

Skagit County Planning Commission
Deliberations: 2018 Docket of Proposed Policy, Code, and Map Amendments
October 16, 2018

Planning

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

Staff: **Hal Hart, Planning Director**
 Stacie Pratschner, Senior Planner

Chair Tim Raschko: (gavel) Good evening, everybody, and welcome to the October 16, 2018, meeting of the Skagit County Planning Commission. Our purpose tonight is to deliberate on the 2018 docket of proposed policy, code, and map amendments. Before we do so, staff has a presentation.

Stacie Pratschner: Thank you, Commissioner.

Chair Raschko: Before we do that – excuse me – I missed one point of order. Has anybody any changes to the agenda?

Vice Chair Kathy Mitchell: Yes: Just to add Mark Lundsten’s name to the agenda for attending.

Ms. Pratschner: Thank you. We’ll take care of that. Thank you.

Chair Raschko: Do we have to vote on that? No?

(laughter)

Ms. Pratschner: Uh-oh, Mark!

Commissioner Mark Lundsten: This is not looking good!

Ms. Pratschner: All right, thank you, Commissioners. So good evening, Planning Commission, to staff members here this evening, also members of the community in attendance. My name is Stacie Pratschner. I’m Senior Planner with the Planning and Development Services Department and, as always, thank you for having me here at the Commission.

This evening the Planning Commission is scheduled to consider public comment and deliberate on the Comprehensive Plan, the land use map, and development code text amendments that are

part of the 2018 docket. These deliberations are subsequent to the public hearing on the 2018 docket that was held on August 21st of earlier this year.

At the completion of its deliberations, the Planning Commission will vote to recommend adopting, not adopting, or amending the proposed amendments. This recommendation from the Planning Commission is then forwarded on to the Board of County Commissioners who will ultimately decide which amendments to adopt.

The staff report provided in advance of this evening's deliberations includes a draft template for the Planning Commission of the recorded motion that will be forwarded on to the Board for their deliberation and decision. I'm going to go ahead and go up to the podium and bring that recorded motion up.

All right, there we go. So I'm going to remain here at the podium and I am going to type the findings, the reasons for action, and also the recommendations, as directed by the Planning Commission this evening. When the Planning Commission is satisfied with the document staff will then print it out and the Chair – the Planning Commission Chair – and then the Planning Commission secretary – the Planning Director, Hal Hart – will sign the findings. I've also brought last year's findings for reference since there was a deferred item on the 2017 docket, Item P-12, that's also being considered for adoption on this year's – on this year's 2018 docket.

So the way I've organized the document is in the same order that public comment was received at the public hearing. We can continue with that order or we can do a different order – whatever the Planning Commission's pleasure – or we can get rid of the headings and we can do a combination of – we can do a combination of findings ___.

And so – yes, Planning Commissioner?

Commissioner Tammy Candler: I'm having trouble seeing these. Can that be made bigger?

Ms. Pratschner: Yeah, let me see.

Vice Chair Mitchell: I can't see anything either.

(some discussion among Commissioners regarding the legibility of the document onscreen)

Ms. Pratschner: Okay, that's just my brief presentation for this evening so I'm ready when the Planning Commission is ready. Thank you.

Chair Raschko: Thank you. So why don't we go ahead and go through these in order? And we start with C-1, Modify Comprehensive Plan Policy 4A-5.6. That would be to modify the existing policy to reflect collaboration between Skagit County and the drainage districts on plans and policies, including the incorporation of the districts' capacities in the 2019 to 2024 Capital Facilities Plan update; incorporate levels of service and project the needs of the drainage districts within the non-County capital facilities element. The Department recommended that this be approved so it's open for discussion. Yes?

Commissioner Annie Lohman: I would like to propose a bit of wordsmithing to that.

Chair Raschko: Okay.

Commissioner Lohman: And Stacie pointed out to me that actually calling out Public Works in there is incorrect, so if we could change Public Works to the correct department or entity or process. But I was concerned that this change – originally it was proposed to strike the language altogether out of the proposed update, and several of us said, Whoa, hold the phone; we don't want to do that. And so then this was – the proposal in our packet was some language that kind of got developed. But I was concerned that it would lose the impact that we're looking for because when you look at a paragraph in isolation you lose context. And this is in regards to ag resource lands under the subheading of Minimizing Land Use Conflicts. So I wanted to make sure that we preserved that – that we didn't want to lose that concern of impacting our drainage districts and therefore impacting the ag lands in the context of that chapter. And so I thought it would be easier if I put a proposal down on paper so that we can scratch on it and edit it rather than trying to do it live.

Chair Raschko: That sounds like a good idea. Okay.

Commissioner Lohman: So I pass that out to all of you?

Chair Raschko: Sure, or it – could it be put on the –

Vice Chair Mitchell: Do you want to read it for the audience too?

Chair Raschko: Perhaps let's put on the projector.

Ms. Pratschner: Thank you, Commission.

Commissioner Lohman: Do you want me to read it? Okay. "Minimize and mitigate flooding and drainage impacts on agricultural lands. Skagit County Public Works shall develop criteria to review development proposals for drainage impacts on agricultural lands. To minimize impacts of development on drainage district levels of service, Public Works shall consult with affected drainage districts prior to issuance of permits. Skagit County will include the drainage district capacities, level of service, and projected needs in the Skagit County Capital Facilities Plan."

Chair Raschko: Is there – are there any comments?

Commissioner Candler: Has it been identified who in lieu of Public Works that should be in there – what language?

Ms. Pratschner: Yes, thank you. The Public Works Department does not issue development permits. That's the Planning Department. So with this modified language, the Department would recommend that in the place of "Public Works" – that instead of "Public Works" we could replace that with "Planning Department" or, more generally, "Skagit County," because there may be times you would wish to collaborate with both Public Works and Planning on projects.

Commissioner Lohman: Can I propose then we change out "Public Works" in that first underlined section – the first "Public Works" – to "Skagit County"? Is it correct then in the first sentence, or the first line?

Vice Chair Mitchell: Just to say "Skagit County" then?

Commissioner Lohman: Where it says "Skagit County shall develop criteria..."?

Ms. Pratschner: "...to review development proposals for drainage impacts on agricultural lands." Public Works is involved in the development. They do oversee, for example, the Voluntary Stewardship Program and they also review stormwater management for capital facilities and public projects, so that language is still correct.

Commissioner Lohman: That's okay then?

Ms. Pratschner: Yeah.

Commissioner Lohman: Okay.

Chair Raschko: So does that address your concerns?

Commissioner Lohman: Yep.

Chair Raschko: Further discussion?

(silence)

Chair Raschko: None. At this point, does anybody wish to make a motion to approve the revised?

Vice Chair Mitchell: I move that we approve the revision that Annie discussed.

Commissioner Candler: I'll second the motion.

Chair Raschko: Okay, any discussion?

(silence)

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. So while we're still thinking about this, would it be easiest to do a findings of fact at this point in time or to wait till the end? What's everybody's wishes?

Commissioner Candler: I think we should do it at the same time.

Chair Raschko: The same time? Now?

Vice Chair Mitchell: Yep, now.

Chair Raschko: Okay. Has anybody a finding of fact they wish to propose?

Vice Chair Mitchell: I guess my question is: Is it really necessary in this instance?

Commissioner Candler: The finding or the reason? I've had some questions as to whether findings of fact are necessary on all of these, or whether we should go directly into reasons.

Ms. Pratschner: Yeah, I see in past deliberations that it's been approached that way, where we could just have a list of 1 to 10 that generally we support amendments to correct errors, or what GMA directs us to do. So I can take away the heading if you think it's more confusing that way.

Commissioner Candler: I don't know if this is proper or not, but it seems like it could read "Planning Commission Recommendations and Reasons for Action" instead of "Findings of Fact."

Ms. Pratschner: Yes, and the code does use the phrase "Recommendation," so, yeah, I don't see any problem with us modifying that if the Planning Commission would like me to change that from "Findings of Fact" to "Recommendation and Reasons for Action."

Chair Raschko: Shall we do so? There's a consensus. Let's do that then. Thank you, and so in this one, for instance, we might just say that the Planning Commission approves of the Department's recommendation as amended.

Commissioner Candler: Or "The Planning Commission recommends the modification" – "...as proposed by the Department with the modification." Or something like that.

Ms. Pratschner: "The Planning Commission approves the Department's recommendation with the modifications..."

Commissioner Candler: Are we having two separate – are we having two separate sections on this?

Ms. Pratschner: That was the template format that I went ahead and just used from last year, so we certainly don't have to.

Commissioner Candler: Because if we're going to change the heading to "Recommendations and Reason for Actions" it wouldn't make sense to have a separate Recommendation section.

Ms. Pratschner: Yeah, we could bundle everything together. Would the Planning Commission like me to make that adjustment then?

Chair Raschko: Yes, please.

Ms. Pratschner: Done.

Chair Raschko: Shall we move on while she types?

Vice Chair Mitchell: Yes.

Chair Raschko: Let's move on to C-2: Remove extraneous language for home-based businesses. In summary, remove the following language from Skagit County Code 14.16.730(1): Home-based business 2 and 3 require a special use permit and are discussed in SCC 14.16.900. Special use permits are already described in Skagit County Code 14.04.020 and 14.16.900. The recommendation of the Planning Department is to approve C-2. Is there a discussion?

(silence)

Vice Chair Mitchell: No, there's not.

Chair Raschko: Would anybody like to make a motion on C-2?

Commissioner Lohman: I move that we accept the Department's language for the removal of extraneous language for home-based business.

Female Commissioner: Second.

Commissioner Josh Axthelm: Second.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. Thank you. Now for a reason? Is it simple enough just to say we have approved of the Planning Department's recommendation? Okay.

Moving to C-3: Modification of permits. This proposal would develop code to provide the Administrative Official authority to modify development permits or conditions of approval for minor revisions. The Department recommends that the docket items amending chapter 14.06, Skagit County Code, Permit Procedures, be deferred and be processed pursuant to the 2018 long range work program authorized by resolution number 20180037. Is there discussion?

(silence)

Vice Chair Mitchell: Seeing none...

Chair Raschko: Would anybody like to make a motion to approve the Department recommendation to defer C-3?

Vice Chair Mitchell: I move that we approve the Department recommendation as stated for C-3.

Chair Raschko: Is there a second?

Commissioner Candler: I'll second that motion.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. Thank you. And I would propose the same reason that we approve the recommendation to defer.

Go to C-4, Storage of article or vehicles in setbacks and rights-of-way. So remove the provisions of Skagit County Code 14.16.850(5) to Skagit County Code 14.16.945, Prohibited Uses. Existing code language currently resides in the General Provisions section of the zoning chapter. Is there discussion on this proposal?

(silence)

Chair Raschko: None. Is there a motion?

Commissioner Candler: I'll move that we recommend the proposed modification be approved.

Vice Chair Mitchell: Second.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Thank you. So we'll use the same reason, I presume – unless somebody wants to recommend something else.

Vice Chair Mitchell: That seems to be easy.

Chair Raschko: All right.

Commissioner Lundsten: I think it's pretty consistent.

Chair Raschko: Okay, so where are we?

Several Commissioners: C-5.

Chair Raschko: C-5, Administrative Official final determination of height in the AEO. Summary: Add a requirement that the Administrative Official has authority to make a final determination regarding building height restrictions in the Airport Environs Overlay zone. The Federal Aviation Administration does not make building height determinations. And the recommendation of the Department is to approve C-5.

Has anybody anything to offer on C-5?

(silence)

Vice Chair Mitchell: No.

Chair Raschko: How about a motion?

Commissioner Candler: I'll move that we recommend that the proposed modification be approved.

Female Commissioner: Second.

Chair Raschko: It's been moved to second to approve. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Thank you. So C-6: Delete language in Skagit County Code 14.16 regarding property value impacts from wireless facilities. This would remove the following language from Skagit County Code 14.16.720(9)(c). Personal wireless service facilities shall be located and designed to minimize adverse impacts on residential property values. The development code does not contain criteria for evaluating the monetary impact of a permit decision on a neighboring property. Staff recommends that this be approved.

Have we opinions?

Vice Chair Mitchell: Seeing no discussion...

Chair Raschko: Seeing no discussion...

Commissioner Candler: I'll move that we recommend that the proposed modification be approved.

Vice Chair Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay, moving to C-7: Delete language in Skagit County Code 14.16 regarding special uses complying with the Comprehensive Plan. In summary, remove the following language from Skagit County Code 14.16.900(1)(v)(a): "Comply with the Comprehensive Plan." This language is inconsistent with the Local Project Review Act and the Department recommendation is to approve.

Commissioner Lohman: Is that Local Project Review – is that State law then?

Ms. Pratschner: Yes, Commissioner.

Chair Raschko: Have we any discussion? Do you have something, Annie? No?

Commissioner Lohman: I just wanted to clarify that that's why we were – I forgot since August exactly why we – so I had circled it in my packet and I couldn't remember why.

Commissioner Candler: It cites to an RCW.

Chair Raschko: Have we a motion to approve?

Commissioner Candler: I'll move that we recommend the proposed modification be approved.

Vice Chair Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Thank you. C-8: Delete the definition for "unclassified use." Remove the definition of and references to "unclassified use" in the development code, Skagit County Code 14.04.020. The concept of unclassified use was removed in a prior development code update. So this is just a housecleaning thing, it looks like. And the Department recommends approval. What's your pleasure?

Vice Chair Mitchell: Seeing no discussion...

Commissioner Candler: I'll move we recommend that the proposed modification be approved.

Vice Chair Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. Same reasons?

Vice Chair Mitchell: Yes, sir.

Chair Raschko: Okay. C-9: Correction to Master Planned Resort designation. The recommendation: The proposal would remove language in Skagit County Code 14.16.900(1)(d). It refers to a Master Planned Resort as a special use – Master Planned Resort __ a Comprehensive Plan designation. The Department recommends deferring the proposal to a later date. The special use permit criteria is not consistent with other sections of the Master Planned Resort code.

Any opinions?

(silence)

Chair Raschko: Is there a motion to –

Commissioner Lundsten: I would move that we follow the Department's recommendation.

Vice Chair Mitchell: Second.

Chair Raschko: It's been moved and seconded to follow the Department's recommendation. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay.

Commissioner Candler: Wait. Can I ask a clarifying question?

Chair Raschko: You may.

Commissioner Candler: So we're not – we're just recommending deferral on this one, right?

Commissioner Lundsten: That's it.

Commissioner Candler: We think it should go in a different – I don't care.

Ms. Pratschner: Commissioner, there were a number of items that were originally proposed by the Department early on in the 2018 docketing process, but then there was a long range work program item prioritized by the Board, specifically to redo the Procedures chapter, Chapter 14.06. So you'll see a number of recommendations to defer items that would change 14.06 to that actual code amendment. Was your specific question about the Master Planned Resort designation?

Commissioner Candler: No, my specific question is about whether we should indicate we're recommending to approve C-2, 3, 4, 5, 6, 7, 8 and then have a new line that says we're recommending to defer C-9.

Ms. Pratschner: I'll make a new line so that's clear.

Commissioner Lohman: And that other one that was deferred as well?

Vice Chair Mitchell: It makes sense.

Chair Raschko: Any other deferrals?

(silence)

Vice Chair Mitchell: Does that make it easier for housekeeping when you go to the Board?

Ms. Pratschner: Yes, it does, Commissioner. Thank you.

Chair Raschko: C-3, I believe?

Commissioner Candler: Yeah.

Chair Raschko: Okay, are you ready to move on?

Commissioner Candler: I'm just trying to clean up the language. Shouldn't it – maybe I'm missing something, but shouldn't it read that we recommend approval on the first – well, other than C-3, the first line, and then recommend deferring the others? As opposed to approval to defer? Does that – am I – linguistically, am I getting it wrong?

Chair Raschko: How about approval of recommendation to defer?

Vice Chair Mitchell: That works. What makes most sense for what you need?

Commissioner Lundsten: Recommend approval of the deferral –

Commissioner Candler: Well, we need some language in section 1, is what I'm saying. We don't have anything on there.

Commissioner Lundsten: Recommend approval of the deferral of the following amendments.

Ms. Pratschner: Recommend approval of the *proposal* to defer?

Commissioner Candler: So that's what she has on 2, but we need something on 1.

Commissioner Lundsten: That would state _____, I think.

Commissioner Candler: Do you see what I'm saying? One just has a list of numbers. It doesn't have any language that says what we want done with it.

Ms. Pratschner: Oh. Yeah, thank you. I was just doing that for tracking purposes. It sounds like we can do it for the ones that pass with a motion to be approved – that there could be some

shared language about why we're approving those. So this is just my way of keeping track of it. But I can also write something right now to keep that clear.

Commissioner Lundsten: I trust you.

Commissioner Candler: I see, Commissioner Lundsten.

Commissioner Lohman: Well, not only are we kind of basically nodding our heads and saying yes, we agree to the deferral. We never even really – it never got fleshed out. It's just kind of a remnant for the original docketing.

Chair Raschko: Okay. Anything else?

Commissioner Lundsten: I agree.

Commissioner Candler: I guess we're going to do the rest of the language later? Is that what you're saying?

Ms. Pratschner: I could go ahead and put a sentence in right now for the other amendments that the Commission has made a motion to recommend approval on. Let me take a look at last year's.

Vice Chair Mitchell: That'll make it easier for when you both have to sign everything tonight.

Ms. Pratschner: There was language from last year that said, "The Planning Commission supports proposals to correct errors, large and small. The Planning Commission finds that the remainder of the proposals make sense." I could do a version of that language.

Commissioner Candler: I think I'm being confusing, but all I really want is consistency between 1 and 2. So it should say something before all those –

Ms. Pratschner: Okay.

Commissioner Candler: – letters.

Ms. Pratschner: Right.

Commissioner Candler: Yeah. Thank you.

Vice Chair Mitchell: There you go.

Commissioner Lundsten: All done.

Ms. Pratschner: And, of course, if there's individual discussion or findings for each of those items, we can go into detail. Is that a little closer to what you're looking for?

Commissioner Candler: Yeah, but why wouldn't we just say that the Planning Commission recommends approval of C-2, C-4.... Does that make sense?

Ms. Pratschner: Yes, it does.

Commissioner Candler: Thank you.

Ms. Pratschner: Yeah, thank you.

Chair Raschko: Are we all satisfied?

Vice Chair Mitchell: Thanks, Tammy.

Chair Raschko: Thank you.

Commissioner Lohman: You have a really hard job, Stacie. You're listening and trying to capture what we're trying to tell you and type.

Commissioner Candler: Read my mind and type what I want!

(laughter)

Commissioner Lohman: I just want to acknowledge how hard that is!

Commissioner Lundsten: I agree, I agree.

Ms. Pratschner: Typing in front of people in public is the most terrifying thing. Everything's easy compared to that. It's typing that's hard.

Chair Raschko: Okay, I believe we're on C-10. It says delete the delay of issuance of permits in the AEO. Summary: Remove the following language from Skagit County Code 14.16.210(4). Quote: "The Department must wait at least 10 days for the Port's comments before approving the application" – end quote – and specify the types of permits that the County will provide to the Port of Skagit for review and comment. And the recommendation of the Department on C-10: It is to approve.

Has anybody discussion on C-10?

(silence)

Vice Chair Mitchell: I see no discussion.

Chair Raschko: No discussion.

Commissioner Candler: I will move that we recommend the proposed modification be approved.

Vice Chair Mitchell: Second.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. Thank you. C-11: Delete examples of administrative decisions. Proposal: We remove language from Skagit County Code 14.06.040(4) that refers to landscape buffers and reductions in parking and setbacks as administrative decisions. These requests are examples of administrative variances. The Department recommends the docket items amending chapter 14.06, Permit Procedures, be deferred.

Discussion, please.

(silence)

Chair Raschko: No discussion. Okay, so is there a motion to –

Vice Chair Mitchell: I motion that we defer C-11 as recommended.

Commissioner Lohman: Second.

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: All right. Is this a typing challenge? No? Okay.

Ms. Pratschner: Super easy.

Chair Raschko: Okay, C-12: That would delete Skagit County Code 14.10.030(2). The recommendation: The proposal would remove language from Skagit County Code 14.10.030(2) that requires an application dependent on a variance to not be issued until the variance is issued. Department recommends withdrawing this amendment.

Have we discussion?

(silence)

Chair Raschko: No? Have we a motion?

Commissioner Lundsten: I move we follow the Department’s recommendation to withdraw this amendment.

Vice Chair Mitchell: Second.

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Okay, C-13: Modify short plat alterations to be Level 1 decisions. This would modify Skagit County Code 14.18.200(8) to permit the alterations of short plats to be a Level 1 decision rather than a Board of County Commissioners’ decision. This proposal will harmonize the short plat application level, Level 1, with the alteration approval level, which is also Level 1. And the recommendation of the Department is to approve C-13.

Any thoughts?

Commissioner Lundsten: A question. Is this part of the efforts on the part of the Department to streamline the permitting process, or does this just happen to be like that? Or is it specifically a key component of that effort that we’re actually discussing that’s really not that critical?

Ms. Pratschner: Right.

Commissioner Lundsten: – that, I realize – that we understand that or not? But I’m just curious how that’s proceeding.

Ms. Pratschner: Yeah. Yeah, thank you. So, yeah, the Department’s always looking for ways to streamline reviews or remove ambiguity from review for our customers and for staff who has to interpret and implement the code. So in this case the code makes reference to the sort of level of alternation – in this case, the Hearings Examiner – for subdivisions, and so that’s been applied to not just subdivisions – anything above five lots – but also short subdivisions – anything from one to four lots. And so this language is an attempt to harmonize the application level with the level that you would need to go through to do the alteration. So I think the answer to the question is it’s probably both. We’re always looking for ways to –

Commissioner Lundsten: Okay.

Ms. Pratschner: – clean up and simplify and – yeah.

Commissioner Lundsten: Well, there was an effort that the staff was talking about earlier, a few months back, and I just –

Ms. Pratschner: Yes.

Commissioner Lundsten: That was just **pitting** into that. That’s all.

Ms. Pratschner: Yep, thank you.

Commissioner Lundsten: Thank you.

Chair Raschko: Okay, so we’re down to C-13. Did we do a motion yet on C-13? No, we haven’t. I’m sorry. Would you like to make a motion – anybody?

Ms. Mitchell: I move that we go with the Department’s recommendation for C-13.

Commissioner Lohman: Second.

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Passes. Moving to C-14: Amend Skagit County Code to modify application submittal requirements for notifications. This proposal would amend the Skagit County Code 14.06.250 to ensure consistent formatting is used when address and property owner information is submitted, pursuant to Skagit County Code 14.06.150. The Department recommends the docket items amending this chapter, Permit Procedures, be deferred to the process pursuant to the 2018 long range work program authorized by resolution number 20180037.

Commissioner Candler: Can I ask a question?

Chair Raschko: You may.

Commissioner Candler: Is that resolution codified – I can’t remember. Is that codified somewhere?

Ms. Pratschner: That – let me take a look. No, that is not codified. It's been the practice of the Department for the past few years to bring a resolution every year to the Board of County Commissioners with a planned long range work program. So that ensures that there's some predictability for the public and the Planning Commission that anything that the long range department is working on has generally the support of the Board of County Commissioners that we should be working on it. So it's a resolution but, no, not codified.

Chair Raschko: Okay. So without further discussion, would anybody like to make a motion?

Commissioner Candler: I'll move that this proposal be deferred.

Vice Chair Mitchell: Second.

Commissioner Candler: We recommend it be deferred.

Vice Chair Mitchell: Deferred? Yep, okay – second.

Chair Raschko: It's been moved and seconded to recommend deferral. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Thank you. C-15: Add inpatient facility locations to a central public facilities table. Modify the table in Skagit County Code 14.16.600(2) to add regional and local inpatient facilities to the Rural Freeway Service zoning designation.

Are there opinions or –

Vice Chair Mitchell: Seeing no discussion....

Chair Raschko: No discussion.

Commissioner Candler: I move that the proposed modification be approved – we recommend that it be approved.

Vice Chair Mitchell: Second.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. C-16: Add primitive campground as an allowed use in the Rural Reserve zoning designation. This would amend 14.16.320 to add primitive campground as an administrative special use. This proposal responds to a request from the City of Concrete, and the Department recommends approval.

Commissioner Lundsten: I recommend that we accept the proposed modifications.

Chair Raschko: Will you be meaning to move so? That was a motion?

Commissioner Lundsten: I'm sorry. I move that we recommend that.

Chair Raschko: Thank you.

Unidentified Commissioner: Second.

Chair Raschko: Okay. All in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Thank you. C-17: Remove reference to building code in setback easements. This would amend Skagit County Code 14.16.180(5) to remove the reference to the IBC for minimum building separation. This proposal responds to a request from the Building Official. And the Department recommends approval.

Commissioner Lohman: I move that we accept the Department’s language.

Vice Chair Mitchell: Second.

Chair Raschko: It’s been moved and seconded. All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Okay, thank you. C-18: Modify site assessment requirements for liquefaction hazard areas. This proposal would modify Skagit County Code 14.24.410 regarding liquefaction hazard areas to clarify the submittal process for a geotechnical report. The Department recommends this proposed modification be deferred ___ consideration by the natural resources team.

Now liquefaction – isn’t that when a lot of rainfall turns the soil into a slurry?

Vice Chair Mitchell: Or if a quake or something causes it to shake into a slurry.

Chair Raschko: Is there any comment?

Vice Chair Mitchell: Seeing no discussion....

Chair Raschko: Is there a motion?

Commissioner Candler: I’ll move that we recommend that the proposed modification be deferred.

Vice Chair Mitchell: Second.

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Okay. And C-19: Public Open Space of Regional/Statewide Importance and Industrial Forest-Natural Resource Land on Baker-Snoqualmie National Forest Map amendment. This would amend the Comprehensive Plan use zoning designation of 37 privately-owned parcels in and adjacent to the Mount Baker-Snoqualmie National Forest from the OSRSI designation to the IF-NRL zoning designation. Identify parcels that may be eligible for Natural Resource Industrial zoning designation and the Mineral Resource Overlay designation. The Department has

drafted three option and it recommends Option 3. And Option 3 – what is Option 3? Option 3: The land use zoning map would be amended to modify land use zoning 37 parcels currently designated OSRSI to IF-NRL.

Commissioner Lohman: I have a question.

Chair Raschko: Yes?

Commissioner Lohman: One commenter, Mr. French – he suggested that his place is ag. Is he incorrect or is it because you can't just have a spot zone?

Ms. Pratschner: So that property is currently within the OSRSI designation and there is ongoing agriculture that's taking place on the property. That is not compromised by a rezone to the IF-NRL. Specifically, when the Department met with the Frenches, it was concern about a change in tax designation, the loss of an open space tax designation that they currently enjoy. But the rezone would not impact that designation. That is something that was done by the Assessor, not by the Planning Department.

Commissioner Lohman: And he would be able to continue his ag activities there?

Ms. Pratschner: Absolutely. The IF-NRL permit ag and supporting agricultural activities.

Chair Raschko: Are you satisfied?

Commissioner Lohman: Yep.

Chair Raschko: Okay. Any other discussion?

(silence)

Vice Chair Mitchell: I move that we go with Department's Option 3 for C-19.

Chair Raschko: Is there a second?

Commissioner Amy Hughes: I'll second it.

Chair Raschko: Okay. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Okay. That takes us, I believe, to PL17-0414, Quaker Cove Ministries code amendment. The applicants originally submitted a proposal to amend the zoning designation of approximately 25.7 acres from the Rural Intermediate zone to the Small-Scale Recreation and Tourism zone. The applicants have withdrawn their petition for a map amendment in favor of a Department-drafted code amendment to Skagit County Code 14.16.300. The purpose of the amendment is to support the current uses at the Quaker Cove Camp and Retreat Center to allow improvements to the structures onsite, and recognize the existing improvements at Camp Kirby and Samish Island Campground also located within the RI zone. There have been three options drafted and staff, I believe, recommends Option 2.

Is there a discussion on this code amendment?

Commissioner Candler: Yeah, I have a question. So this is, as far as you know, in effect basically two camps, two places, two locations, existing retreat areas, existing camp? Is there three?

Ms. Pratschner: Yes, it's three total. So that includes Quaker Cove and then there are two campgrounds on Samish Island.

Commissioner Candler: Oh, two on Samish. Okay.

Commissioner Lohman: Did you get your question answered?

Commissioner Candler: I did. I just wanted to just for, I guess, the sake of discussion, just to sort of make sure that we're really talking about a pretty limited effect, or pretty limited number of places that are going to be affected by this.

Ms. Pratschner: That's correct.

Commissioner Candler: I don't have anything else.

Chair Raschko: Any other discussion?

Commissioner Hughes: I have a question.

Ms. Pratschner: Certainly.

Commissioner Hughes: Could you clarify what this means as far as its relation to special use permits and how that works?

Ms. Pratschner: Yeah, certainly. Thank you, Planning Commissioner. So when an applicant comes in to apply for a permit – so in this case, the special use permit – at that point that is when the Department analyzes the proposal first to make sure that it's compliant with the code, and then also to evaluate what sort of performance standards in the code will need to be applied to the development. The application of performance standards is determined by the type of impact the proposal will have. So, for example, if a proposal will generate an impact to traffic or if it would degrade levels of service at an intersection because of traffic going up, then the Department then applies conditions to the permit that mitigate that and bring levels of service back to an acceptable level. That can be in the form of frontage improvements. If you're in a city, for example, adding sidewalks, curb, gutter. That could be adding in a roundabout, putting in a light. There's lots of performance standards that could apply to a development. Those are all pretty big examples for bigger projects but, for example, a special use permit if there's a concern about noise being generated, and conditions can be applied to the permit that determine what hours that use can be implemented to mitigate noise impacts to the neighborhood. If there's going to be impacts to a critical area such as a wetland or to the shoreline, then in that case mitigation may be required – replanting or the establishment of buffers. So the special use permit and building permits too are a tool for us to stay compliant with our land use element and to ensure that impacts to the landscape and to the people surrounding the development are mitigated, while still allowing the use and still allowing someone to enjoy their property rights.

Commissioner Hughes: So when it says "limited expansion of existing institutional camps and retreats through administration special use permit" that means that – limited expansion: at what point will that trigger a review?

Ms. Pratschner: At the point that the expansion – excuse me – at the point that an expansion or any work proposed triggers either a building permit or an administrative special use permit, that's when the Department then has the ability to review and apply conditions to the development.

Chair Raschko: Yes, Mark?

Commissioner Lundsten: I have a question about just the original permitting of it and whether or not the – how the septic was designed. And I understand now it's on City water – Anacortes water. Is that right?

(inaudible speaker in the audience)

Ms. Pratschner: Thank you. For the sake of recording, that was the petitioner, Liz Seume, who is confirming that Quaker Cove is on public water.

Commissioner Lundsten: I'm sorry. I should have said public water. I didn't mean to make it confusing. It's not a well.

Ms. Pratschner: That's right.

Commissioner Lundsten: Yeah, that's what I was getting at. So I'm just concerned about the septic field. Is it – if they're going to be using – increasing their usage, is it – obviously that's going to be part of the review process.

Ms. Pratschner: Yes, it is. The Planning Department coordinates with Public Works for all kinds of traffic and stormwater mitigation. We also coordinate with the Health Department on any necessary upgrades to – for example, an onsite septic system in OSS that would be required pursuant to additional development. So there may be upgrades required at the time that additional development permits come in.

Commissioner Lundsten: So that's actually just part of the – that's what the Department figures as part of the package –

Ms. Pratschner: It is.

Commissioner Lundsten: – is that that review will be ongoing and up to current specifications.

Ms. Pratschner: That's correct.

Commissioner Lundsten: Requirements. Okay.

Commissioner Lohman: But – never mind.

Vice Chair Mitchell: I've got two points and questions. Can you help me with? I was pretty sure that we had read somewhere that there were two petitioners for this that had signed the original petition that had gone around that had changed their minds to being pro-Quaker Cove amendments, right?

Ms. Pratschner: That's correct. They submitted comments.

Vice Chair Mitchell: Okay, good. And the second thing, I just want to make sure that we're all looking at the same thing. In this great big 48-page thing, on page 16 of where Tim read the thing for us initially where we were discussing and analyzing Option 2, but we had an amendment when – on July 31st, 2018, when this was updated. So going to page 34 lists three options so we would really be considering Option 3 to be called the “citizens’ initiative” instead of Option 2 – is the way it’s written here.

Ms. Pratschner: On page 34 of 48 Option 2 is the Planning Commission alternative where we could go back and do additional research. Option 3 is the development code would be amended as follows the petitioner’s request. Originally the petition came in as an application for a land use amendment.

Commissioner Lohman: I think – excuse me to stop you – I think it’s a typo.

Vice Chair Mitchell: Yeah. We were initially labeling this as just as initiative Option 2 and now it’s being labelled Option 3. It’s going to make a big difference on _____.

Ms. Pratschner: Got it. Yeah, thank you for catching that. The petitioner says thank you as well.

Chair Raschko: Are there further questions?

Commissioner Lohman: And just for further clarification. On the packet, Stacie, where you have written in red “amended July,” that’s amended from when you first – the first packet you sent out.

Ms. Pratschner: Correct.

Commissioner Lohman: It’s not amended for the Quiet Cove.

Ms. Pratschner: No.

Chair Raschko: All right, anything further?

Commissioner Axthelm: ____ clarify ____ that it’s an error or a typo?

Vice Chair Mitchell: I think we can just make the motion working off of a page number and refer to it that way since it’s written. Couldn’t we? If I were to move that we were to approve Quaker Cove Ministries’ Option number 3, per page 34, would that do it?

Commissioner Lohman: Or you could just call it its title.

Vice Chair Mitchell: How about if we just do that? Are you ready for a motion?

Chair Raschko: I’m ready for a motion.

Vice Chair Mitchell: I’d like to move that we approve Quaker Cove Ministries’ petition.

Chair Raschko: PL7?

Vice Chair Mitchell: I’m sorry. PL17-0414.

Commissioner Axthelm: Second.

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Vice Chair Mitchell: Sorry that was so hard, guys.

Chair Raschko: Well, we can move then to P-2, Samish Bay Cheese: Permit restaurants as an agricultural accessory use. The applicant requests an amendment to the definition of “agricultural accessory use” in Skagit County Code 14.04.020 to include limited food service. The purpose of the amendment is to permit small restaurants as incidental to an ongoing agricultural operation. The Department has drafted four options for the Planning Commission’s consideration. The section below analyzes Option 1, the no-action alternative, supported by the Skagit County Agricultural Advisory Board. And the recommendation is the Department is to not adopt P-2, which means not grant the request to be able to have small restaurants.

Vice Chair Mitchell: I think we have some discussion.

Commissioner Candler: I have a question. There was a recommendation – I think it was by the Ag Board – that this be looked at as a bigger picture. What would that look like? What – yeah.

Ms. Pratschner: Yeah. Thank you. Earlier this year the Skagitonians to Preserve Farmland, they hosted a community forum on agritourism – I think maybe some of the Planning Commissioners had an opportunity to attend that – and really it was a discussion of exactly your question: What does a long range work program look like for agritourism? So some of the points that came up – I’m going to put this on the projector because I brought out the minutes and meeting notes from that.

So you can see that there’s some fundamental questions about how to retain agricultural land in Skagit County while still addressing opportunities for economic development through vertical integration. And that includes all kinds of items that we would need to look at through a long range work program: drainage, for example, as we discussed earlier with one of our Comprehensive Plan amendments; not just addressing restaurants but also addressing temporary events and how those can impact ongoing agriculture; also some things like weddings, special events, et cetera; addressing the restaurants; addressing even retail establishments out in the ag zone. And so the community had voices that were trying to bring together what this sort of program would need to look like.

Initially in this research I reached out to Thurston County because they conducted – it was a three, four-year program that they conducted to create what’s called the ‘agritourism overlay district.’ I don’t say that’s the right choice for Skagit County but it did give me an idea of the kind of process that they looked at. So there was an establishment of an agritourism advisory committee made up of stakeholders in the community. There was a number of community and public forums that were held as well.

So, Commissioner, I don’t have an exact answer for you right now but we would anticipate that we would want to address *all* forms of vertical integration through an agritourism long range work program item.

Commissioner Candler: Any idea what a timeframe on something – I mean, you probably have no idea what a timeframe on something like that would look like.

Ms. Pratschner: Based on my discussion with Thurston, two to three years is probably a reasonable amount of time.

Commissioner Candler: So I mean, this is hard for, I think, probably for all of us. The location of this particular place is literally right around the corner from a restaurant, across the street from a place that used to be food service. I like to defer to the Ag Board, but this is tough.

Vice Chair Mitchell: I'd like to make some comments too and then ask our farmers. This little enterprise has done a lot with renovations and other kinds of things, and he basically was asking just to do a tasting room, more or less. Is that correct?

Ms. Pratschner: The request as I understood it when the petition came in was to do a full service restaurant so that folks would come in, sit down, and they would have the opportunity to order food and beverages.

Commissioner Candler: Okay, but what it was – okay, I remember now – so what it was is he wasn't going to change the footprint for the parking lot or anything like that. But taking into account a lot of the comments and also knowing where we are with something like this, as much as I would like to help this guy out at this time in his instance it seems like it's a big, slippery slope and I'd like to hear from the farmers on what they think about that footprint in the land.

Commissioner Lohman: You can't really speak for somebody like that. It's all so subjective and individual, and location location location – right? And I think that's why I think the recommendation to have a further, broader discussion – because it also – this proposal and even that meeting Stacie's referencing, it pointed out there's some flaws in our code maybe. So there's some other housekeeping that maybe needs to go on. Because I think there is a place for it but you also have to acknowledge your impacts when you bring in lots of people on your neighbors. And I just don't think it's ready for prime time right now, and the proposal to look at some kind of alternative and really examine the code, because we only have less than 10% of the county land base is devoted to agriculture, Ag-NRL. That's – and you are not allowed to by regulation make more ag land. You can't just go out into another zone and designate it as ag land. You can't clear any trees and have more. So there's a ton of pressure. And then you've got the squeeze between a growing county to the north of us and a growing county to the south of us and we're in the middle. So there's all these kind of things and I think a more robust discussion and examination is what I would advocate for.

Chair Raschko: Thank you. Anybody else? Amy?

Commissioner Hughes: I'd like to follow that up with I think the best public comment on this that pulls it together for the people I talk to as well – this person stated: "I do believe there is a discussion that is needed to more comprehensively address all of these uses to make sure that these lands and the production that occurs on these lands is maintained for future generations." That was the concern I had heard from farmer groups, is that the immediate we could possibly work with, but what happens to the agreement to the next generation? What if the next buyer has a different thought? What if the next buyer doesn't work as well with the neighboring agriculture uses? So these things need to be worked through.

When I was looking through everything on this docket, there was a reoccurring conversation that kept coming up. And it was basically that putting boxes on a map and rules on a piece of paper is easy considering. It got started in the 1990s and we've been working diligently on it for 30 years, but now we're kind of stepping into that social-economic issue: What is rural? What is agriculture?

What one person defines rural could be very different from what another person defines rural, and the bottom line is economics. When you have an urban push come in, like in western Washington, economics is what's going to dictate whether those open spaces are viable or not. How hard is it to make a living on those open spaces in competition with what else is available? I think that's where we're at in the 21st century, that we've got these hard questions that need to have, first of all, conversation. And I've seen it throughout this docket. We're starting to have these hard conversations. And then we need to go into communication: How do we agree to disagree and look at the best interest for the community and county? And then it's ongoing cooperation. And I think that that was what was holding some people back on a lot of this, is: What is the future cooperation in trying to maintain a neighbor-to-neighbor relationship with the different business ventures?

My question is there was the ag tourism summit. The Port has been talking about ag tourism. The City of Mount Vernon has been talking about ag tourism. So are we asking the *County* to facilitate this if we're asking for further discussion, or is there another group that should take the lead on this communication that needs to happen?

Ms. Pratschner: Does the Planning Director have a thought on that?

Hal Hart: Very eloquently said. Thank you. I appreciate that. I think that it needs to be a broad conversation. Whether the County leads it or not I – I think the County *should* lead that conversation, but I'm fairly new so if you have another structure that's successful that could lead that conversation I might buy that. But the – I will say this, that my concern since I've got here was that we're listening to all the parties in the community. And recently I had the opportunity to go listen to the group representing a lot of families out in Clear Lake. And, you know, they're part of the puzzle too, as are all rural communities, some that were established in the 1880s and have languished. They asked, What about jobs here? And what about another restaurant there? What kinds of ways could we reinvigorate places in our community? So I think I want everybody at that table. I want people that haven't been at the table to talk about what their needs are in Clear Lake – right? – and how they might benefit from a farm-to-table kind of restaurant opportunity, or something that would benefit both ag tourism but in those existing areas. So they're asking kind of the flip to – or at least, I think, a part of – they're addressing part of the issue of need and for jobs and employment in that little community. So how do you put those together? You need a broader conversation that brings people together. And I think you just – I wrote it out because it was so well – you have to have that conversation. And then you said "communication." So we need them to say what their needs are. And I think we could solve several of those problems if you have both communication – the conversation and then that communication and following it up. And how do you capture that? What would that look like? So I think we can address those issues. And then the previous comment was location location location, right? That's *really* important, too. That's really clear. Because there are different places in the county where we have existing wineries and things like that, so what do you do there? So it's a broader conversation. I'm hoping that gives you some idea of where I'm at, so thank you.

Commissioner Candler: So I have a neighbor that was – he's kind of a distant neighbor that was quoted in the paper many years ago talking about the economic viability of farming in Skagit County and, specifically in that case, beef cattle. And she – they said – I'm probably going to misquote it, but it was something along the lines of 20 – or probably longer ago – beef cattle sold for \$200 a car. You could buy it for 2000 and a house. You could buy it for 20. Fast-forward to today's society and beef cattle is still 200 but a car is 20 and a house is 200. So I'm very concerned about, obviously, the economic viability for people who are trying to maintain agriculture, which is going to be critical to everything. So that is my concern with, you know, not approving something

like this. But at the same time, I understand that the piecemeal zoning is maybe is not the way to address it but I hope that something can happen. And if there's going to be a location where, I think, it would be – if it's a location issue, this location doesn't give me any concerns.

Vice Chair Mitchell: I've got a comment too.

Commissioner Lohman: One concern I have is if we make a recommendation to the long-term planning idea that I don't want to kick the can and we don't have a start date. I don't want to just have it hang out there and languish out there and we don't get to the conversation and we don't get to maybe trying to get some kind of product. And so I'm – if we make a recommendation that we're going to do something else, I think we need to strongly push for you gotta do it.

Vice Chair Mitchell: Can we ask for the 2019 docket then or, you know, for the timeframe or however you do your work plan?

Mr. Hart: I'll let Stacie answer that.

Ms. Pratschner: Yeah, the long range work program is set by resolution every year, and so that is a document that's issued by the Planning Director with recommendations for which code amendments should be prioritized by the Board of County Commissioners. So that is an option that we include the long range work program item to look completely at agritourism as part of the 2019 work program. Ultimately it's up to the Board how they prioritize our work.

Commissioner Lohman: But it might not be just ag tourism. It might be the processing issue – you know, building it. It might be somebody wants to put in a brewery. It might be broader than just tourism. It might be just an examination of that section in general. Because a lot of people are vertically integrating in various ways and, you know, maybe not 100% vertically integrated but it's elements of it.

Vice Chair Mitchell: I'd like to see the County take the lead on that because Skagit County does take care of rural. I don't see other entities doing that as much, although we *know* that you will work with all of the ag groups that are necessary and ranching groups and things like that that would apply – EDASC – maybe you do; I don't know. But I would prefer that the County do take the lead on that. I'd hate to see that go into somebody else's hands.

Chair Raschko: So where are we?

Vice Chair Mitchell: I'd like to make a motion.

Mr. Hart: Yeah.

Chair Raschko: Okay.

Vice Chair Mitchell: I don't know how this is going to fly. I'd like to make a motion that we go with Option 3 for P-2, which is solely the long range planning alternative. I don't believe that this is the time, even though I sure would like to help this gentleman out since it is designated for restaurants. So solely I would make a – I move that we go for Option 3 for P-2, which is the long range planning alternative, and also ask to put it in with the 2019 work plan. Does that make sense?

Chair Raschko: Did you get that motion?

Ms. Pratschner: Yes. Is there a move to second the motion?

Chair Raschko: Is there a second?

Commissioner Lohman: Is the work plan the appropriate place, Stacie?

Ms. Pratschner: The work plan *is* the appropriate place. It would not just be code amendments that we would be looking at. There may be necessary changes to Comprehensive Plan amendments. I don't anticipate at this point land use map amendments, but that conversation may come up as well. But to place it on the work program would at least message to the Board of County Commissioners vis-à-vis the Planning Director that we would be looking to have this item prioritized.

Commissioner Candler: I'll second the motion.

Vice Chair Mitchell: Thank you.

Chair Raschko: Is there more discussion?

Commissioner Lundsten: I have another question. I'd like to maybe hear from Annie and Amy on this, or maybe from Stacie. This whole thing really turns on – land is a limited resource. The designation of agricultural land specifically is limited and so this restaurant would be one step into a conversion basically of that land into another use, even though it's this footprint of a restaurant. Is that true? Is that where the conflict is or is it the larger basis of this kind of vertical integration and what it implies for the whole area in a different way?

Commissioner Lohman: I kind of thought that this – the petitioner envisioned something very small and very tightly controlled.

Commissioner Lundgren: Right.

Commissioner Lohman: And I think it – the practicality of trying to do what he was envisioning, some felt that, well, we can't manage it that way or we can't regulate it as closely as your – what *you* would do, and so it morphed into being a restaurant. And because of trying to have one solution for – for replication: if somebody else came to the counter and wanted to do something. Where I think it got away from what the petitioner actually envisioned, is my impression.

Commissioner Lundsten: It got away. You mean more – how did it get away from it exactly?

Commissioner Lohman: By becoming a full-fledged restaurant versus, you know, maybe just a very teeny, tiny thing.

Ms. Pratschner: I can add to that, Commissioners, as well. The language of the original petition requested that the code be amended to allow "limited food service" – was the phrase used – as an agricultural accessory use. So "limited food service," the phrase "food service" is an umbrella term that includes all kinds of ways to serve food. So that can be a food truck, it could be a roadside stand, or it can be a restaurant. The definition of "restaurant" is predicated on folks sitting down and then the service of food and drink to them. So that is where that morph happened, is we understood that the petitioner was asking for a restaurant, not just the tasting room.

So the original petition, which is listed as an option – the Planning Commission can certainly consider adopting the petition as it was submitted by the petitioner. The effect would be that restaurants would be allowed as an accessory use to any agriculture activity in any zone. So the code that was presented narrows that scope a little bit by describing restaurants as a permitted use in the ag zone. Does that shed some light on the –

Commissioner Lundsten: It does, it does.

Ms. Pratschner: Okay – on that morphing?

Commissioner Lundsten: In Alaska there were a lot of folks that wanted to – they were small and they wanted to freeze fish at sea. And of course you would: You'd make more money. You vertically integrate, you deliver a frozen product and, you know, you could sell it directly. It's fungible – you know, frozen black cod or whatever. But if you do it, suddenly there's all these other effects and it's like, well, wait a minute. We can't just say you can freeze all your fish because it's processing plants, community, and so on – downstream effects like crazy. And so there is a very specific, tight program of how many boats – who and how people can freeze fish. And it works at this point but it took a lot of work to get it figured out, and I see this as very similar. At first blush, you see a small farm. It makes more money. You know, value-added activity basically. But so what you're – and I think that, you know, I hope – what I'd like to add to the conversation here is that I'd like to see that conversation happen between the big guys and the little guys or whoever it is in the farming community where you can both coexist and have value-added and deal with your potatoes as a commodity or however you're doing business you're, you know, it could be in recognition of the other people. And I'd like to forward that, you know – I'd like to make that intention clear to the Board and the staff that that's – you know, clearly the farmers need more – need as much – many legs to stand on as they can for economic stability. It's – I'm all with that and I hope that we can do this expeditiously because this work program goes along with it. Thank you.

Commissioner Axthelm: I think there's a big difference between, you know, a farm stand and a restaurant, a full-out restaurant. But yet Skagit County has lots of opportunities right now, and with the way the economy's changing I think it's a great opportunity to look at this and I think it needs to be put in a priority. We don't want to be left in the dust as far as the county but yet we want to keep our agricultural roots as well, so I think there's – it's got to be talked about. So it should be put on a priority list, I think.

Mr. Hart: High priority.

Commissioner Axthelm: Yeah, high priority.

Commissioner Lohman: I don't think we want to freeze somebody's ability to adapt to modern times and conditions. I think about a mentor that told us years ago, Well, thank God we got rid of the horse. Because if we'd have said that if you freeze things into the here and now and you don't allow – you put so many constraints that you can't adapt, we never would have gotten the tractor and we never would have gotten the use of technology because we would have been frozen in something that's so rigid that you can't adapt. And we don't want to do that. Because nobody has a crystal ball, but you can't save something to the point that you're putting a cage around opportunity either.

Commissioner Axthelm: You know, a good example is you look at a lot of these old farms and they have these old barns that nobody uses anymore.

Commissioner Lohman: They're obsolete.

Commissioner Axthelm: Yeah, they're obsolete and so things change – the way people do farming. So maybe looking at it that way is that there's a lot of opportunity to do the farm-to-table that is a new thing in the future.

Commissioner Lohman: But at the same time you don't want somebody to exploit the opportunity. Oh, they say, We could put restaurants. And (you) put them anywhere you want, and now you've got a standalone restaurant that maybe the current owner is great, and then he sells it and it gets cleaved off from the farm and it becomes its own thing. So the devil's always in the details and we don't know what those details are, and I don't think our code actually addresses those yet.

Chair Raschko: Amy?

Commissioner Hughes: Well, and it gets brought up time after time and it would probably be the need for enforcement. We need a system – and it needs to somehow compensate for itself – of how are we going to keep control of it spreading where it could be harmful. But that would be part of the conversation.

Chair Raschko: Okay, so we have a motion for us and that was for Option 3. If we're ready, all those in favor, say "aye."

Multiple Commissioners: Aye.

Commissioner Candler: And can I add something? I think, based on – almost everybody spoke about what a high priority this is so I think we should definitely put something in this actual language that's being typed about that.

Vice Chair Mitchell: Yes, please.

Ms. Pratschner: I was going to suggest that we could have a series of bullet points beneath the sentence to recommend Option 3 that described the reasons.

Vice Chair Mitchell: Okay, let's do, please.

Chair Raschko: Have you an idea?

Commissioner Candler: Well, I was just going to give Stacie a chance to type something, but –

Chair Raschko: Oh.

Commissioner Axthelm: It's too bad we didn't start this list about ten minutes ago when we were saying all the reasons!

Commissioner Lohman: Are you asking us just to throw them out?

Chair Raschko: Okay, Kathy?

Vice Chair Mitchell: I'd like to know what we had in mind for the bullet point things. Are we looking for the reasons for action here?

Ms. Pratschner: So something I think I heard from most of the Planning Commission members was the need for more conversations with all stakeholders.

(sounds of assent from several Planning Commissioners)

Vice Chair Mitchell: And for the County to put it in the 2019 work plan as high priority, if that's possible for recommendation. Is it worthy of mentioning anything about the concerns, or does that not matter at this point?

Commissioner Lohman: I think the process will flesh all those out.

Vice Chair Mitchell: Okay.

Commissioner Candler: I would be more comfortable instead of just saying it should be prioritized that with our – our recommendation is that it should be given *high* priority.

Ms. Pratschner: Given high priority, yes.

Commissioner Axthelm: Will we just put that at the end or is that –

Commissioner Candler: No, I think we should just change it now.

Chair Raschko: Very good.

Commissioner Axthelm: Perfect.

Commissioner Lundsten: Beautiful typing.

Chair Raschko: Anything else?

Commissioner Axthelm: Is there any other reason we need to put in there?

Chair Raschko: What's that, Josh?

Commissioner Axthelm: I was thinking, Is there any other reason we need to put in there, or just what we already just said earlier?

Commissioner Candler: I'm hoping that the fact that we've listed it as something with high priority will emphasize it enough in the context of the rest of the document that –

Commissioner Lohman: But I'd also like to make sure that we include our County Ag Advisory Board as well.

Vice Chair Mitchell: And ranchers.

Commissioner Lohman: As part of the – well, I mean in that group of stakeholders – make sure that we don't leave them out.

Commissioner Candler: Do you think that "all stakeholders" should be – do you think "all stakeholders" does enough to do that or do you want them listed specifically in line 1____?

Commissioner Lohman: Well, once you start writing a list you're always going to leave people off. It's kind of like – we're planning my daughter's wedding and, you know, you always forget somebody to invite!

(several Commissioners speaking and laughing at the same time)

Commissioner Lohman: But, you know, there's – because the ag family is from micro, tiny, teeny-tiny – might be even on a part-time – to thousands of acres and everything in between. But I just wanted to make sure that we don't discard our Ag Advisory Board that we already have, too.

Vice Chair Mitchell: Right.

Commissioner Candler: Maybe what we could say is since this is our *reasons* for action is that we heard, we received the input from the Ag Advisory Board and respect their opinion, or something in there about that they've been a party that has already spoke on this issue and should be – continue to be part of the discussion. Again, it's almost like making a list where....

Chair Raschko: I would think that would be included in A.

Ms. Pratschner: In addition to the Ag Advisory Board, we also had comments from EDASC, for example, about the amendments, and other groups.

Commissioner Lohman: SPF.

Ms. Pratschner: SPF.

(several Commissioners speaking about the stakeholders at the same time)

Commissioner Lohman: No, no, no, I'm fine with it but we all said it out loud so I'm sure the Commissioners heard us.

Chair Raschko: All right. With that, are we ready to move on?

Commissioner Lohman: Are we going to vote?

Commissioner Lundsten: Did we vote?

Chair Raschko: Did we vote?

Several Commissioners: We voted.

Chair Raschko: Yes, we voted and we went to our reasons. Yes.

Where are we? Okay, we'll move on to P-12. That's the South Fidalgo Rural Residential Comprehensive Plan, land use map, and code amendments. This would amend the Comprehensive Plan and zoning designation of approximately 4,736 acres from the Rural Reserve to a new zone, the South Fidalgo Island Rural Residential. A new section is proposed in chapter 14.16 of the Skagit County Code to provide bulk and dimensional standards for the new zone. Concurrent amendments to the Comprehensive Plan describing the goals and policies in the new zone are also proposed. Comprehensive Plan Policy 12A-4.2(f) identifies Fidalgo Island

as an area for community and subarea planning that will include provisions for maintaining existing rural character and lifestyles of the island.

Okay. Before we start discussion, I just think it might be appropriate to review where we are with this. A year ago the Planning Commission voted seven to two to reject P-12, and the Board of Commissioners deferred item P-12 for further analysis and public review as part of the 2018 Comprehensive Plan docket. That is where we are now.

The Board of County Commissioners adopts the following finding of fact concerning P-12: 1, the Board requires additional analysis of the potential impact of the proposed South Fidalgo Island Rural Residential zone on businesses and agricultural in the affected area; and, two, Planning and Development Services should provide that analysis for the Board's consideration before considering the proposal for the 2018 Comprehensive Plan docket.

So the Board of Commissioners basically wanted more information. Other than that, I don't know what has changed other than the addition of a larger lot coverage limit. Okay.

Vice Chair Mitchell: I think there's a couple pieces ____.

Chair Raschko: Okay.

Vice Chair Mitchell: One of the other pieces was for the CaRDs. The staff recommendation had been to require water hookups if a CaRD was used.

Chair Raschko: Right.

Vice Chair Mitchell: The other was that they had changed the lines so the geography had changed. But in essence, the bulk of it was pretty much the same.

Chair Raschko: And just quickly I'll also review the findings of fact from last year.

First, the true water situation on South Fidalgo Island is unknown, and that lack of data inhibits good planning.

Second, there is a lack of evidence of the South current zone – South Fidalgo zone – not working.

Opposition to special use permit applications is not unique to South Fidalgo.

There was significant opposition to the South Fidalgo proposal.

The Planning Commission is sensitive to the fact that property purchasers have expectations for the allowed uses in the zone to continue to be allowed.

And GMA instructs us to manage growth but not stop it.

So we could start the discussion by talking about whether these don't apply anymore or they've changed or how these new changes might affect what we might decide tonight. Mark?

Commissioner Lundsten: I think that they do not apply right now. I think the issues have become clarified and changed a bit. The – I would suggest right off the bat that – well, first, let me just say I – to disclose completely, I live in that area. I wrote a letter in favor of this last year. I stressed

water. We live on a rock and most people on the interior all have wells. And I signed the petition this winter that's saying just tell the Commission to proceed with this. So I have done that. I wrote a letter to the paper as well after their article was published and in that letter I said I don't know how I'm going to vote, which was exactly how it was. But I wanted to – I criticized the article because it was uninformed. It was wrong about some things, and I said we should have accurate data. So this *has* changed. The – a few of the elements have – the border's line has changed significantly. Private landing strips are allowed. There's a – there's no – you can have CaRDs, according to this, if you have a hookup to public water. That's the change that was – one change that was made.

Ms. Pratschner: Commissioner, may I –

Commissioner Lundsten: I'm sorry.

Ms. Pratschner: I apologize for interrupting.

Commissioner Lundsten: Go ahead.

Ms. Pratschner: Can I make a clarifying statement to that? Yes, last year through the 2017 docket there was an option proposed that CaRD developments be limited on South Fidalgo Island for those who could hook up to public water. That option is still available for the Planning Commission's consideration. The Department is not recommending that, though. We are recommending no change to the CaRD provisions on South Fidalgo Island.

Commissioner Lundsten: I'm sorry. That's right.

Ms. Pratschner: Thank you. Apologies again for the interruption.

Commissioner Lundsten: That's okay. I have – I do have – besides that I have another side issue that I wanted to talk about and that is that at the – and how we – and this is not a criticism of anyone. This is simply something I observed and I apologize for making this comment now and not doing it immediately. But I request – I think it would be best for us not to have cheering, clapping about any proposal in either direction. I felt very much when we were having our proposal that it was kind of competing pep rallies and it diminished the discussion. I also think it absolutely stopped one person who had important material to present and she – I called her because I didn't stop it at the time when she was heckled. And she totally lost her train of thought and didn't finish and it's obvious in her original recorded transcript of her statement that that was the case. Patty Wasson was part of the deliberations and I asked her if she wanted to send something else that was clearer, and, if I may, may I read that into the record since it was – or may I submit it to you to put in the record?

Chair Raschko: Sure.

Commissioner Lundsten: "Thank you for giving me the opportunity to re-state my opinion regarding the P-12 Re-Zone. About 3 yrs ago the board of commissioners and planning department began the deliberation process regarding a zone change in order to solve land use issues and to save the county from a Sub-area Plan. These discussions were began with the public at a Fidalgo community meeting. P-12 is no secret and did not come out of nowhere. As stated at the last hearing, the reason for the request for P-12 re-zone is for limiting specific future commercial development only. It does not change any regulations regarding density or housing developments and maintains South Fidalgo's rural character exactly as the state law –

Washington's Growth Management Act requires. There are no changes in private land use for personal property which are set again by the Growth Management Act. It does not change homebased businesses, personal use, or existing businesses. Over the past two years there have been multiple planning commissioner hearings where many compromises have been worked out to try to appease the needs of everyone in the community. These compromises include further limiting, to a smaller area, the borders of the new re-zone, this was not acknowledged and possibly not known by the speakers in the audience. Other compromised changes not acknowledged include allowing Ag processing, private airstrips and CaRD density bonuses where the property hooks up to public water. Water is limited on South Fidalgo Island. When we bought our property 30 years ago, our well was pumping 9 gallons a minute. Now we pump approximately half that amount. P-12 addresses water issues through their change to the provision for CaRDs in a precautionary manner and without spending the funds for a hydro-geologic study. The majority of public opinion was in favor of P-12 last year and in the winter of 2018 approximately 350 people signed a petition supporting P-12. Thank you for this consideration."

So thank you. And I don't mean to be criticizing our meeting and if it feels like I am I'm not. I think this is a cautionary tale. It happens. There's no way you could figure out this before the fact, and I just think that it would be a good practice for us in the future to just have the audience give the same respect to everyone who speaks that we give them as Commissioners. None of us said a word and I would – so I think that's what we should say for the audience. And I have –

Chair Raschko: That's a very good point.

Commissioner Lohman: But I would like to say that the *Planning Commission* did not disrespect this speaker.

Commissioner Lundsten: No! No, no, no.

Commissioner Lohman: Okay.

Commissioner Lundsten: I'm just saying –

Commissioner Lohman: Yeah.

Commissioner Lundsten: – we should hold order on the audience as well. There were back-and-forths and I just thought, Let's just all be quiet. That's my input.

I have a point of view that's about the P-12 amendment myself. I think it's a good proposal. I back it. I have some questions about it but I think it has some problems but I think it's a very good start and I think we need to do it.

Can I put something on the overhead just for a minute?

Ms. Pratschner: Certainly.

Commissioner Lundsten: I was just looking at this the other day and I just _____. I want the whole – Whidbey Island too. A little bit more and further north. Keep going, keep going. Okay. What you see here is really – P-12 is really an outgrowth of a long tradition, a legacy around here of – or in Anacortes, this area – of this conservation areas, these public lands that have started in the forestlands, Deception Pass State Park, the County park, and then basically the waters all through Deception Pass State Park. These areas in blue – I just colored them in and I put the

lakes in the yellow with little stripes on them – comprise about 7000 acres. That's significant. When you're in this area, those are the elements that dominate the landscape. Deception Pass, Mount Erie largely, and all the lakes along the west side. Those didn't happen by accident. The city forestlands, they're all go back a long way to people that have been making hard choices and basically improving the quality of life on Fidalgo Island by making choices that are unpopular at the time. Not market-based. Not for the profit for next year or the year after but for the good of the community for long-term. The forestlands were started for water and they ended up being used for logging. That happened about 1920 they started forestlands. They stopped logging in '89 and it just became forestlands, and it's a huge, valuable resource all valued by many people in Anacortes. It's a signature of the city. Deception Pass State Park in the '40s was ceded from the Navy and it's been maintained by the State. Pass Lake was going to actually be turned into – this right here – was going to be turned into a Deception Shores, which was a big development with a tram and everything else, and people – the family that was selling the ranch said the people of Anacortes don't want us to do that. That's not what they want to do, and we want to do that. We want to keep it for the people. So that became part of the park. ___ Peninsula also became part of the park later on and eventually you had this whole strain of forestlands accentuated by Washington Park and by the County park right here. In the middle of all this and Guemes north of us and here on Kiket Island there were proposals for an aluminum plant and a nuclear power reactor. Now either one of those would have been a huge windfall economically to some people but the external costs of those things were determined to be too much for the people who lived there at the time. Said we don't want the money. We'll take the long term quality of life. We'll take the conservation. That's what's kept this Similk Bay and the inside passage here, Inland Sea, from gaining about five or six degrees temperature from effluent from a nuclear reactor. That stopped that. You can imagine. There are a lot of Dungeness crab in here now, as there have been for a long time. They wouldn't be there if we had gone for that. There's also been numerous attempts for clearcutting, for a bottling plant over here, and there've been many decisions that have had to be made to not do – to not make, not pursue an economic path but rather to go for something that makes sense for the community, for the quality. And I could say that it's conservation versus economics but it's really not. It's a balancing act of just what you want to have in your community. Where are your priorities?

Last year also I have – it seems to me – I read the transcripts of the – and the public testimony and of the submissions, and it seemed to me that most people were in favor of P-12. It wasn't – it wasn't a minority. It was a majority. It was a pretty strong one. And they were saying pretty much what a lot of people were saying – that we need to figure out how much water we have, one, and that CaRDs are a potential threat and density – a footprint we have is a potential threat. Every person uses water. How much can we have? We all want our piece but what does that do to the whole if we all take our little piece? It's fine up to a certain point and then maybe we run out of water. It happens. In certain places it might be.

Now I don't think that we know whether this is a single-source aquifer here or there, or if it's cracked rock or how it works. But it's a rock, it's an island. We're suffering a drought. We need to be careful of what we do. So to me the – one more thing I'd like to add and then I'll just end this part of my discussion is that a lot of people now are overlooking the community benefits of this that are fairly – that are obvious. The fact that we don't want the external cost of large commercial enterprises around these natural areas. And they say that their own personal freedoms are being infringed. And I completely appreciate that and I think that that's what we're trying to do. The problem is thread that needle. How much personal freedom can we maintain to do whatever we want and how much do we take as a community that will say we have these limitations. We're going to make this into Deception Pass State Park. We're going to make this Heart Lake part of the forestlands. It's not going to be condos and so on and so forth. A lot of the people who have

commented on this – and there are a lot; we all read them – are saying things that are not correct. “The proposed changes threaten freedoms relating to our enjoyment of the land,” and I quote. “We enjoy a small farm and gardening, and our children and I enjoy riding dirt bikes on our property” and according to the new P-12 changes we understand that right would be in question or banned.” Well, that applied to greenhouses, to whether you could have gardens, to whether you could walk your dog, to whether you could ride your dirt bike or your off-road vehicle around the area. And it was – to me, it was again like the article in the *Anacortes American*. It made it hard for us to suss this out. What are the real issues when there’s misinformation like that?

There’s a Rule of Interpretation that applies to this that I’m going to read. But if you consider all the things right now that you have to go to a hearing board for, it’s only some of those things that are going to be prohibited. So if you aren’t going before a hearing board now you won’t be going – you won’t have that activity prohibited in the future. It’s only the things for which you are going to a hearings board presently. Everything else is going to be allowed. If you are personally riding your motorcycle now you will be able to personally ride your motorcycle later. If you’re having friends over do the same, you’ll be able to do that under P-12.

Under 14.02.030, Rules of Interpretation, there’s a whole bunch of definitions of some words in the code and it says finally “For the purposes of this chapter and unless specifically defined, words or phrases used shall be interpreted so as to give them the meaning they have in common usage and to give this title its most reasonable application.” In other words, just because you pass P-12 and you have something that’s prohibited now you can’t go by the letter of the law and say, Well, we didn’t have that as a hearings board but now it’s prohibited so we’re going to come in and stop you from doing that. No. The law says it very clearly that this is going to be the most reasonable application and that that would be what you’re doing now you can do then. There’s no question about it. I would suggest that a good 75% of the letters opposing this said I won’t be able to walk my dog. I won’t be able to grow flowers. I won’t be able to have a garden. I won’t be able to ride my motorcycle with my kids. I won’t be able to fly my plane. And they’re all wrong. And that’s made our job hard. Because this is an important issue. This is a legacy on Fidalgo Island. Carol Ehlers would tell us about it endlessly. I only got the tail end of it. Bless her soul. But this is a unique area and it has a legacy of conservation and of industry that is – that P-12 addresses directly. It’s not perfect. I think it should be considered in three parts tonight but I think that the first part about the limitation on heavy industrial commercial uses is a good one and we should approve it, as per the Department staff.

Commissioner Lohman: Mr. Chairman?

Chair Raschko: Yes?

Commissioner Lohman: Just a point of clarification. I believe that there’s an error there on page 37 where in the list of items that would be removed from the special and Hearing Examiner uses. It’s outdoor storage of hazardous materials, and that is already prohibited in any Rural Reserve zone now. So that’s, to me, a mistake to have it in there at all because nobody can do it anyway anywhere.

Chair Raschko: I’m sorry. In which one?

Commissioner Lohman: Page 37 in the right-hand side column, the third item.

Chair Raschko: Outdoor storage?

Ms. Pratschner: I'm bringing up the code online right now. So, yes, thank you, Commissioner. "Outdoor storage of processed and unprocessed natural materials in quantities" – and it gives some bookends for those quantities as far as Hearing Examiner uses – "that do not have a potential health hazard." Also does not include storage of hazardous materials, and there's a link to that definition.

Commissioner Lohman: And wasn't there a second reference and it also had that same "does not include "hazardous.?"

Ms. Pratschner: That's correct. There's two levels recognized by the ___ code section. There's the outdoor storage of processed and unprocessed natural materials that do not have the potential health hazard or that may have the potential health hazard as an administrative special use, not including the storage of hazardous materials. And then larger amounts for those that have a potential health hazard or do not have a potential health hazard as a Hearings Examiner use.

Chair Raschko: Does that take care of –

Commissioner Lohman: I just wanted to acknowledge that that's actually erroneous or an error to have it in the list.

Chair Raschko: Okay. I'd like to hear the other two, Mark.

Commissioner Lundsten: Oh. What I –

Chair Raschko: Didn't you say there were three parts that you were –

Commissioner Lundsten: There are three parts, yes. The CaRD element, I think, is – deals with water and with whether or not you can have two single-family units on a 10-acre plot or whether you can have one. And there'd be twice the water usage with two houses than there would be with one, and whether that's an issue is – that's what put it in this proposal. I think that's – there's so much unknown about water. There are many people who say there's an issue with water. It doesn't take – you don't need to have a full-blown scientific study to figure it out, but we're potentially vulnerable. When you live on a rock you're vulnerable. It's an island and it's a growing population. We're at the tipping point. Some people apparently have some problems. So what do we do? We would be wise to take a precautionary principle and to err on the side of making sure there's enough water, rather than saying, Well, let's see how much there is before we run out. Then we have huge expenses. Do we have plans to bring – is there a way we can bring City water in there? So I think there are questions answered and I think there's some direct takings that people have said that they want right now, and I'm not sure that that's a wise thing to do without further clarification. I'm not sure that CaRDs should be put on hold – shouldn't be put on hold. I think that we might put that on for next year and say, Okay, let's get a plan, whether it's a year or two, and figure out what the water is somehow on Fidalgo Island. But let's stop all the misinformation and get some people to put their heads together and do an analysis through reading meters on various wells – what's the flow here, what's the flow – I don't know. I'm not a hydrologist but I know they're around and I know we can do that. We have enough energy for this whole process. We've had enough people show up on both sides with a lot of passion that if we say, Okay, let's figure out how much water there is. I'm sure we can. It's a little bit like the farming issue. If you say you're going to figure out the issue and you start the conversation it's going to happen. That needs to happen on Fidalgo. That would finish the subarea plan.

The other thing is the Samish lot coverage, and I'm just uncomfortable with unlimited, and I think I'm actually a little uncomfortable with just saying they come in and they say they want 33 and we'll give them 33 when it was 25, and I think – well, what's the procedure for that? I'd like to know a little bit more. And I'm fine with this. This is basically an enlargement of the center they have down on Padilla Bay, as I understand it. Pretty much. They have a – by the – well, yeah, by the big park there, they have a center there already, I think.

Ms. Pratschner: Yeah, the purpose of their submission of that amendment – and I have the letter here that I'll go ahead and put on the projector. This would be for a new cultural center/community center that the tribe is planning on developing. So their request in this letter was for the Department to consider recommending removing the lot coverage limitations for major public uses if the new South Fidalgo Rural Residential zone was adopted. They also addressed the issue of Fidalgo Elementary School. Fidalgo Elementary School currently has quite a lot of lot coverage and because of the current limitations in the code are nonconforming as far as lot coverage. And so that limits their expansion opportunity as well.

Chair Raschko: Okay, are we ready to move on? Are you done?

Commissioner Lundsten: Well, I'm – like I said, I'm not opposed to the cultural center. I'm just a – I'm not that certain how the general protocol is when someone applies for a certain square footage. I guess that's exactly what we're doing right now is going through that protocol in this meeting and voting whether to say yes or no. It seems kind of like a semi – it's like a judicial ruling to me and not legislative necessary, is kind of, I guess, where I'm getting a little tripped up. I'm not sure. Are we just voting to change the code to accommodate these guys? Is that the idea?

Ms. Pratschner: So, yeah. It's not a judicial proceeding since we are making a recommendation on a code amendment. So that definitely puts it in legislative territory. So the code amendment was made – the amendments to the South Fidalgo zone, as Mr. Chairman had pointed out, became a County-initiated amendment for the 2018 docket. And so in the course of working on the code amendment, the Department was contacted by the Samish Indian Nation that the Department consider their request as part of the code amendment to modify the lot coverage limitations for major public uses.

Commissioner Lundsten: So this is really parallel to Quaker Cove: Change the code to accommodate the needs of an ongoing – of a new, changed development that's going to appear on that area.

Ms. Pratschner: That's a – yeah.

Commissioner Lundsten: I'm just saying I know it's not judicial but it *feels* like it because we're saying – you know, we're kind of – we're kind of just –

Ms. Pratschner: Yeah, because what has triggered it is a project –

Commissioner Lundsten: Yes.

Ms. Pratschner: And so we're having that discussion about what would be a quasi-judicial decision, but in this case we want to think about the larger legislative impact of what it means to lift a lot coverage limit or, as it was suggested by some of the public commenters, to just keep it exactly what they need – 33,000 – or to not change it at all.

Commissioner Lundsten: It seemed like that was the most common, was to just go with the 33 – among the people who were in favor of P-12, obviously.

So I'd like – in summary, I think that the industrial, commercial, heavy commercial uses is different than what you talked about last year. I think with the changes in it and the way it's been discussed it's gotten clouded and that we should talk about that on its own. We should talk about the CaRDs and the water situation and we should talk about the Samish lot coverage. That's as three separate items –

Chair Raschko: Okay.

Commissioner Lundsten: – all as one, clearly. All –

Chair Raschko: Let's move on then. Has anybody any comments they would like to share?

Vice Chair Mitchell: Yes.

Chair Raschko: Okay.

Vice Chair Mitchell: I understand a lot of what a fellow Commissioner just stated for a whole lot of reasons with. But I do believe that all the findings of fact and recommendations from last year still hold, mostly because what is being asked for now is for a new definition of what “rural” and “rural character” is to something different. And there have been a lot of people with decades' worth of expectations, land use, abilities, home businesses use to be able to do those things. One of the main reasons that keeps being put forward is the concern for water, and a lot of times the water issue is thrown around pretty loosely. Some say “sole source” in quotes and some say others, but there is concern. There's always concern for conservation of water and using it wisely. I think that's a given. But when we bring it back down to the brass tacks there has not been any designation whatsoever for South Fidalgo Island to be a sole source aquifer which, in the conservation terms, the EPA discussion, often means being rain sources. If we take that definition, that can be used universally worldwide, wherever we are, and the only exceptions were for desalination plants.

So making it very simple, on something like this there would need to be geologic studies/hydrogeologic studies to prove how many different aquifers there are or are not on South Fidalgo. Briefly, the Guemes Island thing that was brought forward in the 25th April memo where Ryan Walters had written to suggest that we follow the Guemes plan because of the policy for what that was used to put over here on South Fidalgo. Although that might sound good for policy-wise, it's not applicable to the real world. It's proven that there are three formations on Guemes Island that produce water, and the third one when they did the studies in 2010 with Western Washington University students and back with Skagit County, found that even more wells drew from that than what they expected. So scientifically-speaking, geologically-speaking, from aquifer-wise there is more water there and sources to be able to be drawn from ____ from expectations. But that still doesn't negate the problem for those folks on the perimeter of the island with saltwater intrusion and sometimes with dry time. That's why that island was designated that way.

But to transfer that logic and that information over to South Fidalgo is folly, and the reason I suggest that it's folly is because, again, we do not have the proven studies to back that up. The other thing is that most of the people that have the problems on the island are on the exterior of the island with the cliffs and such, whether it be saltwater intrusion or lesser access to water. The interior of the island __ by the lakes, the underground feed from the river – from the Skagit – it

shows that there are most likely – and I’m going to say this “most likely” – many more aquifers than we suspect that there really are. And right now in Skagit code and policy, to be able to get building permits, whether it’s for a home or a business, one of the things you have to do is to prove you have potable water, right? So that’s already in the policy and that’s already dictated. So putting it very simply, for us to make the leap to say policy-wise that these people need to adhere to something because of precautionary principles is folly. It’s not proven. And I would suggest that any future considerations for permitting on water availability should be done on an empirical, site-specific testing of water availability, needs for use, and viability, rather than on assumptions, generalizations, and guesses. Anyone on South Fidalgo using City water at this point is recharging the aquifers with the wells – I mean, with the water that they’re using from those instances. That seems to be being discounted as well.

Another thing is that anyone that is using well water is also recharging the system with that well water. It’s not like the water is being used and it disappears and goes away forever. That’s not the case at all. There are times when things are recharged. There are some times when there’s drier seasons. We know that. But to go blanket across the thing for a precautionary principle and say, therefore, everybody should be excluded from the possibility on their site, their, parcel, their 10 acres, their five acres, 20 acres, whatever it is, is not very realistic.

Back and again, we still need to have studies to prove those kinds of things. But at the moment, we’re looking at being asked to redefine what “rural” and “rural character” is through a zone. And I think that one of the basic things that we have to fall back on right now is looking at the historical uses and what people’s expectations were. And rather than doing a whole lot of rehash on that – and I would like to have some other people’s opinions – I am falling back onto what we have decided last year because it is a fact that there’s divided and contention on how it should or should not be used. And we can play the numbers games, we can do the tallies for what it was last year, for what it was this year – done them both, have all the numbers – but that diminishes and discounts anybody’s single voice in this. Let’s leave it very simple for saying that it *is* divided. And so going back to that same principle and one of the cautions here is for a small subset of a group of people to say that we think we should redefine the definition for “rural” to basically turning it into a rural suburb is discounting what the different people have used and how they’ve used the land for years. And this may seem pretty simplistic but in my mind it’s very akin to let’s say that a person that only likes vanilla ice cream goes into the store and talks to the manager and demands everybody has to have vanilla ice cream because that’s what I like, that’s what I want, that’s what I see. Therefore, this is to become and you’re going to turn this into a vanilla ice cream store. That’s it. You’re going to ban chocolate, tutti-frutti, strawberry, blueberry, everything else.

Now in one instance that’s great for the vanilla ice cream people. What about everybody else that changed the situation entirely? And one of the things that the County, the Planning Department, and the Planning Commissioners are charged with is taking care of and looking at everybody. And if we change this zone on the what-ifs, the fear tactics with saying maybe or maybe not there’s water – I’m not saying that there’s not people that don’t have issues. We can discuss my own personal issues with our house. We have issues compared to people around us. But that happens all over the county. And to create a spot zone, which in effect this would be, is not good use and planning use for everybody. And if you do change the zoning – yes, the intent may be to disregard or take out the industrial uses and commercial uses; even though your goal may be that, the unintended consequence is that you change all potential for anybody else for any future thing. And technologies change. Things change. We have access to other things like the anaerobic digesters that are smaller; like the pervious pavements; like rain catchment system for the systems or places where people have a problem like they do on Guemes. There’s other ways to do this. And it’s back to the horse and buggy analogy that we were talking about back at the

farming issue. If we freeze this and cut off the possibility for using future technologies to solve those problems, it's a disservice to every person that owns that land and all those other parcels because of the what-ifs.

So I am prepared to go into a lot more detail discussing RCWs and Countywide Policies and everything that protects private property rights and we can go that route, but rather than taking the time to do that I would like to see what other people think at this point.

(silence)

Chair Raschko: Nobody else?

Ms. Pratschner: Commissioners –

Commissioner Lundsten: I have an answer for one of the things –

(several Commissioners speaking unintelligibly and at the same time)

Chair Raschko: Go ahead.

Commissioner Candler: Well, we have looked at this and I appreciate it, Stacie, that you had our prior – the Planning Commission's previous recommendations and reasons up on the overhead.

Ms. Pratschner: Yes, I'll put that back up. This was just – I was just going to say very quickly this is a map from our GIS gallery which shows those seawater intrusion areas that the Vice Chair was referencing, and also shows the closed stream and buffer around the Lake Erie area – just to give some visual context to that discussion of the different aquifer categories. I'll go ahead and put the 2017 findings back on the projector.

Commissioner Candler: One of the comments by my fellow Commissioner – I respect everybody's comments, but one of the questions was, you know: Where are your priorities? And I think the natural flowing question after that is: Whose priorities are we talking about? Because, obviously, we have differences of opinions on this and different people want different things. We indicated previously that there was significant opposition to this proposal and I think one thing that has definitely changed is that those who are opposed came out very strongly this time around to vocalize their resistance to this proposed taking of their property rights. And I don't think all of that can be dismissed by indicating that it's based on misrepresentation that they aren't going to be able to walk their dog, you know. That, I think, simplifies it way too much. I think there are people that had real concerns about their use, their expectations they had when they purchased, their ability to pass land down to their family members. And so there are interests that are being affected.

And my other thought on just that part was that, you know, the other comment was: What do you want your community to look like? And that's, I think, another problem with this proposal. The spot-zoning mentioned by Kathy – you know, my community, I think, in a way is this entire county. And we go to these work project/work program, and the Department tells us we can expect a certain number of thousands of people to move to this county in the next year, 20 years, or whatever the topic is that day. And if they're going to move to this county, they're going to go somewhere. And so every – it's kind of like the ripple effect we were talking about with P-2. If they're going to come to the county, they're going to go somewhere. And so when you do that

spot-zoning, it does affect other areas as well. That is another aspect of this that I think causes me to not want to take any action on it.

We heard person after person say this is a problem without a – there's a problem looking – or a solution looking for a problem, or something like that. We've had – Ellen Bynum, for example, indicated that we probably shouldn't or can't do this under at least one case that she cited – that we can't change this, we can't change the zoning without the complete subarea plan. I don't know if that's accurate but that certainly was her position and so I have some concerns about that. We had a concern raised that there was a conflict of interest on this by a commenter who's an attorney in our community. We've had some concerns about the arbitrary nature of it in that some people's property would be affected; just across the road, not affected. I think when the Department takes an action they always need to be concerned about taking arbitrary action like that because that is just not something that's allowed. There's been comments that the current system is working just fine. There's been comments that we didn't get the water piece looked at, as Commissioner Mitchell pointed out. There were concerns about the effect on agriculture. So there's been, I think, a lot of *valid* concerns raised about this, and for my part nothing really has changed from the reasons that were – at least most of the reasons that we listed last time, I think, are still applicable, at least from my thinking.

And I think – it's a beautiful area. I read on the Internet so I obviously cannot attest to the truthfulness of it, but that Deception Pass State Park is the most visited park in Washington state. There's a reason for that. It is absolutely gorgeous. But beyond the incredible, breathtaking views, a lot of the things that people talk about about the island are *not* unique to the island. There's wildlife all over Skagit County. There is encroachment on wildlife all over Skagit County. There are water issues in *many* places in Skagit County. And you want to talk to somebody who lives on the Skagit River about water issues. So that is the same problem that I had last time, same problems I have this time, and I would move that we take no action on this. And I think that was Option 1 under the Department's recommendation.

Chair Raschko: So you put a motion on the table.

Vice Chair Mitchell: Second.

Commissioner Candler: And by putting a motion on the table, I'm not suggesting that we can't have further discussion. I just want the discussion to be focused on a motion.

Vice Chair Mitchell: And I seconded it.

Chair Raschko: It's been moved and seconded to take Option 1, no action. So is there further discussion?

Ms. Pratschner: Commissioners, I just wanted to point out to the screen that per the Commission's request of staff, the Department attorney did research that original 2001 Growth Management Hearings Board order and has determined that pursuant to subsequent orders that were brought concerning 2001 that because the current proposal does not increase densities on Fidalgo Island – that there's no proposal for that – that the prior orders don't apply and do not require the County to prepare a subarea plan. There had been mention of that when you were speaking, Commissioner. I wanted to make that clarification –

Commissioner Candler: Thank you very much.

Ms. Pratschner: – for the conversation. Thank you.

Commissioner Candler: That was something that had come up at the public hearing and I didn't actually track that down so I appreciate that.

Ms. Pratschner: Yeah, correct. Thank you.

Commissioner Lohman: It was in written comments as well, and if you look at your packet I want to say it's – so I can't flip to it – you referenced that in our – you wrote a –

Ms. Pratschner: Yes, there was a reference in the staff report for the public hearing and then there's that further detailed discussion in the most recent memo.

Commissioner Candler: And there was another comment that pointed out a – who has the burden of proving that something like this is necessary or a benefit, you know. So there's been some other concerns. That alleviates my concern for Ms. Bynum's comment but I still have many others. Thank you.

Commissioner Axthelm: You know, I – the thing I see is a lot of people – there's a lot of people that seem to be pushing for things that other people – that the landowners don't want, but on the other hand you have people that are totally resistant to change. Some of them I saw was 100% of the changes. And that's not really realistic. At some point you have to change. At some point you have to open up and look at different opportunities or protect your land because laws change, because the environment changes – whatever it may be. So I think the problem I'm still seeing, though, is that there is so many people that are opposed to it that understanding needs to come. I think these people that oppose it, especially when there's so many of them, need to have a better understanding. If it's not going to affect their land, they need to understand that. And that's critical. You know, but there are occasionally things that happen that are better to do than not to do, and so it's really – that's a hard thing for us. We see things that are good things to have in the community but if the community doesn't want it – and we don't want somebody coming to Skagit County from in other counties and say this is what Skagit County needs to do. We want to decide that for ourselves. Give us reasoning. Give us a reason why we want to do that. And I think that's the same situation with these people on South Fidalgo. Let's give them a reason to do it. If the people who want to push it, then find some way to prove why this is important. They're not getting it. They don't agree. It's time to wait. I think we still need to stick with – or go Option 1.

Vice Chair Mitchell: Well, it still brings up two things about – and when I say this I'm saying this in a cautionary tone because I don't want to create more problems. But one of the things that has been said is that the subarea plan needs to be done again and again and again. And it was worked on for a while then abandoned, and I've heard different stories as to the why. But the question that comes back, the fact that in our own County policies it says that we should do the subarea plan. And so if we 86 this in the discussion, one of the things about the subarea plan I think needs to be looked at or at least ponied up to the Board of County Commissioners is if the County's not going to do a subarea plan, not commit to it, not commit to the resources – and I was at a 2015 meeting workshop and I think Annie was, there over at the school in South Fidalgo when the community was talking about all this again, about how the subarea plan proceedings blew up. And the County Commissioners at that point were indicating no, they're not going to do a subarea plan. I don't know quite the whys and the wherefores. I don't know why all the contention. I heard things about lawsuits, like one of the persons said – one of the people had said in the public comments. But any way you look at it right now it's still written in our policies that we should do a subarea plan.

Ms. Pratschner: I have that up on the screen.

Vice Chair Mitchell: Yeah, thank you. So it's one of those things where I think we should put that into the consideration to the Board, whatever is done on this about that one point. Because we've had more than a decade, going on two decades, of people's expectations that there should be a subarea plan done. And either the County needs to pony up or not.

So I'd like you guys to think about that. I don't know if that's something that we should put on paper or not, but we do have a problem if it's not going to be done, and it hasn't been done for a long time.

There was something else and I forgot what it was. Go ahead.

Chair Raschko: Annie?

Commissioner Lohman: I would like to point out that the list of – to remove, they are all special and Hearing Examiner uses so they do get public comment. They do have a higher level of scrutiny. So just because they're in the list, it doesn't mean that they get to go off and do it. They have a bunch of hoops they have to go through. It's not a done deal. And not all of these uses, either, are on there just because they have a relationship to water consumption.

Vice Chair Mitchell: That's right.

Commissioner Lundsten: No, no, they don't necessarily. But they all do just because they involve people. But I'm – excuse me for interrupting. Finish your point.

Commissioner Lohman: Kind of what made the hair go up on the back of my neck was a desire to extinguish a commercial opportunity. Period. And because some of these uses were identified as having a potential commercial application – in other words, the person could make money; economic viability, or vitality – then that was construed to be a negative enterprise. And I kind of took a little bit of exception to that because most of us have a job and we *have* to work. And some of us are lucky enough to be in an industry where we get to work where we live. And that is a valued privilege, and to just categorically extinguish opportunity, it just kind of didn't go down well.

Commissioner Lundsten: Which – may I ask? – which specific opportunities are being extinguished?

Commissioners Lohman: Well, you have animal clinics.

Commissioner Lundsten: Uh-huh?

Chair Raschko: I would say you don't know yet.

Commissioner Lohman: Just to wildly pick one – and I have no idea, but –

Chair Raschko: You don't know till somebody applies.

Commissioner Lohman: You don't know – that's the thing, is as far as I can tell there isn't some big ugly-wordy developer/awful creature who's coming in and wants to develop 10,000 acres and make it this thing. There isn't that out there.

Commissioner Lundsten: They *are* rare events but they do happen. They happened in 1960, Deception Shores, and that was stopped. They happened with an aluminum plant. It happened with a nuclear power plant.

Commissioner Lohman: Yes, they stopped because there was a public process –

Commissioner Lundsten: Sure, sure.

Commissioner Lohman: – and a – and it worked.

Commissioner Lundsten: It worked. It did. But it almost didn't. In a lot of cases it almost didn't. And should we not have that – an area where there is – where you say, for example, with the retailing or the restaurant business in farm country in the agricultural zone with the public coming through, you're not ready for prime time. You're not ready for that. Well, you know, you – maybe you consider *yourself* a special case and you have this desire not to allow vertical integration in this particular manner and this is –

Commissioner Lohman: But that's not what I have said.

Commissioner Lundsten: Oh, well, you're – but you're hesitant to proceed with just – you want to delay the process, and all people here are saying is we want to provide a buffer to natural areas and where we live. More open space. I would not say that we are stopping development if you're going to be having agricultural, agricultural accessory uses, agricultural processing, co-housing, cultivation, detached single-family dwelling units, family daycare, provider Home-Based Business I, et cetera, et cetera. There are 30 of them here.

Commissioner Candler: Okay, point of order. Point of order. I believe Commissioner Lohman had the floor and I think that Commissioner Lundsten should have the opportunity to respond but I think that she needs to be able to finish.

Commissioner Lundsten: Okay. I accept that. Go ahead. I'm sorry. I didn't mean to be – I thought I was answering your ____.

Commissioner Lohman: I think that this is an extremely divided issue and I thought that – no matter which way the Planning Commission decides – any of the options; no matter what we do – we are going to have somebody that's mad, and that's life. But I think we need to all be ladies and gentlemen and respect that we can respectfully agree to disagree. Because no matter what we decide, somebody is not going to be happy. But last time it didn't go that way. It became disrespectful after the decision was made. And I do not want it to turn into that again.

Chair Raschko: Amy?

Commissioner Hughes: I'd like to share an observation that I felt after the last public hearing meeting. This has been a very passionate discussion. It hasn't gone to a conversation quite yet. But after the last public meeting – like the last 15 minutes and we were all really tired; three hours of three-minute conversations one right after the other – an observation I made was that everyone was talking about their passion for rural. They were unified in that. Their definition of rural may have been different but the discussion wasn't what huge project would not be allowed. It was: What is my definition of rural? And I felt that last 15 minutes that the community of South Fidalgo was listening to each other just for a fraction of a minute. And had we been able to say come back on Thursday and let's do a plan, we may have made a step forward.

When I look at rural, I look at community, and I would like to find a way forward for this community to be a community for the future. And if we as a planning commission are put in a position of choosing sides, we will not allow that healing to happen. And so maybe the idea of the *community* coming forward with a plan – not the *County* saying we are going to do your plan, but the *community* picking up their plan – it's been 10 years. Maybe something – whatever happened 10 years ago – could settle. But look into the future. Read the document word for word and see what those scary things that are in there that might have been misinterpreted, might be inaccurate, and have a vision for the future. But I think that the community has to do it together.

Chair Raschko: I'd like to make a few comments. I thought it was an interesting discussion when the analogy of the restaurant on ag land was brought into it. The one thing that stands out is that a person had an opportunity to ask. And staff's recommendation and our recommendation is no. But at least he had the opportunity to apply and there's a process. By just doing away with all these things because of what might happen takes away that opportunity and it means that the system doesn't work. I've seen examples tonight: A system worked to prevent apartments on a lake; it prevented a nuclear power plant; and mainly on possibly endless other things that we're not aware of. I can go as far as to quote Commissioner Wesen when – if I can find it. Any – but the gist of it was that if you take away that opportunity – you come in, you apply for something, and you're just told no and you leave. If you have the opportunity for a Hearing Examiner you could come in, you can state your case, and it might be a little hard-fought battle and there might be a lot of public comment against, but many times whatever the concerns with the public are mitigated in that process and it can still go forward and with most people being very happy about it. That's an opinion of one of our County Commissioners. So I think it's very important that we let the system work, and that just goes along with, Is it broken? No, it seems to work. We don't see any of these things happening already.

One other point separate from that: I'm in agreement that maybe we should take the lot coverage issue and separate it from P-12 and let that be carried forward as a separate issue in the next docket. To me it just seems like a rider on a bill in congress and maybe it's not appropriate to be mixed in with this particular issue.

I won't go on. I think a lot has been said about water so – although I had one little interesting little factoid. I downloaded from the City of Anacortes's website the history of the filtration plant that was on Whistle Lake Road. Built in 1925, four filters; in '27 they added two more filters; and in 1950 they added four more filters to bring the capacity to 11 million gallons a day. And that's a lot of water. And I don't know what the impacts of that were. I know that they went to take water out of the river at a later date probably because 11 million gallons a day wasn't sufficient for oil refineries and a city the size of Anacortes. But it indicates an awful lot of water was taken off the land and I don't know if there were any deleterious effects.

Vice Chair Mitchell: Can I add one thing for a definition for you guys, or a piece out of our seven-year Comp Plan? It's just a short passage. This was our Comp Plan Update 2016-2036 on page 61. This paragraph reads: "Skagit County's rural area is characterized by": – colon – "large areas of relatively undeveloped land in which natural features and vegetation predominate over the built environment, scattered unincorporated rural communities and villages, isolated rural businesses and industries, and regionally important recreation areas. The rural area land use designations provide a variety of living environments at a lower than urban densities which are compatible with farming, fishing and timber management. Rural areas preserve historic and cultural structures and landscapes, retain open spaces, protect designated natural resource lands and identify critical areas, and minimize service demands and costs on the county government."

And I would submit that what we have been doing is working. The zoning has been working. The policies have been working. And for us to change it back to this area – for Rural Reserve to flip to Rural Residential is narrowing that down significantly. And that no longer becomes rural in my mind. That becomes a de facto suburb without the sewer hookups. So please think about the rural thing. I think it's what everybody's addressed earlier. Everybody's definition of rural's different. I called in to ask – remember? – what rural was, and it turned out that when staff is talking about rural it turns out that we were all thinking what does rural mean. And the broader definition of rural like this has been working because it does describe what it is and uses that can be. So please keep that in mind.

Chair Raschko: We have a motion on the floor. We can keep on discussing further if people wish. It'd be particularly best if somebody had something new.

Commissioner Lundsten: I have something new.

Chair Raschko: Okay.

Commissioner Lundsten: I promise. I think that the important thing here is communication. We are using a lot of semantic terms to narrow down a(n) ideological difference of opinion, those ideologies of private property versus public lands. Market forces versus community interests are really the core by whatever you want to call them. We are not segregating anyone who's proposing this. At this point, I guess, I'm proposing for P-12. I would vote for it. The first part of it, as I would say, about the commercial uses for sure. But we have no more special use than anywhere. I think it's a fallacy for you to say that we have – are carving out a little niche for ourselves. There's not one lot for _____ everything's different. We have different areas with different requirements. You don't zone something in Concrete ___ put in Conway. You have different things on the rock pile that is Fidalgo than you have on the mudflats that is Chuckanut Flats. They're different animals. Of course you have them separate. I think that's a – it's a false argument and I don't think there's any difference between what these particular activities that are trying to say, Nope, those aren't appropriate here. This is a buffer for public lands, than someone else saying, Well, like – well, we're not ready for restaurants yet in the farmlands. And I understand Tim's point. But the other thing is is that we *should* embrace a precautionary principle. I don't think there's anything – I think that is *exactly* what we're supposed to be doing when we should be saying: What is the safe way to proceed and what is the hazardous way? And in this we have – we've – that's the case that a lot of people have made. So I would again ask those making a motion if we could break this down into three pieces. I would – it's a friendly request to change the motion.

Commissioner Candler: I don't second that.

Chair Raschko: No, you can –

Commissioner Lohman: I don't think there's such a thing _____.

(several Commissioners speaking inaudibly)

Chair Raschko: _____. Well, you can withdraw your motion and change it if you want, but you don't have to.

Commissioner Axthelm: We could make that as part of the recommendation.

Vice Chair Mitchell: Mm-hmm.

Commissioner Axthelm: ___ break it down in the future into that – into a –

Commissioner Lohman: If you want to amend the motion – just a point of order – you just say, I want to amend the motion.

Commissioner Lundsten: I would – a point of order, I'd like to amend the motion.

Commissioner Candler: To?

Commissioner Lundsten: To have three different votes: one on the prohibited uses; one on the CaRDs; and one on the lot coverage of the Samish facility.

Chair Raschko: Well, I –

Commissioner Lundsten: That's all.

Chair Raschko: I have to plead ignorance in the legal way to do this with the – what are they? Robert's Rules of – now, I thought the way it worked is that if somebody wants to amend the motion the person who had made the motion has to be willing to do so.

Commissioner Lohman: No, no, that's not true.

Chair Raschko: That's *not* true?

Commissioner Lohman: No.

Commissioner Candler: It's time for more training for me, but –

Vice Chair Mitchell: But there has to be a second to the amendment.

Commissioner Lohman: Right.

Commissioner Lundsten: It takes a – to modify the wording of a motion would take a majority and it takes a second to get and there is debate on it.

Chair Raschko: Okay. Would anybody like to second –

Commissioner Candler: I –

Commissioner Lohman: Wait a moment.

Commissioner Candler: I mean, I don't want to second but I have discussion. Sorry.

Chair Raschko: We have to get to the point whether he has a second or not.

Commissioner Lohman: You have to have a second before you can have discussion.

Chair Raschko: Do we have a second?

(silence)

Chair Raschko: Hearing none, there is no second so the request to amend the motion –

Commissioner Lundsten: Fails.

Chair Raschko: – fails. So now we're still in discussion.

Commissioner Axthelm: I do have another thing to say, is that we're not necessarily stopping the proposal. We're just postponing it until more information, until more people are on board with it. I think really that's where – at least that's my idea of it, is that if enough people aren't on board for it, then you want to wait until more information is known.

Vice Chair Mitchell: I don't think that's technically true.

Commissioner Lohman: That's not –

Ms. Pratschner: My understanding is that the motion on the table is for the no action alternative. Is that correct, Mr. Chairman?

Commissioner Candler: Yes. And –

Commissioner Axthelm: That's correct. That's what I'm saying.

Commissioner Candler: Can I? I have one thing to say about it.

Chair Raschko: All right.

Commissioner Candler: The reason that I don't second the motion, Commissioner, is because the take no action, I think, ultimately – it wouldn't make sense for us to say to take action on this piece or the other piece if we're not – the idea is not to take any action. So it just doesn't sort of flow, I think, from that so that's my reasoning.

Commissioner Lundsten: Thank you. If I may say it, the reason I wanted to divide it was because I think the CaRDs are in this – I think the CaRDs may be something we don't want to do anyway, that we really do need more information – the restriction on CaRDs, the change in the CaRD from what it is now. And so that would allow me an opportunity to vote one way on one thing – because I think that that would – that would facilitate the process in the public because there are a lot of people with that – well, one person in particular that brought it up in the public testimony, well, that was the key issue. And it was – and I thought, well, that *is* sticky. How can you make a grand – can you grandfather this in? How can you work this? And how can you make that work for a study of the water? And that's what we as a community need to do. We need to start talking about how – whether the real issue is about water. So that's why I wanted to divide it, was just to bring that discussion.

Chair Raschko: Okay, Annie?

Commissioner Lohman: I remember the Planning Commission in a different deliberation asked that we examine CaRDs in general across all land zones. So we have asked for some work and study be done on CaRDs. Because it isn't just on South Fidalgo that CaRDs are potentially problematic or not, you know?

Commissioner Lundsten: Oh, I understand.

Commissioner Lohman: So it's – but we as a commission have – and we can ask that again regardless of the vote on P-12. You can still put that in: Hey, don't forget. We said we want to do – examine CaRDs.

Chair Raschko: Yes, Amy?

Commissioner Hughes: Is this just general discussion again at this point again? Are we back at that?

Chair Raschko: Well, we should be discussing the motion.

Commissioner Hughes: Discussing the motion.

Chair Raschko: The motion.

Commissioner Hughes: My question is on the lot size coverage. We had just a couple years ago – we established those codes. What year was that that we established those codes?

Ms. Pratschner: Let me check the date of the adopting ordinance. I'll go ahead and bring the code up.

Vice Chair Mitchell: Thank you.

Commissioner Lohman: I thought it was 2016.

Ms. Pratschner: That sounds right. I'll double-check that. Very recently. The most recent adopting ordinance was 2017. I believe that's also referenced in the Samish Nation's letter to the Planning Department.

Commissioner Hughes: And in that code adoption, I don't recall talking about lot coverage for major public uses. Did we have anything in that code on that specific issue?

Ms. Pratschner: Are you referencing was there discussion on major public uses in the work done in 2016 and 2017?

Commissioner Hughes: Right.

Ms. Pratschner: I can bring up the ordinance on our ordinance page and we can take a look. I'm bringing up the PDF right now. Okay, excuse me. This is just a reference to the 2017 docket. Let me go back a little further. Let's go to the 2016. So just based on the time it's taking this to load, I'm guessing this is the ordinance that had to do with the large periodic update that was done in 2016, so it's going to be a pretty large document.

Vice Chair Mitchell: That looks like the big seven-year –

Ms. Pratschner: Yeah, exactly, yeah – the periodic update required by GMA.

Vice Chair Mitchell: Are you looking for something specific?

Commissioner Hughes: Well, I am wondering if anyone recalls a discussion because it seems to me if we're looking at it in one area we may have to look at it throughout, which means that's where to have a conversation. Do we need to docket this? I don't ___.

Chair Raschko: That's one thing, one reason why I am in agreement with the idea of separating that from the rest of the P-12.

Vice Chair Mitchell: But one of the things that the County has the option of and the Board could always do is even if we do Option 1 the way it is just to say, you know, stop everything, the Samish Nation has multiple ways – and I think Stacie can verify this – multiple ways to come back for their issue. It's not like this dies. They have multiple ways whether we say anything or not, so even if – whether we carve it off or not, they have other avenues to address their situation. Quite frankly, the school may want to as well. You know, the school notoriously kept it – you know, small footprints – you know, footprints for today when they need larger areas and they may need to look at it too.

Ms. Pratschner: So, Commissioners, here is the reference and the recitals of the ordinance that talks about the maximum lot coverage being amended in the Rural Reserve. I don't see any discussion in the recitals about major public uses. There's an exemption for agricultural accessory processing uses, but, no, just switching it to that sliding scale I don't see a specific discussion on major public uses.

Commissioner Hughes: Okay.

Vice Chair Mitchell: Can you address then, Stacie – that might help what she's saying. I'm pretty sure I remember from some discussions that the Samish Nation would have alternative pathways to seek what they need.

Ms. Pratschner: That's correct. And so the Samish Indian Nation, as was correctly pointed out – I can't remember which Commissioner pointed it out – could address this through a future docket petition request. It could also be prioritized by the Board and they can direct the Department to work on this specifically as a code amendment, a work program item. There's also always the option for the Samish Nation to look at design alternatives that would fit the current code.

Vice Chair Mitchell: So really what we could do – and this would depend on what anybody else would want to do – we do have the recommendations. There's nothing that stops us from putting in those recommendations: Please look into other options for the Samish Nation's request. Either they agree or disagree but they will always do what they choose to do anyway. And at least if we – if we *do* put that in the recommendations it just says, yes, we understand that they have a need and have other options.

Chair Raschko: Okay, so we have it moved and seconded to recommend alternative 1. All those in favor, say "aye," with a show of hands, please.

Multiple Commissioners: Aye.

Chair Raschko: Okay. Against?

Commissioner Lundsten: No.

Chair Raschko: So one, two, three – let the record show it's six ayes and one nay. Okay, now we need reasons.

Vice Chair Mitchell: I would recommend that we put in the original – was it five that we had, Stacie, from before?

Ms. Pratschner: Yes, let me go ahead and put that back up on the projector.

Vice Chair Mitchell: Now that's just a suggestion. That's not saying do it. That depends on what anybody else might think.

Commissioner Candler: Looking at it before when you had it up, it looked like maybe 1 through 7 applied. I don't think – maybe 1 through 8, but I don't think 9 and 10 apply.

Vice Chair Mitchell: Right, the ones that would be specific for this. Right?

Commissioner Candler: Yeah, and then we'd obviously have to change – or 2, 2 through 8 is what I was thinking.

Vice Chair Mitchell: Right, right. I think we could start there and then continue, if need be.

Chair Raschko: Okay, have you any recommendations?

Vice Chair Mitchell: Yes. I would recommend that the Board of County Commissioners consider the Samish Nation request – alternate pathways. And notice that's just saying *consider*, that's not saying do whatever.

Ms. Pratschner: "...the Planning Commission request that the Board of County Commissioners..."

Vice Chair Mitchell: – "...consider alternate pathways for the Samish Nation request." Is that good enough just to get the point across?

Ms. Pratschner: Yes.

Vice Chair Mitchell: Are we still on the recommendations?

Commissioner Candler: Is that something the Board of County Commissioners would act on? That's more something that the – like, the petitioner would need to work through the Department on, correct?

Commissioner Lohman: Well –

Vice Chair Mitchell: Well, this still goes before the Board next.

Ms. Pratschner: Yes, that's correct, so the next step in this process is after the recorded motion is complete it will be forwarded onto the Board of County Commissioners for their ultimate decision on what to adopt.

Commissioner Candler: Okay.

Commissioner Lundsten: And your – can I?

Chair Raschko: Yes.

Commissioner Lundsten: So your intention is to, with this, Kathy, is to maintain 25,000 as the base and have the Department or the Board have some sort of exemption or something like that for them in this case, or what is your – what do you see for that?

Vice Chair Mitchell: It could get that. I think my intent is merely to signal that we recognize they have a need to have that looked at and this wasn't the appropriate venue. So we did not approve that or carve that off in our motion and vote, but recommending it this way says that we do acknowledge that they had a need and still think that that should be looked at. It's up to them how they do it – between the Board of County Commissioners and the Samish people and the Department for what recommendations may or may not be.

Commissioner Lundsten: Alternative pathways to P-12, in other words.

Several Commissioners: No.

Commissioner Lundsten: Consider alternative pathways –

Vice Chair Mitchell: No.

Commissioner Lundsten: – to inclusion in P-12.

Several Commissioners: No.

Commissioner Lundsten: Okay, let me ____.

Commissioner Hughes: You know, I think we're opening up something with that. I think they have their avenues and they know it and they've heard us talk, and I don't think we need to have it in writing.

Vice Chair Mitchell: Okay.

Commissioner Candler: I'd prefer – if we were going to have it, I preferred the way you stated it, which is that we recognize that they have need and there are pathways. I don't think we should ask the Board to consider those until they're in front of the Board.

Vice Chair Mitchell: Yeah, that's up to you guys.

Chair Raschko: I think that's wise.

Vice Chair Mitchell: Do you want to phrase that better?

Commissioner Candler: Well, we could phrase it the way you said: The Planning Commission recognizes that the Samish Nation has a need regarding their building size.

Chair Raschko: That they have other avenues.

Commissioner Candler: But there are other avenues for pursuit of that separate from P-12.

Commissioner Lundsten: That's what I meant.

Ms. Pratschner: Regarding the proposed center's building size?

Commissioner Candler: There are other avenues for pursuit outside of P-12, or something along those lines.

Ms. Pratschner: Okay, I think that's the – I think that's the key –

Commissioner Candler: But I think we should take the language that we're requesting that the Board of County Commissioners consider those – they're not in front of the Board. If our recommend – well, they are in a way, I guess. But our recommendation is that this P-12 be denied and then there wouldn't really be something left for the Board to consider an alternate.

Commissioner Lohman: So strike the second sentence.

Commissioner Candler: Strike the second sentence.

Ms. Pratschner: Strike the second sentence.

Vice Chair Mitchell: Strike the second sentence.

(laughter)

Commissioner Lohman: I hope I wasn't too blunt.

Commissioner Candler: Okay. "The Samish Nation has a need regarding the proposed center's building size that should be addressed outside of P-12."

Vice Chair Mitchell: So would you guys rather not touch the thing about having the – requesting that the Board relook at the policy on a subarea plan for Fidalgo or not? I realize that's a sticky wicket and I –

Commissioner Lohman: Well, I think the problem with it is it's referenced over and over but yet in the analysis from – did you say it was from legal? It says there's no trailing mandate.

Vice Chair Mitchell: Right.

Commissioner Lundsten: No, that's what _____.

Commissioner Lohman: So it would basically – I don't know what to do with that.

Chair Raschko: Can I make an opinion that many of us stated that the present zoning works and everything else. By putting it in, we're implying that we do need something to be done, we just don't like P-12.

Commissioner Lohman: I think we should not put anything about it.

Vice Chair Mitchell: I agree.

Chair Raschko: Enough. Mark, do you have something?

Commissioner Lundsten: I think that putting in something about a subarea plan process or a surrogate for that – something that will replace it, some sort of avenue where people are forced to communicate about this would be really a good thing to have. We have two passionate approach issues, water and development, that we need to talk about in our community, in our neighborhood. And we're neighbors. I read one of the best letters – a neighbor of mine right down the hill. I hardly know him but – and he's opposed to this. He's, you know. And he said last year that he understood all these things and he said they don't belong here. This is what makes it _____ like to live here. And when that's on the level of why we all want to live here I think there are all kinds of letters on both sides that look just like this. The question is: How do we tell our neighbor what to do or not to do? And if we have a mechanism to get us there we can use that to force us to do it. Now I think the – I don't know if you guys all agree with that, that we could use it, but it seems to me that that is one advantage of proposing a subarea plan process.

Chair Raschko: I think what we're doing here is that a plan has been forwarded by a group of people and it is our job to recommend whether we want to do that plan or not. And whatever the Board decides, I mean that's – are we going to change the zoning or not? A lot of our arguments are that the zoning works, that we haven't had terrible businesses built and we haven't had nuclear plants and we haven't had this. And by then saying, Hey, everything's working just fine. We don't need to do this. There's no problem so why fix it, and then say but we sure need to start and talk about what there really ought to be for zoning out there. I mean, to me it's a mixed message.

Vice Chair Mitchell: Well, what bothers me about that is the idea of forcing the conversation. I think if the conversation comes up again it's going to come up because people desire to. I don't think we're in the position to force anybody to do anything.

Commissioner Candler: And I think I agree with Chairman Raschko. It's very inconsistent and it sounds like we're – we just don't like P-12 but we want something. That's not where I'm coming from at all and so I don't think it reflects my recommendation to include it.

Commissioner Lundsten: My intention was not to force people to do anything. My intention was to acknowledge the legitimate points on both sides and find a means to reconcile those, and that in the course of all our discussions we have seen those legitimate points. And I'm the only one who is in this room right now who seems to acknowledge it. Hollie voted for it last time, and Martha said she agreed with the staff. So, you know, I'm not the *only* one. But those points are legitimate and it wouldn't – it's a fine point to say that it's an inconsistent message that we don't want to pursue that communication. I don't want to force anybody but, you know, if would be really good to have – to give people an incentive to figure this out. We live in the same neighborhood and we – a lot of us are friends with different points of view. And I just think that that – if we can figure out a way to say that we want – just like we'd tell the Samish Nation that we approve – we like their idea; find a different avenue. We say, well, we know there's lots of passionate ideas on this P – all the P-12 issues, and a lot of them have come up. We certainly hope that we can find an avenue that people can request a subarea plan for something. It wouldn't – it would be good if we could have some sort of mechanism. That's all I'm saying. A mediator? Some kind of mediator that would work for us. Now if that's – we don't want to force people. Maybe that's impossible. Maybe I'm asking for way too much. That was my point.

Chair Raschko: Oka. Amy?

Commissioner Hughes: In a perfect world it would come from the community. And the little bit of advice I would like to say is that sometimes when you have an issue that is at a standstill figure out a way to go over the top. And I think that we need to allow the community to do that because

that is part of a healing process that might pull South Fidalgo back together again as a community for the future. And that's what we're talking about. What does the 21st century's Fidalgo Island look like? And it may be totally different than what we've been talking the last 30 years.

Chair Raschko: So the issue is whether we're going to include this reference or not. That's not the issue?

Vice Chair Mitchell: No, that is.

Chair Raschko: Thank you. And is it going to need a vote?

Commissioner Candler: I guess so.

Vice Chair Mitchell: Okay, call the vote then.

Chair Raschko: All right. Does it need to take the form of a motion or is it a – was _____?

Commissioner Lundsten: You know, I – may I, Mr. Chairman?

Chair Raschko: Yes?

Commissioner Lundsten: We don't need to consider it. I realize that I'm the only one who thinks it's a good idea. It's pretty obvious.

Chair Raschko: Not necessarily.

Commissioner Lundsten: Well, if someone else – if I want to make a – would you like a motion then?

Chair Raschko: Go ahead.

Commissioner Lundsten: I move that we include a sentence in our findings that we encourage the citizens of South Fidalgo – the residents of South Fidalgo – to find a forum in which to pursue their various concerns – to resolve their concerns that this has all raised. Some is just healing and some needs to be progress. And I know that's way too wordy. To find a mechanism to resolve or to move forward.

Chair Raschko: Is there a second?

(silence)

Chair Raschko: Hearing none –

Commissioner Lundsten: I figured!

Chair Raschko: Okay. Shall we move on?

Commissioner Lohman: But –

Chair Raschko: Yes, Annie?

Commissioner Lohman: I think – Mark, you are displaying your passion for support for P-12, but there is equal passion on the other side.

Commissioner Lundsten: Oh, I'm very well aware.

Commissioner Lohman: And it's not a right or wrong decision.

Commissioner Lundsten: No, it's not.

Commissioner Lohman: But there has to be respect for both sides. It doesn't mean that it's wrong or – but, well, I don't know how to articulate what I'm trying to say so I'm going to stop.

Vice Chair Mitchell: I've got a suggestion.

Commissioner Axthelm: I have something.

Vice Chair Mitchell: Go ahead, Josh.

Commissioner Axthelm: I think this – we *have* had the avenue to discuss it. This *has* been our avenue to discuss it. So obviously it's not resolved and another proposal needs to be put forward. But it's something that, like the other person had made the proposal, somebody can put forth another proposal. And that's the avenue for people to talk about it. That proposal's put forward, we talk about it and say whether we like it or not or whether it can be changed, and ultimately the Planning Commission and the Commissioners vote on it. So I think that that process is handled. It has been handled. Mark, I respect it. I think that you're right. Something needs – they need to have an avenue to talk about it and I think that's the avenue. That is – the Planning Commission and the hearings and the things we go through is that avenue.

Chair Raschko: Kathy?

Vice Chair Mitchell: Okay. Tagging on to the same conversation, with the expectations for how this whole process went from start to finish to where we are now, and the Planning Commission just voted and made the recommendations to go before the Board, the process is it goes to the Board, along with recommendations from staff with the transmittal. So then the Board will do as it wishes and desires and sees best. There's two sides to this coin: the proponents' and the ones that were in opposition to it. And the people that were in opposition to it have just as much right to expect this to be finite as anybody else. So I think it's a disservice for us to try to second guess anybody else's wishes or desires. I think it's upon the community itself to decide whether it wants to pursue anything anymore or not. It's not ours.

And, well, the final thing is that the – I think the vote's been made for the recommendations, and the process continues to the Board.

Chair Raschko: Okay.

Commissioner Candler: I have a motion.

Chair Raschko: A motion?

Commissioner Candler: Yeah. I move that we incorporate 2 through 8 of the previous findings – whatever we called them at that time – into this current document.

Vice Chair Mitchell: Second.

Chair Raschko: Moved and seconded. All those in favor –

Commissioner Hughes: Can we read those one more time, please?

Vice Chair Mitchell: Sure.

Ms. Pratschner: I can include the 2017 document as an attachment and reference that in the recorded motion if that's the Planning Commission's decision and pleasure.

Commissioner Candler: That was not the motion. The motion was just to _____.

Commissioner Lohman: Can we just cut and paste them?

Commissioner Axthelm: So the one I would make exception on is on number 4. Is there differing views? Because it says the current Fidalgo zoning allows uses that are – well, okay. Well, there's differing views on that because some – the other side doesn't –

Vice Chair Mitchell: Sure, but –

Commissioner Candler: There are different views but – sorry, Kathy.

Vice Chair Mitchell: I was going to say that's true but I think the vote for Option1 for no change states what the desire is.

Commissioner Lundsten: Number 4 states the pleasure of this group, the point of view of this group. And that point of view of the Planning Commission of Skagit County is that the current South Fidalgo zoning allows uses that are appropriate for that area.

(sounds of assent)

Ms. Pratschner: The recorded motion also includes a section where everyone's vote is recognized, so those in support and those in opposition.

Vice Chair Mitchell: Right.

Commissioner Lundsten: Point well taken. I would also say that number 8, GMA instructs us to manage growth but not stop it, is puzzling. This doesn't stop growth. This prohibits certain uses. It doesn't __ this – whatever.

Commissioner Lohman: I think that's a –

Commissioner Lundsten: I don't think it's – I disagree with that one too.

Commissioner Candler: And I don't love the wording of that one, honestly.

Commissioner Lundsten: No, it's kind of weird.

Commissioner Candler: But I think the point is still part of our reasoning. We have to anticipate where growth is going to go, and it's coming.

Commissioner Lundsten: It's awfully heavy-handed but – and it's not accurate. It doesn't reflect what the document says.

Chair Raschko: The document does say –

Commissioner Lohman: I think it's in response to some of the comments that referenced GMA, is why it ended up in there.

Commissioner Hughes: But should it go this time? I do think that we do need to remember that we have a new findings of fact and we need to stick to this year's conversation. And if we need to modify, add, delete, we should respect the process to do that.

Commissioner Candler: I agree with both of those comments and I would move to amend my motion to incorporate 2 through 7 as written, into our new document.

Chair Raschko: Is there a second on her new motion?

Commissioner Lundsten: I will second it.

Chair Raschko: ____ discussion, I'm going to ask is this motion meant to conclude the process?

Commissioner Lohman: No.

Commissioner Candler: No, it's just that we don't have –

Chair Raschko: Or are you just trying to set those for a fact as a beginning?

Commissioner Candler: Well, they haven't been incorporated into our current reasons. I think they are our current reasons. I just want to move them into the document.

Chair Raschko: All right. Is there comment?

Commissioner Lundsten: I was – I'm sorry. Someone else, I'm sure, can second it, but I just thought you meant to remove number 8. I was –

Commissioner Candler: That was the amendment, yes.

Commissioner Lundsten: That was just to remove it. I think number 8 is inappropriate.

Commissioner Lohman: Oh, so we need to vote on the amendment. The amendment was to remove number 8.

Commissioner Candler: The amendment is remove number 8 or effectively to include 2 through 7 and put it in the document that we're doing tonight. All 2 through 7 into the current document.

Commissioner Axthelm: And that's what you were seconding?

Commissioner Lundsten: I was seconding the removal of number 8 and that's all, so if you're moving to second –

Chair Raschko: Okay, does anyone want to second the motion?

Commissioner Lohman: 2 through 7? I'll second it.

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: How many – do you want – a show of hands, please. Okay, that passes. All right, are there more reasons?

Commissioner Lohman: Yes.

Chair Raschko: Yes. Go ahead, Annie.

Commissioner Lohman: I would like to say that – Stacie, can you put that back up for a second, please?

Ms. Pratschner: Oh, yes, of course.

Commissioner Lohman: The number 4 item, the current South Fidalgo zoning allows uses that are appropriate for that area – that statement? I think that we could wordsmith that a little bit differently because there's – it suggests that the uses are outright uses and doesn't acknowledge that the special and Hearing Examiner criteria that you have to go through. And I want to be abundantly clear that a lot of these uses that the proposal wishes to strike, they do go through a significant level of scrutiny.

Commissioner Candler: Do you want to add a sentence maybe?

Commissioner Lohman: So I would like to add a sentence that somehow captures that idea, and I don't know what it would be.

Chair Raschko: I know what you're saying. It's kind of hard to –

Vice Chair Mitchell: Articulate.

Commissioner Axthelm: I have a concern that – careful that we aren't too one-sided. I think that there's enough people on both sides that both sides need to be acknowledged. And that's why I was mentioning number 4, is that not everybody believes that.

Commissioner Candler: No, but this is not the forum to acknowledge the very valid points made by proponents of P-12. It's to explain our reasons for recommending –

Vice Chair Mitchell: Right.

Commissioner Axthelm: Okay.

Commissioner Candler: – not to do it, and so it's just not the – it's not the place to be balanced. It's the place to indicate why we did what we did instead. Does that make sense?

Commissioner Axthelm: Mm-hmm. Okay.

Chair Raschko: Is kind of the gist of it, Annie, that with the Hearing Examiner process the land uses on South Fidalgo are sufficiently vetted ____? Something like that?

Commissioner Lohman: Something like that, yes.

Vice Chair Mitchell: I've got something that might help.

Commissioner Lohman: I can hear her typing so maybe she's magically –

Commissioner Hughes: – reading our minds?

Vice Chair Mitchell: I've got something that might help, though. On page 42 of the 2016 Comp Plan – and it's also in the Countywide Planning Policies manual at 6.2 – quote, “The rights of property owners operating under current land use regulations shall be preserved unless a clear public health, safety, or welfare purpose is served by more restrictive regulation.” And I do think that through some of the conversations that this was gotten at, so for a finding of fact to go with.

Commissioner Axthelm: I like that, because I think in some ways it does acknowledge the other side too.

Vice Chair Mitchell: Yep.

Chair Raschko: So –

Vice Chair Mitchell: So that was Countywide Policy 6.2.

Commissioner Candler: And it's not just expectations. I mean, I don't know if you want to say “expectations,” but there are actual rights that are involved, not just feelings and –

Commissioner Axthelm: Could you say “Countywide Policy states...”?

Vice Chair Mitchell: Do you want to do the quote again? It was – it's on page 42 of our 2016 Comp Plan but it's also in the Countywide Policy 6.2.

Ms. Pratschner: Okay.

Vice Chair Mitchell: And the quote is: “The rights of property owners operating...” –

Commissioner Lohman: Maybe she can just cut and paste. Can you cut and paste?

Vice Chair Mitchell: You can cut and paste that.

Ms. Pratschner: Oh, sure. Okay, so you are in the – in the Comp Plan?

Vice Chair Mitchell: Page 62 – oh, excuse me, page 42. I'm sorry.

Ms. Pratschner: Yeah, we've got about 20 minutes before they kick us out of the building. Okay, 42. There it goes. See it's – I think – there, right there. Got it.

Commissioner Lohman: To number (d). This is where I wanted to acknowledge that there's the special and Hearings Examiner.

Commissioner Hughes: The current South Fidalgo zoning allows a Hearing Examiner – put it right in there somewhere.

Commissioner Lohman: There you go.

Vice Chair Mitchell: There you go – yeah.

Commissioner Lohman: “...special and Hearing Examiner...”

Commissioner Hughes: “...Hearing Examiner review...”?

Ms. Pratschner: “...Hearing Examiner decisions...”

Commissioner Hughes: Okay.

Ms. Pratschner: That the zoning “...allows Hearings Examiner decisions that are appropriate for that area...”?

Commissioner Candler: “...decisions regarding special uses...”?

Commissioner Axthelm: Yep.

Commissioner Lundsten: “Allows” or “follows”?

Ms. Pratschner: I need clarification, Commissioner.

Commissioner Candler: “...decisions regarding special uses...”?

Ms. Pratschner: “The current South Fidalgo zoning permits uses” or “...permits Hearings Examiner special uses...” – because a Hearings Examiner decision is for a special use permit – “...special uses that are appropriate for that area...” Does that get to what you’re wanting?

Commissioner Hughes: And instead of “allows,” “permits.”

Ms. Pratschner: “Permits.”

Commissioner Lohman: Yeah, I was stumbling over “allows.” “Requires”? It should be “requires.” Those activities, they *require* a special use or a Hearing Examiner.

Ms. Pratschner: “The current South Fidalgo zoning permits certain uses requiring Hearing Examiner approval.” And that could be one sentence and then we could state that those uses are appropriate for that area. Does that – let me just try it. Those uses “are appropriate” for that area?

Commissioner Candler: So it’s changing the meaning of what we said.

Commissioner Lohman: Yeah.

Commissioner Candler: And I think that’s okay. That’s fine, but I don’t think then the second sentence is appropriate now.

Ms. Pratschner: Okay.

Commissioner Candler: Just take it out.

Ms. Pratschner: Got it.

Commissioner Candler: I think what that's intending to discuss is what was more relevant this time around or more discussed this time around was some of the things that have come up that have been shot down in that process, and I think that sentence does that. Previously our intention was to indicate that we felt that the current zoning allowed for uses that were appropriate – simply that. We can leave that in or we can take it out, but that changes the meaning in it. It could be two separate sentences.

Commissioner Lohman: But there's a lower level – not the Hearing Examiner level, but it also has public comment requirement that you didn't capture.

Commissioner Candler: Administrative?

Commissioner Lohman: The special use.

Ms. Pratschner: Yes, that's correct. There's –

Commissioner Lohman: But what's the title for that?

Ms. Pratschner: Sure. Let me go ahead and go to the zoning code and we'll get the exact language. There are administrative special uses and then Hearings Examiner special uses.

Commissioner Candler: So maybe just say both Hearings –

Ms. Pratschner: Yeah, both. Got it.

(several people speaking nearly inaudibly)

Commissioner Candler: "...administrative or Hearing Examiner..." I just meant that you should add both those but not use the word "both." Sorry. I know it's confusing. There we go.

(several people speaking nearly inaudibly)

Commissioner Candler: Can you – Stacie, will you go to the top where you first started captioning this whole part of the document? Because the sentence didn't make sense to me. Just about that?

Ms. Pratschner: Oh, okay.

Commissioner Candler: Okay. "The Planning Commission recommends that the Board of County Commissioners ___ the 2018 document proposal..." Does that sentence even need to be there?

Ms. Pratschner: Probably not.

Commissioner Candler: Can we take that out because we're doing different things with different ones so it's not like we can say "approve" or "defer" or "deny." Thank you.

Ms. Pratschner: Yep.

Commissioner Candler: Are there other reasons on P-12?

Chair Raschko: Are there other reasons on P-12?

(silence)

Chair Raschko: Okay.

Vice Chair Mitchell: That was painful.

Chair Raschko: So we need a motion then to approve the – declare your motion.

Commissioner Candler: I'll move to adopt this document as our recommendations.

Vice Chair Mitchell: Second.

Chair Raschko: It's been moved and seconded. Is there discussion on that?

(silence)

Chair Raschko: All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Let's have a –

Commissioner Candler: Yeah, we have to do a roll call on this one.

Ms. Pratschner: Yes, roll call, please.

Chair Raschko: Okay. Annie?

Commissioner Lohman: Aye.

Chair Raschko: Annie's an aye. Amy?

Commissioner Hughes: Aye.

Chair Raschko: Josh?

Commissioner Axthelm: Aye.

Chair Raschko: Mark?

Commissioner Lundsten: No.

Chair Raschko: Kathy?

Vice Chair Mitchell: Aye.

Chair Raschko: Aye. And Tammy?

Commissioner Candler: Aye.

Chair Raschko: Okay. And I believe that will conclude our deliberations.

Ms. Pratschner: Six support, one oppose, two absent, none abstain.

Chair Raschko: Stacie, do you wish to give a staff report while you type?

Ms. Pratschner: I'm sorry – do what? I'm so tired, Commissioner!

Chair Raschko: Hal, it's time for the staff report.

Mr. Hart: Really, given the late hour, I won't belabor much but I did want to ask if the Planning Commission is – do we feel the need – I always think it's important – to meet with the Commissioners this year, and can we schedule that? And then also, how would you like to see that agenda so that's a successful meeting? I'm not sure how you define "success." I'm throwing a lot at you right now, I realize, for a late hour. But what format worked previously?

Vice Chair Mitchell: I think the ones that worked the best was when we had a U-shaped meeting last year. The Board of County Commissioners are here with all the appropriate staff and the Planning Commissioners, and they came in with things that they wanted to say, the same thing with staff, and the same thing with Planning Commission members. So they each had things to bring to the table.

Mr. Hart: Okay.

Commissioner Lohman: I don't think that was exactly how it went last time.

Vice Chair Mitchell: No, that's a rough –

Chair Raschko: I don't remember doing that.

Vice Chair Mitchell: You weren't here.

Chair Raschko: Oh, okay.

Vice Chair Mitchell: I chaired for you because you were gone. That's why!

Mr. Hart: Okay, so what I heard was a U-shaped meeting table that would allow the flow and discussion to go, and then each –

Several Commissioners: ...a square...

Mr. Hart: A square. Okay.

Commissioner Candler: And then people moved those chairs to the sides because it was weird.

Vice Chair Mitchell: It allowed everybody to see everybody.

Mr. Hart: Okay. So you can have eye contact.

Commissioner Lohman: Maybe we can eliminate the space in the middle, too, so we're not –

Commissioner Lundsten: Not having done this before, is this a – would this be an evening – one of our evening meetings with just the Commissioners here?

Mr. Hart: Right. Food, no food? I think food helps, personally.

Ms. Pratschner: Yes to food!

Mr. Hart: Okay.

Ms. Pratschner: Thank you. So, Commissioners, I have the printed-out recorded motion here. First I'll hand it to the Chair.

Mr. Hart: A couple other Department updates: You may have realized during the year that we have lost a number of staff due to issues _____. We have since rehired those staff and as of this morning I think we hired the last of those staff that we had lost. So we're replacing. We're also – we have staff that have been here and they're at their retirement age, so we're seeing retirement hit as well, and we're replacing them. And we're hoping that our intern program will help us in the future as well.

Commissioner Hughes: We didn't scare them away?!

(laughter)

Ms. Pratschner: I know it's late but I just wanted to formally introduce the Planning Commission to Nick Schmeck and also Andrew Graminsky. They were a part of the Western Sustainable Communities project and they are an addition to my intern team here in the long range department. As you know, being a party of one with the County they bring the capability of much more capacity for me to look at issues that are important to the Board, such as housing issues and continued research on stormwater. So we're just – I am very grateful to have them in my department. Hopefully you'll see some more of them before the Planning internships run out. I also wanted to announce another one of my Planning interns was just recently offered a fulltime position as a planning technician up at Whatcom County, so though I'm sad to lose her that's the goal of these internships – that we move these incredible young people into these planning positions in our communities. So I was excited to tell you that and I wanted to share that.

Chair Raschko: Anything else?

Mr. Hart: The last thing is we'll continue our efforts – I think one of the Commissioners' most important concepts they were telling me about is to improve our service at the front counter. And for the team this year, I think we're at something like 161 homes, I think was the last data that I saw.

Ms. Pratschner: In 2017 the –

Mr. Hart: I meant year-to-day.

Ms. Pratschner: Oh, year-to-day. I haven't seen the year-to-day yet. Excuse me.

Mr. Hart: Okay. So, yeah. Oh, she has the data coming back, you can bet. But this year has been really busy and as we get busy the wait time so we can review your permit grows. And so we're going to be looking at that and trying to attack that problem and see what other communities have done to just make sure that we're getting quality service to the residents. That's a high priority for us internally. So we'll keep you posted on that as well.

Chair Raschko: Great.

Vice Chair Mitchell: Wonderful.

Chair Raschko: Okay.

Commissioner Lohman: I have a question.

Chair Raschko: Yes?

Commissioner Lohman: Are we going to go revisit the stormwater again?

Ms. Pratschner: Yep, it's my intention. We've had workshops on it and I would like to bring it forward for a public hearing. We still have attorney review going on.

Chair Raschko: All right, Commissioner roundtable. Have you anything, Annie?

Commissioner Candler: I have something.

Chair Raschko: What?

Commissioner Candler: I think – I had mentioned it already just kidding but I wasn't really joking. I think I am due for the training, the Rules. I don't know if other people are, if we can bring the dinosaur lady back.

Vice Chair Mitchell: She was great.

Commissioner Candler: She was great. So that and – yep.

Ms. Pratschner: Yeah, certainly. Let me look into those training opportunities and get them to you.

Commissioner Hughes: Next meeting?

Chair Raschko: The next meeting is at the –

Ms. Pratschner: Oh, yeah. That was the other update I forgot. So we are scheduled to go in front of the Board of County Commissioners for their deliberations on the 2018 docket on October 29th at 2:30 here in the Commissioners' hearing room. I've spoken to the Chairman and would like to bring the Capital Facilities Plan and Transportation Improvement Program public hearing on November 20th. Public Works is just about – yeah, Public Works is just about done with their updates, and then I can release the whole package for public review.

Vice Chair Mitchell: First a request, certainly for me. Maybe the other kids want it too. Can we have a copy of that transmittal when it's – the information was put forward and a reminder of the date and time, please?

Ms. Pratschner: Yes. Absolutely. Thank you for the reminder.

Commissioner Lohman: What was the October date?

Ms. Pratschner: October 29th at 2:30 p.m. we will hold deliberations with the Board of County Commissioners on the 2018 docket. So very shortly I'll be transmitting the findings of fact to them and I will copy the Planning Commission on that transmittal.

Vice Chair Mitchell: Thank you so much.

Ms. Pratschner: Thank you.

Chair Raschko: Does this conclude the staff update? All right. Annie, have you anything to share?

Commissioner Lohman: No.

Chair Raschko: Amy?

Commissioner Hughes: No.

Chair Raschko: Josh? Kathy?

Vice Chair Mitchell: No, I think we're good. Thank you, guys.

Chair Raschko: I'd like to thank everybody for patience during the long meeting.

Commissioner Lundsten: Thank you, Mr. Chairman.

Chair Raschko: You're welcome. So we stand adjourned. Thank you.