

**Skagit County Planning Commission  
Discussion with BoCC: 2021 Docket  
Work Session: SMP Update  
June 15, 2021**

**Planning**

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

**County**

**Commissioners:** Lisa Janicki, Chair  
Peter Browning  
Ron Wesen

**Staff:**

Hal Hart, Planning Director  
Peter Gill, Long Range Planning Manager  
Daniel Hasenoehrl, Planning Intern  
Jason D'Avignon, Deputy Prosecuting Attorney  
Betsy Stevenson, Senior Planner

**Others:**

Dan Nickel, Consultant, The Watershed Company

Chair Tim Raschko: Good evening. The June 15<sup>th</sup>, 2021 meeting of the Skagit County Planning Commission is now in order. We'll start with the roll call. Commissioner Candler, are you here?

Vice Chair Tammy Candler: I'm here.

Chair Raschko: Good. Commissioner Henley is here. Commissioner Hughes I see. Commissioner Knutzen?

Commissioner Mark Knutzen: Yes, I'm here.

Chair Raschko: Thank you. Commissioner Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Raschko: Commissioner Rose I know is here. Commissioner Shea I see. Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Raschko: Okay, it looks like we have everybody. That's great. Okay, could we please have a motion to approve the minutes?

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

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

Chair Raschko: Okay, thank you. It's been moved and approved – moved and seconded to approve the minutes. Is there discussion of the minutes?

(silence)

Chair Raschko: Hearing none, all those in favor, please say "aye."

Multiple Commissioners: Aye.

Chair Raschko: And if there are others, please say "nay."

(silence)

Chair Raschko: And no abstentions?

(silence)

Chair Raschko: So that passes unanimously. Thank you.

So we'll now move into a joint meeting with the Skagit County Board of Commissioners, so I'll turn this over to the chairman of the Board of Commissioners.

Chair of County Commissioners Lisa Janicki: Thank you, Chair Raschko. I just wanted to – well, first I should officially call to order the Board of County Commissioners in a formal meeting and recognize that Commissioner Wesen, Commissioner Browning, and I are all here tonight. And I want to thank the Planning Commissioners for agreeing to do these joint meetings. The intent when we last talked was that better communication between your commission and our board would be beneficial to all of us so that conversations don't get too sideways, and that a somewhat logical time in the rhythm of planning would be as the docket is being handed to you as a work plan for the year and getting to have those conversations about what was included – you know, maybe what wasn't included that you thought might be considered or the reasons why we – you know, we took the action that we did, and just to set that base of communication moving forward. So I'm going to just ask my fellow Commissioners to – so that's the world through Lisa's eyes, so I'll ask Commissioner Browning if there's any comments that you'd like to make to the Planning Commission at this point.

Commissioner Peter Browning: I'm new and I'm just really excited. It's my first joint meeting with you guys. I've been watching a lot of them and learning a lot but, yeah, thanks for letting us be here and I really appreciate the opportunity to hear the process that you go through in deciding what you feel is appropriate. And we are here also to talk about – I don't know. Are we allowed to interact, Chair Janicki? Are we allowed to interact at all or are we just observers today?

Commissioner Janicki: This part of the meeting is exactly for us to be able to talk about the handing off of the docket, so all of the docketed items that were passed. And we can get into some of the specifics because we're already getting strong response on certain items that – yeah.

Commissioner Browning: Perfect, because those of you who know me know I'm never for a loss of an opinion. So I'm happy to have this opportunity, so thank you.

Commissioner Janicki: Commissioner Wesen, any general comments?

Commissioner Ron Wesen: Yeah, I just want to thank the chance to come before the Planning Commission. I really appreciate how much time every one of you Planning Commissioners put into it. And I realize this takes away from your job, your family, and all the other things, but I think it's really important for the county and the County Commissioners to be able to have outside views and the discussion back and forth so we can look at the things from your eyes and have understanding of how you view things coming forward. I just want to make sure people realize when we docket things I personally look at what Planning staff says they can accomplish and how we can move forward, because there's always a priority. You know, diminishing returns: We only have so much time, you only have so many man-hours to do the job. And just because I vote to do something doesn't mean the end product is something I'm going to vote for, so I don't want you to think that yes, we decided to docket, you *must* move these forward. I want you to do a lot of interaction with the public, a lot of your own research and so forth, and come up with what *your* recommendation is. And it's my job as an elected County Commissioner then to decide what to do with it. I've appreciated what you've done in the past and keep up the good work, and let's have a good discussion tonight. Thank you.

Commissioner Janicki: So is the best process to go through the items that were included? Do we want to talk about them all or jump into the ones that are \_\_\_\_\_, more specific? Peter, you're a good process guy. Do you have a recommendation?

Peter Gill: So, yeah. I can let you know what we've done so far and see if that sparks any thoughts or conversation. You know, we did provide a brief overview of the process two meetings ago at the Planning Commission and talked about the 12 items that *were* docketed at the last meeting. So those intro slides that the Commission got the first time we talked, those were provided to the Planning Commission at the last meeting. We didn't dive into the details of all of them but we did go through and make sure everyone knew which ones were map amendments versus, you know, text or Comprehensive Plan amendments, whether it was the Nielsen Brothers or the Small-Scale Business amendments or the fully contained communities. Some other ones in there that are going to be interesting to dive into are the CaRD land divisions – the Conservation and Reserve land Divisions one. So we haven't gotten into it yet, but we just wanted to make sure that if any of the Planning Commission had questions about how or the reasons certain things were included in the docket, or process questions in terms of how we move forward from here, we could answer those for you all together in one meeting and the public could hear as well.

Chair Raschko: Would it be a good idea to ask the Planning Commission members if they had specific questions about any of these items as a starting point, and then we can just discuss those and when we run out of questions move on to the others? Does that sound reasonable?

Okay, seeing nods of agreement then, I'll just open it up to – please use your little hand signal on the menu if you have any questions you would like to ask about. I see we have some already! So not knowing who got up first, we'll have Commissioner Rose followed by Commissioner Mitchell followed by Commissioner Knutzen. So please go ahead, Martha.

Commissioner Rose: Thank you. I'm curious about LR20-04, the Fully Contained Community proposal. I'm just curious about a synopsis of it, I guess.

Chair Raschko: Mr. Gill – oh, go ahead. I'm sorry.

Commissioner Janicki: I can kick that off. So a fully contained community proposal, you know, came before us, you know, quite a while ago and it has not been docketed, and part of that is that the way our Countywide Planning Policies are set up. In order to change those, it's going to take a vote from the Growth GMA Steering Committee to make that happen, and the mayors were not at that point ready to do that, saying that they could take the growth within the city municipal borders including the UGAs. And we just haven't gotten there. When I look at, you know, the number of units – I mean, I call it 'housing math,' – but we have just over 50,000 – about 52,000 – housing units in Skagit County. We have essentially a 0% vacancy, a very low vacancy, and if a healthy vacancy rate is somewhere in the 5% just to have turn and buyers and sellers being able to operate in a market, it means even with that math we're about 2500 units short. And we've had housing people come in and get us to a 2500 or 3000 unit shortfall in other ways of calculating it. And that's the hole we're in. So when the Cities say they can accommodate the growth, we're just not doing anything to chip away at the deficit. You know, we're starting off with that deficit. So, you know, looking at and seriously considering what a fully contained community could be that would be positive for Skagit County – not, location-specific; you know, this one, you know, this conversation should not be location-specific – but keeping growth up probably out of the flat lands where the ag – you know, off of the ag land, and for me, preferably not too far up the hillside that they're now encroaching on the forests and we have wild land fire risks. Where do we house people? And that's the people that are already here that have no place to live. You know, it isn't even really talking about the expansion and the growth that is coming.

So in order for, you know, it to move forward we just have to have something that's more what I don't want. I can say what I don't want because that was the proposal that Avalon originally put before us, which was 10,000 people – I think they dropped it to 8,000 people – in an area where their consultant said in a presentation that it was being built for retirees coming out of the Seattle and greater King County area to come up here and retire. And I'm not interesting in building retirement – permitting or zoning for retirement housing for a bunch of people who have plenty of money. I really want to see a mix of affordable housing in a place where people are safe from flooding, where they're not building on ag land, and where we can say that we treat the people in Skagit County with respect and they have a place to live that's decent.

Commissioner Rose: Can I have a follow-up question to that?

Commissioner Janicki: Yeah.

Commissioner Rose: How many housing units are being planned for the property along Highway 20 behind McDonald's? In that area there. I know that's slated for full redevelopment there. And somebody told me at one point how many units would end up being in there. Do you know what that number is?

Commissioner Janicki: I probably should know but I don't. I don't know that for sure. That's inside the City of Sedro-Woolley.

Commissioner Rose: Correct.

Commissioner Janicki: And I know they're building that first. Yeah, I saw the first units going in, but I don't know what the full buildout of that is going to be.

Commissioner Rose: I think it's well over a thousand. I'm not sure what the exact number is. But I know it's a phased project, but I think at the end of the day it's going to be well over a thousand. But I'm not sure about that. Yeah. Okay. And I know that's not what this is addressing. That's just like – just curious about all this, looking ahead. Thank you.

Chair Raschko: Commissioner Browning, did you have something?

Commissioner Browning: Yeah, Martha, I'm glad you asked that question because I think it's really important that this is not about next week. This is about planning for the future so that five years, ten years from now we'll have a process in place and a set of expectations. And I think that's as Commissioner Janicki was saying: This is not about a bunch of large homes. This is about a very, very mixed, healthy, well-developed community that has apartments even, that has condos. It has lower income homes on up to nicer homes. And I have seen some of these back in the Atlanta area and that's what gets me excited about it. They're very, very high-functioning, really, really well-balanced demographically. They're just a nice community. But we can't wait until the pressures of population are just breathing down our neck before we start planning for it. It's so important that we start planning now so that when we come to that point where we need them we have in place really well thought-out policies and expectations as part of what that community could and should look like.

Chair Raschko: Let's see. Commissioner Mitchell and Commissioner Knutzen, were your questions in reference to this subject or something else?

Commissioner Mitchell: This is Commissioner Mitchell. I was going to go for a different topic so I'm happy to wait.

Chair Raschko: All right, then Commissioner Knutzen?

Commissioner Knutzen: And mine was a different subject too.

Chair Raschko: Okay. So Commissioner Shea, please go ahead.

Commissioner Joseph Shea: Maybe this is my ignorance, but when you're talking about fully contained communities and you're talking about different types of buildings – you know, apartments, condos, houses – that also – I'm assuming that would include buildings like stores or things like that, or is this just mainly housing, different types of housing developments or different types of housing types? Or is there actually, like, stores and other things/facilities included in what is called a contained community?

Commissioner Browning: Yeah, Mr. Chair, I went to look at stores that were large enough to keep people from jumping in their cars and driving to the nearest city that could take care of just the very essential pieces. There were coffee shops. In one there's a coffee shop and a bakery. It felt more like a community. There's a post office annex in one of them. They're just – it's designed so that it *feels* like a community, not just a bedroom – not just like a place where we all have houses but a place where you could actually – you could park your car at night and walk around to whatever the store is just to get the basics. And it really included a lot of trails, it included a lot of little pocket parks, it felt like a place where people would want to live and get to know their neighbors, kids could run free, that kind of thing. It was just a very pleasant environment. And

again, the nicest part was a real diversity in the size, quality, types of homes. It was a real, true community, so it felt good. But thanks.

Chair Raschko: Okay, Commissioner Wesen?

Commissioner Wesen: Yeah, thank you for these questions. From my perspective, you know, we have the goal of Growth Management: 80% take place in the city and the urban growth area and 20% out in the county. And one of the issues with our Growth Management Steering Committee, which is made up of the three County Commissioners and the mayors, is we set goals every time after the census was taken of what type of population and where's it going to go. But there is no leverage or no problem if you don't meet your goal. And right now the latest population, I believe, in the county and the rural area, 27% of the population has gone into the rural areas of the county, and so 73 inside of the city. And so I want this to be a discussion of everybody in the county: What do we want the future to look like? And if we want the goal to be 80% to take place in the city let's make sure that we get 80% to happen in the city. And if the Cities don't want to do that, they need to tell us that right now and we can move forward. So I think it needs to have a good discussion and, as mentioned before, this is a process issue, not on what it's going to look like or anything. This is just one of the questions that we as a community want to have answered. One thing: When we went through the Bayview Subarea Plan we actually went through and did building design or building development regulations which outlined exactly what type of things could go in that area. And so that's the kind of questions or the answers. I think we want to have the whole community come up with a good idea moving forward. I mean, you've got to look at schools, you've got to look at, you know, water, the sewers and septic, police, fire – all those different issues. And a true fully contained community has jobs, workers there, and food and restaurants and all those things. So it's just what does this whole county, everybody want to do in the future going forward, because as we all know the population is growing and we need to have some options to be able to handle it going forward. And I don't want it to take place in the agricultural area. I don't want it in the timber area. I don't want it in the floodplain. So we have some choices and we need to look at that going forward. So thank you.

Chair Raschko: I have a quick question myself, if I may. Maybe I should already know this, but are there any provisions with this plan to improve the access to Interstate 5 at Cook Road?

Commissioner Wesen: Those are all the kind of questions that I think we want to have answered before you go forward. We've had – Cook Road at I-5 is a state project and so the County doesn't have authority to do it. And so it's a state project, so that's what people need to realize. You know, we can't have a development take place someplace and make them improve, you know, a four-lane road all the way to I-5. I mean, that's – we can't do that. We don't have that much authority. But we can make recommendations on our – you know, the traffic flow studies. But those are the questions that everybody needs to understand going forward. Because right now, as you all know, Cook Road is backed up at 5 o'clock onto the freeway, and that's not a good sign right now, and let alone you build more houses in that general area. So there's a limit to what we as local government can do on that – traffic things.

Chair Raschko: Okay, thank you. Is there anything more on LR20-04? Commissioner Mitchell?

Commissioner Mitchell: Thank you. I'd like to have Commissioner Woodmansee go first. He was there before me. But I do have a question on LR20.

Chair Raschko: All right. Commissioner Woodmansee, please. I'm sorry.

Commissioner Woodmansee: That's all right. Thank you. So I think it's *critical* that we have a process in place and go through this process. I think it was a good decision to put this on the agenda. I know that – being in the industry – I know that, like, currently in Mount Vernon I'm not aware of a single lot being constructed right now. And that's the kind of – the thing that just if you're not constructing there's no way you're going to keep up with your 80% ratio. And so I think that is critical that even potentially, you know, maybe even subareas designated that, well, this is an area that could be considered – you know, that – and I agree with everything pretty much that's been said as far as, you know, the ag land and up in our forests, and all those kind of things we need to try to stay away from. But I don't know how many areas there are actually that would fit, you know. If we can define where that might be, that would be a good starting point. And, of course, the process is critical, because we don't have a process now. You wait five years, you wait ten years – you're just pushing the can down the road. At least if we have a process, if the right opportunity and the right concept or ideas come to us we've got the ability to act on it and consider it. So that's all I've got.

Chair Raschko: Thank you. Commissioner Mitchell.

Commissioner Mitchell: Thank you. Commissioner Woodmansee just left off where I was going to ask a question about identifying places. Assuming that the fully contained communities – policies and things like that – can be ironed out so that it's a tool that can be used instead of something that's just talked about and shelved – so let's assume at this point that it's going to be something that really can be used. If that's the case, where are the places that *are* open? We know where we *can't* be with the floodplain and up in the mountains. We know that. And I'd like to know what you know now for what's identifiable. I can think of some places, since we've been here for 20 years, that I *think* work, like the Starbird Road interchange. I was trying to come north and I'm trying to remember them. Lisa, you're shaking your head. You know some of these places. I think there's – what? – four, five, six maybe places. Could you guys delineate what you know are potential places – not saying that they *would* be, but potential places?

Commissioner Janicki: I'm just nodding on that Starbird one because that was a long – has long been pointed out as a place where actually freeway access capacity was built in advance of or in anticipation that housing would be available, you know, down at the south end of the county. So that's the reason for the head nod. You know, I'm not going to pretend to know all the places. I don't want to pull an Elon Musk and hit the real estate market skyrocketing, the bitcoin value going up all of a sudden because we say something on camera that is a proposed place. But I think that's part of this discernment process, is to be able to look at that and really figure out. It will help define the parameters. You know, how many units is a reasonable number of units? What is the proximity to the reality of extending sewer or water from some place? I mean, that was one of the attractive parts about Avalon to me was that Burlington, you know, systems already went right by that hill. And so that part of it made a lot of sense. But there may be other places that I'm just, you know, not aware of and that's why I wanted to broaden the conversation, you know, by doing exactly this. I don't know if the other Commissioners have specific places in mind, but I'd like to leave it more general than that. But I'll turn it over to the other Commissioners.

Chair Raschko: Okay.

Commissioner Wesen: Yeah, I agree with Commissioner Janicki. We don't get – we have to have a property owner or a project come forward before we get to decide those kind of things, and so that's up to somebody to come up with a plan to see if they want to run it up the flagpole, and one of the problems then, when you have a lot of different property owners, it's much (more) difficult for some group to come together and say, Hey, let's put it in this area. And so that's what made

the Avalon – there's some large property owners with some gravel pits up there and that's why it was easier to come together with a group. But I agree with Commissioner Janicki. We've got to – I'm just looking for the question is if we do answer it: What does a fully contained community look like for Skagit County going forward? Not *where*, because I don't have all the answers on that.

Chair Raschko: Okay, is there anything more on LR20-04?

(silence)

Chair Raschko: Well, I thought that was a great opening discussion. Thank you, everybody. We had Commissioner Mitchell next, followed by Commissioner Knutzen.

Commissioner Vince Henley: I had a question on LR20 before.

Chair Raschko: Who's this?

Commissioner Henley: Commissioner Henley.

Chair Raschko: Oh, go ahead, please. I'm sorry I missed you.

Commissioner Henley: Yeah, it's okay.

Chair Raschko: I can't see –

Commissioner Henley: One of the things I've heard here several times is the concept of affordable housing. But if you've been paying attention, you know that the current trend and all the forces are moving towards making housing of *all* sorts very much *less* affordable. I mean, we've had a 300% increase in the cost of lumber, for example. I mean, that's outrageous. So I think that when you start talking about FCCs and you talk about affordable housing in the same breath, you really need to understand the economics, and right now I don't think the economics are in our favor. Do the Commissioners have any comment on that?

Commissioner Janicki: Part of that is the supply and demand. Oh.

Commissioner Browning: This is a long term plan, Commissioner Henley. This is – and by the time we get around to anything happening we could be looking at five – we could be looking at ten years down the road. We're just making sure that we've established the parameters. And hopefully there'll be some sense of justice in place by then. We've got – if you look at Sierra Pacific, they've got more wood than you've ever seen piled up ready to go. So the wood prices could change very quickly back again. We are a little concerned about some of the governors of – I am concerned about some of the governors' requirements to make housing more energy-efficient and, in the process, increasing the costs. And it's something that a lot of us are talking to the governor's office about. It's counterproductive. But there you're absolutely right. That's another thing that's just going to raise the price. So we've got some work to do to get some agreement on maybe putting a bit of a halt on some of the best efforts to make energy efficiency and at the same time making houses virtually out of reach for lower income housing. But that's again, that's part of the process. What do we want that we go after the process of making it economically viable? But thank you for the question.

Commissioner Henley: Okay, well, thank you but I still think that even ten years from now we're likely not to be looking at favorable economics. And I don't think that our push for making – how

would I call it? – efficient housing or, you know, resource-efficient or, you know, fuel-efficient – any of those sorts of things – I don't think those are actually working in our favor at the moment. So it'll be interesting to see how, as we go through this process, we solve some of those problems.

Commissioner Browning: And again, I very much agree with you. But I was in a meeting earlier today where we were talking about just this notion we have of size and that in Europe, Southeast Asia and places, houses are far, far smaller and still functional, especially with when you have less and less need because houses are much more efficient, much more thoughtful in their designs. We could reduce the size, therefore reducing the price. So some of it might be a mindset about what is the required space. I mean, I lived in a place that was about 250, 300 square feet and I was totally comfortable with it when I was younger. I think it's not that unrealistic to look at smaller places for especially young people who are single and not with family. So those are some of the options we could come up with to make it, again, as economically viable.

Chair Raschko: Thank you. I'd like to make one observation. I moved into a neighborhood in Mount Vernon that was new and I was really amazed at the additional cost that was necessary for design features like landscaping trees and the sidewalks. The City required the builder to change the architectural appearance of one house because they decided it looked too much like the others. And I think there's got to be a limit on what government requires in order to try to control the costs, you know, especially in things that aren't significant to save the environment or to increase safety, but just things that seem to me to be more things we just can't afford. Anyway, having made that statement, does anybody else have anything to say about 20-04?

(silence)

Chair Raschko: Okay, if not, we'll move on then to Commissioner Mitchell. You had a question about another issue, please.

Commissioner Mitchell: Yes, thank you. For our Board of County Commissioners: I was curious about LR20-07, the Accessory Dwelling Units amendments. I'd like to know a little more about the thought process and the idea behind that. It's interesting because the ADUs seem to have morphed into different things to different people over time, so I'd like to know what we're really thinking about here.

Commissioner Browning: I can go ahead and jump in on one perspective on that, Commissioner Mitchell. A lot of people are not looking favorably on putting their parents or older people going into assisted living, and if with ADUs you can bring people in and actually live in those homes and be your support staff and keep your house going, or family members that can keep you living there. And it reduces the cost of the very, very expensive alternative of assisted living facilities, and people could stay in their homes – live and actually die in their homes. And that's a – so this is a bit of a trend going on well outside of our county, and I think it's a very, very humane one to look at how you can opt for a place for people to be the caretakers of the people in the main house.

Commissioner Mitchell: So this would not change to anything different than what already exists, correct?

Commissioner Wesen: My understanding is one restriction right now is the size of the main dwelling. There was one area where a guy had a shop or a large garage and the large garage was a little over 50% of the size of the large dwelling, and they had to basically put another wall in to make it smaller just to make it fit into our ADU. And so that's – I think we still need to have

ADUs and we have to be reasonable on the requirements. But they had to put in another internal wall and have an exterior area that was not heated so it met those size requirements. So if you've got a pre-existing shop or pre-existing building when you bought, why not be able to use that footprint that's already there and go forward? That's my thought on it, but I don't know what the other Commissioners think on it.

Commissioner Janicki: Yeah, the particular case that you're talking about and the people who have brought this forward, that actually was a – so it's a family in Marblemount. They were trying to convert a garage, actually a beautiful garage, into – for child care. And because it exceeded that 50% of the size of the house, they had to reduce the living space size of that garage in order to be converted to child care. And the state licensing wouldn't allow child care to be inside the house, so that was part of the – in this particular issue. But I think having the flexibility on buildings that you own that are on your property is something that I do support. We should be able to use it, you know, within a reasonable realm of the possible. And to Commissioner Browning's part about aging in place, I mean, sometimes the aging in place is simply because if they could rent that ADU, that smaller unit, to someone, the income stream allows them to be there and stay in their – you know, stay in their home. So it may not just be a caretaker arrangement but actually a, you know, a start-up for a family or for a – anyway, for somebody who's not related to the people.

Commissioner Mitchell: Thank you.

Chair Raschko: Okay, Commissioner Browning, did you have something on that subject?

Commissioner Browning: No, did I leave my thing on? I'm sorry.

Chair Raschko: Okay. Commissioner Rose, I see your hand up.

Commissioner Browning: Oh, sorry. Thank you.

Commissioner Rose: Yes, thank you. So I'll tell you what's bothering me about the whole ADU. It promotes houses that are larger, the main house to be larger than it sometimes would need to be. Like we were just talking a minute ago about affordability directly linked to size of housing, and if you say that the ADU can only be 50% as big as the main house if it's a new one, well, somebody might be inclined to then build the main house bigger than they would have. So it seems like a much better approach to say an ADU cannot exceed a certain amount of square footage no matter what size the main house is. Because why does it matter if they're the same size or 2/3<sup>rd</sup>s the size of the main house? Do you understand what I'm saying? It's like it doesn't make any sense to say 50% of the size of the – I know there's a limit, I think, of 900 square feet maybe, but why does the main house then have to be 1800? Why can't it be 1500 or 1200? You see what I'm saying? Like here this is relaxing the requirement if it's an existing structure, but why? Why does it have to be an existing structure? Why can't it be a *new* structure? And as long as it doesn't exceed that, whatever that magic number is for ADU? So at any rate, I know a lot of the Cities have this type of verbiage and it's always bothered me. I've never understood it because it simply ends up making you build a bigger house than you might have wanted to for the main structure. That's all.

Chair Raschko: Okay, thank you. Commissioner Henley, followed by –

Commissioner Henley: Yes. I think, you know, if we're clever about this you can integrate the concepts of the FCC along with, you know, a reasonable set of regulations for ADUs. And since

you have an opportunity basically to start from scratch with the FCCs, it seems to me it would be relatively easy to answer some of the problems addressed by Commissioner Rose.

Chair Raschko: Okay. Commissioner Woodmansee?

Commissioner Woodmansee: So I agree with Commissioner Rose and I think that this is one of the few tools that can be used for some affordability issues both in family members and non-family members. I have a young nephew who's just married and they're just expecting their first child and they're in an ADU on a place that allows them to be able to afford, you know, their lifestyle and of course it helps out the owner of the property also. And so I think it is an important tool for affordable housing. And, you know, affordable housing's a big deal. It's like a steamroller! The cost of housing is unbelievable. I mean, if you saw some of the increases we're seeing right now it's just – it'd make you give up – to be honest with you – just about. Anyway, so I do think this is an important tool and to the greatest extent there can be flexibility in it, whether it's unit size or type of use and stuff like that. I think that's a benefit overall.

Chair Raschko: Okay, Commissioner Wesen?

Commissioner Wesen: Yeah, I think the Planning Commission is just pointing out my point. You know, we docketed these things so you all can discuss and come up with a good magic answer to all these questions, and I think I've heard some really good ones right now. So I'm encouraging you to keep it up and come up with a recommendation to us in the future.

Chair Raschko: Okay, anything else on LR20-06? If not, we'll go to Commissioner Knutzen.

Commissioner Knutzen: Yeah, my question is on the docketing process itself. I'm pretty new to the Commission; I just came on last fall. I've never sat through the docketing process. I've noticed it was 18 proposals that were submitted. Action taken: 12 of them were included. I'm assuming that means we are going to be looking at 12 of them. And also at a previous meeting the timeline process was explained on a previous docket item and I – okay, now it's in the spring. There's going to be 12 public hearings on these issues in the summer. In the fall, possibly the Planning Commission has hearings, does our discussions, and then next fall and winter the Board of County Commissioners will eventually decide. My question is, Is that the process for every one of these 10 here? And does that conclude next fall or winter? Will these all be done? Does each one of these items have to go through the whole process? So whoever wants to answer that, just jump in.

Mr. Gill: I can take a crack at it if that's helpful. This is Peter. So the group of all the petitions that were docketed typically goes forward as a group. And so we do have hearings on each individual item for the public, but the group of petitions moves forward as a group and not individually. Now the place that that potentially changes is if – through the environmental review. If one requires or a few require a higher level of environmental impact statement, that would be a separate track than the others that are potentially not. So there can be two tracks but they typically go in a group and so that helps make the process a little more efficient.

Chair Raschko: Anything else, Mark?

Commissioner Knutzen: No, that answers it for now. I guess I'll just learn as we go.

Chair Raschko: Okay. Commissioner Rose, is your hand up for – no?

Commissioner Wesen: This is Commissioner Wesen. Just on – we can only do Comp Plans once a year, and so that’s why we want to make sure we move forward, but at some point along the way we can decide well, we’re not going to get it all done this year. We can kick that one out or kick it – postpone it till next year. So that’s the process. It’s – we can only do it once a year, but with COVID last year we’re combining in last year and this year together. But theoretically we want to have all those voted on by 2021. Isn’t that correct?

Mr. Gill: That is correct.

Commissioner Wesen: December. Yep.

Chair Raschko: Okay, are there – is there anymore on that subject?

(silence)

Chair Raschko: If not, have any other Planning Commission members have questions specific to any of the docket items?

(silence)

Chair Raschko: Okay, then I’d ask our County Commissioners if you have anything you wish to say about any particular one.

Commissioner Janicki: Yes, if I may. So LR21-02, which is clarifying the CaRD land division and what does the “reserve” function mean. I thought was really kindly giving – because when they did these small developments there’s always a reserve parcel left by design. One of the items we excluded – the first one on the list – was where they’re asking to take that reserve – the reserve piece and put high density building into the reserve piece of a CaRD. And this is the first time this question has come up where out in Bayview there was another CaRD development with one large parcel left undeveloped and then someone else coming in and saying, Hey, we could build a – just name it – a fairground out there. We could build something on that reserve land. So this question, I think, is going to be just really key to how we in Skagit County define, you know, what we want to see through the Growth Management Act. So it seems like a little topic. I think it has *huge* repercussions going forward.

Chair Raschko: Any questions or comments for Commissioner Janicki?

(silence)

Chair Raschko: Commissioner Mitchell, is your hand up?

Commissioner Mitchell: Yes, my hand was up. It was going to be for another topic. Is that okay to ask?

Chair Raschko: If we’re finished with the CaRD issue, I would say so. And by the way, I appreciate your statement on that, Lisa. Thank you. So go ahead, Commissioner Mitchell.

Commissioner Mitchell: For the PL19-0419 one, so that’s a rezone so I would like clarification. Is this quasi-judicial or not quasi-judicial for us?

Mr. Gill: So this is a site-specific rezone and so we will still have to look at those criteria that are in 14.08.06 for site-specific rezones. I think we will have to come back to you once we talk with Jason about the specifics of that project and whether it's quasi-judicial or not.

Jason D'Avignon: And if I could just mention one thing real quick: As the Planning Commission knows, I have provided – this question came up at the last Planning Commission meeting. There were some other questions. I provided a memo on those other questions and noted there were some things I wanted to look into as to the quasi-judicial. I'm working on that. I hope to get, I think, some good clarity on that by the end of the week.

Commissioner Mitchell: Thank you.

Chair Raschko: Thank you. Okay, anything else on that? I have a quick question on PL19-0419, Nielsen Brothers. Is this just a property on which their shop sits? It is? Okay. That's all I need to know. Okay. Do any of the Planning Commission members have any more questions or statements about any specific issues?

(silence)

Chair Raschko: Okay, I see none. So Commissioner Janicki, do you want to go ahead and continue? Or am I putting you on the spot?

Commissioner Janicki: No. Well, kind of, but that's okay. I think when – you asked if I wanted to go ahead and adjourn. Is that what you asked me?

(silence)

Commissioner Janicki: Oh, you're muted.

Chair Raschko: I'm sorry. I was just wondering if there's any other points or topics that the members of the Board of County Commissioners would wish to pursue at this time.

Commissioner Browning: I have one. I think the LR20-02, the Small Business Zone Use Modification, you're going to get questions about that, and so I think we better at least think through what the thinking – what the rationale and thinking is behind that. Because it seems it's getting muddled into noisy parties and everything else as opposed to is it appropriate use and what's the appropriate zoning. So that's one that will become trouble if we don't talk it through.

Chair Raschko: I'm sorry. Could you just repeat the last sentence? I didn't hear that clearly.

Commissioner Browning: It's just one I think will be troublesome if we don't at least talk it through so we are in some agreement on what the issue is with LR20-02. It concerns the Terramar Building and they're wanting to do some outside activities, and a lot of community members aren't happy with it. And so is that an appropriate use? What are the zoning allowables with that piece of property? So at least we're all talking about the same animal.

Chair Raschko: Okay, well, thank you. Are there any questions or comments for Commissioner Browning?

(silence)

Chair Raschko: Okay. Anything else?

(silence)

Chair Raschko: No? Well, then I'd ask you, Lisa, is it an appropriate time then to adjourn our joint meeting?

Commissioner Janicki: Yes, of course, and once again just thank you. I think this is, you know, tonight was just kind of like showing the richness of the conversations that are going to happen and the different levels of interest. I mean, I look at that Neilsen Brothers one and I have to tell you as a family business that is in the forestry in place, there's not very many places that are zoned for a logging company to put up its equipment buildings and things, you know. We're kind of like the step-child of ag and weren't in there when the Comp Plans were first written. So try to find NRI zoning in our county, which is where they would be allowed to have a forestry \_\_, – you know, and so it's that getting out and getting to see exactly how our zoning decisions, our Comp Plan worked over, you know, 20 years and getting to adjust to, you know, what is our reality, and you guys get to do that important body of work. So thank you.

So with that, I will adjourn the Board of County Commissioners and let the Planning Commission get on with their body of work. I'm going to turn off my camera, though, and just listen to part of your meeting, so I will still be here, just I will keep my mouth closed. Thank you.

Chair Raschko: I want to thank the Board of Commissioners for giving us this opportunity. I agree with you. It was a very good discussion. Are there any other comments from any of the Planning Commission for the Board of Commissioners?

(silence)

Chair Raschko: Okay, so we'll stand adjourned from the joint meeting. And we'll resume the meeting of the Skagit County Planning Commission. We'll go now to the Shoreline Master Program Update Work Session. Mr. Gill, please.

Mr. Gill: Thank you, Chair. This is Peter Gill again. We, as you know, \_\_\_ the comment period for the Shoreline Master Program Update is open through June 22<sup>nd</sup> and so folks still have a chance to get their comments in, and I expect many will still turn their comments in. But we have compiled the comments that we've received through last Tuesday – I guess Monday, June 7<sup>th</sup> – and provided those for you all so you don't have to get all the comments at once and have to try to read through them all at once. So we provided those, and Betsy Stevenson from Natural Resource division is with us and so is Dan Nickel from the Watershed Company to provide a bit of a summary of those questions and also to entertain your questions and comments.

Dan Nickel: Great. Peter, I can jump in. This is Dan Nickel. I guess tonight I was planning to just give a summary of, I guess, the document that you have before you, which is the comments that have been received as of last week. And I guess I will just – maybe the intent here is really to kind of allow you to ask questions for clarifications or whatever is kind of on your mind for that purpose. But I would just like to take a moment and just kind of summarize generally the theme of some of these comments. I think we've received a number of comments that are more general and site-specific to a particular property. There was a number of folks that responded with issues that pertained to their particular property that were probably, you know, important in a context of asking questions about, How does the Shoreline Master Program regulate activity or potentially enforce

errant actions on other property? And so that's something that, you know, we would certainly try to respond to but it may not be something that the Shoreline Master Program itself would address.

There were some questions related to some activity on the Samish River, some flooding and diking issues. Several comments came in related to the Sinclair Island dock, the public dock there. You probably saw those. And kind of pressing questions about what the next steps might be for the County. There was a comment related to boat wakes and erosion that might be happening along – I think it was Big Lake – from generated from kind of larger – I wouldn't say *larger* boats, but weight-forward boats, which are pretty customary now, and they tend to throw a very large wave and do lead to some erosion. The Shoreline Master Plan does not regulate boat activity, though, so that's one thing we can discuss.

There were quite a few comments that came in related to Lake Cavanaugh, and we've discussed Lake Cavanaugh, you know, and the concerns there. Several people have voiced concerns throughout this process regarding issues there that are maybe unique to that location. So some of the issues that came up or questions came up related to boat lifts and canopy covers, concerns about building setbacks and the potential reduction mechanisms for reducing building setbacks. There was, you know, questions about dock standards: width, the width of a dock; the height above the water, and particularly at Lake Cavanaugh. And then there was several comments related to the variance process. You know, you recall that we have an administrative variance that we have built into the Shoreline Master Program, as well as a shoreline variance, ideally to try and get the variance process done administratively where, you know, the request for a variance is somewhat limited. That process, I think, has been appreciated by several folks and have said so.

There was a comment related to forest practices that came in from the Department of Natural Resources. It was a very good comment that came in and just concerns about potential, I'd say, maybe overlap regarding the forest practices rules as well as what's in the RCW and the WAC. So there was some concern there from DNR. There was also some – I think we – one of the public comments that came in at the hearing mentioned this, and there was a written comment too, about the concern regarding the Urban Conservancy – I'm sorry, not the – the Rural Conservancy Skagit Floodway designation. That's, you know, extended up now all the way up to the Upper Skagit. And there comes some concern about the County's notification to the owners of those areas or the people that have property up there. And I think we've talked a bit about that and tried to explain, you know, that it really isn't a – that isn't really a substantive change in terms of the regulations. It really is more of a clarification in a way to identify and notify people that they are actually in the floodway. And the regulations and the use requirements or the use allowances are all the same in the Rural Conservancy Skagit Floodway, but it is really more of a way to let people know where they're at.

And then a couple more items: One was related to docks again, but more general just in terms of considering – ensuring that we're considering boat lifts in the regulations. And then there was one comment that came in related to the Open Space Plan. If you recall, we talked a bit about – you know, the Planning Commission's recommendation in 2016 was to remove the reference to the Open Space Plan and staff has, you know, felt it's good to leave that in. The Planning Commission did discuss this during some of the earlier meetings, and so that was one of the comments that did come in.

So that is kind of a summary of what we've received. I think we've got about 25 comments that have been received as of last week and there've been a couple of more that have come in. The comment period will extend until the 22<sup>nd</sup> of this month so we've got another week. We do

anticipate that there will be more comments submitted during that time. And then the Planning Commission will come back on the 29<sup>th</sup> of June, at which point we'll have a – you know, the full set of comments at that point in time and we can talk in more detail then. But I think at this point I think our goal here is to really turn it over to you and see if there's any questions that you have or clarifications that we can make to better understand where this is at.

Chair Raschko: Okay, Commissioner Mitchell, your hand is up?

Commissioner Mitchell: Yes, I had quite a few questions! I'll just ask one now and hope that other people picked up the same kind of things. One of the ones that leapt out is from somebody named – I'm not going to say the name – that was questioning about the dock widths. And what was said was "One issue I have with the new SMP has to do with dock width. Limiting a dock to four feet will pose a safety issue, particularly with children. The potential for a small child to fall off a dock when it's so narrow is quite high. In addition, a dock is used to park a large boat. That size would be insufficient for stability. If there's high wind, a dock needs to be stable enough so it holds the boat securely, the boat, whips, ties, et cetera." I'm not a boat owner, don't have personal docks or anything like that, but I have been out places when it's been choppy water, high wind, and things like that. And when I've been reading the things from the Lake Cavanagh people trying to even visualize what it looks like when they have a change as much as four feet on water and what that could look like at a distance for long docks, long narrow docks, and heights, and things like that, I find this all very concerning and sympathize with this mother.

I can think of a number of scenarios where that would be difficult and I'm hard pressed to understand why we're pressing to have a limit for a four-foot width when these things can be addressed with new ideas, technologies, and things like this. I think anybody that's been in the building industry can probably jump in. I had talked to some – I called several marinas and talked to different places about docks in general, and there are some, for example, like Shelter Bay, for instance, had recently changed theirs where every other plank is – as I understand it, it's kind of like a metal one that shows – you know, lets light through so it changes it about 50%. So they had just redone all those. So there's ways to do this where it literally does not matter if the width of the dock is four feet, five feet, six feet – what any family member/property owner deems as necessary for safety – when things can be addressed very easily on how they're constructed to take care of those issues if, in fact, that the issues are because of the shading for the fish safety. The thing with the fish safety, though, seems counterintuitive when the fish also go to shade for safety, you know, and there are places in the county where we are told time and again to leave overhanging branches and stuff to shelter and provide shade. So you can see it ends up being sort of a circular argument. But I'd like to pose to you guys again – please help me, Dan. I get so confused on why we're only talking about a four-foot width when there's other ways to handle this and people don't need to have a nanny state come on top of them and tell them how wide it needs to be.

Mr. Nickel: Yeah, good comments, and I think I can – let me start with the last item that you were talking about. You know, when it comes to shading, you're right. I mean, we talk a lot about the need for shade and overhanging vegetation to provide habitat for fish. We also talk about a lot of negatives about overwater structures providing kind of the reverse habitat. And there's several factors going on here. One, you know, overhanging vegetation – the shade that is provided there tends to be a – it's not a sharp edge, a shade line, right? It tends to be somewhat variable and can change. The issue that predominantly occurs regarding piers is with a shade line that transitions from bright light to shaded environment rather sharply. And as juvenile fish are swimming along the nearshore areas, which they tend to reside in, they have a tendency to hesitate and to stop their migration or their movement along the shoreline when they hit that

shaded area, the sharp shade line of the dock. And they've actually done some telemetry studies in Lake Washington where they've shown the juvenile fish will actually then swim out into deeper water to go around the pier so they don't have to transition to that shaded area. And in doing so, they are subjected to deeper water and where the predators are. And so that's one of the primary reasons why, you know, the shade differences are a factor when it comes to overwater structures and vegetation differences.

I would also just say that, you know, the width of the structure at four feet versus six feet versus eight feet, there are – you're absolutely right – you know, the state has emphasized providing graded decking to allow light underneath these structures and to transmit through these structures. And that does, it actually provides a big benefit to that transition from shaded environments to light environments. But it simply isn't – it doesn't make the shade line disappear. It mitigates for it but it's not enough. And so from the Department of Fish and Wildlife's perspective – and Ecology will voice the same opinion – a four-foot-wide structure is really what they feel is the limit there for the nearshore. And we're not talking about areas in deep water, so the main concern is typically the nearshore, 30 feet. That's where a lot of juvenile young fish species will provide their habitat in. \_\_\_\_\_ you're talking about salmonids, right? Not bass.

Anyway, so that nearshore area's really what's vitally important for them, not to have that hesitation and to go into deeper water. And so, you know, the focus there from Fish and Wildlife has really been: Let's focus on the nearshore 30 feet. Let's keep the pier structures narrow, as narrow as we can; provide light transmission through graded decking. What happens in deeper water, they're a bit more flexible. That's why you'll see, you know, six-foot wide areas. You'll see some allowances for even eight-foot platforms. And so they're a little bit more – offer some more allowances there.

You will notice from the early drafts to the current draft we did remove – this is some of the comments from Lake Cavanaugh folks – we did remove the two columns in the dock dimensional standards table. We eliminated the difference between lakes with anadromous fish and lakes without anadromous fish, and we did that based on feedback, direct feedback from the Department of Fish and Wildlife and Department of Ecology. They really emphasize that what they're going to look at – especially Department of Fish and Wildlife – they're going to look at these structures regardless of whether anadromous fish are present and they're going to be requiring a four-foot-wide structure. So why would the County do something different? And do from the County's perspective, you know, we're trying to be consistent with those rules and not put any onerous regulations on folks, but we don't want to give them the wrong impression.

Commissioner Mitchell: Well, I appreciate a lot of those points, Dan, but even so it seemed like there were valid complaints from the lake people about having changed the columns from – taking the anadromous fish – lumping the two together when it changes the look of everything. And the other thing I'd like to know is then why are they allowing defoliation of so many of the lakes when the fish don't have so many places to hide? In other words, I think I'm pushing back on that hard line idea completely. You know, the fish have survived and done pretty well for a long time a lot of places, and if you look at the shoreline, the amount of shoreline that there is, whether it's freshwater/saltwater. If you literally added up the mileage for what that is, docks are miniscule. When you add up all the footage for the docks compared to that, it's miniscule. And so it tends to be overregulating something when they can naturally adapt. And I realize that that's a point of contention on the ideas of adapting, but I'm still not buying the argument.

Chair Raschko: Okay, Commissioner Henley?

Commissioner Henley: Yes. Let me see how to lower my hand here somewhere. There we go. I want to talk a little bit about this item that keeps seeming to come back like it's got a perpetual life or something. And this is the conforming of the SMP with the Skagit Countywide UGA Open Space Concept Plan. It seems to me that we've discussed this before and before my time, but the reason that it seems reasonable is that the County plan is strictly a voluntary plan whereas we have tended in the SMP to make it regulatory. And it seems to me that that's the wrong way to go. I've been hearing nothing but from people who have skin in the game, so to speak – basically, you know, the people that I represent – and I think that there's no reason why we shouldn't remove this difference between the SMP and the Countywide UGA Open Space Concept Plan. I think that there's an easy way to do that. We just take out those couple of paragraphs and we're done with it. There's no reason why Skagit County shouldn't put in *its* Shoreline Management Program the things that *it* wants to have, irrespective of what someone *e/*se thinks we ought to have. We should go and do battle with that if that's what it takes.

Chair Raschko: Okay, thank you. Commissioner Woodmansee?

Commissioner Woodmansee: Yeah, I wanted to fall back to the shade conversation and the line of shade and stuff and so. In hearing the discussion I'm hearing us say that if your dock's four feet wide it's less of an impact to have that straight line than if it's six feet or eight feet or whatever. And so, I mean, if the line is the issue then, I mean, isn't the issue at four feet as well as at six feet or eight feet or however wide? That's, I guess, a question.

And the other thing that I feel like I would agree with the four-foot width being a bit of a danger situation, in particular if you're four or five feet off the water in the low water time of the year. I think that we're creating a situation that could potentially create future problems – you know, injuries, even not just kids. I mean, you know, elderly people can have an issue with a narrow walkway also. And so I do think that I don't fully understand why the numbers are what they are. I guess for me, the shading, the straight line thing doesn't fly because it's still a straight line even if it's four feet wide. And, you know, we could require some widening. We could go, say, well, you can be four feet, then you've got to be six for so many feet. And that would help with this consistent line. I get that it's not the same as a tree line that – you know, a shade of a tree that's maybe a circle or something like that. So I share those concerns on those issues.

I'm not sure – to kind of expand, I'm not – I don't agree with the concept that we need to have a boat cover that it needs to be transparent. I really don't buy into that concept that that's having an impact when you've got a boat sitting there either way that's on the lift. I mean, the sun's not going to shine through the boat either. And so I feel like that that's something that needs to be considered just to be taken off of – completely out of the plan. Anyways, those are some of my thoughts based on the previous conversation and then of course I brought up the covers. And I'll chime in on other subjects as they come up but that's my thoughts kind of on that right now.

Chair Raschko: Okay, why don't we stay on this one and then I'd like to come back to Commissioner Henley's topic. So Commissioner Shea, were you going to comment on the dock situation or otherwise?

Commissioner Shea: Yeah, I have a comment to the docks. Yep. I'm kind of – I agree with some of the points being made here. It seems, I don't know, kind of arbitrary these numbers that are being brought up. It sounds from the studies that the straight line, the shading, the fish following the shade out in deep waters, the solution would be to have no docks. That's – I mean, you could just pick an imaginary number of how wide the docks are going to be to minimize the effect of it, but what you're really saying is that all docks should be gone and let more sunlight down. That's

kind of the same thing with the covers over the pool – or the boats. The boats are already covering up the ground. I think the sun moves all day long so it's not – depending on where you are in the lake it may be different, but it's moving all day and you have different angles so sunlight's going to hit the bottom anyway, so it doesn't seem to be practical by any means.

Another point to that: I'd really like to see the scientific study that's being brought up about these fish following these shade lines. If I'm not mistaken, the last 20 years of fish work that's been done is providing shade habitat for these spawning salmon and salmonids, everything. And for someone that works around thousands and thousands of spawning salmon every year, I've never seen salmonids or juvenile fish hanging out in the sun. They're always hiding in the shade, especially during the hot parts in the day. So I don't understand where that's all coming from. I'd really like to see that scientific study that's saying that these juvenile fish are following these dock lines out into open water. It just doesn't make any sense to me.

I don't want to beat a dead horse, but a lot of this just seems numbers made up, and essentially the studies are saying that docks and things like that interfere with the sunlight into the water bodies. But just getting rid of docks isn't really an option. Another point to this that I just remembered is, too, if you have someone with a wheelchair going down a dock that's four feet wide, I'm imagining the person in a wheelchair has about a three-foot breadth. So if you have anyone else on that dock trying to come and go you have one foot left to move around, and that's just general, casual walking around. So a four-foot dock might work perfect for a lot of people if they have one boat or what have you, but the second you start adding more people and people with disabilities, things like that, it doesn't really seem to fit with reality. But I'll leave it at that.

Chair Raschko: Okay, thank you. So we have, I believe, Commissioner Mitchell and then Commissioner Woodmansee if the topic is docks. So go ahead, Kathy, please.

Commissioner Mitchell: Yes, topic's still on docks. So yes. So back to what this mom had written, I was thinking of family scenarios – four-foot docks mandatory. You got a couple of kids. You got a cooler to get down. You got grandma with the walker. Look, safety's number one for human beings and the fish have been getting along for a long time, and if we haven't learned anything in the last 18 months where human safety is a paramount issue, then that's something that we should reconsider again. Because being around water already there's an issue with safety and water. Throw in weather, throw in other kinds of things, then it's a problem. Throw in tides out and those docks are really steep. And so the numbers are such that a wider dock makes more sense from safety standpoint and to allow the people at each given site to have the allowances, whether it's a four-to-six or four-to-eight-foot dock to be able to have that leeway makes far more sense than a mandatory four-foot everywhere. Safety should be number one. We build safety into building codes for all kinds of things. You can't come up and down a staircase without having hand railings; then why on earth should we have a dock where there's times where the water's way far out where somebody can fall off a dock real easily and get injured? It just doesn't make any sense. So I'm back to really saying the issue is the arbitrary numbers when there's other ways to deal with the situation. I'm not buying the shading and shadowing argument either, from a science background. And the footprints do matter. So I really think we should seriously consider at least changing to a range of numbers and/or options for – what is it called? – graded walkways? I don't know what's the proper term. I'm not a builder. So thank you.

Chair Raschko: Okay, thank you. Commissioner Woodmansee, have you got more to add to this subject?

Commissioner Woodmansee: Yeah. I'll be brief. The other thing that I meant to talk about was I don't think that you should have to adhere to rules that are put in place to help salmon if your body of water does not have salmonids in it. It makes no sense to me to have this same rule for two different completely different applications, and so it seems like that there should be a consideration to *not* get rid of that column and to consider the two types of bodies of water with the different types of fish differently. I realize that Fish and Wildlife dealt – they want to have – what we're being told is that they want to have one standard for everything. But, I mean, that's not reality. It's not the same thing. And so that's not something that I support at this time.

Chair Raschko: Thank you. Is there anything new to be said about docks? If not, I think we'll move back to the topic brought up by Commissioner Henley. Commissioner Henley, did you have anything more to say about that?

Commissioner Henley: Only that I think it's easily fixed. You could just delete that reference to the – in the SMP, all right? – to the shoreline public access plan. And I think you just eliminate that and, you know, what then becomes the defining concept is the Skagit Countywide UGA Open Space Concept Plan, which is basically a voluntary program. Why do you want to force people to do something that basically becomes, you know, an involuntary surrendering of their property? And you're forcing them to do maintenance on it as well, all right? Why do you want to do that? I mean, it seems to me that a voluntary program which they've agreed to is much better, so why are we doing this? It just makes no sense to me whatsoever and I'd like to see us, you know, address this one more time because I understand it's been addressed before. So why the heck is it still in the daggone document? Just get it out of there.

Chair Raschko: I would wholeheartedly agree. We have Commissioner Shea. Have you something on that topic?

Commissioner Shea: I actually – it's back to docks, I guess, but the main point I'm thinking of is would it be more beneficial to have one eight-foot dock that facilitates three homes or would it be better to have three separate four-foot docks? You know, giving people – yeah, sorry, but giving people more options – you know, if they want to team up with their neighbors to have a bigger dock that they could joint-share rather than being limited on two different four-foot docks. I think there's benefit to that. But I'll be quiet and we'll move on. Sorry!

Chair Raschko: No, I appreciate the comment. But we'll go ahead and continue with Commissioner Henley's argument then. Commissioner Mitchell, did you have something to add?

Commissioner Mitchell: Yes. You know, it's kind of funny making rounds for this. I'm glad Commissioner Henley had brought it up again. We've been discussing this since 2014, I think, and had asked to have it removed in 2016 and then it appears again. And the inventories are already taken care of so I don't think it should be in there at all. And why we have to keep having this conversation – I wish we didn't.

Chair Raschko: Thank you.

Commissioner Henley: We should *not* have it!

Chair Raschko: Commissioner Candler?

Vice Chair Candler: Thank you. I'm not going to go on about docks but I just wanted to mention that I pretty much agree with most of the comments tonight, and that's it. Regarding the Open

Concept situation, I think the problem that we're having – for Commissioner Henley – is that the Department doesn't agree with us. They want it in. So they're indicating they're keeping it in and we're saying Take it out, and they're saying No, we're keeping it in. So we're – I think ultimately we're going to have to make a motion to put in our recommendation that we think the Board of County Commissioners should take it out, and that will be our recommend – if we so vote, then that would be our recommendation.

Commissioner Henley: That is indeed my plan.

Vice Chair Candler: Okay.

Chair Raschko: Thank you. I see no more hands. Commissioner Hughes, go ahead please.

(silence)

Chair Raschko: You have to unmute yourself. Oh, you don't have anything? Sign language!

(silence)

Vice Chair Candler: Still muted.

Chair Raschko: Can you write something down on a piece of paper and hold it up?

Commissioner Shea: Yeah, it keeps you on mute and then it auto-mutes you again somehow. I'm not sure why.

Chair Raschko: Okay. Well, okay, maybe that can get fixed by somebody and we can –

Commissioner Amy Hughes: Okay, I think – can you hear me?

Chair Raschko: Yes.

Commissioner Hughes: Okay, I'm not going to touch anything. Okay. I'm requesting staff – probably Betsy – to give us some elementary conversation of administrative variances. Why do we use them? Uniqueness of individual situations is a pretty passionate subject. And so let's just go back to the beginning of that. The cost associated for a person; when it's used; when it's helpful. Because it's back to this common sense issue that we deal with all the time – is to some people it just seems like another obstacle to do something they want, but on the other hand it allows us to do things with shoreline management plans. So that's a big question, I know, but if you could kind of help us with that I think it would be a good explanation for everyone.

Betsy Stevenson: I'll try. And I may be going a different direction than the way you want me to so steer me back if I do. Basically we have administrative variances in other places in our code. The one that we're the most familiar with is our critical areas ordinance. So in integrating critical areas requirements with the Shoreline Program it gives us an opportunity to consider that. Part of the reason is with our Shoreline Program the way it is now, there is a specific setback and once you're inside that setback you get the full meal deal of a shoreline variance. So this allows some encroachment into that setback or buffer through an administrative process rather than having to go through a public hearing before the hearing examiner. So it's faster; it costs less; it allows some flexibility in terms of design and things. We're not just drawing a line in the sand and saying once you go over that you have to do this. You know, it allows you some choices in terms of

whether you want to go through that whole process and whether it does make that difference to you in terms of getting a hearing examiner shoreline variance – is kind of what we call it – or whether you'd rather make some adjustments and only encroach into the buffer a little bit – you know, a lot less? But you're still crossing that line but now it's an administrative variance process. That's why it's been proposed. It has worked very well, in my experience with our critical areas ordinance because it does put the decision-making back to the landowner. Because we tell them, Okay, if you do this – you know, you get a site plan and you just kind of start looking at it – and if you do this, then this; and if you do this, then that; and if you do this, you don't need either of those things. So people look at it and say, So you're telling me if I just either switch it a little bit and move it slightly at a different angle or if I move it back slightly, then I only have to go through this administrative process? Well, yeah, that makes more sense. We'd rather do that. So then they can work with their design instead of us just saying, Nope, anything over this line and it's the full meal deal kind of thing. So I don't know if that describes it well enough to you, if that helps. Or point me where you're headed, if I missed the boat completely.

Commissioner Hughes: No, you're getting us there, and I'm doing this for the general population to understand why you do – or we do this. It's these hard-fast rules, whether it's docks or locations, that drive people crazy, and the more education we can do that we have to maybe have these rules but there are exceptions. I've personally seen a case where we've had to do this administrative variance issue and it's come back, you know, Yes, what you're going to do is having no impact so go ahead. I don't know with Shoreline Management if it'll go that extreme or not but in critical areas it's, Yes, you've proven to us that you're not going to have an impact so, you know, go ahead. But then on the other side of the line of these issues we have individuals who say, No, this is a hard, straight rule. We should keep these hard, straight rules whether there's an impact or not. And these are the kind of things now that life has gotten so complicated that drive us all crazy. And so I think that we just need to explain, explain, explain how we can go through a process.

Ms. Stevenson: That's good direction and I appreciate that. And then there's another group of people who don't want us to do variances at all. They want those buffers to be maintained completely and they don't want variances hardly ever, if at all. So you have a wide range of ideas on this topic. So we are trying to do something that we've shown can work with landowners to provide some flexibility to folks. It doesn't necessarily mean you won't still have to do some mitigation to still improve the situation regardless of how big the buffer is that you have there. For those, you know, who feel that it's better to just have a hard and fast and everybody understands and knows what it means, I don't have much of a response to that, only that I have seen it work with the critical areas ordinance in giving people the choice on their property to redesign or move things or slightly shift them. And they *will* a lot of times opt to do that and say, No, actually I don't want to go through that process, I don't want it to take that long, I don't really want to spend that kind of money. If we can do this and this, are you guys – you know, would you support that and can we go through the lesser process? And the answer is usually yes. The only difference now – if you're talking still critical areas then I want to make sure is clear – is that we do have a process in there that administratively we as staff can do a buffer reduction for up to 25% of a buffer reduction and require mitigation, which is kind of what you're talking about. I think that was your example of yeah, you're not going to have an impact; therefore, we can just do this and you can do this. Well, we can do that but there's still some mitigation involved with it, but it is administrative. They don't have to go apply for something different and pay a fee, even for an administrative variance. But I think with the Shoreline Program because it's a joint implementation and we work with the Department of Ecology on those, it will still need a variance. They don't recognize – you know, we can call it an administrative process but it's still a variance and those are things that they will be looking at as well. So that's where it's a *little* bit more constrained – if that makes

sense – than our critical areas ordinance is. We don't manage our critical areas regulations. We're not co-managers with a state agency on that. They're our regulations, you know. Everybody else has agreed to them but, you know, they are – at least at this point in time – still protecting the resources. But I don't know, again, if I hit on it a little bit more, if I'm getting any closer? I think you're right. I think a lot of people don't necessarily understand but I think a lot of people *do* understand and they just have strong feelings one way or the other, and there are those who don't want to have to do anything or look at any kind of buffers. So I don't know. Am I getting closer?

Commissioner Hughes: Yes, and I'll have one more question. I'm still confused. Is there a cost to an administrative variance? Okay, and do we know what that will be?

Ms. Stevenson: It'll probably be close. I don't know if we're going to revamp our fee schedule any time soon, but it's usually about half the price of the regular shoreline variance because we don't have to hold a public hearing so the notice requirements are less. We do still notify the property owners but it's kind of saying, Hey, we have this application. You know, tell us what you think. And then they also have an opportunity to appeal it. We send them the Notice of Decision. But it is less work on the part of the staff too so it's about half the price, so right now it's just – it used to be 1,080. I know our fees went up for a – not a cost of living; what's the other one? I'm sorry. Just it went up a little bit so it's not quite that, but I think it's still under \$2,000. It's an odd number now. It's still in the 1,080, 90 – you know, a little more than that. And \_\_\_ regular variance. And we kind of determine the amount of hours that staff spends as part of where those fees come from. It was at 4,080 so it's kind of a big difference. Maybe it was 1800. I'm sorry. It was 4,080 for a shoreline variance and I think 1800 for an administrative variance. So there is a pretty big difference.

Commissioner Hughes: Okay. Thank you.

Ms. Stevenson: Now I really confused that because I got it wrong the first time but I think I got it right by the end!

Commissioner Hughes: I should know the numbers.

Ms. Stevenson: It's okay. Hey, I've been on vacation too. I'm just kind of getting my head back in the game.

Chair Raschko: Okay, thank you. We had Commissioner Mitchell followed by Commissioner Woodmansee. So go ahead, Kathy, please.

Commissioner Mitchell: Yes, I hope we can talk about this in some detail and, Commissioner Raschko, we may need you on this as well. I read through Cory McDonald's letter several times and it's jam-packed full of information. And I'm assuming it's a she.

Ms. Stevenson: No.

Commissioner Mitchell: So, you know, my sense is that they feel like they're being encroached on by some of this language that's in there. And it says repeatedly in here "Forest practices. Local master programs should rely on the Forest Practices Act and rules" for "implementing the act and the Forest and Fish Report as adequate management of commercial forest uses within" the "shoreline jurisdiction." So I think this thing merits some discussion now, and I'd like to know what Commissioner Raschko and the Forest Advisory Board thinks about this. Surely you've seen this by now. And then I know, Dan, I recognize that you said that you guys are going to look into this

more as well. But I'm a little bit concerned about this letter and I'm a little bit confused as well. I think we need some help.

Ms. Stevenson: Can I give a little background?

Commissioner Mitchell: Yes, please, Betsy.

Ms. Stevenson: So Cory is a man, just so that you know, and he was attending the Forest Advisory Board meeting when he made the presentation to them about the SMP update. So this was basically a follow-up to some of the comments that he made at that meeting. So that's kind of all I want to say at this point in time. I'll let you guys have your discussion.

Commissioner Mitchell: Thank you, Betsy.

Chair Raschko: My take on most of what the DNR representative said basically points out that having duplication of your regulations and laws is not a desirable thing. I don't know whether it's even legal. But what bothers me most in the proposed verbiage is part (d) under – under – anyway, I'll just read it. It says "A forest practice that only involves timber cutting is not a development under the SMA and the SMP and does not require a shoreline substantial development permit or a shoreline exemption." And that's all fine and good, but I infer from that that everything else *does*. And so I think if that's not the intent, that verbiage really needs to be changed substantially or just totally eliminated.

Ms. Stevenson: Do you want us to respond or do you guys just want to comment? Yeah, okay, I'll wait till you ask us for our input.

Chair Raschko: Well, it's a good time. Go ahead.

Ms. Stevenson: So the state law did change on that. We proposed back in the early days of this process and all through into the 2016 document that you guys were forwarding on that we kind of agree with what your discussion is right now. But in 2017 – Dan? –

Mr. Nickel: That's correct.

Ms. Stevenson: – the law changed and what you're inferring, Tim, is exactly right. The only thing that doesn't fall under the Shoreline Program is the actual cutting of the trees. So the rest of it will require shoreline review at least and then we'll determine whether permits are required or not, depending what the other activities are – whether there's roads that need to be built – any of those kinds of things that sometimes under other laws are considered part of the forest practice. That's been changed in the shoreline regulations.

Chair Raschko: Okay, I appreciate that. I'm going to have to investigate that.

Ms. Stevenson: I hope you do! Yeah.

Chair Raschko: Are there any more comments in regard to forest practices? Commissioner Henley.

Commissioner Henley: No, it wasn't in – I was premature. It's not for forest practices so I'll wait my turn.

Chair Raschko: We'll go back then to Commissioner Woodmansee.

Commissioner Woodmansee: A couple things. On the forest practices, it just seems to me like the inability to do some – I don't want to use the word "infrastructure," but it's the only word I can think of – to help with your logging would just incentivize people to *not* do something and take even worse care of the environment because they're trying to get around the fact that Well, I don't want to do this so I'm just going to drag my stuff so far that all I'm doing is cutting and removing trees. And so it just seems like that it might be kind of counterproductive. But if it's the state law, it's the state law. But I don't necessarily think I think it's a good one.

And then – so that's my forest practice comment – as far as variances go, we definitely need to have variances, but I will say this, and this follows up on really my thinking in previous meetings. I really have a hard time with a lake like Lake Cavanaugh that has – that's so built out and then all of a sudden people are going to have these huge setbacks or very expensive mitigations if they're even able to mitigate. Somewhat it's going to be up to the official at the time depending on, you know, when it happens, and at the same time it's the government – whether it's local or state or whatever – has no burden to actually prove that there's an impact. You have to prove the opposite, and so you're starting as, you know, guilty before you're innocent. And I just feel like that there should be – and I don't know if it's possible but I share the concerns with the Lake Cavanaugh folks and I think I could put it against any lake in our area, that if the lake is past a certain amount of developed, it just doesn't make sense to me to change the rules for the last 10 lots or the last whatever. In particular, as I understand the testimony has been, Lake Cavanaugh has a very *healthy* – is a very *healthy* lake. It's not like there's this denigrated lake that's got all these problems because of the previous setbacks or docks or whatever. So I don't even know what we can do but I still struggle with the blanket Here's your setback; you can buy your way in via mitigation but you're never going to get to where your neighbor is if the neighbor's at a certain location. And so that still troubles me and I guess I just want to put that out there.

Chair Raschko: Okay, thank you. Commissioner Henley.

(silence)

Chair Raschko: Are you there, Vince?

Commissioner Henley: Oh, I'm sorry. Did you call me?

Chair Raschko: Yeah. You had your hand up?

Commissioner Henley: Oh, sorry! Okay, I was dreaming around here! I want to talk a little bit about something that I brought up about three meetings ago having to do with floating homes. And I questioned why that wasn't addressed in the SMP or prohibited in the SMP. And I was informed at that time that that was now the purview of the state legislature and the state legislature had passed laws against those things and had grandfathered the existing floating homes in place. And so I investigated that but what I found out is that that's not exactly true. What the state legislature practically did is it conferred as a conforming preferred use the existing floating homes but it didn't mention in any way prohibiting them for all times. The Washington Administrative Code *does* address that, but its language is rather permissive rather than restrictive. In other words, it says that floating homes are not a preferred use and *should* be prohibited. Notice the word "should," okay? It doesn't use the more restrictive words as "must" be prohibited or "shall" be prohibited so, therefore, the code leaves the possibility that such use *may* be permitted. And I submit to you that a properly designed, supported, and regulated, a floating residence *could* in

the future be permitted as part of Skagit County's SMP and overall housing plans. So there's no reason why we couldn't actually build this into the SMP as a more permissive use and have it be dependent on the proper sort of design and infrastructure and so on. I mean, floating homes are used successfully all over Europe. I used to live in the Netherlands, okay? There's a lot of floating homes in the Netherlands. They work just fine and they're building new ones every day. So it seems to me that we can change the SMP in such a way as to allow these kinds of things in the future without committing ourselves to allowing them immediately. But the fact of the matter is the state legislature did not outright prohibit them in any of its legislation. Now when Seattle went and revised its municipal code, it *did* use very restrictive language, but it's permitted to do that. But the fact of the matter is we don't have to follow Seattle. We can do it in a way that suits Skagit County. As a matter of fact, I would recommend that we *don't* follow Seattle. It seems to me that their planning ability is somewhat suspect these days.

So I would suggest and I would offer some changes to the SMP that allows for future use of floating homes. And since we talked earlier about a shortage of homes coming up in the future, in the next 10 years, it seems to me that would be something to address now and fight the battles about it while we can and before it becomes a crisis. So anyway.... Comments: I intend to introduce this at a future meeting so we can have a proper debate, but if you want to talk about it now I'd be happy to answer any questions.

Chair Raschko: Are there questions for Commissioner Henley or further discussion?

(silence)

Commissioner Henley: Good. I guess everybody agrees!

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yes. Commissioner Henley, I do agree! And I was thinking about that before when we were talking about – on another topic when we had the joint meeting with the Board of County Commissioners earlier tonight about finding affordable housing and different options. We're talking about ADUs. Why on earth wouldn't houseboats and that option be available to people as well? We've got a lot of places where things like that could work and it could work well, and the County does plan pretty well on things. And to discount that and lock that out from places where people – it just doesn't make any sense to me whatsoever. So I do think that it merits looking at that closer and hope that we can.

And I'd like to segue that into what Commissioner Woodmansee was talking (about) before when we were talking about the Lake Cavanaugh situation. One of the commenters that had talked about the dock width issue was also concerned about existing structures and with them being limited on what they would be able to do. All this wraps together. If we're truly interested in affordable housing and making things available to people to allow them to do things, then we need to be more open minded and find more ways to can-do rather than prevent. And I hope that these things can make things better. I feel really badly for the people in Lake Cavanaugh, Big Lake, or anyplace else that are being limited, you know, at the end of the game. The same thing with any other housing options that could be, whether it's ADUs, houseboats, anything else. So I really do think that we should be thinking more on how to make things happen and make them function well.

Chair Raschko: Thank you. Commissioner Hughes.

Commissioner Hughes: I'll follow that backup to going backwards too. If we're talking about this, does this put us back into the dock debate again and covering the water, and do we get thrown clear back into that debate? They're kind of side-by-side. Anybody can answer it.

Commissioner Henley: Like Commissioner Shea said – all right? – he thinks the fish hide out in the shady places, not in the sunny places, so I don't think it's going to be a big problem. I think, like I said, they have these things all over Europe. They have quite a large business run by the Haggard Company down in Seattle which is in the process of rebuilding or building new houseboats to go into existing slots on Lake Union and other places. So it's not exactly like it's a dead issue or that it's going to go away. It seems to me that if you're talking about having a housing problem then one of the worst things you can do is cut off part of the supply when it's not necessary.

Chair Raschko: Thank you. Commissioner Shea, is your hand up?

Commissioner Shea: Yeah. So this is just a thought. It's more a philosophy, I guess. But all the comments that have been brought up about the SMP, they all relate and that's why we were kind of going back to the docks all of a sudden. And I think a lot of it has to do, in my mind just as a County individual, the state, the federal agencies, they determine the cut-and-dry rules but it's our – in my belief, it's our job as the County to provide more opportunities and to find exceptions. And so if we're at the County level, we should be able to address each individual property that comes up with a project or a dock issue or any type of issue – if they want a boathouse or what have you, they should be able to apply for – I forgot the name on the top of my head; we were talking about them a bunch. But they should be able to apply and ask for a variance and we should be able to look at each individual case, assess if it is going to be a detriment or not a detriment, what sort of mitigation. But it runs right back into – it's a circular argument. We're running right back into money and affordability. And I know we talked about the prices of a variance and, you know, say, a thousand, two thousand dollars. That might not be that much in a lot of people's eyes, but that's a lot of money for a lot of people. I mean, we talk about what is a – you know, it's been thrown out most people can't afford a thousand-dollar emergency or whatever. And so we've really got to think hard and long if this a, you know, a 10-, 20-year-out project or ideas we really do have to think about the affordability and how many of these processes, amendments, whatever – how much money we're charging for people. And this comes into the entry barrier for a lot of people to be a part in this discussion. And that's something I think about and I know we're trying to be best stewards of our properties, of our environments, of our public resources like water and everything like that, but it's got to be available for people. You can't be on this, you know, glass ceiling where a lot of people can't even think about. So that's just my main comment, but the big philosophy here is I believe our County should provide more exemptions or more opportunity and work within the state regulations, but not to further restrict – in my mind.

Chair Raschko: Thank you. Any other comments?

(silence)

Chair Raschko: Well, I'd just say that Vince, I look forward to seeing what you have to present and I thank you for bringing the topic up. So where are we? There's no questions for staff or for Amy? Excuse me; I'm sorry. Anyway, are there any more comments on any of this?

Mr. Nickel: Well, I'm happy to answer questions or clarify some of the discussion items, I guess, if that would be helpful.

Ms. Stevenson: I've got a couple too, depending on if you guys want to hear from us.

Chair Raschko: Okay, let me first ask: Joe, did you just raise your hand?

Commissioner Woodmansee: Yeah, I did. The one other things that – out of the public comments – that struck me was the whole Sinclair Island dock situation. And, gosh, that just seems like a terrible situation to me that there's this public dock that's been abandoned and shouldn't have been and should have had some kind of maintenance or funding over the years. And it seems to me like maybe that should be a goal of this new shoreline plan to take care of that type of a facility, make it a priority. I'm not sure how you make it a priority. I'm not saying I've got the answers, but just reading about this public dock that, you know, was condemned 10 years ago, based on the comments that were in the public record. I mean, that seems like a really terrible thing that's happened there and been allowed to happen. And I place no blame anywhere because I don't know anything about it. Really, when I read the comments that's the first time I even – to be honest – even knew there was such a thing as a Sinclair dock, but I really – I think it's really something that should come up in discussion for us through this process as a – one of our – I mean, there's quite a few comments on it and one of the things that we need to address is what we do about something like that. And maybe it addresses it and I don't know it, but that's my last comment on things I had on my list anyways.

Chair Raschko: Okay, thank you. Commissioner Shea, was your hand up or did you forget –

Commissioner Shea: Yes. Very quick, I just wanted to reiterate I'd really like to see the study about the salmonids and the dock shade. I could absorb it a lot better in scientific terms. So if you have any sort of connection to that document or know where it may be housed or if you've already shared it before, that'd be really great to review. Just give myself a little bit more knowledge on that scientific finding. But thank you.

Chair Raschko: Thank you. Commissioner Mitchell?

Commissioner Mitchell: Yes, thank you. I'll co-sign that for any of that studies and information. But back to the Sinclair dock: Yes, we say right in the SMP about public access as one of the main things that it does, and so the Sinclair thing just sat me back on my heels reading about that one and not understanding the history either. So it seems like if you're going to have public access and it had already existed and still is needed, gee, that should be one of the things that's taken care of! But I hope somebody can explain to us the history. That would be very helpful. Thank you.

Chair Raschko: Okay, thank you. So Ms. Stevenson, do you want to go ahead, please?

Ms. Stevenson: I was just going to respond to that one. I think we talked about it briefly before. That dock had been there for a long time and it did get heavily damaged in some storms, or one storm at least, and the County was looking at it and potential ways to – they took some of the sections out and still made it workable, I think, for a while. It is on the Public Works Department, you know, Transportation because it is part of the transportation system – on their Six-Year Program, and I think it continues to be on there. I know we talked about it, which also makes it a part of the Capital Facilities Plan. I know they've applied for several grants over the years to get that done and spending public money for private – it *is* mostly private. It's just – it serves the property owners out there – is not as high a priority as it had been in the past so they're running into a lot of steep competition. And I don't know the last time they applied for grant funding for it, but I know that it's been within the last five or six years. So that's a question. And I know the

gentleman who brought up the comment has been in contact with Public Works and the Commissioners so it's still on people's radar screen. But I don't know that there's anything – you can certainly put something in your recorded motion about, you know, supporting some sort of something there. We can try to put something maybe in our policies in the SMP but there isn't any real place to regulate and require the County to put a new dock in. I just don't see how we can do that.

But you can certainly in your findings and your recommendation to the County Commissioners, you know. That's a great place. Or, like I said, some of the comments that Vince was making in terms of the floating homes, if you think about it – what's in the county – there are very few places that I can think of that has ready access to the infrastructure that you're talking about right now that are actually in County jurisdiction and not within the Towns. I'm thinking of, you know, sewage disposal and water for the ones that I'm thinking of. So my middle ground would be that we put something in the policies, perhaps, that when – you know, at such time as infrastructure is available, you know, the SMP should consider floating homes as a potential option – you know, as a housing option. Something like that. Because I'm not – you know, I could be wrong, but I'm kind of running through in my mind all the different locations and, you know, usually they happen around marinas or things. Otherwise, there's a need for some protection against the, you know, natural waves, wakes, erosion – different things that they have to put up with. So they come with some impact as well to the shoreline areas and the public use of those shoreline areas. So we kind of have to weigh all of that.

But I'm not opposed – I hear what you're saying as far as just outright prohibiting things. If we want to start with some policies that we'll look into it and that, you know, identify some areas where maybe the infrastructure is available. I can't think of anyplace right now, but there may be. Most of the places are where there are marinas already where those services are, and we call those "liveaboards," and I know floating homes are different. So we can look into it and you can continue to propose that.

So those are the couple things that tied together enough that I can comment on them here. I have comments on some of the other things that you're talking about as well, but I don't know that you want those tonight or if we should talk about it a little bit more while it's fresh and the ideas are out there. I know Dan had some thoughts too.

Mr. Nickel: I can just jump in real quick. The study that, you know, I referred to earlier and I should be able to pass along the reference material there. I think it's Roger Tabor. He was with U.S. Fish and Wildlife Service, and Kirk Fresh, I believe, who's with NOAA Fisheries. They did some extensive studies probably at least 10, 12 years ago. Most of that work was done on Lake Washington but it did look at specifically juvenile salmon migration along shorelines. And so they've done some – quite a bit of an extensive study there. I'll find a link and find the reference material and pass in along. But what they found was – it was pretty definitive in terms of, like, where predators are, where the juvenile salmon are moving along the shoreline, especially when they encounter a dock, and it was pretty clear what was going on. And they've also done, you know, habit studies related to where juveniles are. You're right. There's a difference between where juveniles are during the day and where they are at night, but they do have a preference for shallow water. They have a preference for shade during the day, but that doesn't necessarily mean they're hiding under docks. They do like that vegetative cover particularly.

The other one thing I just wanted to point out so we don't lose sight of it is that there is a provision at the end of the SMP which talks about pre-existing docks. And I know, you know, there are a lot of concerns about dock width, but it's important, especially when we were thinking about – there's

a lot of existing docks out there. There's a lot of existing development, especially on Lake Cavanaugh and Big Lake. But these docks – what's built in there is flexibility, you know, to allow an existing dock to rebuild, even though it doesn't conform to the existing rules. What is in there is an allowance to keep the overall square footage and then really to build a structure that suits, you know, the current needs of the owner with some limitations. And this is where Ecology did weigh in to say, you know, we can't just allow a carte blanche allowance to rebuild in any way. There are some limitations, and one of the protections was to look at that nearshore 30 feet and to try to limit the dock width there. But that'll allow flexibility for width so we're not, you know, exceeding overall square footage and overall width of any particular component that's existing. So I would – you know, keep that in mind in terms of the potential for rebuilds.

I guess – going to the notion of the new docks and the concern about dock width limitations, especially in the areas of Lake Cavanaugh where you have fluctuating lake levels: I will admit I'm not familiar with the residential development on Lake Cavanaugh. I don't reside out there. I've not been out there. And maybe some of you are more familiar with that. But I would assume that with the lake elevation fluctuations there's probably quite a bit of floats that are out there, and my guess is that most of the development uses a fixed pile tier, a ramp, and a float, if the lakes truly fluctuate that much, which I don't doubt at all. And so by allowing that type of a structure, you do allow fluctuation of lake levels and to accommodate really a more safer environment for moorage and use on the water. So that's built into the current code as well. And a float, you're allowed up to eight feet width on a float. So I just wanted to point those two things out.

Chair Raschko: Are there any questions of staff?

(silence)

Chair Raschko: Okay. It appears we've kind of wound up this part of our –

Ms. Stevenson: Tim?

Chair Raschko: Yes?

Ms. Stevenson: Can I make a couple more comments on some of the discussion, just to –

Chair Raschko: I'm sorry. I didn't mean to –

Ms. Stevenson: No, no, no, it's okay. I didn't want to step on any more – the discussion has been great, you guys, tonight. Thank you so much for all your comments. It's really, really helpful to know what you're thinking and where we're headed with this. But I did want to address a couple of things in terms of, you know, the folks at Lake Cavanaugh and the variances and applying all these big setbacks and stuff. The buffers are the same as what is already in play with the critical areas requirements. We're not changing those. So these are laws that are currently in place, and quite frankly, somebody at Lake Cavanaugh who is going for variances from everything has to get a shoreline variance and a critical areas variance right now. I mean, we have had people have to go through both of those processes for the same development and the same area on the shoreline that's being impacted. But now with the integration of the codes, it's going to be one process. So that actually will make it better and give them some flexibility with that administrative variance process. So it may not be perfect, but the Shoreline Program is not adding new buffers, new sizes. It's just incorporating what's already existing in the critical areas ordinance. So I just wanted to make that very clear.

And the other thing – and this is the only thing that I can offer to the Forest Advisory Board in our discussion with them – is that we have changed our Shoreline Program now so that a shoreline substantial development, which all those other things that are considered forest practices under other definitions beside the Shoreline Program, would be a shoreline substantial development but we will not be requiring those go to hearing anymore. Those will be an administrative process. So I promised them that we would do our best to get those turned around as quickly as possible for them, and once we get that figured out we'll have a good process with the foresters so that if they need to build a bridge or if they need to build roads, or all the different things that come along with it that may have to happen in order to access to go ahead and cut those trees, whatever they need to do, we will turn it around as quickly as we can with a shoreline substantial development, which doesn't require Ecology's, you know, purview. They get copies of it, but if they have a problem with what we've done they would have to appeal that. Ours is really the final decision on those. So it's not the greatest, but we're going to do the best that we can within the state law to make that work for them. And I think I touched on all the other items that you brought up that I wanted to, so thank you so much for all of your good thoughts and your continuing to show up for these meetings and these discussions.

And, you know, the Open Space thing, I think we're going to agree to disagree. I don't think that we're making that regulatory by any means. It's just a good background reference document that's already identified a lot of public access opportunities, and if we didn't have that we would have to develop our own and spend more time and money. That is a County-approved document so that's why we feel strongly about keeping it. We don't intend to use it to regulate anybody to take their property, to do any of the things that, you know, you think that that's what it's there for. It is voluntary, and all we're using it for is to identify opportunities to look at public access, if in fact something comes along in those areas. So it's just trying to do some good planning as far as – we've identified these areas. If the opportunities come up, we need to look at the potential for wildlife habitat corridors if we can get those in some of those areas if something comes along. It's not at all regulatory. We're not making it that. So if you see language in there that you think does do that, please point that out to me because that is not our intention with that. We're just using it as a reference document so we didn't have to go back and identify public access potentials again. So thank you.

Chair Raschko: Thank you, Betsy. I believe that Commissioner Henley would like the floor.

Commissioner Henley: Yes. I would say that if that's your intent it's not very clear from the SMP and I think if you really want to, you know, make that Open Space Access UGA the dominant document then you need to be more explicit about it.

Ms. Stevenson: Okay.

Commissioner Henley: And the easiest way to do that is to take out those two individual sentences. And I think if you do that, you solve the problem, whereas if you leave them in there then I think that you don't really follow the UGA Plan. So I can give you the references if you want.

Ms. Stevenson: Yeah, that'd be great. Thank you.

Chair Raschko: Thank you. Anything else?

(silence)

Chair Raschko: If not, we'll bring this part of the agenda to a close. Thank everybody for their input and good thoughts. Then we'll move to the Director's Update.

Hal Hart: Thank you, sir. Hal Hart. I think Peter will go ahead and put some slides up there. Great discussion. I appreciated all of it.

Chair Raschko: Excuse me a moment, Hal.

Mr. Hart: You bet.

Chair Raschko: I missed the Training Point. And I don't want to cut you off, but that's a part of our agenda so please bear with me.

Mr. Gill: I was going to go through a few of the changes on the website. It is optional at this point. I know it's 8:15 so if you want to come back to that, you know, next time that's an option too.

Chair Raschko: That sounds fine with me. Mr. Hart, please go ahead.

Mr. Hart: Sure. The first point is you've probably all heard about that West Burlington – or out by the airport – Amazon. We had always been told it was called "Project Cascade" or then before that it was the **Darmudie** Project, but we knew it was some sort of logistical center of some kind. It is Amazon and then similar to this one, the Arlington project is six times larger. And I've heard it may go several million square feet so it is a huge one down there. It will have an impact on, I believe, on us because it's 22 minutes down the highway from where we are from, you know, our boundary at least. And the steel is going up down there. So just FYI.

Let's go to the next slide, Peter. And they're saying several hundred employees are needed for that project in our county. So when we were discussing housing this evening earlier with the joint Board, I think it's really important to say, What's producing some of that need for housing and local need for housing? A lot of these are existing companies or businesses or institutions that are growing, and so here are just some of the ones that are out within the county: Vikima Seed expansion; Sakata Seed expansion; Legends. Their \_\_\_ still out there this week; Heritage Museum expansion; the new Commercial Aviation expansion. I think there will be other announcements in that vein as well; Westland Distillery. They've opened up a bottling unit recently as well, so they are opening up in other facilities up at and around the airport; Camp Corey, which is a philanthropic organization, and have received millions and millions of dollars from donations down in the Seattle area, but it is in the county, and they are expanding and they continue to expand, and they are building this week quarters for people that will be there assisting campers as they come in.

Working with other projects right now with the Port and EDASC. So there are several other industries looking for expansion. We also have other projects coming in, so expansion of cell tower facilities and those kinds of things are also on our windshield. And then we have other projects that have been put on hold. You may think of HEXCEL Corporation or you may think of PACCAR Corporation. PACCAR just announced a big new facility going into their property. They had a large proposal in our county 24 months ago, and I will be checking in on them as I do annually, so we'll find out if they are going to move their project forward, Commissioners.

And then, Peter, I don't know if you have that one last one that I sent to you. Maybe – yeah, this is fine. So Commissioners, this is an example – I was listening to the discussion and so I quickly did some checking around and in 2018 and 19 Sedro-Woolley built an overlay system that would

go from their 15 units an acre up to 30 units an acre for their Urban Village. So they could get quite a lot of density in Sedro-Woolley with those urban density provisions right here in the community.

The City of Arlington under a BYK proposal, which I think has been placed on hold, was proposing what I was calculating was 22.4 units per acre on a \_\_\_ small – I think it's, like, (a) 440-unit proposal.

Wooden Creek development. This is one that I did. It's averaging now – it's been 12 years, but it's averaging at 40 units per acre. It is – frankly, it is thriving well above anybody's expectations and it will be several more wineries opening down there. Brick's Wine Bar opened this last weekend, and the next one is **Bravern**, which is actually just next to the Snohomish County line is opening down there. Both are mixed use development, 800 units. They'll add another 277 units on five acres. It's the same developer. They're making so much money off of this that they say it's the best investment in their portfolio. And so they are – that goes to 55 units to an acre on their next installment down there.

The next one is kitty-corner to this. This is one I knew about but I was leaving for a bigger job at that point, and it was Woodinville Civic Projects. So on 3.3 acres they redeveloped an old school site. They left the 1920-era, 1920 to 30-era school in place. They reworked it for wine and for food and then the rest of it, I think they have a small – they left some there for \_\_\_\_\_. \_\_\_\_\_ (sound is distorted here) average 83 units on 3.3 acres, so I think it's about 200-plus – 270 units on 3.3 acres or something like that. So there's some examples. And the question that I've been asking is, Well, are we getting housing affordability even with that great density? And it's kind of a mixed bag, Commissioners. We're getting *some* density – or we're getting a lot of density but it's so popular. When you do planning well and when you do design well, it becomes very popular, so the projected rents are probably well above – you know, are well below what they're actually getting. So what we projected in 2012 is probably 6 or 800 dollars less than what they're actually getting, Commissioners. So those are all apartment units but they're in high demand. And there's other regional things going on, but that certainly has to do with it. But I think good design brings people as well.

Thank you, Commissioners. That's all I have right now.

Chair Raschko: Thank you, Hal. Are there questions or comments on the report from staff?

Commissioner Woodmansee: I have a comment.

Chair Raschko: Go ahead, please, Joe.

Commissioner Woodmansee: I just wanted to clarify the BYK project in Arlington is not on hold.

Mr. Hart: It is – is it moving forward?

Commissioner Woodmansee: It's actually under construction.

Mr. Hart: Wow! Good. That's good.

Commissioner Woodmansee: I just thought I'd correct the record on that. So yeah, the first two buildings – actually the first four buildings. The first footings are poured and the first four buildings

are being prepped for footings, and so there's – that's 280 plus or minus units out of 516 initially proposed.

Mr. Hart: Thank you. I will go down and take pictures, so thank you very much.

Commissioner Woodmansee: I actually am sitting in my office there right now for this meeting. Anyways, I thought you might like to know that.

Mr. Hart: Thank you!

Chair Raschko: Okay, Commissioner Shea?

Commissioner Shea: Yeah, you were talking about, like, those – they're putting a lot of dwelling units in these small acre areas, but you're saying that they were, like, 5, 600 dollars over how much rent that you guys – was envisioned for the area. And this kind of comes into comment about affordable housing. So is that something to be expected if you're even trying to do affordable housing – you build them; you're expecting they're going to be charged at a rate that's affordable but then they're of high demand and so all of a sudden they don't become affordable? Maybe a little clarification on that, or –

Mr. Hart: I will certainly let Mr. Woodmansee comment as well because I think he has tremendous knowledge, but I would say that for what we can do, there are deals that can be done with the developer as they do in Redmond, and we could do those. It may be done on the **Civic** project. I haven't checked because it's not an open yet. So you would leave – a certain percentage of the homes would be at low to moderate income for, let's say, 20 years. And so there could be deals that are done, and what you give in exchange for that is you give them two more floors or you give them something that still has to make – it still has to pencil out for the developer, but the City of Redmond does that all the time. They have a certain percentage set aside. And other Cities in the east side of King County and probably Snohomish County are doing that, I would think. And so they come to an agreement up front what the number of set-asides would be in their overall project. But what you get then is you get a greater density, more vitality on the street, and that might be the trade-off, Commissioner.

Chair Raschko: Okay, any other questions or comments for staff?

(silence)

Chair Raschko: If not, we'll move on then to our Planning Commissioner Comments and Announcements and we'll start with you, Joe. Have you anything?

Commissioner Woodmansee: Obviously tonight's meeting was great, I think. Lots of dialogue. I appreciate all the efforts and the listening here of the staff and everybody for, you know, helping make these meetings happen. I was just curious about if there's any foresight into the possibility of when we might be able to even consider meeting in person again – I guess is a question I have. I personally would love to see that happen sooner rather than later. I don't have any idea what the policy of the – I don't know where we're at on that, is what I'm trying to say. So that's my main comments, is: Do we have any kind of update on that possibility?

Mr. Hart: I can give you that if you're ready.

Chair Raschko: Please do so.

Mr. Hart: Thank you, Chair. We've talked with the Ag Advisory Board and I've been talking with the Health Department and others. Technically we could probably do it now, but it's going to be a lot easier after July, after the governor makes his final – where he lifts the ban on everything. Some people have asked us to do a blended coming back. So let's say the July meeting, we're in person but some people still want to be there listening in and participating, so they would be able to do that, I guess. And I just think that we have a lot more technology so including people in the meetings going forward in that way should be something we should address as probably you *want* to address as a commission. So would it be okay if you Commissioners participate from wherever but still be in the meeting participating. Is that \_\_\_? We've said on the Ag Board that wouldn't be a problem going forward, but we would have to meet in the Commissioners' room to do that.

Chair Raschko: Okay, thank you.

Mr. Hart: Yep.

Chair Raschko: Anything else, Commissioner Woodmansee?

Commissioner Woodmansee: Nope. That's it for me tonight.

Chair Raschko: Okay. Well, thank you. Commissioner Shea?

Commissioner Shea: I also think that we should try to put on an in-person meeting. If it's just the Commissioners – us all – meeting up, that's great. And then I do think having a hybridized thing's great because a lot of people are getting used to the Zoom or Teams and everything like that and I think they like participating that way versus just Skagit 21. So I think a hybrid's a good idea but getting all of us together – you know, I've been a Commissioner for a year and I won't be after August. I've never sat in a room with any of you so I really would like to do that. So thanks.

Chair Raschko: Thank you. Commissioner Rose?

Commissioner Rose: I have nothing. Thank you.

Chair Raschko: Okay. Commissioner Mitchell?

Commissioner Mitchell: Yes, since Commissioner Shea brought it up, I thought he did a lovely letter and it was extremely well written, and his service for this year and the remainder for the time that he chooses we really appreciate. I think he's been an asset. I'm surely hoping that we can meet in person, at least to shake your hand as a real, you know, live person sooner or later! But I'm also going to say the words and it's have joke but it's also half serious: I hope you change your mind. So anyway, thank you for your service and I'm so glad that you've been doing what you've been doing. That's all. Thank you.

Chair Raschko: Thank you. Commissioner Knutzen.

Commissioner Knutzen: Yes. I would concur with what some of the other Commissioners said about meeting in person ASAP, and I also agree with the hybrid version. I am in another board and our July meeting we've already scheduled to have it in person, but one other person there does our Zoom meetings anyway. It's a ten-person group is all – not as big as this group. And that's what we're going to do. That way it gives people a choice. If you're comfortable to come in

person and want to do that you can do that, but if you're not comfortable stay away. So I would concur that we would do that. That's all I have. Thank you.

Chair Raschko: Thank you. Commissioner Hughes?

Commissioner Hughes: I have nothing.

Chair Raschko: Thank you. Commissioner Henley?

Commissioner Henley: I will say this has been one of the more interesting meetings I've attended in my short tenure here.

Chair Raschko: That's great. I'm glad you found it that way. Commissioner Candler?

Vice Chair Candler: I don't really have any announcements, just a comment about meeting in person, obviously. I did prefer that. I'm not really looking forward to wearing masks and trying to hear each other, but I guess we'll see what July brings in terms of the regulations. That's it.

Chair Raschko: Thank you. For myself, it's amazing that I've never met a third of this board personally and getting together would be certainly nice, particularly \_\_\_ attrition. And I do look forward to meeting again in person. I think it's a lot better. I want to concur that I think Commissioner Shea has really started to get into a comfort zone where he's been very helpful. I appreciate the time he spent here. You'll be along for a while. But I was impressed with your letter and appreciate the thought you put into it.

So did I miss anybody? No. So anyway, I appreciate everybody's input tonight. I thought it was a great meeting and I think we're going to have some more coming up. I thank staff and everybody else for all their hard work. And with that, I'll say good night and declare ourselves adjourned. Thank you.