

**Skagit County Planning Commission
Review: 2019 Docket Recorded Motion
Work Sessions: Flood Code; Countywide Planning Policies
June 23, 2020**

Planning

Commissioners: Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Joseph Shea
Mark Lundsten
Annie Lohman
Amy Hughes (absent)
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: Okay, the Tuesday, June 23rd, 2020, special meeting of the Skagit County Planning Commission is now in order. I think it'd be a good idea before we move on to the agenda to do a roll call, so I'll ask each of you if you are here. Commissioner Candler?

Commissioner Tammy Candler: I am here.

Chair Raschko: Oh, she *is* here.

Commissioner Candler: I had to unmute my mic.

Chair Raschko: Thank you. Commissioner Lohman?

Commissioner Annie Lohman: I'm here too.

Chair Raschko: Okay. Commissioner Mitchell?

Vice Chair Kathy Mitchell: I'm here.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Commissioner Lundsten?

Commissioner Mark Lundsten: Here.

Chair Raschko: Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Raschko: Commissioner Shea?

Commissioner Joseph Shea: Here.

Chair Raschko: And I'm here so we've got everybody. Are there any – well, we cannot change the agenda. In fact, this is a special meeting. So I presume everybody has read the agenda and is ready to go. So first we will have a review of the docket recorded motion for 2019. Mr. Gill, please.

Peter Gill: Sure. I just want to give a couple of updates before we get started about this virtual meeting. So please remember to mute your microphone. It will help with – cut down on any interference and unfortunately you have to _____ you talk. Please say your name before you speak, for those that do not have any video. If you would like to be recognized during discussion you can either raise your hand if you're on video or you can use the Chat to say that you have a question. The Chat is in the upper right-hand corner of your screen. And the Chat is being recorded, but don't put anything else in the Chat.

As before, the Chair still runs the meeting. Robert's Rule of Order still apply. Commissioner Hughes is not able to join us. She sends her apologies tonight. And a big welcome to the public that is either listening on the phone or watching on Skagit 21 right now. And quickly before we go, I should introduce myself and we'll have the PDS staff introduce themselves. I'm Peter Gill. I am the long range planning manager for Planning and Development Services.

Mike Cerbone: Mike Cerbone, assistant director for Skagit County.

Jack Moore: I'm Jack Moore, the building official and floodplain manager.

Mr. Gill: All right, thank you very much. So we are jumping right into the recorded motion for the 2019 docket and I am going to share my screen. And hopefully you all can see this. This is the draft docket that is currently on our website for anybody that is at home that wants to follow along. This follows deliberations that were done on February 11th of this year and also on February 22nd of this year. This final recorded motion was never finalized by the Planning Commission in February and so that is what we are working on tonight.

So I don't know how you would like to proceed, Chair, but if you wanted to go down each item we could do that, or we could take feedback on any items that commissioners have changes or ideas about.

Chair Raschko: So this is the copy that has people's additions to the original? The edits?

Mr. Gill: This is the one that followed – that was distributed for the March 17th meeting and it was resent last Wednesday. It does not have any changes to it.

Chair Raschko: Okay, I would ask the commission what their pleasure would be.

Commissioner Candler: Chairman, can I be recognized?

Chair Raschko: In a moment. I just want to finish by saying I'm still not having a clear understanding whether what we have already done can be changed at this point. Has anybody

any knowledge on that? In other words, C-1, or the facts and findings that have been put in the document, are they able to be changed at this point?

(silence)

Chair Raschko: Nobody?

Mr. Gill: Chair, this is Peter Gill. So the findings were not finalized but the votes were taken and the recommendation was done at the meeting. But –

Chair Raschko: Would it be easier then to use the copy that came out with people's proposed changes? Was a draft from –

Vice Chair Mitchell: Chairman Raschko, could you repeat that? That came across all garbled. Please.

Chair Raschko: I'm sorry. I'm wondering how the commission feels about utilizing the edition of this draft that included people's proposed changes. Can anybody understand?

Commissioner Candler: Yes, may I be recognized?

Chair Raschko: Yes, please.

Commissioner Candler: I have a – I don't know if this will answer your question. I have a motion that we adopt – I'm moving that we adopt the draft that was sent out on – I think it was March 10th – the draft that was sent out to us shortly after we hashed all this out.

Chair Raschko: And who's speaking? I'm sorry.

Commissioner Candler: Commissioner Candler.

Chair Raschko: Okay. We have a motion. Is there a second that we accept this March 10th edition of the –

Vice Chair Mitchell: Second.

Chair Raschko: And who seconded?

Vice Chair Mitchell: Mitchell.

Chair Raschko: Okay, so let's open for discussion. Has anybody any comments?

Commissioner Lundsten: I do.

Chair Raschko: Okay, this is Commissioner Lundsten, I believe.

Commissioner Lundsten: That's right. Thank you. I'd like to discuss some – a few of them individually. I think there was an intention, I thought, at the meeting that we were laying out what we – sort of a basic, essential piece of – the basic facts and findings but they were for us to reconfigure and to think about and to deliberate and then we would have a final vote on them after doing so. And I think that some of these are not complete or are missing essential pieces. So I

would prefer to go through them one at a time. I think four or five that will need any kind of discussion. So I'd prefer not to vote on all of them as a piece – or if we do, that we earmark a few that would take revision.

Commissioner Lohman: Mr. Chair, this is Annie.

Chair Raschko: I'm sorry _____. Go ahead, please, Annie.

Commissioner Lohman: You have commissioners starting with Commissioner Candler then Mr. Woodmansee and then Martha – Martha Rose – and then myself and then Kathy that have all used to Chat to get in line. Are we not using the Chat to try to be recognized or are we trying to just do it vocally?

Chair Raschko: All right, I will take the blame for that. I will pay attention to the Chat.

Commissioner Lohman: Okay. Maybe one of us needs to be sitting next to you watching the Chat – assist maybe? How could we help here?

Chair Raschko: That would be fine. Do you want to do that?

Commissioner Lohman: Sure. I can do that.

Chair Raschko: All right. Thank you. Okay, so we had Commissioner Lundsten and I believe we have Commissioner Rose.

Commissioner Rose: Did you want me to – I basically typed in my comment. We spent a lot of time going over these items and I thought we were settled on them, so I'm not necessarily suggesting that we redo or rehash any of these items. That was my takeaway from it.

Chair Raschko: Okay, thank you. We have Skagit 21. Who is – somebody doesn't have their name typed in.

Mr. Hart: Yep. Sorry!

Chair Raschko: And who is that?

Mr. Hart: That's Hal Hart. Can you hear me?

Chair Raschko: Yes, I can.

Mr. Hart: Okay, great.

Chair Raschko: Did you want to say something?

Mr. Hart: No, I'm just listening in. Thank you.

Chair Raschko: Okay, ____ Commissioner Candler.

Commissioner Candler: I think we've spent time on these. That was the reason that I made the motion. I think that the – we could always reword it and rehash it but the gist of what we had discussed at length was contained in the recorded motion. That's all.

Chair Raschko: Okay, anybody else?

Commissioner Lohman: I have something.

Chair Raschko: Go ahead, please. This is Commissioner Lohman?

Commissioner Lohman: Yes, and then you have Commissioner Woodmansee. He's got an item on Chat. And Kathy Mitchell and Joseph Shea.

Chair Raschko: All right. Thank you.

Commissioner Lohman: Okay, I concur with Martha and Tammy. I think that we've already been over it plus we've already voted for it. So I thought it was basically just to put the final *final* vote over on the entire document itself. Because we have already – we spent two other deliberation meetings going over each item.

Chair Raschko: Okay, thank you. Commissioner Woodmansee?

Commissioner Woodmansee: Two things: I just wanted to make a correction that it has my name on the list as *Tim* Woodmansee, not *Joe* Woodmansee – on the document. Tim also being my son. And so I'm just pointing that out. And my other comment was that we skip the Public Remarks portion of the agenda from tonight's meeting, not – I wasn't looking for more public comments on this particular item. So that's all I have.

Chair Raschko: Thank you. Commissioner Shea?

Commissioner Shea: Yeah, so I'm not going to participate in the deliberations or the vote necessarily but I did watch the deliberations and I went through the documents and it seemed like everything was pretty well addressed, and so I think the motion on the table is sufficient.

Chair Raschko: Okay, I believe everybody's had a chance to state their opinion. Does anybody else have anything more to say?

Vice Chair Mitchell: Yes, Chairman? This is Kathy Mitchell. I think there's a significant problem with my feed and my requests to be recognized have been delayed. I do not think that's your guys' problem. I think there's something wrong with the communications from wherever I am today. But I do have a comment.

Chair Raschko: First of all, on that point I would disagree. I think that was my fault. Your name's right there. I missed it again.

Vice Chair Mitchell: Oh, I can't tell.

Chair Raschko: Yeah, I can. So go ahead with your comment, please.

Vice Chair Mitchell: Thank you, sir. We had covered all this in detail through two different meetings and deliberations already, so, yes, I am concurring with the others that have spoken before so far except for one commissioner. And to rehash everything at this point is to go back against all the work that has been done beforehand so I would prefer not to do that. And everything has been pretty well delineated and explained, I believe. All of the communications have shown

the intent of our discussions and why the votes went the way they did to where we are at this point.

Chair Raschko: Thank you. Anybody else?

Vice Chair Mitchell: Thank you.

Chair Raschko: Okay, if there's no more discussion then we will vote, and I think it would be appropriate to do it by rollcall so I'll call each commissioner's name and you may say either "aye" or "nay." So I'll start with Commissioner Candler.

Commissioner Candler: Aye.

Chair Raschko: Commissioner Lohman?

Commissioner Lohman: Aye.

Chair Raschko: Commissioner Mitchell?

(several commissioners speaking unintelligibly)

Chair Raschko: Did we get an answer from Commissioner Mitchell?

Vice Chair Mitchell: Yes, sir. Aye.

Chair Raschko: Thank you. Commissioner Rose?

Commissioner Rose: Aye.

Chair Raschko: All right. I'll take that as an "aye." Commissioner Lundsten?

Commissioner Rose: Sorry, I had to unmute it and I apologize. I didn't notice that. So it's an "aye."

Chair Raschko: Okay, Commissioner Lundsten?

Commissioner Lundsten: No. And I'd like to have a comment afterwards but I'll vote no.

Chair Raschko: And Commissioner Woodmansee?

Commissioner Woodmansee: Aye.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Aye.

Chair Raschko: And Commissioner Raschko votes aye. So the vote is eight to one. Passed.

Okay, Commissioner Lundsten, if you don't mind, why don't we wait until we are at Commissioner Comments and – it's at the end. Because there is no more debate to be done on this so we'd love to hear your comment at that time.

Commissioner Lundsten: That's fine. Thank you.

Chair Raschko: So that would conclude... (long silence) You know, my mic seems to be muting all by itself. Has anybody heard me?

Mr. Gill: Sorry, Chair. That was my fault. I hit the "Mute All" because we were getting some background noise and it took me a while to get you unmuted.

Chair Raschko: Okay, I'm going to back up a little bit. I asked Commissioner Lundsten to wait until the Commissioner Comments at the end due to the fact that debate on the agenda item concerning the docket is completed. And we will therefore move on to the next item on our agenda, which is a continued work session on flood damage prevention code. So, Mr. Gill, if you would like to introduce that, please do so.

Mr. Gill: Sure. Let me get us to the right place. Sorry about that. Okay, so at last week's meeting we introduced the flood damage prevention code amendments. These amendments follow a visit by FEMA or Department of Ecology in 2013. That community assistance visit ended with 11 requested code amendments to our code to bring us into compliance with the National Flood Insurance Program. We have presented in a staff report that is also found on our website the proposed changes. The staff report includes an overview of the proposed changes and it also includes the detailed changes to the code in Attachment A.

Last week we heard from the commissioners on a couple of issues and tonight we have the Skagit County floodplain manager, Jack Moore, with us. He is also the building official. And so I was going to just go through if we still have questions, and I can kind of highlight some of the questions that came in from last time as well as we can discuss any other questions that may come up as well.

So the first question had to do with the Definition section, and there's a proposed change to the "start of construction" definition. And on the screen you should see in blue the change to that definition. It says "For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or any structural part of a building, whether or not that alteration affects the external dimensions of the building." So the question or the comment had to do with how deep that goes into the house. Are we talking about, you know, changing some trim boards or pulling up carpet? And so there was a question on whether that – it's that kind of an improvement or if it is only structural types of improvements. And so I don't know, Commissioner Lohman, if you want to weigh in on that or if we got that question or that comment right.

Chair Raschko: Commissioner Lohman?

(silence)

Chair Raschko: I don't know what happened.

Mr. Gill: _____ mute? It looks like Commissioner Lohman has checked out. Maybe she is having some audio issues at the moment. Perhaps we should come back to this comment or this question?

Chair Raschko: That sounds fine to me.

Mr. Gill: Okay. I will keep going to page 13 of the PDF. Sorry about all the scrolling. At home you're probably getting dizzy. And this question came from Commissioner Rose and it had to do with recreational vehicles in the floodplain. And the question is regarding this 7(b). 7(b) says that "When located in special flood hazard areas designated as" the following letters, "the vehicle shall: Be on site for fewer than 180 consecutive days; or be fully licensed and ready for highway use without the requirement for special highway permits, be on its wheels or jacking system, be attached to the site only by quick connection or disconnect type utilities and security devices, and have no permanently attached additions."

And so the question, I believe, had to do with – does it mean that you can either be onsite for 180 consecutive days or you can be onsite for however long you need to be as long as you're without the special highway permits or your wheels are an ejecting system, et cetera. So it sounded like it was kind of giving permission to use as a dwelling unit onsite as long as you met the criteria under (b)(ii). And then I guess I would say, Commissioner Rose, if you want to add to that or if I got that wrong, please let me know.

Commissioner Rose: I think you got the gist of it and I understand after reading it a bunch of times that even though it sort of gives permission for year around use it's probably legally required to allow a properly licensed vehicle to sit there for the whole year because there's nothing that says you can't own a recreational vehicle like that. So I probably have answered my own question.

Mr. Gill: Yeah. Jack, do you want to weigh in on this at all?

(silence)

Mr. Gill: Are you there, Jack?

(silence)

Chair Raschko: Does anybody else have any comments on it?

Vice Chair Mitchell: Chairman Raschko?

Chair Raschko: Yes?

Vice Chair Mitchell: I hate to say it but I lost half of what was said – garbled message to me – so I will have to review the video or the transcript to see what I've missed. Sorry to tell you guys that.

Mr. Gill: That's okay. That's okay – it sounds like Annie is having difficulty as well. Commissioner Lohman is back. Chair, would you like to go to the first comment and readdress that?

Chair Raschko: Let's do it. I wonder if we should readdress this one as well for those people who had dropped out for technical –

Mr. Gill: Sure.

Chair Raschko: All right. Thank you.

Mr. Gill: Sure. So I will – let's jump up to the first one and then we'll come right back to that one and hopefully our building official will be with us by then as well.

All right. So this one stemmed from a question that Commissioner Lohman had about the start of construction and whether that meant pulling up carpet and changing trim or if it was specific to only structural parts of the building, and if there's any sidebars on this. And, Commissioner Lohman, correct me if I missed that.

Chair Raschko: Are you there, Commissioner Lohman?

(silence)

Chair Raschko: Well.

Mr. Gill: Commissioner Lohman. Let me see...

Chair Raschko: I have her muted.

Mr. Gill: ...if she is muted.

Chair Raschko: It is "Microphone X" by her ___.

Mr. Gill: Commissioner Lohman, can you – let's see, I am going to unmute all for a quick minute. Commissioner Lohman, can you hear us, or can you say anything?

Commissioner Lohman: Yes. ___.

Mr. Gill: You are!

Commissioner Lohman: I am not muting on my side. Somebody's got the Mute button.

Mr. Gill: Okay.

Commissioner Lohman: I even hung up and tried to dial back in and then it wouldn't let me in.

Mr. Gill: Okay. Did you get a chance to hear my question?

Commissioner Lohman: Yes.

Mr. Gill: Did that fairly address your –

Commissioner Lohman: You did but in addition I'm wondering if – why do we need to add this to the general definition when we *could* – if this is because it's a concern for the floodway in particular – why couldn't we just expand – if we need – first off, I think the definition language that's proposed is too vague and I don't think you need to get inside people's houses when – I just think that's a little too far. However, if you *have* to do something because it's in a floodway, why don't we keep the definition in the floodway language, not in the general definition for every single zone anytime somebody touches something in their house?

Mr. Gill: Jack, are you with us? Are you able to address Commissioner Lohman's comments?

Mr. Moore: Yeah, if you're able to hear me now.

Mr. Gill: I hear you.

Mr. Moore: Okay, wonderful. I think I shared the same problem as Commissioner Lohman a moment ago and was muted somehow on the other end.

Okay, yes, I guess a general statement on these changes: These are changes that the FEMA via the Department of Ecology state floodplain manager has asked for us to add into our local code so that it would match the state and federal codes. So this is language that is already, I guess, in effect law based on it being adopted into the state law, but he thought that it would be appropriate to have it in our local code as well so it was easily accessible to, you know, members of the public and anyone who may need to develop using these codes. So I can appreciate the statements about the vagueness of it. I can appreciate the comments about, you know, everything in all zones. But I will say that it is already in state law that this is a requirement. I will say that practically speaking I will admit there is little way to track those items that might be done inside someone's home that would not be recorded under a building permit. And as most people know, there is a lot of work that can be done to a house in improvements and maintenance that would not require a building permit and therefore wouldn't be necessarily tracked for use in the substantial improvement calculation.

Chair Raschko: Are there any questions or comments?

(silence)

Chair Raschko: None?

Commissioner Rose: Tammy has a comment.

Commissioner Candler: My comment is more sort of administrative. We've got callers about three through nine or so on the line – or it looks like maybe three through five now. Callers are welcome, obviously, to listen in but if you could please mute your telephones. Telephone devices are also subject to muting. We are hearing some background noise from those phones that are open lines. The whole meeting is recorded and sounds better if everything's muted other than the speaker. Please.

Mr. Gill: Thank you.

Chair Raschko: Thank you. Commissioner Lohman, are you satisfied with the answer to your comment?

Commissioner Lohman: Well, Chairman, is it okay if I ask the building official a question?

Chair Raschko: _____. Please.

Commissioner Lohman: So then going back, I appreciate your answer where it's difficult to track and record the non-permitted required improvements. And that gets me to the vagueness in the language, because they talk about the first alteration, which could be – depending on how punitive somebody wants to be, it could be almost anything. And so my question is: Should there be some sideboards on here – should it have the word "permitted" or a dollar evaluation or a term – something. What I mean by "term," I mean a timeframe – so that somebody just doesn't get – they've lived in their house – I've lived in my house for 30 years and other people, you know, maybe they've lived there as long or longer. So when does all this start adding up and who's going to take the inventory?

Mr. Moore: Thank you for that question. I think I'll try to clarify that in some way. This substantial improvement again reflects what is required already, and if we were to change it it would be inconsistent with state law. But I will say that, you know, "alteration" in the FEMA lexicon is different than maintenance and repair. Maintenance and repair does not necessarily get rolled into substantial improvement. And the way I understand this language is they were – you know, why it was written this way was that – say you had one standalone large project you were going to do that you couldn't carve out a bunch of value out of a single project to try to artificially keep it under the 50% substantial improvement threshold.

So again, there's really no way to – you know, over the years – oh, and it's a rolling 10-year period is what we have for substantial improvement calculations, so there would have to be some record of something that happened in this rolling 10-year period in order to be included. And, like I said, right now the only way we do that is if you come in and you are required to get a building permit for something. As you know, in most of the things that I've heard commented on – you know, carpet and trim and random things that might happen in your house, even construction projects. Small remodels or anything like that could well be below the threshold for needing a building permit. So it would not be recorded inherently and it would not be added, but it would be – again, it would be inconsistent with state law for us to really carve out and make the definition for "substantial improvement" something lesser than is already adopted and be enforceable by the state and FEMA.

Chair Raschko: Okay, Commissioner Shea?

Commissioner Shea: Yeah, I have a comment on 14.34.050. I don't know if you want to wait until we move on or if someone had a comment pertaining to this change or –

Chair Raschko: I think we should finish where we are and then we'll move on to yours, if that's all right with you? So we'll come back to Commissioner Shea and we'll go to Commissioner Lundsten.

Commissioner Lundsten: Thank you. I have a question for Jack. On page 2, a proposed code amendment, first paragraph says that it's – the *purpose* of these amendments is to remain compliant, and that's with federal law or a federal program which is now reflected in state law with which we want to be consistent – if I understand everything right. My question is just: The intention of that regulatory system change, was there a new purpose of it or was it just an amendment to clarify things that have come up and people said we should make this more efficient by changing this language? Can you say why the regulations were amended?

Mr. Moore: Certainly. The definition of "substantial improvement" has been in our code for some time, but it was an abbreviated version compared to FEMA's definition and the state flood hazard ordinance. During our community assistance visit – you know, essentially our audit – one of the exercises by the state NFIP coordinator is that they would review our code for consistency with the current state law and federal requirements. And where we might have some inconsistencies or we lack clarity then they would point that out as something that they suggest we change. This is a requirement that they're asking of us in order to close our community assistance visit. They are holding it open right now. This is one of the main components, or one of the last components keeping this audit/community assistance visit open. So it's not necessarily that the state or federal law has changed; it's just that they have combed over our code and found where they thought that we should include more consistent or equivalent language than – as is reflected in the state code.

Commissioner Lundsten: Thank you. That clarifies.

Chair Raschko: Anybody else have a comment or a question on the substantial _____ here?

(silence)

Chair Raschko: Okay, if not why don't we move on to Commissioner Shea's question?

Commissioner Shea: Okay. So I was reviewing the 1985 FIS Flood Insurance document and I was trying to find the Attachment F that was referenced in our last meeting. I found it. It's fairly lengthy. It's a couple hundred pages. But I could not find any sort of graphic or map that outlined those – I guess the first floodplain maps that were referenced. And so I don't know necessarily if this is comment or I need __, but other than that if there's any way we might be able to have someone find that just for reference and clarification? Yeah.

Mr. Moore: If I could – Jack Moore. The FIS is primarily the – how to say – the map of the engineering behind the study, the river study, and includes cross-sections lengthwise down the length of our floodplain, providing elevations at set points. The result of that FIS is the actual FIRM, the Flood Insurance Rate Map, that is produced. So those are – you know, I guess I consider that two separate documents. One is the Floor Insurance Study and one is the Flood Insurance Rate Map that is resultant from that study. We have both Skagit County is a bit antiquated in that our – both our FIS and our FIRM – are in hard copy, paper copy, whereas a lot of jurisdictions have now worked with FEMA on a new FIS and have digital FIRMs. We do not have that at this time. I'm sure it will happen someday but we don't. In the meantime, I'd say that we could – I'm sure we could bring those. Either I or Peter could provide those to you for your review. We have copies in our office. If there are certain sections that you're more interested in or certain panels you're more interested in, we could make copies of those. So I guess I would just, you know, __. What is your wish on that, and we can accommodate?

Commissioner Shea: Yeah, so – oh, Joseph Shea – so I was just kind of wanting to get more clarification kind of to maybe respond more to a public comment from last week, or at least get more clarification as I'm reading through this 14 _____. You know, it says "... _____ Flood Insurance Study of the unincorporated areas..." – you know, it keeps going and then it talks about the Flood Rate Maps and subsequent revisions. And so I'm just trying to find the original map or overlay or – if I understand you correctly in here, it might have language of sections but there's no ____ map. But I guess that's kind of what I was looking for so I guess I could figure out what the original map on the FIS that everything was based off of – where that is or what it looks like – how it came to be, I guess. Yeah.

Mr. Moore: Okay, so we have those in our office. They're actually physically they're 24 by 36 sheets and there are about, oh, 15 to 20 of those that comprise the Floodplain Study – you know, the result of the Flood Insurance Study. So if I understand, you may want to review those, review that entire set of maps? And then did you also want to take a look at the floodway maps? Those are actually a separate set of maps that also have about 15 to 20 sheets in 24 by 36.

Commissioner Shea: Yeah, I guess it'd be nice to see them all. It's just I was looking _____ I was expecting to see a picture of a map that would be easily consumable, but the 300-some pages of attachments __ not consumable, I guess, for visual purposes.

Chair Raschko: Commissioner Mitchell, did you have a comment?

Vice Chair Mitchell: Yes. Can you hear me okay?

Chair Raschko: Yes.

Vice Chair Mitchell: Great. I would like to see copies of any of the – I discussed this with one of the staff earlier today. That background information is going to be helpful for understanding what we're going through – or dealing with now. And it may be impractical for us to see all the maps but if there's some example sets of pictures that could be – you know, pictures that can be taken. Peter, jump in any time to try to help explain what I'm saying. But I would like to have –

Mr. Gill: Sure.

Vice Chair Mitchell. Go ahead. My connection's really bad.

Mr. Gill: Okay. So, yeah, you did have a question on one specific map and so I am able to take pictures and send those out to folks right now. Normally I would say come on down to the office and we can go through each one and we can dive into the hard copy report and the laminated big posters basically that Jack referred to. Times being what they are, that doesn't work so well, but I can take pictures so that you can see what we are dealing with with the 1980s era hard copies.

Vice Chair Mitchell: Thank you. And if – how many pages is the report itself, not counting those laminated maps?

Mr. Gill: Jack, do you know?

Mr. Moore: I'm going to guess a couple hundred pages at least.

Vice Chair Mitchell: Okay. Is it possible to –

(garbled voice in background)

Vice Chair Mitchell: Is it possible to have that scanned into a PDF where we could all view it?

Mr. Moore: Certainly we could.

Vice Chair Mitchell: Thank you, sir. That would be very helpful.

Mr. Gill: _____. I will work on that, Commissioner.

Vice Chair Mitchell: Thank you.

Chair Raschko: Anything else on this topic?

(silence)

Chair Raschko: Okay, shall we move on?

Vice Chair Mitchell: No, Annie has something, Tim. Sorry.

Chair Raschko: Commissioner Lohman?

Commissioner Lohman: So, Mr. Moore, how current are these maps and what are the years on them? What's the published date?

Mr. Moore: These are all Skagit County original maps that were adopted initially in 1989 based on the 1985 Flood Insurance Study.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay.

Mr. Gill: Okay, moving on to the comment about the recreational vehicles. Jack, this – I don't know if you heard the earlier comment but the question was similar to, Are we giving permission under 7(b)(ii) for these RVs to be used as dwelling units onsite?

Mr. Moore: Yeah, so I apologize. I was attempting to answer that earlier when I was muted or disconnected. But, no, those are two separate, different requirements. There is a requirement that, you know, or a limitation on using RVs for dwelling units. And then, as I think Commissioner Rose pointed out, there is a separate limitation on just placement of RVs or storage of RVs, and that's not related to living or use of them. That's simply: Can they be onsite, and what are the parameters or the conditions of them being onsite? Obviously we don't prohibit people from having a standard fifth wheel or travel trailer at their property, but when they're in the flood zone they would have to be mobile or road-ready in case they're _____ that they would be able to remove that RV to a safer location.

Mr. Gill: Thank you.

Chair Raschko: Any more comments, questions?

(silence)

Chair Raschko: Okay.

Mr. Gill: There was a question about farmhouses and whether this changes where the farmhouse exemption would apply. The new language is in blue and it clarifies that the farmhouse dwelling be located on a farm site that is within the Agricultural-Natural Resource Lands, as identified in Skagit County's Comprehensive Plan. And so there was a question I believe Commissioner Lohman had. Commissioner Lohman, is that right? Did I get that right?

Commissioner Lohman: Yes, but I wanted to point out that farmhouses' agriculture is allowed in Rural Intermediate, Rural Reserve, the Ag-NRL, and Rural Resource areas, and within all of those you could argue that there's farmhouses. There's also people in those areas that have been there generationally that maybe they're retired and they're not farming anymore. Their land's rented out or the building site has been cleaved from the farmland so it's on a separate parcel now. But it was once upon a time attached. So I wanted to say that to just pick farmhouses – I wanted to just kind of see how you were going with this.

Mr. Gill: Yeah, so I would turn it to Jack. I would say that the sentence above does refer to agricultural lands of long-term commercial significance, per that RCW which is the Growth

Management Act. And those long-term commercial significance lands *are* the Ag-NRL. So anyway, so I guess I would ask Jack if that changes things with that addition.

Mr. Moore: I don't believe it does in practice. As our Comp Plan has already indicated that the, you know, agriculture lands of long-term commercial significance in Skagit County are designated as Ag-NRL. So I'm not sure that the – I think that might be a broader discussion potentially under the entire Comp Plan if we thought that it should be more encompassing of other areas. But right now it would be consistent with our Comp Plan and it would be – that's something that has come up. This question of long-term commercial significance and what does that mean, it's come up in day-to-day permit processing or people inquiring, and that's something that people struggle with. What does that really mean? So this is just a clarification to help more clearly identify what Skagit County considers long-term commercial significance.

Mr. Gill: Thank you.

Chair Raschko: Any comments, questions?

(silence)

Mr. Gill: If I could, the other comment, or the last comment I have written down is the question from Commissioner Rose about the bottom of the lowest horizontal structural member of the lowest floor is elevated one foot or more above the base flood level and whether this is typical in Skagit County and whether it's different in other jurisdictions. And I guess I was hoping Jack could help me with that.

Mr. Moore: Yeah, I'm happy to do so. So FEMA's – the federal requirement is simply to elevate, depending on the flood zone, either the finished floor or the lowest horizontal member to the base flood elevation. Anything beyond that is an increase in ____ that either a state or a local jurisdiction could decide to employ for various reasons. In Skagit County's case, you know, it adds some level of safety and it also helps us with our voluntary FEMA Community Rating System program. If we have ____, that gives us credit in that CRS program, and it's something that the County has participated in for quite a long time, and we're rated quite highly in that program as well. Currently any floodplain policy holder in the county when they go to get a flood policy, *because* of Skagit County's CRS rating, they get an immediate off-the-top 25% discount on their premiums. So again, this is a voluntary – the _____. Other jurisdictions may choose to go higher. Critical facilities has a more stringent requirement and they have to be higher yet, but that's kind of the gist of the __ board or the plus-one requirement. So coming back to the question: Yes, it can vary from jurisdiction to jurisdiction, depending on whether they wish to increase the level of safety or depending on whether they are attempting to, you know, score better in the FEMA Community Rating System program in order to get the community members a discount on their flood insurance. Skagit County has landed on a plus-one requirement and that has served us fairly well in those instances.

Mr. Gill: Great. Thank you.

Chair Raschko: Okay, Commissioner Rose? Did you have something?

Commissioner Rose: No, I just said thank you for that explanation. I don't have any other comments about it.

Chair Raschko: Okay, any more questions or comments?

(silence)

Chair Raschko: Okay. Peter?

Mr. Gill: Yeah, so that is – unless other folks had questions that we can discuss today, that is what I have. And I guess the last piece on this is to discuss the public hearing. We would like to try and have a public hearing on the amendments on July 21st, if possible. And it looks like there's a couple of folks that have – like I said, I am cutting out so I apologize. I'll restart that. We do want to try to have a public hearing on July 21st on the proposed floodplain code changes.

Chair Raschko: Anything more? Questions, comments?

(silence)

Chair Raschko: All right, why don't we move on then to the Countywide Planning Policies Code Work Session Continued?

Mr. Gill: Excellent. And thank you, Jack, for filling in. I appreciate it.

Mr. Moore: Thank you for having me.

Commissioner Candler: Can I ask a question before we move on? This is Tammy Candler.

Chair Raschko: You may.

Commissioner Candler: This is for what Peter was just talking about. Peter, are you – I'm assuming that we're not having a public hearing unless we can do that *live*, or are you saying a public hearing would be set up similar to the types of meetings we've been having this week and last week?

Mr. Gill: It would still be virtual.

Commissioner Candler: Oh, it would? Okay.

Mr. Gill: I mean, unless things change by the 21st. I mean, that is over – well, it's almost a month away. And so I don't have a crystal ball to know when we are going to be able to meet in larger groups and have public meetings, but I don't know that it'll be by the 21st of July.

Commissioner Candler: Exactly. So that's – yeah, that's exactly what I was wondering if you meant you were proceeding either way. Thank you.

Mr. Gill: Yes. That is the hope.

Commissioner Lohman: Chairman? This is Annie.

Chair Raschko: Yes?

Commissioner Lohman: Peter, you sound like you're – like when you're in a metal building, but are you saying July two-one, twenty-first?

Mr. Gill: I would have to check our schedule, but I believe that is the 21st. Is that a Tuesday? Yes, it should be

Commissioner Lohman: Okay.

Mr. Gill: Yes, it should be.

Commissioner Lohman: Okay. I couldn't tell what you were saying because of the –

Mr. Gill: It's the audio. Sorry about that. That is one of our complaints on our GoToMeeting here, but we're working on that.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Yeah, I just wanted to clarify about the maps for Attachment F. Peter, were you saying you might be able to just take some pictures and send it to us? I think that should suffice, if you're able to.

Mr. Gill: Okay, I will do that. And if there is a specific area or part of the floodplain that you're interested in, that would help me immensely.

Commissioner Shea: Okay. Yeah, I was looking at the 22 floodway designations _____. I guess I'll get back to you on exactly which ones I would need.

Mr. Gill: Thank you.

Chair Raschko: Commissioner Mitchell, did you have something else?

Vice Chair Mitchell: No, sir. I will have to do catch-up on parts I couldn't hear later from somebody else.

Chair Raschko: All right.

Mr. Gill: So moving on to the Countywide Planning Policies, we had a work session last week, last Tuesday, and the Countywide Planning Policies are not only for unincorporated Skagit County but also the Cities and jurisdictions within the county. And it is – the Countywide Planning Policies are intended to provide consistency between the County and all the jurisdictions within the County. So everybody that is part of the Framework Agreement, which is the operating agreement for the Countywide Planning Policies, has to abide by those policies. The GMA Steering Committee, which is made up of all three of our County Commissioners as well as all the Cities that are part of the Countywide Planning Policy, have adopted these policies that are part of the staff report. They have approved them and we are now going to have a hearing on them, and so we did have questions about what was done. The gist of the task was to clean up the Countywide Planning Policies, and so one of the main things that was done was to take the references to Skagit County out of the policies. That was one of the main things that was done in order to clarify that it applies not only to Skagit County but everybody, all those jurisdictions. The other comment that we have heard of is the removal of "shall" from a number of the policies. And the question about whether that weakens the policies has been brought up as well.

We also would like to have a hearing on this on the 21st of July, but I can entertain any more questions from the group if anyone has any.

Chair Raschko: Okay, the floor is open.

(silence)

Chair Raschko: Nobody. All right, Mr. Gill.

Mr. Gill: Okay.

Commissioner Lohman: Commissioner? Chairman?

Chair Raschko: Yes?

Commissioner Lohman: This is Annie. I was trying to type as fast as I could on Chat! And I didn't get it written down completely but this is my question: Can you – Peter, can you please explain where the public gets to participate? Is the Planning Commissioner hearing the first time they get to participate? Will our County Commissioners be having a public hearing? Does SCOG have public hearings on this, or do the Cities individually have hearings when it comes before them? How is this – can you explain a little bit more about this, the Countywide Policies, and where the public can participate?

Mr. Gill: Sure. Yeah. Thanks for the question. So that is a good question. The Growth Management Act Technical Committee is a public committee and the public has been at those meetings in the past. The Steering Committee meetings are also a public meeting and have a public comment section at the beginning of all of those meetings. So those during 2019 – this is a little bit before my time, but the Technical Advisory Committee met four times and the Steering Committee met twice. So that was one opportunity. The public hearing that is coming up will be another opportunity for the public to weigh in. And the Cities that have adopted this, they also did so in front of their planning commissions, and so that would be, again, another chance for the public to participate in this.

Chair Raschko: Okay. Go ahead, Commissioner Mitchell.

Vice Chair Mitchell: Thank you, sir. Peter, I heard public opportunities for the different places but I'm still a little confused. If you could clarify for me: _____, everything that went before, was it a broad – were those broad public meetings where people from the whole county as well as the individual Cities were involved? Because it seems to me – and if I'm wrong, let me know – it seems to me that it was the Cities' public hearing places where the focus was – and so, was there a County one too beforehand in the 2019 stuff, or is that just what's coming before us?

Mr. Gill: Yeah, so the individual Cities, individuals from each of those Cities would have gone through their appropriate boards. The Steering Committee is meeting in Burlington but it is with all of our commissioners as well as the mayors. And so that is kind of the broadest chance to participate, and that is the main meeting that actually has a public comment period other than all the Cities' planning commissions.

Vice Chair Mitchell: Okay, one more clarifying question, because I'm still not hearing what I'm looking for. It's not your fault – not your fault. So what went before, were our County Commissioners were there in front of the Steering Committee and then they had a public chance for input? There was that, yes?

Mr. Gill: Yes, there was.

Vice Chair Mitchell: Okay, so does that include people in the county, too? Because I – go ahead.

Mr. Gill: It would have, yes. It is advertised, those meetings of the Steering Committee. I do not believe that they had a formal hearing, if that is the distinction that we're talking about. And so –

Vice Chair Mitchell: It is.

Mr. Gill: Okay, so that's good. So there were public comment periods and things like that but a formal public hearing, I don't believe that there was one in front of the Steering Committee yet. And so this one will be the first county public hearing that I know of.

Vice Chair Mitchell: Okay, great. So when that comes up – just a suggestion – if you guys can find words to let people know that this *is* the time to put public comments in for the whole county.

Mr. Gill: Okay. Thank you.

Vice Chair Mitchell: Thank you, sir.

Chair Raschko: Anybody else, questions or comments?

(silence)

Chair Raschko: Okay, Mr. Gill?

Mr. Gill: Okay, that is all I have on those two items. I don't know if the one that addressed – Commissioner Woodmansee had a question earlier in the meeting about the Public Remarks agenda item, and we do not have that agenda item on our agenda every meeting, and we had one in July and we are again – have one again in August. I did want to follow up on that question. Thank you.

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

Chair Raschko: Commissioner Mitchell.

Vice Chair Mitchell: Thank you. So that – then that begs the question, Are we having meetings in August?

Mr. Gill: That is our typical break.

Vice Chair Mitchell: It sounded to me like you said we would be having a meeting in August.

Mr. Gill: Oh, I'm sorry. I'm sorry. I meant July.

Vice Chair Mitchell: Okay, thank you very much! So meetings in July, planning a break for August at this point in time, meetings in September.

Mr. Gill: Yes.

Vice Chair Mitchell: Thank you.

Chair Raschko: Okay, anything else on Countywide Planning Policies Code? Mr. Shea?

Commissioner Shea: Yeah, I guess this could be Commissioners' Comments and Announcements, but really it's to Joe's comment earlier about public comment. _____ concern or ____ about – I know we have three minutes to read out people's public comments. I don't know if maybe it's the best time to ask questions about it or not, but if the person themselves is not reading their own comments or their own statement and someone else is reading it for them, _____ question I'm concerned about getting through a public comment because someone else is reading it in maybe a different cadence __. __ someone has a good answer for me there.

Chair Raschko: Commissioner Lohman? We'll come back to _____.

Commissioner Lohman: I have – thank you, Joe, for bringing it – or Joseph Shea for bringing it up. I too have a bit of concern about this. I think that we have the ability to forward those comments, especially if they've written them. We've never limited the public from what they give us in writing. We've never told them, You only get 500 words and, by the way, we have to be able to read it in three minutes. We've never done that. The only we've said "three minutes" is for the convenience of the commission because we set aside for *public remarks* – which is *not* public testimony; it is *not* a public hearing; and it's often in the case of something definitely not what we're deliberating about. We have never limited the public except for our convenience of a time constraint. We say if there's several people we want you to try to talk to us in three minutes, because we only allow I can't remember how many minutes for that activity. I do not want to abridge the public. And if they're sending it via email it takes five seconds to forward it over to the commission. I don't – if you can print it to read it I don't know why you can't mail it to us too. It's addressed to us. It's our mail.

Mr. Gill: Yes, I will make sure that any comments are forwarded straight to the Planning Commission if they were not originally included.

Chair Raschko: Okay, Mr. Lundsten.

Commissioner Lundsten: Thank you. I would just like to add to that that the limited connection that we have with this digital meeting is – kind of cripples public commentary, it seems to me, and public testimony or public remarks – any of those. And we need to make sure that we can open up the discussion with the public so that it's not restrictive, that it's not – it doesn't really suffer that much _____. I mean, we're suffering from how much we can talk and we need to make sure when the public testimony comes around that we have things smoothed out and we're willing to give people the benefit of the doubt and make sure that things go on the record from the public. It'll be more – take a little more attention. That's all. I encourage you to just, you know, practice or whatever it takes to do that. Thank you.

Chair Raschko: Mr. Woodmansee.

Commissioner Woodmansee: Yeah, I concur that I think we need to go the extra mile under the circumstances and make sure that, you know, if we're 20 seconds away from finishing a letter we should finish reading it. Getting it ahead would be great also.

The other thing that I just wanted to comment: My question about public comments was not related to public hearing or anything like that. It was just because it was actually number 2 on our agenda tonight – Public Remarks – so I thought we were having public remarks tonight because it's – at least it's on the agenda I have. And so that's why I asked the question. It wasn't about, like, public meeting status or something like that. That's all I've got.

Chair Raschko: Okay, Commissioner Mitchell.

Vice Chair Mitchell: Thank you. Not to repeat what everybody has said, I concur with each one of those statements. In the future, like we've always done in the past, we often defer to the example that the Board of County Commissioners has presented before us and how they handle things. And they have always leaned towards allowing the public to be able to speak the extra 10 seconds, 15 seconds, minute – you know, whatever it is, unless we have a hard line meeting time that can't be met, like Commissioner Lohman had referred to earlier. So every time we can, just encourage everybody to defer for allowing the public remarks and public comments as much as often. Thank you.

Chair Raschko: Ms. Lohman, did you have something else?

Commissioner Lohman: Are we in the PC Comments?

Chair Raschko: Well, it seems we've drifted there. I think this is just a closing comment on the last agenda item. And why don't we come back to public comments because I know that Commissioner Lundsten has something he wants to say as well. And these are pretty much on the same subject, so why don't we – if everybody's through talking about the public comment parts of the meetings, why don't we move on to the staff report and then we'll come back to Commissioner Comments? Okay?

Commissioner Lohman: Works for me. Yep.

Chair Raschko: All right, so (is) the director up? Is the director still with us?

Mr. Gill: I think, Chairman, we do not have a Director Remarks on the agenda tonight. We are trying to keep it short and sweet tonight. So the next item that I see on the agenda is the Planning Commission Announcements and Remarks.

Chair Raschko: All right, we'll do that. Why don't we start with Commissioner Lundsten?

Commissioner Lundsten: Thank you. My only comment was that I misunderstood, apparently, from the staff when they mailed out those – the findings of fact, and I did not think that we had – since we hadn't taken a vote, I thought they were asking for any comments and so that's why I made some. I did not think that they were like a motion, but they were simply things that I thought could be simplified or clarified. So...I was not, I want to state categorically that it was not my intention to change any results of our meeting but simply to clarify what was done. So that's all. That was my understanding. I wanted to make that clear. Thank you, Tim, for letting me say that. That's it. Thank you.

Chair Raschko: Well, I appreciate your explanation too. I think it's very helpful. Why don't we move on to Commissioner Candler? Nothing? Commissioner Lohman?

Commissioner Lohman: Yeah, I have something, and it kind of dovetails with how the public remarks got handled last time, which I did not care for how that went down. But I believe that when mail is sent from the public to the Planning Commission that we have a trust of PDS to forward us our mail and it needs to be done in a timely manner. If you have it in time to read it at the meeting, you have it in time to mail it to the commissioners, especially when we're all line items in the salutation. And I do not think that reading only part of somebody's submission is doing it justice.

So in general, if the public sends us mail in care of PDS, I am asking that it be sent to us immediately or as soon as immediately can be done. Because during a work session we are talking widely and broadly to the public. We can't talk amongst ourselves, but we can talk with the public and to whoever we need to get answers and answer questions – professionals, a whole bunch of people. So I don't know why we would not forward our mail in a timely manner.

Chair Raschko: Okay, Commissioner Mitchell.

Vice Chair Mitchell: Thank you. I was glad to hear Commissioner Lohman say that. That was one of the things that I wanted to touch on and also thank you, staff, for turning that around rapidly for us. We appreciate your attention to detail. And also for the future, if we could have a discussion, or slate the discussion if need be – in the past some people have told me that they do not want the Planning Commissioners' mailboxes to be flooded with things as a reason for not forwarding things to us. And I do believe that is not a good way to go. I think that anything that is addressed either a single Planning Commissioner member or multiple Planning Commission members or the whole Planning Commission should always be forwarded as quickly as possible when it comes in. Sometimes there are mistakes when something comes in to the wrong department and staff is really good about handling those pretty quickly too, to make sure they go to the right department. But I think we need to have a discussion on how that wraps into when we do have times for public hearings when we have maybe over the course of a month of things coming in and trickling in – and that can be done either by snail mail; it can be done by emails, which is most often; or perhaps even for a phone call. And staff is really good about compiling all those things and packaging them for us for when we go before a public hearing, _____ public hearing so we've got a full stack of information to head into deliberations with. But here's my point. That's great. Staff does really well with that. They're going to be doing that anyway. When we get to that point in time, that is 100% of everything that is turned in to date. I have no personal problem with seeing things beforehand knowing that will not be seeing things as they dribble in for, you know, every few days because we're going to see everything later anyway. And so, once again, to encourage that they take the position of going ahead and letting us see things as they come in. It also lets us look things over, research anything that we have to do rather than waiting until the last minute or getting maybe 200 things to look at all at once to digest. So I think we should have that conversation maybe at a later date, maybe internally between the chair and staff or as a group. Up to you guys, but I think that is a little bit different than what we were talking before because it's something that we're going to see next month. And in the past, it's far more helpful for us to see things in a timely fashion than get a whole big boatload all at once. Thank you.

Chair Raschko: Okay. Commissioner Rose, please? You're shaking your head. Okay. Commissioner Woodmansee?

Commissioner Woodmansee: Just a comment on the public hearing notices. Are we doing anything – now I'll ask the question _____ myself – are we doing anything other than the minimum that was required? It seems we're in this time __ where it's much harder to receive public comment right now. Are we doing anything more than just the minimum required notice, or have we considered maybe doubling down on that notice and getting it out earlier than the strict required date that it has to be published?

Mr. Gill: Chair, if I may? We do have to publish in the paper and put the Notice of Availability out 15 days prior to the public hearing. That is different than Public Remarks, right? So Public Remarks are much less formal and they don't go into the record on any official or formal project or program that you're working on. But for a public hearing, that 15-day notice is required and we currently will post that on our website as well as in the paper.

Chair Raschko: Mr. Cerbone?

Mr. Cerbone: We also send notice of our agendas and public hearings to our listserv, and so that's something that anybody can sign up for. If there's other things that folks would like, you know, I think staff are certainly open to having that conversation. For legislative amendments, the public notice is posted in the paper, like Peter said. It's different than like a development review application where we send notice to the specific area around that proposed development.

Chair Raschko: Thank you. Okay, Commissioner Shea, please.

Commissioner Shea: Yeah, so for – I guess I'm kind of jumping ahead in the agenda but, yeah, I've just noticed that a lot of people are very concerned about not being able to access government entities like they normally would have. And so it's good to hear what we're kind of thinking about that and trying to make things more visible and accessible, because it is harder for us to get through comments and, you know, really get people's voices heard. So I appreciate that. But that's it.

Chair Raschko: Thank you. Ms. Candler?

Commissioner Candler: Thank you. It gets confusing because we're talking about public hearings, we're talking about public remarks, and they're two different things, but I'm just kind of following up on how it started with Commissioner Lohman. I don't disagree, particularly about hearing comments – we're going to have to figure out how to make sure we're getting everything – but I don't fault the Department for what happened last week with that at all, because if the person were there – if a person were there live and they spoke for three minutes we would cut them off. That's just how we've been doing it. They're scheduled for, you know, no more than 15 minutes. I wasn't here when that started – I think it was before my time – but I think there's a reason why it was limited the way that it is and I think – well, it's because we need our time for the things that are on the agenda as well. So I don't fault the Department at all. I mean, a person – and I understand that the person was frustrated, too, so I get that. I'm not knocking them. But a person could be frustrated with not using the right intonation. A person could be frustrated with a lot of things about how the Department read those remarks. And we're all in kind of a strange time; this is unprecedented, and we've never had this problem before and I'm hoping it won't last too long and people would be able to make their own public remarks, but they would be cut off at three minutes and so I understand why the Department did what they did. That's it.

Chair Raschko: Thank you. I myself, I just want to confirm one thing. My understanding is that public comment can be commented on any subject other than what is on the agenda for that particular meeting. Is that correct?

Mr. Gill: Almost. I'm going to read to you what it says on your agenda. Normally it says, "...are limited to three minutes per person and no comments on items that have had a hearing and are in deliberation." Also important, these comments are not part of any formal record on any project or proposal. So it's different than a public hearing, as Commissioner Candler remarked, but they – as long as there is not an issue that is still being deliberated and we have had a public hearing on, they can make comments or remarks about them. And it's kind of important to maybe talk about it as public remarks versus public comments or public hearings because these public remarks are not formally going into the record on any project. That's what the public hearing is for.

Chair Raschko: So I have some – clarification would be nice: Now one of the public statements that was partially read at the last meeting was concerning the floodplain issues, and we were not deliberating it that night. We were having a work session on it. Now is there a difference? Was it legitimate then to be addressing the commission about that item on that particular night or not?

Mr. Gill: There's nothing that says they cannot, because it hasn't had the public hearing on it; you're not in deliberation. It's information at that point.

Chair Raschko: All right. Thank you.

Vice Chair Mitchell: I have a comment, please.

Chair Raschko: Who's speaking?

Vice Chair Mitchell: This is Mitchell, Commissioner Mitchell.

Chair Raschko: Go ahead, please.

Vice Chair Mitchell: I think we are falling back to the age-old sand trap that we have gotten into in the past, because when we refer ___, which we all do, we refer to public comments all the time. And many years ago when Commissioner Lohman was the chair for the Planning Commission, she was the first one to initiate Public Remarks because at the beginning of Planning Commission meetings it was debated whether it would go before or after and it ended up being better before the meeting started because people were tired at the end. And there is the distinction that we all can remember that lets us know what the difference is. Public remarks were initiated to and the intent was to allow the public to come and give a public remark as the meeting started on whatever topic they had at-hand as long as it didn't pertain to the public comment period later in a meeting. And that's why Public Remarks would work at virtually almost any meeting that we had with the exception of when the docket – or, you know, the meeting agenda was so full that we wouldn't have time at all. And that's when it was the chair's and staff's decision on how to do that.

So I think the easiest thing for everybody to remember is that if we refer to Public Remarks as the informal comments because they were never intended to be part of the record, as I understood – and Commissioner Lohman can correct me for all of this if I'm wrong. They weren't ever intended to be part of the *record* record even though – obviously, because everything's recorded, some people think that is. For instance, an example: A member of the public can come to a meeting and they can give a public remark at the beginning of the meeting about parks or dogs, and then later on in the meeting they can have a comment on something in the public hearing when that came up for that portion for each part of the meeting where there was allowed public comment for a different section. So if everybody remembers that their remarks is a different animal completely than the public comments.

Chair Raschko: Okay, thank you. We've gone around one-and-a-half times. Does anybody else have anything else they wish to say?

Commissioner Lohman: I would. This is Commissioner Lohman.

Chair Raschko: Go ahead, please.

Commissioner Lohman: I wasn't referring specifically to what happened. It just pushed my buttons because it's happened before, particularly if there's a comment from one of the advisory

groups – the Ag Advisory is the one that comes to mind for me. When they send in copies or comments or remarks or concerns into the Department about something that we're working on during the work session and that message is not transmitted to the Planning Commission, it kind of gets irritating when you've talked with the chairman and he's told you that he sent comments but you don't get to see them until later or after having badgered to get them when they're addressed to us. So I was just saying when mail is sent to us via email and we all encourage email so the public can send us mail that please forward us our mail in a timely manner. I understand during hearings and deliberations that things are different because you've got an opening and a closing of a hearing and public comment period, and while we're in deliberations we're not taking on any new material. I understand that. But I'm talking about during the free-for-all during work sessions or when the public wants to say whatever they want to say to us. If they took the time to put it in writing, send it to us.

Chair Raschko: Okay, we're going to have to wrap this up. Is there anybody else that –

Vice Chair Mitchell: I've got a comment.

Chair Raschko: Who is this?

Vice Chair Mitchell: Commissioner Mitchell. I'm so sorry it's not showing. I concur with the piece that Commissioner Lohman just said, and I'm pretty sure that staff agrees by this point that we do see the need and want to see the communications anytime something is addressed to us as soon as possible. I hope.

Chair Raschko: Okay, thank you. I think this will – did I just hear somebody? Does somebody want to be recognized? I guess I'm getting feedback from somebody else's open mic. Okay, that will conclude our Commissioner Comments and we will stand adjourned. Thank you all.