

**Skagit County Planning Commission
Work Session: Agritourism Update
Work Session: Bylaws
April 13, 2021**

Planning

Commissioners:

**Kathy Mitchell
Mark Knutzen
Vince Henley
Amy Hughes
Tim Raschko, Chair
Joe Woodmansee
Tammy Candler, Vice Chair (absent)
Martha Rose
Joseph Shea**

Staff:

**Hal Hart, Planning Director
Peter Gill, Long Range Planning Manager**

Chair Tim Raschko: So the April 13th, 2021 meeting of the Skagit County Planning Commission is now in session. With the technology spurt I've had this evening I can see everybody who's present. We can dispense with the roll call, noting that Commissioner Knutzen is not present and Commissioner Candler will not be here tonight due to an illness.

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

Chair Raschko: Oh, when did you come in? All right.

Commissioner Knutzen: I just came in about 30 seconds ago but I am here now, if you can hear me.

Chair Raschko: Well, welcome. Glad to see you. Okay?

Commissioner Knutzen: Okay, thank you.

Chair Raschko: So we're missing Commissioner Candler and I hope she's feeling better. And the first order of business I'd like to take is that we have a new member, and this is Mr. Vince Henley. I wonder, Vince, if you could kindly say a few words about yourself – without putting you on the spot. You need –

Peter Gill: Vince, you're going to have to unmute yourself.

Vince Henley: Yeah, the reason you couldn't hear me is because I did the usual faux pas. Sorry about that. Okay. I'm basically a retired computer scientist. I spent a very long career in the computer industry, and until just about two years ago I was also a ranch owner in northern California. And as a ranch owner, I came in contact with all sorts of things that had to do with things like zoning and land use policies and timber harvesting and all kinds of things that you guys would eventually deal with probably in the course of doing your job. So I have a little bit of

background in that area. I also, in self-defense, learned and joined the organizations that create the model building codes, so I'm a member of the NFPA and the International Code Council and a couple of other professional organizations that are relevant. So I do have a little bit of experience in planning.

As part of my job in the computer industry, I also did planning. We did a couple of plans in the company. We did what we called the operational plan, which was a two-year outlook plan, and then we did something called a strat plan, which was an eight-year plan which started after the two-year op plan was over. So we did, in effect, a ten-year planning cycle. So I did that for a fair number of years in my career, along with the usual sort of software and hardware engineering jobs that comes with being a computer person in a large industrial company.

So here I am in Anacortes, and in Anacortes I also teach a class at the Anacortes Senior Center in fiction writing. It's part of my way of giving back something to the community. So the fees for that class get donated to the Senior Center, and a number of my students are now published authors so it must be working. We always get the class oversubscribed and the Senior Center likes that. Of course, the Senior Center's been closed because of COVID so that class is in abeyance.

I've always been interested in planning and things like general plans and things like zoning matters and so on, so I've had that sort of an interest for a very long time. When the opportunity came to volunteer my services as part of the Planning Commission, I threw my hat in the ring and here I am. I'll try to do a good job. I expect that I will probably have a significant learning curve. Hopefully it won't be too steep. I already think I ought to turn in an expense account for both printer ink and paper because of the large numbers of things that I've printed out just today. I mean, come on: You've got a Shoreline Management Program which is 200 pages long, for crying out loud! All right. Now you're not going to tell me that each of you has memorized that because I won't believe it. Anyway, that's me. If there're any questions, I'd be happy to answer them.

Chair Raschko: Any questions for Commissioner Henley? I have one. How soon will you have that SMP memorized?

Commissioner Henley: Probably not ever!

Chair Raschko: Okay!

Commissioner Henley: But what I will have is I will have a sense of what's in it. And the way my brain works is I'm sort of a pattern recognizer, and if something doesn't sound quite right I'll probably be able to detect that pretty quickly.

Chair Raschko: Okay, well, welcome aboard and we all look forward to working with you.

Commissioner Henley: Glad to be here.

Chair Raschko: Okay, we'll move to the Approval of Minutes. Is there a motion to do so? (sound dies) It's been moved by Commissioner Mitchell. Is there a second? (sound dies again) Seconded by Commissioner Rose. Discussion?

(silence)

Chair Raschko: Seeing no discussion, all in favor of approving the minutes, say "aye," I guess.

Multiple Commissioners: Aye.

Chair Raschko: All right. Do we have any nays?

(silence)

Chair Raschko: So the minutes are approved as written. So Mr. Gill, have we had requests from the public to address the Planning Commission?

Mr. Gill: We do not have. Unless Dennis Katte is on the line, I don't believe so.

Chair Raschko: Is Dennis Katte present?

(silence)

Chair Raschko: Okay, so we'll move on. The first major thing on our agenda tonight is an update on agritourism, so Mr. Gill?

Mr. Gill: Yeah, Tim, there are some other guests on the line that may be interested in Public Remarks.

Chair Raschko: All right, is anybody interested in addressing – I guess there's a little hand-wave icon towards the bottom of the screen. If somebody's interested, would you kindly hit the hand icon? All right, I see no hands.

Mr. Gill: Okay.

Chair Raschko: So we'll move on. Thank you. So we'll move on to the Agritourism Update. Mr. Gill, it's yours.

Mr. Gill: Thank you. We have talked a number of times about agritourism, and I am coming back around just to keep everyone informed where we are at the moment. So let me – I've just got five slides. We're going to keep it brief tonight, and if anyone's interested in asking questions we can do that. And so let me get us into full screen mode. Are you all able to see my screen there?

Commissioner Henley: I can see it.

Mr. Gill: All right.

Chair Raschko: Everybody's thumbs (are) up, I believe.

Mr. Gill: All right, so we started this back in November and we have three phases to work through. Kind of we're in the discovery mode right now, right? We're doing some outreach, some education, a lot of learning. The next phase is to move into kind of looking at different policy options. What could be, or what are the different options that make sense for Skagit County? The third phase is potential legislation.

And so we're kind of rounding out that first phase right now. And so we held a series of discussion groups over the last – probably – six weeks. And we erected or put up a survey for about a month. We closed it just yesterday. On the survey, we got about 150, 1600 results/respondents, which is

really good for most of the projects that I worked on anyway. And so that was great. Really happy with the amount of respondents we've gotten.

A little bit about the folks that did fill out the survey: About half of them own farmland, either agriculture or in the rural zones. Only about 18 of the respondents actually do agritourism type activities on their property right now. So we feel like we've got a pretty good basis for moving forward with some of the results there. A wide range of responses about agritourism – positive, some negative; lots of concerns over traffic and parking, those kinds of things. Lots of interest in potentially doing some type of agritourism activity as well.

So we are in the process of working with BERK, our consultant, to summarize the results of the survey, and we are going to attach that to the situation assessment. If you remember, the situation assessment is kind of the background, the research, the economics behind agritourism in Skagit County. So that is coming here in the next two weeks. That summary will also include the discussion groups. So we did hold eight different discussion group sessions. This was over a two-week period. They started as early as 7 a.m., and I think I was in one at 6:30 on a Friday for some reason. Anyway, we tried to spread them out at different times of the day and we got really good response. They were really good sessions. They were fairly small and we only did 45 minutes at a time. We only talked for about 10 minutes, maybe 15 sometimes, but it really gave everyone that was in those sessions a chance to really tell their story. It was really more personal than any kind of, like, public outreach stuff that I've done in the past. You know, I've done a lot of town hall type things, some online stuff, but these were a lot more, I guess, intimate, for lack of a better word, in that we asked folks, you know, kind of about their land, about their situation. We had some fourth generation farmers that joined us. We had some small farmers – maybe, you know, under-10-acre type farms. We had some midsize – like organic – farms between, you know, 10 and 50 acres. We had some business folks from the ag business areas; some tourist professionals that were interested; some business owners that rely on agricultural products. So a wide range of people attended and it was really good.

So we'll summarize those sessions and provide that feedback here on the situation assessment in the next few weeks and we'll bring that back to you next month just with an update similar to this. Some of the concepts that came out of the survey and the discussion groups and some of the other discussions we've had weighing the primary use on the landscape versus an accessory use, and a lot of folks, you know, heavily favored any kind of agritourism associated with an *accessory* type use instead of the *primary* use on the property. There was compatibility and nuisance issues on both sides, from the folks that were, you know, doing the larger commercial operations dealing with traffic nuisance problems, to maybe the small farms that maybe have temporary events and wishing that there was more of a buffer between the commercial goings-on and what was happening on the day of the event. So it cuts both ways on all of it with the compatibility.

Geography came up. So looking at, you know, What are those core agricultural areas and what is the frame around that core area? Some of those smaller parcels maybe, some of those rural uses – the ag character versus rural character and where those are in Skagit County. Right? There's certainly these core areas around Skagit County, so how do we look at the issue from a geography standpoint that way?

The other thing (was) food service. You know, it was pretty clear from folks that we talked to and some of the service that we don't have a lot of food service very well spelled out in our zoning code, and so what does that mean?

Temporary events as well, so what temporary events are allowed and how frequent are they? So all those things kind of came out of some of the conversations we had. And there was certainly other things and I'll have a better list once we get that summary pulled together.

And then – so just building on the last two ones, which was food service. You know, currently we don't allow much as far as food service in most zones within the – outside of the cities. But there's a lot of food-related agritourism type uses, like wine tasting and farm stays and tasting rooms and agricultural workshop classes that aren't actually in the code. And as you all know, if it's not in the code then it's not allowed, right? And so that certainly has come up.

Temporary events. You know, we currently allow temporary events in the ag zone if it's allowed to agricultural production, provided that no agricultural land is converted and no permanent structures are constructed for that event. So that broadly bounds the temporary events. We allow for 24 event days per year, so that narrows that quite a bit. A lot of the agritourism type of events that come under potentially this temporary events would be educational classes, farm workshops, wine tastings, farm-to-table type events – things like that. So there's potential work that could be done there.

So that's just kind of a snapshot. I told you all I'd be back after we had our discussion groups and started rounding out the situation assessment, and so that's my update. And I'm happy to take questions if there are any.

Chair Raschko: Are there any questions for Mr. Gill?

(silence)

Chair Raschko: All right. Well, we thank you very much for the report and we'll move on to our next agenda item, which is a Bylaws Work Session. And it's been quite some time since we've covered bylaws so I'd like to just make a few observations first. I think several months ago I made a statement that in my opinion these bylaws should belong to the Planning Commission members and should basically come from the Planning Commission members. And I asked for input, and we've gotten some input on this and I'm very grateful for that. But I believe that the basis for going forward should be the copy of the bylaws showing the Planning Commission edits to date, and then bare. We also have a copy that's got staff recommendations that goes through the entire document, and that is fine; I appreciate it; it's good input. But it is something not for us to use as a basis. It's something that we can look at and find parts that we might find useful and we can incorporate them, but that's not what we're evaluating. We're not evaluating the staff recommendations. We need to come up with what we think are the right things for the county and for the Planning Commission.

So having said that, I'd like to move forward tonight starting where we left off. And I'm using for a basis the copy of the bylaws with the Planning Commission-approved changes. And we got up to, I believe, what's page 5 in that document, the end of Article V. The only loose end I see is that there is a Section 12 that says "Communications with the Board of County Commissioners" and underneath it is blank. Okay.

Now also in the past a few people sent in some recommendations, and since the next part coming up is Ethics and Rules there was distributed to everybody a copy of proposed verbiage for that section which, just by coincidence, I happened to submit. What it is is a synthesis of information from many outside sources. I composed none of it. It's all from other counties' documents and from the Jurassic Park organization. And we can go ahead and just look at that and decide

whether we want to use any of this going forward or take a different tack. So has everybody had a chance to see that?

Mr. Gill: Tim? Tim, would you like me to share my screen? I do have this pulled up.

Chair Raschko: That'd be great. Thank you. And as I was saying, this was meant to be just the starting point of conversation. If everybody really likes it, we can adopt it. Or we can throw it out or amend it or start it anew. So the floor's open.

Commissioner Kathy Mitchell: Chair, this is Commissioner Mitchell.

Chair Raschko: Yeah, please go ahead.

Commissioner Mitchell: I'd like to make a motion.

Chair Raschko: Okay.

Commissioner Mitchell: I move that we accept Commissioner Raschko's compilation that includes statement of ethical principles; conduct of members of the planning commission; censoring a member; and support for decision of the planning commission. I would also add in parenthesis, if you can do that with the motion, I would assume that that would go under the preexisting Article VII, Ethics and Rules of Conduct.

Chair Raschko: Is there a second?

Commissioner Joe Woodmansee: I'll second it. This is Commissioner Woodmansee.

Chair Raschko: Okay, so Commissioner Woodmansee has seconded the motion. So it's time for discussion. Commissioner Mitchell?

Commissioner Mitchell: Yes, thank you. Like many of you have read through well over 100 different planning commission boards' bylaws and APA guidelines, et cetera, and have seen a lot of compilations for different things and sent some of that information back to everybody last October for people to look at. And, quite frankly, I think what Commissioner Raschko has put together here is a pretty good synopsis of some of the best things that are in many of those things. If you could scroll down the pages a little bit for me, Peter? Under the first section, the last statement under number 13, it says "These principles are aspirational in nature and they seek to inspire voluntary commitment through appeals to conscience. They are a positive obligation." And I do like that from the outset. It's – what's beautiful about these kinds of things is they let us know what codes of conduct should be ideally, stated positively rather than saying you can't do this – thou shalt not; you know, that kind of stuff. So I do think it's a good place to start. Thank you.

Chair Raschko: Thank you. Is there any other input and comments? Commissioner Rose?

(silence)

Chair Raschko: Martha, are you there?

Commissioner Martha Rose: I apologize. I forgot to unmute. I agree that this list is a good compilation of standards and principles that we should all try to obtain or achieve towards, so I'm supportive of this.

Chair Raschko: Okay, thank you. Commissioner Woodmansee?

Commissioner Woodmansee: Well, I agree with Commissioner Rose and Mitchell. I think it's pretty plainly written and at the same time written in a kind way. And I think it's something that we could definitely use as language in our document.

Chair Raschko: Thank you. Commissioner Knutzen?

Commissioner Knutzen: Yeah, I just have a question. Is this – I got the two-page document. I understand what we're talking about here. Is the motion to include this in our bylaws? I'm not clear on what we're actually going to be voting on here. Could someone answer that? Is this going to be included in our bylaws? Where _____? I don't understand. Where does this fit?

Chair Raschko: Commissioner Mitchell? It's your motion.

Commissioner Mitchell: Yes, thank you. Yeah, it was in – Commissioner Knutzen, it was intended that we accept the language as written to include under Article VII, which is the – oh boy, Peter, I'm going to get lost real fast.

Mr. Gill: "Ethics and Rules of Conduct."

Commissioner Mitchell: Thank you, sir! That section. And it's possible that we could shift around the section numbers 1, 2, 3, 4, 5, 6, and 7. And my thinking at this point, Commissioner Knutzen, is that because this information here that's in this two-page document is pretty general, that it would be a great place to put at the beginning. So what I was thinking about – and I haven't talked to Commissioner Raschko on what his intentions were – but I was thinking it would make sense to make Statement of Ethical Principles, Section number 1; Conduct for the Member, Section II, et cetera; III; IV; and then pick up after those with more specifics with the quasi-judicial things and that kind of business later if we needed to, depending on what's the pleasure of the whole Commission.

Commissioner Knutzen: Yeah, okay. I guess we'll see as we go along to review these bylaws where/how it's going to fit. I have no problem at all with the language on any of it. So I was just wondering how we're going to fit it in, so I guess we'll work as we go along.

Chair Raschko: Okay, Commissioner Shea, please.

Commissioner Joseph Shea: Sorry for the voice! So Commissioner Mitchell, you're saying that after we vote on this we are going to format it correctly to fit into the structure of the bylaws? Is that what you're saying?

Commissioner Mitchell: Yes. That was something I was thinking we could do. If we agreed on the language, then the placement could be subject to how the rest of this works or Peter could help guide us with that. But, like I said, at first glance to me it made sense because it was so general to make it the front part of the Ethics chapter – section; I'm sorry – articles. Thank you.

Chair Raschko: So you would leave it under Article VII.

Commissioner Mitchell: Yes, I would leave it under Article VII and push these four things to the very front and make the Statement of Ethical Principles Section 1. It's brief, yes. And the same thing, Conduct of Members of the Planning Commission would be Section 2. Censoring a Member

would be Section 3. Support of Decisions for the Planning Commission is Section 4. And, granted, some of those are small but they're good concepts stated simply.

Chair Raschko: Okay, then how would the existing Section 1, Quasi-Judicial Actions, and Section 2, All Actions –

Commissioner Mitchell: I would assume that we could make that Section 5, unless there's something else that gets inserted, if people agree to that. And I'm not married to this idea either. This could all be put later. It's just at first blush after going through where the possibilities would be, I kept thinking at the front because it was simple and general – would be a good thing – and then get into the specifics later for the quasi-judicial, because that's pretty big/important.

Chair Raschko: Okay. Might I suggest at this point that we take a minute or two for people to look at the existing Section 1 and Section 2 and just read it over real quickly so we can incorporate those into this larger discussion of Section 7 – or Article VII. Is that okay? All right.

Commissioner Mitchell: Excuse me. Peter? And Commissioner Raschko. Could you please put up what Commissioner Raschko was just referring to so the audience could see it too?

Mr. Gill: Yeah, let me try and pull it up. Hold on.

Commissioner Mitchell: Thank you.

Chair Raschko: Thank you, Commissioner Mitchell.

Mr. Gill: There we go.

Chair Raschko: Thank you. Okay, has everybody had a chance to speedread this? Okay, then I believe Commissioner Rose would like the floor.

Commissioner Rose: So I actually agree with Commissioner Mitchell's suggestion that the current Section 1 and 2 would follow this list of things that you've put together. It seems logical to me that they would follow. That's all.

Chair Raschko: Okay, thank you. And Commissioner Hughes, please.

Commissioner Amy Hughes: Well, what I would like to see added to this is some definitions for some of these words, specifically "quasi-judicial," "ex parte," and "pecuniary interest." It would be really nice maybe in – I don't know if this is the way to do it but in parentheses after each of those words so every time we read it it comes to our mind and we don't have to research back and say, Okay, what was that? They're just words that we don't use all the time. It's my suggestion.

Chair Raschko: Okay, thank you. And Commissioner Mitchell?

(silence)

Chair Raschko: You have to unmute.

Commissioner Mitchell: Thank you. I was going to say Commissioner Hughes just read my mind. I was thinking back to what Peter Gill had inserted on one of the drafts. We had substituted one place or other "pecuniary" for "financial." And I am not a lawyer – and I wish our lawyer was here

tonight – but I'd like to know if that would be okay with everybody to do the same thing – just cross out “pecuniary” and put “financial” – if, in fact, I'm interpreting that as meaning the same thing. I believe I am but I'm not positive.

Mr. Gill: In this context, you are correct. It does line up.

Commissioner Mitchell: Okay, thank you. So if that would be okay with everybody else, I would suggest that we cross out “pecuniary” and substitute “financial,” and that might help what Commissioner Hughes was saying for at least that piece.

Chair Raschko: Commissioner Rose, were you wishing to speak again?

(silence)

Chair Raschko: Are you unmuted?

Commissioner Rose: I did not wish to speak again. Thank you.

Chair Raschko: Oh, okay.

Commissioner Rose: I don't know how that happened. I must have accidentally bumped it.

Chair Raschko: Okay, great. Okay, as far as Commissioner Hughes's concerns, hopefully that took care of the one. The “ex parte” – is there an easy way to handle that?

Mr. Gill: We could put some parentheses and define it or define it at the end. I can take a stab at that.

Chair Raschko: Okay, I appreciate that. Does that sound okay to you, Commissioner Hughes?

(silence)

Chair Raschko: I think you're muted as well.

Commissioner Hughes: I was just trying to ___ so I wouldn't have to figure out how to unmute. So yes. Any attempt to _____.

Chair Raschko: You're muted again, or did you – you're done. You're done? Okay, great. Let's see: Commissioner Henley, please.

Commissioner Henley: Yes. First of all I don't have any particular problem with the language as it stands in this statement of ethical principles. I only would suggest two things. I've noticed other places in the document, as it's just mentioned here, where there are terms that we don't use every day that would probably warrant a definition. As the number of those terms grows, I would suggest that we consider adding a section to the front of the document for definitions of those terms. That might make things a whole lot easier and it's a fairly common tactic to do that with complicated documents.

And the other thing I would ask is as we go through and debate these to put them into the bylaws that we ask ourselves in each individual case or paragraph or section: What problem are we trying

to solve with that? And if the answer to that is we can define the problem and say it's being solved then that's fine, and if not then we probably shouldn't have that section in the document.

Chair Raschko: Okay, thank you. Do you have any particular place that you'd like to address at this time?

Commissioner Henley: Not at this time. I do have a written list I could send you, though!

Chair Raschko: Well, that's fine. I encourage that. Okay, anything else? Who have we got? Commissioner Mitchell.

Commissioner Mitchell: Yes. Thank you, sir. To Commissioner Henley and anybody else: If you do follow through with a list like that, I sure would like to see it as well. There may be some things that you might suggest or see that would trigger something else in my mind or somebody else's mind. So if something like that comes out, Peter, would you please make sure we all see it?

Mr. Gill: Yeah. Commissioner Henley, if you send it to me I will make sure that everyone gets a copy, and that's typically how we work.

Commissioner Henley: No problem. Easy to do. I'll put it together and we'll see. They're just some things that I stumbled across as I was reading the documents on my own. I figured if I was stumbling across them then other people would as well.

Mr. Gill: Sure.

Chair Raschko: May I ask you: Are you referring to the entire bylaws document or is your statement specific to this proposed statement of ethical principles?

Commissioner Henley: No, I think it applies to the entire document.

Chair Raschko: All right. Thank you. So are there any other comments?

(silence)

Chair Raschko: Okay. Hearing no more discussion, I'm just a little – I'm comfortable with the comment from Commissioner Henley. He said that his comment addressed this as well as the rest of the entire document, so if we go forward with this motion I would presume that in future discussion then, if parts of this proposed for adoption today, you know, are found to be excessive or – I guess the word I'm looking for is "unnecessary" anyway – we can amend it at that time, I presume. Having said that, unless there is any other discussion of the matter I would ask for a vote to approve the motion and to go ahead and include this in this part of the document. Any other discussion?

(silence)

Chair Raschko: Okay. So all those in favor of the motion, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All right, are there any nays?

(silence)

Chair Raschko: Are there any abstentions?

(silence)

Chair Raschko: Okay, so that is passed. Thank you.

Okay, moving forward – where are we now? We could go to Article VIII, if anybody wishes. We haven't really prepared for that – Amendment of Bylaws. But Mr. Gill, if you could please bring that up we could look at it and decide whether we want to go into a discussion of Article VIII tonight.

Mr. Gill: Sure.

Chair Raschko: Okay, this reads:

The Planning Commission shall review its bylaws periodically. The initial draft of a proposed amendment must be provided to the Commission at least one meeting before adoption.

Any changes to bylaws require a majority vote of the Planning Commission members and approval by the Board of County Commissioners.

These bylaws, upon approval by the Board of County Commissioners, repeal and supersede all previous bylaws.

Chair Raschko: Is there any discussion of that section? Commissioner Mitchell, did you have your hand up?

Commissioner Mitchell: Yes, I did. Thank you. One of the things that comes to mind on this is I could have sworn it's written somewhere else in the bylaws – and forgive me for not knowing which page right now, but that the bylaws also have to go through legal. And this Amendment of Bylaws misses that point.

Mr. Gill: You know, typically – this is Peter – typically, you know, anything that goes before the Board gets reviewed by legal, and so yes, certainly, we will run this through the same train.

Commissioner Mitchell: Well, you know what? I've got a question for you while we're touching on it. You guys did a nice job of finding us a temporary attorney to look out for us and I know that you've been going through months of interviewing people. Have we – do we have somebody yet for permanent?

Mr. Gill: Well, we do have someone hired, yes, but we don't have anyone available quite yet to us. We're still doing the onboarding. So it'll be soon, though.

Commissioner Mitchell: Super. Thank you. Mostly because when we get to things with the bylaws there will probably still be some questions where we're going to need a little help. Thank you so much.

Mr. Gill: Yes.

Chair Raschko: I have a question in that regard. Is this person going to be part of the Prosecuting Attorney's office or will it be an employee of the County itself?

Mr. Gill: They will be both. I mean, so they will be an employee of the County working for the Prosecuting Attorney's office. So you will still need to talk to Planning and Development Services regarding legal help.

Chair Raschko: Can you clarify that? You mean if we want to have legal help we need to go through the Planning Department?

Mr. Gill: Typically that's how it has worked.

Chair Raschko: So if we had a question, we would submit it to the Planning Department and they would take it to the attorney?

Mr. Gill: And then the attorney would either follow up directly with you or directly with us to you.

Chair Raschko: Now is that procedure written in code anywhere?

Mr. Gill: It is basically how we work with the Prosecuting Attorney's office.

Chair Raschko: Okay. Commissioner Shea, you had a desire to speak.

Commissioner Shea: I just was thinking about the term "periodically" and I didn't know if any of you guys thought it would be good to put something that put more of a deadline so maybe it didn't last 10 years or something before someone looked at them again. But the flexibility's also nice.

Chair Raschko: Any more comments? Commissioner Woodmansee?

Commissioner Woodmansee: Well, it seems to me like that we can say "The Planning Commission shall review its bylaws periodically but not less than" so many years, or not longer than so many years go by. Maybe it's a five-year term or something. But I wouldn't think you'd want to do it annually, that's for sure. But maybe, you know, if we put a five-year term in there or something like that that would be reasonable.

And I did have a follow-up question on the legal comments. So if the Planning Commission has a legal question that is maybe in conflict with the staff on something, are we assuming that – I'm assuming that whatever that question is, the only reason it's going through Planning is just to facilitate getting it to the legal department. And so it's not, you know – this is going to sound like a bad word but it doesn't get tainted as something different than maybe what the question is, if there is a different opinion on something and that's why we're asking for the legal advice.

Mr. Gill: Yeah. Chair, this is Peter. Yeah, the whole goal is just to facilitate the communication and the connection with legal, not to figure out what should be discussed with legal and what shouldn't.

Chair Raschko: Commissioner Mitchell? I'm sorry, Joe, did you have more?

Commissioner Woodmansee: I was just going to say I assumed that that was the case but I just wanted to get it out there and have it clarified. Thank you.

Chair Raschko: Okay. Commissioner Mitchell?

Commissioner Mitchell: Yes, I'm going to take a little harder line, and this is not to point fingers at anybody for any reason whatsoever. But having watched Planning Commission stuff for many, many, many years now, the Planning Commission members have always had access one-on-one to legal counsel as they needed and of their will, and I do object to the idea of it being – *having* to go through staff first. Because there are times when there is something that is private, and that's why there's confidentiality. And we have been hit at over the years between three lawyers beforehand about confidentiality and that is still a very important topic. It's not that somebody is trying to bypass staff, but sometimes things are private and you're asking for personal advice. Sometimes it's more than that, but from that standpoint alone I object to now the idea coming up before us that we would not have access to legal counsel without it going through staff.

Chair Raschko: Thank you. We're getting off the subject, but I think this is an important point and it was one that I was going to bring up later. But I would like to echo what Commissioner Mitchell just said. I refuse to go by any process whereby I do not have direct access to my legal representation while I'm serving the County.

Do we have any other comments?

(silence)

Chair Raschko: No? Okay. So we have the section on amendment of bylaws. There's been a recommendation that we put some interim of time in – certain. What I'd be looking for is a motion to approve the existing verbiage as written or to approve it with an amendment to have some sort of a time requirement that somebody might want to suggest.

Mr. Gill: Tim, this is Peter. Maybe before we do I should let you know what the code says because this may come into play. Because we certainly aren't planning on changing the code. So 14.02.080 has to do with the Planning Commission, and subsection (6) has to do with the procedural rules. It says "The Planning Commission may, from time to time, adopt such procedural rules as are reasonably necessary to carry out the duties and responsibilities of the Planning Commission, provided such rules shall not be in conflict with this Chapter, or any other relevant provisions of the...Code." So what the Code says is "from time to time." So if you all are interested in putting a specific *amount* of time in there, we can probably make sure it doesn't conflict with this, but I do want you to know that it's also – that section is also in the Code, not just in your bylaws.

Chair Raschko: Okay, thank you. So where does that put us here? It says from – I think the words you used were "from time to time"? Was that it?

Mr. Gill: Yes, yes.

Chair Raschko: And here it says "periodically" – basically the same. The suggestion was made that something be more definite so that, you know, 15 years doesn't pass and this is just forgotten, which is not necessarily a bad idea. I myself am fine with it the way it's written, but if somebody wants to suggest other we can have a motion made and either pass it or reject it. I'm just leaving that option open. So, let's see, we've got – I lost the order here. I've got Commissioner Mitchell and Commissioner Woodmansee and Commissioner Rose all wish to speak. Why don't you go ahead, Commissioner Rose?

Commissioner Rose: My comment is simple. I think that “from time to time” works great and so does the other – which I’ve already forgotten. But I’m not sure that it’s necessary to pin an exact number of years. I think that people will recognize when the need arises and that’s good enough. That’s the end of my comment.

Chair Raschko: Okay, Commissioner Woodmansee?

Commissioner Woodmansee: Yeah, I’m fine with that. I have no problem with it staying at – with a periodically or time to time format. If something comes up, a Commissioner can request a review and then it can go through the process of up or down at that point with the Commission. And so I’m fine with that.

Chair Raschko: Okay. Commissioner Mitchell, and after that Commissioner Henley.

Commissioner Mitchell: Thank you. I concur with those mostly. Because of stuff that’s happened in the past – there are some year blocks that get really intense, like the awful years when the seven-year Comp Plan falls on a Comp Plan plus other stuff – Shoreline; you know – there are some really awful times. And so leaving it loosely for periodically allows the Board of County Commissioners to adjust our schedule as they need.

Chair Raschko: Okay, Commissioner Henley?

Commissioner Henley: I would suggest that we change the word “periodically” to the phrase “as needed,” because that way it gives you more flexibility in deciding when to do it, as opposed to just doing it on an arbitrary basis.

Chair Raschko: Okay, thank you. I see no more hands in the air. Do you care to make a motion to that effect?

Commissioner Henley: Yes, I do. I’m not quite sure how to phrase that, but I’ll make the motion. I move that Article VII, the Amendment of Bylaws, the first sentence, the word “periodically” be replaced with the phrase “as needed.”

Commissioner Mitchell: I’ll second that motion.

Chair Raschko: It’d be Article VIII.

Commissioner Henley: I’m sorry. You’re correct: Article VIII.

Chair Raschko: Okay. That’s fine. Okay, so that has been moved and seconded. Is there discussion further to that?

(silence)

Chair Raschko: Okay, so hearing none, all in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: And are there any nays?

(silence)

Chair Raschko: Are there any abstentions?

(silence)

Chair Raschko: Okay, so that passes. I'm open. We have a lot of time tonight. I don't know the degree of preparation we have to continue farther into this document. Is there – anybody have any comments about continuing on tonight, or should we assign a section for everybody to prepare for by perhaps coming up with some edits or adjustments to the current text for the next meeting? Does that make sense – what I just asked? Commissioner Mitchell?

Commissioner Mitchell: Thank you. Before I make the suggestion, I'd kind of like to get a timeline idea. Peter, do you have a guess on when we'll be hitting bylaws again?

Mr. Gill: You know, that is hard to say. The next meeting we plan on talking about the Shoreline Program, the updated one.

Commissioner Mitchell: Okay, so that gives a little extra time. There have been – Commissioner Shea had mentioned several times in months in 2020 about wanting to hit minority reports and that topic in general, and we kept saying we'll get to it. Perhaps that should be the next big item. And that would fall also with that section that we left blank at the end of October. What was that? Section 12? Let me look.

Chair Raschko: I believe you're referring to Section 12 of Article V.

Commissioner Mitchell: That's right. That's where it is.

Chair Raschko: That does need to be filled out more.

Commissioner Mitchell: Yeah, so if we could target that section and that topic, maybe that would allow people to hit some of those things they've been wanting to talk about.

Chair Raschko: I think that's a good suggestion. Are there any other – I'm just going to – Commissioner Rose?

Commissioner Rose: Well, last fall when you assigned _____ review of the bylaws and make our own comments, I did that and at some point before we're ___ this, I'd really like to go through the comments that I made and get clarity on them. And I don't – I'm not attached to when that happens. I just don't want to make sure that before we're done with the bylaw items – restructuring of the bylaw, you know, updates – that there's an opportunity to get my questions answered.

Chair Raschko: And you are making a very good point. I believe that your comments have been distributed. I would like to wait until we have the full commission present to do that, so at the next meeting where we discuss bylaws I think that the first thing we should do on that agenda – as far as bylaws goes – is go through your list and then follow up on that with the suggestion by Commissioner Mitchell to dive into minority reports. Is that okay with everybody?

Commissioner Rose: Yeah, that sounds like a good plan.

Chair Raschko: Okay.

Mr. Gill: Chair? This is Peter.

Chair Raschko: Yes, Peter?

Mr. Gill: The Appendix A is kind of a hodgepodge of a number of things and it could use some attention. And so at some point I would suggest that we tackle that.

Chair Raschko: I think that's a very good suggestion. Absolutely, and Attachment A, I think, is voluminous and needs a lot of attention. But I still suggest that in line of importance that we first of all tackle the list of concerns from Commissioner Rose, and then minority reports, and then move on to that section – unless other members of the Commission feel that we should do otherwise. Any comments? Commissioner Henley?

Commissioner Henley: Yes. Are you thinking of minority reports as a right or as a privilege?

Chair Raschko: (laughing) Well, you're getting to the meat of the discussion.

Commissioner Henley: Yes, I am.

Chair Raschko: Yes, you are. And that is why – well, if people want to dive into it right now, we can, but it's something for which I think we each need to be very well prepared to discuss. Because it's been –

Commissioner Henley: Well, I agree, and in various parliamentary procedures it's covered pretty voluminously, but the reality is it's always considered to be a privilege as opposed to a right.

Chair Raschko: I tend to agree with you, but it will be, I think, something that's going to bring about a lot of comment and a lot of opinion. And I do think that discussing that in a future meeting would be more productive than doing so now. Particularly, I think that we need to have our Vice Chair present for that discussion. So if people don't object, I would really like to put that discussion in the future.

Commissioner Henley: I have no objection, just as long as we decide what it is we're actually doing.

Chair Raschko: Okay, so where are we here? We can continue with this effort tonight. Personally, we've gone through the parts for which I'm prepared. I know we have a lot of time remaining but I don't want to use it – waste people's time by getting into discussion. So does anybody have any strong feelings about whether we continue through the document? Do I see Commissioner Mitchell's hand up?

Commissioner Mitchell: Yes, you do. There were two things. One thing that I'd like to note with Commissioner Rose's comments and questions: There was a section in there where we definitely do need to have a full plate of everybody on board, especially Vice Chair. And the second thing is I believe Commissioner Hughes in the past had a couple ideas. I don't know if she's willing to discuss those now or not. And I was trying to remember the way it was phrased. It was either October or November. It was very loosely the idea of a general statement, and that's about the best I can remember.

Chair Raschko: Okay. Commissioner Hughes, do you have anything to add to that?

Commissioner Hughes: I think what is being referred to is a little bit more work in Article II of increasing it to – I've got to pull my thoughts together here. I had an addition to maybe put at the

end of that. I submitted it. Tonight wasn't maybe the night to work on that, but maybe we could work on that in the future. Maybe it *is* tonight's a good day. Peter, could you help me again with the wording? I'm not seeing it right in front of me.

Mr. Gill: Sure. Sure, so I have scrolled to Article II under Authorization and Purpose. And I believe as we were discussing the request was to add a statement following this quote of the RCW that had to do with recognizing the public interest and the long term goals. And if you want to talk about the specific language, I think we had "To this end, the Planning Commission shall work to promote the County's best interest over time." And I could share that – those words – onscreen if people want to keep going.

Chair Raschko: Why don't we go ahead?

Mr. Gill: Sorry about the dancing around here. I'm getting there! All right. I'll blow that up. So here we go. Article II and Commissioner Hughes' weigh-in on this. "To this end, the planning commission shall work to promote the County's best interest over time." And I don't know if there was some finessing to that you wanted to do or not.

Commissioner Hughes: Others could finesse it if they would like to. Basically the reason for this is it seems that at the very beginning of the document we should have something that reminds *us* and the *public* that the decision-making process that we do is not for this year or even next year. It's looking 10, 20 years down the road and how Skagit County's going to look like, and so I felt we should have – we should always in the forefront of our thoughts promote the county's best interest over time.

Chair Raschko: Okay, let's see. Commissioner Henley, did you have a comment in regards to this?

Commissioner Henley: No, I think I just forgot to lower my hand.

Chair Raschko: Okay! So we also have Commissioner Woodmansee. Have you got a comment relative to this Article II?

Commissioner Woodmansee: I'm fine with adding this verbiage in there, and I'm also – I originally put my hand up to say that I'm fine with scheduling in a future meeting when the Vice Chair can be here the discussions previously discussed on the minority report and Commissioner Rose's list of questions.

Chair Raschko: Thank you. Your input's appreciated. So Commissioner Hughes, you have the option – you can make a motion to adopt this language and then we can discuss whether, you know, the plusses and minuses of doing so after a motion is made and seconded, if you wish to do so.

Commissioner Hughes: This is Commissioner Hughes. I move that in Article II at the very end of the statement, that we insert "To this end, the Planning Commission shall work to promote the County's best interest over time."

Chair Raschko: Okay, a motion has been made. Is there a second to that?

Commissioner Rose: I second that.

Chair Raschko: And this is Commissioner –

Commissioner Rose: Rose.

Chair Raschko: – Rose. Thank you.

Commissioner Mitchell: Could you repeat it one more time, please? My feed skipped.

Chair Raschko: Mr. Gill, do you want to repeat the motion?

Mr. Gill: Yes. Sure. Yeah, Commissioner Hughes' motion is to add to Article II the phrase at the very end of the section: "To this end the Planning Commission shall work to promote the County's best interest over time."

Chair Raschko: So is there discussion?

(silence)

Chair Raschko: I see no hands in the air. Commissioner Mitchell?

Commissioner Mitchell: Yeah, I think it sounds pretty good. Generally that lets the public know that we're trying to do the best that we can.

Chair Raschko: Anybody else? Commissioner Rose?

Mr. Gill: You're muted.

(silence)

Mr. Gill: Commissioner Rose, you're muted.

Commissioner Rose: Thank you. I appreciated Commissioner Hughes's comment about over time being 10 to 20 years. The question is, Do we have to put that in the language too? But that conveys the big picture. In other words, that *is* what this is all about. So, I don't know, I approve – I mean, everything about this is good. I'm just wondering do we *add* that "over time" means decades?

Chair Raschko: Thank you. I myself am kind of lost in thought about this. In my past experience – you know, working and everything else – I spent 15 years on a hospital commission, and I'm not trying to criticize. I think this is a good suggestion. I just want to caution. All the words in a document like this can be interpreted to say something so – and maybe I'm off-base to bring this up, but can somebody look at this and say, Hey, you know, we've got to look at the best thing over time so the best thing that we can do right now that – I don't know if I'm making it clear, but try to change things in the present because of verbiage that might lock us into looking at it that way. Does that make any sense to anybody?

(silence)

Chair Raschko: No.

Commissioner Mitchell: It does.

Chair Raschko: And so, you know, I could easily vote to approve this but I just wanted to bring up that caution. And I'm not saying that what Commissioner Hughes recommended is glib or anything like that. I'm not saying that. I'm just – maybe as a general statement as we go forward through this entire thing that conciseness is very important. So anyway, I said that, and barring any further discussion we'll call for the question. Commissioner Mitchell, did you have something else?

Commissioner Mitchell: Yes. It may not be fair to put our new Commissioner on the spot, but considering that he has carefully thought through some of the other things that we'll be seeing shortly I'd like to know, Commissioner Henley, if you've got any input on this.

Commissioner Henley: Well, I'm all for simple language and the reason for that is is that I've seen too many times where a good attorney can take language that isn't as simple as it should be – and even if it is – and come up with a completely different definition of the situation than a normal person would. So I'm in favor of Commissioner Raschko's comment that we need to simplify the language and we need to couch it in terms that are strong, at least strong in the sense that they are not easily manipulated.

Chair Raschko: You said that much more eloquently than I did. Thank you! Any more comments?

(silence)

Chair Raschko: Okay. Seeing – Commissioner Hughes?

Commissioner Hughes: As a suggestion, if you would like me to withdraw my amendment, or we could just _____ you want.

Chair Raschko: I'm not asking that. And I think the way to answer that is to vote on it. Any other comments?

(silence)

Chair Raschko: All right. Well, we have a motion to amend Article II. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All right, opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, looks like it carried unanimously. Thank you, Commissioner Hughes. It was a good suggestion. I appreciate it.

My suggestion is that we call it a night as far as the bylaws are concerned, unless anybody has a strong feeling that they would like to continue. Are there any – any input?

(silence)

Chair Raschko: All right, seeing none then, thank you, everybody, for all the work on that. I think we accomplished some things tonight.

We're going to turn to agenda item 6, which is a Training Point. It'll be a demonstration of how to look up ordinances, resolutions, and archived Board of County Commissioner meetings. So Mr. Gill, please.

Mr. Gill: Thank you. From time to time we've talked about different training, and I thought, you know, we can do a few 10-minute type reviews of how to look at things and some of the tools that are available to you. One of the ones that has come up recently is trying to do some background research on some of the code and trying to understand when it came into being, I guess, and some of the history, and so I thought I'd show that. Also a little bit about how to look things up through the Board of County Commissioners' stuff.

So with that, I will share my screen here. All right. So this is just skagitcounty.net. That's the way you get to our site every time. From the website there's – on pretty much every page, you'll get these drop-downs and they're specific to the – this one is – the first one is always specific to the page you're on. And under "Records" – which is on pretty much every one as well – you will find access to a number of things you can do research with. One of them is the Skagit County Code. So most of you probably have this bookmarked by now but this will take you to the code for the County. Title 14 is the development code that we work in. And if you wanted to look up something about – say you wanted to look at CaRDs, Conservation and Reserve Development land divisions, and you were doing some research in here and you noticed – you know, you wanted to find out why are we doing that or when did that come into being. At the end of every section – hopefully you can see this – there's reference to ordinances and resolutions that came to be. And so this provides that record of the history of that specific code section. Okay? So if there's an "O" in front of a number, like this – and I'm going to blow it up just a little bit to make sure everyone can see – that "O" is an ordinance. That means it was an ordinance. If it's an "R" it's a resolution. The first four letters are the year that that ordinance passed and the last four are the order in which it was passed in that year. So if you look this up we can take that – copy that out – and then we can go back to any page basically. Go to the PDS page or the Planning Commission page and you can look up resolutions and ordinances. And that's available. You plug that number in, hit "return" and it'll show you the document. Before you open the document – some of them are large so you have to be wary of that, how big the document is because they're scanned documents – it'll describe what it is – and this one *is* big because it's the 2016 Comprehensive Plan Update. And that pulls it up.

And so the other thing that is embedded in these is the attachments, so this "6" at the end here means it's in Attachment 6. And so you can look at Attachment 6, which is way down here – oh, I'm locked up. And this is Attachment – sorry for the scrolling. This is Attachment 6, Development Regulations. Sorry about all the scrolling. So that's real basic but that is how you can look up things. And you can get the track changes. You can get the Planning Commission recorded motion. It's often recorded here. The Board of County Commission ordinance, obviously, and all the recitals that go along with it – any of the other things that are typically attached with these kind of ordinances. So they're all there. If you don't know an ordinance and you just want to look something up – say you want to look up "stormwater," and you only want to look at stormwater related to Planning and Development Services, you can just type in those key words and it'll show you anything – related ordinances or resolutions related to stormwater. Click on them and it'll tell you more about what it is. Bayview Ridge Urban Growth Area. Pretty basic but it's really helpful in what we do, and hopefully it's useful to you.

The other thing I wanted to quickly run by is how to look up the Board of County Commissioner meeting minutes. So at the top of all our webpages we have a department directory. If you go down to “Commissioners,” that’ll take you to the Board of Commissioners’ website. On that website you have their agenda for the coming week – or the existing week, I should say – typically put out the Thursday before the week of the meetings. But also in here you can – if you hover over the Board of Commissioners tab, you can see all the different search options within that, including that Ordinance and Resolution search that I just showed you. You can see all the boards and all the committees. But you can do a “minutes” key word search and you could look up “shoreline master program” and see what meetings they discussed the Shoreline Program. You’ll see there is some from as recent as March 29th. And that will pull those right up. So that’s really helpful. And those go back a decade or more so it’s very useful that way.

So that is all I had. I just wanted to do a quick update, not take too long or get too complicated or too deep into it. But I’m willing to take questions if there are any.

Chair Raschko: Anybody have any questions for Mr. Gill? I thought that was pretty interesting. I really appreciate the fact that you put that on. Did I see – Commissioner Henley, did you have your hand up? No?

Commissioner Henley: I did not have my hand up.

Chair Raschko: Okay. All right, no questions then. Well, I thank you, Mr. Gill. I appreciated that very much. We’ll go to the Director’s Update.

Mr. Gill: Okay. And let me –

Hal Hart: Go ahead and share the screen.

Mr. Gill: Sure. Sorry, Hal. Let me –

Mr. Hart: No, all good. Here we go. Peter, if you have time, I sent you two other pieces of information tonight. It’s not – neither of them are critical. I have it written out as well.

Okay. Peter, why don’t you do this one? You’re – we’re all involved in this. But welcome, Commissioner Henley, by the way. It’s really a pleasure to have you here with us tonight. Go ahead, Peter.

Mr. Gill: Yeah, so just a quick update on Shorelines. We have been reviewing this for weeks and months. Right now we do have an updated public draft that is available at skagitcounty.net/smp, and this just came out today. And this incorporates comments following our meetings with the consultant as well as meetings with the Department of Ecology. And so that is the public review draft and that is on our website now. The formal public comment notice will begin April 22nd. So that formal public notice is not open quite yet but the 22nd it will open and that will be based on the document that is currently on that website.

The next Planning Commission meeting is on the 27th of this month and we will be going over the public review draft so you all know what’s in there, changes that were made, some of the discussions that were made with Ecology. I think the last time we talked – or last meeting we talked about the critical areas integration. So all of that is now in there as well. So that will be the next meeting, the 27th.

The following meeting is May 11th, and that is the public hearing for the Shoreline Program. So that is at least two weeks from the 22nd. So we will have a staff report and the public draft out to you in hard copy if you want it. Send me an email and we'll make sure we get one printed out for you. They're thick, as was mentioned earlier. So that is set up for May 11th. The comment period for the Shoreline Program is actually 45 days. It's not our normal two-week period. So that is going to – so the public comment period will stay open after the public hearing – actually all the way through June 7th.

And on May 13th we are going to have another public information session as well, that people can register on our website, skagitcounty.net/smp.

Mr. Hart: Great. Thank you, Peter. There's one thing I want to mention about shorelines as well. We have been provided the – the okay, I guess. We brought it up to the Commissioners ____ go ahead and do it and that's consulting with the various tribes in the region. ____ overview for any of the tribes in the region to bring them up to date. They can decide whether or not they want to say anything at this level, as always, or they can wait until the state Department of Ecology is reviewing our work at the state level and provide their comments at that stage for the Shoreline Master Program. But we are here to provide consultation if they are interested.

Go ahead. Do you want to do this one?

Mr. Gill: Yeah, sure. I also wanted to let folks know what's going on with the Comprehensive Plan amendment docket. So we are set to have our Department recommendations out by this Thursday, with a Notice of Availability for the public. So that will be out this Thursday, April 15th. The applicants with their petitions will be providing presentations to the Board on April 26th and the 28th. Everyone's been allowed 15 minutes to present on their petition. And then the week after that, a public hearing will be held, so on May 3rd. And then following that, it'll be deliberations at the Board to decide which petitions to put on the docket. Following that we will be presenting the docket to you all.

That's all I had on that, Hal.

Mr. Hart: Okay. Let's go to the next item. Great. So coordination continues with the Washington State Department of Ecology. Call this the Skagit Main Stem Water Bank Project. The Commissioners really wanted most of the heavy lifting to be done by the Department of Ecology. So those within the Skagit main stem region, there is a map available at the DOE website for that. Essentially from going (from) Sedro-Woolley up to Concrete, a little bit beyond that all the way to Marblemount – that area. If folks were unable to get water rights in that area and then they couldn't drill a well, this is their opportunity. The Department of Ecology has purchased water from Seattle City Light. That water then has been turned into opportunities for up to 8 or 900 in the Skagit Valley, and so that program opened on March 31st. Ria Berns and John Rose and the folks over at the Department of Ecology in Bellevue are receiving lots of applications right now. As of last Friday, they had received more than 50 from Skagit County. That had translated by Friday afternoon to at least 10 new building permits and we expect to see many, many more. So we're going to be processing those as quickly as possible. The way that it works is they'll get an approval. Anybody that comes in, they want to do a home on some property and they don't have the ability to do that right now, they get approval from the Department of Ecology. They look at where they are and if they're in the area for mitigated water they would then get that approval. They then would have that recorded at the Auditor's office. We have that number, or they can bring that number so we can check when they apply for a house or they want to do a well. They have that number and they then will start the process with the County. So that's how it's working.

We expect to have many, many folks applying because this has pent up over the last several years. Are there any questions on that?

I see one question coming up. Martha? Oh, through the Chair. Oh, I see lots of questions. Let's just have the Chair do that.

Commissioner Rose: I think that Joe had his hand up first, but I just wanted to clarify real quickly that you said the geography of it was between Sedro-Woolley and Concrete.

Mr. Hart: I believe that is correct. It's east of Sedro-Woolley going upriver to – actually I think there's folks in Marblemount, in the Marblemount area that are applying.

Commissioner Rose: Thank you.

Mr. Hart: Mm-hmm.

Chair Raschko: Okay, Commissioner Woodmansee? Do you have a question?

Commissioner Woodmansee: Yeah. My question is, if you have this recorded approval from the DOE, will that allow these people to bypass our process where we're vesting that they have the ability to have water on their site?

Mr. Hart: Yes. This provides – it provides them that okay for us to take in their building permits. So yes, that is correct. It would – it's very helpful in that process.

Commissioner Woodmansee: So my question is more about whether it's taken in the permit or that's just the box is checked and now they don't have to wait for the Department to approve their water source at that point?

Mr. Hart: You know what? We're on our first 10. I think it's a box checking exercise at this point. That's a great question really. But what we've done is we've thrown a lot more resources at water resources in the last few weeks and what we've done is 2/3rds of the work is now over at Health, unburdening our one person with 2/3rds of that work so that we can get caught up. And we are catching up. We've made a couple of – we caught up a couple of months already in the last few weeks since we did that. So yes, I believe it will be a much more of a box check if it's gone through the DOE process at this point. But they may be applying for a well and they may be applying for a building permit, so they still – there's still some process they have to go through to receive approval, but it should be a lot faster.

Commissioner Woodmansee: Okay. Well, the reason I'm asking is because as I understand it, in some cases you can't even apply for a building permit until the County has actually signed off that you have a viable water source.

Mr. Hart: Yes.

Commissioner Woodmansee: Those two things can't – can they run concurrently or can they not?

Mr. Hart: We definitely want to run those concurrently going forward. We've been talking with our Commissioners. I have two more talks that I have to schedule this week with individual Commissioners just to make sure they're onboard with moving those things more rapidly. I believe

they are and I believe that's what they want to see, so I believe that will happen. I'm just confirming that, though, one more time.

Commissioner Woodmansee: Okay, thank you.

Mr. Hart: No, great question.

Chair Raschko: Okay, Commissioner Henley, you're next.

Commissioner Henley: Yes. I've had some experience with drilling wells. Let me give you a hypothetical. Let's say a parcel owner applies and gets one of these permits, and he goes and he drills a well and it comes up dry. Now that may not be a big problem here in Washington state, but in California where I've had a ranch it was a big problem. So now my question to you is, if a parcel owner with a permitted water source drills a well, comes up dry, what happens to that permit? Does he get to drill until he finds water? Or what happens to that particular allocation?

Mr. Hart: Yeah, that's another realistic question to be sure, although there's a lot of water here. But what we have here – I was dealing with earlier today – is chlorides. So we had – they kept hitting water, but the water they were hitting was salt, right? And so we tried to shorten the well. We ended up doing a trucked water agreement with the homeowner in that case. I mean, it wasn't ideal but it's how they got their swimming pool filled in the future _____. Yeah.

Chair Raschko: Okay, we had Commissioner Knutzen.

Commissioner Knutzen: I've already had my question answered. It was answered the last time.

Chair Raschko: Okay, anybody else?

Mr. Hart: Let's go to the next slide, if that's it. Otherwise we can come back to it anytime. Here's just one other thing you may have seen. It's potentially relevant to our county because we've been working on a similar project but not this size. This is Arlington. There's a huge new facility that will employ over 1000 full time – you know, FTEs – about 20 minutes to the south. I think it's about 16 minutes south of the border as you drive it from the county. So not very far away, at the airport, a huge new investment occurring in Snohomish County along with many, many others. I'd say right now I have not seen the level of construction going on both in Marysville and Arlington to the magnitude of both commercial (and) residential that we're seeing right now, probably in anticipation of these kinds of announcements. Then also really the second largest – almost as big as Washington, D.C. – is Bellevue. Bellevue is moving ahead. They've got, I don't know, eight to 12 towers at least. One site alone talked about six towers so that would be 14 towers coming in. Pretty amazing stuff. There is also a multiplier of that and this will have a statewide, I believe, impact – well, at least a multi-county impact. It will reach to this county. And the other piece of it is a lot of people are – we're continuing to see a lot of people wanting to leave that area, putting additional demands on our resources here. So that's occurring.

And then, Peter, you probably haven't seen it, but I have one more item for the Commissioners, which is just the state legislative update. I sent you an email with a PowerPoint slide. I don't know if you have time to pull that up. But I will just go ahead – if that's okay with the Commissioners – and talk about two, but there are seven major bills. We have not seen the level of – oh, this is one of them. Thank you, Peter. This is an important – you can now see this along Riverside Drive in Burlington, I believe. Why that's important – because ingrowth management, we really want the density to occur in the cities, and so Burlington is doing it. And they've had another project in

addition to this that's already ahead of this. So Burlington is changing and we definitely need the housing. This is the type of housing that's coming into Burlington this month. And you can see that, I think, from the – I can see the white of the – I don't know if that's Tyvek or not, but I can see that from the Skagit River bridge all the way down the main drag. So you can see it for a ways. So really that is a Growth Management strategy. It's played out for the idea that those 80 units in each of those or so _____ (sound cut off). That's the good new.

Here you go. Let me just quickly go down this. Thank you, Peter. You're a rock star when it comes to this technology. Climate change: It's passed the House and the Senate. It's a really significant bill. They have to get together and decide at this point whether or not each version is a workable version. It may not have any money attached to it so it wouldn't happen, but we are now in the budget part of the legislative session so it could happen. Climate change would require very, very significant lifts of Peter and Hal and you and the citizens of our community. It would amend the Comprehensive Plan. It would add climate change as one of the goals that we would have to insert into our Comprehensive Plan. And then we would have to figure out what that looked like in terms of regulations going down the line. So pay attention to climate change legislation. They did pass, I believe, an alternative fuel bill, which is somewhat related, that was a companion climate change bill. That passed.

Salmon recovery: This is a really significant bill as well. As everyone here knows, the major river in the Columbia is the Skagit. And the Skagit has – or in western Washington is the Skagit. And we still have all our salmonids here, where in other places they do not or they're declining rapidly. So this is – this was moving. We'll see if it does get out this year. It's gone further this year than in previous years, just like climate change.

Growth Management update: Quickly I'll go through these. There're just about four left. But that basically dealt with the timelines, giving us a longer timeline and more time so we don't have to update – instead of every eight years, they pushed it back to 10. So that could be reality.

Affordable housing: This is an interesting bill. A lot of people look at it as ADU housing. So the idea is that ADUs would be allowed – more ADUs would be allowed. You don't have to be an owner on the property to have an ADU. I think that's the chief thing.

Rural economic development: They're making some moves there that would be helpful. Washington Climate Commitment Act, I think that just came up. I think that might be another one of the versions of the climate change bill, but I'm not exactly sure on that one.

And then I would say that the LAMRID, or LAMIRD bill: So think of Edison or think of Clear Lake _____ (sound cut off).

Mr. Gill: Oh, I think we may have lost Hal. I think he was going to say that the LAMIRD update is basically would allow more flexibility within those Limited Areas of More Intense Rural Development – not allow them to expand, but allow them to intensify essentially. The funding is being discussed now in terms of the budget and I guess we will see how that goes. I don't think we know anything else about the budgeting. I know none of these currently have money attached to them, which would create certain issues certainly.

So unless we get Hal back, I think that's all we have for the Director's Update. Thank you.

Chair Raschko: Are there any questions for Mr. Gill?

(silence)

Chair Raschko: All right. Well, thank you. We'll move on then to Planning Commissioner Comments and Announcements. Commissioner Woodmansee, have you anything?

Commissioner Woodmansee: Nope, I'm good tonight.

Chair Raschko: Okay. Commissioner Shea?

Commissioner Shea: Nothing from me. Thank you.

Chair Raschko: How about Commissioner Rose?

Commissioner Rose: Well, this might be a little off topic, but Green River Community College is looking for a new carpentry instructor, so I'm helping to spread the word. At any rate, they have a great facility. That's all.

Chair Raschko: Okay, thank you. Commissioner Mitchell?

Commissioner Mitchell: Yes, I would like clarification. I've got to tell you, you guys sent me reeling when you said that the Planning Commission would have to go through staff to ask legal questions. Why is this policy change being suggested, or where is this coming from and why? I think we need to know. I mean, this is a huge change from decades.

Mr. Gill: I don't – Kathy, that's how I assumed that it had always worked, because whenever there was a request to have legal provide feedback that went through us.

Commissioner Mitchell: (negative sound)

Mr. Gill: So maybe there's communication outside of it, but I think part of the thought is that the Board – well, so the Planning Commission and PDS works for the Board of County Commissioners, and the Prosecuting Attorney – the attorneys work for the Prosecuting Attorney's office, right, so there's a separation of – I don't know – departments there. And so I didn't intend to try to say that we're changing policies at all. I was just reacting to the way I assumed that we had always worked. So I'll talk to Hal and find out what's been discussed in the past and make sure we have it clarified for you next time.

Commissioner Mitchell: Yeah, thank you. That would be a huge help, because for as long as I can remember the Planning Commission members have been able to ask questions back and forth, whether they were more one-on-one – the world's so much better when we meet at meeting places, you know. We can see each other and you ask those questions then and there. The way we're having to do it now oftentimes it's a phone call or an email. But regardless, all of the lawyers in the past have been professional, courteous, responsive. They've helped us with little questions and big questions, and sometimes they quite frankly don't apply to what – you know, would go through PDS staff. Sometimes it's something that's adjacent or tangential but not exactly so. But we've had a good track record of really good professional lawyers in the past, and the access to it makes a big bit of difference as far as learning access, communication, and those kinds of things. And so I would strongly push back and say, No, that's a misconception that everything goes through staff.

Mr. Gill: Okay.

Commissioner Mitchell: Thank you.

Chair Raschko: Thank you. Commissioner Knutzen.

(silence)

Chair Raschko: Is Commissioner Knutzen with us?

Commissioner Knutzen: Knutzen?

Chair Raschko: Yes.

Commissioner Knutzen: I do have a couple questions for you, Tim, and also for Peter Gill regarding the bylaws. You sent out a working draft, Peter, yesterday that was 12 pages long. From what I can see, that was the one that we worked on through our October 20th meeting. It ends on Article V, Section 11. Section 12 is there but it's blank. And there's only three comments after that. The one that you sent out, Peter, last Wednesday _____ (sound dies) through Section Article 5 is the same one you sent out yesterday and from there is 34 more comments and they were put in on 10/29. And are those – a lot of them are Snohomish County Bylaws, Whatcom Business Rules. Is that what staff's recommendation is for us to potentially study when we go to review these again, or what exactly is the one that you sent out Wednesday?

Mr. Gill: Yeah, thanks. Yeah, I can clarify. So, yeah, the version up through 10/20 was a version that we had worked on together up through that date. That meeting was difficult, and it was requested that staff provide some edits so that the Planning Commission can react to what's on the screen instead of actually trying to wordsmith everything. And so that was provided after that 10/20 meeting. So those are – I guess you could call them staff recommendations, but those were mostly intended to help facilitate a discussion. If they're not needed then they're there for your reference at this point – and consideration. And certainly there are some things in there that I think would help. But right now we are working off the October 20th version.

Commissioner Knutzen: Okay. So then my next question would be for Chairman Raschko. You mentioned earlier that we are going to address the bylaws issue again. Are you anticipating that we would start here – Article V, Section 12 – and just review this staff working model, or do you even know yet?

Chair Raschko: What I think we need to do is we definitely need to discuss minority reports. That's a hot topic. And the document referred to with all of the edits that were suggested by staff had that in Section 12. I think going forward what we need to do is prepare for the discussion how to fill in part 12, which would address – or it may *not* address – minority reports. The second item we need to review is the recommendations or the questions or comments from Commissioner Rose. And then finally I think we need to really redo the rest of the document, which is quite extensive, having to do with – with what?

Commissioner Knutzen: General conduct and standards. There's a lot of new stuff –

Chair Raschko: Rules of procedure and that type of thing. But just to clarify, you know, your initial question, I feel very strongly that we need to come up with bylaws that reflect what we think, as a commission, _____. And if react only to recommendations that somebody else outside of our commission typed up for us then we're really, you know, ceding the process and everything else to somebody else and we're just okaying what *they* think our rules should be. So I strongly

recommend that the people come up with their own verbiage for these parts, and some have and I really appreciate that. But as my last thing to say tonight when my turn came was going to be that we prepare for the next meeting in which the bylaws are considered to – and it might even help to look at the suggestion for part 12 there that we referred to and come up with what you think might be a good idea for verbiage. And I think a very important part of it is going to be whether we do or do not have a means of a minority report being made. So put your thoughts to that. And then you can go through the other last segments and clean up any verbiage you think is superfluous or unnecessary, but I think that if we do that preparation and then come, that we've got some real meat to work with and we can weave into it any of the stuff that staff might have recommended that would fit as well. Does that answer your question at all?

Commissioner Knutzen: Yes – yeah. That's kind of what I thought this was about, but I wanted to hear it to make sure. I mean, I think there's a lot of good recommendations in here and I think all of us commission members should study them now in the interim until we're going to discuss it again and each make up our own mind how we feel on minority reports and all these other issues that staff brought to our recommendations. But we can think about it and whenever we discuss it again, whether it's two weeks from now or four weeks from now, we'll have some basic understanding as to what the staff thinks we should add to these bylaws. So, yes, that answers my question. Thank you.

Chair Raschko: You're welcome. I'll still say it again, though. As far as I'm concerned, this isn't staff's job and – they're here to help us.

Okay, Commissioner Henley, have you anything?

Commissioner Henley: I have nothing more this evening, no. Thank you much.

Chair Raschko: Okay, thank you. So I'd just like to thank everybody for their patience tonight and participation. Thanks, staff, for the work you've done. And we'll call the meeting adjourned.