

**Skagit County Planning Commission  
Work Session: SMP Update  
September 14, 2021**

**Planning**

**Commissioners:** Kathy Mitchell  
Mark Knutzen  
Amy Hughes  
Tim Raschko, Chair (absent)  
Joe Woodmansee  
Tammy Candler, Vice Chair/Acting Chair  
Martha Rose (absent)

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

**Others:** Dan Nickel, Consultant (The Watershed Company)

Acting Chair Tammy Candler: ...calling to order the Skagit County Planning Commission meeting of September 14<sup>th</sup>, 2021. The first thing I think we should do is call roll. Our Chair is not present. Present, Vice Chair Tammy Candler. We have member Vincent Henley present. My understanding is he's between appointments waiting reappointment and is present as a member of the public, and from here out – and we have a vacant seat where Joseph Shea was. And I will call roll starting with Commissioner Hughes.

Commissioner Amy Hughes: Here.

Chair Candler: And Commissioner Knutzen?

Commissioner Mark Knutzen: I'm here.

Chair Candler: And Commissioner Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Candler: Commissioner Rose, I did not see.

(silence)

Chair Candler: Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Candler: Do we have a motion to approve our minutes?

Commissioner Knutzen: So moved.

Chair Candler: I heard Commissioner Knutzen move, and is there a second?

Commissioner Mitchell: Second. Mitchell.

Chair Candler: Commissioner Mitchell has seconded. It's been moved and seconded to approve our minutes. All in favor, say aye. And I'll wait a moment for a couple people to unmute. Looks good, so all in favor, say "aye."

Multiple Commissioners: Aye.

Chair Candler: Opposed, say "nay."

(silence)

Chair Candler: Hearing none, that motion will pass. Moving on in our agenda to the Public Remarks, which is the third agenda item. And this time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing that same day or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for any developmental regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total. And I don't see any hands raised on the Zoom for Public Remarks. I will defer to the Department, Peter Gill, if you have any knowledge of anybody who wants to speak.

Peter Gill: We did not receive any emails requesting participation tonight.

Chair Candler: Okay, so having given that opportunity, and I'm not seeing anybody waving their hands virtually, I will move on to the next agenda item. Item number 4 on the agenda is the Shoreline Master Program Update Work Session, and I see we have Betsy Stevenson here, as well as Dan Nickel. I don't know who's taking over but we'll start with that.

Mr. Gill: Thank you, Chair. This is Peter Gill. I'll just open this up a little bit here tonight. We're here tonight to talk about the Shoreline Master Program comments. These were originally provided to the Planning Commission in June, June 24<sup>th</sup>. These – we received 87 comments through June 7<sup>th</sup>. There's a significant number of comments with significant amount of complexity. It's over 366 pages of comments. Those were discussed in June and in July we provided a summary of those comments in the form of a comment response matrix. We talked about that in July and August. We also included the detailed table provided by Kyle Loring to the Planning Commission, and based on the public comment response matrix as well as the Kyle Loring table, we provided Department-recommended changes in response to those public comments. Last week we provided to the Planning Commission an updated comment response matrix and an updated table from Kyle Loring that included recommended changes as well as *not* recommended changes. And what we've been doing through the last four meetings during the discussion on the comments is to try to gauge the Planning Commission's feelings or thoughts on the recommended changes. And we've been keeping track of those in order to help populate the draft recorded motion that will be available or provided to you in future meetings. And so we'd like to continue with that in that vein tonight in that we would like to use your feedback tonight to help draft a recorded motion. So if there's an issue with the items that Dan and Betsy provided tonight or if there's other items that you'd like to discuss we'd love to hear about it so we can make sure we get that in a recorded motion – at least a draft for you and into the future.

So with that, I would say Betsy Stevenson with the Natural Resources team from Skagit County PDS is here, as well as Dan Nicholson (sic) from the Watershed Company. And with that, I would turn it over to them. It looks like Betsy has her hand up.

Betsy Stevenson: Yeah, I just wanted to make one clarification. The comment period actually ended on June 22<sup>nd</sup> because we extended it.

Mr. Gill: That's right. That's right. Thank you.

Ms. Stevenson: Mm-hmm. And otherwise, good evening. It's nice to see you all and thank you for showing up again. And then I'll turn it over to Dan Nickel.

Dan Nickel: Great. Well, thanks, Betsy. It is good to see everybody again, and (I'm) happy to be here and happy to be at this point. It's a lot of material. I realize that. You guys have had quite a few comments that you've had a chance to go through since June, and the materials that we've provided recently here is a lot of material to go through and we realize that. It's taken quite a considerable amount of time for us and staff to get through it and I appreciate the – you know, the time that we've been able to take. But I also appreciate the time it's going to take you all to do a review.

So the majority of the time for tonight is to really to answer questions, to provide some feedback, clarifications – anything – in topics that you have on your minds as you have read through the comments and read through the responses from the Department. We are here to answer your questions and provide details. So I'm not going to spend time here going through all of these points because we do want to just get right to some discussion. I would like to point out a few things, though. I mean, so we have, as you've seen already and as Peter has spelled out, we've got two documents that respond to comments. One is what we're calling the Public Comment Matrix. You've seen that layout before. This summarizes the responses to – it categorizes responses to a variety of different issues. And you had a document before that gave some recommended changes from the Department and many of the other areas were left blank because we were formulating our responses. So those have now been filled in. I would like to draw your attention to specifically one item just because it does represent a change in the way the Department has responded. And so I'm going to go ahead and share my screen just so we can look at it really quickly, and then I'll move on. Just bear with me for a second.

So this is the Public Comment Matrix that you should all have a copy of. I'll try to blow it up here a little bit. On page 13 we did have – there're some sidebar comments in here that you will see. That's why the document looks like it does. But on page 13 we have a sidebar comment here because this is an area where we had – in the previous document that you had seen, we had recommended a change in response to this comment. And essentially through some discussions with staff and our consulting team it really comes down to a change not being recommended here. And this is in relationship to the flood hazard reduction, that it – the comment here is clarification that flood hazard reduction measures should include marine shorelines. And most of the WAC and the RCW really speaks to – when it comes to flood hazard reductions, it speaks to streams and river systems, and the concern here is that marine shorelines were really not called out. And further review of this section in which we talk about flood hazard reduction measures it is the Department's feelings that, you know, marine shorelines are included here. And so it changed the way that this response came around, so a change is *not* being recommended. So I just wanted to call your attention to that change. Everything else in the document where we have "a change is not recommended" or "change is recommended" are items that you have not seen yet before. So I wanted to draw your attention to that.

And then as we went through this before, you know, these are categorized into a number of different areas. You know, I think there's 16 different numbered categories, the last one being an "other" category that things that didn't fit into some other category are put into. And then we also have the – what we're calling the "Kyle Loring Table," and it's his appendix document. It's a table of a number of issues, and that is a separate document that has – I think that's about 88 pages long of specific comments that they had and our responses to that. So, you know, again I'm not going to spend time going through each of these items. We really want to hear from you all and really try to dive into – to answer questions and clarify items. So I will actually turn it back to you to help go through this and answer questions, if that's okay.

Chair Candler: Okay. So my request is going to be – my thinking on it is that for the Commissioners to be able to comment on this my preference would be that any Commissioner who has a comment would state maybe what page their comment is on and someone, whether it be Dan or someone, can screen-share so that it's all – so that it's up on the screen as we're discussing it. That would be my preference. If the person who wants to comment, whichever Commissioner that is, would state the page number and then pause a minute so that that can be displayed.

And with that request, I will turn it over to any Planning Commissioner who has something that they want to address. Why don't we do that by raising hands and then we'll call on everybody? Everybody'll have an opportunity.

Mr. Gill: Commissioner Hughes has her hand up.

Chair Candler: Commissioner Hughes has the floor.

Commissioner Hughes: Would it be possible to go through this kind of one page at a time rather than us flipping back and forth? I'm kind of organized here that if we could start with page 4, any comments, so I can keep track of my paperwork.

Chair Candler: That makes sense.

Commissioner Hughes: Thank you.

Chair Candler: So maybe we can put page 4 up on the screen and I will ask if any Commissioner has a comment as to any of the matters addressed on that page.

Ms. Stevenson: Please bear with me just a second. Dan just got booted out and he's trying to get back in, but I can try to share my screen with you. How's that for a deal?

Ms. Hughes: That'll work.

Ms. Stevenson: I get to play back up. \_\_\_ here, so I'll try again. Is it coming up?

Mr. Gill: I'm not seeing it. I can – I don't see it, Betsy. This is Peter.

Ms. Stevenson: Okay. Maybe I have to push the share button!

Mr. Gill: Oh, there you go!

Chair Candler: There it is!

Ms. Stevenson: I clicked on it but it didn't share. Okay, now you wanted to go to page 4, you said?

Chair Candler: Yes.

Ms. Stevenson: Okay. Sorry.

Chair Candler: And I'll just inquire: Commissioner Hughes, did you have something specific on page 4?

Commissioner Hughes: No, my questions are later.

Chair Candler: Okay. And if we don't – I'm not able to see everyone's hands anymore so, Peter, if you could assist me. If any Commissioner has anything on page 4, please raise your hand and let us know. If not, we should move on to page 5.

Mr. Gill: I'm not seeing any hands on page 4.

Chair Candler: Okay, let's move to page 5 and I'll ask if any Commissioners have any comments as to the items on page 5.

Mr. Gill: And I am not seeing any hands on page 5.

Chair Candler: Unfortunately I can't see everyone all at once.

Mr. Gill: Oh, I do see a hand from Joe – or Commissioner Woodmansee. Excuse me.

Chair Candler: Okay. I'll turn the floor over to Commissioner Woodmansee then.

Commissioner Woodmansee: Thank you. I'm sorry. I'm trying to configure my screen so I can see everything and it's pretty difficult. So can you go back to page 4? So item number 1, Lake Cavanaugh, the Boat Lift Canopies. So just sure I make sure I'm following this right, the comment from the folks was they are concerned about this permeable fabric condition where it's required to have a permeable fabric. And the position of the Department is that they're good with having a requirement of that. There's a – that is a requirement for the light permeable fabric. Is that correct? So staff is declining to allow a fabric that's not – that's non-permeable?

Ms. Stevenson: Or light, yes.

Commissioner Woodmansee: That's not something I agree with. I think that 99% of the boat covers that are out there are non-permeable. At least at Big Lake they are. And so I have an issue with that one because I don't think it's practical.

Mr. Gill: So noted.

Chair Candler: I tend to agree with that. Is there any other Commissioner that has a comment as to that?

Commissioner Mitchell: This is Commissioner Mitchell.

Chair Candler: Go ahead.

Commissioner Mitchell: I can't tell if my reactions are being shown either. Mine comes up as a thumb up instead of a hands up. I don't know if that makes any difference, but I'm inclined to agree with both Commissioners who have just spoken. It makes no sense to me whatsoever on why staff would disallow this recommendation. The practicality is that the boats and the equipment are extremely valuable. Heat damage is well known from the sun – sun damage – and in order to protect their boats and their personal property, that seems like it's a pretty important thing. And there's a dock underneath that a lot of the times as well. So I think that that's not fair and it's not right.

Mr. Nickel: I'd be happy to provide input if it would help.

Chair Candler: Is this Peter?

Mr. Nickel: This is Dan – sorry – Nickel. I dropped off there for a moment. I'm back again.

Chair Candler: And you can have the floor, Dan.

Mr. Nickel: Thanks, Betsy, for jumping in and sharing your screen. The permeable fabrics for both covers, it is not something that's new to the industry. Those types of fabrics are available. I've seen many of them around this region. The permeable material that allows light through is, you know, similar to, you know, requiring graded decking on a dock. For new structures, for replacing structures, you know, they do allow some light to permeate through those canopies and to get to the water surfaces. Really there are reasons for providing those similar to graded decking to allow light under these structures that have hard shade lines. It's the harder, kind of straight, dark shade lines in the water that are affecting juvenile salmon that migrate along the shorelines. So it is something that, you know, in terms of Fish and Wildlife, federal agencies – they're looking at requiring these as well.

Chair Candler: Anyone else care to comment?

Commissioner Woodmansee: I'd like to follow up on that.

Chair Candler: Okay. You have the floor.

Commissioner Woodmansee: Thank you. So at what point are we going to require permeable boats? When your boat's on your lift, the light's not going to go through it. When your boat's not in the lift the light's going to shine through it diagonally a very large percentage of the day. And when the winter comes and everybody takes their covers off there is no impairment. There's no boat or a cover. And so I totally don't get the reasonable – I only get the – I only agree with – well, first of all, there's no salmon at Lake Cavanaugh or Big Lake, for that matter, and most of our freshwater lakes, of course. Not all. Anyways, so I just – I don't – that seems to me like it's just kind of where we're going to stick our heels in the ground here and, you know, cause concern for the public. So anyways, I can't agree with this particular condition.

Chair Candler: Okay. And, Commissioner Mitchell, you had a reaction for a moment. Are you wanting to speak?

Commissioner Mitchell: Yes. Thank you. And I'll co-sign what Commissioner Woodmansee just said as well. This one-size-fits-all-things-no-matter-what to have reasons blanketed over everything is not logical. So I'm afraid I reject that entirely.

Chair Candler: Any other Commissioners?

(silence)

Chair Candler: I would ask: Peter Gill, are you keeping a running list of things that we've been talking about that the Commissioners don't agree with that are going to be preplanned in a recorded motion, or –

Mr. Gill: Yes. So I am taking notes on which comments people are reacting to and we will put something in a draft recorded motion that you all can vote and discuss.

Chair Candler: Okay, so I'll specifically just request that this item be part of that when that draft comes out.

Mr. Gill: Okay.

Ms. Stevenson: We'll have a transcript too, Tammy, so we'll be able to review the transcript too to make sure we caught it all.

Chair Candler: Okay, thank you. Anything else on that item?

(silence)

Chair Candler: Is there anything else on this page from anyone? I'm trying to look through and scroll through and see if anybody's got their hands raised but I'm not sure that I'm getting everything. Well, let's move on to the next page and if somebody wants to go back we can go back if I miss somebody. Does anybody have anything on the items on page 5?

(silence)

Chair Candler: I'm not seeing any hands so let's move to page 6 and if we need to we'll go back. This is page 6. Any Commissioner comments on these items?

(silence)

Chair Candler: I see some heads shaking. Okay, let's move to page 7. Any Commissioners want to comment on these items?

(silence)

Chair Candler: Let's move tentatively to page 8. We can always go back if somebody – if I miss someone. There's a couple comments here. Does anybody have any discussion on these items on page 8?

(silence)

Chair Candler: Not seeing or hearing anything right now, let's move to page 9. Same question. Oh, I see a hand raised. Commissioner Mitchell?

Commissioner Mitchell: Yes, could you go back to that page we just passed, please?

Chair Candler: So we'll be on page 8?

Commissioner Mitchell: Yeah. Betsy, where it says number 4, "comment noted," versus "change not recommended." So what do you going to do?

Mr. Gill: Betsy, you're on mute.

Ms. Stevenson: I guess the "comment noted" means that we're acknowledging the comment and responding to the comment but we will that we have addressed the item in other areas of the text or we give the areas where we feel that those things have been addressed. Does that make sense?

Commissioner Mitchell: Yeah, thank you.

Mr. Nickel: I think that's a good – this is Dan real quick. That's just a kind of general, across-the-board. You'll see "comment noted" throughout. It's an area where there's not really disagreement in any way with the comment, and it's not that a change necessarily needed to result out of that. It's more of an explanation about how the document already meets their comment \_\_\_\_.

Chair Candler: So in a sense it's not different from "change not recommended" except that – I mean – I shouldn't say that. It's different from "change not recommended," but the result is the same and there's not a recommended change to the language. Correct?

Mr. Nickel: That is correct.

Ms. Stevenson: Yes.

Chair Candler: Commissioner Mitchell, does that address your concern?

Commissioner Mitchell: Yes, it does. But as we move on to some other things I might have more questions. Thank you.

Chair Candler: Okay. Any other Commissioners on that issue?

(silence)

Chair Candler: Okay, let's move on to page 9. Does anyone have any questions about or comments on these topics?

(silence)

Chair Candler: Hearing none, we'll move to page 10. We can always go back. Any Commissioners have comments on page 10?

(silence)

Chair Candler: Let's move to page 11. Does anyone have anything on this page?

(silence)



Chair Candler: Hearing and seeing none, let's move to page 12. Are there any Commissioners that have comments on page 12? I see a hand raised. I see Commissioner Hughes.

Commissioner Hughes: This is a question that might lead to other areas as well. But I have under 6(b), How often are these documents going to be updated and how often is the SMP required to be updated? So when it says anything about updates I'm just curious of in the future, what are we looking at to change things? I know you've been through 10 years of this!

Ms. Stevenson: Hopefully it'll never be this long again between the time we start and the time we finish. So I think that's the comment basically, is that what we've used is dated information at this point in time. So I guess to try to answer your question, and, Dan, jump in here if you want to. We're required to do a periodic review now, which we've combined with our comprehensive. We are required to do it every seven or eight years, I think, so we will be looking at it again and making sure that it's still relevant and make any changes like we did this time, so any of the rules and laws that have changed. If there's new science that we need to be looking at and do some, you know, adaptations and do some different things in there, we will be required to do it. So does that help at all?

Commissioner Hughes: Yep. Thank you.

Chair Candler: Anything further on page 12?

(silence)

Chair Candler: Seeing no one respond, I will ask that we move on to page 13. Anyone have anything on page 13, the Flood Hazard Reduction section?

Mr. Gill: Commissioner Hughes has her hand up.

Chair Candler: Commissioner Hughes, please proceed.

Commissioner Hughes: Okay. Thank you, Peter, for noticing that. On page 13, you made the comment that "due to the total SMP, not just rivers and streams" comment – that we're talking about the whole shoreline. But when we look at rivers and stream flood hazard reduction it's handled a little bit differently in Skagit County. And I'm just wondering if we need a fuller conversation of our levee system that goes from Highway 9 down to Skagit Bay and five transportation crossings happen on it, and we have this major levy system that is an infrastructure.

Ms. Stevenson: Are you waiting for me to respond? I don't want to jump in here if I'm not supposed to.

Commissioner Hughes: Yeah, I'm needing a little conversation. I do have a question but, you know, go ahead and respond to that.

Ms. Stevenson: So it goes on if you move into the next one as well, on page 14, which I just moved because I needed to look at it so I apologize I changed the page on you – where you talk about allow for maintenance and repairs of flood control devices, so we are acknowledging the dikes and the levees and things. They actually fall under the agriculture section by definition. So although if you have new flood hazard reduction measures, which would be building new dikes and things, we would probably look at that section as well. But the existing maintenance, care and keeping of the things that are in place now do fall under the definitions under item (b) there

on page 14. So a lot of them that are in place, most of this is more for the drainage rather than the dikes, but some of it does fit under the agricultural definitions and wouldn't even necessarily come under the Shoreline Program. And then if you move into the, that there are also sections of the Shoreline Program that – oh, it's up at the top. I'm sorry. I apologize – of both the State law RCW 90.58 and also the WACs talk about normal maintenance and repair are actually exemptions, and that's how we've handled them in the past. As long as they're not raising the elevation of the dikes and levees that could impact either the dikes and levees upstream, downstream, or across the river, then those would be handled as shoreline exemptions. And that's how we do it now and that wouldn't necessarily change. So I will go back to your page now so that you can – since I was referring to those other sections. And now I'm back on page 13 and I can listen to your discussion.

Commissioner Hughes: Well, and it's helpful to deal with both of them together so I'm glad we're doing that. Thank you for knowing the pages well enough that we can go back and forth.

I guess the conversation is because both the levees and the drainage deal with urban issues and transportation issues, does just covering under agriculture – is that enough? And then we go into kind of the area of new versus existing. If you have a new problem on the dike and you're just going in to maintain it, do you have to go through the process? Or is that a new issue because – you know, there's just so many fine points to this that individuals would like some clarification. And we can go on and on and on regarding all the what-ifs. Is this pretty much exempted because of the agriculture? Or how are we going to make sure that those are taken care of?

Ms. Stevenson: The laws haven't really changed since what we have in play and what we're proposing, so it won't change that much. It's normal maintenance and repair of existing facilities and they are specific – some of them are specific to the dikes and levees. Annie actually did a really good job when she was on the Planning Commission making sure that we covered all that and I will say, just to her credit, she gave me a call when we were working on this and I walked her through the ag section so that she – because there's, like, Wait a minute. I don't like the way that sounds. And it's like, But that would fall over here and they aren't even subject to the Shoreline Master Program. And so she was like, Okay. So I'm happy to have those conversations and I'm happy to spell it out a little more than what I did here in the column, if that would help. I know we got a comment both from the drainage consortium and District 17 and also from the Ag Advisory Board with similar concerns about that. So I'm happy to have conversations to try to clarify that. But it won't be much different than it is now and literally for us now. As long as you're not raising an elevation to – like if you end up with a low spot in the levee or the dike, then you can refill that back up to where it was and get it back up to the elevation where it had been, because I know they tend to settle or there can be some damage and different things that happen and you need to go in and shore that up. So any of that sort of stuff. We also allow for some additional work like the seepage berms and things like that under shoreline exemptions. So we try to work – and I always have for the 30-some off years that I've been doing this, early on working with the drainage and dike districts – try to work carefully with them so that they can do the work that they need to do and we don't get in their way, but we make sure that we need what we need to do to keep them out of trouble with some of the other agencies as well. So but a lot of it is done under an ag exemption because those dikes have been there. And both the dike and drainage districts have laws that they're required to live up to too, so the Commissioners here take it very, very seriously and we respect that and we want to make sure they're still able to do the work that they're required to do by law, which is protecting the people that pay into those districts.

Commissioner Hughes: Okay, thank you.

Ms. Stevenson: You bet.

Chair Candler: Anyone else on that topic? I see Commissioner – actually I see a couple different Commissioners raising their hands. Let's start with Commissioner Mitchell and then Commissioner Woodmansee.

Commissioner Mitchell: Thank you. Back to Betsy on this: You had said that you talked about the conversations that you had with Annie in the past and that you're happy to have conversations with the other folks. What would that mean for the rest of us? Would – what kind of timing would those conversations be? Would they be post-Shoreline, during this kind of discussion, and how would we be advised on what all that means? Because it still makes a difference on what our recommendations would be, unless I'm missing understanding.

Ms. Stevenson: I'm open to conversations with the Ag Advisory Board, the drainage consortium, \_\_\_, whoever might want to be involved in that, as soon as we could get together just to talk over their concerns and see if we're on the same page or if we're missing something and we still need to make some tweaks so that you guys can roll it into your considerations as we move forward. And if you guys *want* me to reach out to them, I'm happy to do that.

Commissioner Mitchell: Personally I would *really* appreciate that if you would, Betsy, because this is a big deal for the ag community and the dike districts. And as this process has taken on so much longer I can certainly see why people might have thought this was already over and done with somehow. I mean, they've got busy lives, especially through farming season. So I guess it's twofold – is if you could please reach out to them and then also let us know what is said, what are the concerns are for the follow-up. It's so easy for us not to see and not to understand what they think and need, and it is pretty important. We're second guessing ourselves on some of these things without knowing more.

Ms. Stevenson: And I would just say, Kathy, too, that the numbers in the column in between the summary and our response are the – correlate to the comment numbers, so you can read specifically what they said in more detail as well there. That might give you a little bit of an idea. But, no, I'm happy to reach out to some of the different groups that we received comments from and see if we're on the same page. We did have representatives from the Ag Advisory Board and the dike districts on the Shoreline Advisory Committee but, as you said, it's been so long ago. You know, we've all kind of forgotten a lot of those discussions and how we were able to work some of it out, and maybe not as well as I had thought – that they *do* still have concerns as they read through this. So we just need to make sure that they see all these other codes that apply here and that we haven't garbled it up enough so that they can't follow that path and see that that's how we would get there. So that's important.

Commissioner Mitchell: Yes, thank you. And it even goes a little bit further than that. The last two sessions that you all had, there was an awful lot of things brought up with new recommendations coming down the pike from the other group or groups that joined together. And to me that changes the face of what this Shoreline Management Plan even looks like when it came to us and what it's evolving into. And I suppose I could say this at a different point in time, but I'd like for people to think about it now. There've been so many changes and recommendations now that this doesn't look like it did before in significant ways. And the weight that was given to the recommendations for a whole other set of comments is significant, and I would be very surprised if the dike districts and the ag community knew about a lot of that. So I've read through those comments on those pages and I'm sure other people have. It's just that there's more things that are changing. And I

sure as heck wouldn't want to drag this process out any more than it is, but it's definitely evolved immensely than what it was brought to us like in the spring. Thank you.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Basically I have a little bit of a question about material changes. So there have been some conversations and some dialogue and it sounds like there may possibly be some more conversations and dialogue from the dike districts and the ag industry. And I've heard you say that – this is to Betsy – I've heard you say that basically there's not really anything changing; we're going to still deal with stuff the same way we've been dealing with it. But without knowing – I don't know the documents passed in now well enough to understand: Is there – I mean, is there something materially changing that's drawing their attention that's causing these conversations that you can actually point out to us that actually does make a change on that – you know, causing their concerns?

Ms. Stevenson: I would guess – and just from the comments that I've read that they sent to us – this flood hazard reduction is a new section. It's different and so it's not something that we've called that before, or called it out in that manner. The flood information and concerns and things that we looked at were just divided up into all the different uses and modifications in the past, like chapter 7 where it lists out all the different things. Anything that had to do with flood kind of things usually happened in there. And then there was still the shoreline stabilization and that sort of thing. But this flood hazard reduction is a new concept for the Shoreline Program.

Commissioner Woodmansee: And so in that new concept, is there new guidance, new policy that could affect the dike districts and the – *practically* could affect them? You know, if it's just a different application or something I get that, but if the end results are really the same I guess that's good. I'm sure they'd probably would love to find a few other real things that they could actually do that would add onto things. So that's – my main thing is just getting to the bottom of, okay, it's a new section but we're seeing the same thing. And if we're seeing the same thing, I'd like to say the same thing as plain as we could say it for the different industries.

Ms. Stevenson: Yeah. I'm going to have to go back and look at it again in terms of how we could send people to other sections to also look for things that may apply for some of these things. Like everything else in the Shoreline Program, this would be for *new*, anything *new*. And then make it clear that "new" means building a dike where there isn't a dike now; putting in a drainage ditch where there isn't a drainage ditch now. Pretty substantial kinds of things. Putting riprap, stuff like that. That would be a flood reduction measure. But maintaining what we have within the existing dike and drainage district, it would come under something else. And I would need to go back and look at the whole section. I was kind of just responding, trying to help respond to the comments.

Commissioner Woodmansee: Sure.

Ms. Stevenson: So go back and look at the whole section and if it isn't clear just say, Hey, other places where you can find information about, you know, the maintenance of our existing drainage systems, you can find here; existing levees and dikes you could look here; and just refer people. Maybe that would help. Maybe that would be a good thing. Because I'm not sure we did that.

Commissioner Woodmansee: Okay. So one quick question and it'll be my last one on this, because you're clearly going to dive into it a little bit more. But your comment about riprap made me think of a question and that is: Let's say they've been trying to address an issue on a dike without riprap but the issue just won't go away. So now they've decided, We're going to have to

riprap this particular issue because we've tried to not do that, vegetation's not taking care of it, whatever. The conditions of the river have changed and so whatever we did all these years doesn't work now. Is that a maintenance of an existing thing or is that a new thing that's going to have new guidelines?

Ms. Stevenson: We still consider that maintenance – maintenance and repair – you know, whether the riprap has blown out – I've watched people pour loads and loads of rock into the river and it disappears. So that happens, or, you know, things – it's an amazing river. It moves a lot of material. What was there last year all of a sudden isn't. You know, it undercuts down below where you can't see it necessarily except at low water. So, you know, we would still be a part of the process of doing that work. The one thing that has changed a little bit but has nothing to do with how we would look at it is that a lot of organizations – and the County is what I'm more familiar with – when they do put in riprap to protect roads and infrastructure – County roads and stuff – the federal agencies may require mitigation for that. And a lot of times the mitigation for that riprap has caused them to choose to go ahead and remove the riprap after the flood, which seems a little bit unusual and kind of crazy, but financially sometimes it seems like the best way to handle it. So people need to make the decisions that they need to make in an emergency when they're trying to protect their infrastructure. But a lot of times there is mitigation that may come after the fact and have those discussions. So that doesn't necessarily affect our Shoreline Program and how we would look at that work. If somebody wants to do the riprap on either an existing dike or to protect infrastructure, that would still be, you know, normal maintenance and repair. It would be that protection and it would be allowed under an exemption.

Commissioner Woodmansee: So the mitigation that you were just talking about, has that been like that for a while or is that something new?

Ms. Stevenson: No, it's been that way for a while – maybe 10 or 15 years?

Commissioner Woodmansee: Thank you.

Ms. Stevenson: Yeah, of course.

Chair Candler: Okay. Anyone else on this topic presently? I'm not seeing anybody's hands. Okay. We've covered a little bit of the next few pages along with that. I don't know if we – somebody please stop me if you want to comment, but we can move on to – by topic – I think to the No Net Loss – I think comes next. I see a hand, though. Commissioner Hughes, did you have something on these other pages?

Commissioner Hughes: Are you going past page 15?

Chair Candler: Well, we're on 14. Let's go ahead and go to 15 if that's – yeah, let's do that. Do you have something here?

Commissioner Hughes: Yes, I do.

Chair Candler: Okay, go ahead.

Commissioner Hughes: Regarding the public access: Betsy, you've put "new" in bold. I do recognize that. But again, it would be the definition of "new." We're doing habitat restoration. Is that a new dike? Does that promote the conversation of the trail being on it, public access being

over it? Some of those conversations that have already been had: Do they need to be done again? And if they're going to be done again, how is this discussion going to be handled?

Ms. Stevenson: That's a really good question, and I was trying to take notes just so that I have it there. I think when we talked about this and discussed this, the idea of not allowing public access would eliminate it in places where all the parties are agreeable to do it – if that makes sense – and come to some sort of so-that's-not-something-that-feels-right as far as the Shoreline to me; however, again here we did hear from several of the dike districts especially to say, you know, We don't own the land over there; we can't grant public access. We own the dike. So it's not legally ours to give. And we understand that and recognize that. We want it to allow for in a situation just as you mentioned. You know, there's a lot of restoration work going on, especially down in the Fir Island area where there are new dikes. There's dikes either coming back or being set back, and new dikes being constructed. So some of these things *would* apply there and we *would* want to take a look at it and say, Hey, is public access even an option? Is it worth talking about? But it depends on whose dike it is. If it's part of the infrastructure of a dike district, then certainly it's up to them to make the determination, I think, whether it's feasible or not and whether it's something – I totally get that they don't want people out there during flood times, during high water, during times when it may be dangerous. If there is any other kind of conflict with the use that they just don't want people out there. If it's an area where, yeah, it would be okay; this would be a really nice place to allow people to walk and/or hunt. Whatever it is that they might consider would become compatible. So my thought on it was just Hey, let's leave that option open. Let's not prohibit it outright. But we also understand that – and we did have lots of conversations about this in the Advisory – in the Shoreline Advisory Committee meetings and it was never our intention, and especially not on existing dikes, you know. But as restoration projects happen and as other agencies and public entities get involved, if it's an area where it might work where they aren't interfering and it's, you know, maybe not part of the dike district system. I don't know how that's working down on Fir Island, if the dikes that are being built in some of the areas where they weren't before to protect where they're taking the dike out are becoming part of the dike infrastructure, or are they being held onto by Fish and Wildlife or, you know, one of the other agencies that help do the restoration work? I'm not sure.

Commissioner Hughes: Okay, I have two thoughts on this. Would it be possible to outline how this discussion will go forward so it's understood that the discussion is going to work in this process so we know that there's a process behind the discussion? And then can we also add a statement that this must be approved by the local authority – whether it's Dike and Drainage, Fish and Wildlife, whoever that diking authority that's working on that project – so we can wrap the public discussion back to those that it will be affected? So that's it – if we can work on that a little bit, a little bit more written conversation so people understand how this could go forward. Process, process, process. It always makes people feel better.

Ms. Stevenson: Okay. I'm taking notes.

Commissioner Hughes: Thank you.

Chair Candler: Any other Commissioners want to weigh in on this?

Commissioner Woodmansee: I can follow up. On the “where feasible,” I guess my question is: I'm not clear about whose deter – the definition of where “feasible” is and who really controls that. I know in my business life feasibility was the – definitely was in the eye of the beholder, whether you're being told to do something or not, or vice versa. And so I'm not clear on how that gets defined.

Ms. Stevenson: So on item number c. on page 15 at the very end, “The SMP, as written, provides for discussion and opportunities for the consideration of public access when new public structural flood hazard reduction measures are being proposed. It does not require public access and the concerns raised by the commenters are valid reasons for showing such access isn’t feasible.” So that doesn’t completely answer your question but it’s a start probably. We don’t define it but if they tell us that, Hey, we don’t own the land under there. We can’t legally get, you know, provide you public access.

Commissioner Woodmansee: So would you say that in this new code that we don’t put ourselves in a position where as a county we can make a condition of a permit public access, correct? On private land?

Ms. Stevenson: Okay. Yeah, I see what you’re saying. I guess that’s why the word “feasible” language is in there. But I know. We’re circling back to it and that’s what’s making you uncomfortable.

Commissioner Woodmansee: Right, because I don’t want us to be able to tell a private landowner who wants to – trying to protect – yeah, you get it.

Ms. Stevenson: No, I completely agree. “Feasible” has to include the person who would be providing the public access. That goes back to Commissioner Hughes’s comment about having the discussion and a process for the discussion and bringing it back to the local authority.

Commissioner Woodmansee: It almost seems like it should be *agreeable* to that person.

Ms. Stevenson: Yes. No, it needs to be – it has to be an agreement. And the two places that I’m aware of in the county where we do have public access on dikes, one is an area where the dike district was just fine with people being out there – for District 12 there in Burlington. And the other one was the cooperation between the Padilla Bay Reserve, the County Parks Department, and the district out there, which I think at the time was District 3. I think District 3 along the what is now the Padilla Bay Trail. So I would hate to see us not have those when everybody’s agreeable to having them by just prohibiting it altogether. But I also want to make sure that we’re not making people uncomfortable by leaving the language the way it is. And so I think the idea of defining the process, Amy, is a good one. You know, how are we going to determine that and who’s going to be talking about it and who gets to be part of that? It shouldn’t be a condition on a permit that somebody doesn’t agree to. It is an agreement, you know, so it has to be something that gets worked out together.

Mr. Nickel: I \_\_\_\_\_ pointed to in the draft, in the SMP Draft Public Review draft, in subsection 370 which is on public access, there is actually eight items that are how to determine feasibility.

Ms. Stevenson: Okay, thank you.

Mr. Nickel: \_\_\_\_\_. It goes into a number of different scenarios in which public access would not necessarily would be required.

Commissioner Woodmansee: So I don’t have that in front of me, but so is there a scenario there when you go through that criteria that somebody could be required to do a public access against their will on private property?

Mr. Nickel: There's the very first one. I can read through these, if you'd like, if that would help.

Commissioner Woodmansee: Sure.

Mr. Nickel: The first one, when the public access would result in unavoidable public health or safety hazards that cannot be prevented by any practical means.

The second one is the public access is not feasible due to inherent security requirements of the \_\_\_ that cannot be satisfied through the application of alternative design features or other solutions.

The third is public access is not feasible as part of an ecological restoration project such as a levee setback.

Number four is public access – the public access would result in significant adverse environmental impacts that cannot be mitigated.

Five is the public access would result in significant undue and unavoidable conflict with proposed use or adjacent uses that cannot be mitigated.

Number six – there's actually eight – so six is public access is not feasible because the subject site is separated from the shoreline water body by the intervening public or private improvement such as highways, railroads, existing structures, or similar significant improvement.

Number seven, the cost of providing public access is unreasonably disproportionate to the long term cost of the proposed development.

Number eight, the public access is deemed detrimental to threatened or endangered species under the Endangered Species Act and the administrative official has spoken to the government agencies or authorities of the jurisdiction making that determination.

There's quite a variety of ways of determining infeasible.

Commissioner Woodmansee: But it seems like those are all in control of the regulators.

Mr. Nickel: Right. The administrative official, you know, would have the \_\_\_ there.

Commissioner Woodmansee: To determine whether those conditions apply or not?

Mr. Nickel: Well, the applicant would be – you know, whoever is, you know, documenting this would be, you know, documenting *why* that would not be feasible, why these conditions \_\_\_\_, and it'd be up to the administrative official to make that final determination.

Commissioner Woodmansee: And that's where my rub is. I don't think that if somebody's, you know, doing an activity that is of local nature, that is a benefit to the environment in their area, and then – say a planner decides Hey, I want to get a public access here and he needs a permit from me to do x, y, z to do this improvement. And then now a condition-less permit becomes access to the public. And so I see that every one of the issues that you gave there that, you know, an administrator could or, you know, could argue every one of them's not an issue or hasn't created a problem for public access. You know, it's not too costly, it's not – all the different hazards that you named. And somebody could be being told against their will to open their private property



to the public. I just see the door is open, or at least cracked. I'm not going to beat a dead horse anymore but I'm just well aware of my concerns and others'. Thank you.

Chair Candler: Commissioner Mitchell, I saw your hand earlier. Do you still have something on this?

Commissioner Mitchell: Yes, I do. Dan brought up some of what I wanted to know, which was how this is written actually into the Shoreline documents with the feasibility, because our reasoning here and what we're looking at here is not in the document specifically. And so I was wondering how that was going to work so thank you, Dan, for going through some of that. But I agree with Commissioner Woodmansee. This is permanently opening the door or cracking the door where people could be pushed into, forced, coerced any number of ways to doing access. And, quite frankly, there is a big push for public access to things where people shouldn't have public access. So, you know, at this point that's still what my concern is, is that – I agreed with the comment c. where the person – I forgot who wrote this – that public access should not be allowed in flood controlled areas. That seems pretty simple, but there's all kinds of conditions and possibilities and all kinds of somethings now, which is a little bit puzzling. You don't necessarily know when a flood's going to happen. You don't necessarily know when, you know, situations are going to be changing. And it does matter. I realize nobody's going to have the answer to that right now but I just wanted to mention those things. Thank you.

Chair Candler: I'm just looking to see if anyone has a hand raised to comment. Not seeing any, I guess we'll move to the next – we're still on page 15. The next topic is No Net Loss. I don't know if anyone has anything on these – on this page.

(silence)

Chair Candler: Seeing nothing, let's go ahead and move on to page 16. So I know – this is page 16 – a removing reference to Skagit County UGA Open Space Concept Plan was the next topic. Now there's a recommended change. We've had much discussion on this. Does anyone want to comment?

Commissioner Mitchell: Commissioner Candler, it's Mitchell. I've got my hand raised.

Chair Candler: Okay, go ahead.

Commissioner Mitchell: I do appreciate the efforts at trying to get this language going, but I still don't think that this is very helpful. And perhaps we've covered this so many different times that at this point maybe just we wait for deliberations before we discuss anything further?

Chair Candler: Okay, anyone else?

(silence)

Chair Candler: Okay, let's –

Ms. Stevenson: I'd just like to mention that I noticed now that somehow in the formatting those – 10, 11, and 12 – are bolded. I don't think they were supposed to be. I'm not sure what happened.

Chair Candler: Okay. Anyone have anything on 11 or 12, or shall we move on to page 17?

(silence)

Chair Candler: Not seeing any Commissioners who are wanting to comment on those, page 17. Any comments? I see Commissioner Hughes has her hand raised.

Commissioner Hughes: Sorry. I was having trouble finding my buttons.

Chair Candler: That's okay. Go ahead.

Commissioner Hughes: Okay. Page 17, 13(b), a change regarding putting something in the opening recital on flood protection and drainage. I'd like to discuss that with you a little bit, Betsy. When I was going through that first section – and I don't know if the recital would be page 1 through 7 or 1 through 12 – maybe start there – of the Shoreline Master Plan.

Ms. Stevenson: You may want to jump in here too. I wasn't sure exactly where they wanted it either.

Commissioner Hughes: Okay. Because when I was going through the document and I said, Okay, Shoreline Master Plan – and again I'll go back to our diking and drainage systems being such a major part of Skagit County, of the infrastructure, to the point where there's RCWs for it, there's special purpose districts with elected officers. I don't quite acknowledge that that is lumped in with other public concerns. It seems like from pages 1 through, let's say, 18, somewhere in there we talk about boat moorages, we talk about ports, we talk about a lot of different things that are itemized but nothing regarding our levee system. And I'm confused to why there wouldn't be.

Mr. Nickel: I will just point out really quickly that – this is Dan again; sorry – that their comment here related specifically to the opening section, the \_\_\_ section of this Shoreline Master Program. Their request here was to in the opening recital to include a statement that the SMP also balances the management of flood protection and control as well as drainage.

Commissioner Hughes: Dan, could you give me the page that you're referring to on the SMP?

Mr. Nickel: Sure. Well, this – sure. I believe they're referring to the actual very beginning of the Shoreline Master Program include a section called "Reading About This Document" and speaking to it in that location. It's actually page – it starts on page 3 of the Shoreline Master Program.

Commissioner Hughes: Okay, I'm seeing it. Okay, and so I guess I'm confused too because I would see it more appropriately in pages 7 through 19 that somewhere in our Shoreline Master Plan there should be *notice* that we deal with this issue. We have all these profiles and then it goes in – it just goes into so much complexity, but we talk about residential. We do talk about Skagit floodways, where it needs to be placed – just a little bit more regarding that we have this levee system that's provided by RCW that has authority vested for responsibilities of use of tax dollars. And then when I go further back into that part, we talk about – but we talk about boating facilities; we talk about commercial development; industry; institutional development. It just seems like somewhere in there we should be discussing our dike and drainage system. It makes us unique to a lot of different shoreline master plans.

Chair Candler: So if I understand correctly, Commissioner Hughes, you're saying that you agree with this comment. You think it should be introduced somewhere but maybe not in the opening recital but closer to where the details come up. Does that sound right?

Commissioner Hughes: Well, yes, and maybe it doesn't belong, but then I want to know why. I'm just confused that there isn't a bold conversation in our Shoreline Master Plan on this system.

Ms. Stevenson: Amy, I'm not ignoring you. I'm just trying to pull up the whole Comprehensive Plan and just see if there's a section about flood control in there, because I'm not as familiar with it as I should be. And maybe you looked?

Commissioner Hughes: No, I'm the same way. It's how many pages? 200 pages document? Did I miss it? When I saw this I couldn't find it.

Ms. Stevenson: Yeah. Can I get back to you on that and see if it's included? Because the first portion of this document will become part of the Comprehensive Plan. Maybe it's already in there. I don't know that for sure, but I just started to pull it up but there's no way I'm going to get through that in a reasonable amount of time and keep your guys' interest on anything else. So let me say that I will have something for you at the next meeting. How's that?

Commissioner Hughes: Thank you.

Ms. Stevenson: Okay, thanks.

Mr. Nickel: I can point you really quickly to – there is specific policy language in section 6B under the Shoreline Uses and Modifications for Agricultural \_\_\_\_\_. That begins on page 19 in the public review draft. It may not get at, you know, the point you're trying – you're making about the importance of the diking district and existing structures, but maybe take a look at that and see if it includes that.

Commissioner Hughes: Yeah.

Mr. Nickel: And we'll \_\_\_\_\_.

Commissioner Hughes: I'd just like to expand that there's more than just agriculture involved with our dike and – our levee and drainage systems. So when we just mark it as an agriculture issue I think we miss a huge picture of that infrastructure. Okay. We'll get at this later. Thank you.

Chair Candler: Any other Commissioners want to say anything about that before we move on?

Commissioner Woodmansee: This is Woodmansee. I would – I think Amy's on the right track here. I do think it's a bigger picture than just agriculture and so I think that it's good that we're going to look into this.

Mr. Nickel: Okay.

Chair Candler: Commissioner Mitchell, I see your hand.

Commissioner Mitchell: Yes, and I was just going to say the same thing. I really appreciate Commissioner Hughes for bringing that up and highlighting that because I think she's absolutely correct in that more needs to be looked at with that. Thank you.

Chair Candler: Okay. Anything else on page 17?

(silence)

Chair Candler: I don't see anyone else with a raised hand right now. Let's move to page 18.

(silence)

Chair Candler: I don't see any Commissioners raising a hand to comment on any of the items on page 18 at this time. Let's move to page 19. I see Commissioner Mitchell's hand.

Commissioner Mitchell: Yes, the brain kicked in before I hit the symbol. Thank you. Yeah, limiting the dock to 4 feet poses a safety issue, and I still think that's a correct statement and I do believe that the people expressing that were rightfully saying it is. And I realize that staff and Dan are recommending no changes, but I don't think that the issue goes away. I don't think that the safety concern goes away for families, senior citizens, and others, so I'd like to make sure that we hit that section when we get to deliberations, please.

Chair Candler: And we've talked about this one at length as well and I'm hoping, Peter Gill, if you will, make sure that is on our – specifically in our recorded motion so that we do not fail to address it in deliberations. Any other Commissioners want to weigh in at this time?

(silence)

Chair Candler: Okay. Thank you, Commissioner, for pointing that out. Anything else on page 19?

(silence)

Chair Candler: Let's move on to page 20. Does anyone have anything of note on page 20 that they want to discuss?

(silence)

Chair Candler: Not seeing any hands. Go ahead and speak up if I've missed you, but let's move to page 21 in the meantime. Checking to see if anyone has any comments here. Not seeing any raised hands.

Mr. Gill: Commissioner Hughes has her hand up.

Chair Candler: Oh, excellent. Okay. Go ahead please, Commissioner Hughes.

Commissioner Hughes: This might be an easy one, Betsy! On g., regarding the statement the County "will review the SMP environmental designation and shoreline jurisdiction maps again, prior to adoption." My question is: Will those maps come back? How will they come back to the Planning Commission: after we do our deliberations? Prior? How does this fit into the timeline with the maps, knowing all the discussion we've had on maps?

Ms. Stevenson: Dan, jump in if you want to.

Mr. Nickel: Sure. I can jump in, Betsy. The existing – the designation maps, which I believe are posted on the website; is that correct, Betsy?

Ms. Stevenson: Yeah. Yes.

Mr. Nickel: So those designation maps are essentially what will be reviewed during this – I mean for the Planning Commission. If there's specific comments associated with those maps, we can look at those closer, but those are available for public review.

Commissioner Hughes: Okay, so they're the existing maps. They're not – because through all my conversations – or all our discussions through the years it's been that those maps will always need to be improved. But we're using the existing maps right now?

Mr. Nickel: Oh, the existing maps that are being proposed. So, you know, and those are the ones that are on the County's website. Essentially we did revise – the County does have a good environment designation map. They are very old. We revamped those based on existing land use conditions and existing ecological conditions and came up with a proposed set of designation maps. That's what is on the County's website. And, you know, those can be further reviewed. We do acknowledge that there are bound to be errors in there. They're not 100% perfect. But, you know, the areas of designation – this kind of goes to the whole notion of understanding where shoreline jurisdiction is. That's based on data, on mapping data that we have available to us. When it comes down to an applicant, you know, coming in for a permit, they would need to do their own, you know, identification of where shoreline jurisdiction truly is: Where is the ordinary high water mark? Where is the extent of my shoreline designation? And so that's really the time when an applicant and the County will determine the full extent of shoreline jurisdiction. So you have to recognize that those maps are a tool to be used for the County and the public.

Chair Candler: Anyone else on this topic?

Commissioner Woodmansee: I have a question. So we're acknowledging that there likely is errors. And so where's it spelled out that – and if there's a clear error – my experience is that once these maps are in place they're pretty hard to get changed and/or corrected, even if it's not changing the map itself. So is there a process spelled out in this document for dealing with those errors? I mean, I apologize if I haven't caught it. So that's my first question. The follow-up question to that would be, Have we gone over these maps? You say they're on the website but have we, like, specifically addressed the maps in our meeting – the ones that you're referencing – in one of our meetings?

Mr. Nickel: I don't believe we, you know, put the maps up and, you know, went through them in extensive detail at all, no. I would like to, based on your first comment or question –

Commissioner Woodmansee: Sure.

Mr. Nickel: – there is a section in the Shoreline Master Program – it's in Part II, which is the Shoreline Environment Designation section – that does speak to interpretations and boundary line determinations. There's a section there that describes, you know, any discrepancies that are found and how to deal with those. It's much less cumbersome than you would say, like, a FEMA map \_\_\_\_\_. Very difficult to do. This is a process in which administratively those changes can be recognized.

Commissioner Woodmansee: And if somebody brings up a concern like that, how's it get reviewed? I mean, who's determining, Yep, you're right. This is an error? And I suppose you could say, We'll read it.... (laughter) But anyways, I'm *not* familiar with it so is it – basically you've got to hire a consultant to show, Hey, this was mapped wrong. Here's why it was mapped wrong. And then who says your consultant's information is accurate and you're right so we're not going to hold you to this condition or status? Do you know how that works?

Mr. Nickel: Well, it may be the case that having a third party consultant determine that for you, as an applicant, and provide that level of detail. I mean, it ultimately comes down to the administrative official to look at that criteria and look at that documentation to determine where that error occurred and what the change – and support that change, if necessary.

Commissioner Woodmansee: So to follow up on the mapping thing, is that something that we *should* look at in a meeting? That if there's actually – if there's – you know, the existing maps we have now that are being used in adopting this, if we're going to adopt maps that have substantial change somewhere. I know we already talked about some changes on, you know, some coast, some shoreline stuff. And we did look at some maps and talk about some of that and that floodway or floodplain designations along the Skagit. I know we talked about that too, but –

Mr. Nickel: Yeah, correct. It's the – those maps, you know, they were reviewed back in 2016 as well and there was – the Planning Commission then recognized some recommended changes. We did go ahead and make those changes. We did discuss those. We haven't – you know, we haven't gone in and made any more substantive changes to those maps since that time.

Commissioner Woodmansee: Okay, thank you.

Chair Candler: Okay, any other comments on that mapping issue? And I see Commissioner Hughes raised her hand.

Commissioner Hughes: Dan, could you give me where to find that process again? In Section II, did you say?

Mr. Nickel: It's in Part II for Shoreline Environment Designations. On the public review draft that I'm looking at it begins on page 53.

Commissioner Hughes: Thank you.

Chair Candler: Okay, any other comments on the topic of maps – well, that specific comment regarding maps?

(silence)

Chair Candler: Okay, let's go ahead to page 22 then. Does anyone have any comments on these items at this time?

(silence)

Chair Candler: Okay, I'm not seeing any hands. Let's go to page 23 and let's go to –

Mr. Nickel: I believe that's the end of the document.

Chair Candler: Okay, does anybody have anything that we missed the first time, through – oh, I see – do I see a hand raised, Commissioner Mitchell?

Commissioner Mitchell: Yes, thank you. So back to page 22 at the very bottom, it says "Comment noted" for part k., the "Dredging rules appear" to be "inconsistent." So is that being – this may sound like a silly question, Betsy, so is that being fixed or not?

Ms. Stevenson: It doesn't – am I muted?

Commissioner Mitchell: No, I can hear you.

Ms. Stevenson: Okay. It doesn't need to be fixed because it's already included in the section listed there. A lot of people – what we tried to do when we wrote this document was not repeat things that were required everywhere, so that's part of the section of General Regulations in .305, the Environmental Protection; we listed a lot of things. So this person was looking specifically at the Dredging section and didn't find that, and it's like that's because it's an overarching portion of Part III. We have that comment a lot, where people wanted things inserted, and it's like, No, that's all taken care of over here so that we didn't repeat it in every other – because the document would have just kept getting longer. So the reason that we said "Comment noted" is that yeah, you don't find it in the Dredging section but here's where it is and here's where that's regulated and it applies.

Commissioner Mitchell: Okay. This is like the way you've helped us so many times in the past when we were grousing about something in subsection whatever it was and forgot where we were, right?

Ms. Stevenson: Well, and keep that in mind if we get in – you guys can decide how long you want to go tonight, but if we move into the other table where they were specifically going in and editing, you know, words and things and what we did and adding things, that actually we did cover that but it's over in this other section. So those are the things that we tried to note there.

Commissioner Mitchell: Thank you.

Ms. Stevenson: Sure.

Chair Candler: Okay, just trying to keep my eye on who's got their hands raised. So as far as this document, it seems that we've vetted it a little bit and did want to give everybody the opportunity to comment on it. From the Department's perspective, what are the options as far as proceeding tonight? It is 7:30 so we have a little bit more time. And I guess let's ask the Department what the options are and then we'll – I'll check in with the Commissioners as to the will of the Commissioners. Is there a good stopping point somewhere within the next section?

Mr. Gill: This is Peter. The next document is quite a bit longer. I think it's 88 pages or close to that. We could run through it similar to how we did this. It would take quite a while to get through all 80-some pages. Or we could just take feedback from you all on any specific comments you had related to our responses or those public comments. Or we could skip it altogether and come back to it next time.

Chair Candler: Okay. So my thought on that is we – I don't remember a time when we've ever been successful without kind of going through it page by page because it's just too disorganized. Even trying to start that way tonight didn't work out. So I think my personal position is that we would need to go through it kind of page by page like we did this one, and if there isn't a comment we can move on pretty quickly. So it is – it's just a little bit after 7:30 so I want to know from the Planning Commissioners, do you want to start that 88-page document and get a half-an-hour or so into it or do you want to have that for another meeting? I see Commissioner Mitchell has a comment.

Commissioner Mitchell: Yes. I don't think we were expecting to get to that tonight, and it would make a difference for the people that are not here tonight as well. So I think it would be a lot better served for the sitting Planning Commission members and the public to come ready to the table for that next time.

Chair Candler: Thank you. Anyone else?

(silence)

Chair Candler: I think it's very well noted that we are down a few people tonight. We are only – we're missing a few seats, so I think that's important to note. Commissioner Woodmansee, you unmuted. Do you have something on that?

Commissioner Woodmansee: Yeah, I guess I would say the same thing. I agree with Commissioner Mitchell being that we're short-commissioned tonight that it would be good to have a little fuller group going through that pretty large document.

Chair Candler: Okay. So it sounds like the three of us are in agreement. Is anybody – Commissioner Knutzen or Commissioner Hughes, any disagreement with that?

(silence)

Chair Candler: Okay. I'll note that Commissioner Hughes is indicating with a shaking of her head no, and hearing no objection, I think what we should do then is maybe move on to the next agenda item, start that document another day when we have more people here and time and we're fresh again. So does that work for the Department, Peter?

Mr. Gill: Yes.

Chair Candler: Okay, good. Okay, then let's move on. I believe our next agenda item would be the Department Update, agenda item number 5.

Hal Hart: Thank you, Peter. We'll give a brief Department Update. Peter has some things to say as I do to bring you up to date. There's a lot going on. I always say that, but it's true. Never more true than this year. Let's try and get that open a little wider. Is that as wide as we're going to go?

Mr. Gill: Let's see.

Mr. Hart: It's okay.

Mr. Gill: Is that better?

Mr. Hart: Yeah, it's great. Okay, let's move to the next slide, Peter, if you've got a second here. Okay, great. So we're continuing with the infill. This is Big Lake. I drive that periodically to count the homes. It's fairly consistent over the past four years of that. Each time you go out there's about 8 to 10 homes and it's continued this year. The number of places to build is shrinking. There is another project in the wind at the golf course or just behind the golf course, so that may happen as well and that would open up additional home site development in the Big Lake neighborhood. We are also seeing a trend around the lake itself of lots of houses turning into larger compounds – much more valuable. And based on several folks that live at the lake that I've talked to, the value of those homes is just skyrocketing this year as well. There's definitely a regional market at



play, being so close to Snohomish County and Snohomish County's tremendous growth to the south of us. So I think this all plays into this neighborhood, as well as Lake McMurray further to the south. And I'll get down and get some pictures of Lake McMurray home developments soon.

We're continuing to grow our job base. This one's a little bit old. It's a couple weeks old now but it hasn't changed dramatically. It's Amazon on the far left. We've had other large boxes built that are warehouse. We expect to have more. The far right on this picture, upper, is the expansion of Sakata Seed. The left bottom is – I think it's still the same, although I haven't been out there for a week – this is a co-op. This is going to be a slaughterhouse effort, kind of a two-step project. The next one is Vikima Seed Company, and they're expanding as well. And then now we've seen several *new* developments that will be coming on that are aviation-related – commercial, private sector aviation ones. Not pictured in the Job Base Growth is Heritage Museum is expanding. And it's not so many jobs that that will generate, but that will generate a lot of traffic up there. They're expecting to have a lot more educational programs in the new facility that is being built. So you can see the steel on that one going up. I just didn't put the picture in this evening. And then there's a lot of t-hangars – smaller hangars – that are expected to go in.

Let's go to the next one. I think Peter and I – by the way, on that last slide Peter and I were looking at regional job growth numbers and something like 1200 new jobs have been created in total across the region that are kind of industrial jobs. So that growth is significant. And they're still hiring. They're having a hard time filling those jobs in a lot of places.

Housing. These are two that everybody is familiar with and I've shown before, but I think there is another one by the folks from Sage Homes that's in the pipeline. This is Grafton Park. Those investors are local and I've met somebody who – recently – who's opening a shop on the first floor of that building, so we're dealing with them, just because their home is being built in the county but their shop is going to be in the first floor of that building, so in the city.

Okay, let's go to the next one. This is kind of the big regional Amazon facility. Now that's 20 minutes down the freeway from the county but it is six times larger than the one that's being proposed here. It will be complete with robotics in there. And not only is that going on, the 172<sup>nd</sup> Street corridor is just quite an amazing place to watch develop right now. I believe that on September 27<sup>th</sup> – if I was reading the newspapers correctly down there – or sometime in September the federal government may offer some infrastructure money to make this a two-lane road in front of Amazon, and adjacent to some burgeoning industrial areas around the airport there, they're going to make that four lanes. And then the other thing that's really important kind of as a regional context to our airport is that there are a lot of firms moving out of King County to this area, which is north Snohomish County. But it's also displacing or moving people and general aviation up to this county. So it has this kind of tiered impact on the economy. There's an Israeli company that's building the electric plane. There's another company, Vashon Air, that's moving out of Woodinville and their avionics company is also moving out and they're moving up here, so there's another 100 jobs between those three companies moving to this area. So small – I say – “pioneering” aviation is really making a strong statement this year in north Snohomish County. So where will those folks want to live? Of course, probably beautiful Skagit County!

Okay, let's move on. Here's another – this is an update that we were – we give. We have a monthly meeting with our Agriculture Advisory Committee. This month they talked about VSP, or the Voluntary Stewardship Program. Kara from our Public Works office provided a kind of high level overview and kind of the – I think the key talking point that I came away with is that over 300 acres of habitat have been enhanced or added as a result of that project – folks willingly volunteering to plant trees on their property and to create habitat outcomes. Different than in

Snohomish County where it would be mandated through the critical areas ordinance down there, this is a voluntary project. Twenty-seven counties in total in Washington are part of that and at any time if you would like to have a presentation I would ask Kara to give you just a kind of a heads-up presentation on that. I think she has it down really well. And it could be useful.

Kara also provided to the Ag Advisory Board the information on the total acreage that has been preserved now is approaching or is over right around between 12 and 13,000 acres, and I just approved another 47.6 acres, I think, this last month. So that seems to be about our average – about 50 acres a month – over time, or maybe every couple or three months we do an approval of that. But it's a very active program and it's preserving agriculture for the long term – is their objective.

The next one is this morning or tomorrow morning you'll see, if you were to watch the Department of Ecology website, we put notices out. There will be a notice out for Norm Nelson, the Devil in Potato Shed, a new 35,000-square-foot potato shed. That SEPA notice will be out this week. I think it should go out tomorrow. So there's a continuing investment in potatoes, and there's a really cool history of Norm Nelson potato history and planting history available at the website. Overall housing growth in ag and rural areas is still continuing. Well, what does Hal mean by that? We have a lot of folks, including this evening at 4:15, or late this afternoon – folks were coming in and working with our intake permit folks and looking at an ADU. So people are looking for ways to create an income stream off their rural properties and an ADU or an addition with an apartment, we're seeing strong demand for that kind of development, Commissioners.

Next slide – and this is Peter's. Go ahead.

Mr. Gill: Yeah. Thanks, Hal. So just to update the Planning Commission on some of the happenings that are going on in the Department or within the Department: The Board approved the updated Building Codes on August 24<sup>th</sup>. So that's within Title 15 and that updates the residential codes as well as commercial, industrial and mechanical codes up to the 2018 additions, which is required per State law. We do it about every three years. So that was pretty typical. What we did this year also was to update the local exceptions to those State international building codes. It sounds strange but... One of the major changes there was requiring sprinklers on houses larger than 3600 square feet. There're some other changes, mostly minor; a lot of cleanup, more clarification on road surfacing requirements, a better – updated the references to the Wild and Urban Interface Code for fire control – things like that. The other notable part of this change is the Board of Appeals for building permit rules is changed, and now it'll be going through – any appeals of building code determinations will now go through the hearing examiner. Kind of consistent with how the rest of our permitting process works when there's an appeal. The Board of Appeals hadn't been used in over a decade and it was no longer actually staffed, so the Board changed that to the hearing examiner.

So moving on, the next meeting is September 28<sup>th</sup>. You all did a great amount of work tonight. I appreciate it. We will follow up and keep going on the Shoreline Program the next meeting. That's the 28<sup>th</sup> and I hope you all can make it.

A little bit on some of the other efforts that are going on within PDS that you will get eventually is the SEPA determination on docket items is moving forward, so we're doing kind of the environmental review internally and we can get that moving on those docket items so that it's ready for you all when we get there. We did receive six new petitions for the 2022 docket, and I'll have more information on each of those petitions in coming meetings, but I just wanted to let you

know it's fairly low in terms of number of petitions from the public. So there were six, so that's good.

We are working with the other departments to update the Capital Facilities Plan and so we have that kind of scripted out for a hearing in November and so we're working on getting that updated and getting staff reports out and up to you fairly soon. That'll include information on the Transportation Improvement Program as well.

And then lastly we are continuing work on agritourism and we're moving towards kind of potential policy options on how to move forward following the public outreach, which once we have some of those policy options better defined we will start a public process based on that as well. So that'll be coming to you as well probably not this year on that but we will give you an update on the agritourism stuff as we have kind of some documented things to discuss.

And lastly but not least, we are looking – and this is mostly for the public, anybody that's out there watching Channel 21 or TV-21 – we are looking for applicants in District 3 for the Planning Commission. In order to apply, we're asking for a personal statement with any applicable expertise and experience, and disclosure of memberships in groups that you're part of. And you can send that statement to the [commissioners@co.skaqit.wa.us](mailto:commissioners@co.skaqit.wa.us), as shown on the screen.

That is all I have. Hal, do you have your hand up?

Mr. Hart: Yeah, sorry. I left a slide out, Peter. That's bad on me. I was probably working with Tricia this evening. Another update I want to bring everybody up to speed on is the permit process update. We're working with somebody by the name of Kurt Lattimore. He's an engineer. He's a process expert. He has been here before and in many other jurisdictions improving their process. So our goal is really to have the most efficient permit process in the valley and one that we can all be proud of. We do have a Zoom meeting we are inviting many folks to next week. And anybody here, you could certainly probably just ask me and we'll invite you to that. But it's – the idea is to work with folks that have brought permits through the process recently. Kurt and I will be hosting that next Thursday at 2 p.m. and we expect about 40 or so folks that have recently gone through permitting to be there. And we'll talk about what we've done so far – changes that we're recommending to really reduce the timeframe to get approval in our process. So we're looking kind of at what we call a lean process – the minimum number of touches to approve your permit. And there are just a lot of homes this year and a lot of folks waiting on the County to approve. Some of the issues have been this year just a large number of permits came in early in the season. So we're working our way through that and we continue to work on that. We're going to build some resiliency into this process moving forward.

And that's tied with another project, Commissioners, and the second project is the Commissioners – County Commissioners – had funded the Department a couple of years ago for a permit software change. The permit software we are now using is now older than the technicians that are operating it and so we're going to upgrade that. And so we thought first we would lay out what the outstanding permit process looks like and then after that that we would incorporate that process into permit software, Commissioners. So that's a two-step process. We expect the first process to be over by about February and then the other process to kick in about January and take most of next year into the following year, Commissioners. So it's a long term effort for Planning and Development Services to approve that phase, that permit process, for the public. One of the things the pandemic has done has made – we accept permits 24 hours a day over email and through that process there's not a lot of control so a lot of stuff comes in each weekend and it's just – it's the new reality, Commissioners, so we are adjusting to it. Thank you.

Chair Candler: Thank you. Thank you for the Director's Update. Peter, is there anything further from the Department on that?

Mr. Gill: No, I don't think so. Thank you.

Chair Candler: Then we will move on to the next item on our agenda. I believe it's item number 6, which is the Planning Commissioners' Announcements and Comments. Do any of the Commissioners wish to speak at this time? Commissioner Hughes, I see your hand raised.

Commissioner Hughes: I just want to thank staff and the fellow Commissioners for all the work. The Planning Department is a lot of work and I have a new appreciation for it every meeting, so thank you.

Chair Candler: For sure. Commissioner Mitchell, anything?

Commissioner Mitchell: No, thank you. Go ahead.

Chair Candler: Commissioner Knutzen?

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

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Nope, I'm good

Chair Candler: Okay, I think that covers everyone, so we have reached the end of that agenda item and that brings us to adjournment. So having reached the end of our agenda, we are adjourned. Thank you, everyone.