

**Skagit County Planning Commission**  
**Work Session: Shoreline Master Program Update**  
**February 2, 2016**

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

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

**Public Remarks**  
**Commenters:**       **Ellen Bynum, Friends of Skagit County**  
                                  **Carol Ehlers**

Chair Josh Axthelm: (gavel) It's Tuesday, February the 2<sup>nd</sup>. Welcome to our Planning Commission meeting. If you note on the – that we have a new Planning Commissioner, Martha Rose. Welcome. And, let's see, if you take a look at the agenda and see if there's any changes for the agenda or any comments. Dale, did you want to talk before the public comment or after?

Dale Pernula: After the public comments.

Chair Axthelm: Okay. Actually, Martha, if you'd like to introduce yourself and tell maybe some of your background.

Martha Rose: Sure. Martha Rose, and I own a company, Martha Rose Construction. I build houses, townhouses, small commercial buildings, and specialize in high performance and healthy homes. So I just moved up here from Seattle. I lived in Seattle for 33 years and I moved up here in September of 2015, and currently am helping my son and his girlfriend with a deep renovation of a 1904 house right across the street from City Hall in Sedro-Woolley. And I plan on building other projects up here but I'm not in fast speed on that. I'm chugging along and trying to get reoriented and decided that being on this Planning Commission would be a good way for me to get an overview of the people and the policies in this area, and a way for me to plug in my expertise, because I've been in the construction industry for 43 years.

Chair Axthelm: Excellent. I think that's welcome on our Commission.

Ms. Rose: Thank you.

Chair Axthelm: Okay, so Public Remarks – comments from the public.

Ellen Bynum: Good evening, Commissioners. Ellen Bynum, Friends of Skagit County, 110 North First, Mount Vernon. I want to talk a little bit about something that I've run across that's not really pertaining directly to things that you are doing now but things that may come before you because of a consequence of no coordination. Now that sounds sort of abstract so I'll go into some detail here.

So underneath the Comprehensive Plan and the GMA we have land use planning and we do land use planning and permits are given and projects come before you. But there are a lot of other projects that happen in this county under other departments. So Public Works does the transportation piece, and you might see the transportation projects as they come through on the transportation piece. They also do other kinds of projects that happen. In my understanding, there is no public review of those projects from those other agencies, nor is there any coordination, for instance, with Dale, you know, as PD&S (sic) Director. You don't see those projects unless you're having a meeting with Public Works or whatever. This is a concern to us because what we realize is people go ahead and do projects and then later down the road somebody appeals or somebody cites them for a violation, and there is no public review of any of that. So that's a pretty huge concern. So you'll get the transportation piece when SCOG does its coordinated transportation piece and it comes back to you guys with the Cities and with WSDOT. But WSDOT has a whole suite of projects that are coming in. I think a good example is the roundabouts. There was really virtually after-the-fact hearings on some of those projects. So the public participation and the planning is really nonexistent in some of the other projects, and I think that's of concern to you guys because you really have the liability for coordinating and making decisions about land use planning, even though you might not be directly in charge of the authority for it.

So I'll give you another example: extensions of PUD water lines through hazardous areas or extensions of PUD water lines for steep slopes or wetlands or critical areas. The projects are sometimes noticed by Public Works but they often – some of those projects don't receive any land use review. Now I don't know what the coordination role is of PD&S with that, but it just seems to me that we're going to get in a world of hurt if we don't figure out how many of those we have now. We don't have a lot of them, but I think they're pretty – they're in areas that are going to be fairly critical like when we finish doing the shorelines piece there'll be examples along the shoreline where we have some of this going on. And so I guess I was just going to urge that we figure out a way to tell the public how the coordination is happening, if it is happening, between Public Works. We figure out what the due process is for those kinds of projects if, you know, if we don't have it. And, you know, if that means cross-posting notices or possibly having a way to find a project from Public Works that might have been noticed under another method. Like I was looking for one today and it wasn't noticed under Public Works and it wasn't noticed under PD&S, but it came under the Consent Agenda even though it was a Public Works project. So that's just – that's a concern about just being thorough about getting our ducks in a row and allowing the public to have comment on things that are going to, you know, affect them in the future and are part of the due process. That's all. Yeah?

Tim Raschko: Are you concerned about public projects on public land or are you concerned about private projects on private land as well?

Ms. Bynum: First of all, Friends has mainly worked in the county and we have been concerned about public lands but less so than private lands. It depends on what the project is. And we don't usually work on a project-by-project basis. We do sometimes if that's going to set precedents, but we basically are more interested in getting the Plan right and the code right and the Countywide Policies right. And so if we see something that's going to be proposed in those

areas that are going to change the way that, say, farming happens or forestry happens, we'd be interested in working to figure out ways that that doesn't affect the economy. Because basically we know that the rural economy here is based on ag and forestry, and if we do land use decisions in those areas that take away that base for our economic wellbeing, we're going to be toast. We'll be Lynnwood real quick, even though we have the floodplain. So I don't know if that answers your question.

Mr. Raschko: It does. Thanks.

Ms. Bynum: Yeah, we have looked at both. Yeah. Thank you very much.

Chair Axthelm: Thank you, Ellen.

Carol Ehlers: Carol Ehlers, west Fidalgo Island. I've been talking to you for some time about public access and the availability of various properties for people to use them freely. Today I'm going to talk about the Cascade Loop and State Route 20 as it goes east outside of Skagit County into Whatcom County, but a part of Whatcom County you can only get there through Skagit County and which is an essential part of our basic economy. If you go to any really big place like Seattle Airport or a hotel downtown, you see this: "Cascade Loop." That is *the* tourist brochure for this area. And you see within it a road which starts down here at the bottom of Island County, comes over through North Cascades Park, and then down on the east and makes a circle. It is in many books noted as one of the most gorgeous scenic routes in the United States of America because it goes through the scenic Alps. The part that's in Skagit County is red and green. I'll show you more in a moment. The question arises as to how you get there and what kind of maps you have, and we don't have good maps because the county map only goes to the county border. The county zoning map does not have an accurate account of public lands versus private lands, so it's very difficult for anyone anywhere to make an accurate count of what public access you have that is publicly owned, which is the crux of the matter.

One of the things people talk about is the river access. I was pleased to find this book, *Washington River Maps & Fishing Guide*, 2013, done by a group called \_\_\_\_\_. It covers the whole state. It covers Skagit River beautifully. It doesn't cover the Samish at all. So as far as this book is concerned and everything else I can find, if there's public access on the Samish it isn't known. So that's – you talk about what is and what isn't and that seems to be not isn't. I've given Dale a copy of this. It's the first map I've ever seen that actually takes the river from the salt water down here and goes up the river – here's Baker Lake, but that's in Whatcom County so, of course, it's not on our map. And then we go up here to the dams and Ross Lake, Diablo, and Gorge – fabulous scenery – the North Cascades Park, but there's a difficulty in our map because if you find Bacon Creek up here coming in from the north. It's a big creek coming in from Bacon Peak. And from there up to Elmo Creek the County has it zoned to be undermined. I raised this before. It's a mapping error. I keep saying it makes you look a little stupid if you're going to make a major state road in a major tourist site going to be destroyed by mining. But that's a decision you have to make. Skagit County ends up here at Damnation Creek, so everything that we talk about – Newhalem, Gorge Lake, all of this – is not in the county; therefore, when the County does zoning and does discussions it isn't in our mind that it exists.

Chair Axthelm: Carol, your time's up so if you could finish, please.

Ms. Ehlers: Because that which is off the map isn't. You know that. So I've given this to Dale. There are in this 31 boat launch sites which I understand is enough, and so that's one category you can check off so you can spend your time thinking about others.

Hollie Del Vecchio: Can you put the – just the cover page up for a second so we can see what the source of that – no, the one with the good map. Is that where that came out of?

Ms. Ehlers: The map I showed you that's a whole river?

Ms. Del Vecchio: Yeah.

Ms. Ehlers: That came out of here.

Ms. Del Vecchio: It came out of here. Oh, okay, got it. Thank you.

Ms. Ehlers: And it's Frank Amato Publications, 2013.

Kathy Mitchell: Dale, could we get copies of that then?

Mr. Pernula: Of this book?

Ms. Mitchell: Just the map part.

Mr. Pernula: Oh. Yeah. I can scan it and send it to you if you wish.

Ms. Mitchell: Thank you.

Ms. Ehlers: It was at Costco but it isn't anymore because, of course, it's been bought out.

Chair Axthelm: Thank you. Actually I did neglect to say one item on the agenda to change, was Dale wanted to have a moment to speak to us before we started into the work session. So, Dale?

Mr. Pernula: Okay, I think some of you might be wondering why you're up at the dais instead of down on the floor. I know that a lot of you like to sit there in a circle so you can have a better conversation. But after the last meeting I got comments from a few sources that demonstrated some problems that we were having. Some people from the public said that they weren't able to hear individual members of the Planning Commission. Our transcriber could not do a good job of transcribing and create a record, and for these GMA – Growth Management Act – issues like we're going through right now, we have to create a record. And so I think we need to change things a little bit. For that reason, I put you up at the dais and you each have your individual mics. I would like to ask the Chair to call on each individual rather than having, you know, an open discussion so that we can say who said what when. And what else I'm going to do is take the material that we're discussing – the specific page – and put it on the screen. Not only will that keep us focused on one element of whatever you're reviewing, but the public who's watching it on TV and whoever watches it in the future will be able to understand what we're talking about. Without having it on the screen, they have no idea what's going on. So I think doing some of these things are going to help out a lot. And I'd also like to go look at the documents chronologically, section by section. And so with that I'd like to call up this document that you got. The document is on our Planning webpage. It's actually in the SMP Update subpage and it says "Planning Commission Update Memo," dated January 27, 2016. And this is it, and I'll turn it over to Betsy.

Amy Hughes: Before we get going, we're having problems with these two monitors. They're kind of on and off.

Tammy Candler: They were on but now they're off.

Mr. Pernula: Oh, boy.

Betsy Stevenson: David, come out here.

(discussion among technician, staff, and some Commissioners)

Chair Axthelm: One thing I noticed with the microphones is if you can hear yourself it's usually loud enough. But you have to almost speak right directly into the microphone to get it to record. Okay. So let's go ahead and go on to the Master Program Update Work Session. Betsy, do you have any introduction beforehand?

Ms. Stevenson: Sure. Can you guys hear me? Because it doesn't sound like it's picking up.

Chair Axthelm: It's not picking up.

Ms. Stevenson: Is it picking up my voice?

Chair Axthelm: There you go. Now it is.

Ms. Stevenson: Is it better? I'm going to pull it closer then because I can't lean over that far. Is that better?

Ms. Mitchell: Much better.

Ms. Stevenson: It'll remind me to speak up and enunciate too, so thank you. Just a little bit of a reminder, and for those of you who are new, we've been at this for quite a while now and I appreciate your patience and your time going through all of these things. We are hoping and kind of needing this to be our last review session with you. We are planning to put this out for public review Thursday and Friday of this week, which was in the memo but I just kind of wanted to go over it again just briefly. We will come back before you, scheduled now for the 4<sup>th</sup> of March, with kind of an orientation and work session to sort of talk about where we are and what we're doing and how it's all working during the public comment period on the document. We've got the public hearing scheduled for March 15<sup>th</sup> at your regular – or at one of your meetings. And as of Thursday of this week, the 4<sup>th</sup>, the Notice of Availability will be published so we will be starting our 60-day comment period. That comment period would end on April 4<sup>th</sup> and, like I said, the public hearing would be March 15<sup>th</sup>. So just kind of wanted to go through that a little bit.

We added something to the memo – just a follow-up of some of the things that we talked about that were issues that you kind of wanted us to address. That's the next section, a follow-up from the last meeting. I'm not going to go through those unless you still have questions about kind of what we did or any of the things that we wrote up there that would be helpful. And then I would just kind of ask that we kind of go through it in a fairly – in a manner that works for you guys, but we can also kind of keep track and I can try to look up once in a while and make eye contact. I know it's probably kind of disconcerting when I'm sitting here trying to write and you guys are talking to me. And I'm trying to get it here so that we can go back and make whatever changes or talk about it, so I may ask for clarification because I don't quite understand what you're

getting at, but beyond that, if I get it I'm going to say, Okay, great. I understand what you're saying and let's just move on to the next thing to try to get us through this, because there's quite a bit to go through. But with that, I think I would – let's get started! That works. Hand it back over to Josh to sort of start the process.

Chair Axthelm: Okay.

Ms. Stevenson: I guess the other thing I would ask – I'm sorry. One of the things that is in there early is the Uses and Modifications Matrix. You just got a copy of that section tonight handed out to you. That's the general provisions section of .400 and then the matrix is a part of that. We wanted you to have that so you could look through it. It's still a work in progress. It's one of those things that you need to see it and kind of go through it, but I don't think we're going to try to spend a lot of time going detail through it tonight, if that's okay. And maybe we can work on it a little more at the workshop in early March. And you also got a copy of Definitions tonight that we just got finished kind of about an hour or two ago.

Chair Axthelm: And the Uses and Modifications is really just – comes out of the code itself putting it into a matrix form.

Ms. Stevenson: Yes and no. Some of it it doesn't actually show up in other portions of the code. We didn't specifically address each shoreline designation area and what kind of a permit would necessarily be required for that specific designation, if that makes sense. So, anyway, (we) wanted you to have it. Annie had asked for it at the beginning of the meeting. I was going to wait and give it to you sort of at the end but you have it now so we can go through it, but there may be some changes still to that too. And there were a whole lot of footnotes that we're trying to still work out and make sure – a lot of the footnotes need to just be put into the code so it's part of the regulation rather than a footnote in the matrix. So we were working on that and I think we still have some work to do on it but wanted you to have it because it kind of brings the whole picture together. And then there's language in the beginning part that sort of talks about if there's any – this is general and we have one in our existing program, and it kind of gives you an overview of what kind of permits you're going to need and what designation for what uses, but that the language in the code would take precedence if there was any kind of – if one was more specific than the other or something like that. So, anyway, sorry.

Chair Axthelm: So we were just given these tonight – the Definitions and the matrix?

Ms. Stevenson: Yes.

Chair Axthelm: But we won't have another opportunity to review them. Is that correct?

Ms. Stevenson: You can give us comments through e-mail. We will be coming back at the workshop. I think it will be part of the package that does go out. You will have time during your deliberations to make proposed changes, as well. So we've got 60 days!

Chair Axthelm: Okay.

Mr. Pernula: There will be a workshop on March 1<sup>st</sup>.

Ms. Stevenson: Actually I think it's on March 4<sup>th</sup>.

Mr. Pernula: 4<sup>th</sup>?

Ms. Stevenson: Yeah.

Chair Axthelm: Since we haven't had time to review it, if we have time at the end to take a look at it – go through the packet as-is right now.

Ms. Stevenson: All righty. Sorry – I didn't mean to interrupt.

Chair Axthelm: Okay. Any questions on the responses – from the Commission?

(silence)

Chair Axthelm: Seeing none, let's just go ahead and go on to the start of these sections starting on page 4, the Shoreline Uses and Modifications. So I guess I'm trying to take it in small enough chunks that everybody can comment but big enough to keep it rolling because we've got a lot to go through.

Ms. Stevenson: So yeah, I'd ask that you jump right to Aquaculture to start with, please.

Chair Axthelm: Yeah. Okay.

Ms. Stevenson: That would be section .415 on page 6 of the memo. You guys kind of signed off on this in one of the previous rounds – some of you. The only change that we've made here is that Ecology actually came out with their guidance in their handbook and made the existing aquaculture information that we struggled with a little bit a little clearer, so we added just a small amount of language about that.

Ms. Lohman: Mr. Chair?

Chair Axthelm: Yes – Annie?

Ms. Lohman: I have a question, Betsy. On page 7 on Permit Exemptions it says a letter of exemption's required. Who actually issues that?

Ms. Stevenson: That would be the County.

Ms. Lohman: Okay.

Chair Axthelm: Okay. So, Betsy, are you done with your introduction on that?

Ms. Stevenson: Yeah, the change that we made basically is under .415(2), When shoreline review is required, (b). That's kind of language that came out of the guidance from Ecology so it makes it a little clearer.

Ms. Rose: I have a question about that.

Chair Axthelm: Let's just start. Martha doesn't have a microphone.

Ms. Rose: So it's talking about an expansion – if an activity expands more than 10% beyond the cultivated area. So there's no timeframe associated with that expansion, so can I expand 10% this year and then next year another 10% and be exempt? Is it 10% – what's the starting

point? Or is there a – you know what I'm saying? – is there a definition of what's the baseline, and is it 10% forever or every five years 10% or – does that make sense?

Ms. Stevenson: Yes. I think it was our intention to make that a one-time expansion without needing to come back for another review or permit.

Ms. Rose: So I would hope for some sort of language that clarifies that.

Ms. Stevenson: Okay.

Chair Axthelm: So let's start out with, like, Applicability and When shoreline review is required, those two sections, and see who has comments on that. Martha, do you have any comments on those two sections, 14.26.415 Aquaculture, the Applicability and the second section, When shoreline is required.

Ms. Rose: (unintelligible)

Chair Axthelm: No, that was what she did – make a comment on it. That's correct. Was expansion. Tammy, do you have any?

Ms. Candler: I don't have anything in this section.

Ms. Mitchell: I had the same thing Martha did so we can pass.

Chair Axthelm: Annie?

Ms. Lohman: I asked mine.

Chair Axthelm: Okay. Well, I've got to get the names right. Tim, no comments?

Mr. Raschko: On just this part?

Chair Axthelm: On those two sections, Applicability and when it's required. Hollie?

Ms. Del Vecchio: No, nothing there.

Chair Axthelm: Okay, so no comments there so how about the rest of the Aquaculture sections? There's quite a few pages there. We'll start down at the end with Amy.

Ms. Hughes: No comment.

Ms. Del Vecchio: No.

Chair Axthelm: Tim?

Mr. Raschko: Nothing for me.

Chair Axthelm: Annie?

Ms. Lohman: No.

Ms. Mitchell: I just had the generic question about the aesthetic qualities. That's under (4)(iii). And I didn't have a chance to look at the Definitions that came out.

Ms. Stevenson: \_\_\_\_\_, where are you?

Mr. Pernula: What page?

Ms. Mitchell: On page 7, the General requirements, number (iii), "minimize impact to the aesthetic qualities of the shoreline..." And I realize that you were going to hit that definition. Is that in with it now, so we know what that means?

Ms. Stevenson: I'm not sure.

Ms. Mitchell: Okay.

Ms. Stevenson: I'll have to look.

Ms. Mitchell: Yeah, I'd like to know what that means.

Ms. Stevenson: Yeah. Thank you.

Ms. Mitchell: It gets back to – I didn't know if we wanted Disneyland-like quality, park quality or what.

Ms. Stevenson: We did talk about that. We'll make sure that it gets in there. Thank you.

Chair Axthelm: Okay, Tammy?

Ms. Candler: I don't have anything.

Ms. Rose: I don't have anything.

Chair Axthelm: Me either. So it looks like we're fine with Aquaculture.

Ms. Lohman: I have a question, Mr. Chair.

Chair Axthelm: Yes, Annie?

Ms. Lohman: Betsy, has this gone through another review by the Aquaculture Committee?

Ms. Stevenson: They're going to get it as soon as we're done with it tonight, so I will send it out to them in the morning.

Chair Axthelm: All right, so let's move on to the next section, which is the Boating Facilities and Related Structures and Uses. So again, let's start with Applicability and When Allowed. So, Martha, if you'd like to start.

Ms. Rose: What page is that?

Chair Axthelm: Oh, that's on page 12, 14.26.420. Oh, you have to get used to that! Page 12. Martha, if you do have comments we can continue on – or we'll continue on down, but if you do have comments we can come back to that.

Ms. Rose: Okay. That's up to you.

Chair Axthelm: So, Tammy, if you'd like to –

Ms. Candler: Are we going through the first two, you said?

Chair Axthelm: With Applicability and When Allowed.

Ms. Candler: I don't have anything there.

Chair Axthelm: Okay.

Ms. Mitchell: The one question I had would be on page 13, (b)(iii), "overwater homes and floating homes, including liveaboards, which are prohibited." And we had a similar section last time, Betsy, that you were going to see how it compared with the language that was already in place. Yeah, I think it was the Shoreline Management already had some language about liveaboards and floating and that kind of thing, and this was similar language. I was just wondering if we had a – if this would follow the same way that it did last week or not. I mean, do we need any definition for it or not – for liveaboards and that kind of stuff?

Ms. Stevenson: Okay.

Ms. Candler: Can I make mine?

Chair Axthelm: Yeah, go ahead.

Ms. Candler: Actually, wasn't it that we're not sure that liveaboards are completely prohibited, so are we trying to take the comma out or are we saying – I think we need to not say that they're prohibited if we're going to change the other section to say if the marina has facilities and that kind of thing.

Ms. Stevenson: Okay, just to be consistent.

Ms. Candler: Yeah.

Ms. Mitchell: Thank you.

Ms. Stevenson: Thank you. That helps me, too. I wasn't quite tracking. Okay.

Ms. Mitchell: Thanks a lot, Betsy. I wish I had been more clear.

Ms. Stevenson: Well, I'm trying so I appreciate the help too.

Chair Axthelm: Okay. Annie?

Ms. Lohman: No, mine was about liveaboards as well, and it's already covered.

Chair Axthelm: Okay. Tim?

Mr. Raschko: No comments.

Chair Axthelm: And Hollie.

Ms. Del Vecchio: I'll just add my recollection from last meeting, was that I think it is *new* overwater homes and floating water homes that were prohibited. And I would agree we just need to make sure that we're consistent with whatever we said last time. But if that helps, I think that was the discussion last time. And I think somebody just mentioned marinas. I'm assuming that these overwater and floating homes would be anything, you know, *existing* – floating homes that were outside of marinas since marinas are specifically included here. But, yeah, I think my – just so we're consistent.

Chair Axthelm: Is that clear enough, Betsy?

Ms. Stevenson: Yes.

Ms. Lohman: Nothing further.

Chair Axthelm: Okay. All right, so we can move on to the next section, which is When Allowed and, I'm sorry, Application Requirements and – let's just cover – we'll probably get through it quickly, but Application Requirements.

Mr. Pernula: What page are you on?

Chair Axthelm: Page 13. The rest of it seems to be all connected. I don't want to split that up more. So I guess the general question is, Does anybody have any comments on Application Requirements?

Mr. Raschko: I do. Under (3)(a)(ii), it mentions the bathymetry map, and I don't know what that is but I presume it's a – like a topographic map of the bottom of the water body?

Ms. Stevenson: Yes, that's correct.

Mr. Raschko: And I would guess developing one is probably not cheap, and so when it says that when the Administrative Official deems it's beneficial for the review, that sounds like, you know, this might be a good idea. And then whether it actually is or not could be a hardship to whoever the applicant is as far as cost goes. So I just wonder if there's a tighter way of defining when such a thing would be needed besides somebody's opinion.

Ms. Stevenson: It's kind of a – I think we want to leave it sort of flexible because there are a lot of times when a lot of the things that are allowed in this section you wouldn't necessarily need to do that. But really that information is pretty readily available.

Mr. Raschko: Is it?

Ms. Stevenson: Yeah.

Mr. Raschko: There are public maps?

Ms. Stevenson: It's like a topo map basically for land, but it's on the water. And some of these things, if you have like a high density or a marina facility over the water, you may want to ask for that just to see what's going to happen and what's going to happen to the water quality or the bottom sediments and that sort of thing, if that makes sense. It wouldn't be all the time. It's just sometimes. We didn't want to require them all the time because we understand, but I would flip that around the other way. We want to reserve the right to require it but we don't want to require it for everything.

Mr. Raschko: Well, I wasn't aware that something as detailed as it might need to be would be readily available.

Ms. Stevenson: Yeah. I think it is. You know, I can show you places where we have that information just like a topo USGS map – a topo map for the land. And usually that would probably be good enough, unless you're actually putting something down into the water that we need to make sure will flush or do something like that.

Mr. Raschko: Okay. Thank you.

Ms. Stevenson: Good question. Thank you.

Chair Axthelm: Okay, any other questions or comments on that section?

Ms. Mitchell: Pass.

Chair Axthelm: Okay, seeing none, let's go ahead and move on to the next section, the Development Standards. So this is a big section so for the sake of not getting lost I think we should break it down a little bit. Any suggestions on where to stop?

Ms. Mitchell: How about stopping at Docks?

Chair Axthelm: At Docks? Page?

Ms. Mitchell: If you stop at Docks, top of page 15, that covers the first full page plus.

Chair Axthelm: Okay, so as we go down the line, comments through Docks on the top of 15. So, Martha? Or no, I'm sorry. I should start down at the other end of the line first with Amy.

Ms. Hughes: No. No comment.

Chair Axthelm: Okay, Hollie?

Ms. Del Vecchio: No.

Chair Axthelm: And that's all the way through page 15 – through 14 up to Docks on page 15. Tim?

Mr. Raschko: Nothing.

Chair Axthelm: Okay. Annie?

Ms. Lohman: No.

Ms. Mitchell: I've got nothing. Thank you.

Ms. Candler: I don't have anything.

Ms. Rose: Nothing at this time.

Chair Axthelm: Okay. So all right, so let's go to Docks on page 15, through the figure on page 16. Okay. Should we start with Martha?

Ms. Rose: So I'm still trying to get up to speed and I haven't read this whole document, but in discussing how you want development to happen on any of these things, it seems like it's pretty well thought out but, again, I haven't read it so I think I should read it more when I go home and then rely on the comment period to make more comments. But one thing I want to throw out right now is is there any consideration for, like, lighting and a requirement for dark sky fixtures – if people know what that is, yes. And if that's in here and if it wants to be in here. I don't know. I'm just throwing it out there.

Chair Axthelm: Betsy?

Ms. Mitchell: She's nodding her head.

Ms. Stevenson: That's a good point and I think we did address it under some of the aesthetic information under the General Provisions, and I can look and let you know. Because that wasn't something – yeah.

Ms. Rose: It seems like on the shoreline it's even more important than some areas, right?

Chair Axthelm: Okay, any other comments?

(silence)

Chair Axthelm: Okay, so let's move on down to Tammy. We're still coming down this way on the Docks, yeah.

Ms. Candler: I don't have anything.

Ms. Mitchell: I've got a general question. Page 15 under number (iii), Preference for joint use, (B). The gist of it is "For all new residential development or two or more waterfront dwelling units or subdivisions or other divisions of land, only joint-use or community docks are allowed." When it says "only," that's pretty definitive. Are there cases where somebody could make their case for not to be – where the County would allow that? Just like you would under the commercial and industrial?

Ms. Stevenson: So I'm sorry. I was writing. You're at (b)(iii). Which one under –

Ms. Mitchell: Number (iii), Preference of joint use, on page 15.

Ms. Stevenson: And then which one under that?

Ms. Mitchell: (B).

Ms. Stevenson: Okay.

Ms. Mitchell: It's where it's basically calling for only joint use. Is there any wiggle room?

Ms. Mitchell: That's in the guidelines, so we can take note if you want to have something else but I'm not sure that it was going to be something that we can do, if that makes sense. It is spelled out in the guidelines.

Ms. Mitchell: Okay. I'd just like to throw it out if anybody else has an opinion on something like that. I just remembered when we were doing the commercial and industry things there was a way for them to make a case if something was different – or if this was just going to be hard and dry from here on out.

Chair Axthelm: Does the guidelines use the term “preferred” or “allowed”?

Ms. Mitchell: Yeah.

Chair Axthelm: I thought I remember seeing that being “preferred.”

Ms. Stevenson: For that specific type of use, though, I don't think so.

Ms. Mitchell: Okay.

Ms. Stevenson: So I put a note there that you have a concern and I'll look and make sure.

Ms. Mitchell: Only from the standpoint is that when we do something so hard and fast there's oftentimes really good exceptions, and if they need to it could make the case. I'd like for that to be able to happen.

Ms. Stevenson: Yeah, this is a scenario where you're either subdividing your property or it's all new, so there should be a way to design that feature into the proposal and I think that's what they're getting at. And we don't have the problem up here so much as they do in more heavily populated and dense areas where you see a dock at every single spot around a lake or, you know, some of those sorts of things, and that's what that is reflective of. So I think the language is pretty specific there but I will double-check and make sure and make note of your concern, which I have.

Ms. Mitchell: Yeah. The background that I have is spending a lot of years in Minnesota where lakes were very important, and one of the prime thing for families and others were to be able to use their lakefront properties and their docks and everything else. And oftentimes some of the larger parcels were divided into smaller ones with other families, \_\_\_ still family members. And so it's just along those lines where I'd have a concern if we made it so hard and dry that they couldn't do that.

Ms. Stevenson: So for existing lots, we do ask that they try to share if they can, if it's feasible. But if they're creating as part of a land division of so many units, it's supposed to be a community shared facility. I mean, that is how the guidelines are written.

Ms. Mitchell: I guess the question – when – let's say that it's a large area and they are subdividing but it's within a family. Does that count as that or not? I don't know the nuances.

Ms. Stevenson: Yeah. No, I mean, when we do a land division, even if it is within a family it doesn't – it could be sold, it could be \_\_\_. But I will double-check and make sure that the language is quite strong there, and if there is some room for an adjustment we'll do that.

Ms. Mitchell: Thank you.

Ms. Rose: Can I comment on that?

Chair Axthelm: Yeah. Go ahead, Martha.

Ms. Rose: Well, there's probably a variance process – isn't there? – that could be used if that hardship came up. I mean, is there some sort of blanket – you know? I don't know what the –

Ms. Stevenson: Usually not to code language. It's usually to your setbacks or heights or your dimensional kinds of standards –

Ms. Rose: I see.

Ms. Stevenson: – rather than it says something in the code – Oh, I want a variance so that I don't have to do what it says in the code. Does that make sense?

Ms. Rose: Yes.

Ms. Stevenson: Okay. So this one would kind of be sort of iffy at that \_\_\_\_.

Ms. Rose: This one wouldn't qualify.

Ms. Stevenson: Probably not in this specific case.

Ms. Rose: Okay, thanks for clarifying.

Ms. Mitchell: Thank you. That's all I have.

Chair Axthelm: Okay. Annie?

Ms. Lohman: To clarify this, Betsy, the guidelines you're referring to, those were the DOE guidance guidelines?

Ms. Stevenson: Yes.

Ms. Lohman: And I thought that the get-out-of-jail-free card was in (C), but apparently not, and so I'm envisioning maybe an undeveloped lot – they haven't done anything with it but it's already platted and existing. Would they be able to put in a dock?

Ms. Stevenson: Yes. That would be under (C). If it's an existing lot and they're looking to do it, then they have to at least talk to their neighbors and see if it's feasible to do a joint-use dock or share but, if not, then found to be infeasible then they would still be allowed to build their dock unless there was some other – something else going on.

Chair Axthelm: Okay, Tim?

Mr. Raschko: I have a continuation of the joint dock thing. If you go to (iv)(B), it designates that no more than .75 boats per unit is allowed, which means somebody can't have their boat, and so that would put you right back in the other one looking for a way to develop your own dock maybe. I just don't understand why you need the limitation, particularly when below you can have guest moorage.

Ms. Mitchell: This came up last time.

Ms. Stevenson: Yeah, it came up last time. We've discussed it on several occasions, and how big are people's boats and all that sort of thing. I think it's to limit a community dock to a certain size so it doesn't turn into a marina and kick it up to the next threshold. But you're right and I don't know that we found that language – I mean that .75 – I'm not sure. I think that came from the original document and I think we could go back and look and revisit that.

Mr. Raschko: Well, I can understand the reason to want to limit it, but allowing one per unit seems to be a better option to me.

Ms. Stevenson: Yeah, and maybe one per unit with a certain length or something like that –

Mr. Raschko: Sure.

Ms. Stevenson: – so that you do have a size. Does that make sense? Okay, we'll work on that. Thank you.

Chair Axthelm: Okay. Hollie?

Ms. Del Vecchio: So on the same note – community dock – if we're switching to more of the idea to keep it to a certain length and other than saying that the community dock can be no longer than whatever, we're using – if you look back at the definition of "community dock," that also applies to a public park or recreation area. So just to make sure that if we're switching to a different type of measurement that whatever we're saying also applies to those other uses. If we want it to, if it makes sense, or if we don't want it to we say that we don't want it to.

Ms. Stevenson: Good point.

Ms. Del Vecchio: And I'm going to go back to Docks, number (i). It says "Docks are allowed only for water-dependent uses or public access. A dock associated with a single-family residence is a water-dependent use provided that it is designed" in such a way. So it just seems kind of circular, and I'm not quite sure what the purpose here is. Are we saying that – because a single-family residence is not going to be a water-dependent use under our definitions, right? So is this now saying that if you have a dock you *become* a water-dependent use? Or why are we singling out –

Ms. Stevenson: The dock *is* the water-dependent use.

Ms. Del Vecchio: So we ought to start off, though, by saying docks are allowed only for water-dependent uses.

Ms. Lohman: Mm-hmm.

Ms. Del Vecchio: But a single-family residence is not a water-dependent use.

Ms. Stevenson: A dock associated with a single-family residence is a water-dependent use.

Ms. Del Vecchio: Okay, but – okay.

Chair Axthelm: So they're allowing it.

Ms. Del Vecchio: Okay, so it's basically – so I just want to make sure that I understand what's written. So basically what we're saying is docks are allowed only for water-dependent uses or public access, unless you are a single-family residence and then you can have a dock.

Ms. Stevenson: Yeah, that's what we're saying.

Ms. Del Vecchio: Okay. Okay.

Ms. Rose: So I think that the way to address that would be to call it an accessory use – no? Okay.

Ms. Mitchell: You're making the scary face. What is it?

Ms. Rose: That would be a term that's used fairly frequently when talking about something that's not the primary use, which is the single-family residence. But like a garage is an accessory to a house. A dock would be an accessory, much like a garage would be.

Ms. Stevenson: I think you're going to run into more problems if you do it that way. I'll just say it that way. I think the way it's worded here is the best way to keep it clear and consistent with the state laws so that it does give people who have a single-family residence on their property a right to build a dock easier. Because you can get into some snags with accessory uses and things. There's a different standard, if that makes sense. So if that's okay, I'd like to just leave it the way it's worded.

Ms. Rose: Thank you.

Ms. Del Vecchio: Can you – what is the code reference? Where are we pulling that from?

Ms. Stevenson: I think it talks about docks being related under substantial developments and what would not be considered a substantial development but would be an exemption from those, to start with – under RCW 90.58.030, I think it is (3)(e), item number 7 is kind of where it starts, if that makes sense, and it kind of talks about when docks would be considered exempt. And then I think there's additional language in the guidelines.

Ms. Del Vecchio: Okay, thank you. And I can keep looking for it while we go on.

Ms. Stevenson: Okay. Okay.

Chair Axthelm: Amy?

Ms. Hughes: This is a pretty easy one for you. Is this all new language for our county?

Ms. Stevenson: Yes, the Boating Facility section is probably one of the most – it came to you last because it was very difficult. We had to consider single-family residences, the community docks, the commercial – all of it, kind of – and try to sort it through some of the marinas, some of the mooring buoys. It's – it was really hard to – we rewrote it and reorganized it several different times and still were scratching our heads. Even the state is like, Yeah, do the best you can with it because it's tough. What I foresee doing with this now once we get it the way that we can use it and it's sort of understandable is preparing a bit of a guide or a handbook just on this portion of it – for: If you have a single-family residence and you want to build a dock, here's the stuff that you kind of need to look at and what our standards are – and pulling it out of here, because it has to cover all of it, but we don't use very much of it very often, if that makes sense. It usually is for a single-family residence more than anything. Maybe with the economy turning around we may get some more land divisions that we would have some community access and docks and things, but we haven't had any of those for a while either.

Ms. Hughes: So it's going to be a shift in the community as far as the way things are done.

Ms. Stevenson: Not necessarily that so much. It's just I'm not sure we've changed the standards as much in terms of what you can build than what we have now. There's just more information in there, if that – I don't know. Maybe I'm not answering that very well. We are asking people to see if they can't share a dock with their neighbor before they can just come in and get a permit. But if it's shown to be infeasible or the neighbor just says, No, we're not interested, then we move forward. That's just one of the things that we're kind of required to circle back around with now that we didn't do that before.

Ms. Hughes: Okay. Thank you.

Chair Axthelm: Okay. I would like to make a comment on this one, is that the – here in the first section for (b) under Docks, (i), you have a dock associated with a single-family residence, but then down below you're requiring a shared dock for two residences. And the concern I have is that with your property access or your public access, it doesn't establish the community dock or the public access until four units. So it seems like it's the discrepancy there between those. I think I'd rather see, if they're requiring the shared docks, it shouldn't happen until four units. You could *encourage* a community dock but I just – I have a hard time seeing that as a requirement because it seems like it's almost in conflict to the four units for public access.

Ms. Stevenson: Okay, gotcha. It took me a minute, but I'm with you now. Okay.

Chair Axthelm: I'm tying it to public access but yet it really – it goes the same way because you share two properties – yeah, okay, you can share a driveway between properties like you share a dock, and maybe there are issues. Okay.

Ms. Stevenson: Yeah. I will go back – I understand what you're saying and your concern and it's similar to what Kathy was saying but you're taking it one step further to try to make it consistent with the Public Access section that talked about four or more, and the cutoff was five. You can have four or fewer and do one thing, and five or more you had to do something different. So I've got that and I'll go take a look at that and see what we can do with that, if that makes sense. I'm trying to figure out the language here.

Chair Axthelm: Yeah. It would still be good to encourage it. I understand that principle, because the less docks it's a nicer shoreline.

Ms. Stevenson: Okay. Yes.

Chair Axthelm: Any other comments for the Docks – or for the Docks section?

Ms. Lohman: Yes. Yes, I do. Betsy, when you're talking about docks, are you strictly – I mean, somebody might have a floatplane and need a dock. I mean – and so I'm concerned about – and it might be on a marine water versus a little pond, and so I'm concerned about as problematic as calling out the \_\_\_\_\_ if you try to figure out a length. I'm not sure that's going to give you a remedy that's smoother than saying everybody gets three-quarters of a boat. I can see a slippery slope.

Chair Axthelm: I can see this being hard because also you've got its applicability because you have – you know, a boat on a river is a lot different than a boat on a lake versus a boat on the ocean, and the length varies quite a bit.

Ms. Candler: Are floatplanes allowed outright there?

Chair Axthelm: Betsy, isn't floatplanes and the dock situation addressed in another section? I think we had that in the last one.

Ms. Stevenson: I think it was. I think it's under Transportation.

Ms. Del Vecchio: And float planes are included in the definition under Docks. It says "Dock – meaning structures generally built to provide moorage for watercraft or floatplanes or water-oriented recreation use."

Chair Axthelm: We might want to make – because I remember there was reference to docks in there – make sure they don't conflict.

Ms. Stevenson: Okay.

Chair Axthelm: Let's see. We went through the illustration, so any other comments for the docks through the illustration on page 16?

(silence)

Chair Axthelm: Okay. Just cover the matrix, Standards for docks, on page 17 and 18. Let's start with \_\_\_\_ – with Amy?

Ms. Hughes: No comment.

Ms. Del Vecchio: No. No comment.

Chair Axthelm: Hollie, Tim?

Mr. Raschko: No comment.

Chair Axthelm: Annie?

Ms. Lohman: Yes, I have something. At the top of page 18 where it talks about other – it talks about other uses and it has boat and watercraft lifts. And I'm asking the question, Why are they

not permitted in marine waters? And I think about Skyline has a lift and that's saltwater. So I'm asking the question, Why is it not allowed?

Ms. Stevenson: The things that we're thinking of are the individual boat lifts, not necessarily the haul-out type of lifts that you're talking about, if that makes sense. I'm not sure I can specifically answer your question there.

Chair Axthelm: Are you talking the air ones that they fill up and they lift the boat up in the air out of the water?

Ms. Stevenson: Yeah. Or they're just a little – even they can be powered or they can be a hand crank where you drive your boat up onto it and it's a little bit of a frame and then you just crank it up so it's up out of the water.

Ms. Lohman: Oh, I guess I didn't – I know nothing about those so – I thought you meant like the big thing like at Skyline.

Ms. Stevenson: Yeah. Right, right. This would just be more for an individual on their dock.

Ms. Lohman: Maybe we should clarify the terminology so that we don't accidentally prohibit something we want.

Ms. Stevenson: Exactly. Exactly. Right, right. No, that's a good point.

Ms. Mitchell: I was just glad to see you add in under Commercial, Industry and Docks on the chart "as demonstrated by needs analysis." Thank you – from what it had been before.

Chair Axthelm: Tammy?

Ms. Candler: I noticed that where you indicated that – earlier in here – that where the matrix and the code seemed to be inconsistent, the individual code section applies. Can you think of an example where that's the case? You don't have to, but I'm just – is that designed because some of the matrix is too general –

Ms. Stevenson: Exactly. Exactly.

Ms. Candler: – for very, very, very specific purposes? Okay. All right. That's what I thought. Okay. I think that's all I have on that part.

Chair Axthelm: Okay, Martha?

Ms. Rose: I have no comments. Thank you.

Chair Axthelm: I think the only comment I have would go along with that boat lift. It says "Maximum one free-standing boatlift and two personal watercraft lifts per dwelling unit," yet in the docks it limits to .75 boats.

Ms. Mitchell: Good call.

Chair Axthelm: Okay, I don't have any more comments there. Anything else to follow up?

Ms. Lohman: So, Josh, what do you want them to do on that?

Chair Axthelm: No, I was just – it seems like it's more a conflict between the two. That's where I think the other one should actually just – instead of .75, say one.

Ms. Lohman: Yeah, I agree. Can we make a recommendation that we change it to one then?

Ms. Mitchell: That'd be nice.

Ms. Stevenson: So one per rather than a length or something?

Ms. Lohman: Yeah.

Ms. Stevenson: You want to do that?

Ms. Lohman: Is that what everybody thinks?

Ms. Mitchell: Back on page 16, is there anybody up here that's pro (B)?

Ms. Lohman: Because we keep chasing it around and we really haven't offered anything.

Ms. Mitchell: I thought you were going to do one boat plus length.

Ms. Lohman: And I brought up I thought length was a slippery slope. How do you decide?

Ms. Mitchell: Oh, that's right.

Ms. Del Vecchio: So what's the proposal? Is there a proposal?

Ms. Lohman: Just 1. One.

Ms. Candler: Instead of .75.

Ms. Mitchell: One whole boat instead of –

Ms. Del Vecchio: No, I understand. I guess I'm wondering – I'm still concerned about, well, to some people a boat might be a 15-foot; other people it's going to be a 50-foot. Without having *any* kind of dimensions there, what kind of boat are we talking about? There's a *big* range.

Ms. Rose: I think if it's a 15-foot boat, you're not even going to know about it because they're going to pick it up out of the water and bring it into their house.

Ms. Del Vecchio: Not necessarily. I mean, there're some 15-, 18-foot sailboats that I'm not going to be bringing into my house. You know, I would want that at a dock. And somebody else might want their 50-foot powerboat there. I'm not saying they shouldn't be allowed. I'm just saying those are going to result in very dramatically different dock lengths.

Ms. Mitchell: Well, here's one of the things that we probably ought to think about while we're making *any* kind of recommendations. One of the things that the state says is they recommend and encourage recreation and use of the waters and everything else that's out there for the natural resources, and yet we're limiting something like this pretty strictly. So the question is is

how to balance this. And I do think we need some input from some people that really know and use boats. I can't speak to it intelligently. I just know what I've seen from friends.

Chair Axthelm: \_\_\_ hopefully with the hearings that \_\_\_\_.

Ms. Mitchell: I hope that'll hope but we can lay down some basics. I mean, I've got friends that have floatplanes that use them responsibly, and most boaters and most plane people are responsible. They don't want to churn up the water and create a problem and havoc. And so if we can lay a foundation – of course the public's going to come back with other kinds of things, but it seems like at least one whole boat with lengths to be determined – I don't know.

Ms. Del Vecchio: I would like to know what the underlying – what is the underlying goal here? Is there a statute that we're trying to implement? Is there – what was the driving force behind this restriction at all?

Ms. Mitchell: That's a good question. Was there specific language, Betsy? Do you remember?

Ms. Stevenson: Yeah, that's kind of what I said when we started. I think this actually came out of the original draft that was prepared and we talked about it when we had it to you before and we just really didn't know how to change it. And not to jump ahead, but on page 17 there is a maximum length allowed for community docks so I think that we've covered at least that portion of it, but where the .75 – you know, what the justification for that was I don't know. So changing that to 1 would probably make sense –

Ms. Mitchell: It does.

Ms. Del Vecchio: Or if there's already a length –

Ms. Stevenson: Yeah, there is.

Ms. Del Vecchio: – restriction, then do we even need –

Ms. Mitchell: To say it.

Ms. Del Vecchio: Yeah.

Ms. Stevenson: Good question.

Mr. Raschko: But in the definition, it says the “minimum capable of accommodating the intended use...”

Ms. Stevenson: Right.

Mr. Raschko: So you have to know what your need is before you can get your length.

Ms. Stevenson: Right. Is it a community dock, like you said, to serve the public facility? Because there are different things that we're including. It's not just for a residential development.

Ms. Candler: But that language is. That language specifically says per residential unit that shares a legal interest.

Ms. Lohman: Yeah.

Ms. Candler: That was just – that (B) that we’re debating does specifically say “per residential unit that shares a legal interest,” so I think that one is very specific. It wouldn’t really apply to a public scenario.

Ms. Stevenson: Right. Right.

Ms. Del Vecchio: So to get back to the original question, yes, I’m fine with changing .75 to 1.

Ms. Candler: I think most of us are. Is there anybody who isn’t?

Chair Axthelm: Does everybody agree with that one? Who’s in favor of having that?

Ms. Mitchell, Ms. Lohman, Ms. Hughes, Ms. Candler, Mr. Raschko, Chair Axthelm, Ms. Del Vecchio and Ms. Rose: Aye.

Ms. Stevenson: I pretty much got that already but thank you for making it official. I’d like to commend you on how this is working. This is great. It’s very helpful to do it this way so thank you for your help on that. I appreciate it.

Chair Axthelm: Okay. So any more thoughts – we can start at Launch Ramps, and any other comments before that?

Ms. Del Vecchio: What have we gone up to?

Ms. Mitchell: Page 15.

Chair Axthelm: We’ve gone through the matrix so – okay, so Launch Ramps and – let’s cover Launch Ramps and Marinas. Does that work? Okay, so let’s go ahead and start down here with Martha.

Ms. Rose: I have no comments right now.

Chair Axthelm: Any comments for Launch Ramps and Marinas? Okay. Tammy?

Ms. Candler: I don’t have anything on that.

Chair Axthelm: Okay. Kathy?

Ms. Mitchell: You’re doing Marina wrapped over onto page 19 then – the whole section? Okay, then that question – page 19, under Marianas, number (vi), “All pipes, plumbing, wires, and cables at a marina must be placed at or below” the ground level or dock levels. I’m just curious. It’s different from language before. I don’t know anything about construction on something like this. There must be a good reason for that. Do you know what it is?

Ms. Stevenson: Because before I think it just said “at or below ground level” and we added “dock level” – yes? Is that what you’re saying?

Ms. Mitchell: Yeah, I don’t know.

Ms. Stevenson: You said the language is changed.

Ms. Mitchell: Yeah, yeah. There was something like – there was something about it being – is it just a slightly thing, or is there really a –

Ms. Stevenson: Yes, and ordinarily they will attach any kind of utilities to the underside of the dock.

Ms. Mitchell: Ah, okay.

Ms. Stevenson: So just – you don't necessarily want plumbing and electricity and all that thing – all those things up above.

Ms. Mitchell: Okay. Thank you.

Ms. Stevenson: I can't imagine trying to navigate a boat through areas where all that – there's enough things to run into without hitting the utilities, too. So that's pretty standard practice.

Ms. Mitchell: Thank you.

Chair Axthelm: Okay, anything else? Annie?

Ms. Lohman: No.

Chair Axthelm: Tim?

Mr. Raschko: I just had a small thing on page 19 under (iv), where it talks about disposing of oil and hazardous products and having a spill response plan. Is it beyond the scope of this to require spill kits and \_\_\_?

Ms. Stevenson: No, I don't think so.

Mr. Raschko: Okay.

Ms. Stevenson: Would you like to add that?

Mr. Raschko: I think it'd be a good idea.

Ms. Stevenson: Okay. Okay.

Ms. Mitchell: Could anybody tell us what that entails, or explain it?

Mr. Raschko: Well, a lot of industrial places are required to have things that are pertinent to the type of work they do, but like if you break a hydraulic hose you have to have certain matting-type products in the cab of the machine that you can mop it up with. I think in a spill kit on a marina you'd probably want some booms. They're small that you can just put around the spill to contain it.

Ms. Mitchell: Thank you.

Ms. Rose: Well, under number – wait – (iv) – it says the marina “must provide fail-safe facilities and procedures...as well as a spill response plan...” I see, and that’s where you want the kit.

Mr. Raschko: Right. You can have all these plans but if you don’t have any tools –

Ms. Rose: (unintelligible)

Chair Axthelm: Make sure you hold that microphone closer.

Ms. Rose: I was just coming to light here, that the kit would be required under number (iv) as well as the response plan.

Ms. Stevenson: Right. Right.

Chair Axthelm: Mm-hmm.

Ms. Stevenson: Right.

Ms. Rose: Yeah.

Chair Axthelm: Okay. Okay, Hollie?

Ms. Del Vecchio: Yes, very top of page 19 under marinas – what marinas must provide is the “restrooms available 24 hours a day for use by any patron of the marina facility.” Are we saying that the marinas cannot lock their restrooms? Okay.

Ms. Stevenson: No.

Ms. Del Vecchio: So “any patron” doesn’t mean any guest. Because my – I’m just – I spent a lot of time in marinas growing up and you always had keys to the restrooms and so is that – I’m assuming that is still the case.

Ms. Stevenson: Yes.

Ms. Del Vecchio: So you just need to be visiting somebody who has a key so that you can go and use the restrooms rather than pay.

Ms. Stevenson: Not providing public access to the restrooms necessarily. They would be locked, I assume.

Ms. Del Vecchio: I was just anticipating that might cause quite the uproar if that’s what we were saying. So thank you.

Chair Axthelm: Amy?

Ms. Hughes: Nothing further.

Chair Axthelm: Okay, so that definition, like, of restrooms, you take a smaller marina that only has more or less a dock, it may still be defined as a marina. Are they going to be required to put in full restrooms or could they put in a port-a-potty?

Ms. Stevenson: No, I don't think we'd necessarily want a port-a-potty, and a marina is kind of defined as something bigger than just a dock where you –

Chair Axthelm: No, I understand. I'm asking – well, I guess I should just ask the question: Should we have a definition there of a bathroom or – instead of just port-a-potties? Because somebody may actually just say, Well, I've got bathrooms. Their port-a-potties are there.

Ms. Stevenson: I don't think we would consider port-a-potties as restrooms necessarily. I think we're assuming they're hooked up to an approved system.

Ms. Del Vecchio: I think the key there is more in the definition of "marina" than the definition of "restroom." That a marina is going to be more than just a dock. So under the very – if you go back to the beginning, Applicability, it defines "marina."

Chair Axthelm: Oh! Okay, there we go.

Ms. Del Vecchio: So I'm not just making this stuff up, folks!

(laughter)

Ms. Stevenson: I like that line! I'm going to start using it. Thank you very much.

Chair Axthelm: I guess that was my question. Sometimes, you know, marinas could be small.

Ms. Candler: What page is that – do you know?

Ms. Lohman: 12.

Ms. Del Vecchio: What? Page 12. I mean, it is still fairly loose but there's – you know, "a facility that provides storage (wet or dry), launch areas, supplies, and services..."

Ms. Candler: Can you say where you're in?

Ms. Del Vecchio: It's about the middle of the page, (iii), so (1)(a)(iii), Marina.

Ms. Stevenson: Page 12, under Applicability.

Chair Axthelm: So it doesn't give an amount.

Ms. Del Vecchio: No. It does – at the very end, it does also say "Moorage facilities for recreational subdivisions that provide no other services besides moorage are considered community docks." So there's not a minimum. I don't think it's defined by the number of slips but, rather, by the provision of additional services and launch ramps and \_\_\_.

Ms. Candler: I'm not seeing the connection to the outhouse reference, though.

Chair Axthelm: No, I was just asking because they had the bathroom \_\_\_.

Ms. Del Vecchio: The original question was if you just – if you have a dock, are you now going to be required to provide restroom facilities?

Ms. Rose: So my question is, if you're required to provide restroom facilities and you don't have access to sewer or can't put in a septic system because you're close to the water, does the County allow, like, the use of composting toilets as an alternate to a port-a-potty? Because they've gotten very sophisticated with these and it's probably the best choice to use in that application.

Ms. Stevenson: I would consider that a restroom facility, even if it is a composting toilet. I would.

Ms. Rose: No need to spell that out, but if somebody presented it that would be a \_\_\_\_.

Ms. Stevenson: I think so. I think that would be a possibility.

Ms. Rose: Okay.

Ms. Stevenson: Or if the soils are really horrible in that area or something but it's a great location for a marina or something. Because there aren't that many in the county anymore. Most of the places that were sited as potential marina facilities have either been developed or there aren't that many left. But if the soils are really bad and there is no access to sewer, I think that would be an option to consider, you know.

Chair Axthelm: Okay, that was all of my comments, so if there's nothing more for that, we go into Moorage. And let's do Moorage and Moorage (sic) buoys. There's a lot of sections here. Okay, start with Amy.

Ms. Hughes: Nothing.

Chair Axthelm: Hollie?

Ms. Del Vecchio: Which section did we say we're going on through? Sorry.

Chair Axthelm: Page 19, Moorage, and Moorage (sic) buoys on page 20.

Ms. Del Vecchio: I thought I had something under buoys. Can you come back to me briefly again? Sorry.

Chair Axthelm: Mm-hmm. Yeah, yeah. I'll catch you at the end. That's fine. Tim?

Mr. Raschko: Nothing.

Ms. Mitchell: Nothing.

Chair Axthelm: Annie, nothing? Okay. All right.

Ms. Mitchell: I have just a question. Betsy, any idea on page 20, under Mooring buoys, number (i): "A private mooring buoy may secure no more than two vessels." Just why would that be? I don't have any idea.

Ms. Stevenson: Most of them really aren't designed to hold many more than two, and if you just keep at – run into some problems something –

Ms. Mitchell: Accidents happen, right?

Ms. Stevenson: Yeah, kind of.

Ms. Mitchell: Okay, thank you. That's all I have. Go ahead.

Chair Axthelm: Okay, Tammy?

Ms. Candler: I don't have anything.

Chair Axthelm: Okay, and Martha?

Ms. Rose: I don't have anything.

Chair Axthelm: So, Hollie, you're on.

Ms. Del Vecchio: Kathy's question raised something for me. Do we have provisions in here for the – I'm completely forgetting what they're called, but the floating docks that are not connected to land.

Ms. Stevenson: Recreational floats.

Ms. Del Vecchio: Is that what – the recreational floats – that is what we're talking about, with the recreational float is the –

Ms. Stevenson: Yes.

Ms. Del Vecchio: Okay. Okay. And I did see that in there. Thank you. I remember my question for under Mooring buoys – so (ii)(C), "Private mooring buoys may not be placed in a location that would interfere with access to private or public property." What if it's interfering with access to their *own* property? Is that – I mean, if it's my buoy and my property –

Ms. Mitchell: Right. Why should somebody else say?

Ms. Del Vecchio: Right. I'm just wondering – are we meaning you can't interfere with access to somebody *else's* private property? Can we just put the other – I mean, I don't know why you would –

Ms. Lohman: It wouldn't be interfering if it was your own.

Ms. Del Vecchio: Well, I think some people could make the argument that it is if they don't really – really don't want you to put a dock there.

Ms. Mitchell: I was going to say it depends on what your neighbors are like.

Ms. Del Vecchio: Yeah, yeah. I'm assuming that that's not the intent, and it seems like a pretty easy –

Ms. Candler: Unless it's a fire department issue type of thing. I don't know. Or is this designed more for, like, public services, fire department coming from the water side? Is that –

Ms. Stevenson: No, I think a lot of times the location of the mooring buoy may or may not actually be on private property. It could be still DNR-held state aquatic lands, so you're going to need a lease. So we were trying to protect, if you happened to need a lease from DNR for the area that you're going to put your mooring buoy, that you're making sure that you're not impacting other either public uses in the area or private property rights basically. But there are times, if you have a small boat, that you're just either rowing out or it's a little boat with very little draft, that it is still on property that you own that's adjacent to your upland property. So if you're asking us to make that distinction a little bit – I mean, I guess I would assume that if you own it you aren't interfering with your own property, but if there's –

Ms. Del Vecchio: That would be my assumption as well.

Ms. Stevenson: If you have a way to say that better while still protecting everybody else's private property rights, send it to me.

Ms. Del Vecchio: Would that interfere with access to neighboring private properties or – would you like me to come up with some \_\_\_\_\_?

Ms. Stevenson: If you think of something, e-mail it to me; otherwise, because we get in trouble when we say "adjacent" or "nearby" – all those words that are kind of nebulous. So if you can think of something please send it to me, but I will make note that.

Ms. Del Vecchio: It's okay to interfere with your own rights.

Ms. Stevenson: Well, maybe we need to protect each other from ourselves sometimes, too. I don't know – yeah, okay.

Ms. Del Vecchio: And that was all I had, Josh.

Chair Axthelm: Okay. Any other comments from anyone?

(silence)

Chair Axthelm: Okay, so let's move on to Pilings and Recreational Floats. Start with Martha.

Ms. Rose: Maybe come back to me. I don't have any comments right now.

Chair Axthelm: Okay. Tammy?

Ms. Candler: I don't have anything on Pilings.

Chair Axthelm: Kathy?

Ms. Mitchell: Did you say Pilings *and* Recreational Floats, or just Pilings sections?

Chair Axthelm: Do Pilings and Recreational Floats.

Ms. Mitchell: Okay, that's what I thought. All right, under Recreational Floats on page 21, number (iii)(B) – it's towards the bottom. It says "Individual recreational floats are only allowed if the applicant can demonstrate that all other reasonable community or joint-use options have been investigated and found infeasible." I'm only raising that because it's along similar lines that

we've talked about before. That can be somewhat limiting and I'm not sure how you demonstrate what's reasonable. That's tricky, isn't it?

Ms. Stevenson: Yeah, I think it goes back to the talk-to-your-neighbors. If you guys can share something, that's great. If you show us that that's not going to work out for whatever reason, then it's not a requirement. So we just want you to go through the process.

Ms. Mitchell: So if somebody were to come to you on something like that, there is a set process that you'd expect them to go through then.

Ms. Stevenson: Yeah. We'd like to at least know that they tried to do that and give us something, you know, in writing, to that effect. There are places, like I said, where if it's still state-owned \_\_\_, somebody who doesn't own upland property could request a lease from DNR to put something out there. So this kind of protects some of the landowners, too – that they just don't get these random floats put in or, you know, some other things.

Ms. Mitchell: Right. Right. Thank you.

Ms. Stevenson: Yeah.

Chair Axthelm: Okay.

Ms. Mitchell: That's all.

Chair Axthelm: Annie?

Ms. Lohman: No.

Chair Axthelm: Tim?

Mr. Raschko: No.

Chair Axthelm: Hollie?

Ms. Del Vecchio: (h) (i), "Except for floats that are part of a pier or dock, floats used primarily for moorage are prohibited." So what else are we using these floats for?

Ms. Stevenson: A lot of time it's more like a swim – you get to swim out there or you're water skiing from that point, it's a party place where you get dropped off and you sit there in your lawn chairs but you're offshore or that sort of thing but you can – does that make sense? Sometimes they have those –

Chair Axthelm: Couldn't you consider that a dock?

Ms. Stevenson: No, because it's not attached to – it's just out there by itself and the float portion of a dock is defined differently. That's kind of what that says. I don't know if you've seen those big inflatable things that people jump off of or that have slides into the water. I think that would be considered a recreational float, too – if you've seen those.

Ms. Del Vecchio: Okay, so this would be different then than what I was just referring to a few minutes ago of the actual dock that is not attached to the land. So you were just talking floats, not docks, so not anything that is used for boats.

Ms. Stevenson: I mean, it could be temporary that you tie your boat up there, but it shouldn't be used specifically for moorage so you could be out there for a while.

Chair Axthelm: So I think by definition – I'm not looking at the definitions, but a dock is something accessible from the shore. A float is out in the middle with not direct access from the shore. So you could have a dock that floats –

Ms. Del Vecchio: No, apparently not.

Chair Axthelm: – and it's still considered a dock.

Ms. Lohman: I think you need to go back to page 12 and review.

Chair Axthelm: Let's review that definition and make sure.

Ms. Lohman: Page 12. This is the page with all the definitions.

Chair Axthelm: So "dock" means "structures generally built from the shore and extending over the water to provide moorage," so, yeah, that's what I'm saying – it's from the shore, accessible from the shore in that case. But then you go down to "recreational float" and it means "a platform" or "structure, not part of a dock, that is anchored for water recreational purposes such as swimming or...skiing." Now that one doesn't differentiate it saying that it's not connected to the shore, but that's basically, I think, what it's intending, right?

Ms. Stevenson: Well, I think it does when it says it's not part of a dock just by the definition of what a dock is.

Chair Axthelm: Yeah.

Ms. Rose: I have a comment about – on page 20, under Pilings (g) and where it's talking about – in (B) – it's talking about pilings must not be treated with various chemicals and stuff. So I like that there's a sentence in there that says "Preferred pilings are constructed of steel, concrete, plastic, or untreated wood," but I feel like maybe it should be more – the language should be maybe instead of "preferred" – I don't know if you can mandate because how would you ever verify what pilings were actually used? If somebody said, Well, I bought these pilings that aren't the ones that have the pentachlorophenol in them or the creosote. They're these other ones. How would you ever enforce it? And so – I'm just asking. I'm not really sure. I feel like that's a little bit of a dilemma as a builder, and I've done only a few piers or – you know – or docks in my life. I don't remember what we used. But I do know that it's hard to document and hard to keep track of this stuff. So if it – it may be too extreme to say it *must* be constructed of steel, concrete, plastic, or untreated wood. And then you know, because it's easy to identify those things. That might be – I know – I'm –

Ms. Stevenson: There may be new technology that comes along that we're not aware of that is a new water-friendly – you know, some sort of preservative that you could use so then we could be limiting the ability of them to use that because it wouldn't – so I think we're trying to stay away from the really nasty stuff.

Ms. Rose: Right. All right, so I just had to raise that to make sure that – it sounds like you've thought it through pretty much.

Ms. Stevenson: Well, and you're right. It *is* hard. There are a lot of things that we have as regulations that can be very difficult to enforce. When people come in and apply for something they need to kind of show us their design and the materials that they're going to be using and making sure that those aren't the materials that they're going to use. Like, Oh, hey, there's somebody dismantling a dock down there. We're just going to use their old piling. Well, no, you're not. They're creosote. That sort of thing. I hate to limit it to certain things because, like I said, there is new technology coming along all the time in terms of things that can be used in a water application that might not be what we're saying there. Does that make sense?

Ms. Rose: So maybe add a – or maybe instead of – maybe – I don't know. Maybe it doesn't belong in this, but something that asks for the, you know, specs that verify. You know, whatever they use that it has to be verifiable or something.

Ms. Candler: Can I ask a question? I'm assuming that this process is like when you build a house there's an inspection that's almost at every step. So I would think it would actually be fairly easy to verify, other than people who are just doing it under the table completely.

Chair Axthelm: Did we get our previous question answered as far as the definitions? Are we okay with the recreational float and dock definitions?

Ms. Del Vecchio: Oh, is that going back to me?

Chair Axthelm: I guess so. I didn't want to forget about that one.

Ms. Del Vecchio: No, thank you. Thank you. And what I'm actually thinking of doesn't actually fall probably within either of those, which is why I'm having trouble. And maybe it's more the use of the pilings, feeling the side tie systems relates to more boats without using as much –

Ms. Stevenson: You're rafting the boats?

Ms. Del Vecchio: Yes. And it's used more with pilings, and I guess you don't actually have a – there's not a dock, but a way of mooring boats with less – I think less of an impact. It would be for smaller boats but probably less expensive. Yeah, I'm just wondering if there's a way in here – if there's anything in here that allows for something like that.

Ms. Rose: Mr. Chair? \_\_\_\_\_.

Ms. Del Vecchio: Okay.

Chair Axthelm: Okay. We're kind of bouncing around it.

Ms. Rose: The answer's on page 20 (C), or 20 (ii).

Ms. Candler: And I think an additional answer is that these are building standards rather than application standards. So they're telling you, I think, how you're allowed to build it not how you're allowed to use it.

Ms. Del Vecchio: Okay, and that helps. Because I know, I mean, you can use a piling to moor a boat but that's different than using multiple pilings to tie up multiple boats. But that makes sense, if that really is what this \_\_\_.

Ms. Lohman: But isn't this scenario that you're laying out kind of a temporary thing for an event maybe? It's not going to be a long-term – I would not think it would be – and it would be pretty – it's not going to be like it's going to occur everywhere.

Ms. Del Vecchio: No, no, no, and marinas use it. I don't know if I would say *often*, but I know in Bellingham Bay it has some year-round moorage for using the side tie system with pilings. So it is –

Ms. Lohman: Yeah, but wouldn't that because of – wouldn't it fall under the marina umbrella then – your scenario at Bellingham?

Ms. Del Vecchio: I guess I don't know. I'm having a hard time seeing that it – and maybe, you know, it's not restricted so, okay, then bring the proposal. But, yeah, I just – I'm trying to see how something like that would fit in here and I don't see where it necessarily fits. But maybe that just means it's not restricted.

Ms. Lohman: But aren't we talking about structures? We're not really talking about the boats themselves.

Ms. Stevenson: Except where we do specifically limit the number in certain situations, I guess, if that makes sense. So I would kind of go back to a comment that Tammy made that these are sort of the construction standards and there were a couple lines in there about the mooring buoys where you were only supposed to have two per mooring buoy. There may be times when people do more than that, but if it becomes a problem or an issue, if the boats are small enough it's probably better to have more of them side-tie kind of situation if it's strong enough to hold, if the boats are small enough and then all of them individually anchoring in that area. So it does make sense and it could be less of an impact, so without language that would either specifically say that you can or you can't I think we would evaluate that. I would assume it would be more temporary. I think the marinas do things a little differently and if they have space they allow people to side-tie, you know. I've had to walk across a whole bunch of boats to get out, you know, just because, Hey, we're full this weekend. It's the 4<sup>th</sup> of July! So sure, we'll –

Ms. Del Vecchio: Which is different than a system, though. That's different than what I'm talking about. I mean, yeah, you can tie up as many boats as you want for your 4<sup>th</sup> of July or whatever. But I'm talking about the natural system that can be more affordable and less intrusive than some of the other systems. And maybe if it's something that makes sense, specifically referencing it in here might actually be helpful.

Ms. Stevenson: Yeah, okay.

Ms. Candler: Can I make another comment, Chairman?

Chair Axthelm: Yeah, just wait. Are you done, Tammy?

Ms. Del Vecchio: I'm Hollie but, yeah. \_\_\_ – no, I'm just kidding! Yeah, and it's not a big deal. I'm just throwing it out there. It seems like a pretty reasonable alternative if it fits for the situation. But I'm not – I don't feel overly strongly one way or the other.

Chair Axthelm: Okay, Tammy?

Ms. Candler: So it seems like as far as a development standard you'd want to propose standards that maybe have buoys that are, you know, strong enough to hold more. But I think part of the problem with doing something like that is that I think that the County doesn't want to get into a situation where they allow a string of boats without some way of inspecting or looking at that. Because part of this is designed to protect, of course, the fish underneath. They don't want that much shade and so they don't want to just have a string of boats that's not able to be dealt with in the code. That's what I think. Does that make sense?

Ms. Del Vecchio: My response to that would be then, Okay, let's deal with it in the code. Because if you're talking about a string of boats lined up together, that's no different than a dock, which is a lot more intrusive, I think, in some situations. So if it's a matter of all right, if we're going to allow for this, let's make sure it's done properly, then let's put it in the code. But – and maybe I'm – I can bring pictures. Pictures would help! But it's not just a temporary, let's-tie-up-as-many-boats-as-we-can-to-a-single-buoy. I mean, it's an actual system for mooring boats.

Ms. Candler: Are they like – would they even require a construction, I guess is my question. Because if you're tying one to land and you want to string it out, that's not a construction issue really, I don't think.

Ms. Del Vecchio: No, and that's not what I'm talking about though.

Ms. Candler: Okay.

Ms. Del Vecchio: You would have – there's pilings, there's – I mean, it's a structure.

Ms. Stevenson: If you have photos, that would be very helpful and maybe it even describes what it is so we can do some research and figure out what to call it and how it fits. That would be great.

Ms. Del Vecchio: Okay.

Chair Axthelm: And we don't have to solve it all right now. Okay, so now down? Are we working that way? Okay, Amy?

Ms. Hughes: I have nothing more.

Chair Axthelm: Okay, and I don't have anything more. It was already discussed. Okay, so let's move on to Mitigation – or anybody else? Any other comment on Recreational Floats?

(silence)

Chair Axthelm: Okay. So Mitigation, page 21 through 22. Let's start with Amy.

Ms. Hughes: Nothing.

Chair Axthelm: Hollie?

Ms. Del Vecchio: Nope.

Chair Axthelm: Tim?

Mr. Raschko: Nothing.

Ms. Lohman: Nothing.

Ms. Mitchell: Nothing.

Chair Axthelm: Kathy – Tammy?

Ms. Candler: Nothing.

Chair Axthelm: Okay, good. Okay, let's go on to the next section, page 23, 14.26.445 Forest Practices.

Ms. Stevenson: So I think the last time you had this we didn't have a quorum of Planning Commission members but several members of the Forest Advisory Board came to the meeting so we had a pretty good discussion with them about what we did. So we haven't made substantial changes since that time but since we really didn't act on it at all as a body or a group we brought it back to you, so have at it. How's that?

Chair Axthelm: So let's look at Applicability and When allowed. Or do we want – actually the whole section is two pages. Let's just do the whole section, okay? And start with Martha.

Ms. Rose: Not yet.

Ms. Mitchell: Can we start with Tim?

Chair Axthelm: Probably a good one!

Ms. Mitchell: Seriously.

Mr. Raschko: Well, seriously I'm – I don't know what to say now. You said that FAB members put this together but –

Ms. Stevenson: Well, no. We had a discussion. I'm not saying they put it together.

Mr. Raschko: First of all, I have to say that I'm not familiar with this stuff, these documents. And I was able to follow through most sections but this one's got me confused. And mainly in the Applicability it has (a), (i) through (viii). Is the intent to regulate those items as a minimum? And coupled with that – and this is just within the shorelines?

Ms. Stevenson: It's just within the shorelines. I think what we're trying to do is help define what all is encompassed under this section at least of what forest practices include, and we've listed them out there.

Mr. Raschko: So it's more of a definition?

Ms. Stevenson: Yes.

Mr. Raschko: Okay, then having said that, why are those selected out differentially from those in (b)(i) and (b)(ii), if they're just examples? I guess what I infer is that the first bunch are going to be treated differently than the others.

Ms. Stevenson: The ones in (b) would be the ones that we wouldn't consider as forest practices. Yes? I'm not sure.

Mr. Raschko: Okay.

Ms. Stevenson: It applies to these things but it wouldn't apply to the things under (b).

Ms. Mitchell: Excuse me, Betsy. Could you go a little closer to the microphone please?

Ms. Stevenson: I'm sorry – yes. Thank you!

Mr. Raschko: I'm not criticizing this. I'm just trying to understand –

Ms. Stevenson: No, no, no, I'm trying to answer your question so I'm not trying to –

Mr. Raschko: I'm trying to figure out – the intent is to regulate what happens within the shoreline, the 200 feet –

Ms. Stevenson: Yes.

Mr. Raschko: – within the – okay. So one question I have is whether if there is a proposed forest practice and it encompasses the area outside the shoreline as well as the area within the shoreline, are they regulated similarly or do you apply the regular state regs to the part that's outside of the 200 feet?

Ms. Stevenson: When you're talking about the regular state regs I'm assuming that you're talking about 76.09 of the RCW or whatever –

Mr. Raschko: Right. Forest practice rules and regs.

Ms. Stevenson: Forest practices for the rules.

Mr. Raschko: Yeah.

Ms. Stevenson: Basically pretty much what we tried to say here is if you're not converting, then you will be doing it in accordance with the forest practice rules.

Mr. Raschko: Even within the 200 feet?

Ms. Stevenson: Right. And really the only standard that I'm aware of is what's in our existing code that talks about timber cutting within shorelines of statewide significance – that you can only take 30% of the timber over a ten-year period.

Mr. Raschko: Right, and that's straight out of there.

Ms. Stevenson: And you know that and it's always been there and I think your TFW agreements may be even more stringent than that.

Mr. Raschko: Well, actually it's the same wording.

Ms. Stevenson: Okay, okay.

Mr. Raschko: So I'm fine with that.

Ms. Stevenson: So I'm not sure I'm answering your questions.

Mr. Raschko: Well, no, no. It's just what I got out of this looking at it is basically that's all you're saying, is if it's within a shoreline of statewide significance you apply that part of the state reg.

Ms. Stevenson: Right.

Mr. Raschko: And forest practices likely to convert, that's a general one. That's anywhere, isn't it? Not just the shorelines.

Ms. Stevenson: Yes.

Mr. Raschko: And everything else. So basically that's all, and all the other verbiage is sort of superfluous. Okay.

Ms. Stevenson: Yeah. But basically that's the gist and the meat of it. In situations where there would be a conversion where the County would have more of the review authority over the state in that scenario where you're not going to replant or do any of that and it's going to convert to a different use than timber harvest and management. Under that scenario any of these things under the Applicability that might be happening is part of that. We would have review authority, and in the state-recommended guidelines they ask that we require shoreline conditional use permit. The FAB was not real happy about that so we are moving this forward without trying to require that.

Mr. Raschko: That's nice.

Ms. Stevenson: So we don't know what Ecology will do with that but we'll see. And I'm sure that our Ecology person usually listens to these so he's hearing this and he knows that. We've talked to him about it. So that may or may not fly, but the Advisory Board was adamant about that – that if we meet the standards of the state guidelines, why should we have to get a shoreline permit? And I kind of get that, even though it would be a County standard in terms of the conversion, but I sort of agree with them so we're going to just see what happens with that.

Mr. Raschko: Okay. Well, the only thing I'd recommend is in the Applicability under (a), growth, building, harvesting – fertilization is, you know, throwing a chemical out on the ground – preventing and suppressing diseases probably involves chemicals – salvaging trees, brush control – those are all things you need to regulate, you need a permit for. But I would strike out that pre-commercial thinning and reforestation because it('s) basically harmless and of low impact. And the tree planting's required anyway by law.

Ms. Lohman: Do you recommend striking (iii) and (iv)?

Mr. Raschko: Yes.

Chair Axthelm: Okay, any other comments?

Ms. Mitchell: I've got one.

Ms. Lohman: I have one, too.

Ms. Rose: I have one.

Chair Axthelm: Let's start back up at the beginning. Martha?

Ms. Rose: So when you were talking a minute ago about exempting for change of use on the shoreline permit – is that how you worded it? – are conditional. Let's see, you were talking about when forest practices – on page 24, number (3)(a) – when they convert to non-forest uses, what did you – can you clarify again or repeat what you said a minute ago about Ecology wanting a shoreline permit for that but building into this an exemption for that?

Ms. Stevenson: We would probably do shoreline review on that but they wanted a conditional use permit, so we are not proposing that at this point, I guess is what I would say.

Ms. Rose: So my only question about that is, Is that for any size of project? Is that for like a small project or a very large one, or is there some threshold at which it might be appropriate to say for over a certain size a conditional use permit is required? Just a question.

Ms. Stevenson: Yeah. That \_\_\_\_\_

Ms. Rose: That would be the compromise position. You know, if Ecology's going to come back and say, No, we don't like your wording here. But, at any rate, I don't know what that size would be. It's just a thought. That's all I have.

Chair Axthelm: Tammy?

Ms. Candler: I don't have anything.

Ms. Mitchell: One thing to ask Betsy – on page 24 under Development standards, (4)(a) number (ii).

Ms. Stevenson: Just a second. Okay.

Ms. Mitchell: It says WAC 222 (Forest Practices Rules). I looked up WAC 222 and it says Forest Practice Board.

Ms. Stevenson: Okay, so it's probably – is it 222-16? Is that right? I'm asking Tim. I'd have to look it up.

Mr. Raschko: I don't know the WAC number.

Ms. Stevenson: Is it 222-16?

Mr. Raschko: Are you asking me?

Ms. Stevenson: For the Forest Practice Rules – yeah.

Mr. Raschko: You know, I'm embarrassed to say I don't know.

Ms. Stevenson: You don't know? Okay. I think it is, but we'll fix that.

Ms. Mitchell: I just want to make sure you had the right one.

Ms. Stevenson: Yeah, okay.

Chair Axthelm: Anything else, Kathy?

Ms. Mitchell: Oh, I'm sorry. No, that's it. Thank you.

Chair Axthelm: Okay. Annie?

Ms. Lohman: I reviewed from the last time this was up and one thing that did come up was a suggestion that we make sure that the Industrial Forestlands don't get designated as natural, and the WAC cited was 173-26-211. And if there is any – I mean, there is going to be some, but the predominant Industrial Forest we want to keep it all in the rural conservancy, if we can. And if there is some then it would be a conditional use in the natural areas. Is that right?

Ms. Stevenson: We still have it listed as a substantial development or as an exemption under natural.

Ms. Lohman: So we would have just a substantial development permit?

Ms. Stevenson: Or an exemption, yes.

Ms. Lohman: Okay. But I remember the discussion. I wasn't at that meeting but I listened to it on tape and the concern was making sure that we didn't put Industrial in natural if we could avoid it.

Ms. Stevenson: Yeah, part of the problem is kind of some of the definitions and things, but we can certainly take a look at those areas that may have been and see if there's some conflict there – just to look, if that makes sense. Because some of the natural areas are that way because of something pretty special.

Ms. Lohman: It may be unavoidable.

Ms. Stevenson: Yeah.

Ms. Lohman: In certain circumstances. I don't think you can just say, We're going to do it 100%.

Ms. Stevenson: In those areas that was designated natural, in most it would be a stream or a river so it would only probably be 200 feet back from the water, which you are probably required to have at least that big of a buffer perhaps now under your existing regulations. I can take a closer look at that and just see, and identify those areas that may be designated as natural that are also Industrial Forest areas and just see what that looks like.

Chair Axthelm: Anything more, Annie?

Ms. Lohman: No.

Chair Axthelm: And Tim, anything additional? Hollie?

Ms. Del Vecchio: It would be just the WAC reference to the Forest Practices Rules – I think the reference is correct. It looks like it should be Forest Practices *Board* Rules. It's the rules of the Forest Practices Board.

Ms. Stevenson: Okay.

Ms. Del Vecchio: That's all I've got.

Ms. Stevenson: Okay, thank you.

Chair Axthelm: Amy?

Ms. Hughes: Nothing.

Chair Axthelm: The only comment that I had was forest practices, it may seem like they're circumventing the process but – for forest practices – but realistically they are having to go through the Department of Ecology on a state level, right?

Mr. Raschko: Who is?

Chair Axthelm: Forest practices.

Mr. Raschko: No.

Ms. Stevenson: It's through DNR, Department of Natural Resources.

Chair Axthelm: But they still have some requirements they're having to meet for shorelines. They're not – so, I mean, it's not like they're basically – but it's already been reviewed so instead of going through it a second time.

Ms. Lohman: Isn't it a redundancy, and that's why you're jumping back to the rule?

Ms. Stevenson: The FAB feels like they do what they need to do and another permit for the sake of another permit – they question that, basically. They think that they're doing what's required. They've been involved with the state agencies, the tribes, other people in their timber, fish, and wildlife agreement for years, and that's how they have done business, and the members who were here felt very strongly about that. If you can show us some outcome of requiring us to get a shoreline permit that isn't covered by one of the other permits or one of the other processes that we have to go through, then we might feel a little differently, but we don't think that it adds much value to the process.

Mr. Raschko: In fact, just recently the state changed the requirements. It used to be for hydraulic approvals you had to go through Department of Ecology and they went to a one-permit system just under the DNR just to avoid that.

Chair Axthelm: But they probably already went through the – or approved some of it through the Department of Ecology.

Mr. Raschko: Well, when they came up with the rules and everything, Ecology had their input, but they are no longer part of that process.

Ms. Stevenson: That's right. Thank you.

Chair Axthelm: Now if they could do that with more things, that would be great!

Ms. Stevenson: We're not done yet, so we'll see.

Chair Axthelm: No, as far as permitting not having to circumvent – you know, go through them again. Okay, any other comments for Forest Practice? Okay, so next section is on page 25 and 26, Recreational Development. And let's cover that section as a whole and start with Amy.

Ms. Hughes: Nothing.

Chair Axthelm: Hollie.

Ms. Del Vecchio: A couple of things: So I guess my – what's jumping out at me here is golf courses, which I will admit I do not golf so I might have a certain amount of – some people could disagree with me here! But if we're trying to encourage, you know, the protection of the shoreline areas, public access – that's kind of our goals here – I don't – I'm not – I'm raising the question of whether calling out golf courses is the appropriate use there. I mean, I guess they are very water-intensive so being close to the water makes – I don't know. But anyway it just doesn't seem like the most accessible thing for a lot of people, as well.

And then for (b) under Applicability, "This section does not apply to second home subdivisions of land..." What are we talking – what is this?

Ms. Stevenson: We had that same discussion. I don't know that our land division code differentiates any more between first –

Ms. Del Vecchio: I mean, my second home could be somebody else's \_\_\_\_\_ have any second home.

Ms. Stevenson: Exactly, exactly.

Ms. Del Vecchio: But my second home could be somebody else's first home so to treat those differently I just \_\_\_\_\_. I don't get what that's getting at here.

Ms. Mitchell: So you're saying why say it at all? Is that what you mean?

Ms. Del Vecchio: Well, I guess I was wondering what the purpose – I'm not going to say don't say it until I know why we're saying it to begin with, but the second home portion of it at least – I mean, it doesn't make sense to me. Either you've got a subdivision of land or not so –

Ms. Rose: Are you saying strike the word "second"?

Ms. Del Vecchio: I mean, unless there's a reason.

Ms. Rose: That's what makes sense. It makes sense just to \_\_\_\_\_.

Ms. Del Vecchio: Yeah, it makes sense. I want to make sure that that still complies with whatever we're trying to achieve here.

Ms. Stevenson: Because if you strike that then it just becomes residential development which would be covered under Residential Development, so I guess we are allowing for some – there are times when we allow for recreational subdivisions that are designed for camping and pretty minimal facilities and kinds of things.

Ms. Del Vecchio: And that is an actual separate zone, right?

Ms. Stevenson: Yeah. I'm not sure that our code still – in terms of our land division code that it would still do that. Because we do have a lot of those lots that we did years and years ago that were really small that were never intended to be built on. People are trying to build on them or have built on them and they just aren't designed to have water or a septic system or anything like that. So I mean we could probably strike the second home subdivision perhaps out of it completely and then that would make it residential development and they would have to follow that standard rather than – if that's what you're saying – rather than putting something in here that would give people a sense that, Oh, hey, maybe you can still do some sort of a recreational development that's different and doesn't have to meet all the requirements.

Ms. Del Vecchio: So as long as we know that we can't do that anymore and if the recreational – I don't want that to be a loophole then if recreational subdivision is not covered under residential, which I don't know if that's the case or not, because my recollection is that recreational you can't – that doesn't provide for year-around living.

Ms. Stevenson: Right. And then go back to Martha's question of, How do you enforce that?

Ms. Del Vecchio: Right – which is a different conversation. Yes.

Ms. Stevenson: Exactly.

Ms. Del Vecchio: So what I want to do is not include – if recreational subdivisions, or whatever they're called, still exist and we take them out of here and they also aren't covered under residential use, then what are they covered by? So I think it depends on the answer to the question of whether or not that actually still exists.

Ms. Stevenson: Right.

Ms. Del Vecchio: If it does exist and is not covered under residential then we probably want to have it in here. But otherwise we can take it all out.

Mr. Raschko: How would you define the Cascade River Estates?

Ms. Stevenson: Cascade River Park?

Mr. Raschko: River – whatever it is.

Ms. Stevenson: Good question.

Mr. Raschko: Yeah, Lake Tyee is. Does that fit what you're talking about as second home subdivisions?

Ms. Stevenson: I think it started out that way but a lot of people have retired to Cascade River Park. That's their primary residence. Lake Tyee, I think, is more a recreational situation but it's a different animal definitely the way it was developed with their circular lots and everything, too, But it was definitely designed as just a place to go.

Mr. Raschko: \_\_\_ your trailer.

Ms. Stevenson: Yeah, or if you can find a round trailer or a small enough one that'll fit in your circle, yeah. So there are places that have them but I guess I would ask you guys how do you feel about into the future allowing more of that, or if it is allowed under our land division code if it makes specific reference, and I'll have to look. I'm not sure. If it makes specific reference to that and treats it differently, then something that you would require all the facilities and infrastructure and everything for it. I don't know that we do that anymore. So I'll have to check. I guess if we do, would you like to leave it in here as recreational development and if we don't we just delete it out and then it's a residential land division? It's just a land division for residential purposes. Does that make sense?

Ms. Del Vecchio: That makes sense to me, and then we can save for another day the conversation of whether those make sense.

Ms. Stevenson: Okay.

Mr. Raschko: Strike it.

Ms. Del Vecchio: Strike it if they don't currently exist.

Ms. Lohman: So what are you striking? Just the word "second" or the whole line?

Ms. Stevenson: Just the whole thing.

Mr. Pernula: "Second home subdivisions of land."

Chair Axthelm: Not to pipe in, but I would think that you could – if you wanted to add a definition to the second home subdivision it would fall underneath the resorts or motels or hotels definition.

Ms. Stevenson: I don't think so.

Chair Axthelm: You don't think?

Ms. Stevenson: No.

Chair Axthelm: Where did we stop at anyway? Okay, go ahead.

Ms. Candler: To me – maybe I'm missing some major point here, but I don't think that language matters as much as the overall point of the paragraph is that any uses associated with those things are what's involved here. So whether we define it or we don't the point is just that all

these incidental uses around that are what's being talked about in this section. So that's my two cents.

Chair Axthelm: Okay, I lost track. Where are we at? Are we at Tim?

Mr. Raschko: Well, have we finished this point?

Ms. Del Vecchio: I voiced my – I'm done.

Ms. Lohman: So does the Commission have a recommendation then? Are we – did we decide what we want to do with that?

Ms. Mitchell: I thought Hollie asked to see if it still exists and then Betsy was going to check on that. Right? And then if it still exists, you leave it in. If it doesn't, then it gets stricken.

Ms. Stevenson: Yeah, if we make the differentiation in our land division code – which I don't know that we do. I'm sorry. I'm just not that up on it. I don't do that stuff much – and there is some allowance for some sort of recreational lot creations and that sort of thing that don't have to provide all the infrastructure, then I think we agreed that maybe we would leave it here so that – if it's covered, and if there isn't anything in the subdivision or land division section of the code that differentiates those specifically, then we would take it out and it would just be handled under residential development. I'm guessing that's the case, but I want to double-check and make sure. Does that make sense?

Chair Axthelm: Is there any objection from the Commission on that?

Ms. Lohman: Nope.

Ms. Stevenson: Does it make sense?

Ms. Mitchell: Makes sense.

Ms. Stevenson: Okay.

Chair Axthelm: Okay.

Ms. Stevenson: All right. Thank you.

Chair Axthelm: Thank you. So, Tim?

Mr. Raschko: Nothing.

Ms. Lohman: I didn't see anything.

Ms. Mitchell: We're doing the whole Recreational section, right?

Chair Axthelm: Yes, the whole Recreational section.

Ms. Mitchell: So on page 26 – Betsy, forgive me if you've covered this in the past – on page 26 under (d) Fertilizers, pesticides, and herbicides, number (i) – talking about leaving a 25-foot swath. What I can't remember was were there or were there not certain aquatic chemicals that

are allowed to be used under situations where this wouldn't make sense or not, because they would be held to a certain standard on those – is that right?

Ms. Stevenson: Yes. Maybe we're not making it clear enough – "...unless another" best management practice, which is BMP, "achieving equivalent results can be incorporated or near-shore or waterward application" – so that would be the in-water application – "is deemed necessary and applied consistent with manufacturer specifications." Does that –

Ms. Mitchell: It's all right.

Ms. Stevenson: Does that answer that maybe?

Ms. Mitchell: Yep, that's \_\_\_. Go ahead.

Chair Axthelm: Okay. Tammy?

Ms. Candler: My question is about on page 25, (2)(b)(i). On (2)(b)(i), we're in a recreational development standards chapter and this paragraph about recreational motor vehicles seems to be not about development. It seems to be about use. And I would like to know where that comes from and why it's in this section. Did that – do you recall – did this come from a – are we using something else or did we come up with this ourselves?

Ms. Stevenson: That's a good question. This section, I guess, under Part IV that we've been going through the last couple of times, does apply to both uses and development or modifications, so sometimes it's hard to separate the two. So help me understand then.

Ms. Candler: Okay, so my concern is the actual language itself, I think. I don't know why we're – I mean, this isn't – I'm picturing somebody riding, like, say a quad around and they're riding around and you're telling them they – it seems appropriate to tell them they can't build a road as in (ii), you know, through a critical area. But this seems to be saying they can't ride their quad across their yard. I don't know. That doesn't seem desirable or necessary to me. Is that – was that the intention? I don't understand. I don't know why we would want to limit recreational vehicles to that extent. That doesn't seem like what we'd want to do.

Ms. Stevenson: In shoreline areas?

Ms. Candler: Yeah. You know, maybe there's hard pan or something – I don't know. Do we – is that really what the plan is is that you can't do any of that?

Ms. Mitchell: Let me give you a for instance. On a lot of our areas and terrains, people use things like the gators and those kind of things and do cleanup and, you know, hauling away debris, blackberries – you know, the normal kind of maintenance type work that you would do and that's what they're used for. They're not necessarily running around and tearing up the earth. So this would preclude something like that.

Ms. Rose: A lawnmower even, it seems like. I thought there was – I don't know where I saw it, but in reading just a few minutes ago I thought I saw there was an exception for vehicles for maintenance and stuff like that.

Ms. Stevenson: I would say that it doesn't apply to that just based on the Applicability and what we're calling Recreational Development. Somebody using a quad or using a gator or whatever to get around their property and do work or maintenance isn't Recreational Development.

Chair Axthelm: Well, even residential use – this is talking about Recreational Development itself. It's not talking about residential use. So a single-family, residential use could use that.

Ms. Del Vecchio: This is more the stay-on-the-trails type.

Ms. Stevenson: Right.

Ms. Rose: What I read into this is that it's saying that you can't get a permission to build a – well, without a – you can't just randomly, yeah, go out there and all get on your all-terrain vehicles and scream around the shoreline, which *does* do a lot of damage and *does* wreak havoc, so that's what I read into this.

Ms. Stevenson: That was the intention. And we have had those situations.

Ms. Rose: And maybe, you know, in a way I suppose codes like this are sort of educational because some people might not understand how much damage those things do and some shoreline areas might be more sensitive than others. But I would say shorelines are more sensitive than just about anywhere else, as a rule. There might be some exceptions. At any rate, I didn't see any reason why that should come out.

Chair Axthelm: Kathy, you had another comment?

Ms. Mitchell: Yeah. I understand what you're saying. I also understand what Tammy's saying. In certain areas, depending – one person's recreation is another person's work. You know, somebody could see somebody going along doing something – let's say far enough away they can't really see what they're doing, yet they want to turn them in saying, Hey, look at them being rowdy, running around. And so here's the question is how do you define which, and so I understand that people can come back and say that they have certain uses they'd like to do, but the way I was reading it – the same way as Commissioner Candler was – is this would be restrictive enough, unless there's other words to put in there – it reads like you can't, you know, use the gators or anything like that anyway. Is that – am I not reading it right?

Ms. Stevenson: I don't know. I'd still go back to (1)(a): "This section applies to 'recreational development,' meaning modification of the natural or existing environment to accommodate recreation, including land clearing, earth modifications, structures, and other facilities such as parks, camps, campgrounds, camping clubs, golf courses, and other outdoor recreation areas." So it's limited to that sort of facility.

Chair Axthelm: So this is not regulating single-family use. This is not regulating your farm or anything. This is regulating specifically recreational development, not recreational use.

Ms. Stevenson: Right.

Ms. Lohman: But doesn't it say in (b)(i) you can tear around in the development itself?

Ms. Rose: But the development is – wouldn't the development be located outside of the buffer of the shoreline?

Ms. Stevenson: We'd like to hope so. And this is new development.

Ms. Rose: And so if you ride your all-terrain vehicle around the development that's probably okay.

Ms. Stevenson: If you're staying on the existing trails that are designed for that sort of use then you should be fine.

Ms. Lohman: And then the second (ii), you're allowed to do maintenance so you're still allowed to use a vehicle so if you had to get in there with a tractor or something it's – I didn't see either one as being a prohibition. It just kind of confines your use, is how I read it more, where you just don't get free check – you can't just go anywhere but it kind of puts a little bit of bookends around it.

Ms. Rose: What comes to my mind is our coastlines that are along the ocean where people drive their vehicles up and down all the time and it's terrible. Now some people might say, Oh, that's great, but, you know, it's all in the eye of the beholder, I suppose.

Ms. Mitchell: It's all in the definition of who wants to do what.

Ms. Rose: Exactly.

Chair Axthelm: Okay.

Ms. Rose: I have one more comment, though, if everybody else is done.

Ms. Lohman: So what was the decision on that? We weren't changing anything, were we?

Ms. Candler: Well, my recommendation was to take it out but it sounds like everyone else wants it in, so that's what the will of the Commission is.

Chair Axthelm: Which section to take out?

Ms. Candler: (b)(i). To me it's a – it doesn't make sense in a development standard the way that it's worded.

Ms. Lohman: I think that's a tension in the shoreline thing, because it includes use and some – it almost seems sometimes it's heavy on use depending on the chapter that you're in, and maybe this is one. And at the very top on number (2) where it says When Allowed, "These uses," so it's kind of prefacing in that we're switching hats a little bit. At least that's how I read it.

Ms. Stevenson: And we're in the When it's Allowed and not the Development Standards section yet. I don't know if that helps or makes a difference either.

Ms. Candler: Right, it does help. I see what you're saying, I just don't know – I personally would want it taken out, but I don't think anyone agrees.

Mr. Raschko: I'd agree with you.

Chair Axthelm: I agree with you, too.

Mr. Raschko: Can I –

Chair Axthelm: So perhaps that's a –

Mr. Raschko: You know, you'll never see anyplace torn to pieces worse than in a forestland, and your regulations having to do with the forest in the document it doesn't say anything about four-wheelers. And even horseback riding – I go hiking on trails and where the horses are in the winter it's just terrible. You can hardly walk. So I don't know why we picked this section here to try to impose our recreational values. You know, you can go down to Cannon Beach and the people who monitor the proper use of the rocks around whatever that rock is – Haystack Rock – you know, environmental – some agency – they drive right up there in their pickup truck and set up signs all over in little visiting places. And it just seems that this type of subject can be so broad and have so many things, I don't know why we have to narrow down it right here and make statements about use of recreational vehicles.

Ms. Candler: And I can't really put my finger on a place, but I'm picturing a place where it would be desirable to go to a viewpoint. You know, maybe somebody at this resort has a tour that they do or – I don't know – something. So I don't –

Ms. Del Vecchio: \_\_\_\_\_ a road or a trail, I mean you're not going to be – it seems like most of the examples, or even the, you know, the truck going out to Haystack, I'm assuming would probably fall under approved maintenance activities. You know, an isolated drive now and then isn't going to do as much damage as I think what we're trying to prevent here.

Ms. Candler: Exactly. So that's like – so now you have to make a road to do it, as opposed to an isolated thing that's allowed.

Ms. Del Vecchio: No, this allows – or this –

Chair Axthelm: Could we change – could we add a term in there? So is it “or approved off-road areas”? Would that help? Because there are situations – if you're going to do a recreational development, let's say there're sand dunes next to it that you can use. There's not really a consistent trail but perhaps the four-wheelers could go on the sand dunes situation. So it's just “or approved” so that it doesn't just – everybody can go everywhere. There has to be an approval process for where you can go.

Ms. Mitchell: Is that better?

Ms. Stevenson: I'm not sure where you're proposing that.

Ms. Candler: \_\_\_\_ would like the flexibility to look at these areas –

Chair Axthelm: It's on When Allowed (2)(b)(i) – that section that Tammy was suggesting to take out – is that perhaps it is more restrictive and if we have, let's see –

Ms. Candler: I think the language you suggested was “or approved areas.”

Chair Axthelm: “Or approved areas” – yeah. Or “approved off-road areas” or –

Ms. Stevenson: So “developments consistent” or “developments consistent with this SMP”? You don’t think that might necessarily include that?

Ms. Candler: I would rather see it in there so that people don’t think it’s prohibited all the other.

Mr. Pernula: I think it’s there where it’s highlighted, but something could be added to make it clearer, perhaps.

Chair Axthelm: Mm-hmm. Well, there you go.

Ms. Del Vecchio: You say roads, trails, approved off-road areas, or developments consistent with this SMP?

Chair Axthelm: On roads, trails, or approved off-road – on roads, trails, comma, approved off-road areas, or developments consistent with SMP.

Ms. Mitchell: So if it’s allowing it, there may be some off-road areas where you can do that instead of prohibiting it entirely. Is that correct?

Chair Axthelm: Mm-hmm. Similar to like a beach situation where there’s not a specific trail on the beach but there is an area where you can without – you can ride your vehicles or four-wheelers or such.

Ms. Stevenson: So you would think that an off-road area would be just a beach?

Chair Axthelm: No, no, no.

Mr. Pernula: If it’s approved.

Ms. Candler: He’s just saying put the words “approved off-road area” and then another comma after trails – right?

Chair Axthelm: Yeah.

Mr. Raschko: Does this all apply *just* to the shoreline area?

Ms. Stevenson: Yes.

Chair Axthelm: Yeah.

Mr. Raschko: Okay, so you get it into the uplands you can go look around everywhere.

Ms. Stevenson: Of course. Of course.

Mr. Raschko: Then I’m fine with it.

Ms. Candler: I would like the language inserted.

Ms. Mitchell: Could we take a straw?

Chair Axthelm: Who would like that language inserted – “or approved off-road areas” – by a show of hands? One, two, three, four to three. Four to three – is that right?

(some conflicting comments about the number of approvals/disapprovals)

Ms. Mitchell: Do hands again.

Chair Axthelm: All those in favor of that. One, two – okay, so five?

Mr. Pernula: It was five.

Chair Axthelm: So just if you could add it in there. Okay, so are we okay with that then? We can move on? Or is there a better way to put it for restricting it? We don't have to have the full terminology so I think from this you understand our conflict with it.

Ms. Lohman: They're still allowed if there's development in there because you said that it was, and that's a pretty wide envelope on what that might be.

Chair Axthelm: Mm-hmm. Okay. Any other comments?

Ms. Rose: I have a –

Chair Axthelm: We've gone through everybody. Okay, Martha.

Ms. Rose: Well, on this last section that – I forgot your name – brought up about on page 26 under (d)(i), when it's talking about the fertilizers and stuff. Maybe I just am wondering why anything that's within 25 feet would require a bunch of chemicals and fertilizer, because that's really close. And even if it was 100 feet, that would be close for a waterway. I mean, our Puget Sound is 40% dead and I don't know what it's like up there but most of it's from stuff like fertilizers and pesticides. And a recreational development is not a farm usually, so I'm not sure why they would require the use of fertilizers and pesticides and herbicides. So maybe somebody can explain to me why that's in there like that.

Ms. Lohman: I can see if you had an invasive situation where you had to use some kind of aquatically-labeled product to take care of it, and this would allow you because it would be covered under –

Ms. Rose: I see. But an invasive aquatic thing is *in* the water, not 25 feet from it. Or is there a –

Ms. Lohman: Well, it might have started terrestrially and then –

Ms. Rose: I'm sorry – what's that?

Ms. Lohman: It might have started maybe in the marshy interface area.

Ms. Rose: I see. Mm-hmm.

Ms. Lohman: But I think as long as you have an approved something with a label and you're applying it according to the label directions, it's already gone through EPA and state regulations. I think that you should be allowed to do it. It's not an indiscriminate use.

Ms. Rose: Right. That's fine. I just – I would – I'm a little more cynical about labeling or, you know, some things are labeled okay that are really nasty and not okay. But that's – I'm not going to say take it out. I just wanted clarification on it.

Ms. Candler: Are you suggesting a bigger distance or \_\_\_?

Ms. Rose: So I got to sit in on a presentation done by a woman named Jennifer with Department of Ecology and she studied the effects of pollution off of roadways – granted, it wasn't this cocktail, but it was a different cocktail – on aquatic life, and, you know, there's 100% fatality if it was undiluted. And even if it was diluted a lot there was still almost 100% fatality, and then she ran it through simple filters – and that's using low-impact development techniques – and 100% of the things lived. And she did four aquatic species from salmon down to these little I-don't-know-what-they-were.

Chair Axthelm: \_\_\_\_\_. We had that presentation.

Ms. Mitchell: We had it.

Ms. Rose: Oh, did you have it too? Oh, good.

Chair Axthelm: This comes from the Department of Ecology here, doesn't it?

Ms. Rose: The 25 feet? It just seems like crazy because everything that I get from Ecology starting with the EPA on a national level is that we need to stop doing this type of thing, even when we're many, many miles from the waterways. So to see just a minimal 25-foot buffer is a little bit astonishing. But the invasive species explanation is a good one that would – I understand that one. So thank you for clarifying that.

Ms. Mitchell: I think we had the benefit of having some of the discussions in the past, and part of it was that sometimes there were situations where they wanted to have the capability to do that. It would be rare indeed, but they would have the capability to do what they needed to address it.

Ms. Rose: Yes, and that would address the herbicide, but the fertilizers and pesticides maybe it wouldn't, or maybe it would. Maybe that would also address the pesticide issue. Yep?

Chair Axthelm: But then it is addressed right there with the “unless another BMP achieving equivalent results.”

Ms. Rose: Okay.

Chair Axthelm: So they allow for it as long as you're following the best management practices.

Ms. Rose: All right, good. Thank you for the discussion.

Ms. Mitchell: It helps.

Chair Axthelm: Any other comments on that section?

(silence)

Chair Axthelm: So next section is Structural Shoreline Stabilization. Let's see – this is a big section so how would you like to break it down? Let's do – how about When Allowed. Yeah, I guess we might as well break it down. I just – I'm worried about time. Yeah, let's just go through that When Allowed.

Ms. Hughes: No comment.

Ms. Del Vecchio: No. I'm good.

Chair Axthelm: Tim?

Mr. Raschko: Nothing on that part.

Ms. Lohman: The only thing I saw was on page 27 (c)(i), where the homeowner has to have conclusive evidence. I wanted to make sure that we don't get ourselves into that situation where the Lummi Island property – or there was a court case and Whatcom County wouldn't allow a homeowner to defend their property from surf and they lost. Whatcom County had a no-you-can't kind of prohibition, and I want to make sure that we didn't follow them that way. It's the \_\_\_\_\_ case. It was finally decided in 2011.

Ms. Mitchell: What would you suggest then?

Ms. Lohman: Well, I just wanted to make sure that we didn't – that a homeowner has, if they can demonstrate definitively that they've got a problem, that they *can* defend their house.

Ms. Stevenson: Only under specific conditions, which is kind of what we put here.

Ms. Lohman: Right.

Ms. Stevenson: That has changed since the last time we worked on our Shoreline Program and those are coming from federal and state requirements.

Chair Axthelm: Okay.

Ms. Mitchell: I don't have anything. Go ahead.

Chair Axthelm: Tammy?

Ms. Candler: I don't have anything.

Chair Axthelm: And Martha?

Ms. Rose: Since I haven't had time to read this whole section, it seems like you're encouraging when something has to be done that it be cobbles or large boulders or something porous, not hard. Is that correct? It seems like your very first statement is "New hard shoreline stabilization structures are prohibited..." Is that the theme?

Ms. Stevenson: Yes.

Ms. Rose: Yeah. Okay. Then I have nothing.

Chair Axthelm: I don't have anything either. It seems like it's all driven by Department of Ecology anyway. Okay. So Application Requirements. I'm going to go ahead and start with Martha.

Ms. Rose: What page?

Chair Axthelm: Oh, I'm sorry.

Ms. Mitchell: 28, Application Requirements.

Chair Axthelm: 28. So 28, 29, and 30.

Ms. Rose: I don't have any comments.

Chair Axthelm: Up through – up to Development Standards on page 30 – not including. Nothing? Tammy?

Ms. Candler: I don't have anything.

Ms. Mitchell: Pass.

Chair Axthelm: Kathy. Annie?

Ms. Lohman: No.

Chair Axthelm: Tim?

Mr. Raschko: I just have one small thing on page 30. Under (C)(IV), just the performance standard of 100% of survival for your native vegetation. I would think that'd be just about impossible to achieve.

Chair Axthelm: Which one are you talking about? Page 30 –

Mr. Raschko: Page 30, go down to (C) and (IV) under that. It says "A performance standard of 100% survival for the first year of growth" past installation. Mm...

Ms. Lohman: I've brought that up, too, because I'm a farmer and even when you have a home run it's never 100%.

Mr. Raschko: Right. And if it makes it the first year, it's probably still going to be there three years later, so the 80% seems – it seems like they should be reversed. No, not reversed. 80% for the first year and then 100% of the survivors after three years, or 90.

Ms. Stevenson: So I think that's a good point to ask about and what we maybe need to clarify is 100% survival: If you do lose some, you're expected to replace them in the first year is what that – so if we need to make that more clear –

Several Commissioners: Yes!

Ms. Stevenson: We don't assume that 100% is going to survive, but when something happens to it in that first year you have to replace it, is what that says.

Ms. Mitchell: It needs that second sentence.

Ms. Candler: It does, because I didn't read it that way.

Ms. Stevenson: And then as you go further along, you're allowed for some of it – it goes to 80%. So we need to clarify that and make that clearer that that's what we're looking at and that's what we need you to do. Okay?

Mr. Raschko: That makes more sense.

Ms. Rose: Now are you – it looks like in number (V) of that same section you're also asking for a bond in addition to that. Is that correct?

Ms. Stevenson: Yes.

Ms. Rose: So if you don't plant the replacements, then they just take it out of your bond. That's pretty standard, even in the – you know, in an urban area nowadays. I mean, this is not shocking language to me. It doesn't seem that restrictive.

Ms. Candler: (inaudible)

Ms. Rose: Well, just the items as stating, because maybe not – I know that I've built in a couple – in King County and Seattle this – I know we're not in the big city, but these types of things are routine, even on in-city lots. Shocking, huh? So it seems like for shoreline it doesn't seem like shocking at all because the shoreline's more sensitive.

Chair Axthelm: So, Hollie?

Ms. Del Vecchio: No, nothing from me.

Chair Axthelm: Amy?

Ms. Hughes: Nothing.

Chair Axthelm: Okay. Looks good to me. So then the next portion is Development Standards on page 31 and, let's see – yeah, let's just go through page 33, up to Hard structural shoreline stabilization standards. So starting with Amy?

Ms. Hughes: Nothing.

Ms. Del Vecchio: Nothing from me.

Chair Axthelm: Hollie. Tim?

Mr. Raschko: Nothing from me.

Chair Axthelm: Annie? Kathy?

Ms. Mitchell: Nothing.

Chair Axthelm: Tammy? Martha?

Ms. Rose: Nothing.

Chair Axthelm: All right. I don't think I have anything there either. And then the last, Hard structural shoreline stabilization standards and Soft structural stabilization standards. Let's go ahead and cover both of those at the same time. Martha, if you'd start.

Ms. Rose: Not yet.

Chair Axthelm: Tammy?

Ms. Candler: Nothing.

Ms. Mitchell: Nothing.

Chair Axthelm: Annie?

Mr. Raschko: Nothing.

Chair Axthelm: Tim. Hollie?

Ms. Del Vecchio: No.

Ms. Hughes: Nothing.

Chair Axthelm: Okay. I don't see anything else.

Ms. Mitchell: Thank you for making it easy for us to go through.

Ms. Stevenson: Good work, you guys. You did a great job.

Chair Axthelm: It seems understandable.

Ms. Stevenson: That was amazing.

Chair Axthelm: Yep.

Ms. Stevenson: I was quite concerned with how this was going to go just in terms of keeping track and making sure everybody got a chance, but that was wonderful. If we do this enough, we're going to get it right! So then we can either go through the Definitions a little bit, or if you want to just use those I think Ryan did a pretty good job of putting in some of the ones that are important that we need to have defined. You should have gotten in your complete document – and some of you, I know, didn't get it, but it is online – a bigger section of Definitions where we included everything that was in the existing Master Program, things that we pulled out of the state guidelines and WACs, and we are winnowing and narrowing and trying to do some things. I will make sure that the aesthetic resources, values, and all of that stuff is somehow defined because I know that that's been a comment in several sections – that we need to make sure that that's in there. So we're in the process of pulling out things that are really important to be defined that may be different in this document than in the rest of our code, getting rid of the ones that aren't even mentioned anymore in the code because they came from the old. If we've

changed things that we've added new language, making sure that if we need a definition it's in there and that's kind of what we're working on, so this is sort of where we are right now and it's still a work in progress. So we hope to have that completed and done by Thursday so that it can be part of the package. So this is what we have so far and we will send it to you – send you a link. If you want hard copies, we can try to do that for you as well, if that's helpful to you, as it's available.

And then I know that you guys would like to be done shortly so I would just like to take a couple minutes to give you a sense of what we're trying to do with the matrix. If you'd like, I know there's a whole bunch of stuff here –

Chair Axthelm: Hold on just a second.

Ms. Stevenson: Okay.

Chair Axthelm: Would you like to take a few minutes to go through these Definitions, take a look at them, and make a few comments on them? Because it's an opportunity.

Ms. Del Vecchio: My thought is this: If we start in on the Definitions, it's going to be more than a few minutes. We are not – I mean, it's already getting late and we've got a lot of time in this room coming up. It seems – my thought is to look at the definitions as they come up rather than trying to look at them all right now out of context. Because it's actually like we're just going to be chasing down a hole.

Ms. Candler: For what it's worth, I'd rather hear from Betsy on the matrix for the time we have left.

Ms. Stevenson: Okay.

(several sounds of assent from Commissioners)

Chair Axthelm: Okay. I would like to make one general comment on the Definitions, and it's something I came across this week with definitions is that some of the definitions differ from the RCW versus shoreline or Department of Ecology. And I think, Betsy, that had to do with that property issue with ordinary high water mark, is that making sure that we aren't pulling definitions from the RCW that are conflicting with what the shoreline definition is. Because like ordinary – like in the case of ordinary high water mark is that what the shoreline determines is the ordinary high water mark is not necessarily what the state uses as their definition and if you mix those two then it changes that meaning. So I just want to make sure that if we are pulling from the RCW, that it is consistent with the state Ecology definitions.

Ms. Stevenson: So which RCW are you referring to?

Ms. Lohman: Yeah.

Ms. Stevenson: Just to – or do we need to talk about this?

Chair Axthelm: The definition of the ordinary high water mark, for example, was probably the most. That's probably the most – that's the one that I catch on. Or what is private property versus public property? And that's something I would talk to you later on but that's basically what it is, is that if those two definitions could be different. And so if the Department of Ecology's

definition is dealing with shorelines, if it's conflicting with the RCW because there's two different definitions or they're using it for two different reasons. It's hard to explain but –

Ms. Stevenson: Okay. We need to talk about that some more, okay?

Chair Axthelm: Yeah. I know there's a difference there.

Ms. Del Vecchio: I believe there are also differences, for instance, in the definition of water-dependent use, and it does come up \_\_\_. It looked like we were using the correct one, but those, yeah, there are different definitions depending on the context.

Chair Axthelm: Yeah. I don't have anything specific besides that one, but I just want to make sure we aren't just pulling from the wrong direction.

Ms. Stevenson: Okay.

Ms. Lohman: I was very glad that you did not include DOE's definition of "should."

Ms. Rose: Say that again.

Ms. Stevenson: Well, and a lot – I have to say, a lot of the things that are in the guidelines they sort of throw definitions into the discussions and we tried to pull the language out and recreate it in a way that made sense because we were pulling our hair out with some of it. So I will just throw that out right now. So they don't necessarily match what exactly are in the guidelines. When the definition is clear as far as, you know, shorelines and shorelines of the state and shorelines of statewide significance and some of that, and the water-dependent, water-oriented, water-related – all those things – we used those as they were. But some of it is just – was wild. So we tried to capture what their intention was, we hope, but make it a little clearer so that it was workable and usable for us. So we may be able to keep it; we may not. So if you see things that don't make sense regardless – you don't have to go try to find it and see what it says – you can just say, This isn't clear to me or, you know, whatever else. But, Josh, we need to talk some more because I'm not exactly sure that I do know what you're talking about at this point, so let's talk about it, okay?

Chair Axthelm: I do have some documents on it. I just didn't have a chance to get you beforehand.

Ms. Stevenson: Right. Yeah, yeah, yeah. No, that's fine. We still have lots of time. And I don't mean that about tonight – just before this is done.

Chair Axthelm: Okay. Go ahead – you had something else?

Ms. Stevenson: And just for those of you who may not know – we've talked about this before – we're going to go through this process; you guys are going to make a recommendation in terms of a recorded motion to the County Commissioners; they will take that input and review the information and make a decision that basically says, Okay, if in fact we were able to, this is what we would adopt as our SMP. State, here it is. Tell us what you think. And then the state Department of Ecology looks at it and will review it according to what their standards are and what their guidelines are and see whether we've complied with them in a way that is okay with them. We will get something back from them which probably will require some modifications and changes and probably a lot of them. Some of them may be real simple. Some of them may not

be and that's where the negotiation starts with them and we'll just kind of see how that goes. But we could be a long ways from actually adopting an SMP here. I'll just put it that way. So there will be more chances, I think.

Okay, so moving right along, if you guys are okay with that, I just want to take some time. We are required to put together the Modification and Use matrix so that people can at-a-glance try to look at whatever it is that they're proposing in terms of the different things that we have in the text and the code put in mostly Part IV but some is in Part III, as well. So if you're looking for these things, Ryan did a nice job of showing you what section we're referring to there after whatever it is that we've called it – the Agriculture, the Aquaculture. He tried to use and refer back to the Analysis and Characterization report that for those of you who have been here through the whole time was kind of the basis and the baseline data and information that we started with. And that was a document that the consultants put together. We can revisit that a little bit if we need to, but for sure take a look at these. If it doesn't make sense, if you see conflicts based on what we've talked about or what's in the code itself, we're still working on it as well because we have been finalizing things. We were working on it today and we don't really feel like it's where it needs to be so we're still working. So if as you go through this, feel free to question or say, Hey, it would be really helpful if you broke this out, or, Why did you break that out? To start with, we had about 25 or 30 footnotes to try to, Oh, but this is an exception or that's an exception. Now we just have some language in the beginning which we included that hopefully says, Hey, this is generally true. You need to check back with the sections that are referenced for more specific information that may, you know, override what's in here or be controlling, if that makes sense.

Beyond that, I don't – if you go across the shoreline designations, that's for those of you who weren't here for the first part and that's kind of the shoreline zoning categories that we have. And then the SD, and E would be either a substantial development or a shoreline exemption. The CU would be a conditional use, which – either a conditional use – now a variance wouldn't necessarily show up here because that's just when you're looking for a variance to the dimensional standards. But a conditional use permit is part of the cooperative process with us and the state and they would have final authority on whether that got approved or not. We would kind of make a recommendation to them and they would have to also approve that if it were to happen – just so you know.

We tried to break out the things that needed to be broken out that may be different than something else in each of the categories. We may have failed miserably. We were trying to make it somewhat simplified but also some detail so people can find what they're looking for here, if that makes sense. So I guess because you guys are – you had it early on in the process the first go-around, but I don't think you've seen it again since because it's changed a bit. I would welcome your thoughts and comments either through e-mail or we can talk about it a bit more at the workshop as well. Because it will be something that, you know, the public will be interested in because it is sort of where we start. Some of the information that's here isn't necessarily cited again in the text. You know, we didn't go through everything that would require each one of these different kinds of permits in the text at all. Some other jurisdictions did choose to in, like, Part III and Part IV say "In a Rural Conservancy designation, these things are allowed under this." We chose to just keep it in the matrix to keep it a bit shorter and make it work, but I'd kind of be interested to see what you think about it so I'd appreciate that. And, like I said, if we want to talk about it a little bit more at the workshop, we could probably try to do that too – give you some chance to look at it. And we're still working on it, as well.

Ms. Lohman: I was glad to see that you corrected or changed the – under Recreational Floats for in the Rural Conservancy, you changed it from conditional use to either an exemption or a substantial development permit. I thought that was – I noticed that. Thank you.

Ms. Stevenson: Good. I guess the other thing to keep in mind when you're going through this – because a lot of you weren't here for the Admin portion and some of that discussion on how we administer this. In our current Shoreline Program, a substantial development does require a public hearing before the Hearing Examiner. Now we chose to do that when we wrote the SMP – well, I didn't write it – but back in the '70s. It isn't required under state law. It can be an administrative process. So as it stands as of today, we have considered it as an administrative process. So how that works is described under Part VII under the Admin portion. It wouldn't go to a public hearing necessarily. If you meet the criteria and you can do some of that stuff, we would write up a staff report and we would send notice out to landowners around the proposal and they would have an opportunity to comment and get back to us on that sort of thing. But we are proposing to go to an administrative process for substantial development permits, so that's a fairly major change. So if you're looking at this and you think, Oh, well, they'd have to have a public hearing for that anyway – that would cover it. We aren't necessarily proposing that right now but we can consider it because that's how we do things now, but we were proposing to go back to an administrative process for those. So keep that in mind. The only ones in this matrix that would require a public hearing before the Hearing Examiner would be the CUs, the conditional use permits.

Chair Axthelm: Are you done?

Ms. Stevenson: I think so.

Ms. Rose: Can I ask a question? If I heard you right, you said the only things on this matrix that would require public hearing under this proposal are the things labelled “conditional use.” Is that what you said?

Ms. Stevenson: Yes.

Ms. Rose: Okay, thank you. That's –

Ms. Stevenson: That's different.

Ms. Rose: – kind of a nice breath of fresh air to streamline a process or try to streamline a process. Maybe really carefully define the playing rules – you know, the rule book – and then to make more certainty out of it. I think that's a good thing.

Ms. Stevenson: That's what was our intention and we're attempting to do that, and so you can help us see whether we got there or not.

Ms. Lohman: Can I ask a question about the Definitions?

Chair Axthelm: Yeah.

Ms. Lohman: Betsy, on the Definitions I see – for example, I looked at “shorelines of statewide significance” as a line item for an example, and you just quoted the RCW and then – you didn't quote it; you just referenced it. Are you going to elaborate that and just go ahead and put it all out there in the Definitions section? And that's just my poster child example.

Ms. Stevenson: What's your –

Ms. Lohman: Well, I actually looked that up before I came because it is a very confusing definition, and it's a different – there's a lot more stringent rules if you fall into that water, but there's an awful lot of water that isn't that kind of water.

Ms. Stevenson: Right. Right.

Ms. Lohman: And so I don't know how to do it exactly.

Ms. Stevenson: Is it helpful? I mean, you see Ryan's comment there.

Ms. Lohman: Yeah, and I felt that same way after I read it and then I got to the end and it was, Oh, my gosh, what did that mean? And I don't know what to do there.

Ms. Stevenson: Okay. Okay.

Ms. Lohman: Do you go the opposite then and put in the waters that we're talking about? Refer to that and then other waters would be –

Ms. Stevenson: We could list those in the county that *are* shorelines of statewide significance at least, if that would be helpful.

Ms. Lohman: Maybe that would be better. Shrink it down –

Ms. Stevenson: So people at least know, and then leave the definition as just referencing the RCW? Does that work, so that at least we've identified what waters are shorelines of statewide significance? Does that – that might be helpful.

Ms. Lohman: Yes. I think that would.

Ms. Stevenson: But it's – “You can find the definition here; however, these are the shorelines of statewide significance in the county” – that might help.

Ms. Lohman: I think that would.

Ms. Rose: Kathy, I missed your example. What was your example?

Ms. Stevenson: That's Annie.

Ms. Rose: What is it? I can't hear.

Ms. Lohman: I was using – in the Definitions, I don't have a page number but it's shorelines of statewide significance. All it does is just reference the RCW number.

Ms. Rose: Okay.

Ms. Lohman: So my question was –

Ms. Rose: I see. Thank you.

Ms. Lohman: How are we going to do that?

Ms. Rose: I just wanted to track the conversation because I missed it, the first part of it.

Ms. Stevenson: If you've got thoughts, feel free.

Ms. Lohman: Well, maybe then we should make them – instead of just jumping to the RCW or the WAC, if we could make them relevant to here?

Ms. Stevenson: “The following are considered shorelines of statewide significance”?

Ms. Lohman: But – yeah, because you kind of did that on some other ones where you referenced – for example, when you jumped down to single-family residence, you referenced the WAC, but then I read what it says and it's, Oh, okay, that makes sense.

Ms. Stevenson: You can't really take anything out of the shorelines of statewide significance and try to paraphrase. You kind of have to either put it all in or not, I think, and that's why Ryan at this point when he was working on this just thought, Whoa, maybe that shouldn't be in the Definitions.

Chair Axthelm: By reference instead of putting it in the –

Ms. Lohman: But if you did put where it's applicable here, and you could even say “in Skagit County it's” –

Ms. Stevenson: Right. Yeah – “it's these shoreline areas.”

Ms. Candler: I think that's a great idea. I just wonder if our schedule of updating our plan is the same as the RCW being – it could be updated at some point and have it not meet the definition anymore, which would be easy to deal with, I think. It would be really good if the Department did the work basically for the common person and figured out where those are and then maybe said “subject to modification of RCW whatever.”

Ms. Stevenson: For shorelines of statewide significance, I doubt if it's going to change.

Ms. Candler: Okay.

Ms. Stevenson: It hasn't since it was adopted so I would bet it probably won't. And it kind of lists, you know, what's preferred and it kind of comes out of the initial – it wasn't an initiative necessarily, but it was done by the vote of the people and it kind of is the crux of: These are the areas that we identified as being the most important and these are the preferences of what we want to see – kind of protecting the public's right to those shoreline areas basically.

Ms. Candler: I was just picturing a situation where, you know, somebody lobbies – the legislature meets every year, you know – lobbies to add something to that list and that.

Ms. Stevenson: Okay. So, okay.

Chair Axthelm: Any other questions for Betsy?

Ms. Stevenson: So at least at this point, maybe we don't include the definition there if it looks like it might fit in one of the other sections early in the document where we're talking about different things. We could include it there perhaps, or we could at least just list here what those areas are in Skagit County. Maybe?

Ms. Candler: I think that sounds like a good idea.

Ms. Stevenson: Okay.

Chair Axthelm: All right. Anything else?

Ms. Stevenson: Thank you, guys, so much. This was great tonight. I really, really appreciate it and all the time that we spent for the whole time. It's been really helpful, so thank you. I think it's a much better document than it was when we started because of everybody's time and energy, so I really appreciate it. Thank you very, very much.

Chair Axthelm: Thank you.

Ms. Mitchell: Thank you for all your hard work.

Chair Axthelm: Okay, Dale – Department Update.

Mr. Pernula: Okay. That was a lot of material you went through tonight and I was skeptical that we'd get through it but you did. And I think with this format, I think we'll have a good record of what occurred.

With your last meeting's material we provided you a document that was a proposed protocol for deliberations on the SMP Update and the 2016 Update. I'll give Martha a copy of that document. But in the back there was a couple pages with a proposed calendar. Well, that's fairly malleable dates. A couple of those have already changed – and I can give you some updates of those as well – and they're going to continue to evolve as things get done or don't get done. But the most absolute deadline is by the end of June we need to have the Comprehensive Plan and the SMP adopted, so working back from there we have a fairly tight schedule, and we'll keep you updated as to what they are.

A couple of things that have changed is that we showed on that that March 1<sup>st</sup> would be the public hearing on the SMP Update. Actually it's going to be a workshop and the hearing will be on March 15.

Ms. Stevenson: And the memo was wrong. It did say March 4<sup>th</sup>; that should be March 1<sup>st</sup>. I don't know how we screwed that up but we did.

Ms. Lohman: Wait – today's memo?

Ms. Stevenson: Yes. It said that the workshop would be on March 4<sup>th</sup>.

Mr. Pernula: It will be on March 1.

Ms. Stevenson: So we'll get that corrected.

Ms. Rose: March 1 or March 4?

Mr. Pernula: One. And then the public hearing will be on the 15<sup>th</sup>. That's assuming we get it all ready to go and out this week.

Next item: Some of you have been to these, these short courses on local planning. There are a couple that aren't too far away that are scheduled in March and April. There's one scheduled in Bellingham on March 31<sup>st</sup> from 6:15 to 9:15, and one at the city of Everett on April 20<sup>th</sup>, also at the same period of time. If you're interested, let me know. I can forward you a copy of this so you can find out more about it. But those are worthwhile to go to.

Once again, welcome to Martha. Both Martha and Tim, I think, really hit the ground running, especially tonight. There's a lot of difficult material and you're very helpful on these things.

The only other thing I have to say is Ryan Walters is now in the Planning Department rather than the Prosecuting Attorney's office, and he is the Assistant Planning Director. That's all I've got.

Ms. Mitchell: Just so the others know – I asked Ryan but the others may not have heard – so when we do need legal advice, how is that going to be handled?

Mr. Pernula: It will be handled by the Prosecuting Attorney's office and we have a second attorney who, I believe, will still be providing those services, Jill Dvorkin. I don't know if you know her, but she's very competent.

Ms. Lohman: Are you e-mailing us those short course notices anyway?

Mr. Pernula: I don't know if you got this one. I got it a few days ago. I can e-mail it to you.

Ms. Lohman: I thought that we were just going to be just e-mailed just as a matter of course in case we \_\_\_\_.

Mr. Pernula: I'll do it.

Ms. Lohman: Okay.

Ms. Del Vecchio: Thank you.

Mr. Pernula: That's all I have.

Chair Axthelm: Okay.

Ms. Lohman: I have something on that. I would just like to remind the Commission that when we started the Shoreline Update we agreed as the Commission then, as it was – everybody – that we would be involved in the sausage-making, and when you say that you're going to participate in sausage-making that means for the ugly and going through lots of work and a lot of meetings. And it's a different process than when staff does 99% of the work – and you're still doing 99% of the work – and then we get it at the very – towards the end. We got it at – pretty much at the beginning. And, yes, we've read it. Several of us have read it three times or four times and the new people are – you know, you're seeing this. But in a way I kind of like doing it like that. It's ugly and time-consuming but I think it helps with a little more public participation because even though we're individual Commissioners we can get out there and talk to our

constituents and our neighbors as the thing is being written. So while it may not be pretty or easy, and it's hard, I just wanted to acknowledge that that's what we were doing.

Ms. Stevenson: Just to add to that, take advantage of being on camera and people hearing this. I am going to try very hard to make myself available to answer questions and do some open houses during the 60-day review time because it's a huge document and people are like, Whoa. And I guess my first recommendation would be don't try to use the old SMP and compare it to the new one to see what's changed. The whole thing has changed. It's a whole new document. But just what's where, how to navigate your way through it – it's set up great. If you look at it online you can click on the table of contents. It'll take you right to that section. Ryan's just done a masterful job with all of that. But I do tend – I want to try to get out to some of the people that I talked to before and share – because it has changed again since we talked to them before – and just help people feel more confident in trying to make comments, because when they first see that they're going to go, Where do I even start? So just – and, again, call me, e-mail me. I'm talking to you guys; I'm talking the general public. Anything you see that, Hey, we made comments on this. It doesn't look like you changed it. Can we talk about it? Or will you come back out to our neighborhood association meeting and explain this information, and can we ask questions and talk about it? I will do my best to get around to as many of those as I can and also maybe set up just some public opportunities in different areas, like we did with the open houses earlier on, to just try to get out there and help people. Because we want their comments, we want their input, and it's daunting. It's huge, so how do you break it down? We had to break it down with you guys – the same kind of thing – just where the information is and what they might be looking for and how it may impact them and their property. So I'm happy to do that.

Ms. Hughes: When will we receive the document?

Ms. Stevenson: I can get you a hard copy or you – I can e-mail you the Notice of Availability with the links to it. It will be online on Friday morning.

Ms. Hughes: Did we have conversation about that – what we would be receiving?

Ms. Stevenson: Probably not.

Ms. Mitchell: I'd like a hard copy.

Ms. Candler: I thought we had another time where we asked for hard copies.

Ms. Hughes: It seems to me that the Commission was going to receive hard copies.

Chair Axthelm: If this is the final copy that's going to the public, that would be good because then we could mark it up.

Ms. Stevenson: It might not be Friday. It might take a little bit longer but we can get them to you early – so everybody would like one?

Ms. Mitchell: Yes, ma'am, do that.

Ms. Stevenson: Okay.

Chair Axthelm: But you can get electronic just by Friday.

Ms. Stevenson: Yeah, the link to it online definitely.

Ms. Del Vecchio: How many pages are we talking? Ballpark – I don't need to –

Ms. Stevenson: I inadvertently printed one today, so shame on me. We are 157 and that is without the Definitions section.

Ms. Del Vecchio: I'm perfectly fine marking mine up on my computer so you can save a copy there.

Ms. Stevenson: Okay. Okay. I'll try to remember.

Ms. Del Vecchio: If you print it off anyway I'll take it, but if it saves the paper –

Ms. Stevenson: If we're making them, that's fine. We can just go ahead and make you one because you may want to put little notes in at the public hearing when people comment on something.

Ms. Del Vecchio: Well, I mark it up.

Ms. Stevenson: You do?

Ms. Del Vecchio: Yeah, and I actually write on it.

Ms. Mitchell: You're shaming us.

Ms. Del Vecchio: I know. I'm sorry. If it saves the paper then you can –

Ms. Mitchell: She has younger eyes. That's what it is.

Ms. Stevenson: I guess, too, there are some other accompanying documents and information that we have to put together for the package. We are going to be able, I hope, to hire the consultant to come back because they are the ones who drafted those to begin with. And now that we've got a document finished they can go back and change it and make references to the right sections and see how it's changed, just so that we can make sure that we are complying with the state requirements. So there is a list of other things that should be coming out for the public review later in February, we hope. But those will get done. So it isn't necessarily part of this but it will be part of the public process too.

Chair Axthelm: Anything else from the Planning Department?

(silence)

Chair Axthelm: Okay, Planning Commission, any comments or announcements?

(silence)

Chair Axthelm: Okay. Motion to –

Ms. Del Vecchio: Motion to adjourn.

Ms. Mitchell: Second.

Chair Axthelm: Second (gavel).