

**Skagit County Planning Commission
Work Session: Agritourism
Deliberations: Bylaws
April 25, 2023**

Planning

Commissioners: Kathy Mitchell
Mark Knutzen
Vince Henley
Amy Hughes
Tim Raschko, Chair
Joe Woodmansee
Tammy Candler, Vice Chair
Martha Rose (absent)
Jen Hutchison

Staff: Jack Moore, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Long Range Planner

Others: Don McMoran, Ag Advisory Board (Land Use Committee)

Chair Tim Raschko: Good evening. The April 25th, 2023 (gavel) meeting of the Skagit County Planning Commission is now in session. Let's see, are we missing Commissioner Knutzen and Commissioner Rose? Okay.

Jenn Rogers: Commissioner Rose is not going to make it tonight. I didn't hear anything from Commissioner Knutzen.

Commissioner Kathy Mitchell: He had told me this morning he was going to be here.

Ms. Rogers: Okay. He might just be running a little late.

Chair Raschko: Okay. Well, we'll see. I'd appreciate a motion to approve the minutes from our last meeting.

Commissioner Vince Henley: I move that we approve the minutes of the last meeting.

Commissioner Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve the minutes. Is there discussion, changes?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: All those opposed?

(silence)

Chair Raschko: So that's unanimous. Thank you. We'll now turn to Public Remarks. This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing the same day or items that have not had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for any development regulation or Comprehensive Plan amendment project is limited to three minutes per speaker and up to 15 minutes total. So is there anybody who would like to address the Planning Commission?

(silence)

Chair Raschko: No? Okay. Thank you. So we'll turn to our Agritourism Work Session. Ms. Ruether?

Sarah Ruether: Can everyone hear me? Welcome. I'm Sarah Ruether, the long range planning manager. and I'm going to be presenting on agritourism. We got a recommendation from the Agricultural Advisory Board and it is Exhibit A, and this is just a brief overview of that Exhibit A – these bullet points. It included a review of some GMA code or GMA laws regarding agritourism law at statewide. It also included current code definitions, what kind of code we have, municipal code related to agritourism. There are also some requests in there for some changes – some modifications, some definitions we have for agritourism to more specific definitions in our code related to agritourism. It also requested a change to the number of temporary events, to cut them in half from 24 to 12. And there was a request for scalable permit fees for agritourism events. There was a request that the permit conditions require no conversion of ag land and there was a request for more enforcement and use of the self-certification portion that already exists in our code. So that's my brief overview. If I've left things out, I was trying to just do a brief overview.

So let's go to the definitions. They proposed having a new definition specifically for agritourism. This definition is a "common, farm-based, commercial activity serving the public that promotes agriculture, is directly related to onsite agricultural production, is incidental and subordinate to the working farm operation, and is operated by the owner or operator of the farm or family members. Regularly occurring celebratory gatherings, weddings, parties or similar uses that cause the property to act as an event center or that take place in structures specifically designed for such events are not agritourism."

I included some other definitions of agritourism from other counties just to give you an idea. It's pretty similar to the Marion County definition but it takes some from other counties as well that have agritourism defined.

It proposed an addition to "agricultural accessory use" definition. So this is number 6. "Miscellaneous agricultural support buildings, including barns, sheds, corrals" – I don't know how to pronounce farm terminology! – "farm offices, and coops, which are used for onsite soil-dependent agriculture and which agriculture support buildings shall not be" used as "a place of human habitation...or be a place to use by the public." So that just – make it a little bit more specific – that definition.

Chair Raschko: Excuse me, Sarah. On each of these basic topics, shall we open that to questions before we move on to the next one?

Ms. Ruether: Sure.

Chair Raschko: Okay. And would it be helpful if there's no questions and everybody's very happy with it that we form a consensus that we would like the Planning (Department) to go ahead and pursue that?

Ms. Ruether: Sure. Sure, sounds great.

Chair Raschko: How does everybody feel about that?

Several Commissioners: Sure.

Chair Raschko: Okay. Well, were there any questions then, or discussion of the definition?

Commissioner Mitchell: It sounds good.

Chair Raschko: Yes, please, Jen?

Commissioner Jen Hutchison: Well, I suppose just for clarity on the definition of "agritourism," when we're specifying clearly that event center type activities are not included in agritourism. That wouldn't necessarily limit somebody then from getting a special use permit or applying for a temporary event at that same facility. Right? It just isn't called agritourism obviously.

Ms. Ruether: Right.

Commissioner Hutchison: Okay, I just wanted to clarify this.

Ms. Ruether: I mean, I don't think we've gotten that far as to how the – the technical details like that. But anything that becomes – has so many events that becomes an event center has gone too far on the spectrum. It's kind of like defining the spectrum and saying definitely this is not agritourism this far on the spectrum.

Commissioner Hutchison: Thank you.

Ms. Ruether: That's how I see it anyway.

Commissioner Henley: I have a question.

Chair Raschko: Yes?

Commissioner Henley: It says here "regulatory celebratory gatherings, weddings, parties" et cetera, et cetera. Does that mean that *irregular* occurrences are permitted?

Ms. Ruether: I think it's the definition's trying to leave it open so that if you – you know, if there was a special event that could be included in the agritourism definition, but if it becomes a fulltime operating ___ - and it's trying to be broad because, you know, it's more than just weddings. It could be bar mitzvas or quinceaneras or whatever. At that point that it's an event center.

Commissioner Henley: Yeah, I think we're likely to get into a discussion or an argument about the exact meaning of "regularly occurring." So you might want to think about another set of words for those?

Ms. Ruether: Okay. I mean, we can try to – specific, make it more specific, if you want. I think the idea of when you go further on in the staff report is trying to specify it further in the code. Like if we end up do permitting these that we have a specific number and we have that. So I think it would be caught in that sense. I mean, if you wanted to include it in this definition, as long as they were congruent it would probably work. But I don't know.

Commissioner Henley: I know the question's going to come up and so that's the reason why I'm bringing it up here.

Ms. Ruether: Okay.

Chair Raschko: Okay. Yes, Joe?

Commissioner Joe Woodmansee: I mean, I think I would consider getting rid of the sentence from the word "regularly" on, because this is a definition for "agritourism," not a definition for what's *not* agritourism. And so if you get rid of that from "regularly" on, it gets rid of the ambiguity (sic) that he's worried about and doesn't open the door for misinterpretation. The rest of that definition tells you what you *can* do there. Something to think about.

Ms. Ruether: We could modify too. I think that the purpose of this – because it was kind of modelled after – I'm speaking just from my viewpoint – is that they just didn't want it to go so far as being an event center. So, you know, we could edit it to make that – to take that out if it's confusing.

Commissioner Woodmansee: Well, yeah. I mean, I think that that last – I'm sorry I interrupted you.

Ms. Ruether: No.

Commissioner Woodmansee: I think that that last bit is a reaction to what's happened on the ground. It's not about future. It's about okay, this stuff's already – we know that this has happened and so the reason it's there is to say, Hey, you can't do that.

Ms. Ruether: So maybe just strike the "regularly occurring" and keep the rest?

Commissioner Woodmansee: It's just food for thought.

Ms. Ruether: Okay.

Chair Raschko: Anybody else? Yes?

Commissioner Amy Hughes: I was thinking along the lines of Commissioner Woodmansee, that maybe just the two words "regularly occurring" could be taken out, and then start the sentence there for clarification of the above. But I think that we need to read it all into the whole document once we get there and see if it still makes sense at that point to do that.

Ms. Ruether: Okay.

Commissioner Mitchell: I'd rather that most of it be kept for clarifying purposes, however we would decide to do that, because that was one of the key points for understanding what is and what isn't, whether it's stated specifically like this or not. Maybe what Commissioner Hughes has

suggested, instead of saying “regularly occurring” you might could say “to clarify celebratory” – you know, et cetera could handle it and then the meaning and the intent’s still there.

Ms. Ruether: Okay.

Chair Raschko: You know, if you take the “regularly occurring” out, and you just say, like, “celebratory gatherings,” well, that could be the farmer inviting all his friends over to celebrate the Husky victory in the Apple Cup. You know?

Ms. Ruether: You’re right!

Chair Raschko: Or, you know, weddings. It could be a family wedding. So there has to be something in there, I think, to describe it. it’s a –

Commissioner Henley: You need somebody to test the new cider!

Commissioner Mitchell: Well, how about if you said something like “to clarify regularly occurring” blah blah blah blah blahs? And then you could still keep that whether it was attached in that paragraph or like a separate sentence.

Chair Raschko: Well, I guess we don’t have consensus.

Ms. Ruether: Okay. Well, you know, honestly tonight was just – tonight’s not like – it’s not deliberations. We’re not getting into the nitty gritty. At this point we’re trying to get big picture. I mean, I do want your feedback because it really does help us know where to take things, but I don’t know that we need to get too concerned over one or two words at this point.

Chair Raschko: Right. Okay, so have we adequately discussed this?

(sounds of assent)

Chair Raschko: Okay, thank you. Excuse me just one moment. It could be noted that we now have Commissioner Knutzen present. Thank you. Okay.

Commissioner Mark Knutzen: I hope you’re not waiting for me.

Chair Raschko: I’m not.

(laughter)

Commissioner Knutzen: The only way I could have been on time is if I didn’t take a shower.

(laughter)

Commissioner Knutzen: I hope you prefer the decision I made.

Unidentified Female Commissioner: TMI.

Commissioner Knutzen: Thank you.

Commissioner Mitchell: No, thank *you*.

(laughter)

Ms. Ruether: You want me to read it again, or....

Chair Raschko: Okay, Additions to Agricultural Accessory Use. Is there any discussion on that? Any questions, comments?

Commissioner Woodmansee: I do.

Chair Raschko: Go ahead.

Commissioner Woodmansee: So I don't – so what happens if the farmer has a barn and he wants to have a family activity there and they want to do it in a barn. And this says that you're not allowed to have human habitation in a barn. I mean, I think this goes too far, I guess, to that. I mean, you know, what if they – somebody's daughter wants to get married in the family barn that's been there for 200 years or 100 years and the barn's in good enough shape that they could do it. I mean, I know – a little bit splitting hairs here, but this says you can't do that.

Ms. Ruether: Mm-hmm.

Commissioner Woodmansee: And the public can't be there.

Ms. Ruether: Mm-hmm.

Commissioner Woodmansee: But you could bring the public to a barn and do a tour and show them this is how we do this, this, this, and this.

Ms. Ruether: Yeah, I do see your point. With agritourism it's not like – even if you did agritourism related to agriculture you may have people –

Commissioner Woodmansee: Be habituating _____ workers.

Ms. Ruether: Yeah, I mean, Jack is our building official and he'll tell you there are very specific, you know, building regulations for habitation and non-habitation. So, you know, I think maybe the concern is, you know, not using a building – like some safety concerns are that you're using something that's not managed for that. But, you know, I don't – there might be a middle ground. I know I talked to Bonnie because we were talking about doing special events and she does go do fire inspections for big events and stuff like that. But I don't know. You're right. It does. Maybe not leave a gray area as much.

Commissioner Woodmansee: Well, you'd eliminate the ability for a farm to have part of their agritourism involved with their buildings.

Ms. Ruether: Mm-hmm.

Commissioner Henley: In your note at the bottom of this list here that refers to Item 6, it basically says that you can't do this without a special use permit. It says, "Note: 6 above permits use of farm buildings for farming. Other uses of buildings would not be permitted or would be permitted only through special use permits."

Ms. Ruether: I have to look at what context it was but, yes, if it's not a – if you don't have a permit for an activity then you may be doing an event.

Commissioner Henley: It's here in the docket, that's all.

Ms. Ruether: Okay. I have to get my memo. All right, I should go get it.

Commissioner Mitchell: What page is that from?

Ms. Ruether: What pages? Let me go look. I should have brought it up.

Commissioner Hutchison: I think we're on 5.

Commissioner Mitchell: Oh, I just found it, I think. It's on page 5.

Ms. Ruether: Oh, okay. So this is the Exhibit A, right? This is the Agricultural Advisory Board's recommendation. So that's why I don't know it as well.

Commissioner Mitchell: Yep. Yeah, Exhibit A, page 5.

Ms. Ruether: Okay, yeah. This is the recommendation portion.

Commissioner Hutchison: Yes.

Commissioner Henley: You have Item 6 and then a note for Item 6 and then your clarification of Item 6.

Ms. Ruether: Okay, that's their clarification in their recommendation. So maybe we could include that note in the definition? Okay. Good catch.

Commissioner Mitchell: That helps with the intent, too.

Ms. Ruether: Mm-hmm, mm-hmm.

Chair Raschko: Commissioner Candler?

Vice Chair Tammy Candler: My thinking of this would be that if you were to have your farm and you wanted to have your daughter's wedding on the farm in the barn and you cleaned it out for that purpose, that would not be considered used by the public. That would still be a private event and I don't think that that would – if other people are reading it differently, I'd like to hear that or the Department would, particularly. But that is my reading of that: It would not affect the farmer's use of it for personal use.

Ms. Ruether: Mm-hmm.

Vice Chair Candler: That's it. Thanks.

Chair Raschko: Anything else?

(silence)

Chair Raschko: All right.

Ms. Ruether: Okay, there was an addition to the Agricultural Accessory Use. They were adding a new number (8) "Any agricultural or nonagricultural accessory use that is an agritourism event or activity shall be incidental and subordinate to the primary (farming) operation of the farm site." They also proposed adding a new number (9): Any agritourism accessory use must be part of an active farming operation."

Chair Raschko: Do you have comments, questions?

(silence)

Ms. Ruether: And then another addition was a new number (10): "Accessory uses shall be located, designed, and operated so as to not interfere with and to support the continuation of the overall agricultural use of the property and neighboring properties."

Chair Raschko: Any questions or comments?

Commissioner Hutchison: Maybe. Can we go back to that?

Ms. Ruether: Sure.

Commissioner Hutchison: Got it. It's perfect. Thank you.

Ms. Ruether: There was a change to the Temporary Event Definition. Just added three words, including "agritourism events" to the definition. The definition is a "commercial use of a property for any musical, cultural, or social event held either indoors or" out of doors, "including agritourism events." Just to specify that agritourism is part of temporary events.

Chair Raschko: Anything?

Commissioner Woodmansee: I have a question. Can agritourism also be *not* a temporary event?

Ms. Ruether: (laughing) I think that's why we're here right now – try and _____.

Commissioner Woodmansee: So we're not limiting it to a temporary event. It could also be something that's related that's clearly within the guidelines and it's a permanent event also.

Ms. Ruether: I don't know. I think we're here now because it's not really addressed in our code so this is an attempt to try to address it.

Commissioner Woodmansee: I mean, it might feel like I'm splitting hairs again but I've dealt with the code my entire career and what every word is there says makes a difference. And so I wouldn't want this to be a well, agritourism events can only be temporary – because that's the definition of a temporary event – it includes agritourism events, but.... What we're saying here is there can be temporary agritourism events, correct?

Commissioner Hutchison: And it may include _____. It's not a ___ thing.

Commissioner Woodmansee: Yeah.

Commissioner Mitchell: Could you guys both speak up a little bit?

Commissioner Woodmansee: Oh. Maybe it should say “*may* include agritourism events” instead of “including”? Then that’s – you can – we’re not closing the door to a permanent agritourism setup that meets the definitions of everything else it needs to.

Ms. Ruether: I don’t think this is closing the door but I – since our code is pretty much silent on agritourism we’re trying to – this is a way of fitting it into kind of where it is now.

Commissioner Woodmansee: So all we’re saying is you can have a temporary agritourism event.

Ms. Ruether: Yeah, and I think it’s also indicating that this is where we’re placing it for right now for future code development. You know, these – it’s included in this bundle of other things.

Commissioner Woodmansee: And this doesn’t preclude a permanent agritourism event.

Ms. Ruether: Right. I mean, that would be a different –

Commissioner Woodmansee: Location or business, right.

Ms. Ruether: We’re not, yeah, looking at it now but, you know, you can always expand code, right?

Commissioner Woodmansee: That’s a lot of work, though.

Jack Moore: Chair? If I may. Further in the presentation and in the Ag Board’s recommendations it does have some clarifying – as far as days per calendar year and that agritourism could occur in an Ag-NRL zone. So I think there will be some additional clarity coming in the recommendation.

Commissioner Woodmansee: Okay.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Unless Commissioner Hutchison’s finished? Okay. I’ve got a question, since you bring it up. What kind of thing would be a non – an educational one? Ongoing, not temporary use? I don’t know.

Commissioner Woodmansee: Well, I don’t know.

Commissioner Mitchell: Is there such a thing?

Chair Raschko: Aren’t there food stands that are open year around?

Ms. Ruether: Our code does regulate farmstands if it’s under 300 square feet. I think it’s outright permitted and if it’s over 300 square feet you have to go through an administrative hearing permit. I mean, I guess those are technically agritourism, although our code doesn’t necessarily say that. So that is a little bit of the gray area. I don’t think this precludes – it doesn’t conflict with that, though. I think the hard thing with code is sometimes if things conflict. But I don’t see this addition to this definition conflicting with that, though – if that makes sense.

Commissioner Woodmansee: Sure. When we get to what the director was talking about, I can fall back to this if I still think there's a conflict.

Ms. Ruether: Okay.

Chair Raschko: Okay. Anybody else?

(silence)

Chair Raschko: Okay. Thank you.

Ms. Ruether: There was a recommendation to change the special use permit under 14.16.900 (2)(h) to change the number of events permitted from 24 calendar days to 12. The hard thing about this is because these are conditions for *all* special use permits it would inadvertently apply this to the other 20 other zones that have this temporary events permitted as an administrative special use. I think if we wanted to keep it in this section of the code it might need its own special place that's separate from those other zones. That's just – it's what happens with code. You put one thing in – but I think we could if this was a direction you wanted to go we could have a subsection with an – under special use permits just specifically for Ag-NRL.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I thought this sounded pretty good for reducing the events, because there are other places that are adjacent that could do other things and, you know, other zones. So if it did have to have a special carved out section, I think we should look at finding a way to do that.

Ms. Ruether: Okay.

Chair Raschko: Go ahead, Jen.

Commissioner Hutchison: I disagree slightly. I think that's a lot to ask, especially if it is for _____ the different zones. Maybe somewhere in the middle – 18 could be a reasonable change. That's a big ask.

Ms. Ruether: Well, okay. How about this? I mean, because I do get kind of ___ of either going within the administrative special use. I can keep going. There's, like, _____ or you can go through a special event permit, which is a one-time event gets permitted. So maybe we should decide are we going right or are we going left, and then we can have that discussion later.

Chair Raschko: Tammy?

Vice Chair Candler: I'm feeling a little bit like we need some data, like when – I don't know how hard this would be. I'm not trying to make this overly cumbersome but do we know whether – how many of these permits are applied for in a year? I mean, do people ask for more than 12? Is it 18? Is it going to make a difference?

Ms. Ruether: We did find a couple wedding venues that are – are there farm-to-table venues? I mean, I think it is a very involved permit. You have to go through SEPA. You know, it's over a \$5,000 permit, so I think the people that ask for them tend to go all the way to the top, because if you're going to get such a lengthy involved permit, you're going to ask for all of them. But I could – you know, I can pull some _____ -

Vice Chair Candler: Is one permit for the year then?

Ms. Ruether: Huh?

Vice Chair Candler: I'm confused. So you're saying it's one permit for the year?

Ms. Ruether: It's an event that you get with a bunch of different conditions that if you adhere to the conditions you are permitted for that number of events in perpetuity, if you adhere to the conditions of the permit. I think some of the conditions are that if it changes owner you need to notify the County within one year or if the use ceases operation for one year then the permit is not valid anymore.

Vice Chair Candler: Okay, so if you apply one time and you get this many for the year. I'm sorry. I didn't realize that.

Commissioner Henley: Well it's expressed in terms of calendar days, not events.

Ms. Ruether: This is true.

Commissioner Henley: Okay, so it could be one event for 12 calendar days.

Ms. Ruether: Yeah. I don't know. You'll have to ask – I'm not in the current use planning so I don't know the specifics of how they come up with that, but that is the language of the code. Yes.

Commissioner Henley: In the language they say that, so yeah.

Ms. Ruether: Mm-hmm.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: This is a pretty high bar, in my opinion. And I just want to make it clear in my mind: Is it good for one year? You don't need to spend \$5,000 for every permit to have every –

Ms. Ruether: I mean, if you adhere to the conditions of your permit, it's good in perpetuity. So you're kind of –

Commissioner Knutzen: Oh, okay.

Ms. Ruether: – this temporary event business, and you'll still get fire inspections like a regular business does. And the reason that I'm kind of – I'm losing track here, but that's fine. Discussions are good. I'm trying to give two different routes. This is like you're buying the whole package, the big package, and if you have lots of events you get all of the site done for all of those events and this permit takes care of all of them. And then as long as you adhere to those conditions, it's good in perpetuity.

Commissioner Knutzen: It is a high bar, in my opinion, but if someone is serious about an event they need a high bar.

Ms. Ruether: Mm-hmm.

Commissioner Knutzen: And as long as they stick – just to make sure I’m clear – as long as they stick to the conditions that have been established for them, the permit’s good in perpetuity – whatever you said.

Ms. Ruether: Yeah, perpetuity. It was a word I came up with but –

Commissioner Knutzen: (unintelligible)

Ms. Ruether: It’s as good as long as you adhere to the conditions.

Commissioner Knutzen: Right.

Ms. Ruether: There’s no, like, your permit ends at this date.

Commissioner Knutzen: Well, I would – with a \$5,000 cost –

Ms. Ruether: Right.

Commissioner Knutzen: – I would expect something.

Vice Chair Candler: If we changed this number, there are people who would probably – would there be a grandfathering issue at that point?

Ms. Ruether: Well, yeah, I mean, grandfather’s a whole other discussion and honestly I’m not a lawyer so I don’t know – I’m not sure I can even approach that discussion at this time. But, you know, yes, there are people that have been permitted under the old code and there are grandfathering laws – right? Like, if you build a house and then the zoning changes, they’re not going to tear down your house. You are grandfathered in. But if you go to your house and you want to change something on your house, if it adds to the nonconforming use, if it adds on, they won’t let you do that. So, you know, I’m not sure how the grandfathering is working with this. You couldn’t make it – they probably would have their events but not be able to change anything from the conditions. They wouldn’t be able to change the business. That would be my guess, but you’d have to ask someone. Does that make sense? You look confused – sorry!

Vice Chair Candler: Well, I’m just – I don’t know. If we did do the 12, do we have to address that? That’s my question. I don’t know enough about whether or not we have a choice of whether we suggest it be grandfathered or not, or – I don’t know if that’s up to us. But it might just be –

Ms. Ruether: Yeah, I can’t – I’m really not an expert on that so I can’t really say.

Chair Raschko: Okay.

Ms. Ruether: I think that would just be something that we might have to deal with. Whenever there are new regulations there’s always kind of that issue of, you know, figuring out how that meshes.

Chair Raschko: Well, I understand, but I think we need to know that because if people feel really strongly that it needs to be moved from 24 to 12 and, in fact, it’s not going to make any difference for those permits that are already issued, I think if we have a choice and we can say something about grandfathering in the language, we would want to know that.

Ms. Ruether: Okay. Okay, I can talk to Jason about that.

Vice Chair Candler: Thank you.

Chair Raschko: Kathy?

Commissioner Mitchell: Okay. So when – since you mentioned the in perpetuity thing, I'm a little confused on that. I think that we're going to need to know specifically, even if it's asking you to repeat yourself.

Ms. Ruether: Okay.

Commissioner Mitchell: I'm confused about the in perpetuity. I thought it was, you know, you can get your thing for a year; it's not for forever – for the special use permit – correct?

Ms. Ruether: No. I mean, the way that – you know, the way that this is put in the code it is if you adhere to your conditions – which there are some specific ones, like, if the business turns over they're supposed to notify the County within a certain time period. If the business doesn't operate for more than a year, then the permit is not valid. So there are some conditions where you would lose that permit, but as long as you adhere to all of those conditions, it's still good. I mean, Bonnie does a fire inspection and, like, she does a fire inspection on any business. That's my understanding.

Commissioner Mitchell: Going with Commissioner Candler on the thing, it'd be also it's not that it's a *must* thing but – and it's a luxury ask to know how many of those there are. Because I think the whole intent for what we're trying to do is to narrow down what is and what isn't permitted and not to let things keep happening. And I know that there're some situations where there's grandfathering. I was going to ask you about that again later anyway. But this – it seems weird.

Ms. Ruether: I know. I mean, it's a little contradictory for events that aren't really temporary, but I guess it was a way to let people do a certain amount of events in a, you know, specific period. But I worked in Woodinville, and they had – that's why I brought this up. There are special event permits for a specific event, and it is *only* for that event and is only good for the *duration* of that event. So there were – I mean, I'm honestly not used to this either, but, you know, all zones are different. I think they were trying to accommodate – it's in other zones, too. I told you it's in 20 other zones that they use this use, so it's not just Ag-NRL.

Commissioner Mitchell: Yeah.

Chair Raschko: So who is the permittee, or does it change? Because if you have a particular venue and you – say the farm is sold, does it go with the land? Or –

Ms. Ruether: That's a good question. I mean, I know there is a condition that if the business changes hands, they put a condition on the permit that you're supposed to notify the County.

Chair Raschko: So it would go with the business.

Ms. Ruether: I assume. I'm going to have to, like, talk to Jason to clarify that, to confirm.

Commissioner Mitchell: That would also seem weird.

Chair Raschko: Yeah. Go ahead.

Commissioner Hughes: I'd like to take this back to our original conversation of is there a way to just pull this into Ag-NRL and have it specific to Ag-NRL? Because then we could tie it into nonconforming use, and then the other areas be dealt with at a different point because the numbers may be valid to be different.

Commissioner Mitchell: Just this or all of what we're talking about today?

Commissioner Hughes: What we're talking about right now with the special use. Yeah. It just – you said at the very beginning that maybe that was an option.

Ms. Ruether: Yeah, that was the idea – that either we could create a special section and special use that's only applicable to Ag-NRL, or try to research what special event permits are for only that event – permitting just one specific event or maybe just for that year. So that's the two paths _____. Which one do we want to do more research into?

Chair Raschko: Okay, Joe and then Mark. Okay.

Commissioner Woodmansee: So if we're only getting six special use permits a year like this and they're only using six days a year, I don't think that's a good reason to lower the number, because we're fixing a problem that doesn't exist. And so I feel like that this particular topic has to get split into two things, because you have 19 other zone stakeholders that have no involvement in this process at all, and to keep it all as one and try to just change this like this you've got 19 different zones that had no opportunity to talk about this, had no idea it was coming.

Ms. Ruether: Yeah. Yeah.

Commissioner Woodmansee: And so it either has to be eliminated in this process at this time and then brought back as a separate issue or changed – or a different recommendation to add a – maybe the recommendation is change it to 12 days in the Ag zone – NRL zone – and *that's* the recommendation, not to actually change *this* part of the code.

Ms. Ruether: Yeah, I think that is correct. I think that wasn't – it was, you know, one of those unintended consequences of a condition there.

Commissioner Woodmansee: Sure.

Chair Raschko: Mark?

Commissioner Knutzen: First clarification for me: These are recommendations initiated by the Ag Advisory Board and then the County staff has written the code language and that's this that I'm seeing on the screen.

Ms. Ruether: Well, it's a little confusing here because actually, you know, the Ag Advisory Board went into the code and these are their specific code recommendations. What I'm advising is someone who's, you know, talked with all the people who do permitting and stuff. There are some unintended consequences if we were to literally take them. I don't think that was their intent. So I'm trying to take their literal recommendations from the code and try to, like, distinguish _____.

Commissioner Knutzen: And this language will be at some point however we cut it up. That will be submitted to the staff and you will incorporate that with the code and then you will be bringing that back to us to review again?

Ms. Ruether: Yeah.

Commissioner Knutzen: I'm just –

Ms. Ruether: Yeah, I mean, let me go on to the next portion of their recommendations. I feel like the – so we can finish the rest of the recommendations. They also recommended that temporary events shall be assessed appropriate to the scale of activity based on the number of participants identified in the application for temporary event at a rate of ___ dollar per proposed attendee. Such rates could be adjusted with inflation. The problem with this recommendation is that it conflicts with the administrative special use permit, which you buy – you buy the whole package. So that's – the question is, should we try to develop a – you just get one permit for, like, a year and get all your 12 events for one year and call it a different special event for Ag-NRL? Or do you want to stick with the more involved permit that has SEPA and everything, where, you know, we could do a special section in that code and keep it out of the other zones? Does that make sense?

Commissioner Woodmansee: Well, I don't think they should have to do a SEPA every time you want to do a special event. That's why they have the number of events and basically a master special use permit, so that you're not repeating this same lengthy process every time you want to do something.

Ms. Ruether: Mm-hmm.

Chair Raschko: Kathy?

Commissioner Mitchell: I've got a question – and since we've got some of the people here – to ask what the intent was for that. And why the suggestion was for that, for the –

Ms. Ruether: I mean, I'm happy to let them come speak. I think that's a great idea. I think they want it to be a scaled – more scaled fees. They want it to be so that the fees are appropriate to your activity level. I think that is the intent here. That was how I read it, is to have scaled fees based on that. It's a little bit incongruent since currently how these are permitted is through an administrative special use, which does go through SEPA because you're doing all these events all the time, so that's a bigger impact – right? If it's not just – just one event, you don't need to go through a big SEPA for that, but if you're doing, you know, 24 events for in perpetuity, that is a much larger impact so you have to go through SEPA. Does that make sense? So it's like we don't – it's not scaled the way it is in the code as it is now.

Chair Raschko: Jen?

Commissioner Hutchison: With the fees per head, I just – I don't understand how that would be tracked or managed and how that – I mean, *after* an event you're going to collect that fee, because how do you know how many people *will* attend if you're selling tickets? Isn't that going to get passed through then to the actual person that's – or organization that's now renting the facility to host an event? I mean –

Ms. Ruether: I mean, I'm not sure that, like, we could do that exactly like that. But I think if – my idea was that you did just one year of events it would be more scalable because you're doing a permit based on that event. They do have in, like, Seattle – or even Woodinville has an admission Tax, but it's for public lands. So they charge an admissions tax when you use a big stadium or something like that, but I don't think that could transfer over. But you can do a more scaled – you know, you pay your permit. Pay based on a permit, not buying the whole 12. Does that make sense? So I'm not sure we could literally – I mean, fees are a hard thing. In the planning world it has to be a nexus, which is – “nexus” means rational and proportional. It has to have a relationship. And so you have to have a legal basis, and I'm not sure that we could do it this way. But I think we could look at the intent and say, you know, we want to have our permit system be a little bit more scaled so that you're not just buying the big \$5,000 one, which is – you know, you have to be a really big operator and a really – have a big business plan to make money, probably, to buy something that big, right? And I also think it can, you know – it skews it a little bit because then you only have the people who are really committed probably doing that. But I do think that, you know, we could look into ways to have it more scaled. It might not be per attendee, but it might be per event or something like that. We'd have to work with legal on how we do it, if that makes sense.

Commissioner Woodmansee: I have a question. If you're going to do a temporary event and you don't have a special use permit, is it a completely different process or do you *have* to have a special use permit to do a temporary event? So the special use gives you up to 24, right? But let's say you're just going to do a one-off event. How does that get permitted? *If* somebody gets a permit?

(laughter)

Mr. Moore: Thanks for that clarification!

(laughter)

Mr. Moore: It saved me from saying it! Sarah, if I may: So you wouldn't. I mean, there are occasional use activities regulated under the fire code, but those are typically not what we're talking about here. These are often already on properties that can accommodate large-scale events and they're just getting an activity permitted. You know, it might be tents. It might be – you know, it *could* be a wedding, it could be some other things. Or it could be a business gathering for people. But those are a little different. Sometimes it's a music venue – or not a venue, but a one-off thing that happens once a year maybe. And then there's a different, not-quite-as-robust review. It doesn't go into the special use category for ongoing events. I get – I want to appreciate what some of the Commissioners are saying about how “temporary” seems a little confusing. It's ongoing and permanent in nature. It's just intermittent more than it is temporary – a lot of these.

And if I can, you know, hopefully not misspeak for the Ag Board, but to clarify a couple of those things: Their intent was that those limitations on – you know, going from 24 calendar days to 12 – was in the ag zone itself. And they did not want to restrict the number of calendar days *outside* of the ag zone because that would be, you know, counter to their intent. They would like to *encourage* them outside of the ag zone and limit them within the ag zone. So I do know that that is something I heard them talk about during their deliberations. As for the \$2 per proposed attendee, that will be a challenge, as Sarah mentioned. I will echo what she said there. The difficulty would be that there's a lot of work that goes into reviewing and approving a special use permit. So if it's something that's going to happen, you know, on an *intermittent* regular basis, then all of these things need to get looked at, whether it be parking, noise, fire safety, building

safety if it's in a building. You know, are there proper facilities for the people to use if it's an ongoing business operation? So the \$2 per is quite a challenge, as Sarah commented. We're not able – we wouldn't want to set up a system where the County would be subsidizing a business operation like that. So we would have to be able to figure out how to cover the review time in the permitting.

Commissioner Woodmansee: You're talking about for a one-off kind of thing?

Mr. Moore: Well, that could be for any.

Commissioner Woodmansee: Well, once you have your special use – right now once you have your special use permit you get so many events a year, right?

Mr. Moore: You get 24 calendar days per year.

Commissioner Woodmansee: And then do you – subsequently of that, do you then have to review every event as it happens?

Mr. Moore: Not necessarily.

Commissioner Woodmansee: Okay.

Mr. Moore: It gets reviewed – one master review for, like I said, building safety, fire safety, parking access, you know, et cetera – health. You know, food service, if you have any built into the event center. So it gets reviewed all up front and then after that you don't need to. So the other path or avenue that Sarah mentioned is, you know, could you somehow go under more the fire code method and individually look at each activity as it occurs. That would be a bit of a departure – I mean, from what we're talking about here. Not that it can't be done, but I'm struggling to think how that – we'd have to build that from the ground up. Let's just say that.

Commissioner Woodmansee: Well, it seems like you could have a – it could be a fee schedule created that falls under the special use permit that is – you've got 24 days and let's say you planned 24 events and if the event is 100 people – let's say \$2 is the right amount per person that we think should be charged for a fee. So for your 100-person event you're going to pay a \$200 fee at the time of the event. And then if you have 200 people you're going to pay \$400 for your next event and you're going to pay it at the time of your event. How does the County know, once the special use is there, how does the County know when the events are happening? I'm assuming they don't.

Mr. Moore: They don't. We don't know how many people are there. We don't know when they occur. It's up to the proprietor to comply with their special use permit, and if they are not then we may, you know, receive a complaint about it.

Commissioner Woodmansee: Sure.

Commissioner Henley: Just one quick question. The way I read this particular thing about the \$2 proposed fee, it's a subset of the fee. It's not the entire fee. In other words, \$2 of it goes to this activity here. The rest of it could be profit or cost coverage or whatever it is. In other words, instead of being charged \$2 per proposed attendee, the proposed attendee might actually be paying \$10, let's say. That wouldn't be at all unusual. And so but what you're going to get out of this is the \$2 which will come to the County apparently.

Mr. Moore: That's the way I read it, Commissioner Henley. Again, I'm not sure how that correlates to the review of a special use permit or how that would work on an ongoing basis.

Commissioner Henley: Yeah, I don't know how it does either but you're going to have to figure it out before _____!

Mr. Moore: Yeah. Annual licensing fee or – you know, I'm not sure if that was the intent. I'm unclear on that honestly.

Chair Raschko: Amy?

Commissioner Hughes: Can we ask the intent? My question is was this for hiring enforcement? Was that the intent behind this?

Don McMoran: Absolutely, yeah. The lack of enforcement in Skagit County –

Ms. Rogers: Can you speak up to the mic just so that everyone can hear for the transcript?

Mr. Moore: Introduce yourself, please.

Mr. McMoran: Yeah. Good evening. Don McMoran, 14573 Beaver Marsh Road, Mount Vernon. So I serve on the Land Use Committee within the Ag Advisory Board and, yeah, there was a lot of discussion about the need for regulation within the Ag-NRL zone and the lack of enforcement, and so the Ag Advisory Board and the Land Use Committee wanted to come up with a mechanism to create funding that could support a regulator to go out and make sure that everyone is in compliance with the rules of Skagit County and Washington state.

Chair Raschko: Thank you.

Mr. McMoran: Thank you.

Chair Raschko: Being a cynic, it just seems to me with this permit you go through all the hoops and describe what you're going to do and all of that and then you pay your fees, and then for 24 days a year in perpetuity you could do anything you want. And to me that has to be the situation that is somehow corrected. Anymore comment? Jen?

Commissioner Hutchison: Thank you, Chair. I may be way off here, and please correct me if I am. When there's alcohol involved at any type of venue like we're discussing, there's a requirement for an application to the state liquor board for a banquet permit or a special event license. Is that – I mean, I don't know that that's fair to say that it's going to cover *all* of the temporary event venues that we're speaking of. But am I right in thinking that there might be a way of mapping it back to the liquor board as far as – because each of those applications suggest the headcount expected, whether or not they're charging, what the insurance looks like. I mean, there's a lot of steps just to host an event at one of these sites for the person that wants to have it. So is there a mechanism there in the system that there could be communication and at least capture where there's alcohol on (the) premise to try to gauge a headcount for the venues? I'm just asking and I might be completely way off if there's no tie there. That's my understanding.

Ms. Ruether: I mean, I know that Brandon gets the liquor license application. I have no idea if they are tied to a *number* of people, but when there are events, Brandon, who's our current planning manager, gets the liquor license, he gets the Health Department. Fire has their own

special event permit that they go – and so it is regulated but it's not regulated maybe from the Planning standpoint at this point unless you're through the temporary events. But there are regulatory mechanisms for safety. They're just not necessarily tied to what we're doing. Does that make sense?

Commissioner Woodmansee: Can I follow up with that? So it seems to me that if we want to have somebody do an inspection or regulate – have a way to pay for some – I guess for oversight of these things – by the County – it seems like it wouldn't matter if it's 50 people or 100 people or 200 people. If that site needs to have somebody to go out and look at it and spend an hour, it should just be an event fee. It shouldn't be tied to the number of people. It should be – and I don't think it's unreasonable to kind of self-fund your industry this way. So it seems like it could be just tied to if you have that – your – this is probably farther than we're going, right? – but a special use permit allows x and you get your special use permit, it gets approved, you get your 24 days, and you decide you're going to do 24 events or you're going to do 12 two-day events. Each of those individual events needs to have a compliance inspection. So you are in compliance with your permit. We confirmed it prior to your event. Your fee for having this particular event is \$200, \$300, whatever – \$100, whatever. But it wouldn't matter if there's 50 people or 100 people there. The same inspection would be happening. So it seems like it could possibly be an event fee that it just doesn't matter how many people are coming. You could have 10 people there if it's truly a special event, and you're still going to pay a fee to confirm that you're in compliance with your permit. That's where my brain's going on this because it doesn't matter how many people are there. But the mechanism to fund the compliance – I don't like that word very well, but the mechanism to fund the process, at least it's **born** in that.

I get that 600 people is a bigger impact than 100, but if it's the same inspection for the same hour or two hours of somebody's day, I don't know that you should have to pay more just because you have more people and vice-versa.

Chair Raschko: Just one moment. I just wanted to follow up on what he said. In order to make that work then you have to have a reporting system where you notify the County each time you're going to do something.

Commissioner Woodmansee: Yes.

Chair Raschko: Which is not the way it's done now.

Commissioner Woodmansee: No, I agree. The problem's bigger than just the enforcement. There's no process.

Chair Raschko: Mark first. Go ahead.

Commissioner Knutzen: I agree to a point with that, Joe. It's the time spent there that's going to be the cost. And I've never had events so I don't know specifically but I would assume an event for 20 people would be smaller and require less time than an event for 300 people. So I think – and I'm not proposing to do a combination. That gets too complicated. I'm just looking at the unintended consequences of doing it your way. And I haven't thought about it long enough to have an opinion, but I just wanted to bring up that point.

Mr. McMoran: Sure.

Commissioner Woodmansee: I completely agree with that. That's a very fair point. The concept might be there. Might be you could have tiers. But at least your enforcement starts to get funded. I don't like that word either, but – your *process*. Process is a better word.

Chair Raschko: Okay, we have Commissioner Candler next and then Commissioner Mitchell.

Vice Chair Candler: Just like Commission Knutzen, I haven't spent enough time thinking about this, but it seems to me that if the issue is that people believe that there are some nonconforming things happening – events – it's the other 341 days of the year that need enforcement procedures! So I'm not sure that it makes a difference, because the funding source is the funding source for whatever they do. But it seems like having them come out to 24 events – if the concern is that there's 48 events – 48 calendar days of events happening – that's not even going to do what we need to do either. So that's just a thought.

Commissioner Mitchell: Okay. Since we're just kicking this ball around anyway, Jack, not to hold you to anything but just generally the County usually tries to do things that make sense to the County, especially when we come to enforcement and fees. What would – at first blush, what would make more sense: a flat fee or a scaled fee?

Mr. Moore: I think it could be a little different, and now thank you for clarifying a little more what this intended fee was for. In my mind, and I think this may have been briefly touched on in previous discussions, maybe an annual operating license as opposed to a day by day by day count and a headcount. What I worry about practically speaking from a County staffing perspective is are we going to spend so much time, you know, tallying and collecting and issuing and tracking and entering it in the accounting system that we don't actually have time to go out there and visit the sites? So, you know, it could be a flat fee – annual operating cost. It could be a – possibly a tiered annual fee based on the original special use permit. If the special use permit identified a much smaller operation then maybe their annual tiered fee is a bit smaller. What that could do and how that could benefit the County is it would be a more – you know, it would be a more regular source of income to fund the compliance, as the Ag Board had mentioned. So that may be another way to accomplish the goal, the stated goal, but it'd be maybe more practical from the implementation standpoint.

Commissioner Mitchell: Okay, good. For what it's worth, I'd like to see more information as you guys delve into that and bounce it past the Ag Board too, because that was the crux on the matter on why we're even here, right? Aside from allowing people to do things. The allowing people to do things and the enforcement: There's the mess. And so I don't know, other than to ask for you guys to delve into that and let us see whatever you come up with collectively.

Chair Raschko: Jen and then Joe.

Commissioner Hutchison: Well, you just bring me to wonder if there's been consideration from the County as far as what staffing that might look like. Is there a dollar amount annually already kind of rolling through on okay, we need to make this a parttime employee, a fulltime employee? Is it going to be somebody from Parks & Rec? Like, who's going to manage that code enforcement? I don't know and I just wonder if there's – you know, if you have a starting point, it might be easier to develop what that will work out as manageably. And then having that check-in, you know, that annual operating license or that communication with those venues then it keeps it top of mind, and these are the places we want to be driving by on the weekends in spring. Just thoughts.

Mr. Moore: My initial thought is – you know, my crystal ball's not working very well, and it's going to be difficult to estimate that at this point. As far as, you know, what would be the number of operators ultimately out there that would be captured by the ag-based temporary events special use permits, and then, you know, how much time will it actually take? How many of them are, you know, self-reporting and being self-policing and don't take much effort on the County?

One possible way to approach this is to identify what we want to have happen and not happen in the zones and possibly direct the County to survey that to establish and appropriate fee under the fee schedule. You know, I mean, if you memorialize that an annual operating cost will be implemented to help cover the management of the compliance with the special use permit, then the County could do some research. And after the passing of the code, we could look at it and maybe have a period of time where we can analyze that and make sure it covers itself. Trying to build a fee in the code itself is generally not recommended. I mean, inflation, consumer price index – things change all the time. So you generally want it separate in a fee schedule that can be analyzed differently from the actual limitations of code. So, you know, I guess that's my quick gut feeling on it, is that maybe we don't – you may not need to spend that much time trying to get down to the dollar amount right now as we're talking about language within the code.

Commissioner Hutchison: So then just to follow up too, is there a penalty or fee structure in fines for those who are not permitted and are having activities and not paying for license or....

Mr. Moore: Not well. It's not clear. So you could – there are a couple of ways that someone could receive a penalty. One would be if there was actual construction without a building permit. Your building permit fees would be doubled when you finally came in to get that permit. Another is there is a provision in the code compliance section of the County code to assess daily fees for every day you're out of compliance. In practice, they're not all that effective, because if there are 100 or 500 a day and someone goes several months, obviously that number gets quite big. It's not always reasonable to expect they're going to end up paying that. They don't, I will say. So the way the code compliance fee structure is set up right now, it's not terribly effective for the use that I think you're considering.

Commissioner Hutchison: Thank you.

Chair Raschko: Joe?

Commissioner Woodmansee: Yeah, so all this discussion has me, like, super-curious as to how many special use permits we get. I mean really, you know, is it isolated? Really the only problem is in the ag zone, NRA (sic) ___? And so – which is why we're talking about this. I mean, I'm just super-curious, you know? Because that volume of events, I think, would play into how much the County – how much time we spend trying to figure something out. Does that make sense? So, I mean, if there's only six special use permits a year that get issued – and I have no idea how many there are. But it just seems like – because that's not going to fund the issue. There's no way that's going to fund it. So then it has – you know. It'll *help* but it won't fund it. So I'm really curious – if we could get that information as to – you know, annually there's – well, or there's 21 special use permits hanging out there that are in place over – that are still current or whatever. It seems like we would know that, we'd be able to get that information and – I'm really curious to that because that to me that weighs a lot in how much time we even spend on this part of it.

Vice Chair Candler: And I would also want to know how many of them – yeah – are in the Ag-NRL as opposed to these 20 other zones.

Commissioner Woodmansee: Yeah. Right.

Vice Chair Candler: But I also have a question, if anybody has this information, because you were indicating that these permits are in perpetuity, assuming everything stays up to compliance or whatever. Has a permit ever been revoked that anybody is aware of?

Ms. Ruether: I have to ask Brandon. I'm not up – I don't do it in my daily life!

Vice Chair Candler: You know, and so I'm not asking literally has a permit ever been revoked, but if we're gathering more data I would like to know how many, if any, and were they in Ag-NRL.

Ms. Ruether: Okay.

Chair Raschko: Amy?

Commissioner Hughes: I'm getting dizzy with this conversation, because we are talking about all permits. And if we were to just focus in to Ag-NRL, start small and see what package we come up with, leave the others like they are, those others may start – we may start hearing complaints from those others as well. Or those others may just be working because they're not in a working agriculture area that we're concerned about. So I'd just really like to focus in on what the intent of this is rather than taking it to the whole code at this point.

Ms. Ruether: I think that was *my* intent – was to keep it really big-picture like, you know, when you talk about, like, hiring staff and doing all this stuff, it's a little bit too much. And even, you know, like what we want to accomplish and then we'll try to figure out how it works and it may not. If this is too onerous of a system, we may have to go down a different path. You know, you look at your intent – you know, you want to climb the mountain; you want to get here. But the first path might not work so you have to go a different route. I think you – from my perspective, you know, what's the goal that we're trying to accomplish with these regulations? I will leave that at you – you know, for you to give us direction. And maybe that will help us pursue whether it's a license or you know. I was doing research because when we were first looking into programmatic permits temporary rentals – the short-term rentals. In tourist towns they're having trouble regulating these and they have a registry. So you're required to have a permit and have a registry to make sure your permit is valid. So there's different systems that probably could be adapted to. There's not just one route. But I think the question is how do we make sure we're being fair. That's how I think about it. You know, like, how do we make sure we're looking at, you know, we're being fair to all the different operators, if that makes sense.

Chair Raschko: Okay. Are we ready to move on? No? Okay.

Vice Chair Candler: Well, I just – I mean, that's one way to look at it, but I don't think that's the way I've been looking at it at all. I hear all of these discussions from everyone. How do we protect farmland? I thought that was more maybe the goal. And so how – and, of course, we want to be fair. No doubt about it. But I just keep seeing – I keep hearing we don't want to be Kent Valley; we don't want to be Snohomish County. And then I see, well, let's see what Snohomish County and King County have done with their codes and look at that. I mean, Einstein said – or at least attributed to saying – the definition of insanity is doing the same thing over and over again and expecting a different result. And so I'm trying to figure out how – I feel like we're on – I don't want to be dramatic, but we're on the edge of a pretty critical time in Skagit Valley in terms of the farmland. What are we doing? Are we *talking* about preserving farmland or are we serious about

it? And so I don't know what our goal is here. So you're saying we need to start with the goal. I agree with that 100% but what is it?

Ms. Ruether: Well, I mean, that sounds like a goal. I mean, _____ preserving farmland is a goal. I mean, I think I think the Ag Board could probably speak to that better than I do. So I don't – you know, it's a hard thing with agritourism because, you know, when things are black and white it's easy to make decisions, right? And this has a lot of gray area, right? So how do you permit some without, like, letting it become Disney World? That's how I think about it at that spectrum. And we're trying to find a mechanism to do that. And the whole reason that the, you know, Ag Advisory Board weighed in as much as they did is because I think preserving farmland is their mission.

But I can't – I still haven't got an answer. Who's driving the need for this? Is it people who want more use of the land or is it people who want a better use of the land that they're already farming? Ans I just don't have an answer for that. I don't quite know. But –

Commissioner Mitchell: Can I ask a clarifying question?

Vice Chair Candler: Yeah.

Commissioner Mitchell: You asked a very good question, but when you said "this," can you tell me exactly what you mean by "this"?

Vice Chair Candler: The need for changes in the code.

Commissioner Mitchell: Okay.

Commissioner Henley: I had the same question to Commissioner Browning when we had our joint session meeting, and the way he expressed it I got the impression that the pressure is coming from a relatively small number of people who have a vested interest in the matter.

Vice Chair Candler: Right. So if we're talking about what's the goal –

Commissioner Henley: It didn't seem to be to protect farmland, if that's what your question is.

Vice Chair Candler: That changes what the code does, certainly.

Chair Raschko: I'm totally confused. What are we talking about here? Okay, so starting simply, somebody wants a berry stand. Do they have to do this?

Ms. Ruether: If they're under 300 square feet, it's outright permitted. If it's bigger than that they have a, you know.

Chair Raschko: Okay, so it's a square footage thing.

Ms. Ruether: Yeah. Those are actually pretty specific in our code of how we have farmstands regulated.

Chair Raschko: Okay. But you get above that – okay if you want to have the farmstand and the latte stand and the petting zoo or whatever and it gets over 300 feet, then you have to do this.

Ms. Ruether: Yeah. I mean, I think if you had the latte – I don't know about the latte stand. That actually sounds more confusing –

Chair Raschko: Well, I just threw that out. You don't have to –

Ms. Ruether: – because you've got traffic, and I think – I'm not sure the latte stand would be approved, quite frankly, and that's also food and beverage, which is not permitted.

Chair Raschko: I guess what I'm trying to do is simplify this in my mind if I can, but if we're talking about how you go about having the uses that have nothing to do with farming and all of that, why are we even talking about it? Does that make sense?

Vice Chair Candler: It does to me.

Chair Raschko: In other words, if we've got a use like the latte stand, it's got nothing to do with the corn being grown. And all of this – it just seems to me they're talking about how to permit and what to charge for it for something that's not an allowed use. Then we're just making this more difficult than we need to. Do you agree with that?

Vice Chair Candler: I absolutely agree with that, yes.

Chair Raschko: So I think I'll just continue _____ permitted agricultural – what do you call it? – tourism. You know, what are those things that are allowed?

Vice Chair Candler: But the enforcement piece is still important because it – we say what's allowed and people just do what they want anyway. It's a problem, right? Or not we, but I mean the County government body. So the enforcement piece is important too. I think it sounded like it was to the Ag Advisory Board to me, and I can understand why.

Chair Raschko: Please, Mark.

Commissioner Knutzen: I agree with what you said, Tammy, but we need to remember – I said this at last month's meeting – we can't pick and choose what events we want to enforce. If you're going to enforce the stuff here in the Ag-NRL zone, we need to enforce all regulation codes in the valley. We can't pick and choose. And if you remember me saying that –

Vice Chair Candler: I do.

Commissioner Knutzen: There's two code enforcement officers, I think the County Commissioners said, and what would we need if we have to go enforce all the codes and all the building permits that are off-code that _____? Who wants to tackle that? Not me.

Vice Chair Candler: But what's the option?

Commissioner Knutzen: Doing nothing. That's where we're at right now, and that's why we're having this discussion. Where do we go with this? In my opinion, that's what we're doing right here. Prohibition – 1920 – we tried it; didn't work. That doesn't mean that's what's going to happen here. Thank you.

Chair Raschko: Okay. Joe, please?

Commissioner Woodmansee: So I've asked the same question of myself: Why are we doing this? And the primary – I believe, for me, the goal is to protect farmland. And there's a group – there's factors trying to potentially increase the activities that can happen in these ag zones and the pushback – the reason that we're talking about this particular stuff is because there's an industry saying, Hey, wait a minute. We can't have this, this, this, and this out here because we've got to be able to drive the tractor down the road, we've got to be able to do what we've got to do. And otherwise you're not going to have food on your table. And so the primary thing for me is how do we protect the farmland. And so it really does get down to – I guess it's got to be tied. The hard part for me is all of this stuff that's been going on for years and years and years and real investments from people, real venues – legal or not. I don't have any idea which ones might be or might not be. But there's a real rubber-meets-the-road thing there and how you get the bird back in the cage and not destroy somebody. That, to me, (is) the hard part. The easy part is saying we don't need to do anything that's not ag-related in the ag. We don't need, you know, a coffee stand in the middle of the ag zone because that's not related. At the same time, you can have a – I'm not going to name names, but I can think of one venue that has that and, from what I can tell, it's a great thing. That whole venue is – I mean, I know it's a great thing. I've been there with my grandkids a million times. And so that's the hard part to me, is how do you – the whole grandfather thing and what's compatible and what's not. I don't even know the answer to that, as far as where we're at today – right? We know we want to limit – we don't want it to grow out of – be worse out of control, and I think that in the end the ag land has to be the most important thing. So that's why we don't expand. But there's this in between that we've got to figure out. Maybe we don't have to figure it out but the County's got to figure it out: What are we going to do with, you know, noncompliance here, noncompliance there, or whatever, you know? Maybe there's some really popular stuff that's on compliance and it's been a hallmark to whatever. But I do think it's about in the end I don't think we need all this new agritourism stuff; we just need to maybe fix our definitions a little bit in that. We don't need to add a bunch of fancy new descriptions and ideas that need – they don't need to go in the Ag-NRL. They need to go alongside it somewhere, you know? That's kind of where I'm at.

Chair Raschko: Mark? Go ahead, Mark.

Commissioner Knutzen: I am in the camp that believes we need to address this now. My memory of this started about 2017, six years ago, when there was a dairy out on the Bow Hill Road/Chuckanut Drive that processes cheese, and they wanted to put in a restaurant. And they were denied and they – I don't know if they wanted a docket item, but that's when this whole thought process started. We need to look at what we do as a county to regulate. Fast forward to now, there's been a lot of information and data presented to us by the people on the Ag Advisory Board. I'll say again, thank you very much. Giving examples from other counties that have put the blinders on and tried to ignore, and it's grown wildly out of proportion. It's like a fire: If you put it out when it's small, you can control it. If you wait until it's a whole building on fire, it's too late. And the perception I get from the people that presented this information – all these other counties that are bigger than us – it's almost – probably really is – beyond control. What we have here is growing hugely, in my opinion, and we need to not necessarily put the fire out, but we need to keep it under control. And that's, in my opinion, why we're doing what we're doing. And I think it's going to be a long process. I don't remember exactly the timeline, but I think we're going to be talking about this – in my opinion – for a while yet before we come up with a solution. And we're going to be mixing and mashing and it's going to be very difficult to come up with a finished product. Just my opinion. Thank you.

Chair Raschko: Okay. Kathy?

Commissioner Mitchell: Thank you. That just jiggled my mind on something with what both of you-all said. On page 9 from the Ag Board, one of the recommendations is the second paragraph down. It says “The Board offers that identifying those operations which do not conform with the SCC regarding agritourism should be given an opportunity to observe the law and come into conformity over a two-year period of time after notice of nonconformity. The determination of prior ‘vested’ Rights (grandfathering) is beyond the purview of the Board” – which is interesting because that’s going to be a big conversation anyway. But I thought what was great about something like this is it’s recognizing that there is the problem but it’s also saying, Hey look, we can address this by putting down the ground rules now and give people a two-year grace period, which sounds better than a three or a five one, or a 10. So I think that they’ve laid out a good pathway and if we go the route, like Commissioner Hughes had suggested, with focusing on – that this is just for the Ag-NRL, for the parameters to take care of this, you can consider it a pilot program in seeing how that works, if you were to have other zones that were having problems with special use permits and things like that elsewhere. But this would do a number of things. It would protect the ag land, number one. It lets people – everybody – know what the ground rules are, whatever that ends up being. It allows for perhaps a mechanism to help fund some of that enforcement that’s needed, should that be looked at. And it lets people see how this goes and see if this is better than just doing nothing, which we have been sort of living with. And so I really appreciate the fact that they worked really hard to pull this together. I think they laid out an excellent pathway for us, and I realize there’s a lot of picking and choosing here with understanding verbiage and terminology and stuff. But that piece right there I think is key in saying, look, let these other people have a two-year thing. And when we had come back to you guys – and we need help from the lawyer and legal on this, on what grandfathering is and isn’t – I was stunned to find out that some things (that) had only happened just a few years ago could be considered grandfathered. And I asked somebody about that today – how could that possibly be? – and they said, well – you know – not the lawyer, but I asked legal about it – because there are certain things that have been allowed for, let’s say, five years, the last four or five years. Then they have something established. So we’ll need to understand that piece. But I think this is really good to remember, is that we’ve been laid a general pathway with good definitions and stuff to help us to get this in line. I think it’s –

Ms. Ruether: If I could, maybe just to recap to help me, because, you know, at the end of the night I have to go back and maybe relisten to the translate thing again and, you know, my presentation got a little bit – I didn’t get through my whole presentation. So just to recap for me, if we could, like the definitions it seemed like people were kind of in agreement on that, but, like, adding new definitions was a good thing. I mean, they worked really hard on those definitions, if we need to wordsmith them later. And then do we want to look – continue to look – at the administrative special use and it having its own special section of the code? Is that the direction we’re going, or do you want to bundle it with a one-time-event thing? Or do you think if it was an administrative special use, should we look into catering the code for that? Those are the two paths that I see. Does that make sense?

Commissioner Mitchell: Do you want a straw poll? Is that what you’re asking?

Ms. Ruether: Yeah, maybe.

Commissioner Hughes: For me, explain. What are the two things we’re choosing?

Ms. Ruether: Like, should we continue – we have an administrative special use permit. We know how it works. It’s a known. And in that sense it’s a lot easier, I think. We could just easily cater – I could work with our attorney and we could cater the code for that and we could have it just be

applicable to Ag-NRL and it wouldn't affect the other zones. So I think it would be easy that way. If we wanted to, like, split it out, we'd have to do some research into how and whether that was possible, so it would be a longer path maybe. But we could look at – if we think that we need to do single events or – I mean, I don't know enough about it, you know, these operators, is having just, like, a 12-event package that the serious ones are going to do, is that a good thing to research? And I know you just say you wanted us to look into some of the previous administrative special use permits, but I guess just to sum everything up and help maybe give me direction for what kind of – how I should research it as we go forward. Does that make sense?

Commissioner Mitchell: Now repeat back – sort of?

(laughter)

Commissioner Mitchell: So you're laying out two possible pathways and I think we could do a straw poll just by saying, What do you think about this versus that at this point? But who's kidding who? I think we still would have to **have the meat** for both pathways.

Ms. Ruether: Yeah. I mean, we're not like – you know, we're still big picture here. It just helps me, like, look forward. And you have members of the Ag Board here and so if you need clarity to help you figure that out, I think, you know, you can also get their idea on why are we doing this to begin with. Because, I mean, they're the farmers. They're the ones on the land seeing it everyday. So I also think you have the experts in the room to help figure out that why here. So I personally – that's my opinion that you could take advantage of that now. But I'm just looking for some clarity as I go forward with this of how, how to – and we're not committing to anything. This is early. But if you could maybe help me with that.

Commissioner Hutchison: And you're saying that – I'm sorry. Is it – you're saying that the administrative special use route is a simpler format to really target the Ag-NRL districts/zones rather than the temporary events –

Ms. Ruether: Because it's a known quantity. We already do it in the code. You know, Brandon already does these everyday so we could just carve out a special section there. We have all of that set up so that would –

Ms. Hutchison: Especially when you're looking at the reduction of the amounts per calendar year, like broadly over 20 different zones, it seems safer to go the administrative route at least to start. But I'm – that's just my opinion.

Chair Raschko: Mark, you had something?

Commissioner Knutzen: When you've answered questions tonight, I've noticed at the end you say "Does that make sense?" Do you mean that literally or figuratively?

(laughter)

Commissioner Knutzen: Because I've got an answer!

Ms. Ruether: Okay.

Commissioner Knutzen: How do you mean that?

Ms. Ruether: I'm just trying – I'm trying – I need further clarification from you if it is.

Commissioner Knutzen: I'm assuming you mean it figuratively.

Ms. Ruether: Yeah, yeah.

Commissioner Knutzen: But if you meant it literally my answer would be: Mostly no. But that's me! I'm working on it, okay?

Ms. Ruether: Okay. I know, I mean my presentation got – you know, it became maybe more organic than it should have been so I apologize for that.

Commissioner Knutzen: It's an observation _____. Thank you.

Ms. Ruether: Mm-hmm.

Chair Raschko: Okay. Any other opinions?

Commissioner Woodmansee: I have something to say. I feel like that what got us here is a whole bunch of new stuff being proposed to be allowed to be done in the Ag-NRL zone under the Ag Tourism title. And what got the Board to the table was, Hey, wait a minute. We can't add this, this, this, and this because we have to preserve our farmland and ag land. And so – that's what – for me, that's how I feel like we got here. And so the code already says it has to be an accessory use to the farm or whatever, so that part doesn't really need changed. We just need to not add new uses to it.

So that's where I'm – that's where for me I think that we got here, because a third party that's not here tonight – of *people*; not a *person* but of *people* – started saying, Hey, what if we just do this and change the code so we can do this and change the code so we can do that in the Ag-NRL zone? And then so now we're – to me, I'm back to – I think we said at one of the last meetings that we need to look at what it already says and kind of enforce that. I haven't heard anything that we need to add. We just need to protect things that *shouldn't* be added from *being* added. I haven't heard anything – “We need to add this use,” right? It's “We need to stop these uses from overtaking ag land.” Does that make sense – what I'm saying?

Chair Raschko: Yeah.

Commissioner Woodmansee: And so if we're not trying to add – for me, if I'm not trying to add and it already says you can only do the x, which is accessory use to the primary function – layman's terms – that's where I get to I'm not sure what we're doing. That's where I get to that point. Because if it already is protected then it's more about enforcement and building a fee schedule and, you know, having the ability to regulate better. I don't know. That's kind of – mentally that's where I'm at. It's interesting.

Chair Raschko: It just seems to me that the important thing is the definition and the allowed uses.

Commissioner Woodmansee: Yes.

Chair Raschko: Okay. So if you're over 300 square feet you have to go get a permit to do those allowed uses.

Commissioner Woodmansee: Yes.

Chair Raschko: I just had the feeling the last half hour I've been trying to figure out a process to allow non-allowed uses.

Commissioner Woodmansee: Within the zone.

Commissioner Hutchison: I think that's terrific, Joe, the way you stated that, but I feel that the whole ag tourism package when it was presented to us months ago had a whole lot of other elements to it – camping and RVs and just so many different aspects that are not even hung up on this events topic that we've spent this evening discussing. So I think there's more to it.

Commissioner Woodmansee: Well, it's not in front of us right now!

Ms. Ruether: I mean, I think that this is trying to look at it more as an event than the uses, per se, and regulate those events. Like, when you come in, if your event is regulated you will do the test: Is it accessory to ag? You know, having the events instead of breaking out every single use, which we would never be able to do, right?

Commissioner Woodmansee: Right.

Ms. Ruether: Because it keeps changing and morphing, you know. Even as we speak, there's, like, new things going on. So I think the idea with this was like if you regulate it from an events standpoint – if you can only have so many events in such and such a time period and they have to meet safety requirements, then that is protecting the ag land. And you have the Ag Board here saying, you know, we do think that you could regulate it through this but you have to – they actually want to tighten it up, right? They don't want it to be *misused*, to become an event *center*. So they're suggesting it not being so specific that you regulate it by a use, but you regulate it by events, so then you're capturing it but in a different way. I think that – that's how I saw it.

Chair Raschko: Mark?

Commissioner Knutzen: I've been asked by a member of the community when I tell them I'm on the Planning Commission and we're talking about ag tourism, and they say why does the County bring this before us? And my answer has been it goes back to that 2017 cheese place out in Bow, and it was actually the ag community that is bringing this issue to the forefront. Would someone like to comment on if that's – they think that's accurate? A lot of people have been here before me. Would you clarify that as being accurate, Kathy?

Commissioner Mitchell: If you go back and – if anybody goes back and looks at the Ag Board notes you can find years previous where that issue had come up. But when that issue came up and people were asked to put in public comment the Ag Advisory Board and others came forth and said Well, if you do the situation in this thing then it starts the slippery slope. Please don't do that until we have a chance to look at this in a bigger way. And so this has come up several times in the past. I saw something back early 2000s. I know there was stuff discussed before then. 2004-ish there was some stuff about that and then again, you know, a few – you know, some years later. So that specific thing on the 'why then' was because of that one issue forced the issue. And so – but it got the community talking and here we are within discussing what's happened since then and how it's grown. And the other piece to it is since that Samish Bay Cheese question what has come up is new parties coming to the area – correct me if I'm wrong – but new parties coming to the area asking for some bigger, better things using ag land, which

whether people define it or not is yes or no. It's like when I read that list to you, the yoga thing doesn't seem like it, you know, applies to me and I've seen video with laser light shows on ag land and other places. I mean, it's arguably those other things where the creep came in. So simple answer is the Samish Cheese thing brought it up 2007, 2018, but we are now where we are because there're some new parties and players trying to do some new things. Is that correct?

Commissioner Knutzen: But it is essentially the ag industry that wants this looked at? That's my perception.

Ms. Ruether: I mean, these recommendations were made by the Ag Board. They met, they looked at the code. Terry, like, went through probably more code than he wants to to understand our code so that he could make – you know, they made very specific recommendations, you know? They did a lot of research and they own farmland. They know it and so – I mean, I think that means a lot, right, you know? So I think that is a lot of weight when you have them – you know, it has a fault because it's much longer than I have of, you know, looking at different things. But, you know, at the end of the day it has landed in their laps. And they have agreed that maybe some changes *are* needed to, you know, refine our code and include it in our code.

Chair Raschko: Jen, please.

Commissioner Hutchison: And I totally understand that that in perspective to the events and that type of activity, but when you talk about a restaurant, farm-to-table, and a cheese farm it's not the same as an event at all. A restaurant doesn't ___. I mean, if you can only seat 18 people because you're small, it's very different. We've spoken with wineries that would like to be able to serve some light food with their tasting room, you know, and it's like simpler things than just these big events and weddings and laser light shows that we're talking about that I think is what put it in our lap. Just mentioning that there are some other aspects.

Ms. Ruether: Yeah, I mean, I think it was covered more broadly and then, you know, you guys – out of what you requested comes a joint meeting, and I think as a product of that joint meeting the Ag Board went and did a lot of research to understand from an ag perspective of some code changes that they think are needed.

Chair Raschko: Tammy, did you have something?

Vice Chair Candler: Yeah. I agree a lot with what Kathy said about the Samish Bay Cheese thing. I like cheese. I wanted to do it! You know, I'm, like, yeah! But the Ag Advisory Board was saying Let's look at where in the county as a whole these things are appropriate. And what I'm hearing – and I could be wrong – but what I'm hearing from them is saying, you know, there's a lot of reasons why these things *aren't* appropriate in ag land. There's the noise, there's the tractors, there's the smell that people complain about. There's other places that this can happen. And so I think they – I don't want to speak for them, but *my* perception of what they're doing – this is not driven from them; this is a reaction that they've been forced into the position of creating, and I appreciate the input because I think it's a push that they're feeling maybe and they're just – I don't know. I don't think it comes from ag in that sense, if that makes sense. I don't think they were saying, Hey, let's change this code and add a bunch of stuff. I don't get the sense that that's what's happening.

Commissioner Knutzen: They were forced to doing what they're doing, and I agree with that.

Chair Raschko: Okay. You have more presentation to make, do you not?

Ms. Ruether: Okay, well, you know, I didn't finish it so I don't know. Should I do it quick? I think we stopped at the special use. They want to go from 24 days to 12. In this section of the code, we have to put it in a separate section so we didn't affect the other _____. They also had the scaled fees. That would be a harder reach. We'd have to come up with individual events if we wanted to do a more scaled fee, and this would probably not require SEPA and be as involved if you just did it on a one-by-one basis. So yeah. I think I actually – it ended up being more roundabout, so... anyway, but if anyone wants to give any last words about kind of what we should look into next, that would be great.

(silence)

Chair Raschko: No takers?

Commissioner Henley: Well, I only have two comments and they haven't changed since the beginning of this agritourism discussion. I want to make sure that we continue to have the emphasis on agriculture and less on tourism. I mean, I'm sort of an aficionada of the camel's nose and the tent theory, you know? If you let the camel's nose in, soon you're followed by the entire camel. So I would like to make sure – and I think we've made some progress with the definitions that you've come up with on ensuring that the tourism part doesn't dominate the agriculture part.

And the second thing that I'm concerned about, and we've talked about this before, and that's enforcement. Because I think that at the moment there really doesn't seem to be an enforcement mechanism. And it may be too early for that, but I think that does have to be addressed at some point. So my concerns.

Ms. Ruether: Okay. Thank you.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Anything else?

Ms. Ruether: No.

Chair Raschko: Okay. Well, thank you very much. You handled that really well, I think. And I want to thank the people from the agricultural community too for all the effort they put in on creating the document that I think most of us feel is such a vital part of what we're trying to accomplish. So thank you.

Okay, any other comments?

Commissioner Mitchell: I've got a question.

Chair Raschko: What's that?

Commissioner Mitchell: So what's the next step?

Chair Raschko: That's a good question.

Commissioner Mitchell: What is the next step?

Ms. Ruether: The next step is I think we will probably start looking at some code language to put, you know, as special administrative use. The definitions I think are everyone's good with, and then we can discuss again maybe the events and more what that would look like. And our – you know, we can model what a special – putting a special use portion of code just in Ag-NRL. We could do that as an option or if you wanted to do further research. I know you wanted to look at what other – you know, how many permits they have in the zones. We could – or in, you know, temporary use permits there are – I got that as a takeaway too. Yeah. Does that cover it?

Commissioner Mitchell: Is it safe to assume that when you do this you're always going to send it to the Ag Board people first?

Ms. Ruether: Um....

Commissioner Mitchell: Is it the timing? Is it more in conjunction with _____?

Ms. Ruether: Yeah, I mean it might be – I'm sure they – you know, I'm sure I'll be in contact with them. I don't know if they have another meeting before our next meeting. I do go to all the Ag Board meetings. And, you know, we can meet, but we do meet with them on a regular basis.

Chair Raschko: Anything else?

Commissioner Woodmansee: I just want to say thank you to all the – I know it's a lot of time and I thank you for all your efforts in educating me, for one, and our entire commission. And the other day I was talking to somebody and I made the – we had this conversation going and I made the comment, you know, the primary reason why I would want to stay and live in the state of Washington is because I live in Skagit Valley. And that farming industry and our way of life here has a *lot* to do with that. And so kudos to you, to the farmers, because I think that they're some of the most courageous people in our society. And so I appreciate all your time on this.

Chair Raschko: Mark?

Commissioner Knutzen: I concur with the big A, little t. Thank you, fellows, for all your input. When I've talked with people that are in the hospitality industry and they disagree with the regulation that we are talking about putting on them, my response to them is the reason your venues are so valuable is because of agriculture in the first place. You like this big view of all these fields and these old barns? Well, if agriculture wasn't here would your business be worth anything? You should be paying us! And I have yet to find one that's willing to do that, but that's to me the big, big picture. Step way back. And I see – I would expect that's the same way the ag community feels. So don't scream at us for wanting to regulate you, because the reason you're so valuable is because of us in the first place. Thank you.

Vice Chair Candler: There's that, but there's also the problem we just dealt with with the damn mitigation. The farmland is artificially deflated – or I don't know if that's the right word. But farmland is not – it's worth more than the cost and so it's an *opportunity*. So that's it.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: Well, I thank everybody and we're going to move on, okay?

Commissioner Mitchell: Thank you, guys.

Commissioner Knutzen: Thank you, guys.

Chair Raschko: So we'll now turn our discussion to the Bylaws Deliberation.

Commissioner Hughes: I don't know if I can switch to that!

Chair Raschko: Okay. You're not staying for the bylaws slog?

(laughter and several Commissioners speaking at the same time)

Ms. Rogers: So what I just gave to you is just the memo with the full draft with the edits from Commissioner Henley that he submitted last week. And I also gave you a smaller packet that just shows Commissioner Henley's new edits to the version that you looked at on March 28th. So I pulled those out just so you can look at those edits individually, and then we can go through the full draft and decide on what changes you'd like to approve. So let me get the recorded motion up here.

And the full draft that we sent you last week already has the new edits from Commissioner Henley incorporated. I just pulled them out separately so you could see each little change that he made as well.

Commissioner Henley: And those edits also came from legal review, where most of Jason's comments were absorbed.

Ms. Rogers: Correct, in response to some of the edits from the last ____.

Chair Raschko: Are you waiting for me or am I waiting for you?

Ms. Rogers: However you'd like to proceed. We can start from the top on the full draft and just start accepting edits as you'd like to see it. The votes that we will require is we need you to take a vote on the entire draft and then a vote after you've completed the recorded motion adopting the recorded motion. So if you want to go by a consensus, page by page – however you'd like to do that.

Chair Raschko: My recollection was that we had pretty much finished everything except for Article VII. And probably about –

Commissioner Henley: Article VII is the stuff that I would have done so that's –

Chair Raschko: That's what you worked on. Perhaps we can quickly go through the entire thing and see if there's anything that we've missed.

Ms. Rogers: So you can see the old edits on here so we can just accept those, if you have consensus. We can just move through them.

So does anyone have any issues with this new edit at line 22 on the screen in front of you? Can everyone see that?

Chair Raschko: Okay, that's fine.

Commissioner Woodmansee: You're talking about Article III?

Ms. Rogers: First page, Article II, line 22.

Commissioner Mitchell: I have an issue.

Chair Raschko: Kathy, go ahead.

Commissioner Mitchell: Forgive me. It was one of the key things on why it had been a small c before versus a large c. Large C means the County itself –

Ms. Rogers: Yes.

Commissioner Mitchell: And I think the small c meant the county as a people.

Ms. Rogers: Okay.

Commissioner Mitchell: That was a key piece for small c, please.

Ms. Rogers: Okay. Is that the only change you want to make to the sentence? Okay, I'm going to accept it unless I hear otherwise. Great.

Commissioner Mitchell: For me, yes.

Vice Chair Candler: I agree, for what it's worth.

Chair Raschko: Okay, I think we're all fine on that. Let's move on.

Ms. Rogers: Okay, great. We have a deletion here on line 26 through 28 under Article III, General Rules. Or maybe they moved it.

Chair Raschko: As I recall, I think that was redundant.

Ms. Rogers: Okay. You're okay with getting rid of it?

Chair Raschko: Yes.

Ms. Rogers: Oh, actually it looked like it probably got moved. Okay, so Article IV, Section 2, all these edits from line 9 to line 24. If you want to take a moment and read through those and let me know if you're okay with accepting that insertion.

Chair Raschko: Does anybody have any –

Commissioner Henley: Nope, looks okay to me.

Chair Raschko: Okay.

Commissioner Mitchell: The green part was the new part. Is that right?

Ms. Rogers: The green – yes. So it looks like that was moved. The double line means it's moved to a different section.

Commissioner Mitchell: Thank you.

Ms. Rogers: Okay, so I'm going to go through and accept those unless I hear anything else. Okay.

Okay, Section 4, Recording Secretary, line 34 we have a deletion. We have a couple edits in here so I'll just start right here with these three.

Chair Raschko: They're all fine, I believe.

Ms. Rogers: Okay. If I'm going too fast, just let me know.

Commissioner Knutzen: Do you want an answer on that?

Ms. Rogers: Nope.

(laughter)

Ms. Rogers: Okay, so a couple more here: f, h, j.

Chair Raschko: Anybody have any comment?

Commissioner Woodmansee: No.

Chair Raschko: "f" – is that – that's being added or moved?

Ms. Rogers: "f" is added. If it's green, double-lined, then it's moved somewhere else; the orange means it's added. The settings on this are unfortunately different than the colors in your memo. On here, orange means it's added; red is deleted; green is moved.

Chair Raschko: Okay. I think everybody's in agreement with what is there.

Ms. Rogers: Okay. Okay, and then k, n, l here.

Vice Chair Candler: "k" looks good.

Ms. Rogers: Okay.

Chair Raschko: Yes.

Ms. Rogers: You good with k and l?

Chair Raschko: "k" is fine.

Ms. Rogers: Okay.

Chair Raschko: Okay.

Ms. Rogers: This also looks like it was added.

Chair Raschko: Yeah, I added that. That's really good.

(laughter)

Ms. Rogers: All right, so we're on to Section 6, Legal Advisor. It's Article IV, Subsection 6.

Chair Raschko: That's all as we discussed.

Commissioner Mitchell: And that was also passed through legal, right?

Ms. Rogers: All these edits have been reviewed by legal.

Chair Raschko: Unless somebody objects, I'd say that those are just fine.

Ms. Rogers: Okay. So we'll move on to Article V, so we'll look at Section 1 and Section 2, and let me know how you think about that.

Commissioner Mitchell: "1" looks good.

Vice Chair Candler: "2" looks good.

Ms. Rogers: Everything look okay?

Commissioner Henley: Okay.

Ms. Rogers: All right, Subsection 4, go ahead and read through that and let me know what you think.

Chair Raschko: I believe we all went over that one and it was just – and we had consensus on it.

Vice Chair Candler: Okay.

Ms. Rogers: Okay, look over Section 5 and Section 6 next.

Commissioner Mitchell: Section 5's good.

Chair Raschko: Section 6 is too. That was discussed.

Ms. Rogers: Okay, Section 8 and Section 9 here on the screen. Is this – is everyone able to follow on the screen as I'm scrolling? Is that working okay for everyone?

Commissioner Henley: So far, so good.

Ms. Rogers: Okay.

Commissioner Mitchell: Looks good.

Chair Raschko: Okay to go ahead on that.

Vice Chair Candler: Well, I haven't been complying with Section 9. I usually notify the Chair if I'm not going to be here. I don't know if we have an opinion about that. Did we discuss that before?

Commissioner Mitchell: I don't think we actually did. Can we – it's either staff or the Chair or both.

Ms. Rogers: I think we've been kind of taking it informally but I think that's, you know, a decision by the chair – if he would prefer that you tell the Chair or if you tell us, the staff.

Commissioner Mitchell: The one benefit for notifying staff, of course, is if something – special arrangements have to be made for whatever reason, but the Chair is always running stuff.

Ms. Rogers: I know we appreciate knowing, but we're not here to tell you how to –

Chair Raschko: Well, maybe people should notify both.

Ms. Rogers: Would you like me to add in here – "...will notify Planning and Development Services and the Chair"? Do you want to take a consensus on that?

Vice Chair Candler: I think I would prefer an "and/or," but with an emphasis on do both. But if I can't get hold of somebody, one or the other –

Ms. Rogers: So send an email?

Commissioner Hughes: Email or phone? Are we wanting to have a personal conversation so people know and it's not lost, or is an email acceptable?

Chair Raschko: I would think so.

Ms. Rogers: "Notify in writing"?

Vice Chair Candler: I would rather it not be in writing because I don't have access to my email if something comes up during the day.

Ms. Rogers: Oh, okay.

Commissioner Mitchell: I was going to say the same thing. There's things that happen, and if we keep it a little looser and say and/or and leave it the way it's been, because sometimes by phone and sometimes text and sometimes email that gets to you guys is what works for wherever you are. Somebody could be stuck in an airport. Who knows?

Vice Chair Candler: That's not to say I won't try to make efforts. I just –

Ms. Rogers: I understand. So is everyone okay with that change – "and/or the Chair"?

(silence)

Ms. Rogers: Okay, I'm going to accept my own edit. All right, Section 10 and Section 11.

Commissioner Hutchison: I have a question on Section 10 here. The "opportunity for public comment will be provided at or before every regular meeting where *final* (emphasis added) action is taken." Why do I feel like there should be the word "no" or "no final" action is taken? Am I wrong in –

So it's part of the new state rules, so if final action is recommended or changed then you should allow for some public comment right before your vote. And I know there was a question of well, how would you consider that public comment? I mean, that is up to you. You could delay your

vote until the next meeting if you decide the public comment is substantive enough. But typically when you make a recommendation to the Board, you've had a public hearing, you've had a public comment period, so there has been ample time to provide that substantive comment, so hopefully it's not something that could make quite a change. But yes.

Commissioner Mitchell: What you're saying then is it allows flexibility?

Ms. Rogers: I believe it says you should allow for public comment before action is taken. So the Board has started doing that now.

Commissioner Mitchell: Okay.

Vice Chair Candler: So you're not – so you're saying the public hearing that we have does or does not cover this? You're saying this is in addition?

Ms. Rogers: This is an addition.

Vice Chair Candler: Okay.

Chair Raschko: Now does this go on the public record then?

Ms. Rogers: So it's just – I think it's just verbal so you just – you say, you know, "before we take a vote, does anyone here in the room would like to say any public comments before we take a vote? That's typically how the Board takes it. Jack, do you have anything to add to that?"

Mr. Moore: No, no.

Chair Raschko: When you say this is required by law now –

Ms. Rogers: Correct. It's under the new OPMA rules.

Chair Raschko: Well, then it looks just fine to me.

Commissioner Hughes: I continue to be hesitant on this because if I come prepared for a vote and then all of a sudden somebody stands up and says something, I have no way to verify what they said that could alter my vote. I don't like last minute gotchas. I'm not comfortable with that but –

Ms. Rogers: And I think that's where – a case where if you decided that the comment was substantive enough that you could delay the vote. I mean, assuming that Chair Raschko could decide to delay the vote until the next meeting to consider the comments provided.

Commissioner Mitchell: Should that be written in then as an option?

Ms. Rogers: I don't think it says it. I think it's just following what the OPMA rules says.

Commissioner Hutchison: It's always an option.

Vice Chair Candler: It's always an option to _____.

Ms. Rogers: You can change the agenda anytime.

(sounds of agreement)

Commissioner Hughes: If we have the option of delaying the vote, that would work. _____.

Ms. Rogers: You can always change the agenda by a motion, I believe. It's probably in the bylaws here that we're adopting.

Vice Chair Candler: Then I'm assuming we have to ask again at the next meeting? I don't know.

Commissioner Hutchison: Right. You would.

Vice Chair Candler: Ah!

Commissioner Hutchison: You absolutely would.

Commissioner Hughes: So then that counterpoint might come the next meeting. I just felt that how we did things was so clean and tidy and I understand your open process!

(laughter)

Chair Raschko: Okay, so then in theory, if we vote to accept these tonight, we have to have public comment prior to that vote.

Commissioner Mitchell: Yeah. Well, it's not enforced yet.

Ms. Ruether: It'll go to the Board so the Board will allow public comment, I think.

Vice Chair Candler: Well, we should ask!

(laughter)

Ms. Rogers: I can tell you that there's no one else on Zoom other than our staff in the back.

(laughter)

Chair Raschko: Well – go ahead.

Commissioner Mitchell: All right. This is terrible to say, but I understand the spirit of what they're doing here. I understand that if something came up significant enough we could suggest delaying the vote or having another meeting or whatever it's going to be. That does put us in an awkward situation if somebody games the system. I mean, it could happen. However, we also have written in these bylaws somewhere that we can update the bylaws as needed. So the point is if this doesn't work, we could come back and say revisit it and adjust, saying that didn't work. But I – boy, that's –

Vice Chair Candler: After you've gone to the legislature and had them change the law!

Ms. Rogers: That's the thing is that we are – this part is following what the state is telling us that we have to do now.

Commissioner Mitchell: Then we have no choice.

Chair Raschko: It's all good. Go ahead.

Ms. Rogers: Okay, is there anything in orange that you had any issues with?

Chair Raschko: Everything in orange is great. I believe that Section 11 is the same.

Ms. Rogers: Okay, so we'll move on to Article VII. So we just added in Article VII as what was suggested by Commissioner Henley.

Commissioner Henley: And the attorney.

Ms. Rogers: Correct.

Commissioner Henley: It wasn't just me! Almost everything that Jason commented on has been added to this thing. There's a couple things we ought to discuss and one of those is coming up in just a minute, but right now it looks pretty good. What's on the screen looks like what we've agreed to.

Ms. Rogers: Okay.

Chair Raschko: Okay, is the best way to do this is continue as we are – go through it and ___ points ___ –

Ms. Rogers: And this is all one insertion, so as soon as I hit "accept" – I believe if I hit "accept the insertion" it will accept the whole article. So that's the only difference.

Chair Raschko: Okay. But as we work through this, Vince, do you wish to comment on some parts of it as we go?

Commissioner Henley: Well, there's not much change in the section A here. All right?

Ms. Rogers: Okay.

Chair Raschko: Good.

Commissioner Henley: It's just basically – it gives the basic outlines for the Commissioners' behavior. Now on B, however, on B2: "Publicly disclosing any financial or otherwise beneficial interest in any matter" – okay – "that comes before the Commission." The attorney was a little uneasy about the word "otherwise" in there because otherwise it was just financial. But he didn't suggest taking it out either. So I think we should leave it in there because there are influences other than financial which could be a conflict of interest. So that's why that's there. And the attorney didn't recommend taking it out. He just said, I'm not sure how I feel about this. That may be lawyer-speak for umm. But anyway...

Ms. Rogers: Maybe Commissioner Candler can comment on that.

Vice Chair Candler: I have to use lawyer-speak for it: I'm not sure that it belongs there. I think it's kind of a big issue. It's either financial or it's not, or it's otherwise.

Commissioner Mitchell: Meaning you think the language is okay?

Commissioner Henley: The thing about it –

Vice Chair Candler: I just don't – why are we adding the word "otherwise"? Where does that come from? Did that come from –

Commissioner Henley: That came from me, because there were other words that were in there the last time around that were not acceptable. There was a list. And so we just – you know, I said "financial or otherwise beneficial." The key word here is beneficial.

Commissioner Woodmansee: So what's beneficial? Is it beneficial to me – something – a new restaurant gets approved on a special use permit that we got involved in?

Commissioner Henley: Well, if, in fact, you were influenced, yes.

Commissioner Woodmansee: So if I liked this particular type of food....

Commissioner Henley: I doubt that would work.

(laughter)

Vice Chair Candler: I think this came up at the last meeting in the sense of, like, we want to encourage people with special information and interests, you know, to join. I don't think this goes far enough to preclude that, I will say, I will concede. But I think that this is really designed to be financial in most cases. I'm not in favor of the word "otherwise," but I don't have a really strong opinion with the way it's worded.

Commissioner Henley: That's the way that the attorney and I discussed it as well, so my vote is to leave it in. And like Kathy just pointed out, if it doesn't work we can later modify the bylaws.

Ms. Rogers: Do you want to take kind of a straw poll on this?

Chair Raschko: Well, are there any other opinions?

Commissioner Mitchell: I concur with what Vince said.

Commissioner Woodmansee: I can live with the word. It's a little ambiguous to me, but I can live with it.

Commissioner Mitchell: We don't know what we don't know. How's that for vague?

Chair Raschko: Do we have consensus to leave this in, or do we want a straw vote?

Commissioner Henley: I vote we leave it in. Go around the table if you want.

Chair Raschko: Mark?

Commissioner Hutchison: I have no opinion.

Commissioner Knutzen: What was the question?

Commissioner Hutchison: If the word "otherwise" can stay or not. Is it okay with you –

Commissioner Knutzen: I would say it could stay. If it's up to me, I would leave it in.

Commissioner Hutchison: Okay.

Chair Raschko: Joe?

Commissioner Woodmansee: I'm fine with leaving it.

Vice Chair Candler: My preference would be to take it out. I'll vote to take it out. In the minority maybe, but, well ____.

Commissioner Mitchell: You're next in line.

Chair Raschko: I know I am. I would leave it in and we can change it if – although I feel – I'm figuring out what the downside to it is. I'm trying to.

Commissioner Henley: Nobody said this was going to be easy.

(laughter)

Chair Raschko: For now, somehow I feel better with it in.

Commissioner Henley: I think that's consensus at this point.

Commissioner Mitchell: Ask Amy, though.

Chair Raschko: Amy?

Commissioner Hughes: I think it's hard to define and I would take it out, but majority rules.

Chair Raschko: Well, it's in.

Commissioner Henley: It's in. Okay.

Ms. Rogers: Okay. So you want to keep reading and see if anyone has any issues or how would you like to go about it?

Commissioner Hutchison: _____ equal sign in there? Am I seeing it wrong? Is there –

Vice Chair Candler: I see that too.

Ms. Rogers: Oh. I don't know how –

Commissioner Mitchell: What else was changed in this? I'm having trouble seeing what –

Commissioner Henley: It used to be "confidential information." The attorney prefers "non-public information." So that's why that's changed.

Commissioner Mitchell: What number is that, please?

Ms. Rogers: Number 8.

Commissioner Henley: Number 8. And I don't know where the plus signs came from.

Commissioner Mitchell: Or the equal. Yeah.

Chair Raschko: Can we back up just a tad? You know –

Commissioner Henley: Sure. Where are we talking?

Chair Raschko: – for some reason, I am having difficulty with number 5.

Commissioner Henley: Number 5?

Chair Raschko: It says “Abstaining from participating as an advisor or decision-maker on any plan or project in which you have previously participated as an advocate except as part of your duties as a planning commission.”

Commissioner Henley: This was in the bylaws from old.

Commissioner Mitchell: I can help with that.

Chair Raschko: Could you please?

Commissioner Mitchell: I'll try. _____ let's say somebody was working for a huge NGO last year and then they came on here and there was something that was coming forth that they were a big part of lobbying about and that kind of thing. This would say don't participate because you were pushing so hard for this puppy beforehand. And I think it's designed for those kinds of things.

Chair Raschko: What does “except as part of your duties as a planning commissioner”? What's that got to do with it?

Commissioner Mitchell: Well, because if – okay, so let's say that we were going through what we're doing now and we're wordsmithing and those kinds of things. The person would be able to participate in the wordsmithing and those kinds of things or adding stuff into, let's say, Findings of Facts and Reasons for Actions. It's the same thing as – I was interpreting it as the same thing as you – we had an issue before us; we took the vote. Let's say I had voted no, but it passed by majority. Then I would still help with those Findings of Facts and Reasons for Actions. So that would be a normal duty.

Commissioner Henley: This is not a change to the bylaws. This has been there for –

Chair Raschko: Well, yeah. I'm not accusing you of writing this!

Vice Chair Candler: Well, what does it mean?

Chair Raschko: What does it mean? Okay, because it says “abstain from participating.” Okay, I'm going to go back –

Ms. Rogers: So I think it's – I think they're saying that if you did participate in this project as in your duties as a planning commissioner previously, that doesn't count as being an advocate. Does that make sense? So say there was a project before you – I don't know; it's on the docket

or something – and then you worked on it as a planning commissioner, and separately maybe you – after that you worked as an advocate as a consultant maybe on that project in a different way and it came back to the Planning Commission. Your work as a planning commissioner working on that project previously wouldn't count as you being an advocate, but your work being an advocate outside of the Planning Commission, that *would* preclude you. Does that make more sense?

Commissioner Hutchison: It'd be in parentheses maybe?

Chair Raschko: I understand, but is there something –

Ms. Rogers: I know. The sentence – it's hard to separate out. Because you could say you're being an advocate for a project as a planning commissioner because – you know, say with Bertelsen. You voted in support, now you're – someone could say Well, you advocated for that project in the past. But that was as your duties as a planning commissioner. _____.

Commissioner Mitchell: You don't work for a wine distributor.

Ms. Rogers: Right.

Vice Chair Candler: So does this mean that if you were hired by Bertelsen as the lawyer to advocate this petition that they submitted, you can't keep being the lawyer for Bertelsen and also be on the Planning Commission? Does that – do I understand that right?

Ms. Rogers: Probably not at the same time. Yeah.

Commissioner Mitchell: You would abstain for that portion, right?

Vice Chair Candler: Well, that's not what it says.

Commissioner Hutchison: It's abstaining from participating – oh, _____.

Ms. Rogers: Jack, do you think I'm reading that right?

Chair Raschko: This is perfect until you get to the “except this part of your duties as a planning commissioner.”

Mr. Moore: Yes.

Ms. Rogers: I think that's a good example. So let's say Bertelsen came up. They applied for the rezone. You're on the Planning Commissioners, you voted for the rezone, you said I think this is great. It doesn't pass. Okay, so they leave and they decide to hire a different land use attorney. Maybe they hire Commissioner Candler because they think that she would be great at advocating for them. At some point, that comes back to the Planning Commission. She should not be participating in that decision on the Planning Commission because she has a vested interest in that project.

Vice Chair Candler: Except that's not what it says. It says I shouldn't take that job, which is fine, I think.

Ms. Rogers: Oh, I see what you're saying.

Vice Chair Candler: But it's okay. I *wouldn't* take that job so I think that's probably fair.

(several people speaking at the same time)

Vice Chair Candler: But you know what I mean? That's – not *that* job. That just – that *scenario* of job.

Commissioner Henley: Who knew this was going to be this much fun?

(several Commissioners speaking at the same time)

Commissioner Hutchison: Well, that's a financial kind of a _____ for them, so –

Ms. Rogers: Do you think it's missing a comma?

Vice Chair Candler: No. It's probably just a hard concept to construct. That's fine.

Chair Raschko: Without doing that big example!

Commissioner Mitchell: If it makes it any easier for somebody, I would refer back to what B says. It's just keeping us Boy Scouts and Girl Scouts again.

Vice Chair Candler: I think it's fine.

Chair Raschko: I will never understand. Okay.

Vice Chair Candler: And then how's it different from ___?

Chair Raschko: That's what I was going to say, ____.

Commissioner Henley: Have we worried this long enough?

Chair Raschko: We're moving on to 6.

Commissioner Henley: Okay. All right.

Commissioner Mitchell: Are we on number 8 or what?

Chair Raschko: Six.

Commissioner Henley: Number 6 is also not changed.

Commissioner Hutchison: That's okay.

Chair Raschko: Does 6 make sense to everybody?

Commissioner Mitchell: It does to me.

Chair Raschko: All right. Great. Okay.

Commissioner Woodmansee: Kind of redundant.

Chair Raschko: Is everybody good with 7 and 8?

(silence)

Chair Raschko: Nine?

Commissioner Henley: Seven and 8 have been vetted by the lawyer.

Commissioner Mitchell: I love number 10, right?

Commissioner Hutchison: Mm-hmm.

Chair Raschko: Okay.

Ms. Rogers: Okay, so we're moving on to Section 2, Conduct of the Members of the Planning Commission.

Chair Raschko: Go ahead, Jenn.

Ms. Rogers: Go ahead?

Chair Raschko: Go ahead. You were doing this before, so....

Ms. Rogers: Well, if you have – if there's any changes that you want to make to that section, I'm just kind of going through this whole section and then I can accept it all at the same time.

Commissioner Henley: Actually there weren't many changes in this section.

Ms. Rogers: Okay.

Commissioner Mitchell: Can I ask you a quick question? The references for 1.B.2, 1.B. – I've not gone through and made sure that those marry up right. They are correct, correct?

Chair Raschko: I did.

Commissioner Henley: Yeah, they may need to be edited so that it follows the correct sort of thing. Jason wanted to make sure they were numbered so I numbered them, but....

Commissioner Woodmansee: You need edited? Is it possible?

Commissioner Henley: Yeah, it's possible.

Commissioner Woodmansee: Audited. It's audited.

Commissioner Henley: Didn't change them.

Ms. Rogers: I think you could add under "which" – this is Section 1.B.2, okay, but which –

Vice Chair Candler: Which article?

Ms. Rogers: Yes, which article?

Commissioner Henley: We may need to ___ this.

Vice Chair Candler: It's all Article VII.

Ms. Rogers: So under Article ___ -

Commissioner Mitchell: So you have Article VII, Sections whatever is what it means – correct?
So you could say Article VII, Sections –

Vice Chair Candler: Sections 1.B.2, 1.B.3, 1.B.5 and 1.B.6 – yeah, I think it's fine.

Commissioner Henley: Okay.

Ms. Rogers: Okay, that makes more sense

Commissioner Mitchell: Thank you.

Ms. Rogers: All right so we'll move on.

Commissioner Henley: The wording's okay.

Ms. Rogers: One and 2 are fine?

Chair Raschko: Yes, they are.

Ms. Rogers: Okay. Move on to Section 3?

Chair Raschko: Yes.

Ms. Rogers: Censuring a Member. I don't think you had talked *too* much about that.

Commissioner Henley: Not much change here either.

Commissioner Mitchell: Can I make a suggestion?

Ms. Rogers: Of course.

Commissioner Mitchell: Same thing as that you did there under number 3 – Section 3, number 3. Say "See Article VII, Section ___" – you insert the Article VII.

Commissioner Woodmansee: Right. Okay.

Ms. Rogers: Okay, so I'm going to keep scrolling unless anyone has edits.

Chair Raschko: Is that numbering?

Commissioner Henley: Now we get to number 9.5 –

Ms. Rogers: Oh, actually – so violating confidentiality – Section 1.B.7 is about transparency. 1.B.8 is about using nonpublic information to further public interest. So you're okay with including both those sections?

Commissioner Henley: Yeah, it should be – probably should be “nonpublic information.”

Ms. Rogers: Instead of “confidentiality”?

Commissioner Henley: Yeah.

Ms. Rogers: Do we have a consensus on that? You want it changed to “nonpublic information” there?

(sounds of assent)

Ms. Rogers: Okay. Did someone say “violating nonpublic information”? Or you could say, “exposing.”

Several Commissioners: Disclosing.

Commissioner Henley: Yeah, I’d say “disclosing.”

Ms. Rogers: Okay, so we’ll keep moving on.

Commissioner Henley: Okay. On number 5 there, Conspiracy.

Ms. Rogers: Conspiracy to do what?

Commissioner Henley: Jason’s comment was “Conspiracy to do what?” And my comment was that this was in the old bylaws and it’s there unchanged. But I would be happy to take it out because I have no idea what we’re conspiring against that would be a violation. This sounds really nefarious, if I can use the term.

Ms. Rogers: Well, I don’t know the legal definition, but it sounds like 4 is similar to that. You’re conspiring to work against the intent of the Planning Commission?

Commissioner Henley: Yeah, maybe so. Jason wasn’t happy with “conspiracy” so... I’m not happy with “conspiracy” either.

Ms. Rogers: So do we have consensus that we could delete 5 because 4 kind of already covers it?

(several Commissioners agree)

Commissioner Mitchell: Can I ask a quick question? In number 4 it says “working against the governing body.” Does that mean the County as a whole or the Planning Commission or the Board or all the above?

Commissioner Henley: My guess is it was meant to mean the Commission, but I don’t know that for a fact. It’s also a carryover.

Vice Chair Candler: If we want it to mean Commission, can we just say that?

Commissioner Henley: If that’s what you want, yes.

Commissioner Mitchell: Let's say "Planning Commission" then, because we don't say what you guys do or what the Board does, right?

Commissioner Woodmansee: Well, technically you could disagree here and not give up your right to disagree there.

Commissioner Mitchell: There you go.

Commissioner Woodmansee: And this says "governing body," so somebody could interpret that well, you can't go disagree now because you're violating it. ___ all here, but...

Commissioner Mitchell: _____ making sure I understand on the same page. What I know what part of this is about is nobody's supposed to go against what the Planning Commission's decisions would have been, for instance, when it gets passed up the food chain. You can – because then you wouldn't be able to go out to the press and badmouth everybody and all that kind of stuff. I think that's the kind of thing this was meant for. Or, you know, work to undermine the decision when it went to the Board – that kind of thing. Am I wrong?

Vice Chair Candler: You're not wrong, but I think we did talk about the fact that as a private citizen individual you're still entitled to your own separate opinion and that –

Commissioner Mitchell: Yes.

Vice Chair Candler: – probably needs to be in here too. I also don't understand who our governing body is. Is it just Tim, the Chair? I mean, we don't have a governing body, do we?

Commissioner Mitchell: Well, we are ourselves.

Vice Chair Candler: I'm saying the term "governing body" doesn't – is being used to – what is the governing body of the Commission? There isn't one. So I think it needs to say "Commission."

Commissioner Mitchell: Say "the Planning Commission," you mean.

Vice Chair Candler: I just think it needs to say "the Planning Commission." And I think it also should say nothing herein prevents the Planning Commission as an individual from having a – expressing a –

Commissioner Henley: It wasn't something the lawyer focused on so it's not changed, and I didn't focus on it so it's not changed as well.

Ms. Rogers: You could change it. I mean, I just did a search. The only time you refer to a governing body is in this section. It's the only time.

Commissioner Mitchell: I would recommend then, from what you guys have said – if you guys would agree – is to change wherever it says "governing body," because we're talking about the Planning Commission itself. Change that to "Planning Commission." Is that –

Chair Raschko: I agree with that.

Commissioner Mitchell: Does that keep the intent?

Commissioner Woodmansee: It's changed twice in there, I guess.

Commissioner Henley: I would not object.

Vice Chair Candler: And then it's also in the paragraph below.

Commissioner Mitchell: Number 5, the new number 5.

Vice Chair Candler: It's on line 10 in the original. It's on line 7 in this document. But does anyone agree that we also need to make it clear here that we're not saying that you have to be part of the cyborg brain and –

Chair Raschko: You have to be a side of what?

(laughter)

Ms. Rogers: I think wasn't the intent of this whole change was that you wanted – people can disagree; you just can't say you disagree on behalf of the entire Planning Commission.

Vice Chair Candler: Yeah.

Commissioner Henley: It's giving up your freedom of speech under the First Amendment _____.

Vice Chair Candler: Yes, can we phrase it like that? Can we say "_____ Commissioners still have their First Amendment right...."

Chair Raschko: There's a part on that in here.

Commissioner Mitchell: Yeah, I was going to say _____.

Chair Raschko: It's in here someplace.

Commissioner Mitchell: It's in there earlier.

Ms. Rogers: If I remember correctly, that was some of the reasons why these some of these changes –

Commissioner Woodmansee: It's in the very next section.

Commissioner Henley: There is a section in here about the difference between, you know, the Commissioners and ordinary people.

Vice Chair Candler: But, I mean –

Commissioner Henley: In terms of their free speech rights.

Vice Chair Candler: Okay, so you don't think it needs to be –

(Commissioners Henley and Woodmansee speaking at the same time)

Vice Chair Candler: You guys think that 8 is okay – it won't be confused.

Commissioner Mitchell: You got all the governing bodies then?

Ms. Rogers: I will check – oh, here's one more. I'm sure that this is a common section for other governing bodies. Maybe that's why it's a little more generalized.

Commissioner Mitchell: I think it was originally built for whether it was a city council or whatever. It would apply to a book club, you know.

Ms. Rogers: Did you also want to keep "presiding officer"? Would you like to change that to "Chair" to be more consistent?

Commissioner Woodmansee: Well, can we advise Chair?

Commissioner Mitchell: It could be a chair pro tem.

Commissioner Henley: It could be pro tem.

Ms. Rogers: So we can keep "presiding officer"? Is that fine?

(sounds of agreement)

Commissioner Woodmansee: That was a political answer, wasn't it?

Ms. Rogers: Mine?

Commissioner Woodmansee: For 20, yes or no?

(laughter)

Vice Chair Candler: Okay, I like it.

Chair Raschko: You like it? Is everybody okay with it?

(sounds of agreement)

Ms. Rogers: All right, moving on to Section 4.

Commissioner Henley: There weren't any changes in this section.

Commissioner Mitchell: There's your answer, Tammy. Right there.

Vice Chair Candler: It is, as long as – yeah, it is. It's fine.

Ms. Rogers: Okay. Quasi-Judicial Actions. I don't there was a lot of changes here either. We're all just looking at Commissioner Candler.

Vice Chair Candler: I'm looking.

Ms. Rogers: Okay, good with that? Okay, Section 6, All Actions.

Vice Chair Candler: This looks fine to me.

Commissioner Mitchell: It looks good.

Chair Raschko: Everybody okay with 6?

(sounds of assent)

Ms. Rogers: Then we accept everything. All right, so on Article VIII, so this was just a small change here. I think this is what Commissioner Mitchell was referring to. Everyone okay with that change?

(sounds of assent)

Ms. Rogers: Okay, so we're on the Appendix A, Simplified Rules of Procedure, for Section A, Intent, there's a small deletion and a small insertion. Any issues with those two things?

(sounds of agreement)

Commissioner Mitchell: Is there nothing else till the end then?

Vice Chair Candler: There's something in g.

Ms. Rogers: Yeah, I think it's – it looks like it's just a difference in the grammar here. Okay.

Vice Chair Candler: Did you fix the –

Ms. Rogers: Which one did you mention?

Vice Chair Candler: Voting _____. It was the exact same issue with quotes. And in Roman numeral – yeah, that's where you're at. Okay.

Ms. Rogers: Okay, so I'll go to the top and just make sure I didn't miss any, so I guess we can accept all of these.

Commissioner Mitchell: Should we put today's date?

Ms. Rogers: Yeah, so let's put – you want to put "April 2023" or you want to put the exact date?

Commissioner Mitchell: 25.

Chair Raschko: April 25.

Ms. Rogers: 2025?

Chair Raschko: Yes.

Commissioner Mitchell: 25, 2023.

Ms. Rogers: Oh, okay. I was thinking, 2025? Okay. All right. Let's go through – I've got to accept all these.

Commissioner Mitchell: Holy Cow, are we almost there? Jenn, on line 14: “shall”? Does that need a capital or not?

Ms. Rogers: Commissioner Candler?

Vice Chair Candler: That was the same thing.

Ms. Rogers: Okay. Do you want these bullets to be numbered?

Chair Raschko: Only for consistency.

(comments on various grammar changes)

Commissioner Henley: The enumeration ought to be consistent however you do it.

Ms. Rogers: Okay, I’ll work on that. We’ll work on that with Jason. I think everything else looks fine, though, so we can move on to the – oh, you need to vote to accept this.

Vice Chair Candler: I would move to accept this document with typographical changes that may need to be made that Jenn’s just referenced.

Commissioner Mitchell: Second.

Commissioner Henley: Second.

Commissioner Woodmansee: Second.

Chair Raschko: Is there discussion?

(silence)

Chair Raschko: Okay, I have some discussion. Would it be “typographical” or would we call it “formatting”? “Typographical” means we can type something different.

Vice Chair Candler: I move to amend my motion to allow appropriate outlining format.

Commissioner Mitchell: How about “typographical and/or formatting”?

Vice Chair Candler: No “typographical.” We already covered that!

(laughter)

Chair Raschko: I tell you what: Will you withdraw your motions?

Vice Chair Candler: I withdraw my motion!

(laughter)

Chair Raschko: Would you make a new motion, please?

Vice Chair Candler: I move – does the second have to – you want me to withdraw?

Commissioner Mitchell: Go for it.

Vice Chair Candler: Okay.

Commissioner Mitchell: Because Mark's going to beat me to it now.

Vice Chair Candler: I'm going to move that we accept this document, the bylaws, with Jenn's formatting for proper outline only – changes.

Commissioner Mitchell: Second.

(laughter)

Commissioner Mitchell: Years of practice!

Chair Raschko: All right, is there discussion?

(silence)

Chair Raschko: Okay, there's no discussion. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Abstain?

(silence)

Chair Raschko: Congratulations, everybody!

Commissioner Knutzen: I don't think it was that funny, Kathy.

(laughter)

Vice Chair Candler: It was because you had fair warning the second time!.

Commissioner Knutzen: Everybody else thinks it's more funny than I do.

Chair Raschko: So we need a –

Ms. Rogers: – a couple of Facts and Findings. You can't go yet! We're wrapping it all up tonight.

Commissioner Mitchell: Are you joking, I hope?

Ms. Rogers: I'm ready to go.

Commissioner Mitchell: You *are* joking.

Vice Chair Candler: The bylaws haven't been changed since – what year, Kathy?

Commissioner Mitchell: 1990.

Ms. Ruether: 2009.

Commissioner Mitchell: Is that right?

Ms. Ruether: 2009, _____.

Commissioner Mitchell: 2009, thank you.

Chair Raschko: Anything else?

Commissioner Henley: This language was convoluted –

Vice Chair Candler: We adopted most of those parts....

Chair Raschko: All right, everybody. We're on TV.

Commissioner Mitchell: You could say something (like) it was out of date with current state law.

Chair Raschko: Okay.

Commissioner Mitchell: They were also out of date with Robert's Rules – current Robert's Rules.

Chair Raschko: Anything else?

(silence)

Commissioner Henley: How many do we need?

Chair Raschko: That's plenty!

Ms. Rogers: We need a motion and a vote, please, to accept the recorded motion.

Chair Raschko: Is there a motion to accept the recorded motion?

Commissioner Henley: I move that we accept the recorded motion.

Commissioner Knutzen: I second. Yes!

Chair Raschko: It's been moved and seconded to accept the recorded motion on the bylaws. Is there discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Abstentions?

(silence)

Chair Raschko: So that carries. Now, congratulations, everybody. It's very good.

Commissioner Mitchell: Thank you. Thanks for leading, Chair.

Chair Raschko: All right – and thank you very much, Jenn, for your work on that.

Commissioner Mitchell: And Jason, too.

Ms. Rogers: That's – Sarah did a lot of that work.

Chair Raschko: Thank you, Vince.

Vice Chair Candler: Commissioner Henley, thank you for your hard work.

Chair Raschko: So I lost my agenda but we're going to move on to the Director Report.

Mr. Moore: Thank you, Chair. I'll just share a few going on in the Planning Department and around the community – some things we've been working on.

On Saturday our Fire Marshal's office has been working with DEM, GIS, Firewise, and DNR too – and the local fire district – to assist the community of Lake Tyee. They had some issues up there with concerns with fire safety, adequate ingress and egress for urban __ response vehicles, and if there was a large-scale fire, adequate ways to get everyone out of there in time. A few things happened so they talked about – a couple of topics were emergency access and navigation. GIS actually came up with a QR code that they posted on a sign right at the entry of Lake Tyee so people that live there can come in and get a map that pops up on their phone that they can refer to in time of need. Some life safety – how to provide defensible space to preserve their property. And then proper response to fire danger warnings. So just some community outreach and assistance that we did up there in conjunction with a number of other departments and entities.

Continuing to work on high profile __ cases in conjunction with the Prosecuting Attorney's office and the Sheriff's Department and the Health Department and everyone else. So we have identified high profile properties that are disruptive to the community, and the Commissioners have directed us to work on those and to get those cleaned up and provided some means for us to do so. So in cooperation with our Prosecuting Attorney's office we are able to pursue those and get those cleaned up. So we're continuing to do that work. We've had at least two major cleanups already and we're working on our third, so this is a fairly new thing that we have been doing so we're pretty happy with the results of it so far and it sounds like we'll continue to be working on that.

We have a – the Department of Commerce set up a site visit on May 9th down to Arlington to look through the battery energy storage system that they have down there. We have a number of

proposals here in Skagit County for those in various parts of the county. We've been doing a lot of research. We're going to go down and take a look at one in person, and it's primarily going to be focused around fire and building code safety. So it'll be good to put our eyes on it and just sort of get a feel for what those might look like when they come to Skagit County.

We have another – we're doing public notice on another couple of hangars out at the Port. That's been a popular project out there lately. We've got a number of hangars being in various stages of construction.

(We're) working with Public Works on a SEPA decision for a five-year duration for road maintenance, something that typically they do individually for individual projects now. And we're marrying another one of our neighbors on that, trying to capture at least the basic maintenance and get it into one public comment period so that then we can just focus on the work after that.

We have some other items that are going – special use permits that are going to the hearing examiner soon; some businesses out in the more rural areas; Predators of the Heart is scheduled for July; we have a faux silo cell tower being proposed. It's out for public comment – at the southwest corner of Avon-Allen and SR20; and we did issue a mitigated determination of non-significance for a sign down in Conway, a non-lighted static sign down in Conway.

That's about all I had this evening, unless there are other questions that I could answer.

Commissioner Woodmansee: I have one question.

Chair Raschko: Go ahead, Joe, and then we'll have Mark.

Commissioner Knutzen: You mentioned the project on Highway 20 and Avon-Allen Road.

Mr. Moore: Yes.

Commissioner Knutzen: What was that again?

Mr. Moore: A cell tower, but it will be one of those ones that is somewhat disguised as a silo.

Commissioner Knutzen: Will it be – of course, there's four different corners there. Is it on the north of Highway 20 or south? Or do you know?

Mr. Moore: Southwest, I believe.

Commissioner Knutzen: Southwest. So where that rest –

Mr. Moore: Southwest corner, yes.

Commissioner Knutzen: – a restaurant there. What's the purpose of that? What business, do you know?

Mr. Moore: It's a cell tower. I don't know which company that is installing it. But because of the location and the high visibility, they're going to be putting in one that's a little less – you know, a little more in character with the community there. So it's going to look like –

Commissioner Knutzen: Disguised as a *what*?

Mr. Moore: A silo.

Commissioner Knutzen: Okay. Thank you.

Mr. Moore: You're welcome.

Chair Raschko: Joe?

Commissioner Woodmansee: The five-year maintenance?

Mr. Moore: Mm-hmm?

Commissioner Woodmansee: That's – so does that mean that you had only addressed – you would readdress that list or whatever maintenance every five years?

Mr. Moore: Yes.

Commissioner Woodmansee: And so is there a mechanism in between? Let's say something crops up in between that becomes problematic that you can – I guess you'd do that on an emergency or something, huh?

Mr. Moore: Yes. Either we can amend the previous one if it's still under the umbrella of the maintenance that we originally anticipated, or we could run a separate one, similar to how we do it now.

Commissioner Woodmansee: Okay.

Mr. Moore: We just run separate ones all the time and so –

Commissioner Woodmansee: You're just going to plan for five years.

Mr. Moore: It's more of a SEPA for a plan, a programmatic style SEPA –

Commissioner Woodmansee: And then deal with stuff as it comes in the meantime as necessary.

Mr. Moore: Yes. Yeah, we will still have that flexibility. Absolutely. Hopefully just cut down on the paperwork and process involved in some of the more basic things that are just ongoing.

Commissioner Woodmansee: Totally. Sure.

Chair Raschko: Anybody else? You spoke of Firewise. If I recall, isn't that to aid landowners in fireproofing the houses to vegetation and that? So has a lot of that happened up at Lake Tyee?

Mr. Moore: Mixed, I would say. It's a pretty heavily wooded and vegetated area. The lots are very small, circular actually. They're circles that the owners can build within their circle. And other than that, there's a lot of open space between those circles. And so you are correct. In Firewise, it's about vegetation management and then also materials on the outside of your building, and some other things about the construction of the building to help manage, you know, fire getting close to the building; help manage embers and sparks from, you know, penetrating within the building; and to, you know, screening **bird blocks**, attic areas, under-floor areas. So there are a number of things that they can do to help reduce that risk.

Chair Raschko: Right.

Mr. Moore: And that will be mirrored very closely with an upcoming state code update in July, the Wildland Urban Interface code is based strongly on the Firewise program, so it will become an actual state law – for new construction, anyway – very soon. So this is to help people voluntarily retrofit their properties or take a look at their properties from a fire safety aspect and if they would like to do something to improve that.

Chair Raschko: I'm glad to hear it because I think Lake Tye would be a bomb if that place went up in fire. Okay, thank you.

Commissioner Knutzen: Where is that project located at?

Mr. Moore: That community is Lake Tye. It's on the Baker Lake Highway.

Chair Raschko: Right above Concrete.

Commissioner Knutzen: (unintelligible)

Mr. Moore: No. No no no. This is just to help the existing folks who live there. It started out, I mean, concern about ingress and egress out of the community. I don't know if any of you have not been there or looked at an aerial photo. The road system up there is irregular the way it's laid out and so – you can easily, if you were in an emergency situation, you could easily probably get fairly turned around and maybe hitting a few dead ends up there. So it's – you know, that was one of the big concerns that the community had so they just started talking about kind of a whole broad array of safety measures that they wanted to kind of just, as a community, get better on. And so, you know, getting in and out of the community during an event, better notifications for – you know, if there was – say there was a fire anywhere near the area – and then individual protection of properties. Obviously there's been a lot of fires in the last several years, both in-state and out-of-state, and that's pretty high visibility for a lot of people these days. The Fire Marshal's office gets quite a few inquiries on that, especially in the summer.

Commissioner Knutzen: Okay, thank you.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay. Well, thank you.

Mr. Moore: You're welcome.

Chair Raschko: So we'll go to Commissioner – what's it say on the agenda?

Vice Chair Candler: Planning Commissioner –

Chair Raschko: Planning Commissioner Comments and Announcements. I'm going to go first because I'm Chair.

(laughter)

Chair Raschko: But really, I just want to ask a general question. Has anybody gotten their email to work?

Commissioner Mitchell: Oh.

Commissioner Henley: Ah-ha-ha-ha.

Chair Raschko: And then I have a secondary question, though. Not a question, maybe a statement. I've heard just various things about how – I was told that we were the last group in the County government to be put on Gmail, and then I heard we're the *only* group to be put on Gmail. And I don't know what to think. And from what I've heard, nobody's had an easy time with the switch. I lost all my old emails –

Commissioner Henley: It's a piece of garbage.

Commissioner Mitchell: It's terrible.

Chair Raschko: It's terrible. And so I'm just wondering which it is – whether we're the *last* ones to go on it or the *only*, and if we're the *only*, I'd sure like to know why. And if we're the *last*, then it'd be helpful to find out how people have coped and made it work. That's all I have. And I wanted to say thank you very much for everything you've done both on this – on both issues we worked on tonight, the bylaws and the agricultural thing. It's been great.

Amy, do you want to go next?

Commissioner Hughes: As far as the thank-you for tonight's work, especially the ag conversation that we got you clear off, Sarah, of track. Our apologies. And that was a lot of work that you had done so thank you.

Ms. Ruether: Tough topic.

Commissioner Mitchell: Nothing on the email?

Commissioner Hughes: I'm not going there.

(laughter)

Commissioner Mitchell: Are you ready for fire and brimstone? A lot of problems with the new Gmail. It's really klugey. It's not user-friendly. I lost more than 75% of my contacts plus more. If I hadn't had the good foresight when we were using Exchange to have folders that were established and worked, I'd really be in trouble now.

It's very old-style email technology that is *extremely* difficult to use. It's not helpful, and I feel like we've been penalized having to go to it. And it's so bad that I came this close to saying I quit. In all seriousness. Because we have so – guys, we have so much work to do that this is very important for us to be able to get it. And my understanding is that Commissioner Hutchison was installed on that when she first came and did not have the pleasure of having a normal system beforehand, so God bless her for being able to talk me through it a little bit.

But it's been very difficult and I've been asking people who knew about it. And I will preface and say our IT guys are very, very nice guys and they're very helpful, and it's clear to me that we

probably were pushed into this thing for a cost-saving measure. And if that was the case, it feels like punishment.

Chair Raschko: Do you have anything?

Vice Chair Candler: I'm going, in an abundance of caution, disclose a personal benefit to me of the Gmail thing. Being a County employee I maybe shouldn't even discuss this topic – you can kick me out of the room, if you want – because it's problematic to me to have the old Outlook system in a couple of ways. So I hope we can make the Gmail work but it sounds like it's a problem and that – I don't want to be involved.

Chair Raschko: Vince?

Commissioner Henley: I don't have anything good to say about Gmail and I'm a computer scientist, for crying out loud. It is a piece of garbage. It is hard to use. It's not connected that I can figure out in any way to the County directory. I mean, it is just – it makes our job harder to do, not easier, and the objective ought to be to make our job easier, not harder. I cannot tell you how I've often thought that if I was using the County's computer instead of my own computer I would have long since thrown it across the room. I mean, it took me – I hate to admit this – 15 minutes this afternoon how to figure out how to log off of Gmail. It's not exactly obvious. And it's just – it's very difficult to use. So much for Gmail. I think the County ought to go back to Exchange, but that's not up to me to say. But if you want to carry a message, tell them to get the heck off of Gmail.

And the other thing I have to say is this is my last Planning Commission meeting for probably several months – two or three, anyway. The Chair and Commissioner Wesen know about this. This is considered a planned absence. I'm not quitting but I'm not going to be available to come to meetings either. This is my last one for probably maybe to the end of July or something like that. I'll come back as soon as I can, but it's going to be a while. So anyway. But I'm not resigning, and if the Commissioners want to replace me they can do that but neither one of them have shown any propensity for booting me out the door. So I will be back in a couple months.

Chair Raschko: Joe?

Commissioner Woodmansee: Well, we'll look forward to you coming back.

Commissioner Henley: Good. Me too.

Commissioner Woodmansee: Okay, so I lost my emails also. Maybe they're somewhere. I don't know but I did lose mine. Also I could not figure out how to log off of it so I finally just clicked out of it. I guess I'll be able to log back on. I'm not sure. I don't know a thing about Gmail, other than I tried to get it in my phone today and that was a disaster. And so – but I'm just trying. I'm just at the beginning of trying and I'm going to go back to IT and say, okay, help me get it on my phone and see what I can do. I guess I am a little curious as to why we changed, but I'm not going to beat it up quite as much as it's been beat up so far! I'm old, you know. Change is not always great for old guys.

Anyways, thanks for all your hard work, as always. I appreciate the time that we've spent here and I enjoy spending my time here on the – I don't need _____.

Chair Raschko: Thank you. Jen?

Commissioner Hutchison: I'm not going to say anything about you now! I appreciate all of the energy and hard work that goes into our meeting, and tonight especially from everybody involved I appreciate the opportunity to be here, and thank you for your work.

Commissioner Knutzen: Of course you know I have a comment. This email that you're talking about, we were supposed to switch by the 16th. Is that what you're referring to?

Commissioner Mitchell: Yes.

Commissioner Knutzen: I neglected to do that because I was away. I actually received the information from Kathy. So did anybody make it work? Apparently Kathy did because you sent it to me, but would you advise me to not even try to switch and just have Kathy keep sending me stuff?

Commissioner Mitchell: It'd make it easier.

Commissioner Knutzen: That's what I want to do.

Chair Raschko: I figured it out but it took two hours.

Commissioner Knutzen: Okay.

Chair Raschko: And I think that – I don't want to criticize but I had a hard time following the instructions. I had to do it on my phone and they've got these little links and they take you to nowhere, but finally I just went to Gmail on my internet, used the password and domain name I was given, or the user name, and I was in. So I screwed around all that time following the directions and didn't get anywhere!

Commissioner Knutzen: This is the same Gmail. I have a separate email account that's Gmail.

Chair Raschko: Well, I had to open it and open a Google account first.

Commissioner Knutzen: Is that the same account you fellows are talking about?

Commissioner Mitchell: Yep.

Commissioner Knutzen: Because if co.skagit.washington.us (sic) is the website, the new website.

Commissioner Mitchell: The new website is skagitcounty.net.

Commissioner Knutzen: Well, how does that tie into Gmail? I don't understand the connection.

Commissioner Woodmansee: IT was really helpful _____.

Commissioner Henley: It's a Gmail I.D.

Commissioner Knutzen: Okay. Because when I first joined this, I couldn't figure out the system *then*, okay, to tell you my expertise. So I actually went down to the IT center on College Way just up the road here. It's off on the righthand side. I met them in person. And it didn't take 10 minutes and they brought me back in and I had my phone and they set everything up for me. That would be possibly my next step.

Chair Raschko: I might have to do that.

Commissioner Mitchell: The next step, which gets tricky, is then actually using it. And I'm not going to take up the time for everybody doing it now, but when we were using Exchange before you could – let's say I reply to Jen – you could move something to another folder or archive it or whatever it is. This system is entirely different. It took hours looking at Gmail Help on how to do it, and you should have seen the complaints from there. I mean, people actually putting complaints on how to use it. It's a very, very klugey system and I do hate in some instances for being so demonstrative or vocal about it but it really is many, many steps backwards for us. We can ask the other computer guy. The technology that's available now and the ways to do things now, there's so much better, easier ways, and this thing is really klugey – is the nicest thing I can say about it. And I'm afraid – it was so bad that I didn't want to try to do anything else with replying or sending something – is how bad it was. So other people, I don't know.

Chair Raschko: Okay. Well, thank you, everybody.

Commissioner Knutzen: I do have one more comment, of course. I've been on boards for more than 50 years. You've heard me say that before. I can never remember __. I'm sure I've never served on a board that functions and with a staff that is so congenial amongst each other, agrees to disagree, functions smoothly. And I'm in disbelief to hear myself say this: I actually had fun tonight at this three-hour meeting! I don't know if I can say that about any meeting I've ever been, and it was three hours. Not quite three hours for me but three hours for everybody else here!

(laughter)

Commissioner Knutzen: And I just want to say thank you. It was – I actually had *fun* tonight. Thank you. Now I'm done.

Chair Raschko: That's great, Commissioner. I'm, glad you had fun.

Commissioner Henley: By the way, I would like to thank the staff for their work on the bylaws.

Commissioner Mitchell: Thank you.

Chair Raschko: Well, we're not done yet. I just want to now, after starting that, apologize. It's sort of like shooting the messenger. Thank you for letting everybody vent, though, and sitting there patiently. And we appreciate you.

Commissioner Mitchell: Well, you guys didn't even know, did you? See, nobody knew.

Chair Raschko: Oh, you didn't know?

Commissioner Mitchell: They didn't know. I talked to one of the –

Male Staff Member: We're like, What's going on?

Ms. Rogers: I knew you were moving over to a different system. I didn't realize how substantial and then – moving backwards it was.

Chair Raschko: Yeah. Well, it was so bad I was thinking of cancelling this meeting because we were able to get our stuff off the – off your email at the last moment.

Commissioner Mitchell: Right, but passing to each other even. That's how bad it was.

Commissioner Henley: They were supposed do migrate everything but I can't even tell what I've lost.

Chair Raschko: Okay. Well, we're adjourned (gavel).