

**Skagit County Planning Commission
Update: Flood Damage Prevention Code
Work Session: Countywide Planning Policies
June 16, 2020**

Planning

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

Staff: **Hal Hart, Planning Director**
 Mike Cerbone, Assistant Planning Director
 Peter Gill, Long Range Planning Manager

Chair Tim Raschko: Okay, we'll call to order the special meeting of the – for June 16th, 2020, of the Skagit County Planning Commission. Before we begin, staff will give us a few little advisories.

Peter Gill: Thank you, Chairman Raschko. My first – first I have a couple of housekeeping issues since this is our first virtual meeting. We're going to have to work out some kinks, understandably. The first one I just wanted to ask folks to go ahead and mute their phones. I can mute everybody but I can't mute an individual that is talking, so if you wouldn't mind muting yourself and then unmuting yourselves when you're ready to talk, that would be very helpful and will cut down on a lot of the background noises that are just part of the process.

The Chair, as you know, still runs the meeting so, Commissioner Raschko, you will still have the floor and we will still have to go through you for discussion. Robert's Rules of Order still apply. As Commissioner Raschko mentioned, try to only use the Chat if you need to be recognized during the slides or during the discussion and you have a question or a comment. We will do our best to monitor that Chat Box. If you forgot where the Chat Box is, it's in the upper right-hand corner of most of your screens, at least if you're using a PC. If you're using an Apple it might be a little bit different. And please say your name when you're speaking for the people that call in, for the public that calls in on their phone. If they aren't watching the TV on Skagit 21 where this is being broadcast, they won't be able to tell who's talking. So if you can say your name when you're making comments that would be helpful, I think. And we will be recording this meeting so I am starting the recording right now. And hopefully you've heard that, and it's also being broadcast and recorded on Skagit 21. So this is really just a backup for that.

I will share my screen as we get going here down the agenda so that you can see my slides. And I just wanted to mention that the next planned Planning Commission meeting is 6-23, so June 23rd. That is less than – well, that is a week from tonight. So I'll be sending out an agenda tomorrow morning for that meeting as well. We had a few months off – I guess you could say "off" – and so we're trying to make sure we get as many meetings as we can in June so we can make up some

time. But I'm happy that we *are* back on track and we *are* able to have these meetings. And we have another – not surprise – but we have another Planning Commissioner with us as well. And I will wait on that. But the staff, we should probably go around and do quick introductions. My name is Peter Gill. I am an employee. I'm the long-range planner of Skagit Planning and Development Services.

Hal Hart: I'm Hal Hart. I'm the planning director for Skagit Planning and Development.

Mike Cerbone: Mike Cerbone, the assistant director for Planning and Development Services.

Mr. Gill: Okay, and I think that is it. I will turn the meeting back over to you, Commissioner Raschko.

Chair Raschko: Okay. I assume everybody has reviewed the agenda. Are there any additions or changes anyone wishes to propose? Everybody's shaking their heads. Okay. We'll move to Public Remarks. Mr. Gill, would you kindly read the submitted remarks from people in the public?

Mr. Gill: I certainly will, and I would ask Mike, if you won't mind timing me. If I go past my three minutes, please let me know. Before I do, I did not give our new commissioner a chance to introduce himself so if I could step back just a moment and ask Mr. – Commissioner Shea to just introduce himself and say a couple of words about who he is.

Commissioner Joseph Shea: Hi. Yes, I'm Joseph Shea, so the new commissioner. So I've been a resident here in Skagit County since, I guess, 1995 when my family moved over here from Prosser. We started up our beef farm here and it kind of took off. ____ farm but I didn't think too much of it growing up, but now as I'm older and trying to figure out what I want to do in the county as far as my livelihood and my living situation, these __ topics seem to come up a lot more. But, you know, I went through the Sedro-Woolley and Burlington School Districts here. I graduated a bachelor's program in environmental conservation from Skagit Valley College. And through that time at Skagit Valley College especially I kind of really started leaning towards public committees and groups. I helped out with the diversity committee, traffic and safety committee, worked with the ten-year review committee, as well as the student services fees committee as well. So it kind of opened me up to, I guess, public service in a way, and then I got my job here at Skagit County as a noxious weed coordinator and the last couple years I haven't been necessarily volunteering as much as I kind of wish I did, but, you know, with work and then learning a new job it kind of took up most of my time. And so now I saw this opening on the Planning Commission. I thought it was a good challenge and a good way to devote more time back to the county, you know, in the manner of not being paid. And so, yeah, I figured I might be end up bringing a valuable perspective, especially as a local farmer in the area as well as a local student from our college here in the county, and, you know, I just want to try to participate and give any valuable input that I can.

Mr. Gill: Great. Thank you. Thank you very much. I appreciate it.

So getting into the Public Remarks agenda item, we asked the public if they wanted to make remarks to go ahead and send written remarks to pdscomments.co.skagit.wa.us at least 12 hours in advance of this meeting, so that would have been earlier this morning. And we did get three comments back. The first one is from Ellen Bynum. The subject is Comments Regarding Language Changes Proposed for County Planning Policies. The date's June 15th, 2020. It says:

Dear Planning Commissioners, PDS Staff, Board of County Commissioners, & SCOG/GMASC staff:

Friends of Skagit County has reviewed the proposed changes created by the GMA Technical Advisory Committee to the County Planning Policies and disagrees that all of the proposed changes are needed to clarify the policies and/or make the proposed comply with the GMA, Skagit County Comp(rehensive) Plan and codes. In particular the original language of the Countywide Planning Policies did so in order to ensure compliance with the GMA and the original Skagit County Comprehensive Plan, policies and codes.

We are concerned that the proposed language changes, changes the intent, meaning, historical construction and strength of the County Planning Policies.

There is no reference to legal decisions, new legislation, case precedent or technical reasons that support these proposed changes. We did not see a copy of any legal review that was done for the proposed changes in the documents posted on the SCOG/GMASC website.

The proposed language changes remove some instances of the use of “shall,” but not others. Nor is it clear from each of the changes how the mandatory nature of “shall” will be possible in instances where the changing of the word changes the intent and language of the policy as it is applied in law.

The fact that the GMATAC (Technical Advisory Committee) is not open to the public for comments is a public participation issue that is of concern. The CPPs (Countywide Planning Policies) as part of the Skagit Comprehensive Plan enjoy the same opportunities for public comments and public participation in the creation of and update of these policies.

We question how the GMATAC has the authority to oversight whether the CPP1 was revised by the BOCC in 2016 but never integrated into the existing CPPs. In the past when changes were made to Countywide Planning Policy 1 (CCP1) to update population figures, the change was added to the annual update process, reviewed that process by the department, the planning commissioners and then the BOCC either as part of the GMASC or in their own authority. We fail to understand why an update not reviewed in a timely manner cannot be resubmitted and approved at any subsequent annual update process. As we understand it, technically, the County would continue to use the population projections from the prior update until the amendment is made.

Mr. Cerbone: Peter, that’s a green minute.

Mr. Gill: I missed the last paragraph. That is signed Ellen. “Thank you (Thanks) for your time and public service, signed Ellen.”

Second comment comes from Brian Lipscomb and his subject is “Public Remarks for June 16 Meeting.” He has attached a letter:

Brian Lipscomb, 27765 West Gilligan Creek, Sedro-Woolley, WA.

Skagit County Commissioners, Skagit County Planning Commissioners

The subject: Proposed Amendments to SCC (Skagit County Code) 14.04 a& 14.34.

Dear Commissioners,

Soon the Planning Commission will examine proposed code amendments to Skagit County Code Chapters 14.04 – Definitions, and 14.34 Flood Damage Prevention. To aid in the decision making there are some lesser known and rarely discussed details regarding the FEMA Flood Insurance Study (FIS) utilized by the Planning Development staff that the Commissioners should be aware of.

- Bullet one. FEMA's 44 CFR 59.1, RCW 90.58.030, WAC 173-158-030, & SCC (Skagit County Code) all define a floodway differently. Generally it is the area to be kept free from encroachments to allow the conveyance of waters that have dangerous depth and velocities.
- Bullet 2. Skagit River floodways do not exist in Districts 1 or 2, they only exist (sic) in District 3, and only upstream (east) of Highway 9.
- Twenty two floodway designations lack a scientific determination and amount to just drawing some lines on a map (page 31, 1985 Flood Insurance Study).
- Fourth bullet. The quality and freshness of the cross sectional data utilized in determining the Flood Insurance Study is inaccurate, stale, and problematic. Although widely heralded as Best Available Science, the cross sectional measurements were originally create d by the USGS in 1963 and supplemented with ten cross sections added in 1977 (and he references a 1985 Flood Insurance Study). This stale data was used in the 1985 Flood Insurance Study. It was then rebranded and used for the new study data in the 2010 Flood Insurance Study.
- Fifth bullet. The currently used maps fail to acknowledge over 50 miles of existing levees and shoreline armoring in the County.
- Sixth bullet. Skagit County expended over 380,000 in 2011 appealing the 2010 Flood Insurance Study maps, to date there has been no resolution for the errors on the maps.

Mr. Cerbone: That's three minutes, Peter.

Mr. Gill:

Respectfully, Brian Lipscomb

And the last we have (for a) Public Remark is from Chris Barker. The subject is "Skagit County Planning Commission Public Comment June 16th". He addresses it to the County Commissioners, the Planning Commission, and PDS staff.

Skagit County Planning Commission, et al,

March 15th of this year Terramar Brewstillery was shut down by Governor Inslee's mandate to control the Covid-19 outbreak. Since then we have been operating as

an essential business providing food and beverage takeout and delivery service(s) to the local community. While we are thankful to be able to operate with a limited staff in this capacity, doing so comes at a financial loss. Unless we can operate at 80% capacity or above, we are not financially sustainable.

Now that we have shifted to Phase 2 of the governors "Safe Start Plan" we have been able to reopen the indoor tasting room at 50% capacity. While this helps with sales volumes the extra staffing that is required to manage the required health and safety protocols has nullified that benefit.

As we look to the future we most certainly live in a different social context for gathering places such as breweries and restaurants. We and many other establishments do not have the interior space to create the volume of sales required and simultaneously maintain social distancing. Many Washington municipalities and cities have allowed outdoor seating to make up the loss of indoor seating and help those businesses survive.

Fortunately, here at Terramar we reside on a property with approximately 5 acres and has the potential to include a portion of it for seating. If currently placed conditions were lifted and outdoor spaces were made available, Terramar would be able to provide a safe community gathering place while also maintaining the volume of business required for financial stability.

We know there will be a short fall in the Skagit budget due to Covid-19 related restrictions. If you give business the tools to survive this pandemic, the county in turn would benefit from the addition (sic) tax revenue. We ask that Skagit County planning be flexible enough to allow Terramar and other business to open available exterior areas for seating and help us survive during these difficult times.

Sincerely, Chris Barker, Proprietor, Engineer, Brewer, and Distiller, Terramar Brewing and Distilling, 5712 Gilkey Avenue, Edison, WA.

And that is all three of the Public Remarks that we received.

Chair Raschko: Well, thank you. We also thank those three individuals for their thoughtful comments.

So we will at this point turn to the next agenda item, which is a workshop on proposed code amendments to Skagit County Code chapters 14.04, Definitions, and 14.34, Flood Damage Prevention. Mr. Gill?

Mr. Gill: Thank you. I will now share my slides with you.

Chair Raschko: Pardon me just a moment, but do you want to go through it and then have questions and comments, or is it better for people to type into the Chat Box when they have a question as you proceed?

Mr. Gill: I am open to however you'd like to do it. I can try and monitor the Chat Box, but that may be difficult. I can certainly go through it when I'm done as well. You could also give me a sign if someone does have a comment. That would be all right as well. How would you prefer?

Chair Raschko: I'll watch the Chat Box so you can do your thing.

Mr. Gill: Okay. Terrific.

Chair Raschko: All right. Thank you.

Mr. Gill: And you can see my slide enough?

(silence)

Mr. Gill: Yes. Good. Okay, so we are here to talk about the Flood Damage Prevention code amendments. You should see a Skagit County emblem with some LIDAR image of the Sauk River in the background. Is that what everyone is seeing? Anyone?

Commissioner Annie Lohman: That's what I'm seeing.

Mr. Gill: Thank you.

Commissioner Lohman: That's Annie.

Mr. Gill: Hi, Annie. So this is changes to chapter 14.04, which is the Definitions, and chapter 14.34. This work session was originally planned for our March meeting but that one was cancelled due to the Covid-19 crisis. So this report, if you want to follow along with the staff report, I resent this on Friday and so you should have this in your email. It's also posted on the website for the public out there.

Okay. So I think most of you understand the extent of the floodplain here in Skagit County, but I just thought putting this graphic up would help illustrate the severity of the issue. Everything in yellow is the 100-year floodplain. It's also known as the "1% flood" because a 100-year flood is a flood event that has a 1 in 100 chance, or a 1% probability, of being equaled or exceeded in any given year. Also shown on this map is the floodway, which is the area that is in that dark hash mark. You can kind of see it below Sedro-Woolley and it continues up or upriver east on the map. And what you don't see here because it didn't fit was the old eastern side of the county from Concrete up to Marblemount, which also has significant floodplain and floodway, and you aren't seeing the coastal flood areas that are obviously over along the islands and on the Puget coast.

So just a little background. The stated purpose of the Flood Damage Prevention code is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas. And this is in Skagit County Code 14.34. So why are we bringing these today? The Department of Ecology required these updates back in 2013. The changes proposed by Ecology were a follow-up to a community assistance visit that the Department of Ecology conducted with Skagit County in order to assess the County's compliance with floodplain management and the criteria within the National Flood Insurance Program. This National Flood Insurance Program is administered by FEMA, as you probably are familiar. In order to participate in the National Flood Insurance Program, communities are required to be fully compliant with the program's minimum standards for floodplain management. And the community assistance visits are used by FEMA to monitor that compliance. The Department of Ecology does conduct those for FEMA and they're typically done every five years. And so this 2013 recommended changes are certainly past that five-year window. Ecology has listed seven amendments and those you can find on Attachment B of the staff report. I believe it's page 28 of

the staff report. If you want to look at the Ecology specified language, you're welcome to. I'm not going to talk about that too much in the presentation, but it is there for you if you want to look.

This ensures – you know, these changes will ensure compliance with the National Flood Insurance Program. Beyond the Department of Ecology changes, our Department has added an additional amendment. This is to the shoreline A zone – *Coastal A* zone, what it's called. This additional change requires any buildings to account for a wave action. And this is already done through the International Building Codes, and so we are already requiring it but it's not in the Flood Damage Prevention code and so it often gets missed, and so once the permit comes in they have to do a redesign because they're out of compliance with the International Building Code. By adding it into this code, that will help make sure that people see that they do have to build to that standard when they're preparing their plans. So I'll talk a little bit about that further down the road here.

Just quickly, the process. And most of you know what this is. So we are now introducing this at the Planning Commission. After an introduction and this work session we will do a SEPA review and a notice to the Department of Commerce. We're required to do a 60-day notice to the Department of Commerce. And we will also do a public notification of the SEPA determination as well as a public hearing that will follow. After the public hearing and we get some comments and feedback from the public, there'll be deliberations at the Planning Commission and the final recommendation will go to the Board of County Commissioners.

So a little bit on the amendments. The Definitions chapter, there's two changes there. The Department proposes adding a definition for Substantial Damage, and amending the definition of Start of Construction. And the amendment to the Start of Construction was revised so that interior *and* exterior actions initiate the start of substantial improvements. And what this all gets to – substantial damage and substantial improvements gets to the amount, or when an actual structure that's within a floodway but hasn't been built to – floodway *or* floodplain, and hasn't been built to the current standards, when they would have to retrofit. And that's typically when 50% of the market value is part of the improvements to the home.

So getting to 14.34, Variances and Appeals, FEMA only allows variances upon a determination that failure to grant the variance would result in exceptional hardship. And so this has been added to the Variance section of 14.34. It says the Department proposed the amendment only be issued when it is determined that failure to grant the variance would result in exceptional hardship to the applicant and that the variance is the minimum necessary to afford relief. And so "exceptional hardship" is described as a situation that is exceptional, unusual, and specific to the property involved but not the personal circumstances of the applicant. Any hardship is to be weighed against the community safety as well. So an example is if someone was looking for a variance to the elevation requirement due to a ramp access cost. If the handicap ramp costs too much that would not be a variance that could be granted because it's not specific to the property involved. It's more to personal circumstances.

So that is in addition to the variance's criteria. There's also changes to standards for development activities in floodways. The Department proposes an addition to subsection (2)(c) that defines a farmhouse as being an Agricultural-NRL zone. So right now it loosely defines farmhouse being in agricultural areas. The proposed amendment is to a farmhouse would be within an Ag-NRL zone. So that is the change there.

And a new subsection (5) states that water wells are not to be installed in the floodway. And this is also a health and human safety issue – pollution – groundwater pollution concern there, and I

believe the Department of Health already has a prohibition on any new wells in the floodway. So that is making that consistent with our code.

And then Appendix A is construction specifications for critter pads. That's what that section is. That section is construction specifications for a critter pad, which is a livestock flood sanctuary area. Critter pads are currently exempt from permit. This change would require a permit but it would not exclude them from being built.

The last one I want to talk about is the standards for construction in coastal high hazard areas. This proposed change provides consistency with the International Residential Code. The coastal high hazard area building standards currently apply to just the V-zone. This change adds the coastal A-zone to those standards that are listed in 14.34.210. So this change would provide some clarity to the public by making the flood code consistent with the building code, and not necessarily change the current expectations for building.

So our next steps: After tonight's work session, we can continue the work session if we still have unsolved – or we still have more questions. We then will need to do a public hearing and then deliberation. And I did have – this is from the original presentation so I apologize because it is not mid-March. It is now mid-June. But I did want to highlight the fact that so our flood code is here and we are hoping to get it done in four meetings, five meetings. So that is still the hope, but where our timeline is obviously shifted.

So I am willing to take any questions or comments.

Chair Raschko: Are there any questions or comments from the commission?

Commissioner Lohman: I have one or a couple, actually.

Chair Raschko: Identify yourself, please.

Commissioner Lohman: Sorry. This is Annie.

Chair Raschko: Hi, Annie. Go ahead.

Commissioner Lohman: Annie Lohman. Starting on page 4 of 29, where you're talking about the substantial improvement and you have the first alteration for any wall, ceiling, floor. That language could be construed that somebody pulled up their carpet or replaced their carpet with vinyl or plank or did some what I would argue are relatively benign interior design-type alterations. But the way that it's worded here, you're calling it the first alteration to any wall. So if I – I'm concerned about that. If I do some alterations to my porch that are more or less trim, is that going to get roped into this? So where does it begin and where does it stop on what's considered?

Mr. Gill: Yes, so, Chair, if I may? It perhaps could be clarified any internal improvement that needs a permit. Would that help?

Chair Raschko: Would that help, Annie?

Commissioner Lohman: Well, I'm not sure because I think it gets to the point where every single thing needs permission to do when we don't really intend that to be. I think we need to think about how to write this. And I don't have the magic bullet, but when you're talking about the first alteration to any wall, ceiling, floor, it's just a blank check, and I think we need to put a little bit more sidebars

on it so that you're not roping – or not tripping people up in being out of compliance when that's not really – they're not really out of compliance.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: So it's very – I think it's very clear. It says "or other structural part of a building," so the term "other structural part" to me clarifies where the line is drawn. That's typical in a lot of building codes to clarify by using reference to structural improvements. So I don't see a problem with it.

Chair Raschko: If I could jump in, I read it differently. I think "structural part" of the building is defining where it's happening. I can hang a picture on a supporting wall and that's a structural part of the building, but hanging that picture does not have any structural connotations to it. So, you know, I think it might be better to say "substantial structural improvements."

Commissioner Rose: Okay.

Chair Raschko: I would define the type of improvement.

Commissioner Rose: I mean, hanging a picture on the wall is not an alteration. It says "needs the first alteration of any wall, ceiling, floor, or other structural part of the building." Anyway, I –

Commissioner Joseph Shea: This is Joseph Shea. I have a comment. I agree with that that mentioned that substantial improvement _____ into the walls, ceiling, floor. I also agree that yeah, that could _____ to imply to someone changing a sheet of drywall being something that they would have to get some sort of permit for. I like the idea of a "substantial structural improvement." That kind of, I feel like, clarifies it a little better.

Chair Raschko: Any other comments? Uh-oh, my battery's dying. I've got to go plug in.

Commissioner Rose: I have another comment and question, but should I wait 'til Tim gets back?

Chair Raschko: Go ahead.

Commissioner Rose: This is Martha Rose again. I had a question when – I don't remember where it was but it was talking about the height that the structural beams of the house had to be lifted off the ground, and it was one foot in the floodplain. I wish I had made note of the location. But that seemed like not very – oh, here it is. It's page 21 of 29 and it's about the middle of the page under number 1, and it's A, and it says "The bottom of the lowest horizontal structural member of the lowest floor is elevated one foot or more above the base flood level." And every other instance of construction in a flood zone that I've learned of, that was three feet. And so I'm wondering why it's so nominal when in other areas – I can't tell you what my reference point is. I've been involved with the building industry on the national level so it could have been another state. I know in New Orleans it's at least three or four feet. But I thought even here it was supposed to be three feet. So I'd just like some comment about that.

Mr. Gill: Sure. This is Peter. Chair, if I may, this is only for the coastal high hazard areas, and so I am not sure that this – well, I guess what I'm saying is this wouldn't be for inland river type of flooding. This is for just the coastal flooding. And so perhaps there's a difference between what's required on these coastal zones and what's required for inland type floods. When we do get into

some of these more technical or in depth questions, we do have our building official, and he's not available tonight but I certainly could ask him to participate next week if we think it's necessary.

Commissioner Rose: Well, if anybody – okay, go ahead.

Commissioner Lohman: Mister Chair? This is Annie.

Chair Raschko: Okay. Can we hold on? Annie?

Commissioner Lohman: Yeah. How do you want us to sign in? On Chat?

Chair Raschko: On Chat, yes.

Commissioner Lohman: Okay.

Chair Raschko: So go ahead, Mr. Cerbone, and we'll have Annie.

Mr. Cerbone: Thank you, Chair. Mike Cerbone. So the minimum requirement from FEMA is that things need to be elevated one foot above base flood elevation. Some jurisdictions – I've experienced that as well, Commissioner Rose – decide to require that to be two feet, and then sometimes three feet above base flood elevation. You can always be more stringent than the state or federal standard; we just can't be *less* restrictive. And so I did a quick word search while you were asking that question and it's pretty consistent throughout the code that it is one foot elevated above base flood elevation. We can definitely also ask Jack when he is back from vacation. Jack Moore, our building official and floodplain manager.

Chair Raschko: Thank you. Okay, Annie?

Commissioner Lohman: so that new paragraph – all of the blue? I think it would be better if it came after that very first paragraph that starts out "Coastal high hazard areas," because you're already using B zone and referring to it but you haven't told us what it is yet. So when – I think just for clarity if you have that new language come second?

Mr. Gill: Sure. That's an easy change.

Commissioner Lohman: And when you're talking about the applicable building code, you're talking – then it will make sense because you refer to it throughout.

Mr. Gill: Sure. Okay. Good. Thank you.

Chair Raschko: Any more comments or questions?

Commissioner Lohman: I have one. This is Annie again.

Chair Raschko: Sure. Go ahead.

Commissioner Lohman: On the farmhouse reference on page 19, you're talking about repairs to a farmhouse, and then it's limited to only in the agricultural lands. What happens with a farmhouse – I'm looking at your map that you showed at the very beginning and there's an awful lot of impact areas in Rural Reserve where there is ongoing agriculture. It might not be zoned Ag, and arguably there are farmhouses. So what happens there? Because at the beginning of the code it says

there's a prohibition on if something gets damaged *except* for farmhouses on ag of long term significance. I'm wondering how that plays out for somebody.

Mr. Gill: You know, that is a good question. I think the way it is described here it would still apply in only the Ag-NRL zone because agricultural lands of long-term commercial significance, per our Comprehensive Plan, is the Ag-NRL. And so really this just kind of clarifies that this is applying within the ag natural resource lands instead of just describing it as a farm site. But I can also get back to you after talking with our building official to see if that is truly how it's actually currently administered or not.

Chair Raschko: Anything else, Annie?

Commissioner Lohman: Not at this time.

Chair Raschko: Okay. Thank you. Commissioner Rose, did you have another question?

Commissioner Rose: I did, on page 13 of 29 under the discussion about recreational vehicles which is item number 7. I was rereading it and I – I mean, it just seems like it's not very clear in this regard. The first statement is "Recreational vehicles shall not be used as permanent dwelling units," and then under B it says when it's in the special flood hazard area the vehicle shall be onsite fewer than 180 days or before licensed and ready for highway. So basically it looks like it's saying you can either have it there for 180 days or make sure that it's highway-ready, or it can be on its wheels or jacking system and only be connected with these quick disconnects to utilities. But that kind of sounds like it's giving permission to be used as a dwelling unit on the site. And I guess the reason why I'm bringing it up is because of all of the intended campsites along the river that have turned into permanent dwelling unit sites. And does this really address that? That was my understanding that there was a desire – I think it was through a conversation with somebody at some point, but it's been a long time. So at any rate, I'm just – when I was reading that section, I found it sort of give – it says one thing but then it sort of gives you permission to do the thing that says they don't want you to do. So I think it just needs some clarity.

Mr. Gill: Okay. I can also talk to Jack about this as well.

Chair Raschko: Any more comments or questions?

(silence)

Chair Raschko: I take it there is not. Have you got anything else, Mr. Gill, on the subject?

Mr. Gill: Not on this one. Thank you.

Chair Raschko: Okay, so we'll conclude our review of the flood damage prevention code and move on to Countywide (sic) Planning Policies. Mr. Gill again.

Mr. Gill: Excellent. Okay, this one is going to be a review for you all because I sent out a very exciting video weeks ago on this! And it has not changed significantly. Let me know when you can see Skagit County – an aerial photo of it. So this one was also distributed on Friday – or redistributed last Friday. Originally it was scheduled for March 17th and we have rescheduled it. You will have the staff report for that. And I just want to, before I get going – these Countywide Planning Policies are a big picture document and I just want to make it clear that these policies not only apply to Skagit County unincorporated but they also apply to all the Cities and Towns

that are also part of this as well, so Mount Vernon and Sedro-Woolley and, you know, Conway. They also have to play by these Countywide Planning Policies. I don't think I made that clear enough in the staff report. And just to be clear, these provide a basis for all of those jurisdictions' comprehensive plans, not just Skagit County.

So, again, a little background. The RCW states that a Countywide Planning Policy is a written policy statement or statements used solely for establishing countywide framework from which the County and City comprehensive plans are developed and adopted. The WAC says that the primary purpose of Countywide Planning Policies is to ensure consistency between the comprehensive plans of counties and cities that share common borders or related regional issues.

Now the purpose of the Countywide Planning Policies is to facilitate the transformation of local governments and urban areas. And so you'll see as part of these Countywide Planning Policies they have the agreed upon growth allocations for all of the jurisdictions, as well as the County. So it is important because it also goes towards shaping the size of the UGA and the policies in the County and those Cities that are planning as part of it.

Still a little bit more on the background. So the jurisdictions that plan under the Countywide Planning Policies are part of the 2002 Framework Agreement. Since 1992, which was the original adoption of the Countywide Planning Policies, they've been modified only four times. And most recently they were updated in 2016 to allocate the growth among the UGAs and the population estimates. The 2007 version is the last full version of the Countywide Planning Policies and the 2016 update was left as a standalone document – not incorporated into that 2007 document, but it was fully adopted through the process.

The access to the Countywide Planning Policies is on our Comprehensive Plan page, which is listed there at the bottom of the screen.

This is also a little bit of background. SCOG, which is Skagit Council of Governments, their job – one of their jobs, at least under the Growth Management Act tasks, is to help coordinate the Cities and Towns. There are eight jurisdictions that are part of these Countywide Planning Policies. So most of SCOG's work is around transportation planning, but they also help coordinate the Countywide Planning Policies. So they coordinate the GMA Steering Committee, which I'll get to in a minute, as well as the TAC, which is the Technical Advisory Committee. They have a lot of good information on their website at scog.net. I just thought I'd throw that up there.

So SCOG helps Skagit County by providing the staff for the Growth Management Act Steering Committee and the GMA Technical Advisory Committee. The Steering Committee is made up of elected officials including our three commissioners, as well as mayors from Anacortes, Mount Vernon, Burlington, Sedro-Woolley, Concrete, Hamilton, and La Conner. So everybody listed there. And the Steering Committee actually directs the work of the Technical Advisory Committee. And the TAC is made up of planning directors and staff from those jurisdictions that are shown on the left part of the slide. The GMA Steering Committee is the recommending authority to our Board of County Commissioners for the Countywide Planning Policies, the urban growth boundaries, and the residential, commercial, and industrial growth allocations.

So SCOG was specifically directed by the Steering Committee to clean up the Countywide Planning Policies in 2019. This was part of their work plan. It was actually Task 3. So they were to clean up references; compare the data in the Countywide Planning Policies with the current Growth Management Act; check the current Countywide Planning Policies for relevance to all the comprehensive plans. No new policy direction or substantial changes to the CPP – the

Countywide Planning Policy – is to be considered. And they were to work with the GMA Technical Advisory Committee and the GMA Steering Committee on those proposed changes. They did not review the Growth Management Hearing Board decisions and they were not to proceed in new policy directions. So that was what they were working with – SCOG – when they did this.

So the current draft that you have in front of you that's part of the staff report was adopted by the Steering Committee unanimously on December of 2019, December 18th, 2019. The meetings were held in Burlington Council Chambers on October 16th and then on December 18th. Last year it was reviewed by the Technical Advisory Committee four times.

So the adoption process is similar, so I'm not going to spend a lot of time, but there is an important difference in this adoption process from any of the other stuff that – any of the other legislation that the Planning Commission looks at. So the beginning was the same: Planning Commission introduction. We do a work session like this. We do our SEPA review and Commerce notice. We notice the public. We have a public hearing, we deliberate, and then you make a recommendation. Your recommendation, if it changes this draft at all it goes back to the Skagit Council of Governments GMA Steering Committee. And so that Steering Committee then will consider those changes, they will run it through *their* jurisdictions' boards as well, and then bring it back to the Steering Committee with a yes/no vote, and then the Board of County Commissioners will take action on that. They may do another public hearing. They may see that it is not substantial enough to do a public hearing. But so I just wanted to bring that difference out.

Now I'm not going to try and go through all the different changes. You have that in front of you and I did describe a number of them in the staff report. But I wanted to highlight some of them in the types of changes that you'll see as you go through this document. So the amendments, many of the changes remove the reference to Skagit County in order to clarify that these policies apply to all the jurisdictions, not only unincorporated Skagit County. All the jurisdictions that are part of that Framework Agreement and that list of jurisdictions that I discussed that are part of the Steering Committee, they all are part of that Framework Agreement.

And so an example where they took out "Skagit County" in order to try to clarify, that is on page 1 of the Countywide Planning Policy, which is Appendix A to the staff report. It – under number 9, it crossed out "Skagit County" and it says "Local governments shall pursue methods of collecting and displaying statistics, maps, and other information necessary for government." Instead of saying "Skagit County shall pursue methods of collecting and displaying statistics" et cetera, it clarifies that *all* the local governments are responsible for doing that, not just Skagit County.

They also looked at any changes that happened to the Growth Management Act at a state level and whether our local Countywide Planning Policies would need to be changed in order to match the current GMA. So there are two changes that are like that. Policy number 9 is Open Space Recreation. Instead of *encouraging* the retention of open space it just says "retain open space and enhance recreational activities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities." So that – those changes are directly related to what's in the state Growth Management Act now.

The other change that is along these lines was part of the economic development policy. That's Policy 5 in our Countywide Planning Policies. Some minor changes to that to make it consistent with the Growth Management Act.

A change that I wanted to highlight is a change to Policy 7.3. _____. The way it was written it made it sound like, you know, if there was a variance in Skagit County it has to be consistent with

the comp plan of Sedro-Woolley and vice-versa, and so that was clarified. The new language says “Variances that wouldn’t create a policy violation of other jurisdictions’ comprehensive plan shall not be permitted.” That’s the proposed language.

And so there are changes that I would appreciate your feedback on in here. I’m not – like I said before, I haven’t gone through it word by word and tried to identify each of those changes. But that is the highlight of those changes.

Just before I wrap up this one, I just wanted to reiterate the yes/no vote that is in front of the Board of County Commissioners on these policies. So pursuant to the 2002 Framework Agreement, the Board of County Commissioners can only take two actions on any Countywide Planning Policy recommendation that came through the Steering Committee, as this one did. One, they can adopt any amendments proposed by the Steering Committee but not change the amendments in any manner whatsoever; or, two, they can decline to adopt any amendments proposed by the Steering Committee. So that is what’s in front of them on this one.

And so that wraps up my presentation on the Countywide Planning Policies and I’d be happy to take any questions that anyone has.

Chair Raschko: Are there questions or comments?

(silence)

Chair Raschko: I have one in reference to what you were just explaining about it being a yes or no proposition for the Commissioners. Is that yes or no on the entire package or going through it?

Mr. Gill: It is yes or no on the entire package that was approved by the Growth Management Steering Committee.

Chair Raschko: Okay. No piecemeal?

Mr. Gill: No. Now that’s not to say that they can’t make changes. So you can recommend changes to the Board of County Commissioners and they can take it from there. They can either decide that they want to work on those changes and therefore send it back to the Steering Committee and the Cities, or they can take action on it on their own. It’s up to them.

Chair Raschko: Any other questions?

(silence)

Chair Raschko: Okay, hearing none, I guess that includes the – oh, I’m sorry.

Mr. Gill: It looks like Commissioner Mitchell and Mr. Cerbone have a couple of questions.

Chair Raschko: Mr. Cerbone is saying no, but Commissioner Mitchell, go ahead, please.

Vice Chair Kathy Mitchell: Thank you. You can hear me okay?

Male Voice: Yes.

Vice Chair Mitchell: Thank you. I was uncomfortable with reading this through the way it was reading in places where it would say, like, “10.3.” They crossed out “The County shall reduce” and then just say “Reduce” so the sentence would read “Reduce loss of critical aquatic and terrestrial habitat” blah, blah, blah. And so I had asked our folks about, Does that change the meaning? And I guess there’s a little bit of a difference of opinion on how that reads. I personally would like to see it read instead, so it’s crystal clear, in each of these places rather than it starting off with an action word by saying something like “The local governments shall reduce” and those kinds of statements. There’s several places that’s done. I don’t know how that goes across with anybody else or not, but I think that makes it much more clear.

Mr. Gill: So, if I could, Chair? Just to clarify, you’re saying so where it says “The County,” replace that with “all jurisdictions”?

Vice Chair Mitchell: Or “The local governments” or, yes, “All jurisdictions” or “local governments.” Whatever makes that clear that it *is* everybody, and then it gives you who is doing the action and it’ll keep the “shall,” so it makes it clear. Because if you just say “Reduce the loss” of something or the other, it chops up the sentence for me. Does it make any difference to anybody else?

Chair Raschko: Any other comments regarding that?

(silence)

Chair Raschko: I will say that it does make sense to me. I agree with Commissioner Mitchell. Nobody else?

Mr. Cerbone: It looks like Commissioner Shea has a comment.

Chair Raschko: Go ahead, Commissioner Shea.

Commissioner Shea: Well, this is Joseph Shea. So I understand that, if I’m not mistaken, that you’re striking out the County, Cities, and Towns to – so that it’s not a specific Town or City or County – that it applies to everyone. One comment, I would say is when – I understand taking out the *County* part but then when you take out “shall” as part of the legal language, I know that was mentioned maybe in some of the public comment area but I don’t have surety that taking out “shall” in some of these line items here – would that change the, I guess, authority that they *shall* do it rather than, for instance, 10.12, “Enter into an interagency agreement,” instead of “Shall enter into an interagency agreement.” Because I don’t see any sort of binding language if you take that out.

Mr. Gill: Yeah. Mr. Chair, if I could, that has been brought up and it was brought up in front of the Technical Advisory Committee. It’s a good question. And I’m not sure that this answers it, but if you look at page 1 of the Skagit County Countywide Planning Policies, it’s kind of the broad statements, and one was added that I will just read that was an attempt to address that very issue. It’s numeral 2, and this is the page 10 of the PDF but it’s page 1 of the Countywide Planning Policies and it’s numeral number 2. It says “Except as otherwise provided by law, Skagit County, municipalities, and state agencies are subject to the Countywide Planning Policies. Skagit County Comprehensive Plan and the comprehensive plans of the Cities and Towns within Skagit County shall be consistent with these policies.” So a blanket statement was added in the *beginning* of the document that was intended to apply on to all of the policies that go afterwards.

So I’m not sure that addresses your issue but there was an attempt made at that.

Commissioner Shea: Yeah, that answers my question. Thank you.

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

Vice Chair Mitchell: Yes. I think because it's been raised three different ways at least between public comments and us here that it would be very helpful to state one more time very clearly why that covers that, why the "shalls" don't have to be in there because of the blanket statement. So, one more time general terms for (the) public, please.

Mr. Gill: Sure. So again I'm on the first page of the Countywide Planning Policies, which is the 10th page of the staff report, and I'm on numeral number 2. And I'm just going to read the second sentence, which is the one – the key here. So it's "The Skagit County Comprehensive Plan and the comprehensive plans of the Cities and Towns within Skagit County shall be consistent with these policies." So I'm not saying that's the solution; I'm just saying that was the attempt to reconcile the "shall" question.

Chair Raschko: Any more questions or comments?

(silence)

Chair Raschko: No? Oh, excuse me. Commissioner Lohman?

Commissioner Lohman: I'm _____. Okay, I'm kind of wondering if it's – we're used to having declaratives: shall, must, may, and "may" being kind of a waffley kind of. It is, Do you have to or not? And I think it could go either way, but coming out and just being declarative in how you wrote the sentence you said "reduce this" or "go after and do that" it almost is a directive as well. I don't like "shall" and "will" because there's the argument that goes back and forth of which is the one that says you must. So I think I would like to leave it the way that they rewrote it because maybe you could actually do it.

Chair Raschko: I apologize, Commissioner Lohman, but could you say your concluding sentence again? I wasn't able to hear it clearly.

Commissioner Lohman: I just kind of feel that the way that it's written now it takes away the question and the argument of whether you are going to go do it – do *it*, whatever *it* is. Because it *shall* – we get into the argument of "shall" and "will" on whether they are absolutes that you *have* to do it.

Chair Raschko: Thank you. Have we other comments or questions, or any comments on Commissioner Lohman's? Okay, Commissioner Rose?

Commissioner Rose: I agree with Annie – Commissioner Lohman. I agree with what her statement is. That's all I wanted to say.

Chair Raschko: Okay. Commissioner Candler? Nothing? I saw you wave. Commissioner Lundsten?

Commissioner Mark Lundsten: I agree with Annie too. When I read through this I thought it was a pretty clean attempt at coordinating all these. I thought it worked pretty well. So I share that view.

Chair Raschko: That was Mark that said that?

Commissioner Lundsten: Oh, I'm sorry I didn't identify – this is Mark Lundsten and I agree with Annie and with Martha.

Chair Raschko: All right.

Commissioner Lundsten: Thank you.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: Okay, if nothing else then –

Commissioner Lohman: I do have something.

Chair Raschko: Go ahead. Thank you.

Commissioner Lohman: I saw Mr. Cerbone waving his hand. Did I step on you? Okay. I did not understand that this Countywide Policy reached into the Cities' jurisdictions – Cities' and Towns' jurisdictions. I didn't read the beginning of the staff memo clearly enough. I think that I read it on the fly and a bit piecemeal because of how we've been ___ for meetings and continuity issues so I didn't quite understand it when I first read it and I was scratching my head on why we would strike "Skagit County" and why we would use "jurisdictions" in it and it was confusing for me. So I appreciate, Peter, your explanation. Even though you had it written there I didn't comprehend it the way it was written, even though now reading it a second time with you going over it it made more sense to me. Thank you.

Mr. Gill: Great. Thank you.

Chair Raschko: Okay, anybody else? Last chance.

(silence)

Chair Raschko: All right, that concludes the discussion of Countywide Planning Policies, and we move on to the Director Update. Would that be Mr. Hart?

Mr. Hart: Thank you. It's good to see everybody. A quick set of updates. Peter has some slides he can share.

There's a spelling error from ten o'clock last night so hopefully we can correct for that.

The basic thing is I wanted to update you on the County's Covid-19 response and what we're doing at Development Services. First thing, the offices closed in March. We transitioned our permit review completely towards our surfaces and our laptops and things like that. We wanted to keep the public safe as well as keeping our staff team safe, and that was a countywide effort but it did apply at Planning and Development Services. The governor's efforts also meant – put a stop to – obviously; we've talked about this – but it put a stop to our local planning commissions, ag boards, and other boards for meeting. We have legal interpretations as to that effect. So we have moved as – our number one goal right now is really moving the permits through the process. There's a

lot of pent up demand. And even though the governor opened up the process a few weeks ago to more and more building and construction projects, we are just now kind of seeing that valve open up and we've had record telephone – numbers of telephone conversations in the last week. So it's taken a while but it has really started to take off. And so I think that's important. So we've done some things that are good for the permit process overall. One is the digital submission. We've got a lot of folks saying they prefer digital submission. And so that's positive. We are also doing virtual inspections, and I talked to Jack this morning and asked Jack, our building official, How's that going? And he said for emergency repairs it's going really good. For building, buildings currently occupied. It keeps everybody safe in that kind of situation, but we're doing it for lots of finals as well. So that's something else to know. So that has cut down our time of review so it helps compress that time that we are hanging onto your permit as you come through.

Current planning reports that the predevelopment meetings are completely virtual each week. Instead of a lot of people stuck in a room all breathing everybody else's air for an hour, we're able to do that and cut down the number of total staff that are in that process. And so that saves time and, again, we've heard positive things from folks proposing new development in the county.

On permit reports, now available on the Web, we've continued to put some out. We will be putting more reports out. So you can now see the first quarter 2020 permit stats and what kind of happened when we looked back to previous years on the permits stats as well. So we're a little bit behind last year at this time, which was a little bit behind the year before on that, but where we were ahead in that first quarter and since the first quarter has been on the commercial permits and the commercial investment in the county. So I think that's really important. We just came out with the – the Ag Board met last week and we came out with some agricultural updates, and I'm asking that those be available as well. And that is not just the first quarter but that's year-to-date. So the Ag Board wanted to know: What's the level of investment going on in the county year-to-date, and is it commercial investment, is it single-family? So the story this year is a bit of both. And they are very interested in things like the square footage that will be covered in the Ag-NRL by new development. And so what are we actually building in the long-term reserve, and then what are we doing for the ag economy, the larger agriculture economy, and who's behind it and what impact will that have on our agricultural resources in the valley? So that's another update.

In July we'll come out with the second quarter stats and then we'll have the annual report, which is all the housing, the pictures of where the housing went out in the unincorporated county. We'll have that out in July of 2020 for last year. It's a little bit later this year but it's primarily because we've been focused on permits.

Next update is looking ahead, getting back on course with timely – legislative recommendations is always important. Completely our docket is our primary objective, but we do have some other objectives that are coming up, and whether it's agricultural tourism or – there's really three big ones to think about. The first one is our Shoreline Master Program. The second one is, hey, Ag Tourism. What are we going to do with that? These are multi-year projects that the Commissioners would like us to take care of, and we will be reporting timelines on those to the Commissioners hopefully shortly and then report that to you. If they like those timelines that I'm reporting we'll keep you in that loop, of course. And then housing remains a really primary but – bottom line – very, very important goal for the Commissioners. The questions about housing kind of morphed this week much more towards the discussion of affordability than previously. So where we were focused on units and units everywhere, as the community has been hurting financially then it's just the general affordability of homes. And don't think of just single-family, residential homes. Think of all housing that we're building. So that has – I think the emphasis will change this year in housing.

So that's primarily my update and I'm welcome to take any questions.

Chair Raschko: Are there any questions for Mr. Hart or comments?

(silence)

Chair Raschko: Nobody? Okay, thank you.

Mr. Hart: You bet.

Chair Raschko: Does that conclude the Director Update?

Mr. Hart: Yes.

Chair Raschko: It does. Okay, thank you very much. Okay, Planning Commissioner Comments and Announcements. I'll just look at everybody's picture and see. Commissioner Mitchell, have you anything? No. Commissioner Lundsten? Okay.

Commissioner Lundsten: No.

Chair Raschko: I think, Commissioner Candler, you have something? Okay.

Commissioner Candler: Yes, I just want to welcome Commissioner Shea. I appreciate your willingness to join us. That's all.

Chair Raschko: Thank you. Commissioner Lohman?

Commissioner Lohman: Nothing.

Chair Raschko: Okay. Commissioner Hughes? Commissioner Woodmansee? No? Okay. And Commissioner Rose?

Okay, Commissioner Shea, I'm sure you must have something.

Commissioner Shea: Yeah, I just want to say thanks for giving me an opportunity. And, yeah, I have a lot of homework to do and I'm not as vocal, I guess, today but hopefully I can catch up with things and give some more input. Thank you.

Chair Raschko: Great. Thank *you* for your service. I'd just like to say thank you to everybody. I think this meeting went fairly well over this new medium and I think it's great to have this one under our belt before we do deliberations. So I'll see everybody next week and we will call the meeting adjourned. Thanks.