

**Skagit County Planning Commission
Work Session: 2023 Docket
September 12, 2023**

Planning

Commissioners: Kathy Mitchell
Vince Henley
Amy Hughes
Tim Raschko, Chair (absent)
Joe Woodmansee
Tammy Candler Vice Chair/Acting Chair
Martha Rose
Jen Hutchison (absent)

Staff:

Jack Moore, Planning Director
Sarah Ruether, Senior Planner
Randy Johnson, Building Official
Brian Adams, Skagit County Parks and Recreation Director

Acting Chair Tammy Candler: (gavel) All right, we'll call the meeting to order. This is the Skagit County Planning Commission for Tuesday, September 12th, 2023. We'll take roll. Our chair is not present so I will stand in for him. Tammy Candler here. I'll just take roll. Amy Hughes?

Commissioner Amy Hughes: Here.

Chair Candler: Vince Henley?

Commissioner Vince Henley: Here.

Chair Candler: Kathy Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Candler: Martha Rose?

Commissioner Martha Rose: Here.

Chair Candler: Jennifer Hutchison is not present. And Joe Woodmansee –

Commissioner Joe Woodmansee: Here.

Chair Candler: – is present, and then we're also missing a seat so I won't call for Mr. Knutzen; he's not here. Moving on then to approval of the minutes. Do we have a motion?

Commissioner Henley: I so move.

Commissioner Mitchell: Second.

Chair Candler: Any discussion?

(silence)

Chair Candler: All in favor of approving the minutes from last meeting, please say "aye."

Multiple Commissioners: Aye.

Chair Candler: Any nays? I don't think there are any. The minutes will be approved. We're going to move on to agenda item number 3, Public Remarks.

This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing the same day, or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for *any* development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 total. Do we have anyone either in person or on Zoom who wishes to make public comment today?

(silence)

Chair Candler: I'm not seeing anyone. Is the Department aware of anyone?

Sarah Ruether: They're not raising their hand so.... If you're online and you want to speak, just unmute if you want to make a public comment.

(silence)

Chair Candler: Hearing no response and seeing no response, I will move on to item number 4, which is the 2023 Docket Work Session, and I'll turn it over to the Department to provide a description of the petitions and staff recommendations.

Ms. Ruether: Okay, good evening. I'm Sarah Ruether, a long range planner in Planning and Development Services and I'm going to present the 2023 Docket.

Just to give a reminder of where we're at in the process: We have already gone through the process with the Board of Commissioners of making a docket, and we are still in the work session stage. And we're going to give staff recommendations tonight, but we still have to continue the process to go through SEPA and a public hearing and for you to go through deliberations, so this is just a work session.

The first item I'll discuss tonight is the Dunlap Rezone. The Dunlap Rezone, LR23-01, is a rezone of 21 acres from Agricultural-Natural Resource Land to Rural Reserve. This would allow the petitioner to build additional residential units through a CaRD development. The rezone has been delineated so the new parcels will not contain agricultural soils of commercial significance, and the Department recommends approval of this docket item.

I like charts so I made a chart just to make it clear on how this rezone works. The first column shows the acres of the parcels that would be rezoned and then the second column shows the portion of those parcels that are not agriculturally significant soils and therefore would be rezoned. So that is just a little over 21 acres. And it also shows the existing structures on these parcels,

which there are two single-family residences from these parcels and if you do two for 10 – which is the allowance under a CaRD – it would allow – meeting all, of course, code requirements after the rezone – they could potentially get another two residences.

So this is the picture. It shows the toe of the hill, the line here of where we're at – is the big picture of what's going on. This picture given by the applicant shows the dramatic change. So you go from – if you can see in the picture, it goes to rocky right at the toe of the hill and so that's the rationale. These are not soils that can be farmed and so the rezone would just be along that toe of the hill there.

And then to give you some context: To the north is the Town of La Conner and right below it is where the rezone area is – right here. And so it's bordered by the Town of La Conner to the north and then to the south there's OSRSI zone and some more Ag-NRL to the east and south. And there is precedent for this type of zoning. If you see, it's Figure 3 in your staff report. Just south of where this proposed rezone is along Dodge Valley Road, if you look right here on the map that Rural Reserve kind of goes up the toe of the hill. It is zoned Rural Reserve right, you know, at the toe of the hill and then at the bottom where the soils are agriculturally significant it goes to Ag-NRL. So there is precedent for this type of zoning just literally right south of this property.

I'll go on to the second one, LR23-03, Port of Skagit Bayview Ridge Rezone. They want to rezone a 7.54-acre parcel because it has split zoning between Bayview Ridge Residential and Bayview Ridge Light Industrial. The petitioner requests to rezone it so the entire parcel will become Bayview Ridge Light Industrial, and to correct the error of a split zone. The rezone would allow more flexibility of industrial uses for the property, and we learned when the Port came and presented in July that they have Watershed Business Park tentatively proposed. And the Department recommends approval of this.

This map shows where we're at with it. It shows the airport here and then right off of Peterson Road at the edge there of the Bayview Light Residential where it meets the – the Light Industrial meets the Residential is where that split parcel is. And then zooming in on it here you can see where that 7.5 acres is. It's right at that edge right there.

There were some questions last time at the work session about setbacks so I dug into the code and looked at the setbacks. The Light Industrial buffers for Bayview Ridge are 35 feet for the front setback. The side setbacks are 50 feet if adjacent to residential zoning designations. Additionally for loading areas, operations and maneuvering areas may not be located within 250 feet of areas zoned for residential use unless the loading and maneuvering area is located on the opposite side of a building from the residential zone. The building height may not exceed 35 feet for those portions of the building located within 100 feet from the residential zone, and within 250 feet of the residential zone all outdoors lighting must be fully cut off. Within 100 feet of the residential zone, mechanical equipment located on the roof, façade, or external portion of the building shall be architecturally screened by incorporating equipment in the building or site design so as not to be visible from adjacent residential zones or public streets. And the Department recommends approval of this docket item.

Docket item C23-1, Saltwater Intrusion Area Well Drilling Requirements. This petition would require the County to review prior to drilling before any well can be drilled in a sole source aquifer. And the only sole source aquifer we have is on Guemes Island. Guemes Island was designated a sole source aquifer by the EPA in 1997. The Environmental Protection Agency is who makes these designations. And the EPA defines a sole source aquifer as an aquifer that supplies at least 50% of drinking water for its service area and has no reasonable available drinking water sources

should the aquifer become contaminated. So the designation is when the residents depend on this water source for drinking. That's why the EPA makes the – the determination has to do with no other options for water and that's why it's important. More important to protect it maybe than in other cases.

The petition would add language to the code to require the following information to be submitted prior to drilling in a sole source aquifer:

- A site plan, including inland well site location; estimated depth of the well; an estimated land elevation of the well; the depth and chloride levels of the surrounding wells;
- A drilling plan;
- And applicable fees.

And then I found this graphic on the GIPAC website. I think it does a good job of kind of visually explaining why this is important. The selection – if you look at where – this is a good example of where saltwater intrusion happens. Because if you drill in the wrong spot at an elevation where you're hitting just where that dotted line is where the freshwater – which supposedly floats on top of the saltwater. If you hit below that dotted line, all of a sudden you're drawing saltwater into your well. So beneath the coastal land for the freshwater floats on the seawater, and pumping from the wells can cause the freshwater-saltwater boundary to rise and the seawater would render the wells not potable. So it's something that has to be monitored and there's, like, all these factors that can come into play with it. The hydrology, which I don't know a super lot about, but the rationale for this is that even if you're not building a home with the well because of siting and all these depth issues it's a way to make sure that everyone is informed when a well is built. And this is only for Guemes, too.

And just to go further into why it's a sole source aquifer: There's no rivers or lakes on Guemes Island, and Guemes Island is in a rain shadow and gets an average of 29 inches of rain a year, which that *is* important because rainfall is what replenishes the aquifer. So if there's a drought or if there's any kind of lack of rain, that water – that water that's floating on top of the seawater – gets lessened. So you're at more risk of the saltwater intrusion. So that adds to the risk. And the new proposed language would require the applicant who wishes to drill a well in the sole source aquifer to submit an application regardless of the type of development application. And this is important because the siting, depth, and other information can protect against seawater intrusion. And the Department recommends approval of this docket item.

Docket item C23-2 is Qualified Professional Definition. This would amend the definition of a qualified professional to ensure consistency with surrounding jurisdictions and potentially save time and money for the applicant and the County staff. It increases the years of experience required from two to four years, and it refers to the definition of a stormwater professional to the Skagit County Stormwater Manual. And this is for consistency's sake, too. If, like, one thing says one thing of what a qualified professional is than another thing does, it just adds confusion. So this is also for clarification purposes.

And the reason we're doing this, if reports are incomplete or inaccurate it could cost both the applicant, because then they have to have revisions, and it also slows down project approval so it makes the County look bad that we're not getting permits expedited. So it's a win-win on both sides to have qualified professionals in the roster for consultants.

And so the proposal's recommendation is to increase the number of years of experience from two to four years. And this is based on adjacent jurisdictions, so it puts us in line with Whatcom and

Snohomish County. And the change will have the most impact on wetlands and watercourses because they don't have professional certifications like a PE for those type of disciplines so it's harder to have that benchmark of whether this is a qualified professional. The Department recommends approval of this docket item.

If there's any questions, I included this chart. It just shows what the different requirements are. The wetlands doesn't have the PE requirement so that's why it's important for wetlands, watercourse, and wildlife habitat conservation areas for it to go to four years. For the geotechnical reports, you can have a professional PE for that one, so it does require a Washington State license and four years, which, honestly, if you have a PE you probably have four years of experience because they won't let you get a PE unless you have worked in the engineering field for four years. So it's a little duplicative that way but it just ensures that staff gets people who know what they're doing and it benefits both the applicant and staff. So I put that on there just in case there's any further questions, but we probably don't need to go through all of it.

Docket item C23-3, OSRSI Allowed Uses. This docket item would amend the Open Space of Regional and State Importance zone to allow for trails as an outright permitted use. Currently trails and trailheads are an administrative special use. The petition would allow trails to be permitted outright but keep trailheads as an administrative special use. And the Department recommends approval of this docket item. This petition was also submitted for the 2019 docket, but the Planning Commission recommended the use be increased to a hearing examiner special use. And the biggest issue was notice of development for interested parties. The Board remanded the issue back to the Department for further evaluation.

And so I'm going to try to go into how notice can be triggered in other ways than just doing an administrative special use, and also to explain from the Park's perspective of *why* they want to do this. If it's an outright permitted use, it has less cost and is less time, so when you're using grant money or you're using tax dollars it saves time and money, which allows for more trails, which are amenities to parks. And the other ways you can ensure notice for proposed development is SEPA, and SEPA would be triggered for a grading permit if more than 500 cubic yards of fill and grade were proposed, and so it'd probably be for any big project SEPA would be triggered. This would just allow smaller projects to go through with the outright permitted use. And trailheads are still an administrative special use, which there is notice automatically for that because any touching of any trailhead would trigger notice. If there are wetland impacts or if it was in the shoreline, if it crossed through a stream, it doesn't matter whether or not the 500 cubic yards of fill and grade proposed happened or not. SEPA would automatically be triggered for that too. And many OSRSI properties or remote islands are far away from residential areas, like Cypress Island, which means the impact on trails and the impacts on residences would be minimal. And so less time and cost help the efficient use of public funds. I put some – these are, you know, areas like Hope Island or Cypress Island where there's very little public notice that probably would need to go on because these are state parks with not a lot of – I don't think Hope Island you could have any residents on it. Cypress Island probably does have a few residents on it. And then Deception Pass is also – brought notice that it has a 78-acre expansion that was recently approved between the Skagit Land Trust, Washington State Parks and Recreation, and the Skagit County Parks and Recreation. And this is actually the most popular park in Washington State and – I don't know. This is some weird – I was searching for pictures of it and found that Deception Park ranked fifth most beautiful state park in the U.S. So we have some really beautiful state parks here and the Parks Department just wants to make sure that they can do the small things in a more financially and timewise manner. So I'm giving their rationale for why they put in for why they want this.

The next item is C23-4, Master Planned Resort Designation. This amends code language to refer to a master planned resort as a *zone* designation, not a special use, to remain consistent with the Comprehensive Plan. This was an administrative error. It actually got – accidentally got put as this in the code and it causes confusion. So it's not anything substantive. It's just renaming what it should have already been. Examples of master planned resorts are Crystal Mountain, Skamania Lodge, and Sun Mountain Resort. And the Department recommends approval of this.

Next docket item is C23-5, Fire Marshal Code Amendment. This removes the code requirement for structures built outside of a fire district to have a foam applicator for firefighting hoses. This is a requirement for saltwater islands and outside of the district, so very rural areas that are not within fire districts. And the foam that has been – was required in the past was likely made with PFAS which is harmful to the environment, wildlife, and humans. And if you have questions about that, we even brought Randy tonight. He's very knowledgeable about it. They would allow foam if it doesn't have PFAS in it so it doesn't disallow non-toxic foams; it just disallows *this* foam because there's many states and many products that they're trying to take this out of because it's a carcinogen and it's also harmful to wildlife. Now that it's come to light – it was an amazing firefighting solution, but because of the negative consequences they're taking – they'd like to take this out of the code requirement.

And the other concern is that if a product is recalled or banned, the average property owner will not even be noticed, will not even know and notified ___ out of a district. And Randy explained to me how they can – islands can use water because they're on an island. It's something they have an abundance of. There are other ways to make sure you're prepared for fires. So Randy will answer all your questions about that coming up. And it doesn't prohibit the use of fluorine-free foam. That's the foams that do not contain this PFAS – and I'm going to overexplain myself – and water is now the safest accepted industry practice. And we are maintaining the requirement of 300 minimum gallons of water at 150 feet of a 1-inch hose onsite. The Department recommends approval of this item.

C23-6, Temporary Manufactured Homes Title Notice Requirement. This adds a new requirement for temporary manufactures homes to submit a title notice on the property. Temporary manufactured homes are not – *are* required to be removed when the use is completed. These temporary manufactured homes are only allowed for medical reasons or farmworker housing. And the problem is is that someone might buy the property and might not know that it was permitted for that reason. It it's not on the title, they might mistakenly think that they got an ADU or something, so it's just to clarify it. It also makes sure that, you know, the rules are being obeyed. And if after it's used for a temporary – it meets this requirement – if after the medical use, the property owner may apply for a permit for an ADU to make it permanent if they meet the requirements. It doesn't keep them from doing that. It just keeps it so that someone doesn't inadvertently buy a property and not know that this was only approved under these circumstances. The Department recommends approval of this docket item.

Docket item C23-7 is Flow-Sensitive Basin Rules. This would update flow-sensitive basin regulations which have been superseded by the Skagit and Stillaguamish Instream Flow Rules. The current code refers to withdrawal limits that are now updated, and the petition would remove the old language and refer to the new Ecology rules. So this just gets our code in line with current limits. And the Department recommends approval.

C23-9, Primitive Campground Definition Amendment. This would amend the definition of a primitive campground to clarify that minimal amenities be shared among campsites. It also refers to regulations for recreational vehicles to ensure that primitive campgrounds are only limited to

two RVs maximum with only one RV inhabited. This was proposed by our code enforcement officer. There was kind of a – some people were using the definition of primitive campgrounds to kind of skirt around regulations and have lots of campers at their site, and so this is a way to clarify it so that people can't call anything a primitive campground. And the Department recommends approval.

Docket item C23-10, Countywide Planning Policies Update. This is a petition to – this petition to adopt recommended changes to the Countywide Planning Policies was made by the GMA Steering Committee, which is part of our metropolitan planning organization, a regional planning organization. This new language would direct the Board of County Commissioners to disband the Boundary Review Board by June 30th, 2025, which is coincidentally also when our Comp Plan is due. The Department recommends approval.

So what this does is – basically the Countywide Planning Policies were set up so that when you needed all these requirements – when we were first starting under GMA, they didn't have comprehensive plans or concurrency or all of these kind of GMA type things in place yet, so the Boundary Review Board was there to fill the gap for all these holes of making sure that the right procedures were filled. But now that all cities and counties have adopted comprehensive plans and development regulations that are consistent with the Countywide Planning Policies and with RCWs, all cities and the County have adopted a concurrency ordinance consistent with this. We've now kind of come up to speed and everybody's obeying GMA. They also – the special districts that serve these UGAs have adopted urban levels of service standards. All cities and the counties have their capital facility plans with financing so that the financing's in place for all the roads, services, schools that they need. And interlocal agreements are also in place to address all of these issues. So we've now, like, checked all these boxes so we can take a little bit, I think, work off ourselves and not have to go through another process of having a board to oversee all of these things.

Docket item C23-11 is just General Code Language Clean Up. And this is just where, like, there were some administrative errors that need to be fixed. There were some administrative errors with wireless facility and I think with some of the stormwater stuff done in 2022. So the Department recommends approval of those code language clean ups.

The next steps will be a hearing in October 24th and then we will review public comments on November 14th and then have deliberations on December 12th, 2023. And all this can be found on our website, www.skagitcounty.net/2023cpa.

Chair Candler: Thank you.

Ms. Ruether: Sure.

Chair Candler: I have a question. You mentioned that we have somebody here to answer questions about foam. Do we have any other expertise that we should know about here tonight to talk about any particular proposal?

Ms. Ruether: Yes, the Parks Department is here also to explain the petition item. So they are also here.

Chair Candler: And so are they specifically on the agenda for your – are you going to have them speak separately or just for questions?

Ms. Ruether: I mean, just here to answer questions. I mean, we can have them come to the podium, obviously, to answer. But I invited them here because I knew there were some clarifying questions at the last work session and I wanted to get the experts here.

Chair Candler: Great. Thank you. Anybody on Zoom for that purpose that we know?

Ms. Ruether: I don't believe so. Is there anyone from the Parks on Zoom?

Chair Candler: No.

Ms. Ruether: Okay.

Chair Candler: Okay, my thought – and, Commissioners, you can figure consensus – is to kind of go through one-by-one again and do the questions, but if you would like to do something different, let me know. Does that sound good? Sarah, would you mind going back to L –

Ms. Ruether: Sure. All the way to the beginning?

Chair Candler: I think we should go to – yeah, I think we should go all the way back to LR23-01.

Ms. Ruether: Okay.

Chair Candler: And just kind of open it up here to start. Does that sound good?

Ms. Ruether: Mm-hmm.

Chair Candler: And we can start at one end or the other. It doesn't matter. Does anyone have some comments or questions about this particular item? Oh, I'm sorry – Commissioner Hughes?

Commissioner Hughes: I'd like to just have some clarification regarding the CaRD just so I'm really clear on that working. On one of the pages you said, or the writer said, this would allow the opportunity to apply for a subdivision with a CaRD development. So we are talking about a rezone, but it doesn't necessarily go right to the CaRD.

Ms. Ruether: Right. No, it has to go the _____. This is just the rezone.

Commissioner Hughes: Right.

Ms. Ruether: So they would have to meet all of the requirements of the permitting process. Approval of this does not mean that their CaRD is approved.

Commissioner Hughes: Right, and so the CaRD would be a whole different discussion that we don't really need to worry about right now.

Ms. Ruether: No. That's already written code.

Commissioner Hughes: Okay.

Ms. Ruether: Yeah.

Commissioner Hughes: All right, thank you.

Chair Candler: Any other questions or follow-up?

(silence)

Chair Candler: Okay, sounds like we can move on to the next item.

Commissioner Henley: I have a typo in LR23-03. At least I think it's a typo.

Chair Candler: Thank you. Go ahead.

Commissioner Henley: On page 12, you make reference to a Figure 6 but a Figure 6 doesn't appear anywhere that I can see. Page 12 in the second paragraph. You see reference there to Figure 6?

Ms. Ruether: I don't know. I mean Jenn originally wrote the staff report so I will – I don't know if something got left off there. I can look into that. I don't know. Or maybe it was meant to – maybe it was meant to reference Figure 5 and it's just an error.

Commissioner Henley: Do you see where I'm talking about?

Ms. Ruether: Yeah. I mean, I think that's the only figure that I have.

Commissioner Henley: That's why I say I think it's a typo but –

Ms. Ruether: Right, I think it's a typo. There's no other figures.

Commissioner Henley: It ought to be corrected in any event.

Ms. Ruether: Sure. No problem.

Chair Candler: Anything else on this particular – I appreciate your checking into the setbacks for us from last time because I do remember that coming up. Anybody have anything new on this? Questions?

(silence)

Chair Candler: Okay, I think we can move on to the next one. Does anybody have anything? I have something but I don't need to go first. Okay. Did you have something?

Commissioner Henley: No, I'm okay.

Chair Candler: I was just wondering – so our – I might be wrong, but we do not currently as a county assess or do anything with well permits. That's all state – right? – right now? This would be a change to that?

Ms. Ruether: I think it just ensures that when someone gets a well permit that we are notified at the same time. I mean, maybe Jack can clarify. I know the DOE is who evaluates it but, you know, if it's not associated with a development permit we might not see it, and this is just to make sure that we're notified of it.

Chair Candler: And would it require – but it says it requires County review, so it's not just a notification, right? Something beyond that.

Ms. Ruether: I think our senior natural resource planner would probably look at it. I think that's what it means.

Jack Moore: Yes. Thank you. This is a change to a procedure that's listed in our County Code in the seawater intrusion areas. And currently it's not clear that the County has a role in first approving that or giving acknowledgement for the well proposal. And so therefore applicants can go directly to the Department of Ecology and apply for their well. Ecology has been, you know, very collaborative in their review and thankfully has contacted us and talked to us about that during the review process, but the County felt it was in our best interest to ask the applicants to come and bring the application materials to us first before applying to Ecology. That way we have a chance to review it, be prepared to comment on the likelihood that it's going to create, you know, any impacts to the neighboring properties.

Chair Candler: So would that be something where the idea would be that the County could then assist the person in a counter proposal of a rainwater catchment or something that might work better, or would that be some kind of a situation where the County could deny it right there? Or what are we talking about?

Mr. Moore: The first that you describe. It definitely is something that we could do. So if we thought that it was a high likelihood that it could create impacts, we could talk to them about alternative methods of getting potable water for their project, and that could include rainwater catchment. So it is a way for us to help guide them through the process, but it doesn't prevent them, you know, from pursuing it and potentially – still requesting a well, approval to drill a well, but it just involves the County earlier on in the process.

Chair Candler: And do we currently have – I don't know – for lack of a better word, the expertise, the person who can check into that already on staff at the County or is this some kind of special expertise that the County would need to find and consult or whatever?

Mr. Moore: We do. So we have some water specialists at the County and then we also have staff in another department who has a specialty in groundwater. And so if we – so that's where we would start and then if we needed additional assistance, certainly we could go to our outside consultants.

Chair Candler: And would they be likely to be Department of Ecology folks or somewhere else would you go?

Mr. Moore: No. We would go to private consultants if we needed to for guidance on how to analyze it properly if needed.

Chair Candler: And I know we're talking about Guemes – that's what we're talking about – but are there other areas in the county where we anticipate that this could be applied?

Ms. Ruether: This is the only sole source aquifer. There's very specific criteria to be categorized as a sole source aquifer so Guemes is the only one we have.

Chair Candler: Okay, I'll move along. Go ahead, Commissioner Mitchell.

Commissioner Mitchell: So, Jack, there have been a lot of questions and issues over the years, mostly with the Guemes people wanting to control who applies for a well or gets a well or doesn't. So realistically, what is this doing? Is this going to keep a homeowner or landowner from going to the DOE? You said they *could*, but is this intended to stopgap that, or is it going to happen anyway?

Mr. Moore: No. So there were, you know, some comments about this and discussions over time in the fact that – well, let's see. There are some groups and parties who *wish* that the County would be able to say, No, you can't drill a well. That is not the County's position. We are not in the business of, you know, making the final determination on water rights, and nor does it appear the County's interested in taking that responsibility over from DOE. So this is more a consultation and to help them understand what options may exist. And the difficulty with water rights in relation to the requests of those parties I was mentioning, they would hope that we could make – sort of pre-determine that it would have an impact on the neighbor and therefore deny the request. And there – but the professional opinions we've been given and the guidance we've been given – the County's been given – is that that's not usually possible. So what – to demonstrate an impact, you know, the well would be drilled and then anyone that is impacted would have to demonstrate there is an actual impact or a change in their water source in order to, you know, pursue discontinuing someone else's water right. And that would be a much larger process than just staff review at Skagit County.

Commissioner Mitchell: So I could be wrong on this and I don't know. I hope you can help with this. This sort of seems like it was back in the pipeline safety days when – it was around 2009, 2010 before that came before the County. And that's when the County wanted to step in and have extra easements when there was already agreements with the pipeline people who were the experts and everything else, and I'm thinking: Is this the same kind of thing all over again? Because the County can say you can do rain catchment, you can do the other kinds of things, but those people are mostly going to know that anyway or DOE's going to tell them anyway, so then why would we take up staff time and stuff to do this to make somebody else feel good?

Mr. Moore: Well, we're doing it anyway. I mean, we work with Ecology on pretty much every proposal that has to do with groundwater withdrawal. Whether the application shows up at Ecology's desk and then they initiate contact with us or it shows up on our desk and we initiate with them, we pretty much communicate all the time on it. So what it does, it just – it helps the County to have the information sooner and upfront, and at least, you know, let them know what options exist if they don't already know – as you mentioned.

Commissioner Mitchell: Okay. So the bottom line is that the County would prefer to be the ones giving the DOE the heads-up.

Mr. Moore: Well, we would like to have a chance to talk to the customer about what their proposal is, and if we have any local knowledge that we could apply or provide suggestions about what might work for them or what alternatives may exist, we'd like to be able to have a conversation with them.

Commissioner Mitchell: Okay. Do you see or foresee any downsides to doing this?

Mr. Moore: I can't, no. I don't believe so. Again, it's – you know, in my estimation it's primarily about timing and initiating collaboration with the property owner and the proponent who wants to start developing the property. So instead of just doing it independently of Skagit County and drilling a test well and starting to do, you know, their application process with DOE, they at least

approach us and start talking to us about what their overall goal is and what they're intending to build and, you know, like I said.

Commissioner Mitchell: Or not.

Mr. Moore: Yeah, well, possibly.

Commissioner Mitchell: Okay.

Mr. Moore: So far that's not been the typical outcome.

Commissioner Mitchell: Okay. Thank you.

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: I have a question. I'm still not clear on whether somebody could go to the DOE and get a permit to drill a well, or approval to drill a well, and if and what the County can do to stop that. Is there anything the County can do to stop that if the DOE issues the approval to drill a well? If the answer's yes, does this enhance that?

Mr. Moore: I would say that Ecology takes precedence over the County in determining water rights and who can and can't withdraw groundwater. And so, you know, I can get you more information on details about the interaction between Ecology and the County. I think I'd like to do that before get too deep into that because I am not a legal expert on water rights. But ultimately it is Ecology who decides that.

Commissioner Woodmansee: So in my mind here I'm picturing – my skeptical mind – I'm picturing – you're dealing with the DOE and now the County's going to get involved, and now you're dealing with *two* entities that may be trying to stop you from doing a well for some reason. And they're teaming up their efforts and resources to figure out a way to not allow somebody to do a well. Now that's an extreme example for sure, okay? But my – I think that my – I think we're saying it's basically just an informational thing, but it feels like in here somewhere the County can say, Well, you have this other alternative and we're going to recommend to the DOE that they don't approve this well, because apparently you already collaborate back and forth on these things. So are there instances where the County has said to the DOE, Don't issue a well here? We have concerns about this particular block?

Mr. Moore: I'll need to get back to you on that. I can definitely find that out – if we've had instances of that. I'm not aware that that would be a common occurrence certainly.

Commissioner Woodmansee: My real whole thing is are we putting into a dual approval process or are we – it's really the DOE's approval or not? And you either meet the criteria and you pass the test or you don't. I just want to make sure that you still have the opportunity to meet the criteria and pass the test and that the criteria is not growing and changing because of a new process that we would put in place that *requires* somebody who's going to do a well to, you know, make a pit stop at the County first or at the same time. Whatever. So it seems like a duplication of process and the jurisdiction on the one hand. So the other thing I guess I would ask is: Are there circumstances where situations come up where there's a failure in the process? That the County didn't know about a well and the DOE issued a permit, and that created an issue that something got missed? Which then makes me feel like, well, then the County's in a position to trump the DOE potentially. I mean, these are all hypothetical questions. I have no experience down these

roads at all. But at the same time that if it's a parallel process or a duplicative process that actually costs a person money –

Commissioner Mitchell: And time.

Commissioner Woodmansee: – and time, that's where my questions and concerns would be.

Mr. Moore: Okay. I think Sarah and I could definitely get some additional information and background on this proposal for you and bring that back.

Commissioner Woodmansee: I appreciate it.

Commissioner Rose: I have some comments on this. I recall the hearings that we had from the people from Guemes and it seemed like there was a hole in the process, a gap or a hole, because some – if I understood them right, some wells were getting drilled without permission or without a permit or without verifying, and that they were causing existing wells to fail. And so this just seems like a rational way to go to prevent that from happening. But it raises another question that I have which is whatever happened to the whole discussion about coming up with a rainwater harvesting plan that would be an alternative if it was determined that a well was not viable because it would put all of the other existing wells at risk? There was going to be a pre-approved, engineered plan that they could just adopt. And that whole conversation just got thrown in the garbage can somewhere along the line.

Commissioner Mitchell: Or shelved.

Chair Candler: I thought it got approved and we recommended the Board adopt.

Commissioner Rose: I don't think so.

Commissioner Mitchell: We might have recommended it but it never went anywhere.

Commissioner Rose: It never went anywhere, that whole thing. So to me this is a good step but it should be hand-in-hand with an easier path to rainwater harvesting, should it be determined that a well can't be drilled because of the high probability of seawater intrusion, either on that side or jeopardizing other wells. At any rate, that's my recollection from the room full of people that had story after story about seawater intrusion. That's all.

Mr. Moore: Commissioner Rose, I will say that I think you do recall correctly. There was a lot of discussion about having a sort of pre-engineered system. It did stall out. I did have a recent conversation with our new Public Health director, who is very much a fan of rainwater catchment and is very familiar with rainwater catchment, having formerly worked on islands. And so he's very familiar with that and supportive of those types of systems. It was – so he and I have talked about maybe jump-starting that effort again that had stalled out and trying to see if we can come up with predesigned systems. Obviously they would have variables within the design, but that can be done, you know, based on rain shadows and typical rainfall and drought periods you need to have capacity for. But I believe that it can be done.

Commissioner Rose: And also you – well, what I recall from those hearings is that some of the people whose wells have already failed from seawater intrusion because somebody else dug a well that jeopardized their well simply put in rainwater harvesting as a solution without permits. So it's a – the wholistic approach here would be to have a two-pronged deal, with, you know,

better homework upfront for the wells and then having another pathway for those who can't drill the well.

Chair Candler: So we had a couple of follow-ups. Commissioner Mitchell?

Commissioner Mitchell: Okay, so another thing – if you guys could add to the list is – I remember those years of those conversations really well. So the question is: There's a lot of people were speculating or intimating or making accusations that somebody drilled a well that caused them to have – do we really know, number one? And I think that's a big deal. Because having the fear of something versus being true are two different things, and that island has got three aquifers, even though they claim that there's only three underneath, not counting the sole source designation. And so the question that would come to you on something like this is the fear of versus the actual, because there's – half of that island is not affected by saltwater intrusion. And so here's the thing, is that there were people that were wanting to do blanket statements and policies across that island to affect everybody, saying you had to go through us whether we okay a well or not, et cetera, et cetera, and so forth to the extreme, versus going to the DOE and letting them handle it, which they've been doing across the state and then coming in and trying to do this with the County. So I'm trying to be as blunt and specific as possible. And so the question is is fear-based versus reality are the things that we need to know. And a onesie is not the same thing for the whole county. And so I think it makes a difference on us knowing what really is there and that isn't. And if this is really just a policy thing instead – because you could make policy whether it's based on truths or not. And that's what I'm wanting to know, is where's the truth? And so if you guys can have any concrete somethings to go along because, you know, people are always throwing fear at us to make us do something.

And so I think we need to know the reality on those. And it's great that we do have people in the Public Health Department that are interested in the rainwater catchment. I think that was a big deal for everybody. And I'm almost wondering why wasn't the rainwater catchment thing pushed first, blanket for the island or for sole source aquifer areas, rather than coming along and saying put yourselves in the middle of the DOE's business for whether you can do wells or not. So if there's anything you guys can do to help mesh that out and tease that out, that would be helpful.

Mr. Moore: Mm-hmm, certainly. We can bring back more information on that. In general, most of the conversation has been worried about additional wells being drilled, the number of wells that have been drilled, and then the undeveloped property where wells might be drilled in the future and then the impact that might create. I know that's been a lot of the conversation I've been a part of, but we can bring back more facts on the matter.

Commissioner Mitchell: It does, because it makes a big difference. If it's one of these that's, you know, on the center-east of the island it's not involved with saltwater intrusion stuff. And so you can understand why I'm saying why would you make this blanket policy when it doesn't apply to everybody.

Mr. Moore: Okay.

Commissioner Mitchell: So, yeah.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Okay, so my next – well, first of all, rainwater catchment to me is one of the biggest no-brainers ever, and it just should be an outright right that people can catch

water and utilize it. I've felt like that forever and I think that some people might want to do that just for the environmental, you know. I'm not buying more pipe, I'm not drilling more wells, I'm not – you know, it's just a way of life, you know, like living off the grid basically. So I would really encourage the County to take the lead on rainwater catchment and make it available *anywhere* where well-drilling – where public water's not available and well-drilling is problematic. A lot of people spend \$50,000 on a well that's dry, and they have to do that in some cases first before – well, they haven't even been able _____ really. In Skagit County, rainwater catchment has really not been a tool that people have been able to use, generally speaking. So I echo my other Commissioners on that.

So when I read this, it says: "Require the County to review and approve all new wells prior to drilling." So it actually does *add* a County approval. I don't think that the County should be able to hold somebody's approval up. It wouldn't matter if the DOE approved you that you could drill a well. If the County says no and you're in the county, I'm assuming you can't drill the well.

Mr. Moore: We'll bring some information back to you on exactly how that works and what this proposal does to change that.

Commissioner Woodmansee: Okay. But this says "and approve."

Mr. Moore: We approve wells now, yeah, with DOE consultation.

Commissioner Woodmansee: Okay, do you *not* approve wells too?

Mr. Moore: The County does approve drilling of wells.

Commissioner Woodmansee: No, does the County *disapprove* wells?

Mr. Moore: Disapprove wells? I suppose it's possible, yes.

Commissioner Woodmansee: That's where I'm going with this. Are we going to take the DOE as the – they're the gatekeeper for wells in the state of Washington, as I understand it – and add a second approval needed to drill a well?

Mr. Moore: Okay.

Commissioner Woodmansee: I say that's not a good idea. Anybody who's worked with the DOE knows that's a pretty tough chore already. So I'm concerned about actually the County putting into code – because apparently we're doing some of this maybe with or without the language in the code. I'm not saying like in a bad way. But I think that I wouldn't want to add a second approval to the well-drilling process. The DOE is definitely arms-length, you know? They're not in the county every day and they're a state agency and, you know, they're dealing with all over the state. But when you get to a local county, now you're not quite so arms-length. Now you're dealing with local people and the water rights is such a big issue that, to me, the DOE should be the person saying yay or nay. And anyways, that's my two cents.

Chair Candler: I have a question. For purposes of this language requirement that they're asking for, how difficult and where do you find the depth in chloride levels of your surrounding wells? Is that just something the Department can – has on file? Where do you get that? The applicant apparently would have to provide that, so I'm just trying to figure out how difficult that is.

Ms. Ruether: I think – just briefly chatting with the person who is the senior water resources is they're trying to get Guemes to do their own work on monitoring it because it's – you know, it's something that should be monitored on a regular basis and it's kind of their job to do it, but, you know – I mean, I assume, you know, you have some kind of monitors in the wells that if you're starting to see chlorides then you're getting close to that line and you need to be more careful about drawing from the well. I know that data is something that talking to her that she thinks this is really important, but it's not really the County's responsibility. It's their responsibility to have it.

Chair Candler: But, I mean, if you're the first person who, like, wants to do a well after this and there's no mechanism of – like, what if your neighbor says I don't want you to drill a well; I'm not *giving* you my chloride levels – or whatever. I mean, I don't know what that's going to entail. I could be wrong but it seems like that might be –

Ms. Ruether: I'd have to ask her. I've never reviewed one of these permits so I don't know exactly how it goes.

Chair Candler: And I don't know either. I just looked at that and thought, What type of a burden are we talking about?

Ms. Ruether: Okay.

Commissioner Mitchell: And to tag onto that, one of the things that's just – like, pun intended, the situation's fluid! Levels change all the time! Different places, different pockets, those kinds of things, and people don't understand when they're looking at them. That was a good graph that they had but they – you know, that's not how the interstitial spaces work in things like that. So there's a lot that's complex which is why you do hire the experts. And so I don't know. They can't bring any more specific information back but it can change from April to September so fast and so easily from place to place! You could say "yes" in April and "no" in September. And so I'm back to wondering why we would want to get in the middle of that and let the DOE do the hard work.

Commissioner Henley: I have a comment. First of all, I'd like to say I'm in favor of rainwater catchment systems, but it's not probably as simple as one thinks it is. It's one thing to catch the rain. It's another thing later to decide what to do with it. For example, do you treat the water and use it as-is or do you use it to recharge the aquifer? So what benefit would you have for the greatest number of consumers, if you will, if you have a rainwater catchment system and then have to decide what to do with the water? So I think if we're going to do something like that and permit it, I would be in favor of it, but I think it needs to be studied very carefully because I don't think it's as simple as we would like to think it is.

Chair Candler: Anyone else on this?

Commissioner Woodmansee: I just have one question. This says that the County would evaluate the chloride levels. So it falls back to: How does the County have that information? I actually don't know the answer to that so I'm asking the question.

Mr. Moore: Again I'm going to give you my disclaimer. I'm no expert here. My understanding is that when someone proposes a well they do a test well. They provide samples and then it's decided whether that's approvable at that point. Again, I'm sure I'm oversimplifying it and not giving you the whole story. But we can definitely get more information for you. We could even possibly bring someone here that could talk more adeptly on this topic than I can.

Chair Candler: Okay.

Commissioner Woodmansee: When you say “test well,” you mean they actually drill their well and then they have it tested?

Mr. Moore: Mm-hmm, that’s my understanding.

Commissioner Woodmansee: So it’s not a test well. It’s the well got drilled and it either passes the quality marks or it doesn’t. Right?

Mr. Moore: Sure. Mm-hmm.

Commissioner Henley: Test wells are usually not designed to supply a need. They’re just designed to accept a testing mechanism.

Commissioner Woodmansee: So it’s not a full-on well.

Commissioner Henley: It might not be a full-on well. It could be – for example, it could be a very narrow well, as a matter of fact, okay. It might be nothing more than a one-inch pipe as opposed to a six-inch pipe.

Commissioner Woodmansee: Gotcha.

Chair Candler: But it probably costs money and it’s not usable for the person. That’s concerning.

Commissioner Woodmansee: Certainly it would be cheaper than doing a full-on well. That answers my question because I didn’t understand that term.

Mr. Moore: We will definitely be providing you with much more information on this topic because I can see there are many questions!

Chair Candler: Are we ready to move to the next one? All right. Thank you. Let’s move on to C23-2. Anyone have any questions about the Qualified Professional Definition?

Commissioner Henley: I have another typo which I think we probably ought to take care of. On page 20 at the top, the very first line where it says “See Table 2 below...” All right? The problem is there isn’t any “Table 2.”

Ms. Ruether: Okay. Maybe that chart was supposed to be Table 2 and it’s just not labelled. I will look into that.

Commissioner Henley: Okay.

Commissioner Mitchell: The next page says “Table 1” at the top.

Commissioner Henley: Well, there is a Table 1 but the reference is to a Table 2.

Ms. Ruether: Okay. Well, if there’s no Table 2, then I will just remove the reference!

Chair Candler: Anything substantive on the Qualified Professional?

Commissioner Henley: No. I think it's pretty clear.

Chair Candler: Okay, let's move on. The OSRSI Allowed Uses, C23-3. Does anyone have any questions or comments?

Commissioner Hughes: Okay, I'll start it off.

Chair Candler: Commissioner Hughes.

Commissioner Hughes: I am trying to find peace with why the Planning Commission had this before and we're relooking at this and what changes have been made. So I just need some clarification in my brain of the history that got us here to look at it again. And then I go straight forward to the whole first time it was presented back to us. In the newspaper there was the Harry Osborne State Forest was closed because of overuse and pollution in the park. So it had been closed and reevaluated. And I thought that was a little bit of the reason that we wanted a more thorough look at these sites. But that was a while ago. My brain could have forgotten some things. So if we could pull that conversation back I'd appreciate it.

Commissioner Mitchell: I remember when Jenn was still here and somebody – you might have asked – somebody had asked about it, and she had said – she wasn't being flippant; she was just being direct – that she said that nothing's changed except she's proposing it again.

Ms. Ruether: Yeah, I mean I didn't – I guess I could go back and look at the – try to – I don't know if I can look at the proposal in more detail. Though I don't – I mean, if you can explain to me. The only thing that it had was the issue of notice, so I did try to address that. But maybe what other concerns from 2019 – I'm a little in the dark about it too. I did ask – that's why I asked the Parks to be here too – because I thought that would help get clarification on why this was brought up and try to address those issues now. So, yeah, I'll try to help how I can. I'm a little bit in the dark myself, to be honest.

Commissioner Mitchell: How do you want to handle that?

Chair Candler: I would like to go back and look at that meeting.

Commissioner Mitchell: Mm-hmm.

Chair Candler: I don't know if –

Commissioner Mitchell: It's been a while.

Chair Candler: – anybody has done that lately and can give us a reference, but I can track it down if I need to.

Commissioner Hughes: My question: Could I ask Parks to introduce themselves and if you were here when this conversation came up prior or if this is new –

Unidentified Male Voice: Do I need a mic?

Ms. Ruether: You can come up here.

Commissioner Mitchell: This is what we usually need, is somebody tells straight from the horse's mouth!

Brian Adams: I don't know if I can tell you straight but, Brian Adams. I'm the director of Skagit County Parks and Recreation and I live in unincorporated Fidalgo Island. And yeah, I don't know the history of this other than it was an outright permitted allowance, according to John Semrau. Chair Semrau has been on my Parks Board and has the most institutional knowledge. He's been on the Parks Board for 35 years, so amazing kind of a resource for me. But his thought that it was that, and then there was maybe a conflict because maybe the new information got infused into a document but the old didn't get flushed out. So there was some conflict in that document. And did the County Commissioners remand it back to the Planning Commission? So that's –

Ms. Ruether: And there is a conflict in the code. If there's a conflict in the code, you go with the more stringent or ____, which is the administrative special use or the hearing examiner. So if there's a conflict you always go with the more stringent code.

Mr. Adams: Yeah. And I can tell you – I know that you referenced fill and grade would trigger – you know we're also triggered by surface water. So there are thresholds that will put us in another nexus if it's a substantial trail. Primitive trails generally, you know, sometimes it just bypasses – that we are doing quite a bit of. And we've got trail groups. We've got the Skagit Trail Builders, we've got Washington Trails Association, and other groups that we're always trying to keep busy on these things. And in the field they're, Hey, we would like to – this trail wasn't put in the correct area this many years ago and what we would like to do is kind of reintroduce another trail that circumvents that. You know, and I can tell you that we waited three years for a federal permit recently for soccer fields and, you know, we like to be kind of nimble. And especially with trail issues we understand that, you know, especially during Covid, people were getting out there, people wanted to be outdoors, people were voting with their feet and getting out there on the trails and, you know, we like to try to do what we can to roll back the bureaucratic process and make it easier to get people out there. We know social-emotionally it was very good for people to be out there and I think we're still getting a lot of people there – out there in the trail systems and outdoors. So we just want to really, with this particular recreational opportunity, try to be as nimble and get these kind of opportunities to kids and adults as quickly as possible. We aren't creating a lot of new trails. Most of what we've been doing is bypasses. People call us all the time. Now there's electric bikes so there's more demand to get out there on trails. I'm getting a lot of calls from people in their eighties saying, Hey, you know, I've got this new bike and I notice there's this issue with this trail. So it's interesting to see the demographic is swelling. People want to get out there. People want to be on trails. We're just trying to get them in the kind of shape that they need to be in. Most of the time it's maintenance.

Chair Candler: Oh, I'm sorry. Go ahead.

Commissioner Hughes: I'll follow it up with just a little bit of my memory was neighboring property owners being concerned about trails being able to come onto their property and out just because of convenience. Somebody decides they want to do that. And that putting this process in – as I believe would allow just more community input rather than just an administrator making these decisions.

Mr. Adams: Yeah. I don't know of any circumstances where trails go onto private property and back on –

Commissioner Hughes: More trespassing.

Mr. Adams: Trespassing.

Commissioner Hughes: Yeah.

Mr. Adams: Yeah. I think that we have boundary signs in those particular cases. If there's instances of that, we always respond to that. I don't know what a greater permitting process would do other than I guess the public would have an opportunity to say, Well, I live here; what are we going to do to mitigate for that? I think generally that's taken care of without the extra process.

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: Okay, so as you see it now, what you guys are requesting – is it your department that's requesting this?

Mr. Adams: You know, this was on the docket. I don't know if we formally requested it but John Semrau may have had some kind of talons in the process since '19. So I don't know. I don't specifically remember.

Ms. Ruether: (inaudible) It is listed both under permitted uses and administrative special use, so it is – _____. It is an error that does need to be fixed, whether it goes to permitted use or administrative use. It shouldn't be in both.

Commissioner Mitchell: So you want it one or the other.

Ms. Ruether: Right. So that may be why it was also remanded back.

Commissioner Mitchell: So if you were king for the day –

Mr. Adams: Yeah.

Commissioner Mitchell: As you see the problem, what do you see in the fix – the reason for it and the fix? Very simple for anybody watching.

Mr. Adams: Yeah. So I think that the process as it existed worked well. I think that the triggers are in place that if there's a surface water issue or a fill and grade issue we are going to fall into a nexus where there's greater opportunities for public hearings and all those kind of things. I think the current process, you know, of an administrative special use for trailheads is something that we should continue with, but I do think that we should be outright permitted for trails. Just so it's clear – and all these trail groups like to play by the rules and sometimes they're confused by them, as we all are sometimes. But I think that it would make it much easier, we could be much more nimble, to do that to do that. And I think we are very respectful of the private rights around our properties, but I still also believe in public property rights as well and people should have the opportunity to get out and enjoy the spaces – that if people buy in those areas that have those views and those special unique qualities about them that the public is able to get easy access to those places as well.

Commissioner Mitchell: Okay, and for one more clarification/repetition: This *is* just for the OSRSI, correct?

Mr. Adams: Yes. Yeah, so open space lands generally, fairly large land holdings that we're kind of referencing. That's 80 acres that you're referencing, there's, you know, zero impact. I mean,

I've been out on that property and it's going to be an incredible opportunity to expand the trail systems. And the Deception Pass/Whidbey side, I think that not everybody always knows that there's substantial property on the Skagit County side, on the Fidalgo Island side actually.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Clarify for me why if it was a permitted – outright permitted use, why you would still want to have the administrative special use ability too.

Mr. Adams: Administrative on the trailhead itself. So if you're creating parking lots, kiosks, kind of picnic day use kind of area that's affiliated with a larger trail system, then it should probably have an administrative special use to have some eyes and expertise.

Commissioner Woodmansee: And public comment?

Mr. Adams: Right.

Commissioner Woodmansee: So if you have a permitted use, you could still trigger a SEPA or something like that if the project's large enough.

Mr. Adams: Right. Yep.

Commissioner Woodmansee: So it doesn't get you away from public comment. It's not an end around public comment.

Mr. Adams: No.

Commissioner Woodmansee: It's – it streamlines the process.

Mr. Adams: Right.

Commissioner Woodmansee: And if the project has enough of an impact it has to have a SEPA –

Mr. Adams: Absolutely.

Commissioner Woodmansee: – or whatever, then the public's right into the process and notifications go out.

Mr. Adams: Well-articulated. Yes.

Chair Candler: A follow-up?

Commissioner Woodmansee: That's all I've got.

Chair Candler: Anyone else on that? Anyone else on this topic?

(silence)

Chair Candler: Okay, thank you very much.

Mr. Adams: Thank you for allowing us to come up and speak. And just – I know I spent some time on the Planning Commission back in the '90s so a long, long time, and Joseph has had a cup of coffee on the Planning Commission too, so we have a tremendous amount of respect for what you do.

Chair Candler: Thank you.

Commissioner Mitchell: And he was a hard worker, too!

Mr. Adams: Yeah.

Chair Candler: Does anyone have any questions or comments on C23-4, Master Planned Resort Designation?

(silence)

Chair Candler: It doesn't look like it. Let me know if I'm wrong but I think we can probably move on.

Commissioner Henley: On 23-5 I have a comment.

Chair Candler: Okay, well, that one's next. C23-5, Fire Marshal Code Amendment. Commissioner Henley, you have the floor.

Commissioner Henley: Yeah, on page 27 – and I promise you this is the last one – there's a typo. In the last paragraph on page 27 there, about the fourth line down, it says "See Figure 8." But there isn't a Figure 8. There is a Figure 6 but not a Figure 8.

Ms. Ruether: Okay. I did not review the figures very well! _____,

Commissioner Henley: That's the last one tonight – I promise!

Chair Candler: Okay, anything substantive on this particular – we have this gentleman here to help us.

Ms. Ruether: Questions for Randy?

Commissioner Mitchell: I've got a question. What happened was is that one of the commissioners that's not longer here wanted more information for how it goes. If you can just give us a quick update. I don't think most people understand anyway the difference between the foams and the categories and why people are – the A triple Fs versus some that they can use elsewhere and why it would matter or not matter in these outward, rural areas and things like that. Anything you can do to help us understand would be great.

Randy Johnson: All right. So really quickly here. And once again I'm Randy Johnson. I'm the building official here for Skagit County and I work with the Fire Marshal's office with them.

So on the product that's there, the PFAS, so what happened is on those products when we initial – when they did the foam that had to do it within the code, that was the standard product that was being used at the time. And so out there with the outlying areas that were not under the fire – under a district that was there was basically is our island areas on the outside there. So like

Sinclair Island, Cypress Island. These homeowners then, we asked them to be able to bring a foam product that would be – and be able to have to be able to extinguish the fire faster. The problem is, of course, with the product as time has come on it is found to be unsafe basically. The component that's in there is the fluorine and the fluorine is just a dangerous element to be able to do and so many of the states within the United States have basically banned it, and so has the State of Washington.

So what we're trying to do with the code here is to be able to make it very clear that that foam in the areas where we required foam does not require that PFAS. Foam can still be used within the Fire Service, which it is being used. And so the alternatives of that of fluorines, so alternatives, AFF, or that of GFF, which is a green fire fight foam nowadays that they use that's there. And but basically I'll just tell you what the difference is between them, if you really want to know – is the fluorine what would happen is it created a film over the area that basically two things that we know that happens __ within a fire that you need to have or one thing that needs to happen: You've got to either remove the oxygen or you've got to remove the heat source. So the fluorine, what it did before was the fluorine allowed for basically like a film to be able to develop over the fire and then it smothered basically that out the fire – no oxygen – and it reduced the heat immediately. And that's why it was so popular. And they used it; it was great, except it was not great because it was very dangerous to have. So now with these new products that's there, these greens, they use a different substance that's inside of it and what that creates is basically it's like little, tiny bubbles. And so the bubbles come up around that and basically traps them, not allowing the oxygen to be able to go there and creates like a bubble insulation blanket now over that and smothering the fires out. Perfect. They love it. They use it at the airport. They have it in other places. They have it at the fire houses they have it – especially for when we see for chemical fires that they're able to do, it will help to extinguish those fires very quickly.

Commissioner Mitchell: Let them know about how it increases the surface area. That makes a big difference versus just straight water.

Mr. Johnson: Yes, because it multiplies over three times of what it's able to do. So it can expand for that area for over water. Now for out at the islands, just because they have an amount of water, saltwater, that can be used to extinguish their fires, they're still going to have the pumps that they have right now. We're going to help them to notify them that this other product, PFAS, that they want to get rid of it, please. Do not keep it. And to be able to dispose it and don't use that. But to be able to have their pumps, they are still required to have that capability of having, like, 300 gallons so they could be able to grab saltwater and be able to put the fires out. And that's what we're concentrating on trying to make it within this code is for those areas.

Commissioner Mitchell: Another question. Since you mentioned – I've wondered about that anyway with the saltwater to use it for fire suppression. Why would that not be a problem on soils?

Mr. Johnson: On soils?

Commissioner Mitchell: Mm-hmm.

Mr. Johnson: It can. I mean, you're going to get some salt that's going to come back up there, but just like it washes up on the area. But to be able to extinguish a fire, you need it for immediate results that's there. We're trying to look at the overall for life and safety.

Commissioner Mitchell: And that's the thing that most people wouldn't have understood, is that you're looking at it immediate – something or other that's not – that you have the choice for

something to be able to use that's not dangerous, that's far more effective than straight water – assuming that they have the new foam.

Mr. Johnson: Correct. And what happened – now I'll just give you one quick example that was this – is recently there was a fire, of course, during our dry season that we just had. It was on Sinclair Island. And the owner, very quickly because he had his pump, was able to grab with some water and to be able to extinguish. It could have spread very rapidly but because of his quick response that he was able to do, it did put out where the structure was on fire, and as it spread actually towards those woods, which it could have went in farther, they were able to extinguish it with several neighbors coming together within a short period of time. Which that could have been a tremendous loss.

Commissioner Mitchell: That's wonderful.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: So are we – is the position now that – do we still require some of the – like the good foam in some instances or are we going completely away from foam?

Mr. Johnson: No, there is fire departments that do have that. So as each district that they look at it, they figure out what they want but once again we're not going to have any of the PFAS that's around.

Commissioner Woodmansee: So somebody could still be required – like it doesn't eliminate the possibility that you could be required to have to have a foam system to extinguish a fire, depending on what jurisdiction you're in.

Mr. Johnson: Correct. It could be – we don't require – and once again we're looking at it that it could be better to be able to use saltwater, especially on the island areas. They could want to use some of the cleaner foam. It does cost money. That's there. We see a lot, especially special systems that are there in industrial areas. Out at the refineries they use foam. They've changed theirs over to make sure there's clean agents. In fact, in one area they're now re-piping because of that to make sure they get everything up and ready to go.

Commissioner Woodmansee: So just so I understand – so water – it said up at the top here that water was – water's now accepted standard for fire suppression and ___ environments, which it would be in some of these areas, of course. So can you in theory – I don't know if I've asked my question clear – in theory, no matter where you're at in Skagit County, could water be your fire suppression – sole source of fire suppression? Or could you still have to have a foam application situation in District 9, say? Hypothetical number.

Mr. Johnson: Well, they may carry that, depending on what type of fire that they're going to. If it's a chemical fire, something that of – you know, we have fluid or fuel that's there, then they're going to be responding with foam.

Commissioner Woodmansee: Gotcha.

Mr. Johnson: But, yes, most fires that they'll be able to do extinguish with water.

Commissioner Woodmansee: All right.

Commissioner Mitchell: So the one question that other people asked me to ask you was this: They don't have to have a special nozzle for the old foam versus the new foam. A nozzle's a nozzle's a nozzle. Is that correct?

Mr. Johnson: No, there's a little bit difference that's in there. So there is a change that's on there.

Commissioner Mitchell: All right, so this is where we're going. So they can't make a mistake, right?

Mr. Johnson: Yeah, that's correct.

Commissioner Mitchell: And so they'll get rid of, discard the old nozzles, and if they choose to still use a foam in an area, they can. This would not stop them from doing that if they chose to, correct?

Mr. Johnson: That is correct.

Commissioner Mitchell: Okay.

Mr. Johnson: We want to make sure that it's not the PFAS. That's what we're trying to do.

Commissioner Mitchell: Super.

Mr. Johnson: And to follow the same as what the State is requiring as a stopping of using this type of foam.

Commissioner Woodmansee: Kathy got to what I was trying to figure out way better there!

Chair Candler: Well, this one sounds kind of simple. It was great except the poison, so let's not poison stuff. Ha-ha! Anybody else?

Commissioner Henley: Just a quick question. Is there a large training delta between, you know, using water versus using foam? And do all of the fire departments in the districts have the ability to use foam?

Mr. Johnson: It is available for them, I think. Each jurisdiction the chief – you know, that district – you know, they make the determination what they're using that's there.

Commissioner Henley: Okay.

Mr. Johnson: I know in some areas where they're limited on staff I do know that they do carry it _____. Some of them have the right type accessible to be able to do that. But once again, they don't deploy it just like at every fire.

Commissioner Henley: No, of course not.

Mr. Johnson: It would be what they – they would do an assessment.

Commissioner Henley: I'm thinking of something like a marina fire or a refinery fire. You know, those kinds of fires which are particularly hard to suppress. Now what about the training delta?

Mr. Johnson: There is training that is given. When they have that product, they go through a training on how to be able to use the product.

Chair Candler: Okay, anything else?

(silence)

Chair Candler: All right, let's move on. Temporary Manufactured Homes Title Notice Requirement, C23-6. Anybody with questions or comments on this one?

(silence)

Chair Candler: I'm seeing some people shaking their heads. Let's move on to the next one, C23-7, Flow Sensitive Basin Rules. Anybody have comments on this one?

(silence)

Chair Candler: Okay, let's move on. C23-9, Primitive Campground Definition amendment. Anybody have questions about the definition amendment?

(silence)

Chair Candler: I'm seeing some people shaking heads. Don't want to move on before people have had a chance to think. Okay, let's go ahead and move on to C23-10, Countywide Planning Policies Update. Anybody on this one? Not seeing any takers, let's move on to the next one. C23-11, General Code Language Clean Up. Anybody with concerns, comments, questions on this one?

Commissioner Mitchell: See Vince.

(laughter)

Chair Candler: Okay. Seeing nobody looking at me, I will move on – let's move on. I guess that's it. Okay, we will then turn – well, unless anybody has any general follow-up on that, we will move on to item number 5, which is the Director's Update. Turning to Jack Moore.

Mr. Moore: Thank you. So most of the Department's focus has been on some internal software transitions that we've been on. And I know that may not be terribly exciting for a lot of people, but I'd like to explain how that might help the public and our applicants.

Right now we're working off of an antiquated permit software system. It was from the late '90s, implemented on or around the year 2000, and it is not modern day. We have patched it along for quite some time. We have sort of a custom-built portal for people to apply and track their projects that is not ideal for transparency and for people to keep track of where things are at, and it doesn't lend itself to efficient review within the department either. So we – the County believes that, you know, once we are able to get this software in place it will help us to be more efficient, to allow for greater transparency so people can check on the status of their reviews. And with better tracking between departments and between teams that, you know, things will be able to get looked at once and then moved along for that project or any subsequent projects. So we're pretty excited about the project that we've undertaken right now and though it is taking quite a bit of time at the moment we're meeting daily with the software vendor through the end of the month to identify different

processes we have and get those documented and then try to get this new system configured so that it could operate for Skagit County. We do see the benefit in the long run. So I guess I did just want to just share that, that we're looking at roughly a twelve-month implementation date – target implementation date – to get everything in order, get everyone trained, and then make the switch. Right now they've indicated that – kudos to staff, I will say – that we have gotten better prepared than some of their clients. And so they say this phase of the project is moving along a little faster than they had anticipated so it may be that we could implement it sooner. So we're happy about that. And, again, I'm focused on that because that's been taking quite a lot of our staff time and I really appreciate all staff for keeping the projects moving as best we can while we're working on this as well.

That's one item. Another item that I had mentioned at a previous meeting a few months back. And if you hadn't heard – it looks like maybe a couple of you had. So the proposed Orca relocation is now not going to happen as the Orca has passed away in Florida. So that project has stalled now. Don't know if that will move anymore or if the proponent has any other ideas about the use or other ___. They had talked at one point about having a slightly expanded use in addition to this single Orca, but I'm not sure where that might go from here. But, yeah, if anyone hadn't heard, I just wanted to mention that.

Let's see – anything else? I think that may be all I have for tonight, unless you have any questions.

Chair Candler: Anyone? Questions? Yeah, I was very sad to hear about the whale passing. Thank you for the update.

Mr. Moore: Mm-hmm.

Chair Candler: Anything further from the Department then?

(silence)

Chair Candler: Okay, we will move on to Planning Commissioner Comments and Announcements. Do we want to start with Commissioner Hughes?

Commissioner Hughes: I'll just thank staff, all the different staff members of the County that came and helped us tonight.

Commissioner Mitchell: I was going to say the same thing. Randy, thank you for that. It helps educate the public as well as us. We really do appreciate that. And things do change. And the same thing for you guys with staff. You know, Jenn started this stuff and you're taking over, Sarah, so thank you for all the work that you're doing with this. This is a biggie this year. But we do have a lot of in-depth questions, and you guys – it really helps. We mull this stuff around so much and do a lot of weighing, and if you guys can help us find some more of those pieces that really helps, so thank you so much.

Chair Candler: Okay. Commissioner Woodmansee?

Commissioner Woodmansee: Well, I don't think you're going to have a good planning commission without having a good interaction with the staff, and so that's one of the things I appreciate about the past and where we're at now is that there's plenty of interaction available and discussions can be had. And I, too, appreciate – there's no way I could do your jobs. I know

it for sure. I wouldn't have the patience and I wouldn't probably have the bandwidth to do it. But I do appreciate all your efforts. It makes our job easier to process for sure.

Chair Candler: Commissioner Henley?

Commissioner Henley: Somewhat repetitive – I'd like the staff for their efforts in making our more complicated job a little bit simpler. So I do appreciate that and so I'd like to thank you very much for that.

Chair Candler: Commissioner Rose?

Commissioner Rose: I guess I may as well give you my thanks as well!

(laughter)

Commissioner Rose: A little peer pressure here!

Commissioner Mitchell: The Comp Plan's such a big deal and there're so many pieces to it, so thank you, guys.

Chair Candler: I'll go out on a limb. _____. Of course we appreciate you guys. I was just thinking about whales still. Okay, I guess without – I don't have any announcements. Without further ado, we will adjourn (gavel).