

Skagit County Planning Commission
Special Meeting – Miscellaneous Topics
June 16, 2009

Commissioners: **Bill Stiles, Chairman**
 Carol Ehlers
 Mary McGoffin
 Annie Lohman
 Jerry Jewett
 Kristen Ohlson-Kiehn
 Matthew Mahaffie
 Dave Hughes
 Jason Easton (absent)

Staff: **Gary Christensen, Planning Director**
 Kirk Johnson, Senior Planner
 Carly Ruacho, Senior Planner
 Ryan Walters, Deputy Pros. Attorney
 Betsy Stevenson, Senior Planner

Others: **Jeroldine Hallberg, Former Senior Planner**
 Tom Beckwith, Consultant

Chairman Bill Stiles: (gavel) I'd like to call this special meeting of the Skagit County Planning Commission to order. We have a fairly extensive agenda tonight – no public hearings. Our first item on the agenda is the Open Space Concept Plan Workshop, so we're going to hear from Jeroldine.

Gary Christensen: If I may, before we just jump into the first agenda item, Bill, I think it might be good to just simply go through each of the agenda items which are before us. Because we have folks here in attendance, as well as those viewers who are watching at home who may not know everything that is before us this evening. So I'll just quickly go through tonight's agenda.

The first official business will be the Open Space Concept Plan Workshop. So that's a follow-up to a previous meeting that the Planning Commission had and your discussions of that proposal.

That will then be followed by a Planning and Development Services report on our staffing and budget reductions, our 2009 legislative work program, and then your summer Planning Commission schedule, which we've talked about before but we want to confirm again.

Thereafter Kirk Johnson will be making a presentation or an update on the Alternative Futures project.

Following that Carly Ruacho will be presenting the Miscellaneous Code Amendment, which is scheduled for a public hearing later this month. I think that's on June 30th at six o'clock in this room.

Following that Ryan Walters will be discussing a memorandum, which is included as part of your packet, regarding the Open Public Meetings Act and discussing some of the requirements and restrictions and the dos and don'ts.

Following that then – let's see – Recorded Motion Procedures. Bill Stiles, myself and Ryan Walters will lead that discussion.

Then we'll follow that with Bylaws Review Status Update – Ryan Walters.

We'll conclude with some general issues – kind of administrative matters – for the Planning Commission on terms of reimbursements and document receipt preferences.

So that appears to be a full agenda, doesn't it? Yes. And I think we started on time and we want to end on time and so we're planning on trying to cover all of that as best we can and with the idea of not going beyond the nine o'clock hour, I think.

So is that clear and understood? And, if so, we can proceed with the first agenda item.

Chairman Stiles: I'd like to also make mention, as I was told before the meeting, this is the first time that our Planning Commission meetings are being televised *live*, not just a recording. So, beware! Jeroldine.

Mr. Christensen: So, Jeroldine, do you want me to introduce this and then you'll take it from here?

Jeroldine Hallberg: That's a good idea.

Mr. Christensen: Okay. So as I may have briefly indicated earlier, I think it was back in April – the 21st – when the Planning Commission met to deliberate on the proposed Open Space Concept Plan. And those deliberations were in response to a public hearing which you had held earlier. And as a result of those discussions and deliberations, my notes indicated that there were several issues or concerns or work that you wanted to see some additional work done on. And let me just briefly go over those and then Jeroldine will be addressing those.

Let me first say that Jeroldine Hallberg and Tom Beckwith are both here in attendance pro bono. I'll be talking a little bit more about the Department budget and some of the challenges that we're faced with, but Jeroldine, after working for the County for many years, is no longer employed at the Department and she's pursuing some other career opportunities now. And Tom Beckwith, who has a consulting firm and has assisted us with this, agreed to come back and meet with you and try to work through what some of your issues are.

So I'm appreciative and thankful to the two of them coming back to appear before you and help us maybe answer these remaining issues. Those which are on my list of things that need attention were you had asked that we have open space definitions, so we needed to better define and understand some terms in the Open Space Concept Plan. Those were public open space, private open space and variations thereof.

The second item that the Planning Commission had some difficulties with was how the maps were represented, and, in particular, in the legend of each of the maps. And you have those, I think, as part of your packet or available for reference. And, in particular, you had problems with the term "public access," and "public" in particular as referenced in the legend. You, I think, had indicated that it may be good to differentiate between existing and proposed, and perhaps trying to color-code those in showing the difference between the two would be helpful. So we want to again address that tonight.

The third item that I had was the open space map symbols. Some of you had questioned what was the intent or the purpose of the arrows that are on the map. They point in some direction. What are they to depict or convey or what's their meaning? So we wanted to address that.

And then the last item that I had is that the Planning Commission – some of you, several of you – had some questions about the financial resources or Appendix E of the Plan. This is very technical in nature certainly, given the current economic climate, and some of your concerns about any suggestion for raising revenues to support the Open Space Concept Plan was, I think, meeting with some concern and difficulty from some of the members. I think it's important to note, though, that Appendix E doesn't necessarily support or endorse or prescribe any one of them. They're just illustrative examples of how you might – or how the County might – obtain some revenues for possible funding. And also that the County Commissioners will be appointing an advisory committee, as referenced in Appendix F, to address these issues. So we want to talk about each of those in a bit more detail, answer any questions that you might have, propose some solutions, and then just discuss how you might want to move forward.

So that was on my list. Did I miss any?

Carol Ehlers: Yes – adding some things to Appendix B.

Mr. Christensen: Okay.

Ms. Ehlers: And making some corrections – minor corrections – in the text.

Mr. Christensen: Okay. Appendix B, as in “boy”?

Ms. Ehlers: As in “boy.”

Mr. Christensen: Okay. All right, we’ll get to that one as well. So with that, Jeroldine, can you take it from here?

Ms. Hallberg: We’re starting out with Definitions, the first item that Gary mentioned. And if I understand correctly, Rich is in charge of the lights up here so if there could be an adjustment in the lights so we can see the screen better, that would be great.

Okay, super. Okay. On the light side, I want to tell you that you’re not alone in terms of struggling with the definition for “open space.” In doing a little bit of a search on the Internet, I found a number of jurisdictions on the east coast that too were, in fact, grappling with a definition for “open space.” So I brought a couple of examples just to give you context here so the job doesn’t seem so onerous. It’s the second example.

Finally, on the light side, if you’re in need of another definition, “open space” is actually now the name of a rock band from Belarus.

So with that in mind, let’s turn to the definition that you had at each of the last two sessions on this topic and turn to some edits that Annie helped us out with with some of the wording. And here’s where we are. Here’s the proposal for going forward. So this would be one more opportunity to try to tweak the definition.

So we have two definitions here: one for open space in general and the second is urban growth area open space. So as edited at the last session, it would be “land and water that is in its natural state or is developed or restored consistent with a specific type of open space listed below,” and that is a little bit of a change from what you had.

There is an added sentence because it was the desire of the Planning Commission to make it clear that open space may or may not have public access. So the second line is “Open space and greenbelts are made up of combinations of public and private properties of various ownerships with various levels of access including no public access.”

Then these 1 through 4 were – I’m proposing to delete them because they weren’t important for this in this context.

And then, finally, we're listing the eight types of open space that are in the adopted Comprehensive Plan. You'll see that list of eight types again later when we talk about public access.

Finally, the second definition proposed here is "urban growth area open space": "A system of open space and greenbelts that weaves within and between urban growth areas and helps define the edge between urban and rural areas."

So I'll stop here and see if you have any comments on those so far. Does it all seem familiar? I know it's been a couple months since we talked about it. Mary had a question.

Mary McGoffin: I'm not sure that we need to go through these definitions tonight. I mean, you've written it for us. And to me the bigger question that I'd like to ask before we get too involved in this level of detail is Does this program that you guys developed answer the – you know, what was being asked for you guys to do? And my fundamental question is the whole appeal happened, it said, because the provisions for open space were inadequate: one, they were not explicitly mapped. So are those two things done? Have the provisions been adequately mapped out open space – have they been mapped?

Ms. Hallberg: That's really our intent.

Ms. McGoffin: And then secondly it says – the other thing on the appeal – it says that you need to have a list for public acquisition. Is there a list for public acquisition? I guess I'm just trying to see if we followed the directions.

Ms. Hallberg: Mm-hmm. The first two items that you mentioned, mapping and being explicit about the open space, are in this proposal the next part. Developing a whole list was decided that that was not appropriate at this point, that we needed to be more conceptual to begin with – which is why we're calling it a "concept plan" – and that that specific list would be left till later on. And I can defer to – Tom has described a number of different efforts for funding open space in which the – developing the specific list wasn't appropriate to do right away, that that was better left for a subsequent stage.

Do you want to address that?

Tom Beckwith: No.

(laughter)

Mr. Beckwith: Sure. GMA requires that you have a concept plan that defines your open spaces around, within and between your urban growth areas and a strategy for accomplishing that, including acquisition and prioritization if

acquisition is appropriate _____. We've created a concept plan, we've created a process for doing that that leaves open on a competitive basis the selection of those sites rather than trying to go through and prioritize all the properties in the county that we think would apply. And one of the reasons we did that is acquisition is not necessarily the only tool, nor is it necessarily the most desirable tool to create the open space concept.

Ms. McGoffin: I agree. It was just written in here. So my question is: Is this going to get appealed again or not?

Mr. Beckwith: I don't know whether it'd be appealed again, but does it meet GMA's requirements and has CTED signed off on it? Yes.

Ms. McGoffin: Okay.

Ms. Hallberg: Carol?

Ms. Ehlers: I'd like to go back to Jeroldine's original question about the definition because we had the list finally the last time; we liked it; but I have several questions as to whether certain kinds of what I think of as open space would count as open space in this list. The first is that between Mount Vernon and Burlington, there will be – when the flood process is over – levee setbacks with a considerable amount of space between the levees and the river under normal circumstances. As I understand open space, that's what these areas will be once – whenever they get it done. There will be – there was a meeting in this room a year-and-a-half ago – which should have come to something – where a committee was doing EIS work.

First on federal requirement you have to have an EIS to judge the impact of buying the land. Then you have an EIS to talk about how you would buy the land and what you do with it, and then you have another process as to what the impact is having moved the levee back. It's one of those things that makes you not want to get involved with the federal government.

But, nonetheless, they are well under the discussion and they've spent a lot of money, which I presume means an earnest proposal toward it, which would mean that on the Mount Vernon side from where the city is there would be a substantial setback which is open space. Burlington already has playing spaces that are on the maps you gave us – the additional maps – and they have also bought – as I understand it, although Commissioner Bennett could tell us for exact – they have bought a lot of the acreage that's contiguous to that also for levee setback. So if you count this as one of the categories, it seems to me that's perfectly legitimate open space.

Does that disagree with anything you know, Tom?

Mr. Beckwith: No.

Ms. Ehlers: Okay. My second question is that somewhere down between Mount Vernon and the Skagit River there is a much disputed but now permitted mitigation bank. And whatever mitigation banks are or are not, they don't have houses and stores and buildings on them, so I should think that that would count as open space. Am I correct?

Mr. Beckwith: Yes.

Ms. Ehlers: All right. Then a good deal of the qualm about separating Mount Vernon and Burlington with those two things and some things added to it would provide the legal requirements, were they included in the document.

Mr. Beckwith: Yes.

Ms. Ehlers: Okay.

Mr. Beckwith: Under GMA, yes, they would.

Ms. Ehlers: Okay, good. Now we have numerous maps which – in Appendix B – which illustrate – and I'll take just the ones around the cities of Burlington, Mount Vernon and Sedro-Woolley, which is where I think the crucial separation of one city from another is – we have a number of parcels in one color or another of Farmland Legacy open space that is in a taxation category "Park Land, et cetera." If those areas are already open space and your concept covers the area in between, would that not by implication provide an idea of where the acquisition might take place?

Mr. Beckwith: If acquisition was the method you were going to choose for those, yes.

Ms. Ehlers: Yes. And the acquisition, I've learned from the Anacortes – the substantial Anacortes park area – almost all of that was donated.

Mr. Beckwith: The community forest? Yes, it was.

Ms. Ehlers: The community forest was donated, Washington Park was donated, Storvik Park was donated. They started in 1908 with a donation and then they sold pies and cakes and had picnics and parties. In the last fourteen years, Anacortes area has spent \$1.3 million of donated money on their parks in that area. I think that should be brought up because it's a substantial act which is not just because of affluence. It's because of understanding of what the future might bring and wanting to keep what you could while you could. It's the same generous thing that the Farmland Legacy Program does. And so you're right. There are other ways besides just acquisition.

Mr. Beckwith: Sure.

Ms. Ehlers: Okay. Then if you could add those things in this list, Jeroldine or Gary or whoever we're directing this discussion to, then it would be understood and remembered.

Ms. Hallberg: Well, going back to number 1, levee setbacks, I guess the question I'm left with is Does it need another category or does it fall under critical areas – number 2 – that's already there?

Ms. Ehlers: You could put it in any one of these. I'm not saying add another.

Ms. Hallberg: Okay.

Ms. Ehlers: I just would like the words remembered so that –

Mr. Christensen: The other thing I would want to caution us against is changing language here which is referencing – it having come from the Comp Plan. So if we're adding to it and it's not in the Comp Plan, then it's been modified. I think we can certainly make reference to it but I don't know if it is through changing the list, which its source is from the Comprehensive Plan itself, Carol.

Ms. Ehlers: Gary, I think you're right. It's not material to me where you put it. It's just that when the Comp Plan was done this movement to set the levees back was not ongoing. And so it's – a document that's created before something else happened should not be faulted. But you've been dealing with that for twenty years.

Mr. Christensen: But you're not suggesting changing the language here as it appears in the Comp Plan as already written?

Ms. Ehlers: If that's the difficulty, no. I just don't want it forgotten. Because I think we have – I *think* when the flood process is finished, *that* part of the problem will be dealt with. There are other parts of the problem, like between Burlington and Sedro-Woolley, that's perhaps in a different category. And around Bayview Ridge, of course, there's nothing at all.

Chairman Stiles: I have a question, Jeroldine, on these recommended changes to the definitions. What page are we referencing in the Plan itself? Do you have – is it –

Ms. Hallberg: This is proposed as a new definition and I think it could go in multiple places. One place that Tom has proposed is a new glossary – so you've got a glossary of definitions – but I think from the sense of the group here that the

desire was to start out with that somewhere where we are explicit upfront: This is what kind of open space we're talking about.

Ms. Ehlers: Mm-hmm.

Ms. Hallberg: ___ both. Do you have a preference?

Chairman Stiles: No, I think that makes sense that it be at the beginning. That was the idea, that one of the first things you looked at when you opened the Plan was you knew – you could find out exactly what open space was and what it meant.

Mr. Beckwith: We thought we'd make it very little type on the front cover!

(laughter)

Chairman Stiles: So I guess for the Commission the question is, Are the changes proposed here adequate for what we want to do, and if they're located at the beginning of the Plan then – do we need to vote on that, or is that adopted by consensus? Any objections to that? Okay.

Ms. Hallberg: So that's okay?

Ms. McGoffin: I have –

Chairman Stiles: Mary.

Ms. McGoffin: I just have one more concern. I just can't let this one go.

Ms. Hallberg: Sure, sure – yeah.

Ms. McGoffin: Okay, I am looking at the piece of paper that says "Frequently Asked Questions." Skagit County UGA Open Space Concept Plan Frequently Asked Questions 1.4, where it says, "The appeal was settled when the County adopted the following policy in the Skagit County Comprehensive Plan." So, Gary, that means it's in the language of the Comp Plan – am I correct?

Mr. Christensen: Yeah. This is a policy – 2B-1.3 – is now a policy in the County's adopted Comprehensive Plan.

Ms. McGoffin: Okay, and so where it says, "The program will include a list identifying and prioritizing open space and greenbelt lands desirable for public acquisition," I feel like we need to have an explanation of why that wasn't done.

Ms. Hallberg: Okay.

Mr. Beckwith: Or at least done that way, correct?

Ms. McGoffin: Okay.

Mr. Beckwith: We can do that.

Ms. McGoffin: Because it's asking for that and we didn't deliver on that.

Ms. Hallberg: Mm-hmm.

Mr. Beckwith: Right. Not in that sense, no.

Ms. Hallberg: Might it be that that policy needs to be changed or maybe explained?

Ms. McGoffin: But Gary just said we don't want to change Comp language, right?

Mr. Beckwith: I think that what we could do is just explain how this Plan proposes to do that.

Ms. McGoffin: Okay.

Mr. Beckwith: And if we're forced to use a competitive system, we have evaluation criteria for that. Rather than saying we have a master list of properties to acquire.

Ms. McGoffin: Okay.

Mr. Beckwith: Does that sound okay?

Ms. McGoffin: Then it would fulfill that requirement.

Mr. Beckwith: Mm-hmm.

Ms. McGoffin: Okay. Thank you.

Chairman Stiles: Okay, now the next – Gary, what was the next concern we had from the previous meeting?

Mr. Beckwith: Public access.

Mr. Christensen: It was public access on maps, yes.

Mr. Beckwith: We've got to put these up on the board so everybody can understand what we're talking about. This is one of the first graphics we created

when we were doing the workshops and we used three definitions you can see down there: UGA, which are the gray zones. The gray doesn't show up very well in the legend, but that's what it designates. Green were open space. And you can see the last – the red were trails, and that's what we called them was trails. When we morphed into the more detailed schemes – this is Mount Vernon's, for example – there was a recommendation that trails was kind of a loaded word, so let's use "public access." The problem is "public access" is even more loaded than "trails" because it's just not finite where it's talking about. What we're really talking about is trails. Because some of these open spaces would have public access, probably most of them would not, so introducing public access was confusing. I agree entirely with that.

I don't know whether you want to call it "trails" or you want to call it something else, but essentially that's what it was meant to be. Now in the graphic itself, we did not distinguish between what was an existing trail or a proposed trail, and we did not differentiate between what was existing open space or that is not in a designated status as far as open space, because we're staying at the concept level. And in some cases, particularly in the open space classifications, we don't have enough of that information on a parcel by parcel basis to be able to do that.

But on the trails we certainly can, and those that exist – if we go back to the big picture – would be the portion – well, the County *does* own some portions of what's called the Centennial Trail in here, and it does have in full operation the trail between Burlington and Sedro-Woolley and the other side of Sedro-Woolley all the way to Concrete, and does own more right-of-way extending beyond Concrete even though it's not open.

Then within each UGA there's a mixture of city trails that are open and accessible, as in the Mount – we have the Mount Vernon example – and those which are proposed. It'd probably be pretty easy for us to go back through those graphics and designate which are existing and which are proposed. We point out that all of these trails save for two are currently in different kinds of County planning documents as concepts. Their locations are not specified. They're very open corridors. And in the Plan we're very careful to say these are concepts. Their exact location would depend on future planning such as to whoever is to implement that particular trails, and that would involve private and public property owners in so doing. But ones that were introduced that were new was La Conner's concept or goal to connect to SR20, and the concept that extends south of Mount Vernon down into Snohomish County to match Snohomish County's proposal coming up from Stanwood. Other than that, all those other trails are somewhere in different County previous planning documents.

What's your druthers?

Ms. Ehlers: I don't think that there is a trail on any of the levees in the county in the County document because there was a legal fight over that in the Non-

Motorized Plan process, and particularly by District 12 who was adamant that it wasn't going to have them because it didn't want the responsibility.

Mr. Beckwith: Sure.

Ms. Ehlers: And I suspect that Daryl Hamburg and the inner side feels the same way, from what I've heard. How do you plan to deal with that?

Mr. Beckwith: Well, these corridors may or may not be on top of the dikes. Certainly dikes is one option. Being within the road right-of-way adjacent to the dikes is another option. Being on just other lands not even close to the dikes, but generally doing Point A to Z are other options. I think the one that has been most planned and re-planned is the Pacific Northwest Trail connection from Bellingham down to SR20 and then over and then down through Deception Pass. I've seen at least five different routes that that could take, all of them involving different combinations of public and private property.

So we're not taking a position in a concept for exactly where it should be. That would be up to whoever's going to do the trail when it gets to that point and who the properties that would be affected, what they're interested or not interested in doing. We did talk to one dike group, the one based in Burlington. We did not talk to the dike groups that are within Mount Vernon because they were at that time talking to them – between the City and them – and they asked us not to get involved in that, to leave that alone. And we did not talk to other dike districts throughout the county because, basically, we're simply incorporating trail proposals that are among other plans; we're not trail planning in that kind of a finite sense.

Chairman Stiles: Annie?

Annie Lohman: I was just going to bring out that at the last meeting that it was specified that this was *not* a trails plan.

Mr. Beckwith: Correct. The GMA's open space requirement says public access within the open spaces, meaning trails. And all we did here was incorporate what are existing proposals, other than the two that I mentioned.

Ms. Hallberg: And the GMA word telling us what to do here includes the word "trails."

Mr. Beckwith: It specifically says "trails."

Ms. Hallberg: It calls it out as one element.

Ms. Ehlers: But it doesn't mean that every piece of open space has to have a trail on it.

Ms. Hallberg: Correct.

Mr. Beckwith: No, unh-uh, because the bulk of them would *not* be publically accessible.

Ms. Hallberg: Right.

Chairman Stiles: I think the heartburn has been you look at the legend here and it says “trails” and you think that they’re there and available for people to walk on. And that’s – if we can do something with the legend that says these are future, possible trails or existing – you know, something like that that doesn’t say that they’re just – where people can misinterpret it as being trails that are there and they can use right now. You know, that’s the – that was my beef about it that you need to distinguish or let people know that a lot of what’s proposed in here is stuff that is – hasn’t happened yet and may not ever happen.

Mr. Beckwith: True, and we could probably do that fairly easily on a graphic sense.

Chairman Stiles: Jerry.

Jerry Jewett: We spent about an hour and a half talking about this, saying that we wanted something to show that those dikes were *not* open to the public. And the way this looks – even though it’s a concept – it *is* public access on those dikes.

Mr. Beckwith: Well, it’d be a trail, whether it’s on the dike or not. That’d probably be the question.

Mr. Jewett: If it’s along the river, you know, I don’t know how far it’s going to get you to farm land to put in a trail, because I’ve been – it hasn’t been changed a bit after that – our discussion.

Mr. Beckwith: No, we haven’t made any changes.

Mr. Jewett: We *did* agree that night it *would* be changed.

Mr. Beckwith: That may be true, but I have not made any changes to the document pending your decisions.

Mr. Jewett: Well, if this is how you want us to approve it, I wouldn’t approve it.

Chairman Stiles: Kristen.

Kristen Ohlson-Kiehn: I just want to say that I do think that maybe “trails” isn’t enough, that it would be helpful for me to see it “existing” and maybe “proposed” is too strong. Maybe “potential” – whatever –

Mr. Beckwith: “Potential” is a better word.

Ms. Ohlson-Kiehn: -- “potential trails.” But just you had brought up the point that there’re some newly proposed trails on here versus some proposed trails that are already in existing County documents, and to me that doesn’t – that distinction isn’t important – to me – as much as just “existing” and “potential” trails.

Mr. Beckwith: Okay. We could probably do that fairly easily.

Chairman Stiles: Annie?

Ms. Lohman: I was reviewing my notes from the last meeting and we were strongly wanting to identify exactly what the arrows mean in the maps because the maps have a whole ton of different arrows meaning different things. And –

Mr. Beckwith: Yeah, those are my favorite thing. Thank you.

Ms. Lohman: -- and when you listen to the narrative that you are giving or the narrative Jeroldine is giving and you’re reading the text, they don’t match. And the public is going to be reading the text. The law or whatever – the requirement – it’s going to be the text. Whatever narrative that isn’t printed isn’t going to be part of it. It’s what is printed in the book. And so all these different conceptual arrows overlaid on other conceptual arrows is a confusion. And we beat that quite a bit on the last meeting.

Mr. Beckwith: The arrows are simply a graphic device to say that these systems continue on past the UGA and past the – what we’ve drawn on the page. If you look at the major ones – which are, like, along the river, for example – the arrows are just saying the river continues even though we’ve kind of said that this is the area of most interest. And we’ve done the same thing with the red arrows on the trails, and in some cases –

Ms. Lohman: But – excuse me – but what I’m getting at is some of your arrows are as benign as somebody could stand at a point, even at the side of a road, and see a vista. And that isn’t in the dialogue in print. That is a way different and way out there concept between an actual they-can-get-their-toes into the area. The map suggests that this is all accessible; this is all up for consumption, I guess. I don’t know how to put the words to it.

Mr. Beckwith: To have an arrow, that means access?

Ms. Lohman: *Yes! To the public!*

Mr. Beckwith: Okay, well, that was not the intent. And the arrows have nothing to do with viewpoints or vistas. I know that's what Jeroldine said, but that was not the assumption when we drew them. Our assumption when we drew them was simply to say that the UGA concept – the open space concept around the UGA – even though we're only showing around the UGA – these systems continue on out into the county. It was not to imply anything about access, other than where the arrows are used on trails.

Ms. Lohman: Would it be terrible just to remove them?

Mr. Beckwith: It would break my heart but, yeah, I could take them off.

Ms. Ehlers: Well, looking at some of the arrows on where I'm most familiar on Fidalgo Island, it's impossible. There's an arrow that goes past Cranberry Lake into the Guemes Channel and there's – you can't get there.

Mr. Beckwith: Well, I guess what we were looking at there was presumed that the bay was part of the open space system, not necessarily to – we weren't trying to get too literate with it. And the same with the systems that come down to Similk Bay. This is through a golf course, this is through a wetland feature in here and a private golf course there. (We're) just saying that those open space systems continue on out into the bay; the bay's part of the open space area. But we can certainly take the arrows off if they're confusing.

Ms. Ehlers: Well, that golf course arrow is a very good example of something – the golf course *is* open space, as I would understand it, so you could put it on there as open space. At the end where the arrow is at the beach is one of the few public beaches in the whole county – a lovely beach with a lovely view. So in that case, you don't have to be quite so conceptual because it's already real.

Mr. Beckwith: Yeah, but if the arrows are confusing graphically, if they're mixing up the message, it'd probably be safer just to take the arrows off.

Ms. Ehlers: I think it would be.

Ms. Ohlson-Kiehn or Lohman: I think it would be.

Mr. Beckwith: As long as everybody understood that we've kind of chopped them at the end of the UGA it doesn't mean that they're not going to continue on. But certainly we can do that.

Ms. Ehlers: Well, the maps are showing those way beyond any fantasy UGA, so it really doesn't make much difference.

Mr. Beckwith: Okay.

Ms. McGoffin: And also, Tom, since we're supposed to "explicitly map" – that's what it says; that's the term; it says "explicitly map" – we can't have arrows suggestive. That's not – that's the opposite of explicit. So I would take off the arrows.

Mr. Beckwith: Well, that's okay. We can take – I don't think it violates any of the proposals to take the arrows off. If they're a confusing device, then they're simple to take off.

Mr. Christensen: Maybe as a compromise, rather than an arrow it could just be a dash line at the end or kind of your free hand how you –

Ms. McGoffin: No.

Several Commissioners: No, no. Gary, no.

Mr. Christensen: Okay – forget that!

(laughter)

Mr. Christensen: Let me try this one and see if I have any persuasion with this! On the last page, which is the countywide map, I think we – some of you still are having problems with "trails" – right? – as a name. And it seems to me when I look at this those things that are based on the key identified as "trails" could be trails, could be roads, could be other networks, and I wonder if these dash lines which are indicating trails which also could be roads might be more properly identified as networks, which means they're not necessarily trails – they could be roads – but they do connect open space areas as a form of a network. Or do you like "trails"?

Ms. Ohlson-Kiehn: I guess I conceptually understand what you're saying. The networks make sense. It's just that I think it's just confusing. I mean, if I didn't – if I wasn't in this conversation and I saw something that said "networks" I just wouldn't know what that meant.

Mr. Christensen: Yeah.

Ms. Ohlson-Kiehn: But that is a good point that these are roads, too.

Mr. Christensen: Some of them are roads.

Ms. Ohlson-Kiehn: So maybe "trails or roads"; maybe that could be in the legend, or something like that.

Ms. Lohman: Then you get into the – you’re mixing a message. You have your wish list – conceptual hoped-fors – mixed with already – what you actually already have. And you need to be definitive. Either you have it or you don’t. And you said you didn’t want an acquisition list, but yet you keep referring to acquisition on your maps in a sense with your arrows and your supposed trails that are – whether it has all the elements or not. And that’s the message we’re trying to say.

Ms. McGoffin: I think it’s enough just with your color blocks. That’s – the color tells me enough.

Mr. Christensen: So you’re okay with that legend on the countywide map, then, as –

Mr. Jewett: It would help if you changed colors along the trails because every – on all these other pages where – especially like in Mount Vernon – that same color used for trails here is public access.

Mr. Beckwith: That’s because it was changed from trails to public access. I guess what we’re groping with is we want to get rid of public access – that’s confusing; what do we put back – “trails” or some other word? Frankly, I think “trails” says what it is. It could be on- or off-road, for that matter.

Ms. Ohlson-Kiehn: But we’re saying “existing” and “proposed”?

Mr. Beckwith: Oh, we can do that – surely – and what we’ll do is “existing” would be –

Ms. Ohlson-Kiehn: Yeah, or “potential” or whatever.

Mr. Beckwith: “Potential” will be hatched. I can do that.

Ms. Ehlers: “Potential” has some implication that –

Ms. Lohman: “Possible”?

Ms. Ehlers: “Possible” ___ the word, but –

Ms. Ohlson-Kiehn: Okay, “possible.”

Mr. Beckwith: “Possible” is a better word.

Ms. Ehlers: Yes.

Ms. Ohlson-Kiehn: Where appropriate. Oh, yeah, and then potentially using the phrase “where appropriate” – “possible where appropriate” – I don’t know; something like that.

Mr. Beckwith: One of the – when you get into the concept Plan, the very first paragraph says this is concept, it’s subject to further study, it’s subject to more detailed evaluations of public and private property owners – and they may or may not prove to be feasible.

Ms. Ohlson-Kiehn: That’s good that it says that. That’s good.

Ms. Ehlers: Well, that’s true but I’ll go back to what Annie said about the text. The text is what the law will talk about, but it’s the maps that the public’s going to look at.

Mr. Beckwith: Yep.

Ms. Ehlers: And if the legend isn’t clear as to what the map is intending, and if it isn’t consistent from the beginning of the document of the Plan to the end of it, then the public’s ability to get more confused is unlimited.

Mr. Beckwith: Well, we’re going to change – we’re going to make the legends uniform throughout.

Ms. Ehlers: Okay, okay.

Mr. Beckwith: And I guess what you’re saying is you want four classifications: UGA, open space, existing trails, possible trails. Is that right?

Ms. Ehlers: Yeah, that’s better.

Ms. Ohlson-Kiehn: Yep.

Mr. Beckwith: Okay.

Chairman Stiles: I think we have consensus that that’s the way to correct that.

Mr. Christensen: Let’s stop while we’re ahead.

Matthew Mahaffie: Until we see it anyway.

Chairman Stiles: Yeah.

Mr. Christensen: Okay.

Mr. Beckwith: The last question you had was about Appendix E. That's the financial chapter. Actually we've taken that financial chapter to the Commissioners. Do you still call them the Commissioners?

Ms. Ehlers: Mm-hmm.

Mr. Christensen: Yes.

Mr. Beckwith: Twice they've seen this in detail because these are some of the questions we put on the public survey and we've edited with them before we did the survey, we edited the answers with them after the survey. But the intent there is – it goes back to this question of strategy and what, you know, a prioritizational list of what you're going to do. And all it is is an analysis: Well, if we use these particular devices, how much would they create? And for that matter, which ones are feasible to do, meaning legally feasible? And based at least on the survey when times were a little bit better, what was politically feasible?

So it's not – we didn't pick anything out and say, This is the thing to do. Now we left open that when you get into this process that we're proposing – kind of this competitive process where you request proposals each year and then use the funds that you create to match against those proposals – that you would have, then, this advisory group to the County Commissioners that would do the rank ordering of the proposals as they're turned in and in that rank ordering decide how much of the County's share of that is used for specific projects. That's where your priority list comes from on an annual basis.

And our experience is it's up to the Commissioners whether they decide before they create that advisory group to determine how it's funded, or they create that advisory group and part of their charter is to determine and report back to the Commissioners which ways they want to use – they wish to fund it. Both those approaches have been used elsewhere.

Ms. Ehlers: But those approaches presume that it's public money that's going to do all of that and one-third of the tax – if it's property – one-third of the taxable property in this county is in the area that has already contributed the largest amount for its own public open space.

Mr. Beckwith: Well, depending on which device you use. The levee was one, and that would be countywide; that's true. Sales tax is another and that would tend to be still countywide, even though it would tax people from outside the area. There were some license fees and gas tax fees, impact fees and so on. But that's for the County's share and it really is up to the County Commissioners to decide which of those devices in the end they think is the most appropriate. And that's matched against the proposals that are submitted that will probably be used in a variety of money – other public monies; other public local monies, like

city funds; state grants; or trust monies; or even simply private property matches. And keep in mind too, a lot of those monies, we found from our analysis, weren't necessarily to go to buy property. They were to do enhancement efforts, to do restoration efforts, to do maintenance efforts. And so we needed to be a lot more flexible than just saying, Hey, we're going to go buy property.

But those weren't decided, and the whole purpose of Appendix E was simply to lay out: What are the options that we know of? How much would they create if we use them? What **did** the public think of them? And then to pass that off to the Commissioners.

Chairman Stiles: Yeah, I personally don't have any heartburn with that section because circumstance is going to dictate, you know, if they can come up with a way to fund this stuff, and trying to decide ahead of time what that might be I think is a mistake. I'd just leave it the way it is.

Mr. Beckwith: GMA has kind of a funny catch-22 provision to it. It says, one, you can make plans. You have to make plans. You can't spend money unless you have a plan that says how you're going to spend money. And then it also says then you have to have some strategy for implementing your plan, and that obviously means what are your financial methods in which to do it. But it says you adopt one and then you adopt the other. But in this case we went ahead and did the analysis of financial alternatives simply so that we could say whether or not this was at least feasible, and which ones at least looked to be the most desirable at this time.

So, see, the Commissioners have seen this two or three times in much more detail as far as how we did the projections. They also weren't jumping up and down for joy, either.

Chairman Stiles: Anybody have any questions about that particular item? If not, we'll just leave that the way it is.

Mr. Beckwith: Did you have any other questions of me?

Ms. Hallberg: I'd just like to clarify that we're not asking for your approval of the whole package tonight. What we wanted to know was how to change the graphics so that it meets the needs of the group and then we'll come back with different graphics. But the last couple meetings weren't – you know, we didn't reach a clear consensus about how to go ahead with the changes to the graphics.

Chairman Stiles: Well, I think what we've kind of decided here is you don't need to change everything. Just change the legend so it clarifies it – except for the arrows.

Mr. Christensen: And the arrows.

Ms. Hallberg: And there was one more –

Mr. Beckwith: That really breaks me up, I gotta tell you.

Ms. Lohman: If I could, I was reviewing my notes and basically we asked to – some of the maps, maybe where the confusion is is because there's too much on it. And you need to maybe – instead of trying to put everything on the map, is back it up and take – and maybe have two or three showing different things, because you've got so many different things going on and they actually collide. Partly it's a scale thing.

Mr. Beckwith: What would you take off?

Ms. Lohman: We didn't – without having a – well, for example, this map here. It has all these different things in the legend.

Mr. Beckwith: Oh, the zoning overlays. Originally when we did the graphics and the workshops – all the way up to where we did the report – we simply had the graphic clean, without any of the zoning documentation around the UGA. And we matched that with an aerial photo so people would get a sense of what we were talking about. And then the proposal was well, to add in these rural Natural Resource Lands zoning to show how this relates to that, and that, I think, makes it a much more busy graphic and it also tends to run the risk if it looks like a property-specific graphic, when that for us wasn't really the intent.

So I think that's up to you whether you think this helps or it confuses.

Ms. Ehlers: Well, if you take that same map you're looking at, which is Anacortes, the two lakes which are on it are very property-specific – the two lake management districts.

Mr. Beckwith: Mm-hmm.

Ms. Ehlers: And the Natural Resource Lands are very specific.

Mr. Beckwith: Mm-hmm.

Ms. Ehlers: Whether it be in the reservation or on the main island. Once you get rid of the funny green arrows for the golf course – unless you want to make it a real – take the arrow off and just add the golf course there, which you can. And whatever you're going to do with **Turner** Bay, and whatever that green arrow is that goes north of – into the middle of Padilla Bay – once you take all that off, this is a very specific, parcel-bound map.

Mr. Beckwith: It is for the Community Forest property and the state properties; that's true.

Ms. Ehlers: And the county properties –

Mr. Beckwith: Yeah, but there're other areas which are not which are just very conceptual in their boundary lines. Those were easy to do because they're very established. But I guess if you look at some of the other maps where we did the zoning overlay – take a look at Concrete, page 11. I mean, as we did the Natural Resource zoning boundaries there it does make the whole concept much more specific. Again, it's up to you whether that helps or that hinders. We didn't have them originally.

Ms. Ehlers: I think it helps because one of the issues that's – this is connected to Appendix B, also – one of the issues that I like about this whole process that you've done is that for the first time there is a document which talks about what Skagit County has that involves open space. You can actually understand what the county is if you look at this combination map. And with a number of people down at the Seattle area looking at us oh-so-piously and saying, Oh, you've never done anything to protect your environment; we're going to tell you how to do it, this is an excellent answer. We're not perfect, but it's – this County's population has spent the last fifty years doing a lot of constructive, protective – what word do I need? attention? actions? – and I think it deserves recognition.

Mr. Beckwith: I would agree with you as far as Appendix B is concerned, but as far as the graphics are concerned, I guess here's another issue about whether it helps or not. This is a UGA-bound open space plan. If you look at your County Comp Plan, your Open Space Plan on a countywide basis includes all of these Natural Resource Lands as – quote – “open space,” even though we're fragmenting it trying just to show how it works around the UGA. So I think that it actually gets – it confuses the issue by saying why aren't those open space, too, when all you're doing is showing this particular area.

So in exchange for getting rid of the arrows, would it help to take off the Natural Resource zoning boundaries just to make it as simple and as conceptual as possible?

Ms. McGoffin: Yes.

Mr. Jewett: Yep, take out the Skagit River trail north bend and Skagit River trail south bend.

Mr. Beckwith: You're not going to give up on that, are you?

Mr. Jewett: No, I'm not. Hey, there was a dozen people here the night of our open hearing –

Mr. Beckwith: If that's what you decided, that's fine.

Mr. Jewett: -- and that's all they talked about.

Mr. Beckwith: If that's what you decided, that's fine.

Ms. Ohlson-Kiehn: I agree. Removing the zoning would be helpful.

Mr. Beckwith: Okay. Are you all in agreement? Do you want us to do that?

Chairman Stiles: I think so.

Mr. Beckwith: Okay.

Mr. Christensen: But you do want to leave the corporate boundaries, right? The municipal boundaries or UGA, because that's showing?

Ms. Ohlson-Kiehn: Oh, yeah. Yeah, yeah.

Mr. Beckwith: Oh, we have to keep the UGAs.

Ms. Ohlson-Kiehn: Yeah, have the open space and the trails ____ – yeah.

Mr. Beckwith: Okay. I think that'll make your graphics look a lot cleaner looking, and make them stay looking conceptual. Okay, I can do that.

Chairman Stiles: Any other discussion about the __ zoning?

Ms. McGoffin: The only other thing that most maps have is a scale bar.

Mr. Beckwith: A scale bar? You're driving a hard bargain there, aren't you?

Mr. Christensen: And a north arrow, too, right?

Ms. McGoffin: And a north arrow.

(several voices agreeing)

Mr. Beckwith: I'll do the best I can. What you'll find is the scale bar will be so small that there won't be much use to it. A north arrow is easy to lay on.

Ms. Ehlers: That's good.

Mr. Beckwith: But the scale bar – because a lot of these are the aerials blown down and used at whatever scale is convenient to draw at.

Ms. McGoffin: Okay. All right.

Mr. Beckwith: I can get the north arrow on it.

Mr. Christensen: The scale would be different for each of the maps, right?

Mr. Beckwith: Oh, yeah.

Mr. Christensen: Because you're trying – yeah.

Mr. Beckwith: We shrink them down to fit a page. That's why. Okay?

Ms. Ehlers: What are you going to do about Bayview?

Mr. Christensen: And what do you have in mind?

Ms. Ehlers: Well, I was going to make the suggestion that since in the past the County's tradition has been that those who develop property need to comply with certain criteria, and one of the criteria for Bayview was a park, and the park that we put in has been decimated, that the people who are developing the Bayview Ridge who have a vision in their mind of how they're going to cut it up and put it together be given the assignment of making an open space plan around the urban open space for Bayview – the part that you think will have to stay as where it is – and have them put in the parks that fit the criteria and let them try to get it past the Growth Hearings Board. Especially since you don't have the staff.

Mr. Christensen: Well, I think that effort comes later, and that is – there is the Bayview Ridge Implementation Plan. Phase I has been completed; it'll be reported to the County Commissioners toward the end of this month, a copy of which will be provided to each of the Planning Commission members. And from there, then, Phases II through IV are the next steps, and that – it's Phases II through IV where I think we begin to understand where the development is going to occur, how it's going to occur, and where the open spaces will be located.

Ms. Ehlers: Okay. May I suggest then that in this Plan – because I don't remember seeing that in this document – I suggest that the document will be safer in its process through if something like that is in the text.

Mr. Christensen: Well, I'd hate to reference it here and then have this Plan challenged because we weren't specific enough for Bayview Ridge. I think it needs to go through its own process and I wouldn't want to jeopardize this process by explaining what it is that we're going to do there here when Phases II through IV are yet to come.

Ms. Ehlers: Oh, I understand. What I was afraid of is that somebody would appeal because this *doesn't* have those. That's what I was worried about.

Mr. Christensen: I think we could make a reference as a Planning Commission finding that indicates that – and that is also a GMA compliance issue for the parks and that that is being addressed through a separate process. And we can, as part of your recorded motion, include that as a finding of fact.

Ms. Ehlers: I think that would be practical because –

Mr. Christensen: Okay.

Ms. Ehlers: -- you don't want your lack of staff and the time it will take to cause a problem that it shouldn't.

Mr. Christensen: Yeah, we'll do that. That's a good point. Thank you.

Chairman Stiles: Any other discussions about this Plan? I think the process is that they'll make some revisions and bring it back to us for further deliberations at a later date.

Ms. Ehlers: Appendix B? There is in this document in Appendix A on page A-7 a really nice list of the public open space areas of regional and statewide importance – a nice long list. It's mostly state parks and county parks and federal parks. There was testimony, remember, at the hearing of the lady who said she had no idea where there was public space that she could take her two boys to. Now what I would like to add or have added in Appendix B is this text and a nice map from the GIS Department that shows those parks. I think it would make a major addition to the usefulness of Appendix B and help to trigger people's understanding of where they might go where there is a park that they didn't happen to know about. And I understand from Tom that something like that would be possible. And then you'd have an across-the-board description of what this county has.

Chairman Stiles: That makes sense. Is that something, Gary, that –

Mr. Christensen: Yes. Would that be mapping the OSRSI areas then, Carol, on a countywide basis –

Ms. Ehlers: Mm-hmm.

Mr. Christensen: -- and just including those, then, in Appendix B?

Ms. Ehlers: Mm-hmm.

Mr. Christensen: And does that then precede –

Ms. Ehlers: Wherever you want to put it.

Mr. Christensen: Just at the end, I guess.

Ms. Ehlers: At the end.

Mr. Christensen: So it comes after Department of Natural Resources, so B-33, so B-34 would be County-Designated Open Space Lands of Statewide Regional Importance?

Ms. Ehlers: Yes, including county parks, state parks and federal.

Mr. Christensen: Okay.

Ms. Ehlers: And the wilderness area. Because in this text there's a discussion of the North Cascades Park, but it isn't shown in –

Mr. Christensen: Okay, we'll do that.

Chairman Stiles: Anything else? If not, let's move on with our agenda. Gary, are you up for Planning and Development Services Comments?

Mr. Christensen: Let me reshuffle my deck here. Okay.

Chairman Stiles: Before we get started, I'd like to thank Tom for coming in and Jeroldine, thank you.

Ms. Hallberg: Sure.

Ms. Ehlers: Yes.

Mr. Mahaffie: Does "pro bono" mean free?

(laughter)

Mr. Christensen: Okay, so on to the next agenda item. So it's now the seven o'clock hour. You should have as part of your packet a memorandum dated June 4th of this year from me to the Board of County Commissioners. I met with the Board last week, I think it was – or the week before, perhaps – and discussed this. And attached to my memorandum is a number of attachments, which I'll refer to in a minute.

As you know the Department and the Planning Commission have over the years talked about work programs and priorities, trailing issues and the like, and we earlier this year had appeared before the Board of County Commissioners and

the Board had agreed to what was then going to be the Department's legislative work program for this year, 2009. And since then periodically I've provided the Board with updates about things that we're working on, things we've got accomplished, or things that are a bit behind schedule.

And as you probably have all read and maybe experienced yourself or certainly understand, the County, the State, the – well, internationally there is a global recession – or, perhaps, economic challenging times – for all of us. And one of the things that the Board of County Commissioners have asked departments and elected officials to do as part of their approving this year's budget in December of last year, but also in subsequent revisits to that, they have needed to reduce operating expenses. And earlier this year it was predicted or projected that the general fund would be about \$2.9 million – there would be less revenue coming in than had been forecasted. And, as a result of that, they asked departments and elected officials to reduce their operating expenses.

90% of the Department's operating expenses is salary and benefits. So for the Department to see any cost savings, we had to take the unfortunate position of recommending that there would be some staff layoffs and then returning back to the general fund professional service dollars. So, as a result of that, there are less resources that the Department has to be able to work on legislative work program items. So we've had to scale back. The business model that we are now focusing on is a few projects, rather than many, with the hope and the desire that if we utilize those resources and do so efficiently and get those done sooner, rather than later, then we can move on to the next, rather than simply spreading ourselves thin and trying to do a little bit of everything and then really never get anything done.

So my discussion with the Commissioners recently was that we wanted to focus on the miscellaneous code amendments, which are a public hearing which will be before you later this month; to hopefully complete our work on the Open Space Concept Plan, which was the purpose of this evening's meeting; and then to address Sanfi Acres, which is a settlement agreement/Comprehensive Plan amendment that the County has agreed to with the parties involved. So that – and also the County is committed to continuing to work on the Alternative Futures project.

Now one of the things that – I guess the dose of reality is that the Department has gone from thirty-six employees last year to the beginning of this month twenty-four. So we've lost a third of our department, a third of this year's budget was returned back to the County Commissioners' general fund, and 64% of the professional services was also turned back. So that, again, means there are fewer staff, fewer professional dollars for consulting work to assist us to hire people like Mr. Beckwith and others to help meet our needs to get things done in a timely fashion or to bring in certain expertise that can help us with projects for which we may not have as much experience or technical knowledge.

So it has been a challenge and it's been difficult. But, that being said, we are doing the best we can to move forward and complete the work on a number of the projects which we've discussed with the Board of County Commissioners.

So, again, the business model that we are following is to focus on a few rather than many, get what we can done, and then move on to the next one.

We're hopeful, then, that with the Miscellaneous Code Amendments and the Open Space Plan that what remaining staff I have and I can hopefully try to wrap up those projects before our summer break in August. And then when we reconvene in the fall, we're hopeful that we will have some additional information that we can bring forward and perhaps look at some of the other projects which are on the work list.

Now let me turn to that and – which is – there's a matrix which is attached to the memorandum, and down at the bottom right you'll see a footer there that has a date, June 4, 2009/April 21, 2009. Is that the date you have on yours?

(sounds of assent)

Mr. Christensen: Okay, good. So what the strikeout and the underlines represent in this matrix is the last time that I appeared before the Board and updated them on the work program was April 21st; June 4th was the most recent; and the strikeout underlines indicate where things have now changed, so it's updated information.

So what this Board-approved work program says is that we are continuing to work on miscellaneous development code amendments, in which there's a public hearing scheduled later this month on June 30th. As part of that we will be looking at forest practice code amendments. We've been working with the Forest Advisory Board and several County staff in addressing some forest practice requirements which are now the obligation of the County – effective the first of this year – when there are general conversions.

The Open Space Plan – and then, as you know, there are now adopted regulations or prohibitions to wetland mitigation banks on lands that are zoned Agricultural-Natural Resources. So the fourth item is actually done. We can mark that off on our list of things done.

What I want to spend a little bit of time on is if you flip to page – second page on number 5 – there are a number of projects which are part of the County Commissioners' approved 2008-09 Comprehensive Plan amendment docket, and those include the Guemes Island Subarea Plan; Master Planned Resort and RV park policy and code amendments; three individual map amendment

requests – Stiles, Stockinger, Pomeroy; and some corrections to Open Space-designated properties.

This work is being temporarily suspended. It's not going away; it's just that we can't get to it until we relieve ourselves of some of the previously mentioned projects. So we are hopeful that in the fall we can come back and address one, if not more, of these. I think it's probably safe to say that it would be very difficult to address all of these this fall, but certainly we want to perhaps get some feedback from you as the Planning Commission and share that with the County Commissioners as to things that you may feel are important for the planning agency – the Department and the Planning Commission – to pick up in the fall.

And I'll just work through this list and then you can share with me some thoughts.

I previously mentioned the Sanfi Acres settlement agreement that's addressing some Industrial Forest-designated land and the request to re-designate it to Secondary Forest. We're in the process of getting some additional information before we process that.

The Bayview Ridge urban growth area parks compliance – number 7 – is – we are working with parties and hopeful that we might have some settlement agreement, which would delay – either we would obtain an extension of time to address the compliance issues or be able to fold that into a next planning process under Phase II through IV.

The eighth project is NPDES Phase II Permit Requirement. You'll recall a couple weeks ago or a month ago – perhaps even longer – Public Works came and presented to you our ongoing effort to address the NPDES program requirements and to have a code in place by August. In all likelihood, the Board of County Commissioners will be adopting an interim ordinance and then a permanent ordinance will come before you, possibly before the end of the year, for you to hold public hearings and receive public comment before recommending to the Board an action.

And then the last page are projects which we are – are ongoing, we're working on, but the matters which won't come before you this year. That's the Alternative Futures; the Bayview Ridge Urban Growth Area (UGA) Implementation Plan; and, under the Commissioners' resolution and directive, a Climate Change and Sustainability Taskforce for which the Department has been involved with as well.

So that is kind of a synopsis and a quick overview of the challenges that we're faced with, the limited resources that we have available and our desire to use what remains as efficiently as possible to be timely and responsive and to still meet your expectations, as well as the Board and the public, as best we can with what resources we have.

When I talked to the Board of County Commissioners – last week, I think it was – I indicated to them that I would be discussing with you this evening and would share with the Board any thoughts or ideas that you have. We certainly want to engage you, solicit your thoughts and comments, advice, recommendations, things that are important to you, things that you think the County should be working on. And so, with that, if you have anything that you'd like to say regarding this matter I am very interested in hearing so.

Chairman Stiles: If I may, let me go first. I have one suggestion on the 2008-2009 Comp Plan Amendment Docket – number 5 on your list.

Mr. Christensen: Okay.

Chairman Stiles: I know the Master Planned Resort, RV Park Policy and the Guemes Island are significant projects that would take a lot of time. The individual map amendments, however, are people that applied last year, paid a \$5,000 application fee to have their proposal heard, and it should be heard this year. If you have to separate the others from it, I think you should.

Mr. Christensen: Those will be some things that we're going to give some consideration to – yes.

Chairman Stiles: Okay. Carol?

Ms. Ehlers: Regarding Guemes: The current County special use application form has a page in it, as it has always had, for a critical areas checklist. Before we passed the last critical areas ordinance it used to ask if there was a well within 100 feet. It completely ignored anything about Group B water systems or Group A water systems that need almost 1000 feet. Any reference to drinking water or wells has been taken out of this special use application except a very careful request for what the special use *applicant* might need. That's been beefed up very nicely. But there is nothing in here that triggers the attention of any one of your staff, even the two whose legal responsibility it is to pay attention to these issues – there's nothing in here that triggers their attention that there might be a problem and that they should look at it. And on Guemes, where it's a sole source aquifer and I know they're having some water problems now, you either need to beef up the special use application form or do something about the Plan, because once you have destroyed an aquifer, that's it.

Mr. Christensen: And you and I have spoken about this, and it is relatively easy for us to modify the application form to have the kind of information that you're suggesting we have as part of the review, and so that is doable. And certainly any – absent of a plan, and in particular, as you mentioned, the Guemes Island Subarea Plan, there still are development regulations and SEPA review for projects in which we can address potential environmental impacts that might

affect the aquifer – sole source aquifer there. I know that I've had discussions with the Health Department and how they are going to be conducting review as well, so there are things that I think that we can do in the interim which can protect and conserve that very fragile environment out there as part of project review to assure that if there *is* development occurring that it's done appropriately so. And I do agree that by having the kind of information in which to do a thorough review of projects out there is certainly beneficial and desirable, and we can modify our application form to get the information that you're suggesting we have as part of the review.

Ms. Ehlers: I think that would be crucial. When people miss ferries for lunch because there are so many semi-trucks trying to get over to Guemes to build something, you know that at least some place in the county there's some construction going on.

Mr. Christensen: Yeah. So that – we will attend to that, yes.

Ms. Ehlers: Good. Thank you.

Chairman Stiles: Annie?

Ms. Lohman: My question is on the Bayview Ridge parks compliance. We have a date; it says in here June 22nd.

Mr. Christensen: Next week?

Ms. Lohman: Yeah, like tomorrow virtually. My concern is maybe that should be first. If we have drop-dead dates, shouldn't they move to the front of the list? Whereas we just spent a whole bunch of time on something where it says there's no mandated date, I'm thinking this – I don't want to be in any more trouble with the Hearing Board.

Mr. Christensen: Right. That's a good point. Let me respond by saying that as part of best utilizing what resources we have and to be as efficient as we can, there's been some concern about going through a very prescriptive process in identifying park land, locations and facilities at Bayview Ridge in advance of doing a master site plan and that's it's really – is the cart before the horse. And we, too, do not want to be out of compliance and one of the things that we want to discuss with the appellants is would they be willing to forego action today if we can incorporate that into a much broader community planning process once we've done some master site planning up there and we actually know where road networks and lot layouts and where it would be preferable to have parks and tot lots and things like that. So we're not interested in just going through the motions to comply only to have it not be a meaningful document at some later date.

Now that being said, if the appellants don't like that approach, we'll ask for an extension and do our best to then comply. But we think it makes sense to engage and involve in the community, the landowners and those who have the most vested interest in where parks will be located and what kind of facilities once we have a better understanding of how that area's going to be built out. And that is prescribed in Phases II through IV of the Implementation Plan, which we'll be providing to you in short time and which we will be providing to the Hearings Board as part of our response.

Chairman Stiles: Any other comments on the long-range work program? Carol.

Ms. Ehlers: Gary, when you're working on – if and when you work on the community planning, which seems to me to be a very sensible idea, the active community taskforce invited me to one of their meetings a year ago and there were some bicyclists there – I was at the table for the County people – there were some bicyclists there that had the most practical, useful, really superb suggestions for where and how bicycle usage up there at Bayview might be. It was so much better than anything that ever came before us. So contact that group, too.

Mr. Christensen: Okay.

Ms. Ehlers: Because it's a perfect place for bicycling and that might be one of – because it's not in the farm land; it's flat; there's going to be more and more people up there – and that could be one of the places in the county where that group had a real playground, and little kids could have a playground bicycling, too, the way we used to.

Mr. Christensen: Okay.

Chairman Stiles: Okay, let's move on. Any other comments on the long-range plan? Okay, next **here**.

Ms. Lohman: Can I ask a question?

Chairman Stiles: Go ahead.

Ms. Lohman: Is there any other Hearing Board issues that aren't on here that have dates?

Mr. Christensen: Only one. The critical areas 120 section which we're forbidden to address as part of the Ruckelshaus timeout.

Ms. Lohman: Oh, yeah. Okay.

Mr. Christensen: That would be the only other remaining issue, as I recall. Correct? I think that's it – yeah. We are GMA-compliant with all the provisions of the 2005/2007 GMA Update and the development regulations, so the County in – I think – in the words of the Hearings Board had “cured” all the challenges which were before the Hearings Board. So that action is GMA-compliant.

Chairman Stiles: Next item. Schedule – our schedule

Mr. Christensen: Oh, I'm sorry! Summer planning schedule – yes. Okay, so today is the 16th. We will meet in roughly two weeks, on the 30th, for the public hearing on the Miscellaneous Code Amendments. We will not meet on July 7th. We would like to meet with you on the 14th to deliberate on the public comments received on the miscellaneous code amendments, and we'll reserve July 28th for deliberations on the miscellaneous code amendments if needed. And probably on the 14th or the 28th I'd like to, if all goes well, bring back the Open Space work for you to take a final look at, as well. That will just depend on how quick we can turn around and get map changes and so forth with all the other circumstances we're dealing with.

We will not meet in August. And then this fall we just have noted our first regular monthly meeting dates as the first Tuesday of each month, and we'll know more in the next month or two what kind of agenda items or topics we'll be addressing this fall.

So you can plan on doing whatever you want to do in August.

I think this is consistent with our earlier discussions, where we wanted to try to get some business done in June and July and then break in August and then reconvene when school's back in session and folks are back from summer vacations and so forth. Okay?

Chairman Stiles: Okay. Do you want to proceed or would you like to take a break? We're halfway through. Anybody wants to take five minutes we'll do it; if not, let's go ahead. Okay, let's – Kirk, you're up next.

Kirk Johnson: So you all should have received some color slides in the mail-out, and if you all have them then I think we'll just walk through those without using the screen. And Gary earlier said I had about fifteen minutes, which is really not much time to have a discussion about the future of Skagit County. So if that still holds, then I'll try to just keep my comments pretty brief and hearing questions or comments that you have. And in part I'd like to get your thoughts on how you, as the Planning Commission, would like to be involved in this process as it moves forward. And then we'll obviously need to schedule some additional time, maybe in the fall, for a more detailed look at this project.

But basically the first slide is an overview of the county boundaries, as well as the Skagit watershed boundaries, which covers three counties and part of southern British Columbia. So on some levels the Alternative Futures project is looking at the entire watershed, but more generally and in terms of what implementation actions we could have coming out of this, it's the county boundaries themselves, which would also include the Samish basin or watershed as well as Fidalgo and Guemes Islands.

And this is a project that really is a kind of a legacy or a tribute to Gary Rowe, as the former County Administrator, who kind of wanted to leave with a bang, having the Planning Department and the County looking out long term for the future and trying to have the biggest impact it could over the long term through its planning efforts. So that's why we pitched to the Environmental Protection Agency this project, which is a long term – again, it's looking out fifty years versus the twenty years that we usually look out for GMA planning.

Watershed-wide – at least countywide and taking into consideration the full watershed in some issues; a visioning process; a modeling process – the modeling is the part that's really new. Transportation modeling is done quite a bit but actually modeling future growth scenarios is not something that we've done here in the past; and a planning process that seeks to maintain the health of the Skagit ecosystem, its natural resource industries – farming and forestry, in particular – and its communities and economy in the face of population growth and climate change and other large-scale changes that can be imagined over the next fifty years.

We've done some initial looking at population projections based on a fifty-year forecast that OFM – the Office of Financial Management – has done for the state, and had some help applying that to Skagit County. And based on that, we're probably looking at close to a doubling of the population in the county over the next fifty years. So as you know in dealing with smaller population growth over a twenty-year period that's still a challenge, so when you're thinking out longer and thinking about a doubling of the population and where are the people going to go, it can start to seem daunting.

So just to summarize what are some of the challenges that we'll be looking at: Population growth – doubling of the population. Right now local governments are having trouble providing services like jails, schools, health care facilities, roads and the like. Really in Skagit County there's a lot of contention over a limited land base. You have farmers and conservationists wanting to do different things on farm land, new residents coming into the area and maybe foresters having different ideas of what should happen in the commercial forest lands. So there's a lot of competition in so much of the county – and I can't come up with an exact statistic – but is in public ownership, a lot of that in federal ownership that we really don't have a lot of control over. So it tends to focus our planning efforts down into the valley and the delta.

About a quarter of the population lives in the floodplain and could face serious damage in a major flood. And I'm sure Carol knows this, but I've sat in a fairly lengthy conference call with our flood planner, Lorna Ellestad, and others and, really, the County starts to face serious damages in a twenty-five- to forty-year flood; it's not just the hundred-year that everybody is talking about. And the flood risk, whether it's the magnitude of hundred-year floods or the frequency of the twenty-five-, thirty- and forty-year floods, is likely to increase over time due to warmer temperatures which will bring more rain to the mountains rather than snow.

So the current population distribution – this is a map that Josh Greenberg from GIS developed. Each of the dots on the map represents a residence. As I was saying, especially if you move east in the county, you get a lot of land that doesn't have any residential on it because it's Industrial Forest land or Forest Service or wilderness or park area. And then you get a lot of area along the river and down into the delta that has quite a bit of concentration. And it's a little bit surprising to look at the agricultural land, Ag-NRL, which is fairly restrictive as county agricultural land zoning goes, and there is quite a bit of development up there and quite a bit more potential, even under our fairly restrictive regulations in terms of one residence per 40-acre parcel which is, per code, required to be accessory to a farm operation, although that's proved somewhat difficult to implement.

So the project is – as I said, we'll be using modeling looking at different ways that the county might develop, one with more of an agriculture and forestry emphasis; one with more of a conservation emphasis, focusing on the river and the ecosystem; the plan trend, which will be very interesting, where we try to understand if we stayed on a current course with our current Comprehensive Plan and we had the population growth – a doubling of the population – where that would go, where it could go, and what the county would look like and what kind of impacts would you have on the cities and the rural area and the farm land and the forest land and the river and critical areas in the county.

And then a development future, which would lift some of the restrictions that GMA applies and the Comprehensive Plan applies, and have potentially more growth more widespread throughout the resource lands and the rural areas, and what does that look like and how does that affect the county – how does it affect the agriculture industry, the forestry industry, the finances of communities and the like?

So we'll be using a software program called "Envision" that was developed by Oregon State University out of a much larger alternative futures project that happened in the Willamette Valley in Oregon. And that will help us carry out this modeling of these different growth scenarios.

And then a stakeholder committee will be appointed by the Commissioners later this year and they will grapple with trying to – working and reaching out to the community and the interests that they represent. What is the preferred future for the Skagit Valley and how do we maintain as many of the things that people find important and desirable here in the county as possible into the future, including agriculture and forestry and a healthy ecosystem, as well as desirable communities and a healthy economy?

So it's kind of like GMA, only with a fifty-year horizon and a little bit less of a legal focus and a little bit more of an aspiration – community aspiration – for what people collectively would like to see here, or the legacy that they would like to leave for the future, since very few of us will be around fifty years from now.

I think that's – and a major emphasis of this will actually be implementation of the recommendations that come out of this process through the Comprehensive Plan and other plans, whether it's critical areas ordinance or Shoreline Master Program and Plan, reflecting the recommendations in the Comprehensive Plan map, and not only by the County but by the cities and towns that are part of the process, as well as tribes, state land management agencies, conservation groups, natural resource industries and businesses.

So that's kind of the process in a nutshell. There's this large structure of – there's a steering committee and several technical committees, so there're a lot of people involved in this, and I guess a question for you is how do *you* want to be involved in this, knowing that at the end of this several-year process the recommendations coming out of the stakeholder committee will come to the Planning Commission and then you'll make recommendations to the Board of County Commissioners. So do you – do you just want to see it when it's all done or do you want to, you know, really get in and wrestle with some of these issues early on so that we can carry your thoughts to these committees and say, Well, our Planning Commission has dealt with these issues on a twenty-year basis for a long time and they've got some good advice so here's what they're thinking. Or just any more general questions about the process?

Chairman Stiles: I know from my standpoint I kind of like the idea like we did with the critical areas ordinance, where we had work sessions on certain aspects of it. I think over a period of time as they develop the plan that maybe something along those lines might be beneficial so we kind of have an idea where it's headed before it gets here.

Mr. Johnson: So checking in periodically as things develop?

Chairman Stiles: Right.

Ms. Ehlers: With real information.

Mr. Johnson: Yeah.

Ms. Ehlers: Yeah.

Chairman Stiles: Okay.

Ms. McGoffin: We might have, you know, suggestions for your stakeholder committee out of all the people that we know in our districts.

Mr. Johnson: Right.

Mr. Christensen: Yeah.

Ms. McGoffin: Also I really hope you leave yourself enough time at the end of your four-year period for implementation so that you don't run out of your grant money before you can actually start on step 1. So that'd be my suggestion. Keep the feedback loops going early on so that you don't have to rework your progress.

Chairman Stiles: Any other comments? Carol.

Ms. Ehlers: I have two comments. This morning I re-read the Island's Comprehensive Plan from 1975 and found that that was really a Skagit County twenty-five-year conceptual plan in which the Islands Plan happened to be tucked. Kirk, I think particularly you would find it interesting because between 1960 and 1970 the county's population dropped and somewhere in it it says there were only five houses built in Anacortes in the early '70s. That, of course, was because Boeing went under. Well, Boeing had major problems.

But the issues that that document raises are just as valid now. They do not conflict in any way with Growth Management; they actually support it. And there are some things in there that, as I read it, I realize why I keep saying to this group – only I haven't gotten somewhere yet – about the need for looking at residential zones and incompatible uses and other things in that category. So I recommend that you look at it. It'll take you about a half-an-hour because you'll – you know, you'll pass over the boilerplate.

The second thing: This County has a Coordinated Water System Plan. It's more than ten years old. I think the document itself probably doesn't need any changes, but before you do what you're going to need to do and Betsy does what she's going to need to do with the various valleys and how many wells they can have in them or you have to have piped water, the maps in the Coordinated Water System Plan have to be made more explicit. There are places in that document where 800 connections are represented by one dot. And there's no way that you know that there's 800 people drawing down in the summer in that spot, and yet you need to know. Because from what I've seen, being on the

board of a water system before and again, and looking at the emergency plan, a third of the time the county has too much water and so you stew about flooding; and a third of the time the county's normal; and the other third of the time there's a drought. And the drought was so bad at the end of the '40s – it was only 4500 cfs in the Skagit River – Puget Sound Energy in their tours – I raised the question with Gary Feldman, who was our leader, who was the one who lead that process – and he said now that there are dams that the minimum cubic footage would be 8,000. Well, you know who has first dibs on that water is the fish. And so you're going to find that having enough drinking water will limit whatever population there is so long as you have a Navy base and refineries that use a lot of water, and other sources of water users.

So I'm sure the EPA won't mind your looking carefully at the issue of how much water, used for what, over time. Because if I can find it, David Hough gave us a document years ago which showed that the Judy Reservoir was set up and the PUD was set up for the food processing plants, and as each food processing plant left, that provided the drinking water for the increased growth in the cities. And that was the only reason that there was that kind of possibility in the central valley and the eastern valley. And that is what made the Anacortes water treatment plant start serving Bay View and La Conner and many areas which it otherwise hadn't set up to be. So this whole issue of drinking water and, well, potable water is one that I would revisit for each of the areas that you're talking about.

Mr. Johnson: Okay. I know that the Public Works Department is working with the U.S.G.S. on some water modeling that's separate from this process but will definitely feed into the process. So we will be looking to use updated information on water, as well as _____.

Ms. Ehlers: And that leads to the third thing. All too many of these plans, including the ones we've been writing, don't pay much attention to the cost of infrastructure, yet that's the great blessing of GMA. You have to think about it before you – you have to decide whether you can afford water lines all over these five sections of land before you build out the five sections of land and then discover that you have to put in the water lines. We haven't done much of that.

Mr. Johnson: Yeah. If anybody knows of a great, off-the-shelf model of development costs – so costs for different types of development, whether it's sprawling development or compact development or whatever – that's tailored to the Washington State tax structure, that would be very useful.

Chairman Stiles: Yeah, good luck with that.

Mr. Johnson: Yeah.

Ms. Ehlers: It would be also useful –

Chairman Stiles: Let's – we've got quite a bit on our agenda so let's keep going.

Ms. Ehlers: No, one more thing. It's crucial. Kirk –

Chairman Stiles: Briefly, please.

Ms. Ehlers: -- when you talk about services, in the Housing Element you keep talking about "houses require services." I've done a lot of thinking. The County doesn't provide any to those of us outside, except the transfer station. So you have to differentiate in this model because it's crucial. The services that are provided to city dwellers – you know, the police in five minutes, the fire department in five minutes, the sewer, the piped water, and all the rest of it – vis-à-vis rural services, because that will make a substantial difference in how you – and where you – allocate the population.

Chairman Stiles: Okay, let's move on.

Mr. Johnson: Thank you.

Chairman Stiles: Thank you, Kirk. Any other comments? Hearing none, Carly, you're up.

Carly Ruacho: All right. So as you all received in your packets, I received a copy of the memo that we took in front of the Board of County Commissioners last week to introduce this topic to them. Some of the information is a little bit outdated in that the list has grown a little bit, so you'll notice that in the memo it indicates there's 115 changes and what we're bringing to you is 119 changes. But the Commissioners did bless that list of 115 and the additional four changes for putting out for public comment. And at that point we didn't have the actual code language complete, but you have been given both the code concepts table, which is – it's a helpful mechanism, I think. It's kind of like a table of contents where it lists out the sections and/or the definitions, the exact words or what have you of all the amendments that we're doing. And, you know, with the forty-three or however many pages the strikethrough and underline versions of the code are, this really gives you an at-a-glance idea of what we're talking about doing to where you could kind of focus your review where you would like. So this will give you the effect of the change and just a real brief synopsis, and then the code section that is being amended that you can go and look at the full language then. So hopefully you find that useful.

When we get into these miscellaneous code amendments, which we haven't done since 2004 – I mean, obviously we've updated the code but it's been on a more topical basis. You know, when we come forward with the critical areas ordinance or kennels or something to that effect we'll update that section. But this is the representation of the kind of the list the Department keeps as we

process applications and we find, you know, discrepancies. We might find a need for clarity. So over the last almost five years now, this represents most of the list. There are still some that didn't make it this time due to their complicated nature. Some of them kind of need their own process. They're just a little too complicated to do in a miscellaneous code batch.

But some of you have done this process before and some of you haven't. We did it in 2004. It's kind of fast and furious. There is a lot of them and they are completely unrelated from the next one. So it's an interesting process but kind of fun to mix it up and not just, you know, get totally immersed in just one topic and every word about it but, you know, have just a whole bunch that pretty much addresses almost every section of the code. So it might be fun for the new members to really kind of get you familiar with how the code is structured, the different sections we have and what they kind of do.

So most of the miscellaneous code amendments are, you know, house-keeping; they're minor. They're – a reference is outdated. It's – you know, it's – we've changed the section and forgot to catch a cross-reference somewhere. Cut and paste errors happen on our end and also on our code publisher's end where, you know, you'll just be going along and all of a sudden there's just some random sentence in the middle. And a lot of these things we can change even without running it through the public process, but it just is nice when we have the opportunity to just put it all out there to let people look so it, you know, doesn't appear like we're, you know, changing our code without people getting the opportunity, because that's not at all our intention. But there are, you know, things we're allowed to do without running through public process, like renumbering and, you know, removing things that were never officially adopted and just somehow got pasted in there erroneously. But those are all on the list because when we – like I say – when we run a process anyway, we may as well put them all on there even though they don't necessarily need to be.

A lot of it is just, you know, working away at clarifying the code and providing consistency. The code was based on our zoning ordinance, you know, way back from the '70s, but had, you know, an overhaul when we planned under GMA. And it was a quick turnaround, and so we're still, you know, working through, getting these sections to read to us as they read to the public; having them to be easily understandable; having it be something that everyone understands the same way and the outcomes are what folks expect.

So that's just a continual process and my job security.

(laughter)

Ms. Ruacho: So there are several, though, that would rise to a level more than just house-keeping. I'll just run through the bulleted ones that were in the memo.

- The addition of definitions for “repair,” “remodel” and “replacement.” This is something that has been difficult for us for a long time – what, you know, what – to what extent of a remodel is it a repair, and to what extent of a repair is it a replacement? And so we’re proposing some actual definitions with some hard numbers and percentages in there that, I think, will clarify that.
- The modification of the “substantial improvement” definition as it relates to flood damage prevention. Again, this has to do with the repair, reconstruction/construction within the floodway and what are those limits. And so this is trying to clarify kind of those hard and fast numbers, the most specific being the time limit in which you need to look at the improvements. Before there was no specified time limit; now it’s a cumulative review over ten-year periods. And that ten-year is just a rotating ten years that as one year drops off the next one comes on. And so it’s not something where you could do, you know, a certain percentage remodel one year, wait till the next year (and) do another, and, you know, keep cumulatively doing that over – now we’re going to take a look back over ten years. That’s probably the most significant change in that proposal.
- Probably the lengthiest proposal is the inclusion of the process and approval criteria for the UGA boundary modification proposals. That was adopted by the GMA Steering Committee, which includes the cities, towns and the County. And it’s been approved by all those folks, and this is now that second step where if they approve more of a policy document and then you codify it, so you have a set of regulations for which to process applications. And I think that’s about a four-page amendment, so that’s a lengthy one.
- We’ve done some work on the County Commissioner options relating to legislative proposals, so that might be of particular interest to you guys. That stems from over the past couple years the different questions that have gone back and forth between the Planning Commission and the Board and, you know, with this kind of a vote what does that mean. And when it goes up and comes back, what exactly are the options? So hopefully – we took a hard look and reworked that section and hopefully it’s a little clearer now to everyone. Again, trying to get that clarity out there so people know what to expect, whether that be the Planning Commission, the public, the Board or staff.
- The Alger Community Plan provisions. As you’ll recall, you forwarded that up and the County Commissioners adopted the Alger Community Plan. Again, that’s a policy document, and then the second step is adopting code provisions to actually implement those policies. So those changes are included in this batch of code amendments.
- We’ve worked on the Rural Business sections quite a bit to really try to explain the expansion potential. That’s been a subject of confusion for some folks dealing with projects in that zone and so we really tried to get

- down to a clear formula that people can use – that anyone could take a look and figure it out on their own what their expansion potential would be.
- And then, as Gary mentioned earlier, we also included in this kind of process something else that we needed to do anyway – so try to cut down on the process and the notices and the hearings and thing like that – which is the County’s requirement to assume jurisdiction over general conversion permits from the Department of Natural Resources for forest practices. So those code amendments that enact that change are included in this batch.

And as Gary said during your schedule, we’re proposing a June 30th public hearing. That’s been noticed and all these items are available on the website, and folks can comment now or up until I think it’s the 26th – whatever the Friday is before your hearing – or at the hearing. And then we proposed the 14th of July for your deliberations on this – try to get this done before you guys have your break; that was we have August to take it to the Board of County Commissioners and get this done by the end of summer.

So you guys have had the table. I gave you just the real brief overview of some of the more major changes. I don’t know if anybody highlighted anything that they specifically want to talk about now. This is kind of your chance before your public hearing to talk about anything specifically that you weren’t understanding what the change meant or why we did it or anything like that.

Ms. Ehlers: What’s this forestry – what are the forestry – what’s the concept of the forestry changes?

Ms. Ruacho: For the conversion permit or something else?

Ms. Ehlers: Well, I don’t know what it’s about. I just know that there’s been in the paper a statement that the legislature put some obligations onto counties that used to be held by the DNR. And what they were and how they fit no one had any information on, so if you can give us a general concept of what we’re looking at we might understand the specific rules.

Ms. Ruacho: Well, the – I’m certainly not the expert in the – Kristen probably knows more about it than me, but my limited knowledge is that the County is required to assume processing and jurisdiction over what are called “Class G” permits, which is a general conversion permit. The County currently just does non-conversion forest practice applications. We already split the baby, so to speak: DNR processes some forest practice permits and the County processes some. This is taking one more from DNR to the County level. And that’s a state requirement. That’s something that, you know, the state decided that’s how it was going to be split and that’s who was going to have authority over it. So we’ve written in, you know, the fact that the County now has authority over that

and then what the criteria are. Kristen, I don't know if you have any more specific details that would help.

Ms. Ohlson-Kiehn: I don't have any other details except that I think one of the concerns the Forest Advisory Board expressed was the possibility that critical areas would be applied in places where Forest Practices Act rules are currently applied. And so I'm not sure how you guys propose to deal with it and I'm not exactly sure anymore about their concerns other than that.

Ms. Ruacho: And that is addressed.

Mr. Christensen: Okay, so as Carly indicated, the end of last year, first of this year, Class IV General forest practice permits, which are conversions, the County is to assume jurisdiction. Not all counties – it has to do with the number of conversions that have happened over the years. So if you exceeded a certain threshold then, not only the County but the Cities within have to take over those types of forest practice permit reviews.

What the forest industry has lobbied for – and, to some extent, through the Forest Advisory Board, although I'll say that the Forest Advisory Board has some differing opinions about the approach – that being said, what the industry would like to do when there is a land division which is proposed, and assuming that it is a conservation and reserve development-type of land division – so a CaRD – the development rights are transferred or designated on smaller lots within the original parent parcel. Okay, so does everybody understand that concept of the CaRD and land division?

The remaining larger parcel will continue to be managed as a timber land or a working forest. And the industry's preference is that the larger undeveloped tract for which the development rights have now been extinguished would be reviewed under what is commonly referred to as WAC 222 regulations. So that is a different standard of critical area review which allows a bit more flexibility than would otherwise be applied under the County's critical area ordinance.

So they are looking for some relief on those lands which won't be developed but be managed indefinitely as forest lands. And if so, they would prefer to have state requirements with regard to critical areas applied rather than the County's critical area ordinance. So you could assume that if you were dealing with hundreds or perhaps thousands of acres for which only a small portion of that land would be developed or have houses on it, that conceivably hundreds or thousands of acres would have critical area regulations applied under the County's code in which you are having to do delineations and reconnaissance and meet more stringent setback requirements.

So the proposal would exempt those Class IV General permits from the County's critical area ordinance on those lands which are zoned as Natural Resource

Lands. So it would be Industrial Forest, Secondary Forest, Agriculture and Rural Resource.

Ms. Ruacho: For a CaRD.

Mr. Christensen: With a CaRD. And so if that was proposed then on the non-developed portion of the property, Washington Administrative Code 222 or DNR's standards would apply. The County's critical area regulations would apply on those lots for which development would be taking place.

Chairman Stiles: Okay, any other questions? Carly, do you want to do the mileage reimbursement stuff while you're here?

Ms. Ruacho: Sure.

Chairman Stiles: It's down at the end of the list. We might as well do it.

Ms. Ruacho: Okay. You guys probably are experts at this by now, but I always do your little statement that gives you your dates and things. So we're in the second quarter and it just so happens that, you know, you have a meeting on June 30th and, you know, virtually that's all you could have in the quarter ending on the 1st. So if you wanted to turn in your mileage slips on that meeting – at that meeting – that would be fine or get them to the Department by July 1st (and) we can get them to the Auditor. And then, as always, just if you haven't already, obviously it doesn't change unless you move, but just calculate your mileage on Map Quest because that's how they check it and it needs to match. And then you can just use that number each time unless things change. And then same as last time but different from the year previous, it's .55 – so fifty-five cents – a mile now, and that's also reiterated on your form. And you can use this form as many meetings as you can fit on it, you know, and just use one form if at all possible. That's fine.

Ms. McGoffin: Do they want us to put our address on this?

Mr. Jewett: Yeah.

Ms. Ruacho: Yeah, maybe under the "Trip Information." You could say, "Travel to Planning Commission meetings from" this address to Continental Place or 1800 Continental Place.

Ms. McGoffin: That's how they'd know where I was going.

Ms. Ruacho: Right. Yeah, that would be probably helpful. And do you want me to move in –

Mr. Christensen: Yeah, if you were in, say, San Diego on vacation and you were coming back to a Planning Commission meeting, you probably could not get reimbursement from San Diego back to Mount Vernon.

(laughter)

Mr. Jewett: Ah, shucks!

Ms. McGoffin: We wouldn't have even thought of that, Gary! Funny you would think of it!

Chairman Stiles: Okay, let's see. Our next item is –

Mr. Christensen: I do have one just kind of miscellaneous tag on there. I think some of you may have discovered if you go to now skagitcounty.net/Planning Department, and click on "Planning Commission," you are going to find a revised website page for you – for the Planning Commission – that I think is more user-friendly, provides references to the public, transcripts, agenda packets. It's a work in progress and so we are continually going to be improving it, but if you get a chance and you haven't already done so, please go visit there because I think it looks better, it's more user-friendly, and I think it does help us disseminate information to the public about matters which are before you. Thanks to Ryan for helping, too. Give him some credit there.

Chairman Stiles: Okay, next thing is Open Public Meetings Act Discussion. Ryan?

Ms. Ruacho: Bill? I'm sorry, Ryan. Do you want me to talk about your last piece of business, which is your – the way you'd like to get documents – or do you want to wait till the end on that?

Chairman Stiles: Let's go ahead and do that first before Ryan gets started then. In the packet you got there should be a form here for you to fill out: "Planning Commission Member Document Delivery Preferences." And if you've got it, we'll turn those in tonight.

Ms. Ruacho: Yeah, and, as Gary just stated, it kind of gave me a new idea that if you'd rather just pull it off the web – because all the pieces will be, you know, on your website now; that's how we're doing it now. Right now it's called the "Meeting Archive," but it goes on there prior to the meeting. We might change that title or something. But, you know, if you just prefer to look at them electronically, it would save me from having to put them in – you know, the pieces into an e-mail and sending the e-mail if you want to just look at them on the web. So you could make another option here of just looking at the website, if you'd like.

And just a couple points out of the memo: You have that to read, but just that if you mark that you want it either by e-mail or to look at it yourself, that doesn't mean that you will never get anything hard copy again. Like the packet you got this time, ironically in the same handout we give, you know, the option to get it electronically, that was comprised of so many different files that it would have just been, you know, way more work and very confusing for some members to get that electronically – you know, get twenty-four files, you know, and which order they go in and things like that. So there will be times where it's just – it's easier – easier for you and easier for us – to provide things – written copies – so we will still do that. And sometimes things aren't ready in time for your packets, or things like that, we have to hand them out here – those types of things. But we'll try to abide by whatever your preference is where we can.

Ms. Ehlers: But when it comes to being here at the meeting, we all need to – if we're going to do any editing of text, we all have to have the text in front of us in one form or another, or we'll be totally discombobulated, the way we were a couple of months ago.

Ms. Ruacho: And that's up to you. You know, if somebody wants to receive it electronically, as we've stated, you know we won't be bringing extra copies to the meetings so that will be up to the members to judge, you know, what they want to bring and all that. So I think folks – you know, just read through the memo. You know, this is what we're committing to, how we understand it to go, and just so that we're under the same understanding, you know, of what that looks like. And definitely let me know if you have any questions or anything like that.

Ms. Ehlers: And to which of you do we give this document?

Ms. Lohman: Carly, in your e-mail that you send out to us, rather than attaching them you can tell us they're there. Because if I know to look for something – because if I just comb – I mean, I could have a lot of –

Ms. Ruacho: Right.

Ms. McGoffin: But give us the link. Share us the link.

Ms. Ruacho: Sure.

Ms. Lohman: I don't want a lot of dead time just looking and nothing's changed.

Ms. Ruacho: Definitely I would let you know when something is up and posted. I can definitely do that.

Chairman Stiles: Okay, Ryan.

Ryan Walters: All right, so I have a memo here that I don't think was distributed to you in advance, but it's on the Open Public Meetings Act which most of you are probably at least tangentially familiar with already. But I want to go through the memo a little bit to make sure that you're familiar with the pieces that are important here and then make sure that any questions that you have get answered.

So the Open Public Meetings Act, along with the Public Records Act, are two of the most important "sunshine laws" that the state of Washington has, "sunshine" being the best disinfectant.

There are two basic rules within the OPMA, as we like to abbreviate it, but the beginning of the Act has this memorable declaration that I think we should read briefly and – abbreviate, but read. It says that the "people of this state do not yield their sovereignty to the agencies" that "serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." Basically it indicates that government bodies, including the Planning Commission, exist – do *not* exist outside the collective consent of the governed.

So the two basic rules of the Act to implement this broad and sweeping declaration are that all meetings of governing bodies, including the Board of County Commissioners and including the Planning Commission, must be open to the public. And then there are some exceptions to that generic rule. And then that all action taken by such bodies occur at those open public meetings. And then there are exceptions to that rule.

But, in general, the Act defines the term "meeting" and "action" broadly, and I'm particularly glad that it defines that broadly because it means you can't just interpret it based on the regular English definition; you have to call an attorney.

(laughter)

Mr. Walters: So let's go over the definitions. "Meeting" means any situation in which a quorum of the commission takes action, so it depends on the second definition. So that means if you're out in the hallway and there are five of you – because your quorum is five – then you're having a meeting if you're taking action. If you're in this room, you're having a meeting, if you're on a bus and you're taking action, you're having a meeting. So any of those instances, you are having a meeting and, under the law, they must be open.

"Action" is defined as the transaction of the official business of a public agency which includes, but is not limited to, receipt of public testimony, deliberations, considerations, reviews, evaluations, final actions, and – the kicker – discussion,

which is almost all-encompassing. I mean, basically if you're talking, maybe signing, writing something down and showing it to people, you're taking action, unless you're talking about the weather and the weather is not part of your comprehensive land use plan.

So, basically, do not talk to each other when you're in a quorum. If you're in a quorum and you communicate in basically any fashion about anything related to your business as Planning Commissioners, you're taking action and that should only occur in an open public meeting.

Now that was relatively well understood, and then we developed e-mail and conference calling. The same general rules apply. If you're on a conference call and you have a quorum, that's a meeting. If you are communicating via e-mail, e-mail is close to instantaneous or can be, so it's akin to a conference call or a meeting in person. So if, for example, I send a message to you as planning commissioners, and you're all included, and one of you replies to all, then you're in a situation where at least two people are communicating – maybe me, as staff, initiating the message and then the person who has hit “reply to all.” But it's possible that all of you are communicating because all of you are receiving the information, just as if you're sitting here in a meeting and only one person is talking.

So in general we want to avoid situations where any of you are communicating via e-mail to all of you, even if it's only one of you sending a message to all of you. The law is not completely developed here – case law is not completely developed – but it's quite likely that that would be a violation of the Open Public Meetings Act.

So in the future when we send you a message distributing your documents or any other, you know, regular business work, we will include a disclaimer that says please do not hit “reply to all.” We'll probably leave all of you in the “To” box so you know who has gotten the message, but you need to not hit “reply to all” because that could constitute a meeting if you're discussing business, taking action.

The other important point there, though, is that if you want you can reply to staff because Commissioner to staff is not a meeting. But you can't all reply to staff or you can't all reply to one member and then have that member relay to the other members what the first member said because that constitutes a “chain” meeting. Yeah. We do not allow evasion of the Open Public Meetings Act by creative e-mailing. So that would also not be kosher.

Now there are – there's this concept of “executive sessions.” It's one of the exceptions to the Open Public Meetings Act – to the general rule. It's an except – it's part of the Open Public Meetings Act – it's an exception to the general rule that everything has to take place in an open meeting. Basically executive

sessions will not apply to the Planning Commission. There are a list of criteria under which you can have an executive session. They will almost never or never apply to you. So you will pretty much never have an executive session so you don't need to worry about that.

And then there're some other rules in addition to the big two general rules. The most important one is that secret voting is prohibited in all cases. That includes the election of officers, so you must take a formal vote. And on your recorded motions and things, we always record your votes because that's a requirement of other regulations. And if you do take a secret vote, the vote is null and void.

And then there are some regulations on who you have to admit to your open public meeting, and that's everybody. You don't get to exclude people because you don't like their viewpoint. You do *not* have a requirement under the Open Public Meetings Act to take testimony from them. You have a requirement to take testimony from them under some of our other codes that require public hearings for, you know, passage of development regulations. But when you *are* taking public testimony, you have to take it from everybody; however, if someone gets disruptive or if the entire group gets disruptive, we have options available and staff will advise you, and there's more information in this document as to what you can do. You can remove unruly members – you know, truly unruly – members of the public, and you can clear the room, except for the meeting.

Mr. Johnson: What if the meeting is unruly?

(laughter)

Mr. Walters: Almost never happens! So I don't want to leave the impression that you *have* to let people go beyond the three minutes you might allocate them or that type of thing. I mean, you have controls that you can use for – standard controls of the meeting, so long as they're not viewpoint-based.

And then, finally, there are penalties attached to the Open Public Meetings Act that you probably should be aware of. There's a hundred-dollar personal liability – so that would be a liability that attaches to you as an individual commissioner, not to the County or whatever public agency that you might be representing – where you might be attending a meeting – and, remember, “attending a meeting” doesn't mean showing up; it could mean responding to an e-mail – where action is taken without compliance with the Act. So, you know, if you are violating the Act, someone can bring a suit against you. The police aren't involved, but someone can bring a civil suit against you and the County and you can be fined \$100 per incident. And the public agency – in this case, Skagit County – could have to pay the plaintiff's costs. Now we're on television and I don't want to encourage any of these suits, but, you know, it's something to keep in mind. It's not a huge amount of money but it's some incentive to comply.

Ms. Ohlson-Kiehn: What does “open” mean?

Mr. Walters: “Open”?

Ms. Ohlson-Kiehn: Yeah. Does it mean that we have to post the meeting someplace or –

Mr. Walters: Yeah. The Open Public Meetings Act also includes some notice requirements which I didn’t include in the memo because they don’t really apply to you –

Ms. Ohlson-Kiehn: Right. Right, right.

Mr. Walters: -- but they apply to staff. But, yeah, they’re –

Ms. Ohlson-Kiehn: But just out of curiosity, is it just putting it in the newspaper or something?

Mr. Walters: Yeah. It’s a little bit more specific than that but you have to advertise in the newspaper, you have to – you can post a list of regular meetings. But you’ve cancelled almost all of those so...

Ms. Ruacho: But we noticed all the special meetings as well.

Mr. Walters: Yeah, so you have to provide notice of any special meetings.

Ms. Ehlers: Ryan, may I suggest that you tell the public where it is that these special notices – these legal notices – are published?

Mr. Walters: I’m not in charge of publishing those. Where do they get published? I mean, they’re in the paper.

Ms. Ruacho: They’re in the *Herald* under the Legal Notice section.

Ms. Ehlers: In the *Skagit Valley Herald* in the back.

Ms. Ruacho: Under Legal Notices.

Ms. Ehlers: Yes.

Mr. Walters: In the small print.

Ms. Ruacho: We publish on Thursdays, so every – if you want to see what the County is doing, all our legal notices publish on Thursday of each week.

Ms. Ehlers: There's a lot of people that – we're not taught these kinds of things in school. If we learn about any public notice, it's the Federal Register and I know hardly anyone who has noticed the legal records in any of the newspapers, which is why I brought it up, because it's hard to be open if nobody knows where the door is.

Mr. Walters: And certainly that's why we've been expanding some of our content on the website and, you know, we're willing to explore other options for – because, clearly, the legal requirement of publishing it in the newspaper, as you point out, is not particularly effective. We'll continue to do that so long as it is the law, but in the meantime we can explore other options, as well.

Chairman Stiles: Any other comments or questions on this matter? If not –

Ms. Ruacho: Can I ask a question, Bill?

Chairman Stiles: Go ahead, Carly.

Ms. Ruacho: It has to do with kind of our next agenda item, which is the way we're going to do recorded motions. And the way we had agreed to do them previously was we would e-mail, likely – or mail, if that's what you selected – a draft recorded motion and then Bill was going to take comments and then forward me a revised recorded motion that I would print out, and he would come in and sign that. Is that something that is still going to work if they each comment individually, if they have any comments to him and then he compiles any edits?

Mr. Walters: Well, I haven't analyzed that specifically.

Ms. Ruacho: Right – sorry about that.

Mr. Walters: But –

Chairman Stiles: Here's what my reasoning was behind that, is on – mainly on the more complicated ones we don't see the complete findings until they're recorded – you know, until the motion's drawn – until that's drawn up, and I wanted it to be delivered to all the Commission members so that they could check the accuracy of the findings. It wasn't to, you know, start deliberations again about it. We weren't going to change any of what we did – just to verify that the findings were accurate, because everybody looks at it from a different perspective. Somebody's going to think, you know, they didn't spend enough time detailing the findings on one aspect of what we did. And that's kind of a – I just wanted the whole Commission to see that. Now I don't know whether that's going to require legal's opinion to find out whether that's legal to do that or –

Mr. Walters: Well, I would say on one end of the spectrum, if the draft recorded motion is distributed and the Planning Commissioners respond to you or to staff

and Annie says, Yep, looks good, Mary says, Yep, looks good, Kristen says, Yep, looks good, that's not a violation of the Open Public Meetings Act. If, on the other hand, people start replying to "All," that's a problem. If people start replying with "I need this correction" to this, that might be – that might constitute action outside of a meeting. And I can analyze that further, but that could be problematic.

Chairman Stiles: And my idea was that it's so – we didn't get – it's not the kind of thing where I expect we're passing stuff constantly back and forth. It's kind of a one-time thing: You look at them; if you have something you want to change, you basically ask the Chair if you'll make this change; and then I'll decide, you know, whether to make that change to the findings that go to the Commissioners. It's not going to be something that gets passed to staff for them to try and decide or gets going back and forth between – I'm not going to take one recommendation from a person and send it out to everybody else to see if they think that's okay.

Mr. Walters: Which is good because that would be bad.

(laughter)

Chairman Stiles: You know, it's just a matter just to check the accuracy of them. And if someone has a, you know, a minor question or comment about them and if it looks like that's a reasonable thing, the Chair would then make that correction on the draft recorded motion before he signs it and sends it to the Commissioners.

Mr. Walters: Yeah. I should probably think about that in a little more depth because the –

Ms. Lohman: Mr. Chair? Mr. Chair? Can I – maybe this will help you. The person writing our finding is – there's some interpretation of what they're hearing, too. And so the words that we say, that we think we are conveying in intent, may not be heard that way by the person – the staff person – writing that.

Ms. Ehlers: Mm-hmm.

Chairman Stiles: ___ be exact and that's why I wanted to – but –

Mr. Walters: I definitely understand the need for further Planning Commission review. My concern is that – well, first of all, the reason that there's the quorum requirement for determining whether there is a meeting is because the quorum is the number of people that is charged with – that *can* act, right? However, if you're empowering your Chair to act by himself, then maybe he is acting on behalf of the members of the Planning Commission even without the quorum. On the other hand, the Open Public Meetings Act does not apply to a mayor. A

mayor can meet with his staff because he's not meeting with elected officials. And the mayor makes the decisions by himself.

Ms. Ruacho: But the Chair makes the decision when he comes in to sign it anyway.

Ms. Lohman: Otherwise how are we ever going to review it if we see an error? How would we ever be able to correct it?

Ms. Ehlers: Or an omission? I mean, it's the omissions that –

Mr. Walters: Well, there's an easy answer to that and that is to bring it back to a meeting.

Ms. Ehlers: Yes, but there isn't time for a meeting most of the time.

Mr. Walters: That's right.

Chairman Stiles: Well, here's my suggestion, is that, you know, most of these findings are – they're a review of how we kind of got to this point, you know, but then the historical part of them, those should all be presented to us when we deliberate so that we can adopt the findings; based on the findings we then make a recommendation on the – you know, and then it's done. Everybody knows what the finding is because we vote on them before we take an action on what we're dealing with. And that would solve the whole problem. I mean, if we have any changes to the findings, we'd do it at the meeting.

Mr. Walters: Well, in some cases the findings are going to go beyond the historical.

Ms. Ruacho: Right.

Chairman Stiles: Well, and that's what I mean. But then the findings are probably – you know, they could make the findings up based on the recommendation and the staff report, because they're saying here's what we think you ought to do, and as long as we go with that then we adopt those findings. If we want to change something, then we can strike a finding and re-do it or re-work the finding and do it at – before we take final action.

Mr. Walters: I would – I am a supporter of that idea. I think that that solves another concern that I have with the way that you have been doing these recorded motions, and that is that each of you say a couple different random things and then you approve the recommendation, but it's not always clear who or which majority or if a majority of you approve of a particular comment that one of you makes.

Chairman Stiles: Well, the thing is we haven't done this yet. This hasn't actually happened although – before, the findings are done, the Chairman goes in and signs the motion – the draft recorded motion; then it goes to the Commissioners. We've never sent to the Commissioners – to the rest of the Commissioners – the draft recorded motion. It hasn't been done yet, unless –

Mr. Walters: Right, but I mean in previous cases where staff has composed findings based on, you know, comments that you make during deliberations that are not necessarily approved as the consensus or approved by a majority.

Betsy Stevenson: I'd like to say something to that because it's come up before. When we did the critical area ordinance, we did spend a whole night going through the recorded motion with you. We drafted one up for you and we went through it line by line, so we did bring it back at a meeting and do that. So it has been done.

Chairman Stiles: Yeah, and then it all got changed!

Ms. Stevenson: Well, not by us.

Chairman Stiles: Oh, I know. I understand.

Mr. Walters: That's another option and for a big document like the critical areas ordinance it's probably appropriate because, I mean, there's a lot of stuff that went into that.

Ms. Ehlers: Well, then there's – the more complicated the situation the more – the easier it is to forget a nuance that might be utterly crucial for somebody or some category that you didn't think about because it isn't crucial to your own personal experience or to your knowledge. If there's an – to use Betsy's illustration – if there's something on wetlands, the way something is – text is written might be really crucial to an expert on wetlands and I wouldn't notice it at all, and someone writing might not notice it. Whereas give me a cliff and I'm right there paying attention to every little nuance because I've had to spend so much time with them. And yet someone else wouldn't pay that much attention to it because a cliff's a cliff's a cliff. And that's what Betsy's action contributed to solving, because each of us brought something different up.

Mr. Walters: And then you all approved everything that was in the recorded motion.

Mr. Jewett: When we're going through a document deliberating and we approve sections of it by consensus, is that legal?

Mr. Walters: There's nothing wrong with that.

Mr. Jewett: Pardon.

Mr. Walters: Nothing wrong with that.

Mr. Jewett: Okay.

Ms. Ehlers: Well, it's an open meeting.

Chairman Stiles: My suggestion would be maybe – you kind of know where we're coming from – what I would like to see is that all the Commission gets to have a look at the findings before they're passed on to the Commissioners, and how we go about doing that – you know, that's what I need to know. I mean, can we do it like –

Mr. Walters: Yeah. So if you would like to –

Mr. Jewett: Short of having another meeting.

Chairman Stiles: That's right.

Mr. Walters: Yeah, so if you'd like to do that procedure that you've agreed to that you laid out where staff drafts findings based on comments and sends it to the entire Commission; Commissioners send comments to the Chair; then the Chair makes revisions and then sends it to staff with a signature. Let me analyze that and get back to you.

Chairman Stiles: Okay.

Ms. Ehlers: It might be a simple correction or addition. The wetlands mitigation bank had no reference to Growth Management in it and I was afraid that if it didn't have that RCW reference it had no legal backing; it was a set of opinions, but it had no legal backing. And so when I was asked what I thought it needed, I said it really does need the reference 36.70A and then the specific text. I see that was added. I think that's the kind of contribution which we could make in strengthening the County's position which we have agreed to – whatever position we finally have agreed to. We want to win. We want to succeed. And that, I think, is part of the intent of what Bill was describing. It's a constructive, positive effort.

Mr. Walters: Right, and certainly you can do that a lot, but if it's in a back room it's against the law. So it's just the – the question is Does that constitute action outside of a meeting? And we'll try to flesh that out and see if there's any case law on that particular point and maybe what other jurisdictions do, and get back to you.

Ms. Ehlers: Well, and if there isn't, then figure out another way of arriving at this same result. Maybe we send it to the staff person instead of Bill.

Ms. Lohman: Well, anytime you're working on a draft this would come up then, so we need to know how do you deal with – you've got a draft – I hate to use the word "concept" but – on the table that everybody thinks that we're pretty close to being finished and so in between meetings you want to get it finished – to get it into the pipe line. Well, a lot of times there isn't much change; it's mostly grammatical or, you know, stuff like that. So how do you go from the draft to the final without having to have a meeting if it's not really that significant of a change?

Mr. Jewett: You probably don't.

Mr. Walters: Yeah, you can't really go from a draft to a final without a meeting. I mean, if it's final, it's been approved, and if you didn't approve it at a meeting –

Ms. Lohman: So then how do we go from the draft findings, then, to a final?

Chairman Stiles: This is after we've made a deliberation – we've made a decision and the findings are a – you know, they _____.

Mr. Walters: They're supposed to reflect what you did at the meeting, and not contain anything extra.

Chairman Stiles: ____ provide a basis for what we did, and all I'm saying is I think the whole Planning Commission should review those before we sign off and send it to the Commissioners. I don't expect to, you know, like, to re-deliberate or re – you know, rehash the whole thing. You're just looking at what the staff has prepared as findings because that's the way it's been done. The staff makes up the findings and they make up the recorded motion, and in some cases we never saw the final deal. It was just the Chairman would go in and sign off on – you know, sign the draft recorded motion that got sent to the Commissioners, and that was it. The rest of the Commission wouldn't even see it.

Ms. Ehlers: And in the really old days, well, the reason that we didn't see it is because it was changed.

Ms. Ruacho: And, Ryan, my last point if you're looking into this would be –

Chairman Stiles: But I – we know what – he's going to look in and find out how we can approach ____.

Ms. Ruacho: Yeah. If they don't change what, you know, they talked about so – like you say – it reflects what happened – their action – there's a hundred ways you could phrase the action and words you could use. So if they don't change

the nature of their discussion and just choose some different words to explain their discussion, is that really action? Just a thought.

Chairman Stiles: Okay, let's – I think we got that – let's go on to the next item, the bylaws. That's another thing for you.

Mr. Walters: Oh, for me! Yeah, we're reviewing the bylaws, too.

(laughter)

Chairman Stiles: Anything else?!

Mr. Walters: Annie incorporated your comments and your revisions and sent those to staff and the Department has made some suggestions and I've started reviewing them but I haven't made it all the way through. I don't know where on one of these meetings we will squeeze these in, but I don't think that there – there's really anything significant at this point, so –

Chairman Stiles: According to what we learned tonight, we're going to have to change our voting procedure, but other than that –

Ms. Ruacho: Right!

Mr. Walters: I already tweaked that one.

Chairman Stiles: Okay.

Mr. Walters: So you might be able to simply just approve them with minimal discussion at one of those meetings.

Chairman Stiles: Okay. Anything else?

Ms. Ehlers: I would deeply appreciate receiving a copy of the decision that the County Commissioners make on the things we send forward. Well, the wetland mitigation bank: We sent forward a – our opinion and our findings. What did the Commissioners do with it?

Mr. Walters: Yeah. So that information was posted to the website. And to answer the specific question, the Commissioners approved the Planning Commission's recommendation as it was written.

Dave Hughes: It was just in the paper – what, yesterday, the day before?

Mr. Jewett: Yeah.

Ms. Ehlers: Well, would it be possible that those of us that want paper could get that in paper for our collection? Because it does enable you to understand what kind of language they want to use so that you, in certain cases, can come closer the next time.

Mr. Walters: Well, and one maybe easy thing would be to include the Planning Commission in all notices of adoption that we send to CTED.

Ms. Ruacho: Yeah, because – and – I’m just sitting over here thinking it’s – we do try, Carol, as often as we can to get them to you. What’s difficult for us is when we go in front of the Commissioners it’s like the way you guys work. You know, you go in front of them, they make a decision, you go back and prepare their ordinance for signature on a later consent agenda. So by the time it actually gets signed it’s been out of your hands – number one, it’s been weeks since they’ve talked about it. It’s been out of your hands for at least a week while it’s routed through on their consent agenda, and then it doesn’t get recorded for a couple of days after that. So we would, then, have to remember – oh, it’s been a week and three days; it should be on the recording database – to go in and pull it off and send it on. So it’s just a memory thing.

Mr. Walters: Yeah, it could be problematic to add additional items to the work flow, which is why I suggest adding simply cc’s to an existing ____.

Ms. Ruacho: And then you would have the ordinance number.

Ms. Ehlers: Yes, because in the County minutes that are published they have a tendency not to give you the ordinance number so you can’t –

Ms. Ruacho: Right, because it doesn’t have it till it’s recorded, which is ____.

Ms. Ehlers: Well, that’s okay. It doesn’t have to be an immediate thing. It’s an eventual thing.

Ms. Ruacho: But you would have to go in at a certain time, like Annie was saying, like, is it there now? How about today? You know? And that’s what you’d have to be doing. Which I understand the frustration with that, but it’s – you know, we do try as often as we can. I think we have done a lot better in getting you the ordinances that pass.

Ms. Ehlers: Oh, much.

Ms. Ruacho: So it’s not like we *never* transmit the ordinances that pass, but sometimes certain ones fall through the cracks, especially ones like mitigation banks, which wasn’t a Department proposal. So when we’re not the ones really facilitating the change – sometimes we might not even know about it – so then in those instances we certainly won’t be the ones who will be able to transmit them

to you. If Public Works, say, for NPDES, when they come to you and they're running that change and they pass an ordinance, we may not even be involved in that final step and not even know what date they're putting it on for action – have no idea what date they put it on for consent and when it would even be available. We wouldn't be notified either!

Ms. Ehlers: Well, that doesn't help you, does it?

Ms. Ruacho: Right. Sometimes, you know, we do the best we can, but I like Ryan's idea of trying to remember to send it to someone else other than CTED. We'll try. We'll try! I'll try.

Ms. Stevenson: Can it be posted on the ____ site for you?

Ms. Ruacho: And then they want an e-mail that says it's posted.

Ms. Stevenson: Part of the problem, Carol, that I see – at least for the critical areas ordinance and some of the Comp Plan amendments and things – that ordinance is hundreds of pages sometimes. Do you want the whole thing again?

Mr. Jewett: No.

Ms. Ruacho: I think they just want the adopting part of the ordinance.

Ms. Ehlers: Well, I want to know what you've actually adopted just so that – because that is what people have to follow and that is what people –

Ms. Stevenson: Or are you going to be happy with what comes back from Code Publishing?

Ms. Ehlers: Well, that's hard to –

Ms. Stevenson: Because in the critical areas ordinance, they made some changes. It was different than what you guys recommended. So that would mean you're going to get that whole thing again, which I'm asking because I want to make sure that we get it right if we're going to do this.

Ms. Ehlers: No, you sent – we were given it in February along with the rest of the new code amendments, and then Gary sent us what the Commissioners had changed, which also told us who made the change – that is, who threatened the lawsuit if you didn't make the change. So I think we have what we need, don't we?

Ms. Stevenson: I don't know. I'm not clear.

Mr. Walters: For that instance. We're talking about in the future do you want the code – what Code Publishing produces, which is updates to Title 14 – do they already get that?

Mr. Christensen: Not recently.

Mr. Walters: Or do you want the ordinance? Or do you want just the Board's – you know, the three pages that the Board passes?

Mr. Jewett: That sounds good – three pages!

Ms. Ruacho: Yeah!

Mr. Jewett: Yeah!

Mr. Walters: Because the Board passes, you know, a document that says, "We adopt the recorded motion." You've already seen the recorded motion.

Ms. Ruacho: And the materials.

Mr. Walters: And – yeah, so – the attachments – so maybe you don't need the attachments?

Ms. Ehlers: The ultimate result is that you want to have in one hunk the Skagit County Code so that if you need to go look at something – like with this collection of code changes we have – I've got this book that I can go looking at to see what the rest of the text of that particular section is because you're recommending a change which might – one might see that there was a slight conflict with something else. And how can we have a sensible discussion and contribute if we don't do that kind of homework?

Ms. Ruacho: Well, you can't – well, you shouldn't be using a paper book. We don't even allow staff to use a book, a paper book, as the official code. That is not our official code. So, you know, I know there's, you know, issues with using computers or what have you, but in this day and age, you know, our adopted, official code is online. That is the version that people need to use to refer. Because we don't even get, you know, printed – even staff working in the Planning Department – printed, updated, you know, new portions to put in a book. Many of us keep a book, but when it comes right down to it – you know, the final review – it has to be against the online version. That is our official version.

Ms. Ehlers: Dan Berentson warned me when all this started that you can never count and trust on anything on the Internet because it could be there on Tuesday and gone on Wednesday, and unless you have printed it out you have no evidence whatsoever that it was – that it read as it was supposed – as you

remember it read or someone said it read. And in the Open Space Plan there's a perfect example. Mr. Beckwith read a whole bunch of population figures for Anacortes in 2007. They're not there.

Ms. Ohlson-Kiehn: With regard to your request – I mean, just for me – I'm fine with either just us having a verbal "Oh, yeah, I remember – what did they say?" and I can go find it on the web. I don't need three pages or a book or whatever. That's just my own ____.

Ms. Ruacho: And the reproducing the ordinance is just – I mean, in my opinion – I mean, like the – was it the '05 Update one that I brought over in the snow? I mean, it must have been 800 pages long and it was compiled of, you know, hard-copy documents that there was only one of and, you know, you basically – you know, you could print the one that they signed, but that *is the one*. And, you know, if you see their adopting mechanism – like Ryan was talking about, it's usually, you know, three pages – I mean it could get longer – but you already have every other component. You have seen them. If they adopt changes, that will be reflected in their adopting instrument. They'll say they're adopting the recorded motion with the exception of these ones, and they'll strike, and they'll add their own, and they'll reference the portions that they're going to change and then you can go look at that, but I just can't imagine reproducing every ordinance again once they sign it. I mean, that adopting instrument that is the ordinance that they sign, without all the attachments, will indicate any changes that they made from what you've already seen. You've already seen these stacks of documents. You've already got them.

Ms. Ohlson-Kiehn: And that adopting instrument's online and you can search by topic, and that's sufficient for me.

Mr. Walters: *Every* ordinance is online.

Ms. Ohlson-Kiehn: Yeah, that's sufficient for me; no problem.

Ms. Ehlers: There's a problem that I have found. It's in the Countywide Policies where there is one policy that is found in two different sections. In the version that's in our Comp Plan, that policy varies in its language. If you go back to the original document in 1992, which is in paper, that policy was identical in both sections in 1992. In the Comp Plan of 2007, it is not identical and the difference is significant. And it's that kind of thing that you need paper for.

Mr. Walters: Well, we're not really doing paper that much anymore, though.

Ms. Ehlers: I understand that, but, you see, if – and this may be the historian talking to the lawyer, but historically the only thing you can count on is what's on paper.

Chairman Stiles: Okay, well, I think that's a discussion between Carol and the staff about how to get it. I think the rest of us are okay with being able to get them online, or most of us anyway.

Ms. Ruacho: But we should send her to Code Publishing and have that talk. They would differ with you on that!

Chairman Stiles: Anything else? Hearing none, this meeting is adjourned (gavel).