

**Skagit County Planning Commission
Work Session: SMP Update
September 28, 2021**

Planning

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

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

Others: Dan Nickel, Consultant (The Watershed Company)

Chair Tim Raschko: Good evening and welcome to the September 28th, 2021, meeting of the Skagit County Planning Commission. We'll do a roll call first. Commissioner Hughes?

Commissioner Amy Hughes: Present.

Chair Raschko: I see Commissioner Hughes is here. Commissioner Knutzen? I don't see Commissioner Knutzen.

Commissioner Mark Knutzen: I'm here.

Chair Raschko: Okay, great. Welcome. Commissioner Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Raschko: Commissioner Rose is here. Commissioner Woodmansee I see. And Commissioner Candler will be a little late. She's having a few technical problems with her computer and hopefully we'll see her soon. So can I have a motion to approve the meetings – the minutes from last meeting, please?

Commissioner Vince Henley: Did you get Commissioner Henley?

Chair Raschko: Commissioner Henley! You know the reason I missed you? Your name is omitted from the agenda.

Commissioner Henley: Of course.

Chair Raschko: So, okay, let's note that we have Commissioner Henley present – and welcome back.

Commissioner Henley: Yes. Officially, no less!

Chair Raschko: Okay. All right, so does anyone care to make a motion to approve the minutes from the last meeting?

Commissioner Joe Woodmansee: I'll make that motion.

Commissioner Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve the minutes. Are there any comments, changes to the minutes?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Aye. Okay, all opposed?

(silence)

Chair Raschko: So that carried unanimously. Thank you.

So we'll turn to our major program for tonight which is the Shoreline Master Program Update Work Session. I'll turn that to Mr. Gill, please.

Peter Gill: Thank you, Chair Raschko. My name's Peter Gill and here with us tonight (are) Betsy Stevenson from the Natural Resources Division, and Dan Nickel from The Watershed Company to continue the conversation on the Shoreline Master Program Update and the public comments that we received through – originally provided to the Planning Commission back in June and we've been working through those steadily. There was 366 pages' worth of comments, and so we are taking our time to make sure that we address all of them. And we've provided an overall comment matrix with a response – at least a Department response – to those comments in the past. And those are posted on our website as well as on the Shoreline Master Program website. Last meeting on the 14th of September we made it through the comments matrix, the broad one, and tonight for discussion we have the more detailed or specific table from Kyle Loring. It's fairly significant in size; it's about 81 pages for you all to review. And in that you now have the Department responses to those comments.

So with that, I will turn it over to Dan and Betsy. I just want to just remind the Planning Commission that your discussion and items that you bring up through your discussion will end up on a draft recorded motion for you all to vote on in the future in the coming meetings. So if you have concerns over the public comments or the Department responses to those or you have other items that you want to make sure we address, please bring those up and we will make sure those get into a draft recorded motion in the future.

So with that, Dan, I'll turn it over to you.

Dan Nickel: Great. Thank you, Peter. Thank you again. Similar to our process that we went through last time at the previous meeting, as Peter mentioned, the intent here today is to go through the table that was provided by Kyle Loring and the responses from the Department. It is a very long table, a very long document. It's very detailed. And I think I'll share my screen here in a moment and I'll provide it here. And I think the – similar to last time, we would just go through it at your pace, you know, answer questions, address any concerns or issues that you all have, and, you know, work our way through that document. I'm not sure exactly how long that will take but we're willing to – you know, willing to be here and support that process as much as it takes.

Chair Raschko: Excuse me, Dan.

Mr. Nickel: Yes?

Chair Raschko: Could I ask a question? I'm about to spend the next three hours of my life going over proposed changes to the SMP by somebody I don't know who he is. Can you say who he is?

Mr. Nickel: Sure. Kyle Loring represents Evergreen Islands and that's a nonprofit. And he put together this table on behalf of actually several other groups: Evergreen Islands, the Washington Environmental Council, RE Sources, and the Guemes Island Planning Advisory Committee. And so those – you know, the table here is really a combination of those groups pulled together, and Kyle was the main author in that response.

Chair Raschko: Okay. And this isn't aimed at you, Dan, but I'm a little frustrated with the process in that when we started this – and I can't remember what year it was – we had a 2016 effort to come up with changes to the SMP, which we did. And for some reason I can't remember – it's been so long – that was never finalized. So we started out going through the proposed changes of that and I'm thinking that that was the process. And it has somehow evolved into a total rewrite of the entire SMP. And so we're going to spend – go through 82 pages of proposed changes? Somehow I think this thing has kind of gotten out of control. It's not that I'm against public input, but I don't believe this fellow lives in the county and I think some of the other groups he represents don't either. And it seems to me it's almost akin to somebody wanting to make change to code or something and they're able to circumvent the normal process of petitioning to the Commissioners to get on the docket. All of a sudden we've docketed a guy – or a group – for 82 pages of proposed changes. I don't get it. So anyway, I just wonder if anybody has any other comments or feelings about that before we dive into this thing. Thank you. Does anybody else have anything to say about it?

(silence)

Chair Raschko: Oh. Okay.

Mr. Gill: I think Commissioner Mitchell has her hand up.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: Yes, I'm sorry. I can't find the raise-my-hand button again. I apologize. I'll find it.

Chair Raschko: Excuse me. Why don't we use the Chat Box if somebody wishes to speak, okay? Thank you.

Commissioner Mitchell: Okay. I appreciate the process for doing everything that we need to do, but this is – when we get public comments in – and we have in the past – we would go through the comments and go through deliberations and get – you know, and go through and get things done. But this does look like things have changed a heck of a lot since the formal public comment period. The thing's expanded and grown. And I just don't understand how that change is justified that way. Are we going to have another public comment period, because a number of these edits and things are not what the rest of the public saw? And the thing has grown quite a bit bigger, so I'd like to know too.

Mr. Nickel: I can maybe touch base on that, if I can. Just for reference, the document that we have before us today – this table – it *is* long. It's 81 pages' worth. But in there in the Department responses there are seven items of which the Department is recommending a change. And I believe all of those are items that you've discussed already, we've discussed already, because they're already in the matrix. And so, you know, this is – it doesn't represent as much change right now in this table as it perceives to be. Yes, they commented on a lot of different things and there's a lot of issues that they brought up, but it doesn't necessarily represent a lot of new changes that the Department is suggesting.

I would also point to the fact that there are quite a few other comments that have been received that are part of the packet. Some of them were very extensive and there are some other very particular comments in there. I made reference to some of those – some from DNR, some from the Swinomish Tribe, some from the Department of Fish and Wildlife – that also have some targeted comments, of which at this time the Department is not bringing any new things forward other than the ones that you've seen already from their recommendations. But we are able to, if you'd like, to go through those comments in more detail if you'd like to review those today or in the future. But they were part of that public comment period that we did hold for this process. I'll leave it at that.

Chair Raschko: Any other comments?

(silence)

Chair Raschko: Well, thank you, Dan.

Commissioner Henley: I have some comments.

Chair Raschko: Oh. Commissioner Henley, please go ahead.

Commissioner Henley: I think this input from the staff on a few changes that they're going to make based on the public comments is all well and good. The question I have is, When does the Planning Commission get to put any input into the plan – the SMP – other than what's come through the public comment? Because I have some changes I'd like to see and I have little doubt that there are probably other Commissioners that have changes that they'd like to see. So when do we get to put those in?

Mr. Nickel: Go ahead, Peter.

Mr. Gill: Sorry. This is Peter. I can respond to that. You know, so we're taking the feedback that we get at these meetings and trying to incorporate those into a formal recommendation to the Board of County Commissioners. And through the review of that recorded motion, you all can add items that you feel need to get discussed or amended in the current document. So in addition to

the items that staff has recommended for changes, you all can add also your recommendations for change prior to that final vote on that recorded motion. And we're hoping that we'll be able to do that or at least start that deliberation process at the next meeting in October.

Chair Raschko: I wonder if it'd be appropriate to have Planning Commission members who have issues such as those of Commissioner Henley wish to have brought up for consideration to submit those and get them on the agenda for our next meeting and we can discuss those. Does that sound helpful?

Commissioner Henley: I can certainly do that. I have had these things documented for months now. I think you've all seen them actually, so we should be able to get them, you know, as part of the agenda at any time you wish.

Chair Raschko: I think it would be helpful then if you were to take those, encapsulate them, and put in just a request to get on the agenda with those issues. And you'd have to do it fairly early because of the public meetings' notice requirements.

Commissioner Henley: It's ready to go right this minute.

Chair Raschko: Great. Okay, then that should be easy. And then – and that way we've got a formal way to look at those things that – instead of just having our –

Commissioner Henley: I'm all for that.

Chair Raschko: All right. Thank you. Okay, I kind of sidelined this thing. I do think that somehow process got carried away from what the original intentions were on this whole thing. What I'm afraid of is just that becoming the norm rather than having it an aberration in this instance. Having said that, if you want to go ahead, Dan, with your presentation, please do so.

Mr. Nickel: Sure thing.

Commissioner Henley: I still –

Mr. Gill: Commissioner Raschko? Commissioner Woodmansee does have his hand raised.

Chair Raschko: Go ahead, and please use the Chat Box if you want to say something because I can't see hands that well in these little tiny things. So go ahead, please, Joe.

Commissioner Woodmansee: No problem. I actually did use the Chat Box also.

Chair Raschko: Oh, you did? I'm sorry!

(laughter)

Commissioner Woodmansee: No big deal. My question is a process question relating to your comments earlier. Once the public hearing closes, the official record of the public hearing as far as public comment, does it become – and this is for staff – does it become, like, Okay, a line's been drawn, this is the actual official public comment? And then when somebody tries to amend comments or add comments too, does that go into the public record as part of that package or – I realize that anybody can call somebody and talk to them any time, I guess. I'm assuming. So I'm just wondering if at the point of the official public record for this – and this isn't pointed toward

anybody; it's a point of understanding for me. Does it actually – the official public record on the public hearing – close at the actual closing date, and then that *is* the public record?

Mr. Gill: Yes. So we did leave the public comment date open an extra 30 days, I believe. Betsy might correct me on that. But, yeah, so once that comment period closes, we have all the verbal and written comments that is provided to the Planning Commission for consideration. That's the ending.

Commissioner Woodmansee: One last question –

Betsy Stevenson: The public record is the entire record of the whole proceedings.

Mr. Gill: Yes.

Ms. Stevenson: So just to clarify. And what we have done in the past and what we did earlier with the Shoreline process, if we received comments that were outside of an official comment period they are in the record but they are noted as outside of an official comment period. So it's kind of a fine line. But we do recognize that we received something from somebody – if that makes sense – and that it wasn't during the comment period so it won't be addressed and responded to and done that way. So does that make sense?

Commissioner Woodmansee: Yeah. So if we got something outside of the timeframe in this particular process we're going through, are we commenting to it or have we not?

Ms. Stevenson: Yeah, if we received something beyond the comment period you're not – it's not in any of the stuff that we're going over now.

Commissioner Woodmansee: Gotcha.

Ms. Stevenson: This all came in within the comment period after the extension and everything.

Commissioner Woodmansee: Yeah. Okay. I just wanted to make sure I understood it right. Thank you.

Ms. Stevenson: Yeah.

Chair Raschko: Okay, Dan?

Mr. Nickel: Okay. All right. Well, I don't have a presentation necessarily. I will bring up the table that we will be referring to and we can scroll through it. So hopefully my screen is being shared. And so I think, you know, last time we went through this the last time, the document was about, I think, 20 or so pages or maybe 16 pages. So my suggestion here might be to go through, you know, maybe five pages at a time and pause and see if there's any comments or questions from the Commission as we look at this document. I think you all have a copy of this table in front of you. I have it up here for reference on my screen and I'm happy to scroll through it. So I might just ask for some direction from the Commission here on how you want to proceed.

Chair Raschko: Well, that was my idea, was to go through five or ten pages at a time and see if anybody had any issues, and stopping on the ones where there was recommended changes. Anybody else?

(about one minute of dead air time here)

Mr. Nickel: Okay, any comments on the first five pages. I will point out where there are recommended changes. The first one isn't until page 13. But any comments on pages 1 through 5?

(silence)

Chair Raschko: I don't think so.

Mr. Nickel: Any comments on pages 6 through 10?

(silence)

Mr. Nickel: All right. All right, any comments on pages 11 through 15? I will first point to page 13, which is where we have a recommended change from staff. This is one you've seen before. This has to do with the Rural Conservancy coverage – the lot coverage. We have on the table it's 30% of lot coverage, and we are making the suggestion to add a footnote into this table which would acknowledge that any new lots created would need to comply with a 10% coverage rule.

Chair Raschko: I think Commissioner Mitchell would like to speak.

Commissioner Mitchell: Yeah. Guys, I want to apologize to everybody first. Something happened to my Zoom version from last time, but this time I have no way to do a raise-your-hand other than this. I'm going to – next time I'm going to download and try reloading. So thank you for bearing with.

On page 13, the question I have regarding the recommended change is to – this is a generic question – is why to add it at all since this is already known. If we keep adding pieces on just so people know, just so people know, just so people know, little by little this thing's going to keep growing even bigger. And I believe that staff pointed out that this is already a known. So this may seem like a hypothetical question, but not really.

Mr. Nickel: I guess I'm not sure I understand the question.

Commissioner Mitchell: The recommended change – it says at the bottom: "The County suggests adding a footnote to Table 14.26.310-1 to acknowledge that new lots in Rural Conservancy created after the adoption of the SMP would need to comply with this 10 percent hard surface coverage limitation." I would say that, Why would we even have to add that? I mean, that would be a given, so why have to even add that piece?

Mr. Nickel: Well, I mean, I would suggest adding it for clarity and for consistency with the WAC. The WAC does allow the County to, you know, to recognize already created lots and that is something that we've discussed, and to have a 30% limit of those created lots that consistent with the code already. This footnote would just allow us to recognize for consistency and those that aren't familiar with this WAC citation that this is the – the 10% limit is consistent with the State rule.

Commissioner Mitchell: I guess from my standpoint it ends up being a circular discussion or argument. I'll just make the point and stand now as I think that it's unnecessary. Thank you.

Chair Raschko: Okay, anything else on page 13?

Commissioner Woodmansee: I have a follow-up question. So is the WAC – and I just pulled it up and I'm trying to get to it – but is the WAC saying that the 10% is a hardline rule, or is it a recommended 10%?

Mr. Nickel: It is a rule but they do allow for master programs to recognize other situations, and we have a specific quote here that is directly from the WAC where it says "Master programs may allow greater lot coverage to allow development of lots" that were "legally created prior to the adoption of a master program prepared under these guidelines. In these instances, master programs shall include measures to assure protection of ecological functions to the extent feasible such as requiring that lot coverage is minimized and vegetation is conserved." So this language does allow the County to have a higher threshold than 10% for those legally established lots. But it does otherwise require the 10% limit to be met.

Commissioner Woodmansee: So is our position now: If you have a legally established lot now you're going to be able to go to the 30%? Or do you have to go through a process to get past the 10?

Mr. Nickel: No, you would be allowed to get to 30%.

Commissioner Woodmansee: So just for the record, I still think 10% is very restrictive, and so this is an area for me that I think it's a little bit – an overreach. Maybe it's nothing we can do about it, but I just want to get that on the record. And I realize it applies to new created lots, not existing.

Chair Raschko: Anybody else?

Vice Chair Tammy Candler: Yes.

Mr. Gill: Commissioner Candler has her hand up.

Chair Raschko: Yeah, I know. I just want to make sure we're all done with this particular issue.

Vice Chair Candler: It's on this issue.

Chair Raschko: All right. Oh, I'm sorry! I thought you wanted to move on to Mineral Resource.

Vice Chair Candler: The way that this is written, it doesn't look like the WAC – are you saying the WAC *requires* the 10% or it's just based on a study the WAC recommends it? Does that make sense?

Mr. Nickel: My understanding and my read of the WAC is that it is *required* unless the County can show otherwise.

Vice Chair Candler: Okay. Okay, thank you.

Chair Raschko: Anybody else? Commissioner Candler, did you have a question about another issue in this five-page segment?

Vice Chair Candler: Well, I'm sorry. I actually – my question, I think, was about page 8.

Chair Raschko: Oh, well, we can go back. Let's go back.

Vice Chair Candler: I apologize. Yeah, I didn't speak up quick enough. It seemed like – and maybe it wasn't here; maybe it was elsewhere. But my question is whether where mineral resources have been identified, have there already been studies associated with that in terms of the critical areas type situation? Or is it completely separate: You identify the resources and then you look into it if someone is trying to harvest them? Does that make sense?

Ms. Stevenson: Yeah, when we designated the MRO areas?

Vice Chair Candler: Yeah.

Ms. Stevenson: It was specifically looking at where the mineral resources were located. There wasn't necessarily work done as far as identifying other critical areas that might be within those areas. So it's just an overlay of these are where the mineral resources are. Does that answer your question?

Vice Chair Candler: It *does* answer my question and that's what I assumed but I was just wondering. Thank you.

Chair Raschko: Okay, thank you. Anybody else on this part?

Commissioner Woodmansee: A follow-up question for Betsy: If you have this overlay and although it may be unlikely that this would happen, but let's say on top of this mineral resource you have a critical area that's typically not something you can disturb, would that effectively shut down the ability to mine? Or would it be all about mitigation? Which one takes precedence, I guess is really what I'm asking. Or neither or whatever?

Ms. Stevenson: Yeah, we'd have to look at that on a site-by-site, case-by-case basis. I guess the good news is that usually in the areas where there are mineral resources you don't have wetlands because it ___ so quickly. There may be other critical areas there, but you have to look at it on a case-by-case basis. And there are times when, you know, extracting the mineral resource may impact the critical area and it may require mitigation or restoration once the site is reclaimed, and things like that. So we do still try to work with people when they're looking at those properties and extracting the resources – if that makes sense?

Commissioner Woodmansee: Yeah, and the reason I asked the question is because generally speaking our mineral resource areas are fairly limited and so there's – you know. I know the Big Rock pit, which is on Highway 9, is getting to the end of its life. And it's been a nice source for the local contractors for a long time and the next step is more expensive because it's a little farther out – which has nothing to do with the critical area situation, but there are only so many locations and so.... All right, thank you.

Chair Raschko: Okay, if we're done with page 8, we'll move on, please, Dan.

Mr. Nickel: Sure. Is there any other questions on pages 11 through 15? There was one more recommended change on page 14. At the bottom here this was also – we discussed this in the Comment Matrix. This is related to directing lighting in a downward direction. So we – the County has recommended adding a section to 14.26.360. That's in subsection (4)(d). The response here, the suggested edit, says that directional sign lighting must be directed away from critical areas,

unless necessary for public health and safety. And it goes on to say – existing text – “Outdoor advertising may not move or fluctuate in lighting or position in any manner.”

Chair Raschko: Anything on comment 62?

(silence)

Chair Raschko: Looks like everybody's okay with that one.

Mr. Gill: I think Commissioner Mitchell has a question and so does Commissioner Candler, in that order.

Commissioner Mitchell: Yeah, I do. Thank you. So, Dan or Betsy, when let's say that there is some public health, safety reason or whatever to be able to do the lighting. Who makes those calls?

Mr. Nickel: I believe it would be the County's decision.

Commissioner Mitchell: Well, what – maybe, Betsy, do you know what department that would be? Was it the Health Department or would it be, you know, engineers somewhere or what?

Ms. Stevenson: You're going to get tired of me saying this. I guess it's going to depend why the lighting is necessary. What sort of public health or safety issue it is, whether it's a dangerous intersections so it would be a Public Works road kind of situation, or, you know, whatever it may be. We would meet with whoever the agency or the folks were that were proposing it and their reasoning behind that.

Commissioner Mitchell: So the pathway to that inquiry would be whoever either has something built or is submitting something built, it would be on them to discuss that with you guys?

(silence)

Commissioner Mitchell: Thank you.

Chair Raschko: Commissioner Candler?

Vice Chair Candler: Thank you. My question is: The change that's recommended, is that a complete addition to the previous language, or is this changing the current, already proposed language?

Mr. Nickel: Good question. This is actually an additional sentence, so the prior subsection (4)(d) just had that last sentence that says “Outdoor advertising may not move or fluctuate in lighting or position in any manner.” And so we've added a sentence before that.

Vice Chair Candler: Without removing anything else?

Mr. Nickel: Without removing anything else.

Vice Chair Candler: Okay. Thank you.

Commissioner Woodmansee: I have a follow-up question, if that's all right. Commissioner Woodmansee. This is for Betsy. If – hypothetically, if the Public Works Department wanted to light an intersection in a certain way and the Planning Department didn't want to do that for this lighting concern. Where do we go from there?

Ms. Stevenson: Yeah, ____ –

Commissioner Woodmansee: Just looking for a process.

Ms. Stevenson: Yeah. That's a good question. I guess I would assume that they were doing something that would require a permit is why we would be looking at it, so it would be something new within a shoreline area. But if it says it's directional sign lighting – so it's providing information. We would do our best to make sure that they were lighting the sign and not everything else around there as much as we could to still keep it safe – if that makes sense – because there are lots of different types of lighting that you can use, that some would go all over the place and some that are fairly, you know, focused. So for something like that I think that there are options that would make it so you're not lighting up the monkeys in a trees and things and it's directed towards the sign and the intersection or whatever else you're supposed to be lighting.

Commissioner Woodmansee: So in the end it's just – the Departments would just work it out.

Ms. Stevenson: Yeah. Well, if there was a permit involved that required a public hearing then people would be notified, first of all.

Commissioner Woodmansee: Sure. Yeah.

Ms. Stevenson: I'd hope we would have that sorted out before it ever got to a hearing so that people could comment on it or, you know, ____.

Commissioner Woodmansee: Sure. Okay, thank you.

Chair Raschko: Okay, are we ready for 16 to 20?

Mr. Nickel: Okay, any comments on pages 16 to 20? Page 16 in the top of 16 actually does have a recommended change. This relates to Table 14.26.401-1, just the Use Matrix. This is related to what we've discussed about prohibiting non-native finfish aquaculture – net pens.

Chair Raschko: I believe Commissioner Mitchell would like to speak. Go ahead, please.

Commissioner Mitchell: Yeah. I think that the questions that I would have on this would also reflect when we get to page 24. And I had contacted Betsy earlier to make sure that I understood about the law or laws, and the question that I asked Betsy was: Oh Lord, Betsy, help me. Were the finfish a non-native species? Are they allowed by the State currently, right now, or not? And she pointed me to EHB 29.57, which was passed February 14th, 2018. And correct me if I'm wrong, Betsy, but I think it essentially says that they're phasing out the non-native finfish allowances. And that's a very loose layman's interpretation of that. And so when we get to this page 16 part and the other, if you could please, as clearly as you can, tell us what is allowed and what isn't allowed as far as the non-native finfish?

Ms. Stevenson: Are you asking for that now? I'm sorry. I just want to be sure I'm not interrupting anybody else.

Commissioner Mitchell: Yeah. Because it reflects on page 16 for that change recommended there and then again when we get to page 24.

Ms. Stevenson: So what happened after we had the situation out at Cypress Island and the fish escaped when the pens kind of collapsed – I guess is the best way to put it – came away – we had that incident there. The State agencies involved in authorizing some portion of that process with permits and leases got together and just kind of said Hey – with a lot of stakeholders – and the legislation kind of came out of that situation that non-native species was probably not a good idea at all. So the legislation that I pointed you towards kind of indicated that we're not going to approve any more of those and we're going to try to kind of phase them out through the leaseholds. So the ones that are existing in Skagit County, outside of the one that came loose, are still allowed to continue until their leases are up, but they wouldn't be allowed to restock after that time with non-native. And so that's part of it. They may be encouraged – the Department of Ecology does an NPDES, you know, permit for those because of the waste materials and different discharge from the nets on the pens themselves. Fish and Wildlife do a – they're the ones overseeing what type of species are being farmed, and DNR is responsible for leasing _____ in the waters there. So all three of them are working on guidelines and different language for how they're going to make sure that these are being phased out and, you know, what's going to work for them. I don't think I explained that really well. Ecology's got some guidelines that they're putting together now for net pens that are out there for people to be looking at. So basically for a new facility that might be coming into Skagit County, under these – what we're going to put into place – that what we're recommending would have to be native, non – yes, native; sorry. The non-native species would not be allowed to come in there. The ones that are existing currently can continue to harvest – as far as I know, at least as of now – can continue to stock and harvest the Atlantic salmon until their lease runs out.

Commissioner Mitchell: So the part 2 of that question – thank you – part 2 of the question – this is, again, for people like me that aren't very familiar with this information – it looked like that legislation really was focusing on the WDFW State-owned lands and then not renewing those leases for anybody that had that kind of thing. So is there such a thing as privately-owned that could use and continue the businesses on their own? Or is that a moot point/moot question because of – correct me if I'm wrong – the State more or less owning the waters? So can you delineate that, please?

Ms. Stevenson: This is going to be a net pen fish farming as we know it in this state. I'll just put that in terms of the technology. The water needs to be a certain depth and at that point, as far as I know, those **bedlands** are still owned by the State. So they would require leases from DNR. I don't think the privately-held tidelands and the second class tidelands and things would go out far enough that they would be privately-held. So I think it would require a lease from DNR. That doesn't mean in the future that there may not be some other types of technology that it works that wouldn't be able to happen on privately-held and may or may not need a lease from DNR. But that wouldn't mean that they could still go ahead and do whatever they wanted to. That would just be one less thing that they would need to get. They would still be needing to talk to Fish and Wildlife and they would still probably be needing to talk to Ecology.

Commissioner Mitchell: Right, so then the question would come back to you on this. You can see the logical progression and then this is the last piece of that. With this language that would be inserted here in both sections – page 16 and starting on page 24 – would anything in either of those preclude somebody from doing something if technology changed or was improved in the future? You see what I'm getting at. Would this cut out something that could be done in the future that was acceptable to everybody?

Ms. Stevenson: I think it pretty much precludes bringing non-native finfish species to – do you “rear” them, do you “raise” them? Yeah – to bring them in. It would have to be some sort of native species or something that was approved by Fish and Wildlife. So I think it would preclude some things but most of the stakeholders and different parties that were involved in those discussions and negotiations agree that non-native species was probably not a great idea.

Commissioner Mitchell: Okay. Thank you.

Chair Raschko: Commissioner Woodmansee, you have something, please?

Commissioner Woodmansee: Yeah, it’s just a quick question. I’m just curious is if you know the volume of commerce that happens with the non-native? I’m just curious about that. It’s not about me arguing for non-native, but I was just curious how much industry volume there is.

Ms. Stevenson: Yeah, there’s information in the record because one of our Shoreline Advisory Committee members was someone who was involved with that industry and they made a presentation along with the shellfish industry. So it was a very large number and that was quite a long time ago. But I couldn’t tell you off the top of my head and I wouldn’t want to try.

Commissioner Woodmansee: So this law change will have a little bit of an impact on the local economies?

Ms. Stevenson: Yeah, I think, as far as I know, a lot of the people who are operating – and right now they’re raising Atlantic salmon – are shifting over to other species that are being accepted by Fish and Wildlife.

Commissioner Woodmansee: I see.

Ms. Stevenson: So hopefully they’ll be able to do something else. I know that that was their intention.

Commissioner Woodmansee: Okay. I just perked my interest when I was thinking about, Okay, how much do we lose? But that’s creative thinking like that. That’d be great.

Chair Raschko: Okay, where are we?

Mr. Nickel: Any other questions on pages 16 through 20?

(silence)

Mr. Nickel: All right, I’ll keep moving on. Pages 21 through 25. And there is – as we mentioned – there is a change. I believe it’s on page 23. Let me get there. It’s related to net pens again. It’s actually in the text. It’s on page 23 and it carries over to page 24. This is actually in the Aquaculture section, in Section 14.26.415 where there would be a prohibition specifically for net pens – or non-native finfish aquaculture and net pens.

Chair Raschko: Okay, any questions or comments?

Commissioner Mitchell: I have a question.

Chair Raschko: And who is this?

Commissioner Mitchell: Mitchell.

Chair Raschko: Oh. Go ahead, please.

Commissioner Mitchell: Dan and Betsy, if we did *not* put this language in – hypothetical – if we did *not* put this language in, would there be doing anything that we'd be doing counter to what the law is?

Mr. Nickel: Not to my knowledge, no. I know there's a lot of opposition. A lot of the public comments certainly spoke to this concern, and I think some of the comments that you may have seen actually wanted to go a step further and prohibit all non-native aquaculture of this sort. You know, what would be allowed here would be an upland facility to be able to culture non-native finfish species. We are just proposing prohibition on the net pens. I don't believe at the state level we're inconsistent if we were to allow it to happen.

Commissioner Mitchell: Okay. So just to be clear – I'm not putting words in your mouth – so if we did not put this language in we wouldn't be running afoul of anything legally?

Ms. Stevenson: I don't think you can say that legally. You're probably running afoul of a lot of things that somebody will take issue with regardless of what you do, so I don't think we can answer that question!

Commissioner Mitchell: I should have known better! Sorry, Betsy.

Ms. Stevenson: That's okay. That was a loaded one!

Commissioner Mitchell: Yeah!

Chair Raschko: Okay, moving along...

Mr. Nickel: Great. Any comments on pages 26 through 30?

Chair Raschko: Looks like nothing.

Mr. Nickel: Any comments on pages 31 through 35?

Chair Raschko: Nothing there.

Mr. Nickel: All right. Any comments on pages 36 through 40?

Chair Raschko: Okay, let's keep going.

Mr. Nickel: All right. Any comments on pages 41 through 45? I believe there is a recommended change on page 41. This, too, we discussed before. This relates to the review area for a critical areas review. And this is pointed out, I think, in a couple of different comments but one where the – in looking at a property and looking to see where your critical areas may be present, the existing text refers to an area within 200 feet of the development, but in this case the critical areas ordinance actually includes buffers that are potentially up to 300 feet and so it just makes sense that the review distance complies with that measurement. So the suggestion here is to adjust Section 14.26.515 to be consistent there. So we would make that adjustment through Part V, which is the critical areas section.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Thank you. So the same line of thought and reasoning here. If we left it at 200 feet for this section, does that then put it in conflict with the critical areas? You know, one subset of another, or is this – is the critical – Betsy, I guess it's this way: Is the critical areas overlapping such that we have to do the 300 feet change from 200?

Ms. Stevenson: I think the critical areas actually is where it says 200 – correct me if I'm wrong, Dan – and somebody pointed it out that we have an area where it could be up to 300 and it makes sense to have the review area be at least as big as the potential buffer could be. Is that right?

Mr. Nickel: That's correct.

Ms. Stevenson: Yeah., okay. Thank you.

Chair Raschko: Commissioner Candler?

Vice Chair Candler: So in this particular change you're recommending, are you recommending it only for this exact area? It says this *should* be adjusted throughout Part IV. Is that what you're doing or are you just doing it in this section and looking at it more broadly later or – does that make sense?

Mr. Nickel: Right. There is a – I think – a couple of instances here where there's reference to a review area – or a review distance of 200 feet, and that is inconsistent with some of the critical area buffers. It's specific to wetland buffers. And that's a very unique circumstance. Having a wetland buffer of 300 feet is very much of a rare occasion for a very specific type of wetland, but it is – we need to recognize that that potentially could be present. And so, you know, this is really just to be consistent with insuring that, you know, if somebody goes out there to review a property that they understand that that is the minimum distance that should be looked at so we don't – you know, the unintended consequences of not capturing it is to potentially impact a buffer unknowingly.

Chair Raschko: Commissioner Mitchell, do you have more?

Commissioner Mitchell: Yeah. I'm bending my mind around this one. So because those are rare instances, Dan and Betsy, I guess I'm wondering then why put the blanket over it since it's rare? You'd be finding those rare situations anyway, right?

Mr. Nickel: Well, not necessarily. If you're not instructed to be looking that far you may not venture over far enough on a piece of property to understand what's there.

Ms. Stevenson: It kinds of falls into the activity that you do when you're working on your rating for the wetland, too. You won't know until you finish your rating what the category is and what the buffer's going to be necessarily. So it does make sense to do that.

Commissioner Mitchell: So your bottom line recommendation is the 300-foot review.

Ms. Stevenson: Yeah. Dan, do you think – is there any reason that we should try to put some sort of a – clarifying information in there for that, or just make it 300 feet?

Mr. Nickel: Well, I mean, it's really hard to say because there's – you know, there's so much variability when it comes to looking at these. I mean, if we were *just* looking at – you know, if we were just looking at a stream system and there were no wetlands around, you know, the largest stream buffer's 200 feet. You know, and then you could say, Okay, well, our review distance can be 200 feet, but we just don't know. I mean, there's many instances where there's wetlands adjacent to streams and in that review area. It would be impossible for us to say it's – you know, that we could use 200 feet. I mean, we're just recommending to be consistent here so we don't miss something unintentionally.

Ms. Stevenson: Yeah, you won't know until you've finished your process and by then you've already looked at the 300-foot or the 200-foot area so you would have missed it. That makes sense.

Chair Raschko: Okay, but when it comes to the CAO, you're required to look 300 feet.

Mr. Nickel: Right. When it comes to looking for critical areas.

Chair Raschko: Yeah, _____ shorelines anywhere. But you don't necessarily have a 300-foot buffer.

Mr. Nickel: Correct. That would only apply –

Chair Raschko: (unintelligible)

Mr. Nickel: Right. The 300-foot buffer is only for Category I or II wetlands with a high land use value or a situation where you have a high habitat score for a Category – yeah, having a high habitat score for Category I, II, or III wetlands. These are very rare circumstances and, frankly, wetlands that *do* need protection because of their value.

Chair Raschko: Let's see, Commissioner Woodmansee, have you had a chance to speak?

Commissioner Woodmansee: Not yet. So my question relates to once – I mean, in my experience, typically once a proposal is submitted to the City for review or the County for review, at that point you've already classified what your wetland is typically – your consultant has. The County may not have accepted that and agreed with it yet, but – so at that point you have a class I, II or III or IV wetland. It seems like if the review includes one-size-fits-all, wouldn't it shrink with the class of wetland, the necessary review area? And maybe it does and I don't know that, but it seems like it would shrink. That distance that you need to review would shrink based on the class of the wetland, and the class of the wetland's really the first thing you're going to find out when you're going through this critical areas stuff.

Ms. Stevenson: Yeah, the County's critical areas ordinance, the way it was developed and the way it operates is different than the Cities'. We didn't map all of our critical areas and our wetlands and make any determinations ahead of time, so what we did in the way of an application can just be a landowner coming in and saying, Hey, I want to put a house over here. Do I have critical areas on my property? So they won't have those ratings of if there's wetlands there or what the category might be when they come in. You know, we go out and do a site visit to look for indicators and then we tell them they probably need to hire a consultant if we see indicators for wetlands, say, on the site. And then they hire their consultant and they go out and do that work and they can do the rating. So it's a little bit different.

Commissioner Woodmansee: So how does it work the other way around, though? I recently looked at a piece of property that was 27 acres and all but 1.8 acres of it was a wetland or a buffer. And I didn't come to the County to figure that out. I went to a consultant – you know, an expert. And they said, Well, here's your line. And realizing that the County can still disagree with that line. But at that point we knew we had a class whatever it was wetland, and so it seems like that if you bring in a report, at that point the report would get reviewed and once it's reviewed I'm just going to guess that the majority of the time – because our consultants in our area for the most part do a pretty good job – a majority of the time there's concurrence for the most part. And so would you still need to – and maybe it doesn't even matter because it doesn't take that much time, but it seems like it would take a lot more time to, you know, investigate 300 feet than if you only had 100 feet of potential buffer. Perhaps it wouldn't, but.... It's just a thought that maybe it should graduate width. But let me clarify this question too: In our critical areas ordinance, is it 300 feet always, no matter what? You're always looking at 300 feet?

Ms. Stevenson: Maybe I should let Dan answer it this time because I answered it last time and evidently it didn't get through. So I'm going to let him take it this time.

Commissioner Woodmansee: I was thinking –

Ms. Stevenson: He agreed with me!

Commissioner Woodmansee: I was thinking at the same time, which was a problem – right?

Ms. Stevenson: Okay! Well, the critical areas ordinance does call for a 200-foot review area. This is different than what the critical areas ordinance calls for.

Mr. Nickel: And this is to recognize that there essentially is an inconsistency in the current critical areas regulations. We brought forward the critical areas regulations and put it into the SMP – right? – and we're recognizing here there's actually an inconsistency with this review area because you potentially have a buffer that's 300 feet but yet your review area's 200 feet. And so all this is trying to do is just recognize that there is potential to miss something. You know –

Commissioner Woodmansee: _____. Go ahead.

Mr. Nickel: Well, I was going to say in the case of, you know, of proximity, if you were to look at your parcel – whatever it might be – and look at your potential development area on this parcel, maybe it is a 20-acre parcel but you're only planning to develop this certain area. The point of this is to look within 300 feet of all the potential development area. It doesn't mean you need to go out and inventory the entire parcel, but things that are within 300 feet of your proposed development.

Commissioner Woodmansee: So just so I understand, so this 300-foot measurement is as it relates to shorelines _____ the critical area numbers stand everywhere else.

Mr. Nickel: That's correct.

Commissioner Woodmansee: Yeah, okay.

Ms. Stevenson: I think it helps us pick up proximity like Dan was talking about, too, to associated wetlands that might not be so obvious with shoreline areas that we do need to include and consider too. I think it just gives us a better handle if they're looking a little bit further to make sure that we didn't miss something.

Commissioner Woodmansee: Okay, thank you.

Ms. Stevenson: Hopefully I didn't confuse you since you had it all settled there! I should have just kept my mouth shut. Sorry, Joe!

Commissioner Woodmansee: I'm good. I understand what you're saying.

Ms. Stevenson: Okay.

Chair Raschko: Commissioner Mitchell had something, please. Go ahead.

Commissioner Mitchell: Well, now I'm not so sure. I'm thinking again. Thank you.

Chair Raschko: Okay. Anybody else on this issue?

(silence)

Chair Raschko: Okay, Dan.

Mr. Nickel: Any other comments on pages 40 through 45?

(silence)

Chair Raschko: Nope.

Mr. Nickel: All right. Any comments on pages 46 through 50?

(silence)

Chair Raschko: Nobody.

Mr. Nickel: All right. Any comments on pages 56 through 60? Or did I skip one? 51 through 55. Sorry.

(silence)

Chair Raschko: Okay, let's move on.

Mr. Nickel: All right, and then any comments on pages 56 through 60? I'm a little behind here. I think we had a – we did have a recommended change, I believe, on page 57. Yeah, this is page 57. This is a partial change recommended, meaning that, you know, part of the suggestion here from the author was to recognize use of Best Available Science and Best Management Practices. So in Section 515, which is just a standard critical areas review and site assessment procedures – this is Subsection (4)(b) – the County's recommending just adding the language here to use Best Available Science and Best Management Practices in the analysis of critical areas data and field reconnaissance, and reference the source of science used.

Commissioner Woodmansee: I have a comment on this. I mean, it's my understanding that that's actually what's been going on, is essentially that using Best Available Science and Best Management Practices has been the criteria that everything's being judged against, whether it said it or not specifically. Would that be correct, Betsy?

Ms. Stevenson: Yes, as far as the critical areas go – ordinance goes.

Commissioner Woodmansee: So this doesn't fundamentally change anything from practice as far as making that statement because we're already held against that standard when we sign a proposal or whoever submits a proposal. Is that fair to say?

Ms. Stevenson: Yes, I think so. Dan?

Mr. Nickel: That is correct. Yes.

Commissioner Henley: I have a question.

Chair Raschko: Oh. Go ahead. Commissioner Henley, please.

Commissioner Henley: Yes. Who determines what Best Available Science is? It's always occurred to me that we might not know what Best Available Science is.

Mr. Nickel: Well, in Best Available Science there are certain criteria that spells out what Best Available Science – you know, what applies as Best Available Science. It includes a variety of different things. The main one is, you know, peer-reviewed literature. It has a whole bunch of different hierarchy but there's a variety of different types of BAS. And the arguments about what BAS really are – that is ongoing. I mean it –

Commissioner Henley: Well, that's what I thought. I thought we were a bit unsure about what that is. I'm curious to know what standard that we use here in Skagit County. That's all.

Mr. Nickel: Sure, and I think we can say that, you know, the science record on what is Best Available Science is pretty robust and I think it's pretty clear on most topics. There's always going to be, you know, some pointing at various disagreements in that science, but for the most part the record is pretty clear on most of these issues specifically related to critical areas. And there's been many documents out there that have assimilated the science into more of an understandable document. For example, the Department of Ecology, the Department of Fish and Wildlife, they've done their due diligence to summarize the Best Available Science as it is today.

Commissioner Henley: Well, I think that's all well and good but, you know, history is full of instances where Best Available Science has turned out to be wrong. So I just want to bring that up.

Mr. Nickel: Yeah, we used to think woody debris in streams was a bad idea.

Commissioner Henley: Yes.

Ms. Stevenson: Mm-hmm.

Hal Hart: Dan, this is Hal Hart. There is a WAC that I was involved in writing many years ago. That's 365-195-900 through 925. Is that what we still use, too, as a framework for that discussion?

Mr. Nickel: Yes.

Mr. Hart: Okay. Thank you.

Chair Raschko: Commissioner Mitchell, do you have a question or comment?

Commissioner Mitchell: Really more of a comment that goes to a question. I think it's a little backwards and also insulting to professionals. You're hiring qualified professionals to do something and then you're telling them how to do their job. And so just by adding in this language here – I realize it's well-intentioned; that's not the point – but, "The Mitigation plan shall be prepared by a qualified professional using Best Available Science and Best Management Practices" blah, blah, blah. Well, that's what you're hiring them for. And again, I think this is unnecessary language. They're held to those standards already. So I think my objection is even putting it in here. Professionals are professional and they are held to the standards, so every time you hire somebody you say, you know, Please do this job for me and you have to use Best Available Science and Management. That's a given.

Chair Raschko: Any more questions or comments?

(silence)

Mr. Nickel: Anything else on pages 56 through 60?

(silence)

Mr. Nickel: All right, any comments on pages 61 through 65? There is one recommended change on page 60 – starts on page 61, ends on page 62. This again relates to recognition of riparian buffers, that they also include these two topic areas: microclimate and nutrient inputs. And this was a recommendation to add this language. And the County does agree that it would be wise to include those and recognize that those are part of our riparian corridors in terms of riparian function.

Chair Raschko: Commissioner Mitchell, have you a comment?

Commissioner Mitchell: Yes, I do. I object to the language entirely and the reason is this: There are things that can be affected all over the place, but by adding this language in what this translate(s) into is that the County now has the authority to regulate microclimates, and that ends up being a pretty big bleep and overreach. Once something like this goes into writing these kinds of things get adapted and put into other kinds of places. This just seems like it goes way too far.

Chair Raschko: You know, I don't understand the context here either. Number vi: Are these – I mean, in the larger document where these would appear – vi and vii – it looks like a list of something. But to what does that list refer? Do you understand what I'm trying to ask?

Ms. Stevenson: Yeah. If you go back up to the other page it says this is a section on riparian buffers. Riparian buffers apply only to streams and rivers. And then (a) is intent of riparian buffers: The "intent of riparian buffers is to protect the following" and then it's your list of "5 basic riparian forest functions that influence in-stream and near-stream habitat quality." So what we're saying is that we would add these other two as basic riparian forest functions that could influence those things, so that we are taking a look at those things as we determine whether we're protecting those functions.

Chair Raschko: Okay. Thank you. Let's see, Commissioner Woodmansee, please.

Commissioner Woodmansee: I would tend to agree with Commissioner Mitchell on this. I don't think that – I think that we're opening a door here that's not very well defined. And I think that to add this language in there is something that needs a more thorough discussion, and I just – when you're getting down to the micro-level of things, I mean, it can get pretty darn technical. And I don't recall that that's the kind of stuff that we've been doing previously to that level, and then perhaps maybe the words just weren't used. But I have concerns about adding this language in there as a stopper of just about anything, because you can't meet some standard that you don't even know what it is today. And so that's my concern on this.

Chair Raschko: Thank you, Joe. Anybody else?

(silence)

Chair Raschko: Okay. Shall we move on?

Mr. Nickel: All right. Any comments to page 65?

(silence)

Mr. Nickel: All right. Any comments on pages 66 through 70?

(silence)

Mr. Nickel: All right. Any comments on pages 71 through 76?

(silence)

Mr. Nickel: And then I'm going to go ahead and skip to the end. Any comments on pages 76 through 81? And that's the end of the document.

(silence)

Mr. Nickel: All right. That is the end of that table.

Commissioner Henley: I have a generic comment.

Chair Raschko: Who's this? Is this Commissioner –

Commissioner Henley: Commissioner Henley.

Chair Raschko: Please go ahead.

Commissioner Henley: Yeah, a generic comment is I think we ought to be looking at doing the least amount that's necessary to achieve the goals of the County. I don't think we should always come down on the side of doing the most. It seems to me like in some cases here some of these changes we've looked at we're doing more than is needed, and I think we should always try to do the *least* amount necessary, not the most.

Chair Raschko: Thank you. I tend to agree with that. Anybody else? Commissioner Rose?

Commissioner Martha Rose: Yes, thank you. I just wanted to say that I think that this chart has been very helpful, and especially the comments from the County to explain their reasoning why and why not they're recommending changes or not. I have not seen any of the recommended changes that I think are problematic. I think they're all good. And I know it's a long document, but I feel like it made the job easier to sort of digest all of the comments and look at their proposed, you know, changes but then read the County's response to that. So at any rate, I just wanted to put that on the record that I think that it's been handled very well and I support the changes – the few changes that the County has recommended. Thank you.

Chair Raschko: Thank you, Martha. Commissioner Mitchell?

Commissioner Mitchell: Yes, I just wanted to cosign what Commissioner Henley said. These documents are very thick and heavy with a lot of materials to them, and the more layering that goes in, the more specifics that go in, the more criteria that go in, the more micro-passages that go in, it makes it much more difficult for people to understand and follow what needs to be done. And that's the reason I agree with Commissioner Henley when he said try to make it simple. And I think that's one of the basic things that's probably better than anything else, is keep it as simple as possible, easy to follow the rules, easy to understand. And, quite frankly, every time we micromanage – putting in more little passages, more tightenings here, more handcuffs there, more tweaks there, it makes it that much more difficult for everybody to understand. So I'm coming down on the side of keeping it simple. Thanks.

Chair Raschko: Any more comments?

(silence)

Chair Raschko: Okay, Dan?

Mr. Nickel: All right, I will go ahead and stop sharing. I want to just take a moment, I guess, to just recognize some of the other comments that did come in that, you know, folks might want to pay attention to. I mentioned them earlier. But specifically we had comments coming from DNR. If you're following the list of comments – which is actually on the very front pages of the actual Comment Matrix. You'll see the list of comments. So comment number 19, that comes from DNR. There's a comment from Scott Andrews. That's comment number 43. Comment number 62 comes from the RE Sources. Comment number 73 comes from the Swinomish Tribe. Number 82 comes from Department of Fish and Wildlife. And then actually number 68 comes from the Diking and Drainage District. I would just recommend, you know, ensuring that you've gone through, you know, some of those letters and some of those comments as well – they had some very specific items in there; some are very broad – most of which we've been able to incorporate and discuss in the actual matrix itself. Actually they've all been incorporated one way or another in the comment matrix. So I just wanted to draw your attention to those as well. If there's any comments on those, I'm happy to bring them up for discussion if you'd like, or any of the other comments that came up.

Chair Raschko: Is there anybody who wishes to take Dan up on his offer? You're kind of opening it up to the whole thing here.

Mr. Nickel: Well, you know, in a way, I guess. Part of it is just to recognize there are just an abundance of comments, as you've seen. So we aren't trying to necessarily single any particular comment out, you know, over and above others. We have gone through all those comments and we've used the matrix as a way to kind of summarize the topic areas and refer where specific

comments and specific points in comment letters refer back to the matrix. So that document became a useful tool as we went through those comments.

Chair Raschko: Okay, do we have any takers?

(silence)

Chair Raschko: It looks like none.

Mr. Nickel: Okay. I guess at that point I would maybe turn it back to the Commission again, if there's any other discussion topics that you want to bring up and discuss. Because I think, you know, we are looking at coming back to you at the next meeting for more in-depth discussion of your kind of getting prepared for the draft recorded motion. But if you have time/you want to take the time tonight to discuss any specific topics, we're happy to do so.

Chair Raschko: Okay. So the floor is open for anybody who wishes to take Dan up again on his offer.

Commissioner Mitchell: I've got a question for Dan.

Chair Raschko: Please go ahead, Commissioner Mitchell.

Commissioner Mitchell: Thank you. So, Dan, what do you envision the next meeting really looking like?

Mr. Nickel: Good question!

Commissioner Mitchell: Yeah, how to prepare.

Mr. Nickel: I think – actually one of – the prior comment about seeing if the Commission has specific comments or recommendations, you know, sending those to staff to help prepare an agenda, that's good. But I see the next meeting really kind of getting into preparing for that recorded motion. You know, we won't have – you know, we don't have a draft recorded motion yet. We've been taking notes on all of the comments that we've heard and items that we've heard to help draft that, but I think the next meeting really is in a lot of your hands to, you know, to look at, you know, areas where you want to see changed in the document. Maybe if we can, we can provide a, you know, bulleted list of issues that we've heard so you don't have to repeat yourselves. I think that would be good. I think we can probably provide that and you'll see the next meeting as being something where we start to refine what that looks like.

Commissioner Henley: I can provide that right now, Dan.

(laughter)

Mr. Nickel: Okay! _____ Peter's been taking diligent notes all along!

Mr. Gill: Yes! If it is helpful, I can just go through the ten or so topic areas that I have that would be included in a draft recorded motion. And obviously the details will be in that draft. But at least this is what I have from basically almost a year long worth of meetings.

I have logging access roads within shoreline jurisdiction.

I have Open Space Plan. You've heard about that a lot.

We've had a couple of comments about docks.

We have impervious surface limits on newly created lots, which we just touched on again tonight.

We have net pens for finfish.

We have floating and overwater residential structures.

We have overwater lighting.

We have dike maintenance and public access.

And then we have some process items like shoreline variances, shoreline exemption noticing, archaeological investigation process.

So that's kind of the big list, the generalized list of things that we will have details on. But if there's any big items that I missed off of – that come to mind, I'd love to – we'd love to hear those.

Chair Raschko: Okay. Well, that would go along with my recommendation that – for instance, with Commissioner Henley, that if there are things outside the discussion you'd like to have added, I heartily recommend sending a memo to Peter to be distributed to all the Planning Commissioners so we have a chance to see and study it, and get it on the agenda.

Commissioner Henley: I will do that. I've done that before but we're ready to do it again, and I think I'd prefer to submit them in writing anyway so it's not a problem.

Chair Raschko: Well, I'm saying that to the rest of the Commission as well – things that they wish to introduce. But thank you for bringing up the subject.

Okay, Peter, anything else?

Mr. Gill: It looks like Commissioner Candler has her hand up.

Chair Raschko: Oh, I missed that. I'm sorry. Commissioner?

Vice Chair Candler: Thank you. We had talked at some point about – I think it was in the context of the 10% impervious. I think the Department was going to look at doing some maps. Have you distributed those? If you did, I missed them. Am I on the right track to talk about doing that?

Mr. Gill: Yeah. No, you are, you are. Sorry about that. We do have some slides that we could provide on kind of what that 10% looks like under certain situations for newly created lots.

Vice Chair Candler: And would that be at a meeting or when do you propose to do that?

Mr. Gill: We could provide it at a meeting, we could provide it – you know, it depends on your preference – as meeting materials and they'd go in the packet.

Vice Chair Candler: I would like to see that maybe at the beginning of the next meeting, or – maybe other people have a different opinion but that would be my thinking.

Mr. Gill: Great. We'll do that.

Chair Raschko: Okay. Commissioner Mitchell?

Commissioner Mitchell: Yes, thank you. I appreciate you mentioned the dock thing for us, Peter, but more specifically with those issues related to the Lake Cavanaugh people were the safety issues with the four-foot-wide docks and also the permeable canopy thing. And there was a third one which I'm drawing a blank on right now but I'll come up with that later for you.

Mr. Gill: Great. I do have those details, yes. Thank you.

Commissioner Mitchell: Thank you.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Do you have anything else, Mr. Gill?

Mr. Gill: I do not have anything else. Thank you.

Chair Raschko: Well, great. Well, once again thank you to Dan and Betsy for all of their help and all the work and weathering the small storm. **You might have sensed such**. Your hard effort is appreciated. Okay.

Ms. Stevenson: Thank you guys for doing all your work, too. We can't do it without you, so it's important to us.

Chair Raschko: So we'll move to the Director's Update. Mr. –

Mr. Hart: Go ahead, Peter.

Chair Raschko: Will you jump in there?

Mr. Gill: Yes.

Mr. Hart: Peter will tee up a few slides.

Mr. Gill: And it should be rolling now.

Mr. Hart: Okay. So each week for the Commissioners I visit three hot areas right now. The first one is the airport. Let's go ahead and go to the first slide. Yeah, thank you, Peter. So at the airport that building is no longer alone – the first building there. It has some friends. Other commercial aircraft buildings have since gone in since the beginning of the year, since the spring, and several more are planned for the runway. So you'll see these buildings eventually rise up at about that scale. You'll see more of them. In addition you're going to see more T hangars. What we're doing in our office right now is we're dividing the land – working with the Port, dividing the land up beneath where these are going to be. So each corporation will have their place out there and that land is being divided up. The next step then is the construction, and that will happen because we are in predevelopment meetings with those folks each week.

Meanwhile down below – I've done this before but I love looking at that. This is the new air museum. The expansion is expected to bring more people up there to visit. They'll have more civil air patrol activities going on for youth and kids that want aeronautical degrees and things like that. And so it becomes a bit of a learning center around aeronautics in the county, which is also a good thing. So small T hangars, more commercial hangars. We are getting a lot of inquiries right now, Commissioners, about additional small businesses up there. Wineries, breweries, whiskey distillers, other kinds of distilleries are pretty common these days and people are moving to this area from the north and from the south. And so I think that's really interesting. And again – I think I've mentioned this before – there's a lot of displacement in general aviation now, but just really people love the Skagit Valley as a place to grow. They really want to showcase the crops that are grown here and put it out as part of an ag tourism concept, and we've had several discussions this week with folks that want to do that. So we're seeing a lot more interest in that. And locating here is easy because they have sewer, they have water, and they have available space too. So let's go to the next one.

The other areas that are perennial favorites – well, this is – some may call this gentrification. I caught this last week. This is a new development going out there. I'm not exactly sure what it is, but that's a barn, and that's a turn-of-the-century gazebo that's going out, and a house to be built as well. More houses going in. We're on the west coast, right? And so it's highly desirable. The properties are – in the Seattle area – are going up – right now they're going up hundreds of thousands of dollars every quarter. So it's unreal how fast the property values are rising in western Washington. And so that has a lot of impacts on land markets and what people invest in and where they invest. So what I see is anything with a view – we're seeing very nice homes and people that may want to do secondary businesses – those kinds of things – they're investing. And a lot of the folks in our line this year of 100 or 200 are investing pretty significant sums in a home, an ADU, a shop, and maybe another outbuilding too. So that's what we're seeing, and that's a trend. So that's Bayview on this one. Let's go to the next one.

The Nookachamps Hills Development – you know, I think it's in the 280s. I was looking on the plat how many. We've consistently got about 20 homes a year just in that one plat. It's busy right now. Here are three of the seven or eight that are going on at the moment. We finished about the same amount already. And there are also some expansions going on in that plat. So these homes – I think they're – they've got to be near a million but I haven't checked recently. There's more development coming in this area. We have an 105-unit development coming in this area. We have a lot of infill continuing around the lake as well, Commissioners. So when you talk about Shoreline Master Program issues, think of every square inch of those lots being covered because there's such a huge demand for that. They're not making any more shorelines and so it's – Betsy has quite a chore to work with these folks when they come in and develop those properties. There is a little pond here. I think it's a manmade pond. But it's Otter Pond, which is a nice amenity for Nookachamps Hills. And so it seems to be doing very well.

Another thing coming up that we're paying attention to is the Ag Advisory Board will be meeting with our consultant and Peter and myself in October – I believe it's the 15th. I think that is right, Peter, but maybe not. I don't know. It's the second Wednesday.

Mr. Gill: Then it's the 13th of October.

Mr. Hart: 13th, right. Thank you. And we'll be going over some kind of basic models – geographic models and ideas for where to locate those businesses. So many of us in the planning team – again, this week alone – have been in discussions with folks that want to locate in the county or want to expand their existing operation in the county, and so we've been telling them for three

years now that this ag tourism is the way in which you can be heard in that process. And then ultimately the Ag Advisory Board, their job is to make recommendations to *you* regarding the agricultural element of the Comprehensive Plan. Then it comes to *you* and then it would be your recommendation going forward to the Commissioners about how you want the future of agriculture to look on the landscape geographically, Commissioners, and what kinds of activities would be allowed and where they would be allowed. So we're teeing that up. It's coming your way, but it's after the Shoreline stuff. So thank you.

Mr. Gill: And I just have a couple of slides to round things out. So our next meeting is October 12th.

Chair Raschko: Excuse me, Peter. I think Commissioner Mitchell has a question.

Mr. Gill: Oh. Sorry about that.

Chair Raschko: No problem. I almost missed it.

Commissioner Mitchell: Yeah, Hal?

Mr. Hart: Yes? Yes?

Commissioner Mitchell: So you mentioned the term "gentrification." It's not that we haven't heard it, but what do they mean in this context? Is that a positive term or a neutral term or a negative term?

Mr. Hart: Yeah, I kind of mean it neutrally. What I think it is is it's very easy right now to leave the Seattle area for more. And it's occurring all over the state. So if my value has run up 3 or 400,000 in a year, or 200,000 in a year, and we know many Seattle folks are at retirement age and are taking retirements early. So what I see then is folks investing in new – making new investments, selling off the home. And they're still negotiating with us from Everett or from Seattle and things like that, or from even places further south. So that's all I mean by that. It's not necessarily a bad thing but I do think they need to understand that we have farm trucks and – you know, it's a little slower bit of life out here and there's agriculture actually going on in some of the areas they're moving into and around.

Commissioner Mitchell: Thank you.

Mr. Hart: Yeah.

Chair Raschko: I'm sorry, Peter. Go ahead, please.

Mr. Gill: Sure. Yeah, so October 12th is our next meeting. In a couple weeks we'll continue the discussion on the Shoreline Program. There's a few ongoing efforts that will come to you eventually. I just want to kind of keep everybody up to speed. On the 2021 Docket we are going through the environmental review and we're intending on doing the SEPA determination as basically two documents, one for the 2021 docket and a separate one for the fully contained communities petition. So those are underway and expect to hear more about those in the next few weeks.

On the Capital Facilities Plan – annually we do an update to the Capital Facilities Plan. This year we have it trimmed down just a little bit in that we were – in an effort to kind of reduce the overall

administrative workload of updating that and contacting every one of the public purveyors that are out there to try to find out if there's updates, we've done more of an internal update. So we've worked with all the departments within the County to do an update on that. And any updates that we've gotten from special purpose districts we've added, but we haven't been specifically going out and asking people to provide those. So it's a little bit abbreviated from what you're used to seeing but it fits the workload for the year. And so we're hoping to have that public notice out on October 21st with a public hearing on November 9th. That will get it ready after deliberations hopefully for a December approval through the Board.

And then the last one on the slide here is about the Countywide Planning Policies. The GMA Steering Committee has been working on an update to Policy 12.17, which is regarding the Boundary Review Board and Annexations. And so expect to hear more about that in the coming months. There's an effort from the Cities to look at taking the Boundary Review Board out of the appeal process for annexations. And there's a push to put more information about how annexations happen in the future into that policy. So that is in process and we'll be talking more about that in the future.

And lastly but not least is I just wanted to put the ad out there that we are still looking for to fill the vacancy in District 3 for a Planning Commissioner. So if anyone's out there watching, got friends, you can prepare a letter of interest and submit that to the Commissioners' office with the items that are shown there on the screen. And the email at the bottom of the screen is where someone would send their letter of interest with their information. And that's for a Planning Commission vacancy in District 3.

That's all I have.

Chair Raschko: Are there any questions for Mr. Gill or Mr. Hart?

(silence)

Chair Raschko: There don't appear to be so I thank you both for your report and we'll move on to Planning Commissioner Comments and Announcements. So, Commissioner Henley, why don't you go first?

(silence)

Chair Raschko: Is Commissioner Henley with us?

Commissioner Henley: Yes, I'm with you. It's the mute button again! So I have no comments at this time.

Chair Raschko: Okay, thank you. Commissioner Woodmansee.

Commissioner Woodmansee: I'll just say thank you to Dan and Betsy for all their indulgence of our questions and comments and all that, and (I) appreciate all their hard work. I know I couldn't do it. For sure I couldn't do their job. And, you know, just say that this has been a long process but we're, you know, we're getting to the red zone so we'll get it done pretty soon. I'm looking forward to that.

Chair Raschko: Thank you, Joe. Commissioner Rose?

Commissioner Rose: I have no comments. Thank you.

Chair Raschko: Well, thank you, Martha. Commissioner Mitchell?

Commissioner Mitchell: Just simply a thanks to Betsy and Dan again, especially when they explain something for the 46-thousandth time to us! The patience and the repetition sometimes really helps, especially when things get drawn out. We really appreciate your time. Thank you.

Chair Raschko: Thank *you*. Commissioner Knutzen?

Commissioner Knutzen: Yeah, I'd just to second what Kathy and Joe said about the effort that the Department's put forward on this. Thank you. That's all.

Chair Raschko: Okay. Thank you, Mark. Commissioner Hughes?

Commissioner Hughes: I'll add my third thank-you, and good night.

Male Commissioner: Good night, Amy.

Chair Raschko: Commissioner Candler?

Vice Chair Candler: I'll certainly endorse all of those comments about the hard work from the Department. I am sorry I was a couple minutes late tonight. I was having technical difficulties. Glad to be here.

Chair Raschko: Well, we're glad to have you. Thank you, Tammy. I'd say once again, thank you to all the people on the staff that work so hard and _____ fairly frustrating sometimes to have to handle all the questions and the comments and everything else. But I really appreciate your effort.

So with that, we'll say good night and the meeting is adjourned. Thank you, everybody.