

**Skagit County Planning Commission
Deliberations: Flood Code; Countywide Planning Policies
August 18, 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:

Hal Hart, Planning Director
 Mike Cerbone, Assistant Planning Director
 Jack Moore, Building Official/Floodplain Manager
 Peter Gill, Long Range Planning Manager

Chair Tim Raschko: The August 18th, 2020, meeting of the Skagit County Planning Commission is hereby called to order. And before we get started I just have a few items to cover, if you bear with me. The first one regards the training videos. Hopefully everybody has completed them and sent them in. The videos were sent out on July 24th and after you've completed them it would be a very good thing to send Peter Gill your completed training certificate. So then that would be a good item to have 100% completion on for everybody so (I) appreciate your efforts there.

The second item I have is a little sadder, at least for the rest of us anyway, because this is the last meeting for which we will have the guidance of Annie Lohman. And, Annie, as far as I'm concerned, you're going to be sorely missed. You've been an inspiration in your meeting preparation, your knowledge of the subjects that are being considered, and your extensive knowledge of the code is amazing. I've found that when Annie wants the floor you better listen. That's to say it'll be well thought out, articulate, and almost always right. Annie also, I think, shows a good dose of courage and character because she's been known to take some positions in all the things we do. Not everybody's going to be happy with the results and she's ___ to take positions that are going to be looked at unfavorably by some parties. She can take the heat very gracefully as she pursues answers that are in the best interest of the citizens that she serves. So thank you for that, Annie.

On a personal level, I really regret that I haven't had the opportunity to get to know Annie better as a person. She is someone by whom I would be proud and honored to be considered a friend, so thank you, Annie.

If anybody else has anything to add at this time, please go ahead. Or we can save it for the end when we make our comments. Yes?

(loud noise from sound system)

Commissioner Tammy Candler: That might be me turning on my mic. It's not good. But I just want to express how much I've enjoyed working with Commissioner Lohman. I agree with all the comments stated by our chairman. It's a big loss.

Chair Raschko: Thank you, Tammy. Annie, did you have – wait a minute. Kathy, do you have something to say?

Vice Chair Kathy Mitchell: Yes, thank you. Annie's been a real good mentor for every single person that's come on the Planning Commission in a number of ways for a whole lot of years. And she has taught people how to do extra research, find other resources to weigh, and to sift through information to find the pearls and the most basic information that's necessary, and I'm very grateful personally for all of that and I know others are the same. I hope, Annie, that you take it in your heart after you have a hiatus that you do come back and say hey every once in a while and bring information to us as you see fit on any given issue. I think we will always value your input because of your knowledge and experience. Thank you.

Chair Raschko: Thank you. And, Annie, I see you have something to say.

Commissioner Annie Lohman: This is very – it's a tough goodbye. But I'm not dying so – because I'm still passionate about good land use policy for the long term and I greatly value and respect property rights, and that's a fine line to walk when you say something like that and it's very hard to do because zoning is an intrusion on property rights but we need it. And so I understand that. So how do we strike a balance? And I love working on public policy. The challenge is is not to let it get too personal because public policy and regulations and land use – all this needs to be robustly, publicly, and thoroughly debated and vetted and worked on, and that's why it's been a challenge to do because it's hard and there's a bunch of different ways you could go and arguably they could all be right. So I respect all of you and I have great faith in the system. And I'm probably going to be on the other side in the audience or making comments as a private citizen again, and that'll be kind of fun and kind of liberating. Because I'll be able to kind of concentrate on things that are more narrow than what we have to do as a commission because we're covering a wide breadth of the thing. So I'm looking forward to that. And like I said at the beginning, I haven't died so I'm not going away.

Chair Raschko: I'm sure we'll see a lot of you again. Thank you.

Before we get started, it'd be a good idea, I think, to do a roll call. So Mr. – excuse me, Commissioner Lundsten? I see your picture. You must be here. Okay. Martha Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Kathy Mitchell?

Vice Chair Mitchell: Here.

Chair Raschko: Joe Woodmansee? Joe's here. Annie Lohman is here.

Commissioner Lohman: Here.

Chair Raschko: Amy Hughes? I see Amy Hughes. She is here. Tammy Candler?

Commissioner Candler: Here.

Chair Raschko: Joe Shea? Joe is here, and I'm here as well. Okay, we'll go to Public Remarks. This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing that same day or items that had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for any development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total.

So Mr. Gill, have we _____?

Peter Gill: Yes, we have not received any comments – or remarks, I should say – in the PDS comments mailbox for this meeting. We did throw out the option for people to provide verbal remarks as well, and we provided the URL link to this meeting for them to do so.

Chair Raschko: Okay, thank you. So Public Remarks are concluded. We'll move to agenda item 3, the deliberation on Flood Damage and Prevention Code. So we have a draft recorded motion, but would anybody like to begin with a motion or discussion?

Vice Chair Mitchell: I have a motion.

Chair Raschko: Who's speaking?

Vice Chair Mitchell: Mitchell.

Chair Raschko: All right. Please make your motion.

Vice Chair Mitchell: I move that we accept the drafted information for the flood prevention information as is.

Chair Raschko: Is there a second to that?

Commissioner Candler: I'll second.

Chair Raschko: And who seconded it?

Commissioner Candler: Candler.

Chair Raschko: Candler. Okay, thank you. Okay, discussion, please.

Vice Chair Mitchell: Okay, the reason I went ahead and made the motion is this: I appreciate that staff had written things up the way that they did. It outlined things fairly well and this gives us a jumping off point for deliberations where we can either add or change things as need be. So that's all I have for this moment.

Chair Raschko: Okay, thank you. Commissioner Lohman?

Commissioner Lohman: At the last meeting we talked about adding some language, and I wanted to know if we could put up on the screen where we did some of that work from the last meeting – if we had it. Did you –

Mr. Gill: Yeah. We can do that.

Commissioner Lohman: So we can have it in front of us while we're doing this.

Mr. Gill: Sure. Let me – I will get us there. On the right we have some of Annie's background research that she diligently did on flood code, and on the left is the draft recorded motion. Can everyone see that okay?

Vice Chair Mitchell: It's really small.

Mr. Gill: Okay. Maybe I can try and blow up at least one at a time here.

Vice Chair Mitchell: Thank you.

Commissioner Lohman: Peter? If I may, Mr. Chairman?

Chair Raschko: Yes.

Commissioner Lohman: I was referring to the staff report that we were working off of from – it would be –

Mr. Gill: It was the staff report?

Commissioner Lohman: Yeah. Because that's the basis for all of – and it's in the order that we were working on it. The 29-page – I'm trying to get to the top so I can see the date.

Vice Chair Mitchell: I have the date – it's March 9th.

Commissioner Lohman: March 9th. There you go.

Mr. Gill: Yes. Is that –

Commissioner Lohman: That is what I was referring to – sorry. I wasn't clear enough, Peter.

Mr. Gill: No, that's okay. All right. Was there a specific section that you'd like to start in?

Commissioner Lohman: I was on the mute button. I didn't have any predetermined starting spot. I just assumed we were going to start at the top and take it in the order that it's already presented so that nobody's mixed up and we don't forget something.

Mr. Gill: Sure. So here are the definitions.

Commissioner Lohman: Mr. Chair?

Chair Raschko: Yes?

Commissioner Lohman: This is Annie again. This is where we had quite a bit of discussion last time on how we were going to start the timer. Because when you read further in Substantial Improvement there was a confusion on – because it also referenced in the definition a 10-year period. And so I brought that up and was questioning if that was confusing or not.

Chair Raschko: Has anybody an opinion?

(silence)

Chair Raschko: Well, I presume it's *not* confusing.

Commissioner Lohman: No, remember – can I share my screen?

Mr. Gill: Sure.

Commissioner Lohman: How do I share my screen?

Mr. Gill: I have to make you a presenter. Here we go. Let's see here. There we go. I'm transferring it over to you. Commissioner Lohman, you should get a message. There you go.

Commissioner Lohman: There. There's a bit of a delay.

Mr. Gill: Okay.

Commissioner Lohman: My question was is at the beginning of the definition of "substantial improvement" it suggests that *any* time period – it doesn't give you an interval that we're measuring, so it suggests that *anytime* in the life of the project. But then when you get towards the end where it's yellow and underlined in red it talks about a 10-year period.

Chair Raschko: So ___ to make it consistent.

Commissioner Lohman: Does the 10-year period only refer to a *damaged* building or is it *any* building that you've done something to?

Chair Raschko: Has staff an opinion on that?

Mr. Gill: Yeah. You know, I am going to defer to Jack Moore, who is with us.

Jack Moore: Thank you. Good evening, Commission. That refers to any of the improvements described above – remodels, additions, or other improvements. And I do appreciate your comments in that the definition does start out as a general statement regarding any particular project and then goes on to describe the cumulative effect. You know, certainly it could be changed to combine those two sentences, if we so chose. I don't see any problem with that. I'd say in practice I don't think we've had any confusion from an applicant's part – just as anecdotal evidence.

Chair Raschko: Annie, what would you like to see?

Commissioner Lohman: I would like us to tighten it up so that there isn't any, because you understand it, Jack, and maybe the current staff because they're hearing this discussion. But you're not always going to be there. There's going to be new people. And I think if something is slightly ambiguous that we need to tighten it up and make it very clear so that the applicant at the counter is treated consistently.

Mr. Moore: Okay. Thank you.

Chair Raschko: Okay, so process-wise how do we do that? I mean, we want to walk out of here tonight with a completed document. Is it something we can wordsmith now?

Mr. Gill: So, Chair, this is Peter. We could add “substantial improvement” to the list of proposed changes, and modify that definition so there’s no inconsistency between the top and the bottom of that definition.

Chair Raschko: Okay. We would want to include that in our recorded motion so where does that fit in? Or do we need to?

Mr. Gill: Well, I can pull out that sentence right here and you all can suggest edits.

Chair Raschko: Okay, excuse me. Mr. Shea has a point of order. What is that point, please?

Commissioner Shea: I think since there is already a motion and a second on the table that the only way to change that motion would be (to) create a new motion and see if that carries to take over the previous motion. Would that be correct, or does that sound correct?

Chair Raschko: That sounds correct. So Ms. Mitchell?

Vice Chair Mitchell: Yes, sir?

Chair Raschko: Would you like to withdraw your motion, amend it, or –

Vice Chair Mitchell: I’m happy to withdraw the motion and allow somebody else to make a new one, and/or – yeah, make a new one. That’s probably cleaner.

Chair Raschko: Or we could continue discussion followed by a motion.

Commissioner Lohman: Mr. Chairman?

Chair Raschko: And who’s this?

Commissioner Lohman: Annie.

Chair Raschko: Yes, Annie?

Commissioner Lohman: Can you restate the motion? Because I think the motion was just to get the ball started and we’re in the discussion and the Findings of Fact are still fluid, and this is the basis for those Findings of Fact. This isn’t – I don’t think it affects the motion. And we’re all still in the discussion part.

Chair Raschko: Well, the motion was to accept it as written. Was it not?

Vice Chair Mitchell: Yes, it was.

Chair Raschko: And this would not be a fact, would it? Wouldn’t it be a recommendation to change this part?

Commissioner Lohman: Yes.

Chair Raschko: Yeah. So that would really be a change in our recorded motion, would it not? Can somebody opine on that from staff, please?

Mr. Gill: Also we can – this can be part of that discussion on whether to accept this as written. I would think if we did make this change, if you all wanted to move forward with this, then it wouldn't be – as Commissioner Mitchell stated – as – you know, the motion wouldn't be as presented. "As is," I guess, is the language that Commissioner Mitchell used. So it would probably be smart to withdraw that and work on some of these changes before you do so.

Chair Raschko: Would everybody agree to that?

Commissioner Candler: Can I say something? Commissioner Candler.

Chair Raschko: Yes.

Commissioner Candler: I don't know if this is going to be the only change but it seems like it might make sense to withdraw the motion after the deliberations and make a new motion to accept, unless we want to take these all individually and by vote. So not knowing how many people have changes, I guess I'm not sure.

Vice Chair Mitchell: I have a comment, sir.

Chair Raschko: Go ahead, please. Who's this?

Vice Chair Mitchell: Mitchell. At this point I think it'd be cleaner just to go ahead and withdraw the motion. I can anticipate even if we have three different ones people may want to **vote anonymously though**. So we can do this differently.

Chair Raschko: Well, why don't we go ahead on that basis?

Vice Chair Mitchell: Thank you.

Chair Raschko: So how will we change the wording here? And then we'll have a motion to decide whether we accept what the changes are. I'd ask Mr. Moore: How would you recommend changing this to meet the request of Commissioner Lohman?

Mr. Moore: Thank you. I would suggest combining these two sentences so that it starts out "Any remodel, addition, or other improvement of a building when the cost of which is calculated cumulatively" and then I would jump right there and insert in the second sentence, basically the second line of it where it says "cumulatively." So I would say "...calculated cumulatively with any other activity occurring within the previous 10 years, and the total of all improvements or repairs shall not exceed 50% of the market value" et cetera. So I think probably just taking the first half of the first sentence and combining it with the bulk of the second sentence would definitely make that more clear.

Mr. Gill: I've made the edits. If I can share my screen, you can see what that looks like.

Commissioner Lohman: How do I unshare my screen?

Mr. Gill: I think I can go ahead and just do it. So the blue would be the copied section from down below. So with the change suggested – hold on here. Jack, if I don't get this right, let me know.

So “Substantial Improvement: any remodel, addition, or other improvement of the building when the cost of which is calculation cumulatively, with any other activity occurring during the previous 10 years and the total of all improvements or repairs shall not equal or exceed 50% of the market value.” So do we need this?

Mr. Moore: Probably not. And I would suggest, you know, maybe removal of the “shall not,” because that reads more like a code requirement as opposed to a definition – personally. Maybe just removal of “shall not”?

Mr. Gill: Mm, right. And then this whole thing would go away. Is that correct?

Mr. Moore: Down below? Yeah.

Mr. Gill: Is that consistent with the commissioner’s request?

Chair Raschko: Ms. Lohman?

Commissioner Lohman: Are you asking me? This is Annie.

Mr. Gill: Yes.

Commissioner Lohman: It appears to be what we were trying to – I thought it was just very awkwardly written.

Mr. Gill: It was.

Commissioner Lohman: It would suggest that there were two different dates.

Vice Chair Mitchell: Chair?

Chair Raschko: Yes?

Vice Chair Mitchell: Could you please read the whole passage again? It’s too small for me to read.

Chair Raschko: Go ahead, Mr. Gill.

Mr. Gill: Sure. “Substantial Improvement: any remodel, addition, or other improvement of a building when the cost of which as calculated cumulatively with any other activity occurring during the previous 10 years and the total of all improvements or repairs equals or exceeds 50% of the market value of the building before start of construction of the improvement.” And then the third paragraph that was pulled out here would be completely deleted.

Vice Chair Mitchell: Thank you.

Mr. Gill: I can go a little bit bigger, if that helps.

Vice Chair Mitchell: That right there is a good size. Thank you.

Chair Raschko: Okay, are we finished with that? Any other comments?

Vice Chair Mitchell: Commissioner Shea has a comment.

Chair Raschko: Commissioner Shea, please.

Commissioner Shea: This is more of a technical comment, but whoever's on a computer, if there's a document shared on the screen you should be able to zoom in and out with your scroll bar on your mouse if you put your cursor over the document. Just a technical thing.

Chair Raschko: Okay, thank you. Okay. Are there other changes in the document?

Commissioner Lohman: Mr. Chairman?

Chair Raschko: This is Commissioner Lohman?

Commissioner Lohman: Yes. Sorry. I feel like I'm hogging the meeting. At the last meeting we also talked about inserting the reference to RCW 86.16 where you were in the section that talked about wells in the floodway – prohibiting wells in the floodway.

Chair Raschko: Yes.

Mr. Gill: Let's see. Let me catch up with you here.

Commissioner Lohman: I'm scrolling to find it myself. Page 20 of 29.

Mr. Gill: And what was the requested code language on this section?

Commissioner Lohman: It was to add – to insert the phrase “except as provided for in RCW 86.16.041.” That's the whole chapter.

Chair Raschko: Okay, let's see. Ms. Mitchell, did you have a comment?

Vice Chair Mitchell: Yes, sir. Thank you. There's a slight typo. I think you mean to say “for” instead of “form” in that sentence.

Mr. Gill: Yep. Thank you.

Vice Chair Mitchell: You're welcome.

Chair Raschko: Okay, I'm a little confused as to where we are. Ms. Lohman, you'd like to include all of .041?

Commissioner Lohman: .041 also goes on to talk about – it's talking about repairs, reconstruction and replacement and improvements to existing farmhouse structures. And then it has underneath that all of the utilities – sanitary sewer, water supply, and other things. It also goes on to talk about other substantially damaged residential structures other than farmhouses that are located in a designated floodway. So where do you want to cherry-pick citing it where you can just cite the whole thing?

Chair Raschko: I don't see anything in .041 about ____.

Mr. Moore: (g).

Mr. Gill: I've got it here, yeah.

Commissioner Lohman: Item (g).

Chair Raschko: Well, I don't read it that way! I would think that it needs the piping from a water system, even like a city waterline. It has to be designed in such a way that it won't suck ambient water into the system. You know, for health reasons.

Commissioner Lohman: The new – that's why you see some wells that are sticking up very, very high – very tall.

Chair Raschko: For that reason?

Commissioner Lohman: Yes.

Chair Raschko: Are there any other comments on this?

(silence)

Chair Raschko: Are there any opinions on adding all of .041 to this section? Okay, Mr. Woodmansee, you have a question?

Commissioner Joe Woodmansee: Yeah, my question relates to the inability to drill a well in a floodplain – floodway. It's floodway, if I'm saying that correct. Okay, so this exempts their farmhouse from that regulation. Is that correct? If you need to get a new well you can get one because of a farmhouse exemption?

Mr. Gill: Yes, as long as you eliminate or minimize infiltration of flood waters into the system. And I think the Commissioner was referencing the fact that the casing of the wells often extends to the BFE, Base Flood Elevation, or above that so that they can comply with this (g). And _____.

Commissioner Woodmansee: So I just want to clarify something. Does state law already prohibit a well to be drilled in a floodway, other than this exemption?

Mr. Gill: Yes, there is a variant. This provides that.

Commissioner Woodmansee: And the reason I'm asking the question is because of some of the comments that we've been getting. Because I have a real fairly strong opinion that water should never be denied to anybody anywhere, because I feel like that is a necessity of life. And so I have a hard time with the concept of denying anybody to drill a well on their property that's not causing, you know, a Guemes Island issue, where they're damaging other wells and stuff like that. I understand that. But so I just want to make sure that the record shows that this is already a state law that does not allow the well to be drilled on a floodway. Like, you can't just go drill a new well in a floodway based on the state law's rules, and that's there's nothing we can do to change *that* at this level. Is that correct?

Mr. Gill: Yes, _____ pertains.

Commissioner Woodmansee: Okay. So ordinarily I would never vote to not let somebody drill a well on their property, but in this case the state law already does not allow it – is my understanding.

Vice Chair Mitchell: Chair?

Chair Raschko: Go ahead, Ms. Mitchell.

Vice Chair Mitchell: This is Mitchell. I've got a comment, please. I concur wholeheartedly with what Commissioner Woodmansee has said. And I personally object to people not being allowed to drill wells on their properties, wherever they are, especially since there's the technology to deal with situations about the floodway and such. But also we have to acknowledge the fact that they've already put the law in this way. And so I'd like to have it on the record that I concur with Mr. Woodmansee's comments for the same reasons.

Commissioner Woodmansee: Okay, so my questions were answered so thank you.

Chair Raschko: You're welcome. One comment I'd make is: Looking at the report from legal counsel, their analysis was that SCC 14.34.190 is already in compliance with RCW 86.16.041, and their opinion is that there's no need to change 14.34.190 to be compliant with state law since the language already __ state standards. So I'm just bringing that up. I'm not proposing that we don't make the changes that were recommended by Commissioner Lohman. Have you any other comments?

Commissioner Lohman: I have a comment, Mr. Chairman. This is Annie Lohman.

Chair Raschko: Yes?

Commissioner Lohman: My reason for wanting to insert that reference to the RCW was – speaks directly to what Commissioner Woodmansee said. And I wanted to make sure that by just saying you can't have a well in a floodway that we didn't all of a sudden prohibit people that already had it from getting it fixed, and acknowledge that if you are in the Ag zone and it's a farmhouse that you not only can repair it but you can put a new one in. So I wanted to make sure that while we said no water wells in a floodway that isn't 100% true by itself, because you've got this other ____, and I wanted to make sure that we captured it and kept it with it.

Chair Raschko: Okay. I'm fine with that. Are there any other comments?

Commissioner Lohman: Can we just make sure that the building official agrees with that thought? Because I want to make sure that we're consistent there too.

Chair Raschko: Mr. Moore?

Mr. Moore: Yeah. Actually I think that is a – it's a fine clarification. You know, we do have – as legal counsel suggested – we do have further clarification later in the chapter here, but I don't see any problem with providing clarification right here as well. And, you know, it does – I mean, that matches the requirement. The base requirement and the restriction does come from WAC 173-160-171 and it just says the proposed water well is not in the floodway except as provided in chapter 86.16 RCW. So the language that's being suggested for Skagit County Code would be consistent with both the WAC and the RCW, which is really what the primary intent of this whole update is – to try to ensure that Skagit County Code was consistent with state law for the purposes of satisfying our community assistance visit from the Department of Ecology.

Chair Raschko: Thank you. Are there more comments?

Commissioner Lundsten: Yeah, I have one.

Chair Raschko: Yes, Mr. Lundsten?

Commissioner Lundsten: I just – thank you, Jack. That was my – you summarized well and answered my question/comment that because the original intent of this proposal – or one of the intentions anyway is to maintain the insurability of FEMA requirements and so on. And I wanted to make sure that we didn't change that and that we actually fulfill that. So thanks, I appreciate it.

Chair Raschko: Okay, unless there are any disagreements, I would suggest that we accept that as presented for now and move on to any other proposed changes. I have one that's sort of minor, and again it is just reflecting our legal counsel's opinion. And it's a small thing, but ___ that severability clauses are always left to the last part of an ordinance, and they suggested that the severability clause be left as is but just moved to the bottom. And it looks like it is.

Mr. Gill: This is – Chairman, this is in 14.34.050. If you really wanted to move it to the end it would be – let's see – what section would this be – sorry, I'm in the appendix –

Chair Raschko: Does that severability clause relate just to that section or to the entire ordinance?

Mr. Gill: I think it applies to the entire ordinance, if I'm not mistaken. Sorry about all this scrolling! Yeah, it's for the whole ordinance.

Vice Chair Mitchell: I've got a question for you. Chair, this is Mitchell.

Chair Raschko: Yes.

Vice Chair Mitchell: We had touched on this in the previous meeting and I think, Peter, you had said to us that Ecology had requested a ___ on that position?

Mr. Gill: Yes, this is where they suggested it be located.

Vice Chair Mitchell: Why would that be? I don't know one from the other actually. I'm just curious.

Mr. Gill: I think that section 230 – and I'll have to lift this up to make sure – but that is the Critter Pad section so it wouldn't make sense there. It could be its own section. You could add a section specifically for that.

Vice Chair Mitchell: Meaning for severability as a whole, or what?

Mr. Gill: Yeah. I don't know that it would – right now it's under, you know, section 230, Critter Pads. And, Jack, correct me if I'm wrong if that's not the end of the section. I'm going to look it up real quick here.

Mr. Moore: That is the final section in this chapter.

Mr. Gill: Yeah, that is. So I think it got stuck where it did because that made the most sense out of all the sections in 14.34 to put it.

Vice Chair Mitchell: Thank you.

Chair Raschko: Rather than have it as its own section.

Mr. Gill: Correct, I think.

Chair Raschko: Well, I guess they would interpret it to be applying to the entire ordinance. I think a lay person would not think that and would think maybe that applies only to that particular section. You know. I'm not going to go hurl myself on a sword over this, but as a – I think it'd be cleaner as its own section in the end. If people don't want to bother with it, that's fine.

Vice Chair Mitchell: Well, Chair, I –

Commissioner Lohman: Mr. Chairman?

Vice Chair Mitchell: Go ahead.

Chair Raschko: Who was first?

Vice Chair Mitchell: Go ahead and let Lohman go first.

Chair Raschko: Okay. Annie? Go ahead, Annie.

Commissioner Lohman: I – it disappeared. Sorry. Let, Commissioner, the next person go and I'll – I lost my thought.

Chair Raschko: Okay, Ms. Mitchell?

Vice Chair Mitchell: Thank you. Speaking as a lay person – that's why I was asking! – usually it would be at the end of something. And this thing's convoluted enough. I just don't – if I were having to go before and get permits or whatever it would be to read this kind of thing, I don't know what makes sense. I would just like to see where – it put where it makes the most sense for anybody that needs to use it.

Chair Raschko: Okay, Mr. Woodmansee?

Commissioner Woodmansee: Yeah, I don't see a problem with moving it to the end. I think it makes more sense to be at the end because you can – and I don't have it – it's not on the screen anymore but, I mean, it should say that, you know, anything in this reference to the chapter – right? I'm assuming it does – and I would put it at the end. I would agree with you.

Chair Raschko: Mr. Shea?

Commissioner Shea: Yeah, I agree having it at the end makes total sense. ___ if any section, clause, sentence, or phrase of the ordinance – that, to me, seems like the very last sentence of the ordinance to me. So leaving at the end makes total sense.

Chair Raschko: Okay, I hear no objections.

Commissioner Lohman: I – Mr. Chair?

Chair Raschko: Ms. Lohman.

Commissioner Lohman: This is Annie. I thought – I remembered! I think what I’m tripping on is they’re using the word “ordinance” and it should say “chapter.” And I don’t – to me it doesn’t matter if we put it in its own thing at the end or if we put it here. I think that – I’m going to speculate, but maybe because there wasn’t any already-established place, they just stuck it here in the opening preamble section. But I would move that we replace the word “ordinance” and call it “chapter” because it really is *not* an ordinance.

Chair Raschko: You want me to write _____ the whole thing. Okay, there are no objections, though? Speak up if there are, please.

(silence)

Chair Raschko: Okay. Well, let’s move on. Any other proposed changes?

Commissioner Lohman: I propose changing “ordinance” to “chapter.”

Vice Chair Mitchell: I think you just did that.

Chair Raschko: Okay. Anything else?

Commissioner Lohman: There’s two. You’ve got to grab the second.

Mr. Gill: Thank you.

Chair Raschko: Okay, hearing no more proposed changes, to summarize we talked about moving the severability clause. We talked about putting .041 – Mr. Gill, why don’t you _____?

Mr. Gill: Sure. So we have added to 34 – or, I’m sorry – let’s see. We’ve added “Substantial Improvement” with a modified definition. We have added the RCW 86.16 to the prohibition on wells in the floodway. And we have moved the severability clause to the very end of that chapter and clarified it as the chapter, not an ordinance. And these paragraphs I am just getting rid of those. That was just done for clarity.

Chair Raschko: All right now, my opinion is we have a loose consensus on each of these changes but we need a motion to pass the whole package. And before we do that I have one more question for staff and a comment to my peers out there. There was public input regarding floodways and accuracy of the mapping, and particular people felt that they were unable to use their land as they intended due to the fact that the mapping was incorrect and misrepresents what they own. Is there a way to put something in the Findings and Facts to recommend that the County begin a procedure to implement a way for people to get map corrections that they think might be necessary?

Vice Chair Mitchell: Mr. Chair, I’ve got a comment on that too. It’s Mitchell.

Chair Raschko: Go ahead, please.

Vice Chair Mitchell: I’d like to see something like that done as well. The most striking example that came to my mind was seeing that map where part of the floodway was designated as a straight line following a road, and that’s just absurd. So clearly there are places where the floodway maps have been – I don’t have a good way to describe it – probably done too fast for what they should be for where they are. And so I would also like to see a recommendation placed

in there, however the group can come up with to word it – if you guys agree – to allow people to have map amendments for their properties when it's clearly erroneous.

Mr. Moore: Mr. Chair, if I may?

Chair Raschko: Yes?

Mr. Moore: I'd like to provide – Jack Moore, the building official. And in order to just provide a little information on the particular subject at hand, there is a method of modifying the maps if there are – someone believes there to be an inaccuracy. FEMA calls it generally a Letter of Map Change, and there are a number of types of map changes that can be made, depending on the various situations. It could be a mapping error itself, an irregularity. It could be a manmade modification that now removes something from the floodplain. So I do want to point out that there are avenues for that to occur. So, you know, I have no problem, though, recommending to the County that we have updated maps done or make them more accurate because we – it is well known that our maps are very antiquated. They do contain inconsistencies – tremendous inconsistencies – and we definitely would like to have those updated at some point.

Chair Raschko: That was very helpful. Thank you.

Vice Chair Mitchell: Chair?

Chair Raschko: Well, let's see. We have Mr. Shea first. I'm sorry.

Vice Chair Mitchell: You bet.

Commissioner Shea: Yeah, so I agree with that statement about trying to get some more information about how landowners can appeal the floodway maps. And I saw the same thing with a couple of the maps that were shared: that they were drawn on some straight lines and maybe just because it was easier, or if there were some other issues __ inconsistencies that were happening during the survey. But after reading the comments and hearing comments about when they did try to rezone that, I think it's important to have it by a case-by-case basis because it was clear that doing it blanket across the whole entire county – although, yes, maybe some landowners were getting pulled out of the floodplain or out of the floodway, then new landowners were being roped into it. So I think leaving that up to a case-by-case basis or appeal basis where an individual landowner can come and appeal that designation is important, but I think I'm hesitant to say that we should do – because it's obviously a contentious issue and if we do it countywide I don't want, you know, other landowners who previously aren't included into that be all of a sudden included into that. And I think that that was mentioned before – that that was a contentious issue with this. But I completely agree with giving people an opportunity to appeal these designations.

Chair Raschko: Thank you. Mr. Woodmansee?

Commissioner Woodmansee: So I guess, Jack, I have a question for you because what the public comment is is that you have to do a letter of map revision and that requires community sponsorship. So an individual can't try to get that changed by himself. You can't make your own application and make it happen. You have to get, apparently, the County or a City to sponsor you along with that. And I share the concern about accuracy of maps and would like to see something in here that talks about that that's a goal or a direction that we'd like to see the County, to the best of their ability, pursue. And in particular where there's an *obvious* error. Obviously there could be

some debate on some locations, but some of the locations, I'm sure, are very obvious errors and a simple elevation should be able to take care of that issue. Anyway, so I don't think it's – I think depending if you're a floodway or if you're in the floodplain whether you can do it individually or not – what I'm reading in this comment. I'll take some feedback.

Chair Raschko: Okay, we'll go first to Ms. Mitchell.

Vice Chair Mitchell: Thank you.

Chair Raschko: Pardon me, Ms. Mitchell. Excuse me. Joe, you were asking for feedback from staff?

Commissioner Woodmansee: Yeah, and it can wait till Ms. Mitchell's done. I'm fine with that. I just – if Jack could clarify or respond to what I said when he gets a chance, I'm fine with that.

Chair Raschko: Why don't we do that now while it's fresh?

Mr. Moore: Yeah, so to respond to that and even maybe a couple other comments that have been made: Yeah, there are some great inaccuracies in the maps. You can get a Letter of Map Change, either a LOMR – Letter of Map Revision – or Letter of Map Amendment. These are all under the umbrella of Letter of Map Change. You can get those in the floodway as well. And there are ways to do that and the community acknowledgement is a requirement, and what that acknowledgement says is that we have to testify that there are – that no violations have been created and that no fill has been placed when it comes to the floodway. Fill is acceptable in the floodplain but not the floodway. You know, this letter you're discussing I've not seen, but this strikes very, very close to a particular instance just off of South Skagit Highway that I've been discussing with the landowner for some years. So while I think that there probably *is* some irregularity, he did quite recently ask for the community acknowledgement form to be signed, but as there are long term issues on the property I would be unable to sign it at this time without other justification such as a hydrologic study of that reach of the river. So I'm happy to work with that particular landowner, continue to work with that particular landowner if he does need further assistance or wants to find out or discuss again what his solutions are moving forward, and I can do that. But, yeah, what you say is accurate. In the floodway, it does require a community acknowledgement signoff.

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

Vice Chair Mitchell: Oh, thank you. My question was sort of piggybacking onto what Joe was saying, and also to thank Jack for letting us know that there are some pathways that exist. My questions comes to probably Jack and staff. Does the County already provide the information somewhere for people to find easily so they know what they can do? And what is the County doing to help fix these situations? Obviously they've been around for a long time with the map errors, yet here we still are.

Mr. Moore: Yeah, and I think Commissioner Shea touched on this briefly. There was a general investigation study of the Skagit River that I think a lot of you may be aware of. It happened about a dozen years ago wherein FEMA and the Corps came in and started the study of the entire reach of the river to attempt to establish more accurate – what they believe to be more accurate numbers and more accurate base flood elevations, and produce digital maps that would then be quite a bit more useful for, you know, staff, landowners, and everyone else. There were some great disagreements over the information that FEMA produced and ultimately Skagit County was in a

position to challenge FEMA's data. Because it was going to raise the base flood elevation over a good portion of the floodway up anywhere from a few to, in some cases, several feet. So ultimately Skagit County and FEMA could not see eye to eye on that. The study itself went stale. And FEMA does intend and has interest in continuing that but would need Skagit County to agree to that and partner in doing so, which I'm not sure if that's been presented to the Board of County Commissioners recently, but if I had to guess I'm sure they would likely still hold the opinion that FEMA is using some faulty data.

Chair Raschko: Okay, thank you. Ms. Mitchell, you have something else?

Vice Chair Mitchell: I was just going to say thank you, as well. That's amazing.

Chair Raschko: Thank you. Any other comments?

Commissioner Woodmansee: I have one. I just want to say for the record that I don't know this property that you're referencing and my comment's related to process, not a specific project. So just to clarify that. And thanks for your explanation.

Chair Raschko: Okay, anybody else?

Commissioner Lundsten: I have one question.

Chair Raschko: Mr. Lundsten.

Commissioner Lundsten: This is for Jack – something I just ran across myself and I don't know if it refers to the floodway, but FEMA has something they call "elevation certificates" which you can get for the floodplain, as I understand it, for various changes in how you're covered for insurance. Does that apply to the floodway, too, and would this be applicable to the property owner we've been talking about? Could he utilize _____, as they call them?

Mr. Moore: Yeah. So the floodway is included. It's a narrower section of the overall special flood hazard area. What we call the floodplain, FEMA calls the special flood hazard area. The floodway is just a more narrow portion that's contained within that and it has further limitations in excess of the remainder of the floodplain. So, yes, elevation certificates are very key to any request for map changes. People have applied for and have FEMA approve letters of map revision or letters of map amendment in the floodway. If their ground level is above the base flood elevation, then they are a likely candidate to be approved. And, yeah, that does apply to both the floodway-designated area and the remainder of the floodplain.

Commissioner Lundsten: So the problem with FEMA's study 10 years ago or whenever it was was that the – your elevation certificates were at odds with what Skagit County thought they were. Is that right? Basically?

Mr. Moore: Yeah, roughly speaking. So how it started was that they were starting with certain data sets and historic data sets, and essentially starting at the upper reaches of the river. And then they would start, you know, extrapolating downstream using those starting points. The biggest contention was the starting point and the historic data that in some cases included anecdotal evidence. So the starting point, there was a disagreement on that. So as you extrapolate the water levels coming downstream, they became a bit farther and farther apart until you reached the delta area, and then they started to come back together. So that's the gist of the difference of opinion on that.

Commissioner Lundsten: Thank you.

Chair Raschko: Mr. Shea, did you have something else?

Commissioner Shea: Yeah. I just have a question maybe someone can clarify about the insurance. So if I'm not mistaken, a lot of this has to do with we're trying to adhere to the state codes for FEMA flood insurance. And a comment that was brought up before was about having private flood insurance and that if you didn't want your property or something like that to be covered through the FEMA flood insurance because you weren't for some reason adhering to this code that you could have your own private insurance. I think there was something brought up about having private insurance versus FEMA's insurance, and I just want to clarify that this is essentially to get us in compliance to make our county possible to apply for FEMA's flood insurance if there was a substantial flood, if buildings were destroyed or something.

Chair Raschko: Anybody else?

Mr. Moore: Jack Moore, the building official – if I may? I'll try to clarify that for you. The flood insurance program – let's see. Our codes are required to match or be reflective of both state and FEMA's rules. What that does is as long as we're consistent with those and we meet the minimum, then we can participate as a County – the County can participate in the National Flood Insurance Program. Whether or not an individual homeowner chooses to go on the private market or to go through the federally-backed NFIP, that doesn't change the fact that they would still need to comply with the minimum standards. So to clarify, they can't exempt themselves from the flood code just by promising they would never seek federally-backed insurance. There's not an avenue for that. For us to participate in the program at all, our development ordinances have to require the same standards for everyone. And, yeah, this particular, you know, audit – community assistance visit – is an audit to see if we are meeting the minimum standards. And what that does is qualify us to participate in the NFIP program, or qualify our landowners to participate and have the option of choosing that particular insurance. What – you know, as long as we stay in the program, we are then – that's a pre-qualifier for another voluntary program that the County participates, the Community Rating System. And that's the one where if we do kind of a really good job of reviewing everything, making sure everyone follows the rules, and in some cases exceeding their minimum, we get credit for that. And so currently some of you may be aware that we are a Class 5 community. So what that does, it doesn't give the government any particular benefit exactly, but what it does is give every policy holder that chooses to go through the NFIP program an immediate, off-the-top 25% discount from the published NFIP rates. So this is sort of a – what we're working on today is kind of a base for that other program that allows for us to, you know, have that 25% discount for everyone.

Commissioner Shea: Thank you. That helped. Thanks.

Chair Raschko: Have we any more comments?

Commissioner Woodmansee: Yeah, I'd just like to say that that's a lot of good explanation there and it's good information. So thanks, Jack.

Mr. Moore: You're welcome.

Chair Raschko: Okay. Now the part that confuses _____ size this into something we can vote on.

Vice Chair Mitchell: Chair, I've got one more. This is Commissioner Mitchell.

Chair Raschko: Yes?

Vice Chair Mitchell: It's between a comment and a question. We went through a lot of good information right now but we – this started off where somebody wanted to make a recommendation, and, quite frankly, I've lost sight of what that recommendation was, other than generally it was the sense of maybe adding in ways for people to get map amendments, educating them how they can do it – how the County would do that. I don't think we want to lose sight of that. It can't hurt to make the recommendation if somebody wants to coalesce their thoughts on that. It might have been Joseph.

Chair Raschko: No, it was myself.

Vice Chair Mitchell: Oh, was it you? Okay, thank you.

Chair Raschko: It was that we make a suggestion to the – a recommendation to the Commissioners that they seek to create a means for people affected by the floodplain mapping inaccuracies to be able to _____ on a property-by-property basis to seek amendments to the map so that they reflect what's truly on them. There's probably a better way of saying that but that was the idea.

Okay, so –

Vice Chair Mitchell: Comment, Tim?

Chair Raschko: Go ahead.

Vice Chair Mitchell: You've stated the basic idea. If we could have Peter write that down for us and then have everybody look at it again. I thought I heard what Tim was saying a little different than Joseph a little different than Joe, yet I think you guys were all hitting on the same thing – maybe even Mark – where people – and I think it had several components to it, so – part of it was modifying the map amendment, part of it was educating – for providing – educating or providing information through the County for what people's options were. Am I missing something?

Mr. Moore: Mr. Chair, if I may comment? This is Jack Moore, the building official.

Chair Raschko: Yes?

Mr. Moore: If I'm understanding the commissioner's comments, are you suggesting that we may want to increase our outreach to customers or provide better information about their options? Or are you suggesting that we modify the ordinance itself in some way?

Chair Raschko: No. My suggestion – I mean there's been a lot of discussion since, but my idea in the first place was just to – well, I don't know. Maybe it *would* require changing the ordinance. That's not going to happen now – any recommendation for that. I guess what my feeling is is that some sort of process should start to provide people a way to get corrections they think are necessary in order to use their property the way that they feel that it should be used for what it really is rather than for what the map might reflect it to be. Now if there's already something in place, then it's moot.

Vice Chair Mitchell: Not if it's not necessarily spelled out. For instance, Jack might be able to help us with this. That information, it sounds like, is provided through FEMA – right? – but maybe not necessarily on a County website or County pages.

Mr. Moore: I think we can make it more apparent to people. We do have some references to map amendments. We also include it in some of our annual mailers during flood awareness week. You know, repercussions on insurance and how people can improve their insurance rates. So we do in some level communicate that to the public but, you know, there's always room for improvement, and I think we could, you know, work on that and make it more apparent.

Chair Raschko: Well, it's been a real interesting discussion to me because I was motivated by _____ testimony, and then listening to your anecdote. For example, it appears to me that there is an avenue there, and what I'm inferring from what you stated about this real case is that something had been done at the property previously that might preclude their opportunity to get those changes. Now I just don't know. So where I started off with motivation to try to make something possible that appeared not to be possible, maybe I was wrong in that whole idea. I mean, we really don't need a change. But we've got _____. Does that make sense?

Mr. Gill: Chair, this is Peter. I don't know if you got – if you all can read this. Does this encompass your concern or thoughts in relation to this? So it says "Skagit County should pursue additional educational materials and outreach for map amendments on individual properties where FEMA flood maps are in error." Is that what you're getting at?

Chair Raschko: Yeah. I guess I'm not trying to invent the wheel. I'm saying, you know, we're recommending that somebody else go invent a wheel that'll accomplish this. And, you know, that'll encapsulate it fine for me.

Vice Chair Mitchell: Looks good to me.

Commissioner Lohman: Mr. Chair, I think you have a couple of us that are wanting to be in line.

Chair Raschko: Oh, I'm sorry! I've been ignoring the Chat! So Ms. Lohman.

Commissioner Lohman: I think Mr. Woodmansee's ahead of me.

Chair Raschko: Oh, I thought he already spoke. Okay. Joe, go ahead, please.

Commissioner Woodmansee: So after hearing the whole discussion, I have come full circle also, and I think the opportunities are there that need to be there. Perhaps we can get more educational materials out but I think that there *is* a process in place that can be used that covers both situations. And hearing the example given and all of that makes it – it puts it into perspective – some of the public comments – for me. So I'm good with that maybe we just make sure that the materials are more friendly/available to people and the process is. And then, I think, for me that's good.

Chair Raschko: Well, thank you, Joe. Ms. Lohman?

Commissioner Lohman: My question kind of goes back to a prior meeting when Commissioner Woodmansee was asking, Is this a Comp Plan amendment process to get it changed? And then further, my own question about it is if it turns out to be an error, an out and out mapping error,

through no fault of the property owner – they’re just the guy pointing it out – how do we minimize their costs?

Chair Raschko: Okay. Mr. Shea?

Commissioner Shea: Yeah, I think Commissioner Woodmansee kind of already spoke to what I was going to. The one thing that I – you know, I’ve heard of these floodway concerns in our county for a while now and this is kind of the first time that I’ve heard of an actual sort of appeals process, so it’s nice to hear there is a process. The only thing that – I understand why a landowner may need to get – I forget the exact wording – a community support, a community buy-in for any sort of appeal for the floodway designation. I understand there’s some flood storage maybe issue with that or it – I just don’t necessarily understand why a private property owner has to get the graces of a bigger conglomerate to solve private property issues with the floodway. It makes a little bit of sense but at the same time it – why can’t they just file an appeal without getting the support of the nearest Town or community group or County? Because they’re going to be accepted or denied anyway, so what’s – I guess, what’s the purpose for that? If I could get some clarification?

Chair Raschko: So you’re asking for clarification?

Mr. Moore: Jack Moore again. I think I can help with that question. The community acknowledgement form is primarily just eyes on the ground that violations have not occurred on the property or someone has not imported a large amount of fill in order to elevate their whole property and thereby, you know, falling above the base flood elevation and now artificially altering the property in order to get their map change. You know, that would go against the – as you point out – the FEMA flood storage aspect of the floodway, and so really that is the extent of the community acknowledgement form, is are there violations on the property or were there created scenarios in which someone had altered something to now try to be compliant whereas they may not have been prior to any unpermitted modification.

Commissioner Shea: All right, thank you.

Chair Raschko: Ms. Mitchell?

Vice Chair Mitchell: Thank you. I was having the same thoughts that Mr. Shea was. And I was looking for some examples, Jack, because to me this is along the lines of when we argued junk ordinances in the past and some other things. Everything’s great when people are honest and good citizens and good neighbors, but we probably have all had the neighbor that is – or neighbors – in a certain area that want to get back at somebody for some reason and have found a way to stick it to them for something, whether it may be true or not true. And that is a nightmare when it happens to you and it’s a nightmare when it happens to a friend of yours or a family member. And these things really do happen, and you end up having people that walk around more or less – forgive the example, but sort of like a little – they try to come up with a multitude of __ violations to harass somebody. And these things really do happen. We hope and wish that they wouldn’t. And I’d like to know some examples on what somebody would do – a list of things, Jack, if you could help us out with some more mental images of things that have been done where they’re gaming the system versus somebody that really hasn’t gamed the system yet somebody’s come and said that they had. And then it’s a big he said, she said – you know. Those still are real problems. Our own area has had some people that were vindictive people when they said things that were not true, and yet you’re the one that’s fingered.

Mr. Moore: Yes. What you described does occur and to try to, you know, keep it somewhat related to our topic at hand here, you know, we often get complaints, whether it be flood violations, zoning violations, building violations – you name it. You know, a lot of those we'll do our own independent investigation. We don't take anything at face value. So if someone, for instance, suggested that their – you know, they suggested that someone was filling in the floodway, we would make sure to go out and verify that firsthand prior to us, you know, contacting the property owner at all. Occasionally we'll go out and we'll see something that is not a violation and it is just someone kind of trying to use the County as a hammer to annoy their neighbor that they don't like. And we may not even contact the property owner at that point. We'll just close the complaint and move on. Other times we might find violations where a property owner is attempting to maybe do something to help themselves but might have detrimental impacts to their neighbors. But I do want to assure you that we do an independent investigation. We look for proof from the very start. Our code compliance officer operates on what can be proven in court, because that's what I suggest to him is that any case he takes on, before the first letter is even sent be sure that we are confident of what is happening and what the facts are. So that does happen in this situation but with flood violations as well as many other.

Vice Chair Mitchell: Thank you.

Chair Raschko: Thank you. Okay, I think we should try to wrap this up and come back to the previous question of whether – hopefully everybody can see it on your screen – and recommendation number 1 would be acceptable to address this current issue. The only change might recommend is change the word “bar” at the end of the sentence to “may be,” because that's what you're trying to find out.

So what you're seeing on your screen is the recorded motion with Peter having added the four changes that we have loosely accepted. They need to be accepted formally by a motion.

Mr. Gill: And, Chair, I just wanted to ask: Are you accustomed to actually seeing the changed code stuck in here in this Recommendation section or just referencing the proposed changes through a short sentence, as I've done here?

Chair Raschko: Are you asking me? Personally, I find what you've done perfectly acceptable. That may not be the feeling of the other commissioners so I would ask (if) any commissioners have any comments to make on that.

(silence)

Chair Raschko: Well, hearing none, it must be acceptable. So does anybody wish to make a motion that we accept the – whatever we call – the recorded motion as written with the exception of the four additions?

Commissioner Lohman: I'd move that we accept the recorded motion as presented.

Chair Raschko: And who made the motion?

Commissioner Lohman: Annie.

Chair Raschko: Annie! Oh, okay. Okay, is there a second?

Commissioner Rose: I'll second it.

(several commissioners speaking at the same time)

Vice Chair Mitchell: Excuse me – point of order. I think Tammy Candler already seconded it.

Commissioner Rose: Okay, good.

Chair Raschko: Okay, seconded by Tammy Candler. Is there any further discussion?

Vice Chair Mitchell: Looks good.

Chair Raschko: Okay. We will have a vote by roll call, if you don't mind, if I can find a list of names. Mr. Lundsten, how do you vote?

Commissioner Lundsten: Yes.

Chair Raschko: Ms. Rose, how do you vote?

Commissioner Rose: Yes.

Chair Raschko: Ms. Mitchell?

Vice Chair Mitchell: Yes.

Chair Raschko: Mr. Woodmansee?

Commissioner Woodmansee: Yes.

Chair Raschko: Ms. Lohman?

Commissioner Lohman: Yes.

Chair Raschko: Ms. Hughes?

Commissioner Hughes: Yes.

Chair Raschko: Ms. Candler?

Commissioner Candler: Yes.

Chair Raschko: Mr. Shea?

Commissioner Shea: Yes.

Chair Raschko: And I vote yes, so that passes unanimously. Thank you very much. That was very well done. Okay, we're moving on into the deliberation of Countywide Planning Policies and we have the recorded motion. Does anybody wish to make a motion or begin discussion?

(silence)

Chair Raschko: Nobody? I will make a motion that we accept it as written.

Vice Chair Mitchell: Second.

Chair Raschko: Who seconded it?

Vice Chair Mitchell: Mitchell.

Chair Raschko: Ms. Mitchell. Is there discussion?

Commissioner Lundsten: Yeah, I have a question.

Chair Raschko: Mr. Lundsten, yes?

Commissioner Lundsten: I'd just like to ask the staff to restate where these changes actually came from. What was the motivation to change the syntax, the language as it is? Was there a specific thing or a specific person or a specific group of people that asked for this, and what? And (I) ask any of them to answer.

Mr. Gill: Chair, this is Peter Gill. Yeah, these cleanup changes to the Countywide Planning Policies were part of the 2019 Steering Committee scope of work for the Skagit Council of Governments to work on. So I guess that was a long way of saying that the Steering Committee, the GMA Steering Committee, which is made up of the three County commissioners and the mayors of the Cities, they come up with an annual work program for the Skagit Council of Governments and one of the tasks on that was to clean up the Countywide Planning Policies in 2020 – or 2019. And so the GMA Technical Advisory Committee worked on just cleaning it up – making sure it matched the current Growth Management Act, clarifying who the policies apply to – not just Skagit County but also the Cities within Skagit County. And in December of 2019 the Steering Committee approved of those changes and so now it goes back to you all and the Board of County Commissioners to finalize the policies – or to *adopt* it, I should say. Did that answer your questions?

Commissioner Lundsten: In part. If I may follow up with a quick one: Was there something wrong with the way they were that prompted this that anyone pointed out?

Mr. Gill: This was a bit before my time, but I believe it was more just the language. The general language that was originally adopted in 1992 did not – wasn't as clear as it could have been. So I don't know if there was a specific instance – I guess to get to the heart of your question – that arose to make them think that they had to make clarifying changes.

Commissioner Lundsten: Okay.

Hal Hart: Commissioner, this is Hal Hart. Chair Raschko, may I speak?

Chair Raschko: You may, please.

Mr. Hart: Thank you. I think one of the other positions that I heard the Cities take in the last couple of years was they thought that originally it was very County-centric and so that was part of the change. It applies to everybody, and so their – I think that was another point of view that was definitely in the room.

Commissioner Lundsten: Thank you.

Chair Raschko: Okay, other questions or comments on the motion?

Vice Chair Mitchell: I have a comment. This is Mitchell.

Chair Raschko: Please, Ms. Mitchell.

Vice Chair Mitchell: I've raised this before. I'll raise it one more time then let it go. I believe that a number of their changes made it less clear than more clear, and I'll go back to citing the places where they took things out and said – you know, messed with the “shalls” and said that they put the information at the top of the whole thing so it should make it easier for the rest and, quite frankly, I still don't think that this is as clear as the original was. My opinion.

Chair Raschko: Okay, anybody else?

Commissioner Lohman: Mr. Chair, this is Annie.

Chair Raschko: Yes, Annie?

Commissioner Lohman: I just want to point out it wasn't just – they did insert language right at the beginning on page 3 that I don't think anybody objects to, where they talk about retention and expansion of existing business and businesses – and I'm going to paraphrase it – and I don't think anybody objects to that. But that was really the only actual insertion. And they also, when they talked about parks, they referenced recreational facilities but otherwise it was almost grammar – a difference of opinion on grammar as well as what Peter Gill referenced.

Chair Raschko: Well, thank you. Any other comments?

(silence)

Chair Raschko: Well, if not, the motion was to approve the recorded motion as written and seconded so we will do a voice roll again, if I can find my list of names. Okay, I'm going to wing it. Mr. Wood – go ahead. Somebody else? All right, Mr. Woodmansee, how do you vote?

Commissioner Woodmansee: Yes.

Chair Raschko: Mr. Shea?

Commissioner Shea: Yes.

Chair Raschko: Ms. Mitchell?

Vice Chair Mitchell: Yes.

Chair Raschko: Ms. Lohman?

Commissioner Lohman: Yes.

Chair Raschko: Mr. Lundsten?

Commissioner Lundsten: Yes.

Chair Raschko: Ms. Hughes?

(silence)

Chair Raschko: Ms. Hughes?

Vice Chair Mitchell: Oh, she's thumbing "yes."

Commissioner Hughes: There we go – yes. I couldn't unmute myself but I got it!

Chair Raschko: Ms. Candler?

Commissioner Candler: Yes.

Chair Raschko: And Ms. Rose?

Commissioner Rose: Yes.

Chair Raschko: And I vote yes so that is unanimous as well. So thank you very much for everybody's ___ work on those. Okay? We're going to move on to our Director Update.

Mr. Hart: A full-on one moment. I think, Commissioners, Peter's going to bring it up. There we go. The most, I think, important part of the Director's Update today is to all express our appreciation of who are always my heroes are the people that step up out of their busy days and volunteer for things like planning commissions. Annie has been here a long time and we are – it probably doesn't feel that long, but I look at that February 1st, 2009, and August 21st, 2020, and think of all the things that Ms. Lohman has been a part of. And I am thinking of the Comprehensive Plan Update; I'm thinking of so many code changes or changes to the way we do business; and maybe the Shoreline Master Plan, which we're still working on. And I would love to hear your – Annie express some of the history of what she has seen from her position. That would be helpful for staff, too, since a lot of us are new. So thank you so much – a big thank you.

Chair Raschko: Thank you, Annie. Does that complete your report?

Mr. Hart: Go ahead, Peter. No, Peter has a couple of items.

Mr. Gill: Well, I just wanted to update on some of the things we've talked about. The Board of County Commissioners did discuss the 2019 Docket this morning. Hopefully some of you were able to tune in at 9:30. This was just a discussion item so they wanted to hear more about a number of items. And Mike can elaborate, but basically they wanted to hear a little bit more about herons. They wanted to hear a little bit more about wells on Guemes. There were some concerns over the Port changes – changes out at the Port. And help me out, Hal. Was there anything else?

Mike Cerbone: The habitat restoration was one of the ones they ___ more about, and the trails in the OSRSI.

Mr. Hart: Yes, that's correct. And it's a large – Commissioners, Hal Hart again. I'll just add that it's definitely a larger audience because my phone has been ringing off the hook since this morning. So we are getting phone calls about some of those issues as well. So we'll definitely keep everybody in the loop going forward.

Mr. Gill: And I would say the commissioners did state multiple times their appreciation and all the hard work and volunteer time that the Planning Commission did put into this and realized the depth of understanding that you all obtained through this longer-than-usual process. So I just wanted to make sure you all know that they *are* appreciative.

The last one, the next thing on this slide actually the Chairman already brought up but I appreciate the folks that have already watched the training videos and sent in their certificates. I really appreciate that. While the County doesn't have anything formal in terms of what the Planning Commissioners must do for training – there's nothing in the bylaws – I think having a consistent level of understanding of not only some of the basic planning principles but also important parts of the Open Public Meetings Act and some of the Appearance of Fairness Doctrine are really important and will be further important – *more* important – as you all get into your bylaws.

And a few new items but, Hal, I'll take this first one. So the next meeting is September 8th on your calendar. Hopefully everyone can make it. If you don't mind sending me a quick email if you can't make it, I appreciate that. And most of you do that already so I appreciate that. But bylaws is on the schedule for that next coming meeting.

The next one is the County is moving to Microsoft Teams and trying to save some money and stop paying for gotomeeting. We've going to try to make it a soft transition. We're not going to spring it on you. We're going to make sure that we have time to make sure everyone's up to speed before we change over, but that is a cost-saving measure that the County is working on, at least by next year. So we'll see about that.

And, Hal, if you want to take over?

Mr. Hart: Sure. Sure. The Planning staff, as a lot of you know, a lot of them have been around for upwards of 20 to 30 years and we're starting to see some retirements. We've seen a retirement in water. Alison has retired in water and Ron had retired in water last year, replaced by Megan on our staff team. Alison's retirement we've reached out and got somebody from the Chelan-Douglas area with, I think, 17 to 19 years' experience and ___ Brian Dickey. And so if I look at my emails today a lot of them are over water issues. I'd like to thank our Human Resources Department. They moved very quickly to help me get somebody in there. The person is now training, is here, and hopefully will reduce any backlog and answer a lot of questions. As everybody here knows, water is one of the most contentious kind of things that people are confronted with when they come to Skagit County. So working with people and trying to connect them with water resources and information is what that position's going to be about, as well as helping us with the Edison sewer systems, which we are also responsible for. The other position that we filled was somebody has moved on to the private sector and so our person at the front counter is Deepti Khanna. She has been hired from reception in as permit intake. And it's really interesting. Her background was customer service from the private sector. She worked with Air France in India for, I think, 12 years. And so she brings that experience and she's been very helpful. Everybody tells me she's a quick learner so that's exciting. Thank you, Commissioners.

Mr. Gill: The last little tidbit I wanted to add on that, on the hiring front, is that I have some help. Hal has given me an intern. She's part-time. Her name is Brittany Dover, and so you might see her name floating around in the next coming months, and we hope to have her on board September 1st. So that's exciting for me to get some help.

And last but not least I want to say a very special thank-you to Chair Raschko as well as Commissioner Rose for volunteering for another four years. I know how much effort it does take

so I really appreciate you re-upping on your Planning Commission seats. So that's great. And there is a new nominee for District 1. His name is Mark Knutzen. Some of you may know him in the community. He's been nominated by Commissioner Wesen to fill the District 1 seat.

So anyway that is all from my side.

Vice Chair Mitchell: I've got a question for you. This is Mitchell for Peter.

Chair Raschko: Ms. Mitchell, go ahead.

Vice Chair Mitchell: Yes, thank you. So when you say "nominee," does that mean he *has* been appointed or not yet been appointed?

Mr. Gill: He has not been appointed. He has been nominated. They have a resolution for August 24th prepared.

Vice Chair Mitchell: Okay. Thank you, sir.

Chair Raschko: Okay, we'll move on to Commissioner Comments. If nobody minds, I'd go first, and I'd just first of all thank staff for all the hard work they've done, particularly Peter Gill for all the support and work you've done getting through this process we've just completed. And the second thing I'd like to say is that I'm sorry, Annie, that your last meeting was over computer screens and not in person because I think you would have felt a lot more warmth towards you and it would have felt more celebratory. And I hope my fellow commissioners share the feeling that, you know, we really are going to miss you. And, lastly, could you please reconsider?

(laughter)

Chair Raschko: And we'll switch now to Kathy Mitchell.

Vice Chair Mitchell: Thank you. I have nothing to add other than, again, yes, we will miss Annie quite a bit and do hope to see her fairly soon.

Chair Raschko: Okay, Ms. Candler?

Commissioner Candler: I have nothing my comments about the loss of Commissioner Lohman.

Chair Raschko: Thank you. Mr. Lundsten?

Commissioner Lundsten: I'd like to thank Jack for showing up and providing some very useful information tonight. And I'd like to thank Annie and tell her it's been nice to get to know her and I look forward to seeing her in the future. I'm sure she's going to be around. So it's been a pleasure so good luck to you.

Chair Raschko: Okay, Ms. Hughes.

Commissioner Hughes: It took three times to unmute! _____ thank Annie. She has worked on training for me. I can never fill her shoes. But I'm sure she will keep us to task in future years.

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

Commissioner Rose: Yes, Annie, thank you. You've opened my eyes a lot so I appreciate it.

Chair Raschko: Okay, Mr. Woodmansee?

Commissioner Woodmansee: Likewise here. I've not been around that long but I've admired Annie's abilities and her expertness and her knowledge along the way, and I hope to be able to get somewhere close to what she has done over the years in my contribution. So thank you, Annie. I appreciate your efforts on behalf of the commission.

Chair Raschko: Thank you. Mr. Shea?

Commissioner Shea: Yeah, we haven't spent much time together, obviously, but I also have very much valued your input. I have a lot to learn here still and hopefully you come back and give us some trouble. But also too I do want to say thanks to Jack as well. I really appreciated your comments and that really helped me out a lot understanding what's going on. So that's all for me. Thanks.

Chair Raschko: Okay, Annie, do you have any comments?

Commissioner Lohman: Well, I'll have to find something new to do on Tuesdays. And I just want to also thank Jack for his clarity and his – those were some questions that are hard to get the answers to and he helped fill in those voids. And I'm going to miss all of you because as a team, nine of us sitting up there as well as our support from the staff, we make each other better because we have to do our homework and come prepared and I'm going to miss that interaction with all of you. And like I said earlier, I have tons of faith in who's going to be there next so...and I love this county and I really, really care about it, and it's apparent that all of you do too. Thank you.

Chair Raschko: Great. Thank you, Annie. Can we give her a round of applause? Don't mute!

(applause)

Female Commissioner: Thank you, Annie!

Chair Raschko: With that, I call the meeting adjourned. Have a good night.