

**Skagit County Planning Commission**  
**Introduction: 2021 Docket**  
**Update: Agritourism**  
**Work Session: Bylaws**  
**May 25, 2021**

**Planning**

**Commissioners:** Kathy Mitchell  
Mark Knutzen  
Vince Henley  
Amy Hughes  
Tim Raschko, Chair  
Joe Woodmansee  
Tammy Candler, Vice Chair  
Martha Rose  
Joseph Shea

**Staff:** Hal Hart, Planning Director  
Peter Gill, Long Range Planning Manager  
Daniel Hasenoehrl, Planning Intern  
Jason D'Avignon, Deputy Prosecuting Attorney

**Others:** Lisa Grueter, Consultant from BERK Consulting

**Public**  
**Commenters:** Ron Extract  
Kim Rubenstein

Chair Tim Raschko: Good evening and welcome to the May 25<sup>th</sup>, 2021, meeting of the Skagit County Planning Commission. The first order of business will be a roll call. Commissioner Candler, are you with us?

Vice Chair Tammy Candler: Yes, I'm here.

Chair Raschko: And Commissioner Henley? I see him present. Commissioner Hughes?

Commissioner Amy Hughes: Here.

Chair Raschko: Commissioner Knutzen?

Commissioner Mark Knutzen: I'm here.

Chair Raschko: Commissioner Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: I'm here.

Chair Raschko: Commissioner Shea?

Commissioner Joseph Shea: Present.

Chair Raschko: And Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Commissioner Vince Henley: Commissioner Henley forgot to unmute.

Chair Raschko: Okay. Well, I see his picture. I'm sure he's here, and I've talked with him. So we have a full crew and I appreciate everybody for being here. Is there a motion to approve the minutes from the last meeting?

Commissioner Mitchell: Commissioner – the Chair? This is Kathy Mitchell. I'd like to move that we approve the minutes.

Chair Raschko: Okay. Is there a second?

Commissioner Henley: I second it.

Chair Raschko: And who is this?

Commissioner Henley: This is Commissioner Henley.

Chair Raschko: Commissioner Henley seconds it. Are there any changes or discussion of the minutes?

(silence)

Chair Raschko: Hearing none, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: All opposed, say "nay."

(silence)

Chair Raschko: Are there any abstentions?

(silence)

Chair Raschko: So that passes unanimously. Thank you. Mr. Gill, have you an introduction to make this evening?

Peter Gill: Yes, actually. Jason D'Avignon from the Prosecuting Attorney's office is joining us tonight. Jason, if you wouldn't mind taking a minute to introduce yourself to the Planning Commission? You'll have to unmute yourself.

Jason D'Avignon: Certainly. It's a pleasure to in some way meet all of you. I'm really excited to be here just to give you a little bit about myself. I am in the process of moving to the Skagit Valley. I found a home in Mount Vernon and my family will be here quite shortly. Prior to coming to Skagit County I was actually a criminal prosecutor in Okanogan County, and then prior to that I did a wide variety of civil law for the Colville tribes. Most of my career has actually been spent there. I'm terribly excited to be here. I think planning and zoning is just a fascinating and interesting process and there's plenty of work for me to do.

Mr. Gill: Thank you, Jason, and I appreciate you joining us tonight.

Mr. D'Avignon: Well, you're welcome.

Chair Raschko: Yes, welcome, Jason, on behalf of the entire Planning Commission. We look forward to working with you.

Okay, Public Remarks. Mr. Gill, have you had any requests from anybody to speak?

Mr. Gill: We have. Mr. Ron Extract is with us on the meeting. And he did send in some comments and I think he wanted to provide some public comment tonight. Ron, if you want to unmute yourself, you'll have three minutes. Please state your name and address for the record.

Ron Extract: Hi, my name is Ron Extract. I live at 231 South Anacortes Street in Burlington along with my partner Amber Watts. Amber and I co-own Garden Path Fermentation located at the Port of Skagit, and I'm here to – first, thank you, Peter, for the introduction and thanks, everyone, for hosting and for allowing me to speak here. I wanted to speak regarding the current agritourism initiative.

Amber and I moved to Skagit Valley from Austin, Texas, five years ago to start Garden Path, and our vision for what we want to create here was and remains to really build something that is a unique seed-to-glass experience. What I mean by that is that we want to grow our own ingredients; we want to source what we don't grow ourselves from neighboring farms; we want to use those ingredients seasonally to make really unique and distinctive fermented beverages; and we want to be able to have people visit us and sample these things and enjoy them in the context of where they're grown. And this is something we've been trying to do since we came here. We've looked at a number of different properties where we thought this might be viable, but, unfortunately, every property that we've looked at when we've brought it to the Planning Department we've ended up getting a full stop because we've been told that the zoning simply won't allow for the combination of activities that we're proposing. And what we found out with our last attempt, which happened just very recently, we asked the question: Is there any zoning in the county that would allow for the combination of activities that want to do, which is, again, growing, processing, and serving to consumers? And the answer was no, that there's no place in the county that allows for this. The consensus among everyone at that meeting – at that pre-development meeting – was that this was a great vision, that this is exactly the sort of business that the county needs, but we simply can't do it here. And unless something changes, our options are really either to think about doing it someplace else outside of Skagit, which we don't want to do. This is our home. We bought a house here. We live here. We've really settled here, planted roots here, and this is where we want to develop our dream. And, again, we feel like it's the best place in the world to do it, except that we can't. So our other option is simply not to do it and to give up on our dream. And I don't think either of those should have to happen. I really think that there is room to try to allow for what we want to do and that the hard lines the County currently draws where anything with food service is considered a restaurant and it's treated the same as if we were

opening a Denny's on a farm. That's not appropriate. We want to offer food service using things that we source from neighboring farms and that we can grow ourselves, and we want to offer beverages in the same way. And right now a brewery or winery is considered agricultural processing whether the ingredients are sourced here or not. I don't agree with that either. I think that what we want to do is very compatible with agricultural use, but other types of breweries and wineries might not be. And this is where we really need to navigate that nuance a little bit more carefully, and something that I really hope that you'll consider in thinking about what sort of adjustments need to be made in light of this agritourism initiative. And I thank you for your time.

Chair Raschko: Thank you. Is there anybody else, Peter?

Mr. Gill: No one that asked for ahead of time any time on the schedule. There are a number of people on the line, though.

Chair Raschko: Is there anybody tuned in to the meeting that wishes to speak?

(silence)

Chair Raschko: I see no hands.

Mr. Gill: I believe Kim raised her hand in the –

Chair Raschko: Who did?

Mr. Gill: Kim Rubenstein.

Chair Raschko: Okay, go ahead, please.

Kim Rubenstein: Hello. Can you hear me?

Chair Raschko and Mr. Gill: Yes.

Ms. Rubenstein: Hi, my name is Kim Rubenstein and I live at 15188 Channel Drive in La Conner. I'm a fifth generation Skagitonian and I certainly want to thank the County for all the hard work that they're doing relative to agritourism. I'm also on the board at Skagitonians to Preserve Farmland so you know that this is an issue that we've discussed ad laudum (sic), I believe. And I just want to share some concerns that happened out here in our neighborhood recently. And I believe it was Garden Path – actually Ron Extract, who, you know, is an amazing entrepreneur and has some wonderful ideas. But the notion about putting a tasting room out in the ag land where there is no septic and there is no infrastructure to support that type of a business is really a struggle for us who actually live out here on Channel Drive. I reached out to EDASC who was advocating for Garden Path, to say, you know, I'm kind of confused why EDASC would be supporting a business in the ag zone that wasn't really feasible simply because of infrastructure. And he took down, you know, notes about what I had to say and my concerns and the concerns that were raised by other neighbors that I'm living nearby. But I just wanted the County to be aware that this is a struggle for us that live next to the ag zone that, you know, have lived out here – many of us for most of our lives – and the lack – I guess it's the lack of understanding and appreciation the reason that it *is* the ag zone is that it doesn't have all the amenities that you would need to – and infrastructure that you would need in order to run a business in this particular area. So I appreciate the work that the County's doing. I look forward to hearing the report tonight.

And I hopefully can remain an active participant as you move forward in looking at zoning changes. So anyway, thank you.

Chair Raschko: Thank you. Are there any more comments or remarks?

(silence)

Chair Raschko: Okay, hearing none, we will move on. So we come to our first major agenda item, which is an Introduction to the 2021 Docket. So Mr. Gill, please? Go ahead.

Mr. Gill: Yeah, thank you. Thank you, Chair. Let me – I do have some slides today that kind of help the discussion here. I am going to just briefly introduce the petitions that were added to the 2021 \_\_\_\_\_ (sound cuts off and on starting here) receive the \_\_\_\_\_ that was part of your meet \_\_\_\_\_ 11<sup>th</sup>, excuse me. And so this is kind of – I thought I'd start with the process. And some of you are more familiar than others with the process, but it starts at the Board of County Commissioners. We make a recommendation on each of the petitions. The petitioners have a chance to discuss in their own words what their petition is about. We have a public hearing. We take comments. And then the Board establishes the docket. And that's where we're at – the red box on the screen there.

So the Board did include six public petitions and five County-sponsored petitions in the docket. All of the information on each of the petitions including the applications, the Department recommendations, the memos, all of the public comments that were received are also there. Hearing transcript is also there at that website down below and that's – if you go to skagitcounty.net, go to Planning Department and Current Projects, you will get to that link as well.

So the first one on the list is the Nielsen Brothers Map Amendment and Rezone. This is the only site-specific amendment that is in the docket. And the proposal here is to change approximately 12 acres just east of Sedro-Woolley from Agriculture-Natural Resource Land to Natural Resource Industrial. And the map below shows kind of that approximate location just east of Sedro-Woolley and the figure on the bottom right shows the 11 acres that they would like to rezone.

The rest of the petitions are comprehensive code amendments or development code text amendments, and I'm going to go through these. The first one is Small Scale Business Zone Modification. This involves Terramar. And the proposal here is to amend the zoning code, the Small Scale Business zone, to include restaurants as an accessory use within that Small-Scale Business zone.

The next one on the list is Fully Contained Communities. The current proposal that was docketed includes only amending the Comprehensive Plan Policies for fully contained communities, and consistent with the Growth Management Act RCWs that's shown there on the screen.

The next one is Public Notice for Mineral Resource Extraction areas. So the applicant would propose amending the noticing requirements for mineral resource extraction to one mile, and that notice is posted at any post offices of nearby communities.

The next one is Accessory Dwelling Units, ADUs. This proposal would relax the family member requirement that currently exists on accessory dwelling units and it would remove the size restriction for any structures that currently exist. So if it was a new structure they still would be subject to the existing regulations, which are, I think, a maximum of 900 square feet or not more

than 50% of the primary structure. But for – if the structure already exists on the property, it would remove that barrier.

The next one is to clarify the Conservation and Reserve Development Land Divisions, and this would clarify what the definition and the function of those kinds of land divisions are within the Comprehensive Plan and the code and make sure there's some consistency.

The next one is looking at adding a new use to the Bayview Ridge Light Industrial to allow for agricultural slaughtering facilities. And this would be as an accessory use that was incidental to agriculture and food processing within only the Bayview Ridge Light Industrial zone, with some criteria or stipulations around the sizing of that, as shown on the screen.

There are five County-initiated proposals in the docket. The first one has to do with SEPA, or Environmental Review – the determination and review timing, especially as it relates to development code or development projects, I should say. And this would clarify that the SEPA threshold determination can be appealed prior to the underlying development permit if they were happening coincidentally.

The next one is Updating the Hamilton Zoning and Comprehensive Plan Language. So we currently have a bunch of text in the development regulations around Hamilton zoning that no longer exists. We also have Comp Plan policies, obviously, about those development regulations that would need to be removed since those zones no longer exist now that certain parts of Hamilton have been annexed.

The next one is Reduced Front Setbacks to Include Class 19 Roads within the Bayview Ridge Residential Zone. So any minor access road would be allowed a reduced setback to 20 feet for the primary front setback. There's different setbacks currently within that Bayview Ridge Residential zone and the proposal is to make all those setbacks potentially consistent.

The next one is Pre-Application Requirement. So this amendment makes a pre-application meeting optional instead of required. And it would basically swap – we have two things. We have a pre-development meeting and we have a pre-application meeting. Currently the pre-application meeting is required but many people opt for a pre-development meeting and they then need a waiver of a pre-application meeting. We'd like to switch those around to make it reflect what most people are currently requesting.

I think I missed a slide.

Commissioner Henley: Peter, you missed C21-1.

Mr. Gill: Thank you. And that is the Parks – let me see if I have it. No, somehow I missed a slide. So that is – it's shown there just in the top line. C21-1 is the 2020 Comprehensive Parks and Recreation Plan. And so that would be looking at consistency between the Comprehensive Plan and that updated Parks and Recreation Plan and making sure there's consistency there going forward. Sorry about that. I don't know how that one got left off.

And so just to kind of wrap things up: This is the entire process. We are currently in the box with the red boundary around it, and that is "The docket is established." From here on out we move to kind of the six o'clock position at SEPA and Commerce notice, so we would do an environmental review and our determinations on those – on all the petitions within the docket. We'd also be noticing the State Department of Commerce about the proposed amendments. From there then

it comes to the Planning Commission for work sessions and presentations. That will then be written up in a staff report and provide the consistency review. That will be put out for public comment and public notice with a public hearing date. And based on the comments and the public hearing we will then work with you all and deliberate over the docket items and provide a recommendation in the form of a recorded motion to the Board of County Commissioners.

That's the entire process. We're kind of in the step one. We've got two, three, or four steps to go, depending on how you look at it, but that is the first step.

And with that, if there's any questions I can answer those now.

Chair Raschko: Are there any questions for staff?

Mr. Gill: I should note that next meeting we will be meeting with the Board of County Commissioners and they will be able to talk to you a little bit about some of the decisions that they made on the current docket and from there we will get into far more detail than we've provided tonight. Tonight is just an overview – here's what is coming your way. That kind of thing.

Chair Raschko: Okay. Thank you, Mr. Gill. We'll turn now to an Agritourism Update so, Mr. Gill, it's your turn again, please.

Mr. Gill: Thank you. This one I get to hand off and you guys get a break from me, so that's good! I do want to say it's been a great Phase 1 with the Agritourism project. We've gained a lot of information in the last, I guess, six, seven months now. We're wrapping up kind of the discovery phase of the project and now we're moving on to the kind of the policy, and then there's the legislative stage at the end of that. But so far we've learned a lot about what other jurisdictions do with agritourism. We've learned a lot about agricultural – the financial side of agriculture in Skagit County, and we've had a lot of outreach in terms of talking to the community, individuals, stakeholder groups about agritourism. And it's been really nice. It's been a great process, I feel like, and we've gotten a lot of feedback. And so Lisa Grueter from BERK, who's been helping us doing the heavy lifting on the project, is here tonight to present some of the results of the survey and the discussion groups that were held in March. Lisa, if you want to unmute yourself? Do you want me to do the slides or do you want to share?

Lisa Grueter: I am ready either way.

Mr. Gill: I will go ahead and share my screen. Okay.

Ms. Grueter: Thank you, Peter, and thank you to the Planning Commission for having me. I will walk through the results that Peter highlighted – the engagement efforts. So Peter, maybe we could go to the next slide.

Mr. Gill: Sure.

Ms. Grueter: And this is what we'll cover. We'll cover the survey that was out there for several months. And then we had small group discussions. And then we'll talk about what we will do with the results that we've gotten so far, both from the investigation in other case studies and from the public engagement.

So Peter highlighted we've been in the discovery phase, and that's where we developed a situation assessment that's been posted on the website for some time. And that allowed us to

look at three counties in detail and seven others as well, for what they do. And we also collected a lot of information we shared with the Planning Commission and other bodies that helped us get grounded in the topic, and then getting the word out to the community involved – going to standing boards, so the Ag Advisory Board, the Planning Commission, the Board of County Commissioners. You've received several briefings. We had some one-on-one interviews with stakeholders to get the lay of the land and to help us form an engagement plan that we shared with you last fall. And then the County launched the project website and one of the first activities was the survey in late January, and that was followed in March by small group discussions. We got the word out on those through the news media, social media, and mailing lists and stakeholder networks.

So first the survey. It was available from January 29<sup>th</sup> to April 12<sup>th</sup>. It was published on that project website and advertised in the newspaper and social media. We got about 166 persons responding. And the documents that Peter provided in your packet give you more details, but in general we got a range of respondents including producers, rural residents, or those that support the ag industry through food networks or are involved in hospitality or education. About 42% of the respondents own farming land and another 8% were interested in owning farm land. We had, in response to a question about what activities people conduct, about 44% of the respondents identified a crop type or livestock that they produced. The top crop, I think, was vegetables.

And then considering today, about 11% conduct agritourism activities and another 16% were considering it. Most indicated they did not have a regulatory barrier but some did identify that they were limited by zoning or permits. So zoning in terms of where the use is allowed or permits or requirements for establishing some of the activities like value-added commercial kitchen.

So one of the questions we asked was, What do you consider agritourism? And most found – out of the 166 we had 155 feel that seasonal events, festivals, and farm and ranch tours were agritourism. And some things like farm stands got a lot of notes but some producers felt those were just part of doing business and getting products to consumers directly. So it was interesting to read those comments, and you can see in the packet there's open-ended responses. We saw when we prepared a map and asked people to say where they participated in agritourism or conducted it, there was a lot of responses in the La Conner and Fir Island area as well as north Bayview and Bow. We were seeing activities, though, or participation across the county.

In terms of what are some concerns about agritourism, those included traffic, parking, and obstacles to farming activity, meaning that people that visit the farms or adjacent farms might be a hindrance to conducting regular agricultural practices like spraying or whatever.

Beneficial aspects of agritourism were primarily education, additional income, and economic activity at other local businesses. That could be at restaurants in the towns in the county as people come up and go to events.

There were some questions that asked how agritourism might affect producers' ability to continue working the land, and about half of the respondents that did put in an answer indicated agritourism could strengthen their ability to continue working the land. There was an open-ended question where people could offer responses on anything related to agritourism and they offered ideas on how to condition agritourism to limit negative effects, like limiting the footprint of where it happens. They suggested how the County could involve farmers or others at the policymaking process. And there were a number of comments also about minimizing regulations – making sure they're clear and enforced but as reduced as possible.



So that was the survey. In March we had some discussion groups, and we had eight one-hour sessions in March on different days and times of day. Some people participated in more than one session, but we had about 33 unique participants across all of those. We did have partial results of the survey at the time and we did share that, and we did share highlights from the situation assessment with the small groups.

And then if we go to the next slide, these were the kinds of questions we asked the small groups. So the first set of questions had to do with the relationship that the participants had to agriculture and what makes it feasible and what's critical to sustaining farming in Skagit County. The second group of questions was, What do you take pride in and what are the threats in maintaining those things? And then: What's your relationship to agritourism? What's the potential? What's most important? What are concerns? What are barriers?

So the following slides will just highlight some themes that we found along the way, but one thing we noted about the participants in general was we had a range of producers, in terms of the size of their operation; we had folks that support farmers markets or direct food sales or marketing; and hospitality – people in hotel or small-stay Airbnb and other offerings.

So our first group of themes is we saw a lot of passion around Skagit County's farmland being unique for soils, productivity, the climate, and the diversity and entrepreneurship that producers bring to it. There was a theme in more than one session about how farmland is difficult to acquire for new farmers. There were comments about ensuring there's a balance in agritourism, that while there might be some allowances there should be also a focus on keeping the ag base thriving. And there were comments about having – that agritourism should have some relationship to the farm activity. So if they're growing something onsite or producing animals or some other agricultural product, that the agritourism activity should be logically related. And so some of the reasons people gave: They really felt that agritourism could help people connect with their food locally, and a number of producers mentioned the pleasure they had at seeing customers regularly who eventually brought their kids and grandkids back to the farm. And a lot of appreciation for education, so petting – animal farms, you know, offering a place for kids to come from school, and other activities.

Continuing on the themes, we were hearing a lot of different ways people were thinking about, you know, where it might be appropriate locations for agritourism; what should be some parameters so it doesn't adversely affect the primary activity of farming. We heard some offer, you know, that maybe there should be a core area where primary agriculture is retained and heavy agritourism is restricted. There was a recognition, though, that agritourism on smaller farms could help keep those properties in farming that otherwise might be converted, so these smaller farms on major roads or on the periphery and not in the core. There was also a concern about making sure that wherever the agritourism activities were allowed that they avoid impacting small communities that have local restaurants and shops nearby, and that the scale of agritourism be appropriate, I think, again to the primary use of agriculture, and that whatever infrastructure – roads was a key one that kept coming up. We did hear about other infrastructure around water and sanitation and other things come up too in the comments.

And again, similar to what we were hearing in the survey, from the small groups we were hearing that whatever is adopted be clear, enforceable, and fair. And then we heard people ask for help when they wish to farm, and it wasn't always related to agritourism but it was connected in – you know, people saw the statistics in the situation assessment where we've seen an increase in smaller farms and a loss of middle-size farms, so I think there was a question about the cost and barrier to entry to get into farming – that there may be some land speculation happening, pressure

from Puget Sound – central Puget Sound – and how can farmers live on or near their farms without allowing for subdivisions. So these may not be directly related to agritourism. They may be things that the County can continue to think about as it, you know, advances and implements its Comprehensive Plan and code, but just recognizing those were some comments we heard.

So our next step in our three-part schedule is to start to develop some policy options and bring those back to the Planning Commission, Ag Advisory Board, and the Board of County Commissioners, as well as the public, and stakeholders. So just in broad strokes, we're thinking that while – that Ag-NRL is the primary zone where agriculture occurs. In our situation assessment we showed a number of zones where it occurs or is allowed and so we're thinking that the agritourism review would also look at what's allowed and what's happening in relevant rural and resource zones. We'll be looking at what are some suitable locations for agritourism: What makes a good site and what may be a barrier or a concern? So we'll be looking at locations and size. I think getting back to some of the themes we were hearing in the small group discussions: How can we have agritourism and avoid impacting core agriculture? How can we allow agritourism but avoid impacting villages like Edison or other cities nearby? How can we ensure that agritourism that *is* allowed helps support farming and is accessory to it, and how do we measure that? And then we're going to look at a range of the agritourism activities from ongoing permanent to temporary: What could be some permit requirements? What are other jurisdictions doing? How can we ensure that it is contained and yet clear and fair?

So this shows that project website that we've mentioned since the beginning. [skagitcounty.net/skagitagt](http://skagitcounty.net/skagitagt), and that's where the situation assessment is posted. And I think Peter eventually will post these same materials that the Planning Commission received there. And we'll be updating the situation assessment to highlight the findings from the survey and the outreach to-date. We also had a couple of requests for information on the age of farmers and gender and other information that will be small additions to that situation assessment.

Mr. Gill: Thank you, Lisa. (sound goes wonky here) Sorry about. Those documents that were distributed to the Planning Commission are now posted on the website that's shown there. If people want to get those another way, they can go to the agritourism website. I just want to reinforce how useful those small group/focus group meetings were. There were eight of them and so it took a little bit but as a virtual meeting it was pretty easy to just jump on and say hello. I mean, I've done a lot of town halls and public meetings in the past, and if we ever got 33 people that was like blowing up, you know? And actually to have the level of engagement that we were allowed through these individual sessions – not individual, but *small* sessions – was really beneficial for me and I was surprised at that because I was a little initially a little disappointed with the numbers. But I think the quality way outstripped kind of what I would normally been able to pull off in some of these public engagement efforts. So anyway, I just wanted to put that in there and let Lisa know how much I appreciate all her hard work on this.

That's all we have tonight. If you guys have any questions we can do that.

Chair Raschko: Are there any Commissioners who wish to question Lisa or Mr. Gill?

Commissioner Henley: I have one question.

Chair Raschko: Go ahead. This is Commissioner Woodmansee?

Commissioner Henley: No, Commissioner Henley.

Chair Raschko: Oh, Henley! I'm sorry.

Commissioner Henley: Yeah, last time I looked anyway.

Chair Raschko: All right, go ahead.

Commissioner Henley: Yeah, one real question: I've been through the documents that you passed out and I listened to the presentation, but one thing seems missing to me and that is, What is the driver towards agritourism? In other words, has there been a huge influx of requests for zoning changes and things like that? I mean, what specifically is it – I guess what I'm trying to really focus on is, What is the pressing problem we are trying to solve with this effort?

Mr. Gill: Yeah, that's a good question and let me – I don't think I need my screen here to be shared anymore. But, you know, this does take us back to 2018 and you weren't here for those discussions earlier, but there was a docketed item to allow restaurants within the Ag-NRL zone. And at the time that was too much \_\_\_\_, but the Board of County Commissioners did ask the Department to look into it deeper and try to understand what would make the most sense in light of our Comprehensive Plan vision and goals. And it has been kind of an ongoing thing at the Department. We have been getting more and more requests for these types of activities and having more people visiting farms and the different activities associated with that. And so I think the Department has recognized that there's a need as well as, you know, just the request from the Board to do this – or to look into it, I guess.

Commissioner Henley: Okay. I'll accept that for *now* anyway.

Chair Raschko: Are there other questions or comments?

Commissioner Shea: I guess I've got a comment kind of a question, if you don't mind. This is Commissioner Shea.

Chair Raschko: Commissioner Shea.

Commissioner Shea: From what I've heard you guys talking and everything, it seems a lot of it has to do with weddings, from just what I've heard. And then obviously the restaurants and then – correct me if I'm wrong – Airbnbs, as well? Like that's also one of the questions? Or is that already accepted as agritourism?

Mr. Gill: We don't currently regulate the AirBNBs, if that's a question.

Commissioner Shea: Okay, yeah. So –

Mr. Gill: And you're right – weddings and restaurants are our big requests.

Commissioner Shea: So I think – the way I'm thinking of it is whether you value the aesthetics of agriculture or you give it a value because – I mean, I understand the traffic and everything, even with tulips and everything – the tulip season, it's crazy. I understand interfering with agricultural activities. But, you know, I feel that agritourism, as far as weddings, kind of applies. I mean, if you want to have a wedding in a barn, the whole reason is it's an aesthetic of an agricultural community. And the same thing, like, with a restaurant or – you're growing your own food and you want to be able to serve at a restaurant on the facility or something like that. So that's kind of how I've been perceiving it, but, you know, if you don't value the aesthetic or think it has a value, then

I guess, yeah, weddings wouldn't necessarily be – in my mind – an agritourism activity. But that's just my thoughts as the presentation was going.

Chair Raschko: Thank you. Commissioner Hughes, did you have something?

Commissioner Hughes: I wanted to thank Lisa and Peter for your work. In a difficult year and a kickoff on a big subject for our county, I think you really did a wonderful job. Thank you for what you did in Phase 1 and the input you got from so many people. I think it showed us success in this long year, so thank you.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay, Peter?

Vice Chair Candler: I have a question.

Chair Raschko: Who has a question?

Vice Chair Candler: Tim, I have one question. This is Commissioner Candler.

Chair Raschko: Go ahead.

Vice Chair Candler: And it's not really so much a question, just a comment. I noticed there was a pretty big "other" – not big, but fairly sizable "other" category, and I don't know if it gets put into an "other" category because it's just one person says one thing, but just out of curi- – I am curious as to what those other activities were that people were identifying. Maybe it's in a more lengthy report or maybe it isn't, but I would be curious about that.

Ms. Grueter: And Commissioner, are you thinking about – some of the questions allowed people to check "other" as an option –

Vice Chair Candler: Yeah, I'm sorry. I didn't explain that very well. I was specifically referring to what *other* things people identified as agritourism besides the ones that were listed, like weddings and, you know, the main ones that were listed there. It seemed like there were maybe, like, 44 other things that were identified and I assumed it was maybe one person per item so they didn't get their own category. But I was just curious. It seemed like a fairly decent number of "other" things identified.

Ms. Grueter: Yeah, sometimes – so we have the full set in the appendix and we did try to categorize some of the other stuff. It seemed like people were identifying things that were related to the categories that were given in the questions. So they might talk about the accommodations that they offer or the kind of agriculture that they perform in more detail or that they were an employee of an agricultural activity or what events they went to or liked. So they often did relate to the categories they could pick. It was that they were, I think, sharing more about what it meant to them.

Vice Chair Candler: Okay, I see. Thank you.

Chair Raschko: Anybody else, please? Commissioner Mitchell, did you have your hand up?

Commissioner Mitchell: Yes, sir, I did. Thank you. Lisa, there was also a passage in there where the agriculture farmers had discussed obstacles, but it was just left general as “obstacles.” Can you tell us more what obstacles were?

Ms. Grueter: That was the phrase we offered in the question, and then I think people’s response in “other” might be eliminating here too. They were concerned about vandalism on their property or on their neighbor’s property. They were – we did see in the open-ended responses some concern around the activities they perform and how people’s cars or traffic or parking might interfere with their, you know, their farm vehicles. So I think we didn’t give them a lot to go on when we said “obstacles to farming,” but I think in the way they responded they gave us sort of that range of things.

Commissioner Mitchell: Will you then in the future, as you’re working on your policy, expand that specific category?

Ms. Grueter: Yes, I think that’s a fair point.

Commissioner Mitchell: Thank you.

Chair Raschko: Commissioner Knutzen.

Commissioner Knutzen: Yeah, thank you. I’m not sure if this would be addressed to Lisa or Peter. As we move forward with this process, what are the mechanics of any new regulations? I assume if we want to allow more whatever someone will have to propose to allow restaurants – whatever. Is this done by staff? Is this done by outside proponents? What’s the mechanics?

Mr. Gill: Yeah, that’s a good question. So, yeah, we are going to take the information we’ve gathered so far and some of the background research and look at different policy options to moving forward, whether that’s adding restaurant to a certain zone or doing an overlay or defining what “accessory” means or – you know, whatever it is you can imagine. We’ll have a few different options for what that could look like and we’ll get feedback kind of on those different options. And Lisa could probably do a better job describing kind of what they’ve seen so far and all that. So then from those different options we would draft up the code at the Department with help from BERK and then bring back some legislative proposal to the Board and to you all for more community input.

Commissioner Knutzen: Would you expect that framework would be within the existing regulations that are there now? Because there is code there now, right? Dealing with agritourism.

Mr. Gill: Well, it doesn’t directly deal with agritourism. There are pieces and uses that are definitely agritourism –

Commissioner Knutzen: So will there be a whole new section in the code coming out with agritourism?

Mr. Gill: I mean, that’s kind of what we have to explore. So, yeah, these are great questions. You know, it’s hard to say exactly what makes the most sense, whether it’s to clarify what’s already in an existing zone or whether there’s an agritourism kind of overlay and something like that. That’s a different – a whole different approach.

Commissioner Knutzen: Yeah. So that’s what we’ll be working through?

Mr. Gill: Right, right.

Commissioner Knutzen: Okay. Okay, thank you.

Chair Raschko: Commissioner Henley, please.

Commissioner Henley: Yes, a quick question. As you went through the survey and people describe their agritourism businesses, did you find a centroid about a certain type of business, like, for example, tasting rooms or restaurants or tourism or whatever – any sort of a common thread towards the larger mass of foreseeing applications for agritourism?

Ms. Grueter: We didn't ask directly: If you could apply for an agritourism use, what could it be? We asked: "What does agritourism mean to you?" and gave them some choices, and then we asked some questions: "Have you – do you want to do agritourism and do you have barriers? And that's where – we didn't see a lot of folks identify barriers, but those that did did identify food-related activities as ones where even if it was allowed there might be some additional permits from the Health Department, for example, around a commercial kitchen. Or it *could* be use-related: not finding a property that was zoned to allow for a tasting room, or confusion over the code being unclear around what was allowed. Those were, I think, in the open-ended responses to, "Have you thought about it and what are barriers?" Those are the kinds of things people did say.

Commissioner Henley: Did you find any requests or any idea that something like a portable operation, like kind of a food truck – would that qualify as agribusiness? Where it didn't stay on the property for the entire year but maybe it was put in place at peak times.

Ms. Grueter: I don't recall anyone making that specific idea, but I think that's an interesting idea that we could look at as we look at the options. In general, when people were thinking about temporary they were thinking about a certain number of days per year. So temporary came up but not necessarily in sort of a portable restaurant type thing.

Commissioner Henley: Okay. Thank you.

Chair Raschko: Are there any other questions? Let's see, Commissioner Mitchell, please.

Commissioner Mitchell: Yes, thank you. The first question that Commissioner Henley asked Peter jiggled a recollection. Three long range planners ago, right before one retired they had mentioned to us that agritourism was coming. And I've forgotten how many years ago that was. Our director, Hal Hart, might remember. Maybe four-ish or something like that. So obviously this has been going on other places for a while. Lisa, I'd like to have a sense, if you can tell us, what the track record is across the country versus Washington State versus our region that is moving to do this. Obviously there's been a pendulum because even within the Skagitians to Preserve Farmland they've looked at this issue, jeez, at least three times that I could find, maybe four, in the last maybe 25 years. So beyond that little bit where we hit that one thing where we talked to the Board of County Commissioners and they said they wanted to look at this closer, this obviously has already been coming together, if you will. If you can give us a better idea, that would be helpful.

Ms. Grueter: Yeah, I'll just hit a couple highlights on the trends, and I would say the situation assessment is a good place to look at as well. I think the trends in Washington state and nationally are an increase in agritourism by value and by number of participants. And they tend to be on smaller farms. They tend to be with older operators and women. And they tend to be within 30 minutes of major cities. But there's a range of things across the country. There might be a greater

distance in some parts of the country, you know, compared to others. But those are off the top of my head some commonalities. And then I think in the situation assessment we did summarize some of those earlier investigations from years back on agritourism, and so there's a little bit of a summary on that sort of related initiatives or history of explorations in the county. And I don't know, Peter, if you want to add anything else there.

Mr. Gill: Yeah. No, I think you gave more detail than I can but I think generally what we've seen or what I saw from doing some of that background stuff was that it's picking up all over the country, if not the world, in terms of how people want to connect with their food. And so you're seeing a lot of different promotions – state promotional stuff – to get people to come and check out their farms. I know in the county I was raised – in Dane County, Wisconsin – agritourism is becoming a big deal, but it's also the number one ag-producing county in the whole state. So it's happening all around.

Commissioner Mitchell: Is it possible, Peter, is it also possible – or maybe you know this; I'm hoping – so has the American Planning Association had pretty big involvement in this as well?

Mr. Gill: That's a good question. Lisa, do you know? Are they putting out anything on agritourism?

Ms. Grueter: Boy, I don't remember a special report. I'll do a little dive into it.

Mr. Gill: They focus a lot on urban issues, you know? I think a lot of the planning has to do with a lot of urban issues. Obviously zoning and comprehensive plans are city issues, as well as county issues, but when it comes to, like, the fine details of rural planning, there's just not that much out there.

Commissioner Mitchell: Thank you.

Ms. Grueter: We did summarize across those ten counties a sample of what they allow. We did include, I think, a link to a center, like a law center that sort of tracks legislation on agritourism. So there are some places to look.

Chair Raschko: Okay, we have a question or comment from Commissioner Candler first, followed by Commissioner Shea and then Commissioner Hughes. So if you'd please go ahead, Tammy.

Vice Chair Candler: Thank you. I appreciate that because it actually follows up on what you were just saying for Lisa Grueter. You mentioned when you were talking about the studies that they tend to – this agritourism tends to be within 30 minutes of a *major* city. I was wondering what constitutes a “major” city in that analysis? I mean, are we talking Seattle? Are we talking Bellingham? What does “major” mean?

Ms. Grueter: I will need to get back to you on that. My recollection was smaller than that, more like \_\_\_ thousand or something like that, not necessarily of Seattle proportions. But I'll get that back.

Vice Chair Candler: I think, just as a comment, this is one of the – well, I say that about a lot of things maybe, or feel that way, but this is, I think, a really, really difficult – sort of produces an anxiety in me in terms of equity. I noticed in the study, you know, you want to look at obviously where the best locations are for these kinds of things, but I feel like we're going to have a lot of competing interests to weigh. Just a comment. We've dealt with a couple of these on an individual basis. We dealt with the Birdsvew Brewery and we dealt with Samish Bay, and we dealt with

them differently. I think the point of how we dealt with the Samish Bay Cheese was more because we knew something like this might be coming or that it should be coming so that we can look at it in a broader perspective. But I don't know how you balance all those interests, but it'll be interesting. Thank you.

Chair Raschko: Commissioner Shea, you have the floor, please.

Commissioner Shea: Yeah, thank you. This is Commissioner Shea. I just wanted to echo some of the things that Commissioner Henley was talking about. I think it is really valuable and I'm sure you guys will ask some of the questions in the future, but to figure out exactly what types of agritourism are desired now in the county. And then that just gives us a good basis of – or gives everyone just a good basis on what is being desired and what kind of the push is for our local area. I think that might be kind of what the other Commissioner was mentioning or trying to get at was figuring out what specific industries and what specific types of agritourism is in the highest demand – to kind of go from there. But that's just what I was curious of.

Chair Raschko: Thank you. Commissioner Hughes?

Commissioner Hughes: Would it be possible to get a map overlay of what we're already looking at in Skagit County? From upriver to the coast we have different things that already are agritourism and to see what they look like on a map and where they're located. And then along with that, I'd like there to be a difference of u-pick. There was a lot of conversation about what is a u-pick, and so I'd like to see how many farms are just u-pick and how many farms actually have more agritourism associated with them. It would be nice just to get that baseline.

Ms. Grueter: Sure. And Commissioner Hughes, we do have a map in the situation assessment that shows – it's admittedly little black points on a map. It does show that it is scattered across the county and we do have names and addresses and so we should be able to – with, like, descriptions – and so we should be able to \_\_ them a little bit more in terms of what's u-pick versus something else.

Mr. Gill: Yeah, and we can get you a more readable version of the map with some description, like Lisa described. Yeah, we'll put that on the list.

Commissioner Hughes: Thank you.

Chair Raschko: Any other Commissioner comments or questions?

(silence)

Chair Raschko: Okay. Excuse me, we have Commissioner Mitchell.

Commissioner Mitchell: Yes, thank you. I had called Peter about the u-pick thing too because there were several comments in there that jumped out and I didn't realize that they would be – I don't know if it's fair to say zoned or controlled differently, depending on what things they do or did. So that kind of came as a surprise. And I'd like more information on that in general. Part of that is, of course, is understanding zoning and uses. But if there's any way you can help us with that, because it's those kind of details that do make a difference. And when we did do the Birdsvie Brewery and the Samish thing those kinds of details mattered on part of the decision-making process. So naturally the next thought leaps: It's not just u-pick. Are there other kinds of things, like the farm stands – you farmers probably can tell us. I'm not a farmer so I don't know.



The farm stand is held to different standards to some other things. And I think I would like some more education on that, if anybody can help. Thank you.

Ms. Grueter: Sure. And I think we've described in the situation assessment in, you know, very limited detail but u-pick and farm stands are allowed now as sort of an accessory activity and they're allowed in most of the counties we reviewed, and I think that's what threw some people when we were asking what do you consider agritourism and why you saw some of the comments that are, like, Well, you know, a farm stand is a way I get direct sales to my customers, or u-pick, same thing. And so that was interesting to hear those comments and so we'll be – when we bring back options I think we'll be talking to what's already allowed and where. And some of that is in that situation assessment but will be in more detail. And I think to the request of – in terms of agritourism, you know, what range of things are already offered, we'll try to give you more detail on those things so that you can then see, okay, here's where there is the departure from what you allow now and what's similar to what you allow now but still yet different. So we'll try to make that clear.

Chair Raschko: Commissioner Henley?

Commissioner Henley: Yes. I notice throughout your document here that there are two major Skagit Valley issues that don't seem to be addressed and they might be affected and impacted by agritourism. And one of those is water and water usage, and the other one is sewage and sewage disposal. So those are going to have to be addressed because those can certainly short-circuit any efforts you might have to implement an agritourism business on any given piece of land.

Ms. Grueter: I think we lightly touch on that in the situation assessment, and I think if we're showing you a range of options on whether to allow or not allow food service of some kind or an event, you know, that starts to bring up, Where's the water coming from, and how – you know, Does septic work or not? So we'll be bringing that forward with the benefit of talking with the Health Department and other PDS staff that deal with uses in the rural areas.

Mr. Gill: Yeah, and that's a good point. I was just going to add that. Yeah, we have to do some groundwork to reach out to Health a little bit and try to make sure they're part of the conversation because any kind of restaurant or service type stuff requires, like you said, water and sewer proper service and certification through the Health Department. So, yeah, that's a big part of the overall equation. It doesn't matter what we do if you can't get the water and sewer or the sanitation figured out. Good point.

Chair Raschko: All right, have we any other questions or comments from the Commissioners?

(silence)

Chair Raschko: Okay. I want to thank you, Lisa and Peter, for all the work you've done and I thought that was a good session. Barring any other comments or questions, we will now move on. I presume you're finished, Peter?

Mr. Gill: Yes. Thank you.

Chair Raschko: We'll move on to our Bylaws Work Session. Before we start that, does anybody need a break?

(silence)

Chair Raschko: Good. We'll move on. All right. It seems to me that we have a few cleanup items from the past. The first one I'd like to bring up was a list of concerns from Commissioner Rose. And the last time I talked to Commissioner Rose about it she intimated that her questions had been answered pretty much, but I just wanted to run it past you and make sure that that is the case and, if not, we will go over them thoroughly. So, Commissioner Rose?

Commissioner Rose: Thank you. Can you guys hear me all right?

Chair Raschko: I can.

(sounds of assent from several Commissioners)

Commissioner Rose: Okay, good. So you gave us a charge of going through the document and reviewing it and so this list of comments and questions is a result of me doing that. And Kathy has done a lot of research and sent us examples of other planning commission structures and some of their things that were in their bylaws, and so I just – like I said, I went down the list and asked these questions.

So the first one is: Should there be term limits? And when I first joined the Planning Commission, I met Carol – is it Ehlers? Was that her name? And I don't know how many years she had been on and finally she was told, You've had it. We're done – you know, we have to move on and get somebody else. So should it be – I'm just asking the question: Should it be built into our bylaws to have limits on how many years in a row we can serve on this commission? And maybe I – I don't know if you want me to go and give you the background of where my thoughts come from on *all* of them, or if you want to address them one at a time.

Chair Raschko: I think one at a time would be the most efficient way to work through it.

Commissioner Rose: Okay, yeah. So I don't have a strong opinion about this question but I want to know what other people think.

Chair Raschko: Commissioner Mitchell, did I see your hand up? Go ahead, please.

Commissioner Mitchell: Sorry, I unmuted then muted again. Carol had been on for 25 years and the reason she left wasn't necessarily because of tenure. There were some other things that went along with, but that certainly was a very long run. And I don't have a real strong opinion, Commissioner Rose or others, about it very much, other than saying my personal preference would be always to defer, number one, to the person's willingness to serve, because this is an unbelievable time sink that people don't know the commitments that go with. And so it takes certain people that have the availability and the willingness to do it. That's one-half of the equation. And the second half, I've always looked at it as we all serve at the pleasure of the Board of County Commissioners and each of our Commissioners appoints us. And I humbly offer that it's my Commissioner's time to say yea or nay. My first choice would be saying yes, I'd be willing to serve again – let's say if another term came up – but theirs is the overarching thing as to whether they would like for me or somebody else to continue. It's their decision primarily. I personally would hesitate us writing anything in about term – lengths of term because I think it's more the Board of County Commissioners' control and service. So that's just some thoughts, Commissioner Rose.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Yeah, thank you. I think Commissioner Mitchell put it very well. Also just a couple things to consider: I know we don't have a big issue with it on this board, but some boards' term limits can be a barrier as far as keeping quorum. But that's just some boards; maybe not this one specifically. But at the same time, it's not a bad thing sometimes to have something in there to keep the voices moving and cycling and make sure you're not kind of caught in a rut. So I understand both perspectives but I agree it's ultimately the Commissioners' – County Commissioners' – call, I would say.

Chair Raschko: Okay, thank you. Commissioner Hughes, was your hand up?

Commissioner Hughes: Yeah. Mine would be the respect to the County Commissioners. I was appointed by a previous Commissioner and the first thing I did on January 2<sup>nd</sup> was call the new Commissioner and ask for an appointment so we got to know each other a little bit. I do feel like \_\_\_\_\_ (sound goes wonky) specifically, the Commissioner in my district, but as well as the others. And so as we look at this issue, I think our County Commissioners need to at least have a conversation with us.

Chair Raschko: Thank you. Commissioner Henley?

Commissioner Henley: Yes. I'm not inherently against term limits. Anyway, I do point out, though, that, yeah, there is a certain amount of experience and intellectual property that gets built up over time, and that becomes valuable, especially in something like a planning commission where you're typically looking for long range solutions. You're not looking what's going to happen in the next quarter; you're looking at what's going to happen in the next 10 years, and that requires a little bit different perspective. So I would suggest that if we do set something like term limits in the bylaws – and I'm not suggesting it – that we make it a *generous* series of term limits. But as everyone else has noted, ultimately it comes up to the pleasure of the Commissioners. If the Commissioners wanted me to go tomorrow I'd be happy to go. If they wanted to appoint me for another term, I might say yes to that as well. But the reality is is that I think there's a certain amount of intellectual capital that gets built up by experience and we'd be fools to throw that away. So if you're going to put in term limits, make it generous.

Chair Raschko: Is there anybody else on this subject?

(silence)

Chair Raschko: I would say for myself that I'm in agreement with those who feel that it is ultimately up to the County Commissioners to decide whether they want us to continue to serve or not. I'm good with the things just the way they are without term limits. But in order to settle this, do we need to go through this whole list first and then decide on each one? Or should we get a consensus right now on this first issue?

Commissioner Rose: I'm going to suggest that we, like you said, tackle each issue as it comes up. And I would just want to voice my opinion that I agree with those who say that it is dumped in the lap of the County Commissioners to decide if they want you to keep on or not. That makes the most sense. So I'm going suggest that we *don't* have term limits, after posing the question and listening to everybody's comments.

Chair Raschko: Okay. Can we do this just on a consensus basis or do we need to vote? Unless somebody feels very strongly that we need term limits, my preference would just be to say that,

well, we discussed it and we decided to pass it by and we're going to move on. Are there any other opinions?

Commissioner Rose: Yeah, it's all good.

Commissioner Shea: Yeah, I think that's okay.

(several Commissioners comment inaudibly)

Chair Raschko: All right, so let's move on to a discussion of Article IV, Section 2, the fourth bullet point. Please go ahead, Martha.

Commissioner Rose: I think that we should skip over that one because we've already beat that dead horse and we don't need to go over it again. And if we – so I don't want to talk about that one anymore. The next one –

Chair Raschko: Well, you go ahead and go through it and bring up the ones you wish.

Commissioner Rose: I see. So the bullet point was formal disciplinary procedures should be reserved for serious or potentially serious situations and should be handled properly and tactfully. And basically I was at odds with most of the Commission about how the censure was handled with Mark Lundsten. But again, we've discussed it ad nauseum and I've come to see other people's points of views. I still may not fully agree with them but it doesn't matter that I don't agree. I just feel like it's time to move on from that conversation.

Chair Raschko: Okay.

Commissioner Rose: So then the next one, the bullet point number 3, Article IV, Section 5, Commissioner Mitchell actually pointed out that there is some language talking about the prosecuting attorney – I said, Why is it a prosecuting attorney? This is just curiosity for me, actually. But somewhere – I don't remember where you found it, Kathy, but you called me up and explained where that is. Yes?

Commissioner Mitchell: It was in the last Planning Commission legal advisor's – her initial introductory email to all of us. And she described – every single one of us has this in our email boxes except for the new people; we can send it if you'd like it – and she outlined what her job duties were and how they were appointed to take care of the Planning Commission and also some Board of County Commissioner – oh, the Planning Department staff anyway. So that's how they're done. They are assigned to do that job. And her title was prosecuting attorney – if I'm not botching it right now from memory. So that's why the language was the way it was.

Commissioner Rose: Yeah, and that one's not a controversial question. That was just a, like – it says the prosecuting attorney is the sole legal advisor for the Planning Commission. I'm like, well, does it have to be a prosecuting attorney? Can it be a defense attorney? Whatever. How does that – but at any rate, you've answered that question. My next bullet point is Article V, Section 5: "Emergency meetings might not allow for the proper notice to the public." This is my response to that section. It talks about emergency meetings needing the same notice, and I'm saying if there's a real emergency, such as an earthquake, there is no time for proper notice. So again, maybe I'm nitpicking but I just had a little trouble with this idea that if there was a true emergency, is there an exception to giving out public notice, or proper notice? Just a question.

Chair Raschko: Well, to break the silence I'll just say that I can't see what would be such an emergency that – in the type of work that we do – that we'd have to have an emergency meeting. Maybe somebody has a more fertile imagination that I have.

Commissioner Rose: Well, there was something in that – I didn't copy the wording of Article V, Section 5, but something triggered my comment. So maybe there's something in there about emergency meetings, and maybe then it's an interpretation. I think what you're saying is if there is some wording about emergency meetings it's not going to be that kind of emergency and therefore it would be very feasible to give notice.

Chair Raschko: Right. We don't do anything with floods or earthquakes.

Commissioner Rose: Right. Okay.

Commissioner Henley: Also I think you might just change the wording. Instead of using the term "emergency" you might change the term to "unscheduled" or something like that.

Commissioner Mitchell: Commissioner Rose or the Chair?

Chair Raschko: Go ahead, please.

Commissioner Mitchell: This is Commissioner Mitchell. The term "emergency," the kinds of things I think it's going for – other people might disagree – would be things – so let's assume – I can think of an example. So let's say that we had done recommendations or something or other and signed something off and then found out that there was something really wrong with that document or – you know, and we had time before to get something else. I can see a quote/unquote "emergency" meeting being called to correct an erroneous action or error. Something along those lines versus the, you know, the catastrophic kind of emergency where if there was a tsunami we wouldn't care anyway! Forgive the pun. I think that's the kind of thing that that term was looked for. And so the unscheduled thing that Commissioner Henley just brought up is probably more along the lines that what my interpretation was, but I really don't know the answer.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: I – yeah, I think the discussion's already eliminated my thought, my question, or my comments. So I'm good.

Chair Raschko: Okay, and, Commissioner Shea, did you have something?

Commissioner Shea: I think my question was kind of answered as well, but the way I thought of it – because I agree; if there was a big earthquake – I mean, even COVID-19's a good example. We just delayed our meetings. We didn't hold an emergency one \_\_\_. But I think, like, if there's a situation where we couldn't have a public hearing in a public space because the public space fell, and then we had to schedule it emergency for the next week or a couple days later because it's not posted. But once again, you should be able to get a notice out in time. So I don't think it really applies much.

Chair Raschko: Reading Section 5, it talks about in case of emergencies a planning commission may hold electronic meetings. You know, maybe this COVID thing is the type of emergency that

they're talking about, not something that would be truly emergent but an unusual situation, I guess. But I still think the proper noticing is required, as it says there. Anybody else?

(silence)

Chair Raschko: So what do we want to do with this?

Vice Chair Candler: Commissioner Hughes has her hand raised.

Chair Raschko: Okay, I'm sorry. Go ahead, Amy.

Commissioner Hughes: Well, I'd just like to throw another term out that would be urgent in somebody's scenarios. But what about our prosecuting attorney? Is there some advice here that we could get?

Mr. D'Avignon: I guess, what would be your – I've looked up this Section 5, cite RCW 42.30.80, which talks about special meetings. That section – my reading of it, which is just in the last couple minutes, is that it's quite direct on notice. And when it is talking about an emergency in subsection (4) it's "a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage when time requirements of such notice would make noticing impractical and increase the likelihood of such injury or damage." I think to the chairman's point, those sorts of situations is, I think, highly unlikely for the Planning Commission. I don't know if that answers your question or not.

Commissioner Rose: Yeah, it's fine. I'm not stuck on any of these questions. I'm just – I guess (I) was looking for clarification.

Mr. D'Avignon: Maybe to strike the "in case of an emergency." I know there's another part that deals with electronic meetings. And maybe there is another word or phrase that would better describe what the intention is there. I would have a concern that given that it's already citing this RCW and it has a very limited view of what an emergency is, that could lead to some confusion.

Mr. Gill: I think the intention on this section was to talk about public emergencies and public health emergency, and that's why this was in here to talk about the electronic meetings in that circumstance that we're currently in. And we are in the "special and emergency meeting" section, right? And so that "emergency" is listed there a couple of times in that section. But, really, this was about, you know, public health emergencies and making sure that we can meet electronically in that situation, whether it's public health or an earthquake and nobody can leave the – or more a volcano! – and nobody can leave the house.

Commissioner Henley: I have a hard time understanding what the discussion is about, because basically that section already says that you can dispense with a notice.

Chair Raschko: Okay. Commissioner Knutzen, did you have a question or comment?

Commissioner Knutzen: Yes, thank you. I'd just like to read the two sentences here in blue on the draft from January 6<sup>th</sup>, and I think it's the one that several of you referenced. "In the case of an emergency, the Planning Commission may hold electronic meetings of the entire membership. These meeting shall provide access to the public and comply fully with the Open Public Meeting Act." And I think that's what we've been talking about. To me, that lays it out very plain and clear, and it's a legal meeting. If that's what we're referring to.

Chair Raschko: Okay. Now this subject was brought up by Commissioner Rose and she may be satisfied with things just the way they are. But the discussion might have made it an issue of others. So I'd like to kind of bring this to a close if we can, so is there anybody who has a problem with leaving the verbiage just the way it is currently?

(silence)

Chair Raschko: Nobody.

Commissioner Henley: I would agree with leaving it the way it is.

Chair Raschko: All right.

Commissioner Woodmansee: I'm going with that too.

Chair Raschko: So, Commissioner Rose, we should move on?

Commissioner Rose: Yep. So the next one is Article V, Section 12, when we're talking about minority opinion. In a prior meeting, I believe that we took minority opinions off the table so that can go away. That one we don't have to discuss.

Chair Raschko: All right, next one?

Commissioner Rose: If we jump down to Article VII, Sections 1 and 2, there was – we had a session where it was explained about quasi-judicial actions and legislative actions, and I'm using an example of – I need clarification about where the line is drawn. And so I used an example of a public hearing we had where Commissioner Candler lobbied against a rezone – a site-specific rezone, and I'm just wondering if – that, to me, that site-specific rezone, I believe was an example of a quasi-judicial action. Is that true? Was that an example of – I need somebody to help me.

Mr. Gill: That is what we were talking about with the –

Commissioner Rose: So that is a good example of that. So then the question is: If – and I don't know if it's true or false – but if Commissioner Candler lived near there she should have disclosed that. Is that true or false? I need to have understanding of how the system works, so I'm just asking you for – my understanding is that if I live near a property that's being rezoned and I get up to speak against it, I need to disclose that I happen to live, you know, half-a-mile down the road or whatever – that it's in my neighborhood. Is that true or is that false?

Chair Raschko: I thought it had to do with whether you had a pecuniary interest, not your proximity. But – okay, we have two things here. First of all, Commissioner Mitchell was wanting to speak in regard to this subject, and then I believe our – Jason might have had his hand up. So go ahead, Commissioner Mitchell, please.

Commissioner Mitchell: Forgive me if my memory's faulty, Commissioner Rose. I'm having trouble remembering which one exactly, and I might have two different things confused in my mind. The only time I remember Commissioner Candler standing up and putting things up to show pictures or something like that was during deliberations. And my understanding is that when we're in deliberations we were discussing things as a group and that was allowed. And people already knew where she was and she lived because she had said that so I did not take that as a problem. In other words, the interpretation of one person's lobby during deliberations may be something

else. And so I think I'm a little bit confused if I'm thinking of the right incidents, but I just don't recall a time where I believe she acted improperly.

Commissioner Rose: So I'm not 100% sure that there was any improper – I'm raising it because I'm just trying to use it as an example to gain clarity. So that wasn't a hearing, that was deliberations, so that's one thing I got mixed up. But, two, it wasn't clear to me about proximity like – and so maybe, I think – I didn't know that the idea was that you had to have a financial stake in it. Like, can't there be other stakes, like live next door or live down the street? I mean, that's what I'm asking for clarity on, is where are these lines drawn and maybe it didn't even matter because that was deliberations. Maybe – I just thought that if we're going to weigh in on something that is a quasi-judicial action if it affects us – if we have some sort of way that it affects us personally we're supposed to disclose that. And so whatever the answer is is what it is. I just want clarity here, and I'm using that as a specific example.

Chair Raschko: Okay, we've got Commissioner Henley, Commissioner Shea, and Commissioner Candler wish to speak in that order. But I'm just wondering if maybe our new attorney might elucidate this and avoid a lot of unnecessary conversation. Or whether he'd rather we have the conversation. Did I put you on the spot?

Mr. D'Avignon: Yeah! You know, at this point – I think this is an important issue and I'm reluctant to opine on it right now without having the ability to really think about it and look at the applicable laws. I would hate to provide poor advice because I did not do the necessary due diligence prior. It's something I can look at and maybe get back to you.

Chair Raschko: I would appreciate that, and the three Commissioners who had their hands up, you're free to speak if you wish. But I think we should table this subject until such research is done and our new attorney can report back. So with saying that, Mr. Henley, what have you? You have the floor.

Commissioner Henley: Yes, thank you. I would suggest that there's a basic rule that applies here, and that is that in people who have positions like we do it is important to avoid the *appearance* of impropriety, whether there exists any impropriety or not. I think if you follow that rule, then you can stay out of trouble.

Chair Raschko: Okay. Commissioner Shea, please.

Commissioner Shea: Yeah, I think that was well-said, Commissioner Henley. Yes, it is financial but, I mean, we did talk about this a couple months ago and this was the crux of the discussion, was figuring out if there was any sort of other type of interest or a special interest a commissioner can have besides a financial or a pecuniary. And I think that's a valuable discussion in addressing that, but I do agree that it should just be a general thing as a planning commissioner that you do notice or you do bring it forward that you live close to something – a project that's happening, or what have you – because, yes, you may not be getting financial interest yourself but you may have a negative interest on a project. And so it is good, like you said, if you bring it out in the open during a public process and it's forthright, then I think that's the best way to avoid all of this. But yeah. Yeah.

Chair Raschko: Commissioner Candler?

Vice Chair Candler: Thank you. So in this particular case that we're talking about back in the Sedro-Woolley annexation, I certainly didn't have any pecuniary interest and I don't live super



close, although I live – I have a Sedro-Woolley address. I live in county, of course. But the thing is is that to a certain degree we are required, I think, to do our due diligence, which I think is kind of how I got sort of interested in that issue. And I think that the conflict of interest situation, I think you can look at in one way – you know, your conflict, I would think, would predate this issue coming before us as a planning commission. In that particular case, the research and the information that I got came as a result of it coming in front of the Planning Commission, and I think you have somewhat of a duty to find out some things and to deliberate on these things.

The other issue that you had brought up was that we can't have our decisions made prior. And I agree with you to that degree – it's a fine line because I think at the point at which we are at deliberations, we're almost, I think, by Robert's Rules *required* to have formed an opinion in one way or another in a sense that abstention is sort of discouraged. We are encouraged to each make a vote for each thing that comes in front of us. We *can* abstain and certainly we *should* abstain if we have an interest, but we're sort of required to come up with that opinion one way or another. So anyway, I had no interest in that, from my perspective – no personal, pecuniary, or other than what was my role as a board member.

Commissioner Rose: Thank you for your point about – the clarification from you and Commissioner Mitchell that it wasn't a hearing. It was deliberations. And that's my error and I accept what you're saying. So if we could use it as a – just a – this example as just a hypothetical, had it – and maybe it's irrelevant at that point. But going back to if you have an interest in something, even if it's not financial, and – you know what I'm saying? So –

Vice Chair Candler: We can use it as an example.

Commissioner Rose: Yeah, at any rate....

Chair Raschko: Okay, I'd like to do what I recommended earlier and that's allow our new legal representative to do some research and get back to us with an opinion, and – if that's all right with you, Jason?

Mr. D'Avignon: Yes, that's great.

Chair Raschko: All right. So with that, we will move on.

Commissioner Mitchell: Commissioner – excuse me, Chair?

Chair Raschko: Yes?

Commissioner Mitchell: I've got one thing to add to that, if we could.

Chair Raschko: Go ahead.

Commissioner Mitchell: We've moved into hypothetical mode for both Commissioner Rose's sake and also Jason's sake. So if you're under a hypothetical, I think the basic question is is if a commissioner had been, let's say, signing a petition and working to do a rezone, for instance, in their area – pro or con; I don't care which – that would change the equation for before something came before the Planning Commission and hearings went through and deliberations – those things – versus the scenario that we just discussed where it was a result of work coming before us and working through deliberations. So is that a clear distinction for you, Commissioner Rose and Jason? Am I making sense here for you for a hypothetical?

Commissioner Rose: I didn't follow 100% of what you said.

Commissioner Mitchell: I'm sorry! We're back to a hypothetical example: So the case would be if a planning commission member in the public had been lobbying for something – literally lobbying for something by themselves or with a group, and signed a petition to do something that would do a rezone that is site-specific, for instance, okay? That, I think, would be a very – more the type of scenario that would be egregious –

Commissioner Rose: I see. I agree with you, yeah.

Commissioner Mitchell: You see by the kind of example? So that would be something that would be, I think, a real case scenario – and, Jason, you might be able to help us with more examples for learning exercises – but versus work that would come from our doing research after something is brought to us and we bring it up in deliberations. Because if it is a quasi-judicial situation, every single one of us knows we can't do ex parte stuff. Does that help?

Commissioner Rose: Yeah.

Commissioner Mitchell: Okay. Thanks.

Chair Raschko: All right. Thank you. Commissioner Rose, please continue with your questions.

Commissioner Rose: Okay, there's two more. Article VII, Section 3(m). It says "No employment opportunity can be accepted by a Commission member that would induce the member to disclose confidential information." Well, our meetings are supposed to be open and recorded and everything that goes on is public record, so I'm confused by this comment about confidentiality or confidential information. So I'm asking for an example of how that could happen, or what would be a situation that could violate this statement that's in the bylaws? If everything that we discuss is open and available for public record, why is this in there?

Chair Raschko: Are there any comments? Anybody have any enlightenment? Commissioner Mitchell.

Commissioner Mitchell: Okay. Again, this is probably so far over the red line that anybody can see that, but an example might be: So let's say that there was going to be something that the Board of County Commissioners was going to docket. It's in the process. Some clever, crafty person says, ah, I've got a Planning Commission member I think I can get to. I'm going to offer them a job. You know, away you go. And then that person accepted that job and then worked on that item before the Planning Commission and made their decisions and such. I would think that that would be a clear-cut situation of a job opportunity, that kind of thing. And again, I realize this is on the extreme side but I think it makes the point. So that kind of – that would be a clear-cut no-no. And I know that there are fuzzier kinds of situations, but I think this was getting at – it's the same kind of thing as gifts and prizes and compensation – you know, like a condo at the snow retreat – you know, snowboarding retreat or something like that. It comes under a way of – a pecuniary interest and/or a bribe or – I don't know. I'm not a lawyer, but, Jason, "quid pro quo": Is that what that means? Tit for tat? So that kind of thing is what the employment opportunity, I think, is reaching. Unless I'm mistaken.

Mr. D'Avignon: I believe you got "quid pro quo" right.

Chair Raschko: I'm sorry. Could you say it again, please?

Mr. D'Avignon: "Quid pro quo" is kind of a deal: You do this, I'll do that for you.

Commissioner Mitchell: Thank you. Exactly. And so I think that was the sense of the no employment opportunity, Commissioner Rose, that that kind of thing was getting at. And, yes, I apologize thinking off the top of my head. It was the way-out-there example, but that's what it's after. So I hope that helps.

Commissioner Rose: That's fine. If that's what it is, that's fine.

Chair Raschko: Commissioner Henley, please.

Commissioner Henley: Yes. I think this is a holdover for a different kind of structure. The fact is we're all volunteers here. There are no personnel relationships. But in a place where, for example, you had salaried employees there might well be confidentiality and this particular phrase would apply. I don't think it applies to us at all.

Chair Raschko: It that's the case, perhaps it should be struck.

Commissioner Henley: I would agree with that.

Commissioner Rose: I wasn't – I was trying to come up with a scenario and I couldn't, but the one Kathy threw out was a little bit out there, but thank you for doing that. But, you know. I'd be in favor of striking it or not. I was just trying to, like I said, comb through the bylaw and see where we had questions and make comments, so this is just something I ran into that I didn't understand.

Chair Raschko: Could somebody please tell me what page this is on?

Commissioner Mitchell: It's page 7 of my copy, sir.

Chair Raschko: Thank you.

Commissioner Mitchell: There's another example for the employment opportunity where they could induce – somebody could induce something. Fortunately we've got honorable people here. But for instance, another example – and again, this is on the fringes. For instance – Commissioner Shea, if you don't mind my using you as an example. You work for the County – fully acknowledged, everybody knows it. The Board knew that when they appointed you. That's fine. But if there was somebody that thought that, Hey, this guy can get some confidential information for me. I think I'm going to go see if I can, you know, weasel a little something out of him – or get information that's to their advantage. That could be one part of a scenario. Or if – there are times in – Jason's going to probably give us these somewhere down the road – periodically legal – we ask for advice or something comes up where legal has to give us written advice, and it will come out in a confidential memo. Remember those words – big bannered confidential. We are not allowed to show anybody or talk to anybody about that. And in that instance it's the same thing. Somebody behind the scenes somebody could try to coerce Commissioner Shea or trick Commissioner Shea into revealing something, or the rest of us. But, you know, as an employment opportunity. You know, again it's fringe but it could happen. So even though it seems like it's out there, I don't know. I'm not so sure I'd want to strike it, but it's up to the gang.

Mr. Gill: You know, I've got to be honest. I am not finding it in the current version.

Chair Raschko: I'm not either.

(Several Commissioners say they don't see it.)

Commissioner Rose: Well, this was November so...

Mr. Gill: Yeah, I think it's a moot point at this juncture.

Commissioner Rose: Okay, let's move on. Yeah.

Mr. Gill: But it does emphasize why it's important that all of the business is done in the public, which I think is consistent with what you all do.

Chair Raschko: Okay, Commissioner Rose, do you wish to go to your last question?

Commissioner Rose: The last point is I'm looking for clarification on this idea of communicating with the group via email or outside the meeting in some way "in an attempt to influence the opinions of other members." Now, any rate, I've seen a couple comments along the way and I don't remember from home, but maybe we need to rehash this communication thing with the entire group and just maybe one more time get clarification on the why and the – you know, in other words, I know that if we send an email to more than four people that that's the same as convening a meeting and that we'd have to give public notice. That's my understanding of it. If I send an email to three or four other commissioners – I guess three because it can't be more than four total – and I say what do you think about this, is that – that's not the entire group so I'm assuming that that's okay. Any rate, it's just – I was confused because when Commissioner Lundsten sent that dreaded email back when and he sent it through the channels, not to everybody, there were people that were upset about that but he was following the protocol. But then – any rate, I just want to go through that one more time and get clarification about the rules about emailing and contacting others, and what is considered an attempt to influence versus expressing opinions. You know, how do you draw these lines? So maybe we could just get a little clarification, whether it be tonight or when Jason has the ability to come back to us on this other matter. That would be fine too.

Chair Raschko: I think it would be a good idea to combine those two into a single meeting but have time for Jason to prepare and also to have some conversations so he better understands the dilemma that we're talking about and for tonight put this off. Does anybody else have an opinion on that matter?

Chair Raschko: Okay, Commissioner Mitchell.

Commissioner Mitchell: Thank you. Was Commissioner Candler first?

Chair Raschko: I don't know.

Commissioner Mitchell: Okay. Your hand must be stuck up. Okay, thank you. Well, this is – I apologize – this is another scenario. This example that you used was off an obsolete draft too. That was language from another county that was not incorporated. But the general conversation, you know, should be had anyway.

Chair Raschko: Okay, thank you. So what we'll do is we'll have a conversation with our new legal representative and go over how we understand this issue to be and he can come back with some advice and we can discuss it in full. And I'll work with staff to schedule that to happen. Anything else? Commissioner Henley?

Commissioner Henley: Yes. I think you need to be careful to make sure you don't absolutely cripple yourself and say you can't communicate with anyone. That's ridiculous, all right? I mean, there's one thing about giving notice and there's another thing about convening a meeting where actual business is being conducted, okay? I don't think it's intended so that you can't have a conversation with other members of the Commission – all right? – to (a) both, as you might say, "influence" them, if you would, or to be influenced yourself. I mean, for example, I mean, I'm quite open to listening to good arguments from almost anyone, all right? If you can persuade me, great. If I can persuade you, so much the better. The fact of the matter is, our business is communication. We don't act in a vacuum. All right? We are responsible for representing the people of our districts and that requires communication. And I'll talk about that a little bit later more forcefully. But the fact of the matter is, I don't want to get us into a situation where we are sort of meeting shy and think of everything that we do constitutes a meeting, because it doesn't.

Chair Raschko: Thank you. I think that is the cusp of the issue. I think there's too much history before you came, Commissioner Henley, where people have been made to feel in jeopardy, I think, if they talk to other commissioners or other people in different situations. And I think that that's an unnecessary burden. I mean, I should be able to send out a notice saying the meeting's going to be five minutes early without having to go through staff. What I'm not allowed to do is tell everybody how they ought to vote at the meeting ahead of time. I've worked on other commissions and public boards and we always conversed amongst each other, not in a quorum. Anyway, so I think this is something that needs to be discussed just so it's not such an issue for everybody and everybody can feel a little more relaxed about how they communicate with each other. And I think having a legal opinion on that would be very helpful. So unless anybody else has an opinion or has something to say on this subject, Mark, I'd like to move on. Go ahead, Commissioner.

Commissioner Knutzen: I'll be brief. When I came on in September, this issue was being addressed and I was told – I think by Peter Gill – the proper procedure is if we have an email that we want dispersed to all the Commissioners, we send it to staff, they send it out. This is not something that the *County* regulation is. It has more to do with the Washington State Open Public Meetings Act. A month ago I had gotten a couple of emails from Commissioner Henley and I asked this again and was told that the emails were supposed to be going through staff. I got two more today that were from Commissioner Henley. I assume that we all did. This really needs to be addressed because if it's not proper with the Open Public Meetings Act with the State, we're going to need to send them through staff. That's the way I was instructed.

Chair Raschko: Can I ask you a question on that?

Commissioner Knutzen: Yes.

Chair Raschko: What is the difference between you sending it and having somebody else send it for you? It's not the result the same.

Commissioner Henley: Those letters all – after Peter corrected me the last time, those letters went through staff as well as to each of you. So the staff has those letters.

Commissioner Knutzen: To me, you'd have to ask the State of Washington. Because I was instructed last fall anything I had would go to the staff. My guess is that's so it's in the system. If it goes just between commissioners, it might not be accessible to the public. If it goes through the staff, it would be. I'm speculating on that.

Commissioner Henley: Like I said, like I said – except for the first faux pas that I made way back when, all of these letters have gone to the staff.

Mr. Gill: Just a correction. I am not on that email list. So if you think you're sending it to me I am not getting it, Commissioner Henley.

Commissioner Henley: Ah. I thought you *were* on that list.

Mr. Gill: I am not in that Planning Commissioner list. No.

Commissioner Henley: Well, there's a bunch of people on there who aren't planning commissioners. Who are those people?

Mr. Gill: There's a Public folder that those get dropped into. I think the main issue here is whether there's a response and whether there's an influence, and I think it's pretty clear in the Open Public Meetings Act that we can't respond with more than a quorum of people – or with a quorum; can't have a conversation. The whole point is to do the business out in public, right? You are the public body – right? – so you want to be making sure that the public is fully aware of everything that's going on.

Commissioner Henley: I intend to bring those things up and we will cover them in an open public meeting and I expect to do that. And if you're not on the list, I'll make sure you're on the list in the future. Guaranteed.

Mr. Gill: Okay.

Chair Raschko: Okay, we're going to move on. So, Jason, then you will be available to discuss this in – or something, I hope. We'll follow up in a few days?

Mr. D'Avignon: Yes, that sounds great.

Chair Raschko: All right. Okay. Does that complete your list, Commissioner Rose?

Commissioner Rose: Yes. Thank you for the time to go over it. I appreciate it.

Chair Raschko: Oh, you're welcome. And thank you for going to the effort to put this together. It's just going to be a lot more conversation, I think.

Okay, moving on, there is – like I started out, these are housekeeping things before we get into the main discussion. So there's a second issue that was brought to my attention, and if you go to page 1 on the document, under Authorization and Purpose, there was a sentence added by the Commission that reads "To this end, the Planning Commission shall work to promote the County's best interest over time." And the word "County" has a capital C. Now it can be construed then that the meaning of the word "County" is a reference to government and that we are here to work to promote the County government's best interest, where I believe what was intended was that we promote the best interest of the *people* of the county. So I'd like to know if anybody would like to make a motion to amend that wording. Commissioner Mitchell.

Commissioner Mitchell: I would but I would like to do one check-in with first to Commissioner Hughes to make sure that I understand her intent when she had teed this up and everybody voted on it, to make sure I've got the same understanding as this. My understanding when we voted,

Commissioner Hughes, was that you meant that “to this end, the Planning Commission shall work to promote for the” – small c – “county’s best interest over time,” versus the County government. Can you tell me what your intent was, please?

Chair Raschko: You have to unmute, please.

Commissioner Hughes: That was my intent, for it to be a small c. And so I would second that motion, if I could do it right now.

Chair Raschko: Has there been a motion made? Did you make a motion?

Commissioner Mitchell: Not technically, but I’d like to. I move that we edit that from a capital C to a small c.

Commissioner Hughes: I’ll second.

Chair Raschko: Okay, it’s been moved to – and seconded – to change the capitalization on the C in the word “County” on line 26 of page 1. Is there any discussion?

(silence)

Chair Raschko: Hearing none, I would like to offer a little discussion. That is, I still like my idea of saying “to promote the best interest of the people of the county over time,” which eliminates any confusion over the capitalization and what it means. I think it’s a more direct statement. And Commissioner Mitchell, is that you again with the hand up? No?

Commissioner Mitchell: You know, it was but it was unintentional to be left up. I’m sorry.

Chair Raschko: Is there any more discussion? Commissioner Woodmansee?

Commissioner Woodmansee: I tend to agree with you that it takes all question out. The idea is that word, it’s just for the people. What’s best for the people in Skagit County is what – that’s our charge.

Chair Raschko: Okay, Commissioner Henley.

Commissioner Henley: I would agree with that. I think it’s all focused on – with the people. We represent the people.

Chair Raschko: Okay, does anybody wish to ask for an amendment of the motion?

Commissioner Rose: I’ll ask for an amendment. I’d like to – Kathy, do you want to – Commissioner Mitchell, would you like to amend your motion, please?

Commissioner Mitchell: If you don’t mind my going tangential one time, I’d like to check with Commissioner Hughes to see that that, once again, was the intent of what the message was before. Commissioner Hughes?

Commissioner Hughes: I agree.

Commissioner Mitchell: Okay. I would like to amend that to exactly what Tim said, if you could repeat it for us, please, sir. I lost it! It was to promote –

Chair Raschko: If the motion – with your permission, please – to change the wording to say “To this end, the Planning Commission shall work to promote the best interest of the people of the county over time.”

Commissioner Mitchell: Okay. I would like to make that amendment then.

Chair Raschko: And Commissioner Hughes, are you okay with that?

Commissioner Hughes: Yes. I second.

Chair Raschko: Okay, so it’s moved and seconded. Is there further discussion?

Commissioner Henley: Call for the question.

Chair Raschko: All those in favor, please say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Opposed? Did somebody say “aye,” – I’m opposed?

(silence)

Chair Raschko: No. Are there any abstentions?

(silence)

Chair Raschko: So that passes unanimously. Thank you. Okay, the next thing that I had is – just a little housekeeping item – was the list of definitions that was submitted by Commissioner Henley. I appreciate very much his effort in that regard. At the time we decided that it’d be best to go over those definitions when we’re – all of the work is completed, and we are not there yet. So I just wanted to just make sure that it’s acknowledged – his effort – and that it will be addressed in a future time.

So at this –

Commissioner Henley: I think that’s fine. I don’t have a problem with that. As a matter of fact, I would suggest that we try to obtain a clean copy of the bylaws and we try to have only one version, all right? That we don’t have a staff version and a Commission version and that we have a clean copy. It’s really hard to figure out what the hell this thing actually says with all the changes in there, so I would proposed that we create a clean copy of the bylaws and then do any further work on it.

Chair Raschko: Is that –

Vice Chair Candler: If that’s a motion, I second it.

Commissioner Henley: I so move!



Vice Chair Candler: I second.

Chair Raschko: It's been moved and seconded to have a clean copy of the upgrades to the bylaws to-date. Is there discussion?

(silence)

Chair Raschko: Hearing no discussion, all those in favor, please say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Are there – all those again, please say nay.

(silence)

Chair Raschko: Are there abstentions?

(silence)

Chair Raschko: No, so that passes. Okay. So we'll have a clean copy for our next meeting. So we were, as far as I can remember, finished going through this document up to the appendix, Appendix A. Now first of all, I would ask: Does everybody feel we've done enough for tonight and want to move on, or should we continue? Any opinions.

Commissioner Henley: I think we should call it quits for the night.

Chair Raschko: Anybody else?

Commissioner Shea: I second the motion.

Chair Raschko: All right. Next time on the agenda we will start on Appendix A, Simplified Rules of Procedures, and I thank everybody for their effort tonight in this regard – the bylaws.

Commissioner Henley: I have one comment before we close.

Chair Raschko: Okay.

Commissioner Henley: Peter, I will see that you get copies of these letters that I've sent out because they're relevant to the staff. I'll send those to you tomorrow so you'll have them, and I'll make sure you're copied on the rest of them.

I have four items for discussion. Two of them involve changes to the SMP and two of them are more procedural changes involving the relationship between the Commission and the staff. So we'll cover those in another meeting. But I want to make sure you get copies of everything first. I'll send them tomorrow.

Mr. Gill: Thank you.

Chair Raschko: So we'll move to the Director's Update. Mr. Hart, please, if you're with us. Oh, there he is. Okay.

Hal Hart: Yep. Yes, sir. Peter will bring up a couple of slides. Great discussion tonight. This is one sharp planning commission, so I appreciate all the work you're putting into it.

The first thing I want to share is as you were talking, I looked through each of the pre-development meetings. We have three every week. So here are three examples of pre-development meetings. Those are people that would like to invest in agricultural-related – tourism-related businesses that come in the front door. First one is Garden Path. We heard from them. Another significant one is Chuckanut Bay Distillery. Another one – and this is – talk about skills, I listen to your comments very carefully. Here's somebody that wants to do an 800-square-foot farm stand. So we also get those that are coming in.

And then, Commissioners, at this time John Sternlicht from EDASC, the Economic Development folks, he's working with several businesses that would like to invest in the county right now as well.

The other thing I note in addition to those comments is recent large scale investment. This is a really large scale investment: Westland distillery. And now it's kind of at the Port properties, but what we know is – and I'm sure many of you know this better than I because you're in business – is that when you get these investments in the area, sometimes they beget other smaller investments or other kinds of investments, and we get a cluster. And so we have – distilleries is another big one, and Washington has a lot of craft distilleries. So just looking around at other craft distilleries, there's Samish Bay, there's Golden Distillery. And they're out in the county surprisingly. It's like, oh, well. I'm not sure when they came in or how that happened. It was before I got here. I do think there's a lot more to what we're talking about and I think there's more research that staff could do and I will do for sure. Just to know the size of the growth, these are really big growth areas we're seeing all over.

And then the last remark on this slide – or it isn't really on the slide – but down the Pioneer Highway south of Conway you'll see – and before you get to Stanwood, but kind of on that straightaway, to the left it says "Snohomish County Agriculture." And there's a new winery going out there as well, so the southern part of the county. There's other wineries as well just across the line too. So I do think there's advantages to having those wine tours and wine walks and all those kinds of things, and so that's going on just to the south of the county line. I just bring that up for, you know, FYI only, Commissioners.

We'll move to the next slide. I just wanted to bring you a little bit more. This morning we were briefed by the County folks that represent the County on the County's behalf and the Association of Counties. I've gone over some of these with you before, but just to kind of let you know:

House Bill 1099. It's climate change. It didn't make it through but there is lots of money out there to study it and to come up with a model ordinance for Skagit County and other counties in the future, as well as cities.

House Bill 1117. This is – it deals with net ecological gain. That's our local representative bill and that has shifted to the Office of Financial Management for study. So the Office of Financial Management will be doing an impact analysis if they change the rule to what ecological gain or net ecological gain is. What impact does that have on Skagit County?

House Bill 1241, update of the comprehensive plan cycle, would have given us two more years if it had passed. It was part of this larger group of bills, and everybody went home at the final week of the legislature and they pulled their bills off and very little passed, Commissioners. So we're

still – we don't have two more years before we have to get the update done, so we're still stuck on our update schedule. So 1241 did not pass. It will be run again.

Senate Bill 5368, Annexation Reform/Rural Economic Development. This one *did* pass, so what that means is if you – there's a new tool in the toolbox for Mount Vernon, Burlington, Sedro-Woolley, and if they agree to an annexation – if the County and the City can agree to an annexation in an interlocal agreement, that's it. That's all you need. And so you've laid out the urban growth area, you have an interlocal agreement, and so – and I guess what's in the interlocal agreement is going to be very important. So that's a new tool in the tool chest for annexation, Commissioners.

The last one here on this list is Legislative Task Force. This is one where it would look at places like Clear Lake and others and say, You can do some increase in density in the LAMIRD, these old areas that exist, like Clear Lake, that once had thousands of jobs there. So that was of interest to many counties and did not pass but they left money to study that for the third year in a row, Commissioners. So that goes to a study, as well as some of the others.

Peter, next slide, please. Oh, sorry. I apologize for this. This last one, this is really small. Just remember in gross Senate/House Bill, it should say "1220." What did 1220 do? So what 1220 did is it amends housing for comprehensive plans, and it prohibits a City – so no City can prevent things like transitional housing or permanent support of housing within its zone. And so it kind of turns Growth Management upside down in a way. Whereas Growth Management was seen originally as bottoms up – you figure it out in your comp plan and then you do other things – this one is a directive, Commissioners, and it's directive upon Cities to look at where they put those kinds of housing. So that will make a significant change for City comprehensive plans. Some aspects of this bill are – for the County, for example – won't happen until there's funding set aside. So the legislature said, Okay, we *want* you to do these things but you set funding aside. Here's another requirement: We have to also look at GMA jurisdictions to address moderate low, very low, extremely low income housing, moderate density housing options, and racially disparate impacts and displacement in the housing element of the comprehensive plan. So that's new language. We're trying to figure out what exactly that means and we'll keep you in the know as that moves forward, Commissioners. So there were some changes in the legislature that will affect comprehensive planning.

A few other things to report on that I heard this morning: We have 80,000 earmarked for Guemes Island Aquifer Recharge Efforts. I think those are to be carried out through the Department of Ecology.

There's 800,000 – because you guys look at capital facilities so I threw one of these in – 800,000 for the fourth floor of the courthouse. It's a much larger process, but we got an earmark for the fourth floor and to reuse some parts of that courthouse. And so there is some money there.

Then here's another one. There's some money for housing locally. There's 4½ million for Didgwalic Wellness Center. This would go – transitional housing – it would go – I believe this is at the old drive-in site and the drive-in site in Anacortes, as you're driving into Anacortes on the right side. I believe that's the site where they would spend that money. It has to be matched with other money as well, Commissioners.

So there's just a few updates. Let's see if I have anything else. That's way too much and I apologize for even that much. Oh, Shoreline meeting this week, the 27<sup>th</sup>, 6 p.m. Oh, and I'm sorry – this is Peter's so go ahead, Peter.

Mr. Gill: Hal, you can handle it! This was just a prompt to let folks know that we are holding a public meeting on the Shoreline Master Program Update on May 27<sup>th</sup> at 6 p.m. And if people want to sign up they can go to [skagitsmpopenhouse.com](http://skagitsmpopenhouse.com) and they can sign up for that meeting and get all the log-in information.

I also like to let you know what's going on at the next meeting. The next one is set up for June 15<sup>th</sup>. We are going to meet with the Board of County Commissioners and talk a little bit about the docket, as I mentioned earlier, and then after that we will give you a preview of the comments on the Shoreline Master Program that we've received to-date.

That's all we have.

Chair Raschko: Thank you. Are there questions for Hal or Peter? I see Commissioner Woodmansee, please.

Commissioner Woodmansee: Okay, my question is for Hal and it has to do with annexation. What does it mean by no vote and if you're in the Growth Management area – or if you're in the urban growth area and you want to be annexed and now you don't have to have a vote, can the City still stop you from annexing? I mean, the City still has to *want* to annex you?

Mr. Hart: Yes, that's right.

Commissioner Woodmansee: Can you explain maybe in better detail what this really means?

Mr. Hart: I only – Commissioner, I will look at it more closely. I only heard about this one today. It wasn't on *my* radar screen. It's more of a City bill. I think we heard City planners talking about this. And there're a lot of different ways to annex, but this one is – for a number of years they have been saying if we've done the planning and you've set out the urban growth area correctly, then people who live within that urban growth area they should be concerned at the planning level first and then – and at the City and/or the County planning level at that. And those are your opportunities. And so it's a different – you know, it's different than what the last hundred years has been in Washington, but I do think it's part of a larger move to streamline the annexation process, Commissioner.

Commissioner Woodmansee: So a follow-up question on that: Here's where my concern comes from and it has nothing to do with this bill but it has to do with the history in a particular local town. You could be in that urban growth area and if you have a jurisdiction that just flat out doesn't want to accept you into their city for an extended period of time, their urban growth boundary really doesn't mean much. And the fact that you're in that zone has no value because whoever's in charge at the time has just – has drawn a line. She says, We're not going to annex this direction. We don't want to – for whatever reason. So it seems like if you're going to get placed into that urban growth area that there should be a little bit more of an ability for the people that live in that area to petition and get on and not have to get permission to petition. But they should be able to put it to a vote of the – the no-vote must be that you don't have to vote by the neighbors, because I believe you used to have to – and maybe there's just a petition. I'm rambling now, but my concern comes from being held hostage: No, we're not going to take you in, even though we've designated you in this future city area.

Mr. Hart: Thank you, Commissioner.

Chair Raschko: Commissioner Henley, do you have a question? No?

Commissioner Henley: No, I don't.

Chair Raschko: Okay, did I see Commissioner Mitchell's hand?

Commissioner Mitchell: Yes, you do. Hal, I really enjoy when you do these updates for us because it gives us a snapshot into some other things and surely gets us thinking. Sometimes I'm smart enough to remember to do a screengrab of a particular slide or something, because my memory's crummy. Would you please consider after each meeting – if you think it's appropriate; I don't want to force you on anything – but if you think it's appropriate, can you add those slides that you use for us on these evenings onto our materials on the archive page for us?

Mr. Hart: Yes. I think we can do that. Peter, I was asked for my slides the last few months by the person that does the minutes. Would that cover it?

Mr. Gill: Yeah, we can load them online. That's not a problem.

Mr. Hart: Yeah.

Commissioner Mitchell: Thanks so much.

Chair Raschko: Are there any other questions or comments for the staff, please?

(silence)

Chair Raschko: All right. Well, thank you both for your reports and we'll move on to the Planning Commissioner Comments and Announcements. We'll start with Commissioner Candler, please.

Vice Chair Candler: I don't have anything tonight. Thank you.

Chair Raschko: Okay. Thank you. Commissioner Henley?

Commissioner Henley: Yes, I've got four things coming up. Those of you who received the emails know what they are. There are two modifications to the SMP, which I'll propose for changes. You've all got that. Please read it carefully. And the other things have to do with administration which has to do also with communication with our constituents as well as the staff, and it also has to do with the insertion of Envision Skagit 2060 into the planning process, which I *greatly* object to. And if I had had this meeting about six hours earlier I would have been a lot angrier than I am now. So anyway, we'll talk about those things at the next time and, Peter, I will send you that information. But I definitely want to get some of that crap out of the planning process.

Chair Raschko: Okay, thank you. Commissioner Hughes?

Commissioner Hughes: Nothing, thank you.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: I have nothing, thank you.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: Yes, I do. Peter, I'd like to tap into you and possibly Hal. I see that the updates for the Planning Commission webpage have begun. Did that happen over the weekend or was it Monday, or when did it start?

Mr. Gill: I think the changeover came on Friday.

Commissioner Mitchell: Okay. Thank you. So I had a couple of phone calls and I sent on some things for some possible typos. I know you've already got those. And I talked to Kim Adams today. I think one of the key things I'd like to know, like the public to know is that I think it's pretty important that we reinstate the email links to each of the Planning Commissioners because people do need to be able to address those – those people, if they need to get hold of them for something, especially because a lot of them do work evening hours and weekends when they can't reach you guys for help. So it would be really helpful. And the other thing I think probably got passed on to you already this afternoon was the listing, I think, needs to be reinstated for not just the district but the seat numbers. For instance, mine's District 1, Seat 1. That's not because of anything other than Jason Easton had it before me and somebody had it before him. And what matters is that every once in a while we hit a few years where there might be two or three openings simultaneously and when people apply for a position they will apply for, let's say, District 1, Seat 3. You know, District 3, Seat 9. And so it can be very specific and reasons for them to know which one they're applying for. So that's important to put on. And the thing about updating the designation for our chair and vice chair, mostly because for the public's perspective. Those are usually the go-to people when people have got general questions to address the Planning Commission. So I appreciate you guys looking into that as you start working on and developing this more.

Mr. Gill: Yeah. No, thank you for the review and that was an omission to not have the emails on there. The whole point is to make this a little more public-facing and that's the whole reason the bios are in there, and I appreciate everybody sending photos in. I think it's a nice touch and I hope the public does, too. But, yeah, and actually our IS folks already made those changes so if you go there right now you'll see that the terms and the districts and the emails are up there. So that was an omission. So thanks for bringing that to our attention.

Commissioner Mitchell: Terrific. I appreciate you guys working on that.

Chair Raschko: Thank you. Commissioner Rose?

Commissioner Rose: The only comment I have is one of the things that Hal brought up was about the mandate for Cities and Counties to figure out a way to bring in more affordable housing via innovations or ideas surrounding accessory dwelling units. And that's a topic that we need to discuss. At least it'd be nice to have a discussion at one of the Planning Commission meetings. That's all.

Chair Raschko: Okay, thank you. Commissioner Shea?

Commissioner Shea: Nothing for me. Thank you.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: I'm going to dovetail a little bit on communication and access to emails. And I would love to be directed to the right location. But the other day I was trying to look for a specific person at the County, and I couldn't find their email address anywhere on our

website. And so I'm wondering if we couldn't have a roster. Like, if I click on "Planning Department" all I get is a generic Planning Department email. If I *know* who I need to email, at least what I could find I couldn't find their actual email address. And so it would be nice if either as a generic alphabetized and you know the person you need to go, you can go to the Ls or the Ks or the Ms and you can go to that person. Or even if it's by department, if you click on the Assessor's Office or the Planning or Building or whatever, it'd be nice to have the email addresses that are available to you if you walk in the door and get a card off the wall you got it now, but you can't walk in the door now. And so it'd be nice if there was an address book online for the emails.

Commissioner Henley: As of late this afternoon, you couldn't find information on any of the Planning Commissioners, so I hope that's been changed.

Commissioner Woodmansee: Yeah, and I'm speaking not to the Planning Commissioners because I believe that that's on there now, but I think – you're shaking your heads, Peter and Hal, so I think you know what I'm saying or asking. If it's there and I don't know how to get it, then it's too hard to find.

Mr. Gill: Yeah. No, and that is the case. It is here and it's listed by subject matter within our department. So it's not for the whole County. Not all the departments do it the same. But Planning does have everybody and by department or subject matter so you can find it. But it is – I agree – it's kind of buried in the PDS page and in the text and we could certainly make it more obvious on how to get that. So that's good feedback.

Commissioner Woodmansee: Thank you.

Chair Raschko: Okay. I just want to thank everybody for their participation and careful thought tonight and wish everybody a good evening. So with all our business covered, we will stand adjourned. Thank you.