

**Skagit County Planning Commission
Work Session: Shoreline Master Program
December 8, 2020**

Planning

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

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

Others: Dan Nickel, Consultant (The Watershed Company, Inc.)

Chair Tim Raschko: Okay, good evening. The December 8th, 2020, meeting of the Skagit County Planning Commission is hereby in order. We'll start with the rollcall. Commissioner Candler?

Commissioner Tammy Candler: Present.

Chair Raschko: Commissioner Hughes?

Commissioner Amy Hughes: Here.

Chair Raschko: Commissioner Lundsten?

Commissioner Mark Lundsten: Here.

Chair Raschko: Welcome, Mark. Commissioner Rose?

Commissioner Martha Rose: Here.

Chair Raschko: Commissioner Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Raschko: And Commissioner Shea?

Commissioner Joseph Shea: Here.

Chair Raschko: Commissioner Knutzen?

Commissioner Mark Knutzen: Here.

Chair Raschko: Commissioner Mitchell?

Vice Chair Kathy Mitchell: Here.

Chair Raschko: And I'm here as well. So that's great. We've got everybody. Are there any proposed changes to the minutes?

Commissioner Shea: Yes. This is Commissioner Shea. I have a small change. It says that the – I believe – minutes were seconded by Commissioner Shea and I believe it was actually Commissioner Woodmansee.

Chair Raschko: Okay, anything else?

(silence)

Chair Raschko: Would anybody entertain a motion to approve the minutes with the aforementioned change?

Vice Chair Mitchell: So moved.

Commissioner Rose: I'll second it.

Chair Raschko: It's been seconded to approve the meetings (sic) as amended. Okay. We'll go this way again. Commissioner Mitchell?

Vice Chair Mitchell: Yea.

Chair Raschko: Commissioner Candler?

Commissioner Candler: Yea.

Chair Raschko: Commissioner Hughes?

Commissioner Hughes: (unintelligible)

Chair Raschko: Commissioner Lundsten?

Commissioner Lundsten: Yes.

Chair Raschko: Thank you. Commissioner Rose?

Commissioner Rose: Yes.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Yes.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Yes.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: Yes.

Chair Raschko: And I vote aye as well so that carries with a majority. Thank you.

Mr. Gill, have we any people desiring to – members of the public – to speak to the Commission?

Peter Gill: I did not receive any emails requesting time but there are people on the line that may be interested.

Chair Raschko: Okay, if there's anybody on the line who's interested in speaking, would you please identify yourself?

(silence)

Chair Raschko: Okay, hearing none, we'll consider Public Remarks closed. And that brings us to the main event tonight on our agenda, which is the Shoreline Master Program Work Session. So, Mr. Gill, if you would please introduce that topic I'd appreciate it.

Mr. Gill: Sure. My co-worker Betsy Stevenson is here to provide an update and an overview of the Shoreline Master Program for you tonight. She's here with Dan Nickel, our consultant. So I am going to go ahead and turn it over to them to talk tonight.

Chair Raschko: Okay, thank you. Who's up?

Mr. Gill: Betsy, do you want me to share my screen now?

Betsy Stevenson: I changed my screen and now my little things are not coming up to unmute myself. Let's see. I guess I'm not muted so I'm good.

My name is Betsy Stevenson. I'm a senior planner and team supervisor in the Planning Department. I am also the project manager for the Shoreline Master Program update. So for those of you I haven't seen in a long time, it's nice to see you again. For those of you who I haven't met yet, I look forward to working with you on this project so that we can get to the finish line this time and get her done. We're here tonight – Dan Nickel has graciously joined us. Some of you remember him. He's our consultant from the Watershed Company.

So I'm going to start out with kind of what we've done to get us to this point and then he's going to take over from there. I'm hoping that you will join us and have a discussion after we get finished, because I don't think our presentation is going to be that long. But I think, Martha, you mentioned it's been so long I don't even really remember what we did. So we're here to gradually ease you back into it and introduce you back to where we left it and the work that we have left to do now – some of it new, some of it not. But I'm hopeful that you will talk to us. A lot of you were a part of that process so you're going to be very valuable moving forward so that you can help out as we go. And those of you who are new to it, I want to just tell you upfront that some of these folks came on midstream while we were working on it before. I'm happy to meet with you individually. You know, it would probably be through a Teams meeting online or a phone call but for now at least I'd be glad to do that – answer any of your questions, bring you up to speed. The website is

a good place for some of the historical documents as well but I'm happy to provide you whatever you're going to need to help you feel comfortable in this process because you're a part of it now too, so we want to make sure that you want to participate and *be* a part of it. So with that, I think I'll just go ahead and get started, if that's okay. I think Dan's going to share his screen and help me out here. So I'm going to be probably looking over this way a little bit so I won't be looking right at you guys, but maybe you won't see me anyway and that's okay.

So where we started. We actually, as a staff, started this process in 2009 and 2010, applying for the grant from the Department of Ecology to do the comprehensive Shoreline Master Program update, but we didn't start the public process or really roll it out until 2011. We started in the summertime with a visioning workshop, a session of visioning workshops, one in Lyman and Hamilton, one in Concrete, one in Mount Vernon, and one in Anacortes, where we had some activities and a facilitator trying to get information from folks and see what was important to them in terms of their shorelines, what their perceptions were, a lot of information. This is actually the meeting in Lyman and Hamilton, which was one of our more productive. They look kind of quiet and demure as they were listening but by the end of the evening they really got into it and I think it was one of our best meetings.

In the end of 2011 we formed a Shoreline Advisory Committee that the County Commissioners appointed, and they met – boy! – at least monthly, sometimes twice monthly, as we got into it, working with us as we developed each section and each different element of the SMP, talking about all the issues and really helping us with their perspective on what we were putting together.

In 2012 we had additional Shoreline Advisory Committee meetings and then in the spring – about March – we started also holding Planning Commission meetings, so we were running parallel. As the Planning Commission was just getting briefed and beginning the process, the Shoreline Advisory Committee was continuing to work through the SMP chapters and document and technical report some things as we went.

In May of 2012 we released a first working draft of the SMP document so that we would all have something to be looking at and kind of get a feel for all the different things that we had been working on and put it all together and see what it looked like. And in May of 2012 we had a joint meeting of the Shoreline Advisory Committee and the Planning Commission where the Shoreline Advisory Committee shared their individual – shared their perspective on what they had done and what they brought to you and what was important to them and things for you to watch for. Then in June we had an informal comment period just to get a sense of where we were and what people thought about our original draft.

In 2013, in February, we sent a preliminary draft of the document to the Department of Ecology to get some of their comments. We continued on with the Planning Commission through March through July. They were meeting – boy, what? – at least once and several times twice a month. I know you were working on the Comprehensive Plan update and the Shoreline update there for quite a while so you guys were meeting a lot, and we certainly appreciated all your time.

In May through June of that summer we had open houses – again, same locations – where we had talking stations and places where people could come and talk about different issues and get their questions answered. And we took input and had comment cards so that they could comment and respond.

And into 2014, again more Planning Commission meetings the rest of the – through the summer and then the rest of the year the staff took those comments and recommendations back and made

some revisions and changes to the document. Then in 2015 through June, again we had Planning Commission meetings. 2016, again a lot more Planning Commission meetings, and we issued another draft of the SMP that was released this time for good. This was going to be our final draft that was released to Commerce for the 60-day comment period. And then we held a public hearing with the Planning Commission in March. The comment period went through April. The Planning Commission began deliberations in April and met between April and August to deliberate. They came up with their recommendations mid-August and had a recorded motion, and then in September the recorded motion and recommendations were presented to the County Commissioners. And at that time that's kind of where we left off. We were put on hold for a little while because of some workload issues and concerns that we had, so that was where the process took a pause.

So now this is where we are starting back up again with the document that you guys or your predecessors did work hard on. I think they looked at three different drafts of the document the first couple times and maybe even the last time. You guys will have to help me. My memory isn't what it used to be. We went through it pretty much page-by-page. There was some wordsmithing that happened. The Planning Commission was willing to take on the role of starting with us and working with us through it and not getting a final draft to just look through and make a recommendation on. So you guys were integral in the process in helping us come up with the document that we did and addressing the issues that you had.

And where are we today? Go forward four years and we still have that document ready for some sort of action at the County level. But we also have a periodic review that is due in June of 2021, so if we had been on schedule and everything had been perfect – which it wasn't even in 2016 – we would be due for a periodic review, which was at that point supposed to be every seven years; I think now it's every eight years. So since we don't have our comprehensive update adopted or approved by Ecology yet we're planning to bring back to you the document that you've already recommended with some changes to the Commissioners along with the periodic review, which will be something that Dan will get into in little bit more detail. But we need to make sure that our document is compliant with any changes in state laws and any other things that the state thinks that we need to be addressing. So our consultants are working on that now to bring it up to date in that sense. There are still some issues that we know weren't satisfactory to some folks so that I'm guessing that we will be addressing those somewhat too as we go. But for the most part, it will be coming back the way you left it with your changes and recommendations in it with any changes that we got from Ecology towards the end, and then with the recommendation and changes that our consultants come up with to share with us and then with you as far as what they think we need to do to bring it up so that it'll be compliant and something that Ecology will consider for our periodic review and update too. In that periodic review process there is a process and so another public hearing will be needed.

But as we move forward, where we're headed next I think we're going to be having meetings like this for a while and you guys are used to them and I can get used to it and adapt to it. We'll start having some study sessions so that you know what you need to be working on and looking at. We'll get that document to you as soon as it's available and ready to go so that you can be looking at that. We'll schedule and coordinate the meetings with you and with Peter so that you have time to work on this along with all the other things that you're doing. Like I mentioned before, we need to bring you all up to speed so that you're – we're all in the same place together. And I'm happy to do whatever I need to do for you to get us all on the same page and in the same place. I'm also happy – you can look over the webpage. That's where all the historic – is it historic? I guess they're historic now – documents that we prepared and have available. If there's anything there

or if you do better with hard copy things, just reach out. I think your process now is to go through Peter, so please go through Peter and I'm happy to prepare that and provide that to you.

And I think our public participation is going to look different. We're going to do some online open houses rather than holding things – obviously – in person. I think it's a way for people to access the information a little bit more easily and conveniently for them. They don't have to come out to and get babysitters and come out to an in-person meeting. They can do it online if they ever get a chance to use their computers while they're at home in these times. But they can do it online. We also, I think, are planning to do maybe monthly updates online where we get on and advertise a topic that we're going to talk about and give people an update of where we are that month in the process. So these are the kinds of things that we're looking forward to working with you on.

Our periodic update is due to Ecology in the end of June of 2021 so there's a lot of work that we have that target date and we're optimistic and we're hopeful that we can do that. But we are not going to do that at the expense of the process. We want to make sure everybody gets heard and their ideas and they're considered. We'll have to respond to all the comments that we get. But we're really hoping that we can get through the process at that point.

So next slide, please, Dan. I'm kind of going off-script a bit.

So when our work is complete, we will have a comprehensive SMP document. It'll be updated to include the periodic review. We'll have all the supporting documentation that we need. You will have a recommendation to the Board of County Commissioners. We'll have a locally adopted SMP and the SMP will be ready to transmit to Ecology for final review and action.

So that's kind of where we've been, what we're going to be doing, and where we're headed. And with that bit of an introduction, I'm going to let Dan get into the more technical aspects of this. And for those of you who don't know, Dan Nickel was our consultant through the other portion of this back when we started in 2010 basically, and he also helped us prior to that with our critical areas ordinance back in – what? – 2006 through 2009 or so. So he's well familiar with Skagit County and is doing a great job for us. Thank you.

Dan Nickel: Thank you, Betsy. I appreciate that introduction. I'm going to cover a little bit of really what this is. I'm going to take a step back, I guess, just so we have the basis of understanding of what the Shoreline Master Program is all about.

As Betsy, you know, went through, there was a lot of work that was done prior to this point in time and even prior to the 2016 recommendation that was made. Obviously some time has passed, so I want to just make sure that we understand some of the backbones of the Shoreline Master Program. And I just want to really kind of hone in on these three basic principles that it is driven from the Shoreline Management Act.

The Act started in the early '70s and the County has had a Shoreline Master Program from the very beginning, but this comprehensive update that we were – you know, we were starting back in the early 2011 time period, which has yet to be completed, was based on these three principles. One is to ensure that we are protecting our natural resources of our shorelines. There's a lot of ecological functions that occur on our shorelines that are vitally important and we are to protect them.

Secondly is that, you know, we recognize that our shorelines are just a very important area for us to enjoy, to recreate. We want to be able to promote public access to our shorelines because these are state waters that everybody should be able to enjoy.

And lastly is a recognition that our shorelines are also an area where we need to prioritize appropriate use of our shorelines. A good example of this is port activities, where we might have industrial activities that require a shoreline location, or commercial operations, and even residential, recreational uses are important to ensure that we are appropriately using the shorelines. And these three things are constantly acting in conflict of each other, but it's our role to ensure that they are working together to allow appropriate uses as well as to protect our functions. And that's an important aspect that was brought forward in the most recent update to the Ecology guidelines, is this notion of no net loss. And I'll kind of hit on that through this presentation, but that is something that the technical work that was done as part of the comprehensive update really hit on this no net loss criteria. And the basis of that is that we are to establish an existing condition and from that point forward we're to ensure that we do not allow degradation of our shoreline ecological functions through development or other activities that are occurring. So that's what's considered the baseline and that's what this no net loss standard is measured from.

We do want to recognize that in shoreline jurisdiction we also are required to protect critical areas, and there's an inherent connection between our critical areas ordinance and our Shoreline Master Program. But under state rules, critical areas that are located within shoreline jurisdiction need to be regulated through the Shoreline Master Program, and so activities there that might impact a critical area or its buffers would need to go through a shoreline permitting process. We also want to recognize that we have a number of preferred uses. In shoreline residential a single-family residential development *is* a preferred use under the Shoreline Management Act.

So where does the Shoreline Master Program apply? Obviously to all shorelines of the state. This includes all of our marine waters; all lakes which are equal to or greater than 20 acres; and all watercourses – streams and rivers – that have a mean annual flow of greater than 20 cubic feet per second. There is a lot of shorelines of the state in Skagit County. So it's a lot of area. The shorelines of the state also includes the upland 200 feet upland of the ordinary high water mark, and it also includes areas of associated wetlands, floodways, and up to 200 feet of a floodplain when it's contiguous with the floodway. And again, that also, as you can see on some of the figures here on these maps, shows some extensive areas of shoreline jurisdiction *beyond* 200 feet.

Kind of taking a step back just to – I want to hit on a lot of the technical aspects that were completed as part of that early comprehensive update. As Betsy mentioned, you know, we had the comprehensive update process that we were working on through 2016, and one of the aspects now is to do a periodic update. We're doing both of these processes at this point in time. But we need to recognize the abundance of work that was done up until the end of 2016. That includes first and foremost a shoreline inventory and characterization report that was completed in 2014. This is what establishes our existing conditions. What is our baseline condition from which we're measuring degradation moving forward? That effort was approved back in 2014 and again was kind of the building block for the Shoreline Master Program to justify environment designations as well as to evaluate cumulative impacts.

So obviously, as Betsy alluded to, the Shoreline Master Program policies and regulations were developed and approved by the Planning Commission in 2016. That also included the mapping of shoreline environment designations. The County had an existing map. It was very dated so that

map has been updated in a GIS system. Additionally there's these three latter components here which are also very important to recognize, the first being the Cumulative Impacts Analysis. This is a fairly critical document that Ecology requires through the comprehensive update, and what it does is it looks at kind of a 20-year time horizon of what anticipated future development is likely to take place in our shoreline areas, and it will then look at the implementation of the Shoreline Master Program to ensure that through development and the regulatory process of implementing the Shoreline Master Program that we are protecting our ecological functions such that we can say that we are achieving no net loss.

There was also a body of work done to complete a shoreline restoration plan. The shoreline restoration plan again is a requirement under Ecology's guidelines, but it looks at voluntary actions to restore shoreline conditions, and it is a plan that is in place and looks at a lot of restoration activities that are *expected* to happen – they're already planned, they're already documented – that are likely to take place in the future. Some of those things have already started to take place, which is good, but it will continue to look out over an extended planning horizon. And additionally there is a no net loss evaluation report that will subsequently get submitted as part of our full package that was completed in 2016. We will need to reevaluate that to look at any new amendments that might come out of this process here. And I have a note here about the public process that Betsy talked about. It's quite an extensive amount of work that was done up until 2016.

I don't want to spend too much time on this figure. I mean, it can be complicated. This is a figure that's produced by the Department of Ecology and it's just an understanding of how we interpret the no net loss condition. And if you look at this line here where we show the no net loss, this is our current baseline. So if we think about the work that was done in 2014 with the Inventory and Characterization Report, this really establishes this line on this y-axis of Ecological Functions, and we are charged with maintaining that baseline. Now we recognize that, you know, the restoration plan or the implementation of restoration activities might actually increase or improve ecological functions over time, but we likewise also have to understand there's a number of different types of development actions or even violations or unavoidable impacts that will continue to impact ecological functions over time. And what this figure is not saying, it's not saying this is, you know, we're doomed because we are going to be in the red here. What it's saying is this is just a depiction of how we maintain that current baseline, that it is a balance between improvements and enhancements or potentially looking at offsetting impacts through mitigation to achieve baseline conditions.

So the – I just quickly want to touch on the Shoreline Environment Designations, and this somewhat touches upon the shoreline jurisdiction as well. It's important to recognize that the Shoreline Master Program is considered somewhat of a – one way to look at this is somewhat of a zoning overlay. We have a land use overlay on just a small portion of the land. It's 200 feet from the ordinary high water mark. Our process back in, you know, the early part of the comprehensive update was to look at any adjustments that we felt necessary to the environment designations that were already in place. We looked at the criteria that are in the state guidelines. We looked specifically at the Inventory and Characterization Report to look at any ecological conditions that would warrant a change in environment designation and we also looked at existing and planned land uses. The goal here is to ensure that we don't have inconsistencies as much as possible with any of these because we don't want to have a situation where we have a land use that's inherently in conflict with the designation. Now that doesn't mean that doesn't happen or can't happen because, again, this is only 200 feet from the ordinary high water mark so you have areas outside of that zone that can be developed under a certain zoning use or designation.

But there are a number of designations here: High Intensity; Natural; Rural Conservancy, which is a very common one; Rural Conservancy/Skagit Floodway, which is an area within the Skagit River floodway designation. There's a Shoreline Residential designation as well as Urban Conservancy.

So I just wanted to again – kind of taking a step back and looking at all the elements that were addressed into the 2016 document. These were a number of issues that were discussed quite extensively. They include nonconforming uses and structures and how to regulate those; overwater structures such as piers and docks; shoreline armoring; includes shoreline stabilization. We discussed buffers, shoreline buffers and setbacks, vegetation conservation, which includes, you know, trees and tree preservation, as well as the critical areas ordinance integration. The critical areas ordinance, the way that that's addressed in the Shoreline Master Program is currently it's going to include by reference the most current critical areas ordinance and include that version as part of the Shoreline Master Program.

So next I want to just touch on what the periodic update is. Now so we have a version of the Shoreline Master Program from 2016 that the Planning Commission made a recommendation to the Board, so that's kind of our starting point from what we're looking at. The periodic update, which again, as Betsy mentioned, happens every eight years. All jurisdictions that have shoreline master programs are in the process of doing this currently. Jurisdictions within King, Snohomish, and Pierce Counties completed theirs, or theoretically completed theirs in 2019, and there was a number of other jurisdictions across the state that are currently in process right now and there's another round to come in subsequent years. But the idea here is to look specifically at consistency with state law. There's been a number of amendments that have come out through the legislative process that have actually provided updates to the WAC, to the Washington Administrative Code, and our role is to make sure that the Shoreline Master Program is consistent with those. And so there are a number of elements there that are mandatory updates. Some are recommended. We don't have to update them all. And so our process right now is to look specifically at any amendments that are needed based on that review.

The periodic update also allows local jurisdictions to look again at their local plans and regulations to make sure they're consistent, as well as to look at any new or improved data or information – that again allows for consistency with any Ecology guidance or any updated science – and to make any other improvements to the Shoreline Master Program's use and function. And that's actually – that latter part is very common for a lot of jurisdictions that are doing this work. They're looking to make functional improvements to the Master Program. That could be just ease of use, ease of reading, ease of functionality so that applicants and staff have an easier time maneuvering through the document and understanding its process.

At the same time, I think it's really important that we understand what the periodic review is *not* intended to do. The periodic process is really not intended to take a look back at the ecological baseline condition that was established earlier during the comprehensive update. It's also not going to take a hard look at the no net loss criteria again. The only caveat to that would be is if there are amendments that are being brought forward during the periodic review process that may result in impacts to shoreline ecological functions. And if that is the case, then Ecology is recommending that some review of that no net loss criteria takes place to ensure that implementation of those amendments results in no net loss of ecological functions. We've done this for a number of jurisdictions. It's not been a heavy lift, but those are for jurisdictions that are also only doing a periodic update. So we want to be, obviously, cognizant of that issue. But again I think it's really important that we recognize the body of work that was done prior to 2016 as the backbone of this process.

So just before I end, I want to just hit on – there are a number of things that we are looking at as part of our current work. So we, you know, again started with the 2016 recorded motion of the Shoreline Master Program that the Planning Commission was passing along to the Board. That's our starting point. So we are looking at, you know, again the periodic update, looking at legislative amendments – making sure that we are consistent with those. There are a number of things that have come forward since 2016. There's been some changes to the dollar threshold from the shoreline exemptions. There've been a few definitions – the definition of “development” now actually includes a clarification that it does not include dismantling of structures. That's an important clarification. We want to make sure that definition is in there. There's other items for the Washington Administrative Code consistency that we want to ensure.

There's a number of, again, formatting adjustments that just help align the Policy sections we are proposing to make, adding hyperlinks throughout the document to improve its use electronically. There were a number of Planning Commission recommendations that were part of the recorded motion, so we are moving forward with incorporating those recommendations. As well, the Department of Ecology has looked at the Shoreline Master Program and has offered some comments, again to address consistency with the WAC. We do look – I mean, this is a – I probably should have mentioned this earlier. It's important to also understand that the Shoreline Master Program is a mutually adopted document. The State Department of Ecology implements the Shoreline Master Program as does the County and both bodies need to approve this body of work. So we want to ensure as we go through this process of amending the Master Program and getting through the local adoption process we do want to make sure that we are consistent with Ecology's guidelines, and with that we are going to be, you know, consulting with Ecology to make sure that we are consistent.

Additionally, we need to make sure that we are integrating the most recent critical areas ordinance and ensuring that we are including the most current science. And the last item here is just actually one thing that was not included previously but we need to do as part of this process: to make sure that we have the actual listing of water bodies included in the Master Program. Some time ago the state has gone away from including the water bodies themselves, the shorelines of the state, in the Washington Administrative Code and instead throughout the comprehensive update the state is now going to rely on the SMP to state those. That allows a little bit more consistency with the local jurisdiction's understanding of shoreline water bodies.

So I guess the last thing I want to touch on is the timeline that we are working under. We are working under a state grant from the Department of Ecology. That grant deadline extends through the end of June of 2021. So the timeline we have to work before us is really to fit in with that schedule. And we are expected to produce a draft, a revised draft, of the SMP here in January of 20 – that should be 2021; I apologize for that error. And then moving forward for the public review at that point. The amount of work that we have to do for making those changes to the 2016 draft, it probably looks more than it really is. There's a lot of those functional changes that are making improvements to the Master Program, and in terms in the amount of substantive amendments, those are fairly limited.

So we expect to produce a – or launch an online open house sometime in early – the early part of 2021. The online open house will be in addition to the County's website as the location for information about this process. The Planning Commission we expect to jump into the document sometime again at the early part of the year, January through March. We anticipate having Planning Commission meetings to discuss those proposed changes, and looking to start a public comment period and hold a public hearing sometime between March and April of 2021. Again, local adoption anticipated, you know, before the end of June of next year. Obviously these dates

are – you know, they're somewhat tentative. There's a lot of process built into here and nothing is definitive at this point, although this schedule is driven by the somewhat of the grant cycle to complete this by June of 2021. I will just say from our perspective as things stand right now, I mean, we are on task and on target. And based on the amendments that we're seeing before us this is definitely something that is achievable.

So I think with that I'm – I think that's it for the presentation. I think it's time for us to see if there's any comments and questions from the Commissioners.

Chair Raschko: Thank you, Dan. Are there questions for Betsy or for Dan from the Planning Commission?

Commissioner Rose: Tim? I put a question up in the Chat. When that map was up there, and maybe it's probably already sunk in what it was, but there were huge swaths that were dark gray color but they were not in the legend. Was that just land that wasn't related to shoreline? What was that dark gray mass?

Mr. Nickel: A good question. So the areas that are dark gray, those are the towns and cities –

Commissioner Rose: So they're away from the shorelines and stuff and unaffected?

Mr. Nickel: Right. So each of the towns and cities – you know, Sedro-Woolley, Mount Vernon, Concrete – they're all going to have a Shoreline Master Program. The City of Anacortes is, you know, working on their periodic update right now. Those are all excluded from the County's jurisdiction so they have been grayed out.

Commissioner Rose: I see. Okay, thank you.

Chair Raschko: Anybody else?

Commissioner Shea: Uh, yeah, this is Commissioner Shea. I have a lot of questions actually. This is kind of a new thing for me. I've been trying to catch up on the information. So I'll be probably reaching out to you, Betsy, shortly, but just one question that can be answered now, I guess. You're saying that typically it's about eight years to get this reviewed and updated? I might be wrong about what you said. So if this was approved in 2016 I was just wondering the difference between eight years and when it was approved last, I guess.

Ms. Stevenson: Fair enough. Actually the eight-year timeline is when we're going to be due for a periodic review. But since we didn't get our comprehensive update completed we're combining the two. It shouldn't take this long to complete the process the next time we have to do it. I don't know quite how to – you know, it would have been nice to finish it. I think we all agree to that. It's going to be difficult to jump back in and feel fresh again, but we can all do it together. So the eight years was more about – like, when get this adopted, we will be due again – kind of like the Comprehensive Plan, we have to look at it and see what's working, see what isn't; any changes we may want to make, any changes in the laws where we're going to have to go ahead and update to continue to be compliant with state laws; other things that we may see that we want to change. So I don't know if that answers your question, but that wasn't the timeframe that it should take to complete an update.

Commissioner Shea: Yeah, that answered the question. I was just trying to put the timeline together. Just one more thing to tag onto that a little bit: So in the beginning you were talking

about how it was approved in 2016 or at least it was voted on by the Commissioners and then you sent it off to Department of Ecology. And was it to be approved by them or did it not get approved? I wasn't quite sure about that.

Ms. Stevenson: Okay. Good clarification. Actually it came from the Planning Commission with a recorded motion to the County Commissioners and I presented it to the County Commissioners, and that's all the further that it went. It wasn't locally adopted. There was no resolution saying if Ecology approves this then this is what we want to adopt. That's where our process was put on a hold and paused. So Ecology has seen it but we haven't heard from them so they're going to get a good chance to look at it when Dan finishes the revisions – hopefully get it down to them probably the same time you guys see it in early January.

Commissioner Shea: Perfect. Thanks, Betsy.

Ms. Stevenson: Yeah, and please do reach out. I'm happy to help you however I can and provide you the information that you need.

Chair Raschko: Are there further questions? Betsy, it seems like the timing on this is being driven by the June 24th expiry of the Department of Ecology's grant. Is that right?

Ms. Stevenson: That's our target date.

Chair Raschko: What happens if we don't make that?

Ms. Stevenson: We get behind! That's the best honest answer that I can give you.

Chair Raschko: Okay, but we lose funding?

Ms. Stevenson: The grant will expire at that point in time so we hope to have all the work done that needs to be done to have a packet of material together. Like Dan said, we're optimistic that we can get it done and accomplished in that amount of time, but there's always the chance that we won't. There are a lot of things that are out of everybody's control or ability to plan for. We want to make sure that everybody has an opportunity to look at things and review them and comment and be heard and get responses to their comments. So we might miss that target date but, like I said, right now the only consequence that I know of is that we'll be behind. I think that we'll have the work done and the money spent by then, the majority of the work done at least. If we don't get through the completion of our adoption process we'll just carry on.

Chair Raschko: Okay, but by then I presume the Watershed Company will have done their work, and so if we go beyond the 21st of June having that grant expired would not necessarily prevent work from them being completed. Am I getting that right?

Hal Hart: No. This is Hal. Our concern – it's a great concern. So we will be providing updates to the Commissioners weekly and monthly. You'll see those online as well if you go into TV 21. But part of the concern would be how we would keep it going after the grant process is completed. So it will be an important consideration for the new Commissioners when they're seated in January for sure, right?

Chair Raschko: Right.

Mr. Hart: So it would be a financial consideration at that point.

Chair Raschko: Okay. It's great to have that clarified. One other question I had, and maybe I'm missing it (and) it's already available. I would find it very helpful to have a hard copy of your presentation. Is that possible?

Mr. Nickel: Yep.

Ms. Stevenson: Of course.

Chair Raschko: Okay. Are there any other members of the Planning Commission who wish to present a question or opinion?

Commissioner Shea: Yeah. This is Commissioner Shea again. I just have one more question and I think it'd be geared towards Dan a little bit. But when you're talking about – this is something when I came in to the Planning Commission I talked with Commissioner Janicki about, was the whole net loss aspect that you were going over. I know you said that that's not up for review as far as our baseline that was established, I think you said, in 2014. But are we looking at the requirements to be net positive or – I know we were talking that there's – you know, you can go above and beyond so that there's no net loss, but is that something that could be added to require additional – or to make the project, I guess, a net positive versus just the baseline not changing the current status or current conditions? Hopefully that's a coherent question!

Mr. Nickel: Yeah, I think I understand where you're going. You know, local jurisdictions have flexibility to make the determination if they want to go above and beyond that no net loss threshold, that baseline condition. And that's really where the emphasis from the restoration plan comes in. I mean, there's a lot of really good actions that come out of restoration planning and some are already being implemented in Skagit County. Honestly, most – you know, the baseline condition isn't that we have to maintain, or at least that's what we _____ further. And that's where Ecology stands, that's where most of the jurisdictions that certainly I've worked with are standing, because they do then rely on restoration actions. I would say that, you know, enhancement of shoreline conditions through a permitting process is always a – something to consider, but it's hard to put that into a regulatory context, right, for, you know, putting that on the ground.

So I think it's something that – you know, we do want to be looking down the road. I think it's important to also recognize that eventually a comprehensive update's going to need to take place again, and at which time there's a big question mark. During the periodic updates, local jurisdictions aren't being asked to document how they're achieving no net loss, and that's something that has come around and been a question to many jurisdictions and even the state: Why aren't we requiring that evaluation again? So it's important to recognize that eventually local jurisdictions will be asked to document how they've achieved no net loss. So it's important that we, you know, we track restoration actions that have taken place – it's really good that, you know, we are already doing that – so that when the comprehensive update comes back again the County has a really good record of how that has been maintained.

And then the other aspect is just making sure that through the development review process that the County has a good ability to ensure that, you know, things are mitigated appropriately. Mitigation sequencing is a very important standard that is in place in the Shoreline Master Program process but it's something that the County's going to have to rely on.

Chair Raschko: Okay, have we – anybody else?

(silence)

Chair Raschko: Okay. Is there anything else from staff?

Ms. Stevenson: I do see one question – this is Betsy again – about the timeline. So I guess I would say that we will be meeting with our stakeholders as well – so, Amy, this is your question. We will be meeting with stakeholders and provide you with the documents and copies as well when they're available and ready so that you have a chance to look at those so that you'll have more time to review. But I recognize what you're saying and we understand your concerns, so we'll continue the dialogue and keep talking to you and to other stakeholders. So thank you for your comment.

Chair Raschko: Okay, thank you, Betsy.

Mr. Gill: Tim, I had a question. This is Peter.

Chair Raschko: Okay, Peter.

Mr. Gill: Thank you. This is Peter Gill. Betsy or Dan, the Planning Commission recorded motion had a number of recommendations for changes to the code. When this document comes back around to the Planning Commission in early spring/winter, will those changes be incorporated into that document? Do you anticipate –

Ms. Stevenson: Yeah. Dan mentioned that they're doing that now, and he may want to go into more detail, but yes.

Mr. Nickel: Yeah, I think that's a good question, Peter. Our intent is to provide the Planning Commission with a – essentially a track changes version from what you approved back in 2016. That way you know clearly, you know, what was in there before was acceptable, was approved, and then we're providing other changes. And we will annotate on the side to note, okay, here's an amendment that we're putting forward. This is based on the Planning Commission's recorded recommendations, or this is coming from, you know, the periodic review process from the legislative update. So we'll have a clear indication about where those amendments are coming from.

Mr. Gill: That would be really helpful, from my point of view. Also – and you might not be able to answer this quite yet, but do you anticipate that we will have the State's comments on that draft as well at that time?

Mr. Nickel: Yes, I hope so. My recommendation is that we actually engage Ecology early so that when we get to the Planning Commission review we already know where the state lies, where their interpretation lies.

Mr. Gill: Great. Thank you.

Chair Raschko: Thank you. I presume if there's nobody else wishing to speak that that would –

Commissioner Shea: I think Mark Knutzen has his hand –

Commissioner Knutzen: Yes, I do. Could I speak now?

Chair Raschko: Go ahead. If people would please use the Chat Box when they wish to comment. I'm sorry I missed you, Mark. Go ahead.

Commissioner Knutzen: Yeah. Question for Betsy regarding the online open house. How are the Commissioners going to be notified of this and how is the public going to be notified of this?

Ms. Stevenson: That's a great question. I think we're going to do it in several ways. We do still have a listserv that we started previously so we'll get the word out that way; through social media; through our public information officer. I will try to keep you guys updated through Peter all the time anytime that something new is happening so you're aware of it, or if we add something to the website that'll be of interest to you.

Commissioner Knutzen: Will we be getting emails from the Planning Commission to our County Commissioner email addresses? Or are we going to have to look on the County website? Do you know?

Ms. Stevenson: I think that'll be up to Peter but I will be doing press releases and a lot of different methods to reach out so I think we should be able to send those additionally to your Planning Commission emails.

Mr. Gill: Yeah, we'll make sure that they get sent out to the Planning Commissioners' emails.

Commissioner Knutzen: Because I'm thinking some of us may want to share this information with people that we know so that they can attend these online if they so choose.

Ms. Stevenson: Yes. No, that is –

Commissioner Knutzen: To me that is part of my job – representing the people that I know and let them know what's going on and let them attend these if they so choose.

Ms. Stevenson: No, I appreciate that very much.

Commissioner Knutzen: Okay, good. Thank you.

Chair Raschko: Okay, anything else?

(silence)

Chair Raschko: I'd like to thank Betsy and Dan for their work and presentations, and staff as well. And we'll now move on to our Director Update so, Mr. Hart, please.

Mr. Hart: Great. If Peter will go ahead and get in there and bring up the slide. I also want to extend – I haven't talked to Betsy about this but for anybody that's new to the Planning Commission, Betsy, we really want to make sure that you have a full understanding of the Shoreline Master Program. Are we able to do one-on-ones, Betsy, with anybody on the Planning Commission so we can do a meeting with them just to answer any questions that they may have as this comes up?

Ms. Stevenson: Yes, I'm happy to do that.

Mr. Hart: Okay. So. And then the other thing I would put out is that we're coming up – we have a draft Skagit County Public Participation Plan for this. So the idea is that you send us or ideas that you have, maybe we can incorporate some of those ideas into that early on so that we are consistent as we go forward in terms of reaching out. So the question that was just – that we just

heard is a really good one. And also the role of the Planning Commission to encourage others to participate. Those are all really good strategies and can be effectively used. So we should probably say that we encourage those kinds of things going forward. So thank you for bringing those up.

Okay, Planning Commission Key Updates. Obviously 2021 and 2020 have been very tough years because of COVID. Looks like COVID is going to continue. We're not changing. We were briefed yesterday so we're not going to be changing any of these processes before July for sure. As we're looking into our crystal balls as a county, we're in this for another six or seven months at least. So I think that is within the timeframe of both the Shoreline Master Program and then we have another big one, another update, which is Ag Tourism. And that effort will be going simultaneously to this effort but also longer. Well, perhaps longer; we'll see. But through 2021. There we're not constrained by the Department of Ecology. What we want to do there has been put off for years and years and the agricultural community, the business community, we're in talks with both and they would like us to resolve some issues that are out there for young farmers that want to invest or farmers that bring different ideas or entrepreneurs that are dealing with wines and other products that come out of Skagit County. So stay tuned. You'll be getting updates on that from Peter and our consultant on that as we move forward again.

In addition, the other challenge is to do all this and our annual docket process and capital facility planning for 2021. So it's going to be quite busy. We didn't talk about, but, Betsy, if you're still with us, you may want to talk about it at some point – and that's additional meetings. And it's difficult enough to meet like this, but to add more evenings – to invest more evenings upfront might pay handsomely in terms of getting the work done later on, I guess. So that would be something to think about as we look at the January, February, and March timeframe.

We also have our permit challenges in 2021. We know that this year, 2020, we saw fewer single-family residential developments going on. And that isn't the case everywhere else but it's the case here. It's hotly debated as to why we have fewer residential developments here. It may have something to do with the availability of water. It may have something to do with the number of rural subdivisions that are being constructed or developed right now. But whatever the case, we have fewer this year that we've had in the last two years. On the other hand, we have had almost the same number of commercial permits but much higher value commercial permits this year, and also more structures by far – commercial structures by far – than last year. So there are trends, and the importance of trends is simply that they tell us a little bit of where our Comprehensive Plan is working and where we could look at some changes or changes in regulation that implement the Comprehensive Plan. So we will be bringing you that information in the year ahead.

We have some other challenges in 2021. One of them you'll see in February probably. If you're anyone around the building code or development the code challenge for Washington State, which was put off, will be the energy code. It is going to change and it will make construction more expensive. It also makes our housing and buildings more efficient – more energy efficient – but it is more costly. So we think that we will have a – we may have a rush to the counter to beat that by January or February, so that is an issue that we're looking at.

Peter, can you change the slide please?

We have a feedback loop and I think I've been trying to mention that. That's the reporting and annual numbers and the permits and things like that. We hope to also show that geographically at some point this year. And I was just looking at the data that since we began our Shoreline Master Program we've added approximately 16,000 people to the county. So we're at 132,000 in

April of 2020 and by April of 2021 we'll see what that number is. But so we've added a lot of new folks. We always probably have been adding folks. But the area to the north and to the south are booming and they continue to boom. And it's really a strange period because housing in Snohomish County is just rocking and rolling. I was looking at a number of developments close to the Stillaguamish and they are really, really expanding. And it's not that far as the commute goes, but still a distance.

Anyway those are my comments. Peter has three comments to make here. Go ahead, Peter.

Mr. Gill: Sure. Thanks, Hal. I just wanted to make sure you all are getting my emails about kind of the follow up legislation – you know, after you all make your recommendation, then it goes to the Board. And I try to make sure you all are aware of when the Board is meeting on any of the legislative work that you do. So the 2019 docket, I don't know if you all had a chance but on the 24th of November – hopefully you got my email – they did meet and discuss the 2019 docket. They haven't made any final actions or decisions about that and I will let you all know when they meet again and when that gets scheduled.

The Capital Facilities Plan is scheduled to be heard on the 15th of December, so I will send an announcement out with that but you probably did get my email with the memo and the letter of transmittal for the Capital Facilities Plan. And then the flood code is also going out this year, but I don't have a date on that yet. But stay tuned. And I try not to overburden you with emails. I know how much work you guys already do to stay on top of things in front of you so I try to keep it to one or two. But I do want to send things when I think they're pertinent and they're part of our process. Hopefully you're getting those and not too annoyed with me.

Second thing I wanted to mention is website update. I'm really excited. With Brittney's help and Brian Young, who's running your TV station right now, we're making some serious strides in cleaning the dust off the website. We're trying to clean up broken links, remove old material, make it more public-facing and public-friendly. And that's kind of a big push for me, to make sure we're getting rid of jargon; it's a lot easier to find documents; and what the Planning Commission is currently working on. One of the things that I also want to integrate in there is proposed work project schedule at least down the road three to six months so that you all know what's coming and can look at that as well.

The last thing that we wanted to ask or talk about was doing a little bio on each of the Planning Commissioners, so just a few sentences about background and maybe a headshot so people know who you are. It's a nice personal touch that some agencies do and I think it would be a nice addition to your website and much more public-friendly, I think. So myself or Brittney will send out some requests here in the next week or two and hopefully we can get people up there on the website once we have a draft.

And then finally we did – Kim Adams did send out the calendar for 2021. And we haven't got that posted online yet but I just wanted to call your attention to that calendar so you can get it at least partially in the books. You will notice that we do not have a break in August, as our bylaws require us to meet at least once a month. So we have adjusted that but obviously that's all up to you guys on your schedule and so we can talk about that moving forward.

So, Hal, that is all I have.

Mr. Hart: Thank you. Okay, good.

Chair Raschko: Are there comments or questions for staff tonight? Mr. Shea?

Commissioner Shea: Thank you. So with regards to the meeting timelines and just our general timeline for our Shoreline Master Program, if we are shooting for that time in June and that's the best solution as far as funding and making sure everything's done, I guess it would be advantageous to have additional meetings to make sure we *can* cover the subject material if that's the timeline we're going for. But I do also agree with the comment earlier that it is pretty accelerated. But if that is our timeline, I think it is important or a good idea to make sure we do have additional meetings to cover the subject matter. So just my comment. I kind of agree with Hal but also Amy, as well.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: Okay, well, thank you, Hal, and thank you, Peter, for your update. At this point we'll move to Planning Commissioner Comments and Announcements. I see that – I just got a text message from Kathy Mitchell. She dropped her connection, so I guess we'll say goodnight to her! Moving on, Ms. Candler?

Vice Chair Mitchell: I'm back now.

Chair Raschko: Commissioner Hughes?

(silence)

Chair Raschko: Nothing from Commissioner Hughes? Okay, Commissioner Lundsten?

Commissioner Lundsten: I have nothing. I did – I lost connection too. I'm on the phone right now. So thank you.

Chair Raschko: Okay. Commissioner Rose?

Commissioner Rose: I have nothing. Thank you.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: I'm good.

Chair Raschko: Commissioner Shea?

Commissioner Shea: Nothing to add.

Chair Raschko: And Commissioner Knutzen?

Commissioner Knutzen: No, I have nothing. Thank you.

Chair Raschko: Okay. Well, the only thing I'd say is I think we're going to have an onerous workload ahead of us in the first of the year, and I just hope that everybody will rise to the occasion and we can get things done that need to be done. I want to thank everybody who participated

tonight. Staff, the work you did. To Dan and to Betsy. And I wish everybody a very Merry Christmas and nice holidays. And with that, we'll consider the meeting adjourned. Thank you.