

Skagit County Planning Commission
Work Session: Shoreline Master Program Update
January 19, 2016

Commissioners: **Josh Axthelm, Chair**
 Annie Lohman, Vice Chair
 Tammy Candler
 Hollie Del Vecchio
 Tim Raschko
 Kathy Mitchell
 Amy Hughes

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

Public Remarks

Commenters: **(none)**

Chair Josh Axthelm: (gavel) It's Tuesday, January the 19th. Welcome to our Planning Commission meeting this evening. Do we have any changes – or looking at the agenda, do we have any changes by the Planning Commission? Any comments for the agenda? Okay, the only one I'd state is that it says "Shoreline Master Program Update." This is a work session, for clarification anyway. Other than that, let's go ahead and go to the first item on the agenda, the Public Remarks. Do you have any remarks you'd like to –

Unidentified male voice in the audience: I ___ expecting to be the only one here. But other than that, no. I'm here to listen.

Chair Axthelm: Okay. All right. So with that, we'll move in real quickly to the Shoreline Master Program Update Work Session.

Betsy Stevenson: All righty. Thank you for coming back and showing up again. I know it's been a while. Just for some of you that are new that weren't here when I kind of left last end of May, early June with my health issues and stuff – I think I'm better now so I'm back – we had some other priorities that needed to get done, too, in terms of our work program so we just kind of haven't done a lot of work on the Shoreline Program. So we're back in the swing of it and want to finish up the I think third review for you guys that we started and kind of ended, I thought, on a fairly positive note at our last meeting. You guys seemed pretty happy with some of the changes that we made that reflected your comments at least, so we hope that we can continue on with that.

Saying that, we did kind of hurry this out to get it to you so that we could make the deadline for this meeting, and we didn't quite get it out to you a week in advance and I apologize for that. But if we didn't catch your comments, don't hesitate to say, Hey, wait a minute. What about this or that? And we will do that again and go back and read/listen to it again and see if we can't pick those up. We did kind of pick out the sections of Part IV in the SMP itself that seemed to have the least amount of changes or revisions that needed to happen and things that we had been

reviewing in the meantime. So that's kind of what you got tonight. They're not all exactly in order. We sort of cherry-picked our way through them and got the ones back to you that we thought we could accomplish in a timely manner to get them to you tonight, and also that you could probably get through. Some of the ones that caused us at least some problems and maybe some for you, too, we'll get to you for the next time – we've been working on them as well – so the next meeting in February, I think. You'll come back on the 2nd, I believe, is the Tuesday, and we'll go through those so we'll have those for you.

The other thing I noticed in printing out the memo, and I apologize: When we take out portions of the document, you get error messages in a lot of places where it mentions code so I can give those to you as we go through it. There is a pattern. It kind of refers to the same things in each of those sections. So mostly what we tried to do overall is we kind of set up the new scheme that you guys saw the last time we were here before you in terms of going through it with Applicability, When something is Allowed, then the Application Requirements, and then the Development Standards. So a lot of it just had to do with putting in a definition in terms of the applicability and then going from there.

So that being said, I think what we have before you tonight – or let's see – one, two, three, four, five, six, seven sections, which I am hoping that we can get through. I really think we can. We didn't make a whole lot of changes, so we'll just kind of jump in. I don't know if you want me to go through or if you guys had a chance to do that and you just want to be able to ask questions on things that we did. What's your pleasure with that?

Chair Axthelm: You want us to go through and ask questions, or do you have any?

Ms. Stevenson: I mean, do you want me to –

Annie Lohman: Can we just start at the top?

Ms. Stevenson: Just start with Industrial Development. Do you want me to just kind of go through what we did change? Do you want to just ask questions that came to mind? It's totally up to you.

Chair Axthelm: Yeah, we'll start at the top.

Ms. Stevenson: Okay.

Chair Axthelm: But if you could just run through the reason we used, let's say, the Kitsap code or anything in that direction.

Ms. Stevenson: Yeah. We actually found that that was written pretty well and it made a lot of sense to us, so that was one of the documents that we did refer to. And so I think Ryan just put that in there saying, Hey, we used their language. It made sense. It tended to reflect the WAC requirements but was rewritten a little bit, so we saw what they did and said, Yeah, that sounds pretty good. So that was kind of what we did, and we have done that before. I'm just not sure we've referenced it that way to you before perhaps.

So, okay, the first thing that we did was we changed the name of the second section from "Industry" to "Industrial Development" because that's kind of how we described it, even in that section. The last time it was "Ports and Industry," I think, so we just – we're separating them this time and so we called it "Industrial Development." Hopefully that doesn't cause anybody too

much trouble. Then again, as I just mentioned, we kind of tried to put things where they belong in terms of applicability, when allowed, the application requirements, and the general regulations and development standards.

Tammy Candler: Can I ask a question on that error message?

Ms. Stevenson: Yes.

Ms. Candler: Is that just a typo or is that something that is only ___?

Ms. Stevenson: In our document, it's fine. So I can go through the error messages first if that helps you. The first one under "when allowed" is referencing the matrix. I don't know – what Ryan says when you pull just sections of the document out and try to have them separate, they show up like that.

Ms. Candler: I didn't remember seeing them in the ___ version.

Ms. Stevenson: Yeah. Yeah. No, hopefully it wasn't _____.

Ms. Lohman: It wasn't because you have the whole book.

Ms. Stevenson: Exactly. When you have the –

Hollie Del Vecchio: The electronic version has the references.

Ms. Stevenson: And then the crazy part is when I got –

Ms. Lohman: You severed the link is what happened.

Ms. Stevenson: Yeah. When I got further into it, there's a couple sections that turned out fine, like Utilities and Transportation. They were in there. So I don't know what but *he* does. But the first one under When Allowed, that should be section 14.26.405, which is the Uses and Modification Matrix, which is basically what it'll be all along – the first error message that you see there. So thank you.

Chair Axthelm: Okay. Are you just going through the page 2?

Ms. Lohman: Page 4?

Ms. Stevenson: Yeah.

Chair Axthelm: So if you're going to page 4 – I was thinking you were just going to go through page 2 on the general changes that were made.

Ms. Stevenson: Oh. That's kind of what I was doing. Okay, so I don't think anything else really changed.

Chair Axthelm: Do you want to ask questions on those items here?

Tim Raschko: I would. I just have a general question and it refers to under When Allowed under (b). Both (i) and (ii) reference access to – public access to whatever. And then you see that

running through this. On page 9 actually, the first public access to publicly-owned shorelines. Is that the intent throughout is public access to *public* shorelines? Or – just as a general theme.

Ms. Stevenson: Yes. I mean, it's something that we need to consider with new development to make sure that whatever it is that we might be reviewing or permitting is not somehow impairing an existing public access to a public shoreline area. It's not necessarily saying that you have to provide public access to a public shoreline. Is that kind of what you're getting at? I don't know.

Mr. Raschko: Well, that's what I'm asking is whether it does require it. Particularly, I think, later on when it gets into Development I think it mentioned public access there, as well.

Chair Axthelm: I'd be concerned about that with industrial development because of liabilities and issues with – and safety issues.

Ms. Stevenson: Right. Right.

Mr. Raschko: It's not being familiar with the SMA. Looking for clarification on whether that's intended as public access in all cases.

Ms. Stevenson: The state guidelines under the public access section for industrial development, which is the end of the industrial portion on page 6, under (4)(d), we gave you the wrong WAC, which Annie pointed out, too. It's actually 173-26-221(4). So the state WAC requires that any type of industrial development on publicly-owned property – say a porch, or something like that – must provide public access, and it's based on what's in our public access section, which talks about feasibility. And it may be either onsite or it could at times perhaps be offsite if it isn't feasible to have it there. We understand there are times, especially with industrial development, that it doesn't make sense to have people wandering around out there.

Ms. Lohman: Betsy? Point of clarification on that, because I thought when I read it – and I actually printed it up – I thought that it said – used the word “should.” Well, it's specifically talking about public entities.

Ms. Stevenson: Yep.

Ms. Lohman: It's under this – and I wanted to make sure that – because sometimes where the Port may provide a facility, public just having a carte blanche you have to provide public access. I can see there could be some serious problems. And it isn't a situation where we were trying to shut the public out. It's certain situations it's just – there's more to the story than – but I thought that it wasn't just a you-must-do-it. I thought it was a little more lenient.

Ms. Stevenson: Right. And if you remember what we talked about, and I guess I didn't describe it very well. If you go to the Public Access section, which we've reviewed, it says that you must unless it's not feasible to do it there. Then you look offsite or, you know, you look at a different location. You look offsite, you look at some other kind of public access mitigation where maybe you can help pay for something that's going on somewhere else or some of those things. But there is a lot – there was a lot of different feasibilities. It says “you must, unless,” so....

Ms. Lohman: Because the way that you have it written here, it doesn't say the rest.

Ms. Stevenson: And that error message says (c) 14.26.370 Public Access.

Ms. Lohman: Right, but you are so versed in this because you've been immersed in it. But flash forward and somebody else is behind the counter, they might stop at that first sentence.

Ms. Stevenson: Okay. Okay. Should we just say "In accordance with section such and such"? Does that work _____?

Ms. Lohman: Yeah. You need to tie it.

Ms. Stevenson: Okay. Okay. That works. We are trying everywhere we can to save time.

Ms. Lohman: I want you here for a long time but you might not be.

Ms. Stevenson: Okay. Good. Okay, good comments. Thank you.

Ms. Lohman: I did have a question, because I didn't understand it and when I reviewed the memos from 2014 – it seems like forever ago – on page 4, number 1, (b)(i), where it starts out with Navigability, I don't get that and I didn't understand what you're saying.

Ms. Stevenson: So non-water-oriented would mean something that doesn't necessarily need to be on a shoreline in order to operate. So the only time you'd be able to have industrial development that isn't water-oriented or water-dependent somehow is if it's like a non-navigable water, like it's not deep enough to be a port area or, you know, it's not suitable for whatever other type of industrial development might you have. Mostly it's kind of port facilities and things like that. So we're trying to allow for that in certain instances where the water-oriented and – dependent uses are kind of preferred, so you're trying to save your shoreline areas for that industrial development when it's – when it fits there when you have enough. So but if there are areas that aren't necessarily suitable for that, you could consider industrial development in a shoreline area if it's not suitable for what you would normally consider a shoreline-dependent industrial development. Does that make sense?

Ms. Lohman: Mm-hmm. I guess I was tripping on the word "navigability" – I can't even say it – what that actually meant.

Ms. Stevenson: That in order to actually make it work you'd have to do a lot of dredging or something like that for the size of the hulls of ships that would be coming in.

Ms. Lohman: Okay. That makes sense to me.

Chair Axthelm: Before you get too much farther, let's – I think we ought to start out – if we start out with a certain section. So let's say Applicability and When Allowed. Or do you want to just cover the whole thing? Work our way around?

Ms. Candler: Well, maybe we should go by the – through the whole –

Chair Axthelm: The whole Industrial Development section?

Ms. Candler: Yeah.

Chair Axthelm: Okay. And let everybody kind of go through it.

Ms. Stevenson: So I apologize for some of the formatting and style things that didn't come through. The numbering, for whatever reason, jumped all over the place, too, which I hope you noticed. And we can go through if you have concerns because I thought, Whoa, what a mess! Until I printed it out myself, I didn't notice it. I'm sorry.

Ms. Candler: (inaudible)

Ms. Stevenson: No, those will go away. Those are just for your reference and our reference now. That's just if somebody asks, Where'd this come from? It's actually out of the existing Shoreline Master Program now. And a lot of places we put in a WAC or something, too, so those will all come out. Those are just kind of for now.

Ms. Candler: So those are placeholders you have to remove manually?

Ms. Stevenson: I think Ryan could pretty much get rid of them all at once when he gets ready to do that. I think he put them in there in a way knowing that he could easily eliminate them all at once.

Ms. Candler: Thanks.

Chair Axthelm: On (1) – this is When Allowed – “These uses are allowed in the shoreline environment designations....” Is that – it's wordy there. Is that shoreline jurisdiction?

Ms. Stevenson: No. Those are the actual – is it Rural? Is it Conservancy? Is it Natural? Is it Aquatic? They're actually called shoreline environment designations and that reference – the error reference there is the matrix where it was the different uses and modifications, and then the different shoreline environment designations and where they're allowed and where they aren't. We haven't really completed that yet because we aren't through everything, so we want to make sure we get through it. You have a copy of it, I think, in your document. If you don't, we can sure get it for you but we didn't want you to spend too much time on it until we were through everything and we can update it and make sure that it's accurate and correct.

Chair Axthelm: And then (1)(a), that repeats itself there. It says “Water-dependent or water-related uses. Industrial facilities and structures...” And what I would do is strike “that are water-dependent or water-related,” because right after it says “are permitted only where the” application “can demonstrate that the proposed use is water-dependent or water-related.”

Ms. Stevenson: The first thing is kind of just a sort of title for the section. If you see, the others have the same thing – “Accessory development” has a period and then talks about it. “Preferred uses” has a period and then talks about it. So that's just kind of the style that we used. “Water-dependent or water-related uses” – that's telling you what this is about.

Chair Axthelm: That was fine. I'm talking right after that. It says “Industrial facilities and structures,” and then strike “that are water-dependent or water-related are permitted only.”

Ms. Stevenson: Yeah, I don't think we can do that because otherwise somebody will say, Well, no. It says right there – it doesn't say “water-dependent or water-related.” I think it needs to stay there.

Dale Pernula: I understand what he's saying.

Ms. Stevenson: I do, too, but I think it still needs to stay there.

Chair Axthelm: Because you have it defined right behind it. Because it's saying industrial facilities and structures are only – "are permitted only where applicant can demonstrate that the proposed use is water-dependent or water-related." So you're not striking it, you're just – okay. It just clarifies it more but it seems like extra words.

And then on (f), you have, like, water "...Treatment and Disposal. Storage and disposal of industrial wastes is prohibited on shorelines...." Now is that within the shoreline jurisdiction, so anything within 200 feet of the ordinary high water mark? So the issue I have with this is let's say you have a situation like a dike. So on the landward side of the dike, because the ordinary high water mark with a dike is determined by the top of the dike, it's then 200 feet within the dike; however, within the dike is fully protected. So I could understand the setback within the dike, but I have a hard time within 200 feet of the dike because that makes a lot of land unusable. Is that making sense? Because, well, sometimes the river's right next to the dike. Sometimes the river's a long ways away from the dike. Regardless, the dike protects it. And when you have that 200-foot setback from the top of the dike, then basically you can't use the land from the top of the dike 200 feet in.

Ms. Lohman: Is that a correct interpretation of where the jurisdiction is?

Chair Axthelm: Depending if the County adopted it that way.

Ms. Stevenson: There's the section that talks about what is within shoreline jurisdiction as far as the floodplain and floodway, does get a little bit – and Ecology changed it. It's been quite a few years ago but their definition of the floodway is a little bit different than how we have done it here. So basically it says that it is everything within 200 feet of the ordinary high water mark, and then if you are in a floodway from that – the edge of the floodway 200 feet landward, provided that area is still within the floodplain, all of that 200 feet is still shoreline jurisdiction. There's nothing – that's by definition. And for them the dike would be the floodway line so you would measure 200 feet landward of the dike and if that is all still floodplain then that is within shoreline jurisdiction.

Ms. Lohman: So all the diking system in the county would have that 200-foot band?

Ms. Stevenson: As long as that area landward is still within the floodplain.

Ms. Lohman: Well, it all is. Because you don't build dikes –

Ms. Stevenson: I mean, that definition and that jurisdiction won't – it's in our code now; that's not changing. That's nothing new.

Chair Axthelm: But there were applications for different things, like residential didn't have that requirement and now it does. I'll talk about that in a minute, but that's what my concern is, is that you've got a situation where the dike is protecting it. I think we should look at that in the code and say anything within the dike, give it a setback. Give it a, you know, a 50-foot setback to protect it so that you have a distance from the dike. But allow them to use that land. That's an awful lot of land to take 200 feet from the top of the dike. It's not the over – it's not the true ordinary high water mark.

Ms. Stevenson: And we're not saying you can't do anything there. It's just within shoreline jurisdiction so all these rules will apply.

Chair Axthelm: Then I don't think that should be the case. What I'm saying is that's our option to adopt that that way.

Ms. Stevenson: Not really. I mean, you can propose it but by definition and by state law that's what's shoreline jurisdiction.

Mr. Pernula: And what it's saying in that item (f), it just says waste treatment and disposal –

Ms. Stevenson: Right.

Mr. Pernula: – isn't permitted there in item (f).

Ms. Stevenson: It's not saying – it just means you can't have storage of stuff in those areas.

Chair Axthelm: Okay, so you couldn't have a septic system in that area?

Ms. Stevenson: That's not what that says. This is industrial waste.

Chair Axthelm: I'm just asking. Okay, industrial waste. Okay.

Ms. Stevenson: And you can put a septic system in a shoreline area and you can put a septic system in the floodplain. Just because you're within shoreline jurisdiction doesn't mean you can't do anything, you know. Now what *is* new and different, even though the regulations are still all in place now, is that we are trying to mesh – just as kind of a refresher – our critical areas requirements and our shoreline requirements. So what you're familiar with as what was shoreline regulations, you know, now it's going to be the same, which once everybody gets used to it I think it's going to be easier because then it's one set of review, one set of permits. But the shoreline setbacks that you're sort of familiar with when you mention the 50 feet becomes the buffer instead so it's just a little bit different, but it doesn't mean that you can't do things in there.

Chair Axthelm: Okay, because it seemed like the Department of Ecology had options on what degree that you would adopt that and you, even though the Department of Ecology said this is what we want for the basic, there were still options that you could adopt.

Ms. Stevenson: Okay. If you get a chance, where you're getting that I would love to see it, if that's okay. Because, like I said, what they define as what's within shoreline jurisdiction in terms of that type of area doesn't really seem to leave that latitude.

Chair Axthelm: Okay.

Ms. Stevenson: Okay, let's talk about it if you can – if you can find something for me.

Chair Axthelm: Okay.

Ms. Stevenson: All right? Okay, thanks. Would you be more comfortable if, under (f), when you pulled out "prohibited on shoreline"? Should we say "within shoreline jurisdiction," "in shoreline

jurisdiction” or something? Does that – we have changed it in other places, I know, as we’ve been trying to clarify things. Does that make it more clear? I don’t know. I’m asking.

Chair Axthelm: I am not sure if that would or not. But, yeah, I guess it would because if you are able to adjust it then that would take care of that problem.

Ms. Stevenson: Because some people think, Well, it’s not right on the water. It’s this far back. And it’s like, well, it’s still within shoreline jurisdiction so I would interpret that to mean that it would still apply here.

Chair Axthelm: Well, and I guess actually maybe that’s not the case because it says prohibited on shorelines, and you could be in the shoreline jurisdiction and not necessarily on the shoreline.

Ms. Stevenson: That’s why I’m asking _____.

Chair Axthelm: So it could play the opposite way around.

Ms. Stevenson: You could interpret it that way. That’s why I’m asking.

Chair Axthelm: So I would say leave it. Any other comments or questions for shoreline – oh, sorry, for Industrial Development?

Ms. Stevenson: So we did do some work on the log storage section, which was mentioned, but maybe you guys are okay with that.

Ms. Lohman: But I have a question on the log storage. On (c)(A), do you have a definition of what “beneficial water uses” is?

Ms. Stevenson: Yeah, that’s a good point.

Ms. Lohman: That was the only thing I saw.

Ms. Stevenson: Okay.

Mr. Raschko: I have a question. Under log storage come down to (iii). It says “New unpaved dry land log storage areas must have at least four foot average separation depth to the water table.” Is that in the shoreline or is that anywhere in the county?

Ms. Stevenson: That would just be in the shoreline areas.

Mr. Raschko: Okay.

Ms. Stevenson: But I question that one myself.

Mr. Raschko: Should it say that?

Ms. Stevenson: These are regulations that only apply to those areas that are within shoreline jurisdiction.

Mr. Raschko: Okay.

Ms. Stevenson: But we could.

Ms. Del Vecchio: And then you start wondering why it's not – that doesn't exist elsewhere in the document.

Ms. Lohman: Yeah.

Ms. Del Vecchio: So, yeah, if you start adding specific language –

Mr. Raschko: Yeah, I agree.

Ms. Del Vecchio: – that this applies only to these areas then it's questionable – why didn't you say that other places? And so, yeah.

Mr. Pernula: You'd have to say it every time.

Ms. Del Vecchio: You have to say it every time or else they read into it.

Ms. Stevenson: We'll take a look at it. I mean, you had a question with it there specifically, so we can sure add it. There are places where we are specific that way and others where we're not.

Kathy Mitchell: Betsy, I've got a question for you, too. On page 5 under the Development Standards (a) for Joint use. I realize that's for industrial stuff, but I get the sentiment for having them do joint docks and things, but there are some industries and businesses where that's not practical. So the question would be – when you say it's preferred, do they have to show why they have to have a separation or something like that?

Ms. Stevenson: Not necessarily but it gives us a little bit of latitude to ask the question: Is there any chance that some of these facilities can be shared? And most of the time I'm sure the answer will probably be no. We don't have a lot of areas for industrial development necessarily anymore. That doesn't mean we couldn't get it.

Ms. Mitchell: Yeah, things change.

Ms. Stevenson: Yeah. But to see too much of it in the county, I'm not sure GMA is going to be okay with that so I just – I'm not sure. But we are supposed to look for those things beyond the residential joint use and shared just kind of, Hey, if there's a chance you could do it, that would be great. If not, it's okay. It just says it's preferred and should be considered when you're reviewing a proposal – just kind of take a look at it. So I think they would be required to make some sort of a statement to us in terms of why it isn't a possibility.

Ms. Mitchell: Okay. Thank you.

Ms. Stevenson: Which I think we could all think of probably quite a few reasons.

Mr. Raschko: But – excuse me – where it says “and must avoid duplication.”

Ms. Stevenson: Where are you?

Mr. Raschko: Under (a) Joint use.

Ms. Stevenson: Oh, okay.

Mr. Raschko: It says "...must avoid duplication of docks." And then in the next sentence it says it's "preferred." It seems ____.

Ms. Mitchell: But they don't necessarily agree, right?

Ms. Lohman: Can we put "should"?

Ms. Stevenson: Yeah, okay. I see what you're saying.

Ms. Mitchell: Thank you.

Ms. Stevenson: We're trying to give people an out. Okay. Sometimes the guidelines are written that way, too. They start out with a strong statement and then say "unless" and things like that. So we're just trying to – but I will double-check on that and just see.

Ms. Mitchell: Thank you.

Chair Axthelm: Anything further on Industrial Development? Hollie?

Ms. Del Vecchio: Nope.

Chair Axthelm: Okay. Seeing none, let's move on to the next, Instream Structures.

Ms. Stevenson: This, unfortunately, had a bunch of error messages as well and the style (1)(a) wasn't (1)(a)(a)(a)(a). It's (1)(a), (b), (c), and (d) and then When Allowed is supposed to be (2). Is there anything else? Yeah, those are just the ones that I saw right off. The first error message under (1)(b) would be 14.26.490 Utilities.

Ms. Candler: So not to belabor the error message thing, but when people print this out at home are they going to – is this going to be –

Ms. Stevenson: It's going to look exactly the same. It's got the error messages. So I'm – there must be a way that we can somehow correct it and post something that doesn't look like that online. So we'll figure out a way to do that.

Ms. Candler: Yeah, because I can picture a lot of places where people want – right – just a little section or you can come to the library and try to find it or go to your department and try to print it.

Ms. Stevenson: Exactly. Exactly. The only thing that I can figure is – I don't know how to do it but we'll try to figure out a way to get that out of there. Hopefully Ryan can help me and maybe PDF it somehow and then put it online.

Ms. Del Vecchio: If you print it, just do a print PDF of the pages you want from the original Word document.

Ms. Stevenson: And it won't do it?

Ms. Del Vecchio: No.

Ms. Stevenson: Really? Okay.

Ms. Mitchell: Well, there's your solution. Could you repeat that number again, please?

Ms. Stevenson: Yeah, 14.26.490, Utilities on (b). On (c), it's 14.26.475, which is the Habitat and Natural Systems Enhancement Projects. And then under (d) it's 14.26.420, Boating Facilities, Mooring Structures, and Recreational Floats.

Ms. Mitchell: The number one more time – 14.26 –

Ms. Stevenson: The last one? 420.

Ms. Mitchell: Thank you.

Ms. Stevenson: And then (2) When Allowed, that error message again refers back to the matrix, under .405. And again we kind of cleaned this portion up – you've seen it before – just in terms of Applicability, When Allowed, all of that. And there was some language in here because we determined when we were talking about a channelization project that could be here or it could actually also be in the Dredging section. So we added some of the same language from this and just put it in the Dredging section as well so that it was covered. There are times when you do that sort of work that it isn't – you're not necessarily putting in a structure.

Ms. Lohman: But I wanted to make sure that in Instream – somewhere in that Instream section too that we acknowledge that the drainage system – the drainage and irrigation – is an allowed use, and there's a bit of language in the ag chapter about that. So I didn't want to create a situation where if you just flip through the book that you can create a problem if you're doing something for the drainage district. I think in one of those we wrote some tie-in language.

Ms. Stevenson: Mm-hmm, we can do that again. We talked about it so we can do that. I think it would probably end up in the Applicability section. I think that's how we did it before. We did talk about that a little bit.

Ms. Lohman: Well, especially when you get down into the Development Standards where you start talking about needing screening and all of that. I think it could cause some trouble.

Ms. Stevenson: We can add that, okay? And I'll go back, because there was language that you approved in one of the other sections, I know, in the place where we put it. So we'll just add – insert that.

Ms. Lohman: I want to say it might have been grading or –

Ms. Stevenson: Yeah, we looked it up, I know.

Ms. Lohman: – something.

Ms. Stevenson: Yeah. Yeah.

Chair Axthelm: Any other comments for Instream Structures? Yeah, Tim?

Mr. Raschko: On the very bottom of page 6, the very last words. Sorry to be asking all these questions but I'm new to this stuff.

Ms. Stevenson: No, it's good.

Mr. Raschko: But it lists aesthetic resources as a potential negative impact. Is that defined somewhere or is that just in there sort of as a nicety?

Ms. Stevenson: Yeah, I didn't agree with it. We're working on a Definitions section as we go, so I will – I marked that to make sure that we either define it or use a different term. I think it *is* actually, but I couldn't tell you for sure what it says. So we'll make sure we either have a definition or we pick a different way to describe it there.

Mr. Raschko: Does it need to be in there?

Ms. Stevenson: I think so. Some of these things are not necessarily things we would have come up with on our own.

Ms. Mitchell: They're rather nebulous, too.

Mr. Raschko: Well, yeah. And my concern is just somebody using their idea of aesthetics to stop a project.

(sounds of agreement from several Commissioners)

Ms. Stevenson: There is a lot of discussion about some of the aesthetics in the previous chapter, or Part III, so I will double-check and make sure that if this isn't defined we either need to try to define it so we can limit some of that, or we somehow say something different here. That's a good point.

Ms. Mitchell: I've got another question for you when you get that thought caught up.

Ms. Stevenson: Yeah, you're doing really well so far. Occasionally you're going to get the deer in the headlight looks but I'm getting it for right now.

Ms. Mitchell: On page 6, it was actually right before the Instream Structures, (d)(ii), it goes back to public access. It says "Public access is appropriate mitigation for impacts to shoreline resources..." I don't quite understand that. What do they mean – appropriate to mitigation for impacts to shoreline resources? I don't understand how public access mitigates that. There's a thought there that –

Ms. Stevenson: Okay. So if you're assuming that you're a water-oriented industrial development – so you're plunking down right on the shoreline – so what kind of mitigation are you going to provide for that? We're saying we're trying to clarify that, yes, in fact, providing some public access maybe away from that development but still on your property, even it can – based on the Public Access section – it could be somewhere else off your property offsite, but we felt that it would be appropriate mitigation.

Ms. Mitchell: Okay, so the thought process is is that if somebody were to plunk a business or industry down there that that is taking up a public resource, so what they're saying is if that

happens then they want to have something to offset that. Okay. I wasn't sure that's what that meant.

Ms. Stevenson: Yeah, okay. Well, what do you think it means so that I can make sure that it's written clearly enough?

Ms. Mitchell: Let me think about it. I wasn't real sure. That's why it didn't come out real clear to me. I thought if it didn't to me it may not to others. We were just trying to clarify that, yes, in fact, public access might be good mitigation; however, we're indicating only if it's feasible and if you can do it so that you're not causing either a hazard to the public or some sort of liability for your operation on the site – so that it's agreeable to everybody basically, if that makes sense. So if we're not clarifying that and you think that means something else or says something else, feel free to bring it up.

Ms. Mitchell: I'll think about it. It's one of those things I think it can be either not understood or misinterpreted.

Ms. Stevenson: Okay.

Chair Axthelm: Any other comments for that section?

(silence)

Chair Axthelm: Instream Structures. Okay, we'll move on to the next one, which is Mining, 14.26.460.

Ms. Stevenson: So we didn't make too many changes here from what we had before except to kind of clarify a few things, and we may or may not have succeeded at that. We did change – we referred before to recreational mining and we took that out under – what is it? – (1)(b)(ii). It used to say "Recreational mining" there so we changed that. And under the Applicability we have the definition now out of the WAC for "mining." And we specifically called out Placer and hydraulic mining as prohibited and have the language under When Allowed that we thought made it clearer. Maybe it does, maybe it doesn't – you're our first test. And basically I know that Carol has brought this up several times when she comes before you, and since she isn't here tonight she has a real concern that she believes – is she here tonight? Oh, okay. I thought for a minute I had seen her. Okay, maybe she's sitting out there listening. So if she is, that's fine. But she was very concerned that, based on the way this was written, that anything that was within our Mineral Resource Overlay that we have that was a river or whatever could be mined, and that really isn't the case if you read through the requirements and the restrictions here.

Chair Axthelm: So this is one of those situations on (2) – I just noticed on (2)(b) When Allowed. It has "mining waterward of the" ordinary high water mark. Here it's specific to ordinary high water mark versus the other section where you were specific where you said shoreline jurisdiction.

Ms. Stevenson: Right, because we wanted to keep people out of the water, basically.

Chair Axthelm: No, I understand that. What I'm saying is that it's kind of a discrepancy between those two sections. Because here you're saying ordinary high water mark versus shoreline.

Ms. Stevenson: Okay. Okay, it's not really a discrepancy. It's a different kind of use, or at least that's how we would put that out there. It's – yeah.

Ms. Lohman: It's in the water.

Ms. Stevenson: Right. So if this makes sense, and this was kind of for Carol but I think it was in here before, too: "Mining in shoreline jurisdiction is only allowed when the material proposed to be extracted is only available in" the "shoreline location." So you can't just go in there because it's easy or because you think you should. It's not anywhere where there's a stream or a river under an MRO designation. There is material there. That's why it has that overlay, you know, obviously. But these rules – and hopefully she will take a look at them now that they're more available – wouldn't necessarily allow that just anywhere.

Chair Axthelm: Annie?

Ms. Lohman: Betsy, though, there's still – on (c), (2)(c), you would still be able to go in and – after a disaster, I'm thinking of, like the Oso slide where you had a circumstance there that kind of was – I'm not sure it's unique. I mean, it might happen again.

Ms. Stevenson: So the definition of "mining" is for commercial purposes for the most part.

Ms. Lohman: Okay.

Ms. Stevenson: So that would be something totally different. But, yeah, or if you had any kind of a slide. And there are areas where the removal of the material is to get it out rather than to actually take that material and sell it somewhere or use it somewhere, okay? So that would be where we would see the difference. There are times when, you know, a whole lot of material builds up in a spot that endangers somebody else downstream or across the river, or things like that, too. Jordan Creek upriver – man, it fills up lots of times, and they used to have to go in there quite regularly. It's not quite as acceptable anymore as it used to be to try to do that, but we do still have areas where something will come down a smaller stream and block something, and you kind of need to take a look at that and you need to have to have the opportunity to take care of it. But it's not necessarily – it's to fix a problem – like you were talking about the Oso slide – it's not to just take the material. And if we're not making that clear enough then we should do something about that.

Ms. Del Vecchio: In (2)(a), I understood the explanation of why the first sentence now says it's *only* available in a shoreline location. If availability is a make or break factor, then the following analysis seems irrelevant. So if it is – if you have to show – and I'm sorry; my brain is not fully functioning this evening.

Ms. Stevenson: No, no, no. I'm listening. You might have to explain it more than once.

Ms. Del Vecchio: If it's – from my reading this first sentence, if it's available anywhere else you can't get it out of the shoreline location, which seems to ignore factors such as feasibility. Okay, it might exist somewhere else but can you practically get to it? And then there wouldn't be a need to look at – consider the need for the mineral resources and other factors. It seems like we're being a little contradictory there.

Ms. Lohman: So what's your suggestion – to strike that?

Ms. Del Vecchio: My suggestion is to make it consistent. I think that's a bigger question that – I haven't been involved in the previous iterations of this review of this. If we really are saying if it exists anywhere else then you can't take it out on the shoreline, then –

Ms. Candler: I look at it more as a definition of the word "available." These are the factors that go into whether we determine it's unavailable in those areas.

Ms. Mitchell: Well, the feasibility thing, yeah.

Ms. Del Vecchio: And the need – then how does the need for such – the need for the mineral resources, transportation – okay. I mean, and maybe it's just a matter of clarifying that first sentence – what we mean by "only available." To me, that's a pretty strict – it's only available here.

Mr. Pernula: Yep. It's very tight – very tight sentence.

Ms. Del Vecchio: Exactly. Which doesn't seem to make a lot of sense, and I'm guessing that's not what we really mean. That may be what Carol means, but I get there's –

Ms. Mitchell: Well, especially when you go back to what the state says and the GMA says. They value the resources for mining purposes and that kind of thing, so the window is still pretty open. Even though it's available someplace else or other places, it may not be feasible and the shoreline *is* the one. I think you're right. I understand what you're saying.

Ms. Del Vecchio: And I think the standard should be – the bar should be pretty high. Obviously we're trying to – we need to protect our shoreline areas so it needs to be a pretty high bar and something that we really need and can't feasibly get somewhere else. But I just – yeah. Read the "only available," unless we expand on ____.

Ms. Stevenson: I think we've done this in other places where we've said, No, you can't unless doot-de-doot. But we'll take a look at the way we constructed that to see if we don't do it here. So I see what you're saying. The first way, you're saying, Yeah, you really can't. And then the next – what we were trying to do –

Ms. Del Vecchio: But *maybe* we don't really *mean* that....

Ms. Stevenson: What we were trying to do is what Tammy is saying: Okay, in order to prove that that's the only place, these are the things that you kind of need to have for us. We want to know why you believe that and these are the factors that we want to consider. But there's probably a better way to say it than that, so we'll take a look at that.

Chair Axthelm: Okay, should we leave the Mining section and move on to the Residential Development?

Ms. Lohman: Oh, wait. On the Mining section I like this word "stuff" on page 11 at the very top of (vi).

Ms. Mitchell: It was a great sentence, Betsy.

Ms. Lohman: Sometimes she leans to comic relief.

Ms. Mitchell: We were laughing! It was good!

Ms. Stevenson: There's some stuff in there that I certainly hope you don't see but, okay, we missed it. Thank you!

Chair Axthelm: You were seeing if the Planning Commission would catch it, weren't you?

Ms. Lohman: I like the end – "when climatic stuff happens."

Ms. Candler: It had Ryan written all over it!

Ms. Stevenson: He's the one at the keyboard! I will just say that. He's the one driving this crazy bus.

Ms. Mitchell: We were hoping to follow suit and write a few more things like that!

Ms. Stevenson: Thank you!

Ms. Lohman: That was late and you were hungry.

Ms. Stevenson: Yeah, we were. We were way behind in getting this out to you guys. It was late Wednesday night, so thank you. I think that was a placeholder for us to add some additional information there that we didn't have the language for yet.

Chair Axthelm: Okay. Tim, go ahead.

Mr. Raschko: On page 11 under (D) up at the top: In mining operations you have to maintain existing surface and groundwater flows. How do you do that when you're digging a hole in the ground? How do you maintain the groundwater flow as it existed prior?

Ms. Del Vecchio: By removing the mine stuff and putting stuff back?

Ms. Stevenson: It's based on, I think – it would be reclamation at some point; however, it doesn't say that. It says that during the time that you're doing it you're supposed to maintain those flows. I mean, you kind of need to have a plan somehow to either divert the water while you're in there – right? – or –

Mr. Raschko: So when you dig a hole, you hit the water table but the groundwater becomes surface water.

Ms. Stevenson: Mm-hmm, that's true.

Mr. Raschko: Okay, so you're not saying you have to prevent that groundwater from becoming surface water?

Ms. Stevenson: I don't think so but that's a good point. I hear what you're saying, and I'm not exactly sure what the source of that is – whether it's something that came out of the WAC guidelines or whether that's something that was – so I'll have to double-check and see if there's a better way –

Mr. Raschko: Okay.

Ms. Stevenson: – to get at that without saying it that way. No, I think that’s a very good point.

Mr. Raschko: Okay.

Chair Axthelm: Okay, is that it for Mining?

(silence)

Chair Axthelm: So the next section, Residential.

Mr. Raschko: I’m sorry.

Ms. Stevenson: No, I appreciate it.

Chair Axthelm: Don’t apologize. If you have something else, go ahead.

Mr. Raschko: Going down to (D) under Reclamation – and this is a small thing, I know, but you said that “...material storage piles and areas must either be leveled, sodded, and planted, or returned to the excavated area...” So it sounds like you’re really going to require somebody to put sod down? Or can you hydroseed or something else?

Ms. Candler: Either. It says “either.”

Mr. Raschko: Or am I misinterpreting “sodded”?

Ms. Lohman: Is it eventually sodded?

Mr. Raschko: Well, generally people use a higher ____ and it’s very, very cheap. If you want to buy sod and lay it out over an acre –

Ms. Lohman: Yeah. Then you’ve got to water it and everything.

Ms. Stevenson: Yeah, I don’t think we’re asking you to lay down sod. So I think maybe we should say it in a different way or figure out what that definition is.

Chair Axthelm: I think it depends on the context, too, because there’re situations where you would want the sod, although hydroseed _____ just as well.

Ms. Stevenson: Hydroseed’s pretty fast.

Ms. Lohman: You’re using mulch of some sort.

Chair Axthelm: Yeah. Either a mulch or fabric or ____.

Ms. Stevenson: Okay, but you still ought to be able to hydroseed your stockpiles, right? Because that’s what this is kind of talking about. You shouldn’t necessarily have to –

Mr. Raschko: So – I had one last – sorry – under (L) on page 12. It talks about “All toxic and acid forming mining refuse.” It either has to be treated to make it nontoxic or removed and

disposed of away from the shoreline area. Does that mean you can dump it onsite as long as it's not in the shoreline? Because that's what it implies.

Ms. Stevenson: This is from our old Program and maybe it just needs to go away.

Mr. Raschko: Okay.

Ms. Stevenson: I mean honestly. Because it does make it sound like that, which I'm guessing there's probably some laws about *not* doing that, I would think. So I would suggest maybe we just delete that. I'm not sure about underground mining either – on (M) – now that I'm looking at it again. I guess there's a potential for us to have somebody initial a line area that's mining for coal or –

Mr. Raschko: No, I've got experience – what the danger is is people falling into mine shafts or going in and having it cave in, so generally you're required to block the opening.

Ms. Stevenson: Yeah.

Ms. Del Vecchio: You can be doing that in a shoreline area?

Ms. Lohman: But wouldn't that be in a mining section in general? Wouldn't it? But specifically to the shoreline? It's kind of funny.

Ms. Del Vecchio: Yeah.

Ms. Stevenson: I guess it doesn't hurt to leave it there because it's for the reclamation – that, hey, you can't just leave it wide open so that it's a danger or could be a problem. So maybe it's okay.

Ms. Del Vecchio: Do we have – why should only underground operations not be hazardous to public health and safety?

Ms. Stevenson: Okay. That sounds good to me.

Ms. Del Vecchio: Can we just strike "underground"?

Ms. Stevenson: That works for me.

Ms. Del Vecchio: It seems like they – yeah.

Ms. Stevenson: Okay.

Ms. Del Vecchio: Unless we already have that somewhere else and we're just being repetitive at that point.

Ms. Stevenson: That makes good sense.

Chair Axthelm: Okay, now Residential.

Ms. Stevenson: We can come back if you think of things. So we didn't make very many changes here. Again, unfortunately, the style and numbering is goofed up, so (1)(a), (b), and (c):

(b), the error reference there is 14.26.430, which is Commercial Development. And under (1)(c), the error message reference would be 14.26.465, Recreational Development. And then When Allowed is number (2). That error message is 14.26.405, which is the Uses and Modification Matrix.

Ms. Mitchell: Repeat the number, please.

Ms. Stevenson: 14.26.405.

Ms. Mitchell: Thank you.

Ms. Stevenson: Mm-hmm. So I think we may have added a prohibition for multifamily housing in the shoreline area unless it's served by public sewer and water.

Ms. Del Vecchio: Why?

Ms. Stevenson: Just in terms of densities and things.

Chair Axthelm: But if multifamily's allowed, I really don't think you'd have the public sewer and water there if the septic system will take care of it. Multifamily can go anything from – what?

Ms. Lohman: A duplex.

Chair Axthelm: A duplex up. So if multifamily's allowed and a septic system will cover it, I don't think it should be in there. So I'd say strike it.

Ms. Stevenson: It's my understanding that I'll have to double-check. I don't think multifamily is – I don't think that duplexes are –

Ms. Lohman: Townhouses? What about townhouses?

Mr. Pernula: Accessory dwelling units should be okay.

Ms. Stevenson: Mm-hmm.

Chair Axthelm: Yeah, but I still think ___. Because what you're saying – that they have to be hooked up to the sewer and water, but if they can be served by septic, then what difference does it make? It really shouldn't have any difference, as far as I'm concerned, to shoreline jurisdiction. It doesn't have a place there.

Ms. Stevenson: I'll double-check. We've been trying to kind of stay in line with the zoning.

Ms. Lohman: But there's a potential that you can even – depending on the lay of the land – you could put your septic even outside of the shoreline line.

Chair Axthelm: And I think the zoning – if you're trying to stay in line with the zoning, really let the zoning determine it and keep it away from the shoreline. That way it doesn't mix it up.

Ms. Del Vecchio: The WAC has it – says “Residential development also includes multifamily development and the creation of new residential lots” – the land division – it lumps it in.

Ms. Lohman: But it doesn't prohibit it.

Ms. Del Vecchio: No, it doesn't. It just –

Ms. Candler: But according to section (a), it says that the single-family are preferred.

Ms. Del Vecchio: I guess what I'm saying is that's not from the – it says single-family – it does say single-family residences are a priority use when developed in a certain manner. It says residential development does also include multifamily. I mean, not as a priority use, but it doesn't have any specific requirements on the multifamily development.

Ms. Lohman: Well, and then where you were talking about the floodplain, well, then that opens up another large area.

Ms. Stevenson: We'll take a look at that and do a little bit more homework on that one.

Chair Axthelm: Okay. Because I think that's – I think it's butting into it too. Let the code – let the zoning take care of it. That way you don't have to _____.

Ms. Lohman: I have a question on the very next thing – the "Overwater homes and floating homes, including liveaboards, are prohibited." And I believe we talked about this last time – a year ago – and there was a question of whether it's conflicting with your policy 6C-11.4 and whether – why would you exclude it, especially if it was like a developed marina that already had facilities? And your policy 6C-11.4 is the section for residential development and it says "Floating and over-the-water residential uses should be prohibited. Liveaboards in marinas with adequate facilities may be allowed."

Ms. Stevenson: I know that's part of what's in our existing Shoreline Program.

Ms. Lohman: This was in our draft.

Ms. Stevenson: Yeah.

Ms. Candler: So you're suggesting we strike "including liveaboards," right?

Ms. Stevenson: Yeah.

Chair Axthelm: Mm-hmm, I concur on that one.

Ms. Stevenson: Okay, I would prefer to clarify it as the policy does "in marinas with facilities." We do run into problems in the county where people are living aboard boats with no facilities whatsoever, and it is a real headache to try to get them out of there.

Ms. Lohman: It looked like on my notes – and I didn't go back and look at any tapes – but on my handwritten notes from last time, it looked like that's what we were trying to do, was link it to marinas that had adequate facilities or appropriate facilities – some kind of language like that.

Ms. Candler: So instead of striking it we would make it a separate sentence, clarifying that liveaboards would not be prohibited if the marina had adequate facilities _____.

Ms. Stevenson: Can you repeat the policy again?

Ms. Lohman: 6C-11.5. It's on page 24 of the draft.

Ms. Mitchell: The February 4, 2014, one.

Ms. Stevenson: Okay. I wonder if we renumbered something? I don't know. I'm kind of working from yours.

Ms. Lohman: I printed it.

Ms. Stevenson: Okay, in mine it's 6C-10.5. I'll just double-check on that.

Ms. Lohman: This is draft number 2.

Ms. Stevenson: Yep.

Ms. Del Vecchio: And the WACs just say that the regulations should limit the *impacts* of liveaboards. And it talks about assuring that there's adequate facilities.

Ms. Stevenson: So you're okay with the overwater homes and floating homes being prohibited? But the liveaboards would be allowed provided adequate facilities and they're in a marina or something along the way that the policies – liveaboards in marinas have adequate facilities and may be allowed, or, you know, something like that? Is that what you're thinking? I just want to make sure I get this clear.

Ms. Del Vecchio: The WACs do say that – it says "New overwater residences including floating homes are not a referred use and should be prohibited." So I think separating this out and be consistent.

Ms. Stevenson: I'm not hearing anything so I'm assuming you're agreeing? Is that fair, or are you still thinking?

Ms. Del Vecchio: But it does distinguish between new and existing, which I think is important.

Ms. Lohman: So do you want to qualify it to be new?

Ms. Candler: Well, this is a development section so do we need to?

Ms. Del Vecchio: I don't know the answer to that.

Ms. Stevenson: We don't have overwater, floating homes now so it would be new – or at least ones that we're aware of or working on in terms of – you know, there probably are some out in the river delta areas, I'm guessing, that we don't see – some of those little small sloughs and channels.

Chair Axthelm: Well, and what's considered overwater – if it's in the shoreline jurisdiction, is it considered overwater or is it specifically overwater?

Ms. Stevenson: No – overwater.

Chair Axthelm: Okay.

Ms. Stevenson: Like built on piling or something like that.

Chair Axthelm: Sometimes that definition kind of goes back and forward.

Ms. Candler: Either way it seems like the code and the policy should be consistent, so in my opinion it should read exactly like this 6C-11.5 in the working draft number 2.

Ms. Mitchell: Yeah. Or could you read what it said again?

Ms. Del Vecchio: I can't. It's fairly long. I tried to and I can't!

Ms. Lohman: What WAC number is it?

Ms. Del Vecchio: 173-26-241.

Mr. Raschko: 173 –

Ms. Del Vecchio: 173-26-241, and it's (j) – is Residential development. So, yeah, there's a pretty good discussion there – single-family, multifamily, floating homes.

Ms. Stevenson: We tried to list some of those out when they just put it all together because it's just so hard to do. So that's kind of where a lot of this comes from. But we will try to reword (b) so that it is a little bit closer to the policy.

Ms. Mitchell: Thank you.

Ms. Lohman: And (c).

Ms. Stevenson: I mean (c). That's what I meant. And (b) we'll just check on the multifamily. I'm sorry.

Ms. Del Vecchio: So with the multi – they call it a multi-unit residential development. Maybe the requirement shows up somewhere else in our document, but it does say that for new multi-unit residential development it should provide community and/or public access.

Ms. Candler: Is that referring to sewer and water or – what do you mean by “access”?

Ms. Del Vecchio: No, I'm – “in conformance with local government's public access planning in this chapter,” so public access to the shoreline itself.

Ms. Lohman: Reading back onto the WAC to dovetail with Hollie, it talks about “It is recognized that certain existing communities of floating and/or overwater homes exist and should be reasonably accommodated to allow improvements associated with life safety matters” and blah blah blah.

Ms. Stevenson: We don't have any of those.

Ms. Del Vecchio: So maybe just using the word “new.” I mean, could we just – could we state in here: “We don't have any existing so this applies only to new”?

Ms. Lohman: What if it's a replacement?

Ms. Del Vecchio: Well, we're being told that there is nothing.

Ms. Stevenson: We don't have any communities of floating or overwater homes.

Ms. Del Vecchio: But it wouldn't have to be a community of. Do we – I mean, I can just imagine that there's a random floating home out there somewhere that we just don't know about.

Mr. Raschko: If you say "new" and then you discover some of these homes, that implies that they're allowed because you're only disallowing new.

Ms. Del Vecchio: Yeah. Well, and this – I would say under the WACs there is –

Ms. Lohman: It is saying "new."

Ms. Del Vecchio: Yeah.

Ms. Lohman: But it is saying "new." There isn't a prohibition now.

Ms. Stevenson: Yeah, there is. It's in existing code so they shouldn't be out there. But a lot of them, I'm sure, have been there since before the Shoreline Program went into place, too, and they aren't necessarily in places that we see or can get to very easily. However, if we were to get a complaint and could get to it we would have to start investigating it as ___.

Chair Axthelm: Okay. On (4)(c), it says "Accessory uses and structures must be located landward of the principal residence, unless the structure supports a water-dependent use." I guess what I use is my residence as an example. We have – I have about 600 feet on the river side of the dike that I use for farmland and I have about the same on the landward side of the dike. And my residence is within – well, it's probably 100 feet from the dike, and I have a garage behind it that's about 50 feet from my residence, 75 feet from my residence. If I were to build my home again, I would have to have my home – I could have my home closer to the dike but I would have to have my barn in front of my house or my garage in front of my house. And in this situation where the dike protects it – and that's where I was getting at with the industrial development – is you take a residential development and I don't want my garage in front of my house. It should be behind it. And it doesn't – I don't know why that restriction would be there. It's not really a – I don't like the restriction.

Ms. Lohman: And to dovetail a bit, if you go back to the policy, which is 6C-11.10 – it's on page 25 of the number 2 draft – it doesn't have that. It's not as restrictive. It says "Accessory uses should be set back from shoreline areas, be reasonable in size and purpose, and be compatible with onsite and adjacent structures, uses, and natural features."

Chair Axthelm: So I'd like to see that whole section stricken and not be –

Mr. Pernula: Are you talking about item (c)?

Chair Axthelm: Yep.

Ms. Lohman: And then recalling prior meetings, there was concern that – like Josh has brought up – that it doesn't work in all situations and a Lake Cavanaugh situation was flagged as well as Josh's dike situation.

Ms. Stevenson: Why wouldn't it work at Lake Cavanaugh?

Ms. Lohman: I don't know. I'm thinking it was –

Ms. Stevenson: Okay.

Ms. Mitchell: I think that was from an old discussion.

Chair Axthelm: Where it's – in my situation it could be appropriate because that's farmland and maybe there's a loophole if a farmland situation __, is that – or even a shop. I wouldn't want my shop in front of my house. I'd want it behind my house, and that's the logical place because then everything behind that is your land that you use. And I can – Betsy, I can show you the situation afterwards if you like, but there's – I'm sure I'm not alone in it.

Ms. Del Vecchio: If it's related to farming then – and that would be a water-dependent use, wouldn't it, or at least water-related? Because you're going to be located there –

(negative sounds from several Commissioners)

Chair Axthelm: Well, and see that's the thing is if you have hay on the other side of the dike, on the river side of the dike, and we do – I have horses.

Ms. Del Vecchio: So if you break down your operations then the argument falls apart, but generally speaking would – you locate farms near water for a reason, right? So –

Ms. Lohman: Yeah, but you've got a dike.

Ms. Candler: ___ policy. They're talking about docks and floats and boats – things that are really more specific to water than just general farming is.

Chair Axthelm: But this we have a dike but –

Ms. Del Vecchio: I know, but do we know – I mean, how is that interpreted? Is farming not seen as a –

Ms. Lohman: There's a whole farming chapter and it has some very robust language that allows accessory uses that are ancillary to farming. And you can build replacement structures as long as you don't go closer into the shoreline.

Ms. Del Vecchio: Mm-hmm. Okay, so that's all under a separate –

Ms. Lohman: That's a separate chapter.

Ms. Del Vecchio: You're saying it's not – right. So it wouldn't be under the Residential Development. That would be treated separately under the farm – okay.

Ms. Candler: But I don't think they protect –

Chair Axthelm: Well, see, that 200 feet from the dike I'm okay, but people down a little bit farther from me the dike is closer to the road. They wouldn't be able to build at all. Well, I mean, I'm sure they'd be able to build by going through the code and getting that exception, but the dike is approximately 200 feet – maybe a little bit less – from the road, or – I'm sorry – a little bit more from the road. So farther down. It's a big enough lot that it makes sense to build on, but in this situation you wouldn't be able to build on it and if you did your garage would have to be in front of the house.

Ms. Candler: And what purpose does that serve? ____ question.

Chair Axthelm: Yeah. And it seems to me that the reason that – the shoreline jurisdiction is there to protect the shoreline, but if the shoreline is so far from – in the situation where the shoreline is so far from the dike, or what is that really protecting? Is it really protecting the shoreline at that point?

Ms. Candler: Well, and even if it were, why would it protect it more to have your house closer to it – where your septic is going to be and all that – than an accessory structure that doesn't have those kinds of things? It doesn't make a lot of sense.

Chair Axthelm: So it's something to address.

Ms. Candler: Do you have an opinion about that – about why an accessory use would need to be in front of the house?

Ms. Stevenson: I guess it depends on the location of the house. We assume that the house is going to be within shoreline jurisdiction, right? Because that's what we're talking about here.

Chair Axthelm: Not necessarily.

Ms. Stevenson: Okay. So if it's outside then it probably would not necessarily make a difference.

Chair Axthelm: Is this a requirement from –

Ms. Stevenson: Honestly, because it's been so long, I couldn't tell you for sure where it came from; however, it is something that you guys were okay with the last time we went through it. So that's fine.

Ms. Lohman: But we weren't. We had it flagged last time.

Ms. Stevenson: Okay.

Chair Axthelm: I'll leave it at this, but here's my question: Is this a requirement by Department of Ecology? And if you could get me that information of where it is.

Ms. Stevenson: Yeah. Okay.

Chair Axthelm: And then if it's not, why that was put into place.

Ms. Stevenson: Okay.

Chair Axthelm: I would like to have it stricken if it is not a requirement by Department of Ecology.

Ms. Del Vecchio: This seems like one of the unintended consequences of that is that people, if they're doing new development, are going to put their houses as close to the shoreline as possible so that they can then fit in whatever buildings – accessory buildings – they're wanting, if they have to be landward.

Ms. Candler: Which seems contrary to –

Ms. Del Vecchio: Contrary to what they would actually want them to be doing. Right. Put the smaller structures and then you're going to have less impact closer to the shoreline, rather than putting the house closer to the shoreline.

Chair Axthelm: Well, in the case of farmland, it almost conflicts because now you're putting your house farther back and you're putting your barn in front of your house, which is farm property, so I would think you'd want your house up closer. You know, in that situation you may want your house closer to the road and your farm behind it.

Ms. Lohman: In the ag chapter outside of the shoreline, there's a lot of language around residential. It's not that easy.

Chair Axthelm: Okay. Well, something to address. That's all I have.

Ms. Lohman: But we did flag that for sure, also.

Chair Axthelm: And then on (d) it says "The use of fill for expansion or creation or upland areas to support residential development is prohibited, except for supporting infrastructure such as roads when there is no feasible alternative." I guess again, in that situation, if it's on the landward side of the dike, I don't see why it would be an issue with having some fill.

Ms. Stevenson: This is to create upland area so you're filling water.

Chair Axthelm: Oh.

Ms. Stevenson: Right? That would already be upland area.

Chair Axthelm: Okay. Okay. I was reading it different.

Ms. Stevenson: Well, that's why I'm asking – to make sure that's what we mean –

Ms. Del Vecchio: Well, that could be – would that be expansion of the upland area?

Ms. Stevenson: Yes, for expansion or creation of upland area.

Ms. Del Vecchio: But what Josh is talking about, would that be considered expansion? I mean it doesn't say expansion into the water.

Chair Axthelm: If it's in the floodplain –

Ms. Stevenson: You're expanding an upland, the upland area.

Chair Axthelm: If you're in the floodplain, you're expanding in a flood area, right? Or is that considered that way or am I reading that –

Ms. Stevenson: To me, upland means that it's not in the water. But that needs to be clarified.

Chair Axthelm: Okay, so you're taking a water situation and creating upland areas.

Ms. Stevenson: Basically you're filling or you're – like you're putting in a bulkhead at the beach and then you're filling it all in behind there. Oh, look: Now we have this whole nice big upland area that used to be beach. That's what I envision.

Chair Axthelm: No, I can understand that. I can understand that.

Ms. Stevenson: So if we need to make it clearer somehow...

Ms. Del Vecchio: It seems like just "creation" would do the job then, because either way you're –

Ms. Lohman: Take "expansion" out?

Ms. Del Vecchio: Yeah, whether you're expanding – I mean, it would almost always be an expansion. I mean, we're not going to go creating islands.

Chair Axthelm: I think it reads – to me it reads okay with the expansion, because in a construction standpoint it's like expansion, you're pushing into it more. And then (a) –

Ms. Lohman: So what are you asking for on (d)? What change? Or are you leaving it? Leaving it? All right.

Ms. Stevenson: So then here we go again: (d) – the next one actually is (e), believe it or not. The error message there – if you want to put it in, if you're keeping score – 14.26.490, Utilities. And then (f) is new. And then (g) is after (f), and that error message is 14.26.380, Vegetation conservation. So we're just referring you back to the other sections that have information that you're going to need to take a look at as well.

Chair Axthelm: So on (e), it says "where feasible" – okay, I guess that tells it. Whenever "feasible, utilities for new residential development must be installed underground..." And if you are in a lot of situations in the county, it's not feasible to go underground – I mean, except for the pole to your house. I guess, yeah, "where feasible," that takes care of it.

Ms. Stevenson: Okay.

Chair Axthelm: And then the last, on (f), "Residential development must implement Low-Impact Development..." Again, is that a requirement by Department of Ecology?

Ms. Stevenson: It's a requirement by County Code now. It's been adopted. You guys did that and looked at that, too. So, yes, it's required by Ecology but a different portion of Ecology under our NPDES permit.

Chair Axthelm: So *all* residential development has to have Low-Impact Development now?

Ms. Stevenson: Not all of it. It's just in the NPDES permit areas.

Chair Axthelm: Which this would be in. Is that what you're saying?

Ms. Stevenson: We probably have shoreline areas that may not be in that, so I guess we are picking up there is the areas that aren't.

Chair Axthelm: So what I would suggest is to take that out of the shoreline statements here because it kind of – it overwrites it and I'd rather have it – let the other –

Ms. Stevenson: Let me check and see if that is a requirement just to make sure. Because it was in there before but we updated it with the new stormwater regs to – and the new Stormwater Manual – to make it reflect that. So let me double-check and make sure that it isn't required under the program that we're looking through now – the WACs – okay? And then we'll take a look at that and see if we can _____.

Mr. Pernula: It definitely will be required in the NPDES area, but there's a lot of shorelines that aren't.

Ms. Stevenson: Right, right.

Chair Axthelm: Yeah, yeah. And I understand what it's saying. It's trying to say that, but –

Ms. Stevenson: Let me double-check on that and I'll talk to Ryan about it a little bit more, because this is one that he added and I thought, Okay, that makes sense. But as you just said that, I thought, Well, there are areas that are not within that. And, granted, someday it may be countywide but it isn't right now. So let's take a look at that and see if we're required to do it under the guidelines for the Shoreline Update.

Chair Axthelm: As a general statement, I guess my main concern with the residential development, especially in the context of single-family homes, is that the 200 feet – or a lot of these requirements are restrictive for single-family residences, and I think that that impact needs to be considered – is that a residence itself is low-impact as compared to a commercial development, so its nature should be allowed to be a little closer to the shoreline than, say, a commercial development or an industrial development. And that's why I want to make sure that – I think it used to be in the old code that residential development – we came across this with the Dike District 3, I think, putting their building in. And it was having – with an industrial building, the ordinary high water mark was either the top of the dike or back from the dike, but with residential development it didn't apply that way and you could go up to the setback of the dike. And I know this is new, based on the new Department of Ecology requirements, but I just think that needs to be considered as far as residential development – not treating it as commercial. It *is* low-impact.

Any other comments for Residential?

Ms. Stevenson: Were there other things that you guys had in your notes that we didn't reflect? And I apologize because I thought that one was okay. So I missed it. Okay.

Chair Axthelm: I don't recall that.

Ms. Stevenson: Okay.

Ms. Lohman: I don't think it was in the last one.

Chair Axthelm: Some of these weren't in the last one. They were added.

Ms. Lohman: Right.

Chair Axthelm: Yeah, because there's – you added those requirements as compared to last time. It wasn't in there.

Ms. Stevenson: Right.

Chair Axthelm: Unless it was a comment. I don't remember. Any other Residential Development – Residential comments? _____. So the next item would be the Shoreline Habitat and Natural Systems Enhancement Projects.

Ms. Stevenson: So here we added (1)(b) to be consistent with the RCW – that there's a certain section of the hydraulic code with Fish and Wildlife that allows for fish habitat enhancement projects that meet certain standards for them that are consistent with our Shoreline Program; that they be allowed to move forward without having to get local government permits. So we added that here because that causes confusion.

Ms. Lohman: And the code reference for number (1) When Allowed?

Ms. Stevenson: Yes. That should be number (2) now – (2). Thank you. Under When Allowed, it's 14.26.405 again. We're referring back to the matrix.

Chair Axthelm: I have a question on that one, with (b). It says are "consistent with" Shoreline Master Plan and "are exempt from local government permits and fees." I guess we may have local requirements that we want – no?

Ms. Stevenson: The state law says we can't do it. It's very specific.

Chair Axthelm: You can't have local requirements? Okay. It's just permits and fees but it didn't say that you couldn't have requirements. Okay.

Ms. Stevenson: Well, I mean we can, you know, try to encourage Fish and Wildlife to add conditions if we – but they don't need permits from us.

Ms. Lohman: Because in your ag code, the regular code, 14.16.400, it requires a Hearing Examiner's special use.

Ms. Stevenson: For enhancement?

Ms. Lohman: Mm-hmm.

Ms. Stevenson: Yeah. There may be some projects that do not get this qualification under the hydraulic code. This is specific to those who get something from Fish and Wildlife saying that you've met all our standards under this specific section of their code. But there will be some that

are proposed restoration projects that will not get that and then they are required to get our permits.

Ms. Lohman: Well, in light of that, last time we – I know I brought it up – suggested adding an item (h) at the very end which addresses that so that it doesn't sound like if you're just doing a fish enhancement project that you just be exempt carte blanche because you're not.

Ms. Candler: That's why it says qualifying under the RCW.

Ms. Stevenson: The state law is pretty specific. It says you don't need permits from the local government and we can't charge fees.

Mr. Pernula: I think all Annie's saying, though, is maybe this qualification isn't clear enough, that some projects will still require permits.

Ms. Lohman: Right. That's what I said. Right. But that's not what it says there.

Ms. Stevenson: I think it does. Those projects that qualify don't have to get them.

Mr. Raschko: If you don't qualify with Fish and Wildlife, the County can still give a permit?

Ms. Stevenson: If you don't qualify under this portion of their code that allows them to say you don't need to get that, then you have to get an – they still issue an HPA, but they basically – it's a certain if you can do all these things in your enhancement project then we can make this determination and then these things apply to us, basically.

Ms. Lohman: But part of the reason for that language in the 14.16 section is there have been projects that have been done without any monitoring or any scrutiny after the fact and they have damaged the adjoining property, and there isn't anybody to go after to make them fix the drainage or stop impacting the drainage or the activity on the adjacent land. Even though we have language in there that says, there isn't anything that ties it back. And that was why that language got added several years ago. And so that's why it's really important, especially when you read (a) where you talk about "All shoreline restoration enhancement projects must protect the integrity of adjacent natural resources, including aquatic habitats and water quality." But it isn't just natural resources that you need to protect. You need to protect the neighbor.

Chair Axthelm: But what you're saying is we really – even if they get approved by the – because they get approved by the state, we don't have jurisdiction no matter what.

Ms. Stevenson: If they meet this specific qualifying.

Ms. Candler: I guess my question then would be, Why are we deeming them consistent with the SMP instead of just saying whether they're consistent with our SMP or not, we're stuck with them kind of a language?

Ms. Stevenson: I don't understand. I'm sorry.

Chair Axthelm: The state is. We aren't.

Ms. Candler: The state is requiring them, so why are we –

Ms. Stevenson: They're deeming them consistent with the SMP in the letter that they would write.

Ms. Lohman: What if we put in there – you need a qualifier. You make it suggest that it – for lay people, but we're all lay people pretty much. Reading this, it sounds like *all* fish enhancement projects.

Ms. Stevenson: _____ qualify under that certain section.

Ms. Del Vecchio: Although I will say, the statutory language does not use the word “qualify.” So if we're basically pulling this out of the statute I would make it consistent with what the statute actually says. So under the ref for the 90.58.147, it says “Fish habitat enhancement projects that conform to the provisions of” – it has an old reference, but it's 77.55.181 – “are determined to be consistent with local shoreline master programs.” So I would just make sure that – I mean it's – “conforms to the provisions of” is different than – essentially the same, I would think, as “qualifying” – but, anyways, I would just – if we're pulling this directly from the statute, we should probably use the statute language.

Chair Axthelm: So we should probably change that to match that terminology versus this because it gives a different interpretation.

Ms. Stevenson: Except it's not up to us to decide, I guess. It's not our –

Ms. Del Vecchio: Well, to the extent that we're not – I would say it *is* our decision to decide whether we want to be consistent with the statutory language or if we want to make up our own language.

Ms. Stevenson: No, I'm just saying it's not our decision to make whether they qualify under that section of code.

Ms. Del Vecchio: Yeah.

Ms. Lohman: But we're not arguing over the exemption.

Mr. Pernula: It's just saying that this is language that is directly out of the statute that would replace “qualifying” that conforms with the provisions of that.

Ms. Stevenson: Okay.

Mr. Pernula: Then it's the exact same language. That's all she's saying.

Ms. Del Vecchio: It might help clarify to the laymen who are reading this and trying to figure out what we mean by “qualify” or whatever.

Chair Axthelm: Because we just start out right there: “Per 90.58.147,” and then just restate the statute.

Ms. Mitchell: Let's put it this way: Is there a problem with copying that language? Is there something we're missing between the interpretations?

Mr. Pernula: I think they're exactly the same thing. Whatever is better and more legally defensible is all I would care about.

Ms. Candler: My guess is that it was changed because "qualifying under" is a little bit more layman language than that.

Ms. Stevenson: That's what I thought. We were trying to make it easier and knowing that that is the hydraulic code it's not ours to be making that call, I guess. And when you say "determine," sometimes a lot of people – Well, who's going to decide? Don't you guys get to decide that? So we were trying to do 'it qualifies under some other – somebody else's' – so, but –

Ms. Del Vecchio: But to me that means that there's a qualification process.

Ms. Stevenson: There kind of is. There's a list of things of things that they have to do in order to have that happen.

Ms. Del Vecchio: But I want something at the end saying "I qualify for this."

Ms. Stevenson: They will get a letter from Fish and Wildlife.

Ms. Del Vecchio: Yeah, but the statute doesn't use the word "qualify," which I think is confusing. So I think we would go even more layman than "qualify" if that's what we were trying to do. It meets the requirements of, or –

Mr. Raschko: What if you substitute the word "approves" for "qualify"?

Ms. Stevenson: Yeah, but it's not an – I mean _____.

Ms. Del Vecchio: If we're pulling it directly from the state statute, I don't think the state statute is terribly confusing.

Chair Axthelm: And then you don't have any confusion _____.

Ms. Del Vecchio: And then there's no why-are-we-using-different-language and...

Chair Axthelm: And I think this might be better for the County because if you use the same language then if somebody has an issue and their property is damaged, it's like, Hey, this is what the state allows. Go back to the state on it. But if they take your statement – if we've restated it in a different way, that might be interpreted differently as well.

Ms. Stevenson: We're just trying to explain that there's a process out there.

Ms. Del Vecchio: And it's called a permit review and approval process. So if we're – it makes it sound like there's a different process.

Ms. Candler: Hollie, will you read it one more time – just the words that are going to replace "qualifying under"? Pulled out of the statute.

Ms. Del Vecchio: Yes. Okay, I'll just – it's a very short sentence. So "Fish habitat enhancement projects that conform to the provisions of RCW 77.55.181 are determined to be consistent with the local SMP."

Ms. Mitchell: Boy, that's close.

Ms. Candler: "...that conform to the provisions of" versus "qualifying under."

Mr. Pernula: I think you're stating the exact statute and I think it says exactly the same thing. Whatever is the clearest to you.

Ms. Del Vecchio: Or if we're going to use – I would use the word "approve" rather than "qualify" just because – I mean, if you go to the actual .191 or .181 – sorry, .181 – they're talking about an approval process. The word "qualify" is not in there anywhere.

Ms. Candler: And if we're going to do that, we should change "deemed" to "determined," it sounds like, under that language, right?

Ms. Lohman: Yeah.

Ms. Candler: They use the word "determined" not "deemed."

Chair Axthelm: Betsy, you ask our opinion you'll get our opinion about what to do with it!

Ms. Stevenson: I mean, that actually does have to qualify for that exemption so I guess I could argue that, but it doesn't sound like it's going to do any good.

Chair Axthelm: Just give us a response.

Ms. Del Vecchio: But it doesn't use the word "qualify." I totally understand. I completely agree with what you're saying. Why are we using a different term, "approve" – I mean, "approve" versus "qualify" – or "consistent with" versus – I don't see why we're messing with the – if we're saying, This is a statutory requirement; go back to the statute. I feel like if we go back to the statute – if you're saying "per this statute," I feel like you should use the statute language, unless the statute is so convoluted that we really need to be reframing it, but I don't think – and within this particular instance – I don't think that's the case.

Ms. Stevenson: I think we're trying to describe that it does have to conform to that, but that's up to Fish and Wildlife to decide. So there is a thought process that goes through that. It's not just somebody looking at that saying, Oh, I meet all that stuff. I don't have to do anything. Fish and Wildlife has to actually make that determination, you know – however we want to word it, but we can go back and change that. We were trying to make it say that, Hey, you have to go over here and qualify under this statute and this process and they have to write you something that says that and then okay, fine. So – but we can change that.

Ms. Candler: I understand why you worded it the way you did and I actually think it's better, but I don't have a strong opinion so you guys' opinion is strong.

Ms. Del Vecchio: I don't want to be keeping us here till ten o'clock over this one, folks. Just so you know, I just pointed it out and whatever staff decides makes sense, that's fine.

Ms. Stevenson: So did I give you the error reference on (2)? I think I did. It's the matrix again, .405. Okay.

Ms. Lohman: So you don't want to add the reference back to 14.16.400 in item (h)?

Ms. Candler: Are you on page 15?

Ms. Lohman: Yep.

Ms. Candler: Could you restate the question?

Ms. Lohman: It would be: "For a shoreline habitat, a restoration proposal, in a shoreline area that is Ag-NRL-designated lands, a project must meet the applicable requirements of 14.16.400(4) for approval of a Hearing Examiner special use permit."

Ms. Stevenson: Maybe you can give that to me.

Chair Axthelm: And that was found?

Ms. Lohman: This would be item (h).

Chair Axthelm: Can she keep that copy?

Ms. Lohman: Yeah, she can.

Chair Axthelm: Do we have anything else for Shoreline?

Ms. Hughes: So how did we leave that proposal that Annie just handed over for an item (h)?

Ms. Lohman: I thought it was going to be added because we talked about it last time, but I never got any feedback about it.

Ms. Stevenson: I'm sorry. I don't –

Ms. Lohman: Because it had been brought up in June 2014.

Ms. Stevenson: Okay.

Chair Axthelm: Betsy, if the changes that we make or the changes we're requesting, if you can't make those or if there's an explanation for it, if you could respond to us on that similar to the responding to people's questions.

Ms. Stevenson: We're going to meet tomorrow and we'll go through all this stuff and so we would have it available and send out to you in the next memo before the next meeting so that we're on top of it and we can get this kind of wrapped up and not left for a year or two even on some of this. On some of this, I'm sorry I don't remember.

Chair Axthelm: Yeah, because you can't expect you to have all the answers right now.

Ms. Lohman: Well, and stuff can – the stuff got – we went through a lot. I mean, you can't expect perfection. We're still working on it.

Ms. Stevenson: Exactly. We're getting closer.

Chair Axthelm: Moving on to Transportation and Parking.

Ms. Stevenson: See, this is one of the ones that it did keep the code sections and we didn't get an error message, so don't ask me! I know. I have no idea.

Ms. Hughes: Gremlins. Always blame it on the gremlins.

Ms. Stevenson: So we did do a little bit of a change here. Under When Allowed, we added that second portion of that: "Transportation facilities are prohibited within shoreline jurisdiction unless locating outside of shoreline jurisdiction is infeasible" – and this is kind of what we added – "or standards for ADA accessibility and functionality cannot be met." We run into situations now for, like, say, state parks or different kinds of places where they are either changing roads or doing some work. They're trying to put in some handicapped-accessible parking so that people can get to the beaches or different places that are within the shoreline areas, and they end up having to go through a whole lot of permitting processes even though certain laws are requiring that they provide ADA parking facilities and different things when they're in the shoreline area. It just becomes a huge, huge headache for them, whether they have to get variances or all kinds of different things. And in most areas it's like state parks where the parking is already there, but because they're making some changes or improvements then they come under this new standard and just by adding it in a different way or having to provide a ramp or something like that, all of a sudden it turns into a huge nightmare for them with our permitting processes. And it really doesn't make that much of a difference. So that's what we're trying to capture here and what the intention is. So if you see things that it's doing differently or you can see that we're opening something bigger...

Chair Axthelm: So on Applicability (b)(i). It says "a driveway for an individual single-family home" – so does not apply to. That would be a good instance for, let's say, your development or a garage for a residence in that previous code we were talking about with a residence. If something like that could happen, then you could have a doesn't-apply-to or an exception for a garage or something like that that would be closer within that shoreline jurisdiction.

Ms. Lohman: _____ a garage.

Chair Axthelm: No, I'm not talking about a garage. I'm just using this as an example for that previous section that I had the issues with.

Ms. Stevenson: Okay, but those accessory uses would still be regulated under Residential Development. This is saying these aren't – this section doesn't apply to these so they aren't regulated under this. This is the Applicability.

Chair Axthelm: For Transportation. Yes, I know. But what I'm saying is that example excludes a driveway for individual single-family residences. So what I'm saying is looking back at that previous section where we had the issues, if something like this could be put in there to allow a single-family garage to be closer to the river versus –

Ms. Stevenson: I think we need to just look at either taking that out if there isn't any standard that requires – if we just put that in there. So I know we discussed it with the Advisory Committee, too, but they said, well, maybe they should just be on the other side of something developed.

Chair Axthelm: No, I'd just as well have it taken out. I just thought that was an option.

Ms. Del Vecchio: Hmm, I'm just not following (2)(a) for some reason. And I know you just gave us a nice explanation of what we're trying to achieve there, but I'm struggling with this one.

Ms. Stevenson: Basically you're really not supposed to put any new roads within the shoreline area if you can avoid it and it can go someplace else.

Ms. Del Vecchio: Okay, but transportation facilities also includes bikeways, trails – which we're trying to encourage public access, right, so are we making that – are we restricting the ability to create trails while at the other end telling people that they in some cases need to be making public access?

Chair Axthelm: Oh, wow. So you wouldn't be able to put trails on the dike because that would be within the 200 feet of the – I like that!

(laughter)

Ms. Mitchell: And so does anybody else that's got that liability!

Ms. Del Vecchio: And then for some reason my brain – I'm just not wrapping my brain around. The transportation facilities are prohibited within shoreline jurisdiction unless – and skip the first part – unless standards for ADA accessibility and functionality cannot be met. And maybe it's the double negative that – I'm really not getting what that's saying.

Ms. Stevenson: Okay.

Mr. Pernula: It's like the last part of the sentence was deleted: "...or cannot be met" outside of the shoreline jurisdiction or something like that.

Ms. Del Vecchio: Yeah, there's something – it's just – my brain – I don't know how to fix it because I'm not really sure what it's saying.

Mr. Pernula: Right. I see. You're right.

Mr. Raschko: The scope and an opportunity for abuse for anybody with a wheelchair sticker would want their property having access into areas where it might not otherwise be permitted.

Ms. Stevenson: I guess that's always a potential, but we'll try to work on this language so that at least in the scenarios that I was trying to describe to you, that we can at least sort of cover it but maybe clarify it. We were trying really hard to use fewer words and still get our points across without it being too lengthy, and we were trying to shrink it down from about this to, you know, something that's more workable. So we'll figure out a way to say that so that –

Mr. Raschko: It was just a thought. I mean, it's not –

Ms. Stevenson: No, it makes sense. Some of the restrictions – and they have to put in ramps and do different things and sometimes they have to be longer. And we've run into situations where it can be for one individual to get access to their dock or something, and it does take some additional work. Because he was in a wheelchair and you don't necessarily want them to have to get all kinds of variances because he has to go, you know, in a different way than just a path or whatever and that sort of thing. So I guess there's always a chance that somebody's

going to try to somehow turn something that we're trying to do into something else, so we'll figure out a better way. This one clearly isn't meeting the test of we-don't-know-what-you're-talking-about-or-trying-to-do. It doesn't make any sense. So we'll go back and try to reword it somehow.

Chair Axthelm: If you have to put – I can understand if you have to put in a whole series of ramps for somebody to access it, it might be better to have a parking stall up at that location. But, you know, other than that, if everybody else has to walk down a pathway then there's no reason, except you can have the ADA as close as it can be within that parking area, if that makes sense.

Ms. Stevenson: Okay. We'll try to figure it out.

Chair Axthelm: Transportation – anything else?

Ms. Lohman: Yes. On page 17, (4)(d), it says "Mechanical means are preferred..." and then it says "If herbicides are used, they must be applied so that chemicals do not enter shoreline water bodies." I think we should strike that because if there are herbicides or materials that are labelled and have met the rigor of – I can't get the acronym out, but whatever Ecology has passed and they have a label for use in an aquatic situation, I think that we *shouldn't* prohibit it.

Ms. Del Vecchio: I feel like there's got to be a state rule there one way or the other.

Ms. Stevenson: Those are the herbicides that are specifically aquatic, to be used in aquatic application. We're talking about sometimes along the roadsides they don't necessarily always use those.

Ms. Lohman: Yeah, but they're out of compliance so, I mean...

Chair Axthelm: Is this a situation where –

Ms. Stevenson: We can try to reword this so it's reflective of, you know, those – we've said it other places – just those that meet the aquatic herbicide requirements or whatever, that they just have to be done in accordance with the requirements.

Ms. Lohman: Well, I'm thinking of the County's own roadside spraying program now along the ditch banks. So I know that you're using a product that is safe if it's in the water.

Chair Axthelm: So is this a situation where it might be covered elsewhere in code that really it doesn't –

Ms. Mitchell: – need to be there?

Chair Axthelm: – need to be in this section?

Ms. Stevenson: Not necessarily. But I think we can maybe write it better – that not only – rather than be applied in a – you know, if aquatic herbicides, or if herbicides are used near water bodies they need to be approved for aquatic use and done in accordance with all the standards. There's some language that I think we can put in there to make that more clear.

Ms. Lohman: Well, I mean you need to make it – because the first sentence – while I realize that we’re in the Shoreline Plan – it just says “roadside brush control.”

Ms. Stevenson: We’re talking about transportation facilities so that’s kind of what we’re talking about.

Ms. Lohman: But not all of them are going to be necessarily right along a ditch.

Ms. Stevenson: Mm-hmm. We’ll figure out a way to sort of word it but try to –

Chair Axthelm: Approved for aquatic uses or aquatic areas.

Ms. Stevenson: Pick up what you’re going for and not pick up what you’re not going for. So I understand what you’re saying.

Ms. Del Vecchio: And, Betsy, might we be dealing with more than just roadside brush? It is more than just roads that we’re talking about.

Ms. Lohman: Well, it could be even your property edge that’s next to the road.

Ms. Del Vecchio: Or trail maintenance or ____ of difference.

Ms. Lohman: It could be an awful lot of things.

Ms. Del Vecchio: So whatever new language we’re developing, I would just want to apply to – be a little bit broader.

Ms. Lohman: But you also have to be practical that sometimes you have to use whatever crop protections or whatever – maybe it’s a noxious weed or, you know. There’s a lot of scenarios so I’d rather we were open to whatever tools in the toolbox so we weren’t –

Ms. Del Vecchio: Yeah. And I guess what I wouldn’t want somebody to do is if they’re doing, you know, trail maintenance and they’re looking at this – well, there’s a restriction on the type of herbicides – whatever we can use – in the case of roadside brush control, but it doesn’t say anything about what we can do alongside our trails. That’s what I was trying to get out there.

Ms. Candler: So you’re trying – instead of saying “roadside,” you’re trying to say –

Ms. Del Vecchio: I don’t want there to be a loophole by the fact that we are saying –

Ms. Lohman: It’s only the roadsides.

Ms. Del Vecchio: Right.

Ms. Mitchell: Where you can be seen!

Chair Axthelm: Betsy, some of it is like these sections are covered in other sections and so it’s kind of a redundancy, but yet the reason you put them here is because there may – it’s kind of a reminder of it. Is that the intention of it? Because it is covered – like the next one, “Transportation facilities must implement Low-Impact Development...through compliance...” So you’re telling them to comply with the Stormwater Manual, which you’ll have to do anyway. So

really it didn't have to be stated here but it kind of reminds people to do that. Is that the intention?

Ms. Stevenson: I'm not sure where you are.

Chair Axthelm: Oh, I'm sorry – (e).

Ms. Candler: Page 17, (e).

Chair Axthelm: 17 (e).

Ms. Stevenson: There it is.

Chair Axthelm: So, again, it seems like redundant because really the Stormwater Manual's the one that regulates that. So you're not adding additional regulation here. You're just restating you still have to comply to the Stormwater Manual. In reality we read it every day – so far not every day, but we read it frequently – that we're familiar that it is somewhere else, but somebody else may not be.

Ms. Stevenson: So I guess to answer your question, I'd say yes. But you're right. It is kind of redundant.

Chair Axthelm: I just want to be careful with some of the restating that it doesn't conflict with the other rules.

Ms. Mitchell: So the consideration's whether you want to or not.

Ms. Stevenson: Okay.

Chair Axthelm: Yeah, the same thing with the next one. (f) is fill, which is also regulated other places. And public access.

Ms. Candler: Betsy, did you make a note on what Hollie was just saying about the term "roadside brush control"? Will you make a note to either maybe look for a more broad term or just take out "roadside" altogether?

Ms. Lohman: But I guess my whole point on that and why I – when I looked at it, I wanted to strike the whole thing – was because not all the shoreline jurisdiction is necessarily next to the water. I mean, you've got landward of dikes and you've got the 100-year floodplain where we're really not in the water, but if you're going to use a chemical of any kind you're regulated that you follow the label. Now I realize there's people that don't follow the label but they're doing it at their peril.

Ms. Candler: But the first sentence doesn't have anything to do with that. It just says "Mechanical means are preferred over the use of herbicides for ... brush control."

Ms. Lohman: Right.

Ms. Candler: That, I think, is a good statement.

Ms. Del Vecchio: It's not saying you can't. And maybe, yeah, you follow that up with "If herbicides are used then they need to comply."

Chair Axthelm: So if your farmland's within 200 feet of the dike or inside the dike, you have to do this.

Ms. Lohman: I mean, I realize, too, you have to keep it in context. Here we're talking about transportation and parking.

Chair Axthelm: True. That's true.

Ms. Candler: I think it regulates the County more than anybody to do things that they should be doing anyway.

Ms. Lohman: Well, there's private roads, too.

Ms. Candler: Yeah.

Ms. Mitchell: Are we through with page 17 then?

Chair Axthelm: (unintelligible)

Ms. Stevenson: You're waiting for me – I'm sorry. By tomorrow this could be gone again. We still have more. I was thinking we were done with that section but.... Were you finished with the whole section or just page 17?

Chair Axthelm: 17.

Ms. Stevenson: Okay. Then you weren't waiting for me.

Ms. Lohman: On page 18 at the top, (i), I remember last time Keith, who's not here anymore, he had quite a bit of heartburn over the bridge abutment section and he wanted to add where you're talking about approach fills "unless unfeasible." And I don't know anything about bridge construction and I was wondering if that's a possibility or not. Or is it something we need to be worried about?

Mr. Raschko: It's a big – within forests it's a big deal and you can easily make a \$50,000 cost _____ with these things. And you might have enough length that you need, like it says here, to have a pier in the middle of the creek. And if you have to have that, then you have to have a construction permit and _____ as well. _____. It's very onerous.

Ms. Stevenson: Got it.

Ms. Lohman: And then my next question was where you were talking about roads and railroads located in the 100-year floodplain. They "must not measurably increase flood levels or profiles and must not restrict or otherwise reduce floodplain and floodway capacities." And coincidentally the County is preparing to do some chip-coating so roads *are* being raised in the 100-year floodplain. So then it made me ask the question then, When we go back to where the County's going to have their jurisdiction, are we going to be regulating the 100-year floodplain? And I was under the impression that counties had the option of *not* doing that. Well, here you're saying that you *are*, so that was why I flagged that because I thought we weren't but now I'm not sure.

Ms. Stevenson: So this would be for new roads or new railroads?

Chair Axthelm: It doesn't matter. Same statement.

Ms. Lohman: But it doesn't say that. But what about incrementally raising the roads? And I can tell you that the road in front of my house is –

Ms. Stevenson: It's not measurably increased.

Ms. Lohman: It is definitely higher in the time I have – because the shoulder of the road is definitely higher up on the post for my corral than when I built it. And when we dig down in the ditch across the road for where the culverts are they are considerably deeper and lower in the roadbed than they were. I mean, so roads are getting raised.

Ms. Mitchell: I can confirm that. I've seen that in that area, too.

Chair Axthelm: I think Annie's statement with that is that the fact – what it comes down to is not the road and the railroads. It has to do with the height of your floodplain – whether we are regulating the 100-year floodplain or not.

Ms. Lohman: Right.

Chair Axthelm: So whether it's a new road or existing road doesn't matter.

Ms. Lohman: You don't really care.

Chair Axthelm: It's just whether it's even an issue in the shoreline jurisdiction. Because if we're not – if the 100-year floodplain isn't in the shoreline jurisdiction, then – or isn't the determining factor for the shoreline jurisdiction, then should we really have that statement at all?

Ms. Mitchell: Because it's too broad.

Ms. Lohman: Yeah.

Chair Axthelm: It's just –

Ms. Lohman: Because I was under the impression the part of the 100-year floodplain that you were suggesting regulating was only the 200 feet within – next to the floodway. That's a lot different than the 100-year floodplain.

Ms. Stevenson: So this would only apply in those areas where you have both, where it's shoreline and that floodplain area within the shoreline.

Ms. Lohman: But that's not what that says.

Ms. Stevenson: Well, that's where this plan applies.

Ms. Del Vecchio: This is one area where I might put both, which I know totally contradicts what my first comment of the evening was. But I think if you're specifying a location and adding

clarification that, you know, if you're within the 100-year floodplain and within shoreline jurisdiction it might make sense to have that.

Ms. Lohman: But we haven't at the front of the document made that declaratory statement where we're going to regulate. And that's my point.

Chair Axthelm: She's agreeing with that. She's adding the "and within." That makes sense.

Ms. Stevenson: Should we just cut that out right there then? Say "Roads and railroads located within shoreline jurisdiction must not measurably increase flood levels or profiles and must not restrict or otherwise reduce floodplain and floodway capacities"? Just take out "the 100-year floodplain" there? Just delete that and put in "within shoreline jurisdiction"?

Ms. Del Vecchio: Well, if you're taking out "within the 100-year floodplain," I would not insert "within shoreline jurisdiction" because then we get back to the additional, so I would just take out the reference altogether: "Roads and railroads must not measurably increase flood levels..."

Ms. Candler: That's what you said, I think.

Ms. Stevenson: Well, I did add "shoreline jurisdiction" because you guys asked to add that.

Ms. Del Vecchio: I would only add that if you have the reference.

Ms. Candler: Contrary to adding that, can we just take out that word?

Ms. Stevenson: Well, I was leaving it because I didn't want to cut it out because you asked for it, but I suggested taking out the "within the 100-year floodplain." So now we take that out and take out "shoreline jurisdiction"?

Ms. Del Vecchio: Yeah, I would add either both or neither.

Ms. Stevenson: Okay. Okay.

Ms. Lohman: I agree.

Ms. Stevenson: Okay.

Ms. Mitchell: We're working with lay people.

Ms. Stevenson: So then it just goes back to what you said: "Roads and railroads must not measurably increase flood levels or profiles..."

Ms. Hughes: Right.

Ms. Stevenson: Okay.

Ms. Mitchell: That gets what you mean without capturing something you didn't intend.

Ms. Stevenson: I think it seems to.

Ms. Mitchell: Yep.

Ms. Lohman: Thank you.

Ms. Stevenson: No, that's great.

Ms. Mitchell: Good catch.

Mr. Raschko: Could we go back to (i)? For the public it's one thing, but for private or industrial, a mid-river bridge pier is just about totally unfeasible economically and then it's very difficult to attain whatever permits they're going to need. And you do need a building permit, I believe. I think this should be qualified – just “where feasible,” where you would be located landward of associated wetlands or the OHWM.

Ms. Mitchell: That sounds good.

Ms. Stevenson: It's in my notes already: “Add feasibility language.” And most bridges do require building permits now regardless.

Mr. Raschko: You know, I've never done one.

Ms. Stevenson: Well, don't tell me that!

Mr. Raschko: But my understanding is if you're going to build something in the water you're going to need a building permit.

Ms. Stevenson: Yeah.

Chair Axthelm: Never done a bridge, is what you're saying.

Ms. Lohman: Keith had done quite a few bridges.

Ms. Stevenson: Right. So I will double-check and go back and remember the conversation and I remember he even made a bit of a presentation.

Ms. Lohman: He spent a lot of time on that. And on (k), why do you care about giving people the option of paving their road?

Ms. Stevenson: Because we get so many questions of people asking: Do I need a permit? Honestly.

Ms. Lohman: Okay. And then (l). Oh, my goodness. There's so much historical friction when people have to share a driveway.

Ms. Mitchell: Oh, isn't that true? A big blow-up in our neighborhood.

Ms. Lohman: I realize it says “are preferred,” but it's not – it doesn't say you have to do it –

Chair Axthelm: It's not required.

Ms. Stevenson: It's not required.

Ms. Lohman: – but oh, man!

Ms. Mitchell: Yeah, that's asking for strife.

Ms. Stevenson: Yes, but in some areas where the lots are really small they don't have a lot of room not to and they already are, so it's just saying, yeah, we do prefer, that and it gives us a little leeway to actually work with them a little bit more with their side coverage requirements and that sort of thing if they actually are sharing a driveway.

Mr. Pernula: And developers often like them because it's less expensive.

Ms. Del Vecchio: And I'm just going to make a comment and then leave it – the reference to RCW 36.87.130 in Shoreline road ends doesn't quite reflect what the statute actually says.

Ms. Stevenson: Okay. We'll look at that then.

Ms. Mitchell: What's the general gist of the difference that you see?

Ms. Del Vecchio: It's minor, but as far as the uses I would just say just the references to the uses are a little bit different, but I think different in notable ways. It says that basically there's a prohibition against vacating the county road – da-da-da-da – except for ____ port purposes, boat moorage or launching sites, park, viewpoint, recreational, educational, or other public purposes, or unless the property is zoned for industrial uses.

Chair Axthelm: Are we on the Parking?

Ms. Lohman: Mm-hmm.

Chair Axthelm: (B)(I) – I think that goes back to that statement about the –

Ms. Stevenson: Sorry – which one?

Chair Axthelm: I'm sorry. Page 18, (B)(I) – sorry. Yes – is that it goes back to that statement on the ADA and the misuse of it. If it's feasible to put it away from a shoreline, it would be better.

Ms. Stevenson: Okay. Does this one make sense?

Ms. Lohman: I thought it made sense.

Chair Axthelm: Well, it's located within the buffer. Well, is it mainly to say where an outside location is not feasible?

Anything else there? Are we okay with Transportation and Parking?

(silence)

Chair Axthelm: Okay, so the last section – or is it the last one? Utilities. Now this is like public utilities or utility situations, not necessarily single-family utility.

Ms. Stevenson: It splits it up into large and small.

Chair Axthelm: Yeah. Yeah.

Ms. Stevenson: And (b) kind of addresses that under the Applicability, item (b) there on page 20.

Chair Axthelm: Yep.

Ms. Lohman: I wanted you to tie into the ag language because in the ag chapter it specifically talks about irrigation and drainage facilities and the pumps and conveyances and all of that. But yet – well, in addition, here you include as a utility transporting, processing, storing water and it could be construed that – and stormwater – so it could be included in that bailiwick. Just some kind of language to tie it into 14.26.410.

Ms. Stevenson: Okay.

Ms. Lohman: And page 20, number (4)(iii): “Screen facilities from water bodies.” I think we need to add language that says where feasible. And sometimes the water view isn’t necessarily a public view.

Ms. Stevenson: *From the water?*

Ms. Lohman: It might not be public where your activity’s taking place?

Ms. Stevenson: If you’re on the water looking back –

Ms. Candler: Because it does say “from water bodies” – “Screen facilities from water bodies.”

Ms. Mitchell: So that excludes streams then?

Ms. Candler: No, it just means that from the perspective of the water looking back –

Ms. Stevenson: Looking back at the development. So if that’s not clear, that’s what we meant.

Chair Axthelm: That makes sense. See, I can understand some of the underground requirements. I mean, not that – _____ the swans. The swans and stuff, I mean, I’ve seen them hit the power lines quite often and it’s right in front of our place, although it’s not necessarily in shoreline jurisdiction. But if the power lines were out there it would affect them.

Ms. Stevenson: That’s why they put those big balls on them, too, a lot of times.

Chair Axthelm: Okay. Everybody through?

Ms. Lohman: The word “aesthetic” comes up again on page 22 in number (f).

Ms. Del Vecchio: There is references to aesthetic in the WACs, too, so I’m guessing that’s where they came from. Whether or not those are actually defined somewhere or – I don’t know.

Ms. Mitchell: I’d like to know what that means because it could be some – the definition’s different for everybody.

Ms. Del Vecchio: Yeah. Who's to say, for instance, with the – I mean, there was a reference in the Boating Facilities or something to say that shoreline master programs should, at a minimum contain da-da-da regulations to avoid, or if that is not possible, to mitigate aesthetic impacts.

Ms. Mitchell: Yeah. Are we talking about Disney park or national park or –

Ms. Del Vecchio: But yeah, what the definition or if there is a definition, I'm not sure.

Ms. Lohman: Is it ___ color or, you know?

Ms. Del Vecchio: Oh, yeah. No, it's very – well, we're all going to have different aesthetic differences.

Ms. Stevenson: It's for outfalls.

Ms. Candler: If it's aesthetic impact, you know, you look at something how it looks aesthetically, and then if you're putting something there you're going to change the aesthetic so it's more of a screening kind of a thing. _____.

Ms. Stevenson: This is aesthetic compatibility, so basically if you're bringing an outfall out through a stream bank or a river bank, if it's just grassed or whatever, what's it going to look like? If it's rocked, what's it going to look like? I mean, some of the outfalls – maybe not necessarily around here so much – are big concrete. That's what that is. We want to make sure that it sort of blends in with whatever's there.

Chair Axthelm: More natural looking.

Ms. Stevenson: Well, it doesn't necessarily have to be natural looking because it might be a rock riprapped bank, so you want it to blend in there so that it doesn't show so you want it the same color as whatever the rock – that kind of stuff. I guess that's how I read "aesthetic compatibility" – what's there, does it sort of blend in with what's already there at that point?

Ms. Mitchell: That helps.

Ms. Del Vecchio: Yeah, I think the aesthetic compatibility's a lot more tangible than just – and where the other references are just, you know, aesthetic resources or impacts or whatever, but the compatibility helps clarify that.

Chair Axthelm: Does anybody have any more comments on this section? Not to rush you through it – take your time.

Ms. Lohman: We're almost to the end. Should we drag our feet?

Chair Axthelm: Well, I want you to comment. And we didn't have any of – and I think that would help, Betsy, is if we had – you tried to, but if we could have this a little more in advance we'd have a chance to go through and read it and make sense of it.

Ms. Stevenson: We worked all day yesterday. We've got it just about done for you. But yes, I appreciate that and we apologize for getting it to you late.

Ms. Candler: I have a question, a general question. And this may have been addressed before and I'm sure there's a good reason for this, but it seems like just about every other question involves a definition. And so I'm wondering, Why are we doing the Definitions section last?

Ms. Stevenson: Because as we go through it and find things that either aren't defined or are in the Definitions that aren't anywhere else in the program, as we do searches we have a list of what the definitions were and we've started a new list of these are things that we ask the same questions – Well, what does this really mean and is it defined in the WAC? And, if not, we better create our own definition here based on some kind of language in the WAC. A lot of times they *don't* necessarily define things. They just sort of describe around it.

Ms. Candler: So when we're going through it and we don't understand a word, it helps you develop the Definitions section? Is that what you're saying?

Ms. Stevenson: Yeah, we're actually – we have one that came from the state laws, the state guidelines, our old Shoreline Master Program, and any new things that we felt it was important to have in there. And as we keep changing things, we had one of our people who's a great editor, kind of go through and do some searching and double-check to see if all the words in the Definitions section are – actually appear in the document anymore because some of the ones from the old Master Program don't at all. So we're taking those out and as we find things – you know, there was one – I can't remember what it was, but it was one that we added yesterday that was kind of a random – aesthetic resources or, you know, things like that. It's like, what in the world does that mean?

Ms. Candler: So it would be an ongoing thing no matter what.

Ms. Stevenson: Yeah. Did the state say something about that? If they did, then we need to figure out something that we can put in there so people know what that means. So we've got a *new* Definitions section of these-are-the-ones-that-we're-adding or this-is-the-new-section-that-we're-done-with. We know it's in there. We know it has to be in there. And then the other part is still kind of big and messy. So did you get a copy of Part VIII so that you have the original definitions that we were working from?

Ms. Candler: I do have a copy.

Ms. Stevenson: Okay, because I know that Ryan was, like, Don't waste your time on it because it's changing every day.

Ms. Candler: That's the problem. I do have it and it helps, I think, when you're going through but we end up with so many questions about the definitions.

Ms. Stevenson: Yeah. But, see, your take on that is great because it's that first set of eyes beyond the Advisory Committee – Well, what does that mean? And if it's not, then I can make a note – check the Definitions. If it's not in there, we'll make it – we'll find where it makes reference to it, see what they're trying to say, and come up with some kind of a definition.

Ms. Candler: It's kind of the chicken and egg thing, because if we had your finished version of the Definitions section, it may reduce some of our questions as well. So it is a matter of –

Ms. Stevenson: Well, you should get it at the next session, I hope. So that's our plan.

Ms. Candler: Okay, good. Thank you.

Ms. Mitchell: Last page.

Chair Axthelm: Anything else?

(silence)

Chair Axthelm: Okay, looks like we're good for now. Let's go on to the next – anybody? Nothing else, then we'll go on to Department Update.

Ms. Stevenson: Thank you.

Mr. Pernula: Just a couple of things. A reminder that Friday will be the Housing Summit. That's January 22nd from 8:30 to 11:30 a.m. I talked to Brian Young about it, whether or not it was going to be televised. He said it would not be televised. He said that they could go up there and tape it but it's very expensive and they don't have a budget for doing it. So I talked to Bob Hicks from the Health and Community Services Department and they do plan on recording an audio, and also they're going to be preparing a report based on all the information that's gathered there, and we'll make all that available to you. But that's the best I can do on that.

The second thing: You were sent a copy of the protocols for deliberations. It's based on the original draft that went out before the last meeting. It's expanded a little bit. And if you have comments, just e-mail them to me and we'll take a look at it. That's all I have.

Ms. Lohman: A new one?

Mr. Pernula: Yeah, it was sent with your materials. I think it was – I think on the link you got there were, like, two or three different items and that was one of them.

Ms. Stevenson: Yeah, they were attached as PDFs this time.

Ms. Lohman: I have it.

Mr. Pernula: That's all I have.

Chair Axthelm: Any comments or announcements from the Planning Commission?

(silence)

Chair Axthelm: Okay. I think I got everything on the agenda.

Ms. Lohman: Move to adjourn.

Chair Axthelm: Move to adjourn.

Mr. Raschko: Second.

Chair Axthelm: Second (gavel). Meeting is adjourned.