

**Skagit County Planning Commission  
Deliberations: Capital Facilities Plan  
Deliberations: SMP Update  
November 23, 2021**

**Planning**

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

**Staff:**

Hal Hart, Planning Director  
Betsy Stevenson, Senior Planner  
Peter Gill, Long Range Planning Manager  
Jenn Rogers, Assistant Long-Range Planner  
Daniel Hasenoehrl, Planning Intern

**Others:**

Dan Nickel, Consultant (The Watershed Company)

Chair Tim Raschko: Good evening. The November 23<sup>rd</sup>, 2021, meeting of the Skagit County Planning Commission is now in order. We'll start with a roll call. Let's see, Commissioner Candler.

Vice Chair Tammy Candler: Present.

Chair Raschko: Oh, good. I see Commissioner Henley, Commissioner Hughes. Is Commissioner Knutzen –

Commissioner Mark Knutzen: I'm here.

Chair Raschko: Very good. I see Commissioner Mitchell, Commissioner Rose. How about Commissioner Woodmansee? Are you here?

Commissioner Joe Woodmansee: Yes.

Chair Raschko: We've got everybody, right? Does somebody wish to entertain a motion to approve the minutes from the last meeting?

Commissioner Vince Henley: I so move.

Commissioner Kathy Mitchell: Second.

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

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: All those opposed?

(silence)

Chair Raschko: And those abstaining?

(silence)

Chair Raschko: So that passes unanimously. Thank you. Looking at our agenda for the evening, we’ve got two main topics. We have the Shoreline Master Program and we have the Capital Facilities Plan. I think it might be a good idea to change the order and do the Capital Facilities Plan Deliberations first. I think the Shoreline Master Program might go on for some time and by the time that’s over people may be very tired. And with time constraints, I think it’d be better to get the Capital Facilities Plan Deliberations concluded if we can do so. So I’d ask for a motion to amend the agenda in that regard.

Vice Chair Candler: Well, I’ll move to amend the agenda to switch the items – do the Capital Facilities first and continue our deliberations after.

Commissioner Mitchell: Second.

Commissioner Martha Rose: I’ll second that – also with Kathy.

Chair Raschko: It’s been moved and seconded to entertain the Capital Facilities Plan deliberations first and the Shoreline Master Program second. It’s been seconded. Any discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: And opposed?

(silence)

Chair Raschko: Thank you. So that carries. With that, we’ll turn to the Capital Facilities Plan Deliberations. So, Mr. Gill, have you anything before we get into that?

Peter Gill: Good evening, Commissioners. Thank you for the motion to put the Capital Facilities Plan first. There is – we have not received any public comments during the comment period on the Capital Facilities Plan. And we have distributed a draft recorded motion for you all with the meeting materials, and that is, I think, the priority for our discussion tonight.

Chair Raschko: Thank you. With that, the floor is open for discussion of the Capital Facilities Plan and Transportation Improvement Program. Has anybody a desire to speak in that regard?

(silence)

Chair Raschko: Well, hearing none, is there a motion to approve the recorded motion for the Capital Facilities Plan and Transportation Improvement Program?

Commissioner Rose: I'll make a motion to approve the proposed recorded motion for this.

Commissioner Mitchell: I'll second that.

Chair Raschko: Okay, it's been moved and seconded to approve the recorded motion concerning the Capital Facilities Plan and Transportation Improvement Program. Is there discussion?

(silence)

Chair Raschko: Not. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those opposed, say "nay."

(silence)

Chair Raschko: And does anybody abstain?

(silence)

Chair Raschko: Okay, thank you. That's approved unanimously. Okay. Moving right along, we'll go to the Shoreline Master Program Deliberations. Mr. Gill, does staff have anything before we begin?

Mr. Gill: You know, we could go over and tell you what we have provided for tonight's meeting, if that would be helpful.

Chair Raschko: Please do so.

Mr. Gill: Sure. So there is the draft recorded motion. This recorded motion – and maybe I'll put it up on my screen here if that would help to walk through it. So this is the recorded motion that we have been working on. At the last meeting we worked through the recommendations for edits to the SMP, so I'll take us down there. And under the Recommendations section we provided a clean copy of the recommendations that were made during the last series of meetings, starting on 1 through \_\_\_\_\_ (sound cut out) copy. \_\_\_\_\_ (sound cut out) are a number of suggested findings. The ones shown here in red were provided by the Planning Commission for consideration at tonight's meeting and have to do with some of the specific recommendations that the Planning Commission worked on in previous meetings. And if I could take us up to the top again, the Findings of Fact and Reasons for Action. The first seven findings have to do with – also have to do with the recommendations and a little bit of background as well on the SMP. And then those starting at number 8 through – sorry for scrolling around so much – 38 are more process-oriented, based on kind of the background and some of the required findings for a recommendation.

And so I think where we left off last meeting was with the Findings. So it's up to you on how you'd like to proceed tonight with the Findings document.

The other thing that was provided with – in relation to the SMP were the staff's recommendations. Let me switch my screen. Sorry about that. And you should see the recorded motion with the background from staff. And much of the staff recommendations come from the last staff report on that. And that was requested at the last meeting so that the Planning Commission was clear on where the staff was with respect to the different recommendations in the recorded motion. And so however you would like to proceed, we can be here to assist.

Chair Raschko: Thank you. Are there any questions for Mr. Gill?

Vice Chair Candler: I have a question.

Chair Raschko: Please go ahead.

Vice Chair Candler: So I like the way it's done there with the red line down in the recommendations so that we can relate and understand what it's to, but the intention would be to move those up into the Findings if we vote to adopt those. Is that correct? Not the red line, but the red reasoning – findings basically.

Mr. Gill: Yeah, that would be consistent with how the rest of the findings are done. I think they're put in here next to the recommendations as shown on the screen here because that's kind of where they pertain.

Vice Chair Candler: Okay, which is great so we can kind of assess that. But the idea would be those would become their own individual findings, I think – right?

Mr. Gill: That would be my intent.

Vice Chair Candler: Okay, thank you.

Chair Raschko: I have a question in that regard. If we put them up above in the Findings it might get kind of confusing to a reader as to which measure they pertain. So would it be reasonable to have them, like, one might be number 42 and start it out with "Re: Recommendation number whatever?"

Mr. Gill: We certainly could do that. That would be fine.

Chair Raschko: Fine? All right. So we might as well get started on this.

Commissioner Henley: A quick question, please.

Chair Raschko: Oh, Mr. –

Commissioner Henley: Commissioner Henley.

Chair Raschko: Go ahead.

Commissioner Henley: I have *two* documents and they're different insofar as one document contains rather lengthy commentary from staff and the other one doesn't. So which document are we working with?

Mr. Gill: So the one that is intended as your recorded motion does not have the staff background in it. That is for your reference.

Commissioner Henley: Okay. All right, because the one with the staff background is, I think – well, never mind. I'll talk about that later. Okay.

Chair Raschko: My own recommendation would be that we go through the ones that staff – not in order to discuss everything *ad nauseum* again, but on some certain issues there might be little nuances that we might change. I know of one myself. Or, as an alternative, we could go through the clean, so to speak, document, add our findings of fact, and approve it. What's your pleasure?

Commissioner Henley: Well, speaking for myself, I'd like to work on whatever document is going to be the basis for what we recommend to the Board of Commissioners.

Chair Raschko: All right, well, that'd be the clean version and we can do that.

Commissioner Henley: I'm just one vote so, I mean, there's other people with opinions here too, I'm sure.

Chair Raschko: Does anybody else have an opinion?

Commissioner Mitchell: Amy has a question.

Chair Raschko: Amy, please go ahead.

Commissioner Amy Hughes: I can hold my question, if you'd like, and let us get through this issue first.

Chair Raschko: All right. Okay, I'm just going to then use my authority as Chair, and we will start with the small draft document, the one without the County's editions. And if somebody wants to refer to those we can go open up the other edition. So I recommend we start with Findings and Facts and Reason for Action. I thought that Mr. Gill made a good summary of the ones that are in there. They're mainly procedural and they're, in my mind, a bit laying out the history of the process. Somehow I keep getting booted out of the site. Can you hear me?

Commissioner Mitchell: I can hear you.

Several Commissioners: I can hear you.

Chair Raschko: Great. Well, I'm back. Okay. So I would entertain anybody's comments on the Findings and Facts and Reasons for Action as they are printed currently in the draft recorded motion. Would anybody like to discuss any of that, delete things, add things?

Commissioner Mitchell: Yes. Chair, this is Commissioner Mitchell.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: I think I'd like to start where the – hold on. You're just talking just about the Findings of Fact and Reason for Actions, not the Recommendation section, right?

Chair Raschko: Correct.

Commissioner Mitchell: Okay. Never mind then.

Commissioner Hughes: Chair, this is Amy Hughes.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: I'll start us off. I have some additional wordage for number 5.

Chair Raschko: Please go ahead.

Commissioner Hughes: I'll just read the whole thing and then add mine. "The dike and drainage districts play a critical and unique role in Skagit County protecting farmland and infrastructure on the vast lowlands that make up the Skagit River" – and I'd like to add "and Samish River deltas." And then I would like to follow that up with "These levee systems also protect urban centers and transportation corridors throughout Skagit County."

Chair Raschko: Very good. Mr. Gill, are you recording that?

Commissioner Mitchell: Commissioner Hughes, could you repeat that slowly please?

Commissioner Hughes: Yes.

Commissioner Mitchell: Thank you.

Commissioner Hughes: "The dike and drainage districts play a critical and unique role in Skagit County protecting farmland and infrastructure on the vast lowlands that make up the Skagit River and Samish River deltas. These levee systems also protect urban centers and transportation corridors throughout Skagit. County."

Vice Chair Candler: I'll second the motion.

Chair Raschko: Was that a motion, Amy?

Commissioner Hughes: I – do you need a motion?

Chair Raschko: (laughing) I think it'd be good just to approve each of these as we go through.

Commissioner Hughes: Okay. I'll move the wording just presented. If you need me to read it again, I shall.

Chair Raschko: Mr. Gill, have you got that down?

Commissioner Henley: I'll second it.

Chair Raschko: Okay, it's been moved and seconded to amend number 5 in the Findings and Facts and Reasons for Action. Is there any more discussion on that?

(silence)

Chair Raschko: If not, all in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Aye. Those opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay.

Commissioner Hughes: Chair, let me help Peter a bit more with the wordage of the second sentence, if he needs it.

Chair Raschko: Please do so. Go ahead.

Commissioner Hughes: “These levee systems also protect urban centers and transportation corridors throughout Skagit County.” Thank you.

Chair Raschko: Thank you, Commissioner Hughes. Anything else?

(silence)

Chair Raschko: Okay, nothing else for the –

Commissioner Hughes: Well, okay, I was waiting for somebody else but I’ll go again.

Chair Raschko: (laughing) Okay.

Commissioner Hughes: Number 12. Where it says to comply with new state rules and best available science, we had a little bit of discussion on the term “best available science,” and what I am throwing out is – I’m not throwing out anything here, but I’m presenting to the Planning Commission. Do we want to use different wordage on that or do we want to clarify “best available science”? And if you want to know my reasoning for this, I could bring that forward as well.

Commissioner Mitchell: I would, Commissioner Hughes, please.

Commissioner Hughes: The term “best available science” from top academia down to people actually working with it, it’s been used to present either side of an issue, rather than just the term “best available science” to be that. And I don’t know if there’s another term besides that one that would – I understand that it’s trying to hit the mark and maybe it is the best term that we can have for now, but if we were to do that my next suggestion might be for conversation to define what best available science is. In a perfect world, it would be all peer-reviewed science, but that could slow the process down immensely because that’s expensive and time-consuming. So can we have a good middle there?

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yes, thank you. The question would be to staff to support what Commissioner Hughes is saying. Am I correct in assuming or believing that state rules themselves include the best available science, so this would actually be redundant?

Dan Nickel: I can maybe help answer that. The state guidelines actually – the use of best available science is often used under GMA and not the Shoreline Management Act, and so there's – I'm looking for the terminology in the WAC right now, but there is different terms that are used basically defining the same thing. But it doesn't mention best available science.

Chair Raschko: I have some – go ahead. I'm sorry.

Mr. Nickel: Let me continue to search for it and I'll get back to you.

Chair Raschko: Let me opine this. It says that the reason for the update is to comply with new state rules. That's what drives it. And integrate the Shoreline policies. The reason we're not doing this is because of some best available science. So really what the paragraph, to me, is explaining what it is and why, and I think that best available science in this instance is unnecessary verbiage.

Commissioner Mitchell: Chair?

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yes, I would concur with that statement, and it looks like Commissioner Woodmansee's ready.

Chair Raschko: Commissioner Woodmansee, did you want the floor?

Commissioner Woodmansee: Sure. I agree with that. I think that – I guess I'm not that comfortable with the best available science fit in there because that's a moving target, just to be perfectly honest with you. And we should be trying to comply with what the state rules are, and then once we've done that we've done our job. Best available science is continually a moving target, and to be perfectly honest with you, it depends on the scientists whether they think it's the best available science that there is. And so I would have no problem with eliminating those words, that phrase.

Chair Raschko: Commissioner Henley.

Commissioner Henley: Yeah, that was pretty much what I was going to say. The term "best available science" is very fluid. It changes from instant to instant. And I don't think protecting it with peer review is necessarily the solution either because that also changes from moment to moment. So it almost becomes a meaningless term and it'll turn out that best available science is what someone thinks it is at a given instant in time, and not much more than that.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yes, I'd like to make a motion that we strike "and the best available science" from that sentence.

Chair Raschko: Is there a second?



Commissioner Henley: I'll second it. Commissioner Henley.

Chair Raschko: Okay, it's been moved and seconded to strike the verbiage "and the best available science" from number 12 in the Findings. Is there discussion? Did you have something, Commissioner Rose?

Commissioner Rose: Thank you. So my only hesitation on striking it is if the state is lagging behind some sort of scientific knowledge that applies more locally to Skagit County. I have an example I'm thinking of that happened in Seattle – because that's where I spent most of my working career – where they kept switching up how to handle stormwater, for example. And as they learned more about what was really happening on the ground and how the Puget Sound was receiving the stormwater, they changed the rules. And so best available science came to light perhaps before the legal system mandated it, and policies changed and it felt like a moving target. Like, as a builder, it's, like, well, wait a minute. Last year you wanted us to do this; this year, this. But it was meaningful because it was relevant, and to ignore it and say, Well, this is what the state is mandating would have been the wrong way to go. So that's my hesitation for eliminating that phrase. And that's all I have to say about it.

Chair Raschko: Any other discussion?

Commissioner Woodmansee: I have a question for Commissioner Rose.

Chair Raschko: Go ahead.

Commissioner Woodmansee: In that example that you're thinking of, my question basically is: Did the new – or, what did best available science – or *did* best available science allow something to be done more reasonably or more burdensome?

Commissioner Rose: That's a really good question. It turned out to be more reasonable. The outcome unburdened us from certain requirements so it allowed us to go back to infiltration pits instead of tying directly to a storm or sanitary drain line. And it simplified – I felt like it simplified our options in the field. I used to have to argue to do things in that simpler way and once in a while I won, but once they had this better science available it became the norm to do it this other way. So from my perspective, it actually made it easier on us.

Commissioner Woodmansee: So if the issue was infiltration, that's basically what the code is now.

Commissioner Rose: Correct. In other words – and some people cry about it because they don't understand how easy it is – but, yes, you're right. That's it exactly. And it all relates to what ends up in our Puget Sound – it *does* affect shorelines – so it may be a little bit abstract and not completely relevant to our discussion tonight, but it's still, I feel, is a good example.

Chair Raschko: So let me confirm then. The code was changed with the new information that was learned?

Commissioner Rose: Yeah, so, you know, things go – they swing. As you know, the pendulum swings. And infiltration used to be the norm. Then there was this grand scheme to separate all storm water from all sanitary water, but in the meantime you had to hook up to the sanitary and provide a second – at any rate, I don't want to go into the details, built finally it was realized, Oh my gosh, stormwater is often more polluted than water coming from your sanitary sewer because

it's full of herbicides and pesticides and runoff from the vehicle emissions and the, you know, lead and cadmium. It was full of lots of nasty things that flushing your toilet is not full of. So they realized they made a big mistake and they backed off from this mandate that everything be tied into pipes, and now the goal is to not let any of your stormwater run off your site, which is, again, how it used to be back in the day but then there was this new idea that let's do it this other way, and then all of a sudden after studies they realized that was a big, fat mistake and so they backed off and changed it. Now it's a mandate to try to keep your stormwater 100% onsite throughout Washington state.

So that's just an example of how best science can change, but in this case it's an example of it changed – like in Seattle, it changed *ahead* of the state mandate, way ahead of it, probably at least five years ahead of it. And it was a good thing. So I'm not so sure we should take that phrase out of there for that reason.

Chair Raschko: Any other comments?

Commissioner Woodmansee: Commissioner Candler does.

Chair Raschko: Commissioner Candler, please go ahead.

Vice Chair Candler: Well, I agree with pretty much everything everybody said. I just wonder if we leave in the language of integrating the Shoreline policies, the kind of things that Commissioner Rose, you're talking about, would still be covered under that, so I don't know – wouldn't it? I mean, I understand you're talking about specifically science, but I think we're still saying the policies of keeping things clean and keeping up to date would be there. And my other question was just whether or not Dan had any information for us on what verbiage they're using in SMP language.

Mr. Nickel: \_\_\_\_, the more common phrase is to use the most current and relevant information available. I mean, I didn't mean to misspeak in the sense that best available science is commonly used in shoreline master program terminology across the state and one that Ecology supports. The use of the term "best available science" under the Shoreline Management Act, though, is not there. They use the terminology of the most current and relevant information available. It essentially means – it's intended to mean the same thing, but that term is just not used there.

Chair Raschko: I have a comment, if I may. So the way this reads, it says "To comply with new state rules and to comply with the best available science," if you expand that grammatically. Now the new state rules are something that are enforced. The best available science is something different. The closest example I could think of is the Forest Practices Act they now have what they call "adaptive management." They passed a law with new rules that would be in effect for 50 years but adaptive management is part of it, which meant that if something new came up in the science then you changed the law, and of course that happened all the time. But and so from that point of view, if this is looked at like adaptive management, that might mean that if in fact it is proven that a six-foot dock *won't* cause crayfish to kill all of those salmon, and then maybe that rule could change at that time with the new science. So from that standpoint maybe this is not a bad thing. Did that make any sense?

Ms. Stevenson: Yeah, remember part of what you're doing – this is Betsy; I'm sorry – is the periodic review, and part of that periodic review, now that we're going to be required to look at our shoreline program every seven or eight years, does take into account any new information that may be relevant that might mean that we should be looking at changing our master program. Either way. Just like you said, Tim, it could be in an advantageous way to the property owners. It

doesn't always have to have a negative context. And, yes, I agree with your – both yours and Martha's – examples. Adaptive management *is* something that's kind of what the process is about and for. So I think we're on the same page.

Chair Raschko: Yeah. I'd just like to clarify one thing. This should be – I mean, you mentioned something about to the property owner's advantage. That's not the goal here. The goal is just to have the thing fair and right. So I just wanted to clarify that from my standpoint.

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

Chair Raschko: Go ahead, please.

Commissioner Mitchell: I appreciate everybody's comments and the logic and the reasoning for everything all the way around, but to me that even more stresses the reason for taking out "and the best available science," – is because that is so nebulous still, regardless. And I think our experts have just confirmed that it's not just the state rules that are here but they do consider the adaptive – oh, Dan, I've already forgotten the wording. That's already taken into consideration. So I would still say that we don't need "and the best available science" in this sentence.

Mr. Nickel: I did find the language, if you want me to read it to you. It's basically a replacement for the term "best available science" under Shoreline Management: "\_\_\_ require the use of the most accurate" – oh, I'm sorry: "...the most current, accurate and complete scientific and technical information as the basis for decision-making."

Commissioner Mitchell: And so, Dan, does that mean then that is already baked into the new state rules?

Mr. Nickel: Right. That is the language that's applied in the Shoreline Management Act.

Commissioner Mitchell: Okay, so then that would confirm that if we stopped it with the new state rules done, we're covered.

Mr. Nickel: Right. I mean, by applying the state rules, by applying the Shoreline Management Act, you are therefore also applying "the most current, accurate and complete scientific and technical information." Yes.

Commissioner Mitchell: Perfect. Okay, thank you.

Chair Raschko: Okay, so we have a motion on the floor. Is there any further discussion?

(silence)

Chair Raschko: If not, all those in favor, say "aye."

Commissioner Hughes: Could you –

Multiple Commissioners: Aye.

Chair Raschko: Aye. And those opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, so that passes. Okay, moving right along: Anything else in the first part of the document?

(silence)

Chair Raschko: Okay. With that, why don't we \_\_ Recommendations? We can make this global and say, "Does anybody have any changes to any of the Recommendations?" Or we can go through by one by one. Does anybody have an opinion?

Commissioner Mitchell: Chair?

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yes. I'm calling this "housekeeping" because as we discuss each of these, there are missing periods at the end. I think we would need to complete the sentence. That's just housekeeping.

Chair Raschko: I don't know about anybody else, but you came in real broken up and I did not understand what you said. Could you please repeat?

Commissioner Mitchell: Yes. I would call this "housekeeping" as we get started. All of the red recommendations were written without a period at the end. I'm assuming that if we incorporated them we'd be finishing a sentence.

Chair Raschko: Yes.

Commissioner Mitchell: Okay. Thank you.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: I was going to – I have a comment for number 6 on the screen that has watercraft canopies. And it seems like that we can add that – the purpose of a transparent – let me just say this and then we can get to there – what I'm trying to say – but the purpose of a transparent canopy is to let light through. But if your boat is on your boatlift, you're not going to let light through to the water. And so basically I would like to add that the requirement for a light impermeability defeats the – is impractical. It's not practical because when the boat – and the boats are on the lifts 90% of the time – the light's not going to go through the boat, and so all you're going to do is harm people's property and you're not going to get a benefit out of making this requirement. And so I guess maybe my recommendation is that there's not a benefit to removing – to requiring that type of a canopy because the boat being in place nullifies the benefit of requiring it. That's convoluted – I get it! – but that's what I'm trying to say.

Vice Chair Candler: Can I interrupt?

Commissioner Woodmansee: Sure.

Vice Chair Candler: I would like to move that the – under number 6, the portion in red be made one of our Findings.

Commissioner Mitchell: Second.

Chair Raschko: Okay, it's been moved and seconded to make the verbiage, quote, "A requirement for light impermeability defeats the purpose of a lift canopy, which is" – I'm going to move the Chat Box – "which is to protect the watercraft from ultraviolet light." Can I amend that a little bit by putting at the beginning "Re:" – number 6 –

Vice Chair Candler: Number 6. And could I amend as well by adding the most recent comment from Commissioner Woodmansee – was that the boat will shade the water in the event the lift is being used, or something along those lines?

Commissioner Mitchell: Sounds good.

Chair Raschko: Commissioner Woodmansee, is that okay?

Commissioner Woodmansee: Yeah, and I can – basically the – I have two things. I think that it needs to say "A requirement for light and permeability defeats the purpose of a lift canopy cover." So the purpose of the cover is to protect the watercraft from ultraviolet light, so it's not the purpose of the lift canopy itself. I guess – nah, you can leave it the way it is. It makes sense the way it's written. I changed my mind.

Vice Chair Candler: It seems like it's a partial purpose. It might be to cover from rain, right?

Commissioner Woodmansee: Absolutely. Yeah, that's true.

Vice Chair Candler: That was my concern with the language.

Commissioner Mitchell: How about "ultraviolet and the elements"?

Commissioner Woodmansee: Yeah, that's fine. We could say that. And, Peter, what you're typing is fine with me. I think that's what I was trying to say.

Vice Chair Candler: Yeah. I like that too. Thank you. So the amended motion is to – I would move to put the language as it appears now in blue and red into our Findings.

Commissioner Mitchell: Hold on. Did you want to put the elements in there or something like that? Because right now it still just says ultraviolet light.

Commissioner Woodmansee: I'm fine with that. It's your call, Tammy. It's your motion.

Chair Raschko: Well, wait a minute. It's not. You've got a motion on the floor. I can't remember if it was seconded. Did anybody second Joe's motion?

Commissioner Mitchell: It was. Commissioner Mitchell seconded it.

Chair Raschko: Okay.

Vice Chair Candler: But again, we're amending so you'll have to agree with this one as well if you want to. We're going to add – I mean, if anything, I would just add “defeats the partial purpose of a lift canopy.” But I don't even know if it's really important since it's not the subject of this issue.

Commissioner Woodmansee: Yeah, I – if – I do like the concept. It's very important when it's pouring down rain that your canopy sheds the water and then your boat's not just getting rained on. I mean, the purpose of a –

Vice Chair Candler: “...defeats a purpose”?

Commissioner Woodmansee: “...a purpose.” Sure.

Vice Chair Candler: Can we change “the” to “a” in that sentence then, Peter?

Mr. Gill: Yes.

Commissioner Rose: I'd like to point out that Betsy \_\_\_\_\_.

Vice Chair Candler: No, no, no. I'm sorry – up above. Yeah, right there. Thank you.

Chair Raschko: Commissioner Rose? Did you have something?

Commissioner Rose: I just was pointing out that Betsy has her hand up.

Chair Raschko: Oh, thank you! Commissioner Hughes?

Commissioner Hughes: I'll pass.

Commissioner Rose: It was *Betsy*. Betsy has her hand up.

Chair Raschko: Commissioner Henley?

Commissioner Henley: Yes, on number 8, if we can go there –

Chair Raschko: Well, we haven't finished number 6.

Commissioner Henley: Okay. Well, I have nothing on number 6 but I do have something on number 8.

Chair Raschko: Okay. So are we finished with amending the motion?

Commissioner Rose: Betsy has her hand up.

Chair Raschko: Betsy does? I don't see that. Go ahead, Betsy, please.

Ms. Stevenson: Yeah, I just want to point out that don't you want to say a requirement for light permeability, rather than impermeability? Because the impermeability is what you want. So I think you need to – we need to consider that.

Chair Raschko: Very helpful. Thank you.

Vice Chair Candler: Agreed. Thank you.

Ms. Stevenson: Thank you for recognizing me.

Chair Raschko: Okay, now Commissioner Woodmansee, does the verbiage now read as you propose for your motion?

Vice Chair Candler: I'm sorry. Just one thing – housekeeping. Then I think we need to change those blue sentence to “*impermeable*,” if I'm tracking. Yeah.

Ms. Stevenson: No, I think it's right the way it is.

Mr. Gill: Yeah.

Ms. Stevenson: Basically what you're saying is that if you have a boat on there then having a permeable canopy doesn't do you any good anyway.

Vice Chair Candler: Right. Sorry.

Chair Raschko: All right. Commissioner Woodmansee, I'll ask again: Is this appropriate?

Commissioner Woodmansee: Yeah, I'm good with what it says. It adds what I wanted to say.

Chair Raschko: All right. Further discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And abstaining?

(silence)

Chair Raschko: There's none. Okay, so that passes. Okay, Commissioner Henley, you wanted to go to number 8.

(silence)

Chair Raschko: Commissioner Henley?

Commissioner Henley: Ah, yes. On number 8, I think part of the sentence is missing. It just ends with “...financial responsibility of” and there's no continuation. So I don't know what it was supposed to say but it surely isn't that.

Vice Chair Candler: I think it was supposed to say “landowner.”

Commissioner Henley: Say again?

Vice Chair Candler: I think it was supposed to say “landowner.”

Commissioner Henley: Oh, “the landowner” – “of the landowner”?

Chair Raschko: No. No.

Commissioner Henley: Okay.

Chair Raschko: It says “By providing public access, the landowner has already made a public contribution in which he has given up some control and exclusive use of his property. He should” – /she should – “not be further burdened with the financial responsibility of maintenance.”

Vice Chair Candler: Maintenance.

Commissioner Henley: Ah, “maintenance.” That’s good. Okay. I move that we accept the change and include this in the Findings.

Commissioner Rose: I think you need to clarify “maintenance of the public access.” Minor detail, but “maintenance of the public access.”

Commissioner Henley: Okay. I would agree with that.

Vice Chair Candler: I probably would prefer that instead of “he/she” we put “landowner.” But that’s minor. I don’t care that much.

Chair Raschko: I wrote this \_\_\_\_\_.

Commissioner Henley: Yeah. I’m okay with it “the landowner.”

Commissioner Woodmansee: There should be an “of” between “maintenance” and “the” in the blue.

Commissioner Henley: Yes.

Mr. Gill: Okay. If you want to add the reference is 12?

Chair Raschko: Yes, please. Okay, I believe it was Commissioner Henley made the motion to – or did you make a motion?

Commissioner Henley: I did make a motion.

Chair Raschko: To amend –

Commissioner Henley: To amend as written here and include it in the Findings.

Chair Raschko: Is there a second?

Vice Chair Candler: I’ll second.



Commissioner Mitchell: Second.

Chair Raschko: Okay, discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: And abstaining?

(silence)

Chair Raschko: Okay, that passes. Okay, anyone else?

Commissioner Mitchell: Yes. Chair, can we go back to number 7, please?

Chair Raschko: We can. Is that Commissioner Mitchell?

Commissioner Mitchell: Yeah. Since that’s your area of expertise, is this language good for you as it is? Because if it is, I would make the motion that we accept the language as is and include it by referencing it where it goes.

Chair Raschko: I was going to come back to this after everybody else had a chance. I think it could be improved upon. And I’d like to just refer to the staff-included comments version of this document. And there’s a lot of references to timber cutting and particularly staff information states the state guidelines changed in 2017, WAC 173-26-241, Shoreline Uses, 3(e), and clarified that forest practices only involving timber cutting are not considered development. And, you know, I ran out of time. I could not look up and find a copy of the WAC, but my recollection of dealing with the Forest Practice Rules and Regulations is that “timber cutting” isn’t a term I recall. It was mostly “timber harvest.” “Timber harvest” is an inclusive term, whereas “timber cutting” to me seems to be a term that limits. “Timber cutting” I envision somebody going up and sawing a tree down. It lands on the ground and there it lays. And that’s what you can do. Everything else you need to go through \_\_\_\_\_, whereas a “timber harvest” involves not only felling the trees but also getting to them and picking them up off the ground and transporting them somewhere else. And I take that – the inference I get is that temporary roads that are abandoned properly and everything are a part of that timber harvest and should not be held separately but be considered a development, which is what is implied the way this is written. So on number 7, it needs to say that timber harvests that are not intended for conversion to other uses should include the construction of low impact, temporary access roads and et cetera. Actually, I’ll make a motion that we amend it to say that.

Commissioner Mitchell: Could you write that in and repeat it for us, please?

Chair Raschko: Well, you already have that part. If you just – well, okay.

Commissioner Rose: I’ll second that motion.

Chair Raschko: Okay. I wonder – I'd just like to – I would say “should be allowed to include construction of...”

Mr. Gill: “... low impact, temporary access roads”?

Chair Raschko: Yes.

Mr. Gill: Okay. Okay.

Commissioner Mitchell: Is that the total change?

Chair Raschko: Commissioner Mitchell, again?

Commissioner Mitchell: Yes, sir. Is that the total change at this point?

Chair Raschko: We're in the Finding, which would be in the red below as a final thought. It's just that the road construction is a part of the timber harvest process and should not be considered separately. Maybe a new sentence.

Mr. Gill: Do you want that before or after the existing?

Chair Raschko: How about before?

Mr. Gill: Okay. “Temporary roads”?

Chair Raschko: You know, normally I wouldn't put “temporary roads,” but I think in this shoreline that's a good idea – that “temporary.”

Mr. Gill: You're going to have to help me with the rest of this. “They are a product” – “a product” –

Chair Raschko: No, no, no. They are a – what's the word I'm looking for?

Mr. Gill: Element?

Chair Raschko: An element, “an element of the timber harvest process.” How about “a necessary element”?

Commissioner Mitchell: Is that all that you want at this point?

Chair Raschko: Yes. Have you something to add?

Commissioner Mitchell: No, I'd like for us all to read through it one time for thought cohesion, and then I'd like to second it then.

Chair Raschko: Well, okay. One part of this, though, is that in that part, the bottom paragraph, my intention there was to have that a finding fact and go up above. So that would (go in) reference number 7. Okay. I'm satisfied with what it is. Are there any other – wait. Was my motion seconded?

Commissioner Mitchell: Yes.

Commissioner Rose: I seconded it.

Chair Raschko: Thank you. Okay, so is there further discussion on this?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Aye. Opposed?

(silence)

Chair Raschko: And any abstentions?

(silence)

Chair Raschko: So that passes. Thank you. Okay, anybody else have any potential changes?

Commissioner Woodmansee: Peter, can you scroll to the one about dock width?

Mr. Gill: I believe that's number 10.

Commissioner Woodmansee: Yes.

Mr. Gill: Just as a note, there's also a Finding kind of in the beginning about safety as well. It's not as specific as this one.

Commissioner Woodmansee: So just being totally honest and transparent, I would like to say that we have – that the Plan – well, let me just say this: I haven't been provided anything that was the – that substantiated the necessity for the 4-foot dock versus the 6-foot dock. And so – I mean, for me one of the Findings of Fact is that nothing was provided to us that – other than for convenience early on, I just don't – I don't think anything was provided to us that substantiated why 4-foot was better than 6-foot, or vice-versa – 6-foot was worse than 4-foot. And so for me, nothing was provided to *me* that would cause me to not – to disagree with what we're asking, which is 6-foot minimum – or maximum, I mean. And so – it's been a long day today, but I'm just basically saying that we weren't provided anything that gave us a good reason to adopt the 4 maximum width on any water body.

Chair Raschko: Are you wishing to make that a motion to include that as a Finding?

Commissioner Woodmansee: Yeah. It's one of *my* reasons, you know. I wasn't – I don't feel like anything was presented to us that said, Hey, whoa, we need to be 4-foot on this type of a lake, not 6. And so we're suggesting 6 for everything. And so one of my reasons is nothing was provided to convince me to be more restrictive.

Chair Raschko: Could you please state how you would like your Finding worded?

Commissioner Woodmansee: Yeah. Basically it would say that there's a lack of information supporting the requirement of a narrower dock than what we're recommending.

Commissioner Henley: Spell it out. Just say “6 feet.”

Commissioner Woodmansee: “...supporting a dock narrower than 6 feet.” Okay. I’m fine with that.

Commissioner Mitchell: I’ve got a WAC that could help you too.

Commissioner Woodmansee: *Clearly* I could use all the help I could get!

(laughter)

Chair Raschko: Okay, well, let’s get the verbiage down and get it in the form of a motion and then we can discuss it, change it if we wish. So is that –

Commissioner Woodmansee: I’m comfortable with what that says for what I’m trying to say.

Chair Raschko: All right. So it’s been moved to include the verbiage “There is a lack of information supporting a dock narrower than 6 feet,” end quote. Is there a second?

Commissioner Mitchell: Second.

Commissioner Henley: I second.

Chair Raschko: Okay, seconded by Commissioner Mitchell. Discussion, please?

Commissioner Woodmansee: Can it – I’d like to amend it to say “supporting the necessity of a dock narrower than 6 feet.”

Chair Raschko: Do you comply with that, Commissioner Mitchell?

Commissioner Mitchell: It cut out. Could you repeat it please?

Commissioner Woodmansee: I would just like it to say there is a lack of information supporting the necessity of a dock narrower than 6 feet.

Commissioner Mitchell: That’s fine.

Chair Raschko: Okay, discussion, please.

Commissioner Mitchell: This is Commissioner Mitchell. Can I tee up the WAC?

Chair Raschko: You may.

Commissioner Mitchell: There’s a WAC 220-660-170 and in 3, part i, it says “Limit the width of residential piers and docks to 6 feet for the first 30 feet from the shoreline (measured from the mean low water)” (sound of alarm clock). Oh, shoot. Sorry. “Limit the width of recreational piers to the minimum width needed to accommodate the intended use.” There’s a lot more that goes under the WAC, but I think this lends the fact that docks – they recognize that docks are built and have an intended use, and inherently the ability to use safely would be involved with that intended use. (sound of alarm clock) So if you guys think that there’s a benefit to that, then we can add the WAC reference in general. If not, we can just leave it out.

Chair Raschko: Would that be a separate Finding supporting the same recommendation?

Commissioner Woodmansee: Seems like it would be.

Vice Chair Candler: Seems like that would support the first half as a separate \_\_\_.

Commissioner Mitchell: If it were to support the first half, could we put the first sentence then like a little parenthesis reference to the WAC number? Would that be good enough?

Chair Raschko: Yeah.

Commissioner Mitchell: Okay. I'll repeat it for you. It's WAC 220-660-140(3)(i).

Mr. Gill: Does that look right?

Commissioner Mitchell: I'm doublechecking. I get so dyslexic with numbers. Hang on. 220-660-140(3)(i). Yeah, that's it. Thank you, sir.

Chair Raschko: And at the beginning of it, it should have a reference to number 10. Is there any more discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And abstentions?

(silence)

Chair Raschko: Okay, so that passes. Moving right along, is there anything on 11?

(silence)

Chair Raschko: Twelve?

Commissioner Mitchell: Chair, can we go back to number 9?

Chair Raschko: We can.

Commissioner Mitchell: Thank you, sir.

Chair Raschko: Oh, I'm sorry. Yes?

Commissioner Mitchell: We've got a little housekeeping on this. "Self contained" should be hyphenated. Periods where they should be. And then we can get into the meat of it, but I do like

the verbiage for these three bits and with those adjustments would move that we include that language.

Commissioner Henley: Second.

Commissioner Mitchell: And we would – Peter, if we could do the same thing with recommendation – you know, for number 9 or – thank you. You’re reading our minds now!

Chair Raschko: Did you make a motion?

Commissioner Mitchell: Yes, I’d like to make – I made a motion that we accept the language –

Commissioner Henley: I seconded it.

Chair Raschko: Okay. Have we discussion?

(silence)

Chair Raschko: Okay, all in favor of the changes to number 9, please say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Aye. Opposed?

(silence)

Chair Raschko: And no abstentions?

Commissioner Rose: I’m abstaining from that vote.

Chair Raschko: All right. Thank you. Please note one abstention. Okay, 11?

(silence)

Chair Raschko: Twelve?

(silence)

Chair Raschko: Thirteen?

Commissioner Hughes: Chair, this is Commissioner Hughes.

Chair Raschko: Commissioner Hughes, please go ahead.

Commissioner Hughes: Thirteen might also be one that I should be – no, 13 is not one that I’m concerned about. Let’s carry on.

Chair Raschko: Okay, 14.

(silence)

Chair Raschko: So there's nothing on 14. Did we get everything into the Findings that we need then? Is there anything else that we missed? I think we got everything that I find.

Vice Chair Candler: I mean, some of them are more self-explanatory than others, I guess – the Recommendations, I mean.

Chair Raschko: All right. Where we are is it appears that we have reached agreement on the document.

Vice Chair Candler: I have something before we move on.

Chair Raschko: Please go ahead.

Vice Chair Candler: Sorry. Thank you. I feel a little bit unresolved about number 3 in our Recommendations. Yeah, number 3. We went back and removed a bunch of recommendations that were from our earlier review. We didn't address number 3. I am wondering if anyone remembers why we wanted to do this and whether we still want to do it based on the staff's input. Absent someone remembering why we wanted to do this, I would move to remove it.

Commissioner Hughes: So Chair?

Chair Raschko: Who is this?

Commissioner Hughes: Commissioner Hughes.

Chair Raschko: Commissioner Hughes, please go ahead.

Commissioner Hughes: I've had this concern over a few of the things that we did two meetings ago. We tackled some information that was tackled by a previous Planning Commission in 2016, and I know there's a small number of us that were there, I included. And to tell you the truth, I was new on the board and had no basis for what they were doing. I feel uncomfortable going back and making those changes that we made to that document without further study of those documents. And so basically anything we did at that meeting two meetings ago that pertained to 2016 recommendations, I think we need to really look at.

Vice Chair Candler: Wasn't that just the last meeting?

Commissioner Hughes: No. It seems that – the last meeting we had information, it seemed like. You picked up – I was looking at number 2 as being one of those and you were looking at number 3. And so depending what meetings it was, I'm wondering if we could pick up on whatever meeting that was and take a look at if we really wanted to change those 2016 recommendations without further study. That's my request.

Vice Chair Candler: Well, the others, I think, are gone already out of this document. We voted to get rid of them last week and they don't appear in this document, unless I'm wrong. Maybe Peter can speak to that. But I think those are gone, right?

Commissioner Mitchell: You're correct, Commissioner Candler.

Mr. Gill: Yes.

Commissioner Hughes: So was number 2 one of those that we worked on this time?

Vice Chair Candler: We did not address 2, I think, similarly to 3, but it's similarly situated to all the ones that we got rid of last week. And I understand what you're saying. It's a little bit uncomfortable because I'd almost – I feel like I need to go back and watch the meetings from that maybe to be really able to address this. But I don't remember any reason why we wanted to change – like for number 3, for example, Shoreline Review.

Chair Raschko: My recollection of last week when we eliminated a lot of the things from 2016 – if I'm remembering right – it seemed that we had a discussion of staff's appraisal of those recommendations, and staff satisfied us going through them one at a time. So we voted to remove them. Does anybody remember it that way?

Commissioner Mitchell: I have the information. I can read it to you handy.

Vice Chair Candler: That's exactly how I remember it. It's just that I don't remember why way back in 2016 we wanted to do it in the first place.

Commissioner Mitchell: I do. This is Commissioner Mitchell.

Vice Chair Candler: Are you talking about the stuff we did last week or number 3?

Commissioner Mitchell: Number 3.

Vice Chair Candler: Okay, thank you.

Commissioner Mitchell: The short version is is that Taylor Shellfish and some other people had made comments and such, and at that time – and things have changed since then, and Betsy can correct me if I'm wrong – at that time we made this recommendation based on their comments and concerns then. And this is where I need Betsy. I'm pretty sure that after that things had changed and their recommendations had changed and they made an agreement, or had meetings with staff and come to new understandings that make number 3 moot, which means we can look at staff's recommendations from the last meeting – and I can read it for everybody, if you'd like, or maybe, Peter, if you can bring it up. It was from Betsy's staff report.

Vice Chair Candler: Right. It said it was more confusing the way we were proposing it.

Commissioner Mitchell: Yeah, I think we – the gist is is that we don't need it. I'm going to read you a little bit of staff information. "The proposed language recommended by the Planning Commission, although meant to clarify, makes it confusing and less clear [14.26.415(2)] is \_\_\_ when shoreline review is required. (b) is titled "Existing Agriculture." If the section is read sequentially it makes sense and is clear. The Shellfish Aquaculture section of the new Shoreline Management took" place several – "took several months to come to some agreement on the language (through the aquaculture subcommittee) between the Skagit River System Cooperative representative, by the Shoreline Advisory Committee (SAC), and the shellfish growers representative to the SAC." This was the punchline to Betsy's report. "The Department recommends we retain the original language as agreed to by the parties." So, Betsy, I need you to confirm with me. That means that we do not need number 3 as we've got in this draft, in our Planning Commission draft, which reads – hang on; too many papers – which reads: "Revised proposed SCC 14.26.15 blah, blah, blah, to require, quote, "shoreline review," not necessarily a shoreline permit. So we don't need that, right, Betsy?



Ms. Stevenson: That's correct.

Commissioner Mitchell: Okay. So I hope that helps with the reasoning.

Vice Chair Candler: At this time I would move to remove recommendation number 3 from our document.

Commissioner Mitchell: Second.

Chair Raschko: It's been moved and seconded to remove number 3. Can anybody hear me?

Several Commissioners: Yes.

Chair Raschko: Because I got blown off again. Okay. Is there any more discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Aye. Any opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, so that carries.

Commissioner Mitchell: And Chair? This is Commissioner Mitchell.

Chair Raschko: Yes?

Commissioner Mitchell: I can read the same information that would help the number 2 that Commissioner Hughes was concerned about, if you guys want it.

(several sounds of affirmation)

Chair Raschko: Please go ahead.

Commissioner Mitchell: So going off of Betsy's report last time – the gist is we blew past 1, 2, and 3 and our heads engaged after that. That's why we missed 2 and 3 for sure.

Commissioner Hughes: I agree.

Commissioner Mitchell: So sorry to the world! In Betsy's report she states – number 2 – "PC recommendation was move the content of the proposed SCC 14.26.550, Additional Provisions for Fish and Wildlife Habitat Conservation Areas, into SCC chapter 14.24, Critical Areas. Staff information. As noted in the margin of the draft recorded motion, this recommendation is no longer

relevant since we chose to move the applicable portions of the critical areas code, SCC 14.24, to the new SMP SCC 14.26 Part V. The Department suggests that it be deleted as a recommendation in the draft recorded motion.” Therefore, if we go back to this draft that we’re looking at now –

Ms. Stevenson: Kathy?

Commissioner Mitchell: I’m sorry. Go ahead.

Ms. Stevenson: That already came out, the one that you just read.

Commissioner Mitchell: So that’s a different number 2?

Ms. Stevenson: Yeah, number 2 – the one on the screen number 2 has to do with aquaculture and the number 2 on the screen is the one that you were reading my comments, I think, that reflected that.

Commissioner Mitchell: Okay. Then which one does this apply to? This number 2 to which number –

Ms. Stevenson: It would have been the number 2 but you took it out at the last meeting, I think. Because that part of it came into the critical – instead of just adopting the critical areas by reference we integrated the critical areas ordinance, so that one went away.

Commissioner Mitchell: Okay. So this number 2 is okay then.

Ms. Stevenson: I don’t think so. My recommendation was that you take it out. So what you just read, as far as the recommendation for the other one, was actually the recommendation for this one.

Commissioner Mitchell: Oh boy. So it’s up to everybody what you want to do.

Commissioner Hughes: Chair, Commissioner Hughes again. Betsy, I’ll ask for your advice.

Ms. Stevenson: Oh, you just went on mute.

Commissioner Hughes: Sorry. Am I back? Yeah. We jumped into number 2 possibly in 2021 but we actually worked on this in ’16? Or did we work on this in ’21? The current number 2.

Ms. Stevenson: Yeah, I think it was just something that showed up in the document that we first sent to you with your Planning Commission recommendations in the margins in 2021 so that you would still have what was recommended in the way of changes. And then a note was there that staff still recommended that we not make those changes as we started through it, so we did kind of go through them. I was kind of under the impression that we had taken care of that. But you still have every right to change your mind and bring it back if you want it to be there. But the – what Kathy just read to you in terms of my staff information actually is reflective of number 2 rather than number 3. I went into a lot more detail on other things for number 3. So just to clarify, if you guys want to consider that. This was part of an agreement that was made, you know, between the Skagit River System Co-op and the shellfish growers representative on our Shoreline Advisory Committee as our subcommittee. So they were okay with the language as it was. Yes, the shellfish grower, I’m sure, submitted what he wanted to submit for the record in case there was an appeal

that was necessary, and you guys listened and you took that to heart so you considered it and changed the language. But he had agreed to the language prior to that time. So that would be the – and he is okay with that language still without it being changed like this.

Chair Raschko: Can anybody hear me?

Several Commissioners: Yes.

Chair Raschko: Okay. Well, I got bopped off again so I missed the last little bit. Where are we?

Vice Chair Candler: We're trying to decide whether number 2 should remain in the document, based on what Betsy's telling us as far as the history of the agreement with the parties.

Chair Raschko: Are there any motions in that regard?

Mr. Gill: Not at this point.

Chair Raschko: Okay. So is there any further discussion on that?

Commissioner Hughes: My discussion would be I'd like to resolve this as a planning commission. So what I'm following is the Commission of 2016 made this recommendation but the – I'll say professionals involved came up with another agreement. So we're basically making a recommendation counter to professional recommendations.

Commissioner Mitchell: Is that correct, Betsy?

Ms. Stevenson: Yeah. I think that's a fair assessment of how that went.

Vice Chair Candler: And I think just maybe a little bit out of date.

Chair Raschko: So does anybody wish to make a motion to delete number 2?

Commissioner Mitchell: I'll make that motion.

Chair Raschko: That's Commissioner Mitchell?

Commissioner Mitchell: Yes, I move that we delete number 2.

Commissioner Hughes: And Hughes – I'll second that.

Chair Raschko: Okay, thank you. It's been moved and seconded to delete number 2. Is there further discussion in this regard on the motion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: All opposed?

(silence)

Chair Raschko: And is there an abstention?

(silence)

Chair Raschko: Okay, so number 2 is deleted. Okay. Let's move on. Has anybody anything else?

Commissioner Hughes: Just to clarify so when we're done with this I can feel good about it – Commissioner Hughes again. So we have picked up, Betsy, all of those that we kind of tried to deal with? Have we cleaned that up? And that was to Betsy.

Ms. Stevenson: (inaudible) I know there were areas where we're going to agree to disagree and that's fine, but I think those are the main ones that – let me scroll through really fast just to make sure since you're asking.

Chair Raschko: Okay, are you satisfied, Commissioner Hughes?

Commissioner Hughes: Yes, I am. Thank you.

Chair Raschko: Okay, more discussion, if there is any.

Commissioner Woodmansee: I have a comment.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: And I don't know if this is the right time to bring it up or not. So I have to apologize to Betsy because I was not able to get any – I've been out of town most of the last two weeks and attended the last meeting from out of town. And I brought up the subject of existing footprints and being able to remodel or replace, and I did not have time to follow up, to clarify better to her where I was trying to go with this. But if this is the right time, I can do a quick explanation where I'm trying to go with that.

Ms. Stevenson: And I have a better idea too, so I'm probably more prepared to answer your question at this point in time too.

Commissioner Woodmansee: Okay.

Ms. Stevenson: I think Dan gave you some of the language from proposed code –

Commissioner Woodmansee: Sure.

Ms. Stevenson: – nonconforming structures. And I did just – when you guys were working on the Capital Facilities stuff I cut and pasted from the old Shoreline Program to show you what it says because you wanted to know what the existing and current stuff was. So to compare and contrast, when we wrote the existing Shoreline Program that we're operating under now, nonconforming uses and structures were destined to go away. That was kind of the purpose, that they would just be gone after time. I mean, you were allowed to maintain them in a normal fashion but once they were done they were done basically, if that makes sense. But the language in there is more vague outside of just the purpose was to kind of get rid of them. The language now, the state law has changed as well, and with the new standards going into play the state recognized and realized

that a lot of people would automatically become nonconforming uses. So their laws have changed as far as the structures and things go. And part of being able to repair something sometimes, even if it is a nonconforming type of structure, could be a total replacement. So the rules have actually gotten more lax, or they're not as strict, to, you know, something that's a nonconforming structure, if that makes sense. And I think Dan indicated that based on what we've written – I'm starting to use my hands; I don't get very far without that. If you've got a structure that's in the buffer, you can add on laterally but you can't get any further into the buffer. But our existing program wouldn't allow you to do that. You would have to get a variance in order to be here because you're still within the setback or the buffer. So it actually is providing some additional opportunities for folks. So it's still considered a nonconforming structure but there are some allowances. And I will say this section 2, our attorney at the time Jill – I don't know if you remember her – she did a lot of research and a lot of work on the nonconforming stuff and we spent a lot of time and rewrote this section several times. So it meets the legal defensible test but it also leaves as much flexibility and we kind of stretched the boundaries as far as we could and made it as clear as we could for people.

So I don't know if you still want to compare and contrast. I can do that. I didn't get it out to you either so I apologize because I did have a better sense of it, but I have been slammed as well kind of working for three people because we're down several in my work group. So it's been a little bit taxing on me here recently too. So I can certainly send that to you and give you a chance still to look at it.

Commissioner Woodmansee: Okay. And I think I've hearing positive, you know, response from where I'm trying to go. So here's – this is what I'm looking for the effect to be, and that is basically that we're able – that the document can clarify and confirm that when an existing footprint is subjected to a remodel permit or is subjected to replacement due to a fire or, you know, just essentially maybe – you know, some things do wear out. And I just want to make sure that our new SMP allows for existing footprint and to whatever extent the additional 200 feet addition is allowed. I just want to make sure that existing footprint is memorialized, I guess is really what I'm trying to say, and that we're not going to take that away from people because of fire, because something needs replaced because it's worn out or, you know, certainly in a remodel situation. And the footprint to me is the footprint, right? You're utilizing 20 by 30 on the ground or 20 by 50 or whatever – you know, whatever the footprint is is the perimeter of the structure essentially, in, you know, maybe a driveway or something. So the – I don't know – so are we headed in the same direction – is that what you're saying? – with what I'm looking for and what this more lax stuff is?

Ms. Stevenson: You sound so incredulous! Yeah. Yeah, I really think we are but I don't want you to necessarily trust me. I'd like for you to look at it and make sure, because I don't want you to take my word for it. But, yes, the state law did change and a lot of times a repair is – replacement is an acceptable way to repair something under the Shoreline requirements. But I want to make sure that we're hitting on everything so I'd like to just go ahead and send that back to you so you can look at it.

Commissioner Woodmansee: Sure.

Ms. Stevenson: Just to make sure.

Commissioner Woodmansee: Because the thing that you said at the beginning where you said it was like the purpose and one of the goals was to eliminate these types of structures, that's *really* concerning to me.

Ms. Stevenson: That's in our existing program.

Commissioner Woodmansee: And so as a matter of policy and as a matter of code, I think what I'm hearing is we're turning away from that with the new code. And obviously, you know, interpretation means a lot to the public and so it's important that the interpretation is understood. And so – I mean, the reason I brought this up is because somebody brought it to me and said, Hey, I'm worried about this and here's why. I think I'm okay but I'm really not sure if I am okay. That's why I'm using the word "clarify" and "confirm" basically. I just want to make sure that you can read it and I can read it and the guy that has that actual building can read it and we all agree on the same thing.

Ms. Stevenson: Yeah. No, I think that's a good exercise and I want you to have that opportunity to do that. I think that's important. Because I may think that's what it says but if you guys don't read it that way then it doesn't work very well. I want to make sure that you're comfortable with it too.

Commissioner Woodmansee: Okay. Well, that is – that was my thing to talk about, Tim.

Chair Raschko: Thank you. Commissioner Rose, did you have a comment on that subject?

Commissioner Rose: Well, I do. I understand what Joe is saying about in case of fire, in case of something getting worn out or just deteriorating. But there're some circumstances where building back would be inappropriate. And we just experienced a lot of flooding last week and in some cases you might have a shoreline situation that gets eroded away when there's no land there where the structure used to be. And that would be a good example where the policy of we just want them to go away fits in. Like, I understand fire's a different matter, but – so I'm not sure how that affects the wording of this proposed code, but I just wanted to point out that there are some circumstances where you wouldn't want to be able to rebuild – in the case of water eroding or water level rising, where it renders the land not appropriate to live on. So I just wanted to weigh in on that.

Chair Raschko: Thank you. Commissioner Mitchell?

Commissioner Mitchell: Yes, I'd like to take this back to both Commissioners Woodmansee and Rose, particularly Woodmansee. I appreciated the thoughts that you brought up and that you're seeking more information, and Betsy will get us all that same information. So I was going to tee up an idea. If this is appropriate where we can put something in here and literally mark at the beginning of it "placeholder" with Joe's thoughts now, so we don't lose this train of thought. Because if we're going to hang on to this that means we're not finishing this tonight. And that way, Joe, when it comes the appropriate time, either you can say, Get rid of that, or then propose something to the crew to go in for real. Do you have maybe an idea or some language?

Commissioner Woodmansee: As a placeholder?

Commissioner Mitchell: Yes, sir.

Commissioner Woodmansee: Well, I don't have code language as a placeholder, but I have a concept as a placeholder, which is clarify and confirm that an existing footprint which is subject to a remodel or replacement permit, whether it's because of an act of God or because of other reasons, that those footprints are memorialized for those purposes.

Commissioner Mitchell: Okay. Could we put that, you know, in the Recommendations list, if Peter can help us draft that? If you want that. That's, you know, if everybody wants that.

Mr. Gill: I'm going to need a little bit of help with the language. Sorry, Commissioner Woodmansee, I was kind of bouncing around. Clarify and confirm that replacement or remodel –

Commissioner Woodmansee: Okay, I'll – believe it or not, I actually wrote this down! So I'll read it again. "To clarify and confirm that when in an existing footprint" –

Mr. Gill: Hold on.

(silence)

Mr. Gill: Mm-hmm?

Commissioner Woodmansee: – "is subject to a remodel permit or replacement permit due to acts of God and/or by permit submittal, that the existing footprint be memorialized." And I don't know if that's the right word or not, but the point is is that it becomes the basis for approval or denial of a permit. Obviously, this isn't a placeholder note but.... And then I guess I would add "in conjunction with the allowable 200-square foot expansion allowed in the code." And, Betsy, you can straighten me out on that last sentence if you need to.

Ms. Stevenson: No, I know what you're talking about. Yeah, there's enough in that first part that I want you to read it because I'm not sure that that's exactly what it's – it may not say exactly that to you.

Commissioner Woodmansee: And, you know, I mean, I think it's simple. What I'm trying to say is that if you have an existing cabin or house or whatever that's nonconforming to today's code and you need to do a foundation under it, I think you need to be able to do it. If you need to – if it's dry-rotted out and you need to replace it, I think you should be able to do that. If – and I understand what Commissioner Rose is saying and, I mean, if the shoreline has changed and the land's not there anymore you obviously can't build something there. And, Betsy, you can clarify this for me. If you were building in the floodplain and you wanted to replace – let's say you had the footprint memorialized but you would still have to – if you replace your structure, you do have to build to today's code so you would maybe have a different – you'd be up off out of the floodplain. You know, it seems like that flood area – your floodplain rules, you know, are probably going to play an effect in there.

Ms. Stevenson: Yes. Yeah, there are pretty specific standards as far as whether it's a substantial improvement and what constitutes a substantial improvement over a 10-year period. Once you get to that threshold you have to elevate the whole thing.

Commissioner Woodmansee: As it relates to the floodplain.

Ms. Stevenson: Right, yeah. Sorry.

Commissioner Woodmansee: Yeah.

Ms. Stevenson: Yes. So the Shoreline Program is not the only thing that would look at a nonconforming structure. There are other things, like Martha said, as far as flooding and different things like that that would also apply. So this is just one portion of it. This is kind of the – the

shoreline and the critical areas are the early stages. And then once you get into the nitty gritty of the building permits and stuff, you get into some of the other requirements.

Commissioner Woodmansee: Yeah. And so I understand what Commissioner Rose is saying and I get that that's got to be part of the discussion.

Chair Raschko: Okay, so where are we? I'm not clear yet, Commissioner Woodmansee. Are we adding that as a proposed recommendation? Or you called it a placeholder. Can you clarify what we're trying to do here?

Commissioner Woodmansee: I think in the end I would like to see a recommendation that to the greatest extent possible maintains the ability for somebody to repair or replace a structure that is technically nonconforming at this time.

Chair Raschko: Okay. I think we have it within our power to finalize this document tonight. And I'd rather have some action where we can do that rather than have a placeholder and have to come back and keep this issue open for another meeting. Is there any way that we could hammer something out that we might have a motion on and either include or not include and put this to rest? Are there any more thoughts on that?

Commissioner Mitchell: Well, technically this is a recommend – technically this *is* a recommendation. The thing is is that everybody has not voted to add it in because we were going to be getting more information. But I guess the question is to Commissioner Woodmansee and Rose and anybody else that this is important to: Would the language as it is now – because this is a recommendation. We're not *telling* somebody to do something, you know, that you *have* to. It *is* a recommendation. And this could be going on for a while anyway. Is that right, Betsy?

Ms. Stevenson: I don't know. It sounds like the Chair would like to get this done tonight and that's why I have my hand up.

Commissioner Mitchell: What I mean is this: If we were to – here's the big question mark – if we were to collectively vote to make this a recommendation, this document, and finalize things tonight – because this is a recommendation to look – essentially to look into this and confirm, would that be okay? Or is this some – that would just be biting off something –

Ms. Stevenson: I don't think that that's going to solve Joe's concerns. I think that he's going to want to see it first. But I still have some other things in here, too, that I need some clarification or that I'm asking from some from you guys in the information that I sent – which I'm sorry it wasn't until today but that's the way my life has been going too.

Chair Raschko: Okay, Commissioner Candler, you have the floor.

Vice Chair Candler: Thank you. I have a question on this from the Department, Betsy, I guess. Would existing footprint be read if we recommended this? Would existing footprint be read literally, like the exact footprint, or would that just – like, well, what does the Department would do with something like that? Like, could a person – you know, I'm thinking of some of these older homes had some character that is expensive to build nowadays. So if you flattened the curve and you straightened the curve and flattened the hills on a cool old house would that still qualify as an existing footprint in the Department's general processes? Does that make sense?

Ms. Stevenson: I'm not sure I understand what you're saying.



Vice Chair Candler: Well, I'm just worried about – I don't either. I just – I'm worried about "existing footprint" being read really literally if we –

Ms. Stevenson: Yeah, it would be. In this situation where you're talking about nonconforming structures, I think we would be very literal about that. It would basically be your foundation, I would think, but in something different it might be otherwise.

Vice Chair Candler: Got it. Thank you.

Chair Raschko: Okay, Commissioner Rose?

Commissioner Rose: Thank you. I can't wrap my head around this recommendation simply because of the – it's all-encompassing and it doesn't speak to situations where – it sort of ignores the land that's been eaten away by the river. In other words, I don't know if that's the only example. I know it's the one I gave, but I don't know if it's the *only* example of an act of God that would basically make it nonsensical to rebuild. Like certain things that happen are sort of like a message, like you're not supposed to build here. And I can't give you another example. \_\_\_ the flood or the sea level rising that starts encroaching on the land, and so I feel like this doesn't address that aspect. This only really – it's a blanket statement that makes it appear that any act of God should allow rebuilding. And you could say, Well, I'm just going to build on stilts out in the middle of the water because that's my existing footprint. And I'm like, No, that's not okay.

Ms. Stevenson: I'd like Joe to see this because I don't think anything that we do is going to take it as far as what he's asking in these terms. If you have somebody specific who's concerned, there *is* going to have to be some site considerations on these taken. You know, it'll be one of those answers where, Well, it depends. And we've got criteria in there now and we can walk through that, but I really want you to feel comfortable before you sign off on anything. I don't want you to take my word for it. It's getting better from what's there currently, but I'm not sure it goes as far as what you've got written out there.

Mr. Gill: I did find the language, if anybody wants to look at it.

Commissioner Woodmansee: Language of which?

Mr. Gill: The replacement structure – replacement language.

Commissioner Woodmansee: In the old code or the new code?

Mr. Gill: No, the current code.

Commissioner Woodmansee: Okay.

Mr. Gill: Or what's being proposed, I should say.

Commissioner Rose: I'd like to see it. Yep.

Mr. Gill: So this is for preexisting structures under 26.650, Replacement. "The structure damage destroyed by fire, natural disaster, or other causality may be reconstructed to the configuration existing immediately prior to the time the development was damaged, if all the following occur: the applicant submits a complete application for reconstruction or replacement within 12 months of the date the damage occurred; the applicant may request a 12-month extension period to

submit application for reconstruction; or replacement prior to the expiration of the original 12-month period. Such request is a Level I application. The County may grant the extension if the application is good faith effort to submit a complete application. Extenuating circumstances beyond their control..." – anyway, that's about the 12-month. And then "(c), the applicant obtains all permits and completes construction within five years."

Ms. Stevenson: So, Peter, was that 650 you were reading from?

Mr. Gill: Yes.

Ms. Stevenson: Okay, so that doesn't include single-family residences.

Mr. Gill: Okay. Do you know which section does?

Ms. Stevenson: Yeah, it's up above, the section for single-family residences.

Mr. Nickel: It'd be 620.

Ms. Stevenson: 620. So let's get into the right area.

Mr. Gill: There we go. So, let's see, Repair. Normal repair and normal maintenance is allowed, subject to other applicable codes.

Enlargement or expansion, number 3.

Preexisting residential or appurtenant structure that is nonconforming with respect to dimensional standards may be enlarged or expanded in accordance with the following provisions: (a) is minor –

Ms. Stevenson: Okay. I lied. Number 4 does cover it. So I just wanted to make sure we are in the right spot, but you're right. It does apply, if you scroll down just a little bit further. I'm sorry. When you said "650" I thought, That's not right, it's in 620. But if you look at number 4 in 620 it sends you to 650, so I apologize.

Mr. Gill: Okay.

Chair Raschko: Commissioner Henley had a request for the floor.

Commissioner Henley: Yes. It seems to me that Commissioner Woodmansee is describing a process, a relatively fluid process, as opposed to a specific objective, and I think he needs to cast the language in such a way that it's a specific objective to achieve what I *think* he says he wants.

Chair Raschko: Okay.

Commissioner Woodmansee: So I have a question. On number 4 here – and I'm assuming that this is in rebuilding or repair – so are we saying that we're subjecting them to our critical areas code and potentially have to mitigate to build it in their same site – same footprint?

Ms. Stevenson: Yes.

Commissioner Woodmansee: I think that should be stricken. I mean –

Ms. Stevenson: For an enlargement or an expansion.

Commissioner Woodmansee: Is that what category we're under right now, Enlargement or Expansion?

Ms. Stevenson: Yes.

Commissioner Woodmansee: Okay, enlargement or expansion I have no problem with that.

Ms. Stevenson: Yeah. Yeah, I'm sorry. I probably confused it when I jumped in. When you were reading out of 650 I thought, No, it's 620. But it does refer to it so that's my bad and I probably confused things.

Commissioner Woodmansee: So is the one that Peter read the first time correct?

Ms. Stevenson: Yes, and it would apply, yeah.

Commissioner Woodmansee: And it does relate – okay, can we go back to that first one you read, Peter?

Mr. Gill: Sure.

Ms. Stevenson: Number 4 for replacement, yeah.

Commissioner Woodmansee: Okay, well, this one, if I recall right – it's not scrolled all the way down, but if I recall right, this one essentially allows it.

Ms. Stevenson: Yes.

Commissioner Woodmansee: Is that correct, Betsy?

Ms. Stevenson: Yes.

Commissioner Woodmansee: Okay, what if you have a structure that is damaged by termites or whatever – something that, you know, you need to rebuild it because of other reasons. Where does that fall in under Replacement, or does it? While you're looking, I could visualize somebody saying, If I repair this and I repair this and I repair this and I repair that, I'm better off – it's more economical and a better situation if I replace. That's where I'm trying to get to. So that the option is to replace in whole is there, is what I'm looking for, which would be the same result of a house that burned down situation.

Ms. Stevenson: I don't know. "Casualty" was a term that the attorneys put in there so I can't speak to what that necessarily is, is casualty. That's not whatever they call it – \_\_\_\_\_, or whatever it is, which is an act of God. I'm not sure if "casualty" includes damage by termites or, you know, things like that – dry rot and stuff like that. I don't know.

Commissioner Woodmansee: Yeah, sure. Right.

Ms. Stevenson: We'd have to look at that.

Commissioner Woodmansee: Well, okay.

Commissioner Hughes: Joe, this is Commissioner Hughes. May I ask you a question?

Commissioner Woodmansee: Yeah? Sure.

Commissioner Hughes: Are you looking for the word “redevelopment”?

Commissioner Woodmansee: No.

Commissioner Hughes: Okay.

Commissioner Woodmansee: No. Redevelopment to me is a whole different thing. It's, Hey, I don't like what I have. I'd rather build a duplex here instead of a single-family house. And I don't think that you could build a duplex in the same footprint as a single-family house. I think the use has to basically stay the same for where I'm going with this. It's just, you know, if you have an 800-square-foot cabin that's in this footprint and it makes no sense to fix it one wall at a time – although you could do that, but the economics of that is, you know, not as – you'd end up with the same result if you replaced the whole thing, but the economics of doing it piecemeal is twice as much, say. That's part of where I'm coming from.

Ms. Stevenson: Dan, you've done this more than I have. I just know what's in our code. If you go back up to 610, the Purpose and Applicability, the Purpose talks about “single-family residences and appurtenant structures located landward of the ordinary high water mark that were legally established prior to the effective date of this SMP but do not conform to the regulations of this SMP are considered conforming structures and uses for purposes of this SMP.” So in my mind – and I'm just thinking out loud, Joe –

Commissioner Woodmansee: Yeah.

Ms. Stevenson: If your person has one of those – so it would be considered conforming under this, and if it's damaged and they wanted to replace it, it would be a conforming thing and then they would just have to come in and get their permits. Does that make sense? Yes?

Commissioner Woodmansee: I think that's what it *should* say, if that's what you're saying it says.

Ms. Stevenson: Dan, am I interpreting that wrong?

Mr. Nickel: No, that is the intent and I'm looking for confirmation here as well. Because that – you know, Betsy's right. I mean, the state law allows jurisdictions to call these types of legally established nonconforming structures as conforming, and that's why we have this, you know, this whole section entitled “Preexisting Structures and Uses,” essentially. Because we are identifying these as nonconforming structures, yet they're conforming to the existing code when they were established. So the intent there is to be able to replace those structures.

Ms. Stevenson: Mm-hmm.

Mr. Nickel: I'm trying to find, you know, the mechanism for – you know, we don't want people to be, you know, burning down their houses to replace the structure obviously! And you're allowing things to be replaced if they do burn down. The same idea holds true for just replacing your structure in kind.

Ms. Stevenson: I would think a casualty would include termites, a tree falling on your house – you know, all the other things that may or may not be considered an act of God that isn't whatever we said – fire and that sort of thing. So I would think casualty would fit into that, but I would have to check because it probably has a legal connotation here and I don't know what that is.

Commissioner Woodmansee: And so I feel like that this is headed in the right direction and I feel like that – I mean, this last little conversation about consider it conforming structures and stuff seems to be another – tell me where you're at, Betsy. Am I – in my purpose – what I'm trying to say to my – do you think we still have a gap or are we getting closer with our investigation here?

Ms. Stevenson: I just want you to feel comfortable with it. I don't want you to feel like you're trusting me. I want *you* to be okay with it, and if it's more general or if it's site-specific to that property, we can go over it. Whatever makes you feel better, because I want you to understand it. We went over this but we didn't go over it in a ton of detail –

Commissioner Woodmansee: Sure.

Ms. Stevenson: – because we had already kind of wrapped this stuff up from before. So we kind of pushed you guys towards the information that was new, something that we needed to look at.

Commissioner Woodmansee: Right.

Ms. Stevenson: But I want to make sure that you're comfortable with it.

Chair Raschko: Okay, Commissioner Rose had a question and she's to be followed by Commissioner Candler and then Commissioner Hughes. So Commissioner Rose?

Commissioner Rose: Thank you. So I'm thinking about the termite example. Because back in the day it was not uncommon to use logs for your foundation for a little shack that you might put up in the mountains or put by the water – wherever. So is it appropriate to allow replacement of a structure that might have had a substandard foundation that's now full of termites with a poured concrete foundation in a reduced setback just because the original shack with the log foundation was there? So that's my question: Is it appropriate to say, no matter what – I'm struggling with that one, Joe. I can't quite make peace with it because I worked on those exact types of buildings. The one I worked on was up in the mountains but you could have taken the same one and plunked it right by the water and in no time at all you'd have a house full of termites. Should you be able to replace that with now a modern house with a concrete foundation that's going to impact the waterway if it's too close?

Commissioner Woodmansee: If you're asking me, I mean, what's the – okay, so let's say you have a shake roof. Should you be able to replace it with a comp roof? I mean –

Commissioner Rose: I don't see how that's the same type of – a roof is – a waterproof covering on a roof doesn't have the same level of impact as a concrete foundation versus a substandard foundation, say, made out of wood – a shack made out of wood foundation. I don't see that that's a like comparison. Just my opinion.

Chair Raschko: Okay, Commissioner Candler?

Vice Chair Candler: I don't know if we're making progress or not, but there's nothing wrong with – just for Commissioner Woodmansee – if you choose to make a motion to seek clarification

without knowing exactly the language, you know, I suppose, if you want to move it that way. But, that's all.

Chair Raschko: Okay, we'll come back up to that. Commissioner Hughes?

Commissioner Hughes: I'm still trying to define a new word for replacement. Would it be a rebuild then? Are we looking for a term that can be included in this that could be acceptable?

Ms. Stevenson: Yeah, we're using the terms that we used across our whole code, so "replacement" is really what we need to say.

Chair Raschko: Okay. Commissioner –

(several Commissioners speaking at the same time)

Chair Raschko: Commissioner Mitchell?

Commissioner Woodmansee: My apologies.

Commissioner Mitchell: That's all right. The concept – I understand completely what Commissioner Woodmansee's getting at and I concur with the need to clarify that and have that in place. It's not – I don't think it is our position to apply a moral standard to whether a footprint can be replaced or not from somebody else's reasonings. Let me rephrase this. A homeowner that has, let's say, an 800-square-foot cabin (that) for whatever reason needs to be fixed. I'm saying "fixed" whether it's carpenter ants, termites, boulder hits it, whatever. Those things do happen and it's not for me to say whether that is okay for it to be done or not if they desire to fix it. They already have the monetary investment, years investment, you know, emotional investment and everything else, and so I think we should remove the equation for something like that as to whether it's right or not to allow somebody from that point of view – it's just like saying, Can somebody replace their car or not? Well, yeah, they can. And so from that standpoint I think that it's perfectly fine in this situation to also ask for the clarifying language as a recommendation. You know, we've gone a couple of rounds on this. Whether Commissioner wants to go that direction or not, I do think you have the latitude to do that, to make the recommendation.

Chair Raschko: Thank you. Then Commissioner Woodmansee, you were going – you were –

Commissioner Woodmansee: Yeah. Well, in the very few minutes that we've looked at the new code, I've grown, you know, reasonably comfortable with it. I would – I guess in the meeting I just want to go on the record that what I am advocating for is that replacement and repair on existing footprints is allowed, and I believe what I'm reading that it is. I believe that that's what both of our staff people are sharing with us – that it is. And if that's the case then I'm comfortable with where we're at on it and the clarification I think that I need is probably adequate. And I'm going to do my best next week to reach out to Becky – or Betsy! *Becky* wouldn't care – could care less about it, but *Betsy* might want to talk to me about it. And Betsy, for the sake of our meeting tonight in good faith of not assuming anything but just I feel like that – I think we're pretty much there and I just – because of the short amount of time to look at it, if we could – I'll reach out to you next week.

Ms. Stevenson: Okay.

Commissioner Woodmansee: And then if there's a further concern I have, you and I'll both know about it and we can talk about it with the group at our next meeting. Is that reasonable?

Ms. Stevenson: It is for me. You know where to find me.

Commissioner Woodmansee: Yeah. And so, Chair, that puts me in a position of I feel like that we've talked through it and I'll double back with Betsy next week and even if we pass this thing tonight we can certainly talk about something else next week if we want.

Ms. Stevenson: So I guess I would just remind you that we have a meeting next Tuesday.

Commissioner Woodmansee: Yes.

Ms. Stevenson: You and I are going to have to meet early in the week or later this week in order to sort this out in time for the next meeting.

Commissioner Woodmansee: Are you in on Friday?

Ms. Stevenson: No, but I could meet you if you're in town.

Commissioner Woodmansee: Okay.

Ms. Stevenson: Because I'll be working on stuff.

Commissioner Woodmansee: Okay, I'm in town so I'll shoot you an email and we'll just set up a time to go over it in a few minutes.

Ms. Stevenson: We can meet in my office. That's perfectly fine.

Commissioner Woodmansee: Sure, that'd be awesome. I'll be in town on Friday.

Ms. Stevenson: Okay.

Commissioner Woodmansee: I really appreciate that invitation and then, you know, I'm just trying to make sure. I think we're there. I kind of do, and I just want to make sure that there's not a back door I don't understand, and you can best explain that to me.

Ms. Stevenson: Well, let's just go through it together so that we at least understand what it says and what we think it means. And if we're on the same pages then that's fine. If we're not, then it's probably a really good idea to bring it back to everybody.

Commissioner Woodmansee: Sure. Sounds great to me. That's about as fair as you could ask for.

Ms. Stevenson: Okay. Okay, let's do it on Friday sometime.

Commissioner Woodmansee: Okay. I'll shoot you an email in the morning and we'll get it figured out.

Ms. Stevenson: Okay. Yeah, let me know what time works for you. Hopefully it's not too early, but I can meet you whenever you want.

Commissioner Woodmansee: Okay, sounds good.

Chair Raschko: Great. Okay. So now as far as our document goes, I guess I'm a little confused where we are. If Commissioner Woodmansee and Ms. Stevenson come to an understanding on all this, are you going to want something within our recorded motion?

Commissioner Woodmansee: Right now I feel like that we're at 98% there and replace means replace and repair means repair, and previous structures become conforming structures and so it puts them in a different light, a better light than if they're treated as a nonconforming structure. And so I think my quick answer is I think I'm there. I just want to make sure that – just that doubleback. So I feel like that – and it's not about me, you know. It's about our whole Commission, right? But I feel like that it seems like that we're pretty much there and I don't know that – if we're there and it already says it, then we don't need to change and add something to a motion, I guess is what I'm trying to say.

Chair Raschko: Okay, but you're on the 98% sure so you and Ms. Stevenson are going to meet and then you'll decide whether you're sure. So that – what I'm struggling with is whether we vote on and approve this document tonight or whether we get through everything but this single issue and leave it for next week to do a vote. Is there any discussion on that point?

Commissioner Woodmansee: I would defer to the Commissioners on that, what they would like to do.

Chair Raschko: Commissioner Mitchell has her hand up.

Commissioner Mitchell: Yeah, I think historically the Planning Commission has leant a lot of latitude to fellow Commissioners to be comfortable with their decisions, and if we want until next Tuesday to finalize that's not such a big stretch. So I'd be willing to do that.

Chair Raschko: Any other opinions?

Commissioner Hughes: Commissioner Hughes. I feel that we need to wait till next Tuesday to know exactly what we're signing up for.

Chair Raschko: Well, we would know exactly what it is. It's just whether it includes that or not! But I concur with you. I feel like it is not that big a deal *if* we can come to an agreement on everything else in the document tonight. Anybody else? Commissioner – let me see who we've got. We've got Commissioner Henley and then Commissioner Candler.

Commissioner Henley: Yes. I think Commissioner Woodmansee needs to satisfy himself and put the proper wording into place if necessary before we can vote on it. So I think it's up to Joe to do that.

Chair Raschko: Okay. Commissioner Candler?

Vice Chair Candler: I concur we should wait. We've got an extra meeting just next week for this and so it's not an unreasonable amount of time to delay, and I would like to grant that latitude as well.

Chair Raschko: Okay. I'm going to figure right now we've got consensus that we're going to wait till next week to finalize the document. But while we are here tonight on the document, is there anything further? In other words, we're closing discussion on Commissioner Woodmansee's



subject at this point. Is there anything further in the document that anybody would like to discuss further?

Vice Chair Candler: And I see that Ms. Stevenson has her hand up and had already previously mentioned some concerns.

Chair Raschko: She has her hand up? Okay, Ms. Stevenson.

Ms. Stevenson: Thank you. You can just call me Betsy. It's okay. I don't mind. But –

Vice Chair Candler: Sorry!

Ms. Stevenson: We don't have to get so formal unless you're mad at me. That's okay too. But there are some things that were in my recommendation in terms of – that I didn't see in your recommendations, and I just want to make sure that they're not things that you wanted to include. This is kind of an answer to Amy's question. I was trying to scroll through quickly and I did find a couple. So if you want me to go through those now, if you guys are willing to do that rather than waiting – and you'll be that much closer come Tuesday – okay.

So first of all, number 12, which was about the administrative reductions and the shoreline buffer variances and things, we actually did some – proposed some specific language for that. And so in the document that was sent out today, which I know some of you probably haven't even had a chance to see, I did pull over that recommended language and that information, so it's much more specific than what you have in terms of your recommendation for number 12. It actually says what the code should read. So that was the staff recommendation, is that you go ahead and incorporate that so that it's very clear where the language needs to change in those two sections. So your amendment talks about Section 735, but it also includes Section 574 to be complete. And there's a whole new added Section number 3.

Vice Chair Candler: Are you able to screen-share?

Ms. Stevenson: Yeah.

Vice Chair Candler: Thank you.

Ms. Stevenson: Okay. So basically the way it's written in the recommendation, you just talk about Section 735, but we also need to add this language in to Section 574 just for consistency, so under the staff information there is add a 3. This would be verbatim. This is what we want. That item 3, add new item 3, it says this. And then – oh, it must not be me because it's not letting me scroll. Is that you, Peter?

Mr. Gill: Sorry. Where'd you want to go down?

Ms. Stevenson: Just a little bit down so that we can see the 735(2). So in Section 735, which is the administration section – so this is on shoreline variances – the change is fairly small and it is – oh, because it's on the next page; sorry. There's a change to 2a that makes it clear that you can do a reduction. Application to reduce a standard shoreline buffer at shoreline width by more than 25% but no greater than 50% is an administrative variance. Just so it makes it very clear. And now we've pulled out the "less than 25%" as a modification that doesn't require a variance. So that just – it completes it. If you don't do that, I'm going to have to take this one to the

Commissioners differently than what you're recommending. And we're on the same page, I think. You guys were supportive of doing this, but it's just not complete.

Chair Raschko: Any comments on those proposed changes?

Commissioner Mitchell: Question for Betsy. So just to be clear, what you're looking for compared to what we had written is what we're seeing in (a)?

Ms. Stevenson: No, it also is the Section 14.26.574 adding item number 3.

Commissioner Mitchell: Can we look at that again too, please?

Ms. Stevenson: So that paragraph right there. Add 3 to read "The buffer width decreasing..." All of that language.

Commissioner Mitchell: I'm still reading and digesting here. Hang on.

Commissioner Rose: So, Betsy, it sounds like you're suggesting that we consider replacing this language for the language that we had.

Ms. Stevenson: It's for adding item number 3 to Section 574.

Commissioner Rose: Right. In other words, the italicized.

Ms. Stevenson: Oh, yeah.

Commissioner Rose: The italicized here is what you're recommending us to add to our recommendations?

Ms. Stevenson: Yes, because you don't even address Section 574. You're just talking about 735.

Commissioner Woodmansee: I have a question, Betsy.

Ms. Stevenson: Mm-hmm?

Commissioner Woodmansee: It *could*— so I'm thinking of the remaining buffer that's in bad repair. Could the mitigation, like, to repair the degraded buffer possibly be the reason for the approval for the 25% reduction? So a buffer could be reduced up to 25% and you go through the process, and then but on top of that is sometimes you have to replant all the rest of the buffer that's degraded, right?

Ms. Stevenson: Not necessarily all of the buffer.

Commissioner Woodmansee: Okay. So let me ask it a different way. If you're asking for the 25% reduction and your mitigation plan was to enhance the 75% degraded buffer, would it be possible that that would be your qualifying factor that allows you to get the variance – or the reduction, I mean?

Ms. Stevenson: We do this now on our critical areas ordinance. All we're usually looking for is whatever the impact is of your buffer impacts, so whatever portion of that is impacted by your development.

Commissioner Woodmansee: Okay. So if you got approved for the 25% reduction and the mitigation for that approval is x – whatever it might be. Is the way this is written is on top of that, regardless of that part of the sequence – you also have to replant the remaining buffer?

Ms. Stevenson: No. Usually it's just based right now, and if you go back over into the other section where we talk about all that 305, it tells you. Usually the way we do it now is if it's a degraded buffer you'd get rid of any invasive species and you'd plant native vegetation, but it's just the square footage equal to whatever your impact of the buffer is.

Commissioner Woodmansee: Okay, so if you did –

Ms. Stevenson: With your new development.

Commissioner Woodmansee: Yeah. So if you did a 10% impact you would – because it says “in all circumstances where a substantial portion of the remaining buffer is degraded, the buffer reduction plan shall include replanting with native vegetation in the degraded portions.” So I'm reading that as –

Ms. Stevenson: Not in its entirety.

Commissioner Woodmansee: Yeah, I'm reading it as an entirety.

Ms. Stevenson: No. Then you go back to Section 305 where it talks about putting your mitigation plan and your planting plan together, and it's based on the impact of what you're proposing as part of your development.

Commissioner Woodmansee: Okay.

Ms. Stevenson: Not how degraded your buffer is or how much – you know. Obviously, if somebody wanted to redo the whole thing that'd be great, but that's not how it really works.

Commissioner Woodmansee: Sure.

Ms. Stevenson: It's based on the impact from whatever you're – it's development-driven, whatever your development is.

Commissioner Woodmansee: Yeah. Do you not think that it says that somebody could interpret this to say that you have to replant the entire degraded buffer as part of your plan?

Ms. Stevenson: Well, to me that says that your planting just has to be done in the degraded portion. You can't put it up someplace else and call it good.

Commissioner Woodmansee: Okay. So –

Ms. Stevenson: That's how I read that – in the degraded portions of the remaining buffer area. It doesn't say the entire. It just has to happen there. So it's telling you where you need to do the work.

Commissioner Woodmansee: I get it. I get what you – now that you say that, I can read that into it.

Ms. Stevenson: Okay.

Commissioner Woodmansee: Basically your improvement has to be in the degraded portion of the buffer.

Ms. Stevenson: Yeah, your revegetation, your vegetation plan has to make that buffer better than putting it someplace else.

Commissioner Woodmansee: Yeah, it has an immediate benefit to the area.

Ms. Stevenson: Exactly. Exactly.

Commissioner Woodmansee: Okay. Thank you.

Ms. Stevenson: Mm-hmm.

Chair Raschko: Any more comments on the proposed changes?

Ms. Mitchell: Was it moved that we do these or are we still just in a cursory discussion?

Chair Raschko: We're still in a cursory discussion.

Commissioner Mitchell: Okay.

Chair Raschko: Prepare to make a motion.

Commissioner Rose: I'll make a motion to accept this language that Betsy put together as a substitute for the language that we had in our Findings of Fact.

Commissioner Woodmansee: I'll second it.

Commissioner Rose: Yeah, however it goes.

Chair Raschko: Okay, it's been moved and seconded, although I think we need to see clearly what the motion is before we vote.

Commissioner Henley: I would like to see the precise language.

Commissioner Mitchell: I would too.

Chair Raschko: If you could construct what it would look like and then we can go into discussion.

Mr. Gill: I can do that.

Ms. Stevenson: Or I can have it for you on Tuesday too.

Mr. Gill: Almost there. Okay. So number 10 is what your current motion reads. And in order to implement 10 as, I think, was intended, we're suggesting that you may need to change in these three sections, which is 14.26.735, 14.26.574 –

Ms. Stevenson: That's it.

Mr. Gill: I guess just two – sorry.

Commissioner Mitchell: Would we need to say the first part, Peter, and then say “by way of” or –

Mr. Gill: Yeah, I think we can \_\_\_\_.

Ms. Stevenson: The language is all there. I’m happy to clean up the recommendation so it makes sense for you and just have it – I can send it out after I get that done, maybe Friday.

Mr. Gill: So it kind of – essentially \_\_\_ like your existing one without the 735, but then include 735 changes here. And this would – sorry, the cross-outs and underlines didn’t carry over so – okay.

Ms. Stevenson: That should be 2(a) probably.

Mr. Gill: Oh, right.

Chair Raschko: Has that got it?

Mr. Gill: It looks like that’s right.

Chair Raschko: Okay, so, Tammy, you made the motion. Is that –

Vice Chair Candler: I didn’t make the motion but I think that reflects –

Chair Raschko: Who did make the motion?

Commissioner Rose: I made the motion.

Chair Raschko: Oh, I’m sorry. Martha did.

Commissioner Rose: No worries.

Chair Raschko: Martha, is that –

Commissioner Rose: That looks good to me. It makes sense to swap out this new language.

Chair Raschko: Okay, so there’s a motion on the floor to change whatever number it was. What number was that? 12?

Mr. Gill: It was 10.

Ms. Stevenson: It was 12 before we made the changes tonight.

Mr. Gill: Yes.

Chair Raschko: So how are we going to verbalize this motion?

Commissioner Rose: I move to replace the original paragraph in current number 10 – to eliminate the original paragraph and replace it with the wording provided by Betsy, which is more extensive and it clarifies – it just adds some more context to it. And I don’t know if you want me to read the whole thing or if –

Chair Raschko: No, no. No, all we need to do is have something that's in \_\_\_\_\_ that's, you know – for instance, I move that we eliminate number 10 and replace it with the verbiage provided by Ms. Stevenson, which became number 12 in the amended document, or something like that. So at least we know what we're voting on. And something can be written in the minutes to that effect.

Ms. Stevenson: The document we were working from, it was number 12.

Commissioner Rose: Okay, so I move that we –

Ms. Stevenson: (unintelligible)

Commissioner Rose: – eliminate the former number 12 language and adopt Betsy's proposed language, and the new number is 10. Is that any better?

Ms. Stevenson: Yes.

Chair Raschko: Maybe we should just say "Regarding 14.26.735" – you know, in order to simplify it. I don't know.

Commissioner Rose: Agreed.

Chair Raschko: Okay. Do we have a second?

Commissioner Woodmansee: I seconded it.

Chair Raschko: Oh, great. Thank you, Joe. Okay. Is there more discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And abstentions?

(silence)

Chair Raschko: Great. Okay, Betsy, did you have more?

Ms. Stevenson: I do. I'm sorry. How are you guys doing? Hopefully they won't take – that was the most extensive.

Chair Raschko: Okay.

Ms. Stevenson: I think in my recommendations I had slightly different language on the net pen stuff just because it's clearer in the way it's written. So I don't know if you're comfortable with that

or if you want to do that or not. That would be number 13 in the prior version so that would be what? Number 11 now? The next one down, I think. Nope. The numbers are really messed up.

Mr. Gill: Is that Aquaculture?

Ms. Stevenson: Yeah. I'm not even going to look at what's on the screen because the numbers are freaking me out!

Mr. Gill: It's numbered – it reads as “10” right now, but it's modified table 14.26.405-1.

Ms. Stevenson: So it would have been number 13 before. So the language that I suggested was “Add a new item to Table 14.26.405, Uses and Modifications Matrix, to differentiate net pens for native finfish propagation, which would retain the same permit classifications as the current net pen shoreline use from net pens for propagation of non-native finfish species, which would be prohibited in all shoreline environment designations across the matrix.”

So it's worded just a little bit differently, but to me it's a whole lot clearer. And then go on to add “In-water finfish aquaculture would require nets to contain the finfish. Such a net pen requires a shoreline conditional use permit per SMP Section 14.26.405. The text language does not reflect the matrix that a conditional use permit is needed.” I said, “The Department proposes,” so add the following – the Planning Commission could add the following language in SMP Section 14.26.415. \_\_\_ aquaculture is number 7, Net Pens. **(sound fading in and out here)** 7(b) would be “A conditional use permit is required for new commercial net pen aquaculture operations proposing to propagate a native finfish species.” Then change existing (b) to (c) and existing (c) to (d), and then add a new item in that same Section 7 to read: “(e) New commercial net pen aquaculture operations proposing to propagate a non-native finfish species are prohibited.” It's just a little bit more clear than the way it's worded currently.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: Yes. I would like to see that language inserted. Peter, if you could do that for us so we could look at what that would be like before I make a motion? The motion is going to be accept the new language – just so you know what's coming. But I want to see this all in one place first.

Ms. Stevenson: It's all in a document that you got today.

Commissioner Mitchell: No, I'm looking at the document. I just mean in our document. Thank you. I'm getting punchy, too!

Mr. Gill: Betsy, you're going to have to help me on this. I just copied the italicized text. And do we need to add a new table? A new item to the table?

Ms. Stevenson: No. Just add a new item to table and use that language because it's just clearer. So yeah, that section. That would be the first part of it. And then the rest of it, you would change “The Department proposes adding the following” to just say, you know, “In 14.26.401-5, Aquaculture (7) Net Pens” add –

(short, inaudible exchange between Mr. Gill and Ms. Stevenson)

Mr. Gill: I was going to get to the document we were working on here and you can see how it looks.

Commissioner Mitchell: Thank you, Peter.

Mr. Gill: Okay, I think I have everything in there.

Ms. Stevenson: Yeah, and then you could just take out “The Department proposes adding the following language.” You could change that up so it relates better to how the format’s working.

Vice Chair Candler: Chair, I have a question/slash/comment.

Chair Raschko: Who’s this?

Vice Chair Candler: This is Commissioner Candler.

Chair Raschko: Go ahead, please.

Vice Chair Candler: It seems like the language that Betsy’s proposing we change – and I could be wrong because I don’t know exactly where she’s going, but we didn’t write any of this. If the Department has just modified it and thinks it’s better, it might make sense for them to integrate that into our document and have us review it and vote next week. Am I wrong, Betsy?

Ms. Stevenson: I’m just trying to make it a little clearer. It’s saying basically the same thing that what you have there says.

Vice Chair Candler: But we didn’t write – we didn’t sit down and draft what’s there. I think Peter did that. I might be wrong but....

Ms. Stevenson: Okay. Okay.

Mr. Gill: You’re right, Commissioner Candler.

Vice Chair Candler: And I think that’s great. I think it was great that you did that, but I just – if you guys want to – I just – I’m just suggesting that maybe between the two of you if you like different language as long as it says the same thing we’re probably not wrapped up in it and maybe we don’t want to do that right now.

Ms. Stevenson: Okay. Yeah, this was what I originally proposed. So I just think it’s cleaner.

Chair Raschko: Well, what if we do this? Just coincidentally, number 13 is right before 14, which is the last one which has no proposed changes. So I presume this is the end of what staff has as recommendations to tweak. Our recommendations. And the second assumption I’ll make is that we’ve pretty much gone through the document, though we just have some loose ends. I don’t know about anybody else, but I’ve started being affected by that physical tiredness that wants you to – just want to hurry up and get this over with, which doesn’t always result in a good result. So I’m proposing that we close our discussions for tonight and finish up the few remaining things we have next week. Is there any discussion on that?

Commissioner Henley: I agree.



Vice Chair Candler: Betsy's got her hand raised.

Chair Raschko: Betsy?

Ms. Stevenson: I'm sorry. Thank you for calling me Betsy. I appreciate that. I do have some other items that were recommended that I don't think you disagreed to but I didn't see anything in there about it. So those are for clarification. I can add them as a list that you guys can have and I'll send it out to you ahead of time in case you want to include some of those. I think you agreed to them so I'd hate to leave them out and have me have to put them in what we're going to recommend to the Commissioners. I think it was just somehow along the way we didn't address them, so that's what I think they are. There're a couple that are not that, but...The one on lighting; adding a definition for "critical saltwater habitat"; archeological resources. There was going to be some stuff put into the policies that was requested. These are some of the ones that came from public comment. But I don't remember you guys specifically saying that you weren't okay with them. So if you're okay with it, I'll have a list on Tuesday for you, because I'm not going to try to make you stay longer than you want to. That's not a good plan at all.

Chair Raschko: That would be appreciated. Thank you. Okay, unless anybody else has anything earthshaking, we will end our discussion of the Shoreline Master Program for tonight.

Commissioner Mitchell: Chair?

Chair Raschko: Okay. Yes, Commissioner Mitchell?

Commissioner Mitchell: So the reason this blue was inserted so we could see what she was proposing is – obviously we need to read that and digest it, so I would like that labelled because we did not collectively agree to insert that language.

(silence)

Commissioner Mitchell: Yeah, thank you. I don't want to jump the gun here.

Chair Raschko: Okay, anything else on the Shoreline Master Program deliberations?

(silence)

Chair Raschko: All right. We are going to move on to the Director's Update. Is Mr. Hart in the room?

(silence)

Chair Raschko: No. Mr. Gill –

Mr. Gill: Oh, Hal?

Ms. Stevenson: He's just on mute.

Mr. Gill: You're muted there.

Hal Hart: I was just saying given the late hour maybe we should do that next week.

Chair Raschko: That's up to you.

Mr. Hart: Yeah, let's go ahead and do it next week.

Chair Raschko: All right. Thank you. I presume there's no questions for the director. We'll go to Planning Commissioner Comments and Announcements. We'll start with Joe.

Commissioner Woodmansee: Well, I just want to say a huge thank-you to staff again, in particular to Betsy's generous offer of meeting with me on Friday. And thank you to the rest of the Commission for indulgence on the subject. And it was something brought to me at last minute at the last meeting and I appreciate all the comment. And that's all I've got.

Chair Raschko: Thank you, Joe. Martha?

Commissioner Rose: I don't have anything except I'm glad that we all got through last week okay. I feel thankful about that.

Chair Raschko: Kathy?

Commissioner Mitchell: Only to thank everybody's tenacity for working on this. Dan, Betsy, everybody, thank you very much. This has been really hard stuff so thank you.

Chair Raschko: Mark?

Commissioner Knutzen: I have nothing. Thank you.

Chair Raschko: Okay. Amy?

Commissioner Hughes: Nothing more to add.

Chair Raschko: Vince?

Commissioner Henley: Yes. I wish everyone a Happy Thanksgiving and I appreciate the work that the staff has done and my fellow commissioners as well, but it's time to enjoy the turkey and the cranberry sauce and the stuffing and everything else and be thankful for what we have. So everyone have a great Thanksgiving.

Chair Raschko: Thank you. Tammy?

Vice Chair Candler: Happy holidays, everybody. I don't have any announcements.

Chair Raschko: I wish to second what Vince said. I hope everybody has a very blessed and great Thanksgiving. And I really appreciate all the work that people did coming up into this meeting. I think, Betsy, you really – you really worked on this. Thank you very much.

Ms. Stevenson: I pulled an all-nighter; I haven't done that for a while! So thank you guys. \_\_\_\_\_ late.

Chair Raschko: There's a lot of other people \_\_\_\_\_ and I don't want to diminish what they did, but I can't go on and mention all the names though.

Ms. Stevenson: Thank you guys for all your time. You have no idea how much that means. You're just engaged. You could easily have not been, and that makes it so much worse. I just really appreciate that you're questioning everything and that you're making us have those hard conversations. It makes it a much better process and document.

Chair Raschko: Great. Well, thank you. Okay, with that, Happy Thanksgiving, everybody. Have a good night and we are adjourned.