

**Skagit County Planning Commission  
Public Hearings: Flood Code; Countywide Planning Policies  
July 21, 2020**

**Planning**

**Commissioners:**     **Tim Raschko, Chair  
Kathy Mitchell, Vice Chair  
Joseph Shea  
Mark Lundsten  
Annie Lohman  
Amy Hughes  
Joe Woodmansee  
Tammy Candler  
Martha Rose**

**Staff:**                 **Mike Cerbone, Assistant Planning Director  
Peter Gill, Long Range Planning Manager**

**Public Hearing**

**Commenters:**       **Brian Lipscomb**

Chair Tim Raschko: ....call your name. Commissioner Mitchell?

Vice Chair Kathy Mitchell: Here.

Chair Raschko: Commissioner Candler?

Commissioner Tammy Candler: Here.

Chair Raschko: Commissioner Lundsten?

Commissioner Mark Lundsten: Here.

Chair Raschko: Commissioner Lohman?

Commissioner Annie Lohman: Here.

Chair Raschko: Okay. Commissioner Hughes?

Commissioner Amy Hughes: Here.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Raschko: And Commissioner Shea?

Commissioner Joseph Shea: Here.

Chair Raschko: Well, that's – thank you. We've got a full roster. We'll start out with the public hearing on the flood code. The purpose of this public hearing is to receive testimony and written correspondence regarding proposed amendments to the Flood Damage Prevention Development Regulations. Planning and Development Services have received emails and phone calls from those that wish to testify. Those people will be called on the phone or unmuted if on the computer when it is their time to speak. An opportunity will be given at the end of the hearing for those who wish to testify but did not sign up to speak. Please limit your comments to three minutes so that everyone will have a chance to speak. Special interest groups, associations, or those representing others are encouraged to designate one spokesperson for their group to allow greater participation and cross-representation. Before you testify, clearly state your name, spelling your last name, and your address. A recording system will record your comments. Written comments are also being accepted and can be emailed to an address that is shown on your screen as capital P, capital D, capital S [comments@co.skagit.Washington.us](mailto:comments@co.skagit.Washington.us) – “Washington” being wa. The written comment period is open till Friday, July 24<sup>th</sup>, at 4:30 p.m. Written comments are encouraged and are not limited in length.

So before we begin taking public comments, staff will give a brief presentation about the proposals. So Mr. Gill, please.

Peter Gill: Thank you, Chairman. Sorry about that. You all should see my slides now. Before we get going, just an overview. Today we're talking about Skagit County Code 14.04, which is Definitions, and 14.34, which is Flood Damage Prevention Code. The intention of this code is to manage development within the floodplain and the floodway. And just a reminder of the difference: The area shown in brown on the screen here is the floodplain. This is the area of 1% flood. There's a – a hundred-year flood is a flood event that has one in 100 chance of being equaled or exceeded in any given year. The floodway, on the other hand, is the hash area. That is general mapped upstream of Sedro-Woolley and adjacent to Sedro-Woolley. It's shown in the black hatching. So I just wanted to make that distinction real clearly.

The intent of these changes is to improve the consistency with the state laws and rules. These code amendments came as a result of a 2013 community assistance visit, which is essentially an audit of our flood regulations and how well they match with the state and federal requirements.

The amendments that are being proposed are included in the staff report. They are spelled out in summary on page 3. And I won't go into the details of them because I have been into them before, but there's a change to the definitions; there's a change in the variance language to match the FEMA language; there's an addition of No New Wells or No Wells in the Floodway; and there's a change to the building requirements in the coastal zone section.

All this can be found, along with the original presentations that were given during the work sessions, at the URL that's shown on the bottom of the screen, [skagitcounty.net/communityplanning](http://skagitcounty.net/communityplanning). And written comments can be sent to the email that is shown on the screen, [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us), until close of business on Friday.

Okay, that is all I had.

Chair Raschko: Thank you, Mr. Gill. From my understanding, we have two people signed up to speak. The first would be Brian Lipscomb. If you would kindly spell your name and state your address before you begin, please go ahead.

Brian Lipscomb: This is Brian and Kristie Lipscomb from Sedro-Woolley. Thank you, Mr. Gill, Commissioners, and Chair for this opportunity to comment.

The notification for the 2020 Flood Damage Prevention Code Updates stated that if the County fails to correct a noncompliance they may be suspended from the National Flood Insurance Program and that if a suspension occurs flood insurance is unavailable, property owners can be fined and that federally-backed mortgage loans are unavailable. This, however, is not true. The Biggert-Waters Flood Insurance Reform Act requires lenders to accept private flood insurance. It further stated that the Department of Ecology's request \_\_ changes are minor and that the floodplain manager had reviewed \_\_\_\_\_. If one reviewed Ecology's references to BMC, the Bremerton\_\_\_\_, one wonder how careless Ecology's authors are in cutting and pasting using the plethora of regulations from other communities. No background or technical citations were provided to support any need for these new requirements. It appeared they are only required because someone at Ecology said so. It should be noted that affected Skagit County citizens were not notified, consulted, or included in Ecology's or the floodplain manager's revisions. One onerous and unfounded demand was Ecology's request number 3 regarding water wells. Only by reading the 29-page staff report will one find on the bottom of page 20 these critical nine words, quote: "Water wells shall not be installed in the floodway," unquote. Nowhere else is this major impact advertised, identified, or documented.

Remember, these code amendments are supposedly necessary so that Skagit County can enjoy a higher community rating, which will in turn reduce flood insurance rates. This begs the question: How imaginative must one be to create a nexus between a water well and flood insurance rates? Water facilitates agriculture, livestock, recreation, and other permitted activities in floodways. If approved, this becomes yet another bureaucratic tool to systemically oppress rural property owners and their rights. When one considers the incorrect floodway demarcations, it becomes catastrophic

Thank you for your consideration in rejecting this proposal.

Chair Raschko: Thank you.

Mr. Lipscomb: Brian and Kristie Lipscomb.

Chair Raschko: Next we have Mrs. Lipscomb.

Mr. Lipscomb: (inaudible)

Chair Raschko: I'm sorry. I couldn't hear that.

Mr. Lipscomb: No, Kristie will not be with us.

Chair Raschko: Okay. Well, thank you very much. That is our list of people who have signed up to speak. Before we close this hearing, I'd like to ask if there's anybody else out there in cyberspace who happens to be with us who wishes to speak?

(silence)

Chair Raschko: Hearing none then, we will adjourn the public hearing. Thank you.

So next on our agenda is a second public hearing. The purpose of this public hearing is to receive testimony and written correspondence regarding proposed amendments to the Countywide Planning Policies. Planning and Development Services has received emails and phone calls from those that wish to testify. These people will be called or unmuted if on their computer when it is their time to speak. An opportunity will be given at the end of the hearing for those who wish to testify but did not speak up – or sign up, excuse me, to speak. Limit your comments to three minutes so that everyone had a chance to speak. Special interest groups, associations, or those representing others are encouraged to designate one spokesperson for their group to allow greater participation and cross-representation. Before you testify, please clearly state your name and spell your last name, and your address. A recording system will record your comments. Written comments are also being accepted and can be emailed to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us), which can be seen on your screen. Written comment period is open until Friday, July 24<sup>th</sup>, at 4:30. Written comments are encouraged and are not limited in length.

So before we begin taking public comments, staff will give a brief presentation about the proposals. So Mr. Gill, please.

Mr. Gill: Thank you, Chairman. Yeah, so the second hearing is on the Countywide Planning Policies. These policies form the basis of comprehensive planning for not only the County but all the Cities in Skagit County as well. The document is a standalone document. Its policies are intended to foster coordination among the jurisdictions and consistencies in those policies. It was first adopted in 1992, shortly after the state Growth Management Act. The policies are negotiated between the County and the Cities within the County boundaries.

In December of 2019, the GMA – the Growth Management Act – Steering Committee approved these amendments. This GMA Steering Committee is made up of the three commissioners of Skagit County – so the Board of County Commissioners – and the mayors from the Cities and Towns within Skagit County.

Just to highlight, a description of the amendments from the Steering Committee: There's a cleanup of references, so they sought to clarify that these policies apply to all the jurisdictions in the county. So in many cases, the words "Skagit County" were removed and replaced in some cases with "local jurisdictions." The document was also compared to the current Growth Management Act. There's been changes to the GMA, and so those changes are now reflected in our Countywide Planning Policies. These policies are obligatory and there are changes to the general statements at the beginning of the document to drive home this point. And finally the Skagit Council of Governments, which was the technical arm of these edits, was specifically directed not to pursue any new policy.

So, again, the staff report and the longer presentation on these Countywide Planning Policies can be found at the URL that's shown on the screen. It's [skagitcounty.net/communityplanning](http://skagitcounty.net/communityplanning). And again, in addition to the verbal testimony tonight, we are taking written comments at the email shown in the blue box on the screen until close of business on Friday.

And that is all I had on the Countywide Planning Policies. Thank you, Chairman.

Chair Raschko: Thank you, Mr. Gill. So we will open the floor for testimony. I have no indication of anybody having signed up to speak to the commission. Do you have any knowledge of any, Mr. Gill?

Mr. Gill: I do not have any knowledge of anybody asking to be on a speakers' list.

Chair Raschko: Okay. So that would leave it to people who wish to call in or who are online. Is there anybody online who wishes to speak? We'll give a moment –

Mr. Gill: Be sure to unmute your phone if you're calling in.

Chair Raschko: Okay, I see one unidentified caller. With the silence, though, I presume there is nobody who wishes to speak. And with that, we will close the public meeting. Thank you.

All right. So we have the time tonight to go to our fourth agenda item, which is the deliberation on \_\_\_ items, and that would be the Findings and Facts and Reasons for Actions. And we can begin that process on the Flood Damage Prevention Code Amendments. We should have received a list of Findings of Facts and Reasons for Actions from staff. We can delete those and start over. We can massage those and do what we wish. So I'm going to open the floor up for anybody who wishes to start this conversation.

(silence)

Chair Raschko: Well, hearing none, perhaps a better way to go about this might be to go through the suggested numbers 1 through 8 one at a time and just see how people feel about retaining those. Or has anybody a better suggestion?

Commissioner Rose: I'd like to comment on that, if I could.

Chair Raschko: Who is it?

Commissioner Rose: To come up with this list, didn't we go over all of these items a few meetings ago?

Chair Raschko: I'm sorry. We have, yes.

Commissioner Rose: Then I'd like to propose that we adopt this list, because we've already hashed it out a few meetings ago.

Chair Raschko: Okay, it has been moved to accept the Findings of Fact and Reasons for Action as presented. Is there a second?

Commissioner Lohman: Mr. –

Chair Raschko: Ms. Candler, go ahead.

Commissioner Candler: Can we – is it possible, Peter, to split that and put that up on our screen?

Mr. Gill: Yeah, we can do that.

Chair Raschko: Good suggestion.

Mr. Gill: Are we looking at the recorded motion or do we want to look at the specific code, or both?

Chair Raschko: Ms. Candler, have you an opinion on that?

Commissioner Candler: I wanted just to look at the recorded motion but it's so small I'm having trouble reading it.

Mr. Gill: Okay. Well, that's okay. I can take care of that.

Commissioner Candler: Thank you.

Chair Raschko: We have a motion on the floor and we need a second.

Vice Chair Mitchell: I have a comment, Commissioner.

Chair Raschko: I'm sorry. I'm having technical difficulty. Who just spoke up?

Vice Chair Mitchell: This is Kathy Mitchell.

Chair Raschko: Kathy, yes?

Vice Chair Mitchell: I have not seconded it yet because I think it's premature to do that. I realize that the public comment period is open till Friday, and there may be things that come up between now and then. There may not, but I think it's premature to try to vote on this for accepting these things as they are now and I would certainly prefer to wait. I'm not saying that we shouldn't have a discussion, though.

Chair Raschko: Okay. What I have –

Commissioner Lohman: Mr. Chair, there's people on the Chat that are waving their hands at you.

Chair Raschko: I know there are but I'd like to have some clarity first on the rules of order. If we have a motion and no second, I don't believe we should be debating that motion or anything else. We should state that the motion fails and then we can move on to further discussion.

Vice Chair Mitchell: Yes, thank you.

Chair Raschko: Okay. And so that motion fails. And what I have on the list of the people wishing to go ahead \_\_\_\_ Joe Woodmansee followed by Kathy Mitchell and Annie Lohman. So please, Joe, go ahead.

Commissioner Woodmansee: So my question about wells is: What happens to existing wells in the floodway? Are they exempted with this change in terminology? And are they at risk of being shut down with this change in terminology? And I guess that's my question for staff.

Mr. Gill: Sure. Chair, this is Peter Gill.

Chair Raschko: Yes, Peter?

Mr. Gill: Yeah, so existing wells, my understanding is there wouldn't be any change with existing wells. It is for putting in wells. There is actually an exemption – or an exception, I should say – for wells associated with any farmhouses within the floodway. But any other wells – new wells – would not be exempt. But as far as an existing well, that's a whole different story.

Chair Raschko: Okay, before we continue it occurs to me that we should answer the question raised about the appropriateness of discussing these things at this point and how to carry on before we start raising points about the Findings of Fact and Reasons for Action. Does that sound fair to everybody? I guess it's a decide-on-process here. So Ms. Mitchell, is that what you were going to address?

Vice Chair Mitchell: Mostly, yes. I think it's – if I misunderstood the motion, please let me know, but I think the motion was to take these Findings of Facts as-is and adopt those. And I do think there might be some more consideration, especially waiting till the public comment period is finished. I certainly have a few issues I'd like to discuss about the Findings, Facts of Reasons as they stand anyway. So, yeah, I'm not real sure what to tell you about the process on this. I think you can have discussion but certainly not finalize these.

Chair Raschko: Okay. Ms. Lohman? Annie?

Commissioner Lohman: I'm good. I was just trying to assist you to tell you that if there's no second then the motion dies, and so it's moot.

Chair Raschko: Ms. Candler?

Commissioner Candler: ....some concern about the comment period still being open when we do our deliberations. I guess it would be cleaner, maybe, to do it after, but I do have a question if we are discussing this tonight.

Chair Raschko: Go ahead and ask the question, please.

Commissioner Candler: My question is about the maps. Does the Department have a response to the commenter who indicated they had some concerns about the accuracy of the maps and the completeness, I guess? That's my question.

Mr. Gill: Yes. So this is Peter Gill. We don't have new maps. Our maps are from the '80s. So the concerns on the maps may be an issue. I know there was an effort to update the maps not too long ago, but that did not work out as planned. I believe FEMA ran out of money and they couldn't decide – there was no agreement between the County and the federal government on how to proceed with the remapping of the floodplain, and so we are unfortunately stuck with the older maps \_\_\_\_\_.

Commissioner Candler: Do you have any sense of the concerns about accuracy about those? Do you have enough information to say the new maps would be significantly different, or what type of information do you have about that?

Mr. Gill: I don't have a lot of information on what the remapping program looked like. I know that it was substantially different from what the 1980s maps looked like and therefore created some issues where people were now in the floodplain or the floodway that were not before and other people were out of it. And so I think with all these older floodplain mapping projects there is always an issue with mapping quality. And as the technology gets better that we all use to do our

surveying and our mapping, those will always change and always get better. And so, you know, I don't think these changes are about who's in the floodplain and who's not. It doesn't change who can get out of the floodplain once they do their base flood elevation surveys or anything to that effect. Mr. Cerbone might have some other background on the mapping that I don't, but I can also – I mean, if there are specific questions about the mapping approach, we can talk to the floodplain manager about that.

Commissioner Candler: If I understood you correctly, are you – it sounds like you're saying that it's kind of not to be expected anytime soon – new maps – anyway, based on funding. Is that what you're saying?

Mr. Gill: Correct. Correct.

Commissioner Candler: Thank you.

Chair Raschko: Okay, Mr. Cerbone, did you have anything to add?

Mike Cerbone: Chair, I think Mr. Gill did a good job explaining it. The maps are what they are. Those are what we have for regulatory purposes and we're not proposing to change those with this action. If there are specific questions you want us to check with the floodplain manager on, we'd be more than happy to do that, or if there are any other specific questions we're always happy to track that down and get you a response.

Chair Raschko: Okay. Commissioner Mitchell?

Vice Chair Mitchell: Yes, thank you. I still have questions about the thing that we wanted to add to the code. It was number 5. It might have originally been on page 20 of 29 of the staff report. At this point I'm not positive about that. Peter might be able to tell me. But what it said was – number 5 – water wells shall not be installed in the floodway. And my question with adding that here now is because it looks like it creates a redundancy to me. Because that's – as I understand it, that's already been addressed in SCC codes. And if I think a minute I can find where that is. So I was wondering why the redundancy when we already meet that in code elsewhere.

Mr. Gill: So my understanding, talking to the floodplain manager, was this had to do with consistency with those state and federal codes. And so that is why this is added in here.

Vice Chair Mitchell: Okay. I did understand that. I think the discussion might revolve around exactly what the code says and the Health Department. Because normally we do not need redundancies in code when it's elsewhere. And even though it would match what the state would want or the DOE would want, we're already meeting that. And if you could give me a second, I'll try to come up with that code for you. I think it was – it was under SCC 12.48 and I think there's a couple of sections. 12.48.010 under Purpose and Intent. Another would be 12.48.090. And I'd like for you guys to look that over some more because I still – and the group discuss it when you look through it some more. I do think that that's a problem with redundancy.

Mr. Gill: Okay. Thank you.

Chair Raschko: Mr. Woodmansee?



Commissioner Woodmansee: My question is for staff. I know that you can do a letter of map amendment if you are in the floodplain. Can you also request a map amendment if you're in the floodway?

Mr. Gill: That is a very good question. I don't know the answer to that. That is something I can check with Jack on, though.

Commissioner Woodmansee: I guess what I'm thinking is if somebody actually did have an error and they could prove that it's based on whatever information that it was an error – I know, you know, the map amendment for the floodplain is mostly usually based on strictly elevation information. If they have the same alternative then there would be another vehicle to correct an error if there is an error in a floodplain line.

Mr. Gill: Yes.

Chair Raschko: Mr. Shea?

Commissioner Shea: Yes, Commissioner Shea here. So I guess just to add on to what he said, I looked through some of those maps of the floodplain that Peter gave out there and it seemed to me that some areas seemed to be a little bit more ambiguous than others. And then also reading through the FEMA – I guess when they were trying to reclassify the flood zones, it seems – I don't know how much of a benefit it would provide to create new ones. Like if you're saying some were leaving the floodplain with the new report and some were entering it. And so just \_\_\_ maps from the '80s seemed to be slightly ambiguous based off of some existing road structures in some areas or existing structures because they're grandfathered in, but – yeah. So I don't know what real benefit, I guess, we could see from an updated map or if that's even possible.

Chair Raschko: Okay, Mrs. Lohman?

Commissioner Lohman: My issue is on follow-up on the comments on adding the language prohibiting wells in the floodway. I respectfully disagree with the comment made earlier because I believe that we're in the development code in Title 14, which is where we're working, and that other code is for the health and safety code, I believe, which is where the Health Department falls in line and they generally have something to say about water – potable water. And I'm looking to see if I can get a nod or something from staff if that's correct. Anyway, that's my understanding, and so I don't feel like it's a redundancy. And sometimes I embrace a redundancy if it makes it easier for the applicant at the counter so there isn't any confusion for the poor guy that's asking for a permit and he has to search for parts of the code that he isn't even ever going to be probably reading except for that moment that he's at the counter. And so my issue is back to page 20 of 29 of the staff report where you got the inserted language number 5: Waterwells shall not be installed in the floodway. I think we need to add the additional language "except as provided for in RCW 86.16," which would make it consistent with state law and the RCW and the WACs which allows for a water well in a floodway if it's connected to a farmhouse. And it has provisions for what to do if it gets damaged and all of that.

Chair Raschko: Okay, thank you. Ms. Mitchell?

Vice Chair Mitchell: Yes, thank you. I found some more code to look at. At a point well taken, what Ms. Lohman said. However, the WAC 173-160-171 that requires – it says what are requirements for the location of the wells \_\_\_\_\_, and it says, number 1, the proposed well shall not be located where it's not subject to ponding and is not in the floodway – except as provided

for in chapter 86.16 RCW, which is what Ms. Lohman was just referring to with the farmhouse connection. But if we look at Skagit County Code 12.48.010 and Skagit County Code 12.48.090(ii), the first one – 12.48.010 – it says this, quote: “The purpose of these rules is, one, to define the minimum regulatory requirements and protect the health of consumers, whether they drink from an individual or public water system, and to meet the intent of the Growth Management Act, and, two, comply with and implement the requirements of chapters 173-160, 246-290, 246-291 WACs, and chapters 12.05 and 14.24 SCC. So the next one is 12.48.090(ii). It says “Individual wellsite approval specifically requires that, quote, “the well must meet chapter 163-160 WAC,” which is what we were saying that we needed to do with the FEMA stuff anyway. I guess the point is I think we should review this with legal because we are already meeting those standards under the section of Title 12. And so, again, if the will of the commission is to have the redundancy, that’s one thing, I suppose, but on the other hand we are already meeting it. And we were asked to do this to comply, to make sure that we were in compliance. Well, it looks like we’re already in compliance, is the point.

Chair Raschko: Thank you. Ms. Candler?

Commissioner Candler: Thank you. I’m less concerned about redundancy than inconsistency. And so without adding those exemptions, I’m concerned that it’s inconsistent with itself and state law, and I think we flushed that out a little bit so I appreciate that, but I do have some concerns about that.

Chair Raschko: Thank you. Any more comments, please?

Commissioner Lohman: I have a comment. Are you referring to comments about the staff report?

Chair Raschko: Well, anything having to do with the Flood Damage Prevention Code Amendments – Findings of Facts, Actions. Yes?

Commissioner Lohman: I have one. I believe – and I brought this up with Peter Gill – in the definition for “substantial improvement,” I believe there is some confusion. And why this comes up is because we’re working on adding language to what – at the start of construction, but it refers to substantial improvement in that definition of what is the start of construction. So then when you go to “substantial improvement,” they talk about *any* remodel, addition, and other improvement and then the third sentence talks about, like, a ten-year interval. And so it makes it very confusing to determine when the clock starts on what constitutes a substantial improvement on your property. Are we going to use a ten-year interval or is it going to be – when? And so I talked to him about – and he said that he talked to the building official, and so, Peter, if you could relay to the rest of the commission what you learned? I could share my screen because I have it all highlighted, if that’s okay.

Chair Raschko: Okay, so where are we here? Are we waiting for Mr. Gill?

Mr. Gill: I’m sorry. I was – excuse me! So I am pulling up the definition of “substantial improvement” with the highlights from Commissioner Lohman. That’s what you see on your screen. Sorry about all the layering here. But so I think the issue that Commissioner Lohman brought up was that first sentence that’s highlighted in yellow and green on the first screen and the last sentence that’s underlined as well as highlighted. The first one says any “remodel, addition, or other improvements,” and then the second one or the second highlighted section says basically the improvements or restorations that occurred during the previous ten years. And so in one section we’re saying anytime there is any remodel that exceeds 50% that’s when you – that’s

substantial improvement. But later on in the same definition we're saying well, any of those remodels, additions, improvements within the last *ten* years that are less than 50%. So the one way to fix that – if you're interested in fixing that, if you see that as a contradiction – is to replace the first green section with the second green section that's highlighted on the screen, and then delete that last sentence – not the *last* sentence but the second-to-last sentence in that paragraph to remove that inconsistency. But at this point, "substantial improvement" is not in the list of changes that you're currently considering – just to clarify that. Commissioner Lohman, did that make sense?

Commissioner Lohman: Yes; however, you are alluding to the "substantial improvement" definition because in the "start of construction" definition you are saying for substantial improvements then the actual "start of construction" means the first alteration yada, yada, yada.

Mr. Gill: Yes.

Commissioner Lohman: Then you flow into this. So arguably, yes, we *are* talking about the definition of "substantial improvement," and that was where I stumbled upon this ambiguity.

Mr. Gill: Sure. Yep.

Commissioner Lohman: And I think it is fair game to go after it while we're working on it.

Chair Raschko: Okay, thank you, Annie. Anything else?

Vice Chair Mitchell: I think Commissioner Candler's up next.

Chair Raschko: Oh, thank you. Commissioner Candler?

Commissioner Candler: I think that was an old notation.

Chair Raschko: Okay, then Commissioner Mitchell.

Vice Chair Mitchell: It's me again. Now I've got to remember where I was. Got to switch gears again! When this code – I guess this goes to staff – when this code gets all finished and set just the way it should be, where is that severability clause going to look – where's it going to be when it's done? Where's that going to be put?

Mr. Gill: It is – excuse me while I find the code – is in 14.34.050, Basis for Establishing Areas of Special Flood Hazard.

Vice Chair Mitchell: Okay.

Mr. Gill: It's a new sub-3.

Vice Chair Mitchell: Okay. So when – is that going to be at the end of this whole thing? Is that where the severability usually goes?

Mr. Gill: It is not. It can be moved, I believe. I think this is where the state requested that we place this severability statement.

Vice Chair Mitchell: Okay, so they're asking for it to be inserted instead of at the end? Is that –

Mr. Gill: Yes.

Vice Chair Mitchell: Okay.

Chair Raschko: Okay. Any comments from anybody else?

(silence)

Chair Raschko: Okay. I guess moving forward I agree with the people who say it's unwise to vote on this at this point in time when we still haven't got all the public comment in. So unless anybody has a desire to do otherwise, I would recommend that we move on at this point to discuss the Findings of Fact and Reasons for Action regarding the Skagit County Countywide Planning Policies. Is there any objection to that?

(silence)

Chair Raschko: If not, then we'll open that up to discussion, please.

(silence)

Chair Raschko: So we have no takers? Okay.

Commissioner Lundsten: I'll make a comment, Mr. Chairman.

Chair Raschko: Okay, this is Commissioner Lundsten?

Commissioner Lundsten: Yes.

Chair Raschko: Go ahead.

Commissioner Lundsten: I just wanted to ask Peter or Michael, either one or both, just since we're discussing the protocol of what we do when and what is the upcoming – can you just summarize for us when we'll be discussing – when we'll be going to deliberation and doing the rest of the work on these – these two issues?

Mr. Gill: Chair? So yes, we will – the next meeting, since we have a break in August, will be September 8<sup>th</sup>, and so your next chance to deliberate and take action would be September 8<sup>th</sup>. So we have a little bit of break here for the next month, so it's going to be a little while.

Vice Chair Mitchell: Clarification, Peter, please?

Mr. Gill: Yes?

Vice Chair Mitchell: So do we know on that September 8<sup>th</sup> meeting that we will pick up finishing deliberations on these two items *alone*, or do you think there'll be \_\_\_\_\_?

Mr. Gill: That is a possibility. If we don't go anywhere or do anything with them tonight I think that we would probably reserve the whole meeting for that. If we get changes proposed and some Findings of Facts as drafts and all we do is have to vote in September, then we might be able to get to bylaws.

Commissioner Lohman: Mr. Chair, this is Annie.

Chair Raschko: Yes, Annie? Go ahead.

Commissioner Lohman: Is it okay if we have the majority of Planning Commissioners to meet in August?

Chair Raschko: Quite frankly, I'm willing to meet in August. I mean, with COVID there's not a whole lot of places to go! So why don't we just go through the roster here and ask that question?

Commissioner Lohman: Mr. Chair? For a little bit of context, when we started doing that layoff in August, it was because there were several of us on the PC as well as key Planning staff members that were connected with the County Fair. And the fair \_\_ – right? – at the same time as our meeting and so that's kind of how that happened. But that wasn't always the case. We met in August before that.

Chair Raschko: Okay, I'm going to go through the list. Thank you for that background. It was very helpful. Kathy Mitchell?

Vice Chair Mitchell: I can meet in August.

Chair Raschko: All right. Tammy Candler?

Commissioner Candler: I cannot meet the first week of August but I can meet after that.

Chair Raschko: All right. Mr. Lundsten?

Commissioner Lundsten: Depending on the dates, I can meet.

Chair Raschko: Okay. I think Ms. Lohman has already expressed her interest. Amy Hughes?

Commissioner Hughes: Yes, I'd love to meet.

(laughter)

Chair Raschko: Very enthusiastic! Martha Rose?

Commissioner Rose: I'm likely able to meet. Without knowing the date, I can't promise.

Chair Raschko: And Joe Woodmansee?

Commissioner Woodmansee: I can meet, but the first week in August is also problematic for me.

Chair Raschko: All right. Joseph Shea.

Commissioner Shea: Yeah, I can meet in August.

Chair Raschko: My suggestion would be to send out a list of proposed dates and see what kind of consensus we can get to.

Mr. Gill: So just to follow up with that on that, Chair, would you like to do one meeting or would you like to do two?

Chair Raschko: Well, personally I'm away from the 14<sup>th</sup> to the 17<sup>th</sup>, or 16<sup>th</sup>, but outside of that I can do anything myself. How's everybody else feel?

Vice Chair Mitchell: I think we should shoot for one.

Commissioner Rose: I agree – one. One meeting.

Mr. Gill: Yes. Okay.

Chair Raschko: All right.

Mr. Gill: I will propose a couple different Tuesdays towards the ends of the month and see what availability works best for most people.

Chair Raschko: Great.

Commissioner Hughes: May I ask a question?

Chair Raschko: And who's this?

Commissioner Hughes: Amy. Sorry. Amy Hughes.

Chair Raschko: Go ahead, please, Amy.

Commissioner Hughes: Are we looking at this meeting to follow up on what we're working with today and possibly bylaws, or just what we're working on today?

Chair Raschko: I would think we would be working on what we're covering today with the option to continue with bylaws if we can finish that up in a reasonable amount of time. And if it goes on longer, then we just put off the bylaws part.

Commissioner Hughes: Okay.

Vice Chair Mitchell: Commissioner? This is Kathy Mitchell.

Chair Raschko: Yes, Kathy?

Vice Chair Mitchell: I would prefer to focus on these two items and hold off on the bylaws to where we can concentrate solely on that because that is a huge deal.

Chair Raschko: That's a good suggestion. Anybody else?

Commissioner Candler: I have something. Are we currently planning on having somebody come and talk to us about – like the way we discussed at the bylaws – you know, some information about quasi-judicial and quasi-legislative and all of that, or not really? Is that the plan? Does anybody know?

Mr. Gill: Chair, we have made the request and so we would hope we'd get something written at least and then hopefully we can get a follow-up in person – a workshop.

Chair Raschko: Okay, anybody else?

Vice Chair Mitchell: Yes. Commissioner Raschko?

Chair Raschko: Yes?

Vice Chair Mitchell: Kathy Mitchell. At the last meeting when we were talking about bylaws, you said that you would see to having legal come and advise us on that when the time comes. Is that still something that you're looking at?

Chair Raschko: That's nothing that has been confirmed but I think it would be a very good idea. Are there any other opinions on that?

Vice Chair Mitchell: I would like to see guidance, however form it takes.

Mr. Gill: Yes, we will work on that request and see what we can arrange and what the timing of that would be.

Chair Raschko: Okay, thank you. Anybody else?

Vice Chair Mitchell: Commissioner? I would request just a – if we could do a straw poll; this is not a binding thing. Peter, if you could give us the three dates for possibilities in August – again, nonbinding but just a – kind of a head count how it'd work for the – each of the Tuesdays barring the first week, because I think we already heard two people saying no.

Mr. Gill: Yeah, and I will not be available on the 11<sup>th</sup>, which is the second week. So we're looking at the August 18<sup>th</sup> and August 25<sup>th</sup>.

Vice Chair Mitchell: Okay.

Mr. Gill: They're Tuesdays.

Chair Raschko: Okay, so, Commissioner Mitchell, are you available for either of those?

Vice Chair Mitchell: I'm available for both at this point in time.

Chair Raschko: Okay, Candler?

Commissioner Candler: I am available for both, as far as I know, and no preference.

Chair Raschko: Okay, Lundsten?

Commissioner Lundsten: I'm available for both.

Chair Raschko: Lohman?

Commissioner Lohman: Both.

Chair Raschko: Both? Okay. Hughes?

Commissioner Hughes: Both.

Chair Raschko: Rose?

Commissioner Rose: Right now, both.

Chair Raschko: Woodmansee?

Commissioner Woodmansee: At this time, both.

Chair Raschko: Okay.

Commissioner Shea: I can do both.

Chair Raschko: Okay, and I can do both as well, so it looks like everybody. Maybe we should just pick one or the other at this point in time.

Vice Chair Mitchell: I'd like to make a motion then.

Chair Raschko: Pardon me?

Vice Chair Mitchell: I'd like to make a motion.

Chair Raschko: Who's talking?

Vice Chair Mitchell: I move that we tee up the next meeting date to be Tuesday, August 18<sup>th</sup>.

Commissioner Shea: I second.

Commissioner Lohman: I second.

Chair Raschko: Okay. Excuse me: Who made the motion?

Vice Chair Mitchell: Mitchell.

Chair Raschko: Okay, thank you, and who seconded?

Vice Chair Mitchell: Shea.

Chair Raschko: Okay, is there discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Okay. Okay, Mitchell is an aye. Candler –



Commissioner Candler: Yes. Aye.

Chair Raschko: Lundsten?

Commissioner Lundsten: Aye.

Chair Raschko: Lohman?

Commissioner Lohman: Aye.

Chair Raschko: Hughes? Okay. Rose?

Commissioner Rose: Aye.

Chair Raschko: And Woodmansee?

Commissioner Woodmansee: Aye.

Chair Raschko: And Shea?

Commissioner Shea: Aye.

Chair Raschko: I'd say aye, so we're having a meeting – which date is that?

Commissioner Shea: The 18<sup>th</sup>. That's what I heard. August 18<sup>th</sup>, Tuesday.

Chair Raschko: Okay. Great. Okay, so have we concluded discussion on these topics? I believe we have so we're going to move on then to Planning Commissioner Comments and Announcements. So, Commissioner Mitchell, have you anything?

Vice Chair Mitchell: Nothing, thank you.

Chair Raschko: Okay, Commissioner Candler?

Commissioner Candler: Nothing. Thank you.

Chair Raschko: Commissioner Lundsten?

Commissioner Lundsten: Nothing. Thank you.

Chair Raschko: Commissioner Lohman?

Commissioner Lohman: Nothing. Thank you.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: Nothing. Thank you.

Chair Raschko: Okay! Commissioner Rose?

Commissioner Rose: I don't. Thank you.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Nothing for me.

Chair Raschko: And how about Commissioner Shea?

Commissioner Shea: Nothing here. Thanks.

Chair Raschko: Okay. So that completes our agenda. I want to thank everybody for their patience and I thank all the people who took their time to testify tonight. And I want to thank staff for all their support, and I call this meeting adjourned. Thank you.