

**Skagit County Planning Commission
Public Hearing: Wireless Facilities Code Update
Work Session: Farmland Ordinance
Review: Agritourism Survey
September 13, 2022**

Planning

Commissioners:

**Kathy Mitchell
Mark Knutzen
Vince Henley (absent)
Amy Hughes
Tim Raschko, Chair (absent)
Joe Woodmansee
Tammy Candler, Vice Chair/Acting Chair
Martha Rose
Jennifer Hutchison**

Staff:

**Hal Hart, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Assistant Long Range Planner
Jason D'Avignon, Deputy Prosecuting Attorney
Will Honea, Senior Deputy Prosecuting Attorney**

Acting Chair Tammy Candler: (gavel) Calling to order the Skagit County Planning Commission meeting for Tuesday, September 13th, 2022, at 6 p.m. The first order of business is roll call, and I'll just call through the names. Well, I know that our Chair is not here – Tim Raschko. I know that Commissioner Henley's not here. Amy Hughes?

Commissioner Amy Hughes: Yes.

Chair Candler: Jennifer Hutchison?

Commissioner Jennifer Hutchison: Present.

Chair Candler: Mark Knutzen?

Commissioner Mark Knutzen: Here.

Chair Candler: Kathy Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Candler: Martha Rose?

Commissioner Martha Rose: Here.

Chair Candler: Joe Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Candler: And this is Vice Chair Tammy Candler speaking. Okay, do I have a motion on Approval of the Minutes?

Commissioner Woodmansee: I'll make that motion.

Commissioner Mitchell: I'll second.

Chair Candler: It's been moved and seconded that we approve the minutes from our last meeting. Is there any discussion?

(silence)

Chair Candler: All in favor?

Multiple Commissioners: Aye.

Chair Candler: Any opposed?

(silence)

Chair Candler: Okay, that motion passes. Moving on to our third agenda item, which is the Wireless Facilities Public Hearing, we're going to have an introduction from the Department. The Purpose of the hearing is to receive testimony on amendments to the Skagit County Wireless Facilities Code. Before we begin, we'll hear a brief presentation on the proposal from staff.

Jenn Rogers: Thank you, Chair Candler, and thank you, Commissioners. My name is Jenn Rogers and I'm an assistant long range planner here at Skagit County Planning and Development Services. Like Commissioner Candler just mentioned, we are here to host a public hearing on the Wireless Facilities Code Update.

So I'll just have a few slides here just to kind of briefly go over why we're doing this. So, first, we do need to modernize our wireless code so we remain consistent with the new technology that providers are using for their facilities and infrastructure. And we also need to update our code to maintain compliance with federal law, particularly with how we process wireless facility applications.

So as for our timelines, in July we had our first work session on July 26th to go over the code amendments. On August 9th we had a second work session, which included site examples of wireless facilities that are built here in Skagit County. And we also followed up on some questions that the Planning Commissioners had at the previous meeting.

So tonight we will take public comment during our hearing, and then on September 27th at the next Planning Commissioner meeting you are scheduled to have deliberations and to deliberate on a recommendation to the Board of County Commissioners.

So on our project website, which is at the link here below on this slide, we do have our introductory memo that we provided for the first meeting in July; the redlined code changes for Skagit County Code 14.04 and 14.16.720; and as well as our staff report; Notice of Availability for comment; the

SEPA Checklist; and the SEPA DNS designation, as well are all available on that website for review.

As to how the public can comment, the public comment period will remain open through this Thursday, September 15th at 4:30 p.m. The public has three ways to provide comments. They can email them to pdscomments@co.skagit.wa.us; they can mail or drop off comments at our office here at 1800 Continental Place; or they can provide verbal testimony tonight. There is a three-minute limit on verbal testimony so we always encourage written comment as well so that you can provide all of the comments that you would like on the proposal. We do ask that anyone commenting tonight or providing written comment please provide your full name and address with your comments so that we can process them properly. And with that, we are ready to open the hearing.

Chair Candler: Everyone will have an opportunity to speak; however, if the hearing extends beyond 9 p.m. the hearing will be continued to a later date and time. Staff have a signup sheet in the back for those who wish to speak. Those who have not signed in ahead of time will nevertheless be given an opportunity to speak following those who have registered. Each person will have three minutes to address the Planning Commission. You'll be notified when your time has expired. And I'm asking the Planning Commissioners to hold any questions until after everyone is done.

This is a time for testimony, not debate. Please address all comments to the Planning Commission. Written comments, as the Department representative has already stated, are not limited in length and will be accepted until this Thursday, September 15th, at 4:30 p.m. Comments will be recorded in the meeting transcript. Thank you for taking the time to participate.

We're going to open the public hearing. It's now open. I don't see anyone in the room. We'll check the Zoom and find out if anyone's wanting to speak and then we'll call the first speaker. If you are on Zoom and you're going to be speaking, please clearly state your name, spell your last name for the record, and indicate where you reside. Do we have any speakers available or are interested?

Ms. Rogers: We do have members of the public on the Zoom, so if you would like to provide comment please unmute yourself to indicate that you would like to provide comment. I don't see anyone unmuting at this time so I don't believe they would like to provide comment.

Chair Candler: Okay, I'm just going to give it a moment because I know how trying to unmute yourself can be. Still nothing? Okay. At this point in time then, I thank people for appearing but there's no testimony. Does any Planning Commissioner have a question for the staff?

(silence)

Chair Candler: Okay. We will then close the hearing, if there's no objection from the Planning Commission.

(silence)

Chair Candler: Then I'll close the public hearing. And the public hearing is now closed. And I'll just remind anyone, if anyone's on Zoom or listening, as a reminder the written comments will be accepted through this Thursday, September 15th, at 4:30 p.m. and the Planning Commission will

meet to consider the comments and deliberate on a recommendation to the Board of County Commissioners on Tuesday, September 27th, at 6 p.m.

And having closed the public hearing, agenda item number 3, we will move on to agenda item number 4, which is our Farmland Ordinance Work Session. The Department's setting up to give us a presentation on that, it looks like.

Jason D'Avignon: Ready.

Chair Candler: I'm ready. Thank you.

Mr. D'Avignon: Good evening, Commissioners. My name's Jason D'Avignon. I'm a civil deputy prosecutor with Skagit County. I'm the attorney that's assigned to the Planning and Development Services, and I'm here to give Jenn, I guess, somewhat of a night off. I'm here to talk about amendments to prohibit offsite compensatory mitigation on Ag-NRL lands. We've started a timeline here today. It's just a work session and introduction. On the 27th of this month we'll have the public hearing, and we're scheduled for October 11th for deliberations on this amendment.

There is a project website. On this project website you'll find a staff report. Attached to that staff report are the redline changes being proposed to 14.04.020 and 14.16.400(4)(d), Ordinance O20220007, which is the emergency interim ordinance that declared a moratorium on this. The proposed changes here reflect what the Board of County Commissioners did there. And we've issued a Notice of Availability for the public hearing and SEPA documents are also available.

A summary of the amendments: Kind of the main thrust is to amend 14.16.400(4)(d) to include offsite compensatory mitigation as excluded as a special use and thereby prohibiting such projects on Ag-NRL land. This is a pretty narrow amendment as far as amendments go. It simply adds the term, or the phrase, "and other projects involving offsite compensatory mitigation" to that subsection of the code. And it would be treated in the same way that we treat mitigation banking on Ag-NRL land. We would also include an amendment – or add a definition to our definitions section defining what "offsite compensatory mitigation" is. That definition is "any action proposed on Ag-NRL-zoned lands as compensatory mitigation for activities, actions or environmental impacts occurring outside Skagit County Ag-NRL-zoned lands."

I think it's important that we note that this only concerns habitat enhancement and restoration projects. That is a defined term. I won't read the whole thing. Suffice to say that where you need a special use permit are generally going to be quite significant projects. This is terraforming, moving waterways, moving dikes and levees, where you do not need a special use permit for, and thus this proposed amendment would not affect onsite mitigation. On your Ag-NRL land you have an environmental impact as part of a development project and Planning and Development Services says as part of SEPA or as part of some other process is you need to mitigate that impact. You can do that. Just planting vegetation – if you want to plant a bunch of trees or some other appropriate plants on your property, you can do that, and projects that do not involve excavation or the alteration of hydrology. Again, this is concerned with significant projects bringing out heavy equipment. This also does not concern culvert replacement or fish passage projects, which are, I think, of a different class. And this is limited to environmental impacts that are occurring outside of Skagit County. So you have an environmental impact in King County, you can't make that environmental impact okay by coming to farmland in Skagit County and doing a project; and then within Skagit County, nonagricultural lands. So the fact that you have an environmental impact on your property in Mount Vernon, you can't solve that problem by mitigating on our Ag-NRL land.

The effect would be to prohibit inappropriate conversion of ag land. The idea is that ag land is a long-term designation. It's been designated because of the quality of the soils. Once that ag land is lost, it is lost forever. So we do need to be vigilant in protecting it and I think Skagit County has a history of being vigilant in protecting our ag lands. Part of this is promoting the maintenance of a critical mass of ag land. You cannot maintain an agricultural economy without a sufficient number – or a sufficient number of acres under cultivation to support the, you know, mechanics that are working on the tractors, the critical infrastructure to move products to market, so on and so forth. We do need to maintain a certain level, I think. We do not know exactly at what point that critical mass would break. I mean, we shouldn't take any risk in finding out where that point is.

I think very important is ensuring that – you know, this is balancing, I think, the County's obligations to maintain fisheries. If we *are* going to be losing ag land, ag land to help promote habitat, there should be some assurance that it's actually going to work. We should be planning these very carefully. I think this last paragraph here that these need to be done at scale, and doing these projects at scale require the balancing of multiple benefits. You know, what are we losing compared to what are we gaining. We have a broad number of stakeholders that are going to be concerned with these projects. You know, the neighboring farms, environmental groups, the treaty tribes. There's a lot of people that need to have – the dike and draining districts, I think, is very important because what we're talking about is – to some extent is removing dikes to allow water to come in. These are major infrastructure projects and they require a lot of forethought and planning. And I would point out attached to the emergency ordinance, which is attached to the staff report, is the Estuary Restoration Strategic Assessment, which is maybe not the greatest name for a document but I think provides, number one, our current model that we're working under for these sorts of projects and moving forward in the future the model of what these sorts of projects should be undertaken involving all the stakeholders. And I would reiterate I think the diking and drainage districts are incredibly important since they are, you know, the government agencies that are maintaining the critical infrastructure, that are legal responsible for them. And if we're going to be moving them back, they really need to have a seat at the table in doing so.

Public comments: As similar to what we just saw, we are having a public hearing on September 27th. Any member of the public that wishes to comment is more than welcome to come and provide comments. They will be limited to three minutes each. Written comments are not limited in length and so are nice that way. Kind of two main ways to provide written comments is to send an email to pdscomments@co.skagit.wa.us or to mail in a written comment. In both cases we would ask the public to note in the subject line or on the front face of the envelope that these are comments regarding offsite mitigation amendments to SCC 14.04 and 14.16.

Any questions?

Chair Candler: We'll start at the end with Commissioner Woodmansee.

Commissioner Woodmansee: I have a few questions. I have pretty extensive experience in the moratorium world and so I have a couple questions that are a little pointed. So what was the emergency that caused us the need to do an emergency moratorium for this?

Mr. D'Avignon: On the moratorium I'm going to pass it off to Will, who has a little bit more knowledge on how that process is worked out, if that's all right.

Will Honea: Sure. Good evening, Commissioners. Will Honea, Skagit County Prosecuting Attorney's office. With respect to the moratorium – you know, first of all I wanted to come this evening and just make myself available for questions, because obviously I've been involved in

this issue and had significant involvement in the emergency moratorium, you know. But I think I had a couple – before I get to addressing the emergency moratorium, there’s a whole history that leads up to it. In 2009, the County prohibited mitigation banking on Ag-NRL lands. There were a couple of mitigation banks – I think you’re aware of those – that came in and there were quite a few more behind them. So litigation ensued. Friends of Skagit County, Skagitonians to Preserve Farmland, and some others brought suit saying this is a problem. We are allowing others to obtain forgiveness for essentially environmental sins elsewhere by absorbing our farmland and this is a problem. And so one of the things that came out of that was an emergency moratorium because there were various of these plans sort of waiting in the wings in addition to the ones that had already been permitted, and that lead to a permanent ordinance. The Planning Commission prohibited mitigation banking through large scale habitat enhancement projects on farmland. And again, as Mr. D’Avignon said, you know, this is not planting stuff, this is not replacing culverts. This is the generation of new habitat with excavators and bulldozers.

And so I remember very clearly – I wrote that ordinance and the emergency moratorium as well in 2009, and I remember very clearly discussion at the time with the Board, with – I can’t recall specifically with the Planning Commission, but, you know, is this broad enough? Have we – you know, are we letting too many fish through the net, you might say, by not making it broader than defining it as “mitigation banking”? And, of course, mitigation banking is doing one of these projects and then selling credits to third parties, to others – industrial, commercial, residential development and so forth, and activities that might need mitigation. And I remember very specifically discussing, you know, What about big actors that can come in and do this on their own account, seeking green certification – you know, what we’ve come to call ESG Certification and Governance, so forth. And so it was decided at that point that let’s just keep it narrow and respond to what comes up.

And, you know, so I think what specifically occurred in this instance, and so I guess it was a concern well prior – you know, as far back as 2009. It’s not something that just popped out of the bushes here in the last few weeks. But certainly – and I want to be clear. This is not part of the permanent ordinance. The permanent ordinance speaks for itself in terms of land use policy in the Skagit. But Seattle City Light is seeking a new license, a 50-year license for its dams on the Skagit. And so they’re licensed under the Federal Power Act – is the sole and exclusive opportunity for us, as the folks downstream and affected by their hydropower project, to ask for anything. So this is it for 50 years. Most of us won’t be around the next time this license comes up, so it’s a big deal.

They have expressed strong preference since day one to acquire land and conduct habitat projects on the delta as their preferred mitigation strategy. That’s been what they’ve done for the last 30 years, is acquire land for offsite compensatory mitigation. They’ve acquired 12,000 acres of natural resources lands in Skagit County. Not all that’s farmland but all of it’s offsite compensatory mitigation for their dams. You know, the valley east of Sedro-Woolley is narrow. There’s not that much land that’s available. You get up very high it’s Forest Service, it’s DNR land, and so on and so forth. There’s just a fairly limited footprint. So what’s needed, in a sense, in terms of the fisheries resource recovery planning is big projects on the delta, and they’ve expressed interest in becoming involved in that – you know, very clearly in various ways. They’ve directly told us multiple times face-to-face. And the study requests, the process that’s occurring, there’s no doubt that that’s what’s occurring. The preferred mitigation that others, including the Upper Skagit Tribe, us, and so forth; we’ve asked them to look at fish passage which, we can see, has been working really well on the Baker system. It went from seven fish, I think, in 2008 to 36,000 last year. This is just math. This is effective.

And so the concern was their license is due in December of this year. They'll be, according to the schedule, applying for a license. And the way these FERC processes work is the license applicant just sort of does what they want and creates their own reality, you might say, and strikes deals with whoever they wish, presents that to FERC and says this is enough. And then everybody else gets to fight over it. So this was appearing to be leading towards some fairly regrettable conditions for our community, for the valley, for the bigger picture of a fisheries resource, frankly. And so I wanted to pause on that for a minute too and talk about a real key distinction in all this that I think the Planning Commission needs to understand. And what it comes down to is the difference between a fisheries resource recovery plan and mitigation. They're two different things.

You know, in the Skagit there's one fisheries resource recovery plan. There's one salmon recovery plan that's been broadly adopted. It's the 2005 Chinook Recovery Plan. And it's focused on Chinook and it's focused on the conversion of particularly habitat, estuary habitat – farmland. Conversion of farmland into estuary habitat. It was largely created by the Swinomish Tribe. Some of you probably remember Larry Wasserman. This was kind of his thing that he really developed and urged and successfully obtained its adoption by agencies. Now this is the only plan for recovery of salmon and it's all focused on Chinook and principally farmland. Now what it says is – I think it's 1.35 million more Chinook smolts outbound is the goal. But that's a pretty difficult thing to pin down. How are you going to agree on how many smolts headed out – how many *extra* smolt headed out the river as a result of all this diffused activity? So the real lodestone/touchstone for this is 2700 acres of new estuary habitat. Now aspiration to an acreage number, that doesn't get you to broad stakeholder buy-in and a list of specific projects. And again, like Jason said, these are *big* public works projects. These are not planting cattails and willows. They're *big* public works projects. They're demoing levees and tidegates – you know, and dikes. Moving them back so that there's more room for the river. Digging channels. New levees and tidegates. All this has to be done right.

And so, you know, there's two things that are important in this. The Tidegate Fish Initiative Agreement – very complicated, but the bottom line of it is it secured the participation and consent of the diking and drainage districts. You know, we tend to forget about these districts but they are, I would argue, the most important thing in Skagit Valley. There would not be human habitation in most of this valley without them. Sixty-thousand acres of farmland wouldn't exist without them. Our cities! Burlington and Mount Vernon, or at least much of Mount Vernon. The Anacortes water treatment plant, I-5, et cetera, et cetera. They allow this to happen. So they own, manage, maintain, and are legally responsible for all this infrastructure. They're just indispensable. So that Tidegate Fish Initiative Agreement identified a specific pathway to doing these projects, and then the Estuary Restoration and Strategic Assessment – ERSA – it's a mouthful, sorry! – that was, you know, a multi-stakeholder, multi-benefit, the Farm-Fish Flood Initiative – 3FI. The idea here is big projects can't just go anywhere. You can't just randomly find a piece of land and expect to provide a lot of fisheries, **benefit, wall**, not messing with everything else that's already occurring in farming – protecting us from floods. And so this is this really careful analysis – you know, NMFS, WDFW, the districts, Skagit County – all sorts of folks. Really broad, you know. The Tribe – tribal representation. And really nailed down a highly prioritized list based on multiple benefits – flood, fish and farm. Where are the best fish projects?

And so that is in progress and just over 1000 acres have been completed. The public lands projects – so some of these projects are identified, particularly in the South Fork, are – haven't been completed yet – Milltown, in particular. And, by the way, those aren't on ag land. That's open space. So those projects on public land would not be affected by – are not affected by this ordinance. But the point being is what's happening there is this very careful, deliberate, long range effort where we're bringing along broad stakeholder buy-in to do specific projects investing public

money – state and federal money; that was the arrangement here. It's a public investment in recovering the resource. And the point here is we have this farmland and for 60 years – since we've had a comprehensive plan – the point of it has been to protect our farmland. Other places aren't doing that. We are. And we've been successful. The point is is all this farmland should stay farmland except for – we have this exception, which is very specific objectives through very specific projects that are all really well thought out, public entities involved, local government, tribes. This is us on our own land base balancing and harmonizing what we're trying to do with farming as well as protecting the fisheries resource. So that idea – let's put that in a box and put it on a shelf for a minute. That's a lot different than what's happening with the idea of mitigation. Because what's driving mitigation is not what's best for the resource for balancing needs of our farms. It's just about somebody needs to seek, essentially – you know, forgive my description, but penance for some environmental sin elsewhere for which they seek absolution by converting some of our farmland. That's the driving activity. It's a money source. It's a tremendous economic incentive that's above and beyond what we need to do and have agreed to do with respect to the resource.

And the other thing is in terms of accountability – right? We – what are we driving at as local government? We're not – you know, we're not seeking some certification so that we can have access to new markets. None of that matters, right? What we're trying to do – the obligation, the task is – you know, one of the big things is the treaty right. It's just a servitude on our entire land base by which we get to use this land base on the promise that there'll be significant harvestable numbers of fish around. That's the basic deal. And so we have to care a lot whether this leads to actual salmon. And we can't – and conversely we can't be involved in arrangements that lead to the degradation of our natural resources land base if it's clearly not leading to actual salmon. So that's really a big thing going on in the background.

So we've got, you know – going circling back around to your original question, you know, we had – Seattle City Light very clearly headed for the ladder – in other words, attempting to do projects on top of, attempting to insert, you know, another source of energy, you might say – money – into, you know, this task that we're already trying to do. Walk around on top of it. And that's a problem. We have – you know, we can't say that we have too little farmland to do right by the fishery resource, right? We've *agreed* to do these projects. Decent people keep their word. But we don't have the space for others to bring their problems and solve them on our farmland. So they were very clearly headed for that and so the objective was to preserve the status quo, to say we need to talk about this a little more before you enter a bunch of regrettable contracts. And, you know, going back to the 2009 ordinance, it's a gap. It's a gap in our code and it's a fairly minor – as Jason mentioned, it's a fairly minor modification – the special use permit for these projects that's required. Again, the focus of that is to make sure that there's coordination and consultation and consent from these diking and drainage districts. They have to be part of this. They own this when this is all finished and the grant money's spent.

So that's, you know, the reason for the emergency ordinance and, I think, some discussion about the overall policy around it. But did you have some more questions around that?

Commissioner Woodmansee: Well, that was a heck of an answer!

(laughter)

Mr. Honea: Thanks!

Commissioner Woodmansee: And I'm going to be honest with you, you lost me halfway through it because you said a lot of stuff.

Mr. Honea: Well, I can circle back around if you need – questions on my answers!

Commissioner Woodmansee: So I'm going to dumb it down to Seattle City Light wants to do mitigation that you don't want them to do.

Mr. Honea: Well...

Commissioner Woodmansee: And because of that, we're doing an emergency moratorium to try to make sure they can't do it.

Mr. Honea: No. Well, the emergency moratorium is not the subject matter presented to the Planning Commission. I'm happy to talk about it and I'm not trying to be argumentative. The emergency moratorium and the decision about whether, you know, this situation – you know, and I'll say there's a lot of information over a long period of time provided to the Board to decide whether an emergency ordinance was necessary, a lot of it in executive session, a lot of stuff I'm not going to be able to talk about here. That decision as to whether we need to put a six-month pause on this is theirs to make, and, you know, the Planning Commission is, you know, according to the system – I'm not telling you what to do – according to the system is to look at the big picture policy of this change to code and whether it's necessary. We think it is. I don't want to – so, you know, I don't want to argue with you about your characterization of it.

Commissioner Woodmansee: Well, is it wrong?

Mr. Honea: Well –

Commissioner Woodmansee: I just want the facts to be out here because my experience with emergency moratoriums are they're project-specific. Something somebody wants to do something and all of a sudden a City or a County entity says, boom, we're doing an emergency moratorium because we don't like what that person wants to do and so we're going to stop that kind of thing, and in that six-month moratorium we're going to change the codes so that what they came and were honest with us about that they might want to do they cannot do. And so that's where I'm coming from.

Mr. Honea: Yeah. Yeah, and I think as a developer I can see where you, you know – I've been on your side of things as an attorney and I've not felt good about how that's played out.

Commissioner Woodmansee: Sure.

Mr. Honea: That's not what's going on here. I mean this is – let me back up the tape a little bit.

Commissioner Woodmansee: Well, let me – if you don't mind.

Mr. Honea: Go ahead.

Commissioner Woodmansee: I'm not for or against. I'm about process. My question is about process. It's not about whether I'm for or against this particular ordinance. It doesn't matter if I'm for or against it anyways because I'm not the decision maker. But I am concerned about process and so I – I mean, this is what I heard in your answer. I heard Seattle City Light wants to mitigate

a certain way and we don't think that that's the right way to mitigate in our county and on our farmland, and so we're going to eliminate that opportunity across the board for anybody anywhere for an offsite. Right?

Mr. Honea: The question is not – you know, for the Planning Commission – is not centered on Seattle City Light. The emergency ordinance moratorium is certainly centered on Seattle City Light. We were explicit about that.

Commissioner Woodmansee: Yeah, that was my question.

Mr. Honea: Yeah. I don't know that I would say it's just a matter of they came to us in good faith and said, We want to do this and we said no. I mean, there's been, you know, three years of this process and, you know, we've reached out extensively and it's not been fruitful. I'll just leave it at that.

Commissioner Woodmansee: Sure. Sure.

Mr. Honea: But, you know, the fact of the matter is it does tie to the bigger picture issue, which is that Seattle City Light has a perfectly acceptable onsite mitigation alternative and they prefer to do a different one that involves eating up farmland presumably because it's cheaper. They make electricity as cheaply as they can and that's their job. But sometimes that doesn't comport with the long-standing policy to protect farmland that we've established. And, I mean, that's how I'd answer the question.

Commissioner Woodmansee: And does our code not allow us to make that determination in the process of the permit application and say, Nope, we won't approve this? We're going to deny your permit request because we don't think this is the right – an acceptable mitigation?

Mr. Honea: No. No. The hearing examiner special use permit process allows conditioning of the activity to ensure that it's, you know, not damaging things around it, not messing up diking and drainage infrastructure. And I mean that's, by the way, that's not a theoretical fear. There's a project done down at Wiley Slough and the district down there – depending on who you listen to about the cost – has been handed a \$26-million problem and the proponent walked away. We can't have that happening. For one thing, even it's just for the fisheries resource, it undermines support for the next project.

Commissioner Woodmansee: So, if I may – and so we're on a pretty fast – it's a pretty fast fast-track to get this thing approved before December apparently. I mean, this is the fastest – in the years I've been on the commission – this is the fastest I've seen something come to us, go to a hearing, go to deliberations. I mean, it's really fast. And so we have a target date that we're trying to get to the other side of this process, and that is?

Mr. Honea: Well, it's just being moved through expeditiously. I think that, you know, with respect to Seattle City Light, the moratorium could be extended. I mean, I don't think that, you know, the deliberations here need to be tied to that. I will say the mitigation banking ordinance – there was an emergency moratorium put in place in February of '09 and there was a permanent ordinance adopted by the Board in June of '09. So four months. And I think the nature of the change also: It's three words. It's a fairly narrow expansion of an existing prohibition. It's just – you know, it's not – we're not talking about a major change to code or a major change to any existing industry, you might say.

Commissioner Woodmansee: Yeah. Well, we're talking about banning offsite mitigation.

Mr. Honea: Right.

Commissioner Woodmansee: It's only a couple words but it can encompass a big impact.

Mr. Honea: Right. Well, it's going from, you know, the thing that we've encountered the most of. The big preponderance of the issue, you might say, which is the creation of habitat. And, you know, and again, you know, I kind of even pause to describe what is being done because, you know, the plan is locally supported, has broad stakeholder buy-in – and I mean, that's important, right? This is a culturally difficult thing, these big projects.

Commissioner Woodmansee: Sure. Sure.

Mr. Honea: It's important we're in it together. It's important that there's a close relationship between tribes and local government. This facilitates that. There's no question about – this is part of that. We need to be – you know, have control over some of this and be doing it in close relationship with the treaty tribes of this valley. This is a long-term relationship. We're not going anywhere and neither are they. I'm sure of that. So, yeah, I mean it's – it is simply instead of the sale of third party credits from these projects, it's, you know, someone who might wish to do them themselves. Now that's a fairly narrow subset, because you've got to be – Seattle City Light's a \$1.3 billion a year actor. British Petroleum, let's say. ExxonMobil. Anybody of that ilk. And I think really the question being presented to you and to the community with this is, you know: Should we allow those entities of that scale to come in and use our farmland to mitigate for their impacts, wherever they may be around the globe? And I think, you know, there's a pretty strong suggestion, I think, of where the Board sits in the emergency ordinance

Commissioner Woodmansee: Sure.

Mr. Honea: But this is for you guys to deliberate.

Commissioner Woodmansee: Well, and – but – correct me if I'm wrong – this change in the ordinance is not just going to affect the big boys. It's going to affect everybody that would want to do this type of action. Correct?

Mr. Honea: Well –

Commissioner Woodmansee: I mean, it's not just about – I mean, it's a policy change for sure.

Mr. Honea: Yeah, you're talking about big projects that are cost \$20, 30 million dollars. Theoretically that's true, but I would challenge you to name an entity that would be capable of that scale.

Commissioner Woodmansee: Well, what if you want to do a project that costs \$100,000 on some farmland that's offsite? That won't be allowed either. Is that correct?

Mr. Honea: Well, is it going to involve – and, of course, there's nothing wrong with that being done with state and federal funds, right? So this is *offsite* actors that we're talking about that want to use their *own* money to mitigate.

Commissioner Woodmansee: Well, offsite actors is anybody who's not trying to do something – I mean, the example was if you were doing a project in Mount Vernon, you can't do something in Skagit County to mitigate it – on the ag land.

Mr. Honea: Well, no. See, you're extending it beyond what's being proposed here a little bit. Because what we're talking about is big projects involving levee relocation – this sort of thing. So there would be nothing saying that – you know, BYK Construction. Let's pick an example. Let's say they wanted to mitigate for something and they wanted to do that on farmland. They could certainly do a project that doesn't involve levee relocation on farmland. They could do a project that's not on farmland at all. There's all sorts of land around that's not on farmland. And so what we're doing is essentially carving out a certain space in the habitat activity: big projects that involve moving levees around on farmland. Right? So it's a very narrow subset in a sense.

Commissioner Woodmansee: Okay.

Mr. Honea: So there's plenty of space for smaller actors in this community that may be doing, you know, densification – building apartments, whatever they might be doing to mitigate within Skagit County. This is – you know, this is big activity. This is big stuff.

Commissioner Woodmansee: Okay. I didn't understand that aspect of it.

Mr. Honea: Yeah.

Commissioner Woodmansee: I mean, it doesn't quash my concerns about emergency moratoriums and my experience with them.

Mr. Honea: Yeah, a lot of people don't like them but...

Commissioner Woodmansee: Don't take my questioning as a for or against. It's just – you know, I just want to get to the bottom line of some of that and understand it.

Mr. Honea: That's why we're here. No problem.

Commissioner Woodmansee: Thank you for your time.

Chair Candler: Do you have anything else right now? I know Commissioner Mitchell has, so we'll go this way.

Commissioner Mitchell: I've got a couple questions. And if you addressed in earlier, my apologies for missing it. So are there currently other entities in the wings, so to speak, that you guys already know about that are going to be trying to do this along with – aside from this one?

Mr. Honea: Well, you know, I don't – nobody has approached us and said, We want to get in on this.

Commissioner Mitchell: Okay.

Mr. Honea: I think certainly what we can see, first of all, is, you know, since 2009 when we prohibited mitigation banking there's been a real rise at a societal level in, you know, green certification, sustainability certification, ESG governance, you know, and just a tremendous level of corporate actors and governmental actors looking to get into different markets, different

investment spaces by showing that they're doing good things for the environment. And, you know, there's some litigation, actually, the Sauk-Suiattle Indian Tribe brought against the City of Seattle. Seattle City Light ___ – using this example just because it's fresh in our minds and it's happening right now – and brought a suit for so-called greenwashing. City Light had gotten themselves certified as low-impact hydro. It's essentially green or organic certification for dams, you might say. The largest one in the country. Deeper analysis reflects that they are spending something like 37 times less than the pacific northwest hydro average and most of those are hydro operator average so we're talking Columbia, Snake, Oregon, so on and so forth, private and public. And, you know, most of those aren't low-impact certified. So a lot of this stuff is about – you know, it's about words. It's about impressions. It's about these things that may or may not be real. And, you know, we are a natural resources community so, you know, the number of fish in the bottom of the fish ___ after the fishery's opening is what matters, not some words. And, you know, so there's this significant – you know, the concern that's right in front of us that maybe some of this stuff isn't delivering what it says it is. It sounds good but is it really good? If we're going to use up our natural resources land base, we want it to be good, we want it to deliver actual outcomes and not just be a virtue signaling exercise. So that pressure's there. That pressure's growing. You know, the other thing I think, to keep in mind is I don't think people – other entities/actors understood this until this Seattle City Light relicensing. It's just put a tremendous spotlight on a gap in our code. It was a *Seattle Times* piece talking about how they're going to get involved in this activity in the context of their relicensing.

Businesses are charged – they have a fiduciary duty – their opposition directors have this duty to maximize profit for the corporation. This is how we're set up as a system. You wouldn't want it any other way. You wouldn't be able to safely invest money otherwise in anything. However, we have to remember that's what they're doing. Even though they say, We're green; we're doing this because we love salmon – whatever it might be – what's really happening is profit maximization. And again, that's fine. Business doesn't work unless you do that; however, as governments looking at the best interests of this community and preserving our natural resources land base, we have to look at it a little differently.

Commissioner Mitchell: Have we already lost land on something like this, whether it was a smaller scale, larger scale, or whatever? Has this happened before?

Mr. Honea: Well, again, I think this goes back to a couple of the themes I've been talking about. I mean, like I say, City Light alone – 12,000 acres. That's a lot of land. There's been quite a bit more through various actors. You know, I'm not going to sit here and list all the folks that have done this and how many acres. Part of it is, you know, when you're getting involved in mitigation it's kind of slippery, the purposes of it. By that I mean: Is this for salmon or is this wildlife generally or it's helping the environment? Of course it's all those things. If you're mitigating you talk about this. You have a, you know, colored, glossy brochure in your corporate offices that you hand out. You know. And so what that leads to is a much more random, opportunistic approach – whatever's available. What we have to be focused on – again – if we're giving up our natural resources land base is very high bang for the buck. It has to be, you know, just the very best thing that could happen because the tradeoff here is we're losing our natural resources land base one piece at a time, adding to the degradation of that land base that comes from all sorts of other sources.

Commissioner Mitchell: Well, what it looks like so far – and I could be wrong on something – it's not that different than when people were upset about when Nestle wanted to come in and use a lot of the water. I realize its not – you know, they weren't mitigating. But it was the same kind of thing. Whoops, there goes a significant chunk of the resources.

Mr. Honea: Well, I think that what – yes. I mean, I think there is a very big commonality and Commissioner Hughes was, I think, touching on this as well. There’s – our community is much different in terms of how we’ve protected natural resources economies. King County has not protected natural resources economies, for example. And what’s happened over the years, you know, we have voluntarily – we, the collective we: landowners, Skagit County and the people of Skagit County, local government – we’ve protected this land base bottom line by stripping the development value out of the land. That makes the land appear cheap and open and that’s why, you know, there’s considerable – well, let’s put an airport here, you know, it’s – I don’t know if that’s going anywhere, but just to cite an example. And that’s happened for years. An aluminum smelter on Guemes Island. A nuclear power plant on Kiket Island. A nuclear power plant at Bacus Hill. There’s all sorts of bigger picture players, be they corporate or government, outside this valley that may not have the same level of respect for our community’s desire to protect this place for natural resources economies, and so they just see this as a good place to have a palette on which to paint the picture that they wish to depict. And we’ve had to resist that at various levels as a community for a long time.

Commissioner Mitchell: Thanks.

Chair Candler: Commissioner Rose, do you have any questions?

Commissioner Rose: I do. My question has to do with the fish passage that is the preferred method to solve City Light’s problem.

Mr. Honea: Okay, I want to –

Commissioner Rose: Or is that – are you going to talk about that later or –

Mr. Honea: Well, no, go ahead, but I want to – you know, I do want to make something clear. Skagit County government, it’s not our role to say what happens by way of mitigation up at those dams. That’s within the purview of the tribes, principally the Upper Skagit. That’s their aboriginal lands that these dams sit on. No one asked their permission to put these dams there, and the National Marine Fishery Service. What we’re saying as Skagit County government is you can’t do this because this is not consistent with long standing local plans. And I think it is also fair to say that it would appear very strongly that there’s a suitable onsite mitigation alternative. That needs to be explored much more deeply. It’s easy to say fish passage is great. It’s a very specific thing and a lot of money.

Commissioner Rose: Right.

Mr. Honea: So with that framing, please, your question.

Commissioner Rose: So you just clarified a lot of it, but in other words, you’re saying there might even be another choice beyond the fish passage thing. It sounds like the fish passage is likely a good idea but maybe there’s difficulties and it’s unattainable somehow. I’m a can-do person and there’s usually a solution, but if there was no solution in the fish passage, is there – are there other mitigation things?

Mr. Honea: Well, I mean, yes, there’s a number of things, you know, and I suppose that – you know, first of all, I did reference the public lands projects on the South Fork. They’re not within the ambit of this ordinance. So that would be one thing. You know, again, I think this has been

characterized as we're going to ban City Light and all companies from our farmland. It's not what's happening here. It's much narrower than that.

Commissioner Rose: Right. No, I get that. Yeah.

Mr. Honea: *Specific* projects, specific places, and specific purposes for funding.

Commissioner Rose: Right.

Mr. Honea: So with respect to fish passage as well, you know, there's a lot within that. Obviously, any, you know, fish passage up into a reservoir – I mean, the fish passage is about a conveyance. It's, in a sense, depending on how it's done, the easiest part. You know, at the Baker, they just use trucks. They collect the fish and they truck them up and then they have a collector at the top for the smolt and drive them down. It's really efficient. You know, there's different forms of conveyance. There's the systems that have been invented – you know, developed more recently. They're pretty cool. They're just, you know, pressurized tubes. Essentially water whooshes the –

Commissioner Rose: I've seen that. Yeah, yes, it's like a vacuum. Yeah, I've seen that.

Mr. Honea: You know, but the other piece of it though – and I'm going way off topic from the ordinance here but it's a question of interest. You know, what was there in a sense is really only weighs – what was there before when the dams were built weighs only on part of the question of impact. Of course, the impact's ongoing in various ways as well. And the requirement for the dam operator – and I'm, you know, just paraphrasing the applicable law – is to do the best thing with what's there for the resource. There's a gigantic lake behind Ross Reservoir at this point that wasn't there before. What's there before is under 300 feet of water. It's a nice, theoretical discussion, but it's gone. And the – you know, it has the potential, I'm told, for significant help for ESA-listed Chinook as well as sockeye, which have really thrived in the Baker since the fish passage improvements have been included. And again, we can see looking at other hydro operations around the northwest, namely the Puget Sound Energy Baker project, that this really works. You know, what's happened here is in the last 15 years – and this is NMFS and WDFW – the Chinook that we've all been focused on have fallen by half. So you don't need to be a scientist to look at numbers and conclude that something's not working here. Now does it mean that habitat is pointless? No, of course not. But it should be very targeted, very organized and orderly, and not just random and opportunistic. And we also need to do something else. And I could go into a lot of the details of that but, you know, again, this – I will say that the County's listening very closely to the Upper Skagit and the Sauk Suiattle Indian Tribe whose aboriginal lands this project's sitting on.

Commissioner Rose: So I have another question, a follow-up, which is: The process of issuing the new license. If that has to happen at the end of the year, this other situation of settling how they're going to mitigate is going to take a long time. So how do you reconcile that? Do you – is it – do you make their license pending until it's settled?

Mr. Honea: We have no particular authority in the Federal Power Act process. And, you know, I think it's not unfair to say that local government has been – and I mean the County, the districts, the diking districts, the partnership, the consortium have really been deliberately excluded from discussion between regulatory entities in that process. And I can support that with sort of stacks of correspondence and efforts and what's transpired. So we are not – we don't have a major seat at the table. And the way it works is the license applicant can just sort of assemble and submit whatever they want. We have very strong evidence that the plan was to enter into an agreement

for, you know, a significant amount of money to pursue habitat activity on the delta. I don't have much details on this –

Commissioner Rose: Who decides? Is it the feds that decide?

Mr. Honea: Ultimately it's – I'll say that, you know, I've been doing natural resources law here at the County since 2007 and this process and *particularly this* Federal Power Act process is the most Byzantine thing I've ever seen. So I'll start it off with that. But specific federal agencies and state agencies have specific authorities within the Federal Power Act. FERC is ultimately in a sense, a scribe, a clerk. It resolves these things but it's really more left to the parties-in-interest to sort it out amongst themselves, hopefully through negotiation; through litigation if not. The National Marine Fisheries Service and the U.S. Fish and Wildlife Service under the Federal Power Act, have specific statutory authority to impose conditions on the license. So they can – they have direct conditioning authority on the license to mitigate the project's impacts on listed species and the fisheries' resource in general, but specific Endangered Species Act authority. So it ultimately comes down to NMFS. But they can't act arbitrary and capriciously so they have to have scientific support, and as a practical and political and otherwise matter, support of other agencies and the tribes.

So the thing is – you know, it's a bit of a free for all, I think is how I would characterize it. And again, we had clear evidence that this is where they were headed. What this emergency adoption of the ordinance – again, this is not – the emergency ordinance is a separate action from what's being considered by you. But it would have just led to a lot of years of conflict, I think is what it would have created if, as we suspected was occurring, that Seattle was going to sort of rush for the door, strike deals around habitat, and then expect all of us to fight our way out of it. It's just we've had enough conflict in this valley over fish and farms and in a sense it's wholly unnecessary. If you just look at this through the lens of the fisheries resource, you know, you have a kind of faction that's saying we really need to look at fish passage and you have a faction that's saying we want to keep money coming here for us to work on these habitat projects. Well, the fact of the matter is, you know, only Seattle City Light can mitigate for its dams at its dams. No one else can do that. No one else can fund that. If that's going to happen, they're the only ones that can do that.

So it's just – you know, with respect to the habitat enhancement on the Skagit delta, you know, again, this is a public investment in specific actions to help salmon. The deal was state and federal money. You know, there's – it injects a lot of, I think, unhelpful incentives and kind of toxic relationships to have forces and goals and objectives other than just doing the best thing for a valley to balance fish and farms injected on top of this already difficult thing. And there's all sorts of other funding sources to do it. So from a sense of, you know, wise use of resources, allocation of resources, it makes sense, you know, that Seattle would focus up there. But it's not a matter of either/or. Right? There's a plan. It's in progress. It's on schedule. Chinook are not recovering. They've gone, like I said, gone down by half in the last 15 years. You know, the data says so fisheries – you know, they recover tags in fisheries in the marine waters, and what it reflects is 80% of the Skagit Chinook that are harvested are being harvested and intercepted in the saltwater, most of them in British Columbia. So when folks go up to Tofino and they talk about how all these fish are around in B.C. some of those are Skagit kings that are being caught. You know, kings swim along the coast to feed during their life cycle and they bite at flashy things. Many of those have hooks attached to them. Sockeye in the Baker, sockeye don't – they're plankton feeders so they don't bite hooks. There's far less intercept. That's why it's – one of the reasons why it's working.

So, you know, looking at this thing holistically, though, the goal should be to get an orderly and rational list of the highest value projects done. We have the plan, it's in progress, and Seattle's efforts to intrude upon that is actually really the principal source of conflict in the valley over fish and farms. And so, you know, just from a public policy standpoint what our community needs – we need to shift from fighting and failure into a really close, good faith, cooperative relationship with the tribes about how we use this land base together. Again, it's indispensable we do that. None of us are planning to leave.

Commissioner Rose: Thank you.

Chair Candler: Amy?

Commissioner Hughes: Does it have to be an exact question or can I have a conversation?

Chair Candler: You have the floor!

Commissioner Hughes: Okay, thank you.

Mr. Honea: Whatever you wish.

Commissioner Hughes: Okay. First I'd like to have an observation of the characterization that this is about taking dikes down to let water in. I've lived on the flats ever since my mother moved me here and that's not how I see our dikes. The water normally stays within the riverbank. And so if you look at the dike picture it's when the water gets above the riverbank that you could start saying that the water's going to go into the farmland. The picture was really obvious in the 1990s when the rivers got high for the first time since really the 1950s. Everyone said, Well, that's just where the river wants to go. How we live on the flats is we don't really get excited until the river gets out of its banks and then it gets up, halfway up on the dikes, because it kind of stays where it wants to go. It's when it comes up so high, which are, you know, once every 20 years, every 40 years, every 50 years – however they want to characterize it. It's when it gets almost to the top that people start worrying that that water's going to go over the ag ground. So that needs to be really careful that people don't just assume that we're like Holland and we're keeping this water out of our flat lands.

So going onto that and reading this information, there's another thought that came to my mind. If we look 100 years from now and we didn't get it right this time and we don't have fish, if we have used bulldozers and backhoes to take all that farm ground out, what do we do with that property then? If it's not habitat, it's not farm ground – so I had this visual of – then what does a fifth generation from now do? So that's another visual.

So with that, I'll go to the question. This report – I've been around for the last 30 years of this conversation and I hear things, but I've never *seen* things. I don't really know who the players are. I don't know what's the conversation. I just hear bits here and there. And so I think that's normal Skagit County. So this report was very eye-opening to me and I read it word for word and thought about it and I could see progress in the last 30 years for the first time. But when I got back to pages 13 and 14 my antenna went up again. And it says that the projects to be done have been called green projects and that there's a framework for it. How is that going? How is the monitoring going? Where is the status of – because I think that's where we're at right now.

Mr. Honea: We are, yeah. That's a very – I mean, a very pressing and timely question and there's quite a bit going on around it. First of all I would say I'm not the expert. You know, one of the big

pieces in all of this – your question is, How's it going? First of all, as a commercial fisherman I look how many salmon are coming back, and it's gone down a lot. So that's the first thing we have to look at: actual salmon. That's the task. All the rest of it is a pathway to it. So it's successful if we have more salmon coming back. So note that.

Another significant piece of this is, How's it going? It depends on who you ask. If you ask someone that is the proponent of a project, they're going to – chances are they're going to tell you that that project is a success and it's helping a lot. So who is a credible source of information? Who should you trust? Whose facts should you believe? It's kind of a larger problem in society, I suppose you might say at this point in time. And, you know, we've really wrestled with that, because county governments – our role, you know, under the Growth Management Act, under our Comprehensive Plan, it's not to be the advocate for one thing. It's to balance all of these things successfully on the land base. By that I mean natural resources industries and the fisheries. And what we've come to is we need to make sure that we're dealing with the democratically elected governments who are obtaining their funding and obtained their source of authority, political and otherwise, from the people of this valley. And so with respect to your question, who we look to is the consortium most of all, and the dike partnership, particularly with respect to flood control matters. Daryl Hamburg is the dike partnership, Jenna Friebel's the executive director. You know all these folks, but for everyone else, it's John Wolden, your neighbor is the chairman of the consortium. There's quite a few other folks you'd know on the board. Steve Sakuma – you know all these folks. And so Jenna has been deeply involved in this question of how it's going and what the status of it is, and so I would defer to her as the subject matter expert on the questions you just posed.

Now on a high level – first of all, with the Estuary – the ERSA – I'm not going to say the whole thing again. This is not a bible. This is not a sacred text. It's an example of how this needs to proceed to get these habitat projects done. How it's going is just 2700 acres is the target. The timeline was – I think it's a 50-year project essentially, but over a thousand acres have been completed. Now there're some caveats to the diking and drainage districts' agreement to this and, you know, one of them generally is that – well, first of all, mitigation doesn't count toward TFI credits. That's another problem in all of this. So getting us to the goal – offsite mitigation per the terms of that agreement – doesn't count. So that's, you know, problematic, and certainly weighs on the thinking around to this. Some of the projects are planned, as you can see from looking at the prioritized map in the ERSA document. Some of those projects are on private land and some of them are on public land. And so Wiley Slough is an example of one that's on public land. And, you know, those projects haven't been completed. So Milltown, for example – and again, I'm not the expert, but what I understand has occurred is the outer dike has been breached so the water can flow around in there in high water. But a little bit of water wetting the mud on a high water event is not salmon habitat. You're probably hurting them more. You're stranding them and they're dying. Salmon need actual water – channels, the mixing bowl of the fresh and saltwater. And so simply moving back a levee – you know, I could think of some projects. I won't name names so I don't offend anybody, but simply moving back a levee and letting the tide roll in and out over the mud is not really high value fish projects. Right? You probably know some projects like that near you. You know, so they really need to be very high value and be engineered that way.

With respect to your – I don't know if it's part of the question, is, you know, what about if we make these habitat areas? You know, what's going to happen with them in 50 years if there's no salmon? There's a concern that that's their trajectory. Certainly the current trajectory is towards extinction. We can't go there. Extinction's not an option, you know. Until somebody way above our pay grade modifies the basic treaty relationship with the tribes, you know. Personally, I don't know that that would be fair. They gave up the land base on the condition there would be salmon around. But until somebody modifies that we are obligated – our land base is being held

responsible for the existence of anadromous species, so it's just not an option. It's a concern. Climate change, warming ocean, acidification. People in that industry, including some of my family, are concerned as well whether that's going to be around in 50 years. But the – you know, I mean, one could argue from an environmental perspective that any effort to set back levees is good. It provides more room for the river to roam for deposition, for natural functions, for things other than salmon. But that can't be the main reason because, again, we're being held responsible at the very highest level: at the level of a treaty – right? – that predates the state of Washington for salmon's existence.

So I don't have an answer for that, I guess is what I'm saying.

Commissioner Hughes: But there is a plan?

Mr. Honea: There is a plan. There is a plan and we're well on the way and I think what we have seen through experience is that outside mitigation money is disruptive to this plan. I mean, I don't think it's unfair to say that the challenges with the TFI agreement last year – shortly thereafter some legislation that seemed to come out of nowhere from the state – it's not unfair to say that that's very much connected to the City Light relicensing. At least there's a lot of commonality between the actors responsible for it.

Commissioner Hughes: Thank you.

Mr. Honea: Yeah.

Commissioner Hutchison: I believe all of my questions have been answered at this point.

Commissioner Knutzen: Almost. To clarify in my head, right now where we're at is there's emergency moratorium in place that's not part of a permanent ordinance, and this is a zoning change that will essentially make what your – similar to what your emergency moratorium is. If it's adopted like this, it will make it part of the zoning current. The new zoning ordinance. Eventually?

Mr. Honea: Yes. It'll be part of 14.16.400, which is Ag-NRL Zoning.

Commissioner Knutzen: When I read the changes, the way I understand it it's got a pretty narrow scope. They'll only concern mitigation projects that, a, are outside Skagit County or, b, are not on Ag-NRL-zoned land.

Mr. Honea: It's mitigation, projects that are mitigating for impacts outside of farmlands, so it's doing big projects with excavators and bulldozers on farmland to mitigate for environmental impacts elsewhere off farmland or outside the county or what have you. So impacts in King County, no mitigation on our farmland. Impacts seven years –

Commissioner Knutzen: If you are trying to mitigate a project in Skagit County that's on ag land, this zoning change will not affect that?

Mr. Honea: Does not apply.

Commissioner Knutzen: That's the way I read it. I wanted you to say that, not me. So that's correct?

Mr. Honea: Yeah.

Commissioner Knutzen: One other thing. When you read through this, it says nothing about Seattle City Light mitigation licensing for the dams, but there's been questions here concerning that. And this question, I don't know if it's for you or someone else. When we're discussing this and deliberating this and making the recommendations, how much should we consider what Seattle City Light can do to mitigate their projects? That doesn't – to me that doesn't really have anything to do with what we're addressing here.

Mr. Honea: That's right. It doesn't.

Commissioner Knutzen: So even though they can do the fish ladders and all that stuff, to me that doesn't enter the equation.

Mr. Honea: That's not our business.

Commissioner Knutzen: Is that what your take would be?

Mr. Honea: Yeah, absolutely right. I think the way to think about this is, you know – so Seattle City Light is effectively an example of the problem that's currently occurring and it's on the tip of everybody's tongues and everybody's mind, but it's much broader than this. I mean, obviously it dates back to – at least to 2009 with our mitigation banking prohibition. You know, like I said at the time we wondered if limiting this to third party environmental credit sales – the prohibition. When you're banning mitigation banking that's what you're banning. Third party environmental credit sales. Was this wide enough? Was this broad enough? Did we cast a broad enough net? And I think what the Seattle City Light situation represents in a context of the permanent ordinance is a useful example of what can happen. But this is not – it's not about them.

Commissioner Knutzen: Right. That was my take on it.

Mr. Honea: Yeah.

Commissioner Knutzen: Yeah. Okay, thank you. I'm done.

Chair Candler: Okay! Before I comment, I would just like to get a sense of whether we need another round. Do we have more questions down there?

Several Commissioners: I'm good.

Chair Candler: Just thank you for the wealth of knowledge and the historical perspective that you brought. I really appreciate that and I *really* appreciate your focus on mitigation that actually affects the stated purpose. And a couple of people have talked about that. I don't know if I agree with the most recent discussion that it doesn't matter what the mitigation options are, but I don't know enough about it to agree or disagree. But I did have a question about that, because in your presentation you said that Seattle City Light has other mitigation options – onsite mitigation. And then when you were speaking with Commissioner Rose you mentioned a public lands project on the South Fork, fish passage, trucks conveyances, and then you mentioned Ross Lake, especially regarding sockeye. But when you were talking about it in your presentation, are those the things that you meant or were you thinking of something different for onsite mitigation?

Mr. Honea: Well, again, it's not really our business, you know? There's all sorts of things Seattle City Light can do. What we're saying is this is the one thing you can't do. That's what this discussion's about. That's what this ordinance is about. I mean, there's a laundry list of things that can be done. There's stuff not on ag land. There's all sorts of not-ag land in Skagit County that they could do projects, construct things. It's outside the scope of my – anybody in County government's expertise to get into that. So what we're focusing on is, you know – and again Seattle City Light's a useful example, but the point here is on our farmland with these big projects – and this is the core of this ordinance: On our farmland with these big projects, this is such a fraught situation culturally – the importance of these projects; the impacts if you mess them up; the importance of them actually working that we need to have local control over this and it needs to be done in a sober, orderly, and rational fashion. And, you know, there's significant evidence that that hasn't always been happening when you have kind of outside money and actors outside of this fold, and that's what we're banning.

Chair Candler: Well, I understand that.

Mr. Honea: So we're not banning the projects. We're banning a certain way of doing them.

Chair Candler: I understand that, but my concern, of course, is that I don't know everything about it. I don't know very much about it and I really appreciate the education that you've given me tonight. I know a lot more about it. But obviously this has to – any mitigation has to affect specifically the fish – right?

Mr. Honea: Well, no. That's the issue. That's the issue is, you know, sort of offsite compensatory mitigation activities frequently are sort of just about whatever the proponent says they're about. And so certainly they have to get – you know, if you want credibility with a certifying entity and so forth. So the purpose of mitigation is to brag about it. It's of no use to anyone if you're not bragging about it. Again, the problem with that is it ends up frequently just being a bunch of words and we need it to be actions on the ground that have outcomes.

Chair Candler: I absolutely get that. I guess I've been sitting here debating whether or not to say things out loud that maybe shouldn't be said out loud. But, you know, I read an article about this. I knew this was going to come in front of us in some form – I didn't know what form – when I read the article that probably everyone read that said a new study has come out and Seattle City Light's dam affects fish. As though we didn't know that until recently! And that's all well and good and yes, we need to mitigate and of course we need to protect farmland and of course we need to protect fish. But what I don't want to see is making City Light – as I sit under these bright lights in this warm room being broadcast to people who can sit and watch from the convenience of their homes, I don't want to make Seattle City Light the bad guy obviously, and I don't think anyone is doing that. But if they don't have reasonable mitigation options – and again, it probably doesn't even matter because, you know, the farmland is the farmland and needs to be protected. But I can't help but kind of want some information about what the mitigation options are. That's all I'm saying.

Mr. Honea: Yeah, I mean, you could spend a whole career and not get to the bottom of that. There's people doing exactly that actually. You know, it's – again, it's just simply beyond the purview of county government to – and it's not – it's wholly outside the scope of our authority that we could look at that question and answer it. That's what the federal government's there for and the various agencies and, you know, folks that are career biologists that do nothing but work on hydropower licensing, and they're struggling with this. So it really comes down to if the federal government in its wisdom says that these dams are having a significant impact on the delta and

the fisheries resource, then this ordinance doesn't mean anything, right? That's not offsite. And so if that's the case, then they should be able to mitigate. But that's not been shown. In fact, the evidence suggests otherwise. One can surmise it has more to do with money.

By the way, you know, in terms of Seattle City Light and the electricity, I think that raises a really good point. Our power comes from Puget Sound Energy. Puget Sound Energy – just to put this into some form of context for you, if you break it down by spending per megawatt of production potential, which is how you sort of assess. You compare apples to apples in the hydropower world of who's doing how much for the fisheries, and who's doing stuff and who isn't and at what level. You know, it's kind of a rough and ready calculation: big dam, big obligation; small dam, little obligation doesn't necessarily equate to their impact, but it's a pretty good rule of thumb in looking at it. So all of us are paying for the Baker River Fish Passage at the Baker River facility that PSE operates. Their investment – my understanding (is) just over a hundred million dollars for the fish passage facility – 2007 dollars. Based on the production, I think it's 59 times more than Seattle City Lights contribute. Now all of us are chipping in for this. You don't even know you are. It's a couple dollars a month for the average power customer. Nobody's asking Seattle City Light at a conceptual level or any other level to do anything more than just kind of regional equity. Nobody's saying, Let's skin Seattle because they're wealthy. That's not happening. We're just asking for something approaching what everybody else has done in the Pacific Northwest to help salmon. And I think when you compare that against – you know, we're going way off course from the ordinance here again – but when you compare that to how Seattle presents itself – I'll put it that way – in the larger society, there's kind of a disconnect. So nobody's vilifying them but I think folks are certainly asking them to do their fair share.

Chair Candler: We have another question.

Commissioner Mitchell: So we've been through a lot. You've answered a lot of questions. Thank you very much. Like you said, we could spend our whole careers learning more. Not just for us, we have the benefit of having these documents, but the people that are at home don't. Would you do us all a favor and just distill exactly what we see here, what's being asked for, because it's a really small passage? That would be lovely.

Mr. Honea: You mean what's happening with this ordinance?

Commissioner Mitchell: Bingo. Just precisely what's being asked for.

Mr. Honea: A slight modification to an existing ordinance that prohibits mitigation through sales of environmental credits from large projects. To expand that prohibition – boy, I'm not doing a very good job of summarizing this. It is complicated, but, you know, it's expanding it to any actor, not just those selling those credits. And again, this is not an anti-habitat effort. We are fully supportive of the 2005 Chinook Recovery Plan that the Swinomish Tribe developed. We're fully supportive of the districts and their agreement to accomplish that. It just needs to be done locally with state and federal money and we can't have this force of outside money creating bad outcomes.

Commissioner Mitchell: Yeah, so in other words, what we're asking with this ordinance is to not allow mitigation to be taking farmland.

Mr. Honea: That's right.

Commissioner Mitchell: The first piece. The second piece is to have the definition fixed for the ordinance.

Mr. Honea: Right. It's – yeah, this ordinance continues the County's policy of fully supporting recovery actions on the Skagit delta consistent with the 2005 Chinook Recovery Plan. What it prohibits is offsite actors using farmlands as penance for their environmental impacts elsewhere. Mitigation.

Commissioner Mitchell: Thank you.

Mr. D'Avignon: And Commissioner Mitchell, I would just note for the public that the staff report and its attachments are available on the website, so if anybody wants to read through these thrilling documents they can at their own leisure.

Commissioner Mitchell: And we'd encourage them to! Thank you.

Mr. D'Avignon: We would, actually.

Mr. Honea: And the emergency ordinance was also written to tell the story. The Estuary Restoration Strategic Assessment: Again, it's not the bible, but it is a good example. It's an example of how this needs to work and I encourage folks that want to learn more to read both of those things.

Chair Candler: Is there anything else from the Department on this issue?

(silence)

Chair Candler: Are there any other questions or comments from the Planning Commission on this issue?

(silence)

Chair Candler: And I'm sure that we'll be revisiting this. Are we having more work sessions on this, or is this moving along to –

Ms. Rogers: As of right now we are not scheduled to have another work session on this. We're scheduled to go right to a public hearing and then we'll have deliberations where you can ask more questions of staff if you would like. So if that schedule is still agreeable with you we'll move forward with that.

Chair Candler: Okay.

Commissioner Rose: I'd like to thank – add the thank-you to the explanations – all that information.

Chair Candler: Very helpful. Thank you. Okay, with that I guess we'll close that topic for tonight and move on to topic number 5 on our agenda, which is the Agritourism Survey Review. The Department's going to talk to us about the study.

Sarah Ruether: All right, good evening. Sarah Ruether, long range planning manager. On a much simpler topic, Agritourism Survey. This is a quick one. Hopefully everyone received the email with

a copy of it. There's also copies up there that Jenn can give it to you if you want to. So I'm going to do just a brief overview of where we're at and hopefully get any comments or suggestions.

So we are developing the survey currently, so that's the discovery process right now. We're going to develop the survey and we hope to get it out – it depends on the feedback – probably, you know, late September, October sometime – depends how – we want to make sure what to incorporate whatever comments we get on the draft. And then the idea is to have a public forum, like a big townhall. We'll have that in November and then have some smaller, local meetings that are easier for people in different regions to go to, which will lead to the policy concept and then to the code and Comp Plan changes. So that's just an overview of where we're going.

And Jenn designed this beautiful postcard which will be sent to 17,000 residents. Here's the next map. It's a little hard – the colors – but the brown coloring is where the postcard is going. So if you'll notice, it doesn't go to any incorporated cities and, you know, anything that is not occupied. But this is going to everyone. They took out any duplicate, you know, addresses or multiple property owners and that was what we came up with. The idea is this is a broad brush. This is going to reach everyone.

So the purpose of this is expanded public outreach. We want to make sure that everyone's given the opportunity. You know, they may not take it but it's a broad brush. Everyone has the opportunity to take it if they want. And the sections on the survey are about you – a little bit of information about you, agritourism goals, agritourism options. And it includes some open-ended questions. I know that a lot of people don't like being put in a box with surveys and we're trying to make sure by – we're taking it to lots of different groups right now that it hopefully can give you an option wherever you are on the range that you feel like your views are heard. So we also included some open-ended questions for those who feel like they don't fit in the box. Then just give us your answers as long as they may be. And that's it. And if you don't have questions, if you don't have comments now, you can always email me, you know. We're not – this isn't going forward right away. The idea was that we want to make sure that everybody gets a chance to weigh in. It's going to go to the Ag Board tomorrow night. Well, actually the Ag Board's already received it but we'll have the meeting with the Ag Board tomorrow night. We've emailed to some different community groups – Skagitonians for Farmland and EDASC, the Economic Development. So we're trying to get a wide range of people to look at it and feel like they got a chance to have their say in the development of it.

Do you guys have any questions, comments?

Chair Candler: Shall we start at the same place?

Commissioner Woodmansee: I don't have any questions.

Commissioner Mitchell: This survey, it looks pretty good so far. It's pretty similar to the other but that was really nice of you guys to do the open-ended questions for people because that was a big deal before.

Ms. Ruether: Okay.

Commissioner Mitchell: Thank you.

Commissioner Rose: I have no questions.

Chair Candler: Commissioner Hughes?

Commissioner Hughes: My question's more the why. Why are we doing this again when we did questions a year ago or whenever it was?

Ms. Ruether: I think – you know, I wasn't here so I'll try to speak to it from what I've got, is that a lot of people didn't feel like they were able to participate so that's why the 17,000 – the broad, broad brush is that. You know, it was a smaller survey, more targeted. And there was discussions like should we try to make it statistically significant, but to do that you have to do those random phone surveys and then you have to – it wouldn't be as in-depth. So the idea of this is that everybody gets a chance to participate. We don't want to make anybody feel like they didn't get a seat at the table, you know. That said, who's going to come to the table, you know? There's only so much control you have over that. But we want to make sure that all of you get to participate and that is the purpose.

Commissioner Hughes: Okay. So once we get this information back, will it be used to just educate us more or will it be used to set policy? How will this information be used?

Ms. Ruether: Yeah, hopefully all of the above, you know. Surveys are hard. We'll have to see what we get, but, you know, it is – you know, the development of the policy and policy options for agritourism going forward is the ultimate outcome. So this is to try to broaden the outreach so that people can participate. We'll also – on that postcard we'll have a link to the website that also gives you the meetings that we're going to have. You know how I talked about the meetings we're going to have in November and October, so it's a way to make sure everybody can come to the table and inform the policy decisions when they are made, which will be further on down the road.

Commissioner Hughes: Well, and I support the concept of *everyone* because that's how our democracy works.

Ms. Ruether: Right.

Commissioner Hughes: Please come and share. I guess as far as setting policy, my question then would be, Does it turn into a popularity contest type thing, or does it look at it and balance? Will there be discussion?

Ms. Ruether: Yeah. I mean, that's the hard part, right? You're threading the needle of – you know, you can't – not everybody's going to get their – you know. You're refining a way to – you know, agritourism's already happening. So some of it's already happening, so are there places where we need to maybe tighten the rules? Are there places where we need – agritourism has become something else and we need to develop new rules? You know, this is – if you read the survey, it's targeted towards farmers because they're the ones that get a lot of these kind of negative impacts from it and they're the ones who are doing the agritourism. So it is targeted that way. But, you know, the idea is it's a collaborative approach to saying we all want to have fair rules. We all want to be playing a fair game. And, you know, from what I've heard there are some people who do go get their permits and some that don't, or maybe the rules aren't clear. But, you know, it's like when you're playing – I play games with my kids and everybody knows the rules and we're all playing fairly, and in this case we're developing the rules together in a fair way. And, you know, some people aren't – you can't always – you're not going to please everybody. That's just the way it is, but we're trying to make a fair process. Does that make sense?

Commissioner Hughes: Well, and so to sum it up, we're trying to get a pulse of the county residents that aren't in incorporated cities and what they feel about this.

Ms. Ruether: Yeah, and we're trying to get a sense too – there might be regional differences and, you know, like, if there's regional differences can we incorporate that? I mean, we really do want this to inform us going forward and to inform the conversation. You know, when you have a conversation, if you can look at, like, where are your commonalities when you have someone that you disagree with. But you might have some areas where you have win-win. And we're hoping this will help inform those community discussions going forward for us to be able to find those kind of win-wins, and agreement.

Commissioner Hughes: Okay, thank you.

Chair Candler: Okay. Commissioner Mitchell.

Ms. Ruether: Thank you guys –

Chair Candler: I'm just going to finish the round.

Ms. Ruether: Oh, okay.

Chair Candler: Any questions?

Commissioner Knutzen: You mentioned 17,000 surveys. How do you do that? You're sending them out? Or I didn't catch what you're going to do.

Ms. Ruether: Well, we sent to 17,000 people. They'll get the postcard and then the postcard goes to our website where you can either take it on our website or we'll have it in paper here. You know, how many of those people actually take the survey and take the time to do it is another question.

Commissioner Knutzen: So you're *gonna* send out?

Ms. Ruether: Yeah.

Commissioner Knutzen: And how do you pick those? You told me probably but I didn't catch it.

Ms. Ruether: It's a map. The map is all areas that are not incorporated.

Commissioner Knutzen: Okay.

Ms. Ruether: So if you don't live in a city in Skagit County you should get one. Let me know if you don't when we send them out.

Commissioner Knutzen: Okay. I remember reading about open houses and dates and locations, but I looked today and I couldn't find that. Are there going to be any open houses?

Ms. Ruether: Yes. We haven't scheduled them yet so –

Commissioner Knutzen: Oh, okay. So they'll be coming up.

Ms. Ruether: There's too big a picture to mail those whole things out yet.

Commissioner Knutzen: Okay. Timeline on those? Do you have a timeline yet?

Ms. Ruether: Yeah, we're thinking, like, November. We've heard that November through – you know, that winter is the best time to get farmers because they're not as busy.

Commissioner Knutzen: Okay.

Ms. Ruether: So we're thinking it's winter, probably November.

Commissioner Knutzen: November on.

Ms. Ruether: Yeah, I don't know. December gets kind of crazy with the holidays, so I don't know.

Commissioner Knutzen: Okay. Okay, that's all. Thank you.

Chair Candler: You make a good point, though. If when you send those postcards out and people go looking, it would be good to coordinate that, I guess – to have that ____ there when they go out.

Ms. Ruether: Yeah, we're hoping, you know, by the time we get that far along – because at this point I want to get – I do want to give people a chance to weigh in. I don't want to, like – it's not an exercise just to make me feel better. Really. If somebody doesn't feel like they are being represented I want to incorporate their, you know, comments in. So we're giving ourselves a couple weeks to get all this feedback. We'll have another survey and if it's drastically different we'll bring it back to you. And so we've got some time to rework the survey and nail down the dates.

Chair Candler: I don't have anything else. Anybody over here? We're good? Okay, thank you very much.

Ms. Ruether: Yep. Thank you.

Chair Candler: Anything else on agritourism from the Department?

Mr. Hart: Not at this time.

Chair Candler: Okay, then we'll move on to agenda item number 6, the Director's Update.

Mr. Hart: Great. I think Jenn is going to help on this one. Okay, I think we're ready. So thank you, Commissioners. Hal Hart, Planning and Development Services. A couple of administrative updates. The first one is the BOCC. The Board of County Commissioners have reappointed Tammy and reappointed Kathy Mitchell for an additional four-year term. So congratulations to them. We are pumped that we have you and your experience here as we go into the Comprehensive Plan effort. So we'll need all those years of experience and guidance from the Planning Commission.

Chair Candler: Thank you.

Mr. Hart: We're planning a joint session with the Board on October 11th, so I'll let Jenn talk about that for a second.

Ms. Rogers: Sure. So the Board had indicated that they wished to do another joint session with the Planning Commission this summer. So October 11th looks like a good day to do it and it works with their schedule, so that day what we'll do is we'll have the joint session first and then you'll move into deliberations on the Farmland Ordinance after the joint session ends. Most of you were here for the last joint session that you had. We're hoping to have some more specific topics for you to discuss at that time and I'll have more specifics on that at the next meeting on September 27th. Are there any questions about that, or is there anything you want me to bring to them specifically?

Commissioner Knutzen: Would it be an evening meeting?

Ms. Rogers: It will be the same time.

Commissioner Knutzen: With our normal meeting?

Ms. Rogers: Yes. The same time – October 11th at 6.

Commissioner Knutzen: Okay. Thank you.

Mr. Hart: I believe one County Commissioner has a Hospital Board meeting.

Ms. Rogers: It's on Zoom so he'll go – he'll be in his office and he'll come ____.

Mr. Hart: Perfect. Okay, let's move on, if that's okay. Just to give you a quick overview: The Commissioners have been asking for kind of a new guidance system on a weekly basis. And so what you see up there is the current state. We have – all year long we're chugging through permits and reviewing permits, so up on the left we have 58 single-family home permits already issued. We have new single-family home permits approved but we're waiting on payment. There were 14. New single-family home permits in our queue – there're another 64. And that's a total of 136. Down below to the right side of the screen you'll see kind of the blue color – I think, we need to pull that out a little better. But the ADUs – approximately 21% of all those housing units now are ADUs. So that additional dwelling on your property. We don't have but I can get that. I'm working with our statistician here, and we can get what the average of those square footages are – right? – and that would be kind of cool to see what is actually going on.

And so look at the big, new single-family home permits year-to-date graph going across, we are just right on the money from where we were last year. But a couple of things about that: The first one is we received most of last year's permits in the first month or two. It just really blew our system up because everybody was trying to beat last year's energy code changes because it would save you money if you beat that. So everybody went into the Department and just nailed us that way, but this year it's more spread out. And so our permit turnaround times are much better as a result of that, plus we have more staff than we did. The previous year was also the time that all around the state staffs were saying, Hey, I'm retiring. I'm a baby boomer. I am out of here. And they call it "the Great Retirement," or something like that, or "Bug-Out" or something. But it was kind of both of those and we felt it and we're still feeling it. We still don't have a plans examiner. So one of my constraints right now for our County: We've been looking for a plans examiner for nine months going on, and everybody's stealing a plans examiner from somebody else. So recently a local city, which shall remain unnamed, got a plans examiner from another larger city to the north, in the county north, and now they're out hunting for one, and they're sending – they're direct sending some of our staff. You know, trying to – everybody's stealing from everybody and it's causing a bit of a labor issue. But the main thing is we have two right now.

We're chugging through. What isn't on this that I need to add to this as well is those commercial permits. When we took the tour to the airport, we have a lot of commercial permits. And if you really look at the commercial permits the dollar value for the commercial permits is at least as large if not larger than the total dollar value you're seeing in front of here. So if you look at each one of these, well, the average is between 600 to, you know, it's 7 or 800,000 of each one of these. You're seeing some really significant investment in the unincorporated county. And it could be significantly greater than that, too, based on what we're hearing out there.

So let's go to the next slide. So there you go. If you have – that's an idea. We're trying to make it more useful to both the Commissioners, commissions, anybody that's looking on the website in the future. And you can come in and take a look. We'd like to also show it geographically where it's occurring and we will do that. It just takes a little bit of time.

Okay, we're on to the next slide, so Growth. Right after we met at the Port we had two more applications come in for aircraft hangars, but not on the line side where we were standing but over by the Flight Museum. And so there's going to be a whole series of hangars on that side as well – new ones – coming in. So just an FYI. New investments are coming in and they are targeting aviation on the other side of the airport from where we were. So it's occurring in both locations.

Let's go to the next slide. This is Stephens Creek Apartments by Sage Homes. Sage Homes, I was studying them again today to see – they're out of Everett right now and they are investing about 400 million to the north of Everett. So they are – you know, so concurrently investing in Ferndale and in Burlington and several other locations as well. So it's interesting, you know, where the housing goes. This isn't subsidized housing. This is housing that last time I talked to them it's going to be about 2,000 a month for a rental here on something like that. And so I will reach out to them and see how it's going. Right now they are – you can't see it in this slide but they are putting in infrastructure and there's a big pile of pipes in the distance there. So that's about where they are. They've cleared the property and then you can see it from the freeway now.

Okay, let's go to the next slide. This is interesting. Today we took our first tour, Sarah and I. We focused on Anacortes to see what's going on over there. Big things are going on in Anacortes. This is just five units of infill housing. It's interesting. It's three stories. That seems to be – we see a lot of that. Think of – okay, why does the County care? Well, first of all, we care because housing is a regional problem. Second of all, we care because even while we were talking to a developer over there the developer/realtor came over and says, Yeah, we'd like to have 175 more acres of the county for our UGA coming up. So, you know, that's the way that it goes, right? They're always looking for more to bring into their community and to build houses.

Anacortes is looking at densities here, so let's look at a few more densities. This is the Housing Authority. There's two rows on the project. You're seeing the front row is blue and the one behind it's kind of a yellow. Is that what the – yeah, I think there must be another slide. Nope, we didn't put it in. But this is the Housing Authority project so, again, they're kind of on the same page doing the density. The kinds of things they're looking for in Anacortes is the walk score, so you'll see that they've making sure they've got sidewalks and that you can make a walk to a grocery store, a school, or something within 5 to 10 minutes. That's kind of their goal.

Let's go to the next one. Okay, this is the apartments. This was super controversial, I think. At one point it was bigger. People didn't want to feel like they were in a fishbowl. But this is – all over the state we are seeing these kinds of new investments of going up. This is adjacent to the Starbucks there. So if you were to go there, see the Starbucks, there were lots of people out on the street. There were people walking in front of this when we went through today – people in

wheelchairs. There's a lot more activity now. So that's something Cities are going to have to cope with. And the first thing I was concerned about was that there *aren't* sidewalks everywhere. So the wheelchair individual was right in the middle of the street. So overall Cities have a lot to do when they're making it dense. They have to really plan where you're going to walk to and how safe is it going to be.

Let's go to the next slide. So this is the one we went to look at. This is Elevation 31. The developer here is looking at – I think he has 12 units on this one. These are three stories. They aren't exactly – they're not as – they don't have all the things that you would get in a townhouse development maybe in Seattle, Bothell area these days. But I'll tell you the price on this is in the 600s and they are getting families moving in. We saw kids, toys and stuff all over the place. In one location we had people just moving in. He told us a little bit about the people moving in. I think one was kind of an older individual that had just moved in, so that's kind of a scaling down. The other, like I said, was a family. This is pretty tight quarters but it's kind of what you're getting. Let's see if there's another picture. I don't know if I did the interior.

Commissioner Rose: How many square feet?

Mr. Hart: I do have more pictures. I can send you more if you'd like. This is – the next one is also the same developer. This is Dave Irwin, Irwin Development. This is Parkside Cottage. Parkside Cottage are about 1000 square feet and these are two bedrooms. They have two different ones that are two stories each and eight units total on .46 of an acre. This will be owned, just like the last one – can we go back one more time on the last one? Yeah. It's important to note that they're utilizing for each one of these townhomes you *own* it but you *do* pay in on this – you pay into an HOA and they do maintain some of that. And he said it's going to be about 125 a month to start. So these are different models than what we've seen in Skagit County over time, but we are now starting to see this pop all over the county and cities – not in the unincorporated county. Okay, go ahead.

Ms. Rogers: Did you say how many square feet they were?

Mr. Hart: Yes, they are – I believe they're 1400 – a little over 1400 square feet for \$600,000, whereas Bothell you have 1800 square feet but guess how much the price is for the 1800 square feet down there? One million 70 thousand.

Chair Candler: Jeez!

Mr. Hart: Right? And that's in an industrial area across from Romac Industries, the one I'm thinking of. Noisy trucks coming in and out and stuff, and so – anyway...

The second one is going to be quite different. We didn't visit this one but we have – and we'll make sure you've got this. Just looking at the different ways that – there's just a lot of new housing types coming out on the market right now.

Okay. And not to – I've talked about Lindell before so I didn't put much there, but those permits are now being reviewed and I hope we get them out so they can start construction. Lindell is further ahead than Pacific Dream Seafood. I did go to the Pacific Dream Seafood to learn a little bit about the business and it's a really interesting business. They are really focused on sustainable recovery of seafood. It was a Kodiak family that were fishermen and they've started this company and they've grown the company and now it's going to add a lot of employment in Skagit County. So it's taking an Anacortes kind of base of operations and expanding it over to the airport area.

So these are always really interesting stories of successful businesses that are growing in our community.

And that's it. If you have any questions, let me know.

Commissioner Hughes: I have a question. I have a comment from a citizen that's told me this two or three times so I'm going to forward it.

Mr. Hart: Okay.

Commissioner Hughes: As we talk about housing density, she comes from the city where she's seen density to where you don't see the sun anymore and you live in the darkness. Now after a hot summer, going by some housing that doesn't have any shade and no air conditioning, maybe shade's a *good* thing. But on the other hand, there was a concern – as we talk about density – that we realized that, as you drive down a street being able to see the sky, or walk down the road being able to see the horizon sometimes maybe could be built in. So I just wanted to bring that out.

Mr. Hart: That's a great point, and first let me address the air conditioning. They actually built into the one we visited today air conditioning. I can remember when – I haven't had a house yet in my life where we had air conditioning because I'm an old northwesterner and we just say open up the windows, get the cross-breeze going. But what we see now in the terms of the market is it's pretty standard now. And so it has changed.

In terms of the view, what would you say about the view that we saw from there?

Ms. Ruether: You know, I think, you know, design's really important with these. You know, you're talking about, you know, not wanting to be dark and that's a design consideration. Like they – you know, the architect can do these amazing renderings where they can show you where the shadows are going to be at all different times of the day and, you know, it is a design consideration, right? You know, sun's a big deal here, especially in the winter when you get a very small portion of it. So I think that that's something that kind of needs to be caught at the design stage to try to, you know, incorporate that in. And it's the placement of the building and it's like how do you demodulate it? Like I personally, from a design perspective, I like it when they kind of modulate the building and have different aspects of it, and I think that could help with, you know, not doing one side gets all the darkness kind of thing.

Mr. Hart: It's a great – it's really a good, insightful question, Commissioner, and the number one consideration probably in Anchorage, Alaska, is *that*. Because you have the long winters, you have – it's a big issue. And so I did ask the developer today, Why didn't you build a rooftop? You could have easily just put a stairway going up to the roof. And he said the main reason was cost related to meeting the national building code, that they were shooting for a specific cost-per-unit and to go up and do additional work was outside of that envelope that they had planned for. But I still think it would have made a better project had they done that, where you have the rooftop gardens. And we did talk to him because I know this individual has done things in Anchorage and he knew of projects there as well as elsewhere that are doing that. So you'll see that. I think you'll see that more as competition heats up and the design – it gives you more outdoor space. He did provide outdoor space – I have a picture of it – but he doesn't have gates on it. But it's at the ground level so people have got outdoor furniture, and then they have very small balconies as well for outdoor breeze. And people are putting chairs on those as well. So they are thinking of it, but I – so my recommendation to all Cities is to think about sunlight in the code, make them – if

it's an issue they should do a sunlight analysis of some kind and show that, and then maybe find a way to encourage to build that rooftop if there's a way to do that.

Chair Candler: Any other comments?

Commissioner Mitchell: I've got a question.

Chair Candler: Anybody down here?

(silence)

Chair Candler: Okay, Commissioner Mitchell?

Commissioner Mitchell: So just a general question. You know how things cycle through with fads?

Mr. Hart: Yep.

Commissioner Mitchell: Are sidewalks coming back? I hope!

Mr. Hart: Well, in Anacortes they appear to be, so I'll just keep my comments to what I saw in Anacortes. They seem to be investing in a little bit wider sidewalks than what they had, and I know that in a lot of cities they've realized that on commercial thoroughfares having a wider sidewalk brings people out, and having a sidewalk where you have – there are things that you can do to make that experience better, but they're sometimes costly on the developer or the landowner, and it takes up more space so it's a cost. But the landscaping is a big part of making it a desirable place to walk. And then nowadays safety is bigger than ever and so lighting is a big deal.

Commissioner Mitchell: Yeah. Well, when we were in Minnesota for about 10 years – Minneapolis area and oftentimes 'burbs not too far away or cities not too far away – they still did a lot of sidewalk planning, and I realize that they had to bake in the cost for that, and they were even bigger on trails than out here for a long time. And all of that was very successful. And I remember about 20 years ago people were talking about the livable, walkable communities and those kind of things and then sidewalks disappeared. And so it seems like people still want the – if people generally keep talking about having livable, walkable communities; places for people to get exercise no matter what age you are; or get out and get around and about safely with wider sidewalks, then I would hope that that trend's running back the other way, also understanding that it's an expensive thing. Just as you look at these things in the future, if you'd kind of do like you're doing – keep us apprised of when you see the pendulum swinging. It's very fascinating.

Mr. Hart: I have two other updates that weren't there, Commissioners. One was that there's the – I read it on the back. It's the Great Corridor planning effort is going on, the 6th annual Cascadia Innovation Corridor Conference is up in Blaine. It's at the resort up there. So that's the Microsoft folks, the premier of B.C., the governor, lots and lots of corporations, and they're looking at fast rail today and tomorrow. And they're continuing to make that a high priority and they're saying – they're also looking at climate change and how to do things.

And the second update, somewhat – no, it's not really tied to it but it is Lynnwood just made a *huge* decision to put another 3,000 units in its downtown. So in 2012 they said, Okay – if you remember how Lynnwood used to be when there was still Lynnwood High School in the downtown across from the mall and stuff, they're putting 3,000 additional homes there. They've got 3600 that are almost opening now. This ties into the 3.1-billion-dollar investment from Northgate to

Lynnwood and it ties to this 5.7-billion-dollar going to Everett. So Everett's running ahead right now and that's why I say watch Everett, watch Lynnwood. And it was interesting – the debate on that was really interesting because you have lots of council going, This is crazy because you're going to have so many people in one place. So the battleground is within those cities right now as they bring in more density adjacent to rail. And so you're going to see this play out for the next six to eight years all the way up to Everett next.

And then the other thing to just keep your eye on is the amazing growth at Smokey Point right now. As you come further up, there's a lot of growth over at Smokey Point and there's a lot of new housing units coming on in that band as well.

So sorry about all the growth updates, but it is a – it's a rapid growth era right now.

Chair Candler: Anything further from the Planning Commission?

(silence)

Chair Candler: Anything further on the Department – or the Director's Update?

Mr. Hart: No.

Chair Candler: Thank you. We'll move on then to item number 7, Planning Commissioners Comments and Announcements, and let's start down here with Commissioner Woodmansee.

Commissioner Woodmansee: I just would let the Commission know that on the 27th I will be travelling out of state. I'm going to Florida. So I will not be at that meeting.

Chair Candler: That's a public hearing, but you can watch it. Okay, thank you for letting us know. Anything further?

Commissioner Woodmansee: No.

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: I've got nothing. Thank you.

Chair Candler: Commissioner Rose?

Commissioner Rose: I don't have anything.

Chair Candler: Commissioner Hughes?

Commissioner Hughes: Nothing.

Chair Candler: Commissioner Hutchison?

Commissioner Hutchison: No comments. Thank you.

Chair Candler: Commissioner Knutzen?

Commissioner Knutzen: Nope.

Chair Candler: Nothing? All right. Well, I found the evening's discussion on the Farmland Ordinance work session fascinating. I appreciate all the work from the Prosecutor's office and the Department. And with that we've reached the end of our agenda and we are adjourned (gavel).