easton: We can hatchet it up maybe? _____.

Mr. Walters: Let’s put it in c.

Mr. Greenwood: Yeah, put it in c. It’s our language already.

Mr. Walters: Yeah. That’s where it was before.

Mr. Greenwood: Yeah.

Mr. Easton: Oh, okay. Sorry. I had the wrong language. That might help Josh with the dike issue – people walking on dikes?

Mr. Axthelm: It’s not as much as a dike I’m concerned about as much as –

Mr. Easton: It’s the dikes for trails issue you want to ____?

Mr. Axthelm: Pushing public access along the shoreline. I mean, there’s a certain – there’s an extent when you own that land that you want to protect it or prevent people from coming on it when you don’t want them there, especially – you know, I mean you take it on the river or even on the ocean. Does somebody have a right just coming onto your property just because your house is right next to the beach? You know, where

does that limitation happen? And so if it's public land I can understand it, but if it's private that needs to be held up.

Chair Lohman: And we're going to get to that because –

Mr. Easton: (unintelligible)

Chair Lohman: Right. I mean, there's a whole section on that beyond there. Okay?

Mr. Walters: So are we on to Profile or still working on A-2?

Mr. Easton: I'm ready to move on.

Mr. Greenwood: I don't want to revisit Jurisdiction too long, but in the statement where it says on the bottom of page 6, "Shorelines are minimally defined as..." does that – is that where you were pointing me to the – it's a quote. (It) just talks about wetlands and river deltas associated. You say the critical areas through case law have dictated that now those are under shoreline jurisdiction if they're within the 200 feet as well. Do we then need to include some language that clarifies that so that we can get the minimally defined to include what's really included in that jurisdiction? Or is that something we're going to work on, because we talked about that a little bit?

Mr. Walters: Possibly. We'll look at that.

Mr. Greenwood: Okay.

Mr. Walters: Actually I guess you wouldn't need to call out the critical areas there because it's the lands extending landward for 200 feet so it would include anything in those lands, including critical areas. We might want to add text noting whether or not we end up in a place where the – we extend shoreline jurisdiction to capture buffers outside of the normal 200 feet.

Mr. Greenwood: I think that's the key that I'm looking for, is if we went outside the 200 feet, I'd want to know if it was an associated wetland or river delta, or is it an associated critical area, and that would be different to me.

Mr. Walters: Yeah. The whole Plan, to me, is rather troublesome because we have policies and then we have regulations and we're frequently saying the same thing twice, but we have to have both.

Mr. Greenwood: Well, I like policy only in that it clarifies what you're trying to get at when you come up with the code section. Otherwise people lose track of that and it just gets modified to where we don't even remember why we put it in place. It gives you a place to go back to.

And the next place that I have a comment on is on the Natural designation.

Mr. Walters: Should we do Aquatic first?

Mr. Greenwood: If people have other areas, I'd be more than happy to defer.

Mr. Walters: So we're going to 6B, I guess – Environment Designations. So the first one is Aquatic. What?

Mr. Easton: Tim left the room.

Mr. Walters: And then High-Intensity. And then Natural.

Mr. Greenwood: So did we already go through those or we including comments on those?

Mr. Walters: Unless someone had comments.

Ms. Stevenson: We haven't changed it at all. These are right out of the state regs.

Mr. Greenwood: Okay. Right.

Ms. Stevenson: We went through them the last time we came by. Do you have something different now?

Mr. Easton: I have one question.

Mr. Greenwood: Go ahead.

Mr. Easton: Under Management Policies: So am I missing it or does it address previously the overwater – what can be done with nonconforming uses currently overwater facilities that need to be updated? This just discusses new development. Does it not address – am I missing it?

Chair Lohman: What?

Mr. Easton: I'm trying to figure out what it does with nonconforming uses or already-existing overwater. It only discusses *new* overwater policies. It doesn't discuss management policies for current. Will it be nonconforming uses potentially and/or overwater uses?

Mr. Walters: Well, pre-existing legal uses have a whole set of special rules anyway.

Mr. Easton: So the Management Policy then – this section's only going to address new?

Chair Lohman: Under Natural.

Mr. Easton: And so there's another place where it references the fact – so you're saying from the general definition a reference to the fact that pre-existing legal uses are compliant?

Chair Lohman: Yeah, but wasn't the point of the Natural designation was there already wasn't something there? Weren't you not allowed to designate it as Natural if it already had residential or agriculture or –

Mr. Greenwood: Are we talking about Aquatic or Natural now?

Chair Lohman: Natural.

Mr. Walters: Natural. It does say “relatively free of human influence.”

Mr. Meenaghan: He’s talking Aquatic.

Mr. Easton: I’m actually talking Aquatic.

Mr. Walters: Oh, you’re in Aquatic.

Mr. Easton: I thought that’s where we were.

Ms. Stevenson: No, we were at Natural.

Mr. Easton: Oh, sorry. No, I don’t have any issues with Natural. I wanted to jump to Aquatic.

Mr. Greenwood: So I had issues with Natural so you can deal with Aquatic because it comes first.

Mr. Easton: Oh.

Mr. Greenwood: Pre-existing –

Chair Lohman: How about, Commissioners, if you could refer to where you are?

Mr. Easton: At 6B-1.2, my comment was in reviewing Management Policies under Aquatic it doesn’t address – I don’t see it addressing anything that already pre-exists. You’re saying that that’s the overall – it’s overarching in the way that the beginning of the document is written deals with what already exists?

Mr. Temples: It could be grandfathered in, too.

Mr. Walters: Right, right. And any existing structure – you don’t have to go get a permit for an existing structure. You’re already permitted. You’re already built. So it’s your pre-existing legal uses. Code addresses that.

Mr. Easton: Well, what’s confusing was it’s not referenced here. You believe that that’s wholly referenced in the way that things are handled in another section?

Mr. Walters: Yeah. It has to do with the structure of how it’s put together.

Mr. Easton: How the Act was written. So this is more about a point of clarification. I recognize that we’re not – this is not going to take those things out of compliance or change anything that relates to them. I just want to make sure it’s being addressed in a way that’s clear.

Mr. Walters: Right, right. Yeah, I mean, this code here could even – 6B-1.2 could even just drop the word “new” even, because it applies to everything. Existing structures are an exception to those rules. That is the general structure. But we include “new” because that’s what’s in the WAC.

Ms. Candler: I like the use of “new” because that way there’s no confusion about like if you had an existing one that’s bigger.

Mr. Easton: Because the rules about what’s existing is different than what you could do new.

Mr. Walters: Right. There’re special rules –

Mr. Easton: The restoration of something that’s currently over the water or aquatic or any of these other definitions are defined different and I just want to make sure that this section doesn’t cover those that are previously built, but you believe that’s covered clearly in another portion of the Purpose?

Mr. Walters: It has to be.

Ms. Stevenson: The Purpose?

Mr. Walters: Of the Policies and Development Regulations. Right.

Mr. Easton: I defer to you, Mr. Greenwood.

Mr. Greenwood: Dealing with the Natural, I want to make –

Mr. Easton: 6B-3?

Mr. Greenwood: I’m sorry. Page 9, 6B-3, Natural, under Designation Criteria, sub-point a. It says that the shoreline is – well, let me read the previous sentence: “A Natural environment designation should be assigned to shoreline areas if any of the following characteristics apply: The shoreline is ecologically intact and therefore” – and I think that’s an assumption, the word “therefore” – “currently performing an important function or ecosystem-wide process that would be damaged by human activity.” I think there are many situations where it might be intact but it doesn’t provide an important ecological function, system-wide process. I think Carol brought it up some time ago where if you look at the inventory you’ll see cliffs and shores that are rated quite low in the inventory system because they don’t provide much ecological benefit. I mean, they’re cool and they have value there but they’re not providing one of those ecological functions that whereby you’d have a net loss. So maybe nobody’s going to do anything with them but I want to be careful that just because it looks good doesn’t mean it is, and just because man’s been there doesn’t mean it’s bad, okay? Because Mount St. Helen’s is a real good example of a natural process that was pretty awesome.

Mr. Easton: Dramatic.

Mr. Greenwood: Yes. We have slides in places that are quite natural but the function – many, many reports I’ve read that talk about we don’t have enough sediment, and then the next report in another reach says we need more sediment. So is it the sediment that we want? Is it the shoreline value? So I’d like to not assume or remove the word “therefore,” so I want it to say that the shoreline’s ecologically intact and currently performing an important function or ecosystem-wide process that would be damaged by

human activity, because human activity does not equal damage. Correlation does not equal cause. Okay? That's what I'm looking for.

Mr. Walters: So we'll look at that. That is straight out of the WAC, but we'll look at it.

Mr. Greenwood: Well, and I made highlights in their section too. It's an assumption. That's why I think the legislature may find but the legislature may not be correct.

(laughter)

Mr. Temples: And besides that –

Mr. Easton: That's a tee-shirt I'd buy!

Mr. Temples: And besides that a little issue that comes up once in a while in Puget Sound called a tsunami? That alters things.

Chair Lohman: Also in this section on 6B-3.6, low intensity agriculture's really not defined. That's not a definition and I think we belabored that in our meetings.

Mr. Easton: Yeah, we've definitely talked about that.

Chair Lohman: So I would suggest striking that.

Mr. Easton: The whole piece?

Chair Lohman: Just "Low intensity."

Mr. Easton: Oh, just those two words?

Mr. Greenwood: Yeah, I like that. But why is it there?

Mr. Walters: It's in the WAC.

Mr. Greenwood: Somebody defined low intensity agriculture?

Mr. Easton: No. Somebody put it in the WAC. They didn't define it.

Chair Lohman: It is not defined.

Mr. Walters: It actually says "Agricultural uses of a very low intensity nature..."

Mr. Axthelm: So does that mean, like, if you don't till the ground?

Ms. Stevenson: If you take that out of there you might not be able to provide any kind of agricultural activity in that environment.

Chair Lohman: It's used under the RCW.

Mr. Greenwood: And it's qualified when you say "...when such use does not expand or alter practices in a manner inconsistent with the purpose of the designation." It allows you to _____.

Mr. Meenaghan: I'm sure that would not be in our intent.

Mr. Walters: And agriculture has special treatment under the statute but –

Chair Lohman: But it also says not to designate an area –

Mr. Walters: Right.

Chair Lohman: – Natural if there is ag there.

Mr. Walters: It wouldn't get the designation to begin with.

Ms. Stevenson: But if something's already designated that way, by striking that out of there then you're going to be limiting their use of that property for any kind of ag.

Chair Lohman: So does that mean you can't grow potatoes? So what's the definition of low intensity ag is the problem.

Mr. Easton: Have you ever seen a state definition of low intensity agriculture?

Chair Lohman: I looked it up last time and there is none.

Mr. Walters: So we could try to define it.

Ms. Stevenson: I would prefer to leave it there, and then we can make that call on our own and determine, based on the site, whether it's a low intensity use or a high intensity use depending on what you're looking at.

Mr. Temples: Or define what it is.

Ms. Stevenson: If you take it out of there then you're limiting your opportunity to have agricultural uses in a Natural environment.

Mr. Greenwood: What is the language that was read before? There was where the agriculture use and then there was some language. The low intensity part was more descriptive rather than looking like –

Mr. Easton: Read the original back again, Ryan.

Ms. Stevenson: That's it.

Mr. Easton: No.

Mr. Greenwood: It was different.

Mr. Easton: He reversed it. It's reversed, which changes the – I think – changes the flow.

Mr. Walters: "...of a low intensity nature."

Mr. Greenwood: I think that's different. It may seem semantic, but agriculture used "of a low intensity nature" allows there to be judgment on the proposed agricultural use versus "low intensity agriculture" is calling for a definition.

Mr. Easton: I agree. It has to do with the way the sentence is constructed. Is that a compromise you can live with, Annie?

Chair Lohman: I don't think striking "low intensity" prohibits agriculture.

Mr. Walters: If you struck the entire policy –

Ms. Stevenson: Oh. I thought you were striking "Low intensity agricultural uses."

Mr. Easton: No, no, she's only striking two words.

Chair Lohman: Just the words "Low intensity."

Mr. Temples: Or at least define it.

Chair Lohman: No, don't do that.

Mr. Easton: No, we're not going to be dealing with that.

Mr. Greenwood: It could be right next to hydroponic!

Mr. Easton: Yeah.

Chair Lohman: That's not low intensity.

Mr. Temples: Google it.

Chair Lohman: I think just strike "Low intensity."

Mr. Easton: The two words, "Low intensity"?

Mr. Walters: Yeah, we'll look at that.

Mr. Easton: Betsy, let him disagree with us. Let him tell us what has to be there. What's the worst, right? Betsy, what are you concerned about if we take that out?

Ms. Stevenson: Just that it's a Natural shoreline area.

Mr. Walters: But there's additional language that talks about "does not expand or alter practices in a manner inconsistent with the purpose of the designation."

Mr. Easton: That's in addition to the exemption that agriculture already has.

Mr. Walters: But agriculture probably doesn't already exist in this area; otherwise, it wouldn't have gotten that designation.

Mr. Easton: So you can't create new agricultural – can't create new agriculture inside of Natural?

Ms. Stevenson: (negative sound)

Mr. Walters: Well, you can create low intensity –

Mr. Easton: If it's low intensity.

Mr. Greenwood: I think it gives it opportunity to have – if you describe – are these mentioned that agricultural uses _____.

Mr. Easton: It works great when Betsy's defining what low intensity is, but I don't know who Dale's going to replace Betsy with forty years from now when she retires.

Mr. Greenwood: Well, I can tell you that the paragraph just above it that talks about commercial forestry within the Natural environment, Department of Ecology doesn't like that or doesn't want that – doesn't consider it a preferred activity.

Mr. Easton: Even though it's in the code?

Mr. Greenwood: Yeah.

Mr. Easton: They would disagree with it even though it's in the WAC.

Mr. Greenwood: Oh, yeah. They say it's not a preferred use.

Mr. Easton: Crazy.

Mr. Greenwood: Because to prefer means _____.

Mr. Walters: And keep in mind this is the policy. If someone comes in and wants to do something the planners are never going to look at the policies. The policies – right? The policies drive creation of the development regulations and it's the development regulations against which an activity has to be judged.

Mr. Easton: I'm sure Keith has something prepared for you for that later.

Mr. Axthelm: So what you're saying, it's up to interpretation?

Mr. Walters: No. No. The policies are not the standard by which permits or activities are judged. It's the development regulations. The policies are intended to drive development of the regulation.

Mr. Easton: This is the perfect defense for why we don't define anything in policy! There's no definitions in policy, right?

Mr. Greenwood: In the policy you wouldn't have the appropriate box checked on the matrix.

Chair Lohman: But my point is striking "Low intensity." It still could meet the criteria.

Mr. Easton: Well, I mean, let's float it until they tell us it doesn't meet the criteria.

Chair Lohman: Because you've got the bookends around that designation following the rest of the sentence.

Mr. Walters: Right. The rest of the sentence sort of defines "low intensity."

Mr. Easton: Yeah. It seems like it defines "low intensity." And if they don't – if they insist it has to be a part of it then I think our counter is "Then define it."

Mr. Walters: Well, and a lot of the WAC is sort of written that way: e.g., badly. You know, where –

Mr. Easton: Every time he gets back to that! He always comes back to that!

Chair Lohman: Okay, so maybe we need to do some homework on that.

Mr. Easton: Who knows? Maybe another look and I love it.

Mr. Walters: Well, we'll look at it and come up with some new language.

Chair Lohman: Less language.

Mr. Walters: Right.

Chair Lohman: Okay, moving on to Rural Conservancy.

Mr. Easton: So I have one question under the Designation Criteria, under Rural Conservancy, page 11, 6B-4.1 e. How do you define – how do you – I'm recognizing this is policy but how do you define something as having a unique historic or cultural significance from a policy point of view?

Mr. Walters: Is that the Potter Stewart analysis? You know it when you see it.

Mr. Easton: Right. Yeah, that's nice. Nice. That's a good reference. So if I didn't know it then I haven't seen one. It just seems very arbitrary. But if we're drawing – if we're building guidelines based off this policy, I don't even know how you would do that.

Mr. Walters: And yet, remember, these are the high level policies.

Mr. Easton: So we have a high level policy that says that we should be able to discover what a unique and historically valued shoreline is – so we should be able to know what one is by looking at it but we don't know what it looks like?

Mr. Walters: Well, and the shoreline isn't unique or historically valuable. It's a shoreline that contains unique or – unique, historic or cultural resources. A castle, maybe.

Mr. Greenwood: Well, I think that's a good point in – because I deal with this a lot – in that it *is* vague and it *is* up to interpretation and it *does* at times leave you scratching your head as to what is unique.

Mr. Easton: I mean the resource that you get from – I mean _____.

Mr. Greenwood: Well, historically unique might be there were only so many ferry crossings so that might be one of the ferry crossings that – you know, it's a limited resource. It's something that you don't have a lot of. And the same thing goes with the cultural resources. It might be the only spot where this tribe perhaps fish from. And so those are the types of – and there's places where they have other cultural practices that congregate in particular regions or spots along the river. Those are the places that come to mind that I deal with. But they'd have to demonstrate at least – identify them as unique.

Mr. Walters: And this is straight out of the WAC.

Mr. Easton: I won't use the pun, although it was fitting.

Mr. Walters: That was Betsy.

Mr. Easton: That was Betsy's pun.

Mr. Greenwood: It is open to broad interpretation.

Mr. Temples: Well, it's like you've got railroad bridges that go over the Skagit River. They're historic.

Mr. Easton: They're abandoned?

Mr. Temples: No, not all of them.

Mr. Easton: Some of them. They cause problems _____.

Mr. Temples: And there's maps. I could show you a map from a hundred years ago where Woolley was connected to a place called Whatcom and later became known as Anacortes. So it's all part of a historic thing.

Mr. Easton: A culturally significant map.

Mr. Temples: Yeah.

Chair Lohman: Okay, was there anything else on Rural Conservancy?

Mr. Easton: That's all I have in Rural Conservancy.

Mr. Temples: Nothing.

Chair Lohman: Okay, then 6B-5, Rural Conservancy – Skagit Floodway. I have a question. On your Purpose, are you striking the last sentence in that first paragraph where it starts with “Examples”? Is that what you’re recommending in your memo?

Ms. Stevenson: When we went back and tried to start putting our matrix together and we created this category, and we talked about it because we thought we didn’t want people to think that if they were in a Rural Conservancy shoreline designation that they could do all those things that would show up on the matrix if, in fact, they were also in the floodway. So we tried to figure that out. But then when we started doing the matrix to show what you *could* do there wasn’t a whole lot of stuff that actually fit into this category as a separate environment designation. So we talked about it and kind of bounced it around and thought maybe it would be better if we considered it more as a type of an overlay kind of situation so that the underlying requirements of the Rural Conservancy would apply, but that we were just notifying landowners that yeah, but you’re also in the floodway so now you need to go to the flood ordinance and see what those restrictions are on you in addition to what may happen in the Shoreline Program – if that makes sense.

Mr. Walters: The fundamental difference between the Rural Conservancy and Rural Conservancy – Skagit Floodway was one is in the floodway and one isn’t.

Ms. Stevenson: Right.

Mr. Walters: So if that’s the difference then let’s just reduce it to that. Rural Conservancy – Skagit Floodway is the same as Rural Conservancy except it’s in the floodway, so it gets a whole lot shorter as a result.

Mr. Greenwood: Is it, as you described it, Betsy, is there an overlapping? Is there an overlap there or is it just a subset? The Rural Conservancy that’s within the floodway, there’s no overlap.

Mr. Walters: Just a subset.

Mr. Greenwood: It’s just a subset. Okay.

Ms. Stevenson: Right. Yeah. It just didn’t work out very well as I had envisioned when we did it – when we started trying to do the matrix and figure out all that stuff. It’s like wow. It was just more of a heads up to landowners and anybody looking at it that you really can’t do all those things if you’re in the floodway in addition to having a Rural Conservancy designation. So now we can still have it in there but the underlying stuff for the Rural Conservancy area we just decided to have that apply instead of coming up with a whole new thing for that, if that makes sense. And then you also refer to the flood ordinance for what’s allowed in the floodway.

Mr. Greenwood: Yeah, to me that clarifies things. I was just wondering how the Department of Ecology guidelines suggested that you deal with that. Did they have any suggestions at all?

Ms. Stevenson: They were okay with it the way that we had it because it’s our own new designation. I think they’ll probably be fine with it.

Mr. Greenwood: I guess I meant in their written guidelines because they used the written guidelines – this is how we came up with the combining. We used to have a couple of different intensities, I think, how we addressed the Rural Conservancy.

Ms. Stevenson: This is the only one that we created. The others are right out of the state guidelines, okay? We just picked up on theirs.

Mr. Greenwood: I just remember from the last one. We combined a couple of designations to come up with this Rural Conservancy. Did we not?

Ms. Stevenson: No, the state did. That's theirs.

Mr. Greenwood: I know that –

Mr. Walters: But yeah, but they were behind –

Mr. Greenwood: Because we had separate –

Mr. Walters: Yeah.

Mr. Greenwood: We were separate.

Ms. Stevenson: Yeah, we had a Conservancy, we had a Rural, we had a Rural Residential.

Mr. Greenwood: Correct. And we had the preference – the ability – to do that. Their guidelines didn't break it up that way. Correct? So their guidelines break it up differently so we chose – we had the options, even through our consultant who said, You could do this or you could do this. You could do what you've been doing or you can combine it to match the guidelines. And we are choosing, through this process perhaps, to combine them. And we've gone far enough down the road to where this is what we've got, and now we're having to split it off a little bit just for the floodway. I was just wondering if they already had some designation that they said was a floodway. No? So they didn't think of everything.

Mr. Walters: And we've had the floodway for a little way now – the RC-SF designation for the floodway – but now just the text about it is condensed and simplified.

Chair Lohman: So you dropped that. You lost that entire paragraph. I mean, it goes over to – it starts at the bottom of page 12 and goes over to page 13. You condensed that to a very simple sentence, right?

Mr. Walters: Yes. So number 4 on your memo, the entire 6B-5 is reduced to all that you see there under number 4.

Chair Lohman: And so then did you lose 5.3, .4, and .5?

Mr. Walters: Yeah.

Chair Lohman: Where it talks about new shoreline stabilization.

Mr. Walters: Yeah.

Chair Lohman: All of that's lost?

Mr. Walters: All of that, because it's all the same Management Policies from Rural Conservancy.

Chair Lohman: Okay.

Ms. Stevenson: With the caveat that you still have to look at the flood ordinance just to make sure that it would be allowed.

Mr. Walters: We didn't want to duplicate the flood ordinance.

Mr. Axthelm: This is specifically above the bridge in Sedro-Woolley? Is that what that – the Skagit floodway? Okay.

Ms. Stevenson: Right.

Mr. Axthelm: So below that point if you – it's in the floodway. It doesn't – it doesn't apply.

Chair Lohman: Okay, moving on: 6B-6, Shoreline Residential.

(silence)

Chair Lohman: Nothing? Urban Conservancy.

Mr. Walters: So that's the end of the shoreline Designations and the Policies. Then you go to the Development Regulations and read most of the same identical text again.

Mr. Easton: It seems efficient. _____?

Mr. Walters: 52.

Mr. Easton: I was just wondering what page we're on. I got it. I was close.

(several Commissioners speaking at the same time)

Ms. Stevenson: 52.

Mr. Easton: 52.

Mr. Temples: Betsy, can I ask you a question before we get to 52, because this is before this? On page 40, 6H, Conservation, Environmental Protection. On 6H-1.1, item a: "Shoreline ecological functions that should be protected include, but are not limited to: fish and wildlife habitat, food chain support, and water temperature maintenance." Can anybody here tell me how we're going to maintain water temperatures?

Mr. Walters: Shade.

Mr. Temples: Seriously.

Mr. Walters: Yes. It's a big deal.

Mr. Easton: That's the core of the critical areas ordinance.

Mr. Walters: Yeah.

Mr. Temples: So what happens with our environment getting warmer every year?

Mr. Easton: We need more shade.

Ms. Stevenson: It becomes even more critical.

Mr. Walters: Yeah.

Mr. Temples: Okay. Thank you, folks.

Mr. Greenwood: Now where did that – we threw that out there pretty quickly. Shade is how we're going to manage water temperature in the shoreline, really?

Mr. Walters: Typically.

Mr. Greenwood: I mean that's one –

Mr. Walters: Ice _____.

Mr. Greenwood: – possible measure, but is it realistic in this environment that we have? I mean, you have it contributes –

Mr. Walters: This is a big – shade is a big deal.

Mr. Temples: We have an entire west coast with very little shade on the beaches, so how are you going to shade it?

Mr. Easton: Well, most temperature controls – most of it's been aimed at creeks and streams, from what I've –

Ms. Stevenson: Well, a lot of ___ that are down along the marine shorelines are required to do some plantings and do some more to try to have some trees that will provide shade for forage fish areas.

Mr. Temples: I just think that –

Ms. Stevenson: Otherwise the eggs dry out when they come up and spawn.

Mr. Temples: But I think the terminology to me – and the part I have the hardest is maintenance. It's like it's basically, you know, humans are impacting the plan enough as it is. How are we going to maintain this temperature? And I don't think physically we can do that.

Mr. Greenwood: Well, water temperature is something that's regulated. We're regulated as to how much we can affect – it's considered pollution if you're affecting it in an adverse way.

Ms. Stevenson: Right.

Mr. Greenwood: So it's not just sediment. It might be petroleum products. It could be temperature. So that is a –

Ms. Stevenson: We already have several streams that don't meet the standard and are under some restrictions.

Mr. Greenwood: But some of them have nothing to do with shade. That's all I was making a point on.

Ms. Stevenson: No, but they have to do with temperature.

Mr. Greenwood: Right. The temperature is affected by a lot of things.

Ms. Stevenson: Right.

Mr. Walters: We could look at maybe a word other than "maintenance" – water temperature control, water temperature reduction.

Mr. Temples: Well, again, a lot of the examples I keep hearing are upstream, but we also have – I mean, this also includes our beaches, does it not?

Mr. Easton: Well, it does but –

Mr. Walters: Marine beaches, you mean?

Mr. Easton: Yeah, but we're writing the Shoreline Master Plan for every shoreline you can conceive, except for really super small lakes. Everything else is basically included.

Mr. Greenwood: I'd like to add that you have to manage for temperature. How you do it might be dependent upon the particular stream. Because when I deal with it it might be there's an east-west stream flow; the shade on the south side makes a difference – or the north side makes a difference because you've got the sun. And it's oriented the other way. It's not that. It might be something else that you might be – another way you could affect temperature. So saying that you're going to affect or look at and consider water temperature I think is a valid argument.

Mr. Temples: Yeah, I think the idea of, you know, just considering water temperature and its impact, I can appreciate that. It's just how are you going to maintain that? That's a trickier way.

Mr. Greenwood: That's a scientific question.

Mr. Temples: Yeah.

Mr. Walters: We'll look at some additional or different language.

Mr. Temples: That's it. Now we can go to 50 – whatever it was.

Mr. Walters: Page 52, the beginning of Part II.

Mr. Easton: Wow, you're not kidding. This is duplicate. Painful reminder. But if we poke holes in the policies not being specific enough, then we rewrite it into our guidelines? For consistency, I'd like to move on to 14 – if no one's going to speak up – 14.26.220, number (e), unless somebody has something before that.

Mr. Greenwood: Letter (e)?

Mr. Easton: Letter (e).

Mr. Greenwood: I have letter (d).

Mr. Easton: All right, you can go.

Mr. Greenwood: Okay. And the only reason I'm going to mention this one is because I think that I like what we have here and I've seen a little pushback from the reviewer from the Department of Ecology pushing for a conditional use permit for forestry practices within the Natural environment. And I think that what we have here better meets our encouragement and our preferential for this type of activity over some other activities. So not to say every commercial forestry activity is appropriate, but there's a lot of buffers associated with that type of activity that are different than some others. So I would just watch for the Department of Ecology pushback on that.

Mr. Easton: I'm glad you like it, but I wouldn't be too – I wouldn't have a real high level of hope that it's going to make it through without that. Because when I read that comment I think if that far down the chain feels that way, I think we're going to see this revisited.

Mr. Greenwood: Yeah, I don't think it's done but that's why I flagged it to keep watching.

Mr. Easton: I'm afraid _____. I'm glad we're fighting for it. I think it's worth it. I think the more things that we can confront them on that are logical make the chances of us getting half that list through as opposed to none of it. But it's one I'm concerned that we'll lose. I hope not.

Chair Lohman: Which one – (d)?

Mr. Easton: (d), yeah. I think they *are* going to get their conditional use there.

Mr. Walters: And we'll address (e) the same way.

Mr. Easton: Right.

Chair Lohman: I already talked about it.

Mr. Greenwood: Low-intensity agriculture?

Mr. Easton: I just wanted to – I wanted to bring up (e) just for consistency.

Ms. Stevenson: Thank you.

Mr. Walters: Yeah. The big key to all these is when we get to the matrix. You're going to be looking for an exit.

Mr. Greenwood: That's why I want some consistency up front in the Policy, the Goals.

Mr. Easton: That's what I want _____ for.

Mr. Greenwood: When we supply those at the beginning we can be consistent throughout.

Mr. Easton: Agreed, agreed.

Chair Lohman: Well, I think the devil's in the – where you're going to put that designation. You're going to be very careful where that is. You're not just going to broadly have it. And I thought in our preliminary map where you showed it as pretty – it wasn't in the – quote/unquote – working NRLs.

Mr. Greenwood: But I see it in places where I don't feel comfortable with it if it becomes more restrictive than our policies specify. I've seen some – I've got some little ponds, you know, that happen to fit the designation and they're completely managed around it and they're labelled as Natural. And, anyway, I was just being careful.

Mr. Easton: I have another one. If we could move on to Rural Conservancy, I'd like to look at on page 56 I'd like to look at number (3), letter (c) there at the bottom of 56. Is everybody there? Really I'm not so keen on the last sentence of letter (c), "New development should be designed and located to preclude the need for such work." "Construction" – I'll read the whole thing: "Construction of new structural shoreline stabilization and flood control works should be allowed when the need exists to protect an existing structure or ecological functions." That part makes sense to me. So we're building to protect things that need to be protected. "Mitigation may be necessary for such construction." Okay, makes sense. Then why would we throw in a sentence that says "New development should be designed and located to preclude the need for such work"?

Ms. Stevenson: So that if you're building on a property that doesn't have any of that kind of stuff on it you could have been on a location where you won't need to do shoreline stabilization or flood control work when you design and locate something on the property.

Mr. Easton: But isn't the point of the beginning of this is about stabilization and protection? So you already had to do it. You're trying to protect something, so why would you then discourage people from building something to protect it? Am I not following you?

Ms. Stevenson: No. I think the new construction isn't for – it's new development, it's not new construction of shoreline stabilization. It's – say, if you have property that doesn't have anything on it at all and it has a –

Mr. Easton: So I shouldn't put my garage at the – if I own a vacant piece of land, I shouldn't set the garage within the need for having one of these?

Ms. Stevenson: Right. So basically it's going to make you think before you place something on your property so that you won't generate or create a need to then put in shoreline stabilization.

Mr. Walters: And the first sentence recognizes if you already have a garage there.

Ms. Stevenson: Right. You have the right to protect what you have there and you have the right to protect your land.

Mr. Easton: You don't have the right to go build it in a place where it needs to be protected?

Mr. Walters: To create problems.

Ms. Stevenson: To create a problem. Or you have to at least look at it and consider it and think about it before you do it.

Mr. Easton: So if you're already inside a 200 feet – so if your house is already inside 200 feet, you can't put the garage below the house. You have to put it above the house.

Mr. Walters: No, it's not about 200 feet. It's about – it's not about the jurisdiction. It's about whether or not the shoreline is going to erode there.

Mr. Easton: If putting the garage below the house is going _____.

Mr. Temples: Geologically stable.

Mr. Easton: Okay, so to my fellow Commissioners, what they explained that said, is that what you thought it said when you heard me read it? Because that's – I mean, that's where I got confused is that last sentence seems to be – I thought was contradictory. Does that seem clear to you all? Maybe I was just –

Mr. Temples: If you're building on a cliff that's all solid rock, you don't have to worry about it – that hopefully has been geologically determined to be a stable hillside.

Mr. Walters: So this is from the WAC, but we can revise the sentence to make it more parallel, so it says "For existing structures, new shoreline stabilization is allowed. For new development, don't put it where you're going to have _____."

Mr. Easton: I would separate the two into two separate letters and –

Mr. Walters: I would keep it as the same one because it's in the same in the WAC so you can track it.

Mr. Easton: Oh.

Mr. Walters: But we can –

Mr. Easton: But two separate sentences. I mean –

Mr. Walters: Yes.

Mr. Easton: Yes, add that. Adding that phraseology would make it clearer.

Mr. Walters: Make it more parallel.

Mr. Greenwood: Can you put it as a sub-point underneath (c)?

Mr. Easton: And still be referenced in the right place?

Mr. Walters: Yeah. Yeah.

Mr. Greenwood: I'm thinking that might pull it out a little bit.

Mr. Easton: I'd like to pull out the separation between the fact that you're not talking about the same thing. Because you're clearly – now I clearly understand that we're not.

Ms. Candler: I think, yeah, just take the word “new” out of the first one and then see.

Mr. Easton: If you put “existing” into the first sentence and take the word “new” out of the last sentence, or separate “new” from –

Mr. Walters: We'll get it.

Ms. Candler: I think actually just changing “new” to “existing” in that first sentence might do a lot.

Mr. Easton: How are you going to word the first sentence then? You'll bring something back to us. I look forward to seeing it.

Mr. Walters: We prefer not to wordsmith here.

Mr. Easton: Oh, yeah. We prefer not to talk about words.

Mr. Greenwood: This item is dealing with structural stabilization construction.

Mr. Walters: Right.

Mr. Greenwood: So it's talking about the stabilization application.

Mr. Easton: That's why it felt odd to me that now we're talking about – then you jump to new construction that was now explained to me as being – would be considered destabilizing.

Mr. Greenwood: Or it's just a –

Mr. Walters: It's not going to destabilize but it may be placed in some place where you would then have to stabilize the shoreline later.

Mr. Easton: You can't create a situation where you need to mitigate. You can't create a situation where you have to turn around and mitigate.

Mr. Walters: Yeah. Right.

Mr. Easton: Because that would be the way you could get a – I mean the idea being they're trying to avoid you getting around creating something new that was the intention of being stopped by the Act in the first place.

Mr. Walters: Don't build on a shoreline you know is going to wash away.

Mr. Easton: Right.

Mr. Axthelm: I think it's confusing just having a construction up front like that.

Mr. Walters: We'll take –

Mr. Easton: Build your house on the rock.

Mr. Walters: We'll fix it, and then we'll fix it again.

Mr. Easton: Fix it again! I'm good for a while. I didn't see –

Mr. Greenwood: I wanted to look at a paragraph under (a) up above under Management policies on the same page, 56. For consistency, because I see it elsewhere and I prefer it, where it says "Agriculture" – it's about maybe the second sentence. "Agriculture, commercial forestry, and aquaculture when consistent with" the provisions of the SMP – I'd like to change to "preferred."

Chair Lohman: I thought we tried to catch that everywhere.

Mr. Greenwood: Whereas it says "may be allowed."

Mr. Walters: Maybe – you want "allowed" to be "preferred"?

Mr. Greenwood: Yes. To be consistent.

Mr. Easton: (unintelligible)

Chair Lohman: Well, the wording was –

Mr. Easton: I thought it was a little different than that.

Chair Lohman: – "preferred use."

Mr. Easton: "Preferred use."

Mr. Greenwood: "Preferred uses," I think is what's used.

Chair Lohman: Instead of "may be allowed."

Mr. Easton: “Preferred uses”?

Mr. Greenwood: I think so.

Mr. Temples: Well, it sounds more positive and direct.

Ms. Candler: Isn't that what it says in the guidelines, too?

Mr. Greenwood: Maybe.

Ms. Candler: I believe in the guidelines doesn't it say “preferred use”?

Mr. Walters: No. It says “allowed.”

Mr. Easton: So would we like that change in both, or neither?

Mr. Greenwood: The paragraph under “Rural Conservancy – Skagit Floodway” states it as “agriculture, commercial forestry, and aquaculture when consistent with provisions of the SMP and the flood hazard regulations” – that's the only added portion – “are preferred uses.”

Ms. Stevenson: That's because we wrote that ourselves.

Mr. Greenwood: Right.

Mr. Easton: That's why it's better.

Mr. Greenwood: So I'd like to fix theirs to match –

Chair Lohman: In my notes when we went over that section it has that “may be allowed” stricken and changed to “preferred use.”

Mr. Greenwood: “...are preferred.”

Ms. Candler: “...are preferred uses”?

Mr. Walters: Okay, so then to follow on that, the RC – SF section, .240, that follows would get condensed and look identical to what you just read in the Policies about RC – SF.

Mr. Greenwood: RC – SF: Tell me what that means.

Mr. Walters: Rural Conservancy – Skagit Floodway.

Chair Lohman: But we're in the Rural Conservancy.

Mr. Walters: Right.

Mr. Greenwood: Yes.

Mr. Walters: I'm saying that next section.

Ms. Candler: But you were saying it's going to reflect it like this.

Mr. Walters: Yeah.

Mr. Greenwood: It'll be similar to that except it wouldn't have that flood hazard portion.

Mr. Walters: No. I'm saying it would look identical to what the policies say on the memo because the regs match the policies.

Mr. Temples: Yeah, I'm seeing it here too under (3)(a).

Ms. Stevenson: Number 4 of the memo where we changed it in the Comp Plan section that we already went through, it would be the same here in .240.

Mr. Greenwood: I'm sorry. I'm not finding it here. What page is it on on the memo?
Page –

Ms. Stevenson: First page, number 4.

Mr. Greenwood: Page 1, number 4.

Chair Lohman: But on page 11 it says "Agriculture, commercial forestry, and aquaculture when consistent with the provisions of this SMP are preferred uses." So I'm asking you to make it say the same thing.

Mr. Walters: Right, right. Yeah, we got that.

Ms. Candler: They moved on.

Chair Lohman: Oh. Sorry.

(several unintelligible comments)

Chair Lohman: I didn't hear that!

(several inaudible/unintelligible comments)

Ms. Stevenson: So now we can go back to the other section of the __, yes?

Mr. Easton: So going to 6E?

Ms. Stevenson: That's what I have, yes. Thank you.

Mr. Walters: 6E starts on 33.

Mr. Greenwood: Thank you.

Mr. Walters: So your first policy there is the same as was in –

Mr. Easton: It sounds like Josh wrote it. It's that good.

Mr. Walters: It was written in 1976 or whenever.

Mr. Easton: It sounds like what you said, right, when you clarified "public"?

Mr. Axthelm: Yep. Yep, the very same thing. Yep. I think sometimes, unfortunately, people they pick up that open space and think, Okay, open space, this is – or the dikes, for that matter – that they're kind of an easement but they're in a park. It's for dike and maintenance and upkeep. It's not a public access and shouldn't be set up as such.

Mr. Greenwood: Are we ensuring or are we guaranteeing some level of access by saying we should provide? Are we hanging ourselves out there a little bit if someone says there isn't enough access for recreational purposes?

Mr. Easton: So you mean like from a liability point of view because we didn't do enough to follow our own policy?

Mr. Greenwood: I'm thinking about from inadequacy. Yes, inadequacy. We're supposed to encourage and increase – I think it talks about increasing public access to these shorelines so they can enjoy them. Some of it's visual and some of it's – so I'm just wondering if we say we should provide, is that a requirement for the taxpayers to build another boat launch or –

Mr. Easton: You're afraid somebody might hold you accountable for not providing enough?

Mr. Axthelm: So meaning just because it's public land doesn't mean it *should* be accessible. Is that what you're saying?

Mr. Greenwood: Or you should provide this level of service. What if it's not convenient, you know?

Mr. Walters: We can look at some of their language other than the word "provide."

Mr. Greenwood: I think we should promote something rather than provide something.

Mr. Walters: Mm-hmm.

Mr. Greenwood: I just – because sometimes a major recession doesn't allow us to go build a new boat ramp.

Mr. Easton: Yeah.

Chair Lohman: Well, the state has even closed some public access.

Mr. Easton: "Promote" versus "provide" seems like a nice change.

Ms. Stevenson: Yeah.

Mr. Walters: Well, and they use "promote" in the next policy, so that's consistent.

Chair Lohman: The state has a database of public beach access points and other public access. It's kind of a not necessarily user-friendly to get. I've made several attempts. But there is like an Excel list – a whole bunch – that I thought was real interesting.

Mr. Greenwood: I think that DNR has a publication too on that. I've grabbed some of those.

Mr. Easton: Can we move to page 34, unless anybody else has something before that?

Mr. Axthelm: Yes, well, right there – the 6E-1.2. It says “Skagit County should promote public access as part of private shoreline development...”

Mr. Easton: 1.2?

Mr. Axthelm: Yeah, you're on Public Access, right? 6E-1.2. I guess my hesitancy on that with the “promote public access” is is it requiring it? It shouldn't necessarily *require* it. It should suggest it or if people want to upgrade it then say, Okay, we'll give people access to the private land.

Mr. Easton: So, in theory, you're in unincorporated Skagit County with a project large enough that would justify having public access and the County's going to – can't require it but is promoting it?

Mr. Walters: Well, this policy suggests –

Ms. Stevenson: Through the policy.

Mr. Walters: This policy is just saying that we promote it.

Mr. Easton: When we get to the guidelines they might be different!

Mr. Walters: Oh, they are.

Ms. Stevenson: Regulations.

Mr. Easton: Oh, they are! Regulations – excuse me. So maybe a better place to adjust it would be at the guidelines or review it at the guidelines? Or the regulations – excuse me.

Mr. Axthelm: So what you're saying is later on it'll still be required to have public access because of the size of the project.

Mr. Easton: It's based on project size too, isn't it? In theory.

Ms. Stevenson: Mm-hmm.

Mr. Easton: Because the guy building his own private – the guy building a twenty-unit – well, can he legally build twenty houses on the river in unincorporated Skagit County? Good luck getting that permit. _____.

Chair Lohman: It's greater than four – four or more, I believe.

Mr. Easton: Greater than four or more is public – well, I guess we'll get to that when we get to the regulations. I have a policy one, if I could jump to it on the next page.

Mr. Temples: What page is that?

Mr. Easton: 34. At the bottom of 34 would be the letter "j." It's a phrase I'm not familiar with in a – imagine that after seven years here – in a concept plan I can't recall seeing – when was the last time the UGA Open Space Concept Plan was addressed, or is that another name for the trails plan?

Mr. Walters: That's the Open Space –

Ms. Stevenson: The trails plan is another name for the Open Space.

Mr. Easton: So that is the actual – when I think of the trails plan that was reviewed here actually that's its legal name?

Mr. Walters: I'm not sure that that is 100% accurate either. But that – I'm not sure if that name is exactly what the document is called.

Mr. Easton: That's what we did a couple of years ago?

Ms. Stevenson: Yeah, with Jeroldine?

Mr. Easton: Yeah, yeah.

Ms. Stevenson: That's it.

Mr. Easton: Right. And Tom, I think?

Mr. Walters: Well, it's the Skagit County-wide UG – whatever. Anyway, that's in a parenthetical that goes away.

Mr. Easton: I look forward to hearing the final results of that. The question I have is – and maybe I should have asked this four years ago when I first reviewed this plan that I didn't remember being a part of reviewing – what's a water trail?

Ms. Stevenson: For paddling, like kayaks and things.

Mr. Easton: So we designate – we – quote – "where possible," we're supposed to connect on- and off-road trails with water trails? So we're supposed to know where the kayaks launch and which way they meander along the beach to the next? It's a brave new world and goal, it seems. I just – (laughs).

Mr. Temples: Use GPS.

Mr. Walters: Once you're on the water I think –

Mr. Easton: I'm just not – I am not familiar with the phrase “water trail.” I guess I understand the concept that they get in the water at Washington Park. Once they turn that corner by that beautiful tree I don't know where they go from there.

Mr. Axthelm: Well, are there areas that are, let's say, protected so you aren't supposed to enter those areas? I mean, even with boats.

Mr. Walters: There could be. Are there?

Ms. Stevenson: You know, I don't know about Skagit County – if they have any designated ones. I know a lot of places do. They have guidebooks that show where, you know, where they're kayak-friendly and where you really aren't supposed to have boats running through, they are actual trail areas. I'm not sure that Skagit County has _____.

Mr. Easton: We also connect to private excursion boat routes?

Mr. Walters: This is probably out of the Open Space Plan.

Mr. Easton: Yeah. Oh, no, which I voted for! I voted one way or the other. I can't remember.

Mr. Walters: I think it was unanimous.

Mr. Easton: So as an objective – as an objective – really, is one of our objectives – that's something that we really need to reference in the Shoreline Master Plan?

Mr. Walters: It says it is. One of the requirements under the statute is that we have a public access plan, which we don't really have.

Mr. Easton: Oh, so we're taking some of our goals out of this other plan –

Mr. Axthelm: Which is a concept plan.

Mr. Easton: – and putting it into this – which is a concept plan – and we're putting it into this document that might not be adopted for another four years and we're calling it our plan?

Chair Lohman: It was not the intention of the Open Space Plan to be a de facto trail plan.

Mr. Walters: This isn't a trail plan. It's just conceptual.

Chair Lohman: You're referring to it as if it is the way you're referencing it.

Mr. Easton: Well, that's why I'm concerned – it sort of gets to my concern is. All joking aside, we're referencing a plan that was more theoretical into a policy that we're drawing guidelines from?

Mr. Walters: It's still conceptual. I mean there's no trail delineated.

Mr. Easton: Or private excursion boat route?

Chair Lohman: Are you getting maybe into the weeds and blending over into the next section a bit, where the next section is recreation and some of that is.

Mr. Easton: Well, yeah –

Mr. Walters: Well, this is just shoreline public access, and if you have shoreline public access, I think it's just saying that a goal is that the access down to the water would preferably hit someplace where people want to go.

Mr. Easton: Okay.

Chair Lohman: But I almost think (i), (j), and (k) and even possibly (l) should be in the next chapter under Recreation.

Ms. Candler: Well, you can't recreate without the access.

Chair Lohman: But they're not talking about public access.

Mr. Easton: But that's not – we're not actually able to – we can't bestow access. A Shoreline Master Plan cannot bestow access by law. We're not doing – we can have a section called Public Access, but we can't establish public access through this document.

Ms. Candler: But I think it –

Mr. Walters: We can only require it when development occurs _____.

Mr. Easton: Which does not relate to the four letters that my fine friend Madame Chair just referenced. Those have nothing to do with new development.

Chair Lohman: They don't have any – well, they – I almost think they're –

Mr. Walters: Well, for instance, (j) "Where possible, connect on and off road trails with water trails..." If you have an on or off road trail and you're talking about provision of public access and the trails up here – shoreline, water – what it's saying is the public access should connect those two. It has to do with public access. It can be moved. It can be moved to Recreation but it does, in fact, have to do with public access. It could be reworded to make it clearer.

Mr. Easton: It could be removed if seven of the nine or four of the nine probably voiced that too.

Mr. Walters: Oh, yeah. Right.

Chair Lohman: I'm not objecting trails. That's not the point. I'm just objecting –

Mr. Easton: I'm objecting to whether it's – I'm concerned about whether or not it's – I believe it may be – I believe it may be an expansion of what the requirements of public access are within the guidance we get from Ecology about what should be a part of this

Public Access section, with seven – I think now – maybe seven or eight different references to a concept plan – that’s part of the actual name of it, or at least the one the way it’s written here – it seems like we’re taking steps towards codifying a concept plan.

Mr. Axthelm: Well, and right at the beginning of 6E-1.7 it says “Skagit County should require that applicants demonstrate compatibility with the following public access objectives...” I mean, it’s –

Mr. Easton: How do you require – I understand how to require the guy who puts twenty houses up he’s got to have a boat launch maybe, or a beach that other people – the public – can use. How do you require him to make sure that he’s compliant with, like, connecting to the Tommy Thompson Trail or Padilla Bay or Similk – how do you – these things don’t seem to go together.

Mr. Walters: The 1.7 there “...require that applicants demonstrate compatibility with the ...public access objectives...” may, in fact, be problematic and I think that might be why we revised the regs section to not include that level of detail.

Mr. Axthelm: So we don’t have anywhere else – besides the Open Space Plan – we don’t have anything for public access objectives?

Mr. Walters: For public access objectives?

Mr. Axthelm: Yeah. I mean, is that what you’re getting at? You went to the Open Space Plan because you didn’t have it anywhere else.

Mr. Walters: Right. The statute identifies we should have a public access plan. We don’t have a public access plan, we’d rather not go back and start writing one, or at least that’s what Betsy says – or she could do it if you want, but then that’s a whole other process.

Mr. Easton: I think we’d probably prefer Ecology making you do that before we _____. I mean, I don’t know what Dale thinks.

Mr. Walters: So the idea is we already have a Parks and Rec Plan and an Open Space Plan, so just pull relevant policies out of that and put it in here and call it good.

Mr. Easton: I’m with you everywhere except for “relevant.” You had me till “relevant” and here’s where I’m concerned, is that when you include it as sub-points under something that calls it out as a requirement we lost our relevance.

Mr. Walters: First of all, by “you” this is the consultant.

Mr. Easton: I’m sorry. I don’t mean “you” in some personal way – the two of you. I just mean what I’m looking at. I’m a little concerned then that we’ve then set ourselves up. Now you said you think that when we get back to guidelines – or when we get back to regs that regs have addressed this?

Ms. Stevenson: I guess I’m getting a fairly strong sense of how you feel about this stuff. We did totally revamp the public access regs but we didn’t get to go back and revisit the

Comprehensive Plan Goals and Policies, so maybe we need to spend some more time and bring those back to you.

Mr. Easton: Maybe before we look at the regs on public access, which are those –

Ms. Stevenson: Oh, wait a minute.

Mr. Easton: – documents just maybe we should review this in light of maybe you guys should try to make them compatible first? I don't know.

Mr. Walters: So, yeah. I mean you've got new public access regs as part of the memo, but these aren't revised. We need to go back and revise these, move whichever ones seem to fit better in Recreation elsewhere – to Recreation or wherever – look at also 1.7 and whether that still makes sense in light of what we did to regulations in terms of reviewing that. (j), I think, still makes sense in terms of public access but if you want to move it elsewhere, you know, we can talk about that. Anyway, we can definitely revise and can bring it back unless you want to just work through it all first. But I think we have a sense of what you're talking about.

Mr. Easton: I'm not going to object to seeing some of these letters live on, if you can get them out from what underneath what appears to be a requirement that doesn't add up. When you referenced – before the letters – when you referenced 6E-1.7 and you called this out as “Skagit County should require” the “applicants demonstrate compatibility with the following public access objectives, where applicable to the use, location, and” the level of public demand and then list some of these it doesn't – it doesn't make sense.

Mr. Walters: And maybe it's that introductory sentence that really throws it off – demonstrating compatibility.”

Mr. Easton: And if it gives you a chance to help bring these together so that when we review them either – if you decide to review them later – so that the regulations about this section fit better together with the policies, that makes sense.

Mr. Walters: So why don't we do that? Why don't we just bring you back 6E and the Open Space regs next week?

Mr. Greenwood: And I would –

Ms. Stevenson: Public Access is not next week. It's two weeks.

Mr. Walters: Public Access – Public Access regs next week.

Mr. Easton: Next meeting.

Mr. Walters: Next meeting.

Mr. Meenaghan: Two weeks.

Mr. Walters: Well, which would be next week.

Mr. Meenaghan: No, two weeks.

Ms. Stevenson: Two weeks.

Mr. Easton: Man! You can come next Tuesday if you want to!

Mr. Walters: I know, but we have to send it out next week.

Mr. Greenwood: Could I encourage us to marry that with or consider having it be harmonious with 6E-1.5 which says "Skagit County should seek willing property owners to participate in public access projects, such as through voluntary agreements such as conservation easements and trail easements"? To me that kind of says what they're really looking for, but when we go down to 1.7 we say "...should require that" they demonstrate. That's a different –

Chair Lohman: I think you get way into the weeds. You're going way off beyond just policy. Because like he just read, you're kind of capturing a lot of that where you're putting in a whole boatload of detail in 1.7

Mr. Easton: I understand – I think I understand that without having a plan that exists, you tried to borrow – honorably – tried to borrow from a plan that had previously been put through, but it seems overly detailed for this section. It seems to come under – it seems almost to be phrased as a requirement instead of a suggestion, and I would drop – if that truly is the legal name of the document and we're trying *not* to put Ecology in the position where they're going to require us to write a plan – labeling this as having being referenced from a concept plan seems to be a red flag to me if I was Ecology and I was reviewing it if I kept seeing the word "concept" plan next to it. So whatever it is we include it needs to come across with some –

Mr. Walters: Well, the public access plan is – could be a concept plan – a public access plan that we don't have.

Mr. Easton: But it'd have to be a plan. It could be a concept plan – isn't there going to be a finalized plan?

Mr. Walters: I think the terms are pretty muddy. You know, what's a plan versus a concept plan?

Mr. Axthelm: A very big difference.

Chair Lohman: Yeah.

Mr. Axthelm: It's a very, very significant difference – because the Open Space Concept Plan was not put in as a plan. It was a concept plan, and that's a very big difference.

Mr. Easton: Thus the reason why it –

Chair Lohman: I mean it had – I mean, even the graphics in it were artwork. They weren't maps.

Mr. Walters: Right, right, right. I mean, you can have a plan that isn't a strategic plan for going out and building something.

Mr. Easton: Because it's a region – I mean, Dale brings in an interesting point, right? People forget about this from a policy point of view. This was one of those ones where we saw it then we kicked it over to SCOG and SCOG played soccer with it for a while – or what's the equivalent of SCOG which was the Urban Growth Areas Board which is basically all the members of SCOG and then they have a different name and a different set of minutes.

Mr. Walters: GMA Steering Committee?

Mr. Easton: Yeah, the GMA Steering Committee. Then they approved it and sent it back to not just Skagit County but to all the jurisdictions, right? That was sent to more than just Skagit County; it was sent out to the Cities. But it was all under the concept of being a concept plan, because nobody's executing it from the point of view of requiring it to happen. Anacortes's fulfillment of those goals today are focused on one trail but tomorrow they might focus on a different trail and that doesn't change the plan. So it's not being executed in the sense if it's a to-do list of requirements.

Mr. Walters: Right. I'm just saying that you can have plans that are to-do lists, plans that aren't to-do lists, plans that are _____.

Mr. Easton: I concur with Josh that there's a significant difference.

Mr. Temples: Well, you're using the term "plans." He's talking about the term "concept." It's like if you say "concept car," we know what a concept car is but we're not driving them.

Mr. Axthelm: A concept is not reality.

Mr. Greenwood: Well, imagine Matt who's doing – because I could picture Matt or someone doing a ____ analysis on a project.

Mr. Easton: Right.

Mr. Greenwood: You're going to evaluate all the ideas that are out there. You may say it's part of my alternative/it's not one of my alternatives, but when it's someone's – it's a concept situation that's someone's opinion that hasn't been adopted. And so until it's been adopted you don't necessarily have to hold it up as a requirement for yourself, but you might address it. Does that make sense?

Mr. Easton: Right. Look, what makes this awkward is there's nothing conceptual about the Shoreline Master Plan. It's full of a lot of requirements! Okay? And maybe there are some things that aren't defined and maybe you could call some of those lack of definitions – you know, maybe that, maybe those – it's just vague. Maybe we'll never know what low intensity agriculture 200 feet from a shoreline is in my lifetime. I can live with that. What gets odd is that we jump from being in a very non-conceptual, very requirement-driven plan and then jump into concept. So I just to make sure that we're communicating it clearly, but I think we've beat this horse pretty well into glue.

Mr. Walters: Yeah, what I'm saying is it's the sentences that matter, not the title as much. If the sentences say you have to go do exactly what the concept plan says, then that is what you want to avoid.

Mr. Easton: Yes.

Mr. Walters: Yeah. So I think what we just said –

Mr. Easton: We're not saying that the work that was done on the concept plan was poor. I don't think anyone here is saying that.

Mr. Temples: No, it's great.

Mr. Easton: But if you integrate it into a very regulatory-oriented plan and refer to it as a concept that's confusing.

Mr. Walters: Well, I think what –

Mr. Easton: At least.

Mr. Walters: Well, I think what we just said is that we'll take a look at that "require that applicants demonstrate compatibility with" and avoid it there.

Chair Lohman: But the key word is "should," and in your definition "should" is required.

Mr. Walters: In the state definitions.

Chair Lohman: In the ones attached to this plan.

Mr. Walters: It comes from the state definitions.

Chair Lohman: And so substitute – well, it would be "require," "require" – "Skagit County should require," and then you go into this list. I would suggest striking 6E-1.7 from that list because you've already – the devil is in the details in the .360, 14.26.360 – and just leaving those off.

Mr. Walters: I think we will have it fixed.

Mr. Easton: Well, I like that suggestion.

Mr. Axthelm: And strike the reference to the Open Space.

Chair Lohman: No, that's not –

Mr. Axthelm: (inaudible)

Chair Lohman: No.

Mr. Axthelm: No? Thank you.

Mr. Easton: You might want to bring us back a couple of options on this one – sort of moderately fix it, sort of aggressively gut it. Give us a couple ideas to look at. I'm not convinced that you would – I believe it would be unintentional, but I have concerns you're not going to go far enough. So I think a couple of options – one where you feel like you're there and one that may be a little further – would be good for us to look at.

Chair Lohman: But look at it in reference to the ones that came before it, too, because I think they are referenced already.

Mr. Walters: 1.1 through 1.6?

Chair Lohman: Right. But then all of a sudden you dive into a great deal of specificity.

Mr. Greenwood: A lot of these look really painful to me. Some of the details on some of these are quite restrictive.

Chair Lohman: Well, especially "should require."

Mr. Greenwood: Yeah.

Chair Lohman: So do we want to go into the zoning code on this one?

Mr. Easton: Are we going to skip – are we going to do that?

Chair Lohman: If it's easier, do you want us just to hold off and wrap up for tonight and come back on it?

Mr. Walters: Whatever you want to do.

Mr. Easton: Can we finish?

Mr. Walters: Yeah, you've got 6F, 6H, 6I, 6J just in the policies, and then you've got part 3 in the development regulations.

Mr. Easton: What do you want to do, Bob?

Mr. Mahaffie: I think we can get through those 6E, 6F.

Chair Lohman: All right, why don't we move on then – on 6E and F?

Mr. Easton: I've got one shore one in Recreation, if somebody else wants to go first. Bottom of page 35. So we interject the word "fragile" here?

Mr. Walters: Oh. Oh, oh, oh – wait.

Mr. Easton: Oh, wait – the memo.

Mr. Walters: No.

Mr. Easton: Bring us a different memo. Bring us a shrubbery.

Mr. Walters: So we looked at this later, for some reason, and we have a revision to that. So what was *your* ___?

Mr. Easton: Go ahead. I want to hear yours first!

Mr. Walters: So we left the title “Unique and Fragile Shoreline Areas” alone, but then changed a. and b. to read as follows – basically to not use that term: “Accretion beaches marshes, estuaries, and wetlands that are susceptible to damage from more intensive recreational development should be protected and preserved for less intensive forms of recreation.” We eliminated structural recreation because what is that? We eliminated seasonal changes in water levels because who’s in charge of that? We eliminated identification of them because we want to protect them but not be compelled to do some kind of inventory. And then (we) sort of left alone what was left, but eliminated that “Unique and fragile shoreline areas” except as the heading because it apparently defines it right after “such as.” So let’s just use the definition instead of _____.

Mr. Easton: Okay, I can live with that.

Chair Lohman: So the words –

Mr. Walters: And we did basically the same thing in b.

Chair Lohman: So it starts with “Accretion” on a. and it starts with “Point bar”?

Ms. Stevenson: Yeah.

Mr. Walters: Right.

Ms. Stevenson: Bob, we can send that out in a ___ memo.

Mr. Easton: Yeah, that’d be great. That addresses my concerns.

Mr. Axthelm: Question on that: You eliminated seasonal changes. Now I know there are areas where you – the different seasons – you can access in the summertime and not impact that environment. When you access them in the wintertime when it’s raining and mucky, it messes them up. So is that something – am I reading that wrong?

Mr. Walters: Yeah. So if we wanted to address that we might need some additional, different text.

Mr. Axthelm: Yeah. Because there’s definitely a difference.

Mr. Easton: Seasonally appropriate, or something?

Mr. Axthelm: There’s definitely a difference of *when* you access an area. If you access it at the wrong time or, for that matter, take – what is it? I want to say an estuary – areas where the fish – I don’t know the science of it exactly but where the fish go into. If you disturb that at the wrong time is it impacting it more than other times when you can go into it and not impact them at all?

Chair Lohman: But I don’t think that’s what that says.

Mr. Walters: Okay, so we can try to add language for that.

Mr. Easton: That's all I've got.

Mr. Walters: So then in the Policies we skipped 6G because that goes with a different regulations section. We'll come back to that later. And then we go to 6H and we hit 1, 3, 4, but not 2.

Mr. Easton: Yeah, I don't have anything.

Mr. Meenaghan: 6H-4 – what is nonpoint pollution?

Ms. Stevenson: Something that doesn't come out of a pipe basically.

Mr. Meenaghan: Okay, can you give me an example?

Ms. Stevenson: Something that sheet-flows off the land, perhaps, whether it be pesticides, herbicides, manure –

Mr. Meenaghan: So it's not coming out of a –

Ms. Stevenson: – storm drainage –

Mr. Meenaghan: Okay.

Ms. Stevenson: – oil off roads – yeah.

Mr. Meenaghan: So it's not coming out of a specific –

Mr. Greenwood: Depends on which court you listen to.

Mr. Meenaghan: Okay.

Mr. Greenwood: They're trying to redefine it. Previously, nonpoint source was something that didn't – if it didn't come out of a pipe or it wasn't concentrated it was considered nonpoint source.

Mr. Meenaghan: Because you can't point to where it's coming from.

Mr. Greenwood: Yes. So it might be a watershed or something. That nonpoint would be managed best by best management practices and therefore they required the states to come up with a set of best management practices for nonpoint source. And once you redefine nonpoint source to include a few more things then it creates a discharge permit. So that's why it's important that way – like a plant that has a pipe sticking out of it.

One thing that came up in previous revisions of this – or versions, was on page 41 at the bottom, Shoreline Vegetation Conservation. And the Forest Advisory Committee was concerned about the statement that says, "Maintain healthy trees and vegetation to support habitat, aesthetics, and recreational values." They like to promote healthy trees and vegetation but they recognize that it's a non-static condition, so promoting rather

than maintaining. Maintaining means don't ever touch them or don't ever do anything with them, and for some reason foresters like to harvest them and then put new ones back. So that's why I want to change that verbiage.

Ms. Stevenson: Nah, this kind of affects things other than forest trees.

Mr. Greenwood: Right.

Ms. Stevenson: This affects plantings and buffers and mitigation where they *are* kind of required to maintain those.

Mr. Greenwood: Well, but there's also mitigation so, depending on what the situation was – I know of one where there was a development taking place next to an existing 90-year-old timber stand and then what was going to be left next to this development was no longer wind-resistant 90-year-old trees. When what they then came back and decided to do was to put smaller trees there that were going to be able to be appropriate for the location. Sometimes you have to mitigate, depending upon the project, and when we say maintain we sometimes mean don't touch.

Ms. Stevenson: Yeah, and we do because with the new Shoreline Vegetation Conservation section you really aren't supposed to cut the trees down in those areas.

Mr. Greenwood: Well, how do you – you're saying that – where does this apply then – shoreline vegetation? Everything within the 200-foot zone? How do you have any agriculture, commercial forestry –

Ms. Stevenson: Agriculture should be existing. If you're cutting down trees to start agriculture that –

Mr. Greenwood: Yeah, we're not talking conversion – just talking ongoing agriculture. Forestry, ongoing agriculture is trees that grow that are planted, grown, harvested, planted, grown, harvested. That's not maintaining or keeping it static. But it's not under the auspices of or the category of agriculture in this definition. Am I mixing –

Mr. Walters: Do we not treat forestry as forestry and not agriculture?

Mr. Greenwood: Yes, we do. Shoreline Vegetation Conservation: Where does the shoreline conservation apply? Does it apply to every land use designation or is it just Natural or is it – okay.

Mr. Walters: It applies to – it applies everywhere because it's not environment designation-specific.

Mr. Greenwood: Like I said, the concept with the Forest Advisory Committee was maintain may mean don't do anything, so then we'd never do anything new or renewal within the Shoreline jurisdiction.

Chair Lohman: What __ manage?

Mr. Greenwood: I think manage is fine. I think provide for comes to mind. We don't want an area that doesn't have vegetation on it either, whether it's 200 feet or 1000 feet from the shoreline.

Chair Lohman: But there's natural areas that you're not going to have trees.

Mr. Greenwood: Very true, but around here in western Washington trees grow in the cracks in the sidewalk so I'm not really worried about trees being there or not being there really.

Mr. Temples: What do feel about the concept of changing it to maintain, or manage?

Mr. Walters: The same verb is used in the – managed – is used in the development regulations.

Mr. Greenwood: Manage, provide for.

Ms. Stevenson: Manage: Is that okay?

Mr. Greenwood: That would work.

Ms. Stevenson: Instead of maintain, manage.

Mr. Greenwood: Yeah.

Ms. Stevenson: Okay. That's kind of what the regs say.

Mr. Greenwood: Okay.

Mr. Temples: It sounds more like the concept than the specific.

Mr. Axthelm: This allows for some type of –

Ms. Stevenson: Right. Right.

Mr. Greenwood: At least some –

Ms. Stevenson: Right. That makes sense.

Mr. Greenwood: Concept of considering what values are there?

Ms. Stevenson: That makes sense.

Ms. Candler: Periodic upgrade.

Mr. Greenwood: Periodic upgrade

Mr. Walters: Mange.

Ms. Stevenson: Yeah, I saw that. That's close enough. I knew what you meant.

Mr. Walters: Yeah. So 6I and J – those are the only ones left.

Mr. Easton: Yeah, so there is one issue I have with Flood Hazard Management and that is the – maybe it doesn't apply here, but driving around the county and seeing a number of – particularly like when you drive Highway 9 and you see the abandoned railroad bridge, the fact that debris backing up on bridge abutments is a big issue during flood – the managing of floods. To get into the river, to clean that out – I've learned spending time on another committee – is a lot harder than just a guy and a chainsaw and a boat. There's like – it's easier to build a bridge once you knock it down than it might be to get a permit to go cut up the logjam. It's that – I mean it's really surprisingly drawn out. And that we have multiple places along – just in the three-bridge corridor alone and just east of it where we have abutments in the river that are serving no practical purpose and no plan to address those. So I was surprised to see that that's not really addressed in our management of flood hazards because that's a really big hazard that's really obvious.

Mr. Walters: Well, I think that's largely because this is a program regulating development and not a program to go out and do proactive things.

Mr. Easton: I agree – well, I mean –

Mr. Walters: Because we have those programs separately.

Mr. Easton: Well, but a lot of those are derived from what we believe enough in having – a lot of the programs that we do have are based on things we feel passionately enough to have policy about. The fact that we don't address the policy of wanting to try to keep the river free of abandoned abutments here seems to be missing, so I'd like – I know that there are people – probably Jack and others – that would be able – you might be able to talk to that would – but I would like to see something about that be addressed here. If it's not appropriate, bring me back a reason for why it's not.

Mr. Walters: Well, and there may be a place to put it under 1.4?

Mr. Easton: Yeah, that would be my guess.

Mr. Walters: It might even be addressed –

Ms. Candler: It seems to me it might be in a.

Mr. Walters: – in a.

Mr. Easton: I don't think it's direct enough.

Mr. Walters: But we could add additional language.

Mr. Easton: And I don't think anybody's – I don't think people are nearly talking about that enough. There's not enough attention to it, so maybe a bit of a soap box – I'm usually a quiet guy – but it may be a bit of a soap box issue for me but it's concerning. If it wasn't so hard to get the woody debris out from behind it legally, without causing a kerfuffle with seventeen jurisdictions, maybe it wouldn't be as much of a concern. But, you know, we don't need ten extra reasons to back up wood in the river. And right now just between here and Highway 9 there's like ten of them that aren't doing anything.

Some of them are connected to rotting bridges and some of them are just sitting there. So if you could talk to Jack or look into that with your guys' resources and maybe come up with some language to add to that I'd appreciate it.

Mr. Walters: So who wants to go on to Part III?

Mr. Easton: Madame Chair, it's nine o'clock.

Mr. Meenaghan: I move –

Mr. Axthelm: Not I.

Mr. Meenaghan: – to move on.

Mr. Easton: Move it to the next –

Ms. Candler: Yes.

Ms. Stevenson: We didn't know how far we were going to get on this when we set it up.

Mr. Easton: Some'll go fast.

Mr. Axthelm: I think you have a good idea now.

Mr. Walters: So we'll bring you back a revised memo for this week's meeting and also a new memo for the meeting in two weeks; bring you back revised Public Access policies and revised Public Access regs. We're not going to bring you back all the other changes you talked about, and then we're going to bring you any changes to the sections described for the March 18th meeting.

Mr. Greenwood: Is that what you want?

Mr. Axthelm: Anything.

Mr. Meenaghan: And so my question would then be, What's the agenda for the March 18th meeting? We're going to look at Part III, General Regs.

Mr. Walters: Part III, V, VI, and VII.

Mr. Meenaghan: Really?

Ms. Stevenson: We may not get through all of them.

Mr. Walters: It seems unlikely.

Mr. Meenaghan: Okay.

Mr. Easton: But, you know, I mean it's a rolling intent.

Mr. Walters: Right.

Mr. Meenaghan: Okay, I just want what my homework is.

Chair Lohman: But we're still going to go back and do Public Access first.

Ms. Stevenson: Right. Did this work okay? Are you guys comfortable with this kind of a discussion and the way that we did this tonight? Continue on like this? Just kind of go through it. Is that okay? Okay.

Chair Lohman: It's torturous for the viewers, but...

Ms. Stevenson: I know.

Mr. Easton: We make awesome TV! Who are you kidding?

Ms. Stevenson: Thank you for your time. I appreciate it very much. It really does help.

Mr. Easton: This is for – I mean considering how hard it *could* be to do something this big, we are eating ___ one bite at a time and kudos to you guys on how you're setting it up. I mean, I'm not worried about it. I'm not always going to agree but it is a lot – it's functioning.

Ms. Stevenson: And I'll agree it makes it better, as far as I'm concerned, amongst all of us. You know, it just helps.

Mr. Easton: Let's have a moment of silence for the Department of Ecology for when they get this plan.

Chair Lohman: Okay, so we want to move on on our agenda?

Mr. Easton: Yes, please.

Chair Lohman: It's the Department Update.

Mr. Pernula: I just have a few things to mention. One is that, of course, we have a meeting in two weeks from tonight, and we'll try to get out all the backup information again in two weeks – excuse me, in one week – so that you'll have it in advance of that meeting.

There is another one of the GMA Short Courses on Planning on Thursday. It's in Friday Harbor. I don't know if anybody would have the ability to get there but there is one, 1 to 4 p.m.

On another fairly major issue is Commissioner Meenaghan indicated a desire for the Planning Commission to hold a retreat for a number of things, I think mainly, though, to get to know other members of the Commission and try to explore how the individual Commission members can work better together. And I just wanted to bring it up tonight and see what your thoughts are. If you do think that a retreat is appropriate and that we should be doing it, we need to answer the question of when would we hold it? Would it be on a weekday or a weekend? Would it be at night? Would it be in a month from now, two months from now? Would it be half a day, whole day? Could it end with a meal? Where would we hold it? How would it occur? Would we have a facilitator? And what

would be on the agenda? Some of those things, so I guess I'm looking for some thoughts from the rest of you. I've already talked to Kevin and a little bit to Annie, but I'd like to have some thoughts from the rest of the Commission.

Mr. Greenwood: We could get together on some beach and talk about shorelines, huh? I'm thinking of another state, but...

Mr. Meenaghan: Bring a ___.

Mr. Greenwood: Like Oahu? I was thinking of that.

Mr. Pernula: I'll see what's on the budget.

Ms. Candler: I was at the beach last weekend. I think it would be a short meeting!

Mr. Greenwood: I don't know about the beach I'm thinking of!

Mr. Easton: Yeah, he's thinking a different state, though.

Mr. Temples: You just want those drinks with umbrellas on them!

Mr. Easton: Well, I think – I mean I suggest, Madame Chair, that at this – and to the Director – at this late hour maybe to ask Kevin to bring back some suggestions of some place to start the conversation. A little bit, maybe draw a couple of ideas of what he's got in mind that we could look at and maybe start that conversation from there. I mean, I think it's a worthwhile concept to look at. I know historically – since Dave's not here I'm the longest serving person on the Commission – we used to do our annual dinner and election at a restaurant and even had – the County paid for the food; we paid for our own non-food items that – no one got inebriated but there was some – some alcohol was consumed. That was a good – you know, it was a short event but it was good and it was not just the Commission. It was the staff – some of the staff, some key staff. That got axed years ago when budgets became so much more dire around '07 or something like that – '06 or '07. But there was some value in that and obviously there's a lot of newer faces on the Commission.

Chair Lohman: I'm not sure that we would need a facilitator.

Mr. Meenaghan: If you don't mind – my point for bringing it up is that we come together every month or two weeks – whatever it is – and I know really nothing about every one of you as individuals – what your backgrounds are, what your experiences are, how you communicate, what your learning styles are. I don't know anything about you, and we have to work together. And so my point is that I would love to know more about how we can work together and how we should work together, and do that in conjunction with possibly some training. You know, Dale and I kind of talked about maybe hopefully doing some training in conjunction with that. So that's kind of my – that's where I'm coming from.

Ms. Candler: I like the idea.

Mr. Easton: I can't wait to see your ideas on paper. Maybe – I don't know. I think it starts a conversation – unless somebody's against the ___.

Chair Lohman: Anything else from you, Dale?

Mr. Pernula: That's all I had.

Chair Lohman: Okay, moving on on the agenda to Planning Commission Comments and Announcements.

Mr. Easton: Keep paying attention to the G.I Study. It's moving pretty – you know, it slowed down a little bit but it's full speed ahead towards it being finished and it looks like –

Mr. Greenwood: What's –

Mr. Easton: G.I.'s the General Investigation Study.

Mr. Greenwood: My wife's a nurse so this doesn't help me.

Mr. Easton: What's that?

Mr. Greenwood: My wife is a nurse so when you say "G.I." –

Mr. Easton: Oh, sorry, not that kind of G.I. It's the General – it's what the Corps of Engineers calls the General Investigation Study of flood alternatives.

Mr. Greenwood: Oh.

Mr. Easton: You may have seen some coverage in the press anyway. It'll have a significant impact on the future of planning in the region once some of these decisions are made, so it's just something to keep an eye on.

Chair Lohman: Okay, is there a motion to adjourn?

Mr. Easton: So moved.

Chair Lohman: (gavel) Okay, we're adjourned.