

**Skagit County Planning Commission
Public Hearing: Capital Facilities Plan
Deliberations: SMP Update
November 9, 2021**

Planning

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

Staff: Hal Hart, Planning Director
Betsy Stevenson, Senior Planner
Peter Gill, Long Range Planning Manager
Jenn Rogers, Assistant Long-Range Planner

Others: Dan Nickel, Consultant (The Watershed Company)

Chair Tim Raschko: Good evening. Welcome to the November 9th, 2021, meeting of the Skagit County Planning Commission. We'll start with a roll call. Commissioner Candler just texted me saying that her Internet went out. She's going to try to get on with her cell phone, so hopefully she can make it. Commissioner Henley, I see you're here. Commissioner Hughes, you're here. Commissioner Knutzen, I see you there. Commissioner Mitchell –

Commissioner Kathy Mitchell: Here.

Chair Raschko: – is here. Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Raschko: And Commissioner Woodmansee.

Commissioner Joe Woodmansee: Here.

Chair Raschko: All right. Well, that's everybody but Commissioner Candler, and hopefully she can join us fairly quickly.

Okay, at the last meeting we talked about trying to squeeze in an extra meeting before the end of the year, and there was a little digital poll conducted and it looks like the available dates for just about everybody would be November 30th or December 7th. Those would be best. We could squeeze in December 2nd, if that worked better. Now I could just go ahead and name one or we can discuss this. I'd be inclined to do November 30th because it kind of splits it up a little timewise from December 14th.

(several unintelligible voices speaking at once)

Commissioner Mitchell: I like that too.

Chair Raschko: It was kind of garbled in the back. Is there anybody that doesn't work for?

(silence)

Chair Raschko: All right –

Commissioner Vince Henley: November 30th?

Chair Raschko: All right, so let's do November 30th. Thank you for that. Would anybody care to entertain a motion to approve the minutes?

Commissioner Henley: I so move.

Commissioner Mitchell: I'll second.

Chair Raschko: It's been moved and seconded to approve the minutes. Is there discussion of the minutes?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Abstentions?

(silence)

Chair Raschko: Okay, so that passes unanimously.

Okay, we are going to move into a Capital Facilities Public Hearing. The purpose of this public hearing is to receive testimony on the 2022 to 2027 Capital Facilities Plan and Transportation Improvement Program. Before we begin, we'll hear a brief presentation on the proposal from staff. So Peter, would you kindly go ahead?

(silence)

Chair Raschko: Are you there, Peter?

(silence)

Betsy Stevenson: Peter, you're muted.

Peter Gill: Sorry about that. Yes, thank you. A lot of moving parts on the screen right now. Sorry about that. So, yes, annually we do go through the Capital Facilities Plan update. This update will

take us 2022 through 2027, and I just have a few slides today just to remind us what we're having a hearing about.

So, you know, what is this about and what are capital facilities? Basically they're infrastructure and services that are needed to support development. They are a requirement of the Growth Management Act and they basically ensure that we do not build more homes or buildings than the pumps and pipes and schools and emergency services can provide for and support.

So last meeting we had a work session. We provided a staff report and our recommendation. We found that there was no major setbacks in what was planned to be built and no need to reassess our land use portion of our Comprehensive Plan. Most of the changes – we did go over some of the changes – are fairly minor. There are no major projects added or removed from primarily County facilities. And we talked about the Transportation Improvement Program and Public Works staff were here to answer some questions regarding the TIP. And then following the meeting I did send a link to an updated narrative as well as the spreadsheet from Public Works. It also included a link to the Transportation Improvement Program website on Public Works. There is a separate hearing for the Transportation Improvement Program in front of the Board set for November 23rd.

And then lastly, if folks want to see the existing SEPA documents, the Notice of Availability, the public release, the staff report is all available at skagitcounty.net\cfp. Our hearing is tonight, obviously. We plan to do deliberations at the next meeting, which is November 23rd. And typically the adoption of the Capital Facility happens concurrently with the adoption of the budget by the Board of County Commissioners in December. I don't know that we have a set meeting for that budget approval yet, but I will let you know when that is happening. Following the hearing, we are still open for written comments. Emails or hard copies can be sent through close of business, 4:30 p.m., Thursday, November 11th. And the email address is there on the screen. It's pdscomments@co.skagit.wa.us, and it also can be mailed to our office.

And that is all I have for slides. Thank you.

Chair Raschko: Thank you. Everyone will have an opportunity to speak; however, if this hearing goes beyond nine o'clock it will be continued to a later date and time. Each person will have three minutes to address the Planning Commission. You'll be notified when your time has expired. I'm going to ask the Planning Commission members to hold any questions until everybody is done.

So this is a time for testimony and not debate, so please address all comments to the Planning Commission. Written comments on this proposal are not limited in length and will be accepted until November 11th. Verbal comments will be recorded in the meeting transcript.

Thank you for taking the time to participate. The public hearing is now open. We'll call for speakers. Before you testify, though, we ask you to please unmute your microphone and clearly state your name, spell your name, and indicate your residence address.

Peter, have you any people wishing to speak?

Mr. Gill: We did not receive any notification earlier today that anyone was interested in speaking, but there are a number of members of the public that are on the video tonight. And so I guess if you do want to speak on behalf of the Capital Facilities Plan or make a comment, please go ahead and unmute yourself and say your name.

(silence)

Chair Raschko: Well, it looks like we have nobody wishing to speak to the Planning Commission, unless there's any late people. This is your chance.

(silence)

Chair Raschko: Hearing none, if there's no objection from the Commissioners, we will close the public hearing. And as a reminder, written comments on this proposal will be accepted through November 11th at 4:30 p.m. The Commissioners will meet to consider the comments and deliberation on a recommendation to the Board of Commissioners on November 23rd. So thank you. That closes the public hearing.

Okay, with that we will move to the Shoreline Master Program Deliberations. Let's see, we – in our last meeting and deliberations, we went through the proposed recorded motion and we reached number – where did we get to? I believe we got through number 20 – and I apologize.

Mr. Gill: Chair, I believe we got through 22 and Commissioner Mitchell was considering a motion regarding dock heights. We just – as a reminder, we did skip numbers 3 through 13 – or 14, excuse me. Those are leftovers from the 2016 recommendation by the Planning Commission and we did follow up. Betsy Stevenson sent a memo regarding some background on those motions to you all as background.

Chair Raschko: Okay, thank you. So that takes us to number 24. Has anybody got any comments on number 24?

Commissioner Amy Hughes: Chair, this is Amy Hughes.

Chair Raschko: Please go ahead.

Commissioner Hughes: Peter, would it be possible to put it up on the screen so we can watch on the screen where we're at?

Mr. Gill: You bet.

Commissioner Hughes: Thank you.

Chair Raschko: Go ahead and use the Chat Box if you wish to speak. Has anybody anything?

(silence)

Chair Raschko: Okay. Hearing no objections or any further input, we'll just leave 24 as is. Number 25?

Commissioner Woodmansee: I have a question, Chair.

Chair Raschko: Please go ahead.

Commissioner Woodmansee: Are we using the corrected numbers or the original numbers on this?

Chair Raschko: Oh! The corrected numbers.

Commissioner Woodmansee: Okay. I just wanted to make sure.

Chair Raschko: All right. So nobody has anything on number 25?

(silence)

Chair Raschko: Okay, 26?

(silence)

Chair Raschko: Nobody has a – I believe we talked about this one. And so everybody is okay with 26?

Commissioner Mitchell: Chair, this is Commissioner Mitchell.

Chair Raschko: Please go ahead.

Commissioner Mitchell: The ones that we've just gone through – I think we start – aren't these the ones that staff recommended, this section?

Chair Raschko: I believe they are.

Commissioner Mitchell: Okay. Just for anybody that's watching or listening from the outside that may or may not know, starting number – this corrected series – number 24 starts the series that staff recommended from the public comment matrix. The Planning Commissioners themselves didn't necessarily word these or put them in. Just for perspective.

Commissioner Henley: The most part of 26 has been deleted anyway.

Chair Raschko: Well, I'm a little bit – I apologize to everybody, but I'm a little bit confused. We spoke of 21. I know that we discussed the dock width, dock height. I think the – and as far as that goes, when we've completed discussing those changes that were proposed by the Planning Commission, the remaining ones are basically the recommendations of staff. And this document, which is a proposed recorded motion of the Planning Commission is actually a list of the recommendations of the Planning Commission recommendations to the Board of Commissioners on the proposed changes to the Shoreline Management Plan. It does not include staff regulations. So that is what we're talking about. Now the rest of this being staff regulations is superfluous to what we're trying to do; however, if there's any member of the Planning Commission who feels strongly about any one of them, we could discuss them and discuss whether we wish to include them in our own recommendations to the Commissioners. So I would ask if anybody has any of the staff recommendations that they wish to discuss at this time for inclusion in our document. Commissioner Woodmansee?

Commissioner Woodmansee: I actually have a question on existing – I had a constituent reach out to me over the last two weeks wondering about the existing footprints and the ability to add the 200 feet – square feet, up to 200 square feet onto an existing structure, if I recall that right. And so my – so I actually have a – I don't know that we've actually talked about this much, but I would like to get a better understanding of what our code says now about existing structures that are – I'm assuming that a *lot* of the structures would be nonconforming to a lot of the new codes, as far as setbacks and stuff like that. And so I want to get a better understanding of what existing structure – the definition of that is, and how they're dealt with if somebody wants to replace or

remodel – how our code deals with that and what – and I'll just be honest, which I guess is always good. My take on this is I want to make sure – I feel like that one of our responsibilities, in my opinion, is to make sure that things aren't taken from people. And so if you have a 500-square-foot cabin and something major happens to it to damage it – a fire or something like that – I want to make sure that you can replace that in its existing footprint, or remodel it in the case of just the ordinary course of life. So if I could get a better understanding on where we stand on that with old code versus new code, that'd be very helpful for me.

Chair Raschko: Can staff address that, please?

Mr. Gill: This is Peter. Yeah, Betsy or Dan would be better to answer this.

Ms. Stevenson: Yep. ___ 6 of preexisting nonconforming uses, and it's going to depend on the situation so you kind of have to go through that and see which one of those scenarios applies. And there are times, unfortunately, where, depending on – and we've had one very recently within the last week or so, I think, where somebody's place burned down. And because of the requirements for critical areas, they may not be able to build it back in the same exact spot without going through our whole review process. So it isn't just an automatic yes-you-get-to-put-it-right-back. And I don't think it ever really has been. So we do our best to help people and get them – it was an older house so there isn't a lot left to salvage from that. We don't know yet for sure exactly what they want to do, but we're worried that we are going to have to have them go through some of our review process. So if – you know, I'm not prepared to read through all of Part VI to you, but that's where the information is. The 200 square feet addition sounds like the critical areas ordinance, so if you could be more specific and, like, shoot me an email or something I could probably respond to you.

Dan Nickel: I can try to provide some, you know, additional –

Ms. Stevenson: Thanks, Dan.

Mr. Nickel: Sure. I think, you know, Section 620, which is the section on preexisting single-family residences and appurtenant structures – that does detail out, you know, how replacement of structures that are considered nonconforming will be conducted. It also speaks to the expansion or enlargement of those structures. And there is a footprint, you know, expansion of 200 square feet that is allowed as long as you're not further impacting the critical area or the shoreline buffer. And so that expansion would typically be, you know, in a lateral way not any closer to that critical area. So there is certainly an allowance for, you know, even, you know, repairing, replacing, and potentially even modifying those structures.

Commissioner Woodmansee: Okay, so if I can –

Mr. Nickel: That's in Section 620, and actually there's a reference too in Section 650 which deals with the replacement of preexisting structures. It actually references that replacements – in the case of fire or structural damage that replacement or reconstruction can take place. There's certain restrictions that I think are consistent with other sections of the County Code, such as, you know, that applicants must complete a complete application within 12 months of the damage. But I think that is consistent – and, Betsy, correct me if I'm wrong, but I think that's consistent with the rest of the code.

Commissioner Woodmansee: So if I could follow up with that, because I think what Betsy said previously to your comment was that she's worried that they're going to be able to rebuild, which

would tell me that replacement – no, I’m sorry. I mean, I’m not trying to put words in your mouth at all.

Ms. Stevenson: No, I’m worried that they *won’t* be able to where we’re hoping to help them. Just the opposite of what you said, so I’m sorry if I misled you on that.

Commissioner Woodmansee: No, no. If I said the opposite, I meant to say what you said – that you’re worried that they *won’t* be able to rebuild.

Ms. Stevenson: Yes, thank you.

Commissioner Woodmansee: Yes. Which is what I’m worried about in that kind of a circumstance. And so – so if you have an existing structure that is within the newer – obviously we’re talking older structures for the most part – that’s within today’s buffer, is lateral rebuilding – I’m assuming if you’re doing anything expanding within the buffer it’s going to be considered an impact. So laterally wouldn’t help you if you’re within the buffer because you’re still making an impact on the buffer. Does that make sense, Betsy?

Ms. Stevenson: Yeah, I hear what you’re saying.

Mr. Nickel: The provision allows, in Section 620 –

Commissioner Woodmansee: I apologize. I don’t have it in front of me right now.

Mr. Nickel: That’s fine. For minor – what we call minor expansion or enlargements – you know, an enlargement of 200 square feet is allowed as long as the extension does not extend further waterward of the existing primary residential structure or further into the minimum side yard or setback. So that means that a lateral expansion can occur.

Commissioner Woodmansee: Okay. And I’m happy to follow up on this and get more specific questions on it, but just it was brought up to me this last week about the concern about being able to rebuild or remodel. And I just feel like that we should – if we have a footprint there already, that we should be able to allow people to work within that footprint.

Ms. Stevenson: Which is what we’ve already always tried to do. I’m sorry. I didn’t mean to ___ you.

Commissioner Woodmansee: That’s all right. And the person that brought it to my attention is unclear on what it really said. That’s why I’m clearing it up.

Ms. Stevenson: Okay. It’s a lot clearer than it is in our existing code, since you were asking for a comparison – if that makes sense.

Commissioner Woodmansee: Well, clearer is good.

Ms. Stevenson: Yeah.

Commissioner Woodmansee: I guess as long as it’s not clear and more restrictive!

Ms. Stevenson: I don’t think it is.

Commissioner Woodmansee: Okay. Well, I'll do more research on it and I will shoot you an email during this week –

Ms. Stevenson: Okay.

Commissioner Woodmansee: – and get more, you know running the questions to you so that you – because I wasn't trying to – I'm not trying to hit you with something that you didn't know you were going to hear about. But I *just* got the information, the comment, so I didn't have any time to look into it.

Ms. Stevenson: Okay. We *do* address it in there so they *did* find it in there, just like Dan said. So read the whole section sometime. It helps on residential structures.

Commissioner Woodmansee: Yes, I will.

Ms. Stevenson: Okay.

Commissioner Woodmansee: Yeah, I'm just reacting to some comments I got earlier today.

Ms. Stevenson: Yeah. Well, that's good. Okay.

Commissioner Woodmansee: Thank you.

Chair Raschko: Okay, Commissioner Mitchell?

Commissioner Mitchell: Yes, thank you. I've got a question to direct specifically to Commissioner Woodmansee and Commissioner Rose. If you both would look at number 24 for me again, please. You can put that back to the screen. Do you guys see anything about this verbiage that causes concern or it would be problematic if we recommended this?

(silence)

Chair Raschko: So no takers?

Commissioner Rose: I don't feel like there's a problem with it.

Commissioner Woodmansee: I believe it's what we've talked about previously in other meetings to allow an applicant – 25 to 50% doesn't require a hearing examiner. And greater than 50% would require going through variance hearing examiner. So essentially – Betsy, correct me if I'm wrong – between 25 and 50% becomes an administrative situation, and beyond that becomes a hearing examiner, third party kind of a situation.

Mr. Nickel: I'd be happy to provide a quick recap for this if that would be helpful.

Commissioner Mitchell: Please.

Mr. Nickel: Yeah, this was one of these areas where we recognized after the release of the public review draft that this section was not clear. And so our suggestion here is to make essentially an improvement, and Ecology has also, you know, gave us the indication that this is also something that they would approve. Because what – the way that the current document reads is that any buffer reduction would essentially be a variance, and that was not the intent. The intent was that

a buffer reduction up to 25% would be an *administrative* buffer reduction – not a variance, but just an administrative reduction. Anything between 25 and 50% would be a variance, but it would be an administrative process and not a hearing examiner process. Anything over 50 would go to a hearing examiner as a shoreline variance. And so, you know, essentially we were missing the clarity that said anything from zero to 25% of a buffer reduction would be an administrative process without a variance. And so the idea – essentially what this amendment would be striving to do – and so we’ve got – I guess there’s a couple of areas that would need to be amended. One is Section 574, which is the fish and wildlife habitat conservation area performance standards section, where we would need to actually add a provision that explains that buffer width decrease – basically a buffer reduction up to 25% would be allowed through an administrative approval process. And then secondly, in Section 735, which this administrative variance section speaks to, we would need to provide clarity that an *administrative* variance would be only for a buffer reduction of 25 to 50%. I can – I’d be happy to share my screen. I’ve got an example here that I can show you that you can see it, if that would help.

Commissioner Mitchell: I would like to see that, if you don’t mind – number one. And number two, if we do okay this to be in then you guys would automatically go take care of those provisions. Is that correct?

Mr. Nickel: I believe the action here would be that if the Planning Commission, you know, accepts such a change they would put it in the recorded motion – that this change would occur.

Commissioner Mitchell: That’s right. So it’s a placeholder then, because you guys did not want to change anymore of your draft – correct?

Mr. Nickel: That’s correct. Right.

Commissioner Mitchell: All right, thank you.

Mr. Nickel: Sure. And let me – I want to share my screen real quick.

Ms. Stevenson: And while he’s doing that, these are – the ones that you’re looking at now are the ones that I covered in my initial supplemental staff report prior to the October 26th meeting. So it describes the sections that he’s talking about.

Mr. Nickel: And so this – hopefully, if you can see my screen.

(several affirmative sounds)

Mr. Nickel: Okay, great. And so this is essentially an additional provision to be added to Section 574 that speaks specifically to buffer width decreasing. And this would apply to fish and wildlife habitat conservation areas for, you know, stream and riverine buffers or essentially any of the buffers that are in that section. And it allows that buffer to be reduced up to 25% through an administrative process. It does acknowledge – the language in here acknowledges the need to go through mitigation sequencing and ensuring no net loss, but it would allow – through that documentation process, it would allow that without a variance. I’m not sure if it’d help any if I read through this, you know, verbatim or if you guys can read through this on the screen.

Commissioner Mitchell: I read through it pretty quickly and it makes sense to me. It’s one of those things I was just hesitant you guys, you know, putting a pawprint on something like this when it

just – it gets real confusing giving it a little time each time, especially since we're not that familiar with it. But thank you.

Mr. Nickel: Yeah. I really just wanted to put something, you know, here so you can see what it is, what this might look like. I know this is just a – if it becomes a Planning Commission recommendation, you're free to use this language or whatever modified language that you want, but I wanted to put something out there so you guys could see what this might look like.

And then I'm just going to move to the next screen, if that's okay, because the other section in Section 735, which speaks to the shoreline variances, you recall here in Subsection 2 it talks to the two different types of shoreline variances. One would be an administrative variance and the second would be a hearing examiner variance. And we're proposing a modification to the first one that speaks to a change to refer to the standard shoreline buffer width – a reduction by more than 25% but no greater than 50% as an administrative variance.

Commissioner Mitchell: Thank you.

Commissioner Woodmansee: If I could, Chair. Dan, so essentially the process of going through the mitigation stuff and all that, and the steps and all that, it doesn't change because it's administrative or hearing examiner. You're still going through the same process of saying here's why you should be able to do a buffer reduction – correct?

Mr. Nickel: That is correct. In the case of a variance, in Ecology's mind there really is no difference to them between an administrative or a shoreline variance. They're going to have the same criteria to show that the variance can be approved. And essentially the County does too. I mean, it doesn't change the County's criteria. The only difference is that it's an administrative process versus going through the hearing process.

Commissioner Woodmansee: So essentially what we have is they're saving a little bit of money when they're minimizing their impact in that first 25%. They're saving a little bit of money on process, but otherwise the proof is still on the burden of the applicant to show that, Hey, we don't have a net loss here and here's why.

Mr. Nickel: That is correct.

Ms. Stevenson: Yeah, our experience has been with the critical areas ordinance because this is kind of where that format came from – is that people feel like they have more of a say in how it works. Because with the Shoreline Program right now, you draw the line in the sand and you have to stay on one side or the other of it basically. With the critical areas: Oh, you mean if I move it this far I don't have to go through that process. You mean if I put it in here, all have to do is this. And then all of a sudden they go back and redesign things. And it just makes them feel like the decision is in their hands and they can either decide to go through the full hearing examiner variance or they can say, No, you know, let us take a second look at this and see what we can do. And we've had a lot of people do that, so it's been very successful.

Commissioner Woodmansee: Just if I could follow up, Betsy: But we're not really changing the criteria.

Ms. Stevenson: No.

Commissioner Woodmansee: I mean, it's almost like a feel-good thing – Well, I didn't have to do a variance. I've still got the same criteria, I mean, but I didn't have to do a variance. So I guess that's their win: They didn't pay for a variance. But the actual criteria that they have to meet is no different, correct?

Ms. Stevenson: Yes and no. So the administrative reduction wouldn't necessarily have variance criteria, but they would have to show no net loss and go through the mitigation sequencing.

Commissioner Woodmansee: Okay. So there *is* some carrots if you are able to stay in that outside 25% – potentially.

Ms. Stevenson: I think so, but I'm on the other side of things! We have to grab them where we can. It may not be a big enough one but, yes, we try.

Commissioner Woodmansee: Sure, sure. I just want, if anybody's listening, that they know that. You know, it's – it might be a timeline help and, obviously, you save a little bit of money. You still have some obligation to, you know, meet certain standards.

Chair Raschko: Are there any other comments or questions on the number 24?

(silence)

Chair Raschko: Does anybody wish to entertain a motion to include it in the – to include it in our draft document/recorded motion?

Commissioner Woodmansee: I would make a motion that we include it. I mean – go ahead.

Commissioner Mitchell: I'll second.

Commissioner Woodmansee: I mean, it's clearly supported by staff and, you know, the gains might be minor but, you know, every gain's good for the homeowners, and so –

Chair Raschko: Okay, so it's been moved and seconded to move 24 into the proposed recorded motion. Is there any discussion?

(silence)

Chair Raschko: Okay, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All those opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, so that carries. Well, thank you. Thank you for taking the lead on that, Joe.

Okay, have any members of the Planning Commission any other issues, 25 on, that they wish to bring up at this time?

(silence)

Chair Raschko: Okay.

Commissioner Hughes: Chair? This is Amy Hughes. I put a question in there.

Chair Raschko: Go ahead, please. I'm sorry I missed you on the Chat.

Commissioner Hughes: That's okay. Can we by chance go back to number old 23? I have just a question on verification on that one.

Chair Raschko: Old 23. That's –

Commissioner Hughes: It's on the screen right now.

Chair Raschko: Okay. Dock height?

Commissioner Hughes: No, it has to do with the UGA Open Space Concept Plan. I would like to verify: Is that what we planned on doing, was taking the whole plan out? Or were we discussing possibly a different concept? I was confused during our discussion of what the intention was by the motion.

Commissioner Henley: The intention was to leave – if I can answer the question.

Chair Raschko: Please do so.

Commissioner Henley: The intention was is that since we'd already had the voluntary plan under the UGA Open Space Concept we didn't need to further define it – okay? – with additional verbiage in the SMP. So all this has done is just remove those two references from the plan, which was also recommended in the previous SMP, and so it's just sort of catching up over time, if you would, just to remove those two references.

Commissioner Hughes: Okay, just so I understand, so you wanted both references, the UGA Open Space and the second plan – let me see if I can find it real quick.

Commissioner Henley: Well, it's photograph (a) and (b) on your screen.

Commissioner Hughes: Okay, you want – okay, let me get rid of something right now so I can see the whole plan.

Commissioner Henley: Okay. If you look under number old 23, right there you see a section (a) and a section (b). Those are deleted. That's all it is.

Commissioner Hughes: Okay, so it – my question is: It *does* leave a plan, because we have to have a plan.

Commissioner Henley: We have one under the UGA.

Commissioner Hughes: Okay. Thank you.

Chair Raschko: Commissioner Mitchell, did you have something?

Commissioner Mitchell: Mine was for if we moved on. I think we're ready to move on.

Chair Raschko: Are you satisfied, Amy?

Commissioner Hughes: Yes, thank you.

Chair Raschko: Okay. Now let's please move on. Go ahead, Kathy.

Commissioner Mitchell: Do you want to do these sequentially or may I jump to somewhere else?

Chair Raschko: Well, you can jump to somewhere else.

Commissioner Mitchell: I would like to go to 32, then 31. So the issue that I have with number 32 is the addition of the verbiage, which is Roman numeral VI and VII. I think that language is unnecessary and an overreach. If we're going to start dividing microclimates everywhere, we've got a huge problem, and that will open doors and sticky situations from here on out for everybody for everything. I think that the whole SMP, the way it is right now and the way it's written, is really pretty well done and something like this is just – it's overreach and unnecessary. So I'd like this not to be added. So I – go ahead.

Chair Raschko: Can I jump in here? Unless other people have very strong feelings otherwise, I think my statement earlier was that these are not part of our recommendation. As a matter of fact, if everybody is done discussing 24 and on then we have finished basically our recorded motion except for the Findings and Facts. And none of this is part of it. I mean, what we are discussing right now, in my opinion, is parts of 24 on, which are the staff's recommendation that we might want to adopt ourselves in our recommendation. And if we don't do that, then they go away from our document. So we just voted to include the part on the buffers that Commissioner Woodmansee brought up and so that will be incorporated into our document. The rest, unless we make a motion on each one that we wish, do not become part of our recorded motion.

Commissioner Mitchell: Okay, terrific. Thank you for the clarification. I withdraw my statement! Thank you.

Chair Raschko: So that was – my question is if anybody feels very strongly about any of these number 24 on that are the staff recommendation, they should bring that up and then we can decide whether we want to incorporate their changes in our own recommendation. So once again, has anybody else got something that they would like to discuss and include possibly?

Mr. Gill: Chair, just to clarify. These are staff responses *to the public comments*.

Ms. Stevenson: Exactly.

Mr. Gill: So I just want to make sure *that's* clear. And so if these aren't in the Planning Commission motion, these are basically going to go separate from your motion. Whether they get included or not, we won't know because the Board will look and say, Well, Planning Commission didn't like those changes, so they're not going to necessarily adopt those, but the Department thinks they

should have these so we don't understand why they're here. So just to clarify, that's kind of how this will go if you don't include these.

Chair Raschko: Yeah, that's what I was attempting to explain in my own way, that these could all become part of the staff recommendation.

Commissioner Henley: As far as the number, I guess it's 26, the stricken part of 26 anyway. We did cover that in a previous meeting and we had a vote on that, and so that is, in effect, gone. All of this red that you see here under old 22 –

Chair Raschko: Right.

Commissioner Henley: All of that's been deleted, but that was deleted based on a vote by the Planning Commission. The original insertion of the language was the staff response; the taking those (a) and (b) out is the Planning Commission response.

Commissioner Mitchell: Commissioner Henley is correct on that.

Chair Raschko: Okay, in order to effect the desired result there then we just can't – we have to make a recommendation that that be struck, because isn't that verbiage already in the existing SMP?

Commissioner Henley: No, it's not. It was added because we wanted to get rid of the references to the UGA in that particular thing. If you look at the note from Peter Gill there where it says "remove per Henley motion on plan from" blah-blah-blah, okay, that was all part of that. So we did vote on it already and we voted to take that out. So this – everything that you see here in red should not appear in our recorded motion of the future – the Planning Commission recommendation. This should go away.

Ms. Stevenson: I've got a question or clarification. I think you need to put that in your recorded motion because we're going with the document without making any changes to the document. So the document still has that information in it. If you don't keep in your recorded motion that that was all – you want that all deleted, then it's not going to show up that way.

Commissioner Henley: But that verbiage was inserted by the *staff*. It wasn't in the original 2016 document.

Ms. Stevenson: It's in the document that you're considering.

Commissioner Henley: Only showing as a deletion.

Mr. Gill: So, Betsy, to clarify: The part that's underlined – I know it's hard to see because this is all stricken out, but if I quickly adjust – reject the change you'll see the part that would be a change to the existing draft is underlined. These are all items that aren't currently in the draft. And this whole thing was the recommendation by the staff for changes in response to the comments that we heard.

Ms. Stevenson: Okay, so but I agree. The things that are underlined is what we said we would change based on the Planning Commission's comments as we went, and now they're saying No, we want the whole thing deleted. So if they don't believe that they want the whole thing deleted

in there, it's going to show up the way it is in the document now and the information is already in there. That's my clarification.

Mr. Gill: So – but that's what their first motion is. This one.

Ms. Stevenson: I know, but it still needs to be in the recorded motion, and I think Vince is saying since they made a motion they already took it out and it doesn't need to be in the recorded motion. That's what I'm trying to clarify. I think it *does* need to be in the recorded motion.

Mr. Gill: But it is. The first item is to delete that whole section, 4(a) and (b).

Commissioner Henley: Yes. That is correct.

Ms. Stevenson: Okay, this is getting way too confusing the way that it's all jumbled up then.

Mr. Gill: So –

Chair Raschko: It's number 1.

Ms. Stevenson: Okay, then I guess I would respond to Amy's question: If it's all taken out, then there isn't actually a plan left in the Shoreline Program, so...

Chair Raschko: Commissioner Henley, was that *not* your intent to –

Commissioner Henley: The intent was to have this default to the UGA.

Ms. Stevenson: I don't know what that means.

Commissioner Henley: Well, it doesn't need to appear also in the SMP, is what I think it means.

Ms. Stevenson: Well, it won't be if we don't recognize it, I guess. So that's fine. You can leave it that way.

Chair Raschko: Okay. I've failed to follow the Chat Box very well. Commissioner Rose, did you have something on this subject?

Commissioner Rose: Actually I was going to make a motion on item number 25. We voted on 24 and so I was just going down the list and 25 – I'd like to make a motion that we support 25 as written and include it in our motion.

Chair Raschko: Can we come back to that after we finish our discussion of 23?

Commissioner Rose: Absolutely.

Chair Raschko: Okay. Okay, Commissioner Woodmansee, did you have anything on this subject, or Commissioner Candler?

Commissioner Woodmansee: Yeah, she was before me.

Vice Chair Tammy Candler: Yeah, I agree with everyone that it's gotten really confusing because – and it's no one's fault. It's just – whatever we don't like – for example, Commissioner Rose just

made a motion on 25, so that may stay. Everything else that we haven't made motions on will go, I understand, and so we *have* made a motion on the old 23 that's on the screen now, and I think that addresses our part of that, except I agree – so the Department's going to go to the Board of County Commissioners and they're going to say that they're required to have a plan in the SMP – if I understand right. Please correct me if I'm wrong, Betsy. But I think what you were trying to say is if we don't have anything it's going to get maybe, like, rejected so – am I understanding that correctly?

Ms. Stevenson: We're supposed to have some sort of a shoreline access plan as part of the Shoreline Update.

Vice Chair Candler: Would referencing another – the UGA, would that – that wouldn't help. Never mind.

Commissioner Henley: What we're trying to do here is to avoid language that is confusing or that could be debated, try to make it as simple as possible for the people that need to use this document. And I think that if we simply deleted that (a) and (b) paragraph that does that. That meets that requirement.

Vice Chair Candler: Except that the Board of County Commissioners is then going to get two proposals: ours and the Department's. And the Department's going to be telling them – right, the Department –

Commissioner Henley: Well, that should not happen. My understanding is is that should not happen.

Vice Chair Candler: That always happens.

Commissioner Henley: I'm a novice here so I don't really know.

Vice Chair Candler: All right. That's why I'm trying to explain. The Department will make a staff report that also goes to the Board of County Commissioners, and they're going to be telling them that some type of plan has to be in this, and so – it just seemed like to me maybe you didn't – you weren't aware or understanding that the Board of County Commissioners is then going to be left with a document – two choices of what to do with this topic, and they're going to be advised that something has to be in there. So...is that helpful at all? I don't know if that makes sense.

Commissioner Henley: Well, perhaps.

Commissioner Mitchell: I have a suggestion.

Chair Raschko: Go ahead, please.

Commissioner Mitchell: It's Commissioner Mitchell. If we're going to get between a rock and a hard place on this, the Parks and Rec Plan is really very good and they highlight all kinds of things along with, you know, access and everything else. So the possibility is to entertain just that being the plan of – being the plan.

Vice Chair Candler: To me that sounds like a good idea because we don't accommodate any plan, I don't think – I don't have any reason to think the Board of County Commissioners would agree with us because they're going to be advised they need a plan to be *in the document*. So

our recommendation would be something that I think would be difficult for them to agree with, or we could make a recommendation that really serves what we want but is also something they can agree with, which is that there would be a plan included but it would be the Skagit County 2020 Comprehensive Parks and Rec Plan rather than the UGA Open Space Concept Plan *and* the Skagit County 2020 Comprehensive Parks and Recreation Plan. Does that make sense at all, Commissioner Henley?

Chair Raschko: Commissioner Henley, is that helpful?

Commissioner Hughes: Chair?

Chair Raschko: Yes? Who's this?

Commissioner Hughes: This is Amy Hughes. I'm in the Chat Box, but can I follow through right now on this subject?

Chair Raschko: On this subject, yes, please.

Commissioner Hughes: Yes. I have felt all along that if we were to delete in the very first sentence "Skagit County UGA Open Space Concept Plan" – the very first sentence, delete that, and then just start with "The Skagit County 2020 Comprehensive Parks and Rec Plan provides" – and put an 's' for 'provides' – "for a connected network of parks, open space, and trails and constitutes Skagit County's Shoreline Public Access Plan, which provides more effective" and then continue it on. And then I don't know if we need to include a B or not. But in that respect we just put the UGA Open Space Concept Plan out of there. From what I observe from this, it was not a plan that went through public process and I think that that's the sticking point to that plan, is it hasn't gone through, where the Parks and Rec Plan *has* gone through a public process. And it gives us a plan to present. But that's how I have seen this issue. Thank you.

Vice Chair Candler: And can I follow up on that?

Chair Raschko: Please.

Vice Chair Candler: It's Commissioner Candler. I like that for two reasons. One, I think we can put in our Findings why we want to do that. The first is that it hasn't gone through process and the second is that we're concerned it might be construed by someone as not a voluntary plan, which it clearly is at this point but we don't want to – we want to keep that line very clear. So I like that. I'm in support of that.

Commissioner Mitchell: This is Commissioner Mitchell. I've got, I think, a pertinent point for this and I need clarification from staff. Is it okay to ask, Chair?

Chair Raschko: Go ahead, please.

Commissioner Mitchell: My understanding is that the Open Space – the UGA Open Space Concept Plan went through public process; however, it was not implemented. So I think there is the difference. And because there was such a huge public pushback on it, and I think that's why to this day people think it's an ugly plan. So I would be fine with leaving the Parks Plan in there because the discussion has come round and round since 2014 or before on this specific issue about needing a plan that, quite frankly, the County should have a public access plan but we don't have the funding or the time to do that – is really what's been happening all along for that. And so

I think that's why they were trying to find something to insert or substitute. And the only thing I feel comfortable with, knowing the history on this and having read through both of the plans more than once, is I think the Parks and Rec Plan should fit the bill because that is paired with the inventory that was done for the Shoreline Plan, which, you know, it shows where things are and where things aren't and, you know, what kinds of vegetation we have, and access all the way around. So at this point, I would like to make a motion that we amend the language here like Commissioner Hughes had suggested, and I'm going to read what Peter's put in for us here: "The Skagit County 2020 Comprehensive Parks and Recreation Plan provides for a connected network of parks, open space and trails, and constitutes a Skagit County Shorelines Public Access Plan which provides more effective public access concepts than the individual project requirements for public access."

So I would like to make a motion that we take Part (a) as drafted.

Vice Chair Candler: I will second the motion.

Chair Raschko: That was Commissioner Hughes?

Vice Chair Candler: Candler.

Chair Raschko: Candler! I'm sorry. Okay, is there discussion? I do have something. We already – in number 1 on our list of Recommendations is delete SCC 14.26.374 (a) and (b), which was the result of a motion. So how do we take care of that? Do we first have to go back and vote again to strike that before we adopt this?

Commissioner Mitchell: I would suggest –

Vice Chair Candler: I –

Commissioner Mitchell: Go ahead.

Vice Chair Candler: Go ahead.

Commissioner Mitchell: I was going to say I would suggest see if this will fly first or not. If it does, then we take care of the homework and fix number 1. If this does not fly, then number 1 would stand. Is that correct?

Chair Raschko: That's a good question. Anybody else on this issue? I heard other voices.

Vice Chair Candler: Well – this is Commissioner Candler. If I could –

Chair Raschko: Please.

Vice Chair Candler: That is one way to do it, certainly, but I understand the concern with then having two very inconsistent things and we can clean that up but it might make more sense to do it as I, you know, make the motion that we replace number 1 with this other language. And then the discussion is open for that.

Commissioner Mitchell: I think that's smart, Commissioner Candler. I'd be fine with changing the motion.

Vice Chair Candler: And I'll second it again.

Chair Raschko: Okay. Peter, could you kindly read the motion?

Mr. Gill: Okay. So I think what I have here is a motion to replace recommendation number 1 with the current version of 14.26.374(a) as amended.

Chair Raschko: Is that adequate, Kathy?

Commissioner Mitchell: It is as far as I'm concerned. Now it's up to the rest of you guys.

Chair Raschko: And the second, that's – Commissioner Candler, that's –

Vice Chair Candler: That sounds fine.

Chair Raschko: Okay. Is there further discussion?

Commissioner Woodmansee: I have a question. Woodmansee.

Chair Raschko: Go ahead, please.

Commissioner Woodmansee: What are we doing with (b)? Does (b) stay or does it go?

Vice Chair Candler: I don't – can I respond? This is Commissioner Candler.

Chair Raschko: Please. Please do so.

Vice Chair Candler: So I think (b) just references back to – I don't think (b) is a problem. With the change to (a), it basically takes the UGA Open Space Concept Plan, which was our – I thought – was our concern out, and so I don't think there's any concerns with (b) at this point. Someone else might not agree.

Commissioner Mitchell: Are you saying, Commissioner Candler, that it's not necessary?

Vice Chair Candler: No, I'm saying that it's not – it's –

Commissioner Woodmansee: Peter, can you scroll the screen so we can read the rest of it? Or at least I can't read _____. Thank you.

Vice Chair Candler: I think it just requires that other public access should be consistent with that plan. Although it – you know, the problem with it is it calls it something different, Shoreline Public Access Plan. Maybe it should just then say, you know, Comprehensive Parks and Rec Plan – would make more sense because that's what would be left, I guess.

Commissioner Woodmansee: Well, I would suggest we either delete it or we change the wording to match so we're calling out the same plan.

Vice Chair Candler: And it does seem a little superfluous. I'm not sure why we need it but I'm sure the Department has a reason.

Chair Raschko: Commissioner Hughes, did you have something?

Commissioner Hughes: Well, I was just following that up with that (b) paragraph, do we need it, and going back above (a) – do we need any of that or does (a) just take care of the whole thing?

Mr. Gill: I think I can respond, if you would like, Chair.

Chair Raschko: Go ahead.

Mr. Gill: The description above (a) is just describing what the recommendation is. It's not actually any change to the plan. So that's what that is, so you can take it or leave it but it doesn't affect what ends up in the Shoreline Program.

In regards to (b), the reason it references the Shoreline Public Access Plan – it's a different name – is because in (a) they're saying that the Parks and Rec Plan is what *constitutes* a Shoreline Public Access Plan, because we are required by law to have a shoreline public access plan. That shoreline public access plan is just our Parks and Rec Plan, per this change. So whether you change the name in (b) or not, it's all the same.

Vice Chair Candler: Well, why do we need (b)? I think is the question from your perspective. Why do we need (b)?

Ms. Stevenson: We want to make sure that our public access plan is what actually gets implemented if in fact there's a time when somebody needs to have public access, that's already been thought through and identified. And we don't want piecemeal, different – you know, it needs to be a broader-based, higher level kind of a look at things so when somebody's required to provide some sort of public access we want to make sure that it isn't contrary to what's in the plan. So being consistent doesn't necessarily mean it's exactly what's in there but that it's not going to somehow thwart those things from happening – if that makes sense. So we need some sort of a guide for people to say, Hey, this is what we've adopted as our shoreline public access plan, so if you have to provide public access let's take a look at this document. Because people say that to us all the time: Well, where does it say I have to do that? So we kind of need that language so that at least we take a look at it and we review what the plan shows and it's like, Okay, right over here, you know, if in fact we got the money, the whatever else we would need to do some of the things that are in the Parks Plan, we could improve some of these accesses or we could have another access or something like that. So maybe this proposal, whatever it is, would fit right into that and then you have that kind of partnership of Okay, let's talk about this and see if we can make this work within that existing plan, instead of just having stuff happen randomly all over the place. So it really does help us.

Vice Chair Candler: Thank you.

Commissioner Henley: I definitely do not want to support anything that's not voluntary.

Chair Raschko: Okay...

Ms. Stevenson: Public access isn't always going to be voluntary. There are times when it's required, so...

Commissioner Woodmansee: To follow up on that – this is Commissioner Woodmansee – so essentially, because we already have a Parks and Recreation Plan, if somebody brought in a project and the Parks and Recreation Comprehensive Plan called for a park in that general area or an access in that general area and their plan encumbered the area that they have this big

picture plan for, it's highly likely that they're going to get conditioned with either an easement or the actual improvement itself if they bring in a development that would proportionately cause that need to happen? Is that correct, Betsy?

Ms. Stevenson: I think you're trying to use the language that's in there and I really appreciate that! If they're proposing some sort of development that would require public access, then, yes, I think if they were in the vicinity of something that is addressed in the Parks Plan we'd definitely want to have that conversation as we go through that. And if they could somehow either donate property or help with an improvement on something that's already on the books and something that's been identified, or even something that's started but just isn't adequate, or anything like that. Yes, it gives us an opportunity to do that, so I agree.

Commissioner Woodmansee: So and the reality of it is it's voluntary to the fact that you don't have to do a project, because nobody *has* to do a project, and involuntary in the fact that all projects come with conditions. If you build a new subdivision and the County or City's plan is to have x-road go through that area, you're going to build that road more than likely if you want to do a subdivision. You might not *want* to do that, but you're going to do it because that's the plan. That's the Comprehensive Plan that calls for this or that to happen in that area. So it's impossible to have 100% you'll never be asked to do anything, because if your proposal rises to the task of Hey, we need to address this issue, then, as much as I hate to say it, you may – you have to weigh it: Is my project worth doing with all these conditions or is it not?

Commissioner Henley: I think this is just another way of taking away someone else's property right.

Commissioner Woodmansee: And this is going to seem odd coming from me, but if you – because I've felt that way more than once. But if you propose a project and it's – and, Betsy, for me proportionality's super important here. But if you propose a project that nothing is being taken from you because you're asking for something – Betsy's probably in shock right now that I'm saying what I'm saying – but if you do that, then, you know, you have to weigh it, you know. And so if we have a comprehensive park plan and can't implement it because everybody can say, Ah, no thanks. I don't want to do that plan, then there's no use to the plan. We *do* need it. We do need to be able to over time implement the plan and upgrade and modify. So it seems to me like, you know, we've at least gotten rid of the confusion of multiple things being talked about. And a small project that doesn't impact stuff, as long as things are done proportionately then I think that's the fairest way to do it.

Commissioner Henley: Has anyone actually taken a look at the UGA Open Space Concept Plan? I mean, it is quoted in some of the documentation I provided. I don't know if Peter's got that handy or not. I mean, I can always read it. But it very strongly emphasizes the voluntary aspect of the UGA Open Space Concept Plan, and that's what we're trying to incorporate here in the Shoreline Management Program. And it was proposed not only in this version of the SMP but in the previous version of the SMP. *And* we did vote on it and agreed to do it.

Commissioner Woodmansee: I thought we were eliminating the reference to the UGA Open Space Concept Plan in its entirety still. Are we not?

Commissioner Henley: We did delete it, yes, so that what becomes – it doesn't show up in the SMP.

Vice Chair Candler: Can I – I don't know if it's my turn but I have comments.

Chair Raschko: It is your turn. Go ahead, please, Tammy.

Vice Chair Candler: I'm really concerned that maybe the result of what you're trying to accomplish is working against you because if you delete both of these plans you leave the Board of County Commissioners left with no – really no choice but to go with the Department's version, which is *both* plans. So if you – you know, you can – and it's fine if you do understand and you still want to do it, but I just want to make sure you understand that I think you're at cross-purposes with yourself when you are trying to delete them altogether. If you really just want the UGA Open Space Concept Plan out, it probably strategically is a better idea to go with the plan that is a good plan, the Parks and Rec Plan, and make *that* the plan, because they need – you know, it seems like they're probably going to believe that they need a plan of some kind. So I'm just worried that you're going to end up worse off than what you're trying to accomplish. I don't know if that makes sense.

Chair Raschko: Can I break in here just for a moment? I heard Commissioner Henley say he's back and I'm wondering if he missed part of the meeting, specifically –

Commissioner Henley: I did miss it. I did miss part of the meeting.

Chair Raschko: Just to bring you up to speed –

Commissioner Henley: The system crashed. I had to reboot.

Chair Raschko: Well, there is a motion on the floor to replace number 1 in our list of recommendations with a new one that eliminates the reference to the County UGA Open Space Concept Plan but keeps the reference to the County 2020 Comprehensive Parks and Recreation Plan for the reasons that Commissioner Candler was just stating, in that it prevents there being a vacuum that the Commissioners feel they have to fill by using the entire verbiage. Did I say that accurately, anybody?

Vice Chair Candler: Yes.

Commissioner Mitchell: Yes. The one other piece that needs to be added, Commissioner, is it looks like we would need to add Part (b). The motion that we had made was for changing (a), as you see on the screen, and I'm thinking now that we need to have both (a) and (b) replace number 1 if we were to amend the motion. And that would be provided that anybody else would think that that's what we should do.

Vice Chair Candler: Yes. I also think we should leave the little introduction that is not part of the language but I think it just clarifies what we are trying to accomplish. I think it's good to have it in there for clarity of our recorded motion.

Commissioner Mitchell: Yeah.

Commissioner Henley: Is what we're talking about on the screen? Because I don't see it.

Commissioner Mitchell: Yes, it's on the screen.

Commissioner Henley: Well, that section (a) and (b) is what we've agreed to delete previously. They say there's a new motion regarding that?

Commissioner Mitchell: Yes. Do you see anything on the screen now, Commissioner Henley?

Commissioner Henley: Well, I see what you've highlighted.

Commissioner Mitchell: Oh, okay.

Commissioner Henley: But that's what we're trying to delete.

Commissioner Mitchell: No.

Commissioner Rose: No.

Commissioner Henley: Oh. Well, okay, then I'm not following.

Commissioner Rose: I say we call for the question.

Chair Raschko: Okay, then would – please – Mr. Gill, would you kindly read the motion before we vote?

Mr. Gill: Sure. The motion's that been made so far is to replace recommendation number 1 and replace it with 14.26.374(a), as amended, as shown on the screen.

Commissioner Mitchell: And I'd like to make a further amendment and that is to add (b), as written. If there's any other seconds?

Vice Chair Candler: I'll second that. Are you also moving to include the intro?

Commissioner Mitchell: Yes. I'm sorry, yes.

Vice Chair Candler: I'll second that.

Chair Raschko: Okay, the question has been called. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: And those opposed?

Commissioner Henley: Aye. I'm opposed.

Chair Raschko: Okay, that's Commissioner Henley. Any abstentions?

(silence)

Chair Raschko: Okay, so that passes. So we had – I believe Commissioner Rose wanted to discuss 25. Was it 25, Commissioner Rose?

Commissioner Rose: Yes, it was – the new 25. Oh, sorry. I think that this – I think this is an important addition to our list of recommendations and I'd just like to include it. And so I made the motion – I'd like to make a motion that we include 25, and if somebody seconds it then we can discuss it.

Commissioner Mitchell: Second.

Chair Raschko: Okay, it's been moved and seconded to include number 25 in our recorded motion. Discussion, please.

(silence)

Chair Raschko: Okay, hearing no discussion, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: And those opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, that carries unanimously. Thank you. Anything else?

(silence)

Chair Raschko: Commissioner Hughes, did you have something?

Commissioner Hughes: I have a question. I was thinking about all the things we talked about. Did we cover the issue of the 100% replanting success that we had discussed way back when? We had talked about that first year 100% retention of live plants may – most likely is not attainable and that maybe we would look into modifying that. I'm not saying we have to. I just want to bring that up. That was part of a conversation we had.

Vice Chair Candler: I recall that.

Chair Raschko: I recall that.

Commissioner Mitchell: I do too and it's still a sore spot.

Chair Raschko: Does anybody know where that appears in the document?

Commissioner Rose: I have a comment about that.

Chair Raschko: Go ahead, please.

Commissioner Rose: So as I recall how it was explained is that with that requirement for 100% surviving – of the vegetation surviving the first year, it was an incentive to do a good job planting and taking care of the plants the first year. And then I think it said that after year number 1, if whatever died got replaced, but then there was a subsequent time frame of which I think it was 80% had to survive. And my personal experience with planting, which – we do full landscapes on every project – is that most of the time you get almost 100% survival the first year. Like I – when I've had things die, it's been in year number 2 or 3 because that first year they – I don't know, they just don't. At any rate, I don't find a problem with that requirement just because from my own

personal experience it's not that high of a bar, especially since it's backed off in year number 2 and 3 or – I can't remember if it was 2 years later or what. Maybe the staff can clarify that. And that's all I have to say about it.

Chair Raschko: Thank you. Commissioner Woodmansee?

Commissioner Woodmansee: So my question would be, if you miss the 100% in the first year, do you have another first year the next year because you got under 100%? And so it's a great goal in that, you know, you want to do as well as you can. But if you miss it, what's the penalty? Is it just replanting and then ultimately you have to land at the 80 or whatever percent it is in the end? That's the point I just want clarified.

Ms. Stevenson: Yeah. I'm going to jump in and then Dan can clean up my mess after I get done. We do this for critical areas requirements, and the first year you plant species that you think are going to do well there, and some of them may and some of them not, so you won't have survival of everything. But then you look to see what *did* do well so you're going to replant with those things. And it does keep people – as Martha so eloquently described, it makes them take it seriously and take care of them and water them when they need to be watered so they do have a pretty good chance of survival, knowing that your goal is 100%.

Commissioner Henley: _____ (unintelligible) property without giving them any compensation.

Mr. Gill: Go ahead, Betsy.

Commissioner Mitchell: Could you repeat your last two sentences, Betsy, please? I lost everything.

Ms. Stevenson: Okay. Yeah. I don't know exactly what the last two sentences were but basically it gives people a chance to see what survives in that area, because you never know until you plant it and you try. You can do all the soil work and determine how much water everything needs and sometimes it's good and right down the road it doesn't work well. So it gives you a chance to see what survived that first year and plant more of that probably, or try something different. So you'd replace the ones that didn't survive to get to your 100% by replanting. But, no, in my experience in the way we do it currently with our critical areas ordinance, you don't start over from year 1 again. You keep going from that and then by the time you're done – Martha, that's very true – it's 80%. So you just have to go out, I think, the odd years, and take a look at that.

Commissioner Woodmansee: And that's what I thought it would be but, so, would it make sense to just state that you have to replant after the first year? You have to replant up to 100% and then in year 3 or 5 or whatever it is, that's when your bottom line – because it is a little confusing to me. It's like, okay, if you miss your 100% what do you – now what do I have to do? Well, you said easily and nicely, Okay, well, you have to replant. Should we just say that or – if it's good, it's good. I'm fine with that too.

Ms. Stevenson: It's part of the mitigation plan that they've put together and they identify all of those things and then they go out and take pictures and take a look at it. So it should be pretty clear once they get their plan finished, so the language in the code is fairly standardized and so most people, you know, if they aren't familiar with it and they don't do it all the time then we certainly explain it to them. And it's in their mitigation plan as far as what they're required to do. So, Dan, do you want to add anything?

Mr. Nickel: I think you summarized it pretty well, Betsy. I would suggest leaving it to the mitigation planning process to outline those requirements and not be that specific.

Commissioner Woodmansee: So that all makes sense to me. The purpose of the 100% is so you can – you're getting to replant that first year whatever you lose, and then from there you fall down through the system and the bar's not held at 100%. So you're not really at 100% in the long term. But this helps you obtain the 80% or whatever it is.

Ms. Stevenson: Exactly.

Chair Raschko: Is there anything more on that subject?

(silence)

Chair Raschko: So that was brought up by Commissioner Hughes?

Commissioner Hughes: It was answered. I just wanted to make sure we fully discussed it since it was left kind of hanging last time. Thank you.

Chair Raschko: So you're satisfied now? Okay, thank you. Okay, moving right along – anything else in the list of staff recommendations?

(silence)

Chair Raschko: Okay, hearing nothing else, it seems that that would conclude our deliberations. Does anybody concur with that?

Commissioner Mitchell: I've got one exception for you, Chair.

Chair Raschko: Please, Commissioner.

Commissioner Mitchell: It's my fault, but we've got a placeholder on number 23 for the dock, and I don't have anything to suggest for you.

Chair Raschko: Okay, any comments on 23?

(silence)

Mr. Gill: I will just delete it then if there's nothing on that.

Commissioner Mitchell: Thank you.

Chair Raschko: Okay. Anything else?

Mr. Gill: Chair, this is Peter. Did you want to go back over the 2016 motions that we didn't do last meeting? I think that was number 3 through 14. These were left over from the 2016 motion.

Chair Raschko: Okay, what's the will of the Commission? Any comments on that?

Commissioner Woodmansee: I have a comment – or a question.

Chair Raschko: Go ahead, please. Commissioner Woodmansee?

Commissioner Woodmansee: Yeah. So I was reading the responses by staff about dock widths and stuff, and I'm actually a little bit confused to where the staff is at compared to what we recommended on dock width, and if they could clarify that for me that'd be great. It's quoted in their updated staff comments.

Ms. Stevenson: Can Dan share his screen?

Mr. Gill: Sure.

Mr. Nickel: Yeah, I was just going to suggest that I'd do that. Because I think actually we're on the same page –

Ms. Stevenson: Right. _____ look at.

Mr. Nickel: If we go back to, you know, what was originally proposed to the Planning Commission prior to the public release draft was a different table that had, I guess, what I'll show you here. And then what ended up happening for the public release draft was a modified table based on input from the Department of Ecology and Department of Fish and Wildlife. So let me share my screen. Because I think what we're talking about is going back to the original table. And I believe, if you can see my screen here –

Ms. Stevenson: Yes.

Mr. Nickel: This table was the one originally presented to the Planning Commission back in February of last year and it had, you know, docks split out between lakes *with* anadromous fish and lakes *without* anadromous fish. And you'll see here that it did speak to, you know, lakes without anadromous fish having a width of six feet and, you know, ultimately for the public release draft that's currently out there, these two middle columns for this area were combined. And so what we're proposing here, which I think is consistent with the Planning Commission's current recommendation, was to go back to using this table.

Commissioner Woodmansee: Okay.

Ms. Stevenson: Well, Joe, when you asked the question before about which lakes have anadromous fish, after our meeting that night was over I went to Fish and Wildlife's website and for the lowland lakes in Skagit County Big Lake is the only one. They have Coho. So none of the others do, so the only place the narrower width might apply would be at Big Lake.

Commissioner Woodmansee: Alrighty. There are Coho in Big Lake now?

Ms. Stevenson: That's what it said.

Commissioner Woodmansee: Hmm. I haven't seen one, but...I haven't heard about anybody catching one either.

Ms. Stevenson: They must be getting really big!

Commissioner Woodmansee: Must be! Well, don't they come and go?

Ms. Stevenson: Yeah, I guess.

Chair Raschko: Anything more on that?

Vice Chair Candler: I'm confused.

Chair Raschko: So am I. Go ahead, please.

Vice Chair Candler: Are we – we're still talking about adjusting that. We've already, I think, tried to change that middle – or – I don't know – the ___ piling, six-foot for both single user and joint user, right? We've already recommended that?

Chair Raschko: I thought that we had.

Vice Chair Candler: It's already in our motion. I just read it when it was getting scrolled through. So I guess I'm confused as to – make sure that – so when you said "go back to this table," you just mean the format but with that modification? Or is that – I'm not understanding.

Ms. Stevenson: Yeah, the staff recommendation was that we would revert back to the initial table and then you guys made the recommendation, I think at the last meeting, to make it six feet, which was something we had already recommended. So we just wanted to show you that we think we're on the same page and this is what we would recommend, is just going back to this table, which makes it a six-foot-wide pier and fixed piling section.

Vice Chair Candler: Except for single-user. I'm confused.

Ms. Stevenson: No, the single user, that's just in lakes with anadromous fish, which is just Big Lake.

Chair Raschko: Yeah, I thought the intent of the Planning Commission was to make it six feet whether it had anadromous fish or not. Am I wrong?

Mr. Gill: That was the motion.

Commissioner Woodmansee: So there is still a difference between the two. I think we talked – we talked about the four-foot dock – a four-foot width was unsafe regardless of the kind of fish that are in the water. It's still unsafe, that four-foot was too narrow. That was part of our conversation, I believe.

Vice Chair Candler: We've already voted and that's already in our recorded motion. I guess I'm just trying to figure out: Are you showing us this because this is what the Department's staff report is going to show, or – I'm not understanding.

Ms. Stevenson: Okay. So I guess –

Commissioner Henley: It should be six feet all the way.

Ms. Stevenson: Okay. So I guess we aren't –

Mr. Nickel: This was the staff's recommendation.

Ms. Stevenson: We aren't on the same page. Yeah, I thought we were on the same page.

Vice Chair Candler: Okay.

Mr. Nickel: I think what I'm hearing is that the Planning Commission's recommendation was for these two – for the pier/fixed piling width, those would both be six feet.

Commissioner Mitchell: Yes.

Vice Chair Candler: Correct.

Mr. Nickel: Okay.

Chair Raschko: Okay. Okay, have we covered that?

(silence)

Chair Raschko: Let's see. Vince, did you have another comment?

Commissioner Henley: Yeah, on item number 13. I think it's just a typo, but I think if you read it you'll just see. I think you left out a word there. I think it should be "The Growth Management Act and an element *in* local comprehensive plans..."

Mr. Gill: Commissioner, I'm sorry. I'm not following. Which number are you on?

Commissioner Henley: It's number 13 of the first section of that document.

Mr. Gill: Okay.

Chair Raschko: So that's in the Facts, the Reasons for Actions – Findings of Facts.

Mr. Gill: Oh.

Commissioner Henley: Right – I think you just passed it. Yeah, right there. I think you should have "an element *in* local comprehensive plans..." right there.

Mr. Gill: Yes. Thank you.

Commissioner Henley: Yeah, it's just a typo but I think it should be corrected.

Mr. Gill: Yes, yes. Okay.

Chair Raschko: All right, thank you. Okay, coming back to the proposal, ___ that we haven't really confirmed keeping the first elements that were from 2016, so we can go through those quickly and decide what we want to keep. Is everybody on board with that?

Commissioner Hughes: Chair? This is Amy Hughes. I have a question before we go on.

Chair Raschko: Yes?

Commissioner Hughes: If we could go to the staff report from yesterday, I have a question regarding number 15 response from the staff. And I know we're going through a lot of different documents at this point but, Peter, can we find the staff report from yesterday?

Mr. Gill: You bet.

Commissioner Hughes: And then I'm looking at number 15. Okay, Betsy, as I'm recalling all this conversation regarding permission from the property owner for public access, the part of all parties including the property owner, I feel that that was part of our discussion on maybe *developments*. But when it comes to dikes, there's a concern that property owner might have a different goal than the Dike and Drainage District at that point. And this puts it too inclusive that the property owner, if they decide to put a dike on their section – or a trail on their section of the dike, they really need to work with the Dike and Drainage on that issue. So how we had it previously was that where access rights can be secured that would be appropriate for the Dike and Drainage. Now if we want to go to the comment of "all parties including the property owner," I think that conversation was more on development dikes, or development trails. And I'm open with somebody coming up with how that conversation really went.

Chair Raschko: Does anybody wish to tackle that?

Commissioner Woodmansee: I can share what I think I was thinking. I think that my thought pattern here was the whole idea was that it was all about somebody not being forced to have a public access that has – I'll fall back to what I said earlier. If you propose a project and it's in the Park Plan and all that, you could end up with a public access. But if you just have your property and the County wants to create an access, that you have to agree to that. So I think that my thinking was this was not on project-related, like you were saying, and – I *think* that's what you said anyways. So for me it's non-project-related that – I mean, if you submit a project you're going to get comments back from the County and they're going to say, Hey, here's your conditions, and then you're either going to agree or you're going to argue and there's a process. So this is – for me this – so that automatically puts a process in place that's open and it's out in the public. This is – for me this is public access can't just be without the property owner's consent – non-project. It can't be either way because they're going to agree if they go the other way, but non-project the property owner has to be part of that agreement. Does that make sense?

Chair Raschko: I could give you my take on it, and that's pretty much what you said. But just by way of example, to me what this says is that even if the Dike District itself or the County or anybody else wanted to develop a trail system on the dikes, a property owner can opt out. Whereas I think what Commissioner Hughes was talking about was if the property owner was the advocate of having a trail, how does this affect the Dike District? Is that correct?

Commissioner Hughes: Yes.

Chair Raschko: Yeah. And that – in my recollection, what we were trying to do was protect the rights of the property owner against other agencies or people trying to force them to put trails on their dikes.

Commissioner Woodmansee: And I would agree with the Chair that's what we were trying to do. But I do see your point, Amy, that, hey, the Dike District, they can have issues with the same situation and not be the actual property owner.

Commissioner Hughes: So Betsy, I guess where I have been told that it's very important is just the original conversation of where access rights can be secured would cover that. It would cover everyone involved. And so your staff information would be correct. It was just the little bit ahead of that where you talked "public access on dikes must be agreeable to all parties including the property owner." As long as it doesn't go into code just like that, the code "where access rights can be secured" seemed to be more appropriate wording.

Ms. Stevenson: Oh, let me clarify something for you, Amy.

Commissioner Hughes: Okay.

Ms. Stevenson: The number 15, that first section is what the Planning Commission recommendation was, and this was actually for section 350 which is Flood Protection Measures that that language be added. So my suggestion under the staff stuff is let's keep all of the ideas about public access on dikes, except for the more generalized statement in the Flood Protection Measures, in the Public Access section, which is where this other information is that I quoted here. And one of the things that somebody has to do, they have to show this information, and one of the things that's on the list is Applicability. So this section applies for "new public structural flood hazard reduction measures such as new dikes and levees where access rights can be secured." So that covers everything, basically.

Commissioner Hughes: Okay.

Ms. Stevenson: And at least the one on Padilla Bay. I was involved when that trail came to be. That was a lot of different agencies and the Dike District, and they have a whole legal agreement of who is responsible for what and who's doing what and who can do what. So that, to me, is where the access right can be secured. So to me it's a lot cleaner, it's a lot neater, and it's in the Public Access section where you're talking about feasibility and all the other information. Plunking it down in the Flood Protection Measures section is a little bit out of place, I think. I think it needs to stay in context with all the rest of the public access section and that we just indicate – the feasibility, you refer people back to the other section. I just – because it's all laid out in the Public Access section.

Commissioner Hughes: Okay, just as long as that first sentence on number 15: ____ PC recommendation "public access on dikes must be agreeable to all parties, including the property owner." Just as long as that doesn't take precedence over "where access rights can be secured." That's all we're doublechecking.

Ms. Stevenson: Well, your recommendation now is number 15 as that is worded. That's coming out of your draft recorded motion.

Chair Raschko: Anything else on 15?

Commissioner Hughes: I guess I'm confused with what Betsy just said. Don't start it all over, Betsy. If what you're going to have in code is the staff information that was on that page, that would work. But the paragraph ahead of it that's just kind of introducing the topic, that's what I'm stumbling over.

Ms. Stevenson: Well, the way that I formatted it in my memo to you guys was the first thing that's in there of PC recommendations. That's what your recommendation was. And then I go into the staff information that kind of addresses what the recommendation is. So the part that you're taking

some issue with is what the recommendation is from the Planning Commission. The part that I gave you is what's actually in the document now. Then the bold words were just for you to see what I thought was important and germane to the topic.

Mr. Gill: So Chair, I switched screens because I want you to see what's in the motion on number 15. This was from the last meeting where the area in blue is highlighted. That seems to be the issue – or the words or the text that Commissioner Hughes is concerned about.

Commissioner Hughes: Yeah, and so okay, perfect. Thank you for focusing us. So instead of "Public access on dikes must be agreeable to all parties including the property owner," I would prefer "Public access on dikes must be agreeable where access rights can be secured."

Ms. Stevenson: Well, I guess what my recommendation was – just so that you understand –

Commissioner Hughes: Mm-hmm.

Ms. Stevenson: – was that I think we're saying the same thing except it's clearer the way it's written. It's just in the other section, and you guys proposed putting something in the Flood Control Measures and I *don't* think it's appropriate there, and I don't think the language that's already in the code addresses your concern and that my recommendation was just to delete number 15 because the language is already there about the agreement being "where access rights can be secured." It's already in the code.

Commissioner Hughes: And I would concur with that and then if the Planning Commission wanted to take this where I remember the conversation in development areas, where they were talking about the property owner being involved, that needs to go into a different place than by dikes. So, Planning Commission, I would recommend that we not have 15 the way it's written.

Chair Raschko: Okay, first of all, Commissioner Henley has a comment on 13. We'll finish this discussion first and then come back to that. Then Commissioner Candler wanted to make a motion. Now is that on this, Commissioner?

Vice Chair Candler: It was, but now I'm confused. Can I just ask for a clarification first? So Betsy, the language that you're proposing in your staff report, I think we want to – I want to make a motion that that be included but you're saying it needs to be included under a different section. So...

Ms. Stevenson: Yeah, I'm sorry. I guess I wasn't very clear. What's in the staff report under number 15 is what's already in there. So I'm saying just delete number 15 and this is what will be in there.

Vice Chair Candler: Okay. I withdraw my request to make a motion then. Thank you.

Commissioner Hughes: I would move to make a motion, if I could.

Chair Raschko: Well, you can.

Commissioner Hughes: Okay. Commissioner Hughes. I move that we strike number 15, "Public access on dikes must be agreeable to all parties including the property owner," and just go back to staff report.

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

Chair Raschko: Okay, it has been moved and seconded to strike 15. Discussion, please? Did you have something on this, Commissioner Hughes – I mean Commissioner Mitchell?

Commissioner Mitchell: No. I was going to make the same motion. I'm fine.

Chair Raschko: Any other discussion?

Commissioner Woodmansee: This is Commissioner Woodmansee. My understanding is that what Betsy's saying is this is already addressed in the proper place and this isn't the right place to try to address that – the issue that we were trying to address. So with that understanding, I can support this.

Chair Raschko: Any more discussion?

(silence)

Chair Raschko: Okay, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, so that passes. Okay. Okay, we'll move on now to Commissioner Henley.

(silence)

Chair Raschko: Are you still here, Commissioner Henley?

(silence)

Commissioner Mitchell: I think we lost him again.

Chair Raschko: Okay. He indicated he had something about number 13. Hopefully he'll make it back.

Commissioner Hughes: Chair? This is Commissioner Hughes. But since this was brought up at this point, could I make a comment on 13?

Chair Raschko: Please do.

Commissioner Hughes: And then maybe Commissioner Henley will come back. Upon reading this, I was a little confused regarding the difference between the Sauk and Rural Conservancy,

and the reason they were designated a little bit differently. Could I have some more staff information on this?

Ms. Stevenson: Sure. That discussion happened a long time ago. The Rural Conservancy/Skagit Floodway designation that we – the 2016 part of the recorded motion, was to go ahead and do the upper reaches of the Skagit and the Sauk as well with that designation. And the only problem that we run into with that is the area along the Sauk because it's such an active river that our flood maps are so outdated that a lot of places where it says is floodway is actually river now. I mean, it's taken quite a bit of bank with it so we decided it didn't make a lot of sense to try to include the Sauk with that. So what we mapped then as part of the floodway was just the Upper Skagit. So I was just trying to – this is one of the things that came out of the 2016 recorded motion – and just indicate why we didn't try to do that along the Sauk as well. Because really we don't have a good idea of where the floodway is on the Sauk anymore because it's such an active river and the channel migration zone just kind of goes all over the place. And our maps are still showing, you know, river in one place and it's not really there anymore because they're fairly old maps.

Commissioner Hughes: So in 2016, we made the recommendation to do it all one way, but the staff recommendation is that we do need these two different clarifications for the two different parts?

Ms. Stevenson: Let me go back to why we did it to begin with. When we were putting the whole thing together, there's a lot of the area on the Skagit that is floodway and if somebody just picks up the Shoreline Program without looking at our flood maps or without looking at anything else and they go to the Rural Conservancy section and they see all those things that they'd be allowed to do in a Rural Conservancy shoreline area, this was a way to show that Hey, yes, you're in Rural Conservancy but you've got this overlay because you're also in a floodway, which really limits development. So it seemed like a good idea at the time. It's gotten a little bit complicated since then, but it gives people an indication that Yes, you're in Rural Conservancy and these are the allowed and permitted uses, and this is everything that would impact you; however, please be aware that within this certain designation that also says "floodway" at the end of it, that you're also in a floodway and you need to go look at the flood maps and talk to the floodplain managers in our department and see what, if anything, you can actually do there. So that they don't get a false sense that Hey, the Shoreline Program says I can build a house. But you really can't because you're in a floodway in addition to being in a Rural Conservancy shoreline area. Does that make sense?

Vice Chair Candler: Can I ask a question, Chairman?

Chair Raschko: Please do.

Vice Chair Candler: But the way that's worded where we cross out the Upper Skagit and leave the Sauk when we're talking about the Rural Conservancy/Skagit Floodway, is that consistent with what – did we do the right language there? Is that right, based on what you're saying?

Ms. Stevenson: Um, I don't think I crossed anything out. It was more of a –

Mr. Gill: I can provide some clarification on this. So the only reason this is still in here is because in 2016 you recommended that for the Sauk River and for the Upper Skagit. Well, we did it in the Upper Skagit and that's why it's crossed out. If you still want this Rural Conservancy on the Sauk River, then you would leave it in.

Vice Chair Candler: And, Betsy, from what you're saying, would we?

Ms. Stevenson: No, the designation was Rural Conservancy/Skagit Floodway. So the floodway would – it was just a floodway along the Sauk River. So we just took the – we didn't change any of it. It was always just the Rural Conservancy/Skagit Floodway.

Vice Chair Candler: So it makes sense that this language –

Ms. Stevenson: We're just not able to do it on the Sauk because it's moved too much, things have changed too much. If that makes sense.

Vice Chair Candler: It does, but it sounds like you're saying that this paragraph should be removed basically.

Ms. Stevenson: I wouldn't include it. We've already done as much as we can do. We addressed it as part of our mapping update, so yeah, I guess saying I'm asking you to just take it out.

Vice Chair Candler: I will move – I'm going to make a motion then to remove paragraph 13.

Commissioner Mitchell: Second.

Vice Chair Candler: No longer applicable.

Chair Raschko: It has been moved and seconded to remove 13. Who made the second, please?

Commissioner Mitchell: Mitchell.

Chair Raschko: Okay, thank you. Discussion?

Commissioner Rose: I support it.

Chair Raschko: Okay. All those in favor, say "aye."

Multiple Commissioner: Aye.

Chair Raschko: And no abstentions?

(silence)

Chair Raschko: Okay, so that passes. Okay, moving right along...are there any other issues?

(silence)

Chair Raschko: Bearing in mind that if we stop here everything that we have not moved to remove will be included.

Mr. Gill: So if I could, Chair?

Chair Raschko: Please.

Mr. Gill: I guess I'd draw your attention to number 10. This one is left over from 2016 and this recommendation is to add the 10% impervious surface limit to Rural Conservancy *and* Urban Conservancy for new lots. And I think we've covered this a number of times in meetings. We saw some kind of illustrated examples of what that looks like in Rural Conservancy. I don't know that we've discussed adding that 10% impervious in the *Urban* Conservancy, so I just want to bring that to your attention (and) see if that's something you're still interested in.

Commissioner Henley: I'm back.

Chair Raschko: Okay, thank you. Can we – just to bring you up to speed, Vince, we just passed a motion to eliminate number 13. I know that you had put something in the Chat Box about number 13. Do you have any –

Commissioner Henley: No, no. That was a different number 13. That's been taken care of.

Chair Raschko: Okay, good. Thank you. All right, so let's go back to number 10. Does anybody have anything to say about number 10?

Commissioner Woodmansee: I guess I'd be looking for a little bit better understanding of the effect on the two different areas.

Vice Chair Candler: I agree. My question would be: What is the Urban Conservancy percentage if we *don't* act right now? I don't remember off the top of my head.

Chair Raschko: Can staff –

Mr. Nickel: I think 30%. I mean, I'll look it up.

Commissioner Woodmansee: And maybe staff could tell us where these comments in this number 10 lines up with what they're recommending.

Mr. Gill: So our recommendation, which is item number 27, was to include the 10% impervious surface limit to Rural Conservancy for new lots. It did not include the Urban Conservancy in that recommendation. But if you're not including the staff-recommended changes, then that would not be in the motion either.

Mr. Nickel: So for confirmation, that is – it's 30% in both Rural and Urban Conservancy in the current public review draft.

Chair Raschko: Any further comments or questions on number 10?

Commissioner Woodmansee: So it's currently 30% in the public review draft for both, but staff's ___ and we have discussed going to 10% in the Rural Conservancy – correct?

Mr. Nickel: That was staff's recommendation. Correct.

Commissioner Woodmansee: And I *thought* that we discussed that quite a bit and I thought that we supported the 10% in the Rural Conservancy. Can somebody else recall that?

Commissioner Mitchell: I thought so too.

Mr. Gill: But that came out of a staff recommendation, so if you want that then you would either include number 27 or amend 10 to do what you would like.

Commissioner Woodmansee: Well, it seems like it'd be easier to eliminate 10 and include 27 than to rewrite 10 to match 27.

Mr. Gill: Would you like to look at 27 just to be sure?

Commissioner Woodmansee: Sure.

Vice Chair Candler: Yes.

Mr. Gill: That must be an old 27.

Mr. Nickel: But it's number 28.

Mr. Gill: It's number 28. Thank you, Dan. So I'll read it. "Number 28, Dimensional Standards. Reduce limits on impervious surface in the Rural Conservancy environment designation. Add a footnote to Table 14.26.310-1 to acknowledge that new laws in Rural Conservancy created after the adoption of the SMP would need to comply with the 10% hard surface coverage limitation."

Commissioner Woodmansee: Well, I'd make a motion that we make the two match or we eliminate 10 and we endorse 28, I guess it is.

Vice Chair Candler: I'll second the motion to eliminate 10 and endorse 28, if that's the motion.

Chair Raschko: Are we endorsing it or adopting it?

Mr. Gill: I would include.

Chair Raschko: Okay, it's been moved and seconded – please read the motion, Peter.

Mr. Gill: Okay. I have a motion to endorse number 28 and remove number 10.

Chair Raschko: Is that – okay, who made the motion?

Commissioner Woodmansee: I did – Woodmansee.

Chair Raschko: Okay, does that fit your desire?

Commissioner Woodmansee: Yeah. And I'm happy – if we thought we needed to change the "endorse" word to "adopt" or something like that, I'm fine with that, if anybody has any thoughts on that.

Commissioner Mitchell: How about "include" like Peter had suggested?

Commissioner Woodmansee: Yeah. No, I'm fine with that.

Chair Raschko: Okay, discussion?

(silence)

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Aye. All opposed?

(silence)

Chair Raschko: Abstained?

(silence)

Chair Raschko: Okay so that passes. It might have been easier just to start from the beginning and go through these.

Commissioner Woodmansee: I do have a question on number 12.

Chair Raschko: Are you looking at the staff report or at the recommendations?

Commissioner Woodmansee: I’m looking at where he’s at right now. And I’m going to be honest with you. There’s too many letters and numbers and I can’t follow whether number 12 conflicts with our other conversations – what we just talked about – or not. And so I just wanted to make sure that number 12 doesn’t conflict with anything else that we’ve talked about or recommended on docks.

Chair Raschko: Any opinions?

(silence)

Chair Raschko: It doesn’t seem to be any conflicts in anybody’s minds.

Commissioner Woodmansee: Yeah. Okay. I realize ___ the definition.

Commissioner Mitchell: By “conflicts,” do you mean – is your intent to follow staff recommendation to delete number 12, Joe – or Commissioner Woodmansee – or something else?

Commissioner Woodmansee: Well, these are the previous – you know, from 2016, right?

Commissioner Mitchell: Yeah.

Commissioner Woodmansee: So they are recommending to add a definition of “dock” and then, you know, it’s already defined in Boating Facilities but not in ___ in _____. And so I guess it’s not exactly the same as we’ve talked about but I just wanted to make sure that those definitions match with what the definitions are that we’re working with.

Chair Raschko: Can anybody address that?

Ms. Stevenson: Yeah. The definitions that we have in the Boating Facility section?

Commissioner Woodmansee: Correct.

Ms. Stevenson: Yeah.

Commissioner Woodmansee: I just want to make sure that this is consistent with what we're using.

Ms. Stevenson: So are you asking about the ___ side of there is consistent, or what – I'm sorry. I guess I'm not – I thought I understood what you were saying and now I don't.

Commissioner Woodmansee: Well, when I first read it I was thinking of our discussion about dock widths and all that, which we had a lot of. But I see now that it's actually just discussing definitions of "dock."

Ms. Stevenson: Right.

Commissioner Woodmansee: And so I'm just – so they're saying add to these definitions. I'm just saying – I'm just asking: Is this still a valid thing that we need to do and have we done it? Basically.

Ms. Stevenson: Oh. Yeah. We put it in the Boating Facilities section just so that somebody who wants to build a dock can find everything they need to know right there. So we put the definitions in there. So if we add the definitions into 8 it's just going to be another page in the document of something that's already in the document.

Commissioner Woodmansee: Okay.

Ms. Stevenson: Because we'd use the same thing. So I just said I don't think you need to do that; you know, it's all pretty long. And I think it really helps to have the graphic that we have that shows all the different components of the dock as you're defining them so people can see it all right there. So it actually reads pretty well that way. I mean, if you want to add them to the Definitions section, we certainly can, but, you know, I hate to see people flipping back and forth. It's already in there in a different section. We don't really need it. But it's not a huge deal.

Commissioner Woodmansee: So Betsy, are you saying that we don't need to do 12 because it's already in the Boating Facilities?

Ms. Stevenson: Yes.

Commissioner Woodmansee: See, this isn't something that we recommended, right? So if we – based on that, it seems like we might want to not recommend number 12.

Ms. Stevenson: Yeah, this is out of the 2016 stuff, so I'm just saying you don't really need to do that because we put it right in the Boating Facilities section.

Vice Chair Candler: I'll move to remove 12 from our recommendation.

Commissioner Mitchell: Second.

Chair Raschko: It's been moved and seconded to remove 12 from our recommendation. Is there further discussion?

(silence)

Chair Raschko: Okay, all those in favor of removing 12, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: All those opposed?

(silence)

Chair Raschko: Anybody abstaining?

(silence)

Chair Raschko: Okay, so that passes. Okay, we’ve covered 1. Is there anything on number 2? I think that’s been removed?

Mr. Gill: Yes, 2 was already covered. I’ve removed that.

Chair Raschko: All right. Number 3, is there anything?

(silence)

Chair Raschko: Nobody has anything on number 3? Number 4?

(silence)

Chair Raschko: Everybody’s fine with 4? How about 5?

(silence)

Chair Raschko: Everybody’s good with 5. Number 6?

(silence)

Chair Raschko: Okay, everybody’s okay with 6. Seven?

Commissioner Hughes: This is Commissioner Hughes.

Chair Raschko: Yes?

Commissioner Hughes: I’m wondering if 7 is the same thing we just dealt with, is that we asked for a definition of “flood hazard reduction” and the staff said it’s already in another section. And so I’m just wondering if we want to handle it the same way. Betsy, is it similar to what we just dealt with?

Ms. Stevenson: Yes and no. It’s described through the applicability of what it refers to. A definition would be very difficult.

Chair Raschko: Commissioner Hughes –

Ms. Stevenson: Oh, I’m sorry. Go ahead.

Chair Raschko: Do you have anything else?

Commissioner Hughes: Well, I would move that we strike that under that recommendation, but I would be open for discussion from the Planning Commission of their thoughts.

Chair Raschko: Well, you can make the motion then we *will* have discussion.

Commissioner Hughes: Okay, I move to strike recommendation number 7.

Vice Chair Candler: I'll second.

Chair Raschko: Okay, it's moved and seconded to strike 7. Okay, discussion, please.

Commissioner Woodmansee: I have a question for Betsy.

Chair Raschko: Go ahead.

Commissioner Woodmansee: Betsy, you said that the – it's very difficult to define this. Can you elaborate on that? Because my initial thought was we have something that we have to do but we can't define it. So could you elaborate on that just a little bit?

Ms. Stevenson: Yeah. We give a lot of examples in our Applicability section for flood hazard reduction measures and things, but there isn't any definition in the State requirements either. And flood hazard reduction is a little bit different in the Shoreline Program than it would be in, say, our floodplain management requirements or regulations. So by trying to define it I think it's better to leave it a little bit more open where basically it says this section applies to actions taken to reduce flood damage or hazard and to uses, development, and shoreline modifications that may increase flood hazards. Flood hazard reduction measures include nonstructural, shoreline modifications. ___ include nonstructural measures such as setbacks, land use controls, wetland restoration, dike removal, use relocation, biotechnical measures, and stormwater management programs, and structural measures such as dikes, levees – I mean, there's all kinds of things that fit into that category. So to try to actually put together a definition is going to be very difficult.

Commissioner Woodmansee: Okay. So essentially you can engineer just about anything and it could become a flood hazard reduction.

Ms. Stevenson: And as soon as you define something, if somebody comes up with a new idea or a new way of doing something that actually acts as that, you sort of run into an issue. So, yeah.

Commissioner Woodmansee: Okay. Well, that cleared it up for me a little bit there. Thank you.

Chair Raschko: Commissioner Mitchell, did you have something?

Commissioner Mitchell: I do when we finish with this. I think we need to go back to number 6, but let's finish 7.

Chair Raschko: All right. Hearing no further discussion, all those in favor of the motion to eliminate number 7, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All those opposed?

(silence)

Chair Raschko: Abstentions?

(silence)

Chair Raschko: Okay, so that carries. Thank you. So okay, Commissioner Mitchell?

Commissioner Mitchell: Yeah, so Betsy, correct me if I'm reading wrong, but number 6 is sort of the same situation. In number 6, the Planning Commission had recommended as written – what you see there about the aquaculture and stuff. But you're saying that the language has addressed the PC recommendation and no change is needed here, meaning we do not need number 6. Is that correct?

Ms. Stevenson: Yes. Aquaculture's already listed and it does not apply to these uses – the filling, excavation, and grading section.

Commissioner Mitchell: Okay, then I'd like to make a motion to strike number 6.

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

Chair Raschko: Okay, thank you. It's been moved and seconded to eliminate 6. Discussion?

(silence)

Chair Raschko: All right, hearing no discussion all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All opposed?

(silence)

Chair Raschko: Okay, and any abstentions?

(silence)

Chair Raschko: Okay, thank you. That carries. Okay, so we did 6 and 7.

Vice Chair Candler: I have a question about 8.

Chair Raschko: Please go ahead.

Vice Chair Candler: This language that we requested way back then, is that still applicable? Does the Department have a comment on that?

Ms. Stevenson: For number 8?

Vice Chair Candler: Yeah, is that appropriate?

Ms. Stevenson: Yeah, the comment basically was they're sort of in sequential order as people think about these things in terms of shoreline jurisdiction. So you start with the 200 feet from the ordinary high water mark and then you move into associated wetlands, which can be added to that, and the you also look at the floodway and floodplain, which also can add some distance to that. So starting to move those things around really doesn't make a lot of sense. So I just recommended that they remain in the sequential order.

Vice Chair Candler: I have no – I don't remember why we wanted to reverse them.

Ms. Stevenson: I'm not sure either.

Vice Chair Candler: I don't know if anyone remembers. If not, I don't know why we –

Ms. Stevenson: Because you would want to do the 200-foot thing first and then you'd talk about the wetlands, rather than the wetlands first. If that makes sense. Because the associated wetlands is associated to that 200 feet, so you kind of build on – that's your first building block and then you add the others to it. And I'm talking with my hands; it's time to stop!

Chair Raschko: Commissioner Mitchell, do you have something on this?

Commissioner Mitchell: Yeah, I would make a motion that we strike number 8 then.

Vice Chair Candler: Seconded.

Chair Raschko: Moved and seconded to strike 8. Discussion, please.

(silence)

Chair Raschko: All right, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Aye. All opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: So that carries. Okay. Let's see. Where are we?

Commissioner Mitchell: Chair, may I go back to number 5?

Chair Raschko: (unintelligible)

Commissioner Mitchell: I know. We went through these so fast. Betsy did a really good job –

Chair Raschko: I apologize for the scattered way we were doing it, but go ahead.

Commissioner Mitchell: Well, Betsy did a really good job but comprehending – you know, skipping each one and understanding, I think what happened was is that we missed what she was really saying in some of these. And so I think number 5 is a similar situation. We asked in number 5 to delete and avoid conflicts with neighboring uses, and staff is recommending here – recommends we retain the original language. So Betsy, tell me if I’m reading this wrong. When you say we recommend retaining the original language, that means we do not need number 5.

Ms. Stevenson: Yes.

Commissioner Mitchell: Positive?

Ms. Stevenson: Yes. No, I want to just make sure before I – because we are going around a little bit. But yes, that’s what I’m saying.

Commissioner Mitchell: Okay. Thank you. My fat head was not keeping up when we were doing the numbers so fast. So I’d like to make a motion that we strike number 5.

Commissioner Rose: I’ll second that. This is Commissioner Rose.

Chair Raschko: Thank you. It’s been moved and seconded to strike 5. Discussion?

(silence)

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Abstained?

(silence)

Chair Raschko: Okay, so passed. Okay, let’s move on. We eliminated 7 and we eliminated 8. Were we on 9? Anything on number 9?

(silence)

Chair Raschko: Okay, number 10? We did number 10. Number 11?

Commissioner Rose: On number 9, though, isn’t the staff recommending to delete that one as well?

Commissioner Mitchell: It looks like that to me.

Ms. Stevenson: Yeah. We didn’t –

Commissioner Rose: I’d like to make a motion to eliminate number 9.

Vice Chair Candler: Second.

Chair Raschko: Moved and seconded to eliminate 9. Discussion.

Commissioner Rose: Yes.

Chair Raschko: Hearing no discussion, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Aye. Opposed?

(silence)

Chair Raschko: None opposed. Any abstentions?

(silence)

Chair Raschko: So that passes. Thanks. All right. Have we looked at 11? Yes, I think we have. Anything on 11?

(silence)

Chair Raschko: Twelve?

Commissioner Mitchell: I think we already deleted 12, didn't we?

Ms. Stevenson: Yes.

Chair Raschko: Okay.

Mr. Gill: Yep.

Commissioner Mitchell: And 13 we deleted.

Chair Raschko: Thirteen. Fourteen?

Vice Chair Candler: Assuming the same theory applies to 14 that we've been __ the definitions. Is that right?

Commissioner Mitchell: Yes.

Ms. Stevenson: Yeah, they're actually quite long and you go through all the different things that you look at and they are in the Comprehensive Plan Policies, so I recommend that we not do that.

Vice Chair Candler: I'll move that we remove number 14.

Commissioner Mitchell: Second.

Chair Raschko: It's been moved and seconded to remove 14. Any discussion?

(silence)

Chair Raschko: All right, all those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Aye. Those opposed?

(silence)

Chair Raschko: Abstained?

(silence)

Chair Raschko: Okay, so that passes unanimously. Let’s see, 15, I believe, we’ve discussed. Have we not? What’s that?

(silence)

Chair Raschko: And 16? I remember there’s some strong feelings on this. Anybody care to comment on 16?

Commissioner Mitchell: I need a minute to read it myself. This is Commissioner Mitchell.

Chair Raschko: Okay.

(silence)

Commissioner Mitchell: I’d like to – this is Commissioner Mitchell again. I’d like to ask Commissioner Hughes what she thinks on this one.

Commissioner Hughes: What the Department said is correct. The Department resolved the concern and recommended, so this would be okay to remove. It was dealt with.

Commissioner Mitchell: Okay. Then I’d like to make a motion to remove 16.

Chair Raschko: Is there a second?

Commissioner Rose: I’ll second that.

Chair Raschko: Thank you.

Commissioner Rose: It’s Rose.

Chair Raschko: It’s been moved and seconded to remove 16. Any discussion?

(silence)

Chair Raschko: All in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Okay, those opposed?

(silence)

Chair Raschko: Abstained?

(silence)

Chair Raschko: Okay, so that passes unanimously. Where are we on 17?

Mr. Gill: This item was added at your last meeting.

Ms. Stevenson: It basically reflects what you just did in 16 because we added what's in 17 to take care of number 16.

Chair Raschko: Okay. So we move on to 18. Anything on 18?

Commissioner Mitchell: This is Commissioner Mitchell. I've got a comment.

Chair Raschko: Please.

Commissioner Mitchell: Last meeting we went through this and we collectively voted then to keep the language in, understanding that the Department, the DOE, and staff might say no but they would understand that this is what we thought.

Chair Raschko: That's my recollection as well.

Commissioner Mitchell: So for that reason, I'd suggest leaving it in.

Chair Raschko: Okay, unless anybody has a problem with that, we will move on. Are there any further comments on – what number was it?

Mr. Gill: It's the old number 18. Sorry.

Chair Raschko: Okay, so move on to –

Commissioner Woodmansee: Which one are we on, Peter? Are we on Fabric or are we on Forest Practice?

Chair Raschko: We were just –

Mr. Gill: I was on Fabric.

Vice Chair Candler: Oh, I was on Forest Practice.

Commissioner Mitchell: Yeah, we were on Forest Practices!

Mr. Gill: Oh, I'm sorry. Okay! I think all of these starting 18 down you already voted on – so just to be clear. If you're going to revisit them –

Commissioner Henley: If you look at the votes, we did vote on it last time.

Chair Raschko: Yes, we did.

Mr. Gill: Yeah.

Commissioner Mitchell: I'd rather not revisit all those again.

Mr. Gill: No.

Commissioner Henley: Yeah, I would say let the vote stand.

Chair Raschko: Right.

Ms. Stevenson: I'd just like to add before you move on that you're recommending something that is not what's in the State requirements. So we will agree to disagree here.

Vice Chair Candler: But which – where are we?

Ms. Stevenson: On the Forest Practice.

Vice Chair Candler: Mm. Okay.

Commissioner Mitchell: I think we understood that respectfully, Betsy.

Ms. Stevenson: As long as you do. I just – I want to make sure that there's no surprises when this comes before the Commissioners. That's all I'm trying to do here.

Commissioner Mitchell: Yes. We just want to let them know that this is what we really think.

Chair Raschko: Okay, I think this brings us to conclusion of these deliberations. Is anybody in agreement with that?

Vice Chair Candler: Yes.

Commissioner Henley: Yes.

Vice Chair Candler: I have a request. This is Commissioner Candler.

Chair Raschko: Please make your request.

Vice Chair Candler: Will the – this is mostly for Peter – Peter Gill, are you planning on deleting what's in blue, obviously, and making a new version of this for us to review?

Mr. Gill: Yes, and that was, I guess, my question – is, How do you want to see the next version? Do you want to see a messy thing like this with everything tracked or do you want to see what the next draft looks like?

Vice Chair Candler: Just speaking for myself, I would prefer to see a – what the next draft looks like. I'm starting to get really confused with the track changes.

Mr. Gill: Yeah. I can do that.

Chair Raschko: I'd agree with that. Anybody else?

Commissioner Henley: I agree.

Commissioner Woodmansee: I agree with that but I'd also like to have some sort of a device that tracks staff's response to our recommendations here that we can see, like, the staff report – you know, we see where they agreed or disagreed along the way, so that we can be prepared to understand that situation, you know, as far as –

Vice Chair Candler: Is that with what's left, though?

Commissioner Woodmansee: Well, the things that we voted on at the last meeting, there's new staff comments regarding most of those if not all of them.

Vice Chair Candler: Okay, so with what's left of the document but also the staff comments. I would agree with that. I would like to see that too.

Commissioner Woodmansee: Yeah, so it's –

Vice Chair Candler: But not the things that have been removed – that we voted on to remove. Agreed?

Commissioner Woodmansee: Yeah, anything that we agreed on that we – you know, we said, Oh, they recommended this but we agree, we don't need to see that. It'll just go away – right? – if we agree not to use it. But on the things that we're recommending – remove the requirement for the light permeable fabric and staff is saying, Hey, we want to keep this in there. I'd just like to see – where we know the response, I'd like to see it so that, you know, well, for one we'll know where we agree and disagree all in one place. It could be two things but, you know, one clean copy of ours and then one that has, okay, staff's position on 1, 2, 3, 4, 9, 10 – whatever – where there's a conflict.

Commissioner Mitchell: I would like to see a clean – I'd like to see a clean copy to work off of and then what Commissioner Woodmansee said as a second document. Because it does make a difference – forgive me for phrasing it this way – it makes a difference psychologically on knowing what our work is is solid because that's what we believed and voted for as we went through this. We know that staff is going to come back and have different recommendations on some things. So I would like to see both as well but as two separate documents, available at the same time. Is that making sense?

Ms. Stevenson: I have a question when it's my turn.

Chair Raschko: Go ahead.

Ms. Stevenson: Just to make sure: So the places where you want the staff comments – I understand what you're asking for – do you want those, like, in the margin of the draft clean recorded motion or do you want me to format it differently somehow? I'm not sure what you want.

Commissioner Woodmansee: I could take it in the margin but maybe the margin might be not enough room for you to state what you need to state.

Ms. Stevenson: Probably what I'm going to need to do is cut and paste from my supplemental staff reports, just the information that I have there, so I'm not sure the best way to do it.

Commissioner Woodmansee: Well, it could be number one, just like you already did –

Ms. Stevenson: Just like I already did? Okay, okay.

Commissioner Woodmansee: – _____ PC recommendation. Below it, "staff concurs" or "staff would like to" – you know, "staff's going to support x."

Ms. Stevenson: Okay, Okay. I may just do the ones that we may still disagree, just to make it easier for you to get through faster. And the ones that we agree on, I just won't put anything.

Commissioner Woodmansee: Yeah.

Commissioner Henley: Speaking for myself, I'd rather see a clean copy. I've got three or four versions of all this right now all printed out. I think the fewer things I need to print out the better off I am.

Mr. Gill: So if I could: I can provide a clean copy of the actual recorded motion and Betsy can do what she did before, which is go through each motion and say what staff recommendation is. And that's – I mean, that's typically how we would do that.

Commissioner Henley: I think that's fine as long as I have a clean copy to work from. I think that's really what I'm looking for.

Commissioner Woodmansee: And so, Betsy, if you could take that clean copy and then insert your thing like you did before? For me, that's – you know, I like – that's fine, a clean copy's great. Here's what we're going to submit and then here's what, you know, the staff comments are _____ basically.

Ms. Stevenson: So I don't necessarily need to reiterate the recommendation in this one, just the number. "Number 1," you know, and then I just put in there "Number 2." You can follow that. Will that be okay?

Commissioner Woodmansee: Yeah. If you don't want to take Peter's document and then just insert in between and you'd rather just take –

Ms. Stevenson: I want to give you what you want. It doesn't matter what I want. What's going to be easiest for you?

Commissioner Woodmansee: Well, I thought it was helpful, the staff report that came out: Hey, PC's recommending this. We're saying this.

Ms. Stevenson: Okay, perfect.

Commissioner Woodmansee: So if the second document was that –

Ms. Stevenson: Okay.

Commissioner Woodmansee: – then that would be helpful because, you know, here’s my clean document – I’m using my hands. I must have learned that from somebody!

Ms. Stevenson: Yep, yep. Sorry!

Commissioner Woodmansee: Here’s my clean document and my document with the added comments of staff.

Ms. Stevenson: Okay. Perfect. I want to make sure you get it in a way that makes sense.

Commissioner Henley: Yeah, I think if you have, you know, different numbering systems, as we have here now, it gets really confusing and I would prefer that we not do that again.

Commissioner Woodmansee: And so the clean document will have fresh numbers then. It’s going to be 1 through whatever.

Commissioner Henley: That’s what I would expect.

Mr. Gill: So if I could clarify, Chair, where we are, at least where I *understand* we are, and that’s what I need to get some clarification on. We’ve been through all of the Planning Commission recommendations, the one from 2016 and all the new ones. Now where I’m less clear is on the staff/Department recommendations. So we’re removing all those except the ones that we’ve voted to keep? Is that where we’re at with those? Because then we’re done with all the recommendations.

Chair Raschko: That’s what I believe to be the case. Now I would ask my fellow Planning Commissioners if they have a disagreement with that and have some more of these issues that they would like to still include.

Commissioner Woodmansee: Well, that causes me to have a question for Betsy. I’m thinking that our – maybe you might know this better than me – do we have other things that are in – we’ve went over every recommendation you’ve made, right? At this point, we’ve addressed every – you have presented all your recommendations to us? Out of the matrix and all that?

Ms. Stevenson: Yes.

Commissioner Woodmansee: And many of those we went through and – not in this document but a lot of those we went through and, if I remember right, we just, Okay, that sounds good; that sounds good; that sounds good. And then so I don’t – I’m not aware of other places that the staff has recommended something that we’re in conflict with potentially. Does that make sense to you, Betsy?

Ms. Stevenson: Sort of. I think some things are going to get dropped off, based on what we did tonight, that we will still be proposing. So I can do that at the end of the recorded motion and say “Based on, you know, these items, this is what we’re still going to recommend” – just so you guys are aware of that, if that makes sense.

Commissioner Woodmansee: Sure. Sure.

Chair Raschko: Commissioner Hughes, do you have something?

Commissioner Hughes: I Hate to go clear back, but I wasn't crossing out the ones at the very beginning of tonight's work _____ on the memo from Betsy. Can we go through one more time so I can strike out the ones that we removed so they're off my paper?

Chair Raschko: Who wants to do that?

Mr. Gill: Are we working off of the staff report or the motion? Because we don't have it tracked in the staff report.

Commissioner Hughes: Oh, okay. So that's going to be too hard to do, is to look at a staff report and say which ones we came to conclusion on. Because I'm just making sure we didn't leave any out because we were a little bit back and forth on it.

Mr. Gill: Well, we've covered all of them.

Commissioner Hughes: Oh, we have. Okay.

Mr. Gill: Yes. And we can transfer the number over. I wasn't always keeping up, though, so if I get something wrong, please let me know. Like, number 1 was deleted. You passed a motion to delete that.

Commissioner Hughes: Right.

Mr. Gill: Number 2 was deleted a long time ago. Number 3 was unchanged.

Commissioner Woodmansee: Didn't we – on number 1, Peter, didn't we – we *changed* the language in it. We didn't –

Chair Raschko: The motion was to eliminate 1 and replace it with the new language.

Mr. Gill: Yes.

Commissioner Woodmansee: So it's not – one doesn't go away. It's replaced with the new language.

Chair Raschko: Yes, but it's not 1 anymore. I guess it could be.

Commissioner Woodmansee: Well, it has to have a number somewhere.

Mr. Gill: Yeah. Number 3. Number 4 was not changed. Number 5 through 10 were all removed. Eleven was unchanged. Twelve, 13, 14, 15 were all removed. Sixteen removed. Seventeen, the old 18, the new 18, 19, 20, 21, 22 were unchanged from previous drafts.

Commissioner Mitchell: I've got a recommendation. This is Mitchell.

Chair Raschko: Go ahead, please.

Commissioner Mitchell: We have done a lot of work tonight and the next clean version is going to look quite different, and instead of – you're going to kill me for this one – but instead of saying deliberations are done, is allow us then to see the clean version because I suspect that we may have missed some Findings of Facts and Reasons that we might want to have in there. I could

be wrong. But it will make a difference on seeing what we've done to date before calling it finished. Is that making – is that okay with anybody else?

Chair Raschko: Well, I would clarify something. When I said the deliberations were finished, I was not including the Findings of Fact.

Commissioner Mitchell: Oh, good.

Chair Raschko: No, not at all. No, I was not trying to imply that we were ready to vote on this document because we clearly are not. What I was going to recommend we do is each of us have some homework and create a list of Findings of Facts on all of these things where we have something that is appropriate. For instance, Commissioner Woodmansee had a lot of opinions on dock safety and that type of thing. And I'm not trying to make a big work project for those people who are still working for a living, but if you could just jot those down, send them to Mr. Gill, and if he could kind of assemble them by issue then we at least will have a starting point to talk about it, rather than sitting down at a future meeting and go, Oh, okay, what does somebody want to put in the Facts and Findings? I think having thought ahead of time, a little work done will make that work a lot more efficiently. Is anybody willing to do that?

(silence)

Chair Raschko: No.

Commissioner Woodmansee: Yes.

Commissioner Mitchell: Yeah, I would too. It's just that I would like to see that. I'd like to see a clean copy and give just a little bit of lead time.

Chair Raschko: Well, we should get a clean copy before the next meeting. I would think that we could get a clean copy fairly quickly.

Mr. Gill: Yeah, I'll try and turn around a clean copy tomorrow. Shouldn't be hard with this document. The staff recommendations on this will take a little longer. But also know that there are a set of Findings already, based on previous conversations that you all have had in this document. So, you know, a lot of them are procedural but there're some of them that are substantive and so it'd be helpful if we have some idea whether those are useful or not.

Chair Raschko: I read through them pretty carefully and I thought you did a good job of summarizing the procedure. I just think on some of the recommendations that we make it would be a lot easier for the Board of Commissioners to understand what we're proposing if we have good facts behind them. And mainly my impression was that most of the first part of the document was more of a timeline, and it had a few things about things we talked about but I thought it could be filled in quite substantially. Did anybody else have any opinions?

Commissioner Henley: I can work with that.

Chair Raschko: Okay, I appreciate everybody's willingness, or whoever's willing to put that work in. When is our next meeting?

Mr. Gill: The 23rd.

Chair Raschko: The 23rd, and now is the 9th. It'd be nice if we were able to get something in by Monday or Friday prior to the 23rd. No, that doesn't give Peter time to assemble it. What's your timing on that, Peter?

Mr. Gill: So I shoot for a week before the meeting, so the next meeting's the 23rd. That would make it the 16th. If you get them to me by the 16th, which is a week from today.

Chair Raschko: And I know people are busy with family and work and everything else. If you can make the effort to do it, fine. I appreciate it.

Anything else before we end our discussions on the Shoreline Management Plan?

(silence)

Chair Raschko: All right, okay, we're going to move to the Director Update, so Mr. Gill, please.

Mr. Gill: Here we go.

Hal Hart: Great job, Commissioners. Lot of moving parts. We have a lot going on at the County and I'll just run down very quickly. Thanks to Betsy and lots of staff, we are making big headway. We've had a permit backlog – and I'm just on the front slide right now – but we've had a permit backlog and we're dealing with it. This morning I attended the Conservation Futures Advisory Committee because the Planning director has to attend that. And we're close to 14,000 acres now that have been preserved. We have some 270 acres that are on the way to being preserved right now. And 20% of all those 14,000 acres came through our Conservation Reserve Development program, or the CaRD program. When we divide property you can set aside property and that's a conservation subdivision. And so that's a pretty big number. That was pretty impressive when I heard that.

So Sedro-Woolley here is – if you haven't been over to Sedro-Woolley there's just a ton of new growth going on over in Sedro-Woolley right now. This is the impressive apartment complex, part of a larger kind of place-making effort at urban village that's being put together near Janicki Fields. This is taken, I think, from the McDonald's parking lot looking out across the ___ there. Sedro-Woolley recently put up – or in 2019 they came out with some urban village guidelines, and the height is generally restricted to 60 feet, if I've got that right. I looked through it again today.

Let's go to the next slide, Peter. Great. Thank you. This is the housing that – it's quite a bit more than the 600,000. They're advertising 600,000 and 500,000 on those but I'm not sure if that's what they're *getting* right now. So there's a big demand for housing.

Let's go to the next one. This is just a little – this is kind of how I'm putting together – I read a lot and I drive a lot and I'm looking at a lot of projects. So at the top there where the arrow's pointed to is our little valley – Mount Vernon, Burlington, and Sedro-Woolley. I think it's kind of important to know that our growth rate and our value is around 13%. But if you were to look at both counties to the north and south of us, they're growing at about 17%. So that's interesting, right? And not only are they growing in population – as we are – but they're also growing in employment too. And so certainly I think the drive to qualify is what the arrow really represents here. So Bellevue expects 15,000 Amazon jobs coming up, but a total addition of 30,000 workers. That was in 425 business magazine. Everett expects aviation to really push a lot of growth. Everett is also seeing a ton of growth on the waterfront. Today in the *Everett Herald* they have a new restaurant row opening, and so they're putting a lot of housing right down on the waterfront right now. The

downtown, they're building a lot of affordable housing. Going further north, let's go to the next circle there. Arlington is just really – Arlington – well, Marysville – let's do Marysville first. The Smokey Point master plan was passed not long ago and they're expecting about 4,000 new jobs just out of the Smokey Point – and that's in north Marysville, kind of just before you get to Arlington. And they were looking at 675 acres in that master plan, but what they came out with was 25% of that was wetlands and then they divided the developable so – and you can see this when you drive around there. They're developing a big wetland corridor that'll be 300 feet wide so they're putting logs out for that right now. And 60% of the property will be light industrial and 40% will be office, but huge growth numbers in just that one 400-acre area. They're expecting 4000 new jobs at buildout, and they're going to build that out pretty fast. Arlington, as you can all drive by and you've seen my pictures, 1000 Amazon jobs as well.

A lot of other stuff happening. Stanwood is also growing. Stanwood's growth is really – I was there Friday and LGI is continuing to put a lot of houses in. I was just surprised how many they got in in the last 30 days. And then there's an entire new area being – just across the street from that, looking at Skagit Bay, they're going to put in it looks like another 100 or so houses as well. So that urban growth area just a few minutes away from Conway is just going to town with a lot of growth. And I think all of that or most of that is what I call suburban bedroom community growth, Commissioners.

So I'm just kind of giving you the big what-is-going-on-around-us talk. I know. If you get tired of that, I'll quit. Who's hiring right now? A lot of different jobs are fueling this unprecedented growth, but certainly in the Seattle area Amazon, Microsoft, Google, Facebook. SpaceX is another one. SpaceX is recruiting my son, who is 17 and good in math. So they're really – they're looking for anybody right now to fill the shoes in the future. Health sciences is another area that's just going to town.

So there you have it. There's just going to – there's a lot of jobs that's going to create a need for housing, and it continues. Thank you, Commissioners. Oh, last one. Rural housing growth: We will – Peter and I were talking this evening. I think before the end of the year we'll count up just how many housing units we have developed out in the rural area. I want to look at the last few years so we can get a good, accurate count. There's one at Bayview to the left of that. I think the house will be very big. And then we have 10 of these. These are the Coach Coral homes. Ten going in up near Concrete. And so we run the gamut of new housing and the 10 have been held off because DOE water was the problem, and now DOE has said Okay, there's 400 – we have enough for 400, 500 hookups for water. And so they've been giving those out so that allows 10 of these Coach Coral homes to occur finally. So we'll see that and we're going through the permitting of that right now, Commissioners. That's it.

Chair Raschko: Okay, are there any questions for Mr. Hart?

Mr. Hart: Peter has one follow-up slide.

Mr. Gill: Just to let you know what's happening with the Board of County Commissioners. We did provide an update on the Fully Contained Communities proposal yesterday that was well attended. And I think at least one or two of you attended and were there to hear what was going on and where we're at, which is not very far. But we'll be talking about that in the next coming weeks with you all.

The second thing that the Board is working on is appointment of Planning Commissioners and trying to make sure that there's a consistent and transparent way by which folks are appointed to

the Planning Commission. And so they are working on kind of a policy in terms of how to advertise, when to advertise, and how to properly follow the State rules in terms of how we select planning commissioners. When we have a meeting scheduled to discuss at a work session I will let you all know. So I'll send an email when we do have a date.

So the next meeting, November 2nd, we will do the Capital Facility –

Commissioner Mark Knutzen: That's a typo, I think, Peter, isn't it? Should be the 23rd, November 23rd, not November 2nd.

Mr. Gill: Oh, shoot! Sorry!

Commissioner Knutzen: Today's the 9th so I don't think we can have one –

Commissioner Henley: Unless you've got a time machine.

Commissioner Knutzen: I think it's two weeks from today, right?

Mr. Gill: Yeah. Replay it in 2022 and it might work. Yeah. No, thank you. Yeah, it'll be the 23rd, November 23rd.

Commissioner Knutzen: And then we also added one for the 30th, the following week. Is that correct?

Mr. Gill: That's right, and we have – you all did approve one for the 30th so we're going to double-dip there and so we are going to get into the 2021 docket sooner rather than later, and wrap up the SMP and deliberate on the Capital Facilities Plan. So big meetings coming up. And then just so you all know, you probably saw yesterday Kim sent out the schedule for Planning Commission meetings for 2022. So you should have an email with those in there and they are now posted on the Planning Commission website under Agenda. And that's all I had. Thank you.

Chair Raschko: Thank you. Mr. Gill – are there any questions for Mr. Gill or Mr. Hart?

(silence)

Chair Raschko: Okay, we'll go to Planning Commissioner Comments and Announcements, and we'll start tonight with Commissioner Candler, please.

Vice Chair Candler: I don't have anything. Thank you.

Chair Raschko: Oh, you're welcome. Commissioner Henley?

Commissioner Henley: I have nothing at this time. Thanks.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: Nothing, thank you.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: Nothing, thank you.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Nothing, thank you.

Chair Raschko: Commissioner Rose, you must have something.

Commissioner Rose: No, nothing.

Chair Raschko: Okay. Commissioner Woodmansee?

Commissioner Woodmansee: Just a thank you to the staff again for working with us.

Chair Raschko: I'd like to agree with that. Thank you very much for all the hard work put in by the staff. And with that, we'll just say goodnight and call the meeting adjourned. Thank you, everybody.