

**Skagit County Planning Commission
Work Session: 2019 Docket Staff Report
December 17, 2019**

Planning

Commissioners: Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Mark Lundsten (absent)
Annie Lohman
Amy Hughes
Joe Woodmansee
Tammy Candler
Martha Rose

Staff: Hal Hart, Planning Director
Mike Cerbone, Assistant Planning Director

Public Commenters: Ellen Bynum, Friends of Skagit County

Chair Tim Raschko: (gavel) Good evening, everybody. Welcome to the December 17th, 2019, meeting of the Skagit County Planning Commission. Has anybody any desire for an amendment to the agenda?

(silence)

Chair Raschko: Very good. So we'll have Public Remarks. If anybody wishes to address the Commission, three minutes is allotted.

Ellen Bynum: Good evening, Commissioners. Ellen Bynum, Friends of Skagit County, 110 North First until January 1 and then we're going to co-locate with the Northwest Business Center a little bit down South Main. I wanted to bring to you – for selfish reasons I didn't want to move these around – the Cost of Community Services study that was done by the American Farmland Trust, but it's the basis – it's the model and the basis for the economic decision that we made to put our conservation futures tax on for our Farmland Legacy Program. And it's pretty technical, but basically it says that conserving farmland gives money back to all taxpayers because the farmland contains the development. It means that you don't pay for expanding out and sprawling out with your services as a city, and there is an economic benefit to that. So some of you had asked me about it and I found it, so have a read. And if you have questions I'll try and answer them, although I can't say I understand all of it. Thanks.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: Okay. We'll turn then to our Work Session: The 2019 Docket Staff Report. Mr. Cerbone?

Mike Cerbone: Thank you, Chair, Planning Commission. Mike Cerbone, Assistant Director, Skagit County Planning and Development Services. So I'm here today to give you the staff report for the – can you put the overhead projector on there for me? – for the docket, the 2019 docket. The staff report went out last week and what I was going to do, if that's okay with you, is I was going to walk through those changes with you. And the goal for this evening is to present the information to you and make sure if you have any additional questions you get those to staff so staff can research those, get you your answers before either the public hearing or before we get to deliberations. Just to remind everybody in the room, we do have the public hearing scheduled for January 21st. A notice will go out in the paper this week and will be sent out to the listserv this week, and it'll also be posted next week as well to give a little bit over 30 days for folks to review the staff report, get comments together, and prepare any testimony they have for this board. And then the written record will be open until the 24th, so that'll be three days past when the actual public hearing is. So that way if anybody hears anything at the public hearing that they want to respond to or make sure that they get comments into the record, they have the opportunity to do that.

So I am going to walk through the proposals starting with C-1. So I'll go through the staff-initiated amendments first, C-1 through C-8, and then we will get into the County – or the citizen-initiated proposals.

So the first proposal is to modify the Comprehensive Plan policy for the Guemes Island ferry. In essence what we're doing here is we're updating the text in the Comprehensive Plan to match the 2025 Capital Facilities Plan, which you recommended adoption of about a month ago and was adopted by the Board. More importantly, what we're doing is we're updating the cost estimates. They have more accurate costs estimates and we want the numbers in the Comp Plan to reflect the current best known cost estimates for replacement of the ferry, and then also some of the revenue sources. They had some additional revenue sources. And so what is in front of you on your overhead is the specific language. Again, it is pretty straightforward. The original cost was twelve million dollars when they put this into the Comprehensive Plan. They now believe it's about nineteen million dollars, so we're updating that. And then the additional revenue has been calculated and so that is also being updated, as well as some information about how the ferry is going to be replaced.

Are there any questions on C-1?

Chair Raschko: Everybody's good with C-1?

Vice Chair Kathy Mitchell: Yes.

Chair Raschko: Okay. Thank you.

Mr. Cerbone: You bet. So C-2 was implementation of a Comprehensive Plan policy that was adopted, I believe, last year, and so that was Policy 4A-5.6. And staff is recommending that this be deferred. We're currently working on updates to chapter 14.32, which is our stormwater code, and so staff is recommending that we defer this until that comes before the Board.

Chair Raschko: Okay, any questions?

(silence)

Chair Raschko: Okay, thank you.

Mr. Cerbone: There was one question, Chair.

Chair Raschko: Oh. Go ahead.

Commissioner Annie Lohman: My question is if we go ahead and – rather than defer, if we went ahead and passed this part and kind of do it in this part this year and then work on the stormwater update when we get to it. Because I think we last talked about this – I want to say 2017. So is there any harm?

Mr. Cerbone: No, if that's what you would like to do as a board you can do that and we can definitely prepare more information for you or text for you to consider.

Commissioner Lohman: Because all we're doing is the policy. Right? Because we don't have to do the code. We don't have to do them simultaneously, do we?

Mr. Cerbone: No, no. The policy's been updated and so the project, as I understood it, was to implement the policy into the code.

Chair Raschko: Okay.

Commissioner Lohman: Okay.

Chair Raschko: Thank you.

Mr. Cerbone: All right. Moving right along...so we are now looking at C-3. So this is proposed amendments to the binding site plan. A binding site plan – as you may recall and folks in the audience may know – a binding site plan is an alternative land division process that's permitted in the state of Washington. It's intended to allow a process to subdivide commercial, industrial, and multifamily residential. It is something that cities and counties are allowed to do but not mandated to do by state law, and we did adopt provisions to implement this. And when we did implement this we made a decision as a county to actually require people to go through a binding site plan process if they want to lease space to two or more people on the same property or within the same building. And so the staff amendment is proposing to remove that requirement. Staff summarizes it pretty simply as it's not necessary to do a land division to lease property. And the feedback that we had gotten from the community is that folks who want to lease space, by the time they get through the binding site plan process their client that wants to lease that space has already found a home in Anacortes or up north in the county to the north of us. And so the recommendation is to remove that requirement for when space is leased to go through a binding site plan process.

Chair Raschko: Okay, anything on C-3?

(silence)

Chair Raschko: No? Okay, C-4.

Mr. Cerbone: All right. So C-4 deals with trails in the OSRSI, our public Open Space of Regional and Statewide Importance. What we had is a situation where we had trails identified as a special use as well as an outright permitted use, and staff is proposing to modify that so it's only listed as an outright permitted use. And then we're also proposing to just clarify one section of the code so it's easier to read and understand.

Chair Raschko: Any questions on C-4?

(silence)

Chair Raschko: Okay, thank you. C-5.

Mr. Cerbone: So C-5 deals with the use referred to as habitat restoration. And so what happened is historically the County had interpreted habitat restoration to be allowed in all of the base zones within the county. We have a specific provision in the code that says once you have a use identified in a zone you can no longer interpret that use to be allowed in another zone. And so what we did is we went through and we identified habitat restoration as a hearing examiner special use in the Ag-NRL zone. And so when we did that, we took away our ability to interpret that use to be allowed in the other base zones. And so this is the largest amendment by volume in terms of paper, but what it essentially does is it proposes to go back and add habitat restoration, except mitigation banks as defined by SCC 14.04.020, as an outright permitted use in all of the zones except for the Ag-NRL where it will continue to be a hearings examiner special use. So it puts it back to how staff looked at it prior to that amendment to the Ag-NRL.

Chair Raschko: Okay, have any questions, comments?

(silence)

Chair Raschko: All right.

Mr. Cerbone: So C-6 deals with our fire code. And as you may recall, the County adopts the International Fire Code for application in the county. And as part of that Title 15, when we adopt that International Fire Code we also do exemptions or changes to the code. So we essentially modify the International Fire Code through Title 15 and so that's where these proposed amendments are. They are to the actual language in Title 15. And basically what we're doing is reorganizing Title 15 so it more closely resembles the International Fire Code and the way it's organized now. The biggest change that we're making, aside from that reorganization, is removing – there's a 70-foot cul-de-sac standard or as approved by the fire marshal. And so we're proposing to remove that 70-foot cul-de-sac standard because that is not adequate radius to allow fire apparatus – a fancy word for fire trucks – to be able to turn around. And so by removing that it still provides latitude to the fire marshal to approve alternative designs. It just doesn't identify a standard that they don't feel comfortable approving because it doesn't allow a fire truck to be able to turn around.

Chair Raschko: Okay.

Commissioner Joe Woodmansee: I have a question.

Mr. Cerbone: Yes?

Commissioner Woodmansee: And I'm not familiar with this part of the code so I'm kind of flying blind here. So we're eliminating the 70-foot cul-de-sac standard, but do we have in our standard that you can use a hammerhead turnaround versus a cul-de-sac?

Mr. Cerbone: Yes, they do have discretion to be able to use that. The International Fire Code had several different types of ways that you can turn around a vehicle and a hammerhead is one of those approved methods.

Commissioner Woodmansee: In Skagit County is it a straight-out *allowed* use or is it only under – with the approval of the fire marshal?

Mr. Cerbone: So this is – the fire marshal has latitude to approve the design in those situations, so the fire marshal has that discretion at the time a building permit to be able to approve those types ____.

Commissioner Woodmansee: The reason I'm asking that question is because in my experience it depends on the personality of the fire marshal whether they like cul-de-sacs or hammerheads, and you can have a code that allows a certain type of turnaround but because of the personality or the particular belief of this one individual he may never allow one or the other to be used, which would be only the turnaround, not the cul-de-sac.

Mr. Cerbone: Yeah, and I've seen – my experience in other jurisdictions has been, you know, typically that hammerhead is going to be used in areas where you don't have as much space to be able to actually put that cul-de-sac in. So that would be, like, in steep slopes or in areas where you wouldn't be able to get a large enough flat area to be able to do that or it would require excessive grading to be able to do that. Have you had that experience with our fire marshal?

Commissioner Woodmansee: No.

Mr. Cerbone: Okay.

Commissioner Woodmansee: No, but fire marshals do come and go.

Mr. Cerbone: They do, yes.

Commissioner Woodmansee: And so my experience is one of the cities in Skagit County had a policy that they didn't care what their code said, they wanted a cul-de-sac. But the code outright allowed a hammerhead turnaround. And so I was just wondering what our policy would be – you know, if it's always up to the fire marshal whether you can do a turnaround or if it's just Option A or Option B?

Mr. Cerbone: So I will research that with our fire marshal and I'll be prepared to provide you a better response –

Commissioner Woodmansee: Great.

Mr. Cerbone: – before deliberations.

Commissioner Woodmansee: That sounds good.

Mr. Cerbone: Okay.

Commissioner Woodmansee: Thank you.

Chair Raschko: Okay, anything else?

(silence)

Chair Raschko: Okay, go to C-7, please.

Mr. Cerbone: All right. So C-7 deals with whether or not building permits are required for signs. So this is in Title 14. And the proposal here – how this came about is that we had some language in there that suggested a building permit was required when our building official actually wouldn't require one. And so what they wanted to do was clean up that language so that when a property owner/community member is looking at the code they have a better understanding of when a building permit would be required or not be required. And so the proposal is to, you know, simply reference when the International Building Code requires it, but our building official also wanted to add a little more information so that people had better contexts when they are reading that. And so he wanted freestanding signs less than seven feet in height and wall-mounted signs that do not project from the building do not require a building permit. So a freestanding sign would be a monument sign, you know, less than seven feet in height. That's the trigger for when they require review for wind load. And so he's comfortable with that. And then the wall-mounted sign is – if this was a sign, this would be a wall-mounted sign that does not project. If this was perpendicular and stuck out, that would be a projected wall-mounted sign which would require a building permit.

Chair Raschko: Any questions about signs?

(negative sounds from several Commissioners)

Chair Raschko: Okay. Thank you.

Mr. Cerbone: So the last one here deals with our Airport Environs Overlay, so that is an overlay that covers our airport. It's intended to protect the integrity of the airport and the operations of the airport and to keep things from encroaching into the – they call them "imaginary surfaces," but the approach areas for where aircraft are taking off and landing. And so there were two amendments requested specifically by the Port of Skagit and that's what we have before us and that's what we're recommending, is adding the ability for a boundary line adjustment to be reviewed and commented on by the Port of Skagit, and then also whenever there is a variance that requires a notice to the Federal Aviation Administration. And so that would be like a variance to the height that would potentially project into that imaginary surface, they would be provided notice and the ability to comment and participate in the review.

Chair Raschko: Are there comments or questions?

(silence)

Chair Raschko: So...

Mr. Cerbone: Okay. So those were all staff-initiated amendments. There's formal recommendations for them.

The next section, these are citizen-initiated amendments. And for this one, if you could bring my screen up for me that would be great. All right. So there are four proposed amendments within the citizen-initiated amendments. The first one is P-1. And so P-1 and P-2 both deal with – they came from the Guemes Island Planning Advisory Commission. And so P-1 is requesting that the County put text into the development code that would mandate staff develop a template for an engineer-designed system for rainwater catchment for Guemes Island within 60 days of adoption of this code. Staff is not proposing to change the code to have that in there.

Commissioner Lohman: Please hold on a moment.

Mr. Cerbone: Yes? The section I have up in front of you is part of Attachment 2 and it's probably about 60 pages back from the beginning of the packet that you have in front of you. I apologize for –

Hal Hart: It's page 32 of the staff report.

Mr. Cerbone: Yeah.

Commissioner Tammy Candler: Can I ask a question about it?

Chair Raschko: Go ahead. Sure.

Commissioner Candler: Are you aware of other areas in the code, like septic or other things, that have a template design? Do you – I mean, I don't want to put you on the spot but if you are or aren't – but if you could – if you're not, could you see whether that's something that's similar –

Mr. Cerbone: I will look into that. I'll look into that and see what we have here. I have seen templates used in other jurisdictions for stormwater, so sizing for stormwater facilities. I've seen them used for that.

Commissioner Candler: Okay.

Mr. Cerbone: But I will look in and see if there are other examples within our code here.

Commissioner Candler: Yeah, I'm trying to think of some other things that would be similar but one that I can think of is, like, a septic. But, yeah.

Mr. Cerbone: So here up on the screen is what the request from the applicants would look like if we operationalized that into code. That's not staff's recommendation. Staff's recommendation is that we will work to produce a guidance document, and we're not proposing to change the code to direct us to do that. We feel that if you're comfortable with that and the Board of County Commissioners wants that to occur, that is our job to carry that out. And so we would do that within the next year. The guidance document would be similar to what they have for San Juan County that provides some information about how you would design a rainwater catchment system, and if you like, I could bring you an example. I can make sure you get a copy of that to see how they do that there.

Chair Raschko: Can you explain a little bit the difference between a template and a guidance document?

Mr. Cerbone: So a template would actually be something that they might actually use to produce a design. And I believe we'll hear probably more from the applicant during the comment period, but I believe their hope is to have something that they could take and actually bring in and get approved by the County for an individual site. And so a template would essentially, you know, give them something that could potentially do that and not have to get an engineer involved in the design of the facility. The County does require an engineer to be designed in a rainwater catchment system – an engineer to be involved in the design. And we can go into more detail about that, probably during the deliberations, but there's reasons for that: ensuring that the water source that people are drinking from is safe, and so making sure that that was designed properly using the right materials and has an operation and maintenance plan that goes with it so that it can be operated safely for a period of time.

Chair Raschko: I apologize for sounding a little dense on this, but my thinking now is that a template is more like an instruction manual that was written by an engineer, and the other is a custom model designed by an engineer.

Mr. Cerbone: You could look at it that way. What staff was proposing to do again would be more of a guidance document that would talk about, you know, what types of materials you might use to provide a link to the state's webpage which provides a calculator for how you would size that tank. Because in essence what you're doing when you're doing rainwater collection is you have to design a system that can collect enough water for a house to be able to use it for approximately a three-month period during the dry season. So they're going to have to collect and store enough water onsite to be able to use that over that period because that's going to be their primary source of potable water in their home. And so a guidance document would have some guidance on how to do that, what materials the roof should be made out of, et cetera, and how that would happen.

Commissioner Martha Rose: So the goal is to eliminate the need for an applicant to hire their own engineer, true?

Mr. Cerbone: That is what the applicants would like to do, yes.

Commissioner Rose: And that's – I know that we have been talking about this for a few years and that was kind of the – before you were here, that was the – where this all started was so it wasn't so expensive to do rainwater harvesting. But also, I think that the reason why you don't want to have a template that's an absolute is because then you would be on the hook for sizing it and you don't want to be on the hook for sizing it. You want the applicant to size it. Right? So that the responsibility doesn't shift to you; it's with the applicant.

Mr. Cerbone: So part of it is there's a lot of confusion around the permitting of rainwater catchment systems on Guemes Island. The stated intent of the applicant was to make rainwater catchment systems easier to implement and make drilled wells more difficult to get approved, because they believe that that's something that's going to, you know, protect the existing aquifer and the existing wells that are on the island. And so with this – yes, to a certain extent I believe you're right, Commissioner Rose – the goal would be for them to be able to have better – and we'll get into this a little bit more with the next item, but more certainty about what is required to permit a rainwater catchment system. For instance, when they came and talked to you several months ago, you know, they were concerned about whether they would need to drill a well. So do they need to drill a well to prove that they can't use a well before they're allowed to use a rainwater catchment system? You know, is a rainwater catchment system discouraged on Guemes Island or is it encouraged? And so when I get into the next one I'm going to talk a little bit about what the proposal is for that one, and that has an administrative process that we would like to use that would be able to capture some of that uncertainty where folks think staff is thinking one thing and they are thinking another, and we can solidify that and get that as a criteria.

Commissioner Rose: So just to – isn't the goal of the whole rainwater catchment conversation and action to eventually or immediately once it's passed to apply it to the whole county?

Mr. Cerbone: No, no. These are very specific. If you read P-1 and P-2, they're very specific to Guemes Island.

Commissioner Rose: But originally when this conversation cropped up several years ago and the process got started, the goal was to make it a policy for the whole county.

Mr. Cerbone: Well, that's not what was docketed this year.

Commissioner Rose: Okay.

Chair Raschko: Okay. Go ahead, Annie.

Commissioner Lohman: My question is: How comprehensive do you anticipate this guidance document to being and how flexible is it going to be?

Mr. Cerbone: So we'd like to be as comprehensive as possible, but it's going to take working with the stakeholders out there and then also our staff at the County making sure that, you know, we're covering the things we can cover and that we're comfortable covering. It's going to require legal review before it gets produced and put out. So I wouldn't be able to actually tell you exactly what it would look like. But the intent would be to get something similar to what San Juan County has that, you know, if you want to develop a rainwater catchment system on your property, this would be a document that you would be able to review and understand what the process is and what the construction of a facility like that would be.

Chair Raschko: Okay.

Commissioner Woodmansee: I would like to see us work down the road of talking about the entire county. I'm a real proponent of – I feel like that water is the people's, not the government's, and that you have to have water to survive. And so in my view that – I know this is specific to Guemes, but in my view this is something worthwhile to look into for the Commission and the County to consider getting back onto a conversation that would potentially be a remedy in the entire county in areas where water's a problem.

Mr. Cerbone: And I think that's something as a – you know, as a commission you're going to make a formal recommendation to the Board of County Commissioners and that's certainly something that you can include as being part of your recommendation – that sentiment for sure. And remember: What I'm telling you tonight, these are recommendations. Ultimately you as a planning commission are going to make a decision about what recommendation you want to make to the Board of County Commissioners. And so I think we can craft a recorded motion for the Planning Commission with capturing the sentiment that you and Commissioner Rose are talking about this evening.

Commissioner Woodmansee: As a follow-up, on the topic of template – I've spoke(n) to you before. I'm a fan of template because it brings certainty and expectations are able to be understood, and so that is an area that I have an interest in in this same item that – I know right now is not the time to debate it, but that is something I'm interested in talking about further because the best thing that we can do for our public is have a certain process that where we can, have it be templated out because a lot of things are templated out in the building code. I just think it's better for the public to be that, if we can be.

Chair Raschko: Commissioner Mitchell?

Vice Chair Mitchell: Yeah, so one of the best things to do is for us to write down that in our notes we had – I can't remember what year we recommended that once before. Martha might or Annie might. If anybody feels really strongly about it we need to make sure to put that in the ___.

Mr. Cerbone: We can take a look and try to find it. It's probably within the last three or four years?

Vice Chair Mitchell: Something like that.

Mr. Cerbone: Okay.

Chair Raschko: Okay, anything else?

Commissioner Candler: I have a question.

Chair Raschko: Yes?

Commissioner Candler: It came up at the presentation that the code for the rest of the county, the Public Health Department doesn't recommend rain catchment. And I think we know why. But I just – does someone from Public Health want to weigh in on this, or have you had a chance to talk to them?

Mr. Cerbone: Well, we can talk to them and see what their thoughts are. We can definitely bounce it off our natural resource team, too – our water resource folks. They *have* reviewed this. But, in essence, the way it works is there's a seawater intrusion chapter and in those areas that are subject to seawater intrusion that's an area where – it's called an alternative water source – you know, is permitted. They're discouraged in other areas because we're always going to want you to get your water from the cleanest, most safest place. So that's always going to be first from a public water district, right, where they're actually treating the water and delivering it to you through a pipe, who are then going to want you to take a look at a well where you can control that a little better. Then the alternative systems, such as like a rainwater catchment system or like taking surface water from a lake. Those are the least favorable because they're the hardest to control in terms of making sure that that's a safe drinking water source. But, yeah, we can definitely chat with Public Health and I can definitely chat with folks in our water resource group as well.

Commissioner Candler: Thank you.

Mr. Cerbone: Yeah.

Chair Raschko: We're good? Okay.

Mr. Cerbone: So P-2. P-2 had two basic components to it. One was wanting to have all new wells that are drilled on Guemes Island to be subject to review and approval by Skagit County. Legal counsel does not believe that that's something we *can* do, and so we're not recommending that. But that is something – and I didn't operationalize that and show you what that looked like, but if you *did* want to see what that looks like I showed you that in a previous staff memo. But legal counsel does not believe that that's something that the County has the legal ability to do.

The second part of P-2 was clarifying a well is not required to be drilled in order to permit an alternative water source on Guemes Island. And so this is where we want to use what's called an administrative official interpretation. And so what that is is that is a vehicle where we would actually issue a land use decision that would interpret – provide this interpretation without amending the code. And then we can also deal with some of the other items that weren't specifically identified in the docketing materials but were brought up to you by the GIPAC when they came and gave you a presentation several months ago. And so the intent would be to do that. That would be something the Department can issue. It is a land use decision so if somebody disagrees with how we are interpreting the code they have the ability to appeal it. And so that is the direction staff would like to go to resolve that. If you would like to change the code to provide

the certainty, this is how we would propose you do that. But the staff recommendation in this instance is to not amend the code and to allow us to handle this administratively through issuing an administrative official interpretation.

Chair Raschko: Okay. Do we have questions on this item?

Commissioner Candler: I have a question about the administrative official interpretation. That's some document that gets filed that people can refer to?

Mr. Cerbone: Yeah, it's –

Commissioner Candler: (unintelligible)

Mr. Cerbone: It is, yes. We have several and what I can do is provide a copy of one to you so you could see what that looks like. That's something I can do before the public hearing.

Commissioner Candler: And I'm assuming there's some _____, a person who is proposing to do this thing that you've said is okay.

Mr. Cerbone: Yeah. So it would – basically it's an official interpretation of the code, and so until we change the code that is what it would be.

Commissioner Candler: Thank you.

Chair Raschko: Anything further?

(silence)

Chair Raschko: No? All right. So, P-4.

Mr. Cerbone: All right. So P-4 deals with the great blue herons. And we have a couple of different options for you here. The first one is one that I worked with the applicant to propose, and that involves – this is not staff's recommendation but this is an option available to you. And so it starts off by first amending 14.04.020, which is our Definitions section, and it provides a definition for what a "Great Blue Heron nesting colony" is and it provides a new definition for a "Great Blue Heron mega colony," which is a collection of 200 or more great blue heron nests. And a "Great Blue Heron nesting colony" would be a collection of 20 or more. And then what it does is it focusses on a document that was produced by the state of Washington Department of Fish and Wildlife – recommendations for how to protect great blue heron nesting colonies. And so this option takes those recommendations and essentially operationalizes them directly into code. And so it provides for a series of buffers. There's two buffers. There's a year-round buffer that has some restrictions, and then there's a seasonal buffer that is in place during the nesting season. There is some discretion built into here so that if the standards can't be met, you know, the Planning and Development Services Department could issue a discretionary decision and deviate from the standards. Think about it like having a variance built into it. So that's one option.

And then the Planning Department's recommended option is very similar but doesn't operationalize everything directly into code. What it does, it again does provide those two definitions that we talked about, and what it does is essentially when these areas are mapped it would establish a buffer out from them. (I apologize for giving you whiplash.) But it would establish a buffer of 1000 feet. And so if you had development that was in 1000 feet of one of these mapped

nesting areas then you would have to develop a habitat conservation plan, a habitat management plan, in cooperation with the Department of Fish and Wildlife using, again, that same guidance document that I described earlier. One of the main differences between this and the other option is this establishes a 1000-foot buffer out from where impacts would be looked at. The other approach would establish a buffer based on what the habitat setting was: whether it was an undeveloped area; whether it was kind of a suburban area; or whether it was an urban area. It would have a different varying buffer size. And so staff's recommendation, again, would be to adopt this. It requires a habitat management plan be developed in cooperation with Fish and Wildlife using guidance in that document from Fish and Wildlife. It requires notification be provided to conservation organizations that manage heron nesting colonies within 1000 feet of those colonies. And it requires the establishment of buffers – again very similar. And it limits clearing and development activity and, again, tries to retain existing vegetation onsite.

The other options for this proposal are do nothing. As with all of these, that is an option – all the P-1 2, and 4 that I went over. There's also the ability for the Planning Commission to defer that to next year's docket. And there's always the option for you to develop your own option that staff can help you fine-tune.

Chair Raschko: Okay. Has anybody questions or comments on P-4?

Commissioner Woodmansee: One question. One question I had previously was when – at what point does abandonment become – stick? Is that addressed at all in this?

Mr. Cerbone: It's a good question, Commissioner. Yeah, it was addressed in the definitions. So in the definition you'll see the last sentence in both definitions says, "This includes colonies that have been abandoned for up to ten (10) years." And so that would still regulate that abandoned nest site for 10 years, once it was abandoned. If you recall, and for the edification of the folks watching from home and in the audience, we do have a large colony at March Point, which is just off Highway 20 near Anacortes. It's actually – a lot of that buffer area is actually in the city of Anacortes and we manage a smaller piece of that.

So we have the March Point heronry, which is over here. There's the Barney Lake, which is just east of Mount Vernon. So those are called active nesting colonies – as far as we know. And then we had the Samish Island heronry, and so that was the one that was abandoned, I believe, in 2017. And so that would – under both of these approaches – would continue to be regulated for 10 years from the date of abandonment.

Commissioner Woodmansee: So a follow-up question to that: How many blue herons does it take to get you back on the list? In other words, you've abandoned the abandonment.

Mr. Cerbone: Sure. We do have individual herons identified in existing – in our code that have a little different standard that applies to them. But under this approach – to be able to be regulated under these new provisions, we'd have to have at least 20.

Commissioner Woodmansee: I see.

Mr. Cerbone: And for the mega colony you would need 200.

Commissioner Woodmansee: Thank you.

Chair Raschko: Okay. Go ahead, then you're next.

Vice Chair Mitchell: Could you – if you can; I don't know if you can today. If not, maybe later. You said that the City has part of the jurisdiction, more or less, and we have – what's the percentage, or can we see who has what?

Mr. Cerbone: Yeah, I don't have a map for you today but I can definitely have one available for you. Yeah, we can make a map that shows jurisdiction. In fact, we are also going to make a map for you before you get to deliberations so you could have an idea of what these buffers look like in these different settings. So you can get a better understanding of how this regulation would impact properties around these nesting sites.

Chair Raschko: Okay.

Mr. Cerbone: We can easily do a jurisdictional map for you as well.

Vice Chair Mitchell: Thank you.

Mr. Cerbone: Mm-hmm. And the other thing that I think probably would be important for you guys to have as well – we haven't provided it yet because I don't think they've finalized the adoption, but Anacortes is in the process of updating their critical areas ordinance to provide similar protections to what we're talking about right now. And so we would be bringing that copy of the language that they're adding to their code so that we could look and see how the two would work together.

Vice Chair Mitchell: Would it be easy to do a percentage then? Percentage of city versus county when you show us that?

Mr. Cerbone: Yeah. I mean, in a map we can probably show you just with hatching what's in the city and what's in the county.

Vice Chair Mitchell: Thank you.

Mr. Cerbone: Mm-hmm.

Chair Raschko: Commissioner Lohman?

Commissioner Lohman: My concern is around the noise. Because – partly because of the dates; you're talking September 1st through February 1st – and I know that when we're operating farm machinery – and, granted, some of us aren't next to the – proximity to the eel grass beds where the herons like to eat – but it seems to me that we can get pretty close with our big, heavy, noisy machines before we disturb the birds because we're only in there and gone. So my question is: Who determines what that ambient noise level is and what is normal in that area? Because on any given day it can be no activity happening.

Mr. Cerbone: Yeah, and so I think that's kind of – that's inherent in the staff's recommendation, is the ability to be flexible in how that's applied at different sites. Because those two sites where they're currently nesting within the county are pretty different. Folks are probably familiar. March Point is right next to Highway 20. It's within, you know, vision of the refineries. There's industrial development directly adjacent to it. And that is different than Barney Lake, which is a more pastoral setting. And as we heard when they came in – the petitioner came in and presented her case a couple months ago – they're not really quite sure exactly why the nests were abandoned on Samish Island. They had a couple of different things that they described to you during that

work session that they thought could potentially be the source, but it's not quite clear. In the proposal that is the petitioner's proposal, which has a more developed code section and language, that identifies, you know, a – again, sorry for the whiplash – but that identifies an actual secondary buffer that extends 1,312 feet and that restricts blasting, so blasting obviously is, you know, mining activity or using explosive devices for construction purposes. And then there's also a buffer that extends 656 feet out and that has a restriction for 92 decibels. And so that's an actual level that's in there. We did have a conversation at previous meetings about how regulating sound is a difficult thing. Especially after a permit is issued, it's hard to go and prove that, you know, a noise was made that was over 92 decibels. But on the front end when you're actually reviewing the land use application you can look at the types of uses that could propose to be on that site and you can model what those could be. And so this would work really well in permitting things to be able to understand what that threshold is and apply it on the front end as part of the development review. But that is part of the petitioner's proposal. And this same information, if you went to the link that I provided you within the staff report to the WDFW guidance document, in there they describe in far more detail than I did in my staff report about how these things are applied. I know Kathy has read – Commissioner Mitchell has read through a fair amount of that so she would be a good resource when you guys have deliberations.

Chair Raschko: Anything else?

Commissioner Woodmansee: One question on the decibels. Where is that read at? Is it read at the point of the noise or at the point of the receiving, where the nests are?

Mr. Cerbone: So this would be – this standard, if we were doing development review, would be applied – it would be applied between where the end of the nests are, because the way they map the nests is they map out all the nests and then kind of draw an external boundary around them. So it would be applied between there and then all the way out to 656 feet. And then that builds upon – depending on which landscape you're in, it would build upon that buffer. And so, for instance, if you were going to be driving pile – right? – so driving pile can exceed 92 decibels. So if you were going to be driving pile within that area, they may want to restrict those to certain times of the year.

Commissioner Woodmansee: Gotcha. So basically it's in the buffer area.

Mr. Cerbone: Yeah.

Commissioner Candler: Can I ask a question?

Chair Raschko: Tammy.

Commissioner Candler: I didn't understand. Did you mean: Where is the reading taken?

Commissioner Woodmansee: Yeah. I mean, if you're offsite and the decibel reading's at the source of the noise it's going to be different than it will be 1000 feet away.

Mr. Cerbone: Yeah, I mean, if the source of the noise is outside of the buffer, it wouldn't be subject to this regulation. So does that help?

Commissioner Woodmansee: Yeah. No, I understand. Within the buffer, anywhere within the buffer is where the decibel would matter.

Mr. Cerbone: Mm-hmm. But the actual impact of that noise, they'd want to know on the edge of the nesting colonies. Maybe that helps you out. If there was a project that was reviewed and approved and there was a compliance case, that's where they would be looking. They'd be looking at the edge of that nest to see if that 92 decibels _____.

Commissioner Woodmansee: Entered into the nesting area.

Mr. Cerbone: And if we were looking to model that as part of a development review application, that's the same approach we would do. We would look at that reading being modelled at that nest edge from wherever it was within that buffer.

Chair Raschko: Anybody else? I'd like to have the concept of a guidance document defined. And maybe our inhouse attorney can help me with that, but I presume that that does not have the power of the law but basically it is a document written and said, Hey, you know, if we wanted to do something to protect them this would probably be the appropriate thing. But it does not have the force of law. Am I correct?

Mr. Cerbone: Yeah, so if we had produced, like, educational materials or a guidance document that said, Hey, you know, these are important things, we wouldn't have the ability to regulate that. In order to actually regulate and have teeth – for lack of a better term – we need to actually adopt that as a regulation through an ordinance into our code. And so that would be a different approach – would be, you know, using a public education to educate people about the presence of the colonies. And I think that's something the petitioner does right now, and what they were looking for was an actual regulatory approach. But I'll let them answer that as part of the public hearing.

Chair Raschko: We would be codifying then.

Mr. Cerbone: Yeah. I mean, essentially what you have in front of you is, you know, two different proposals to codify the WDFW recommendations for protecting great blue heron nesting colonies. So there's two different approaches in front of you. And like I said, if you as a commission want to go a different route, we can work with you to develop that as well.

Vice Chair Mitchell: I'd like to throw this out to the proponents and anybody else that's knowledgeable about the sound. Maybe it's somebody inhouse. I think we should know – and hopefully that'll come in public comments or in another staff report later – who would be doing the measurements, how they'd be recorded, where they would go to, and how we know that they're accurate and consistent. You know, the general knowledge of how that's going to be done can make a difference on what people understand how this works. That'd be helpful

Chair Raschko: I also have just a suggestion of wording. On – let's see.

Mr. Cerbone: Is this on staff's recommended options?

Chair Raschko: Yes. On 3A-1, Undeveloped Buffer. I had to read that about five times to understand it.

Vice Chair Mitchell: Me too.

Chair Raschko: And I think if it said, "A buffer of 984 feet is applied to areas that have development on less than 2% of the areas within a quarter-mile of a nest colony," rather than

having “colony developed,” because then I’m wondering, Oh, wait a minute – the nest colony’s developed? And so I think if you put the descriptor ahead it’s a lot easier for me to understand.

Mr. Cerbone: Yeah. We could certainly – as part of the deliberation process, we can work with you to wordsmith. Certainly I share Commissioner Woodmansee’s desire to have things be clear and objective so when people read the code they understand what it means and how it’s applied. I think most of the staff here, all of the staff here, would share that desire as well.

Chair Raschko: Okay. Another thing is when you read about this colony or a mega colony, it’s talking about a number of birds but it doesn’t define in what area these birds exist. So you can have your 20 nests in a section of land, which would be a square mile, and you’ve got 1000 feet between a group of three and a group of two maybe? Or you could have your 20 nests clustered on half-an-acre. And I think there needs to be a way of defining that. Otherwise, you know, you could take 20 birds anywhere in the county and call that a colony.

Mr. Cerbone: Yeah, _____.

Chair Raschko: So I think that needs to be –

Mr. Cerbone: So we’ll look into that in more detail. I believe there are standards for how they map these nests and consider them to be nesting colonies. I do know they go and map each individual nest and then that actually point is put in and that is how they determine the outside boundary. And I believe that was part of the presentation. They talked to us a little bit about as well. Did anybody from the commission go out?

Commissioner Lohman: I did.

Mr. Cerbone: So Commissioner Lohman can – Commissioner Lohman, I believe, went out with the petitioner while they were doing nest counts?

Commissioner Lohman: Uh-huh.

Mr. Cerbone: And so she saw the scientific methods they use and got an orientation to how they do that. So that’s great. We certainly all appreciate that because that’ll be very valuable when you guys talk about it at deliberations.

Commissioner Lohman: But I didn’t think to ask the question that the Chairman asked.

Mr. Cerbone: The good thing is that this is being videotaped and I believe we have a lot of people from the petitioner’s organization in the audience, so I think they’re probably going to address that as part of their public comments. I would strongly encourage them to.

Chair Raschko: Well, I’ve got another one involving the colonies. When you talk about the buffer, how do you define the outside – I presume the buffer distance begins either on the edge of what the colony is considered or at the centerpoint or some such thing.

Mr. Cerbone: It’s the edge.

Chair Raschko: But how do you define that? Is that the farthest nest – outer ring of nests from that nest point?

Mr. Cerbone: So they do actually –

Chair Raschko: Or is there a buffer that you're buffering on the last nest?

Mr. Cerbone: So they do actually describe that in that guidance document how they go about doing that. But, in essence, what they do is they identify all the nests and those most external nests are the ones that create that external buffer. And so just like the next topic we're going to talk about, the mineral resource overlay, that kind of creates this area, so that's a mapped nest area that's produced by WDFW. And then what we do is we'll actually buffer that out using our geographic information system, so we'll apply a buffer to the edge of that all the way out and that would give us our regulatory area.

Chair Raschko: Okay. I'd still advise you to define the ___, like being the outer nest or some such thing. Otherwise the –

Mr. Cerbone: And I think the map we are going to produce for you, Chair, that kind of shows what these buffers look like on the ground would kind of help you visualize that as well. But, yeah, again we can alter the language as you see fit as part of your recommendation.

Vice Chair Mitchell: What do you think the timing'll be for seeing this?

Mr. Cerbone: The?

Vice Chair Mitchell: The maps that you guys are working on.

Mr. Cerbone: The maps? We should be able to get those done before the public hearing and have those available. My goal would be to have everything available to you that we're talking about tonight before deliberations, obviously, but as information becomes available we'll post it on the website and make it available _____.

Vice Chair Mitchell: Thank you.

Commissioner Candler: Another commissioner touched on the abandonment issue earlier, but my question is: If the code just says this includes colonies that have been abandoned for up to ten years, it doesn't really say what the date is for looking at that ten-year period. Is there any way to –

Mr. Cerbone: So, it's again, it's tied back to these produced maps, and so the last time a map at Samish was produced would have probably been 2017. Because if they went to go collect that data this year the birds would not be there. And so that would be that point. You would go back to when that last map – that's why we tried to tie everything back to definitions and tie them back to maps that are produced by the state.

Commissioner Candler: I'm sort of, you know, envisioning an argument about when did this happen, when was the abandonment, and so I'm just trying to figure out how the County decides how to take sides on that kind of an issue.

Mr. Cerbone: Well, so a lot of times when we're dealing with regulating natural resource issues we do use a fair amount of discretion, and so that could be handled as part of that discretionary decision. And it gives the opportunity for people to have that discussion and apply the code.

Commissioner Candler: Thank you.

Chair Raschko: Everybody good?

(silence)

Chair Raschko: Okay.

Mr. Cerbone: All right. Moving right along, so the last one is PL18-0404. So this was a proposed amendment to the zoning Comprehensive Plan map and it is proposing to remove a Mineral Resource Overlay. There's the Mineral Resource Overlay that is proposed for removal, so that is located, for everybody's information – that's located north of Highway 20 and to the east of Highway 9, so just northeast of Sedro-Woolley. And so if you're looking here at my little hand on the map, the applicant/petitioner has these properties here and their request is to remove the entire Mineral Resource Overlay. Staff is not recommending removing the Mineral Resource Overlay. We have given you some options to consider. The primary reason why staff is not proposing to remove the Mineral Resource Overlay, it was on closer inspection of the geological investigation that was provided as part of this petition, it appeared that that investigation was limited to those subject properties that are owned by the petitioner. The test pits that were identified were kind of clustered in this area here and staff would have liked to have seen those test pits more geographically distributed within the Mineral Resource Overlay to justify that removal. So we are not recommending that it's removed at this point in time.

We did provide you another option, and that option for consideration would be to remove that Mineral Resource Overlay from that subject petitioner's properties because, again, that geological investigation appears to support the removal of the MRO from those properties. So that's another option for your consideration.

We did mail notice after the petitioner came in and provided a presentation to the Planning Commission. Staff became aware that the other folks that were subject to the Mineral Resource Overlay may not be aware there's a proposal to remove it. And so we did direct-mail notice to all affected property owners. And staff has had conversations with two of the property owners since that time and they are concerned about the removal of that MRO, and so I think you'll probably have some testimony on that during the public comment or public hearing coming up.

Chair Raschko: Yes?

Commissioner Rose: So you said that you're providing an option to maybe remove that one chunk, but then I think one of the things they pointed out is that even if that one chunk had the Mineral Overlay removed they would still fall under the buffers of the surrounding Mineral Overlay, so it really wouldn't do any good. Okay?

Vice Chair Mitchell: That's right.

Mr. Cerbone: Yeah. Commissioner, you hit the nail right on the head and that's why staff didn't recommend that. The other thing that would require to remove the MRO from these portions, there would have to be some additional analysis to justify keeping the additional or the remaining MRO in place. It has to be able to produce a certain amount of economic return. And that wasn't included in the submittal because the submittal was to remove the entire MRO.

But, yeah, so if you look at this map here, the hatched area? That is the actual Mineral Resource Overlay and then that buffer out is the distance that the buffer restricts density above one per 10 acres, so one dwelling unit per 10 acres. So within this area here, it has the same restriction as within the Mineral Resource Overlay. Really the primary difference between the Mineral Resource Overlay and this buffer area is you can mine inside the Mineral Resource Overlay and you can't mine in that buffer area. But both of them have that same restriction of not allowing density in excess of one dwelling unit per 10 acres. And so this zone here would allow – through a CaRD subdivision process – would allow two dwelling units per 10 acres, which would be a higher density.

Chair Raschko: Any questions for the staff?

Commissioner Woodmansee: Well, essentially, the bottom line is you didn't have enough information to remove it all because the studies that were done were particular only to the petitioner's site. And the folks that might oppose it would have to give permission to have their sites analyzed and –

Mr. Cerbone: Or the person who conducted the original study, you know, would have to draw broader conclusions, right?

Commissioner Woodmansee: Gotcha.

Mr. Cerbone: And so that option is still out there. The recommendation's, you know, out there in the public, and so the petitioner _____. A copy of the staff report was sent to the petitioner, so if they want to come and provide additional evidence as part of the public comment period or part of the public hearing process that may give you the additional information that you need to feel comfortable doing something different. But right now, given what we have in the record, we do not believe that we should be removing the Mineral Resource Overlay.

Commissioner Rose: I guess I _____. So if I recall the sequence of events, they created the plat with nine lots, or whatever the number was, and –

Mr. Cerbone: Yep, nine lots.

Commissioner Rose: – and that was before the Mineral Overlay was on that property. And they had always planned on doubling that nine to 18, which I don't know why they didn't do it all at once but apparently they would have been allowed to do it before the Mineral Overlay went in.

Mr. Cerbone: Mm-hmm.

Commissioner Rose: And was notice sent out before the Mineral Overlay was applied? Did notice get sent out to all of the people that it was going to affect?

Mr. Cerbone: I will look back in the record and I will see if they direct-mailed notice. Typically for legislative processes like this you're not required to do that. We elected to provide notice because we felt it was the right thing to do in this process.

Commissioner Rose: So you believe that they *were* notified?

Mr. Cerbone: I don't know.

Commissioner Rose: Okay.

Mr. Cerbone: But I will go back and look into the record and see if they were provided direct-mail notice or not.

Commissioner Rose: And whether they were or they weren't, is there a – does this fall under things that people can apply for a variance on?

Mr. Cerbone: There's not a variance.

Commissioner Rose: Right.

Mr. Cerbone: So what it does, it's a Comprehensive Plan policy and it's in the staff report. We reference that Comprehensive Plan policy. But that Comp Plan policy very clearly restricts it to no more than one dwelling unit per 10 acres. And it's similar to an airport or a landfill. What you're trying to do is limit the amount of density around, you know, that activity or that industry so that you're not impacting more people and you have less people potentially concerned about what's occurring in there.

Commissioner Rose: Mm-hmm, yeah. Thank you.

Chair Raschko: It'd be helpful to clarify what the effect is. Now it's not true that they will be unable to on all of those lots. There's still some development allowed.

Mr. Cerbone: There is, yeah. And our current planning folks are working with the petitioner to figure out what that is.

Chair Raschko: But the impact might be as little as an elimination of maybe two lots? _____.

Mr. Cerbone: I'm not comfortable speculating on that, but I would say they can get additional lots but they may not be able to get the full nine that they would like.

Chair Raschko: Okay.

Mr. Cerbone: But we're certainly engaged in conversations with them. We're trying to help them with that process.

Commissioner Candler: I have a question.

Chair Raschko: Yes?

Commissioner Candler: If they're going to have additional lots, what area would those be in? Would those be in that small parcel next to that across, or would that then open it up to be all throughout that area?

Mr. Cerbone: No. So this is the reserve area where, I believe, they had intended to put those lots in the future. And it makes sense because what you have there is you have a road that's right now single ____.

Commissioner Candler: My question is: If they can't build the way they want to, are they going to be substituting that for building elsewhere? I mean, the point of the CaRD was to put that development all in one little spot.

Mr. Cerbone: Yep.

Commissioner Candler: So if by not removing the overlay is there options then to have that sprawl out again? Is that going to be the result?

Mr. Cerbone: Well, they may – I'll look into that. They may be able to do lower density, like even lower density and more spread out. I can take a look at that and let you know, but I will share with you what we're talking about right now is not criterion for consideration as part the removal of the Mineral Resource Overlay. But I can do that research and bring that for you.

Commissioner Candler: I understand that. You know, the practical implication of this seems like it should be part of the discussion, but maybe it's not.

Mr. Cerbone: Yeah, yeah, yeah. No, and that's why I'll bring it for you. I just did want to make sure that, you know, we're clear that there's very clear criteria that are used for when the MRO is applied or removed, and the amount of residential development that could be permitted is not part of that.

Commissioner Candler: Thank you.

Mr. Cerbone: Yeah.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: All right.

Mr. Cerbone: So that is your 2019 docket. That is the staff recommendations and the options. If there's any additional information beyond what we've talked about tonight that you would like us to research or pull together for you, please let us know. Reach out to us directly, also reach out through the Chair and the Chair can communicate that to us as well. However you guys are comfortable with it.

Chair Raschko: Okay. Well, thank you very much.

Mr. Cerbone: Thank you.

Chair Raschko: So we'll move to the Department Update, if there is one.

Mr. Cerbone: Oh, okay.

(break)

Mr. Cerbone: Would it be possible to pull up my screen? Thank you.

Mr. Hart: Good evening. Hal Hart. It's a very simple update. Planning director update this week is in January we have several reports coming out, and we do that to keep track of growth that's going on. The first one, January 3rd, will be a fourth quarter report. We have the first and second quarter online. The third should be out there in the next week. I don't know if it's done already but hopefully it'll be out.

January 8th, the Agricultural Advisory committee has asked that we produce an annual report so this is the second year of doing that. The focus right now on the Agricultural Advisory committee – they have a number of focuses, but they look at making sure that we're conserving our agricultural ground – every square foot of that and what's going on. I think it probably should be expanded, watching the news these days, because other than development there's a lot of things that kind of creep into – whether it's preserving for other uses or – the state, I noticed – I couldn't pull the article up, but on the 13th, I think it came out, that the state was looking at purchasing additional lands along the Samish River, and so I don't know if those are ag grounds or not.

Commissioner Lohman: Ag-NRL. They are.

Mr. Hart: Is it ag? Yeah. So again it's kind of looking at this holistically. The first year the report was they just wanted to know how many homes were built, how many ag buildings were built, and how much square footage of development occurred on the ag ground. So we're definitely going to do that but it's an iterative process.

They are also – just as a heads-up on that item, they are going to be in January thinking about the big picture of agriculture and probably working with the County Commissioners on that. And each winter the ag community holds an ag summit and so in preparation for that they'll probably be thinking about, Okay, where are we now with agriculture and what are the strengths and opportunities and threats and things like that, as they come at us? So January 8th.

January 15th, we really want to get the second half housing report out so we can take a look at where that occurred. And if you have any ideas of how we want to break down – you know, what might be helpful for *you* in *your* role – let me know how you want – geographical breakdowns or something like that. We could do it that way as well. But what we did last year we just had an overall map and provided that as well. So the annual report is then – it's a broader look. It looks at agriculture, it looks at growth, it looks at other endeavors, like this year, this next year, we'll be working with the Cities and we may also look at housing issues as well. So that's the concept of the annual report at this point so stay tuned. Thank you.

Chair Raschko: Thank you.

Vice Chair Mitchell: Thank you.

Chair Raschko: Any questions or comments for Mr. Hart?

(silence)

Chair Raschko: Okay. We'll go to Planning Commissioner Comments and Announcements. Martha, have you any announcements? No? Okay.

Several Commissioners: No.

Chair Raschko: Nothing? Okay. I'd just like to thank you for all the work on the staff report. It was very, very helpful. Oh, one comment. I'm sorry. One thing that would have made it easier here would have been if it was organized in such a way that the exhibits were immediately behind the introductory part for each of the elements.

Mr. Cerbone: Oh, so instead of having –

Chair Raschko: Because then you're digging back 60 pages back trying to find the – yeah.

Mr. Cerbone: Yeah. We can do that next year for sure.

Chair Raschko: It's not a complaint. It's just trying to help.

Mr. Cerbone: Yeah, and the only reason we do that is because when we actually go through and adopt an ordinance then that exhibit is actually what we adopt through the ordinance. But it's easy to be able to put everything into the staff report. Yeah, we can certainly do that.

Vice Chair Mitchell: Tag onto that a simple request? Can we have pagination on the second half?

Mr. Cerbone: Mm-hmm.

Vice Chair Mitchell: I know that it should be pretty easy, right?

Mr. Cerbone: Yeah, I can do that in Acrobat. You're talking about the whole 90 pages so that everything has a page – yes. _____, I can do that. Yeah, that's easy.

Vice Chair Mitchell: I boogered up a few pages already.

Mr. Cerbone: Yeah, there was – well, there was a broken link in there which I fixed today, and then one of the Commissioners wanted to make sure we had a hyperlink in the agenda and I got that posted as well. So what I can do is I can add pagination and then we can repost that as revised.

Vice Chair Mitchell: It would really help. If we were flipping back and forth and saying, you know, I'm reading text in somewhere code on whatever _____, because a lot of those look alike when you're flipping through. That would be very helpful. Thank you.

Mr. Cerbone: Yeah. Yep, no problem.

Commissioner Candler: And I asked for the hyperlink and I appreciate that that was done. Thank you.

Chair Raschko: Okay, everybody gets a second chance now.

(silence)

Chair Raschko: No? Okay, we stand adjourned. Thank you (gavel).