

Skagit County Planning Commission
Update: Agritourism
Work Session: Shoreline Master Program Update
February 23, 2021

Planning

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

Staff:

Hal Hart, Planning Director
Michael Cerbone, Assistant Planning Director
Peter Gill, Long Range Planning Manager
Betsy Stevenson, Senior Planner

Public

Commenters: Martha Bray

Others:

Lisa Grueter, Consultant (BERK Consulting)
Dan Nickel, Consultant (The Watershed Company)

Chair Tim Raschko: Okay, good evening and welcome to the February 23rd, 2021 meeting of the Skagit County Planning Commission, which is now in session. We'll start with a roll call. If you could kindly say "here" when I call your name. Commissioner Candler?

Vice Chair Tammy Candler: Here.

Chair Raschko: Commissioner Knutzen?

Commissioner Mark Knutzen: I'm here.

Chair Raschko: Okay. Commissioner Hughes, I believe, is absent. Commissioner Lundsten, I believe, is absent. Commissioner Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Commissioner Shea?

Commissioner Joseph Shea: Here.
Chair Raschko: And Commissioner Woodmansee.

Commissioner Joe Woodmansee: Here.

Chair Raschko: All right, great. Thank you. We'll move to Approval of Minutes. Do I hear a motion to approve the minutes?

(silence)

Chair Raschko: No?

Commissioner Shea: This is Commissioner Shea. I move to approve the minutes from last –

Commissioner Mitchell: Second.

Chair Raschko: Okay, it's been moved and seconded to approve the minutes. Any discussion?

(silence)

Chair Raschko: So all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Are there any nays?

(silence)

Chair Raschko: And I vote aye so that's unanimous. Thank you. We'll turn to Public Remarks. Mr. Gill, have you any written public remarks?

Peter Gill: No, I have not received any written remarks.

Chair Raschko: If anybody is dialed in from the public and wishes to speak, you can have three minutes. At this point, identifying yourself through the Chat Box would certainly be permissible and welcomed.

(silence)

Chair Raschko: Okay, I see none. With that then, we will move on to our fourth agenda item which is an Agritourism Update, so Mr. Gill, please.

Unidentified female voice: Excuse me. I'm sorry. I'm a member of the public and I did want to speak. I apologize.

Chair Raschko: That's fine. Please identify yourself and give your address.

Martha Bray (unidentified earlier): Yeah. My name is Martha Bray and I live at 6368 Irwin Lane in Sedro-Woolley. I've been a resident of rural Skagit County for over 40 years, and I have been following the Planning Commission's deliberations for the last couple of sessions. And I guess that I am not up to speed with a lot of your work and I do appreciate the hard work that all of you

are doing and I realize you have a pretty full plate. But I – as you may be aware, I did write to you in support of Commissioner Lundsten regarding the censure. I felt that it was appropriate for his censure to be withdrawn and I was at your meeting last time and I'm aware that you did not withdraw the censure.

But tonight I just wanted to speak in favor of you guys moving ahead with passing new bylaws. And I know you've got a really full plate with the Shoreline Management Plan but – and having been part of several organizations over the years, I know what a pain in the neck bylaws can be, but I think they're really important. I did look at your draft bylaws and I see that you do have a measure for allowing for dissenting opinion and I think that's really important, even though some of you don't believe in that. I think it's a benefit for everyone to hear a variety of opinions, and I especially think it's important when a Commissioner speaks up on behalf of people – the majority of people that cared enough about an issue to show up. You know, to me that's, you know, pretty important opinions to be in the public record. And the only other thing I want to say about that is that if and when you do amend your bylaws that you should look at this question – the definition of "loyalty." I found it quite disturbing the way that was used and I think everyone in this virtual room probably has a different definition of "loyalty." And I believe Commissioner Lundsten was loyal to something pretty important when he expressed his opinion, his dissenting opinion. So that's all I have to say. Thank you.

Chair Raschko: Thank you. Is there anybody else who would like to speak?

(silence)

Chair Raschko: All right. Seeing none, we will move on to our agenda item 4, Agritourism Update. Mr. Gill?

Mr. Gill: Thank you. I appreciate you all having us back to give you an update on the agritourism project. We did brief you in November of last year on agritourism. And I have Lisa Grueter with BERK Consulting here tonight to kind of help me along and kind of tell you what they've been working on for the last couple months and give you an update on the situation assessment.

Before we get into that, let me do a screenshare here so you can see my slides. So agritourism has long been a part of the agricultural landscape here in Skagit County from tulip festivals to Festival of Family Farms to lots of direct sales going on. And so last – what? – say, two years ago you all received a petition to allow for some food service within the ag zone and that brought up the agritourism issue. And your recommendation at the time was to add agritourism and look long term at kind of the effects of increasing agritourism in Skagit County. And so that is what we are working on.

You know, agritourism means a lot of different things to a lot of people. Most people agree, though, it has to do with increasing and supplementing income on agricultural areas, whether that's improving direct sales, having events that relate to agriculture, or in working on value-added products on the farm. It also includes education, whether that's educating people about where their food comes from but also about what agriculture is and what it does and why it's important to the community. It's also about recreation and how people are able to spend their days, whether it's horseback riding or hunting, fishing, corn mazes, things like that. But so the real challenge gets back to how do we allow agritourism or change the agritourism rules potentially without negatively impacting the other working landscapes in the county or changing rural character. And so that is going to be the crux of the issue going forward. But we want to hear from the public on

what they think of agritourism and what they think it is, and some of their concerns around it. That is where we are and what we're pushing for right now.

We are in the discovery phase of the project, right? So we are really digging into the economics, looking at what our existing policies are in the different zones where agritourism occurs; looking at what other places are doing in case studies. And BERK has been doing that and working hard on pulling the data together into a report that we hope to have out by the end of the week. So that's pretty exciting. And then from there we are going to go into discussion groups and talking more with different stakeholders about agritourism. From there we develop our policy concepts, looking at some of the benefits of agritourism to the community and what are the potential drawbacks as well. And then this fall we hope to have some code and potentially some Comprehensive Plan policies for the Planning Commission to take a look at and really get into.

So tonight Lisa's here to give a little sneak preview on the situation assessment and some of the things that they started to find.

Lisa Grueter: Sorry for being muted. Thanks, Peter. So our situation assessment covers economics, including information from national, state, and local studies and trends. We also took a look at about ten different counties to look at their policies around tourism. As a result of the Planning Commission and Ag Advisory Board input we increased the number we were taking a look at. We also chose three to do deeper dives into case studies and we looked at both data and contacted entities within those counties to get some interviews to understand how it's working there. As Peter mentioned, the goal is to get the report out this week.

Some of the national research we were seeing includes that supply and demand for agritourism is increasing, and there're certain types of farms that tend to have more agritourism around grapes, fruit, nuts, and livestock, but there are others as well. And the economic effects can not only benefit the farmer but it also can go beyond the borders: inspiring people to go to restaurants and buy gas and other things as they're doing the activity. We found some common themes, whether it was Washington State research or national: that agritourism operators tended to have smaller farms, be female-led, and be run by older farmers. And those – agritourism – there was a greater number of agritourism efforts closer into cities with larger populations, and they tended to have more revenue. Because we are also going to be looking at what are some of the benefits and drawbacks, including traffic, we also saw there's some information around visitors. And in the western U.S. the number of visitors tended to be around 500 and most were open 100 days or less.

Farm size: We took a look at that because some of that national and state research was showing that agritourism tends to be associated with smaller farms. Skagit County, like in many other counties, has been seeing an increase in the number of small farms, a decrease in sort of the mid-size farms, and some stability in the larger farms.

We also are looking at data regarding how much agritourism activity is happening in the county. There are some national sources and some state sources. They are not perfect. But one source we looked at was around direct sales that are subject to taxable retail sales. That could be plants starts, flowers, Christmas trees. It's a tax collected at the point of sale. So you'll see information here that shows mostly an increasing trend in taxable retail sales associated with agriculture. I believe it was around over 80 operations that contributed the tax. Because it's at the point of sale, you'll see agricultural products being sold in the cities are also showing up in this chart, but the vast majority is happening in unincorporated county.

We also were looking at: Where is the ag activity happening? And so we compared the Washington State Department of Ag Inventory and current use taxation acres – cross-pollinated that with zoning. And so the Ag-NRL zone, not surprisingly, is the lion's share of your ag activity, but we're also seeing it across many zones, typically rural, but you'll see it's happening in urban growth areas and in cities as well. So when we take a look at the use allowances, we're going to focus in on the ag in rural zones but there may be some other looks we do elsewhere in the zoning code.

We also took a look at parcel size and then we mapped what we could see as agritourism activities based on published maps or online sources. We're still vetting that, but those black circles are agritourism dots. And then we looked at it in relation to parcel size, so the smaller parcel sizes are in the red, zero to five acres. And we're seeing that there *is* a lot of agritourism near – in and near – smaller parcels but also elsewhere in the county. So we're going to take a closer look at what that means for what is happening in Skagit County but it seems you're not so dissimilar to some of those national or state trends.

In terms of agritourism allowances, we're looking at what you allow and comparing that to other counties. This principally applies to the Ag-NRL zone. But you allow for farm-based businesses, which is allowing for value-added sales, and you also allow for accessory agricultural uses related to agritourism like farm tours or you-pick. For a long time you've allowed for bed and breakfasts, and this is an administrative special use. And then by conditional use permit you allow outdoor outfitter enterprises, so some of the activities Peter mentioned as being in the constellation of agritourism activities – hunting, fishing. And then temporary uses are common in codes for some of the other agritourism events – temporary events – and you allow up to 24 a year. So we looked at what you allow and then and started to compare to others. And I think on our next slide we show some information that is from our three-case studies. And this slide deck I'm sure will go out to you so you can read in more detail. But basically we looked at their code and we called the planners and we called local extension offices and others who could tell us how things were going. We chose Snohomish County, just to the south. Even though it has a smaller ag base – around 64,000 acres – it has the highest amount of reported agritourism receipts in the Census of Agriculture and it's got a really high formation of new farmers, and so we wanted to look at their allowances. And they do have quite a range, including wedding facilities in existing structures, and that's one of those that came up in previous docket applications. They are considering whether they want to amend their code and the way that they allow for wedding facilities and also farm stays and lodging. So those are some of the things that are coming up for you. Because of their increase in activity and their experience, we wanted to take a look at them. Some of the things that they were sharing with us is that it has been a boon economic-wise for the farmers and for the local economies. There's been an increase in traffic that has been of a concern to both producers and residents. Sometimes they are hiring sheriff's deputies to direct traffic during the peak periods. But it has also been seen as an opportunity, and some of the nearby farmers where there's a lot of pass-by traffic have been adding operations. So there may be some lessons learned there.

Thurston County since 2014 has had an ag overlay that applies – agritourism overlay – that applies in rural and agricultural zones. In their experience, while they have a very flexible overlay, they are finding so far that the benefits are that the local community is more aware of local farming and patronizing their local farmers. They're not sure that it's leading to people getting into farming or agritourism. And they still – even though they have a very flexible overlay, they still have some permit challenges also related to events, so there are some things we can learn from them as well.

And then last we took a deeper dive into Marion County, Oregon, just south of Salem. It's got, you know, more than twice the ag acres that Skagit has. It has a similar range of ag products. But they have more restrictions on agritourism, partly because their state laws are more strict. They have seen an increase in agritourism nevertheless. They have an advertising program with their Oregon State Extension and their county. They would like to increase the range of what they allow. And they've done a good job documenting the level of visitation and seasonality of their uses, so they are also another good example to take a look at.

In terms of outreach, since the fall the County instituted a website. We came to you last fall, as well as to the Ag Advisory Board to get advice on the engagement plan. We had some stakeholder interviews and we started to develop a survey. The survey launched in January, and we'll share some early results from that coming up, but we are planning with the situation assessment coming out shortly and with the early survey findings to have that be the basis for some discussion groups. And we'll share a little more on that. And we'll be coming back to you in winter and in spring to talk more about the situation assessment and what we're learning from the discussion groups and survey. And eventually, as Peter mentioned, there's policy concepts we'll be developing. Around that time we plan some other events or a story map or other ways to share some of the ideas and get input.

So this is sharing the survey, and which is available at the project website. And it's been up since late January, and since that time – as of yesterday anyway – we had about 86 responses, partly due to a good push from Skagitonians to Preserve Farmland. They helped push out the word on that. The County is getting ready to do another social media push on the survey, but just to share that we asked people where they conduct or attend agritourism just to see the range across the county, and we're seeing responses from all over. And we asked a lot of multiple choice or selected questions to help us identify what people are interested in with agritourism or concerned about, but we also asked open-ended questions. So we will be sharing that and we've already got the example here: 50 responses on whether agritourism would strengthen your ability to continue working the land. So we are thinking between the open-ended and the data-oriented questions we'll have a good range of input to share with you later.

And as I mentioned, coming up we're organizing some discussion groups. We're reaching out to – we're getting our list together from early interviews but also survey respondents are providing their email addresses and saying whether they're interested. And I think yesterday we had almost 20 that were interested in talking more of the 86. So we're going to reach out to producers, commodity groups, ag interest groups to set up the discussion sessions, share the situation assessment, and then hear concerns, ideas, stories and helpful concepts for us to bring back to you.

Mr. Gill: Thank you, Lisa. Yeah, this is Peter Gill with Skagit County. Just to wrap up, that was a lot of information. I think bottom line is we still have a lot of outreach to do. We are digging into the data. We've got a bunch of different data sources on the economics. All the economics data is a little suspect in certain areas but when you put it all together you can see some things that are really helpful. The case studies are really important for looking at what could be or what we want to avoid so I would encourage folks to take a look at that as well. And please take our survey and, if you want more information or want to stay in the loop as we move forward, that's a great place to leave your email or even a phone number if you want to be involved in some of these discussion groups. So we're excited about it. We're really hitting the ground hard trying to get the outreach to work in a COVID world. And you need everyone's help to do it.

So with that, if there's any questions I'd be glad to talk through them now, or our emails are up there on the screen if people want to send me an email.

Chair Raschko: Okay, Commissioner Mitchell has a question.

Commissioner Mitchell: Thank you. Lisa?

Ms. Grueter: Yeah?

Commissioner Mitchell: Thank you for bringing the information. If – could you please let us all have a copy of what you showed tonight?

Ms. Grueter: Sure.

Commissioner Mitchell: Is part of it. On one of the slides, you had a bar chart on it showing the different counties. Can we go back and look at that? I mean the different cities and the county. It was the bar chart where it was showing –

Mr. Gill: Oh, the economics.

Commissioner Mitchell: There we go. That one. So in 2016 it was interesting to see that 20% was in Anacortes that year, and there's nothing like that in any other years that big. Do you guys know what situations or – you know, was there a special festival or something that showed that, or what caused the 20% for Anacortes?

Ms. Grueter: I am not sure offhand but I will find out. It's at the point of sale, so it could be if they had some additional either operations carrying products from elsewhere in the county or, like you say, if there were some events. So we'll see if we can find out more there.

Commissioner Mitchell: Thank you. And another question and I'll be done: I might have missed it in the beginning, but the three examples that you gave us for some ideas, one of them was down in Oregon and the other two were Washington state. How many Washington state counties are formally recognizing or doing agritourism?

Ms. Grueter: Boy, a bunch of them. We did – in the Appendix of the situation assessment when you get it, we did add a number of counties in the state that, I think, were referenced at the last meeting and that – or have really well-known agritourism and festivals. So altogether I think we did three out-of-state examples and seven in-state, so including Chelan, Clallam, Walla Walla – I don't think I recall them all. We can see if we can get a better count. Unfortunately, the last time the state did sort of a statewide survey was 2011 where they were looking at the range of agritourism across the state. I'm not aware that there's another sort of similar study in the last 10 years.

Commissioner Mitchell: Thank you. Any of that would be helpful.

Ms. Grueter: Okay.

Chair Raschko: Are there any other questions for Lisa?

(silence)

Chair Raschko: Okay, hearing none, then thank you very much, Lisa, for your report. We appreciate it very much.

Ms. Grueter: Thank you.

Chair Raschko: At this time, we'll now move to the Shoreline Master Program Update Work Session, (continued). So, Mr. Gill, if you would please ___.

Mr. Gill: Thank you. We have Dan Nickel of the Watershed Company and Betsy Stevenson here tonight to continue your workshop on the Shoreline Master Program.

Dan Nickel: Great. Thanks, Peter. Betsy, I'll go ahead and jump in and share my screen. See if this is showing up.

Mr. Gill: Yes.

Mr. Nickel: All right, great. Well, thank you again. My name's Dan Nickel from the Watershed Company, and I've been working with Betsy and Peter and the County staff on, you know, providing an update to the Shoreline Master Program. We've been meeting a few times now with the Planning Commission here and tonight's really a continuation of that discussion. And so I wanted to, you know, kind of jump into the outline here but before we get too far along I just want to kind of hit on a couple other things as well. Really, first and foremost is to make sure that we're providing the members of Planning Commission opportunities to ask questions, get feedback from us as we go through this. You know, we're trying to hit on the specific topic areas that really were resulting from changes since the 2016 version of the Planning Commission's Shoreline Master Program. So if there's other things that you want to talk about I want to make sure that we are pausing for those and give you opportunities there. I'm hitting on specific things here tonight in the sections on uses and modifications and I'll talk a bit about kind of where those are located and what they're involved with, but these are just, you know, six topic areas that really kind of draw some attention based on the changes that have occurred since 2016. But, you know, if there's other areas that you want to discuss or ask questions about, I encourage you to do so. So I just want to make that clear. And also, Peter, if you see anybody raising hands, things like that, just, you know, make sure to pause me and I'd be fine to answer any questions.

I think one of the other things that was asked last time was just also, you know, kind of: What is the public saying? You know, what are we hearing from the public at this point in time? You know, we haven't received a lot of questions or comments from the public at this point. We're not in a public comment period. But, you know, there's opportunities for folks to ask questions. We have been holding a couple – we've held a couple of these monthly project updates, which are, you know, virtual meetings that the public can attend or stakeholders can attend and ask questions, and we'll provide some updates as we go through this process. And that's been a really good opportunity. We've had some pretty good attendance at those meetings. We've had some good dialogue. Some questions that have come up, some have related to Lake Cavanaugh residents; some comments and discussion related to sea level rise and issues with shoreline stabilization. There have been some questions regarding mitigation sequencing and new information or new guidance from Department of Fish and Wildlife on their riparian management. So it's been a really good discussion there, and we are holding or planning to hold another monthly update meeting here in March. We'll hold another one in April. Those are the ones we have scheduled. We may hold more as we move on down the line but those are the two future ones we have scheduled. We do look forward to hearing more from the public as we go through this process.

And then lastly before I jump in, I did want to just mention in terms of the schedule: We have been talking with the Department of Ecology. We've been meeting with them on a regular basis now, asking for their input and getting their review of their eyes on this as well. And they're providing some really good information for us to consider, and so we are taking that information and evaluating how to address that – their kind of questions or concerns. And so we are looking to try our best to incorporate or address those concerns from Ecology as we work with them here in the next few weeks. So we anticipate at this point in time probably not going into the public review cycle here this coming month. We were hoping to get that process started in the beginning of March, but at this point in time I think it's best if we really wait until we have Ecology's full feedback and get that woven into a more consolidated public review draft. So that process will be probably – you know, it could be a month or so away but we just need a little bit more time to do that.

So I guess at this point in time I think we can kind of get started here. I've outlined these six sections which relate to the uses and modifications portion of the SMP. I'll walk through kind of where this is located and how it all fits in, but these are the specific topic areas that we are planning to address tonight.

I guess before I jump into those sections, I did want to just kind of hit on again opportunities for public involvement. We've hit on this before in the last meeting and I'm going to continue to hit on this because members of the public might be attending these meetings. So I think it's really good for us to – and for folks to know kind of where to go. We do have an online open house that is active right now that people can go to to learn more information. These are just a couple of snapshots of that online open house and what's contained in there. It's a really good go-to source. It is a location that we want people to go to to register for these monthly public meetings. Again, we have one coming up in March, in early March, and another one in April, so I'd suggest going to this online open house. The address is right here: skagitsmpopenhouse.com. Go to that. Go ahead and subscribe to those meetings. You can also subscribe to the email listserv to get notifications of all the County's activities related to this process. So I would just, you know, again encourage folks to go there and to find out more information.

So your meeting schedule right now for the Planning Commission: We, again, are here. We're met at the past two meetings. We are on the February 23rd meeting covering Uses and Modifications. We expect to come back to you on March 9th and we'll be covering things – kind of the remaining sections that we haven't covered yet. One is the Legally Established Preexisting Uses and Structures. We'll come back and cover Administration, Definitions, and some of the Shoreline Environment Designation Mapping. And then we've held March 23rd as a meeting if needed. We, you know, had initially talked about holding a public hearing at that point but it looks like we will be postponing that for the time being.

So I guess to start, before I jump in I did want to kind of go back and just kind of look at the outline for the Shoreline Master Program to give some understanding about kind of how these pieces all fit together, and I think I'll maybe pause for a moment so people can – I'm going to give an example of how to kind of move through the document. You know, the SMP is divided into sections or parts. We've covered, you know, several of these areas in detail. We've talked about Part III, the General Regulations. We've talked about Part V, the Critical Areas Integration. And, you know, tonight we're really focusing mainly on Part IV, the Shoreline Uses and Modifications sections, and then the next meeting we'll cover Parts VI through VIII.

Now before we jump in there, let me – I want to pause for one second because I want to bring up the actual SMP documents. I want to just – I'm going to walk you through kind of what you're seeing. I think you all have a PDF version of this and so I just want to kind of walk through how to

navigate this. Because it's actually – it's pretty well established that the County put this together in terms of being able to walk through the use of the document and it's pretty slick.

So hopefully you can see. This is the PDF document that is available up on the County's website. It should be the document that you have before you. And it's designed to be able to move fairly easily through the document. Now there's a side bar. If you're using a PDF Viewer there's a Bookmarks tab here that you can click on and it will pop up all the sections and content within the document. So you can click on a section. If you want to talk about it, go to the Environment Designation section; you can click on this and it'll take you directly to that section. Likewise, at the top of each page is a – these are the main headings for each of the parts that I mentioned earlier – Part I, Part II, Part III. So you can click on these. If you want to go to the section on critical areas you can click on that and it will take you directly to Part V, Critical Areas. In addition, at the start of each of these parts is a table of contents and within that table of contents you can also hyperlink to these various sections and it'll take you directly to that. So it's a very user-friendly document. Now in this document this version does contain all of the proposed changes in track changes. You'll see here there's changes, you know, in this section 14.26.550, for example, that are in track changes in a strikethrough underlined format and we have sidebar comments included in there that speak to the rationale of where that change is coming from. So again, some good information.

Any questions on the document itself at this point before I start jumping into the content here? I know I've been rambling for a bit.

(silence)

Mr. Nickel: All right. Let me – I'm going to stop sharing this and I'm going to go to the actual – back to the PowerPoint presentation. And we'll start that back up. Okay. All right, so I've got – there's quite a few slides here so I'm going to take some time and, again, feel free to ask questions as I go through this. There're six main sections that I plan to cover. There are other areas in the uses and modifications sections, things like Residential Uses, Recreation, Industrial Uses. It's a variety of things. We're not touching on all of those because not a lot of those have had significant changes at all since 2016. So we're just kind of hitting on those main points. And then, I guess, one more thing before I jump in: I did want to just mention kind of how this section itself – how the uses and modification section fits in with the rest of the Shoreline Master Program. This is kind of a – in my opinion – kind of the nuts and bolts. It's what, you know, what you go to to understand the types of use that you might have along your shoreline. Now we're going to talk about aquaculture here first. This is the Aquaculture section so aquaculture activities would be covered by this section. It's important to keep in mind that other – you know, the whole SMP applies here and so there's other sections that would pertain to aquaculture activities that would might be covered under the General Requirements. Those General Requirements are covered for all uses and activities, or all uses and developments. Those things, you know, that include things like public access, you know, cultural resources, critical areas. Those are all things that are covered generally throughout the entire SMP no matter what that use and modification might be doing. But here we're going to talk about the specifics here. So this a good example here. So aquaculture is covered under section 14.26.415. I've provided the section numbers; you can follow along in your draft. I've also referenced the precise page number of where the specific edit is located in your draft. So it's page 88 in the Planning Commission review draft.

So this specific area was where a recommendation from the 2016 Planning Commission made a recommendation here. This is a – related to subsection (2)(b)(ii). This is related to when – it's specifically about when a shoreline review is required for existing aquaculture. And this subsection (2), or sub-element (2), states that “ongoing maintenance harvest, replanting, changing culture

techniques or species does not require a shoreline review unless cultivating a new species or using a new culture technique that has significant adverse environmental impacts, if not allowed by an existing shoreline permit.” Now in 2016 the Planning Commission made a recommendation that specified that a permit should only be required in this case if new species or culture techniques has a significant adverse environmental impact. You know, upon further review and discussion the County staff would prefer to keep the original proposed language as shown in the box above to reduce confusion. And I will pause there. So this is a good example of, you know, several areas we have in here. We have areas where the Planning Commission made a recommendation in 2016, a recommendation that *isn't* necessarily being carried forward in this current version. So we're making specifically clear where that's occurring. We're also, you know, bringing forward areas where the Planning Commission *has* made recommendations that we are making changes and we're bringing those to you as well. So there's a number of these that are occurring that I want to make clear. So I will pause there for a second, if anybody has any questions on that specific item.

Chair Raschko: Are there any questions?

Commissioner Knutzen: Yep. This is Mark Knutzen. I do have one.

Chair Raschko: Go ahead, Mark.

Commissioner Knutzen: Are we going to be allowed to revisit and change these recommendations here?

Mr. Nickel: Yeah, I think this is a good question. This is – you know, this is an opportunity for discussion. We're, I guess, at this point in time bringing these forward to you so you are aware of where the current draft is at. You know, there's ample time and opportunity for further discussion and modification of the current draft. It is, you know, not yet out for public review and even when it is in for public review that's still going to be going before the Planning Commission for a public hearing and further deliberation.

Commissioner Knutzen: We're not doing that tonight, but we will do it some point in the future?

Mr. Nickel: That is correct. I think it's helpful for us to gather any questions, comments, or clarifications that you might have on these sections. I think, you know, part of what we've heard so far is that there's a desire for the public, you know, to review this as well and provide comments, and that, you know, the Planning Commission really wants to hear from the public on the draft, maybe before you get into your more detailed deliberations.

Commissioner Knutzen: Okay, thank you.

Chair Raschko: Any more questions?

Mr. Gill: Commissioner Mitchell has a question.

Chair Raschko: Go ahead.

Commissioner Mitchell: Yes. Dan or Betsy or both, it says here to reduce the confusion that staff would prefer to go back to the way it was. What was confusing about what the Planning Commission had recommended?

Mr. Nickel: Betsy, do you want to tackle that one?

Ms. Stevenson: Yeah. I had to find my mouse to get my microphone unmuted. It was my other screen. So I apologize. Yeah, I have your recorded motion in front of me so I can read to you how it was crafted for the Planning Commission, what they chose to do, and you can compare it to what's in the box there in the text.

"Ongoing maintenance, harvest, replanting, changing culture techniques or species does not require shoreline review unless cultivating a new species in the water body or using a new culture technique, and that new species or culture techniques have significant adverse environmental impacts" is not allowed by an existing shoreline permit. So I guess that staff felt that what we had and how we wrote it kind of captured the same thing as what you were asking for but felt it was just a little bit simpler and clearer. Does that make sense? And also I guess I would say at this point to just give you some history, and maybe we talked about this in 2016 – I'm guessing we probably did but I can't say for sure. This aquaculture section was worked on for quite a long time by all of the interested parties, I guess, who were either part of the – I think they were all part of the Shoreline Advisory Committee as well. And the language was gone over several times very carefully, so I hesitate to change too much of it without either making sure that all those folks are okay with it as well. And I do think we captured your concerns in the way that it's written there. I guess that would be my response to your question, Kathy.

Commissioner Mitchell: Thank you. I mean, specifically were they industry folks who were helping with that?

Ms. Stevenson: We had two aquaculture types – one shellfish, one finfish – and one interested tribal party in Skagit River Systems Co-op that was concerned about the shellfish aquaculture and existing aquaculture and expansion, which is what – this is part of that section. So we chose the words very carefully and they kind of were agreed to by both the industry person and the person from Skagit Systems Co-op. So I'm a little hesitant to change it without at least, you know, going back and talking to them about it again too.

Commissioner Mitchell: Okay, thank you.

Ms. Stevenson: If you guys feel really strongly about it, we will certainly do that.

Chair Raschko: This is Tim Raschko. I'd just like to make the comment that this is a challenge for a lot of us, particularly those Planning Commission members who weren't a member of the Commission at that time. It's been five years. And just as you alluded to a bit there, Betsy, some memories flag, notes can't be found, and this type of thing. But there was a lot of input from third parties, particularly industry people, so I would encourage them to fill in the gaps with their own submittals of comments or whatever. Because if the Planning Commission approved this stuff at that time, there must have been really good reason and it'd be helpful to have people help refresh everybody's memory on what those reasons were. So I thank you for listening.

Ms. Stevenson: That's a good point.

Chair Raschko: Okay. So go ahead, Dan.

Mr. Nickel: All right. That is very good questions. I appreciate your input. _____ Section III. Three more slides related to this section in the Aquaculture section. This is right after the sub-bullet (2). This is again on page 88. Again where – when a shoreline review is required for existing

aquaculture. So this section states that for aquaculture without an existing shoreline permit, a shoreline permit is required for any expansion. Again, in 2016 the Planning Commission recommended changing this to be that it's only requiring a shoreline review, not necessarily a shoreline permit. You know, and after the County again reviewing this language, you know, this situation depends upon what is considered expansion. The 2016 recommended language would allow quite a bit of leeway and discretion on staff for operations that have not been permitted to-date, and so the County really feels that this really should remain as it's stated here: require an existing shoreline permit as opposed to just changing to a shoreline review.

I'll go ahead and just keep on going slowly through these. I'll pause if anybody has any questions. The next one in the Aquaculture section is on page 90. This is under the subsection (4) under General Requirements. In 2016 the Planning Commission recommended adding invasive species control along with predator control. This has been included and it's underlined below. So this section, subsection (h) specifically reads that "Predator control measures used in aquaculture may not include those intended to kill or injure wildlife." And what was added was "Invasive species control and predator control methods must comply with federal and state regulations, as determined by applicable federal and state agencies." This was added for specific intent to be able to control invasive species, not just predators. As we know, there's been some – a lot of concern regarding invasive species to the aquaculture industry so we felt like this was appropriate to be added.

And the last – one item in the Aquaculture section is actually on page 92. This is in subsection (8)(d) related to geoduck aquaculture applications and specifically must be included in those applications. And sub-element (vi) actually states that "specific periods" – this is what must be included in application. It would include "specific periods when limits on activities are necessary to protect priority habitats and associated species and avoid conflicts with neighboring uses." And in 2016 the Planning Commission recommended removing the latter part of that statement that says to avoid conflicts with neighboring uses. You know, it really doesn't fit the consistency with state guidelines by, you know, removing the statement of avoiding conflict with the neighboring uses, and so the staff feels like that should not be removed at this time.

So that's the section on aquaculture that we wanted to bring forward. I'll keep moving on unless anybody has any comments or questions on those sections.

(silence)

Mr. Nickel: All right. I think we have two slides on Boating Facilities and Related Structures. This is section 14.26.420 and it's on page 93 of the Planning Commission review draft, the section on Applicability, subsection (1)(a). In 2016, the Planning Commission recommended adding definitions for "pier," "ramp" and "float." That's from WAC 220-660-140(1). You know, and in review of this, the County would prefer to discontinue to use the diagram that's provided now in figure 14.26.420-1, this diagram here that's shown in this slide, to provide a level of detail necessary to describe what constitutes a pier, a ramp, and a float. Just for – again, for consistency. You know, there are definitions already in the section here in Applicability for other related structures, but this diagram really fits with what would be required under that.

And a second – is there a question?

Mr. Gill: I don't see one.

Mr. Nickel: Okay.

Commissioner Woodmansee: I have a question actually. This is Joe Woodmansee.

Chair Raschko: Go ahead, Joe.

Commissioner Woodmansee: So I'm looking at this drawing. I would assume that the code doesn't differentiate between a fixed dock and a floating dock? Because if you look at this, they're calling the dock the fixed piece, the ramp and the floating. So I kind of thought that the language in the code was a little more specific about, you know, what it included and stuff. Can you tell me the difference between what the WAC says and what your diagram says, or is it saying the same thing?

Mr. Nickel: I believe they're saying similar things. Betsy, do you remember this in greater detail?

Ms. Stevenson: I guess I would go back to the first item under Applicability on page 93, (1)(a), "This section applies to" and then the little (i) Dock. The second part of that definition basically says "Docks may either be anchored to and floating or permanently fixed to pilings." So I think that we're kind of combining them all, Joe, so that we're not necessarily differentiating it in the text. I'd have to run back and look at the matrix again and see if we have separate headings for the different ones and if the standards are different, because they might be. But no, we're not. I know there may be some people who want a fixed pile dock the entire way out and they don't have necessarily the other features. Or other people might want a floating one that they can bring in in the wintertime because they live in an area with real high tidal and wave action and wind. I think what we tried to do was keep it as flexible as possible so that people could use the components and design what works for their site and what's suitable for their conditions at their site. So if it's confusing or if you have some ideas, we'd sure be glad to hear it. But that was sort of the intention, if that makes sense.

Commissioner Woodmansee: Okay, yeah, that's a good explanation for me. Thank you.

Ms. Stevenson: Great. Thanks.

Mr. Nickel: Great. Thanks, Betsy. All right. The second comment here in Boating Facilities is related to additional standards. This is on page 97 of the Planning Commission review draft in subsection (iv)(B), these additional standards for community docks associated with subdivisions. This, I guess, comes from just a County staff recommendation and a revision to sub-element (B), where in an existing draft in 2016 there was a limit to the number of slips that you could have on a community dock that related to the number of residential units associated with the community dock. And it was a, you know, a number that was, you know, basically 75% of the total number of residential units. And anyway, that has been adjusted from 75% to 100%, so a one-to-one on the number of slips that would be allowed based on the residential units involved.

Ms. Stevenson: Dan, I'm just going to jump in here real quickly. This is Betsy again. This was actually a recommendation too of the Planning Commission, that they thought that was kind of a little bit silly to do it that way and said we should change it to one. And we didn't pick it up so there was a note that I found that said, yeah, we're going to change this, and let the Planning Commission know that we missed it when we were going through and making the changes.

Mr. Nickel: Oh, thanks. Thanks for the clarification there, Betsy.

Ms. Stevenson: Yep, yep.

Mr. Nickel: Looks like I missed that one too!

Ms. Stevenson: It might have been in something you didn't have. I was digging deep!

Mr. Nickel: It's okay. All right, thank you. All right, I'm going to keep moving on. Oh, there's two more in Boating Facilities. I apologize. There were four total.

The third item in Boating Facilities and Related Structures on page 97 of the Planning Commission review draft – this is in the Development Standards section and subsection (iv)(d) relates to marinas. And in here there's a County staff recommendation to add several subsections for consistency with the WAC. Specifically, this is WAC section 173-26-241 subsections (3)(c). These really focus on minimizing aesthetic impacts and talking about site suitability and navigability and extended moorage. So there are those three sub-elements that we're really focused again just on consistency with the WAC for the development standards for marinas.

And I didn't provide the specific language here for those subsections. I can read those off, if folks like, but I think you can probably follow along on that page. Again, it's page 97.

All right, I continue on. The last comment I have here is actually on page 98. So this is related to the standards table for docks. This is table 14.26.420-1. You know, this table really provides a snapshot of all the dimensional standards that are required for both freshwater and marine docks. And in 2016 the Planning Commission recommended, you know, replacing this table as well as the dimensional standards that are in the narrative portion of the SMP with just a requirement that we just comply with the Washington Administrative Code, or core conditions that are spelled out in an HPA. An HPA is the permit you get from the Department of Fish and Wildlife. You know, I guess it's one thing to comply with the WAC and comply with your conditions of the HPA, but without specific dimensional standards it's very difficult for the County to be able to regulate development in such a way. Plus, you know, tables like this are very informative and helpful for applicants, as well as the County staff, you know, to be able to take a snapshot and help out development applications. So, you know, County staff is recommending that we keep this table, again for – you know, for consistency. The idea here in terms of the dimensional standards is to be as consistent with the WAC as possible. And so the intent there is to be, you know, consistent with both the freshwater and the marine requirements for those docks.

Ms. Stevenson: I'm going to step in again. I feel like the historian! This is Betsy Stevenson again. I just want to – for those of you who were on the Planning Commission and also those of you who weren't, you made this recommendation because at the time we were thinking of going a totally different direction and adopting Fish and Wildlife's guidelines and WACs by reference, because we were having so much trouble making this work and fit. So you made that recommendation because we talked to you about it, as far as I know, and you were going along with what we asked you to do. So after talking more to some other folks and looking at it again, we kind of thought, you know what? Let's leave this. I think we can make this work. Let's just work on it a little bit more. So if you think that we're kind of saying, well, we don't want to do that even though the Planning Commission recommended it, this is definitely one that I remember that we recommended that you go with those WACs. So now we're saying, Never mind, please. Just so it's not on you.

Chair Raschko: This is Tim again. Thank you, Betsy. That was very helpful. Go ahead, Dan.

Mr. Nickel: All right, great. All right, so moving on, the next section is on Filling, Excavation, and Grading. This is subsection 440 of the SMP on page 112 of your review draft. And this is in – this

specific area's in the Applicability section (1), or subsection (1) under sub-element (b). The Planning Commission in 2016 made a recommendation to explicitly exempt aquaculture from this section. So upon further review, this really is inconsistent with the permit and review provisions that are already in the Aquaculture section of the SMP, as well as it would be inconsistent with the WAC. So upon further review, we've made the recommendation that we should not make that revision to that subsection.

Betsy, if there's any clarification that you would like to make on that as well, but I think, you know, the main intent here is just for consistency's sake.

Ms. Stevenson: No, I agree with you.

Mr. Nickel: Okay. I appreciate your historical context. It's great, very helpful. There's two items under this section for Shoreline Habitat and Natural Systems. This is SMP subsection 475. It's on page 129 of your review draft. And this is an area – subsection (3) – which talks about Application Requirements. In the 2016 Planning Commission review, they recommended adding a requirement to hold a pre-application neighborhood meeting. The County – upon review, the County knows that the neighborhood meeting can be added as a requirement. In the Skagit County Code 14.06, which is hopefully going to be updated soon – I'm not exactly sure of the timing of that but it is on the County's radar to update that section. It would include details on timing and notification and a requirement that projects would not have a negative effect on neighboring properties. For the time being the County has recommended different language in this section, but just noting that 14.06 will be updated in the future to address this comment.

The next item in the Shoreline Habitat Natural Systems section again – this is on page 130 of your review draft and this is related to subsection (4) under Development Standards. There's two areas here, the first in subsection (b). The County has added language stating that monitoring of more than three years may be added at the administrative official's discretion. You know, it's – the Shoreline Habitat Natural Systems projects, you know, typical monitoring of projects may be five years. In this case it's oftentimes a three-year process and more years can be added based on the administrative official's discretion. Part of this has to do with the fact that a lot of these types of projects are on grant funding. There's not additional grant funding for monitoring that is provided and so it can be very difficult to actually perform the monitoring in such cases.

The second item under sub-element (g) –

Chair Raschko: Pardon me, Dan. Pardon me for interrupting.

Mr. Nickel: No problem.

Chair Raschko: I have a quick question and I believe Commissioner Mitchell has one as well. But when you're referring to the ability for staff to extend the monitoring, is this a decision that happens at the time the permit is issued or is it something that happens subsequently – for instance, after three years is up somebody decides, hey, let's keep monitoring? And if it's the latter, it just seems like it's an open-ended thing and somebody could keep this thing going forever.

Mr. Nickel: Yeah, a good question, and I believe I'll jump in but, Betsy, correct me if I'm wrong. But I mean this is something that's typically decided upon the issuance of a permit about what the monitoring requirements going to be. Now if you're not able to meet the performance standards of the monitoring, then there is reason to extend the monitoring for more years, but typically your monitoring requirement is established at the time the permit is issued.

Chair Raschko: I'd feel better if it stipulated that in the document, but...Commissioner Mitchell?

(silence)

Chair Raschko: Are you there, Kathy?

Commissioner Mitchell: I'm sorry. There we go. Sorry. The open-ended thing was bothering me as well. I would like for you guys to revisit that. Maybe it's because I don't understand what can happen on something like this. But if it could be left open then, what's to say that it goes after the three years and then somebody decides two years and then somebody decides another year. How long are these people going to be held to that? When does it end?

Ms. Stevenson: Yeah, that wasn't our intention at all – this is Betsy Stevenson again – in the way that it was written, but I can see how you could think that that's maybe what that meant. So I think we can work on that wording a little bit and add something maybe add “at the time of the issuance of the permit” or something. You know, we're just saying that the administrative official has the discretion to extend that. I think what I was envisioning is that would happen when we were discussing the project and we were looking at the project and if it was to such a scale or there was so much going on in terms of things that needed to be monitoring in terms of vegetation growth and replanting and all that sort of thing – that somehow it made sense and the applicant agreed to it and it was something that we worked out in the process as we were actually going through and evaluating it, that we could determine that hey, yes, we know it says three years but under certain conditions we may need – depending on the sensitivity of the area where they're working, all that sort of thing – that it may make sense and be a good move for us to make it a longer term. But not at all – I don't think – there's no way that we would be able to add it on afterwards if the condition of the permit said, you know, for three years. We'd have to go back through a process of modifying the permit and changing the condition and showing that they weren't doing what they needed to do. At that point it almost becomes like Dan was saying: If you couldn't meet your standards that you were expected to meet and they just refused and everything was dying, it would turn into a modification of the permit or rescission of the permit to get that sorted out. So that wasn't our intention at all. But we can try to figure out a better way maybe to add something here. If you guys have – Tim, if you've got a thought on what you think might do it. But I hear what you're saying and see that and that was never our intention. But I also – Annie Lohman's voice is in my ear: But, Betsy, someday you won't be here! Somebody else is going to interpret that! So I hear what you're saying so we can work on that one for sure.

Chair Raschko: Thank you. Commissioner Woodmansee?

Commissioner Woodmansee: Yeah, is there bonding included in this kind of a mitigation typically?

Ms. Stevenson: Not typically.

Commissioner Woodmansee: Okay.

Ms. Stevenson: There is language in our critical areas ordinance that allows for bonding and we have done it for bigger projects. We haven't done one of those in a very long time.

Commissioner Woodmansee: And then my – so my second question is, Can you define who the administrative official is? Or could it be any one of a number of different people?

Ms. Stevenson: It would be the planning director or their designee.

Commissioner Woodmansee: Okay. Would that person – could that person change from one person to another to another to another and maybe one personality is good with what happened and the next personality's not?

Ms. Stevenson: That's a hard question to answer.

Commissioner Woodmansee: It's kind of a, you know, hypothetical, lousy question, I guess.

Ms. Stevenson: Yeah.

Commissioner Woodmansee: But anyways, you see what I'm – where I'm getting at is –

Ms. Stevenson: I do. Hopefully we'd have some consistency and carry over regardless of staff changing, but I know we have had a lot of staff turnover here recently where before we really hadn't, so I can understand why you have that concern. But it would be the planning director and maybe in consult with the staff that works on these projects and would be their decision.

Commissioner Woodmansee: I was just wondering if we should reference who the administrative is in this paragraph so that would, you know, state that it is the planning director, or if it's somebody else, it's somebody else. But whoever's actually the bottom line person.

Ms. Stevenson: Sorry. I'm getting anxious. It is earlier in the document that the administrative official is the planning director or their designee. The Skagit County Code does say that.

Commissioner Woodmansee: Oh. Okay. Well, I –

Ms. Stevenson: And this should say *administrative* official rather than *administration* official. I didn't catch that when I was reviewing it.

Mr. Nickel: Good catch.

Ms. Stevenson: Yeah. Too little, too late, but yeah.

Mr. Nickel: It says "administrative official" in the document. So good.

Commissioner Woodmansee: And I clearly didn't read that part where it says that, so thanks for the explanation.

Mr. Nickel: Thanks, Betsy.

Chair Raschko: Okay, if you don't mind, I'd like to just back up a little bit higher on the page. Maybe it was inadvertently missed but there was a reference to performance standards – and this is for replacement vegetation – but the standard is 100% survival for the first year of growth and no less than 80% survival at the end of the third year. It just seems that the 100% after the first year, in my opinion, is excessive, and leaving it at 80% after three years, if you don't have 80% you keep planting. But if you have 100% after one year and then if one plant dies you're at 90%, but you have to replace it so that you can make 80%, it just doesn't make sense to me. Thank you.

Mr. Nickel: Yeah, that is a, I'd say, a pretty common concern, you know, regarding those mitigation or monitoring requirements; however, I would just – you know, the requirements there are pretty – have pretty much become a standard from both state and federal agencies regarding performance and monitoring requirements. So, again, this is partly based on making sure that we're consistent with state and federal requirements that are already out there. You know, and that's – it can be tough to meet but in terms of the performance in assuring no net loss of ecological functions over time, it is a standard that is important to achieve. You know, as, you know, for instance, if vegetation's cleared for some development and we're mitigating for the impact of that lost vegetation, it is important that we have these monitoring requirements to ensure proper growth over time. So it has an intent, it has a goal, and it's not always the easiest to achieve but there is a reasoning for it.

Chair Raschko: And I don't disagree with that, but the target is 80%, which wouldn't be there if it wasn't acceptable. So why you have to be at 100% after one year – you know, everybody can have that. I just don't know that we need it in our document, and if we meet the 80% goal in three years, it seems to me that you're meeting state and federal requirements. We also have a question from Commissioner Mitchell.

Commissioner Mitchell: Thank you. Yeah, I was going to ask the same thing. I know that Commissioner Shea and I both brought something like this up the last time and it still – I get that that's the state standards and stuff but it still doesn't make sense. How do you have 100% in the first year? It's – I guess what I'm asking is if you guys can explain how we even get 100%.

Mr. Nickel: Well, I mean, a lot of this has to do with the, you know, assurances that maintenance is being accomplished. Part of the failure – the main failure of a mitigation plan is the lack of maintenance. You know, oftentimes mitigation gets put in the ground and people walk away and just assume it's going to be successful, and it does require maintenance to, you know, make sure that invasives aren't invading; making sure that your irrigation is in place; making sure that those plants perform. You know, I can't speak to the agencies and the complete rationale here, but I'm pretty darn sure that, you know, they're looking at the tracking of success of mitigation and those first few years are really, really important. Once you get past year three, that's kind of why year three is the baseline. Because once you get past year three and you've shown that you are successful, you're more than likely to be successful long-term. But if you're not successful at that first year, you're very unlikely to be successful at the end. And so that's why there's a strong push to have really high success rates after that first year. Because if you can show that and you can, you know, submit your monitoring documentation that you've been successful, you know, whatever agency is reviewing, whether it's the County or a state agency or a federal agency, they can be rest assured that, you know, it's highly likely that it'll be successful over time.

Chair Raschko: Well, in my professional career, I oversaw the planting of probably 300-million trees and 100% was not the goal. It was just identified that you're going to have some first year mortality. And eventually like your target of 80% is what is acceptable, and you overplant what your target is due to that natural mortality. There's no way you could ever hope to have 100%. But anyway, we had another question from Mr. Shea.

Commissioner Shea: Yeah, thank you. This is Commissioner Shea. I guess I'm kind of just restating, but I think we're all on board with the standard as far as 80% in establishing the vegetation that may have just disturbed or displaced. But, like, what's kind of being mentioned is that the 100%, it seems irrelevant if your overall goal is the 80% at the end of the third year. Let's say you lose 10% in the first year. Well, you're more likely going to try to reincorporate those anyway to make sure you hit your 80% for the third year. So I think having the 100% for the first

year is kind of irrelevant. I don't know how to explain it very well but we think that you should definitely replant and make sure you try to keep 80% of your plants, but the 100% seems like an irrelevant stepping stone in that process.

Chair Raschko: Thank you. Any other questions or comments?

(silence)

Chair Raschko: Okay.

Mr. Nickel: All right. Yeah, thank you very much for the comments there. I think I still needed to tackle here sub (l) and (g). This was related to a Planning Commission recommendation to add clarity, that shoreline restoration and enhancement projects must be designed and implemented to avoid adverse impacts to neighboring properties. So that was specifically added here under (4)(g).

All right, kind of moving on, there's just a few slides left here. So under Shoreline Stabilization – this is subsection .480 of the SMP. This is page 131 of the review draft. And under Applicability, subsection (1), the Planning Commission in 2016 recommended that shoreline stabilization rules do not apply to flood hazard reduction that's defined in section 14.26.350. That's actually the flood hazard reduction section. And so that was specifically added per the 2016 Planning Commission recommendation. But these rules on shoreline stabilization do not apply for those circumstances. And then in subsection (2), identifying how kind of when this is allowed, the 2016 Planning Commission clarified that new hard shoreline stabilization may be allowed if a primary – the word "primary" was added – if a *primary* structure is shown to be at risk of damage within three years. And so those two items were included based on the 2016 Planning Commission recommendations.

I'll keep moving on. The last section is related to transportation. We covered transportation a little bit when we talked about the policies in one of our very first meetings, but I just wanted to call a couple things out here.

So under – this is under section .485 of the master program on page 140 of your review draft, and under the Applicability section we did add some clarity here. This is just based on clarity related to ferry terminals. We've added them to the list of transportation facilities. The ferry terminals are also included in the list of uses and modifications table that's included in subsection .405. That's on page 81. So just again for consistency, we've added ferry terminals to the Transportation section and they're listed as a conditional use in most all designations.

And then the last item here is in subsection (4) under the development standards. This is just kind of a reiteration or discussion of what we had before. So if you recall, in the policies we actually removed some policies that were in the transportation policies under the Circulation element. We removed those because they were really honestly written more like regulations, and so we've moved those into this subsection under Development Standards. They were the former policies under (6)(f)(1.2) and (1.3). Again, these regulations emphasize water quality, water flow impediment, stormwater management consistency, and impact avoidance. So those were really written more to be as regulations and so they've been included there.

And that concludes kind of the discussion on the Uses and Modifications section that we wanted to talk about. We will be coming back in two weeks or on March 9th to talk about kind of the latter sections of the SMP. And I think that we can always go back if there's specific questions. I guess

one of the questions I'd have for you tonight maybe before we conclude – are there items that you want us to, you know, bring forward in the next meeting to talk about in greater detail? Things we want to revisit or maybe sections that we just haven't talked about. I'd be happy to include those in the list of topic areas for next time. And I think the only other thing I wanted to hit on before we finish this is just kind of going back to the public comment and, you know, just hitting again I'd encourage folks to go to this online open house and, you know, at least register for those monthly meetings so you can kind of hear what's going on and get an update on this process. And again, we will be using that open house for public commenting when that public comment period opens up so again, I would just encourage you to get familiar with that site if you can.

So that concludes this presentation. Are there comments from folks regarding kind of the content that we provided? Suggestions on kind of what we should do next time and things you'd like to talk about?

Chair Raschko: Are there any comments from the Commission?

(silence)

Chair Raschko: I would say that you've covered it rather well, and I think that Betsy was very helpful in some of her explanations. I mean, as I said earlier, this has been a challenge with the lapse of time that's occurred and the new members on the Commission. So I appreciate both you, Dan and Betsy, for all the work you've done on this. Let's see, we have a – Commissioner Mitchell.

Commissioner Mitchell: Yes. The same thing. Dan and Betsy and Peter, I think this – I was explaining to somebody else earlier today, this is one of the things that's really frustrating is trying to remember how we arrived at the decisions five years ago! And they were very complicated, convoluted, with a lot of input from a lot of places. And as Betsy fortunately pointed out for us again today, why we can't remember some things is because the recommendations have changed! But thank you, guys, for your patience in helping us through this, and I'm looking forward to the public comment period to see how to assist with this. It's very, very complicated and detailed and I think we really need the input from the people in the industry and any boating/marina people, water use people, and builder people that do all those kinds of things as we move forward because this is an important time to get this right. Thanks.

Chair Raschko: Thank you. Commissioner Shea?

Commissioner Shea: Yeah, thank you. This is a small comment and maybe I can find it in some other documents, but I was just looking at your permeable materials, like permeable asphalt and things like that, and using that in areas where you can. One thing to note with permeable surfaces, they have to be maintained a *lot* in order for them to sustain over time. I mean, like the one at the County I know they have to clean that a special way to keep the infiltration rates up. And so I didn't know if you guys had thought about any sort of standards if someone was going to do permeable asphalt or what-have-you, and any sort of requirements for them to keep up with the maintenance. Because otherwise if you don't keep maintaining it then it loses all of that permeability and that benefit. So I just didn't know if you guys had anything on that.

Mr. Nickel: That's a great point. I don't think we've included any requirements for, you know, maintenance of those materials, but that's a great point and ___ to consider.

Ms. Stevenson: Yeah, we'll make note of that. We do have some low impact development requirements through our stormwater reviews and things too, so we'll coordinate with them and make sure we're on the same page so we're not asking for different things.

Chair Raschko: Okay, any – oh, Commissioner Rose?

Commissioner Rose: I actually have a fair amount of experience with permeable concrete, and it's worthy of an in-depth conversation because I have strong feeling about it, including the maintenance thing. I don't think most people in the industry understand how much it does or does not – I've probably installed at least six to eight projects with permeable concrete so I think that's going to be a separate conversation not tonight.

Chair Raschko: Okay, thank you. Anybody else?

(silence)

Chair Raschko: Okay, hearing no more requests for comments or questions, we'll move on. Once again, thank you both to Dan and to Betsy for their effort and all of their help tonight.

Ms. Stevenson: Thank you for your time.

Mr. Nickel: Yeah, thank you very much. I appreciate it.

Chair Raschko: You're welcome. So we'll move to the Director's Update.

Hal Hart: Great. Peter can put that up.

Mr. Gill: Yes, I'm pulling it up right now. There we go.

Mr. Hart: Okay, let's go to the next slide. So the one thing I really want to impart on everybody: Permit activity during the COVID-19 pandemic has been different. First of all, we had a delay. So we didn't have a lot last spring when we normally have a lot. Then a lot of money and projects were stalled during the summer. Some of the County's biggest projects, in fact, were put on hold. Then they have begun coming back and then they came back furiously in December, and January broke records for amount of people wanting to do projects. Part of the January surge in project activity had to do with the Governor's veto of an energy code. He had originally planned to bring it out this time pre-COVID, and there's additional things that it would require. Additional costs would be required for commercial and residential development. And the Building Code Council said don't do it. He ended up vetoing that, and so in the process of his veto in January everybody surged to the permit counter. But the problem is the permit counter is now 24/7 online and so our staff was – it probably took 88 or 89 projects just as a result of the surge in addition to what they normally would take. So it's been – so if you hear a lot of negative comments, it's because we've had – it's almost like the spring happened in December and January. February's been strong as well.

There's some other things that I've been asking around that I think are going on, and one of them is the Seattle metropolitan area is number 6 nationally for outflow of people right now. And so the question would be: Where are they showing up? So I've asked economists, I've got anecdotal information from developers. And where they're showing up is in places like Anacortes and Skagit County, Stanwood and places like that. So the surge of people leaving the central city, it doesn't take that many for them to make a big difference in outlying areas. And so there's definitely that

going on. The other anecdotal piece of information that I heard Friday night was people really outbidding a lot of other people for properties here. And so that may be new for Skagit County, according to one of the developers I was talking to, but it's something you would see down in the Seattle area. So with the outflow of people, it's a changed demographic condition.

All right, let's go to the next slide. So the next big one that's out there that could affect a lot of us is the update on the Skagit main stem mitigation for water. Not ten minutes before the start of your meeting, I got a call from somebody upriver saying, What do you know? So here's what I know: We signed an MOU. I've said that to you before, but we signed that MOU and that concept of it was it's going to be a handoff. The Department of Ecology will determine that somebody's got this mitigation water available to them because of where they are on the Skagit main stem. We want this process to be very simple. So they will go find out if their parcel is eligible for this main stem mitigation water. When they fill out the paperwork, turn the paperwork in to the Department of Ecology, they will then get a response back from the Department of Ecology. Barnes us this week and said we are moving ahead and this should be ready – this really simplified water process should be ready by the third week of March. So that's why I put "late March" there. She said third week, end of March, something like that is what they're saying. So we have a lot of pent up demand in the county for people that want to develop their parcels and they are calling and I'm keeping track of the calls and how often they call and where are they and things like that. So that continues each day, and we'll keep you posted as to the use of the mitigation water as this moves forward this spring.

That's a brief update and I just wanted to give you those two nuggets.

Chair Raschko: Are there any questions for staff? I have a question.

Mr. Hart: You bet. Yep?

Chair Raschko: Okay, so if somebody applies to the Department of Ecology and they get an affirmative on their being eligible –

Mr. Hart: Yep.

Chair Raschko: – so when they get a well drilled, does the County still take jurisdiction over that part of the permit or does DOE?

Mr. Hart: We believe it's DOE at this point, but the process is being mapped out by our attorneys' office, so I can confirm that once we've mapped that out in the next couple of weeks, Commissioner. So let us do that and then we'll come back and answer that question more directly.

Chair Raschko: Yeah. Well, my question, too, was presuming that there was a building permit, you know, attached to this whole process. Anyway, I appreciate that. Thank you. Anybody else have questions?

(silence)

Chair Raschko: Okay, then we'll go through our little roster here and see if anybody wishes to share any thoughts. We'll start with Commissioner Woodmansee.

Commissioner Woodmansee: I'd just like to chime in on the staff's help tonight on going through the shoreline stuff. You've been very helpful and I know it educated me quite a bit and I appreciate their time and efforts on it. And that's all I've got.

Chair Raschko: Okay, thank you. Commissioner Shea?

Commissioner Shea: Nothing crazy. I just wanted to make sure for the next Shoreline Master Program public meeting you guys were holding, I didn't know if there's any other Commissioners that were going to attend because I was interested.

Chair Raschko: Okay. Commissioner Rose.

Commissioner Rose: I don't have anything. Thank you.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: No, thank you.

Chair Raschko: Okay. Commissioner Knutzen?

Commissioner Knutzen: No, I don't have anything. Thank you, though.

Chair Raschko: Okay, then have we anything from Commissioner Candler?

Commissioner Candler: I just want to – basically repeating what everyone's saying – but I really wanted to thank the Department staff and Betsy particularly with the historical stuff. When you mentioned that I was literally trying to remember why we didn't want that chart, and so it was very, very helpful. Thank you. That's all.

Chair Raschko: Thank you. And that's – I just reiterate the thanks and appreciation for all the staff and consultants and everybody for all the work they've done.

So with that, we've completed our agenda. I'd like to wish everybody a good night and a thank you and we'll be adjourned.