

Skagit County Planning Commission
Discussion: Censure
Work Session: Shoreline Master Program Update
February 9, 2021

Planning

Commissioners:

Kathy Mitchell
Mark Lundsten
Mark Knutzen
Amy Hughes
Tim Raschko, Chair
Joe Woodmansee
Tammy Candler, Vice Chair
Martha Rose
Joseph Shea

Staff:

Hal Hart, Planning Director
Peter Gill, Long Range Planning Manager
Betsy Stevenson, Senior Planner
Brittney Dover, Planning Intern

Others:

Dan Nickel, Consultant (The Watershed Company)

Chair Tim Raschko: Good evening. The February 9th, 2021, meeting of the Skagit County Planning Commission is now in order. I'd like to start with a roll call just to make sure of who is online. I'll start with Commissioner Mitchell.

Commissioner Kathy Mitchell: Here.

Chair Raschko: Commissioner Candler?

Vice Chair Tammy Candler: Present.

Chair Raschko: Commissioner Hughes?

Commissioner Amy Hughes: Here.

Chair Raschko: Commissioner Lundsten?

Commissioner Mark Lundsten: Here.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Raschko: Commissioner Shea?

Commissioner Joseph Shea: Here.

Chair Raschko: And Commissioner Knutzen?

(silence)

Chair Raschko: Okay, so hopefully he can – he's not having difficulties and can pop in pretty soon. Before we get started, I'd just like to say a word about the conduction of this meeting tonight. What has been very convenient when we've had to have COVID-style meetings where everybody's on a little computer screen and you can't see each other, the Chat Box has been extremely helpful for people who are part of the meeting to type in their desire to have the floor or whatever. Unfortunately, it's convenient for everybody, and we've had instances where people who are not a part of the meeting – people who are just calling in as members of the public – have been using the Chat Box. And I would liken that to having a pre-COVID meeting where everybody's personally present and somebody stands up in the middle of the crowd and starts to talk uninvited, which is inappropriate and cause for expulsion. And so I would ask kindly for people to not use the Chat Box if you are not an actual participant in the meeting. And if it becomes a problem and people decide they want to do it anyway, then the measure will be taken which is similar to expelling somebody in person from a meeting. You would have your connection to the meeting just terminated. So I appreciate everybody's cooperation in that regard.

So we'll move to the Approval of the Minutes. We'll approve the minutes.

Commissioner Mitchell: I move that we approve the minutes. This is Mitchell.

Commissioner Rose: I'll second that. This is Commissioner Rose.

Chair Raschko: Okay, it's been moved and seconded to approve the minutes as written. Is there discussion?

(silence)

Chair Raschko: If not, all in favor – I'd say a show of hands but I can't see any. So we'll very quickly go all of favor of. Commissioner Mitchell?

Commissioner Mitchell: Aye.

Chair Raschko: Candler?

Vice Chair Candler: Aye.

Chair Raschko: Hughes?

Commissioner Hughes: Aye.

Chair Raschko: Lundsten?

Commissioner Lundsten: Aye.

Chair Raschko: Rose?

Commissioner Rose: Aye.

Chair Raschko: Woodmansee?

Commissioner Woodmansee: Aye.

Chair Raschko: Shea?

Commissioner Shea: Aye.

Chair Raschko: Knutzen? Are you in?

Commissioner Mark Knutzen: Aye, aye. I'm here. You got me, Tim?

Chair Raschko: Great. Welcome.

Commissioner Knutzen: Can you hear me, Tim?

Chair Raschko: I can.

Commissioner Knutzen: This is Mark Knutzen. I couldn't get on on my tablet or my desktop computer but I called in on the phone, so I think – do you have me now?

Chair Raschko: We have you now.

Commissioner Knutzen: Okay.

Chair Raschko: Or I do. I don't know if anybody else does. And by the way, to finish the process, I vote aye as well, so the minutes are approved. Okay, we'll move on in our agenda, and our next item is discussion of the request by Commissioner Lundsten to reconsider the censure imposed upon him in 2020. So I'd ask Commissioner Lundsten, since this is at your request, do you wish to lead off the discussion?

Commissioner Lundsten: Yes, I'd be happy to. I think that's entirely appropriate. I'm – I would like to remove the censure. I ask you to do so. And I think we need to go in the other direction. You have done me an injustice, in my opinion, and the process of the censure involved us in some verbal and personal abuse. But that's not the issue, and I'm not here to complain about that. It's my opinion. The issue is the precedent that you've set with your clear intention to repress free speech on the Planning Commission. That is the issue. That is the injustice. That precedent is dangerous. It stands in direct opposition to our fundamental purpose, as stated recently in Richard Weyrich's letter to, quote, "provide the Board with recommendations based on diverse viewpoints from our community." And further, "Dissenting opinion is something central to the Planning Commission's purpose and function, and is therefore difficult to construe as a violation of good order and conduct."

The intent of your censure was to punish me for expressing dissent and that is not allowed, according to Richard Weyrich, the Washington Supreme Court, and the First Amendment. I stand up for what I have done. I stand by it and I stand by what I have written and what I have said. Contrary to the fabricated claims of the motion, I have been respectful of individuals, of the

Planning Commission, the County, and the public, and I have told the truth. I thank Richard Weyrich for writing the letter and I would like to note from his letter, one, that he recommends that we drop the censure, remove the censure. The five points of the motion to censure were not validated. This claim that I undermined the Planning Commission was not validated. My view of dissenting opinion as central to the Planning Commission was validated. The letter clearly states that dissent is not a violation of good order and conduct but that censure only detracts from the Planning Commission's time and effort needed for other important matters.

Regarding the censure, the issue at hand is a *political* question. *Political*, and we deliberated that issue on Skagit County time. Taxpayers do not want to pay for useless endeavors. I quote, "The main problem with the censure" is "the appearance it creates." Not only using County time for politics, but how we say we want to hear from everybody but we don't, according to the censure. If you would disagree with our decisions in public we will gang up on you in public. Even though, as Richard Weyrich states, the censure may have no legal effect, not removing the censure does harm to the Planning Commission because of the unfortunate perception from all sides that dissent is not allowed. Silence is consent, as we all know. And if we are silent on the censure our inaction will only help legitimize the repression of diverse opinions. The Planning Commission is an advisory body whose fundamental job is to make non-binding decisions, but our most important work is to practice open and honest public deliberation. That's why I signed up for this job. We need to remove the censure. We need to go the other direction.

Now the censure not only suffers from misguided intention, it was also mishandled procedurally, I have to say. The motion was voted on – the motion we voted on was not the motion signed by the Chair. This is nothing less than punishment in search of a crime. This is not due process. And I quote. This is Chairman Raschko after a long – many lines, a few hundred words from Commissioner Candler about the motion – she's making the motion. "Okay, Peter. Are you able to read back the motion or is that a tall task?" "That's a pretty" – Peter – "That's a pretty tall task but I'll tell you what I have. Skagit County Planning Commission would censure Commissioner Lundsten under bylaws – appendix, blah-blah, requiring respectful treatment of Planning Commissioners and losing gracefully with a specific conduct of disparaging the Planning Commissioners – the Planning Commission. Commissioner Candler, does that adequately reflect your motion?" "Yes, I was trying to – that reflects the gist of the motion." "I think it is" – this is Chairman Raschko: I think it is real important to have it right." Commissioner Candler: "It is supposed to be verbatim under Robert's Rules. I get that." So at this point I think it's appropriate for me to say I move to censure Commissioner Lundsten, and then we can draft the recorded motion based on other people's input as well, if there is more. But the motion, I think, should be kept simple right now. The motion is to censure Commissioner Lundsten." Well, I guess my input was never asked for about that, but if there was more, so I guess I'm giving it now. But that's about as confusing as I could make it. And I understand it's a tall order to quote a – bring up a __ motion in a meeting, but the five points that are brought up are completely different. I was not given the opportunity to speak to that motion so, as I said, I'd like to do so now.

The first point: The Commission specifically found conduct objectionable to include using his Commissioner title to further personal views against the vote of the Commission. This is confusing, but I think it clearly intends to say that I cannot express my dissent to the Planning Commission. And again, the Washington Supreme Court and the Prosecuting Attorney of Skagit County have already made my case, as I have stated.

Number two, disparaging the Commission deliberation. This claim is wrong in a few ways. I did not disparage. I go through my letter – I did not belittle, I did not employ sarcasm or exaggeration or personal attacks. That is not disparaging, what I did. The censure is more like disparagement.

I simply found our work to be lacking and I said so. The term “disparagement” is an accurate and unnecessary overstatement.

B, the motion does not reflect what I wrote in my letter. I criticized the Findings of Fact because I said that they did not accurately reflect the deliberation. My letter makes no criticism of the deliberation. It criticizes the ___ effect importantly because the Planning Commission did not accurately pass on to the Board of County Commissioners what the public presented to the Planning Commission, and that's supposed to be our job. Again, the Supreme Court and the Prosecuting Attorney make my case for me. What I wrote is allowed.

Number 3, I disparaged the public who spoke against my viewpoints by indicating that their beliefs were based on false or misrepresented information. The public's use of misinformation caused the *Anacortes American* to suspend letters to the editor by the end of May in 2018 until the P-12 deliberations began. It was public discussion – that very thing – about the lack of proper information for P-12. In a letter to editor Collette Weeks of the *Anacortes American* on May 30th, 2018, I pointed out inaccuracies and she apologized in the paper and no one complained. My letter in December of that year after our deliberation simply restates the continued misrepresentations of fact presented in public testimony to the Planning Commission, all well documented in the record and in the local press. It was a legitimate issue. It wasn't incendiary. It certainly wasn't disparagement. My letter legitimately makes the obvious point of why that issue was a problem. The records shows us discussing those misrepresentations at our meeting besides. I did not disparage. I did not belittle anyone or any group or any institution, nor did I employ sarcasm or exaggeration or make any personal attack. I saw a problem that we faced and I pointed it out. The larger point: Again, the Supreme Court, the Skagit Prosecuting Attorney make my case.

A failure to disclose affiliations. This is complicated and very frustrating. We don't seem to understand the Appearance of Fairness Act involving quasi-judicial issues and legislative issues. Quasi-judicial issues *require* that people disclose any conflict of interest with the – to avoid the appearance of unfairness, the appearance of a conflict of interest. With legislative issues, it is *illegal* to disqualify someone from discussion based on their affiliation with another political group. They're about as opposite as you can get, yet we seem to want to apply quasi-judicial standards of disclosure to legislative issues, which would prohibit discussion and not promote fairness.

A day or two after our docket deliberations on February 11th, Kathy Mitchell called me at home and said that she had seen Brian Wetcher at the first docket deliberation and had spoken to him and had learned at the time that I was a member of the board, a director of Evergreen Islands. And she said, Is that true? And I said, Yeah. I was puzzled, though, because I had already – I thought that Kathy had done more homework and I had gotten this – this was in the staff report. There are three of these, one for C-4, one for P-1, and one for P-2, from Arlene Findlay and from Tom Glade, and this is Evergreen Islands and it has a board of directors and my name's here. And it was a – that was a – I remember I just stepped off the board because it was too much work. I was over-obligated and I had stepped off in December. This came out in January. Still on. My name was on the list until February. And I was puzzled because I had disclosed – I thought, Isn't that a disclosure? I saw the name there. But apparently she felt compelled to call me and to bring that up. And so at the time there was no advice given to me about whether I – how I should have done this differently, if this wasn't enough, or what. There was no counsel and certainly no indignation. So it seemed like why is this suddenly an issue in September? It hadn't been in February. It wasn't in January. And it was never brought up again. But my lesson from this was maybe people don't read the letters, as much of the staff report as I thought. But now we find that in September – not now, but four months ago or whatever it was – that it's a source of indignation.

That doesn't follow. Even if it was – even if it was something that I was determined to – that I was required to disclose, I *did* disclose it.

The failure to cc PC – the Planning Commission members on letters is number 5. Martha Rose made a comment about the bylaws and she said, Well, isn't – on this – one of the bylaws that said we cannot send letters to all the Commissioners about our opinions on any given issue – and she said, Isn't that the reason why Mark wouldn't have put a cc on – or cc'd all the members? And I said – and I would agree with her. That is exactly what our Chairman did and Chairman Woodmansee – or Commissioner Woodmansee responded to it. Is that a cause for – a problem in itself? No. But what it shows is a lack of the policy amongst us all, an understanding of why the Open Public Meetings Act exists. Whenever we send an email to more than one person or two or three people, if it's – anyway it becomes a quorum, even if it's an indirect series of emails, it's a violation of the Open Public Meetings Acts. That is why I was instructed by Stacey and Ryan when I became a Commissioner to just send it to the staff, and that's exactly what I did. And if you go through all my correspondence, I'm telling the truth. That's how I work it. Anything I send involving any issue other than whether or not I'm going to show up at a meeting, has always been sent to the staff and not to everyone.

So most of the information involved in this censure, as I said, was available months and even years ago, but suddenly it becomes an issue in the primary. After I had won the primary election in August, it becomes an issue in September. Did that suddenly flip the switch of indignation? Would any of this been an issue if I had not been running to be a County Commissioner? As it happens, my opponent received significant donations from our Chair, our Vice Chair, and our newest member whose first vote as Commissioner was to censure me. All of that is legal. The Public Disclosure Commission is very strict. I know that. I was under its supervision. I'm aware of it. I'm not saying anything untoward or illegal was done. But as Richard Weyrich says, the problem lies with the appearance it creates. We were doing politics on government time. That's what it appears to be.

We need to remove the censure. We need to go in the other direction. The Supreme Court has minority reports and has dissension much more severely stated than anything I came up with. I challenge you to read Justice Scalia's dissent of the gay marriage and the fact that he went out with one of his proponents, Ruth Bader Ginsburg, to the opera not that much afterwards. That's a great example of not taking things personally and dealing with issues on a straightforward basis. The reason we need dissent is because the law is not static. We're always – we're a legislative body, we're changing as the law changes. It's not fixed. It's not fixed in stone.

I have one last comment. I think that we meet every year with the Board after we have our docket deliberations and make our votes so that we can talk with them face to face about all of these issues in one meeting – open meeting – every year. We should request that of the Board and we should allow for the protocol for dissenting members, if they choose – not required of anyone – to file a minority report. It only makes sense. It's the direction we need to go. We should be promoting a healthy diversity of opinions. I would move that we at this point, based on all of that, that we remove the censure.

Commissioner Rose: I would like to second that motion.

Commissioner Mitchell: Peter, our Chair is muted.

Commissioner Lundsten: You're muted.

Chair Raschko: Thank you. All right. It's been moved and seconded to lift the censure against Commissioner Lundsten. Is there further discussion?

Commissioner Knutzen: Tim, this is Mark.

Chair Raschko: Okay, Commissioner Knutzen, and that'll be followed by Commissioner Hughes. Go ahead, Mark.

Commissioner Knutzen: Can you hear me, Commissioner Raschko? This is Mark Knutzen.

Chair Raschko: Yes.

Commissioner Knutzen: Can you hear me?

Chair Raschko: I can.

Commissioner Knutzen: Okay, can anyone else hear me? I'd like to speak on this.

Peter Gill: Yes. This is Peter. We can hear you.

Commissioner Knutzen: Okay. Commissioner Lundsten has requested two things. He'd like to include a minority report in the bylaws –

Commissioner Lundsten: No, that's not part of the motion.

Commissioner Knutzen: Okay. The second part of the motion is to remove the censure. I think there's a pretty big misunderstanding with what a censure is with what we did. He talks about First Amendment rights and the rights of free speech. To censor him would be to suppress his speech. We *censured* him. He referenced the letter from our prosecuting attorney. Let me read one paragraph from that letter. "Mr. Lundsten further alleges that his free speech rights have been violated by the censure. U.S. Constitutional Amendment I and the Washington Constitution both generally prohibit government from placing prior restraints on speech, and a censure, it could be argued, does just that. On the other hand, since" a censure "has no legal effect of any nature" – I'll read that again – "since it has no legal effect of any nature, it does not appear to me that the Planning Commission's letter constitutes a violation of Mr. Lundsten's Constitutionally-protected free speech rights." So that's pretty clear to me that our prosecuting attorney does not think that affects his constitutional rights. A censure is just a stern warning. It is the least serious action that a body can take. And Commissioner Lundsten said it was a questionable legal process the way we went about that, and I would tend to agree on that because if you look at the timeline there was no premeditated thought by anyone that we're even going to entertain a censure that night. When you look at our agenda, it was *discussion* of the letters. Commissioner Lundsten spoke first under our discussion phase. He explained his letter. Four Commissioners spoke after that, disagreeing with his – essentially with what he felt he said. And then when he came back and spoke again his stance turned decidedly defiant. He was combative. There was really no signs of repentance. Quote, "I've done nothing wrong. I'd do it again." Quote, "I stand by my letter. We didn't do a good job on the Finding." At that point is when one of the other Commissioners came on and Commissioner Lundsten referenced that section, how that came down – which is it was kind of a clumsy way because, like I said, no one had intended on censuring Commissioner Lundsten at that point.

So fast-forward to January 11th when Commissioner Lundsten sent a letter and he says in there, "I understand that this has no binding consequences." Let me find that letter. So he admits in this letter that there is no binding consequences. And I agree it's totally fine to present your opinion as an individual, but when I read the letter that he sent on August 28th, quote, "As a member of the Planning Commission" – that's how he starts out this letter. And then that letter was responded to by our Chairman and then at the next meeting, which was on September 22nd, is when we discussed this, and that's when the censure went down. So Commissioner Lundsten again complained about the political nature right before the election. Well, to me the timing of this whole thing rests squarely on the shoulders of Commissioner Lundsten himself. It was predicated by the letter that he sent on the 28th of August. He didn't need to send it then. The Board of County Commissioners didn't vote on P-4 until the latter part of December. If he didn't want this to come up before the election, he could have very well waited till after the election before he brought it up.

One more thing here. I want to read from the transcript again, and this is just before we took the censure vote. Quote from Commissioner Lundsten: "So if I stepped on toes, I need to learn about what the protocols are with this group. No question about that, and I'm willing to do that." End of quote. So I really hope that's how this all goes down. Thank you.

Chair Raschko: Thank you. Commissioner Hughes?

Commissioner Hughes: I'd like to speak to our protocols on how we operate as a planning commission. And I went back to just very elementary basics of how I see our planning commission works. And the first thing we go by is, What is our charge? What are we here for? And when I look at any decision that needs to be made, it's what decision will promote the entire community or County's best interest over time. So that comes from American Planning Association Guidelines, Texas chapter. And so after I went to the that's-how-I-approach-a-deliberation, I went to how is our protocol, how is our process. We've heard several times in this last couple of months about minority reports. First of all, I'd like to kind of suggest that minority reports is more appropriate for a judicial court of law. We are not that. We are not capable of being that. Our planning commission does not serve in that capacity. We have a hearing commissioner. When something has to be judicially decided, that goes to the hearing commissioner. Our deliberations occur after a process.

Our process is very deliberate. First we have staff reports and public comments. All conversations are documented by recorded video and transcription. The planning commission's task is to determine a decision based on the presented data and information. The process is for nine independent citizens to work together toward a recommendation from the whole body. The decision does not have to be united; however, the process documents all deliberations for future reference. This provides a type of minority report. Everyone is heard from. Planning commission decisions are approved by a vote; hence, minority is represented in the deliberations *and* the vote.

Per advice from six years ago when I was appointed on this commission, the goal of deliberations should be the arrival of a majority vote. That's why there are nine of us. You would get a majority vote. However, I was also coached from original advice at the beginning of my participation a four-five split does the County Commissioners no good. It's like we didn't arrive at a decision. And so in my point of view, work the problem until you can get a clear majority. If a four-five split is provided, then only and after then should a minority report take effect. Findings of Facts could be used to explain this, and our Findings of Facts could always show that. And then I would like to further state that a minority report is not an individual report. It's a group of the minority coming together as a united front.

So the basic guidelines that we work under is all members have the right to speak during the process; however, we are a body. A body's decision is final. All members have a duty to the body to hold that democratic process. Loyalty to the body once a decision is made transcends individual views. And so as we go forward with what is the definition of censure and censor, I don't want to lose how we work as a body. When I came on to this planning commission it took me three months to decide yes. And it seemed like we were going to work under kind of a new way that we didn't get bogged down into this debate. It seems like the Planning Department comes to us with proposals, but as Annie Lohman used to point out: All of us, we are now part of the sausage-making. We talk about things before the product is actually brought to the public and to the deliberation stage. It seems to me when we have the P parts of our deliberations, that comes straight from the public. So the sausage hasn't been made yet. Maybe that's where we got a little bit taken back by the process, is that it seems that if there's a P part of our things that we're looking at for from the public, it's been written by the public and those that they have put around themselves. So our deliberations are kind of the sausage-making where we come up with this work for our whole county. Maybe that's why it gets, for lack of a better word, political. I hope that we don't go that direction in our future deliberations. Thank you for your time.

Chair Raschko: Thank you, Commissioner Hughes. I see no other requests for the floor. Commissioner Candler? Oh, excuse me. I just saw a raised hand symbol from Commissioner – she beat you. So Commissioner Rose and then Commissioner Candler.

Commissioner Rose: Thank you. I – thank you for your point of view, Amy. I appreciate that. I'm remembering back to the thing that I believe made everybody upset with Commissioner Lundsten. The thing that seemed to be the biggest offense – and maybe I'm wrong about this – had to do with the fact that he didn't send it out to everybody. He sent it – it seemed to be the process as much or more than the content or the actual fact that he was providing a different point of view. And what I told him was that as the discussion unfolded I didn't necessarily agree with his letter but I think the letter was fine and I think his process was fine, and I think that it's okay for us to admit that we might have overstepped with the censure and just say, Let's move on. Let's remove the censure, let's move on and get some work done and come up with some better definitions of how the body functions with the bylaws, and provide the – I like the idea that was presented last meeting about putting a smaller committee together to – maybe a person from each district, maybe people who've written comments. I don't know how that gets put together, but a smaller group to try to hammer this out so we're not eating up valuable time every two weeks when we're supposed to be accomplishing other things – and then bring back the results to the whole group for final hashing out. You know, maybe – but at any rate, so I guess I'm going to urge people to, you know, swallow their pride and say, you know, maybe we did make a mistake and let's remove the censure. Let's move on and start getting some work done, you know, but at the same time commit to coming up with a better process and a better clarity about what this group can agree to as far as going forward. That's all I have.

Chair Raschko: Thank you. We have Commissioner Candler next.

Vice Chair Candler: Thank you. Well, I can't agree more with Commissioner Hughes about the minority report. I don't think – it's not part of this motion and so I'll be brief on that part, but our purpose cuts against favoring minority reports, that we would spend countless hours, I think, dealing with them to really no – to no functional end. I don't agree with them and I don't want this discussion to be *conflated* with minority reports because it somehow, I think, makes everyone believe that this is about a person that we didn't like his opinion! And that is *not* what this is about. It's not about, Oh, you have a minority view so we have to silence you, and it's really, I think, detrimental to – it's an insult to all of us that it keeps getting conflated that that's what this is about.

When I have been in the minority, I agreed with my own position that it is not appropriate then, if my motion fails for me to ask that things from that motion make it into our recorded motion for reasons why we acted the way we did. It's the opposite. It's antithetical of that and it's not appropriate. The Board of County Commissioners is not requesting from us a pro-con list. They're requesting a recommendation, I think. And the First Amendment issue that's come up with this – you know, we're all talking. We're all speaking right now. We all spoke on all the issues that were decided, you know, leading up to the censure. And I don't think that the free speech complaint has merit and I don't – obviously I don't want there to be a presumption that dissent is not allowed, but I don't think that it is the proponents of the censure that are trying to claim that's what this was about.

The Prosecutor's letter has been mentioned a couple of times and so I want to just address that briefly. He recommends that we reduce the censure but it seemed clear to me in reading it that it's kind of a political opinion on his part, not a legal – necessarily – opinion. He wants this to go away. He's a politician. But his recommendation was apparently that we instead of censuring our fellow commissioner in a public, open, transparent way, we should have gone behind his back to our Board of County Commissioners and asked that he be removed, which I think is much more heavy-handed than a censure that has no effect other than to ask respectfully for a fellow commissioner to please adjust the behavior in the way that the Planning Commission didn't appreciate. The letter from Mr. Weyrich also indicated that this censure is serving to be a distraction of our time, and I couldn't disagree with that more. The censure was over in September. What is distracting from our time now are complaints about the censure. And that's – I'm not – that's just a fact, I mean, from my perspective.

It's been discussed by a couple different people that the Supreme Court has – and this, I think, was covered by Amy, Commissioner Amy Hughes, very well that we are not the Supreme Court. It's not the same thing. But I just wanted to address that briefly.

The one thing I don't like about the censure is that I agree, our process was not perfect. We are amateurs, we are volunteers, and unfortunately our process sometimes *is* imperfect. I'm not aware of any legal precedents that *requires* our censure to be removed due to the imperfect process however. I think it would apply to a lot of things that we've done and recommended, and hopefully they're not all null and void because of that. But if – the process was regrettable and, if anything, that would be my concern with it. With that said, I do support leaving the censure as it is. Recent events have solidified *my* abiding belief that the censure itself was wholly appropriate. The politicizing of this and all that has followed, I think removing the censure sends a message somehow that this is about the First Amendment or that we were trying to silence him and now we're like, Oh, my bad. That's *not* what this was and I don't like the idea that that will be the perception if the censure's removed. However, the censure didn't have the intended effect clearly, so, you know, it doesn't make a whole lot of difference either way, I guess. And those are my thoughts.

Chair Raschko: Okay, thank you. Commissioner Woodmansee.

Commissioner Woodmansee: Yeah, I've got a few thoughts. I very much agree with what the last couple of speakers have said. I do think that going into the meeting when the censure took place I was talked into a censure based on the discussions that happened that night. I had no concept that a censure would even be discussed going into the meeting prior to that. I do believe that going into the – at the point that the letter was written to the Board of Commissioners about a dissenting opinion, our existing way of doing things was to provide a single voice from the Planning Commission whether it's five-to-four or nine-to-zero. And my concern about that initial

letter and the reason that I ultimately voted for censure are a couple of things: One is I don't think that the letter is accurate at all. And when it basically said this commission did not make their decision based on this Finding of Fact, I think that that was false. And I don't have it in front of me, but I don't recall it was an in-my-opinion thing. It was it just like it just doesn't. And so after that in that meeting as the – I guess it was, you know, reiterated to us that, Hey, if I disagree with seven of you or eight of you again I'm going to go right back to this process and, you know, attack – / feel like it was an attack on the process. I thought we had a very healthy process, a lengthy process, a lot of discussion. I don't feel that because hypothetically 30 people come in complaining about something that they necessarily have – that that means that we can only report on their position and that we have to base our recommendation only on what we – what those particular people said. We have to base our recommendation on – as we stated earlier – on the good of the whole, the entire process and not just a special interest group's opinion.

And so at this point whether to censure or not I think is a moot point because we're to the point of, like Commissioner Candler said, I mean, clearly the censure didn't have its intended effect. And really, all it was was, Hey, we're a board – we're not a board but we're a planning commission that recommends. And for me, it's one recommendation from our planning commission. I will not always be on the side of the recommendation. I will respect the recommendation. The entire record is in place for the Commissioners to review – every single word that's said by every member, by every person from the public. So I just feel like that it was a combination of what was said in the letter and the ongoing conversation in the meeting when we had the censure that put us to where we're at. And *clearly* the fact that we're talking about it again tonight is not because of the vote for a censure. It's because it's been brought back up to us all these months later. And according to the prosecuting attorney, the censure really has no practical effect so it's a matter of semantics at this point for me. So I guess that's how I feel about it and I'm a little torn about what to do tonight, and at the same time I think it's a moot point. Removing it doesn't remove it for me. If we remove it, it doesn't mean it's removed. It's a word crossed off of a sentence. Everything that happened still happened. And so, you know, it's – and I don't think it has anything to do with free speech at all. I think that's completely a bad argument. And there's a lot of good examples of free speech being stricken down right now out in the world that are really true. I don't think that had anything to do with free speech and it certainly didn't have anything to do with opinion. It had to do with process and content of our process – comment on our process. That's all I've got.

Chair Raschko: Okay, thank you. Commissioner Shea.

Commissioner Shea: Yeah, thank you. Sorry for – my power just went out here so I had to switch over my phone and I'm all in the dark now. Ha! But my main comments, I think everyone's already said – most of the points I wanted to speak on. But I believe for myself the main part of the censure had to do with the process, and I think a lot of the comments from Commissioner Hughes really hit home. We are here to bring all the ideas and comments forward during our public process, and I think Commissioner Lundsten's within his right to have his own opinions towards the process but I really feel like it needed to be done face forward at our meetings, and all of those comments and all of those concerns about our process and the different items should have been addressed as a group at the public hearing when we're making our motions and all that. And so I think that's my main point I want to say, is it's our job to bring up any questions or concerns about the process while we're going through it and not after we've already made a decision. So that's it for me.

Chair Raschko: Thank you. Commissioner Mitchell?

Commissioner Mitchell: Yes. Can you hear me?

Chair Raschko: I can.

Commissioner Mitchell: Okay, great. Thank you. There's a couple fundamental things that people need to understand about parliamentary procedure. And first of all, our current bylaws are written to address certain things that are honed more for what we do and the way we like to do things. But they're all backed up by Robert's Rules. The current bylaws from 2009 also say in lieu of, and there's a passage that they refer back to Robert's Rules. We're still in the middle of working on the bylaws for ethics for the next sections and have phrased it a different way, but the same thing. Whatever's not addressed in our bylaws per se reverts back to Robert's Rules. That's a foundation for parliamentary procedure accepted around the world.

Another piece that's very important and fundamental for all of our education is this: Robert's Rules say that members can be censured for misconduct at meetings, violating confidentiality, moral misconduct outside the meeting, absenteeism, bribery, fraud, lying, disloyalty, working against the organization, conspiracy, and violating other values that an organization holds dear. Specifically, if you go to Robert's Rules of Order there's a passage that says "If a local governing body has elected to follow Robert's Rules of Order, they may wish to consider supplementing Robert's Rules with local special rules of procedure that deal with disciplinary measures," which is why we're working on more of that, because ethics are very important and I think everybody's looking forward to handling that. It further says adopting its own disciplinary procedures would allow the members of the governing body to establish a process that allows them to discuss a disciplinary matter in a calmer atmosphere of the organizational meeting rather than in the heat of a confrontation. Another passage says in most instances, the court have not been very receptive to such arguments about the First Amendment violations, like Commissioner Lundsten claimed. In most instances, the courts have not been very receptive to such arguments. The courts have tended to hold that while the First Amendment allows a member of a governing body to speak his mind, the First Amendment does not shield him from the consequence of his actions if he speaks or behaves in an inappropriate manner.

Another passage under Robert's Rules for censuring a member: Members can be censored – again for misconduct and all the other kinds of things that I said. Censure is just one of the ways that other members of the governing body to avoid the appearance of agreement – this is key: Censure is one way for the other members of the governing body to avoid the appearance of agreement with the objectionable behavior of a fellow member.

Another part in the most updated recent version of Robert's Rules that came out last September, 61.1: An organization or assembly has the ultimate right to make and enforce its own rules and to require that its members refrain from conduct injurious to the organization or its purposes. No one should be allowed to remain a member if his retention will do this kind of harm.

Next section: Punishments that a society can impose generally fall under the headings of censure: Fine, if authorized in the bylaws; suspension or expulsion. The extreme penalty for an organization _____ a member expulsion. Obviously the Planning Commission has no authority to cause an expulsion for a member. That's something that the Board of County Commissioners would have to look at to see if even *they* could do.

Next section in Robert's Rules: If there's an article of discipline in the bylaws, it may specify a number of offenses outside of the meetings for which these penalties can be imposed on a member of an organization. Frequently such an article provides for the imposition of a member found guilty of conduct described, for example, as, quote, "tending to injure the good name of the organization, disturb its well-being, or to hamper in its work." In any society, the behavior of its

nature is serious offense properly subjected to disciplinary action where the bylaws make mention of it or not.

Next section in Robert's Rules: Formal disciplinary procedures should generally be regarded as a drastic step reserved for serious situations or potentially so, when it appears that such measures may become necessary, proper, tactful handling of the situation (is) of prime importance.

Another excerpt says criticizing a board decision in local government – local governments and public bodies are different from private organizations. It seems obvious to us that under the First Amendment of the Constitution elected officials and citizen volunteers have the right to speak out when they hold a different view from the body. This is key: At the same time, they may not undermine the body's decision.

So the take-home point there: We're working under parliamentary rules. It's accepted around the world. We've agreed to them in previous bylaws. We are working on them even with the ones that we have now. Part of our part and process is to support the conduct of the meetings, the way they should be conducted in a civil manner, and following Robert's Rules for backup if you need to as part of our job to support the chair and the organization to run meetings well. If somebody gets out of line, you know, call them back into line. That's what the censure was supposed to have done and obviously it didn't have any effect whatsoever. Having said so, at the same point I think that it was entirely justified for the censure because, again, it said the Planning Commission did not like and does not appreciate the fact that Commissioner Lundsten was undermining the Planning Commission by posting things on his website – his election website, as it turns out. That wasn't part of the issue, but that's one of the places it was located – on his Facebook page; sending letters to other organizations, and even the press; disparaging and undermining the Planning Commission for what the process had been. That is called undermining the planning and the body. Everybody that comes onto the Planning Commission takes their hat off and they come on and they work at the pleasure of the Board of County Commissioners. We are there to serve and work through issues and make our recommendations. Sometimes we agree; sometimes we don't agree. But that's why we have the final votes. Everything's recorded. Everybody has their say so. Nobody is ever censored, as Mr. Lundsten has been trying to say. A censure is not a censor. He had full ample opportunity the same as everybody else, and people need to understand what the basic rules are for parliamentary procedure.

So having said all that, it was a process issue. No First Amendment's rights were violated. My personal opinion: If we were to rescind the censure at this point, that is saying that the Planning Commission had done something wrong. The Planning Commission did not do anything wrong in any part of the process. Awkward maybe. Perhaps. We're amateurs. We don't do this for a living. We're supposed to be functioning and working to serve at the pleasure of the Board of County Commissioners. That's where we need to focus. And I don't think it's a good thing to keep rehashing and rehashing and rehashing because somebody doesn't get their way. The rest of us don't do that. Thank you.

Chair Raschko: Thank you. I believe everybody's had an opportunity to speak so as Chair I'd like to take mine before we let people speak a second time.

And the first thing I want to say is that I think it's remarkable the job that Commissioner Lundsten did on his research. One thing I heard that he researched was public records to find out who on our commission might have made donations to his political opponent. I did and I heard him say somebody else did. And then I just want to just ask Commissioner Lundsten if I heard right,

because if I didn't I don't want to say anything. But what I thought I heard him say was that I used this issue to try to cause him to lose the election. Did I hear that right?

Commissioner Lundsten: No, you did not. I did not say that. I said that everything that was done with the – that was listed with the Public Disclosure Commission was aboveboard and legal, and I was just reiterating the point that the Prosecuting Attorney had made that the appearance was one that matters about how we conduct business, and that there was – that that –

Chair Raschko: That's not what I heard.

Commissioner Lundsten: – _____ matter in his opinion, and I said that just is something that appearance matters. And I wasn't saying it was wrong. I was saying that it was – that you did anything wrong or that you caused – you had no right to do what you did. And I think _____.

Chair Raschko: I heard you say that we were using this to destroy your – not in these exact words. I can't remember your words – that we used this issue to promote the benefit of your political rival. And that to me is an attack on my personal integrity and I don't like it. You made a judgment about me.

Commissioner Lundsten: No, I did not.

Chair Raschko: I would not do that. And you went out in public in a public meeting and you say something like that, and I do not appreciate it. All right, who else wants the floor?

Commissioner Lundsten: I'll take the floor.

Chair Raschko: Go ahead.

Commissioner Lundsten: You're mistaken. I had no intention of saying that you were doing something underhanded. I simply said the appearance was that we had a political connection. That's all! I was trying – I never made – I was very scrupulous of necessity, as everyone is, with the Public Disclosure Commission. I learned right away that you have to be. There's a strict set of rules that you need to learn, and that was fine. So I don't have – I did not make any such insinuation. I also know that your donation was not made before the censure and I wouldn't say that it was. Your political disposition is fine. It's your right. Mine is too. And my running for office is fine and I kept it completely separate from the Planning Commission. And when I wrote that second letter when I said, Come on, can we please talk about this when you had delayed the discussion of the bylaws. Because it was *my* impression very clearly that we were going to talk about the bylaws, the censure was fine – that's fine; I'm not worried about it. I'm worried about the process here. I was in fishing politics for 20 years and we were discussing who gets to catch fish. That's a wicked business. That's very personal. And this, I'm not worried about my personal censure. And by the way, I completely understand the difference between censor and censure. Thank you very much. All I'm – all – when I wrote the letter, the second letter, it was on the 2nd of November. No one knew who was going to be ahead in the election at that point. I didn't want to make it a campaign issue for me or for any of _____; therefore, I sent it on a day when it would cut the line. There's no campaigning involved and no one knows – at the time I wrote the letter – who was going to be ahead or who was going to win the election. That was very intentional. I spoke with Julie Nicoll about it. I said I want to make sure I don't mix the political with the Planning Commission because I want the Planning Commission to allow for dissent, and I felt like that's all I did was the dissent about whether or not we passed on an accurate portrayal of what the proponents of P-4 made. And it was not with the expectation that the Planning Commission or the

Board would necessarily agree with that, but that it was on the record. I didn't expect them just to do it because a whole bunch of people want to do it, as Ms. Mitchell has inferred or said directly. I was bringing it up because I thought that we had kind of missed the point. I did a poor job deliberating. I thought the rest of us did. And that's it.

So you feel – I apologize if you feel insulted. I didn't mean to insult you or impugn your principles, Tim. There's no question at all. And I apologize if that's how you mean it, or how you took it because I did not mean it that way. And *I'm* telling the truth. I feel like I told the truth about why I didn't cc everybody and that is the truth. I wasn't trying to hide it. I thought you all knew anything I said and just ignored it! And that's what I thought would happen with the P-4. And somehow it became an issue, it suddenly became an issue. Peter calls me and says it's going to be on the agenda. Or when I was talking to him one time. I called him about something and he told me that. So I didn't mean to raise hackles. I meant to have a better deliberation. And I was not – you know, my affiliations were not with anybody like that. You know, I wasn't on the board of the Skagit Land Trust or anything. I was indivisible __ – or Evergreen Islands did not even make a written comment on P-4.

So what I said was the truth. I wanted to have a full disclosure with – an open discussion with the Planning Commission and I didn't feel like we provided that. Pure and simple. I stated what? Did I do a great job? No, but I think I did a reasonable and honorable job. I did not dissemble and I did not get personal with you, Tim, or with anyone else. And I certainly don't mean to tonight. It's – what I said is the truth. I've not been concealing or hiding anything. So I would like you to remove the censure because the precedence it sets for people who want to be on the commission, for people who are on the commission who have a divergence of opinion on any given issue ___. That's what's important. I don't have any other reason to want to do it except to – that this censure tells people if you disagree with the majority and you do something untoward like this, you're going to have a meeting dedicated to reprimanding you. And that's what it was . That's what it took. And that shouldn't have happened. That was a – as Martha put it just very plainly, it was overstepping. It wasn't necessary.

So I think we made a mistake in enacting the censure and I think that we need to lift it for those reasons. And it's not – and I disagree with – that I haven't done anything – that I haven't changed or learned anything. I've been trying to accommodate this process. I wrote that letter months ago to start this, and it's all been delayed so – I'm done. That's all I have right now.

Chair Raschko: Okay, thank you. I think we have Commissioner Mitchell and then Commissioner Shea. So, Commissioner Mitchell.

Commissioner Mitchell: Yes, I'll make this very brief. This has turned into a corkscrew rehash since September. I don't think we should be spending any more time with the Planning Commission's time, with the public's time, on something that's clearly not changing.

Chair Raschko: Are you done? Okay. Commissioner Shea.

Commissioner Shea: I just wanted to, I guess, comment towards Commissioner Raschko's comments about the funding political opponents. No matter the intention, I mean, it was said and I think in your opening remarks, Commissioner Lundsten, you did say that Chair, I believe has donated towards Commissioner Wesen's campaign and then also included Commissioner Knutzen and stated that his first vote was to censure you and that he funded a political opponent. So that's how I heard it, so that's my only comment.

Chair Raschko: Okay. Commissioner Knutzen?

(silence)

Chair Raschko: Mr. Knutzen? Did you want to speak? Are you muted?

Commissioner Knutzen: (unintelligible)

Chair Raschko: Yep. Go ahead, Mark.

Commissioner Knutzen: Can you hear me now?

Chair Raschko: I can.

Female Commissioner: Yes.

Commissioner Knutzen: Can you hear me, Tim?

Mr. Gill: Yes.

Chair Raschko: I can

Commissioner Mitchell: Yes.

Commissioner Knutzen: Okay, I have a – I'm a little confused here. I have a question for Commissioner Lundsten. I thought he just said in his last statement his main concern was with the bylaws. He wasn't as concerned with the censure. But I'm reading the letter that he sent to the Board of planning commissions on January 11th, 2021, and it said, quote, "I request the PC remove the censure. If the PC does not do so, consider this letter to be notice of appeal to the County Commissioners (BOCC) to remove it." So could you please, Commissioner Lundsten, clarify this for me?

Commissioner Lundsten: And what is it you want? I don't understand. What is it you want me to clarify?

Commissioner Knutzen: Well, I thought a little bit ago you said your main concern was the bylaws. You want to get the bylaws straightened out. You were not all that concerned about the censure. But according to the letter you wrote to us earlier in January, if we do not remove the censure you consider this, quote: "consider this letter to be notice of appeal to the County Commissioners to remove the censure." So I'm just asking you to clarify that.

Commissioner Lundsten: Okay, I understand. Thanks. No, I don't – I'm not – the censure is important not because the censure's to me but because of the precedent it sets with the application of the bylaws. They shouldn't be used in such a way. It was inappropriate, in my opinion, and it will chill any sort of inclination of people to participate in this process. It'll have a negative effect on openness of deliberations with the public and with prospective and present members of the Planning Commission. So that's what I meant. It's not about me. It's about the broader meaning of the censure, which is part and parcel of the larger issue of the willingness of people to express diverse opinions.

Commissioner Knutzen: Thank you.

Chair Raschko: Okay, Commissioner Rose.

Commissioner Rose: I'd like to call the question.

Chair Raschko: Thank you.

Commissioner Rose: We have a motion on the floor. Let's vote on it.

Chair Raschko: Okay. It's been moved and seconded to lift the censure imposed upon Commissioner Lundsten. What I would like to do – first of all, I think it's only fair we have a show of hands so that everybody's voting simultaneously. Okay? So I'm going to ask Mr. Gill, Is there a way to be able to do that?

Mr. Gill: Yeah, this is Peter Gill. You can hit the hand icon on your monitor and that will raise your hand. And you can do it by video as well. So maybe both or one or the other.

Chair Raschko: All right. Why don't – I see the hand icon. It's three left of the telephone – the red telephone. Does everybody have that?

Commissioner Candler: I can't see. I can see that there are hands raised but I wouldn't be able to see whose hand or how many if we do that. So I don't know if I can change the screen somehow so that I can see people.

Chair Raschko: I hope people understand my concern because, you know, on a vote like this it's – I think it involves feelings and things and if people vote simultaneously then there's not the temptation to see which way it goes, or people won't be inferring that that will happen. I just think it's a lot cleaner to have it simultaneous.

Commissioner Candler: I agree with you. I just – I can't see –

Chair Raschko: You can't see ____.

Commissioner Candler: Maybe I'll be able to see. I don't know.

Commissioner Knutzen: _____ Knutzen. On my screen, there's a little icon with two people there and if you click on that on my screen all the names come up on the right-hand side of the screen.

Commissioner Candler: Okay.

Commissioner Knutzen: You can hide participants or you can bring them up.

Commissioner Candler: I can see some people but they're not all on the screen at once, but that'll be fine. Thank you.

Mr. Gill: As long as Tim and I can see it, that's what counts.

Chair Raschko: All right. So all those in favor of the motion, which is to lift the censure, hit your hand button and say "aye."

Commissioner Lundsten: Aye.

Commissioner Rose: I'm having trouble with my hand button so I'm going to –

Chair Raschko: I see all kinds of hand buttons popping up.

Commissioner Rose: I can't – it's not lighting up when I hit it, then it goes off. So maybe it *is* on. At any rate, "aye."

Chair Raschko: Okay so what I see are four positive votes to lift the censure.

Commissioner Mitchell: Can I – could we start over? I don't know if that worked the way you wanted it to or not.

Chair Raschko: I don't –

Vice Chair Candler: I can't tell. I think mine is raised. I don't want it to be.

Chair Raschko: All right. I'll tell you what: We're going to go by a roll call.

Commissioner Knutzen: _____ camera, you raised your hand.

Vice Chair Candler: Yeah, that was an accident.

Commissioner Mitchell: Yeah, I don't think that registered the way the real vote was.

Vice Chair Candler: No. I'm sorry. We need to –

Chair Raschko: _____ roll call. Okay.

Commissioner Hughes: And restate the motion one more time.

Chair Raschko: The motion – do you want to read the motion back, Mr. Gill?

Mr. Gill: Yes, I can. The motion is to remove the censure against Commissioner Lundsten.

All right. So if you'd like to remove the censure, you vote "aye." So I ask Commissioner Mitchell, How do you vote?

Commissioner Mitchell: Nay.

Chair Raschko: And Commissioner Candler?

Vice Chair Candler: Nay.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: Nay.

Chair Raschko: Commissioner Lundsten?

Commissioner Lundsten: Yes.

Chair Raschko: Commissioner Rose?

Commissioner Rose: Yes.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Nay.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Yes.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: No.

Chair Raschko: And I vote nay. So there are three ayes and six nays so the motion fails. Okay. And that will conclude that item on our agenda.

We move now to a Shoreline Master Program Update Work Session, a continuation. The County is working on its _____ Shoreline Master Program. This work builds on the comprehensive update that was put on hold in 2016. ___ consultants will present the work completed and their plan moving forward. So I turn it over then to Mr. Gill.

Mr. Gill: Yes, thank you. We have the Watershed group and Betsy Stevenson to present the draft SMP tonight, and so I would ask either Betsy or Dan to go ahead and start us out.

Dan Nickel: Sure. This is Dan Nickel from the Watershed Company. Can you hear me okay?

Mr. Gill: Yes.

Mr. Nickel: Okay, great. Well, thank you very much. Yes, tonight we are planning to go through portions of the Shoreline Master Program draft. I'm going to share my screen before I begin here, and I've got a PowerPoint presentation again to kind of walk us through the document. So hopefully you all can see my screen at this point.

Mr. Gill: Yes.

Mr. Nickel: Okay, great. So we were – you know, we've been before you a couple of times. The last meeting, which Mark Daniel from our office was here to kind of talk to you about some of the general sections and the critical areas ordinance integration. Tonight I'm going to get a bit more in depth. I do want to cover some of the scheduling that we're going through with the Planning Commission, as well as the kind of future public review process, and then kind of get into some of the details. So you all should have a copy of the current Planning Commission review draft of the SMP, the Shoreline Master Program. And so you have that hopefully in your hands. I'm going to walk through – you know, basically take this meeting and the next two Planning Commission meetings to kind of walk through the portions of the Shoreline Master Program that have changed since 2016. As you recall, back in 2016 the Planning Commission at that time had reviewed the Shoreline Master Program for consistency with the required comprehensive update that's required by the state. And it made a recommendation to the Board, and that was 2016. The Board did not act on that and so we are coming back to the table again to kind of finish this process.

So you'll see here in this slide here, you know, the outline for tonight is to review the schedule, and I will start to review some of the changes that were made to some of the policies and regulations as they pertain to some of the general sections. I first of all wanted to kind of hit on the public review process. You know, this is – we are working under a state grant. The grant goes through the end of June of this year so we are trying to move through the public process during this timeframe. And we will be conducting a public comment period in the near future. We want to talk to you about that process. But those opportunities to engage in asking questions and submitting comments, the County does have a specific email address here, this smppds@co.skagit.wa.us. That is the email address to submit any questions or comments that you might have. As well, we also have launched an online open house that has been launched since January. And that's a kind of a go-to resource for information related to this process. It is also going to transition into a location for people to go to actually submit public comments during the public comment period. I'll get into more detail on that at the end.

We are also holding monthly public information meetings. Some of you attended the meeting this past January. We are going to be holding another public information session this Thursday. And the intent of those meetings is to really provide the public, your stakeholders, just the opportunity to talk to or hear from both the County staff as well as the consultant team to just understand this process a bit more. And each meeting each month is intended to kind of build upon the process, to give a little bit more information about where things are at in this process and kind of what the Planning Commission is reviewing.

The online open house at that link does provide an opportunity to get more involved. You'll see there's a specific location here to sign up for those monthly meetings as well as to sign up for the email listserv for notifications about what's happening.

And lastly I would just encourage, you know, going to the County's project website and I'll provide the address for that at the end here. The County's website actually is the host site for all the documents. So all the historical documents that went into the comprehensive update are located there and the current draft Shoreline Master Program that is in your hands is also located there.

As for the upcoming schedule, hopefully you've seen this diagram – we presented this before – and it really kind of steps through the public review process from now until the end of June. And you'll note here, you know, we are currently – you know, near the beginning of February we were conducting the Planning Commission review process, and one of the items here in red – this circle here – we've circled the public comment period. We are considering moving the public comment period earlier in this process so that we can kind of get the public's feedback as soon as possible. What this means is also potentially shifting the public hearing to your last meeting in March. So we anticipate coming again before you on February 23rd, again on March 9th. Those two meetings, again to kind of walk through the proposed changes since 2016, and then come to the Planning Commission on March 23rd for a public hearing. That again will give opportunities for the public to weigh in and for the Planning Commission then to hear and then further deliberate. The goal here again is to get to local adoption process towards the end of June. The state process here involves a formal review by the Department of Ecology following local adoption, so the County anticipates getting to this local adoption timepoint and then sending this to Ecology. Ecology will at that point conduct their own public hearing, and so there's going to be even more opportunity for the public to weigh in.

And so I've kind of already hit upon these upcoming meetings for the Planning Commission. You know, for today, February 9th, we plan to cover some of the general regulations sections that have had proposed changes. I'll hit on the use and modifications matrix. And then the next meeting on

February 23rd we'll dive into more of the specific uses and modifications sections that have been proposed for changes, and then the last meeting there on March 9th before the public hearing – on March 9th, we'll cover some of the other, more administrative sections: the definitions; we'll cover legally established preexisting uses and structures, as well as some of the shoreline environment designation mapping.

I'm going to pause there. Are there any questions from the Planning Commission regarding those sections before I start discussing the proposed changes?

(silence)

Mr. Nickel: Okay, I will continue. I guess before I continue, the one thing I think we are looking for feedback following this discussion here. It'd be, you know, I mean just the acknowledgment of moving forward with the proposed public hearing process and looking at starting the public comment period probably sometime mid-February or mid to – mid to end of February.

Okay, so the first thing I wanted to tackle is we have, you know, a change in some of the policy language. I guess the document that you have before you with the proposed changes, this represents again – this represents changes that have occurred since 2016 since the Planning Commission last looked at this. And it includes several things. It includes some of the recommended changes that came from the Planning Commission. It includes, you know, recommended changes that came out of the County's further review as well as the consultant team, looking at mainly consistency with the Washington Administrative Code as well as looking for making improvements just in functionality and flow of the document. And really the main point here that we're seeing in these changes are mainly for consistency with existing regulations, consistency with state law, as well as just an improved function of the whole document. This actually, this section here for the circulation policy, specifically with the transportation and parking, was one of these areas where it was – upon review of the policies in the 2016 draft, it was looked at that these policies in Policy 6F, numbers 1.2 and 1.3, they were actually more aligned with regulations as they were written. And so we've – upon the County's review of this and recommendations, we've actually moved this language into the Transportation Facilities section – the regulations in section 14.26.485. So this includes emphasis on these bottom four bullets. First off, ensuring that water quality is not further degraded; ensuring that water flow is not impeded; ensuring consistency with stormwater management requirements; and last, avoiding impacts to cultural, environmental and recreational areas. These four items were actually in the Policies. As they were written again they were more like regulations, so we've moved them forward into the body of the regulations.

Let's see. The next part under the Shoreline Environment Designations – this is Part II of the Shoreline Master Program. You know, we aren't at this point in time making any changes to the shoreline designation maps, but we did have one area where there was some – I guess a misunderstanding or it wasn't clear in this particular section where the – called the "Boundary Line Determination." This is section 14.26.220. And this section pertains to really how a boundary line is determined when it's really uncertain or it's unclear. As it was written in 2016, where uncertainty exists, the determination of the location of the boundary was actually made at the road or right-of-way centerline as a way to separate these boundaries. And ultimately that doesn't make sense. Most of those, especially for like a road centerline, that is not going to be typically on a parcel. You're going to be dividing something down the middle of a road. And so we've rewritten that section, subsection (1)(a). Really its focus is to avoid splitting designation along the road's centerlines or other right-of-ways, but rather to use the nearest right-of-way edge. This type of change to the SMP is pretty common in terms of its looking at making sure it's clear or consistent.

Moving on, in the General Regulations section – this is Part III of the SMP. We have a section called Environmental Protection, and this is section 14.26.305. And the main change here was regarding mitigation sequencing, and mitigation sequencing is a term many of you have probably heard. The focus here is to ensure that during development preparation that a sequence of events are taking place and they are prioritized, and the mitigation sequencing analysis looks at, first of all, avoiding an impact; secondly, to minimize that impact; and you're kind of going down the list, and third would be to mitigate for that impact and compensate for it. The mitigation sequencing analysis is something that's been covered in the critical areas ordinance. And as you recall during the last meeting, we discussed kind of how the critical areas regulations were going to be integrated in the Shoreline Master Program, and ultimately we are bringing forward the existing critical areas regulations and applying them within shoreline jurisdiction.

Now mitigation sequencing has been contained within the critical areas regulations and has been referenced there in the past; however, in applying the Shoreline Master Program, it's really important that we try to make those regulations front and center, to make them clear both to applicants as well as to staff. And so we have brought that section into the body of the SMP under this Environmental Protection section. And so we have a section here for mitigation sequencing as well as for mitigation plan requirements for that area. That is in subsection (4). In subsection (3), we've added a clarification which I think is very important. And it's one that's not necessarily required by state law but it's something that we have worked to integrate into many master programs with the jurisdictions that we've worked with. And that is an acknowledgment that if a development application actually comes in and meets all of the dimensional criteria – you're meeting all the standards that are written in the Shoreline Master Program – you therefore would not be required to go through a mitigation sequencing analysis. You wouldn't need to go through that effort. And the reason is as part of this process of creating a shoreline master program, we actually have to go through the process of a cumulative impacts analysis to ensure that we're achieving no net loss of ecological functions. Part of that analysis is to look at what are our setbacks, what are the buffers, what are the dimensional requirements and standards that are in place. And, you know, by doing that, looking at, you know, Is the shoreline program doing a good job to ensure that protection standard is met? So, therefore, we have applied that level of assurance to those development applications. So if you're coming in with an application and you're already meeting those requirements, those standards and setbacks, you therefore should not need to go through that mitigation sequencing analysis.

All right, moving on. In the next section, which is section 310 – 14.26.310 – this is the dimensional standards table where we have the listing of buffers and setbacks and other development standards. We've added two footnotes to this table that again provide clarity. The first one is related to water-dependent uses, and here we specify that water-dependent uses, they're allowed within buffers. And we talked about this before but because you have, you know, certain developments they need to be adjacent to the water, and it doesn't make sense to apply buffers to something that you need to be at the water's edge, and so we're allowing water-dependent uses to be located within buffers. But the caveat there is that in certain circumstances, there you would need to go through mitigation sequencing to first avoid and minimize adverse impacts during development siting.

The second clarification here – the second footnote, I should say – is related to height restrictions. The Shoreline Management Act has a pretty standard 35-foot height limit for development within shoreline areas. We want to make sure that we have added this specific exclusion when we have certain types of facilities – utilities, bridges, some industrial uses. Areas and uses along the shoreline sometimes need to exceed 35 feet and those should be permitted based on the types

of use. So provide that some structures, again, they do minimize the obstruction of views. So we've added that clarity in there.

Moving on, the next section on Public Access. This is at subsection 370. In subsection (3)(b) of that section, the Planning Commission in 2016 actually made a recommendation to require that legal markers at public access points be added in order to assist the sheriffs and first responders – you know, that they have, you know, that type of markers that will identify where they're at and where they're going. So that has been added to the Public Access section.

The second bullet here is an area where they – we have a reference in subsection (4) to a Shoreline Public Access Plan. Now in 2016 the Planning Commission recommended that that section should be removed. However, you know, upon our review and the County's input, the recommendation from the County is to keep that section in place. Retaining it is actually consistent with the Washington Administrative Code and the development of a shoreline public access plan. The development of it is not in place yet. It's also referenced in the policy 6E-1.2. And so we are asking for, I guess, concurrence with this, acceptance of this, because it is something that the 2016 Planning Commission did recommend removal. Again, the County suggests to leave that in place.

I'll come back to this if there's questions. Let me just keep moving forward.

The next section on general regulations in Part III is on Vegetation Conservation. This is subsection 380. In 2016, the Planning Commission made a recommendation to require that replacement trees – or where replacement trees are required, the replicate species appropriate for the site be based on what's historically present, not necessarily – I'm sorry. The replacement trees or species be based on what's appropriate for the site rather than what is historically present. That was an important clarification because in some circumstances what was historically there and present on a site is not necessarily what will do well. And so the acceptance here, the note here, was to make it appropriate for the site for that development purpose.

The second bullet here, again, added a County – we added the County's recommendation to include a specific reference to the preparation of a tree replacement plan when a tree replacement is required. And such a plan, you know, should follow the restoration plan requirements that are outlined in this subsection, subsection (f)(ii)(A), (B), and (C). These specifications include the requirement for use of a qualified professional, for the use of native species, as well as meeting or exceeding all standards.

And then the last item I wanted to cover tonight was just kind of the beginning of the Uses and Modifications section. This is Part IV of the SMP. This is where we really get into the details of specific uses and specific modifications. And this table is an important table – this matrix, I should say. And it kind of gives you a snapshot of what is allowed within each of the environment designations, based on the type of use. So it's very specific to, you know, such areas such as shoreline residential uses or rural conservancy uses. And so it's a good snapshot. Now ultimately the text within the body of the Shoreline Master Program will take precedence over any inconsistencies in this table. But the table is a very good snapshot and so it's something that's often referenced.

So there were a few changes here that we wanted to acknowledge. The first was in the column for the aquatic designation, the County made a recommendation to – for consistency's sake – to make it clear when the upland designation would basically drive what's allowed. And so in many instances you'll see in the table where the word "upland" is used in that aquatic designation area.

And the purpose of that is that when the word “upland” is used, you are to use the adjacent shoreline environment designation that is in the upland area as a means to understand whether something is going to be permitted, a conditional use, or require – or is permitted, I should say.

The second area of change was related to breakwaters, jetties, and groins. We've made an adjustment to that table for Shoreline Residential and High Intensity environment designations to ensure that those are actually permitted, but we've added a footnote noting that those would be permitted for enhancement projects. Oftentimes to do, you know, an enhancement of, you know, riparian conditions, stream conditions, you know, you are going to be needing to do, you know, groins or some type of other activity, and the notion here was that we're going to allow that as permitted and just put a footnote in there that all other projects would require a conditional use permit.

The last change was related to a removal of a row that we've done, so the Residential Accessory Uses. We've actually removed that because it's redundant. We wanted to, you know, be clear that for accessory uses those actually would be permitted under the primary use. And so it was rather redundant to have that line item in there and so we have removed that.

I think that is kind of what I wanted to cover tonight. I guess we'll take questions and discussion here in a second. I wanted to kind of hit on kind of what the expectations were for upcoming meetings. The next meeting we will be covering aquaculture, boating facilities, a number of areas – fill and excavation, grading. So there's a number of areas to discuss at the next meeting, and then on March 9th again we'll be covering some of the more administrative sections as well as definitions.

And then lastly, I just want to kind of come back to this public comment process and just note that, you know, there will be a public comment period. We are looking to start that again probably here mid to end of February. And during that period we do want people to be going to the online open house. There will be another listserv announcement when that takes place. So people can go to the open house and they'll be able to submit comments, whether it's general or more specific. They'll be able to submit those on through the open house. And any – they can also email any public comments at the County's email address, as well as attending the public hearing that'll be before the Planning Commission to submit comments.

So I will pause there. I know it's been a lot of information, but I'd be happy to answer any questions or go back to any of these slides to answer any questions or provide clarity if anybody has anything.

Chair Raschko: Are there questions from the Commission? Ms. Mitchell?

Commissioner Mitchell: Yes, thank you. I'd like to know from the County staff on why they recommended counter to what the 2016 Planning Commission had recommended. And that would have been on See Public Access and that refers to page 74. That's be part number 2 of the Focus Sheet. There we go.

Mr. Nickel: That one there?

Commissioner Mitchell: Yes, sir.

Mr. Nickel: In regards to the Public Access Plan?

Commissioner Mitchell: Yeah, because the question – it looks to me like we have about five pages of public access stuff here in the Shoreline Plan and that looks like that addresses almost everything and the rest of this stuff would be eyewash – comparatively. So I think that was one of the reasons we'd asked to have that removed in 2016. There were other reasons, but that was one of them.

Betsy Stevenson: I can address that if you want me to. This is Betsy Stevenson.

Commissioner Mitchell: Yes, please.

Ms. Stevenson: Sorry my voice is squeaky. It's not working real well tonight. But I think part of it is that the Open Space Concept Plan and the Parks and Recreation Comprehensive Plan that we mentioned in there does address some of the corridors and does allow for some, you know, habitat corridors and some areas where we're not just looking at specific public access sites but trying to have some connectivity so that there are places for wildlife to get through those areas without having to get out in the open so much. So it was a more thorough, more extensive, better look at what actually is out there, if that makes sense, than just – the SMP itself is development-driven, so any public access that's happening as part of the SMP is because somebody's putting something in rather than looking at the planning concepts sort of ideas of providing some corridors and looking at how the land is and whether there's public opportunities of land ownerships to do some of that work where it's fully vegetated or it could be improved, or places where some of the conservation groups have come in and, you know, given up their development rights and have some areas. So it looks at a little broader spectrum than something that's development-driven. So there may be newer plans that we could even look at rather than those that might be helpful as well. If that helps.... Kathy, you've got your hand up so I'll be quiet now.

Commissioner Mitchell: No, I've got kind of a follow-up question with that. I think – I see what you're after and I looked back at both of those things today and again not in depth because they're really big – you know, both of them. But the best sense I had of the Open Space Concept Plan was it did two things: One, it was an inventory kind of thing, and the second thing is is levies were discussed at least 76 times in it, and so it was clearly set up to be a way to impose a levy or a tax to do something and the something, you know, would be left to bear to see what that would be. And that was accepted. The plan was accepted back in September 2009 and it was not implemented, probably for good reason because it would be very expensive to do and have a lot of groups, and the Board of Commissioners would have to do special commissions and all kinds of things. And so I get that it has some inventory potential for it but I would like to toss up the idea – I don't think it would be appropriate in this instance because you guys did an extensive inventory already of shoreline stuff and, you know, the public access stuff with the open space stuff, even though it's a subset of it still is a subset. So I think – I guess what I'm saying is I think here the Open Space Concept Plan being included in here is a tiny subset that really doesn't do the thing that you're looking for. And the Parks and Rec people are pretty good at what they do. I can see how that fits in. So I guess I'm teeing up the suggestion, Betsy, that maybe you do have something else that better fits than the Open Space Concept Plan on this.

Ms. Stevenson: I am happy to take a look at that again and revisit it for sure.

Commissioner Mitchell: Thank you.

Ms. Stevenson: And I think the Parks Department – I just made a note here that refers to the 2012 plan and I know they've updated their plan since then too, so I will look at that as well.

Commissioner Mitchell: Thank you so much.

Ms. Stevenson: Good thoughts. Thank you.

Chair Raschko: The Chair recognizes Commissioner Shea.

Commissioner Shea: Thank you. This is Commissioner Shea. Just two questions. The second one we may have addressed already, so feel free to tell me that. But one question that came up or I wanted more clarification on was the signage for emergency workers or first responders. I know a lot of our public access lands already have certain types of signage. I just may need a clarification as what type of signs you're referring to. I know there might be a map of how to access places but I just need a little clarification.

The second part, obviously the power's out right now so I don't have all my comments that I prepared, but later on in that draft you sent us it was talking about 100% tree survival or 80% tree survival on, I believe it was, revegetation plans or shoreline vegetation. It's a lot farther down the document so we may not be there yet. But as some of that is planting trees, having 100% planting success is almost impossible. I feel like that's a fair thing to say. So I just – maybe a comment on where the 100% and 80% came because it's essentially saying that if you go under 100 or under 80% of survival you have to replant that up to 100%. So it just kind of seemed like a weird requirement. But those are just my comments.

Chair Raschko: Any other questions?

(silence)

Chair Raschko: Hearing none, continue please. Excuse me – Commissioner Mitchell.

(silence)

Chair Raschko: Ms. Mitchell?

Commissioner Mitchell: Terribly sorry. I'm having trouble with the on-off thing!

Chair Raschko: You don't have a question then?

Commissioner Mitchell: I do, actually I do. I would like to piggyback onto what Joseph asked for two things. The reason I remember about the public signage for emergency responders and things like that – that was one of my issues – and the reason being is because I'm not an active, current first responder right now but I was back then. And the thing is is that when you get out there it's a lot bigger than it looks like on a map, having places where they could have signage with markers and things like that would be very helpful for them and how they were going to determine that would be pushed out further down the road. At this point it would be conceptual that they would do that, was my understanding, Joseph, not that we knew what that looked like yet. And the other part would be as far as what you had said before about the 100% and 80%, absolutely true. Speaking as a former master gardener – I guess you could still keep the title if you practice throughout your life – the success rate for plants and everything else is dependent on an awful lot of things and those percentages probably should be loosened up a bit. It's not real world to think that we're going to hit some of those percentages. That's it. Thank you.

Chair Raschko: Thank you. Okay, with no more questions, please continue your presentation.

Mr. Nickel: Sure. I think the – just for a clarification, just in terms of the percent survival of trees, I mean, that is a common mitigation standard. It gets less with, you know, shrubs and other plant types but oftentimes there is a requirement to hit that 100% tree survival rate, I should say, through mitigation planning.

So I guess at this point in time I guess I would like to see if there's any feedback from the Planning Commission regarding the – in the future public process. I mean our goal here is to – I know we have some additional meetings coming forward but we are looking to hold a public hearing towards the end of March and we would like to enter this into the public comment period soon. And I guess we're looking for some feedback there. And we can keep moving along. I mean I don't have – didn't have additional materials prepared but I can jump into additional sections if you'd like beyond this. But that was it for the presentation.

Chair Raschko: Are there comments from the Commission? Commissioner Hughes?

Commissioner Hughes: As long as you asked for comments, I appreciate it being moved up. I would like to know sooner than later what's on the public's mind.

Chair Raschko: Okay. Commissioner Shea?

Commissioner Shea: Yeah, thank you. I know there were some comments earlier – I believe at our last meeting – about this being a little rushed as far as it not being in front of everyone's eyes for the last couple years. But I'm scheduled to go to the Thursday meeting – I believe it's this Thursday – and your next one as well so I'm excited to see the sort of information you hope to provide there. But, you know, if this is our timeline we have to try to meet, you know, it is a little bit rushed but I think the amount of work you guys are putting out there is good. So yeah.

Chair Raschko: Okay, Betsy Stevenson requests the floor, so please go ahead.

Ms. Stevenson: Thank you. I just wanted to ask and make sure that you guys all got hard copies that wanted them, and if you didn't ask and you would still like them you can tell me now and we'll get them to you. So just kind of more of – if you need anything, let me know. If you have any questions, feel free to get hold of Peter – or contact me directly, but I think you're supposed to go through Peter. But I'm happy to get those to you. So thank you.

Chair Raschko: That's a very kind offer – well-appreciated. I'll take one. Is there anything else?

(silence)

Chair Raschko: So Peter?

Mr. Gill: Well, that's great. I think we have the schedule then. And that's it on the SMP.

Chair Raschko: Okay, I'd like to thank all the participants for your effort. It's very much appreciated. I look forward to hearing some more. So we'll now move to the Director's Update. Mr. Gill.

Mr. Gill: Ah, let's see.

Chair Raschko: Do we have a director with us tonight?

Mr. Gill: We do. Let me share my screen here with you.

Chair Raschko: I'm sorry. Mr. Hart.

Hal Hart: You bet. If I can read the screen, Peter. Hold on a second.

Mr. Gill: Okay. How's that, Hal?

Mr. Hart: Let's try it. Good evening, Commissioners. I'm going to give you some quick updates. If you have questions, feel free to ask them. During the last part of the discussion I'll just let you know what the last few Cities did in terms of critical areas and the requirements. In all the cities I've worked in – and counties – they had a performance bond, they had maintenance guarantees and things like that when a developer went in and impacted a critical area. They had to replant with native vegetation. So there's specific rules on all that. I'm not going in on that now. And the rules that were presented are pretty standard. I just went and looked at about seven or eight of them as you guys were discussing it. So let's move on.

Key updates: So this is the crazy time of year when legislation is made. We have a whole bunch of bills – I'm asked to look at about anywhere from three to five a week. Here is the first one is Senate Bill 5392. This would exclude somebody's water from shoreline requirements under specific circumstances. It applies to – it *could* apply to this county. It's run currently by Senator Wagoner and it specifically deals with the situation where you have a PUD that's completely in control in the land around a shoreline. So the Association of Counties did not take a position on this, is all that I can say. I just looked at that before this meeting just now.

Next one is House Bill 1241. This is a really significant one. It would create an annual work program, which is something we kind of want to do anyway – and that is the purpose of part of the meeting with the Commissioners each year would be – let's say the Commissioners would pass their docket and the docket then are those things the Commissioners want to work on that year, given that there are a lot of demands on staff time. And they say, We want Peter and Hal to work on the following and there's a big list. The public would get into that. You – everybody makes a recommendation on that and it goes to the Planning Commission ultimately to implement that. Well, this would kind of back that whole process up and look bigger picture more strategically over time, and begin to treat it kind of like we treat our capital facilities planning efforts. Look at it 20 years – they want to know how much money you would be spending. They want to also know – and there's a lot of other components to 1241. But I think the concern is Cities and Counties aren't getting all the work done that they need to get done in a timely manner, and so the idea is to make local governments more accountable – both Cities and Counties in this case – to the Growth Management objectives of – you know, there's 14 at the moment, but the next bill we will look at as a 15th. So there's – and again, a lot of these come forward multiple years before they ever – you know, before part of them gets adopted or – but 1241 has a bunch of interesting ideas in it. I'm not sure if it's going to get passed or not, of course. We don't know at this point. Let's go to the next page.

The next one is House Bill – I think it's 1117, an act relating to promoting salmon recovery through the revisions of the comprehensive plans. It adds a new section and definitions to the GMA, including new definition of "compensatory mitigation ratios," "mitigation hierarchy requirements," along with "net ecological gain." This is also from a legislator and it's out there. It's being discussed right now in Olympia. I put this in here because of a request from Planning Commissioners: Hey, what's going on? So I'm responding to the request that this is a – there's a lot to this bill. There's a lot of sections to the bill. I've just reviewed it. I was going to review it by Friday anyway but your

– you know, it's good to know what's happening. It also adds another goal. This is one that adds salmon recovery as a 14th goal. I *think* – and you can ask Dan if he's still on the line – I *think* that would kick shorelines to being the 15th goal. But anyway, that has been out there multiple years. A lot of these bills are put back together by the interest groups that have different pieces of it and so this is one of the things that would be moving forward potentially. After 2024 the – oh, I'm sorry. Go back one, please. After 2024, the Counties would be required to address net ecological gain in a variety of ways, both generally and through the comprehensive plan, and more systematic ways including some of the ways through our development regulations and/or comprehensive plan goals and objectives. Development would need to demonstrate that they are addressing the identified system needs. And so it really changes up and makes a much tougher – it appears to be a tougher series of requirements to justify the replanting that we were just talking about. And so the replanting needs to be salmon-friendly – how about saying it that way? And it needs to be kind of – you need to look at it both at the local scale and kind of on a landscape scale what's going on. And so I think it recognizes that there's a lot of development in the Puget Sound and in salmon country, wherever that is. Okay, let's go on.

Big issues: Permit update: We've had a number of retirements – the baby boom generation. I'm a baby boomer, but the older baby boomers are retiring and so we've lost in the last few months probably 100 years of experience. And so we're rehiring and that part is very good, but we also have to retrain and so even during this meeting I was sending Peter a couple of training opportunities both for interns and for anybody else in the organization. Because the rules are changing, things are becoming *more* complex, not *less* complex, in terms of, for instance salmon recovery. It links to Growth Management, it links to the State Environmental Policy Act, which then links back to our own regulation. So things are becoming more complex over time. So that's one thing.

We are mapping out our permit systems right now. What do I mean by that? So is anybody familiar with the lean process when you think of bureaucratic stuff? It's how many times do you have to touch something before you can say it's good to go. So how many specialists do you need to say something is good to go and we've reviewed it and they're – you know, the developer has said that they've mitigated for any bad things that can happen or someone has gone through a process. So a lot of times what happens in organizations is it's a multi-group organizational decision to review something – so water permits would be a perfect example. It's a Health Department issue and it's both a Planning Department issue. And so over the last 20 or 30 years people tend to hang bells and whistles on that and so we're stripping it down, taking a look at what's the most efficient way to approve a permit and what's the minimum amount of touches. And that would be a lean process kind of looking at things to approve somebody as they come through our permit process in Skagit County. We also would want to pay great attention to the time and to all things that are legal. So what is the basic requirement and how close can we stick to that basic requirement, both in terms of time and in terms of efficiency and in terms of the knowledge needed to make a decision? So do you need to be a geologist licensed in the state of Washington? Do you need to be a forester? Do you need to have any of those in order to go forward? Do you need to be a sanitarian? Those kind of things. So we pay attention to those kinds of things. We make it very efficient. We map it out. And that's what we're – we're doing that right now, Commissioners.

So the other thing I'll say: The big picture is we are busy with millions of dollars of additional permits this year. And what happened? Well, what happened was in January the governor was – one of the governor's building code council – you know, it's led by the state of Washington – recommended to put off the energy code improvements six months because of COVID and because it imposes additional costs on the development community, on businesses, on homeowners, and things like that. Let's put it off a little bit. It's a great goal to have more energy-

efficient buildings but it has some costs associated with it. Well, the governor – after that recommendation a lot of us felt, Oh, good, you put that off six months. But then the governor came back and vetoed that. So in a rush to meet the deadline, we have 80 to 100 new permits, probably worth millions. But I haven't counted that up but it's probably significant, but next time I'll report back to you and try and figure out just how many permits are valued. So if – anyway, yeah. So we are dealing with an additional number of permits for this time of year and that's a month or two before the normal permit burst which would be spring. You know, once the snow has melted and things like that.

So we continue to work on the water issue with you. There's another one, Peter. Okay, so on that one we have signed an MOU, a memorandum of understanding, with the Department of Ecology between the Commissioners and the Department of Ecology. And the concept there is to think about the Skagit main stem area – I don't know if that's actually the official name of that but that's what I've been calling it for the last couple, three years. And so the idea there is that the Department of Ecology and Seattle City Light have found a way to mitigate for water. They found some additional water rights, some senior water rights, and they can – through negotiation they can give those back and allow people to use those rights to get wells and to develop their property. So that is a process which our legal beagles and the DOE are sitting down to discuss, and that continues. I'm hoping that will be worked out by mid-March, at this point. We're receiving between one to five calls a day on that. And so the typical call is, Hey, I've been waiting for a long, long time and I want to build a house, a shop, and maybe an additional dwelling unit as well. What is the process? And I say, well, thank you. I give them three or four bullets that I've already given you this evening, and then I put them into a database and then I will give them a call back as soon as I hear something from the legal team that we're ready to move ahead. We are working out issues of mapping and lots of other issues at this point as well.

So that's the update. I hope that was helpful to those that have asked for it. And then we turn it back over to Peter.

Mr. Gill: Sure. Thanks, Hal. I just wanted to kind of give the normal follow-up for next meeting. We have another meeting on February 23rd. That's the next meeting on our calendars. We're going to be doing Shorelines again and we also will talk about agritourism and where we are with that. You remember I updated you in December on the agritourism project and that's continuing, so we're going to provide a brief update next meeting as well.

As far as legislation that you all have touched and is moving to the Board, we haven't – we don't have anything left from 2000 – so that's good – that the Board hasn't seen or approved. So now we are getting into the 2020-21 docket, and so that'll be the next thing going before the Board and I'll let you all know when we have a chance to talk to them in a public meeting on that.

The – I don't have any specific Planning Commission requests or changes to talk about. I did want to bring up there's a public meeting regarding the Shoreline Master Program on Thursday night, and the link is shown on the screen there if anyone wants to attend. Go ahead and register. We will look at that beforehand – or I will, I should say – to make sure that there's not more than four Planning Commissioners that want to attend. So if you do want to attend, go ahead and please register and then if there's more than four we'll have to talk about who's going to be at the meeting and who isn't.

And then most importantly, before I forget, I just wanted to say thank you very much to Brittney Dover. She is no longer – this is her last Planning Commission meeting. She's been diligently taking meeting minutes and preparing background documents, staff reports, giving you all calls,

helping me train, all that kind of stuff – actually the really hard stuff. So I really appreciate her and I just wanted to say thank you to her. So with that I think we are done.

Brittney Dover: Thanks, Peter.

Mr. Gill: You bet.

Chair Raschko: Thank you. Are there questions for either Peter or Hal?

(silence)

Chair Raschko: Okay, hearing none, I would like to say thank you to Brittney as well. I wish you well in all your future endeavors. We'll move on to Commissioner Comments and Announcements, so we'll start with – we'll go backward. Commissioner Knutzen? Nothing?

Commissioner Knutzen: I have nothing, Tim. Thank you.

Chair Raschko: Okay. Commissioner Shea?

Commissioner Shea: Nothing from me. Thanks.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Nothing further tonight.

Chair Raschko: Okay. Commissioner Rose?

Commissioner Rose: Just a question about the bylaws – not to beat that dead horse, but you had asked way back in the fall that we all write comments and now it's sort of hanging out there. So I expect that sometime in the future we'll pick that up again?

Chair Raschko: That's correct.

Commissioner Rose: Okay. That's all. I just wanted to put that out there.

Chair Raschko: Thank you. Commissioner Lundsten?

Commissioner Lundsten: I have nothing more.

Chair Raschko: Okay. Commissioner Hughes?

Commissioner Hughes: I'd just like to thank Brittney too. Thank you for all that you've done for us. It's been a joy working with you. Good luck!

Ms. Dover: Thanks, Amy.

Chair Raschko: Commissioner Candler?

Commissioner Candler: Thank you to Brittney Dover. It's been a pleasure working with you.

Chair Raschko: And Commissioner –

Commissioner Mitchell: Brittney, it's been delightful getting to know you. I really appreciate everything that you've done. You've been smiling and you've been fun and you applied yourself. Your work ethic's just incredible. Thank you and I wish you the best. And, you know, come back and see us sometime. We love ya!

Ms. Dover: Thank you!

Chair Raschko: Okay, and I have nothing further. So I want to thank everybody for patience and hard work, and we'll stand adjourned.