

Debra L. Nicholson

From: LindaHammons
Sent: Tuesday, February 05, 2013 7:42 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: Commissioners Meeting 02/05/13

From: Don Black [<mailto:silvrfox@fidalgo.net>]
Sent: Monday, February 04, 2013 3:07 PM
To: LindaHammons
Subject: Commissioners Meeting 02/05/13

I presently oppose making any Ruling on Proposed Ordinance to repeal Resolution 3078 on the following basis:

1. Abbreviated public notice requirements, precluding adequate electorate response;
2. The Commissioners need input from deliberative bodies; the proposal could create sole Policy-making restricted to either an Administrative or Bureaucratic function, as opposed to staff responding to the Policies formulated by the Commissioners, after deliberation;
3. It is important to evaluate historical results from other jurisdictions to determine if they actually area applicable to Skagit County.
4. The proposal ignores the importance of Grass Roots element of representative Government.

For those reasons, I suggest that either the Commissioners reject the proposal in its present form or continue the matter for further input from those most effected by this change.

Don Black, Anacortes WA

Debra L. Nicholson

From: LindaHammons
Sent: Tuesday, February 05, 2013 7:39 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: Comments re: proposed Planning Commission change.

From: Bob Eberle [<mailto:bobeberle@Eberle1.com>]
Sent: Monday, February 04, 2013 3:05 PM
To: LindaHammons
Subject: Comments re: proposed Planning Commission change.

2/4/13

LINDA HAMMONS:
Clerk of the Board of Skagit County Commissioners
lindah@co.skagit.wa.us

LINDA

I would like to expand upon my comments of 1/25/13 as follows:

1. We would prefer to have the County Planning Commission operate under the current Planning Enabling Act, rather than be revised as proposed in the potential ordinance.
2. Please do not limit citizens input to the planning process. The Planning Commission provides the only real opportunity for Citizen input to this process. We believe this is valuable to County Government, and especially the Commission.
3. The Planning Department, of necessity, remains rather bureaucratic. Access to the process prior to decisions being made is, practically speaking, limited to Contractors and Developers. They of course do need access. But the public needs access too. The Planning Commission provides that access. Please do not dilute it.

Claire & Bob Eberle
09570 McGlenn Dr.
LaConner, WA 98257

1/25/13

LINDA HAMMONS:
Clerk of the Board of Skagit County Commissioners

LINDA

Please recall that I submitted my comments in opposition to the proposed change in responsibilities of the Planning Commission. The public hearing was held Tuesday Jan 22nd at 11:00 am in the Commissioners Chamber. All three Commissioners were in attendance.

With this submission I would like to expand upon my previous submission with specific emphasis upon maintaining the Planning Commission as an outlet for the expression of “citizen” views on private property:

1. **Setting the Planning Commission Agendas’**: It is obvious that setting meeting agendas is critical to being able to express “citizen” views. This should be set by the Chairman of the Planning Commission with consultation from the Planning Department.
2. **Planning Commission By-Laws**:. Again, this is an area of basic independence. The Planning Commission should draw up its own By-Laws within the framework of existing law.
3. **Public Record of Citizen Comments**: One of the most onerous of the proposed changes to the Planning Commission is the removing of Citizen comments from the Record. Referring to Comments On the Record in presenting a case to an Appeal Board, or to the Commission itself, or to a Court is absolutely mandatory to someone seeking relief from a (possible) un-just Planning Department decision. It seems that this position is so basic to transparent government that this proposed change simply must be stricken.

Commissioners, thank you for your consideration. (I am including my original comments following these remarks.) Please give serious thought to scrapping the proposed ordinance change. You might wish to request some amendments to the existing ordinance as per comments of the Planning Commission. Please include the Planning Commission in any discussion of proposed changes.

BOB EBERLE
9570 McGlenn Dr.
LaConner, WA 98257

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Debra L. Nicholson

From: Commissioners
Sent: Monday, February 04, 2013 3:26 PM
To: Dale Pernula; Ryan R. Walters; KirkJohnson; Linda Christensen; Debra L. Nicholson
Subject: FW: One more on ordinance

FYI.
Amber

From: Lohman Farms [<mailto:Lohfarms@wavecable.com>]
Sent: Monday, February 04, 2013 3:22 PM
To: commish
Subject: One more on ordinance

I pushed Send too quick!

The Planning Commission writes its own by-laws. I did not see any reference to where we will preserve that right. I think somewhere in the section 14.02 covering duties or meetings or somewhere it needs to have language that says this out loud- I don't want us to give that up. That being said- we have to be able to walk the words or they are meaningless. I also believe our by-laws can use some more work- it is on our agenda for March.

Annie Lohman

Debra L. Nicholson

From: Commissioners
Sent: Monday, February 04, 2013 11:21 AM
To: Dale Pernula; Ryan R. Walters; KirkJohnson; Linda Christensen; Debra L. Nicholson
Subject: FW: Support for Ordinance 2013-01-10 on Changes to the Planning Commission

FYI.
Amber

From: Dennis Clark [<mailto:dennisbclark@hotmail.com>]
Sent: Sunday, February 03, 2013 2:37 PM
To: Commissioners
Cc: Planning & Development Services
Subject: Support for Ordinance 2013-01-10 on Changes to the Planning Commission

Dear Commissioners Wesen, Dahlstedt, and Dillon,

I am writing to encourage your passage of Ordinance 2013-01-10.

I have read the ordinance and the comments of my fellow Skagitonians posted the County website as of February 1.

I think the ordinance will improve the functioning of the Skagit County Planning Commission and thereby support the Board of Commissioners in governing the county. Two features that I like in particular and encourage you to adopt without weakening:

- The staggering of terms. This will encourage continuity of knowledge and expertise among Commission members while providing predictability in the desirable and inevitable task of replacing members over time.
- The required training of Commission members. Planning is complex and there are always new practices to learn. I view training as building on existing expertise. The requirement is modest and it will in time improve the capabilities of the Commission overall.

One aspect of this matter of particular interest is the provision (14.02.140(2)) intended to avoid conflicts of interest. The crux of the issue is the fact that many citizens whose expertise and perspective makes them assets on the Commission also have the potential to benefit *directly* or *indirectly* from decisions made by the Board as it relies on recommendations from the Commission. We *need* such people on the Commission to ensure a diversity of perspectives and deep expertise in the deliberations leading up to votes. However, we must simultaneously avoid situations where Commission members vote on matters where they have a *direct* economic interest. Such a limitation is necessary to avoid creating an environment where citizens get on the Commission primarily to improve their narrow economic self-interest. *Direct* economic interest is usually tied to decisions affecting properties tied to individuals or their immediate family. Avoiding *indirect* economic benefits is much harder and possibly not even desirable. To some extent, *all* of us benefit socially and economically when good local planning occurs. I think the proposed ordinance strikes *a* right balance but I'd imagine there are several ways to tackle this problem. After reviewing the comments from my fellow citizens, if the Board sees an alternative that achieves the desired outcome, I would support that.

I note that several comments have concerned the public review *process* and urged the rejection of the ordinance along with another public review process. There may be a lesson in those comments for the County in

scheduling *future* processes (e.g., accounting for holidays) but thanks to the *substantive* comments that all of us have offered (and others that may be coming in this weekend), I suspect that there are not a lot of unknown, different (compared to what you've heard to date) perspectives among the rest of the citizenry. In short, I encourage you to proceed with your decision after reviewing the input received from all of us to date and save the excitement of another public review process for future topic.

Please convey my appreciation to the existing members of the Planning Commission for contributing their time and effort to the well-being of the community.

Thank you for your consideration.

Sincerely,
Dennis Clark
P.O. Box 1381
Anacortes, WA 98221

Debra L. Nicholson

From: LindaHammons
Sent: Monday, February 04, 2013 10:45 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: Info for Commissioners for Tuesdays meeting Feb 5 / 2012

From: John Piazza Sr. [<mailto:johnsr@piazzaconsultants.com>]
Sent: Monday, February 04, 2013 10:44 AM
To: LindaHammons
Cc: KenDahlstedt; Ron Wesen
Subject: Fw: Info for Commissioners for Tuesdays meeting Feb 5 / 2012

Hi Ken, Ron , and Sharon (didnot have Sharons email)

some food for thought before you vote on this issue...please give some thought to where your are going...john

1. **Citizens' input into the County's planning process will be severely limited and reduced.** Frankly, it appears to me that the County Commissioners do not understand this. Staff has told you this is just "housekeeping".

2. **I don't want the statutory basis for County planning to be "Police Powers" instead of the current "Planning Enabling Act" law.** This is *not* an overstatement on my part. Planning is currently done under the statutory basis of RCW 36.70, the Planning Enabling Act. As far as I know, this *untested theory* has never been tried by any non-charter county. By the way, we know that Mr. Obrechts, was paid by Skagit County to help conjure up this new planning ordinance scheme. Among other problems I have with the change in statutory authority is that the specific part of the state constitution Mr. Obrechts recommends is Article XI, Section 11, "Police and Sanitary Regulations". I kid you not. Here is Section 11 *in its entirety*:

"Any county, city, town, or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws."

That's it. 29 words. That would become the statutory basis for planning in Skagit County. Does it seem a bit vague to you ? Does it seem that the Planning Department could do pretty much anything they wanted under that "Police Power" ? It's outrageous, in my opinion.

Get ready for a very expensive lawsuit. You can pretty much be assured that soon there will be an adverse planning action taken under constitutional police powers authority instead of the Planning Enabling law. The aggrieved party will sue the County. Just what we taxpayers need.

3. **Citizens were not involved in developing the proposed ordinance until the last minute.** First, citizens never asked for these proposed changes. Most would agree that the planning *process* needed improvement (and still does) but this proposed ordinance makes it worse. As a friend of mine used to say, we've traded a headache for an upset stomach. This proposal was devised by the usual cast of Planning Department characters and County attorneys with the addition of the attorney from outside Skagit County who theorized using "police powers" as a basis for planning. They spent about a year brewing this concoction, out of sight of sight from citizens, and then dumped it on everyone literally a few days before action on it was required. At a minimum, in my opinion, this is a breach of the public's trust in open, fair, and responsible government. Do you feel like Skagit County government is doing the people's business ? Or do you feel like they are following some personal and outside agendas ? Are they doing what citizens have asked them to do or are they ignoring what little citizen input they get when they make decisions that affect all of us ?

4. **Why must we always use ordinances from counties and cities unlike ours as the basis for Skagit County ordinances ?** It's as though some would prefer us to be like King County instead of being good ol' Skagit County.

5. **Why are we making a radical change in our statutory basis for planning based on a theory from an attorney who neither lives, works, nor necessarily understands Skagit County ?** In particular, why is Mr. Obrechts's *untested theory* immediately accepted but input from Skagit citizens is rarely sought and is largely ignored ?

Thanks john

Debra L. Nicholson

From: Commissioners
Sent: Monday, February 04, 2013 10:04 AM
To: Dale Pernula; Ryan R. Walters; KirkJohnson; Linda Christensen; Debra L. Nicholson
Subject: FW: Planning and Land Use Legislation Ordinance

From the Commissioners email.
Amber

From: jack.arrington@comcast.net [<mailto:jack.arrington@comcast.net>]
Sent: Saturday, February 02, 2013 7:09 PM
To: Commissioners
Subject: Planning and Land Use Legislation Ordinance

Board of Skagit County Commissioners,

When I learned of the proposed revision of a long established & historically effective planning process in Skagit County, I attended your public hearing on January 22nd, to see for myself what was intended. I was impressed with the commentary from a number of my fellow citizens, but not much impressed with the level of transparency in the information provided by the proponent of the change.

Having established that the proposal had not been submitted within legal guidelines, I expected that the Commissioners to reject the ordinance and chastise the county employees responsible for such a waste of County and citizen productivity. But instead, we were advised of a rescheduling of the decision in two weeks, allowing more public input and an apparent attempt of instilling legitimacy in the proposed ordinance. As it has turned out, the two weeks have allowed the local news outlet to lend their unique interpretation to the issue and for the Planning Department to produce a five page disagreement of the public's perspective.

But what has not happened, is for the public to receive specificity of reason for the proposed change. If the Commissioners give approval, will our taxes decrease? Will the productivity of civil-service employees increase, enabling a reduction in their numbers? Will our Constitutional property rights be better protected? Evidently not! According to the memorandum dated Feb. 1, from Planning Director Dale Pernula, this whole initiative was initiated because (and I quote,) "the Department and the Board are working hard to fix problems that have been identified over the years within the Planning Commission and with the process for adopting development regulations and comprehensive plan amendments."

I don't know what that statement really means, but I know that it DOES NOT describe WHAT problems are being addressed, WHO identified those problems, WHO agrees or disagrees that the problems are real, WHETHER anyone has studied the impact of unintended consequences of their changes, nor HOW the changes will affect the Planning Commission or the public at large. But Mr. Pernula provides five full pages of legalese and rhetoric, in his disagreement with the perspective of the people.

I love our Constitution and when I envision it becoming victim of those seeking power or advancement of an ideology, I think of future serfs of Socialism asking WHY our's was the generation who tossed aside the best opportunities ever offered to humanity. It truly is a complex world these days, so let us subscribe to the adage, 'Keep everything as simple as it can be and when it isn't broken, don't try to fix it.'

Honorable Commissioners, I hope that you, like me, are not impressed that a bunch of bureaucrats and lawyers are in agreement that you will not be breaking any laws if you approve this. Maybe the bureaucrats are factually correct, maybe they are not. But I have to ask one simple question; Are you better serving the people who elected you and the Constitution you are sworn to uphold, by rejecting this proposal or by approving it? In your hearts and Yes, in the interests of your constituency and progeny, you know what is the right thing for you to do. I encourage you to act accordingly.

Jack Arrington
5009 Croatian Way
Anacortes WA
98221

Debra L. Nicholson

From: LindaHammons
Sent: Monday, February 04, 2013 9:37 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: Planning Commissioners

From: suenhank@comcast.net [<mailto:suenhank@comcast.net>]
Sent: Monday, February 04, 2013 9:33 AM
To: LindaHammons
Subject: Planning Commissioners

Linda Hammons, Clerk of the Board of County Commissioners

Speaking as a citizen of Skagit County, the Planning Commission is my first door of opportunity to express my opposition or support to changes affecting my life in the county.

If anything the number of commissioners should be increased to better listen to and represent all areas of Skagit County. Also their terms should be staggered to maintain consistency.

This new proposed ordinance does just the opposite, it weakens and limits what should be strengthened and expanded. I ask that you reject this proposed ordinance. Better yet, come up with an ordinance that strengthens and expands the authority of the Planning Commission.

Regards,
Henry L. Wright
1811 Cay Way
Anacortes, WA 98221

Debra L. Nicholson

From: LindaHammons
Sent: Monday, February 04, 2013 8:26 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: Planning Commission

From: Kevin Loy [<mailto:kevinmloy@gmail.com>]
Sent: Monday, February 04, 2013 8:21 AM
To: LindaHammons
Subject: Planning Commission

County Commissioners

Kevin Loy from Sedro-Woolley. The changes being contemplated to the planning commission are of concern to me. Any changes should be for the benefit of the citizens of Skagit County. If changes do not benefit the citizens, they should not be made.

The current changes remind me of when I was on the Sedro-Woolley planning commission. For several months changes were submitted. When I started asking questions, what do you think the explanation for the changes was. I will never forget it. It was the same for several months.

"For the convenience of staff!" They imposed further burden's on the citizens of Sedro-Woolley for the convenience of staff! That is one of the indelible memories of being on the planning commission.

I put the current changes under consideration in the same category. Or perhaps even a darker category. Admit it or not the proposed changes give the Skagit County planning department more authority than they have now and the citizen less. This is exactly the opposite of what this county is based on which is "The government works for the people, the people do not work for the government."

Please remember Skagit County government is supposed to work for the people. This idea is getting lost in this country and the results are easily seen.

Please do not make these proposed changes!

Kevin Loy
128 Garden of Eden
Sedro-Woolley, WA 98284
360-856-4190
kevinmloy@gmail.com

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Kevin Loy
kevinmloy@gmail.com

Debra L. Nicholson

From: LindaHammons
Sent: Monday, February 04, 2013 7:24 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: An Ordinance Repealing Resolutions No. 3078 and R20090532

From: TINA [<mailto:tinac21747@aol.com>]
Sent: Sunday, February 03, 2013 8:09 PM
To: LindaHammons
Subject: An Ordinance Repealing Resolutions No. 3078 and R20090532

To Commissioners Dahlsted, Wesen, and Dillon:

We attended a hearing on January 22nd 2013 to hear testimonies from other property owners regarding an ordinance repealing Resolutions No. 3078 and R20090532. I have several items of concern upon hearing those testimonies and doing some study of the proposal myself.

First, I would like to remind both Commissioners and Planning Department that We the People are the employer and pay the salaries, whether directly or through federal funding and grants, and you work for us. Having said this, please be advised:

The Open Public Meetings Act, chapter 42.30 RCW, was put in place to protect the public and create transparency as was the Public Records act, chapter 42.56 RCW. Advance and adequate notice has been sorely lacking, and creates an atmosphere of distrust; especially when there have been repeat violations of public trust.

3.2 Interpretation of the OPMA

"As with all laws, the courts will attempt to interpret the OPMA to accomplish the legislature's intent. The OPMA declares its purpose in a very strongly worded statement."

"Statutory Provisions: The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly. The people of this state do not yield their sovereignty to the agencies which 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. [RCW 42.30.010](#)."

'My understanding is that the draft Ordinance purports to delete large portions of the existing language of SCCC 14.02 and SCC14.08 and amending those ordinances with significant changes actually reducing the power and authority of the Planning Commission and citizens in general under the guise of streamlining the process'.

These proposals weaken the operation and function of the Planning Commission, the People's voice, while increasing the power and control of the Planning Department. The proposals will dilute the publics' voice and input in the planning process.

The Planning Commission should be independent of the Planning Department and set its own rules and agenda as it is inclined to do. The Planning Commission should provide, on behalf of the people, it's decisions directly to the Commissioners without being filtered by the Planning Department. The conflict of interest and ethics policies in the ordinance proposal imposed upon unpaid volunteers of the Planning Commission should be even more stringently imposed upon the paid public servants of the Planning Department.

I, too, recommend that the Board of Commissioners appoint a Citizens Action Committee to audit the planning function in Skagit County. The Skagit County citizens should give the recommendations for the planning function regarding the configuration and operation of their business.

Respectfully,
Tina Champeaux-Wolner
1641 SR 9
Sedro Woolley WA. 98284
425-350-0217

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Debra L. Nicholson

From: LindaHammons
Sent: Monday, February 04, 2013 7:20 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: Additional Comment on Draft Ordinance Repealing Resolutions No. 3078 and R20090532 and Reestablishing the Skagit County Planning & Development Services Department and Planning Commission

From: Gary Hagland [<mailto:haglandg@toritraining.com>]

Sent: Sunday, February 03, 2013 5:36 PM

To: LindaHammons

Cc: haglandg@toritraining.com

Subject: Additional Comment on Draft Ordinance Repealing Resolutions No. 3078 and R20090532 and Reestablishing the Skagit County Planning & Development Services Department and Planning Commission

Additional Comment on Draft Ordinance Repealing Resolutions No. 3078 and R20090532 and Reestablishing the Skagit County Planning & Development Services Department and Planning Commission

In regards to the adoption of the proposed new ordinance, Deputy DA Ryan Walters, the author of this initiative, has characterized the matter as one of “minor housekeeping.” That begs the question of why the repeal of a statute that has served the county well for decades and its replacement with something that derives its authority from a short sentence in the state constitution, leaving ample room for wide interpretation, is desired. It’s been my experience that something that is described as “minor housekeeping” shouldn’t require an entirely new regulation.

Other questions that come to mind are:

- What is in the current ordinance that prevents necessary improvements to the land use process?
- What improvements are needed?
- What is in the current ordinance that prevents the Planning Commission from functioning efficiently in the performance of its duties.?
- Is the Planning Commission not functioning efficiently at present?
- Why did Mr. Walters and the Planning Department opt to dispense with the Planning Enabling Act, which the majority of jurisdictions in Washington State follow, and then seek (and presumably also pay for) the services of an outside legal expert to find justification for this action?

My final question is why has this supposedly innocuous effort to streamline the legislative process and improve the performance of the Planning Commission generated so much opposition? Could it be that there’s a serious deficit of trust between those who are promoting the new ordinance and those who think they may be affected by it?

Gary Hagland
2211 37th Court
Anacortes

Debra L. Nicholson

From: LindaHammons
Sent: Monday, February 04, 2013 7:17 AM
To: Dale Pernula; KirkJohnson; Ryan R. Walters; GaryChristensen
Cc: Debra L. Nicholson
Subject: FW: re proposed changes to Planning Commission

From: kathleen lundy [<mailto:abm900@yahoo.com>]
Sent: Saturday, February 02, 2013 4:37 AM
To: LindaHammons
Subject: re proposed changes to Planning Commission

To Whom It May Concern:

DO NOT DO ANYTHING TO LIMIT PUBLIC PARTICIPATION, PUBLIC INPUT....If the process seems constipated, you have options - do not limit, do NOT remove part of the "info chain"(bowel). Remember...."GARBAGE IN: GARBAGE OUT!" Reach out to community members; publish a dictionary ie a page or two with definitions of the language required in land management proceedings; have classes in the schools about it...get a mediator....encourage people....if they know the language, the process, they and you can be helpmates...even if you all do not agree all of the time - twould be terrible if you did - you all will produce a grand "Sausage" made of healthy ingrediants...and the sausage-making process will be better....

I have worked in planning/public input for the US Forest Service in California, and know something about development challenges along rivers in Montana....

Oftimes people, especially new ones to an area, do not understand the ecology. Long time residents ie farmers can learn to move their cows and other critters differently if they see others working to imporve an area ...Yes, it can work....

Open up the process; educate people(often planners do not want to cuz it's messier); get a facilitator...REMEMBER....Garbage in; Garbage out.....make a good sausage!

Kathleen L. Lundy

February 4, 2013

Re: The Planning Commission Ordinance

Dear Commissioners,

Thank you for examining the relationship between the Planning Commission (PC) and the Planning & Development Services (PDS). I am a Planning Commissioner and my comments are from the perspective of a volunteer public servant and as a farmer/property owner.

The role of the Planning Commission is to be the public (community) voice for the county's legislative actions. I believe we are tasked with understanding what the legislation means (codes, comp plan updates, etc.) in the real world- basically imagine what the words on the page will feel like for those of us who will have to literally live those words. This dynamic will set up a somewhat adversarial relationship between the PC and the PDS- not in my opinion an unhealthy one but rather one that makes both sides take seriously the task we're each fulfilling keeping in mind the potential impact on Skagit County citizens. The PC brings to the table an accumulated body of knowledge from our varied personal experiences and professional lives. The PDS brings a more technical professional planners experience. Some of what comes before the PC is mandated by courts, the state or the federal governments.

The PC has worked very hard to include the public- work sessions with various citizen advisory groups, public comment at regular and work session meetings, tape recording and transcription of our meetings are some examples.

The ordinance itself stating with the wherases:

- I don't see the benefit of using the Planning Enabling ACT versus the Washington State Constitution. I am not a legal scholar nor do I have the legal expertise to say. I have not heard, at the County Commissioners' or at any of the Planning Commission's meetings, any discussion on the merits of either one. Regardless of which path, I firmly believe that we must keep the Planning Commission in place without restricting its role.
- Early and continuous public participation: I believe that by engaging the PC and the public at the earliest conceptual stage of the proposed legislation is a positive. We are actually doing that with the Shoreline update. That said, it does not mean that it is the easiest path to take because when things are still in the earliest drafting stage, fact finding stage or learning stage, this can be pretty ugly, amorphous or chaotic. It makes communication even more important because it puts the project out into the open far earlier in the process. The public needs to be kept apprised of the time line so they understand what is happening and don't feel like they're not being heard or when they will be asked to start the official compilation of the record and standing on a matter. In observing the shoreline update, some people lost sight of the fact we're working on draft-drafts and what exactly that initial call for formal written public comment was for. I would much rather work at the beginning of a project all the way through than get it at the end when everything is so solidly set that new ideas or new information are

very difficult to incorporate let alone maybe adjusting the methodology used to reach whatever outcome.

- January, February and March 2012 Planning Commission meeting where the 17 item questionnaire was introduced and discussed. This really did happen and I personally spoke to Commissioner Ehlers a day or so ago and read her via a very long phone call the transcript of the February and March 2012 meetings where the PC did indeed go over each question for far longer than 10 minutes at both meetings. The problem was the agenda lists that we were slated to spend 10 minutes on this and we did not. The PC has abandoned writing clock times for each agenda item. Ryan Walters did tell us this ordinance would be coming but was silent on when. If there is fault to be found it is in not keeping the PC up on what was happening on this subject and the fact that it was sprung on us unannounced and without any lead time at our January 2013 meeting not to mention that it had an interesting title on the agenda. Basically a lack of communication.

The ordinance:

2.80.100: creation

- Again I don't know whether it is better to be under the State Constitution or the Planning and enabling Act.

14.02.100: terms

- Date for terms to begin is very tight for a newly elected County Commissioner- I think a discussion on whether February 1 or maybe February 15 or something else would be a better fit. Is it a problem for you?

14.02.110: appointment

- I like this section. We have had a vacancy of longer than a year on our current PC. I also think that the County Commissioners have the right to reject any or all applicants but there has to be a reasonable time requirement to fill vacant seats. You might have to bang on some doors or get active to fill the seat.

14.02.130: Meetings

- Item (4) Staff participation. Staff is NOT a member of the Planning Commission. They serve as the technical and supporting arm of the PC. I believe the staff must be recognized by the PC chair to participate. The PC can be "off base" and I value the PDS staff being able to offer information or a correction to the discussion. This item could be misinterpreted as giving staff a seat on the PC when it is not a member. I'd suggest adding something that gives this ability to staff in the section where the duties of staff are described.

14.02.140: Duties

- Continuing Education. I'm in favor of it as long as it is relevant to our PC duties. I'm not sure making it a requirement is a good idea. Having served on some industry boards at the state and local levels, I am used to members being responsible for their own educations rather than having it mandated. Part of agreeing to serve as Planning Commissioners is an

unspoken/unwritten expectation that we will get up to speed and educate ourselves. That should also be a consideration for the County Commissioners when they appoint new members. I think it is very helpful when the PDS lets the PC know of CE opportunities.

- Conflict of Interest: I do not like the language written here. I think it can be dealt with straight out of Robert's Rules: **"No member should vote on a question in which he has a direct personal or pecuniary interest not common to other members of the organization."** Pecuniary means consisting of money or that which can be valued in money. You've already addressed the "Appearance of Fairness Doctrine".

14.08.060: Development Regulations

- – Initiation of Review: I like that the County Commissioners will set the priorities for the PDS.
- Item(2) I think additional language should be added for docketing citizen initiated amendments with a requirement that they be dealt with in a timely manner either within the year of request or at the earliest possible date the very next year- however is appropriate for putting it on the docket. When I first came on the PC a few years ago there was a comp plan amendment by a local landowner that had been waiting to be heard for SEVERAL YEARS!

14.08.070: Public participation

- I see the language establishing citizen advisory boards or technical committees is preserved in its own section: 14.08.230. Having served on the Agricultural Advisory Board and as a past Farm Bureau President who advocated for the creations of the AAB I value their contribution to Skagit County and their input to the Planning Commission.
- I really like the "early and continuous" public participation. The key will be in keeping communication open with the public as items progress through the legislative process. I already state my concerns and observations in the "whereas" section at the top of this letter.
- Item (5) Public Review- The key question is "when". The concept is that the public gets to see the sausage making from the ugly to the perfected. Where they enter the record making and establish standing has to be communicated clearly. When calls for public review/opinion on preliminary ideas or drafts are made it has to state that very loudly. I believe inviting the appropriate advisory committees to participate and keep the PC abreast is also a good policy.

14.08.080: review by PC

- While it may seem that item (1) that was stricken is stated in the previous section there are some things that are not: the input from the various CAC and TACs for example. I see this in the deliberation phase but it should be in the "early and continuous" part too.
- Item (2) (c) follow up questions during deliberations- I don't see how to do this without re-opening the public hearing. The wording here is troubling. I think if the PC needs a definition, technical information available at large, or in the record they should be able to seek it. But they can't just seek additional comments.

- Possibly recommend moving this to the Public hearing section- the record is open at this stage of the process. Or at least give this opportunity to the PC- I do believe we have it now and exercise it regularly. The challenge is when there is no expert or someone present to answer the question at the public hearing.
- Item (4) (b)(iii) the PDS opinion of PC decision (paraphrased) – This should be a separate document from what the PC signed/recommended.

Please change the title of the ordinance. It isn't clear unless you've been immersed in code language. I asked to call it "**Planning & Land Use Legislation Ordinance**" on our PC agenda on February 5, 2013 as a working title. That is the section of the code this all falls in: Unified Development Code title 14.

I do not see the re-writing of the ordinance governing the PC as being deleterious. As I stated in my oral comments our by-laws really need some more work and streamlining. I firmly believe that you, our County Commissioners, want the PC to have a robust review of land use issues and whatever else you may task us with. Some things will be more difficult than others and some will ignite the public more than others. And we may not agree. That is the public process.

I would like to see more direct contact between the County Commissioners and the Planning Commissioners- we haven't had too many interactions as long as I've served. Again it comes down to communicating. I do speak frequently with Ron Wesen of District 1 but the PC as a body doesn't very often talk to County Commissioners. So how often do we need to "talk" - maybe twice a year- we all don't need any extra meetings but we need to touch base sometimes. I can think of a couple examples of PC members wondering "why" are we working on this and it may help- again having the County Commissioners more in control of the work plan that communication may improve.

Thank you,

Annie Lohman



February 4, 2013

Skagit Board of County Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

RE: Additional comments concerning Proposed Changes to SCC 14 and Planning Commission

Dear Commissioners:

Thank you for extending the period of time for public comments on the proposed changes to the code and specifically the Planning Commission and the county department of Planning & Developmental Services. We offer these additional comments for the record.

There appears to be a range of interpretations as to what the role and authority of the current Planning Commission is and has been historically. As we understand it the Planning Commission is an advisory body appointed by you to provide advice and recommendations on land use issues, by reviewing plans and projects as well as conducting studies, creating comprehensive plans, regulations and planning policies. The Commission “also serve as as sounding board for new ideas, promote community interest in planning, and furnish leadership in formal citizen participation programs.”, according to the WA State Dept. of Commerce’s A Short Course on Local Planning Resource Guide. The Commission is not only represents the views of the public, they also are often the first opportunity for citizen input into county decisions.

Similarly we received a number of different answers when we asked for an explanation of the role and authority of the Planning and Development Services staff, relative to the Commission. To us the language of the RCW as well as the DOC Short Course is clear that the staff provides advice to both the Commissioners and the Board and assist the Commission with technical information to support their deliberations and decision making. We do not see it as appropriate for the Planning Department to promote or advocate plans, projects or policies. Neither should the Department withhold or supply partial information that may influence the Commission or the Board.

We understand a number of Commission appointments came due because Commissioner Dahlstedt, then Chair, either did not receive nominations of an appropriate candidate from the other Board members for the Commission or simply neglected to appoint a replacement when a Commissioner’s term expired. As we read the RCW under which the Commission now operates, and the creating Resolution 3078 it appears that the Board could create a longer than 4 year term to correct the spacing of appointments. The Planning Commission has the authority to “adopt its own rules and regulations governing the conducting of its internal affairs provided that such rules shall not be in conflict with the State Law or County Resolutions.” We recommend that the Board revisit the rules of appointment and consider changes which are proactive in preventing continued non-action on Commission appointments. Further we request the Board request additional legal consultation as to how to correct the staggered appointments, other than dissolving the Commission and re-appointing members.

In addition, a number of comments during the public hearing suggested the idea of soliciting and creating a pool of candidates. We would like to add that the pool could also provide “alternate” Commission members who would have equal training, attend Commission meetings and be available to serve when there was a vacancy, short-term absence or other need for quick appointment to the Commission. Alternates could be vested with all duties except voting when the permanent Commission member was

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*People dedicated to
preserving Skagit County's
rural character by protecting
the natural environment;
supporting sustainable,
resource-based economies; and
promoting livable urban
communities for present and
future generations.*

expected to return to service, or be given all duties including voting. The alternates could also become appointees and provide additional continuity to the Commission when needed. We ask that the Commissioners appoint a Citizen Advisory Committee to develop and present a program for creating a standing pool of qualified applicants.

We note that part of the confusion with the proposal is the differences in the titles which were put forward as the drafts evolved. It was difficult to determine if the proposal was about changing the terms of service of the Planning Commission, the duties of the Planning Department, abolishing the Planning Commission (with or without re-appointment) or what. Addressing many different changes within one document serves only to confuse, and anger, if the public does not fully understand the intentions or consequences of the proposal.

We applaud the addition of electronic notification of public hearings to broaden the audience that receives these notices, but note that as far as we know the legal requirements still require publishing in a local newspaper. We understand that the County is concerned with budgetary cuts and ways to reduce expenditures, but do not believe this is an area to reduce.

While the process for making changes to SCC 14 has not been stellar, it does offer a rare opportunity to consider adopting additional ways to involve the public in the planning process. Establishing standing neighborhood committees still remains an excellent and efficient way to achieve public participation and additional technical support for addressing planning activities, such as policy and comprehensive plan updates. We request that the Board appoint a CAC to create a plan to implement neighborhood/community planning committees at the earliest possible time and implement the committee structure within the next 12 months.

Thank you for the extended comment time and we are available to discuss our comments with you at your convenience.

Yours sincerely,

Ms. Ellen Bynum
Executive Director

EB/

cc: FOSC Board

Skagit County Commissioners
Continental Place
Mount Vernon WA.

Feb. 2, 2013



RE; Comments on Repealing Resolution 3078 and Resolution R20090532
Concerning Skagit County Planning Commission

Skagit County Commissioners;

It seems Skagit County Planning staff and Commissioners attorney have progressed to a all time low in public confidence in submitting without public notice a complete dismantling of the present Planning Commission operations. With the drastic changes proposed, why no article in the local newspaper, could it be this dismantling of the Planning Commission was intended to be secretively passed through without public awareness. Even 2 present Skagit County Planning Commission members spoke adamantly opposed to the proposed changes at the Jan 22 Public Hearing.

Why would Skagit County government want to change the statutory planning Process from the present Planning Enabling Act to Police Powers?

Skagit County in the last year has seen a dramatic failure in Advisory Committee's, Board's and appointed committee's knowledge and ability to function properly. These Board's and Committee's are appointed to advise you the County Commissioners in order that the Commissioners can operate and function properly as Skagit County government. Without a properly functioning government the Commissioners become dysfunctional. It is essential that someone from outside County government that is non bias, educated on properly functioning committee's and Board's is made available to educate and inform County government staff, it's Board's and committee's on the proper role and responsibilities to allow it to function properly.

Please Reject these proposed changes that would silence the citizens and Planning Commission input. The Planning Commission must keep it's authority and separate entity to allow it to be a meaningful checks and balance between the citizens and it's government.

Randy Good

35482 SR 20 Sedro Woolley, WA. 98284 360-856-1199

cc: Pernula, Johnson, Walters, Christensen & Nicholson

ROGER H. MITCHELL
1155 Chuckanut Ridge Drive
Bow, Washington 98232
phone 360.766.8914

submitted by email to Linda Hammons, Clerk of the Board lindah@co.skagit.wa.us

The Board of County Commissioners
1800 Continental Place
Mount Vernon, Washington 98273

4 February 2013

re: "A proposal to amend Skagit County Code Titles 2 and 14 to amend the code establishing the Planning Commission and amend procedures for adopting land use regulations"

Dear Commissioner Dahlstedt, Commissioner Dillon, and Commissioner Wesen,

I have talked with many people about the above-referenced, proposed planning ordinance. I have yet to have a conversation with anyone who supports this amendment to Skagit County Code (except for those who made the proposal). In a question/answer format, the following is a distillation of my opinions and thoughts of others on this matter:

1. **What citizen, citizens organization, or citizen referendum asked for this radical change to the planning ordinance?** No citizens asked for these radical planning revisions. Yes, many agree that the planning process needs to be improved. This proposal makes it worse, not better.
2. **Why do we want a weaker *Planning Commission* and a stronger *Planning Department*?** We don't. We want the two to coexist, work together, and function with equal independence. The proposed ordinance significantly weakens the Planning Commission.
3. **Why do we want constitutional "police powers" as the authority for planning instead of RCW 36.70 Planning Enabling Act law?** We don't. That's an *untested* theory from an outside attorney. Hmmmm: On the one hand we have Constitution Article XI, Section 11 which is "Police and Sanitary Regulations" or, on the other hand, RCW 36.70, the Planning Enabling Act. Which would a *reasonable* person think is the best authority for planning? No other non-charter county uses "police powers" and they do just fine using the law that was intended for planning functions – RCW 36.70 – the Planning Enabling Act.
4. **Why is "massive disconnect from citizens" the phrase most used to describe the BOCC?** Perhaps because the BOCC continues to foster the Planning Department and its many schemes that citizens repeatedly oppose. It's frustrating that the Board doesn't appear to "get it" that there is a massive disconnect between the BOCC and citizens while there is an increasing reliance on unelected staff.
5. **Why do so many citizens have a lack of trust in Skagit County government?** Perhaps because we keep seeing proposals conjured up in the shadows of the Planning Department for a year then sprung on citizens at the last minute. Perhaps because enabling grants for these schemes come with strings attached. Perhaps because the Planning Department is attempting to further weaken the Planning Commission through the proposed ordinance.
6. **Why are citizens not involved in planning activities right from the beginning instead of always at the last minute?** Perhaps it's because it appears that County government really isn't interested in what citizens think, let alone what they actually want.
7. **Why does the proposed planning ordinance reduce opportunities for citizens to input into the planning process?** Major sections of the current planning ordinance are removed, sections that spell out citizen input opportunities. These sections are *not* replaced with new

language that specifies, allows, and encourages citizen involvement with the planning process.

8. **Why does the BOCC allow the Planning Department to run this county? Why is there an increasing perception among citizens that the BOCC merely “rubber stamps” the Planning Department’s schemes?** I have no plausible answer for that and I prefer not to suspect unsavory reasons as some citizens do. What examples are there where the BOCC stopped, materially changed, or otherwise redirected a Planning Department proposal *before* citizens strongly opposed it?
9. **Why do citizens increasingly feel that County government is *not* doing the people’s business?** Perhaps because, through “planning”, we are continually bombarded with new regulations that increasingly control every function of our daily lives; onerous control which makes performing the fundamental activities of life more difficult, less pleasant, and more expensive.
10. **Why does new County legislation, like the proposed planning ordinance, always borrow language from cities (like Bellingham) and counties (like King) that are not in the least similar to Skagit County?** Perhaps because the originators of these proposals really don’t like *our* Skagit County, they want us to be King County North. If I wanted to live in Bellingham, or Seattle, I would. I don’t. I chose to live in Skagit County because of what it represented, because of what it was. Increasingly, some are trying to fundamentally transform Skagit County into something many of us do not like and do not want.
11. **Why should an outside attorney that does not live, work, or understand Skagit County help conjure up our planning ordinance with an untested theory for the underlying planning authority?** I don’t know. I wouldn’t permit it if I were a County Commissioner.
12. **What unintended consequences might arise from this proposed, untested new planning authority proposal?** It will just be a matter of time before an adverse planning decision is made and the aggrieved parties will sue the County. The underlying “police powers” authority chosen over a perfectly good law (RCW 36.70 Planning Enabling Act) will be front and center in that lawsuit. Do we want, and can we afford, a lengthy lawsuit? I don’t.
13. **Why does the proposed planning ordinance specifically remove review of the Shoreline Management Plan by the Planning Commission?** Perhaps because some don’t want the Planning Commission to thwart another Planning Department scheme, especially since the Planning Commission tends to listen to, respond to, and reflect citizens’ inputs.
14. **Why does the BOCC appear to automatically accept what “staff” recommends or tells them but generally disregards what citizens say?** I can easily understand why people perceive that to be true. The BOCC is seen to be complicit with the lack of openness, transparency, and fairness expected and required.
15. **Why does the Planning Department have to provide summarized citizen statements and comments to the BOCC and Planning Commission?** Are the Board and the Planning Commission incapable of reading, understanding, and making their own judgments? Is there any chance at all that the Planning Department’s summary is biased, self-serving, or personal agenda driven? Why can’t citizens offer a rebuttal of the Planning Department’s summary? Many citizens think it’s unwise to put the fox in charge of the henhouse.
16. **Why are there never any statements or comments about the good parts of the proposed ordinance?** I was actually asked this question by Mr. Walters. The answer is two-fold: 1) three minutes is a very short time to try to make a point so no one is going to waste it on something we agree on and 2) it is too high a price to pay if we have to accept all the bad parts just to get the few good parts.

17. **Why does it frequently seem like the Planning Department and the BOCC have forgotten for whom they work?** Skagit County has evolved a government that has lost sight of the fact that they *are supposed to* work for the people, not government employees' own personal agendas.

So, 17 questions for which there are few satisfactory answers. Speaking of 17 questions, and answers: where are the answers to the 17 questions asked of the Planning Commission in January 2012. Mysteriously, that exercise was never completed.

Please, reject the proposed planning ordinance. The few good suggestions in it are far outweighed by the preponderance of troublesome aspects.

Thank you for your time and your consideration of my opinions.

Sincerely,



Roger Mitchell

The Board of County Commissioners
1800 Continental Place
Mount Vernon, Washington 98273

February 2, 2013

Skagit County citizen comments regarding: **“A proposal to amend Skagit County Code Titles 2 and 14 to amend the code establishing the Planning Commission and amend procedures for adopting land use regulations”**

Dear Commissioners Wesen, Dahlstedt and Dillon,

I strongly encourage you to reject the above proposal as it:

- **Was presented WITHOUT ADVANCE NOTICE to the Planning Commission which appears to be a violation of current Planning Commission Bylaws. The Planning Dept. has a continuing history of flawed procedures. This repeated negligence erodes public trust. Why are processes affecting the tax-paying public not transparent?**
- **Offers seemingly unrestricted “Police Powers” to the Planning Dept. as the NEW basis for county planning. The Washington State Constitution “POLICE AND SANITARY REGULATIONS” states: “Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.” For Skagit County to pay a lawyer who doesn’t live or work in, or understand our county, to come up with a suggestion like this is both disappointing and alarming.**
- **Essentially gives the Planning Dept. control of “findings and conclusions”, diminishing the current role of the volunteer Planning Commission. This proposal alters existing process by changing the basis for and mission of, our Planning Commission. Translation - a power grab.**
- **Justifies change with references to “Buell v. Bremerton”, “City of Bellingham (BMC 2.21.010) and King County (KCC 21A.01.020) and RCW Chapter 35.63 (Hearing Examiner-related) which are not actually pertinent or relevant to our system in Skagit County. Who was paid to concoct this deceptive word salad?**
- **Again, proposes that we employ ordinances from other locations that operate under different frameworks in our planning efforts. Why copy other locations with no evidence that their systems work better for the tax-paying citizens that they serve? The previously proposed pipeline safety process was a good example of how this practice can further imperil citizen land owners, legally and otherwise.**

- **Appears to eliminate amendments to the Shoreline Master Program from review by the Planning Commission. Why is this? Does the Planning Dept. have an agenda of its own? It would appear so.**
- **It attempts to fix to something that isn't broken. I frankly DO NOT trust current Planning Dept. staff to fix anything. I do trust the Planning Commission, as community volunteers who live and work outside what appears to be a self-serving government bureaucracy.**
- **Effectively diminishes local citizen volunteers, who donate time to serve on our Planning Commission. It will make their job more difficult while making their role less relevant. Who benefits from these proposed changes? Certainly not the Planning Commission volunteers or members of the tax-paying public who may be impacted by adopted land use regulations.**
- **Drastically limits and diminishes public input and participation in decisions that directly impact their lives. This is the last straw! Why are we paying to be shut out of "public" processes?!**

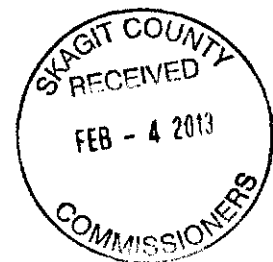
I suggest that the Planning Dept., an entity that already suffers a severe trust deficit among members of the tax-paying public, stands to be the beneficiary of proposed changes. Please uphold the public trust and say NO. County tax-payers deserve as much voice as possible. This proposal stifles the public and the volunteer Planning Commission while granting the Planning Dept. new and unlimited powers. This proposal is a travesty in the making. The Planning Dept. is NOT serving us well now. Don't increase their ability to circumvent yet more rules and public processes in pursuit of what appears to be a private agenda.

As a former long-time paid Volunteer Manager for Skagit County, through WSU, I find this continual shoddy treatment of community volunteers on our Planning Commission, concerned tax-paying members of the public and our duly elected Board of County Commissioners shameful and counter to open government of, by and for "the people".

I appreciate the opportunity to offer my comments.

**Ellen Cooley
6340 Lookout Ln,
Bow, WA 98232
360-766-7012**

Submitted by email to Linda Hammons, Clerk of the Board at lindah@co.skagit.wa.us



Honorable Members of the Board of County Commissioners:

Please consider my comments independently, and without interpretation and prejudiced rebuttal, while considering my recorded written testimony on the currently docketed proposal to modify the Planning Commission. I lauded you publicly during your public comment period, and in person, for hearing and responding to concerns regarding our Planning Commissioners. Your concern was expressed in a letter under your signatures to the Planning Commissioners dated January 31, 2012, a year ago. I became aware of your letter reaching out to the Commission as an attendee at the Feb. 7, 2012 Planning Commission regular meeting. Here is where the wheels of your good intentions came off. You were represented not by yourselves, but rather by your staff legal representative who,

In my opinion, coerced the Planning Commission to address the 17 "discussion stimulator" questions against their will, at that and the subsequent March meeting (watch the Ch21 video).

It is unclear who developed these questions and decided when, where, and how, the Commissioners were forced to respond. The public never had access to the development nor content of this list of stimulators. The Planning Commission was promised, on the record, a draft of the content of their comments. If any such draft was presented it has not been made available to the electorate. The completed draft of the proposed ordinance was presented to the Planning Commission a year later, by surprise, at the last possible moment before public hearing and possible adoption.

The Draft Ordinance you are constrained to consider now surfaces as a prepared ordinance which has absolutely no connection to the intent of your original letter. Once again, your delegates have blown their assignment bigtime, and this time it won't work to fire the Planning Commission Chair. And this time it won't work to bluster and rebut the public wisdom. And, this time it won't work to submit endless back and cover versions of the rogue proposal. And this time it won't work to bully the Board of County Commissioners. This proposal is the child of egregious behavior and you should be offended to the point of decisive corrective action. You must set aside this proposal, and call upon the Planning Commission Members to join with you in a format and forum expeditious to dialogue and openness, and do this yourselves. Once you have advanced the public interest in this way, it would be more than appropriate to join with your Planning Commissioners in inviting the public to as many town hall meetings as necessary to move ahead with due process in County Government.

I reference the publically available documents related to this fiasco only if you wish to see in black and white how your good name was abused. It makes for unpleasant reading. I would recommend moving ahead and putting the cart back before the horse and take charge of your duty as Elected Head and Chief Administrator of those County functions under your mandate. This episode sickens me and pushes me toward a Vision 2060 for Rural Skagitonians of sadness and dashed hope. You have the power and responsibility to straighten this out and put us back on track. Be our Heroes, put due process back on track in Skagit County. With all Sincerity, Ed Stauffer, West Alger

Ed Stauffer

ATTACHMENTS: ALL FROM THE COUNTY WEBSITE NUMBERED BY HAND IN UPPER LEFT 1-12, ET

Note: Attachments (January 31, 2012, letter from Board to PC; Notice of Public Hearing on January 22, 2013; January 9, 2013, PA Memo to Board; February 1, 2013, PDS Memo to Board and PC; February 5, 2013, PC Meeting Agenda) are already included elsewhere in the record.