

**Skagit County Planning Commission
Deliberations: Shoreline Master Program Update
April 26, 2016**

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

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

Chair Josh Axthelm: (gavel) It's April 26th. Welcome to our Planning Commission meeting, a special meeting for deliberations for the Shoreline Master Program Update. So do we have any changes or any comments from the Commissioners on the agenda?

(silence)

Chair Axthelm: Okay, seeing none we'll go ahead and get started. By the way, I guess a comment is: Great job you guys did this last week! So I watched it online and there's a lot of stuff and you really covered it well, so thank you.

So let's go ahead and get started. The first item, so No net loss of ecological function (baseline). Okay. So open a discussion on this. Is there any comments? Let's go ahead and start now with Martha.

Martha Rose: Not right now.

Chair Axthelm: Okay. Hollie? Just to start a discussion first and –

Hollie Del Vecchio: Yeah, Actually I will let you come back to me. I'm still getting oriented from not having my notes in front of me.

Chair Axthelm: Okay.

Amy Hughes: I'll pass also.

Chair Axthelm: Okay. Tim?

Tim Raschko: I recommend we move down the row a little to – I cannot remember – to the lady next to you, Josh. I'm sorry.

Annie Lohman: Kathy.

Mr. Raschko: Kathy. I'm sorry, Kathy.

Kathy Mitchell: What was the question?

Ms. Lohman: I think we need a discussion about what exactly the no net loss of ecological functions means, if anything just for the public so that they know what we're all talking about. And then we can talk about it in the context of what we're going to do.

Chair Axthelm: Okay. So, Kathy?

Ms. Mitchell: I agree with Commissioner Lohman. Sorry about that – I agree with Commissioner Lohman. I do think we need to have an opening conversation about what no net loss is and what the expectations might be, and then wrap into a conversation with how the environmental designations were made that wrap into that.

Chair Axthelm: Okay. ___ the name. Not Martha. It's –

Ms. Lohman: Kathi. Kathi Jett.

Chair Axthelm: Kathi. Okay, so another Kathi. All right. So, Kathi?

Kathi Jett: I have nothing to add at this time.

Chair Axthelm: All right, so let's take a look at that definition. And they have it written here, according to the state. "What is 'no net loss of ecological functions' and how is" it determined or made – or "...determination made?" Okay, so Washington state code requires that the local master program shall include policies and regulations designated to achieve no net loss of ecological function. "Ecological function" is defined in WAC 173-26-020 and in the Shoreline Master Plan Update as the work performed or role played by the physical, chemical, or biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. Net loss is measured from the baseline conditions as established in the Shoreline Analysis Report prepared in 2011.

The proposed Shoreline Master Plan Update also includes a "no net loss" standard for individual projects proposals to be achieved by the following standards in the Shoreline – in the SMP, as well as requiring mitigation where necessary to address adverse impacts.

So discussions on that?

Ms. Rose: I'm in favor of the no net loss. I don't have any problem with that *idea*. But the monitoring of it – because if I understood right on one of the things that was discussed a few meetings ago was that – let's say a project comes in and they can't achieve the no net loss on their property. It can be achieved somewhere else. In other words, enhancements can be made on another property. And then somebody else brought up the fact that, Well, what if I go in and add a bunch of vegetation and trees and do improvements just as part of my own, let's say, landscaping or enhancements of my own property and it's not crossing a threshold of needing permits for anything. It's just landscaping. So I guess I'm just curious how – in the big picture – how this will be monitored and documented. And, you know, I think conceptually it's a fine idea.

I just don't understand how it's going to be really implemented on a broad scale. And maybe it can't be answered. Maybe it's an unanswerable question. I just wanted to put it out there.

Chair Axthelm: Is that something that Betsy can answer?

Betsy Stevenson: I don't know what kind of a format you want to do – if you want to allow people to put their items out there or you want to take them one at a time. I'm just kind of waiting to see.

Chair Axthelm: I miss a meeting and I'm really off track! Annie, any suggestions?

Ms. Lohman: Well, I'm under the impression that we measured in that 2011 Shoreline Analysis Report of where we are now, and the no net loss is based on what's going to happen going forward from now. So I'm assuming that report was an attempt to capture that actual baseline, right?

Ms. Stevenson: Yes.

Ms. Lohman: So the no net loss is as long as we don't go worse than what we are then we – or we improve – then we are on track.

Mr. Raschko: My concern is that I don't believe the baseline report was done on a lot-by-lot basis, and it says here that this will be looked at on a project-by-project basis, so how do you do the comparison? I mean, larger areas were broadly classified, I presume, so when somebody has a proposal for a particular piece of land and they say they want to remove a tree, I don't understand or cannot visualize how you get to that action, improving or making worse whatever that baseline condition for a larger area was. And then how somebody decides whether – say it's removing a tree – is that really deleterious or not? I mean, it might open up shade for something else that needs more sunlight. And it's a very, very complex question and from what I have seen, I don't think there's any answers to how to do this.

Chair Axthelm: Kathy? Kathi Jett?

Ms. Jett: One comment – or not one comment – one thought that's been – I've heard a number of times is no net loss – and I don't know if this is already defined, but by saying, Oh, let's see – and I'm going to give you an example – let's see. We want to do some construction that's going to destroy a heron rookery; therefore, we propose we move the heron rookery 15 miles away and that would make it a no net loss situation. And a lot of people are – that have talked about it have been concerned – including me – have been concerned that if the herons wanted to live 15 miles away they would have already set up a rookery there. So how does – I mean, does this definition of “no net loss” allow people to do things like that? And who decides if that qualifies as no net loss?

Ms. Stevenson: I don't know if you're looking at me to answer these –

Ms. Jett: No, no.

Ms. Stevenson: – as they come up. I just thought you guys might want to have your discussion. So everybody keeps looking at me and – okay.

Ms. Jett: No, I was just looking in that direction, not at you. Sorry!

Ms. Stevenson: Okay! Just making sure. I wasn't – I'm not ignoring you!

Ryan Walters: I would bring your attention to the code provision that's on the screen. This is proposed 14.26.790 regarding monitoring, and it lays out the monitoring that the County would do under the Shoreline Program to comply with the no net loss standard. So it articulates some of the things that we would be tracking. First of all, tracking all the permits in a cohesive way – not just number of permits but the effect of the permits – and development, conservation, restoration, and mitigation – the last line in paragraph two there. And then there's a whole series of other bulleted items of things that we would be tracking. And that's not an exclusive list. It's an example of what things we might be tracking. And we would be required to prepare a no-net-loss report every eight years at the same time we update the Shoreline Plan and the Comp Plan now. It's on an eight-year schedule. And the last line here: "If the no-net-loss report shows degradation," then "the Administrative Official must propose changes to" the Shoreline Plan or the "Shoreline Restoration Plan, or both, at the time of the eight-year update to prevent further degradation..."

Ms. Jett: I don't think I stated my concern very clearly. I guess my concern is who decides whether or not there's no net loss? You just read the Administrative Official. Would that be, like, the Planning Department in reviewing the permit application? Or –

Mr. Walters: The Administrative Official is the Director, but there are two – the Planning Director – but there are two things going on. One, in a lot of the code sections there is a line that says a project should not cause a net loss of ecological functions. There's a general provision that says projects should not cause a net loss of ecological functions. And then there's the Program overall must not lead to a net loss of ecological functions. I think your question is more about what is acceptable mitigation.

Ms. Jett: Mm-hmm.

Mr. Walters: And that is addressed in our existing critical areas ordinance. The mitigation sequencing provision there is what would lead you to the mitigation that you would be allowed to do. And that's decided by – well, in all cases by staff? Mitigation sequencing? I think so.

Ms. Stevenson: It's part of the code. The applicant has to go through and do the process just as part of their application. I'm not sure exactly what your question is.

Chair Axthelm: Okay, Kathy?

Ms. Mitchell: Okay, I'd like to take the tact of – back up the cart just a little bit more, because when we get into the no net loss we need that baseline to be good and secure. And reading back through the material on how that was arrived at, I did pretty close scrutiny between how the reaches were done, how the environmental functions were scored, how they did the analysis for scoring for manipulating those into something they call meaningful. And one of the things that became pretty crystal clear to me is that that really wasn't science, that what they did is something that really was subjective. Now I can argue the other side of the point and say you need to start somewhere. I agree. You need to start somewhere. But if any scientist looks at this kind of information on how it was scored, one of the things that leaps off the page is that it was very subjective. Yes, whoever did it used their best judgment. But the problem is right from the get-go. The information was derived using GIS maps and also using aerial photography for the most part, and they actually say at one point where they refer back to chapter 3 where they say

that their – general information – they went back to – general information to go back to chapter 3. And the problem is is that chapter 3 information that they used for quantitative information is, in fact, so general – there's some history in there, some geology in there, and some basic background information, which is great, but there's a big leap from what that kind of information is to quantitative information that can be used for analysis. And so when it came time for the scoring, with the assumptions that they're using to make the scoring off of the maps and the aerial photography, you cannot repeat that information. You can't teach somebody to do it the same way unless you had a great big class across the United – I mean across the Washington state to where it was the same and repeatable. And so right from the get-go I do believe that we need the baseline but I don't think the baseline that has been given to us is, in fact, a good baseline. And so if you take one thought further, if you had that baseline that we're going to establish, we're going to be making the Environmental Designation maps, and then we're going to be turning that into some sort of code or something that the Director has to use to say what's good or not for no net loss. How do you do that when you start off with a baseline that's not good? And so from that standpoint, I'd say back up the truck because that baseline is not solid.

Mr. Walters: Dale points out that that report would not necessarily be used as the baseline for an individual project review. It would likely be used as part of the analysis described in .790 there at the eight-year review, but it's not the only method of calculating that either because we will know all the permits that are issued and we'll have analysis of every permit along the way.

Ms. Mitchell: Right, and I think that's one of the things that the public needs to know, is that all of that has to be groundtruthed and it's not been groundtruthed. And I suppose you don't have any choice other than doing that on a case-by-case basis?

Mr. Walters: I don't think – and maybe Betsy can help here – I don't think we would be doing another one of these reports at eight years, at the interval, because as .790 – that subsection – points out, we would be tracking things along the way so our eight-year review of whether or not the program has achieved no net loss would be based on the tracking along the way, rather than doing another one of these shoreline analysis reports at year eight.

Ms. Mitchell: I appreciate that and I hear what you're saying. I'm still very concerned, though, at the start on what expectations may be. If somebody looks at those maps – yes, we have a disclaimer on it. I saw the difference between what was recommended from the DOE and what the County actually used. They were very, very close and I think the County was probably a little smarter on how they worded it. But even so it's – when a customer, which was a citizen, would come in through the door and need to get – you know, know where they are, how would they argue if they've been given a designation that is wrong or erroneous? And I'm afraid that there's so many of those that may be that way to start with that it could be a problem, and especially if, you know, property values and things are involved.

Ms. Stevenson: So you're bringing up lots of different things and mixing them all together so –

Ms. Mitchell: Well, that's – I'm sorry. The problem is that they're interconnected. If all this was built for the baseline to get us to no net loss the way we're required to, I'm very concerned that what we've designated for our baseline – even though you guys understand the problems with it moving forward – I'm very concerned that the citizens know what they have. And most of the citizens do not know what they're going to be designated with.

Chair Axthelm: So a question on your comment there, Ryan. If you take – you wrote – what you're saying is that that report was an overall report, very general, but when you come to an individual parcel of property then that information can be adjusted. Is that what I was getting?

Mr. Walters: If you have a project on a parcel, we're going to look at the condition on the parcel at the time that you apply for this project. And I think moving a heron rookery is an unlikely scenario, but let's just take that very unlikely scenario because it's easy to wrap your mind around it. Say there was no heron rookery in the baseline analysis report. You could not just – probably would not be allowed to just wipe it out because it's not in the baseline analysis report because then you would have this loss of ecological functions. Say it *is* in the baseline analysis report and now it's not there anymore somehow. We're not going to make you preserve something that's not there. So what's on the ground would be updated at the time that you do your project and could go in either direction. Does that help?

Chair Axthelm: Yeah. Well, kind of. What I was saying is if, let's say, on the baseline report it has your property and says – it pushes limits a lot farther, and then you come in and do an evaluation of the property and they say, No, actually it *is* in there that far. So reality the base – you're saying no net loss and there is no net loss, it just wasn't – because it wasn't done on an individual property basis, that detail wasn't given. Does that make sense? Because if that report is so general, then when you go to the specific parcel of property it hasn't changed since that point. It hasn't changed before that point. It stayed the same. Are you going to – do you get what I'm saying?

Mr. Walters: Yeah. You're going to get a critical areas review, just as everybody does, every time before you do a project – if you haven't done one before. And we're going to take inventory of – a *good* inventory at that time of exactly what's on your property.

Chair Axthelm: Site-specific.

Mr. Walters: Oh, yeah, with a site visit. But I wanted to get back to the other question of the environment designations, because remember that's like a zoning overlay or akin to that. Those are driven by the characterization of – which properties get which environment designations is driven by what we know about those properties. But there is a process in the proposed code for people to propose map amendments, or if there are errors or undesignated properties, there are processes for that, too. So there are ways for people to fix those designations if they don't make sense.

Ms. Mitchell: Would they cost them to do that?

Mr. Walters: Probably. Depends on what the fee schedule says. But the first opportunity to do that is here, and as we saw last week the people on Guemes Island did suggest several changes to map designations. And there's no cost during this process. And largely the map designations are not substantially different from what they were before. There's sort of a translation table between the map designations that we had before and now the new set. Betsy, do you have anything to add to that, or correct?

Ms. Del Vecchio: Can I ask a clarifying –

Chair Axthelm: Annie's making a list. Let me –

Ms. Lohman: I'm going to pass for now.

Chair Axthelm: Okay. So –

Ms. Del Vecchio: Okay. I guess I'm having a hard time connecting the environment designations map with the concept of no net loss, because to me that map doesn't really have anything to do with ecological function. And that's –

Mr. Walters: They are different. They are very different concepts.

Ms. Del Vecchio: Okay, that's – thank you. It seems to me like the environment designations map had to do more with the *use* of that – characterizing the *use* of the shoreline, as opposed to providing any kind of a baseline for ecological function. So I feel like we're – I guess I meant I'm not making the connection between how that map connects into this no net loss analysis, or if it even does.

Mr. Walters: I don't think it does.

Ms. Stevenson: That was my point.

Ms. Del Vecchio: Okay. That's the confusing part that you were talking about earlier.

Ms. Stevenson: Where things were getting mixed together, yeah.

Ms. Del Vecchio: Okay. Okay.

Ms. Lohman: Okay, then –

Chair Axthelm: Annie.

Ms. Lohman: – to dovetail onto Hollie and back to what Ryan was saying: So you're saying that the – am I hearing you say that the 2011 report is a generalization of the situation in our county? When somebody comes in for a land use permit of something – maybe they want to build something – then the actual site-specific baseline is established. So we have basically two levels of baseline. You have the overall, countywide general and then site-specific. Is that what you're saying?

Ms. Stevenson: I think so. Yeah.

Jill Dvorkin: And I think it's important to remember that the – what guides development on the individual parcels will be the adopted Shoreline Master Program and it will not – the 2011 Shoreline Analysis Report is not going to be used in any sort of evaluation for any single parcel. That is, I think, the County's effort to show to the Department of Ecology, who has adopted these guidelines in 2003 that says this must overall achieve this concept of no net loss. And so the way jurisdictions – one of the ways they can do that is by establishing a baseline, then having an analysis of their whole proposed shoreline master program as it would be a working document, and see, If it's implemented as written, will it achieve that no net loss of ecological functions? And then there's also that monitoring component which allows that eight-year look-back. Once, you know, 200 or however many individual projects have been done and you can kind of have kind of a bird's eye view of what's happened, you can look back and say, Does this kind of – did we accomplish what we set out to, which is kind of to keep a – maintain the baseline, as kind of inaccurate as it is? But in terms of it relating back to an individual project,

it's more of a big picture, are-we-capturing-this-concept-as-a-program. But it's the individual regulations within the program that are going to guide development on any given property. I don't know if that helps clarify. Maybe not. No.

Ms. Rose: I think that's a good clarification. In other words, basically you're setting this goal to achieve no net loss on a countywide basis and you have this broad report. When individual actions take place, you try to mitigate each one. And then eight years goes by and you look back at the big picture and say, Did we do it? Did that accomplish the goal?

Ms. Dvorkin: Right.

Ms. Rose: And presumably if you decide the answer is no, then you come up with another strategy. I don't – I get that. That's crystal clear, and I don't see how you can do it or approach it much differently. I'm a little bit cynical about accomplishing the goal just by having a look at permits that come in the door because people do all kinds of landscaping activities without permits, and so I don't know how it's going to ensure that it's a successful program. But that's kind of out of your control. I don't know how you *can* control it. It seems like an overwhelming job that nobody can control, really. So I don't know if you – I don't know that there's a requirement if I want to cut a tree down to get a permit to cut that tree down, and as an individual, say, homeowner, for example. And unless I plant back several medium-size trees after I cut down a big tree, I'm going to have loss. And so that's why it's baffling to me how there can be an expectation that you would be able to monitor it on a countywide basis. Yes, you can monitor every new project that comes in the door, but – at any rate, by the same token there will be some people out there that will on their own a dozen trees just because they like it. So maybe it all evens out at the end and that's all this is, really, is a great big experiment. Right?

Ms. Lohman: But Mother Nature also takes out trees.

Ms. Rose: Correct. And also if there's a huge, huge storm event on the coast that could do – wreak more havoc than anything that you could try to – you know, that could wipe out your no net loss goal in a day.

Mr. Walters: Well, and really it is a big experiment. This is the first round of updates to shoreline programs that are requiring this no net loss of ecological function, and the WAC, the cited WAC that's in the .790 provision, provides that Ecology – it provides some hint or explicit statement that Ecology is going to be updating their guidance as we get closer to that eight-year update. And who knows what they will come up with? I mean, they may decide to articulate some framework under which you have to do aerial photography review of everything. We don't know what that looks like at this point but we will sometime in the future. It's just sort of a requirement that we have to comply with. And hopefully it is restricted to permits that we issue, but in some context these things aren't. For instance, our National Flood Insurance Program: You know, we're responsible for the people who do things without permits, too. We're not just responsible for the permits we issue, and we can get dinged if you build in a floodway even without authorization. So we don't really know what this looks like. We don't know what it will look like when we have to do this adaptation in eight years, but we are wrestling with these issues in other contexts, too, so we will have some experience by then.

Ms. Lohman: But you need to also keep in context the inherent flaws when you are using an aerial photography as your means of evaluation, as well. I mean, it's not the panacea. It's a great tool, but it's not the end-all tool.

Mr. Walters: And I don't mean to suggest that's what we would be using. Hopefully we don't have to do that because aerial photography is – I mean, we have all the aerial photography. You see it all on iMap. But looking at it is very expensive.

Chair Axthelm: Kathy?

Ms. Mitchell: That's exactly where I was going to go to next. The tools that we have – the aerial photography and the other things – great tools in one sense and they are not a great tool in another sense – so you take the picture in one area in January and another area might be in summer. And really the only ideal way you could do it is have her – every parcel something that looks like winter, spring, summer, and fall because things look different. Farm fields get – some years they are fallow and sometimes they're not. Things change. And I think that's where some of the commenters were saying – you know, that's kind of the thing that sits in the back of people's mind that are worried about and saying, How stringent is somebody going to be looking at me or at my property on those situations when things change? You know, back to the storm changes and those things. And that's why people are worried. They're concerned saying there might be something that falls back on them unjustly.

Ms. Dvorkin: And I think that goes back to the purpose of the no net loss concept as a whole. It's really – I think Martha put it really well – is you look at the beginning, you look at the end. It's kind of an adaptive management approach. It's a way of seeing, Is this approximately working? You don't want to have regulations in place that are ineffective. So do they on the whole seem to achieve this idea of preserving our shoreline areas and their functions? And again, it's not – that generalized report will in no way be used as an individual project-by-project regulatory piece. Instead it's the guidelines within the program that, you know, development is going to be reviewed is based upon.

Ms. Mitchell: I really appreciate you guys making that clear because I think that's where a lot of people would be very, very concerned.

Ms. Dvorkin: Okay.

Ms. Del Vecchio: So in – under the – in the staff report under the comments there's a note that the – the "no net loss" standard for individual project proposals will be achieved by following the standards in the Shoreline Management Program, as well as require mitigation where necessary. The standards there, are those the additional standards that are being developed for the critical areas, or are these the standards that are connected to the environment designations?

Mr. Walters: I think largely connected to uses. For instance, in Part IV, Uses and Modifications, in every section there's development standards?

Ms. Del Vecchio: Mm-hmm.

Mr. Walters: Those, I think, are what we're talking about plus, I guess, all the other stuff – Part III, the general standards for all of those general types of things. So, no, not – it's that, it's the Part IV stuff, it's our existing critical areas regulations which are being incorporated. It's all of those things. Hopefully through clear application of those rules, you don't have loss of ecological function.

Ms. Del Vecchio: I know that – I know a lot of the importance of establishing a baseline is pretty clear if you read through all of the state's guide and all of the various materials we've been reading. And it seems that we have a much stronger baseline when it comes to our critical areas because we have I don't know how many maps and various reports documenting the condition in our critical areas. It seems like we don't have that outside of the critical areas, which might be a basis for connecting these two more strongly to the critical areas as opposed to just shorelines in general, just for the sake of having – we have a stronger baseline. We're going to have a much easier time justifying that. So I guess that would be – I'm just going to throw that out there.

Ms. Mitchell: I agree.

Chair Axthelm: Any other comments on it?

(silence)

Chair Axthelm: Okay. Well, it seems to me, yeah, you take an aerial – and I know I use aerials for architecture. I think – you know, you take an aerial and you can get a pretty good look at what the property's like. But and until you visit the site, you can't see exactly what – the way it is. But it would help – I mean, in some situations I can understand where somebody goes in and chops down all the trees and it's pretty obvious that they disrupted it. Maybe in the future they'll have 3-D that'll go in and – well, they do have 3-D, but not – on individual properties that you can go in and see if somebody totally changed the landscaping. And I don't – not at this point.

Mr. Raschko: Josh?

Chair Axthelm: Yeah.

Mr. Raschko: Following on your comment, what I'm afraid of is the subjective thing like somebody chopped down all the trees and so they wrecked it, but that's not necessarily scientifically true in all occasions. And I'm really concerned about the implementation of this thing when this is all approved in June or whatever, and somebody comes in with an application to build a house within the shoreline, and it's totally timbered and they have to remove the trees on the footprint of the house. What are you going to do? So you could say, Okay, mitigate it by planting more trees. Well, if the thing's already fully stocked with trees, what does that do? I mean, and so that's one example but if somebody else then just says, Hey, I just want to take some of the trees out and open it up and everything else, that'd be far fewer trees than the footprint of the house and is that bad? And so who's going to make these decisions on this purely subjective stuff? I mean, there's no scientific basis. I don't know if anybody's had any training for how to move forward, as far as staff goes, and how you really implement this program so it's done in a fair and just way, and based more on science than on subjectivity.

Chair Axthelm: Kathy?

Ms. Mitchell: And just to follow up on that thought, the same kinds of concerns and I hope you take this into account. There are many places for fire mitigation where they tell you to move back from where the building site's going to be so it's clear from the trees, because of fire danger, et cetera, so forth. And there's really good reasons for that. And we learned that through forest stewardship classes and I know a lot of the people do, too. So there are those kinds of things where I don't know on what scale that you guys are going to have to do no-net loss. But when you know that that's a practical, solid reason for doing that, does that mean in

those kinds of instances then you have to go someplace else and make sure somebody adds? I mean, is it literally to that scale?

Mr. Walters: I think what I was trying to convey before is we really don't know what the no net loss concept looks like eight years from now, which is when it – because those rules will – I mean, the WAC says Ecology will issue new rules later about what no net loss means in eight years. I think in Commissioner Raschko's example, we would be relying on just the standards. We have a critical areas ordinance, we have a set buffer. If you're outside the buffer, I don't think that there would be a constraint.

Ms. Stevenson: That's what I was going to say. We do just what you're asking about every day with our critical areas ordinance now. We do look at things for shoreline, as well. If they're within the buffer where they want to build their house and cut down trees, then we're going to have to look at some mitigation. If they are outside the buffer and they leave the buffer area all timbered at this point to build their house outside of the buffer, they can cut the trees down. It's not that they can't cut them down. I don't know if that answers your question or not.

Chair Axthelm: And I had stated trees just as an example, but it wasn't specific to that. But, yeah, I think there's other ways around it. You cut trees down and there's other things you can plant instead of those trees and still meet it. Is that correct?

Ms. Stevenson: The Shoreline Program doesn't mean that you need to leave your property as you found it. You can develop it. We anticipate development in the shoreline areas, so that is why we're trying to look at ways to enhance other places, restore other things. Hopefully there is room on your property to do something if you need to. If you absolutely have – you have a lot that is constraining and you need to be able – you want to build on it, so now you're going to encroach into that buffer and you do have to remove some vegetation or do some of this, we do that every day with our critical areas ordinance as it is now. You look at avoiding that if you can avoid the buffer and the critical area, and if you can't then you start doing your sequencing in other ways, and then the bottom line is you mitigate somewhere. So, I mean, we do it on a daily basis with landowners who are interested in doing things, and then as we come up with a plan that works, that shows that they can have some sort of development on their property, we do what's called a protected critical area easement and then we put that area into – it has some restrictions on what you can do in those easement areas, and once that is established that's what you have. So if you've received a variance or whatever else, it's that same distance. It doesn't go back out beyond that again. I don't know if that helps or not, but –

Mr. Raschko: It does. Thank you.

Ms. Stevenson: Okay.

Chair Axthelm: With that discussion, do we have a motion on the no net loss?

Ms. Lohman: I think it was just a discussion.

Chair Axthelm: Discussion. Is there any motion regarding it or can we just move on?

(silence)

Chair Axthelm: Okay, seeing no motion, we'll move on to the next item, Buffers – Shoreline Buffers. Page 4. Would you like to make it as a motion or just have a discussion on this one as well?

Ms. Lohman: I think we need a discussion.

Chair Axthelm: Okay.

Ms. Mitchell: I'll second discussion.

Chair Axthelm: Okay, and start a discussion. So, Kathi, do you have any comments on the shoreline buffers?

Ms. Jett: No.

Chair Axthelm: Okay.

Ms. Lohman: I do.

Chair Axthelm: Annie.

Ms. Mitchell: Go ahead. Annie first.

Chair Axthelm: Annie.

Ms. Lohman: It's a question of staff. When I went back and reviewed buffers, setbacks, and jurisdiction, I was looking at the chart on page 59 where it says from rivers or streams it's an across-the-board 200-foot buffer for all of the environmental designations. How are we using "buffer" – and I did not see "buffers" defined in our Definitions – because to me "buffers" is a planted, like off – I don't want to say "no touch," but it's a – so I want some clarity on what we're using, because I also went back and read the Department of Ecology – I think it's chapter 11 where they talk about that subject. And other jurisdictions along rivers I found – Douglas County, for example, along the Columbia River it's only 100-foot buffer. And so my question then is, Are they using the word "buffer" in a different way? Is it – or is theirs in connection with a setback?

Mr. Walters: Let me give you some dry, technical stuff and then Betsy can jump in.

Ms. Stevenson: With the fun stuff?

Mr. Walters: Yeah. "Buffer" is defined in 14.04.020 and there are a couple of different definitions for "buffer." What we're talking about in these cases are the critical areas buffers.

Ms. Lohman: It's defined where?

Mr. Walters: In 14.04.020, where all the definitions for Title 14 are kept. The Shoreline Plan incorporates those definitions, but where there's a conflict the shoreline definitions control. But the definition of "buffer" under 14.04.020 for critical areas is "an area that is contiguous to and protects a critical area, which is required for the continued maintenance, functioning, and/or structural stability of a critical area." So it doesn't say "fully vegetated" or anything else. There are other sections of our code that describe what can and cannot be done in a buffer, and there

are things that can be done in a buffer – maybe more things than are allowed in other jurisdictions. Other jurisdictions may have smaller buffers but allow more things – but allow fewer things or maybe nothing to be done within the buffer. So that’s the tradeoff that was evaluated back in 2010 or whenever it was when we did the critical areas ordinance.

Ms. Lohman: But if you look in the critical areas ordinance, it’s not 200 feet for every, because I –

Mr. Walters: In the critical areas ordinance now –

Ms. Lohman: Wait. Hold on –

Mr. Walters: – it’s 200 feet for all *shoreline* fish and wildlife habitat critical areas streams. So for all those conservation areas there are a variety of buffers, but for the *shoreline* class streams it’s 200 feet. And those are the only ones that are regulated by the shoreline plans. Smaller streams are not within shoreline jurisdiction.

Ms. Lohman: Oh. Okay.

Mr. Walters: Or they don’t create shoreline jurisdiction.

Ms. Stevenson: And, Annie, to answer the other portion of your question as far as buffers and being defined differently by different people, we found when we were doing the critical areas ordinance update that lots of different counties or different places that were doing updates, some assumed they’d be fully vegetated. Here we haven’t done that. So if you have property, measure from your critical area edge – whatever that may be – and you go the distance of the buffer and that’s the area that you’re supposed to stay out of basically, and if you stay out of that area we’re not necessarily going to make you go in and plant a bunch of stuff that isn’t there.

Chair Axthelm: So not seeing a comment from anybody else, I (have) a question with the – so what you’re saying is the buffer for Skagit County is a more usable buffer than it might be in other areas, other jurisdictions. Is that right?

Ms. Stevenson: No, I don’t think that’s what I said. I just said you wouldn’t necessarily have to come in and vegetate it if it isn’t vegetated.

Chair Axthelm: Okay. Maybe it was Ryan –

Ms. Stevenson: There are still some restrictions as far as, you know, the activities that are allowed within the buffer areas.

Chair Axthelm: Yeah.

Mr. Walters: Yes, that’s more what I said, which may or may not be correct.

Ms. Stevenson: Oh, sorry.

Mr. Walters: If you look at existing 14.24.540(5) – this is our existing critical areas ordinance and what we’re proposing to use as part of the Shoreline Plan, and it describes the allowed uses in the habitat conservation areas and their buffers, so you get some sense of what is allowed.

Chair Axthelm: Okay. Any other comments or questions there on buffers?

Ms. Mitchell: No.

Chair Axthelm: Okay. All right, so the next one –

Mr. Walters: So in that – in that section, we would really like you to recommend – otherwise we will do it later – that we make some corrections that we didn't catch. Those are highlighted in the memo.

Ms. Lohman: We haven't gotten to that page yet.

Mr. Walters: Okay.

Ms. Lohman: Amy, aren't you the one that said something at our last meeting about the buffers? Were you the person that put it on the agenda?

Ms. Hughes: No.

Ms. Lohman: Was it you, Martha?

Ms. Rose: I brought up with reference to the 200-foot buffer off of a dike so, yes – I mean, is that – I thought that we were going to cross that bridge later on.

Mr. Walters: Yes. That's a little while later.

Ms. Lohman: We can save it for then.

Ms. Rose: Yeah.

Chair Axthelm: But you're talking two different things.

Ms. Lohman: Right.

Chair Axthelm: That 200 feet is a different reference – the buffer versus the shoreline ____.

Mr. Walters: Yes. We tried to get into all that a little later in the memo, specifically with respect to –

Chair Axthelm: Okay. One more chance: Any other comments on shoreline buffers?

(silence)

Chair Axthelm: Okay. All right, so we can move – and that's – your comments were based on the next one, Shoreline Critical Areas.

Mr. Walters: Oh, I see.

Chair Axthelm: Yeah. Okay, so moving on to Shorelines and Critical Areas – somewhat related – that next section, which is page 4 and part of 5. And this is where the Planning Department made a recommendation, which is RC-1 on page 5.

Mr. Walters: 1, 2, and 3 there.

Chair Axthelm: 1, 2, and 3? “Delete empty proposed SCC 14.26.520-540, and section .560.”

Ms. Mitchell: That sounds good.

Chair Axthelm: Okay. Empty, yeah. RC-2, “Move the content of” the “proposed SC 14.26.550, Additional Provisions for Fish and Wildlife Habitat Conservation Areas, into SCC Chapter 14.24, Critical Areas.” Okay.

Ms. Lohman: You need a motion for _____.

Chair Axthelm: And then third – well, yeah. Okay. I’m just going to go through them all real quick and then we can go from there. And then RC-3, “Update the table in existing SCC 14.24.530(2), Lake and Marine Shoreline Buffers, to reflect the new shoreline environment designations.” Okay, so do I have a motion for any of that?

Ms. Mitchell: I move that we accept RC-1 as stated.

Ms. Lohman: Second.

Chair Axthelm: Okay. It’s been moved and seconded to accept RC-1 as stated. All those in favor, say “aye.” Or discussion, I guess it would be. I’m sorry. Any discussion on that? No. Okay, so all those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed?

(silence)

Chair Axthelm: Unanimous. Okay, so the next one, RC-2. Do we have a motion regarding RC-2?

Ms. Lohman: I make a motion that we accept RC-2 which is “Move the content of” the “proposed” Skagit County Code “14.26.550,” the “Additional Provisions for Fish and Wildlife Habitat Conservation Areas, into” Skagit County Code “Chapter 14.24, Critical Areas.”

Ms. Mitchell: Second.

Chair Axthelm: Okay, it’s been moved and seconded as stated in RC-2 on page 5. So is there any discussion on that?

Ms. Lohman: I think that makes sense. It puts it in the chapter it needs to be in and I think even Ecology’s comments said something along that line.

Chair Axthelm: Any other comments?

(silence)

Chair Axthelm: Okay. Seeing none, all in favor of the motion?

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: So the motion has it, or ___. And then the third motion.

Ms. Rose: I'll make a motion to adopt RC-3.

Ms. Mitchell: Second.

Chair Axthelm: Okay. It's been moved and seconded to adopt RC-3, as stated on page 5. Do I have any comments or discussion on that?

(silence)

Chair Axthelm: Okay, so all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: Ayes have it. Okay. So we're okay with that section and we can move on to Aquaculture. Discussion on aquaculture?

(silence)

Chair Axthelm: We don't have any discussion on aquaculture! _____. Let's see. And they do have some recommendations on that. Okay, so three items brought up in public comment from Taylor Shellfish and Tim Hyatt with Skagit River System Cooperative – oh, actually Kevin Bright with American Gold Seafoods, as well. So encourage the County to maintain the current language with regard to the aquaculture in the draft SMP. The broad view and intention of the State Shoreline Management Act is correctly applied in locally written SMP.

The next comment is local SMP requires strong enough language to safeguard the environment, but do in a manner that it also allows for the controlled beneficial uses of shoreline environment. The current draft SMP has found that balance.

And the third comment is expansion of aquaculture into native eelgrass and other fragile ecosystems should fall under the SMP review, and should be mitigated accordingly, as any other shoreline development would be. Expansion of current aquaculture operations into native eelgrass should be treated the same as new aquaculture.

Do you have any discussion on these _____?

Ms. Lohman: I was under the impression that the Department, after evaluating the comment, that they believe that it's addressed appropriately in the regulation. So we don't *need* to do anything, is your recommendation. Right?

Ms. Stevenson: Yes.

Mr. Walters: There was also extensive discussion in the Aquaculture Subcommittee and the regulations that are in the draft are the result of the discussion in the Aquaculture Subcommittee.

Ms. Lohman: And they brought that to a work session that we had, as well – that eelgrass discussion. So I would like to make a motion that we concur with the staff's determination that the regulations are adequate to address the concern.

Ms. Mitchell: Second.

Chair Axthelm: Okay. Any discussion on that?

Mr. Raschko: I'm a little confused. What does the document say – I'm sorry to not be up to date on this, but what does the document say about the third bullet, expanding aquaculture into native eelgrass?

Ms. Stevenson: So the next section down below that that isn't in bold, that's the section of the proposed code.

Mr. Raschko: Okay, I see it. Okay. I'm sorry.

Ms. Stevenson: No, don't apologize. It took us years.

Ms. Lohman: We're supposed to ask questions.

Mr. Walters: So the motion that's on the floor is to, well, concur that there is no need to modify the proposal to address his concern. That probably makes the most sense as a finding of fact rather than a recommendation, because you're not making – you're making a recommendation to not do anything. Does that make sense?

Ms. Lohman: Can we flag it, then, for that?

Mr. Walters: Or we could put it in right now.

Ms. Mitchell: Let's put it in.

Ms. Lohman: All right.

Mr. Walters: All right. Well, let me draft something for the screen here then.

Ms. Del Vecchio: Can I make a general observation here, because we seem to be heading down a slippery path here? I thought we had decided early on to *not* be doing findings of fact at

this point. So if we are, I just want to be very careful that we're not slipping into, Okay, let's start putting everything in findings of fact and get bogged down with that before we actually –

Mr. Walters: And if you didn't really want to do that now, we could flag it, we could draft it, bring it back to you later.

Ms. Lohman: Let's – I think we should just put a star by it that we touched it and save it for the end.

Ms. Del Vecchio: Because I think we had quite a few from last session that we –

Ms. Lohman: Yeah, because we didn't bog down on that.

Ms. Del Vecchio: – dealt with similarly and we just kind of moved past it.

Chair Axthelm: (unintelligible)

Mr. Walters: All right, I have put a note with a star, so we'll flesh that out more later.

Chair Axthelm: Okay.

Ms. Lohman: Good catch, Hollie.

Ms. Del Vecchio: And then there is actually a staff recommendation that I don't – did I miss when we discussed this or – RC-4?

Ms. Lohman: We haven't gotten there yet.

Ms. Del Vecchio: Well, isn't that in the same – okay, I thought we were just making – moving to *not* do anything to aquaculture even though there's – but there's –

Ms. Lohman: No.

Ms. Del Vecchio: Okay.

Ms. Lohman: It was –

Ms. Del Vecchio: We're not there yet. I'll be quiet.

Ms. Lohman: – specific to the eelgrass discussion.

Ms. Del Vecchio: Okay.

Chair Axthelm: And it doesn't – your comments don't necessarily – they aren't exactly the same as what the person was asking. We're allowing some minor expansion. Right? Because in the statement, they asked – or what they asked is expansion of current aquaculture into native eelgrass should be treated the same as new aquaculture. But it's not being treated the same as new because there's some allowance for some expansion.

Ms. Stevenson: Yes. Thank you for the clarification.

Chair Axthelm: But we are addressing it. Yeah. Okay.

Ms. Lohman: And I misspoke just calling it just eelgrass. It was – I was referring to that comment.

Chair Axthelm: Okay. So RC-4 now. RC-4.

Ms. Del Vecchio: I move that we adopt RC-4 as stated on page 6 into our recommendations.

Chair Axthelm: Okay.

Ms. Lohman: Second.

Chair Axthelm: Okay, it's been moved and seconded to accept RC-4, "Fix the reference to" mitigating "sequencing in SCC 14.26.415(4)(c) and (d)," as stated in the staff report. Any discussion?

(silence)

Chair Axthelm: Okay, seeing no discussion on that, all those in favor of the motion, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed?

(silence)

Chair Axthelm: Okay. So RC-4 (is) accepted as a motion – or a – yeah.

Actually there are some other – and there're some other comments down in this same line. It says "Adopt WDOE guidance on aquaculture regulations, including the provision that" the "aquaculture should not be permitted in areas where it would result in a net loss of ecological functions, adversely impact eelgrass and macroalgae, or significantly conflict with navigation" of "other water-dependent uses." Okay, these issues were addressed. Sorry – I guess I didn't have to read that one.

Ms. Lohman: That's – I need to clarify, Mr. Chairman.

Chair Axthelm: Okay.

Ms. Lohman: Where it has kind of the picture of the person's head, that is the public comment.

Chair Axthelm: Yes.

Ms. Lohman: Below it is the staff's response to the public comment. And they're pointing out that they feel that the concern that was brought up in public comment is addressed in Skagit County Code 14.26.415 in that subsection.

Chair Axthelm: Okay, do we want to look at that subsection?

Ms. Lohman: And so you need to ask us if we agree.

Chair Axthelm: Okay. So do you agree with the statement that it was addressed, the question was addressed? I don't see any disagreement.

Ms. Lohman: I think it does.

Chair Axthelm: Okay.

Ms. Rose: I think it's fine.

Chair Axthelm: Okay. So the next one – it says “In section 14.26.415(2)(b)(ii) clarify that changing culture techniques to geoduck requires a conditional use permit, consistent with the State shoreline regulations...and the remainder of the Skagit SMP, particularly in regards to geoduck...”

Okay, so the Department disagrees with this suggestion, pursuant to WAC 173-26-241, and says “Conditional use permits are required for new commercial geoduck aquaculture only. Where the applicant proposes to convert existing nongeoduck aquaculture to geoduck aquaculture, the requirement for a conditional use permit is at the discretion of the local government. The change from one species to another is addressed in proposed” Skagit County Code “and would not require shoreline review unless significant adverse environmental impacts would occur.”

Are we okay with that answer?

(sounds of assent from several Commissioners)

Chair Axthelm: Any discussion on it?

(silence)

Chair Axthelm: Okay. Do you want me to read these or do you want to just go down through and say you agree with them? I can read the whole thing or we can just look at it and state whether we agree or not.

Ms. Lohman: I think if you just –

Mr. Walters: We could number those public comments in the future, if that helps.

Ms. Mitchell: It would help. Thank you.

Chair Axthelm: Yeah. So the next one is the Shorelines Management Act recognizes shellfish as a preferred use. State and national policies promote the preservation and expansion of shellfish aquaculture beds, and recognize the ecosystem benefits they provide.

Next comment is: County should not duplicate WDFW's review (as the agency with the expertise and jurisdiction) for introduction of new species unless introduction would have significant adverse impacts.

And the Department answered, “The Department supports the change proposed by the commenter.” So that proposal is RC-5: “Revise proposed” Skagit County Code – so this is RC-

5: "Revise proposed" Skagit County Code "14.26.415(2)(ii) to read: 'Ongoing maintenance, harvest, replanting, changing culture techniques or species does not require shoreline review unless cultivating a new species in the waterbody or using a new culture technique, and that new species or culture technique has significant adverse environmental impacts (if not allowed by an existing shoreline permit).'"

Do I have a motion?

Mr. Raschko: I move we approve RC-5 as written.

Ms. Mitchell: Second.

Chair Axthelm: It's been moved and seconded to approve RC-5 as stated in the staff report. Is there any discussion on that?

(silence)

Chair Axthelm: No? Okay, seeing none – oh, sorry. All those in favor of the motion?

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: All right, next. The public comment is: Expansion of existing aquaculture without an existing shoreline permit should receive shoreline review, but will not always require a shoreline permit.

And the Department agrees, and they have a couple RC, or recommended recommendations. Recommend 6 is revise proposed Skagit County Code 14.26.415(2)(b)(iii) to require "shoreline review," not necessarily a "shoreline permit."

"Similarly, we recommend the following change that was also highlighted by the commenter: RC-7. Revise proposed" Skagit County Code "14.26.415(3) to read, "A letter of exemption is required for aquaculture activities that require shoreline review and do not constitute substantial development or otherwise require a Conditional Use Permit or Variance."

Ms. Mitchell: I move that we accept RC-6.

Ms. Lohman: Second.

Chair Axthelm: Do we want to have both of them at the same time?

Ms. Mitchell: No. I think it's better to one at a time.

Ms. Lohman: They're different.

Chair Axthelm: One at a time. Okay.

Ms. Lohman: The second one is added language.

Chair Axthelm: Okay. It's been moved and seconded to accept RC-6 as stated in the staff report. Any discussion?

Ms. Lohman: I would like to say that – just to call your attention – that that's under the section of expansion of *existing* aquaculture. It's not new. So I agree with the staff.

Chair Axthelm: Okay. Any other discussion on the recommendation?

Ms. Mitchell: No.

Chair Axthelm: Okay. Seeing none, all those in favor of the recommendation as stated?

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: Okay, ayes have it – unanimous. RC-7: Do we have a motion for RC-7?

Ms. Rose: I make a motion that we adopt R – approve R-7, RC-7.

Ms. Del Vecchio: Second.

Chair Axthelm: It's been moved and seconded to approve RC-7 as stated in the staff report. Any discussion on that?

(silence)

Chair Axthelm: Seeing none, all those in favor of RC-7 as stated in the staff report?

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: Okay. RC-7 stands. The next commenter is predator control measures for aquaculture should be allowed to control invasive species. And the County has a recommendation on that: "Revise" Skagit County Code "14.26.415(4)(h) to allow control of invasive species."

Mr. Raschko: I move to adopt RC-8 as written.

Female Commissioner: Second.

Chair Axthelm: It's been moved and seconded to adopt RC-8 as written. Any discussion?

(silence)

Chair Axthelm: Okay. Seeing none, no discussion, all those in favor of RC-8 as stated in the staff report.

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed?

(silence)

Chair Axthelm: Okay, so RC-8 stands. Next comment is: Replace the requirement for geoduck aquaculture to avoid significant conflicts with neighboring uses, which is not contained within the WAC, with a requirement for geoduck aquaculture to avoid conflicts with navigation and other water-dependent uses, which is in the WAC. Do we have any – no, there we go. And there's a statement from the Planning Department but they make a recommendation, RC-9, which is "Revise" Skagit County Code "14.26.415(8)(d)(vi) to delete 'and avoid conflicts with neighboring uses.'"

Ms. Rose: I move that we adopt RC-9.

Ms. Del Vecchio: Second.

Chair Axthelm: It's been moved and seconded to adopt RC-9 as stated in the staff report. Discussion?

Ms. Lohman: Yes. Hold on a second. My question was: When you talked about neighboring uses, were you referring to, like, recreational or those other water-dependent uses, and that's what you intended to say – like basically reword what it said in the WAC – but the commenter didn't understand what you wrote?

Ms. Stevenson: I think they felt that it was just too broad by saying "neighboring uses." That could mean anything, and that really isn't laid out that way. That was kind of our intention to capture those things, but I don't disagree with their concerns. So rather than add some of the language that they've asked for as far as water-dependent uses and conflicts with navigation, that's already in there. So the recommendation was to just kind of end it at –

Ms. Lohman: At "species."

Ms. Stevenson: – "associated species."

Chair Axthelm: Are you okay with that, Annie?

Ms. Lohman: Yeah, I'm okay. But I just – I wanted to clarify that.

Chair Axthelm: Okay. Is there any other discussion on that?

(silence)

Chair Axthelm: Okay, seeing none, all those in favor of RC-9 as stated in the staff report.

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “nay.”

(silence)

Chair Axthelm: Okay. Okay, so RC-9 passes. And the next one: Aquaculture should not be regulated by proposed Skagit County Code 14.26.440, Fill, Excavation, and Grading. And RC-10 says, “Add a note to proposed SCC 14.26.440, Fill, Excavation, and Grading, to explicitly exempt aquaculture from that section.” Any discussion? No, sorry. Do we have a motion?

Ms. Lohman: I move that we accept RC-10 as written.

Ms. Mitchell: Second.

Chair Axthelm: It’s been moved and seconded to accept RC-10 as written in the staff report. Any discussion?

Ms. Mitchell: I do have a question.

Chair Axthelm: Kathy?

Ms. Mitchell: Was there any – are there any downsides? I don’t understand what – what was the problem with that for them?

Ms. Stevenson: Sometimes the definition of some of those activities, you could interpret that to apply to certain types of aquacultural operations so that you could say, Oh, but wait. It actually is this so you should require a permit under a different section. So I think it’s a clarification and I think it makes sense.

Ms. Mitchell: Thank you.

Chair Axthelm: Okay. Any other discussion or comments?

(silence)

Chair Axthelm: Okay. So it’s been moved and seconded to accept RC-10 as stated in the staff report. All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: Seeing none, RC-10 passes. Okay, so the next item is Dikes (maintenance/reconstruction, and ordinary high water mark/jurisdiction). And substantive comments on the issue were received from Jan Davis and Daryl Hamburg (on behalf of Dike District 1, 3, 17, and 22): Concern that an existing agricultural dike could not be repaired under the proposed Skagit County Code 14.26.640. And there were some comments from the County, and then – or from the Planning Department, and they made a recommendation, RC-11: “Add a definition of ‘flood hazard reduction’ to Part VIII, Definitions, and make it clear that it excludes

dikes. Add notes to 'shoreline stabilization' sections in Part IV and VI to clarify that these sections do not apply to flood hazard reduction measures.”

Okay. Do we have a recommendation – or, sorry, a motion?

Ms. Lohman: I make a –

Ms. Rose: I move to adopt RC-11.

Ms. Lohman: I'll second it.

Chair Axthelm: Okay, it's been moved and seconded to adopt RC-11 as stated in the staff report. Is there a discussion on that?

Ms. Mitchell: Yes. Annie first.

Chair Axthelm: Annie?

Ms. Lohman: Ryan or Betsy or Jill, can we – when you're writing the definition of “flood hazard reduction,” if you could use all the dike, levee, and all those words that – when we write it so that when somebody's doing a word search for “dike” they can get it to pop up?

Mr. Walters: How about that? How about that – include dikes and – to make sure it excludes dikes and levees? Is there anything else?

Ms. Lohman: But when you just call it “flood hazard reduction” –

Ms. Stevenson: She wants to make sure we include those words when we describe it.

Mr. Walters: I know. I just typed it in there – dikes and levees.

Ms. Stevenson: You just said “exclude” rather than “include.”

Mr. Walters: I know, but that's what it –

Ms. Stevenson: Oh, okay. I'm reading it now.

Mr. Walters: The definition excludes –

Ms. Stevenson: Yeah, I'm reading it now.

Mr. Walters: Yeah. Any other words? There aren't any other words, are there?

Ms. Mitchell: So advice from the experts: Does this capture all the concerns that they had? I know – I do understand the concerns the owners were having with that. Will this fully capture those concerns to mitigate that, or anything you've been exposed to?

Mr. Walters: Repair would be allowed. There's a more constrained set of rules for repair of shoreline stabilization, because shoreline stabilization – not dikes and levees but those other things that constitute shoreline stabilization are discouraged. So by moving – by making it clear dikes and levees *aren't* shoreline stabilization, they enjoy the normal rules for repair.

Ms. Mitchell: Thank you.

Chair Axthelm: Does repair include where they're raising the level of it? Because that's pretty much what they've been doing lately. I mean, I guess that's what they – they do repair it and add more gravel to the top all the time – is considered repair, but now with the dikes being raised –

Mr. Walters: It might be normal maintenance even. But raising the dikes? I don't think raising a dike would be normal maintenance or repair. Betsy? This question was specifically about agricultural dikes, which have another special provision that's noted in the next paragraph there. But if your question is more generally about dikes generally and if raising them would require permitting, I think the answer is yes.

Ms. Lohman: Well, there's permitting – there's a whole boatload of permitting when you mention dikes, besides –

Mr. Walters: Right.

Ms. Lohman: – this topic – shoreline. So it's not like they are scot-free on permitting.

Ms. Stevenson: I'm confused. I get that you're excluding it from "shoreline stabilization." I don't understand why you're excluding them from the definition "flood hazard reduction."

Ms. Mitchell: Betsy, can you repeat? We couldn't hear.

Ms. Stevenson: Okay. I'm sorry. I'm confused on this recommended change.

Ms. Lohman: Well –

Ms. Stevenson: We're trying to get it out of –

Mr. Walters: Oh, right.

Ms. Stevenson: – "shoreline stabilization," but we're not trying to get it out of "flood hazard reduction."

Ms. Lohman: No.

Ms. Stevenson: It doesn't make sense.

Mr. Walters: Yeah, there is something a little weird about that there.

Chair Axthelm: Yeah, that's what I was wondering, because –

Ms. Stevenson: Wouldn't you say make it clear that it excludes dikes and levees, but it doesn't. It includes dikes and levees.

Chair Axthelm: Yeah.

Ms. Stevenson: But not in "shoreline stabilization," but in "flood hazard reduction."

Chair Axthelm: It reads funny. You're saying that, but it reads funny.

Ms. Lohman: Yeah, his sentence was wrong.

Chair Axthelm: Yeah, because if you read the one above – you have to read the one above that says structural shoreline stabilization, that “Dikes are more properly considered ‘flood hazard reduction.’”

Ms. Stevenson: Right.

Chair Axthelm: So the definition isn't –

Mr. Walters: That should be “includes,” right?

Ms. Lohman: “Includes” – right.

Chair Axthelm: Well, no, I think you stated it right. It's just it says “Add a definition of “flood hazard reduction” –

Ms. Lohman: No. He's got it now.

Ms. Stevenson: It's right now.

Chair Axthelm: Okay.

Ms. Stevenson: You're taking it out of “shoreline stabilization,” making clear that it's a flood reduction.

Chair Axthelm: Okay. Good.

Ms. Mitchell: Do we have to restate a motion since we changed that?

Mr. Walters: Not if you all agree.

Chair Axthelm: Okay, so the motion's been adjusted for correction.

Ms. Rose: And that's fine. Yeah.

Chair Axthelm: For grammar. Any other discussion on the motion?

(silence)

Chair Axthelm: Seeing none, all those in favor of the motion as now stated – “RC-11. Add a definition of ‘flood hazard reduction’ to Part VIII, Definitions, and make it clear that it includes dikes and levees. Add notes to ‘shoreline stabilization’ sections in Part IV and VI to clarify that these sections do not apply to flood hazard reduction measures.” All those in favor of RC-11?

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: Seeing none, it passes. Okay. And then there was concern about public access requirement for dikes, and the statement from the County is: "This provision...applies only to *new* dikes, does not require public access when permission cannot be obtained from the underlying landowner, and" it "was addressed by the Planning Commission at its last meeting."

Okay, and SMP must exempt certain dikes from substantial development permits, and that was addressed.

And then concern that County staff has interpreted the Ordinary High Water Mark as the top of a levee.

Any discussion on those? Martha?

Ms. Rose: I don't necessarily – I didn't hear it that way. There was a gentleman in the galley that was talking about the setback is 200 feet from the top of the dike, but sometimes the dike is quite a distance from the edge of the river. So I think there was some discussion about how the way it's worded isn't really quite logical. In some cases, the dike is right up against the edge of the river – the path of the river – and in other places it's 50 to 100 feet away. I don't know what the greatest distance away is. But presumably the dike is there to contain the flooding water where the setbacks from the edge of the river is – or the edge of a waterway is to help protect those areas, and one of the reasons is for flooding. So the dike is accomplishing that. So then people were talking about, Well, you need to work on the dike, you need some sort of a buffer there.

But I guess I'm just bewildered as to how the 200-foot distance came about for the landward side of the dike because it's not logical. In every other case, a 200-foot setback is logical because it provides protection. But if water ever breaches the dike, it's not going to stop at the 200-foot mark. It's going to keep going. But most people will tell you that experience has shown that the dike actually does a very good job of containing the water. So I would like to propose that some other language be adopted that acknowledged the need to have a buffer to repair the dike, whether it be 50 feet or whatever, but to break from the recommendation of Ecology – I think that's where this 200-foot rule came from – and present to them our own solution of a much reduced buffer on the landward side of a dike that allows for maintenance but acknowledges that the dike is doing the job of containing the water.

Ms. Mitchell: I concur.

Ms. Stevenson: Can I clarify this a little bit? It got really convoluted in all the discussions over time. So I think that we're talking about two different issues: One is determining where the ordinary high water mark is and one is determining shoreline jurisdiction. So if you have a parcel that has a dike and the river is a long ways away right now because it's in its banks where it's supposed to be and it isn't up to the dike yet, to measure the ordinary high water mark you would be going out by the river to measure the ordinary high water mark by the definition of what the ordinary high water mark is.

Ms. Rose: Right.

Ms. Stevenson: So your actual shoreline setback, if that was all you had, would be from there. Because you have a dike in play, downstream we consider that, according to Ecology, as part of a floodway. So in terms of shoreline jurisdiction you include the entire floodway and 200 feet landward of the floodway line, which in this case would be the dike as long as all that 200 feet lateral distance is still within the floodplain. So that 200 feet is not necessarily a development setback from the dike. It's just saying that's how far shoreline jurisdiction goes beyond the dike. It doesn't mean that you couldn't build something within that 200-foot space. And if the river is way out there and you're measuring your ordinary high water mark, then in this case you would probably defer to the zoning section of the code that had established the 50-foot dike maintenance setback from the toe of the dike. Does that make sense? Because I know it went all over the place, but....

Chair Axthelm: I think maybe you can clarify this. A lot of this came from my comments, and what it was is another jurisdiction had stated that to establish shoreline jurisdiction the ordinary – what they used was referring to the ordinary high water mark as a line to start that shoreline jurisdiction. And they referred to – they said the ordinary high water mark in that case would be the top of the dike. But that's not the Department of Ecology's _____. The ordinary high water mark is the ordinary high water mark at the river. Now for determining shoreline setback, it goes by the ordinary high water mark or, in this case, the floodway or the dike. But that doesn't mean you can't use that land. Right? Am I saying it right?

Ms. Stevenson: No, but you're close. You got it right up till that last statement about the shoreline setback. You were good.

Ms. Rose: I understand the ordinary high water mark. That's crystal clear. So let's use an example. So let's say I own land that's well away from the ordinary high water mark but it's on the landward side of the dike, and I want to build a house 51 feet away from the dike. You know, so it's in the 200-foot floodway – right? – or buffer from the floodway, right? The floodway is dike to dike, right?

Ms. Stevenson: Yes.

Ms. Rose: And then there's a 200-foot buffer from the floodway.

Mr. Pernula: No.

Ms. Stevenson: No. That's where you're going sideways. The 200 feet from the dike is shoreline jurisdictional area beyond, as long as that area's all in the floodplain beyond the dike, landward of the dike.

Ms. Rose: Okay, so shoreline jurisdictional area means that you could build.

Ms. Stevenson: Right. It's not meaning you can't build. That's just the boundary of shoreline jurisdiction – is from the ordinary high water mark to 200 feet landward of the dike.

Ms. Rose: Okay, so I see we have an amateur at drawing here!

Chair Axthelm: So it means it goes through – it goes through a review process.

Ms. Dvorkin: It goes through the Shoreline Master Program review process, and in the scenario you're describing it sounds like you would be outside of the shoreline buffer. The fish and

wildlife habitat conservation area, the same thing. So you would be able to build 51 feet from the dike, assuming that met zoning setbacks likely.

Mr. Pernula: If the ordinary high water mark is well waterward of the dike, you measure from there. So the setback may be entirely on the other side of the dike from your property.

Ms. Rose: Right.

Mr. Pernula: Although the jurisdiction goes 200 feet beyond the dike.

Chair Axthelm: Thank you.

Ms. Dvorkin: So concepts like –

Ms. Rose: What does that look like when I come for my permit? In other words, how do you use that jurisdiction for somebody who's going to build something in there? What are you going to ask of them –

Mr. Walters: Jurisdiction would be 50 feet from the dike – outside toe. 50 feet is contiguous floodplain.

Ms. Stevenson: It's a maintenance. It's kind of maintenance.

Mr. Walters: Or 200 – yeah.

Ms. Rose: It's 200.

Ms. Stevenson: Jurisdiction is 200.

Mr. Walters: 200 feet from the dike. You have your 50-foot maintenance thing, which is really not part of the Shoreline Program. That is separate. It exists in another, separate world. 200 feet is the limit of the jurisdiction. Jurisdiction is where any of this plan applies at all. Absent shoreline jurisdiction, we are not applying shoreline regulations. So if you are outside of shoreline jurisdiction, we do regular critical areas, we do zoning, we do all those other things that we do, but we are not applying the Shoreline Plan.

Mr. Pernula: Ryan, why don't you add an ordinary high water mark a few hundred feet to the left of the dike – like 300 feet? That's the ordinary high water mark. Your setback would be measured from there.

Ms. Rose: Okay.

Mr. Walters: So your setback is probably 200 feet from the ordinary high water mark, which might not even make it all the way to the dike. That's Scenario A. A different scenario, where the ordinary high water mark is right on the other side of the dike – Scenario B – it would be measured from there. But in all cases, buffers are measured from the ordinary high water mark and there's a specific line in the proposal that says buffers are always measured from the ordinary high water mark.

Ms. Lohman: So where you have your 200-foot line on example A, you don't have the zero mark on your tape measurer in the right spot, correct?

Mr. Walters: In Scenario A, if the ordinary high water mark is there you're starting to measure your 200 feet *for the buffer* from there.

Ms. Lohman: So your *second* 200 feet? Above the house.

Ms. Stevenson: It's jurisdiction.

Mr. Walters: That's jurisdiction only.

Chair Axthelm: Yeah, that should be from the inside top of the dike.

Ms. Lohman: It shouldn't be measured from the inside bottom toe.

Chair Axthelm: It's not from the toe, is it?

Ms. Stevenson: It's the floodway line, so –

Chair Axthelm: Which is the other side of the dike.

Ms. Stevenson: – it would probably be the top of the dike in that instance.

Mr. Walters: I thought we prohibited use of the word "inside."

Ms. Stevenson: Yeah.

Mr. Walters: We all agreed we were going to talk about "landward" and "waterward."

Ms. Stevenson: Well, the floodway would probably be determined at the top of the dike there, I'm going to say.

Chair Axthelm: Okay, yes – on the waterward top of the dike.

Mr. Walters: Yeah.

Chair Axthelm: I believe is what it says with the floodway.

Mr. Walters: That makes sense to me. Is that right?

Ms. Stevenson: Well, it would be the top of the dike then.

Mr. Walters: Top of the – oh, all right.

Ms. Dvorkin: And then I think going back to Martha's –

Chair Axthelm: I could be wrong, but I'm pretty sure after all the study that I did on it that's where it is!

Ms. Dvorkin: – to Martha's question – What would that look like if you came in and you wanted to build a house? Betsy'd be the better person to talk about it, but very quickly you would

probably come in; evaluate where you wanted to place that; and, I think, the process for single-family residences is they – it's a shoreline exemption, right?

Ms. Stevenson: Yes.

Ms. Dvorkin: And so whatever review process to make sure that the proposal is generally consistent with the Shoreline Master Program, and that involves....

Ms. Stevenson: In cases like this, we do rely on the definitions.

Ms. Rose: So the gentleman's example – who was sitting in the audience. He's – maybe I don't – I'm pretty sure I heard this right. He was, like, So I'm a farmer and I want to build a barn. It wasn't even a house. It was a barn. Is that – that would work, too?

Ms. Stevenson: You know, I haven't seen his property but in what he showed me along the way where he showed where the dike is existing, he's got a very unique and interesting situation there. So I wouldn't want to weigh in too heavily on it. But it looks as though, because it takes a right angle on the drawing that he had, that perhaps it was put in place at some point and time to protect a road, I would guess, to be built like that. So I'd have to look at his property to just kind of determine that for sure. But, yeah, there are instances where it may not make a lot of sense, and we do the best we can.

Ms. Rose: Sure. Thank you.

Chair Axthelm: That's where that review comes into place, is that you have the opportunity to –

Ms. Stevenson: Yeah, I guess when I said Jill asked me: We rely on what definitions? We rely on the definition for the ordinary high water mark; then we go from there and try to determine, you know, jurisdictional boundaries; what you're trying to do and where you want to try to do it; and then determine what your setbacks should be or what the controlling setback is on your site, whether it would be a shoreline requirement or whether it would be based on that maintenance corridor along the dikes. Because we did have a situation quite a long time ago where somebody came in to build something and gave us a site plan. There was a dike on their property and the building ended up right up against the dike and, needless to say, the dike commissioners were not very happy. So we put that 50-foot in there for that.

Ms. Rose: Thank you.

Ms. Del Vecchio: I think Ryan's having too much fun.

(laughter)

Mr. Walters: Well, we're putting this into the plan now!

(laughter)

Chair Axthelm: Okay, do we have any other comments on this particular scenario here? If not, I'll move on to the next comment. The SMP must exempt certain dikes from substantial development permits. And then the next concern after that is concern that the County staff has interpreted the – oh, no, _____. Okay we did all those, right? So good. We're all right. So there is no change. It's just clarification.

Ms. Lohman: Right.

Chair Axthelm: Any other comments on that?

(silence)

Chair Axthelm: Okay, good. And, Kathy, did you have something?

Ms. Mitchell: No, no. I'm good. Thank you.

Chair Axthelm: Okay. So the last one – not the last one, I guess, but the next one is the Skagit County UGA Open Space Concept Plan. And just for clarification, at its last meeting the Planning Commission added a line to the draft recorded motion, recommending that the Board delete Skagit County Code, or SCC 14.26.370(4) regarding the Shoreline Public Access Plan, which mentions the Skagit County UGA Open Space Concept Plan. Staff has reviewed WAC 173 – reviewed the WAC which prescribes that the County can pursue either site-by-site public access requirements, or create a public access plan, but need not do both. The reference to the UGA Open Space Plan can therefore be deleted, and the Department agrees with the Planning Commission's recommendation to do so. Any discussion on that?

Ms. Del Vecchio: Thank you to staff.

Several Commissioners: Thank you.

Chair Axthelm: Yep, thank you very much. Okay. So the next item is the Shoreline Environment Designation Map changes (other than Guemes). The Planning Commission already discussed Guemes map changes at its last meeting. So changes –

Ms. Lohman: These are other changes.

Chair Axthelm: Okay, so other changes: Change the designation around Secret Harbor on Cypress Island from Rural Conservancy to Natural.

And then the next comment was change the designation near Barney Lake owned by Clear Valley Environmental Farm or Skagit Land Trust to Natural.

Ms. Del Vecchio: Can we back up just one?

Ms. Lohman: One at a time.

Chair Axthelm: Sure. You want to go over them?

Ms. Del Vecchio: Were you going to read all of them? I thought we were breezing past the first one.

Chair Axthelm: We could. That's fine.

Ms. Del Vecchio: Okay. Okay.

Ms. Lohman: We should do them one at a time.

Ms. Del Vecchio: Okay.

Chair Axthelm: Okay.

Ms. Del Vecchio: So with the first one regarding Secret Harbor on Cypress Island, can anybody give us a little more information on what additional requirements would be required if it were Natural versus Rural Conservancy?

Ms. Stevenson: Well, the Natural shoreline designation is the most restrictive and in this program it is less restrictive than under the existing program. It's pretty much a – you can't really develop too much of anything in a Natural shoreline area. So although it's less restrictive, most of the uses and modifications would require a conditional use permit and going through a hearing process. Most of the state agencies have requested that although it seems like for state parks and DNR and some of the people who are out there to protect and preserve and do those things, it seems like it would be a good fit but it really isn't for them for their master plans and for the work that they need to do to provide, you know, facilities and places for people to be. DNR just did a pretty good, fairly large restoration project out in this area. A lot of work that they did included kind of re-establishing an intertidal area into a wetland there, so they took a bunch of stuff out and kind of deepened it a little bit. That would have required a lot of shoreline permits and things and –

Ms. Del Vecchio: Okay, so it's not substantively anything that they're concerned about. It's just the process itself that they don't want to have to go through.

Ms. Stevenson: Right – the expense, the time, all of that sort of thing.

Ms. Del Vecchio: Which makes sense. I just wanted to make sure we knew what we were talking about here.

Ms. Stevenson: The history, for those of you who may or may not know, is there was – you know, DNR got this property in a fairly sweet deal from the landowners who tried to develop it. And being part of that proposal was what they were thinking. DNR will do a fine job, I think. And they would probably – they may still be required to get permits for some of the work, but at least it would be under a level playing field and not under a Natural designation necessarily, if that makes sense. Because they still do – it's an operating – they have barns and equipment sheds and places for people to stay when they're working out there. They still have to fight fires and do things like that out there and they need some facilities.

Ms. Del Vecchio: Okay, thank you.

Chair Axthelm: Okay. All right, so any other comments there?

(silence)

Chair Axthelm: Okay, so the next one was change the designation near Barney Lake owned by Clear Lake (sic) Environmental Farm on Skagit Land Trust to Natural. And this property is already protected via the noted ownerships, and a Natural designation would therefore not significantly increase protection. Public access is sometimes desirable or desired by the Land Trust to the properties it owns, and a Natural designation would increase permitting costs for public access. The Department recommends no change.

Ms. Lohman: I have a question. Betsy, on our designation maps then, are the areas that we've already designated as Natural, are they publicly-owned or privately-owned areas?

Ms. Stevenson: There's some of both.

Ms. Lohman: So here you have DNR – yeah, I understand it's on Cypress Island and it's specifically about Cypress Island – and then you have these other places where they're saying, Well, we don't want to be designated Natural but yet they're a restoration project. What about somebody else that is going to say the same – have the same concerns about it: Now I have to get a conditional use permit to do my restoration. So here you have public property struggling with the Natural designation. I just find it kind of ironic.

Mr. Raschko: I agree.

Ms. Lohman: It was more of a statement than –

Chair Axthelm: Any other comments there? Yeah?

Ms. Rose: It seems to me that these recommendations to have a more restrictive designation is not coming from those property owners, but coming from the public who think it would be a good idea. But they're not the ones having to deal with any permit processes that might come up as a result of needing to build a shed or providing access for the public. So all three of these are kind of in the same vein, it seems like. And anybody who's gone through a lot of permitting would understand why DNR wouldn't want that. And the only question I had was on the ones that are trusts. I presume that those land trusts are pretty much locked in and they'll probably be that way forever. Right? Or is there an ability to undo a land trust some time down the road? There is? But even still, I'm in favor of the staff recommendations to leave these in their designations that they already have.

Ms. Lohman: Amy.

Chair Axthelm: I'm sorry. Amy?

Ms. Hughes: I'm concerned about the process of a letter being able to make us – encourage us to do a change. I feel that in the future any request such as this has to go at the beginning of the process so all the community can speak to us on that. And so I'm uncomfortable even seeing this put in front of us and would like process to these type of requests. There's not a problem with requests. It's just the timing. The public hearing's closed and the public has not had a full advantage to talk on this.

Mr. Walters: And there would have to be more public process before a change could be made, because anytime that there's a change from what has been previously commented on, there has to be another opportunity for public comment on that change.

Ms. Hughes: Well, when we did it before, it was fully vetted by the public and now it goes to – if it doesn't come back to us, it goes to the Commissioners. I think we all understood that process. But this is new information and so it's a little bit different. I think it needs to start at Ground Zero as far as the public being notified and such when it's added to something like this. Was I clear on that one? Maybe not. You're looking at me.

Chair Axthelm: I think you're misunderstanding, because these aren't – I mean, they aren't making any changes. They're leaving it the same.

Ms. Hughes: Yes. The Department chose not to make any changes. Had we or the Department chose to make changes, I don't feel the process would have been correct, and that's the point I'm making.

Chair Axthelm: Okay. I think the Department concurs on that one. Right?

Ms. Stevenson: Yes.

Ms. Lohman: But we're at the very beginning on that designation though, aren't we?

Ms. Hughes: My concern, if you're asking me, is that I would have wanted to have these three items totally in front of when the public talked to us.

Mr. Walters: Commissioner Lohman's point, I think, is that Rural Conservancy wasn't a designation that previously existed. There were other designations that sort of morphed into that. It is open for comment and we are soliciting comments on these things, and the idea is that people can comment on that and can comment on the map designations and suggest different designations. And if we move – after you make your recommendation, if the Board wants to move forward with one of those changes then there will be an opportunity for comment, and Betsy's already said that she would deliberately notify the property owners of those ones that would be going to Natural, so they specifically would get an invitation to weigh in – because there really aren't that many of them – if we were going to make those changes. So there would be more opportunity for that process.

Chair Axthelm: Is that for any of the properties you're changing or just specifically to Natural?

Mr. Walters: Specifically we were talking about the ones changed to Natural after the release of the proposal.

Chair Axthelm: Mm-hmm. Okay.

Ms. Lohman: So even those other ones that aren't on this paper – on the staff report?

Mr. Walters: What other ones?

Ms. Lohman: The other brand new Natural designation. Those property owners are getting – get notified as well?

Mr. Walters: I don't know about that.

Ms. Stevenson: The ones from Guemes?

Ms. Lohman: No.

Mr. Walters: Any others elsewhere in the county?

Ms. Lohman: Yes.

Mr. Walters: They've already received notice just like everybody else. But to the question of are they specifically receiving a notice that your property used to be something else and now is going to Natural, I wonder how many of those are there?

Ms. Stevenson: We could probably do that in my spare time. I mean, I would have to take a look at it. There are some. A lot of them are areas with really steep slopes that are really not good places to be building anyway, and it's only a portion. I've looked at most of them and it's only a portion of their property that is affected and they have fairly large ownership. But I can probably do that. It's been on my list. I would like to do that.

Ms. Lohman: I just – to me it's kind of a fairness issue.

Ms. Stevenson: The Advisory Committee wanted to do the same thing, so it just hasn't been done yet.

Ms. Mitchell: Thank you.

Ms. Lohman: And I realize that you're very, very busy but –

Ms. Stevenson: So is everybody else. But I agree.

Ms. Lohman: – to me it seems like, just because we talked about a few and then we special noticed them, it just seems that we should really notice all of them.

Mr. Walters: And in terms of the effect on the ground of moving from a Rural Conservancy designation to a Natural designation I think that's largely found in 14.26.405, which is the Uses and Modifications Matrix. And for most development, which is residential development in the county, a single-family structure would still be allowed. It just would not be allowed without a conditional use permit. So that's a hurdle but it's not a bar to single-family development.

Ms. Stevenson: It's actually less restrictive now – or proposed than it is existing now for the Natural designation.

Chair Axthelm: All right, and the last – yeah. No, we didn't state the last one, right?

Ms. Lohman: Right.

Chair Axthelm: So the last one was change the designation of the WDFW Johnson DeBay Swan Reserve off Francis Road from Rural Conservancy to Natural – the last one we didn't mention. And the Department also recommends no change on that one. So do we all concur on that one? Do we agree with that?

(sounds of assent from several Commissioners)

Chair Axthelm: Is there anybody that specifically disagrees?

(silence)

Chair Axthelm: Okay. I didn't see all the nods. I just wanted to make sure. Okay. So that takes care of – you didn't think we were going to get through the list today.

Mr. Walters: Yeah, that is the whole list of issues that we had prepped for this meeting. On your screen now is the list of issues for the next meeting, as well.

Chair Axthelm: It's only eight o'clock. Do we – I guess we can't really address those because you don't have a comment on them. We could if we had time. We just don't have recommendations.

Ms. Hughes: If I may interrupt, we did have things on maps in general.

Mr. Walters: Oh, yes.

Ms. Hughes: And if I could encourage that discussion, maybe that's where we could go.

Chair Axthelm: Oh. Okay. Yeah, you're right.

Ms. Hughes: We've had a lot of discussion over the last couple of months regarding maps and where they fit in and everything, so I'd just like for some clarification. There was a resource listed for us to look at regarding maps on the computer. That's what started one of them. Do you remember on the page? It was on the SMP page and – can you get to that quickly for me?

Mr. Pernula: The Environmental Designations map?

Ms. Del Vecchio: The Shoreline Inventory Map Folio?

Ms. Hughes: Yeah, Environmental Designation maps – anywhere it says "maps." And it kind of was a trigger point for a lot of discussion, I feel. Where are those maps used and where and how in this proposal are those maps that aren't specifically in the book used?

Ms. Stevenson: Yeah, they're really big files so it takes a really long time to download them. We have copies. We are intending to print them because we aren't going to have a separate shoreline document anymore like we do now which did have a map that accompanied it – if that makes sense. The Shoreline Program, once it gets approved and adopted, is going to get split up into the policies going into the Comprehensive Plan, the development regulations going into the County Code, and then the map will kind of be a standalone like our Comprehensive Plan map. But it'll basically be available to people online. It's there now. It serves as our basic zoning for shoreline areas. I'm not sure what else you're looking for.

Mr. Walters: What you're talking about is the Environment Designation map.

Ms. Stevenson: Right.

Mr. Walters: Yeah. This –

Ms. Hughes: Well, any map that might be used and included – the public –

Mr. Walters: There're all these maps on the website but it's the Environment Designation map here that Betsy is referring to. That is the map that will go onto iMap, our zoning and mapping tool.

Ms. Stevenson: It's kind of where people _____.

Ms. Hughes: With your technology, can you pull that up right now?

Mr. Walters: Yep.

Ms. Stevenson: Yeah, I brought copies too, if you wanted to look at them because I wasn't sure what "maps" meant.

Mr. Walters: So there are three pages in this map – divided the county sort of into threes/thirds. So the second page is the middle, moving further east. But you can see that on the shoreline – on the shorelines – say, let's just zoom in on Guemes there. Each color corresponds to a shoreline Environment Designation.

Chair Axthelm: So, for example, here what's the magenta, what's the yellow, and what's the green?

Mr. Walters: They're over here in the legend.

Chair Axthelm: Green is Natural. Magenta is Shoreline Residential.

Ms. Mitchell: Rural Conservancy was the yellow.

Chair Axthelm: And Rural Conservancy's yellow.

Ms. Mitchell: Can you explain so people understand the difference between the use for the Environmental Designation map and what people might be thinking of shoreline jurisdiction – how they differ?

Mr. Walters: Shoreline jurisdiction is measured from the ordinary high water mark in the floodway and all those – it's in the definition in Part I. It's basically the distance – *basically* because, again, there're all these – it's a lengthy definition but it's *basically* the distance from what you think of the shoreline to where you're trying to build. Well, in – not – that was a mistake. That was a mistake.

(laughter)

Mr. Walters: It's the distance – basically, in most cases – from the shoreline 200 feet inland. But then there are all those other rules so it's not always that. But say on Guemes, it probably is.

Ms. Stevenson: Well, there are some areas –

Ms. Mitchell: But let's say downtown Edison. That's different, right?

Mr. Walters: Right. Careful. There we go. Okay. So it's basically going to be 200 feet from the shoreline inland – not in all cases, but you can think of it that – it'll just take the most common, simplest case. But it also applies to rivers – anything over 20 cubic feet per second, so you've got to take those into account, too. And there aren't really any rivers on Guemes, but as you move over here you'll see that there are lots of shoreline colors on the Skagit and all the other water bodies that move that fast. And it also applies to lakes over a certain size. All that's described in Part I. So that's shoreline jurisdiction.

Ms. Mitchell: Would you zoom into Edison proper? Because that's a good example of where, I think, shoreline jurisdiction (is) really close to a lot of homes and businesses. It might be a good example for people to see. Just southeast of Samish Island there.

Mr. Walters: I don't have – oh, there they are. That's quite a bit clearer when I use those buttons instead of –

Ms. Mitchell: Mm-hmm. This is what happens to us at home, by the way.

Ms. Del Vecchio: You did say that all of this is going into iMaps, correct?

Mr. Walters: Yes.

Ms. Lohman: Where it says "Smith Road" is –

Ms. Mitchell: – is where we're trying to get to, yeah. There we go.

Ms. Stevenson: So it basically includes the slough up to the tide gate. It includes the slough up to the tide gate?

Ms. Lohman: Mm-hmm.

Ms. Hughes: So along with that, it also says "upland areas within 200 feet of these water bodies and portions of the floodplains and wetlands." So what does that mean?

Mr. Walters: Are you reading from Part I?

Ms. Hughes: Just basically the "Read Me" about this document. It says wetlands are also included, so how do we determine what wetlands would be affected?

Mr. Walters: Anywhere in – this is sort of a test as to whether I understand it as well as Betsy.

Ms. Stevenson: You could go back to Guemes and I could show you, but that's good. Go ahead.

Mr. Walters: Oh. That might take a while.

Ms. Stevenson: Okay.

Mr. Walters: Any wetlands in shoreline jurisdiction are covered by the Shoreline Plan. They are in shoreline jurisdiction. If shoreline jurisdiction is 200 feet from the ordinary high water mark – and a lot of cases it is simply just 200 feet from the ordinary high water mark – and there's a wetland inside that 200 feet, that's in shoreline jurisdiction.

Ms. Hughes: Okay.

Mr. Walters: If the wetland is a *little* bit inside 200 feet and a little bit *outside* 200 feet, then the wetland is in shoreline jurisdiction and its buffer. So the shoreline jurisdiction is then extended out to capture the wetland. Does that make sense?

Ms. Hughes: Mm-hmm.

Mr. Walters: That's why shoreline jurisdiction is such a weird thing. It is not easily mapped. It is a narrative description of where shoreline jurisdiction is.

Ms. Hughes: Okay.

Chair Axthelm: But this isn't showing shoreline jurisdiction. This is showing –

Mr. Walters: Is there a clarification?

Ms. Dvorkin: Yeah, I just –

Mr. Walters: Did we reverse that?

Ms. Dvorkin: No, just you're correct about, like, if there's a wetland that straddles the 200-foot jurisdictional line, you draw – you know, you capture the wetland, but we did not include the associated buffer –

Mr. Walters: Oh.

Ms. Dvorkin: – into shoreline jurisdiction so there isn't that additional 200 feet from that blip.

Mr. Walters: And the important thing is you don't have to listen to me because we wrote it down at the beginning of Part I.

Ms. Stevenson: That's right.

Ms. Mitchell: Well, thank you, because this is where it can get really confusing for people.

Ms. Stevenson: And that was optional, I think. You could do it either way, I think, according to Ecology's guidance, and they have some pretty nice drawings in the handbook that you can see. But we opted to include the wetland but not – the buffer would be critical areas buffer around there, not shoreline requirement buffer, if that makes sense, and maybe they'll be the same. We don't know. But it's the standards out of the critical areas ordinance that would control the buffer outside of the shoreline area.

Mr. Walters: And we worked through this in some detail on a whiteboard with drawings similar to what you saw earlier from me, and our goal was to try to figure out under what circumstance would you have – would you most likely have development occurring and how would you streamline the regulations such that they are not having to go through two different processes. Because that was one of the major goals of this whole shoreline effort for staff, was to eliminate the duplicate processes that you have to go through now under our old program and our current critical areas ordinance for a variety of types of things. So we were trying to achieve that and maybe there was one other objective. I don't remember it. Anyway, we worked through that and there was one long discussion before the Planning Commission because at one point we had it written in such a way as we were concerned that it would try to capture streams all the way back to the mountain top from whence they sprang.

Ms. Hughes: Okay, and that's my question.

Mr. Walters: And we fixed that.

Ms. Hughes: So explain to me how it's fixed.

Mr. Walters: It previously said something like "critical areas within shoreline jurisdiction." Some earlier draft had language that was problematic and we don't have that language anymore.

Chair Axthelm: I think it was if a critical areas was connected to a shoreline, the shoreline would take – would go – would extend through the critical areas which then could go up a long ways.

Ms. Lohman: It never ended.

Mr. Walters: Yeah.

Ms. Del Vecchio: So the language that you have on the screen here, how does this exclude a buffer around the wetland?

Ms. Lohman: Because it's *wholly* – it says "wholly within shoreline jurisdiction" on 2.

Ms. Mitchell: Which part are you reading?

Mr. Walters: So Part (2) there, Extension of shoreline jurisdiction – "Shoreline jurisdiction also extends to buffers necessary to protect critical areas that are located wholly within shoreline jurisdiction..."

Ms. Del Vecchio: Okay, so I guess I'm – maybe we have a bit of a conflict here. It might just be getting late and I'm not reading this. But under (1), Shoreline Master Program jurisdiction applies to – duh, duh, duh – includes: (a), (b), (c), (d) associated wetlands. So we have four different types of water bodies there. And then (e) the shorelands adjacent to these water bodies, typically within 200 feet of the ordinary high water mark. So, to me, you're saying the shorelands adjacent to associated wetlands would be included in the shoreline jurisdiction.

Mr. Walters: Yeah. I think if you look at the WAC definition, it will be similarly confusing.

Ms. Del Vecchio: Okay, is there a way that we can be less confusing than WAC?

Ms. Dvorkin: I wonder if we went back to the definition of "shorelands" if that excludes associated wetlands? Maybe _____ – maybe it's a matter of ordering. Maybe _____.

Ms. Del Vecchio: I was going to say. I mean, just put – if what we're – if what we're trying to achieve is to exclude the buffer around the wetlands, then we would need to put (d) after (e).

Ms. Stevenson: That's a good call. That's exactly what that should be.

Ms. Del Vecchio: Shew! Okay.

Ms. Hughes: You did it! So how would you –

Ms. Del Vecchio: I have it every once in a while!

Ms. Hughes: Well, it's called a looooong thought process!

Ms. Del Vecchio: Do we need a motion?

Ms. Lohman: Hollie, how was that again?

Ms. Del Vecchio: I was just saying that if we're trying to achieve what we were just discussing, we need to change the order of one of the jurisdictional elements under (1), number (1) in 14.26.140, and reverse (d) and (e) so that "shorelands adjacent to these water bodies" applies to marine waters, rivers and streams, lakes and reservoirs, but *not* associated wetlands.

Ms. Lohman: So we scratch (d)?

Mr. Walters: And I would want to add that to the research list because shoreline jurisdiction is something that we will get right. If we get it wrong, Ecology will correct it for us.

Ms. Stevenson: Well, yeah, but it's sticky.

Mr. Walters: We have some choices to be made.

Ms. Stevenson: The associated wetlands thing is kind of its own – own thing.

Ms. Del Vecchio: Well, it seemed like we – it sounded like we kind of went back and forth a little bit as to whether or not to include that.

Ms. Stevenson: Right. Right.

Ms. Del Vecchio: It seems like this might have just been something that got overlooked in changing our approach to that. So for the sake of being –

Mr. Walters: That's quite possible.

Ms. Stevenson: It does clarify it and I think it does work.

Chair Axthelm: So a motion?

Ms. Mitchell: To research? Is that what we need?

Ms. Del Vecchio: Yeah, are we moving –

Chair Axthelm: Do we need –

Ms. Del Vecchio: Do we need research or should we just – could we move – so I would move that we reverse (d) and (e) – reverse (1)(d) and 1(e) under 14.26.140, Shoreline Jurisdiction, in the February 4th, 2014 (sic), version of the proposed Shoreline Master Plan – Shoreline Master Program. Am I getting that right?

Mr. Walters: All of this refers to that.

Chair Axthelm: Are we all in agreement with that?

Ms. Dvorkin: Except it's 2016.

Ms. Del Vecchio: Do we need a –

Ms. Hughes: May I have a point of clarification?

Ms. Lohman: Yeah.

Ms. Hughes: Are we wanting this part of our recommendations or do we want the Department to look into this a little bit better? Is this at a research stage or is this for a decision stage?

Mr. Walters: It was phrased for addition to the motion – so that’s what I have here. We will be researching it one way or the other because we want to make sure that it’s right.

Ms. Hughes: Yeah, and I’d prefer not – well, I just asked for a clarification and that was it so I’ll stop.

Mr. Walters: It sounds good.

Chair Axthelm: You don’t want it to be changed right here. You wanted to make a clarification first, then we can make a motion next time.

Ms. Hughes: Mm-hmm.

Chair Axthelm: So do you want to just highlight that so it’s not a motion, it’s a seek-a-clarification before a decision is made?

Mr. Walters: We have a research list.

Chair Axthelm: Okay.

Ms. Stevenson: I don’t think you need it, honestly. Because the shorelines are defined as all those different things – the water bodies, et cetera, and associated wetlands. So I would just move – just switch them, because then the shoreland, it just fits. I mean, you can research it if you want to but I’m not sure you need to.

Ms. Dvorkin: So Betsy’s saying it’s ready for a motion.

Ms. Stevenson: Associated wetlands associated to shoreline areas is something totally separate. They were around long before critical areas ever came to be, so it’s a shoreline thing. It’s not a critical areas and how we’re integrating critical areas and shorelines so they’re – Ryan can look into it and make sure he’s comfortable with it.

Mr. Walters: “Associated wetlands” has a definition by itself.

Ms. Stevenson: Right.

Mr. Walters: It’s its own term.

Ms. Stevenson: It’s part of the Shoreline Program. It’s totally separate from the critical areas stuff that we’re trying to integrate that he was talking about earlier about how much of that wetland are we bringing into shoreline. So it’s a completely different thing and I’m very

comfortable with switching those so that the shorelands would relate to the streams, the lakes, and the marine areas and the floodplain and floodway, but it doesn't really relate to the associated wetlands. So I'm good but Ryan might want to look into it.

Chair Axthelm: So do we have – is that okay?

Ms. Hughes: There was a motion. There's a motion. Was it seconded?

Ms. Del Vecchio: No.

Chair Axthelm: Not necessarily.

Ms. Del Vecchio: There is a motion. It's not been seconded.

Chair Axthelm: There is a motion. Okay, so the motion is to change the order of associated wetlands (d) and shorelands adjacent to water bodies (e). All those in favor of that motion?

Ms. Lohman: No. You need a second. You need to ask –

Chair Axthelm: _____ second, because –

Ms. Hughes: I'll second it.

Chair Axthelm: Okay. I'm sorry. I thought we had a second –

Ms. Lohman: No.

Chair Axthelm: – because we had two people that –

Ms. Lohman: No.

Chair Axthelm: Okay. All right. So it's been moved and seconded to reverse associated wetlands – is it – did you already reverse it? No – to reverse associated wetlands (d) and (e) in the order on the list.

Mr. Walters: As on your screen there.

Chair Axthelm: Okay. Reverse the order of (1)(d) and (1)(e) in Skagit County Code 14.26.140. Any discussion on that?

(silence)

Chair Axthelm: Okay, seeing none, all those in favor of the motion, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed?

(silence)

Chair Axthelm: Ayes have it. Unanimous. Okay. Any other –

Ms. Lohman: Can we go back to the Shoreline main page, Ryan, on the County website, please? Amy, there were some more maps. Were those ones that you wanted to – because when – there's the Shoreline Restoration Plan Maps and then there's – there was another set of maps.

Ms. Del Vecchio: Appendix B has the Shoreline Inventory Map Folio.

Ms. Lohman: There you go.

Ms. Mitchell: Yeah, that's the big bad boy.

Ms. Lohman: And then below that there was –

Mr. Walters: Then these are divided into segments and then there are these maps.

Ms. Hughes: Well, if I may, the last map you had up I'd like to talk about. May I? Is that the desire of the rest?

(sounds of assent)

Chair Axthelm: Okay.

Ms. Hughes: The big one. The big map. No, not that one. The one that you just popped up.

Chair Axthelm: With the three sections on it.

Ms. Hughes: Yeah, that one. Okay, so when we're looking at political boundaries and not necessarily looking at the whole scope of the river, I want to point that the Sauk heads south into Snohomish. Is everybody following me in parcel 2 where the river is going straight south out of Rockport?

Ms. Mitchell: It looks orange.

Ms. Hughes: Okay. It's orange and it goes straight south. And on a whole different note, I discovered that that's where we're now hearing Glacier Peak. We're hearing a lot about Glacier Peak and all the scientific stuff that's going on there. Well, then also realizing wild and scenic, Glacier Peak has the Suiattle begin on the southeast side of Glacier Peak. The Sauk starts at the southwest side. It wraps clear around that peak that's in Snohomish County and drops into the Skagit eventually, where then the river flows all the way down into Skagit Bay. And so when we're looking at these maps and we're considering what shoreline is, we have to consider that when there's any activity up in that area it affects our shoreline. When we have a significant flood, all the debris goes down into Skagit Bay. *Daily* silt goes down into Skagit Bay. If we were to have a 40-, 50-, 100-, 500-year flood, if it all made it down into Skagit Bay even more would go out into Skagit Bay. Often when we look at shorelines of being encroached upon and coming inward to the land, in Skagit Bay it's a whole different factor. It's going out. Skagit Bay, the shoreline's actually going out into Skagit Bay. The north fork has filled in and is now directing to a different part of Skagit Bay. And so when we're looking at these maps we have to consider all the sciences – you know, geology, meteorology, the rains. Skagit River, we've always kind of assumed it starts at the Cascade Crest. It goes up into Canada through Baker. But we don't really talk about how much comes down that wild and scenic river and how it affects Skagit Bay.

So that's the point I'd like to make regarding these maps, is that we have to maybe go a little bit broader.

Ms. Mitchell: So would you – are you looking for a recommendation for them to keep it in consideration or something?

Ms. Hughes: I'd like us to ponder that because we've been talking a little bit about shore erosion and we've been talking about the oceans coming up, and I'm not debating that but what I'm pointing out is that we have other factors that are affecting our wetlands as well. Okay, that's all.

Ms. Mitchell: Do you want to flag it on a finding of fact, maybe, for later?

Ms. Hughes: I would love to do that if, you know, we would like to deal with that later.

Chair Axthelm: The one with the color comes from the Sauk.

Ms. Hughes: Yeah –

Chair Axthelm: If you go up there, you'll see that the Sauk is just – is where a lot of the colored sediment comes from, but up above where the Skagit doesn't have it.

Ms. Hughes: Well, and where I was shocked – I spend some time up in the Cascades and so I get these green trail maps and for hikers that's – we live by them. Not that I'm a hiker – I'm more of a horse person – but we live by them. And when you're talking about Chocolate Creek, where we see in August our Skagit River turns white, Chocolate Creek comes into – and I should be having it down there. I apologize – but it's on exactly the east side of Glacier Peak, and so it comes out of the glaciers there all the way down and down to the bay. And so I think it's a very significant thing that maybe we have not totally incorporated into our thought process on shorelines.

Ms. Mitchell: Thank you.

Ms. Hughes: There's more maps.

Chair Axthelm: That's neat to know. Any other –

Ms. Del Vecchio: Well, on a much less significant note probably, I know it's been mentioned in the public comments. I will just voice it again. The maps in this Shoreline Inventory Map Folio are almost unworkable. They don't download. They don't – they're all different. I would much rather have them there than not have the information, but if there's anything that we can do, especially the maps that relate specifically to the critical areas that we're incorporating into the Shoreline Program, that some effort be made to make a map that we can actually use to identify where those properties are so that people know if they're in a critical area or not.

Ms. Mitchell: I second that.

Mr. Walters: A couple of thoughts on that: The maps – as I said before, the Environment Designation maps will go into iMap, which is the tool that we all use and it's cross-platform and it works pretty well and allows for zooming in at an infinite scale – that kind of thing. The maps that are in the Map Folio are hosted on an FTP site and I believe that to be the source of most

of the problems, and we will take that up with our webmaster and will not use FTP anymore for anything.

Ms. Del Vecchio: Excellent. Thank you!

Mr. Walters: It's an old technology and it really doesn't need to be used.

Chair Axthelm: The other thing it could be is it has to do with the fill – like the color, how it's ___ strong.

Mr. Walters: There may be other issues as well because some of these maps have various sources. But I know that FTP has been an issue and that's completely avoidable.

Ms. Del Vecchio: But there's a – you know, for instance, if we're looking at the geologic hazard areas, that would be something that would be really – and you can correct me if it's already on there, but it would be really helpful to have on iMap – you know, those sorts of – kind of those core critical areas that we're regulating need to be – if I'm going to buy a piece of property, I don't want to have to come in and spend a whole bunch of money to find out if I'm in a critical area or not. It seems like the information is there. Are they already on iMap?

Carol Ehlers: They're certainly on the iMap on the west side of Fidalgo, because I've got the Assessor to take the iMap and figure out the number of feet from my house, and I've got a printout in the safe deposit box.

Ms. Del Vecchio: Okay. So if the information that I'm talking about is already on iMap throughout the shoreline areas, then you can disregard my comments right now, but if somebody – if we could look and see. I do not recall finding them when I've looked in the past, but I get lost in iMap as well, so –

Female Commissioner: You mean you don't see it all and know all.

Ms. Del Vecchio: Yes. So if it's already there, disregard that, and if somebody could show me how to use iMap to find that information that would be great.

Mr. Walters: And we can look into some of that. I know our GIS Department is somewhat wary about putting sources of information on iMap that they are not very confident about, so sources of information that come from outside, they are somewhat wary – maybe very wary.

Ms. Del Vecchio: Sure. So I guess if it's information that we are using, though, when we are looking at permits ___ so if we've identified something as being in a critical area it would be nice to have that.

Mr. Walters: I do think that there's more stuff that we could get put on to iMap.

Ms. Del Vecchio: Okay.

Mr. Walters: It's just we – it's sort of a deliberative process to get it there.

Ms. Del Vecchio: Yeah – understood, understood.

Mr. Walters: And we're not really in charge of it either. But we have been pushing for some of that and we've had some success getting some more things onto iMap. It's very easy, I think, to get things that we're sure about – you know, like zoning maps. We own the zoning map, you know. It's not a thing that came from an external source. And we have to know where those zoning lines are. But, no, we can look at some of those things. These maps – a lot of these maps we may or may not ever look at again. You know, they're part of *this* project but – and I think GIS is not inclined to put onto iMap maps that aren't going to be there for quite some time for day-to-day use, because it does take some effort to get them on there.

Ms. Del Vecchio: Yeah, if it's something that's – I think that, yeah, there's a lot of, oh, interesting information there but probably not anything that we need to be incorporating into iMap.

Chair Axthelm: Their information that we can get – like, if I'm up on the Internet and then if you come in you can usually get a little bit more information. They have more overlays. Is that correct? I believe it is because I've come in for projects and they've overlaid more things onto it. So it's not like it's not available. It's just not on the Internet.

Mr. Walters: Internally there's another tool that we have.

Chair Axthelm: Okay.

Mr. Walters: You think he's talking about GeoSkagit?

Ms. Stevenson: Maybe.

Mr. Walters: Yeah.

Chair Axthelm: Oh, okay. So they have the ability in-house to overlay. Yeah, okay.

Ms. Stevenson: And Ryan's right. These are from an FTP and it makes it much more difficult. And these are all maps that were gathered and created by our consultants, and our GIS folks are ready to accept and talk about and kind of do the mind-meld of taking all that information from the consultants' data and looking at it and determining what actually fits with the County's GIS kind of things. Because there are other sources, like Ryan mentioned. It's from state sources and other things, and a lot of times they're even worse than our parcel shift stuff that they're so afraid of. And so in terms of the layers, they're going to have to take a look at it and see what it looks like and determine how best to display that. And they are pretty careful about what they try to put on iMap and put out there because it is kind of – people *do* rely on it to look at a parcel and see, and then we have some responsibility to make sure that it's accurate, and I'm not sure these maps – any of them – would be close enough. So they haven't spent a lot of time doing that yet. They plan to, and we do have a small contract with our consultant to finish up the work for this, and when we get to the point where we know the maps then that's all going to happen and then GIS will be responsible for figuring out how best to use it, or if it's just a separate map that isn't on iMap but it's something you could go to and look at kind of thing.

Mr. Walters: Yeah, because there's a third way of displaying an electronic map without using iMap and without using a PDF, and we may be using that for flood mapping later this year to get a really usable map that's not a PDF. It's not on an FTP site but it's not ready for iMap because it's not adopted. And the parcel shift issue that Betsy referred to is a big deal. On iMap when you click on a map, you expect to see your parcel outline, and you'll notice that on some of the

map layers that you can display you can't see your parcels because GIS has deliberately turned off the parcel layer because they do not believe that the map you see corresponds exactly to the parcels and so they don't want you thinking that it does when it doesn't. So that's what Betsy was talking about with that parcel shift issue. So that is a constraint. They'll put on some of the maps even when they don't match the parcels, but then they don't let you see the parcels.

Ms. Del Vecchio: But you can at least get a sense. I mean, it's better than absolutely nothing.

Mr. Walters: It'd still be better than the PDF.

Ms. Stevenson: Well, ___ it might be on an aerial so at least you could get your bearings of where you are.

Ms. Del Vecchio: Right, right. Okay, thank you.

Chair Axthelm: Kathy?

Ms. Mitchell: Just because some of us are map people, can the rest of us get a copy of this Environmental Designation map?

Mr. Walters: Yeah, those are just a couple pages. Those are easy.

Chair Axthelm: Anything else? So going through our list, it looks like that's everything till the May 3rd meeting. Okay. Do I have a motion to adjourn?

Mr. Raschko: I move to adjourn.

Ms. Del Vecchio: Second.

Chair Axthelm: Second, okay, you're about three seconds there (gavel)!