

**Skagit County Planning Commission
Work Session: SMP Update
June 29, 2021**

Planning

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

Staff: Hal Hart, Planning Director
Peter Gill, Long Range Planning Manager
Betsy Stevenson, Senior Planner
Daniel Hasenoehrl, Planning Intern

Others: Dan Nickel, Consultant, The Watershed Company

Chair Tim Raschko: Good evening. The June 29th, 2021, meeting of the Skagit County Planning Commission is now in session. We'll start with a roll call. If I see you I'll just acknowledge that. So Commissioner Candler?

Vice Chair Tammy Candler: Present.

Chair Raschko: I see you. I see Commissioner Henley, Commissioner Hughes, Commissioner Knutzen, Commissioner Mitchell. Is Commissioner Rose present? I hear nothing. Commissioner Shea? Commissioner Shea is absent so far. And Commissioner Woodmansee?

(silence)

Chair Raschko: Okay. We do have a quorum, although we do not necessarily need one tonight. Is there a motion to approve the minutes from the last meeting?

(silence)

Chair Raschko: It has been moved by Commissioner Mitchell to approve the minutes.

Vice Chair Candler: I'll second.

Chair Raschko: Is there a second?

Vice Chair Candler: I will second.

Chair Raschko: Okay, it's been seconded by Commissioner Candler. Discussion of the minutes?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: I say “aye,” and are there any abstentions?

(silence)

Chair Raschko: No. Okay, so thank you much. Next we’ll have Public Remarks. Mr. Gill, have you had any requests from the public to address the Commission?

Peter Gill: Mr. Chair, no, I have not gotten any requests from the public.

Chair Raschko: Okay. Is there anybody tuned in who would like to speak who has not requested to do so?

(silence)

Chair Raschko: Okay, hearing none – that’s great. We’ll move on to our first agenda item tonight which is the Shoreline Master Program Update Work Session and Deliberations. It was my opinion that with the vast amount of public input we’ve received –we’ve heard numbers of something like 360 pages of public comment, and then we had a document that’s 200-and-some pages long, and with the short time frame between reception of all these materials and this meeting it just seems inappropriate to hold deliberations. But we are thus going to spend this evening with staff discussing a number of changes that staff would like to incorporate based on some of the input that they have received and some other issues coming up before we start deliberations. And I sent out a little thing with a proposed list of items to discuss on the SMP. One that I’d like to discuss first – and this is for the Planning Commission – it has been mentioned that it might be useful for us to have representatives of the Washington State Department of Ecology attend one or more of these meetings to answer questions. And so what I’m opening this up to is discussion of whether that is something that we in fact want to happen. So the floor is open.

(silence)

Chair Raschko: And there’s not a lot of response. Okay, maybe another –

Commissioner Mark Knutzen: There’re some hands up, Tim.

Chair Raschko: Are there hands?

Commissioner Knutzen: Yeah.

Chair Raschko: I am sorry. My hand thing was not apparent – I have Commissioner Knutzen and Commissioner Mitchell. Who wants to go first? Commissioner Knutzen, why don’t you go ahead?

Commissioner Knutzen: Well, I just have a question. This is Knutzen. Being new to this deal here, do we have leeway with what the State will require? I ask that question based on the dock width that we discussed two weeks ago. And in our SMP it was recommended four feet, while some of the comments coming in that well, state recommendations are only six. So if we do have leeway and we're going more stringent than that it might be nice to have someone from Ecology here. Will they have knowledge of what the minimum requirements are? I'm sure we can't go *below* what they require.

Chair Raschko: Well, I'll wait. There's other people ahead of me so I believe that Commissioner Mitchell was next and then Commission Henley. Okay, so go ahead, Kathy, please.

Commissioner Kathy Mitchell: I keep going 360 on this one. It's always helpful to have someone present to answer those kinds of questions. I've been thinking about it more since your email came out and I'm back to thinking maybe we're putting the cart before the horse. We don't even know what we're wanting to make for recommendations as a group yet. So I'd like to defer to the next person. In other words, I'm saying I could go either way but at this exact moment I'm thinking let's wait until we work on stuff together and see what we come up with, as to whether we need to ask the DOE for their opinions. I wouldn't want to be premature.

Chair Raschko: Commissioner Henley?

Commissioner Vince Henley: Yes, I've given this quite a bit of thought and I think I would rather see – I mean, this is my current opinion anyway. I could be persuaded, like Kathy, either way. But my current opinion is I think that the Planning Commission ought to have its act together and ought to have a fairly clear mind as to what it wants in the SMP before we bring in external agencies. I mean, that's the way I would think about it and that's my current thinking. Now, like I said, I could be persuaded differently, given a good rationale, but at the moment I'd like to see us with our act together first and then we present to whoever needs to see it.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: I have to – and I'm not even sure how to say this. I think we might need legal advice on where the line is between what comes out of Department of Ecology as binding or law or what comes out as opinion. In other words, can some biologist write a little paper and say I recommend this, and all of a sudden that has to be incorporated in the law? And if that is what they are doing, then basically they are appointed non-elected officials making state law that all of the other agencies across the state like us have to include in our own things. Okay? And then maybe there are things that *have* been adopted by Department of Ecology that *do* have the strength of law, and how do you tell the difference? That's my big question.

I see a hand up from Commissioner Candler.

Vice Chair Candler: Yeah, thank you. My thinking on it is that historically we have only considered things to be law if they're either in the statute or maybe the WACs at most. But once things are reduced to statute, that's when we cannot – we get stuck sometimes where whatever we'd be doing would be a violation of that and it's not going to pass. But usually that's been codified by statute. That's my impression. I don't know if the Department has a different one, but that's what I would think.

Chair Raschko: I find that very helpful. Anybody else?

(silence)

Chair Raschko: Okay, I would continue to say that I would agree with Commissioner Henley that I think we ought to do our deliberations, study it, and take the public comment, and do all that and make a recommendation, and based on what we know to be statutes rather than ask agencies what we ought to be doing. Are there any other comments? Commissioner Henley?

Commissioner Henley: Yeah, I think one of the things you need to be careful of here when you're talking about documents that are this large, this comprehensive, it's easy to get into the – what I will call – the too-many-cooks syndrome. And I think it's better that you have a *fewer* number of people looking at it than *greater* numbers.

Chair Raschko: Is there anybody else?

(silence)

Chair Raschko: Okay. I think what prompted this maybe was a question from staff on whether we would find it advisable to have Department of Ecology people present at a future meeting ____ the conversation. Unless somebody wants to speak up otherwise, I would say that our position for the time being would be not yet. Does that sound fair at all? Yes?

Commissioner Mitchell: It sounds fair to me.

Commissioner Henley: Sounds good to me.

Chair Raschko: Okay. Well, thank you. So why don't we move on? I've got a bunch of dinging happening here. I apologize. Next on the list we had were items from our last meeting. I would ask staff – Mr. Gill or Betsy – who wants to lead this conversation? By the way, I see Commissioner Shea just showed up.

Mr. Gill: Yeah, Commissioner Shea is here.

Chair Raschko: Okay.

Mr. Gill: I'm going to turn it over to Betsy. She has a better idea what is planned for this evening's discussion.

Chair Raschko: Okay, thank you.

Betsy Stevenson: Thanks for letting me talk, Peter! I'm going to turn it right on over to Dan and not waste any time. So I'm here to help in the areas that I feel comfortable with some expertise, and I'm going to hand it to Dan. So who have *you* got to hand it to?

Dan Nickel: Yeah, I was going to say I don't know if I have a right-hand person here! Well, I saw the list of topic areas. I think we can go through those, I think, from the previous discussions and hit on that. So I'm kind of – I can try to lead this discussion. One of the first things on the list was the dock standards table that we've discussed at multiple meetings. You know, the original approach or the approach that we had at the public review draft was to take the dock standards table that was previously formatted which separated out the, you know, lakes *with* anadromous

fish and lakes *without* anadromous fish. And you recall that that table had different dock widths. And ultimately for the public review draft, we went ahead and, by the advisement of/recommendations from Department of Ecology and Department of Fish and Wildlife, we combined those columns really to – in their mind to be consistent with their state guidance. And so we combined those for the public review draft – and, quite honestly, you know, we discussed with staff, you know, and we can go back to that prior table that had, you know, a column for lakes with anadromous fish and a column for lakes without. And the differentiation there was that – the main one was really dock width. And so lakes without anadromous fish, the fixed pile pier portion of their walkway could be six feet wide. I think, after discussion, this is something that we can move back to. I'd say it's not certainly guaranteed that Ecology would accept that. I can't put words in their mouth. But it is something that might get commented on by Ecology and Department of Fish and Wildlife. But I think from our perspective, at least the science that's out there does necessarily support the restriction on those lakes without anadromous fish.

I don't know if there's any further comments or questions on that topic, but I'd be happy to answer anything.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Thank you, Dan, for checking on that for us. That seems like a pretty big point. And like we've done in other years, I think the best thing that we can do is to recommend what we think is best and see what happens. So I'd like to see that table go back to the way it was. Thank you.

Chair Raschko: Other comments or questions on that point?

(silence)

Chair Raschko: Okay, thank you. Do you want to go ahead, Dan?

Mr. Nickel: Yeah, sure. I think in follow-up to that table, there was also some discussion and one that, I think, myself or staff brought up last time was the section on pre-existing docks – what I call the off-ramp. So for pre-existing docks you can rebuild in a different configuration and there's language in there that allows that to occur, as long as you're not increasing the overall square footage, you know. And as I mentioned before, we did discuss this with Ecology. They had us kind of reformulate that allowance to at least recognize how that would be potentially mitigated to minimize ongoing impacts. And so the reference is back to the table, the standards table, and the one request that Ecology had was to look at the nearshore 30 feet. That is what's been identified as a very important area for habitat considerations. Now if the table gets reverted back to what we previously had, where you had two columns, one for anadromous and one for non-anadromous lakes, then that language in the pre-existing dock section would still allow for a six-foot wide walkway in the nearshore 30 feet. So I don't think that section would need to be amended any further. If there's any questions about that too, I'd be happy to answer those for clarity's sake if necessary.

Chair Raschko: Any questions?

(silence)

Chair Raschko: It looks like not. Okay.

Mr. Nickel: And then the last topic there from items from the last meeting, I believe, was on the UGA Open Space Plan language. And one of the things that we've talked about – we don't have the rewritten language here, but we talked about trying to emphasize – this is really a non-regulatory binding document. The purpose of having this mentioned in the SMP is to acknowledge its existence. Without having such a plan, the County may be required to actually produce a public access plan. And so with this Open Space Plan, having it in there and having it referenced, we acknowledge that it exists. I think, you know, we want to take a basic crack at writing up some language here in that section that specifically acknowledges that this is a non-regulatory document. That language hasn't been crafted. We haven't, you know, completed that work but that's the intent. And so that's something that the Planning Commission wants to work on – crafting that language – or have staff take a crack at that. That's fine, but we haven't completed that yet. And so I just – like I said, I want to open it back up if there's questions or clarifications that folks want to make on that potential event.

Chair Raschko: Okay, Commissioner Henley.

Commissioner Henley: Yes. I would like to see it made very clear that the – whoever goes into the SMP plan continues the thrust of the UGA Open Space Plan as a *voluntary* thing as opposed to a regulatory or ordinance-driven item. I think the way it's currently written it sounds more like a regulation than it does a voluntary plan, and the UGA Open Space Plan is very specific that it is a collection of voluntary items, not mandatory. I think if we can somehow craft language that emphasizes that, then I would be satisfied that we're not bordering on something that is basically an unfunded mandate for a landowner.

Chair Raschko: Thank you. Commissioner Mitchell.

Commissioner Mitchell: Yes, thank you. Just a reminder, as well. It was not implemented and it was not implemented for a lot of good reasons. So that was my main concern of it being mentioned in here at all. It would be a huge undertaking – millions and millions of dollars; many, many groups; regional things and everything – so that's why I think it's such a problem having it in here; however, if language can be crafted to make it clear that it's a placeholder, that's fine.

I guess one of the things I have difficulty with in general – and this is a philosophical thing – is I understand that the County is always under budget constraints, time constraints, and manpower constraints. We realize that. But the thing here is is that this work would need to be done sooner or later. And I don't know if it's worthy having that discussion too or not. I just like to say those things as a reminder. Thank you.

Chair Raschko: Okay. Vince, did you have more?

Commissioner Henley: Yes, I did. I think that one of the things that is probably the easiest solution was the one I proposed, is that you simply eliminate that Item 4(a) and (b) from the SMP document, and then it falls onto the UGA Open Space Plan without any mention in the SMP at all. And so the question of ___ and ___ goes away if you do that. An easy solution.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: Okay. Do you have more on that, Dan?

Mr. Nickel: Not on the Open Space Plan, no. I mean, the next item, I believe, that we were going to bring up was discussion on mitigation standards. If we want to go back and discuss those, I think – I'm not exactly sure what that was referring to. That might have been talking about the timeline regarding mitigation requirements. Is that accurate?

Chair Raschko: Was there not some discussion?

Mr. Nickel: There was – we had some discussion actually early on that would – I think the question was being asked about the monitoring timeframe. I believe, you know, we have language in the SMP that was – required a five-year monitoring time period and, you know, there was some question about, you know, Can this be a three-year monitoring period? I'm not entirely sure, but I think that might be the discussion topic. Is that true?

Mr. Gill: If I could – this is Peter. There was also – part of it had to do with the survival rates at those different junctures, and I think that – so, yes, it had to do with the timeframes but also, I remember, it was about the 100% survival rate. So do you want me to try to summarize it a bit? Would that help? I think we're waiting for Tim. Yeah, I think Tim's frozen. It looks like it – or he's deep in thought! But, you know, if there are questions on that I'll see if I can't – there he is.

Chair Raschko: Ah-ha!

Mr. Gill: We gotcha back, Tim.

Chair Raschko: I don't know. It just blacked out. So where are we?

Mr. Gill: So we were just talking about the mitigation sequencing – well, actually not the sequencing but actually the timing and the survival rates on plantings. And so if anybody had any specific language about that, we can make sure to try to get that into the draft recorded motion, which we will be working on here.

Chair Raschko: Well, continue. I don't know where we are.

Mr. Gill: It doesn't appear as if anybody has any comment at this point. Oh, Tammy's there. Sorry.

Vice Chair Candler: My recollection was that, I think Commissioner Henley or – I'm not sure if it was him, but was asking about why would you not just make it 100% for the later period, I think – if that makes sense. But I guess that's something we can deliberate on. I don't really have any questions about it. I recall the conversation, though.

Commissioner Henley: I don't think it was me.

Vice Chair Candler: No? Maybe it was somebody else. Sorry.

Mr. Gill: I think Joseph had a thought on it.

Chair Raschko: Commissioner Shea?

Commissioner Joseph Shea: Yeah, so I guess I had the initial comment, I guess towards the 100%. I just didn't think the 100% made a lot of sense – or I'm sorry, 100% the first year and, I think it was 80% by the second year, if I'm not mistaken. You know, if it's going to be 100% the first year, I think that's a little unreasonable. I think just having 80% by the final year makes total

sense and if it's not 80% then they can put whatever in to get it back to where it was. But I just think the first step is a little unnecessary, if that's going to be the requirement.

Chair Raschko: Thank you. And I spoke to that issue also. I agree with what Commissioner Shea had to share. Anybody else? Okay, Commissioner Mitchell?

Commissioner Mitchell: Yes. I just said I would concur on that. It makes a difference on the survival rate with allowing them time to make it happen.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: Okay, Dan?

Mr. Nickel: All right. I think the other one that we mentioned before was regarding the discussion on floating homes. That was, I think, discussed at the last meeting. I'm not sure if there's any follow-up on that anymore?

Commissioner Henley: I don't know about follow-up. I certainly want it addressed. That's my item. And I think one of the reasons we ought to address it is because the County Commissioners have expressed concern about future housing, and while it's a small quantity it is certainly an element of a housing plan that you might want to consider. And all I was trying to do is suggest that we craft language to include in the SMP that doesn't completely cut off the possibility of future floating homes. The legislature had an opportunity to close that door completely and they didn't do so, so I have to assume that that door is open at some future time for a properly designed, proper infrastructure, and proper regulatory aspects of floating homes. Floating homes are used all over Europe quite successfully. There is even a thriving industry in Seattle in the business of restoring and replacing existing floating homes. They're not adding new ones but they are in effect adding new designs and new units to replace old ones. So there's a business going on here and it's obviously something that people desire and something that does provide some relief for housing. So I'd like to see us craft language that allows that or at least doesn't prohibit it, and I've made some suggestions for some changes in the SMP, and that's in a letter of May 10th from me and that's available to staff so that they can see what I suggest we make changes so that we don't prohibit the future use of floating homes. Now one of the points I make in that is that when Seattle went through and rewrote its municipal code, they used the most restrictive language they could have in addressing floating homes, but we don't need to do that. The legislature didn't require it and we don't need to necessarily follow Seattle. Not that doesn't mean we won't get battles to be done with it and I'm not suggesting that this is a tomorrow problem, but I do want to make sure that we allow the possibility of it in the future in the waters of Skagit County.

Chair Raschko: Anybody else on floating homes? Commissioner Mitchell?

Commissioner Mitchell: Yes, I'd like to concur with Commissioner Henley's points. I'd like to see that left open for the possibilities, especially since the housing is such a big issue. Things can be done well. It's the same kind of arguments you could have about ADUs. Either they're good or they're bad. No, that's not it. They can be done well under all kinds of circumstances. So I'd like for us to make sure that we get language inserted on that that's good.

I also would like to know if – should we just hold off until – I guess, Betsy, this is a question for you. If the Planning Commission were to add language, would we wait till deliberations for that to do that, or when?

Ms. Stevenson: I'm going to defer to Peter on that one.

Mr. Gill: Yeah, if you have specific language, we can add that in through the deliberation process. And we can – you know, what we typically do is we'll draft up a recorded motion and try to make sure we get your points in there, and then you all either add or subtract to that – right? So we will put something in there about floating homes and then let you all fill in the details.

Commissioner Henley: Well, that sounds like a decent plan. I'd be willing to go along with that. Sounds good.

Chair Raschko: Okay, Commissioner Candler?

Vice Chair Candler: I don't know how far we want to get into it because that's more of a maybe deliberation thing, but I am having a little bit of trouble – I lack vision, I guess, on where this is applicable in Skagit County potentially. And I know that's *not* the issue. The issue is put it in there and somebody can figure it out, but we are very different from Seattle in the sense that we don't have giant lakes like they have. We have smaller lakes, mostly privately-owned, you know, bank area and we have rivers and we have, you know, waterways. But I'm just having a little bit of trouble figuring out how that – what that would look like. And maybe that's not the issue, but for me it is a little bit. This is my only comment.

Commissioner Henley: Well, in Europe, for example, one of the key places where they have floating homes are along rivers and canals. It's rarely in lakes, is the general rule. And I lived there for quite a few years so I speak first-hand about that.

Chair Raschko: Okay, any other input?

(silence)

Chair Raschko: Are we ready to move on? Okay.

Mr. Nickel: All right. I think the - at least the next topic area was really just kind of going through kind of a high level discussion on the public comments. You know, just in summary, we received 87 separate comments. The 366 pages that you have received so far, that contains, you know, 87 separate comments that were submitted. It also contains – in that 366 pages is a lot of the attachments that folks also submitted. And, you know, for example, Evergreen Islands submitted a comment letter that was very lengthy but they also submitted 13 additional attachments. Several of them were actually one document. I had to split that up, but....

And so, yes, there are a lot of comments. There are some duplications. I think that is important to recognize. You know, there were – so we've – I can kind of go through a high level summary of that really quickly just to kind of get a picture of what we're looking at, right? And I've got it broken down into what I'm going to call various topic areas, various bins I'm going to put these into. So again, very high level, and I'm not necessarily analyzing anything. This is just a summary of the issues.

You know, we received many comments regarding Lake Cavanaugh. You've heard some of those already that you've seen. Those issues cover dock widths, dock height, some comments related to boat lift canopy covers. And ___ the question regarding anadromous use versus non-anadromous fish use on the lake. There were also several comments that came in regarding Sinclair Island dock. We mentioned that last time. There were some comments related to boat wakes and erosion damage that was occurring. You know, and then there were quite a few – I didn't mean to say "quite a few"; I didn't actually count how many. There were *numerous* comments that came in really in conjunction with submittals by the Washington Environmental Council, Evergreen Islands, a non-profit called Resources, and the Guemes Island Planning Advisory Committee. And these emphasized a number of areas, most of them related to environmental protection standards, including buffers and limits to modifications. They had to do with sea level rise emphasis, saltwater intrusion concerns, and protection of drinking water sources, ensuring that we were considering best available science, especially management recommendations that came out last year from the Department of Fish and Wildlife. Those letters were very consistent with one another, but the emphasis there was there are quite a few of them. So out of those 87 comments in that 366-page document, there's a lot of consistency that you will see that came in and they're emphasizing very similar things.

There was certainly emphasis on aquaculture concerns regarding commercial net pen and geoduck harvesting. And there were actually a number of comments that came in that were very site-specific concerns. You know, if folks have concerns about their property, how the Shoreline Master Program will affect their issues. Those are very site-specific things. They might be out of the context of what we're able to do here but obviously are very relevant to what's going on on those properties.

I think that, you know, really is a very broad summary of the topics, but, I mean, I've read through them. I'll be honest – I haven't read verbatim every single comment. I mean, there's just a lot of material in there. But I did kind of breeze through them to kind of get a general sense of what we're looking at. For us to be able to prepare and work with staff to prepare responses to these comments and really give them what they deserve, it's going to take some time. You know, our approach here will be to provide a summary to the Planning Commission that describes these comments and describes how staff is responding to them, either with a – you know, if it warrants a recommended change to bring to your attention, we'll do so. But that will take us some time to complete. And so I think the – you know, I'll maybe pause there because I do want to talk about the timeframe in terms of getting this material to you and really kind of the Planning Commission's approach to deliberations. But maybe I'll pause there in case there's questions about this, you know, high level review or any of the topic areas.

Chair Raschko: Okay, we've got some hands up. I think we had Commissioner Mitchell, Commissioner Henley, and Commissioner Knutzen. Am I right? Okay. We'll start with Commissioner Mitchell.

Commissioner Mitchell: Yes, thank you. Dan and Betsy both, I read through all of the materials for all of the comments and what the asks were for on many of those and even, you could say, the bulk of them, were – at least it looked to me at this point, and I've got to look closer again because it was jam-packed full of information. But it looked like they were reaching far beyond what the Shoreline Master Program is now. And I understood when we started this that we were updating the 2016 one and we had simple updates expected. That's what this is. Not that we were projecting something out, you know, 30 years, 40 years, 50 years, 60 years, 100 years. So I think what I'm stumbling around here asking is I was under the impression that we were working off the draft that we had, not creating a new one, and I'd like some guidance on that, please.

Chair Raschko: Okay, shall we –

Mr. Nickel: Do you want me to respond to that?

Chair Raschko: Why don't you go ahead? You know, we can come back after everybody has spoken, but why don't you go ahead?

Mr. Nickel: Okay. Yes, there is – we definitely were working from the 2016 Planning Commission version. And the – basically what we need to do for the *periodic* update process – because we have a – this is a two-part process. We have a comprehensive update that didn't get completed, then we have a periodic update that the County's required to do. And part of the periodic update is to kind of take a relook at your Shoreline Master Program and make sure it's up-to-date. And one of the goals for what we were trying to accomplish was just that: making sure that we are consistent with legislative updates that have happened, you know, since we were last working on this. But there's also other things that are required as part of the periodic update, and that's to make sure that we're consistent with best available science; to make sure that we are consistent with other programs and policies at the local level; and then to make any substantive improvements where they're warranted. And that really kind of is the bookends of what our process is right here. So we weren't trying to, you know, rewrite this whole thing. That definitely was not the approach.

Chair Raschko: Okay, thank you. Commissioner Henley, please.

Commissioner Henley: Yeah, I would like to request when we get a summary of this stuff that we get a hard copy. I don't mind printing a fair amount of stuff but this is getting ridiculous.

Chair Raschko: Thank you. Commissioner Knutzen.

Commissioner Knutzen: My questions were already answered, though, so thank you.

Chair Raschko: Okay, thank you. Anybody else?

Mr. Gill: Tim, this is Peter. I am preparing to print the comments as well as the existing draft that we're working off of. I guess obviously Commissioner Henley is interested in that and I know Commissioner Hughes is as well, and Mitchell. So I guess everybody would probably be the appropriate answer there. So unless you *don't* want a printed copy – shoot me an email if you don't want one. Otherwise we will provide them. The timing of the printing is kind of the question because if you want the current version, which is the 360-some pages we can do that; however, we are going to go through the response matrix which I guess I would let Dan – you know, when we're ready – talk about the next steps. But the timing of the printing is probably important because we don't want to have to make three copies of everything necessarily. So I just wanted to respond to that printing question.

Chair Raschko: Okay.

Commissioner Henley: ___ the most relevant copy that we can get and only a single copy.

Chair Raschko: Okay. Do you want to continue, Dan?

Mr. Nickel: Sure. I mean, really at this point I would just like to acknowledge maybe a discussion on timeline. You know, for us to pull together what we plan to do in terms of the response matrix,

we would not be able to get that done before the next meeting, or at least before the next meeting packet. I think you have a meeting on July 13th and you have a meeting on July 27th. Realistically we'd be looking at providing the material for discussion for the July 27th meeting. And that's still quite a push but, you know, we can achieve that. Unfortunately there's – from my perspective, we would not be able to get that body of work done before the 13th. So I just wanted to kind of put that out there in terms of your time and expectations.

Chair Raschko: I'm sorry. Just to clarify, that would be to get a copy of the comments and the updated stuff?

Mr. Nickel: That's to get a – yeah, a comment matrix, a summary basically of all the comments and responses.

Chair Raschko: Oh, a summary. Okay.

Mr. Nickel: Yeah, it's a summary. You know, essentially, there's so many comments that we can't necessarily go through every single one and provide a response to every single comment. I mean, that would be hard for everybody involved to review, so what we're doing is summarizing those – because many are repetitive. We're summarizing those into a response matrix, and we would expect to have that, you know, sent out for your packet, I guess, by Jul 20th or so.

Chair Raschko: Okay. I find that that effort should be very, very useful to everybody on the Planning Commission, but I also think that we need more than a condensation of what's come out. I think everybody on this Planning Commission needs the originals as well. And for those who aren't able to print it then – that's what I thought we were talking about – can we get a copy of that, the 366 pages?

Mr. Gill: Yes, we will work on getting those prepared next week.

Chair Raschko: Okay, I would think that would not take all that long so I appreciate that. Commissioner Mitchell, you had a comment/question?

Commissioner Mitchell: Comment question, really. These comments were packed full of citations and ordinarily I would check every single citation for the veracity and also the science based on it, as many other people do. And I'm thinking this is pretty deep stuff and I'd like to know what you guys are going to do with it. In other words, your task looks pretty difficult as well – checking on the veracity of the information, the applicability of the information, and the here-and-now of the information. Because best available science terms are thrown around very, very loosely anymore and they are used so much and so poorly to apply to so many things that shouldn't be applied to. So what I'm getting around with is asking on how you're going to verify that the source material is really worthy. I apologize if I'm saying this so ineptly, but not all science is equal. And ordinarily peer-reviewed materials and other kinds of things are extremely important to know because, for instance, in the medical industry for everyone that says "A" you can find one that says "B," and you can just keep going through hundreds more and find more As and more Bs. And I'd like to know how we're going to address that and assess this and how – Dan, I don't envy you your job, I really don't – how you're going to weigh this. Because I'm looking at what we've been handed and saying this is very difficult to incorporate and to sift through. So I'd like to know how you guys are going to handle that. Because ordinarily veracity is checked on many things before they're given to us and this is a different situation because they were put forward in comments. But, you know, everybody here has always tried to do their best to apply the comments and the information

and the documentation as best (as) possible. Everybody tries to do things well and do things justice. Thank you.

Mr. Nickel: Yeah, I think on that front it is a very difficult task. It's – you know, a lot of the scientific material, you know, that is referenced we are familiar with. That is helpful – (but) some of which we may not be. I have not seen every single reference that has been cited here. Anything that's relevant, you know, that relates to substantive potential changes that we are considering we're going to *have* to verify. And so that is something that, you know, we would need to be doing ___. I don't know if there's material that is cited but not provided, you know, to the Planning Commission. You know, some of the material from Futurewise has a lot of citations in there. I'm not sure if that's the comment you're referring to or if there's other comments, but, you know, some of that may not be readily available. If it's relevant, you know, we would have to find it and study it and look at it.

Commissioner Mitchell: Yes, sir. And I think that's the crux of the matter, is that – that's why I think I was asking earlier – also awkwardly – the scope of what I thought we were dealing with here. And what we were tasked with for the here-and-now looks very different than what a lot of the comments came in for. I think that many of them are looking towards the future. I'm not making a judgment on those. I'm just looking at timeframes and applicability and how we're tasked to deal with what we do now. So, again, I think we're going to need guidance.

Mr. Nickel: Yeah, and honestly this is – this *could* be an area where in the future you ask for Ecology's opinion on some of this too. You know, they *can* be a tool, just a support mechanism to help understand the relevance of some of the material, the relevance of some of the suggested amendments, and where Ecology stands on some of these things because – there I'm kind of going back to one of the original comments, I think was made at the beginning of the meeting was, you know: Where is state law and where is the interpretation of law? Because there are some areas of the master program that are – you know, have a local jurisdiction's decision can be made. Because the WAC, it's guidelines, right? There is some interpretation of that, and there's also the state law that has to be followed. And so Ecology can help weigh in on that in some areas where the Planning Commission may have questions. You know, what *can* we do here from a legal standpoint? So I think, you know, down the road Ecology could be used – you know, as they've offered in the past – to provide some input where necessary.

Commissioner Mitchell: Okay. Well, one of the comments that I noticed was that – one of the first one that they had suggested is that things ___ (sound died) deference. This is not the way it was stated but it was – the meaning was similar – that deference was given to state level stuff rather than local. And we historically in Skagit County have looked to take care of things from a local perspective (while) incorporating the state requirements. And so, you know, again this is huge. There's a lot of information in there. And so there's so much of it at this point I think we need more time, quite frankly, and I don't know if the month is going to be enough. And I also hate to say that but, you know, it comes back to what you guys are looking at for your project timelines.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: Okay, Dan, thank you.

Mr. Gill: Chair Raschko, this is Peter. I just want to acknowledge that Commissioner Woodmansee has joined us.

Chair Raschko: Okay. Welcome, Joe.

Commissioner Joe Woodmansee: Thank you. I apologize for my tardiness. I was kept at work here for a little bit – hung up.

Chair Raschko: Okay. Welcome. So go ahead then.

Mr. Nickel: Yeah, I think from my perspective I think that's really the end of my discussion topics. I think really it comes down to timeframe discussions on your end.

Chair Raschko: Okay. So where then are we on our list here?

Mr. Nickel: Well, I think we just finished – can't talk about number 4, preparing responses, the timing, the Planning Commission schedule, and then timing for a recorded motion eventually.

Chair Raschko: Okay. Well, okay, number 4 – maybe you've covered this! And you kind of left it hanging there – the timeframe schedule for accomplishing this entire plan. Can we have some enlightenment there?

Mr. Gill: So this is Peter. Sounds like Dan and his crew can pull responses back to the Department and we can get some feedback on those responses and get them out to you by the July 27th meeting, if I heard correctly. And that was a summary, if I heard right, of the overall topics.

Chair Raschko: Okay.

Mr. Gill: From there we can meet, we can do a work session on that, and we can – if that is enough to lead into a – to begin deliberation, if you all are feeling ready, based on that discussion we could have a draft recorded motion prepared. It would be very draft, and that could also wait until the next meeting. So July 27th, the next meeting is August 14th – I'm sorry, August 10th. And then we only have one meeting in August – at least planned. Hopefully people are going on vacation. And then the next meeting is September 14th. So if you want to hold off on deliberation until August 10th, we certainly can do that. What we might try and do is start working on some docket items – get the docket going in July so that we're not too far behind on the docket.

Chair Raschko: Okay. Are there any comments or questions? Let's see, Commissioner Candler?

Vice Chair Candler: Thank you. I think it's going to take the Department – it sounds like – about a month to get us the – for the response or the staff memo or whatever you want to call it. It seems like to me that August 10th would be about the soonest that we'd be able to process all that, but I don't know what other people think.

Chair Raschko: Commissioner Henley?

Commissioner Henley: Yes. Is it possible to parse this plan so that we focus on the most important elements and spend less time on the ones that are either already complete or at least not as important as others?

Chair Raschko: Well, my thought on it when I came up with my original suggestion for tonight was that I basically went through the document and took the staff changes and listed those, and I think a lot of those are housekeeping and we can blow right by them. And I think that there are some major ones that where we're going to really require some time. And maybe it'd be helpful

while other stuff is being accumulated that we take some of that housecleaning stuff and just get that done. Any comments on that or on what Mr. Henley said?

Commissioner Henley: I think anything that we could do to make the job a bit more streamlined would be useful.

Chair Raschko: I agree. I wonder if staff could come up with a list of those – I hate to call them “no-brainers,” but those things that, you know, are pretty basic – whether we could have a list of those and work through them at a convenient time and not rush the more meaty subjects?

Mr. Gill: Sure. One thought we had is to start with your 2016 recorded motion and show you what we’ve already take care of and results from that motion, as far as changes go, and then start adding some of the things that we’ve discussed here over the last four months to that list. That would allow us to say, Okay, we’ve dealt with that. You know, either it’s resolved or we want to leave it in there. And we’d just go down the list, and that’ll help us, and then we’re obviously going to have things that we’d need to add on to that. But if that works, we can go down that road.

Chair Raschko: Anybody else? Commissioner Mitchell?

Commissioner Mitchell: Yes, I think that would be helpful to have that, and how soon would we be able to see that list? It’s not that we’d be working on it right away, Peter, but if we could see the list then our brains can start churning and know where to focus as soon as possible. So do you have an idea of a timeframe for that?

Mr. Gill: Yeah, it’s going to – you know, we do have a draft that we’ve kind of been holding and working on, so we – I guess I would throw that at Betsy a little bit more because she’s going to have to dive in deeper than I.

Chair Raschko: You have the floor, Ms. Stevenson!

Ms. Stevenson: Well, I have a question. I need some clarification. Tim, when you talked about a list: a list from what?

Chair Raschko: Well, that is the list that was sent out just the other day with suggestions for the things to cover tonight –

Ms. Stevenson: Okay. Okay.

Chair Raschko: – in deliberation.

Ms. Stevenson: Okay.

Chair Raschko: And I just went through the document, as I said, and took the proposed changes to the document and listed them, and I didn’t do it through the whole document, because I got to where I figured we would not have time to finish, and quit. And that was just an effort to cut down on the amount of preparation, because if there wasn’t any suggestions for how, you know, we go through this then it just seemed to me that, holy smokes, we have to cover 360 pages of comments on the entire thing and be ready to debate any bit of it tonight. So that was just an effort to get a condensed list of things to talk about.

Ms. Stevenson: So rather than leaving the comments or the changes in the document you just want a list of all the – I’m sorry. I’m just having real trouble following what you’re asking for. A list of all the changes that we’ve made?

Chair Raschko: Well, the list I made! I took the document with the proposed changes, okay, from staff.

Ms. Stevenson: Mm-hmm.

Chair Raschko: And, of course, it is – I can’t remember; I’m not thinking clearly, but the process you use in the word processor to put in proposed changes and all of that, and you get the different colored – what do you call it? Anyway...

Ms. Stevenson: Track changes! Track changes!

Chair Raschko: Track changes! Right! Where there were track changes then, go through – and a lot of them are very – or seemed to me to be very basic changes. You know, little things like I call “housecleaning” like trying to make it reflect state law where it doesn’t at the time being, or this type of thing. And I think a lot of those things we can cover without having to do the deep research necessary with our 360 pages of public comment.

Ms. Stevenson: Okay. Thank you for the clarification.

Chair Raschko: It’s going to make more work for anybody to come up with a list. To me it’s just a way of between now and July 21st or August 10th of being able to cover some of the material that’s on this thing that could be large in volume and small in consequence.

Ms. Stevenson: Okay.

Chair Raschko: Now if anybody else has any thoughts on that, please speak up.

Ms. Stevenson: Thank you for that. That helps.

Chair Raschko: Okay.

(silence)

Chair Raschko: So where are we?

Mr. Gill: So we can propose – we can work off your list. We can work off your 2016 recorded motion and kind of come up with a subject matter to tackle at the deliberations. How does that sound?

Chair Raschko: That sounds fine. Mine was an incomplete list. I wonder if I can work with Betsy to come up with something that we can cover? And if it turns out that we’re wrong and some of it is more complicated than we thought, is going to bear more deliberation, we can just blow by that one and go to the next easy one. But you see what I’m trying to get at, is –

Mr. Gill: Sure.

Chair Raschko: – get as much of the document covered as we can, you know, with the time that we have allotted. Anything else in that regard?

(silence)

Chair Raschko: Okay.

Mr. Gill: Commissioner Shea has his hand up.

Chair Raschko: I'm sorry. Thank you. Commissioner Shea?

Commissioner Shea: Yeah, just a small comment. I know we're all talking about moving things down the road. I think it might be good too, potentially – cross your fingers – that if in August or the end of July, what-have-you, if we're able to have an in-person meeting that might help this out quite a bit as well. So something to consider.

Chair Raschko: Well, I got some interesting news just today, and that's that the Forestry Advisory Board is now going to meet in person. I hope I'm not getting anybody in trouble. But I look forward to the day when we can do that too. Okay. So have we got anything else, Dan or Betsy, on the SMP for tonight?

(silence)

Chair Raschko: Okay, no? Any last questions, comments?

(silence)

Chair Raschko: All right. Well, thank you, everybody. We'll move on then to our Director Update. Mr. Hart? If you're still here.

Hal Hart: I'm here. Thank you.

Chair Raschko: Thank you.

Mr. Hart: Peter will share the screen. Thank you. So I just wanted to bring – a lot of the topics you're talk ____ (sound cuts off and on starting here) are ____ once in a while ____ participating because our objective right now is really focusing on permits and permitting, but I will say the Washington State Department of Commerce is continuing to review and update its administrative rules. And I checked in with them today, talked to some of their staff. They're considering amendments to the WAC, the Washington Administrative Code that Tammy referred to earlier this evening, and they are making changes this summer. They're beginning a – I think a 12-month process of change to the Growth Management WACs – so these administrative rules – based on case law that may have come up; the need to clarify things that local governments are saying or the executive branches are saying; any statutory requirements that the existing rules do not adequately address. So that rule-making process goes to June 22nd, 2022.

And so let's go to the next slide. Okay. Other rule-making underway is the procedural criteria for adopting comprehensive plans into the development regulations. This is going to be really important since hundreds of jurisdictions are being asked to update their Growth Management plans by 2024, and so they're moving now to take a look and see, okay, what's up and are we going to stagger that? How are we doing that? I think I mentioned last month that there are, you

know, very, very significant bills that are being worked on in addition to what I'm talking about, which is just Growth Management-related stuff. There are these parallel tracks going on for salmon recovery, for climate change, as well as Growth Management, and there are others coming out of the housing element that are changing, and *our* cities in *this* county are *now* responding to the changes from the previous year and of *this* year that are changing their comprehensive plans. And so you need to know that. Peter, can we go back to the WAC ___ underway? The third slide again. (sound drops for a few seconds) Okay, I'm not sure if we've got it. Can you hear me, Commissioners?

Commissioner Mitchell: I can hear you, Hal.

(Several Commissioners affirm that they can hear.)

Mr. Hart: I think the other one I want to point out is this is one that I was actually involved in in the '90s and that was the best available science. So that came up tonight too. So I found out today, Hey, they're going to be digging at that. And if you go to the Department of Ecology's website – you know, when I worked at the Department of Commerce, the way we kind of saw ourselves at that time was we were trying to represent cities and counties that are having to adopt all these rules and we were trying to help them for the first time. And so best available science came about largely for salmon protection and fisheries protection. But the one thing I think is really clear, if you go to the best available science website at the Department of Ecology they say science is always advancing. And so that being the case, what they are calling the best available science information, that's what they're going to be looking at. So it's an important reminder that we've learned a lot about Washington state fisheries, about critical areas over the last 20 years. And so they're going to be digging and looking at that again. I just want to bring that up to all of you.

So that's really all I have – just to let you know that we'll be watching some of that. We'll bring that information. I may want to tune in if I can get a seat to tune in and watch the spaghetti being stirred. I think it would be helpful. So I will keep you in that loop.

Chair Raschko: Thank you.

Mr. Hart: You bet.

Chair Raschko: Is there anything else from the Department?

Mr. Hart: Not at this time.

Chair Raschko: You have any questions for Mr. Hart? Commissioner Mitchell? No.

Commissioner Mitchell: Yes, thank you. I do have a question. It's just a generic question. Hal, maybe – Hal and Peter, maybe you can help define this for us. If a Planning Commissioner does research and finds something and wishes to put it in the record, is it usually during the deliberations time when that's appropriate for something? And can we put things in the record anytime and, if so, how?

Mr. Hart: That's an interesting question. I think you would be working as a body to accept those things to put something in the record. That's my generic response, but I'll look to Peter or anybody else that wants to answer that. Peter?

Mr. Gill: I'm sorry, Hal. I dropped off and I just came back on. Sorry about that. I lost your slides probably. I don't know what's going on. But was there a question about records?

Commissioner Mitchell: Yeah, I can repeat it for you, Peter. This is Commissioner Mitchell. So if I'm working on a docket item and we've done research, which we're all allowed to do, and I've got something to add. Let's say I come up with a map of something – you know, _____. Normally the best place to do it I would think would be in deliberations – to ask for something like that to be added to the record. And I just want to make sure that's the appropriate place and time to do that. But there might be some generic, other kinds of things somewhere. Let's say that there's a training item or something that you wish to put – people always say "the record." I'd like to know when the appropriate time is and how to do that.

Mr. Gill: Okay. Okay, I mean certainly during deliberation anything that influences the decision that you all make or the recommendation that you provide or the findings, that all needs to get captured, as you know, right? So certainly during deliberation would be a great time to do it. Seeing how we're digital at the moment, by the time we get to deliberation I imagine we will be in person, so that may be a bit of a different story, but I can also follow up with legal to kind of ask about if there's a better way or an earlier way we would – you know, we can do it other than submit it as part of, you know, the formal recommended motion.

Chair Raschko: Okay, Commissioner Henley?

Commissioner Henley: Yeah, I apologize. I lost my Wi-Fi connection. It just died. So I'm sorry. I'm back.

Chair Raschko: Okay, thank you. Anything else for staff?

(silence)

Chair Raschko: Okay, we'll go to Planning Commissioner Comments and Announcements. Commissioner Candler, have you anything?

Vice Chair Candler: I have nothing tonight, thank you.

Chair Raschko: You're welcome. Commissioner Henley?

Commissioner Henley: I have nothing now.

Chair Raschko: Commissioner Hughes?

Commissioner Amy Hughes: I have nothing, thank you.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: No, I have nothing. Thank you.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Nothing, thank you.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Nothing from me, thanks.

Chair Raschko: I have a question for you. I'm sorry, I lost track. How long – you're finishing out your term?

Commissioner Shea: Yes. I believe it's August 8 or 18th or – I forget the exact date, I guess, but I'm not sure if it's before the August 10th date or not. I'd have to double-check.

Chair Raschko: Well, that's okay. Anyway, you'll be here with us a couple more months. That's great.

Commissioner Shea: It looks like Peter might have known the date –

Mr. Gill: Well, it will run through August 31st but I think our last meeting is August 10th, so that would be probably the last time we have a chance to –

Commissioner Shea: I think maybe one of my commissioners on my board, their term ends _____. I'm thinking about that stuff too. But, yeah.

Chair Raschko: Okay, Commissioner Woodmansee?

Commissioner Woodmansee: Yeah, I just want to apologize again for being late today. I got hung up at work. And then on August 10th I'm going to be in Florida with my grandson taking him to Disney World that week. And so I'll do – I'll be seeing if there's a way that I can schedule around that because it sounds like that may be an important meeting for me to be at. But I just wanted to let you know that I will be out of state that day. And I'll see what I can do to accommodate the meeting time, though.

Chair Raschko: I think they have Wi-Fi units in It's a Small World After All.

(laughter)

Commissioner Woodmansee: Yeah. Yeah, the question is will Grandpa be awake still by then!

Chair Raschko: Okay, I just want to thank all the staff – Dan and Betsy and Peter – for all their work, and for everybody's participation tonight. So I have nothing further, so I'll call the meeting adjourned. Thank you.