

**Skagit County Planning Commission
Work Session: Shoreline Master Program Update
May 6, 2014**

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

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

Public Commenters: Gary Hagland
Carol Ehlers

Others: Bob Warinner, Department of Fish and Wildlife

Chair Annie Lohman: (gavel) I call to order the Skagit County Planning Commission. It is May 6, 2014. This is a regular meeting, so the only Commissioner we have missing is Dave Hughes. So if you could review the agenda – if you see any additions or corrections, speak now.

Seeing none, I would like to let Jason have the floor.

Jason Easton: Thank you. I've asked the Chair for a personal moment of personal privilege. Earlier today I delivered this letter to the Commissioners:

I'm writing to inform you that I need to resign from the Skagit County Planning Commission effective May 7, 2014. I've enjoyed the position but because I intend to run for a local political office I felt it best to no longer serve in order to avoid any potential perceived conflicts of interest. Thank you for your support over the last eight years.

Sincerely,

Jason Easton

And they were gracious enough to accept it although there was some resistance from one of them – or maybe both of them, actually – very gently. It's been a great pleasure and privilege to

serve alongside all of you, and I was thinking about all the Commissioners I've served alongside since I came on eight years ago – it'll be eight years in July – and from those who voted against – where we voted against each other on everything the whole time to those who I tended to vote with I learned something. And I'm a better person, a better leader and I wouldn't feel ready to step up and try to be a political elected official if I hadn't spent my time here. And I will say I'm proud to have worked with the staff. I know that there's been times where we have disagreed – we in general, as a Commission and as me particularly, and I served during some difficult hearings, some difficult times, and the public was always gracious to me as a leader.

And so for that I want you all to know that I'm sorry to leave you in mid-process, but because the office I'm considering – if I was to win that position – there's some interaction with some of the projects that you have before you now. It just seems like the right time for me to step aside. And with – Commissioner Wesen and I met and he was very supportive, and so I've also met with the Director who was also very supportive.

And so, with that, I'm going to excuse myself from the Commission and thank you all for your time and all of your hard work, and all the hard work you have to do ahead. It's worth it. Protecting this valley, standing up for what you believe in, giving the Commissioners the best recommendations you possibly can, working alongside and challenging staff and state departments and others – it all in the end is worth it. So I appreciate all your guys' service and your time. Thank you.

Chair Lohman: Any comments from the Commission?

Mr. Easton: Sorry it was a bit of a surprise for some of you, too.

Chair Lohman: Okay, seeing none, we're going to move into Public Remarks. Come on up.

Gary Hagland: I don't know if I should now because this is a response to Jason. Gary –

Mr. Easton: _____, Gary, it's okay.

Mr. Hagland: Okay, okay. Gary Hagland, 2211 37th Court, Anacortes. In the last meeting, Jason asked me to try to find out the real story about Pierce County.

Kevin Meenaghan: Can you stand closer to the microphone, please?

Mr. Hagland: Oh, I'm sorry. I forgot, George! Anyway, to find out about Pierce County and what their – exactly their SMP and their relationship with Ecology was. And I was able to talk to the Chairman of their County Council, Dan Roach, and he informed me what was going on. They have been attempting to work on this for seven years, he said, and they've had a lot of difficulty. They're working on it because they did accept \$400,000 from Department of Ecology. And so he expressed a lot of frustration, you know, especially the last couple years. They want constant changes, there's vague goals, no – you know, the word we keep hearing, "no net loss of ecological function," keeps coming up and up and stuff like that. But the Planning Commission in Pierce County – they're a seven-member board – has been doing its best to come up with as least restrictive SMP as possible for the county down there, and they're having a lot of difficulty with Ecology. Buffers and setbacks – three of their County Council members trying to reach some sort of a negotiated settlement said 75 feet for Lake Tapps. I don't know if everybody knows where Lake Tapps is down there. Lake Tapps is an interesting case and, anyway, they want no more than 50 feet and I think that's still up in the air. The problem is, and

we talked – I was able to attend a senate joint session down there – a hearing in Sumner – and the people who testified from Lake Tapps said, Our water flowing out – it goes out; it's a reservoir – is cleaner than what comes in, and you want – you know, what they consider an excessive setback. But anyway he was clearly frustrated. His comments were Department of Ecology is a bully. They play games. They move from one jurisdiction to another, often making up their own rules. They think they're above the law and they need more light on this situation. And that's his comments.

Now I did attend a joint senate hearing on 17 April and basically it went the same way. Two of the things that's found very interesting about what was said: number one, the representative from the Department of Ecology, Gordon White – a Mr. Gordon White – who's their Shorelines and Environmental Assistant Program Manager, when asked what science backs you up for your decisions – you know, what manual do you use, what study, what body of evidence – he could not produce anything. And finally he admitted it was based on the opinions of Ecology experts.

Josh Axthelm: I'm sorry. You're out of time – three minutes.

Mr. Hagland: Okay. I wanted to get into the Freedom of Information Act stuff, but that's okay. Anyway I said this just to give you an idea, if you don't already know, who you are dealing with down there. There were about 150 people at that hearing. Thirty-three spoke. Not one spoke in favor of Ecology. And did everybody get my e-mail?

Mr. Axthelm: Yes. Thank you very much.

Mr. Hagland: Okay, great. Thank you.

Chair Lohman: Thank you. Next? Anybody else?

Carol Ehlers: Yeah. Carol Ehlers, West Fidalgo Island. I want to thank Bob Warinner for coming. It's a real pleasure to have someone who represents the government at a discussion like this. And I want to thank all of the Planning Commissioners for the nitty-gritty detail work you've been doing, comparing one document with another, with a third, with a fourth, and then with reality. Words make a huge difference in how things play out when you have to live with them, both as an administrator and as someone living with it.

In that regard, I have brought this to the Planning Commission. It was ignored but it's the night to bring it again. In the zoning pattern of the Skagit River it is a scenic river up approximately to Bacon Creek. East of Copper Creek – and I'm using generalities – it is a federally protected area for protecting the environment in every way we could think of doing when we did it back in the '60s, and I was one of those who helped to do it. The ten miles that are between Bacon Creek and Copper Creek were reserved apparently by Seattle City Light for a dam, the Copper Creek Dam, and there's a beautiful EIS done on it – first rate quality – which finally concluded they couldn't put a dam there because that ten miles is a huge, enormous gravel bed. Now that huge, enormous gravel bed in Skagit County is zoned on both sides of the river to be mined. And we have all this language about how important riparian area is and how important fish are and – God help us – you don't want a house anywhere closer than 100, 200 feet to anything on a shoreline, but you can have mining equipment destroy it.

Now in the course of this next couple of months I want you guys in Fisheries and you guys in the County to figure out how it is that residential zoning is to be disregarded, that the riparian

shorelines are to be ignored, and that a county that is so loaded with gravel that there are square miles of it zoned well out of riparian area that could be easily and inexpensively – comparatively – mined – how, those being the circumstances, you can possibly justify completely destroying a river between two of the most important scenic areas in the state of Washington. And that's my comment for the night.

Chair Lohman: Anybody else?

(silence)

Chair Lohman: Okay, seeing none, we'll move on with our agenda. Number 3, Retreat Planning.

Mr. Meenaghan: Would you like me to address that?

Chair Lohman: Go ahead, Kevin. I was looking between you and Dale.

Mr. Meenaghan: Since I brought it up... So I believe – and correct me if I'm wrong – at the last meeting where we brought this up we decided that we would push the retreat off until the fall when we had a little more time. In the meantime we would do a smaller event, like a dinner or something just amongst ourselves, just to have some social time to get to know each other. So with that, I would propose that we take a look at a couple of dates in late May, possibly the 22nd or the 29th, and simply meet for dinner. And I'm proposing that – and I'm looking for locations and ideas, so, and thoughts.

Chair Lohman: Anybody?

Keith Greenwood: What day of the week are those two?

Bob Temples: I would say keep it very informal so we could just kind of chat amongst ourselves. I mean, last time we all got together we went to – what was it? – Anthony's over there.

Mr. Meenaghan: Which, I think, is _____ much and we ought to save that for the fall maybe. You know, maybe do something like at Skagit River Brewery or something – you know, someplace simple.

Chair Lohman: Well, someplace where we could sit more in the round.

Mr. Meenaghan: In the round, yeah. I agree.

Tammy Candler: The Brewery has an upstairs area that we might be able to get reserved – a loft-type area.

Mr. Meenaghan: Any dates ___?

Mr. Temples: Well, in Sedro the old Alfy's Pizza's now become a different pizza operation, but they've got a large meeting room over there, too.

Mr. Greenwood: You mentioned the dates 28th, 29th – that week?

Mr. Meenaghan: 22nd and 29th.

Mr. Greenwood: 22nd? Oh.

Dale Pernula: Those are Thursdays?

Mr. Greenwood: 29th is preferable to me.

Mr. Meenaghan: 22nd, I believe, is the Thursday before Memorial Day.

Mr. Greenwood: Mm-hmm.

Mr. Meenaghan: The 29th is the Thursday after. Any thoughts on Thursdays? A different night of the week? I mean...

Chair Lohman: Probably good to avoid Friday.

Mr. Meenaghan: Yeah. Definitely avoid Fridays.

Mr. Greenwood: Especially if you're going to a brewery or a pub house there. Mm-hmm.

Chair Lohman: I think, for myself, May is tough because it's been raining two months and I'm a farmer and we're trying to get stuff in. So I'm possibly may not be able to make it but –

Mr. Meenaghan: Would you rather go to June? We could look at the first week in June.

Chair Lohman: I think we need to get the majority, so if you can get a majority I think we should stick with the date, because things could happen. And it's probably the same scenario for Commissioner Hughes.

Mr. Temples: I also think in light of tonight – Jason leaving the Commission – we're probably going to see a new person in the near future, so that's – even adds more precedence for what we've been trying to do for – or discussed for the last – what? – three months.

Chair Lohman: But I think we should throw a dart and put a date out because otherwise it won't happen.

Mr. Meenaghan: Okay. I'm happy to throw down May 29th as the date and I'll come up with a good location, and if you have ideas tell me and I'll coordinate via e-mail.

Mr. Temples: I would put out a couple days, like maybe in – like you say, the 29th or possibly something that looks good in June as well, respecting what Annie's bringing up. But then I don't know –

Mr. Axthelm: That would work fine for me, too.

Ms. Candler: June 5th is a Thursday.

Mr. Temples: So we're aiming for a Thursday.

Mr. Meenaghan: Okay. So we'll say June 5th and location to be determined.

Mr. Greenwood: I like the 29th better but –

Mr. Meenaghan: You do?

Mr. Greenwood: June starts to get busy for me, but if the 5th is – it's possible.

Mr. Temples: I'm just thinking where. I mean, we meet here in Mount Vernon and there's probably more possible restaurant meeting areas in here than there is out further so, I don't know. I'm just trying to think of some.

Ms. Candler: Coconut Kenny's in Burlington is in the old Alfy's. It has a meeting room.

Chair Lohman: I think maybe we should just let Kevin –

Mr. Meenaghan: If you have ideas, let me know, and I'll start looking and see if they're available. Okay.

Mr. Temples: Good.

Mr. Meenaghan: Sounds good. Thanks.

Chair Lohman: Thank you for taking that on. It's a little harder than it seems!

Mr. Meenaghan: Stray cats.

Chair Lohman: Yep, pretty much. Okay, moving on on our agenda: Shoreline Master Program Work Session.

Betsy Stevenson: Yeah, Bob Warinner's here – at your special request – from the Department of Fish and Wildlife. So I think he has a presentation and I think he said he'd stay and try to answer questions and have some discussion with you. So, with that, I turn it over to Bob. Thank you very much for being here.

Bob Warinner: Sure. Hello. So, as Betsy said, I have a short presentation to give. The last time I presented in this room about this topic I had a lot of people fall asleep. And so I have abbreviated my presentation but I'll try to cover all the information. Actually Carol asked me to do it in white font instead of black font so people could read it, and I changed that for you. So what I'm going to do is just run over kind of the importance of the Shoreline Master Program in the light of – or by the perspective of WDFW, and then I'm happy to answer any questions you have if I can. It's kind of a big subject that's covered by a lot of different people so sometimes I'm not able to answer everything.

So I'm a Habitat Biologist for DFW. My former title was Watershed Steward, meaning I work with salmon recovery people in the Skagit drainage. I'm now an area Habitat Biologist, meaning I have a little bit of permit responsibility here for hydraulic permits for working in the water. But I am still doing that salmon habitat recovery work and so I'm kind of somewhat the expert – I hate to call myself an expert, but I'm kind of the expert when it comes to salmon habitat recovery here. In my previous position I reviewed several Shoreline Master Programs, specifically for the documentation of the habitats that exist in the areas, and the Restoration Plan, which is a

requirement of this Shoreline Master Program Update, and I'll talk about that a little bit more at the end of my presentation.

Mr. Temples: Bob, can I ask a real quick question?

Mr. Warinner: Sure.

Mr. Temples: Forgive me. Tonight on the news they just mentioned the fact that all the temperature and climate change issues have been – there's a huge meeting in Washington, D.C. with the President today. Were you part of any of that information that was flowing to the Department, you know, representing the state of Washington, or not? Are you familiar with what they've been discussing?

Mr. Warinner: I'm familiar with it a little bit. I do not do any climate change research at all. Actually in Skagit we have an organization called the Skagit Climate Change Consortium and which is – I've built up a lot of – pardon me – that is made up of a lot of scientists from – ___ scientists here at UW and at NOAA, and those people would be excellent resources for you to talk to about that.

Mr. Temples: Well, two big areas that we're – that they touched on that kind of I know would be very interesting to the people in Skagit County was the shellfish industry is being heavily impacted and also – I mean *presently* impacted; not even down the road – and then also any of the salmon fisheries or anything that's moving upstream and the impacts there. I just – when I saw that tonight I was kind of like, Whoa, this is a real big eye opener and it's not happening twenty years from now. It's happening right now.

Mr. Warinner: Yeah, I'm really not prepared to talk about climate change.

Mr. Temples: Okay, do your thing.

Mr. Warinner: I *can* say that it is a very significant part of salmon recovery and it will likely have some pretty, you know, big impacts on what we're trying to do here.

Mr. Temples: Sorry to interrupt.

Mr. Warinner: That's okay. So I'm just going to briefly go over these topics here – kind of talk about what we see as the values of the shoreline habitats for fisheries and then the impacts that development has on those habitats. And finally I'm just going to briefly go over the Restoration Plan requirement of the Shoreline Master Program Updates.

So – and I have to apologize because I had some notes on this that I don't have available to me now just because of the way I set it up. On my computer it's a little bit different than on this computer. So if my talk seems a little bit abbreviated, sorry about that!

So the habitat values, I roughly divided them up in the freshwater areas including lakes and rivers; the estuary, which is really the tidal delta in the Skagit; and then the nearshore areas which are beyond the estuary, beyond the mouth of the river in Skagit – so Skagit Bay and Similk Bay and areas like that.

So in the freshwater areas we have the riparian zone, which is very important to provide structural complexity to the rivers. It provides – for wildlife it can provide a migratory corridor for

birds and larger animals. In the floodplain areas we have some more complex habitats and along the shoreline, and I'll show you some examples of that in a bit. And then in the instream habitat where we have the actual spawning and rearing of fish are important habitats to protect.

In the estuary we have specifically – kind of most importantly is the juvenile fish habitat availability where in the Skagit our number one – or a large proportion of salmon use the estuary for rearing on all six stocks that we have in the Skagit. And I'll explain that a little bit in a second.

And then in the nearshore areas it's kind of unique because we're not interested in only providing salmon habitat. We're also providing habitat for the forage fish which the salmon feed on. One of the questions that Kevin provided was about the eelgrass in our area and I'll get into that a little bit when we talk about that, as far as the forage fish habitat.

So the impacts of development: They're really kind of straightforward. We have water quality problems that will happen from the different types of land uses that go on, ranging from in the forest we have sedimentation that can affect the rivers, down to industry. Municipal sewage can provide some water quality impacts, and then, of course, farming, and in other areas where the land has been modified to kind of – to accommodate other land uses that are not necessarily natural. And so we'll have water temperature, the pollutants, and, like I said, sedimentation can degrade water quality. Direct habitat loss – I'll show you events of this in just a second, but that's kind of where we have habitat that's completely not accessible or has been completely taken out of any form of use for the species that rely on them.

Then we have migration corridors, kind of like fish blockage corridors or even corridors that can block the migration of larger animals like – some large animals I really don't want to mention in this ___! But, you know, mammals and so on that need to have the forest in order to travel up it throughout their range.

Then we have loss of connectivity, which is – it's similar to direct habitat loss where the floodplains and other habitats can be isolated simply because we've put up a dike or something, and the habitat could still exist but there's no way for those species that need a habitat to get there. And so here is an example of some fairly good habitat in the Skagit that is still fairly intact or quite intact. This is the Ross Island reach of the Skagit River. And so some of the habitats that I was mentioning before or some of the values, like instream habitat, you'll have things like large woody debris assemblages here, which can be used by juvenile fish for refuge. It also provides nutrients to the river and habitat for forage species for fish. We have these gravel bars that collect along the bends in the river, and that can provide spawning habitat, not so much in the lower river but in the upper river. We have these big riparian areas that have lots of functions, like I mentioned before. They can reduce the impact of surrounding land uses. For example, if you had chicken processing facilities where you might not be able to control all the runoff, if it goes through the riparian area it can help filter out some of the pollutants that might have an impact.

One of the most important things about a wild river like this reach of the river are these side channel habitats that provide excellent habitat for rearing fish because they're able to get out of the main channel river, find areas that have a lower velocity, and seek refuge there during high flows. They also have more nutrients in the slow moving water and so there're kind of places where they can feed more effectively and grow. And then, of course, these riparian areas are used by – like up to 80% of all the flora or all the fauna we have in our habitats use riparian areas for one reason or another. You know, it could just simply be accessing water or it could

be using these trees along the river. And then we have some species that are dependent on these types of wetlands, like some toads and frogs and other amphibian species. So these habitats are extremely important. Now if you look at the impact of an area – see, this is right here in Mount Vernon. I think we're, like, right over here somewhere. You can see how the impact or how this type of land use has impacted the natural areas. So we have a dike here on both sides of the river. The Skagit River is – it's pretty much diked from Sedro-Woolley down. And you can see how the complexities change dramatically in those two areas. So we no longer have the side channels. We no longer have the riparian areas. We no longer have the structure in the channel itself. The channel has been narrowed to the point that there's no way for fish to seek refuge, and they can kind of get blown out of the system. And so that's why – this is what we're trying to protect from continuing to happen in the Skagit River and other shoreline areas.

So an estuary, I'll talk a little bit more specific about that. I talked about direct loss of habitat, which is kind of our major theme in estuaries as far as habitat impacts. The dikes have gone in over the last century and cut off most of the habitat in the estuary – about 74% of the estuary habitat. And then, like I said, one of the major impacts is that the fish get kind of blown out into the system, and I'll explain that in a second.

Now I think this is a good visual for the difference in estuary habitat. This is just a small part of the Skagit delta in the South Fork River, and what's nice about this picture is you can see the difference side-by-side of these habitats. So we have a fairly pretty natural habitat here of estuarine habitat with all these small channels – distributary channels and blind channels. And then we have areas – well, to the right here we have areas that are completely isolated and no longer available at all for fish habitat. And then, of course, we have areas in the middle that are isolated but we're in the process of restoring them. And so what's important about these habitats are in the estuary we have these small channels that are very productive channels for juvenile fish. They're not – they don't flow through – they're tidal channels – and so they produce a unique habitat for the food that the fish need to eat and the refuge that they're seeking, and the type of water that they use to change physiologically when they're transforming from their freshwater stage to their saltwater stage.

Then we have distributary channels which allow the fish to get into different parts of the estuary. And it's basically a connectivity issue. This is Deep Water Slough that was reconnected fairly recently and it's allowing the fish to access different parts of the estuary, which is – you know, it's important to be – the habitat needs to be there but it also needs to be accessible.

And then when we have channels like this, like Steamboat Slough – or is it Tom Moore Slough? I think it's Tom Moore Slough. And this isn't the best example of this but a lot of times what happens is if you have a slough that's straight like this and there's really no chance for the fish to get off of it, they get shunted right out to the ocean. And it's shown – the research has shown that the fish that get directly deposited in the ocean as fry have much less chance of coming back as adult fish. It's almost undetectable the amount of fish that are able to come back from that situation.

So, again, what we're trying to do is protect these such areas from further isolation and, of course, one of our major initiatives is to restore some of the areas, like Milltown Island, which is no longer used for farming but it does still have dikes.

Finally, in the nearshore: This is one of the things that I think that people – the nearshore science is really kind of new. People haven't really learned as much about nearshore as they

have about rivers, simply because I think there's really not a lot of ownership in nearshores like there is in the rivers. The nearshore's kind of owned by everybody whereas the Skagit, you know, people in Mount Vernon really know about the Skagit and the tribes and so on. But there're some pretty significant impacts that happen here in the nearshore. And so really kind of the major thing that – or impact – that we see in the nearshore is the interruption of beach processes with sediment transport and erosion, like eliminating erosion, and I'll show you how that's important. And then, of course, overwater structures in the nearshore can have an effect on fish that are migrating along the shore.

So this is a very simple diagram. So basically what happens on our natural beaches is we have sediment coming from rivers, but then on the delta areas where we have bluffs we have sediment that has eroded off these bluffs and it nourishes the beach – so, in other words, it provides sediment to the beach and then the sediment actually flows like a river across the front of the beach. This is important because we have fish that are using those areas for reproduction/spawning and those fish are important salmon food, so we call them forage fish – sandlance and herring and so on. And so the impacts that we have from this are – well, okay, this is an example of a healthy beach. So you'll see it has overhanging vegetation. It has different types of sediment, like a different composition of a wide range of sediments. It's got a natural beach slope. It's got woody debris. It's basically a really good example of what we want for a beach. So if you look up in this area right here, this would be a good area for ___ spawn which, in turn, are fish to feed salmon and other species that we're concerned about in the marine waters.

Now this is where we have troubles. So we have – this is what I was talking about – an eroding bank that these lovely houses – which, by the way, are nicer than my house – are somewhat threatened by this bank being eroded. So we have people – and this is what the Shoreline Master Program is all about – we're looking at areas like this where people are trying to build a house and you say, You really shouldn't build a house there or, you know, You can't build a house there. The reason is when they build a house like this – and I'm sure these houses are very expensive – probably millions of dollars – they need to build a bulkhead at the bottom to prevent this bank from eroding. So what that does is it prevents the source from being exploited for the beach material and then you have a beach that is like this where there's very little habitat complexity, it's deeper so the slope of the beach is no longer a natural slope which will provide the areas for spawning and so on for the forage fish. There's no woody debris because the energy's a lot different and it gets washed out, and the sediments are all basically uniform and often they just turn to mudflats instead of these complex sediment-laden beaches.

Mr. Meenaghan: Are both these pictures local? Both of those two examples?

Mr. Warinner: Yeah, this is Port Susan. I think these are both Port Susan actually. So Snohomish County.

Okay, and finally the restoration plan: There's – and it's one of the things – one of the questions I got also was what's missing in the Shoreline Master Program, and it's a requirement – I think it's still a requirement – of the legislation. But it'll be an appendix to the plan. There's a draft already and it's just an important part of the plan so we ensure that there's no net loss when there are variances and substantial – or conditional use permits and so on are going into the shorelines. And it's just kind of a good way to ensure that we keep our habitat up to snuff where we need it to be. And if you guys have questions about that I can answer them.

And that's about it. And here's the correct spelling of my name. And if you guys have any questions, I'll try to answer them.

Mr. Meenaghan: So I had a couple questions and I think you saw that but I'm just going to ask them so everybody knows.

Mr. Warinner: Maybe I'll sit down here and answer them.

Mr. Meenaghan: Yeah. So I'm curious what the status is of the salmon species, you know, in Skagit County, in Skagit Valley. Are the numbers of returning salmon declining, increasing, stable? Where are we when it comes to the salmon species here?

Mr. Warinner: Well, that's a good question. It's a hard question to answer. Okay, so we have five different types of salmon in the Skagit, plus steelhead and plus bull trout, and so that question is different for each of the species.

Mr. Meenaghan: Which is kind of why I'm curious.

Mr. Warinner: Yeah. The Chinook salmon or King salmon, which is the salmon that people are most concerned about, basically are – you could say their population is stable. They fluctuate with the habitat that is available to them. So although I say they're stable, they're not at the population where we really need them to be in order for them to be a harvestable resource and to get them anywhere near historical populations. And so as the habitat fluctuates, we expect that – or as the habitat becomes more available we expect more fish to come.

The pink salmon are doing well. I should provide a disclaimer. This is information that I got mostly from our regional fish biologist here, Brad ___. So this is not official information available in our reports, but I think it's probably more kind of up-to-date. And so the pinks are doing well. Runs are good. Sockeye also are doing well. They are, of course, augmented by the hatchery program in Baker Lake. And they're not really at the level that we were – that we have goals at, but as we're improving the downstream migration of the fish through the dams they are responding and their stocks are rebuilding.

The Coho are doing okay. Steelhead are actually doing quite well here, relative to other rivers in Puget Sound, in the Skagit River and in the Samish River. Then the bull trout are doing well too. The Chum are the one fish that really, at this point, are kind of taking a decline and there's not – we don't really have the information to describe why that is happening. There's a lot to do with these fish that depend on ocean conditions. And so as far as the overall salmon/trout populations I would say in the Skagit they're doing okay relative to other places; however, they could do a lot better if we maintained their habitat and increased their habitat.

Mr. Meenaghan: One of my other questions and because you're kind of salmon-specific – I'm not sure that – you may want to pass this off. So we focus on salmon a lot here. Are there other – is there other wildlife that we should be concentrating on or thinking about besides salmon?

Mr. Warinner: Well, I'll pass. No! Your observation about me being salmon-specific is a good one. A lot of the attention that's paid to the species in general in the Skagit and elsewhere in Puget Sound is fish, because fish are a commercial species. There's industry that depends on them. There's tribes that depend on them, and so on. And so we do have much less focus on wildlife; however, wildlife is an important consideration and we have things like birds, marbled

mullets, and bald eagles, and spotted owls, and so on that are in decline or just kind of stable – just stabilizing. I think the bald eagles are kind of stabilizing but we still have impacts to them. For example, when they cut down trees that they use for roosting or for nesting that is an issue. It's kind of a specific for the shoreline issue because a lot of times those trees are obstructing views and people want to take them down. We also have shorebirds that are sensitive to contaminants and songbirds that have been disappearing that are sensitive to riparian areas. But the way that we manage them is kind of assemblages of species, and so it's kind of hard to pinpoint any specific species that we're managing for when it comes to shoreline issues. But what we're kind of trying to do is to preserve the habitat now in order to maintain the assemblages of species we have of different birds and animal species.

And then, of course, there's the amphibians. I was trying to figure out some of the specific terrestrial species we have that are on – that are ESA-listed. And we have – some of the amphibians are suffering because of our lack of off-channel habitat, like I showed in the Ross Island Slough area of the Skagit River. And so one of the big things, though, is the people and animal interactions. We have – obviously – we have some issues here in the Skagit with some of our larger mammals, but we also have beavers and deer and so on that kind of create problems when we get too close to their habitat. So that's one of the things that I think the wildlife folks are interested in – kind of keeping it on the radar. People _____ shorelines.

Mr. Greenwood: Can I ask a question?

Chair Lohman: Go ahead.

Mr. Greenwood: If we were to go back to your previous slide – and maybe we don't need to do that – but just to recall that it talked about restoration projects addressing or adding a balance to situations where we have unmitigated losses to ecological functions, if you will. With the amount of restoration that has been ongoing for a number of years, are we making a positive contribution or do you see us going backwards – having a loss? I mean, legislatively we're not allowed to have a net loss so hopefully we have a positive gain. Are you still seeing that take place?

Mr. Warinner: Well, that's another good question.

Mr. Greenwood: I mean, it might not be enough, you know, depending upon who's judging it, but –

Mr. Warinner: Well, we document and we have fairly good documentation of the habitat that we've restored and the projects that have been done and, you know, the increase in habitat. The thing that we haven't really documented well – and the "we" meaning the environmental community as a whole – is the loss of habitat. So where we have bulkheads going in and stream bank hardening and so on. It's really kind of hard to tell you the answer to that question without more information as far as documenting that. There is a fear in the salmon recovery community that we are losing habitat faster than we are gaining it. We don't necessarily have the information to say that.

Mr. Greenwood: In what areas? Do you think it would be more estuary, or what areas would you think we're losing more habitat, as far as ecological function goes?

Mr. Warinner: Along the shoreline and then nearshore areas where we have bulkheads going in and that are unmitigated. And then we have on the stream banks, like, if you look up on the

Skagit River up at – I can't remember what milepost it is – we have that big – that massive DOT project that went in it. And, you know, you can argue about the habitats that are linked to that, but so it's really kind of up all across the board. I think that we are making gains in the estuary right now. I think that we're making gains in the fish passage kind of arena where we're fixing barriers to fish. But then we're losing in other areas so it's kind of hard to really quantify.

Mr. Greenwood: Have you looked at the Shoreline Analysis Report that was developed for the County in preparation for this where they qualify reaches along the shoreline?

Mr. Warinner: Yeah, I have looked at that. It's been some time, though.

Mr. Greenwood: In general – do you have any general impressions of it? I mean, there're some qualifications to it for sure, but do you think it's a valid, repeatable approach?

Mr. Warinner: Well, I didn't have – I thought it was pretty good, I have to say, but I don't know – what do you mean by valid –

Mr. Greenwood: Well, I'm thinking if you were to redo it in ten years would you be able to compare the qualifications or the numbers and say, you know, as far as "This is what we have. Are we going positive or are we going negative?" Would that be a valid baseline, if you will?

Mr. Warinner: I don't know. I don't know that I can answer that question very effectively. I think that's a really good idea, though, and maybe when you're thinking about the SMP if you're thinking about next steps and making sure that it's a repeatable process, I think that would be a good step.

Mr. Greenwood: Because if you have to demonstrate that you have no net loss, you have to be able to identify some means of measuring that.

Mr. Warinner: Right. I think you have a good point.

Mr. Greenwood: Unless you do it incrementally and I think incrementally the Department looks at project by project, but that might not address some of the things that you're talking about, which would be perhaps ongoing losses due to existing features.

Mr. Temples: Is there a database or anything that the state is preparing or putting together to say – I mean that gives us information to kind of say, Well, are we on the right track or not?

Mr. Warinner: Well, Puget Sound Partnership is interested in documenting that type of information; however, it's not something that's easily fundable, you know? And so salmon recovery projects are – people are really happy to do them and see things get done, but when it comes to documenting impact it's not as fundable. But it is an issue that's on people's radar.

Mr. Greenwood: But if we were to look at the project – for example, the one you mentioned up by Rockport – quite a lot of money going into a project like that – where it used to have just rocks and car bodies. Now it has some different functions – functional features – to it. Would you not – it might not be ideal, perhaps, but as far as an improvement goes do you see that as a net gain?

Mr. Warinner: Yeah. I think that with modern techniques we can improve the areas that we need to have impacts in – you know, bank hardening and providing some habitat and features

to that will improve. I think it does improve our habitat baseline. We do have – actually – we do have documentation of that through some of our salmon recovery partners in projects like the Middle Skagit Project that the Skagit Watershed Council did, where we went out and mapped all of the bank hardening and such. So we will be able to tell in the future if there's been more hardening or less hardening. And then I think that – what you mentioned is it's basically an already hardened area so it was more of a replacement project. But when you add habitat features it isn't a gain in habitat.

Mr. Greenwood: Right, because there's a cheaper way to do it than that – than what was done there.

Mr. Warinner: Yeah. Right – that's a good point.

Mr. Greenwood: So there was some thought that went into it for habitat purposes.

Mr. Warinner: Yeah.

Mr. Temples: Well, what somebody pointed out to me after one meeting a while back when we were talking about all this – and that project up there, he says, they keep talking about fish habitat. He says most of the habitat is on the inside of the river where it has the gravel and stuff where they really want to spawn and everything. The areas on the outside where the water's pretty fast and moving, the fish try to stay out of those areas.

Mr. Warinner: Well, that's the problem with bank hardening, is it creates areas that are fast and deep where the fish don't prefer. And then, you know, what we're talking about now it's changing those areas so they don't create those areas that fish wouldn't use – you know, slowing down the water, providing more structure.

Mr. Temples: Well, I looked at those structures. I saw a whole, well, flatbed of them and that entire flatbed only had five of those huge 10-foot tall units – when you see them outside of the water. And then they were saying, Oh, now we're ___. They chained on logs and supposedly improved that fish habitat, and I'm kind of going, That doesn't ring right with what I was hearing about the fish not wanting to be in that area. So I don't know what all the – but I think the technology that they're using there is really quite impressive. Not cheap, but impressive.

Mr. Warinner: Yeah.

Mr. Axthelm: You mentioned like the big DOT project. I'm not familiar with it, but does that impact that quite a bit as far as the estuary and stuff?

Mr. Warinner: Well, this is up in the upper watershed.

Mr. Axthelm: Okay.

Mr. Warinner: And so it's kind of down in the weeds, but the impact that that project has is it isolates the river from its floodplain. So if you look at the habitats that we kind of looked over at the Ross Island Slough stretch of the river where there's all these side channels and bends in the river and gravel bars and so on. That's because the river's been able to migrate across its floodplain and create those different habitats. When you stop the river from doing that, not only does it not create those habitats but it also encourages the river to go along what's considered a

smooth bank. It erodes the sediment down lower and makes the thalweg or the center of the river a much faster area where the fish no longer can use the habitat.

So, yeah, it's a pretty big issue. That's probably the biggest issue in our main stem rivers, is the bank hardening.

Mr. Axthelm: So we don't have any control – I mean, as Skagit County residents, we don't have any control over that DOT project.

Mr. Warinner: The DOT project?

Mr. Axthelm: Yeah.

Mr. Warinner: I don't know –

Ms. Stevenson: They got the shoreline permit.

Mr. Warinner: Yeah, and so they need to get permits. It gets –

Mr. Axthelm: You were talking about the no net loss and everything –

Mr. Temples: Well, it damaged the roadway and everything there at that location.

Mr. Axthelm: Okay. And I don't know exactly where it was. I'm just asking in general as far as – sometimes like the federal projects don't have to live by all the rules. What happens is is they have a mandate like this situation where we have to preserve all the fish habitat but yet when they come in and do a project they're not doing that. Or are they? That's what I'm asking. Because you have a situation where you're saying, Okay, they're hurting all this habitat, but are they also required to mitigate for that? So if they are, then really you're saying there's a loss but there's no net loss.

Mr. Warinner: Well, they're mitigating so – the DOT project – which is different than the federal project that you're kind of – what you're suggesting is – they do mitigate. They do need to have shoreline permits and hydraulic permits from DFW, and they are required to do mitigation for it. That project, they added some habitat structures that will make right on site that area be better habitat. And then they have other mitigation requirements. The project that – the issue that you're talking about, I think, is more of the federal issue. When the Corps comes in, they don't necessarily need permits so they don't necessarily need to do the mitigation that would be required of other applicants.

And that *is* an issue. If you look right here in Mount Vernon where they redid the banks of the river here a couple years ago and you see it's almost just a wall of rock and there's a little bit of wood in there. That probably wouldn't be permitted by my agency or by Skagit County to some other permittee.

Mr. Axthelm: Okay. But the state is – okay, that was my question, just if the state is mitigating for it. So in essence they are no net loss.

Mr. Warinner: DOT is – yeah.

Mr. Axthelm: Okay.

Mr. Warinner: DOT's actually pretty good at mitigating for their stuff.

Mr. Temples: When it took out a lot of that road all of a sudden and everything was going downstream, that's not good for the habitat either. So –

Mr. Greenwood: Depends on what kind of sediment it is. If it's car bodies it's different than if it's instream gravels that are already there. They're going to stay in the system.

Mr. Temples: It's a pretty fast-moving area. The river literally is a corner right there and it's deep bank and it's just – it's wiped it out. I saw it when it happened.

Mr. Greenwood: But you're looking at one side of the river. The other side of the floodplain –

Mr. Temples: That's where the fish like it.

Mr. Greenwood: Well, there's a variety throughout that wide stretch and you're getting close to the delta with the Sauk – where the Sauk River comes in together – so it's very complex. So there's a lot of habitat, not just what you see next to the highway.

Mr. Warinner: Yeah, that's actually – could be a very – is and could be a very productive part of the river. It's one of the largest steelhead and Chinook spawning areas in the river.

Mr. Axthelm: So the – like the elk herds being a non-native – they're a non-native species, from what I understand – for the –

Mr. Warinner: I intentionally did not bring up the word "elk"!

Mr. Axthelm: Okay, well...

Mr. Warinner: They're a native species here but that herd is – they're extirpated and reintroduced.

Mr. Axthelm: Okay. So there had been some here?

Mr. Warinner: Yes.

Mr. Axthelm: Oh. Yeah, because the impact – I mean, from what I saw – when I go to Idaho I used to go hunting and I saw how the elk would, right along the rivers and streams and everything else, just mess them all up. Is that a significant impact up there with that – with the elk?

Mr. Warinner: I don't think there's a habitat – a significant habitat impact on that. There certainly is a human impact at ___ in the different ___.

Mr. Axthelm: Okay – associated with it? Okay.

Chair Lohman: Okay, any other questions for Bob – Bob Warinner?

(silence)

Chair Lohman: Okay?

Mr. Meenaghan: Are we going to talk about eelgrass?

Mr. Warinner: Well, there was a question on here about – is there anything we should consider about SMP? And I kind of – one thing that I was thinking about, which actually came up in this conversation, was that I think that – one of the things that I think that SMPs lack is kind of the ability to really apply them in the way that they're intended. And the reason that is is because sometimes the language is a little bit soft, like, you know: You *must* preserve this land; however, there's no figures around it, you know. Like, if you're going to build a house in a riparian area there's no way you're going to be able to preserve all the riparian area because you need to build a house, right? And so I think that local jurisdictions need to be careful when they're considering variances and revisions and exemptions and things like that. And so I think it might be a good idea to have maybe even an addendum or an appendix or something on how to apply the SMP in a way that does effectively satisfy its objective. And so – and I don't know exactly how to do that, but it just seems like something that would be good for people to consider.

Mr. Greenwood: What objective are you – are you thinking of one particular portion of the objective of the SMP? It has multiple facets to it.

Mr. Warinner: Yeah, right.

Mr. Greenwood: Like public access and recreation and –

Chair Lohman: I kind of – can I jump in a second? – I kind of thought that in the section where the Comp Plan or the policy section is where we're kind of going after those objectives in the big picture. And then when we get into the development code then it gets down into the weeds of how we're supposed to accomplish the policy.

Mr. Warinner: Right.

Chair Lohman: So I think we're attempting to do that. I think because all of it touches back on the no net loss mandate.

Mr. Warinner: Right and that's – in my history of writing permits for the agency, it's been really frustrating to see habitat losses that are not mitigated and violations that are not enforced and things like that. And, you know, it's a difficult thing because you have – once you get in the Corps you have a lot of different ideas and there's lots of activity but it's just – I think it's something that really needs to be carefully applied in order to make it successful.

Ms. Candler: So when you're talking about an addendum, it seems like you might have something specific in mind. Are you talking about an area where you would talk about enforcement of violations specifically?

Mr. Warinner: I think it would be more like an executive summary or kind of a how-to manual on how this legislation is applied. You know, and you could bring up specific things like exemptions and variances and how, you know, using objectivity and just kind of real life to evaluate those. I see just around where I live where people will apply for a variance every year and then will get it finally, you know? And it kind of seems like an inevitability that some of these habitats will be affected by that unless there's a really honest and stringent effort to apply the legislation.

Mr. Axthelm: Betsy, it seemed to me that there were requirements in the code for engineers – like along shorelines and stuff, if I remember. I don't know exactly which sections, but it seemed like that was a new requirement – was to have engineers involved in the process for the property, like along shorelines and stuff as far as preserving –

Ms. Stevenson: For shoreline stabilization? I'm not exactly sure.

Mr. Axthelm: Yeah, it was in different locations but basically is that bringing professionals in versus what we used to do is just say, Okay, you've got to mitigate for something. That seemed like a good option.

Ms. Stevenson: There is some additional evaluation that will be required in terms of the options that you have. We want people to look at that. Yeah, there's different standards in there as far as getting professionals involved to look at things and make recommendations. I'm not exactly sure specifically what you're referring to in terms of the engineering things. There are things that we require now and we would continue to require – you know, engineering work to be done on it. And we do now and would continue to require looking at up- and downstream impacts on different types of proposals and development by a qualified professional, and if that means an engineering professional or a hydraulic engineer or whatever the issues may be then that's what we would try to do.

Mr. Temples: I remember those same sections, too, and I think the term was “a licensed engineer.”

Ms. Stevenson: Okay.

Mr. Axthelm: Yeah, and I like the idea of what he's saying, is that if you have a guideline set up that some people can avoid the cost of an engineer. You have a smaller project that might not be as extensive if there's basic guidelines that go along that. Then it would help –

Ms. Stevenson: And part – oh, sorry.

Mr. Axthelm: – just to keep costs down for people.

Ms. Stevenson: Part of what we were proposing as far as bringing in some of our critical areas requirements and allowing for some more flexibility for people instead of drawing a line and say, If you go across that line you need a variance and you have to go to a public hearing and do all of that is, Hey, if you're willing to scale it down, move it, do some other things, we can work with you *here* and sign that off or we can do it administratively and notify your neighbors. If you want to go the full meal deal, then you're going to have to go through the entire process. And for the most part we have a lot of people: Oh, wow, I never knew that. Sure, yeah, I don't need all that. Let's just do this and let's do that. That's easy. So it – hopefully that will help.

Mr. Axthelm: No, that's great. I think that's the best interest of a lot of people.

Chair Lohman: Back to Kevin's question about eelgrass: I'm curious what you were trying to ask him about eelgrass.

Mr. Meenaghan: Well, I know we have – whether it was at our previous meeting or the one before, the topic of eelgrass came up ___ the oyster beds or something along those lines, so

I'm curious. You mentioned it briefly. Do you have an opinion or a perspective on how – you know, what our thoughts should be, or recommendations?

Mr. Warinner: Eelgrass is considered one of the most important or critical habitats in the marine areas, and Skagit County has the biggest eelgrass bed in Puget Sound. So, yeah, eelgrass, I think, needs to be considered very critical. There are some industries that affect eelgrass, like oyster harvest, as you said. But there's also impacts that are related to shoreline use that can impact eelgrass – like bulkheads – that will change the dynamics of the beach and the shape of the beach essentially. And so I think that – well, and one of the things that is difficult throughout this whole process, but eelgrass is one in particular, is that the research that goes in to what affects eelgrass is really not that solid or well known. You know, the information's not really – we don't really have the information yet. So I think that, I guess, number one, consider it a very important habitat to protect and, number two, keep – if there's some type of mechanism to keep updated on the new information that's going to come out, it's going to dictate how to protect eelgrass. I think that would be beneficial.

Mr. Temples: I've got a question which I raised several weeks ago and nobody really had a good answer. The 200-foot buffer along our estuaries: Where did that number come up? Why not 300? Why not 150? Why not – why 200?

Mr. Warinner: Well, there is actually a document coming out in June. I think it's coming out in June. The first draft is coming out in June, yeah. That's from – it's going to be for the year of 2015. There's a Comprehensive Riparian Guidance that's going to have the answers to that question and to several other questions about the values of riparian areas for all different types of systems. And so I wish I had it here. It would probably satisfy a lot of the questions. I think the 200-foot buffer rule or – it's not really a rule; it's kind of a number – comes from site potential tree height. Are you familiar with that? And so it's basically how tall can a tree grow in that area, then fall down and affect the stream. So if you can grow a 200-foot tree, which is kind of the limit of our trees, then that's how wide you would recommend that buffer. So a 200-foot hemlock could grow at the edge of that buffer, fall down, and hit the stream.

Ms. Ehlers: It came from the initiative.

Mr. Warinner: Well, there's – if you look at buffers and the different widths of buffers there are functions that are related to the different types of buffers.

Ms. Ehlers: Right, but originally –

Chair Lohman: Carol, this is the Planning Commission's meeting.

Ms. Ehlers: I know, but when something's wrong and there's a good question – it came from the initiative.

Ryan Walters: Well, let's back up just a second so –

Ms. Ehlers: And it's been modified since.

Mr. Walters: There may be two different things we could be talking about. One is the shoreline jurisdiction number.

Chair Lohman: Right.

Mr. Walters: Is that the one?

Chair Lohman: That's the question.

Mr. Walters: That's the 200-foot distance. But then there also are critical areas buffer distances and those were all set and are enforced today under our critical areas ordinance, which came from whatever constituted best available science at the time that we adopted the critical areas ordinance.

Mr. Warinner: Right, and I'm talking about the best available science information.

Mr. Walters: Yeah. So there is existing – I mean, as apparently this document that's coming out – but there is also other existing best available science that supported the critical areas ordinance adoption back in 2009.

Mr. Warinner: Right.

Mr. Temples: It sounds like you're trying to come up with some data pattern to make a better analysis than just throw a number out there kind of.

Mr. Warinner: Yeah, and I think that's a big complaint that people have about those – the numbers that are kind of thrown out there. But there is information – like I was about to say – that – there's been documented evidence of different habitat values at different widths of buffers. And so I don't really want to go into that and I'm not an expert on it, but hopefully that information will be much more available when we have more guidance – riparian guidance.

Mr. Temples: Okay, that's fair.

Chair Lohman: Okay, any other questions?

(silence)

Chair Lohman: Thank you very much. So we're going to move on to the agenda. We're going to start with the Boating section, and I think we should do the policy first. Is that okay?

Ms. Stevenson: Yeah. We're going to do a couple of things before we dive in, hoping that we weren't going to do the Boating Facilities section tonight. Sorry! _____.

Chair Lohman: Okay, so we'll move on to the second thing then? Well, we'll let you talk and you tell us what you're going to do.

Mr. Greenwood: Is Bob going to stay for the – could you stay?

Mr. Warinner: I can stay.

Mr. Greenwood: Yeah, in case we have some questions that you might be able to address as we go.

Mr. Warinner: That's not a problem.

Ms. Stevenson: If you've got questions about some of the Boating Facility stuff, you should ask him about it _____, if that's what you wanted to ask him.

Mr. Greenwood: Well, I just think during the course of this subject matter I think that's part of the nature of – you know, Fish and Wildlife can address things that we might not be able to address as we go through.

Ms. Stevenson: (unintelligible)

Mr. Greenwood: I don't have any specifics, Betsy. I really don't.

Ms. Stevenson: Okay, okay. Because the other things, maybe they are equally as important.

Mr. Mahaffie: (inaudible)

Mr. Axthelm: _____ to change. Is that what's –

Chair Lohman: Wait, wait. Two people were talking at the same time. Go ahead.

Mr. Mahaffie: I did have some specific questions about docks and boating facilities. If we were going to skip it, though, if I could just ask those specific questions.

Mr. Walters: I think just the idea is you've got Bob here now.

Mr. Mahaffie: Yeah. I just didn't want to screw up her schedule here.

Chair Lohman: Yeah. I mean, I guess I didn't realize we were going to skip it so I can prepare twice.

Ms. Candler: I think even if we're going to skip it –

Mr. Walters: I think we were just thinking that – I'm sorry – that because we talked about it last week or last time and there were a whole bunch of questions about it that we would go back and rewrite that one again. But if you have questions...

Mr. Mahaffie: I had some general questions on the table.

Chair Lohman: I think we should just – if they're general questions, I think we should just get them out there.

Mr. Mahaffie: Boating facilities.

Ms. Candler: I think you should ask your questions.

Chair Lohman: Yeah, I think so too.

Mr. Mahaffie: A very broad, open-ended question here: We see in multiple areas specific numbers for dock width, dock height, material composition, construction techniques. Those came from Fish and Wildlife. *Where* exactly did they come from? I can't find reference to any documents that spell these out.

Mr. Warinner: Okay, well, I'm not _____ either, but I can tell you why. I mean, I don't have – there may be some white papers that I could find for you that would be – that would describe –

Mr. Mahaffie: For example, a 4-foot width on a ramp.

Mr. Warinner: Right.

Mr. Mahaffie: Where did 4 feet come from?

Mr. Warinner: I don't know.

Mr. Mahaffie: Okay.

Mr. Warinner: I can tell you why but, you know, it's because at 4 feet the shade is not as much of an issue because the sunlight is able to get in on either side.

Mr. Mahaffie: But we're being dictated by best available science but it needs to be backed up somewhere, so... Yeah, I tried to find white papers on it: nothing specific for Fish and Wildlife for Washington.

Mr. Warinner: Okay, did you find *any* white paper on overwater structures?

Mr. Mahaffie: Oh, tons of them but –

Mr. Warinner: From WDFW?

Mr. Mahaffie: No. I mean, it could be from Florida or –

Mr. Warinner: Because I know there is – I know there are – I know there is a white paper for overwater structures from WDFW.

Mr. Mahaffie: For overwater structures and material compositions as reflected in treated wood, for example – nothing specific to dock material.

Mr. Warinner: Right. Well, I could try to find that for you and send it to you.

Mr. Mahaffie: I mean, it went from – correct me if I'm wrong, Betsy – it was from our consultant that put this together – the Watershed Company.

Ms. Stevenson: Yeah, after some discussion with several different people from Fish and Wildlife. Some of that came from the Corps, too, from some of the Corps standards with their regional permit guidelines.

Mr. Mahaffie: Oh, okay.

Ms. Stevenson: I have been doing the same thing and finding some stuff, but I haven't been able to – but a lot of that is from the Corps.

Mr. Mahaffie: Okay.

Ms. Stevenson: So we can keep working on it. And that's why I'm asking for more time before – to try to have some of those answers for you. So I've got some stuff pulled together from Fish and Wildlife and some stuff that came from the Corps.

Mr. Mahaffie: Okay. Again, that makes sense if it came from the Corps.

Ms. Stevenson: But I'm not sure that it's going to specifically say this is why it's 4 feet and not 5 feet, but... And if you have additional thoughts of where _____ .

Mr. Warinner: Well, I can look it up. That's not really what I do at work but I can certainly look that up for you.

Mr. Mahaffie: But I wasn't trying – don't get me wrong – I wasn't trying to get an answer to 4-foot – that was just an example – but what references does that come from _____ documentation.

Mr. Warinner: Oh, yeah. I understand. I understand your position.

Chair Lohman: I have a general question too. When you're talking about existing uses and structures or – are you broadening that to be beyond this section so that could be – it may not be a dock or a float or a mooring structure? Or is it specific to this section? I'm looking on page 11 in your –

Mr. Walters: That would be specific only to what this section is applied to, based on the applicability statement at the beginning.

Chair Lohman: Okay. So when you throw in the phrase "overwater structures," it doesn't reach over and grab potentially anything?

Mr. Walters: Right –

Chair Lohman: Okay.

Mr. Walters: – only the – the entire section is constrained by the first section – first paragraph – which is the applicability statements.

Chair Lohman: And then on page 8, you have a – at the very top it says, "The freeboard height on all floats must be at least 10 inches." What does that mean? I could not visualize where that was or what you were talking about.

Ms. Stevenson: The distance between the water and the part of the dock, there needs to be 10 inches in between them, I think.

Ms. Candler: That's what "freeboard" usually means.

Ms. Stevenson: _____. Maybe that's wrong.

Chair Lohman: This talks about floats.

Ms. Stevenson: Oh, okay. So maybe they want it to be at least 10 inches _____, I guess.

Chair Lohman: I think it's about floats.

Ms. Stevenson: Oh, I see where you're talking about. Yeah. Yeah, that's what that – that amount out of the water. It should be at least 10 inches out of the water – sorry. I see it now.

Chair Lohman: I thought that having this illustration along with this table was really helpful, but you don't have any – it just kind of is there. So I really like it but we should be able to use it better.

Ms. Stevenson: Okay.

Chair Lohman: I think it's a great idea because it kind of takes that table and –

Ms. Candler: So you're probably suggesting that this should say "at least 10" here or something?

Chair Lohman: Yeah. If we – because this is a really simple way to – it kind of pulls all the things that you're talking about, I think. I thought it was helpful.

Ms. Stevenson: Okay.

Chair Lohman: And then I think you have actually an extra picture that's kind of misplaced on page 48 in the original draft. I think it's just a – I don't think it belongs there. I think it's just plunked there. I thought it was weird there.

That was the end of my just general stuff. Anybody else have something general?

Mr. Walters: Oh, that was formatted as a heading style so it got incorporated into automatically generated table of contents.

Chair Lohman: Oh, I see.

Ms. Stevenson: We just thought it was time for another picture! Thank you for catching that.

Chair Lohman: Actually I think a citizen did, but I did see it and I couldn't figure out why it was there, and then reviewing the citizens' notes it was, Oh, that *is* kind of weird.

Mr. Walters: Yeah, we fixed that.

Chair Lohman: Okay.

Mr. Temples: Madame Chair, I have one question. On page 4 there's a section on development standards and I'm just throwing out the question – it says "Generally, Structures and uses must," and we keep – as we've been discussing throughout this process whether we are going to accept that terminology or not. But then there's a whole list of items down below, and I'm just bouncing this off the Commission as far as whether they feel that this seems appropriate in this particular application or another description might be better.

Chair Lohman: Do you have a suggestion, Bob?

Mr. Temples: I was just trying to think is we went through all the process earlier and the discussion with how things were to be described. I kind of defer this one a little bit to Ryan, but is “must” – I mean, it just seems like that’s ironclad.

Mr. Walters: That’s the idea. If these items are things you want to make sure occur then, yeah, we would want to use a mandatory verb there. Probably most of them are driven by the WAC. They’re probably WAC requirements for each of these.

Mr. Temples: Well, if that’s the intent then I don’t have a real issue. I just kind of saw that and went we’ve been discussing, after all, a lot of items in this review. Okay.

Mr. Mahaffie: So we’re going to come back to this again at a later meeting?

Ms. Stevenson: At least one.

Chair Lohman: Okay, so let’s move on then – right? – to Breakwaters.

Mr. Greenwood: Can I ask a question just pertaining to – since we have the expert here – pertaining to overwater structures that relate to docks and wharves and that sort of thing? Can you describe what you see as the consequences of the addition of a structure like that to maybe a river or – they’re not typically on rivers, but – although sometimes – lakes, if you will? I know that part of the function of the riparian zone is to provide shade so there’s some amount of that that is contributed. They’re structures. They’re not natural structures but there’s some level of contribution there as well. So can you describe them from both a positive and negative aspect? Maybe pick a lake and pick a river so I can understand how better.

Mr. Warinner: A river’s a hard one because, you’re right, there isn’t a lot of structures in rivers. But, well, I’ll try my best and I’m somewhat challenging my designation as an expert in this – for public record!

So in the lake when you have a dock or an overwater structure and basically one of the issues is if you have fish that are migrating along the shoreline and when they hit like an unnatural shaded area that’s kind of not consistent with the rest of the area that they’ll get confused. Sometimes they won’t go underneath the dock. Sometimes they’ll try to avoid it and go around it, and that’s been shown to happen. Obviously when you have less docks it doesn’t – there’s not as much of an issue. When you have a lot of docks it really complicates the issue because it happens over and over again. Another thing that docks do in lakes is it provides habitat for predator species that are non-native species, like bass will prey on native species that are living in the lake. You have shading of vegetation is an issue. It’s not as much in lakes as it is in marine areas – above-water structures like, for instance, eelgrass. When we have floats and piers that are over eelgrass beds or other kelp beds and so on, that we can remove vegetation out of the system from that.

In a river, I suppose it could serve as a structure that would be kind of a bank hardening structure in the sense that it would require the removal of other native types of habitats that would exist there if the dock wasn’t there. Like if you look at the docks down here in Mount Vernon, they’ve been placed in an area that’s already fairly heavily impacted because of the bank hardening. But if you didn’t have bank hardening there to support those areas you might preclude that formation of a woody debris structure there that would happen naturally or – maybe even a sandbar that would happen there naturally.

And so I'm having trouble thinking of direct impacts under than being an interruption in the migratory pattern of fish from a dock in a river. But it certainly can be associated with protection of that dock and other impacts that you would want to ___.

Mr. Greenwood: I know naturally there are functions that are provided by artificial structures, and there's even natural occurrences of hardened banks, too, that create – that are pretty good fishing holes, too, for people, and they traditionally go there. So it's sometimes difficult to balance what is a natural, positive effect and what's an artificial which might contribute something similar. So I just hope that we can try and look at some of those things when we try and add and subtract ecological functions. And if there's an ecological function that is in the greatest – you know the – I'm thinking about the limiting factor. If there's a limiting factor, wouldn't it make sense to work on the limiting factor first, because the others might be added habitat features but maybe we don't need those before we get the other one first? So I think – has that been prioritized as far as restoration projects? I think it has.

Mr. Warinner: Yeah, you know, in the Skagit we have in a lot of areas one of the limiting factors is spawning habitat. And in the Skagit it's been determined that we don't have limited spawning habitat. And although a lot of the work that you would see in eastern Washington and other places would be spawning habitat, we don't really do that here because it's not limiting. Our major limiting factor is in the estuary. So, yeah.

But responding kind of to your other point, it would be interesting to have shoreline structures that were habitat structures first and recreational structures second. And I'm just coming up with an app, like a –

Mr. Axthelm: You're talking a dual purpose?

Mr. Warinner: Yeah, I'm just coming up with an image right now of what if you had a logjam that you put in the river that had some type of platform on it or something, you know? And I don't even know if that's possible, but it's an interesting concept, I think.

Mr. Greenwood: Yeah, probably kids get trapped under it. I don't think it would work so well and be kind of dangerous, but... Okay. Well, thanks.

Chair Lohman: Okay, Betsy, where are you taking us?

Ms. Stevenson: We can – let's just keep going.

Chair Lohman: So on Breakwaters? We need to jump to your February 4th draft notebook.

Mr. Axthelm: So we'll come back to Boating Facilities?

Chair Lohman: Yeah. So the policy page is page 19 and the code page is 114.

Ms. Stevenson: And the memo says we didn't – I don't remember making any changes.

Chair Lohman: Did anybody see anything in Breakwaters? I didn't.

(silence)

Chair Lohman: So are you ready for us to move on?

Ms. Stevenson: Sure.

Chair Lohman: Okay, if somebody sees something, we can always address it later. This is not going to be the final time just because we said here that we didn't see anything. Okay, the next item on the list is Commercial Development. So this one you need to refer to the handout, but if you wanted to compare it to the original it would be on page 29 and 115.

Ms. Stevenson: So I guess just by way of introduction, we formatted this to kind of come up with what we had talked about before – some of these _____, divisions, and all that sort of thing. We didn't give you copies of the policies, though, so I guess if you have questions on those first four comments – changes...

Mr. Greenwood: I'm thinking that the policy item (c) seemed, maybe because we combined our original document language with – to kind of condense it, but it seems somewhat redundant that in (c) where it says commercial developments not requiring shoreline location should locate inland from shoreline areas, whereas in – well in (a), it says because the space requirements of some commercial developments and the limited amount of shoreline commercial enterprises should be encouraged to locate inland from shoreline areas unless water-oriented. So to me it doesn't seem necessary. It may have seemed necessary in the flow of the original document. I think we borrowed it but didn't need it.

Chair Lohman: I have a note that says "delete" maybe.

Ms. Stevenson: I have "recommend delete" here, too, so thank you. I appreciate –

Mr. Greenwood: Okay. I talked too long. I'm sorry.

Ms. Stevenson: No, no, no, that's perfect because somewhere along the line we did –

Mr. Greenwood: I could have said "delete" and then you would have said "yes" and I –

Ms. Stevenson: We need that. No, we need that reminder because we didn't delete it. So we'll make that change.

Chair Lohman: And then somebody suggested changing the word in (a), little a, "enterprises" to calling it "development" – "commercial development" instead of "commercial enterprises. That way for consistency, I believe.

That was the only thing I saw in the policy section. Okay, so moving to the memo then. I did see on page 15, number (3)(d): It says "Commercial uses must provide shoreline access, including" and then (i) and (ii). But I kind of think it isn't 100% consistent with the Public Access section, which is back at 14.26.360(1)(b) where it says they have to provide public access *unless*, and this says "must" and I think they collide. I think it needs to be consistent with the Public Access section.

Mr. Walters: Well, here it says it "must provide shoreline access" and then there are two requirements, one of which is "public access consistent with" the Public Access section, so it just says go read that section. Then the first one is access for members and users, so really the requirement is to provide access for members and users of the development, and then there's sort of an FYI also – you might have to provide public access under the Public Access section.

There's that distinction between shoreline access and public access because shoreline access is not necessarily access for the public.

Chair Lohman: Okay. I guess I was tripping on what you meant.

Ms. Stevenson: Does that make sense?

Chair Lohman: Yeah. Having the narrative makes sense.

Ms. Stevenson: Okay.

Chair Lohman: I read it to be public access completely, not just access.

Mr. Greenwood: Since we didn't have in previous versions a requirement that eating and drinking facilities and lodging facilities be oriented to provide user views of the waterfront, what was the – how did we come up with that need for that additional language? Was there a situation that occurred where we – somebody put the back of their building to the water or... I just didn't know if that was something new or something we ran across. Or did it just come up from another compilation of code from another County?

Mr. Temples: There're a lot of comments from businesses saying, That's where we want to orient.

Ms. Stevenson: It actually *is* in the previous draft on page 117.

Mr. Greenwood: Oh, previous draft. I'm sorry. I was referring to the previous version of the Shoreline Master Program.

Ms. Stevenson: Oh, okay. I'm sorry.

Mr. Walters: The adopted version?

Mr. Greenwood: Yeah.

Ms. Stevenson: Yeah, I think the view access has become more important as the development has increased over the years, so I think at least what that's trying to say is that if you're going to have an establishment there you're supposed to still kind of protect the view for other people, as well, that may be walking by or something like that. You can't just completely block everything off. Does that make sense?

Mr. Greenwood: Well, I guess that particular – this particular statement doesn't tell me that.

Ms. Stevenson: Okay.

Mr. Greenwood: If we want to provide, I think we should get at it a little more clearly –

Ms. Stevenson: Okay. You're right. It does say "user views."

Mr. Greenwood: – if that's what we want. Yeah, because it's talking about the people who are sitting should be able to see out and see the waterfront.

Mr. Warinner: _____ talking about is the public.

Mr. Greenwood: If that's what we're looking for, I think we should say something else.

Ms. Stevenson: It may not be.

Mr. Walters: It may not be the – this sentence may not be referring to the public because users might not be the public, depending on what this is.

Chair Lohman: Maybe it's so they don't waste their opportunity. I don't know. It seems kind of –

Mr. Greenwood: I'd like for them to not – I like the way Betsy said it – I'd like for them not to hog the shoreline, I guess, so they're the only ones that can see. You know, you put a two-story – there're some limitations on height so I don't think that's so much of an issue, but –

Ms. Stevenson: And a lot of them leave a walkway or something in front so people can still get by, perhaps, sometimes. I mean, I've seen that designed into them if they can.

Mr. Greenwood: Yeah. Sure.

Ms. Stevenson: But even though I read that wrong, obviously –

Mr. Greenwood: No, I like the way you read it.

Ms. Stevenson: – that's what I was thinking. If it said if you're allowed to put something on the shoreline then you need to make sure that you're not just totally blocking it out from other people who may be in the area. But that's *not* what it says.

Mr. Greenwood: Okay, because I was thinking along the lines of what we talked about before where the proponent would demonstrate that they've exhausted the options for sharing, and this would be one of those cases where I would think they would have at least demonstrated that they've considered, you know, how it might impact others' views, if that's part of what we're looking at. And then they could mitigate it through having a walkway around the back, if you will. I think that serves both purposes.

Ms. Stevenson: Okay. I'll go back and take a look at that and see what the intention is or was, or where that – you know – that language came from.

Mr. Greenwood: Okay. I don't think it's a big deal.

Ms. Stevenson: Well, it's important, though. All the little things add up to big things.

Mr. Axthelm: But I think there's a line there, too, that we have to make sure that we - is that one is the public wants to have a view but, on the other hand, you have to protect the property owner, the person that's paying the taxes on that land. Are they – I mean, they're paying for the waterfront. You're not paying for it. They need to get the benefits out of it and not restrict them too much.

Mr. Greenwood: But then there're some places where they don't allow you to, you know, block or restrict public access to beaches, if you will, or views of shorelines.

Mr. Axthelm: Yeah. But that's – a lot of times in that situation is where there's a public – you don't own up to the beach 100%. You own – I mean, the beachfront is owned by the public. How do they get access to that? But if you own out into the lake or out into the river, nobody else has rights to the property. So where does that line get drawn, you know? And I understand what people are saying. I mean, ideally it would be nice to provide everybody a view and access but there's – sometimes the shoreline, you pay for it.

Mr. Walters: So I'm not sure where there's a requirement in this draft to do a view analysis or something like that. They do require that more frequently, I think, in cities where there's a *lot* of development happening on the shoreline and a lot of users right behind it. But I'm – here we've got height limits and then there are statutory height limits, and then we have public access requirements. But I don't think there's anything in here that would get at just the view – a limitation to encourage views by itself.

Mr. Temples: It also seems like from a business position it's almost essential. Why would a business build it otherwise?

(several sounds of assent)

Mr. Temples: It's like it's almost common sense.

Chair Lohman: I'm thinking of the existing ones and they absolutely take advantage of their views.

Mr. Walters: I can think of one that I saw recently. In Port Townsend, there's a gigantic building – Safeway used to occupy this building – on the waterfront right next to the ferry landing that has no windows on the water side.

Mr. Greenwood: It tends to keep their workers productive!

Mr. Walters: It's really quite impressive. So it does happen, I guess is my point.

Mr. Axthelm: I guess you see a difference. You know, when you go to Hawaii, like Waikiki – far from here – but you have some areas where they have a park between the beach and the land and they have a road and they've got the hotel set back, and there's other areas where the hotels are right up against the beach and you can't hardly get past them. I mean, there's significant difference so I can understand that.

Chair Lohman: Okay, again if somebody sees something at a later date, don't be shy.

Mr. Walters: So I think (4) at the bottom there, right below the paragraph we were talking about, (4) is supposed to be an (f).

Chair Lohman: (4)'s supposed to be an (f)?

Mr. Walters: Yeah.

Chair Lohman: A little (f)?

Mr. Walters: Right.

Mr. Mahaffie: Can I ask you a question on number (2)? Application Requirements: I kind of read it as being contradictory to General Provisions, as far as nonwater-oriented commercial uses. It seems like they're allowed down the list where if you apply for it you can't even say that. Is that the intention? If you're making a project proposal, you – it *has* to meet the definition of water-oriented use: water-dependent or water-related or water-enjoyment; where in General Provisions, although it's in the bottom of the priority, you're still allowing nonwater-oriented commercial uses.

Chair Lohman: It's kind of redundant in a way, too.

Mr. Walters: Oh, I see. Yeah, I think the intent of this provision was simply to put the burden on the applicant to show which one of the categories they fit into. ____ category.

Mr. Axthelm: Like, I could understand that because you might have a non-oriented commercial use but you still have – you're still wanting some water enjoyment in there. Like that – when you were talking about the grocery store situation. You know, if they simply would have gave a little more space and maybe a walking path it might have been better off.

Chair Lohman: I think it's a – you're trying to be consistent with what you did in other chapters, so you neglected to bold it like, for example, in the Boating section you bolded General Provisions, Application Requirements, so then it was a –

Mr. Walters: Yeah, we're planning to do that. Some of these formatting things we're saving for the end.

Chair Lohman: Would that help you?

Mr. Walters: I don't think that fixes it. We'll go back and fix that sentence to accommodate all the different types that are allowed.

Mr. Mahaffie: I think that's kind of going the wrong way. I think your intent was that if you're *saying* it's water-dependent you have to *prove* it's water-dependent. But it just makes it – to me it makes it read kind of –

Mr. Greenwood: Nothing else is allowed.

Mr. Mahaffie: Yeah.

Mr. Walters: Yeah.

Mr. Mahaffie: And I don't think that was your intent.

Mr. Axthelm: See in the Application Requirements? It says nothing else is allowed – is that what you're saying?

Mr. Mahaffie: That's how I'm reading it, when I think the intent was where you just had to define what you were doing better in your application.

Mr. Greenwood: How about just even if you just qualify that statement by saying "For water-oriented uses, the applicant must demonstrate to the satisfaction that it meets that criteria"?

Mr. Walters: Yeah.

Mr. Greenwood: Because you could say it does and that doesn't mean it does. And then you drop into the next category, which would be a nonwater-oriented commercial use and then you'd have to justify that it meets one of the other criteria.

Chair Lohman: Well, it says "water-enjoyment." It's pretty wide open.

Mr. Greenwood: Yeah, that's part of it too. Well, I don't know. I think the Department of Ecology gets into the weeds on that one quite a bit. It's descriptive, but that doesn't make it easy to define, but...

Mr. Axthelm: You may need a nonwater-oriented commercial use in an area where it's a good view. How do you – like the grocery store situation, is that you have a grocery store. You still need a grocery store in an area that might be a water-oriented area – like downtown Mount Vernon, let's say. How do you put that in there and still give some type of a relationship to the water?

Mr. Greenwood: Well, I guess I was just thinking about the Application Requirements section. If we've got a section on application requirements, one might address demonstrating to the Administrative Official that it's water-oriented and you might have a sub-point (b) if you felt you needed to – for clarification – that says nonwater-oriented will have to meet other criteria. I don't know if that helps.

Mr. Walters: Well, we have the section in General Provisions –

Mr. Greenwood: That's right.

Mr. Walters: – that talks about when we would allow a nonwater-oriented use. But basically the idea is you can't do a nonwater-oriented use unless you have some crummy shoreline.

Mr. Greenwood: By whose standard? Bob's or –

(laughter)

Mr. Walters: By these words here but I'm summarizing.

Mr. Axthelm: And then I think – that's what I'm saying, too, is that they should allow it to some extent if you are sensitive to the shoreline.

Mr. Walters: So that would be a change from this.

Mr. Axthelm: Yes.

Mr. Walters: I mean, we could write that but that would be different.

Mr. Axthelm: That's adding in the (b) on number (2), like you're saying.

Mr. Walters: Well, I think it wouldn't go under (b). I think it would go under General Provisions, because number (2) is intended to just lay out the things that you have to submit with your application and General Provisions is intended to lay out when the uses are allowed at all.

Mr. Axthelm: Okay. That's not clear.

Mr. Greenwood: Is this the only application requirement or is this just one of the specific ones for this? I imagine it's just specific for this type of use.

Mr. Walters: We are – yeah, this is continuing to evolve. We have developed a new sentence that would go after Application Requirements that would say in addition to the general requirements in wherever those are, you also have to submit the following – because there is a set of general application requirements for all applications.

Mr. Axthelm: Okay.

Chair Lohman: Just some of the sections you've got quite a number of submittal requirements in addition to, and I think that's partly what's throwing some of us. This one seems a little pat. I mean, I'm not complaining, but it's different.

Anything else from anybody on Commercial at this time?

Mr. Greenwood: Have we gotten – Betsy, have you got a sense from Ecology as far as – and maybe it's not their responsibility to answer, but I got a little sense from them that they were a little – thinking about what they would consider water-oriented use and what they *wouldn't* consider water-oriented use or water-dependent? I don't think they made any comments on water-enjoyment, but I think I remember them saying something to the effect that – like, for example, log storage, for example, or log transport on water was not a water-oriented use. Are there any other examples that you saw where they might be pushing back a little bit on what is and what isn't water-oriented?

Chair Lohman: They said log transport is *not*?

Mr. Greenwood: Yeah, I think so. That's what I remember seeing was that they said that log storage, log transport is questionable whether it's water-oriented. I'll see if I can find that.

Ms. Stevenson: Under the definition for “water-related” it talks about the use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water.

Mr. Greenwood: I know.

Ms. Stevenson: That, to me, would be logs, right?

Mr. Greenwood: It would be to me. You can't transport them by water and then not have them come out.

Ms. Stevenson: We're kind of going by the definitions that they've created for water-dependent, water-enjoyment, water-related.

Mr. Greenwood: Okay, so –

Ms. Stevenson: We haven't – I don't remember that specific comment and I don't have their – we kind of went through their comments on the whole thing as we were doing our revisions this time.

Mr. Greenwood: Okay. Well, you didn't adopt them. I wonder if there were other examples of commercial uses that were proposed that you said was questionable – if you saw anything else.

Ms. Stevenson: Not that I'm remembering.

Mr. Greenwood: Okay.

Chair Lohman: Okay, anymore?

(silence)

Chair Lohman: Okay, shall we move on then? The next item would be Dredging. Again refer to your handout, and page 19 in the notebook is the policy.

Ms. Stevenson: I don't have any notes or comments on any of these policies so I'm pretty sure that we didn't change any of them. And I don't have any handwritten notes on it either on the previous discussions that you got.

Mr. Greenwood: Page 19 where?

Chair Lohman: This is in the policy portion.

Mr. Greenwood: The part of the memo?

Chair Lohman: No, part of the document.

Ms. Candler: 6C.

Chair Lohman: The notebook. The Comp Plan element. I didn't see anything there this time either. Okay, so why don't we just move on to the code? My general concern in this section is that we make sure that – I know that it says that maintenance of irrigation and flood control activities are allowed, but I wanted to make sure that it's consistent with the ag chapter for the ag activities – ag-related activities.

Mr. Walters: So (1)(c)(iii): Do you think that that covers that?

Chair Lohman: I didn't want it to be so that you got cherry-picked when you already have the drainage maintenance agreements and the Tide-Fish Initiative agreements already like we did in the flood plan and the critical areas. So if we could just – maybe if we add a sentence, kind of like we did in the flood code?

Mr. Walters: I don't remember what we added there.

Chair Lohman: I happened to have printed that out. No, this is relative to the flood damage prevention code. It's "Normal maintenance of levee and other flood control facility prescribed in the Operations and Maintenance Plan for the levee or flood control facility." And the other one is: "The lawful operation and maintenance of public and private diking and drainage systems

which protect life and property along the Skagit and Samish Rivers and tidal estuaries in Skagit County.”

Mr. Walters: Do you have those two cites?

Chair Lohman: Yeah. It's chapter 14.34 and it referenced and then it has – additionally it lists the two ordinances that were passed.

Ms. Stevenson: So under (1)(b), where it says it's allowed only when consistent with the flood ordinance.

Mr. Walters: All of that operates as a restriction, not as a ____.

Ms. Stevenson: Yeah.

Chair Lohman: I just wanted to make sure because they've already gone through a fairly detailed permitting process. And in the ag chapter it does reference those activities.

Ms. Stevenson: I guess for the ag activities I would assume that you would go there first so that if for some reason you couldn't meet those standards that then it would be considered dredging and then this would apply. But evidently there isn't a clear path there – right? – so you're trying to – we tried really hard not to add things in different places if it was covered someplace else, but okay, we'll –

Chair Lohman: I think it just needs to touch back.

Mr. Walters: So that was 14.34.100(2)(e), Normal maintenance of a levee or other flood control facility?

Chair Lohman: It's (e) and (g).

Mr. Walters: (e) and (g).

Chair Lohman: (e) and little (g). (f) is in the middle and it has – it's planting, harvesting, livestock management, and other normal farm and agriculture practices, so it kind of got separated. Do you want me to pass it down to you?

Mr. Walters: No, I got it.

Chair Lohman: Okay. The other thing was on page 17 where you use the acronym for the Model Toxics Control Act and the superfund reference.

Mr. Temples: I wonder where.

Chair Lohman: Top of the page – 17.

Mr. Temples: I'm on 17. Oh, up there. Gotcha.

Mr. Walters: Do you want us to expand those?

Chair Lohman: I didn't know what it was. I Googled it.

Ms. Stevenson: Yeah.

Chair Lohman: I mean, I know what superfund is, but I didn't know that's what it was really called.

Mr. Axthelm: So with agricultural – in agriculture you can clean out a ditch. That's not necessarily dredging, right?

Ms. Candler: It's considered –

Mr. Axthelm: It's considered dredging. Okay, because here they're mentioning the maintenance of irrigation reservoirs and ditches for agricultural purposes.

Chair Lohman: Yeah. Anything else in Dredging?

Mr. Greenwood: I was just going to ask if we're trying to have the matrix table coincide with the code language that we're developing or refining, would we then be making sure that dredging is, in fact, allowable under some circumstances? Because it looks like, at least in the draft review, dredging is not allowed in any of the use categories or zones.

Chair Lohman: What page is that?

Mr. Greenwood: I'm looking at page 56, but that's the Ecology's working draft so it's probably an older version of the matrix table. But I just wanted to make sure that we have it reflect –

Mr. Walters: Is it allowed in Aquatic?

Mr. Greenwood: It's allowed as a substantial development or an exemption in Aquatic.

Mr. Walters: So I think that's just a – correct me if I'm wrong, Betsy – I think that's just a logical because –

Ms. Stevenson: It would be excavation.

Mr. Walters: Yeah.

Mr. Greenwood: So the zone itself? So the shoreline jurisdiction goes down to the water and then it's a different zone in the water itself.

Mr. Walters: And then it becomes Aquatic.

Mr. Greenwood: So dredging only applies if you're scooping out of the water, so if you're scooping the bank or within the high water mark, that's Aquatic, and anything outside of that would not be considered dredging?

Mr. Walters: It'd be excavation.

Mr. Greenwood: Excavation.

Ms. Stevenson: Under the definition, “dredging” is the removal of bed material from below the ordinary high water mark or wetlands using other than unpowered, handheld tools. So, yes, if you are up above, then it would be considered excavation.

Mr. Greenwood: Okay, so everything else – all those other – see, I’m thinking if someone looks at a map and says, My parcel is right here. I can’t do certain activities next to my property. I want to make sure that they know what they can and can’t do.

Mr. Walters: So when they look at the shoreline environment designation map they should see that Aquatic starts at the edge, the water’s edge.

Mr. Greenwood: Okay.

Mr. Axthelm: So anything inside the dike is going to be considered dredging?

Mr. Walters: Inside the dike?

Mr. Axthelm: Inside – well, yeah, _____.

Mr. Greenwood: Between the water and the top you’d get a different permit, or would it be all _____?

Mr. Axthelm: Well, no. The overhead high water mark is the top of the dike, isn’t it?

Mr. Greenwood: Not the ordinary high water mark would be relative to –

Mr. Axthelm: No, but that’s their definition, I believe – is the dike is considered – it’s the dike. Ordinary high water mark is the dike, isn’t it? In the Definitions?

Mr. Greenwood: I don’t think so.

Chair Lohman: I don’t think so.

Mr. Greenwood: Anyway, I think it’ll be – it’ll come up when we talk about excavation then, I guess.

Chair Lohman: Yeah.

Mr. Greenwood: But you wouldn’t have to get a permit for this material you remove. If you’re cleaning out a dike, for example, you clean out the material under the water. That would be one permit, and then if you take the rest of the wall of the dike and shape it – I’ve seen people do that – is that a different permit or is that just a different designation?

Ms. Stevenson: It wouldn’t necessarily be a different permit. We would review it in the same area but you might move from the dredging standards to the excavation standards if you’re moving above the ordinary high water mark.

Mr. Greenwood: Okay.

Ms. Stevenson: So we would review under any of the applicable sections of the code, which we do now, too, for a lot of different activities.

Mr. Greenwood: Okay. All right. I just see those activities that overlap.

Ms. Stevenson: But those are really good questions. Yeah.

Mr. Greenwood: Okay.

Chair Lohman: Okay.

Mr. Temples: What I found interesting was reading all this through and going, Well, dredging, excavating or whatever you want to call it is one thing, but then all the restrictions on where you dump it afterwards – oh my God.

Chair Lohman: Okay, anything else on Dredging?

(silence)

Chair Lohman: Okay, let's move on. The next item on the list is Fill, Excavation, and Grading. And for the Comp Plan policy, it's on page 21. Anybody see anything in this section?

(silence)

Chair Lohman: Okay, so moving on to the handout, I would just say the same thing as what I said for Dredging.

Mr. Walters: What? The ag exemptions?

Chair Lohman: That was a yes. I nodded. It doesn't record very well!

Mr. Walters: I was thinking in reference to Commissioner Axthelm's suggestion before – or question about the dredging occurring above or below the ordinary high water mark – or maybe Commissioner Greenwood's question about that. We could address that through an additional line in the Applicability section, noting that for the definition of dredging it only occurs –

Chair Lohman: Yeah, but it could potentially be – like if you're working at a tidegate on a periodic thing, a periodic – you know, not on a yearly basis but maybe periodically you need to remove where it's silted in around your tidegates, you're going to be in the ordinary high water mark. It *is* going to be dredging and you're going to have a Corps permit and a whole bunch of other stuff to go along with that activity.

Mr. Walters: So are you suggesting dredging might occur in an environment designation other than Aquatic, even though it's –

Chair Lohman: Oh, it's going to be in Aquatic.

Mr. Walters: Okay. Okay.

Mr. Greenwood: I'm wondering how we address –

Chair Lohman: How would it not be?

Mr. Greenwood: Okay. I'm sorry. Finish your –

Chair Lohman: I guess I don't understand what you're visualizing, Ryan.

Mr. Walters: No, I think we were visualizing the same thing. I'm not sure what you were getting at.

Mr. Axthelm: Well, you have some situations where you have a dike that's quite a ways past or back from the river.

Chair Lohman: Right, and then there're some where you're right at the mouth.

Mr. Axthelm: Yeah. Where does that line get drawn?

Chair Lohman: Yeah. When does it become excavation and when does it stop being – or become dredging? It's a line.

Mr. Walters: Oh. Well, that is just driven by the definition.

Chair Lohman: Right, and it could be both. The same thing you're doing could wear both hats.

Mr. Walters: Yeah.

Chair Lohman: Yeah.

Mr. Walters: Well, it's going to be one or the other, but you may be doing both.

Chair Lohman: Right.

Mr. Walters: Different sections may be – dredging a different section might be excavation. You get one permit for both.

Chair Lohman: Right, which is what – but it's two chapters in the book.

Mr. Walters: Right, because there are different rules.

Chair Lohman: Yeah.

Ms. Stevenson: A lot of the different applications that we get in are several things that apply out of the code, so we just have to (say), Okay, this part of it's dredging; this part of it's excavation. Oh, hey, you're going to be doing some fill or, you know, also we have to look at all those things.

Chair Lohman: Right.

Mr. Walters: And interestingly the Excavation chap – the Fill sections in the Excavation chapter apply.

Mr. Greenwood: Including waterward?

Mr. Walters: Yeah.

Mr. Greenwood: Can I ask then what – there must have been a gap that we found with our existing code pertaining to shoreline management, because we previously did not have a – I don't mean in drafts for this project – this process – but Fill, Excavation, and Grading was not in the original shoreline code.

Mr. Walters: In our adopted?

Mr. Greenwood: In our adopted one. We had Dredging but it skipped over it. But this looks like a whole new section – Fill, Excavation, and Grading.

Chair Lohman: I thought it was a place –

Mr. Greenwood: Did it come from somewhere else and I just missed it?

Chair Lohman: In the – are you looking in the February 4th?

Mr. Greenwood: I'm looking in the February 4th. I'm looking in this version –

Chair Lohman: It would be on page 122.

Mr. Greenwood: – but I'm also looking at the adopted code – in that. If we're proposing something new there must be a demonstrated need that there's something new. We were missing something.

Ms. Stevenson: We had a section on landfills, so on actual fills.

Mr. Greenwood: Okay.

Ms. Stevenson: But I think we didn't make the differentiation on the excavation and the dredging, so even if you were sometimes above the ordinary high water mark we considered sometimes that dredging, as well. I would say, you know, most of it we did both through the Dredging section and the Landfill section. But there was a Landfill section before but, yeah, this is slightly different.

Mr. Greenwood: Yeah, because excavation and grading is not necessarily a landfill.

Ms. Stevenson: Right.

Mr. Greenwood: Placing material in the water has some ramifications to it.

Ms. Stevenson: Yeah.

Mr. Greenwood: How has the Shoreline Administrator been handling people's excavation and filling to date?

Ms. Stevenson: Under the Landfill section –

Mr. Greenwood: Under the Landfill section, where they want to put –

Ms. Stevenson: – and under the Dredging section.

Mr. Greenwood: Okay. They're taking something out and it was handled under Landfills?

Ms. Stevenson: Well, or the Dredging section because I don't think we differentiated before as far as whether it was coming out of an aquatic area or not. So even if it was an upland area, you know, we considered that to be dredging.

Mr. Greenwood: Okay. So did the Department then say that we had a weakness there, we were missing something, whereby we needed this additional section? That's what I'm looking for. Was the Shoreline Administrator hamstrung and needed some additional code or language, or did this just come from another county? I don't know.

Mr. Walters: Well, my sense – I don't really know. My guess would be – “fill and grade” is more consistent with building code terminology. And then you're going to have a lot more restrictions on dredging than excavating uplands so it makes sense to have that be different sections.

Mr. Axthelm: I could see the dredging requirements getting more stringent now, where in the situation where you have the dike and you have land between that there's some allowance for fill and grade versus the dredging so to differentiate between the two. My concern just with that issue was the clarification on the ordinary high water mark location. Or, for instance, when you're cleaning out a ditch and essentially you're dredging the ditch, but then if you come up so far on the bank you have to mess with fill and excavation, we're making that a little easier to go through that process would be better.

Mr. Greenwood: Well, I'm thinking your best management practices might be different in the water versus out of the water.

Mr. Walters: Oh, yes.

Mr. Greenwood: I don't have a problem with that. I was just looking for – maybe if we got some input from our Shoreline Administrator that said – or the one who practices it the most, has to deal with it the most, is finding we had a hole we were trying to fill. No, I didn't mean that. That didn't sound right. I'm sorry.

Chair Lohman: You did that on purpose, didn't you?

Mr. Greenwood: No, I didn't! I'm not that funny.

Chair Lohman: I think there's a heck of a lot more scrutiny at *anything* within that 200 feet.

Mr. Greenwood: Well, yeah –

Chair Lohman: And wouldn't it fall under the category of some land disturbance?

Mr. Greenwood: Yeah, I don't have a problem. I was looking for – with the language itself because I think it *is* specific and unique. I mean, we might seed and straw someplace out of the water but you're not going to throw straw in the water where you dredge. So I see some differentiation there. I just was looking for the origin, and if we don't know then that's okay. I think Josh brings up a good point that we may want to differentiate those things just so that people can work in one environment without feeling overburdened on the other one. If you're staying out of the water you should have different _____.

Ms. Stevenson: Nice choice of words: overburdened.

Mr. Greenwood: Overburdened.

Mr. Axthelm: In the development standards, I think it's – no, sorry. It's (1)(c). It says: "Fill, excavation, and grading is allowed only when consistent with...Flood Damage Prevention." Now your utilities would also go in that situation. Like when you're putting a utility line through at a location, does it still allow for that? Because here it's just saying only for flood damage prevention.

Ms. Stevenson: There are some standards in our flood ordinance that deal with fill and grade, so it's not necessarily for flood control. It's for the actual fill and grade activity that needs to comply with the flood ordinance. Am I understanding your –

Mr. Axthelm: So you putting utilities in wouldn't necessarily mean fill and grade is what you're saying.

Ms. Stevenson: Not necessarily – depending on how you do it. You know, if you just either use a cable plow or dig your trench and fill it back in so that it's the same as it was before you got there kind of thing. We do have a section on utilities.

Mr. Axthelm: Which is your _____. I remember that one. So it's required under Utilities to restore it back.

Ms. Stevenson: Right.

Mr. Axthelm: Okay, so you're saying it's still – here it just doesn't address it. Where it specifically says flood damage prevention, should we also have utilities in there?

Ms. Stevenson: No, because the flood damage prevention ordinance actually regulates fill.

Mr. Axthelm: Okay.

Ms. Stevenson: So it's a little different. Does that make sense?

Mr. Axthelm: Yep.

Ms. Stevenson: Okay. Okay.

Mr. Greenwood: I have a question for Bob at this point. When we talk about fill, excavation, grading, Fish and Wildlife has their own criteria, I would assume, if it's associated with an overwater structure – for example, a bridge – when it comes to putting material within – I don't know if it's the ordinary high water mark – abutments, that sort of thing. And you – I haven't expected you to read our development standards here, but what do you do in situations where you have bridges that would have to be multi-spanned by the time you cross the entire plane of the – you know, some of these shorelines are actually not that big of a river system or a creek.

Mr. Warinner: So when you have to put some structure in the river?

Mr. Greenwood: Yeah. That's considered fill, I would assume. Right?

Mr. Warinner: Yeah. Well, generally what you do is you'd figure out a way to mitigate for it by doing a project somewhere else in the river that would mitigate for the impacts, or by designing it in a way that would mimic natural processes – a natural structure in the stream or something like that. I suppose you could do like a logjam or something like that in a different part of the river. But generally we do –

Mr. Greenwood: Preferably downstream from the bridge? The logjam.

(laughter)

Mr. Warinner: Well, it depends where the bridge is! But that's how we do it. A lot of times you can't really mitigate for something like that in kind so you have to do an out of kind mitigation. And then, of course, the Corps has issues with that as well, but mostly we try to avoid putting fill in.

Mr. Greenwood: Well, let me take an example. If you were to take a shoreline crossing existing, and say you crossed it utilizing a – say a 60-foot span, or a 50-foot span, and then you were going to replace or improve that structure, would it – going wider – would that be adequate mitigation? Or I guess you'd look site-specifically, but – or would it necessarily have to span the entire breadth of that natural system?

Mr. Warinner: Well, the way that our mitigation rules are going, it's the existing structures is the condition that you're regulating for. So if you were to improve the situation –

Mr. Greenwood: Then it has to comply with –

Mr. Warinner: Well, if you were to improve the situation with a newer structure, like a wider span – say you took the abutments further out of the system – that would probably be considered self-mitigating at this point, but the HPA rules aren't written in stone yet so it's hard for me to say.

Mr. Greenwood: Okay.

Mr. Warinner: Does that make sense?

Mr. Greenwood: It helps me to see where you're coming from.

Ms. Stevenson: Yeah, we've had proposals of crossing – actually railroad – and they took out some of the piers in the middle and made a wider span and tried to deal with some of the concrete abutments and redo it, so that was mitigation for us. And then they just reseeded the areas when they were done because they took out a whole bunch of wooden structural things in the middle and we actually deal with that type of fill and that sort of development under our Transportation section, rather than in just under the Fill section.

Mr. Greenwood: Is it something that the County feels an obligation to participate in or could they have a memorandum of understanding with Fish and Wildlife, who crafts the HPA, to see the County's interests are met?

Mr. Walters: You mean waive the shoreline permit requirement in favor of the HPA?

Mr. Greenwood: Or at least defer. I mean, you already have an HPA. Do we need a County biologist and a Fish *and* Wildlife biologist to make that determination?

Ms. Stevenson: We try to work in concert in terms of the permitting and any kind of mitigation that's required when we can, and we can defer to some of the things. We don't – we try really hard not to put mitigation in that's either contrary or different than what Fish and Wildlife is doing. We don't always get there but they usually come back and say, Well, you guys are asking for this and they're asking for this – which is it? And then we go back and talk and figure that out. But we can't not issue a permit.

Mr. Greenwood: Well, I'm just thinking – I'm thinking of bridges, for example. If we were to have a bridge, I don't know what additional contribution a County representative could provide more or better than – well –

Ms. Stevenson: I understand what you're saying.

Mr. Greenwood: – you know, I'm reading what's in here and I don't see – that's just not our specialty or expertise, and you don't want to have to hire an expert that is the same as Bob, who's paid by another agency. So I just wonder if there are opportunities for reaching agreement, which would enable the Shoreline Administrator to defer. Maybe it's an exemption, if you will.

Mr. Walters: I think – well, where we can – and I think you saw this in Aquaculture recently – we try to accept other reports, studies, permits. Also in the critical areas ordinance we try to accept other permits where they're equivalent, but we would still issue our permit. If the legislature decides that we don't have to issue a permit then we won't, but otherwise we will have to require one. And they have, in at least one instance, and that's for qualifying fish projects where the legislature has decided that if they qualify under the statute then no local jurisdiction permits are required. But otherwise we have this obligation to review them and issue permits.

Mr. Greenwood: Well, I'm wondering if there's a streamlining, a potential there.

Mr. Walters: I think the streamlining potential is there.

Mr. Greenwood: Right – maybe with a reduced fee to go with it? Just a thought. Just a thought – I don't know...

Mr. Walters: But, yeah, I think we are trying to get to streamlining wherever we can but there would still be the permit. Reduced fee is interesting.

Mr. Greenwood: Streamlined fee... You know, if it doesn't require someone from your department or your office to go out to the site a couple times because you've already met with –

Mr. Walters: And the current way the fee schedule is structured, there's a base fee – right? – of a certain amount and then there's an hourly fee over that. So I don't know how those numbers work out, but it's possible that the base fee covers –

Ms. Stevenson: – most applications.

Mr. Walters: Yeah, the streamlined permits and then the ones that aren't streamlined get the hourly fee or some – depends on how the numbers work out.

Ms. Stevenson: There's a certain number of hours that are about the average that are factored into our fees. So at least our group doesn't usually charge more than what we have done there, but we do have the ability if it goes way beyond, in terms of our review time.

Mr. Greenwood: Okay. I'm just – I don't want to start something new necessarily, but just some thought along those lines if there's an opportunity to save time and money for agencies who are not duplicative. Because you know that – you know, I'm familiar with an interdisciplinary review process that includes the DNR and Fish and Wildlife and tribes and others and we've got six people out there looking at something, and then we have maybe another truck that shows up. And you don't want them to – you know, in some ways you want them to show up so that they earn their money, but, at the same time, you don't want them to show up because they don't need to be there. Just if we can streamline a little bit to work together, that would be helpful.

Ms. Stevenson: In the instance that you're talking about, too, what we are proposing – and I'll just throw the reminder out there that if you are either replacing or putting in a new bridge structure and it qualifies as a substantial development, we are proposing to make that an administrative process. So there's an opportunity there to include, you know, some of the other permit requirements and conditions and looking at that and, you know, have it be effective, based on you receiving the other permits and that sort of thing. But we would still have to issue a permit.

Mr. Greenwood: Well, that's fine.

Ms. Stevenson: But it wouldn't necessarily go to a hearing if you don't need a variance or a conditional use permit for some other reason. So we are actually trying to streamline our process to make that easier. I'm not real comfortable with issuing permits without going out and seeing the site, so I would hope that we would still be invited to come and do that if we're going to have a permit involved, which we would if it's a shoreline crossing. So – but – and if there's no public hearing we should only have to do it once or go back out then and inspect it after it's done and make sure it was done according to – if there's mitigation, take a look at – you know, come back out and monitor that if we have to. But we wouldn't have to be out there multiple times posting different types of notices and all that sort of thing either.

Mr. Greenwood: It seems a little layering to me – still.

Ms. Stevenson: And it is, you know, because you've got federal, state, and local permitting agencies. So the more that we can do to, you know, work with each other and figure that out the better. _____ step back.

Mr. Greenwood: But I know there are a lot of processes whereby an agency can request of the lead agency address these concerns that I have. And they can go onsite, and they can address those concerns to your satisfaction. If they don't then you follow up. But if – you know, it could be administrative. When you mentioned administrative that caught my ear because that sounds like I'm deferring to someone who knows a little bit more about the particular project – the scope.

Ms. Stevenson: Well, if you're deferring to Fish and Wildlife, yeah, they know about the fish impacts but they may not know about some of the stuff that we do, too.

Mr. Greenwood: Like what? Like what on a bridge? I'm sure there are things but –

Mr. Mahaffie: Building construction.

Ms. Stevenson: Yeah, the construction piece of it.

Mr. Mahaffie: The actual construction, the actual engineering. Anything in the uplands.

Ms. Stevenson: It impacts up- and downstream. You know, yeah, you guys have engineers but are they really looking for those kind of impacts? I'm not sure. You know, are they – is that part of your jurisdictional stuff? I mean, we do have some responsibilities that we can't just say, Oh yeah, if they're doing it then we don't have to. That's not the way the system's set up. If that's what you're looking for, I just don't see how we can do that.

Mr. Greenwood: Well –

Mr. Mahaffie: You also have – there's final review, and it was already alluded to about enforcement, and Fish and Wildlife has their hands very much tied in enforcement and review of projects, where the County does not. They can't write you a citation in a fashion that Ecology or the County could.

Mr. Greenwood: Fish and Wildlife can't write a citation?

Chair Lohman: I thought you did. I thought there was recent legislation that you can now.

Mr. Warinner: We have criminal enforcement but not civil enforcement.

Mr. Mahaffie: So they can write you a ticket for – you know, if you're harming a fish or illegal take, but not for a civil infraction.

Mr. Greenwood: Okay, so you're talking about the engineering part, and that would be something that the County would contribute some level to?

Mr. Mahaffie: As far as fees, I'll just throw it out there that Skagit County probably has one of the lowest fee structures for this kind of review of any jurisdiction around *by far*.

Mr. Greenwood: So you're saying it could be worse.

Mr. Mahaffie: Yeah, it could be worse.

Mr. Greenwood: I don't feel better. I don't feel better.

(laughter)

Mr. Mahaffie: In their fee structure, I don't see how they qualify their time adequately – personally.

Mr. Greenwood: Are you advocating an increase in fee structure?

Mr. Mahaffie: Honestly?

Mr. Greenwood: Yeah.

Mr. Mahaffie: I think they're undermining themselves on their fee structure, especially for critical areas.

Mr. Temples: Hmm.

Mr. Walters: I see Dale taking that down.

Ms. Stevenson: We're terribly undervalued.

Mr. Mahaffie: What they do for \$300, Snohomish County charges 2,000 – flat fee.

Mr. Greenwood: Well, that's why there's a good line between Snohomish and Skagit Counties.

Chair Lohman: Yeah.

Mr. Greenwood: Okay.

Chair Lohman: Okay, anything else on Fill and Excavation and Grading?

(silence)

Chair Lohman: Okay, moving on on the agenda then: Scheduling future work sessions. So on your handout is kind of a proposed – we kind of adjusted the remaining subjects. So if you could look that over and offer your comments, wishes, opinions.

Mr. Meenaghan: Are those sections that are listed there the remainder of what we haven't covered?

Ms. Stevenson: Yes, and all we did was just move them to one additional meeting and we didn't put Boating Facilities back in there, so...

Mr. Walters: Well, and I think we talked about coming back to some of the other sections.

Ms. Stevenson: Oh, yeah, yeah.

Chair Lohman: Yeah. This is just the first arduous journey.

Ms. Stevenson: The second.

Mr. Greenwood: I floated a suggestion to Betsy and Dale and Annie about tapping into the Forest Advisory Board for our next meeting because we'll be talking about Forest Practices. And perhaps they could make a brief presentation similar to what we heard tonight and then be available for questions as we talk about that issue – the Forest Advisory Board by the County.

Chair Lohman: That would be good.

Mr. Greenwood: Any thoughts on that?

Chair Lohman: I think we should invite them. So what's the consensus?

Mr. Meenaghan: Yeah, I think that's a great idea.

Mr. Greenwood: They're interested. I asked them if they would be interested and they said yes.

Chair Lohman: So if –

Ms. Stevenson: Did you ask about the 20th specifically?

Mr. Greenwood: No. I said it wouldn't be for three weeks when I talked to them.

Ms. Stevenson: Okay.

Mr. Greenwood: I knew it wasn't on this month.

Ms. Stevenson: I'll double-check and if that doesn't work if we hit them on June we can shuffle a couple things around.

Mr. Greenwood: Well, there's enough of them I think –

Ms. Stevenson: – somebody could come.

Mr. Greenwood: – we should have them come.

Ms. Stevenson: Okay.

Mr. Greenwood: I mean, we might want to pick which ones but...

Chair Lohman: He must know them.

Mr. Greenwood: I do know some of them, you know. Mm-hmm.

Mr. Walters: And it is a fairly large group. Are you planning to invite the whole Board or –

Mr. Greenwood: I think the rest of them could sit with Carol out there, if that'd be fine, and just have –

Mr. Walters: And have the Chair at the table or something?

Mr. Greenwood: – have the Chair, and if he wants to bring one or two – you know, I wouldn't think any more than that. But it'd be up to what you folks think, but at least they could be here to answer questions.

Ms. Stevenson: Okay. So we'll try for the 20th and if for some reason they can't do it, are you guys okay with us moving something from the meeting that we have scheduled for the 3rd up and back if we let you know ahead of time?

Chair Lohman: Why don't we just prepare the first item on the next group also, and then if we have to move that Forestry thing then we've got one other thing? Is that agreeable to you guys?

Ms. Stevenson: Okay.

(several sounds of assent from the Commissioners)

Chair Lohman: So we have an understudy just in case.

Mr. Mahaffie: Do we want it to be Residential Development? Do we want to open that can of worms as the last thing?

Chair Lohman: Maybe we should do something simple, like Utilities? Do you want to do Utilities then?

Ms. Candler: Yes.

Ms. Stevenson: Okay.

Mr. Walters: That might not be the simplest one.

Chair Lohman: That's a good idea, Matt.

Ms. Candler: Oh, okay. Which –

Chair Lohman: Which one's simple, then?

Mr. Walters: Would you just let us pick and we'll let you know next Tuesday, and then you'll have the memo?

Mr. Temples: None of the above.

Chair Lohman: All right, we'll leave it up to staff to pick. So if you could let us know like ASAP?

Ms. Stevenson: It might be full enough without it and just not adding something else, too.

Chair Lohman: True. I can see that the Forest one with the Advisory could take some time.

Ms. Stevenson: Right. And hopefully enough of them can come to the next meeting. I'll call them tomorrow and e-mail or whatever.

Mr. Greenwood: I think they will. I'm pretty sure I told them, Hey, we're on a two-week schedule, so I think at least Dave Chamberlain, the Chair, is prepared for that.

Ms. Stevenson: Okay, let me try to call. I don't necessarily get the best results when I e-mail.

Mr. Greenwood: Yeah, I don't either. No.

Ms. Stevenson: So I'll call them.

Mr. Greenwood: Yeah.

Ms. Stevenson: Okay.

Chair Lohman: Do we want to invite certain or do we just want to put it out to Dave and let him decide?

Mr. Greenwood: No, I was teasing. Just talk to the Chair and let him because, you know, Kendra's Advisory from the County, as well.

Ms. Stevenson: Just sort of let him know that we've got a spot or two at the table.

Mr. Greenwood: Yeah, and maybe give him some boundaries. If we want a – do we want a ten-minute, fifteen-, twenty-minute presentation?

Chair Lohman: I don't want it to get an internal debate like we saw with the other advisory group.

Mr. Greenwood: Oh, I know. I don't either. Right.

Chair Lohman: I don't want to take *our* meeting time with an internal something.

Mr. Greenwood: Well, I don't think you will because they meet pretty regularly, so it's not like a Shoreline Advisory Committee made up of diverse interests so much. They have common interests with different backgrounds, so I think there'll be more concert there. I guess.

Chair Lohman: Okay, any other thoughts on the next steps?

(silence)

Chair Lohman: Okay, moving on: Department Update. Dale, you're on.

Mr. Pernula: I've got a lot of things to report on. The first is on Bayview Ridge. As you know – I hope – we've proposed some fairly major changes to the Bayview Ridge Subarea Plan and we're proposing to hold a neighborhood meeting out there in late June. We don't have the final date selected yet, but it'll be sometime in late June – about six weeks from now – so I'd like to work in a presentation just by myself to the Planning Commission to let you know exactly what's in the Plan right now – not totally finalized, but it would be a neighborhood meeting where we could get input and ask them about things like buffers, landscaping, connections to trails, and so on. So we'll be scheduling that and I'll be working in a – maybe a twenty-minute presentation on what the Plan looks like right now in one of the next two meetings of the Planning Commission. So there'll be some time where you're not just looking at Shorelines.

Chair Lohman: So would that be at the June regular meeting then?

Mr. Pernula: Well, I will either do – well, I guess I have more than – we have two or three meetings before the meeting with the neighborhood. I'm going to work it in one of those meetings. I'll let you know.

Second thing – and there are some other studies, other things, that I need to schedule before you, too. One is that I'd like to have – you may have read that the GI Study – the General Investigation Study – of the Skagit River, they've selected a preferred option and so I'd like to have somebody from Public Works make a brief presentation on that and what it means.

Probably later in the summer or in the fall we have some floodplain regulation modifications that are needed to meet FEMA's standards.

For the 2016 Comprehensive Plan Update: Along with SCOG, we've been preparing population and job projections for the next twenty years, and we're selecting those for each of the local jurisdictions. And I'd like to have a presentation on that to the Planning Commission.

And one other – and I just want an introduction now, but it's a real big project that you'll be undertaking probably much of next year, and that's some changes to our drainage requirements. By January of 2016 we're supposed to be adopting what they call low impact development standards as part of our NPDES permit, and it's quite an extensive set of regulations. And we'll have it introduced this year and you can start thinking about it, and we'll start working on it next year. Next year will be a busy year because we have that and we also have the 2016 Comprehensive Plan Update to deal with.

Mr. Axthelm: So we'll work out the low impact development standards? Is that what you're saying? We're going to see those?

Mr. Pernula: You will be seeing those, yes, in the next couple of months anyway – just an introduction and we'll be digging into the meat of it next year probably.

The other thing is just a reminder that there is another one of those Short Courses on Local Planning on May 14th in Arlington, and I have some fliers on it if you're interested. It's from 6:30 to 9:30 p.m., no charge.

Mr. Greenwood: And then there was another one later in the summer, too, if I remember correctly, wasn't there?

Mr. Pernula: I think there are – there are a few. There was one just – Robert went to one a couple of weeks ago, didn't you?

Mr. Temples: Yeah, down in Lynnwood.

Mr. Pernula: Right.

Mr. Temples: In fact, one of the things I just found – kept looking for – I got a CD or a DVD or whatever of the whole course and I was going to see if I could copy it, but I haven't got to it yet – if anybody wants a copy.

Mr. Walters: I think there's also streaming video on Commerce's website, which should be linked from your Planning Commission page on the County website.

Mr. Pernula: If you want to go to this one, it could be worthwhile – and I have some fliers, if you want them. That's all I have.

Chair Lohman: Okay. Planning Commission Comments and Announcements.

Mr. Greenwood: What are we going to do with Jason gone? The Commissioners – did they say anything? Did they say –

Chair Lohman: We all heard at the same time.

Mr. Greenwood: Oh, okay. I was just wondering because there was – well, _____, but there were – at one time there was a push to develop a set of candidates so there wouldn't be too long of a time, perhaps, between when there was a vacancy and when another person was put on the Commission. Is there any developments that way?

Mr. Pernula: Well, I think from District 1 Kevin was the last one that was selected. I don't recall who was on the list or anything like that. We probably have to go back out and re-advertise.

Chair Lohman: Was Jason's term up this year?

Ms. Stevenson: July.

Mr. Pernula: It was up in July.

Chair Lohman: Okay, is there somebody to make a motion to adjourn?

Mr. Mahaffie: So moved.

Chair Lohman: (gavel) We're adjourned.