

Skagit County Planning Commission
Deliberations: Miscellaneous Code Amendments Phase II
October 6, 2009

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

Staff: **Ryan Walters, Deputy Prosecuting Atty.**
 Carly Ruacho, Senior Planner
 Gary Christensen, Planning Director

Guests: **Dave Chamberlain, Forest Advisory Board**
 Kim Mower, Agriculture Advisory Board

Jason Easton: (I'd like to call this) meeting to order (gavel). My name's Jason Easton. I'm the Vice-Chair, but I'll be serving as Chair tonight. I'd like you to review your agendas for just a moment. I'd like to make two changes without objection. I believe the bylaws discussion will be short, given how many times we've discussed them. Does everyone concur?

Several voices: Yes.

Mr. Easton: And with that in mind – in respect to staff – I'm going to move that up to before Deliberations. And then, in addition, under "General Issues" we need to discuss the leadership of this commission. There's been a resignation. Mr. Stiles has resigned today as our Chair and so we need to address – I think we should address that. So we'll add that right there with General Issues along with the PC Quarterly Mileage. Any objections to those changes?

Several voices: No.

Mr. Easton: All right, so by consensus the agenda has been amended. And at this point then, we'll turn this over to Ryan. I believe you're going to – Ryan said he was going to put our bylaws up on our screens so that we could review them. And I know that at least one Commissioner has a question or request. Thank you, Ryan.

Ryan Walters: All right, good evening. So I have the bylaws on-screen, using the miracle of 1990s' technology, and you should be able to see them on your own screens too, right? All right, great. So if we need to make any changes, we can type them right into this screen, they'll appear on your screens, I'll hit "save," you'll make a motion.

Mr. Easton: Excellent.

Mr. Walters: Yeah.

Mr. Easton: Just one note for staff: Whatever you see on *that* screen is what we see on this screen. I'm not sure if your page is aligned the same way. So the last line we can read is just the word "membership."

Mr. Walters: Right.

Mr. Easton: Okay.

Mr. Walters: So how would you like to proceed? Would you like me to go through each change or – yeah?

Annie Lohman: I think we should start at the top and –

Mr. Easton: Just a – you want a quick justification for each change?

Ms. Lohman: Well, I think because it's quite a radical change and it's a lot of busy stuff on there, I think we should just – I think we could quickly just go through it.

Mr. Walters: Okay.

Mr. Easton: All right, then that's what we'll do.

Mr. Walters: So, let's see, before we get started maybe we should adjust this so that it will show us balloons for comments. Hopefully nobody gets motion sick.

So I believe that the red changes were Annie's – I think that's right? So anything that's in red shouldn't be a change from the last draft that you saw or discussed at the last meeting that you talked about bylaws.

Mr. Easton: So without objection, I'd like to just pursue whatever changes Ryan made since the last draft that we reviewed. Is that agreeable?

(sounds of assent)

Mr. Walters: All right, so then let's scroll down to anything in green.

Kristen Ohlson-Kiehn: Wait. Wasn't there a change in that?

Ms. Lohman: Oh, you changed something (on) page 1.

Mr. Walters: What? What's –

Ms. Ohlson-Kiehn: There's something double-underlined in Article III.

Ms. Lohman: "Unresolved differences..."

Ms. Ohlson-Kiehn: Oh, that's not a change. That's just an emphasis?

Mr. Easton: No, that's an –

Ms. Lohman: That's Ryan's change.

Mr. Walters: That's not Ryan's change. That's not in green. Is that from the original?

Ms. Lohman: It was in the original and was struck.

Mr. Walters: Oh. All right, then –

Ms. Lohman: And I would move that we strike it all the way to the end.

Mr. Easton: Is there a second?

Jerry Jewett: I'll second it.

Mr. Easton: Okay, so Jerry seconds it; open for discussion.

Ms. Lohman: As the person with the idea, I would like to say the reason for that is I believe that all of us know how to conduct ourselves in public and that we could civilly resolve any differences, even if we are passionate about something – that we don't need a third-party intermediary (sic) to referee us.

Mr. Easton: Does anyone else wish to speak to or for, for or against, the motion?

Mary McGoffin: Well, secondly it prolongs resolution of anything if these things remain unresolved. I mean, it sort of forces our hand to settle matters instead of punt them to the legal department.

Mr. Walters: I would also say it doesn't specify what an "unresolved" difference of opinion is. If it's a difference of opinion and it's an unresolved difference, does that mean it's not something that's been voted on by the Commission? Or does that mean it's something that *has* been voted on but people still feel –

Ms. McGoffin: I think in our deliberation opportunities we're able to resolve whatever matters come before us.

Mr. Easton: Okay. Does anybody wish to speak against the motion?

(silence)

Mr. Easton: So I'll call for the question: All those in favor?

Ms. McGoffin, Mr. Jewett, Ms. Ohlson-Kiehn, Dave Hughes, Matt Mahaffie, Mr. Easton and Ms. Lohman: Aye.

Mr. Easton: All those opposed?

(silence)

Mr. Easton: Anyone abstaining?

(silence)

Mr. Easton: Okay.

Mr. Walters: All right, so I will strike that and mark those changes in some other random color, with the i.d. "PC" for Planning Commission. Brown. So brown are changes that we make here tonight.

Mr. Easton: Great.

Mr. Walters: All right, so the next change that I made is to insert the words "by written ballot." This is not necessarily required. You don't have to vote by written ballot. You can't, however, make a secret ballot; you can't vote in secret under the Open Public Meetings Act. Now that hasn't been your policy in the past, but that was incorrect. So you don't necessarily need written ballot, but I would recommend there's something in here that indicates that it has to be a public vote.

Mr. Easton: And your vote has to be in public.

Mr. Walters: Yeah.

Mr. Easton: We can write on our ballots; we don't have to show them to the camera? I mean, it's –

Mr. Walters: You can take a vote by written ballot, then it's a public record.

Mr. Easton: Okay.

Mr. Walters: You know, whatever it is you want to do, but it needs to be – it can't be secret. There cannot be secret votes.

Mr. Easton: Okay.

Ms. Lohman: Where is that, Ryan? I'm struggling to find it.

(several inaudible voices)

Ms. McGoffin: Line 20.

Mr. Easton: What's the difference between "written" and "secret," was the question.

Mr. Walters: Well, and, in fact, maybe written is not explanatory enough. Because previously weren't you taking secret written ballots?

Mr. Jewett: They were giving us a piece of paper –

Mr. Easton: And you voted.

Mr. Jewett: – and we voted, gave it to somebody else and they counted it.

Mr. Easton: And it was anonymous. The results were announced, I mean, obviously.

Mr. Walters: So my comment here is not actually a change. I'm recommending that you make a change to indicate that it can't be a *secret* written ballot. If we strike "written" and just say –

Mr. Easton: Okay, I don't want to belabor this point, but for public – you're leaving me more confused than understanding. So will our voting procedure change? I mean – actually we may do this tonight – we would distribute pieces of paper; people would vote anonymously for members; those would be collected by staff; and –

Mr. Walters: You cannot vote anonymously.

Ms. McGoffin: Oh.

Mr. Easton: Okay, so we would have to vote – so then why have a – so we have written ballots that will become a part of the public record that will note who we are and who we voted for.

Mr. Walters: Right.

Mr. Easton: Okay.

Mr. Walters: Under your existing bylaws it says “written ballot.” “Written ballot” adds this other procedure where you have to have a piece of paper and stuff. But, you know, if it’s going to be public anyway maybe you should just have a public voice vote.

So on the screen here there is a comment; there is not a proposed change. If I were to propose a change, I would say “by public voice vote.”

Ms. Lohman: Why don’t we just leave it wide open and say “We shall elect,” and however we do it, who cares?

Mr. Easton: You’re concerned that we’re violating the Open Public Meetings Act?

Mr. Walters: Yeah, you *were* under your previous practice.

Mr. Easton: Criminals!

Ms. Lohman: Do we need to specify how we’re going to actually raise our hand and vote?

Mr. Jewett: That’s what he’s saying now.

Mr. Walters: I guess – no. No, you don’t need to specify that. You just need to make sure that you’re doing something that is compliant with the Open Public Meetings Act.

Mr. Easton: And you believe including the word “public” is important for us to be able to do that?

Mr. Walters: No. I mean, it doesn’t have to be *in* the bylaws. You can do things that are consistent with but not specifically spelled out in the bylaws. You just – I’m suggesting that you have something like that in there to make sure that that actually happens.

Mr. Easton: Okay. Any objection?

Ms. Ohlson-Kiehn: No, but I just have a question. Were we violating the Open Public Meetings Act – it wasn’t because we used a written ballot. It’s because we didn’t save the ballots for public disclosure?

Mr. Walters: It’s because it was secret.

Carly Ruacho: You didn't put your names on it.

Ms. Ohlson-Kiehn: So we didn't have our names on it and then they weren't saved for public disclosure.

Ms. Ruacho: Well, we saved them, but they don't have any names.

Ms. Ohlson-Kiehn: Oh, they were saved but we don't know _____ vote is.

Mr. Walters: Yeah.

Ms. Ohlson-Kiehn: So that was the only difference.

Mr. Easton: Just practically speaking, this creates some unique tension from a group of people who all have to work together.

Ms. Ohlson-Kiehn: Well, but why can't we just do a written ballot and just stick our names on them and – you know, I mean public disclosure – I mean, people can –

Mr. Easton: If it's requested.

Ms. Ohlson-Kiehn: Yeah, it can be submitted. It's just at the time of the vote maybe people don't necessarily want to –

Mr. Easton: Can we vote in written form with our names on the ballot?

Mr. Walters: Probably. I didn't specifically research that option, but probably. If you would like to do that, I would suggest that you *not* vote for a Chair tonight so that we can research that. And then you could leave the bylaws a little bit more open, so the bylaws could simply say –

Mr. Easton: Your original comment was that we could have written ballots, and you've moved away – you highlighted that area – that wasn't a change you made then?

Mr. Walters: No, that wasn't a change.

Mr. Easton: Oh, okay.

Mr. Walters: Yeah. I'm not entirely sure that you can have written ballots – well, probably.

Mr. Easton: Here's my suggestion: Let's go with your "probably," and if you come back believing that we can't do it we'll amend this. The bylaws will be finished tonight, in my opinion.

Mr. Walters: Well, my suggestion would be that you just simply strike "by written ballot." Then you can also strike "by public voice vote" and so it just says "shall elect."

Ms. Ohlson-Kiehn: That sounds good to me. I agree with that.

Mr. Easton: Would anyone object?

Mr. Jewett: That sounds great.

Mr. Easton: So be it.

Ms. Lohman: Simpler is better.

Mr. Easton: So be it. All right. Well, that was fascinating.

Mr. Walters: And then we'll resolve that question and get back to you.

Mr. Easton: So go ahead and strike "by written ballot."

Ms. McGoffin: Why can't you – okay, this is in order to fulfill the public function, all of our meetings are public. It goes without saying that we would do this at a public meeting. We can't meet outside of a public meeting. So it's a foregone conclusion that this business would take place in a public venue.

Ms. Ohlson-Kiehn: I think that's true.

Mr. Easton: Historically we have at times voted in a restaurant, so I think – my preference –

Mr. Walters: Which was still noticed as a public meeting.

Ms. Ohlson-Kiehn: Did we notice it? Yeah, exactly.

Mr. Easton: Which was noticed because the Commissioners were present – correct. But we – it would probably be my suggestion that we practice doing this here and on camera in the future.

Ms. Ohlson-Kiehn: Sounds good.

Ms. McGoffin: Okay.

Mr. Walters: All right, so let's scroll down to the next green change. Now there's another –

Mr. Mahaffie: Wasn't there one above that?

Ms. Ohlson-Kiehn: Yeah, there's a couple double-underlines.

Mr. Walters: Yeah, there're a couple double – I think that maybe –

Mr. Easton: Page 4?

Mr. Walters: – maybe the double – are the double-underlines suggestions from the Planning Department?

Mr. Easton: Those are yours.

Ms. Lohman: They must be from you.

Ms. Ruacho: I think they're yours.

Mr. Walters: Really?

Ms. Lohman: Yeah.

Mr. Walters: I suppose that's possible that I changed from track changes to manually – this was quite a while ago. But this "shall" here I think is simply a grammatical change. And then "ensure" and "electronic": That's also a slight grammatical, slight functional change because the secretary may not actually be making the recording, just ensuring that the recording is made.

And then here –

Ms. Lohman: Wait.

Mr. Walters: Is there another that I skipped?

Ms. Lohman: No.

Mr. Walters: And then here this is that similar section that you agreed to strike, right?

Mr. Easton: Yeah, we concur.

Mr. Walters: All right. And then "All public meetings shall be recorded."

Ms. Lohman: Wait. On the one I – okay, on here you have “Act.” It *is* “Act” – “Appearance of Fairness Act,” correct?

Mr. Walters: I’m sorry. Which section are you referring to?

Ms. Lohman: Right above the cursor.

Mr. Walters: Right here?

Ms. Lohman: That *is* the correct name, right?

Mr. Easton: The “Appearance of Fairness Act”?

Mr. Walters: I’m not certain that it’s an act.

Ms. Lohman: I think it is.

Mr. Walters: It may be.

Ms. Lohman: Okay.

Mr. Walters: I didn’t highlight it for change. So there’s another insertion here: “All public meetings and hearings shall be recorded.” I’m not sure that that is necessary, but it’s also probably not objectionable.

Ms. Lohman: I think it’s in the wrong place, though, because it’s under the Section II for Quorum.

Mr. Walters: Right, because Minutes and Records no longer exist.

Mr. Easton: And it’s redundant.

Ms. Lohman: Right. I think you should strike it.

Mr. Walters: It’s redundant because it’s up here under “ensure.”

Ms. Lohman: Yes.

Mr. Walters: Yeah. All right. Here’s another small modification: “...in the Commissioners’ hearing room.”

Mr. Easton: That’s fine.

Ms. Ohlson-Kiehn: It looks like back on page 8, line 36, there was a double-underline – just to be ____.

Mr. Walters: “Bylaws shall be reviewed periodically during or prior to a regular meeting.”

Mr. Easton: Yeah, that’s fine.

Mr. Walters: And then “These bylaws, upon approval by the Board of County Commissioners, repeal and supersede all previous bylaws.”

Mr. Easton: All right. What’s the pleasure of the Commissioners?

Mr. Jewett: I move to approve the bylaws as –

Mr. Easton: – as amended.

Ms. Lohman: Second.

Mr. Easton: It’s been moved and seconded to approve the bylaws as amended. Any discussion?

Gary Christensen: I’m sorry. Who seconded it?

Mr. Easton: I’m sorry; Annie did.

Mr. Christensen: Thank you.

Mr. Easton: Any discussion? I think this was a worthwhile exercise. I know it was a little long. And I appreciate your work on this, Ryan, and Annie, you did way above and beyond in helping on this. I want to make sure we recognize you. Without any further discussion, I’ll call for the question. All those in favor, say aye.

Ms. McGoffin, Mr. Easton, Ms. Ohlson-Kiehn, Mr. Jewett, Mr. Hughes, Mr. Mahaffie and Ms. Lohman: Aye.

Mr. Easton: All those opposed?

(silence)

Mr. Easton: Any abstentions?

(silence)

Mr. Easton: The bylaws are now officially handed off to the Commissioners for their approval.

Ms. Lohman: Mr. Chair?

Mr. Easton: Yes?

Ms. Lohman: Can we grant grammatical error – you have the latitude to correct grammatical errors?

Mr. Walters: Are there any that you see?

Ms. Lohman: I don't know because it's so chopped up! There could possibly be.

Mr. Walters: Punctuation errors, space missing –

Ms. Lohman: Yes.

Mr. Easton: Yeah, that's – is that agreeable to the Commission – and by consensus then?

Mr. Walters: All right.

Mr. Easton: All right. Thank you, Ryan; I appreciate your time. And thank you, Carly, for letting us change the agenda around to accommodate Mr. Walters' evening.

Ms. Ohlson-Kiehn: Mr. Chair, did you say that there was a Commissioner that had a question about the bylaws before?

Mr. Easton: I knew that Annie had some comments about the bylaws; that's what I mentioned it for.

Ms. Ohlson-Kiehn: Oh, okay; got it.

Mr. Easton: Thank you. All right, so at this point we're going to move on to the deliberations on the Miscellaneous Code Amendments. This was part of the public hearing we've had in the past.

So tonight we're still functioning under our old bylaws.

Ms. Ruacho: Okay, so what you have on your screen now are the amendments that are on your agenda for deliberations tonight. They're referred to as the "Phase II Miscellaneous Code Amendments."

As you'll recall, you adopted 100 of the 119 proposed code amendments I believe September 1st, if I'm recalling correctly. And those did proceed to the Board of County Commissioners and they took action on those amendments. Those amendments have been adopted by the County Commissioners and are now in effect. And what you have before you tonight is the residual amendments

that received comment and that the Department felt needed more attention – a little more work-through with stakeholders to see if we could reach consensus by possible amendment. A lot of them just were not amended whatsoever.

We had meetings – two lengthy meetings – with many stakeholder groups. All those that commented on the code amendments that were tabled for this further discussion were invited to participate in kind of a further fact-finding, open discussion just to understand the code changes better so the Department could understand the concerns better and see if we could work through that either just by discussion, by amendment or by other option.

On a couple of the nineteen amendments that were pulled, the way to reach consensus was to indefinitely table or – if you want to call it – remove the proposal altogether. So you'll see here that although you adopted 100 of 119, you do not have nineteen remaining issues. So some of them have been just completely removed from our proposal based on public comments and just in an effort to act in an efficient manner, get these back while they're still fresh in everyone's memory. If it's something we couldn't reach consensus on in a – you know, a given amount of time, a reasonable amount of time, they obviously *need* some more work, more detailed working groups, et cetera. So those have been put on an indefinite hold, if *ever* to be resurrected.

So you have in front of you a staff report that outlines the amendments on the list that is the colored list with the orange at the top with the red entry items. If it's on the list, it is explained in the staff report what the concerns were originally and where we came to as far as: Were amendments made? Was there just kind of an education and discussion component that led to consensus? We are happy to report that all but one item in your packet tonight has consensus from the groups that commented originally.

The one that I'd like to highlight that we were not able to reach consensus on but the Department still felt important to put forward is in the 14.08 section. And it's the large section – let me get there so I can tell you the number – the large underlined section 4, I believe – let's see, no, 5. So it's 14.08.020(5)....So it starts here. For those of you who have packets, it's on page 5 of 19, starting at line 19, and then it goes on for several pages. And it has to do with UGA boundary modifications.

And, if you'll recall – and if you do and I'm redundant, I apologize. But just for those who might not remember, the County entered into an interlocal agreement with many of the Cities and Towns where we agreed to a process by which we would process UGA boundary modifications. So if a City or Town wants to enlarge their urban growth area, reduce it, have comprehensive plan amendments that affect their actual boundary, then we've agreed to a cooperative process by which we would do that. The highlights are that it's a once-every-seven-year cycle; it doesn't identify a given year that each City or

Town is to come in, but each City or Town can come in one time during each seven-year period. And those seven-year periods are identified by the mandated seven-year update of our Comprehensive Plan.

So beginning in those years – those update years – for seven years following each City or Town can come in one time to ask for a comprehensive change to their urban growth area boundary. There are, of course, exceptions to that rule, as with all rules – at least with *our* rules! We have to have some exceptions for those outliers that might have emergency-type situations, or special provisions need to be made in certain circumstances, but, all in all, generally a once-every-seven-year process. And, like I say, the Cities and Towns have agreed to this. I don't have the interlocal with me; I believe it's all but two we signed an agreement with. So this is a mutually agreed to process.

The concerns that were raised have to do with the order of this process. So there was an interlocal agreement entered into, developed and agreed to and signed by the County that was outside of a public process. So this was an interagency process. And now what we are proposing to do is to codify that agreement, because we do have codes in effect now that are inconsistent with that agreement and, I think even worse than that, it is very difficult to locate if you're just a member of the public. It's, you know, on the website for the County Commissioners' Recorded Documents as an interlocal agreement. If you were not actively looking for it, you would be hard-pressed to even know this agreement existed that bound you to a process.

And so we would just like, you know, to codify this so that any member of the public that is located within an urban growth area, when they come to the County – who they assume they come to the County to get a Comprehensive Plan amendment for their property – indeed there's this agreement that does not allow them to communicate directly with the property – or with the County – in this regard and that they need to go to the City and it needs to come forward in a comprehensive package from the City only.

So it puts the Department and the public kind of at odds when they get frustrated that they can't find the rules that apply to them. It puts us in a bad position to kind of pull out this agreement that's not in the code and say, Well, you know, this is what the County's agreed to. And I think rightfully so there were concerns from some commenters that they wish they would have had input, you know, during the process, the original development of the interlocal agreement. So it's not that they object necessarily to the language, but the process – that it was a closed process and now we're codifying that. And we're kind of bound to codify what is already agreed to. There's not a lot of flexibility because we do have to follow that. Sure, we can wordsmith and if something's unclear we can clarify, so long as we don't violate the spirit of the agreement, but we can't vary from it per se to where we would deviate from what we've already agreed to.

So there is still some, you know, maybe not whole-hearted consensus with this agreement. There are still some concerns and some commenters would still like to see this provision tabled for further review, whatever that might lead to. But like I spoke of earlier, the Department feels that right now we're doing a disservice to the public by having a codified process that directly conflicts with the process we've agreed to and directly conflicts with the process that we implement. So we still feel that even though unfortunately we were not able to reach consensus on this one item, I'd like to, you know, clarify at every available opportunity – because I think it was a significant feat to sit down with as many stakeholder groups as we did to go through the nineteen amendments and come to consensus on every one other than this one mainly over process, which was not a process that we undertook here through the Planning Commission but was a process that was kind of government to government in a different venue that took place.

So but we do still feel that although we acknowledge the concerns and understand the concerns we still do recommend that this move forward. The rest of the code amendments, as I discussed, they may have received amendment based on those meetings and those are identified in your document, and I'll bring one up on the screen here so –

Mr. Easton: I'd like to take a second before we move past this one –

Ms. Ruacho: Sure.

Mr. Easton: – to give the Commission a chance to comment or ask a question about this issue given it's so much different, Carly, than the rest of them – if that's all right.

Ms. Ruacho: Sure. You bet.

Mr. Easton: Anyone? Annie?

Mr. Hughes: I guess my only question is in the past that – and the lawyer's not here, but are there any significant changes to warrant another public hearing on this?

Ms. Ruacho: No. The changes – so in the whole document, you mean?

Mr. Hughes: Well, in what we're – yes.

Ms. Ruacho: In this document – what I've brought up on the screen is just an example. Where you see the yellow highlight, that means there is a change from what was originally released to the public for review. So what the public commented on – had the ability to comment on – at the public hearing is in the black and white, and the yellow is something that has been developed since

then. This has been reviewed by the Planning staff and by the legal staff and we do not feel that any of the changes rise to the level of a significant change that would require further public input. They're just to clarify, based on concerns that were brought up by stakeholder groups – you know, maybe what exactly was meant here; could we clarify what's on the screen here; we added the words "actions reviewable." You know, folks were wondering, Well, what is a Level I, you know, type thing. So at some points we added a few other words – again, not violating the spirit of what was already released. Once you change your path, then you're required to have an additional public hearing, but this is just clarifying language or at times making it more efficient – maybe less words – to make it easier to understand. But, no; in our opinion and legal counsel's opinion, none of the highlighted areas rise to the level of additional public comment required.

Mr. Easton: Annie.

Ms. Lohman: Well, my question is how many times does an interlocal agreement then trump public process? Because I know a lot of us would be very upset if interlocal agreements kind of can bypass our ability to have our say.

Ms. Ruacho: Gary, do you want to address that?

Mr. Christensen: I don't know how many interlocal agreements have been or how many might be in the future. But certainly part of the history in addressing this particular issue was the result of litigation and appeals before the Western Washington Growth Management Hearings Board. As a result of that, the County, the Cities and the Towns, through the Skagit Council of Governments, obtained a grant from the State to address this issue, which took place over a period of time that exceeded a year. So it was important for the local governments and the County to resolve these differences and to do so in an amicable way and to not have to litigate or draw things out. And, maybe more importantly so, was to bring some predictability to the process, not only for local governments in terms of how you process, but the public at large so that they had a procedural way in which to propose modifications to the UGA.

So in this particular case, there is an agreement between the County and the Cities and Towns. It's not the normal type of process that one would go through, but it was a process that was agreed to as a result of litigation. So in many cases legislative actions such as code amendments go through a GMA public participation process. This particular case is only now going through that process – or this particular proposed code amendment is now just going through that process. So there was certainly an opportunity for the public to respond and comment, and, as Carly indicated, you know, significant or substantial changes is probably difficult given that there's already in essence a contract between the Cities, Towns and the County. And that's how they resolved their differences.

Mr. Easton: Okay. Any other questions? I have one, which – was it – the two Towns or Cities that *haven't* signed the interlocal agreement, was that because of their disagreement or just because – I mean, I know how cumbersome interlocals are and that you've – you know, all the timings of city councils getting together, et cetera. What's the reason behind the two Towns or Cities that haven't signed?

Ms. Ruacho: I would have to look at the interlocal to see who doesn't. This would be basically a guess, but it could possibly be the towns that don't have urban growth areas associated with them so that this was a moot point to them.

Mr. Easton: So we're not talking about any of **the _____, like seven GMA towns?**

Mr. Christensen: Yeah, and I'm trying to recall as well. Not all the Cities and Towns elected to participate as members of the Growth Management Act Steering Committee under the Framework Agreement in 2002. I want to say – I believe this is correct – that Concrete, Hamilton and Lyman were invited but chose not to participate at that time, I think in part because of resources and because they didn't have the UGA issues that the other larger municipalities were faced with.

Mr. Easton: And refresh my memory: I don't recall any jurisdiction testifying against this.

Ms. Ruacho: No.

Mr. Easton: The folks that testified against it were more concerned about the public process and the order in which this process goes – and you met with them?

Ms. Ruacho: We did.

Mr. Easton: Okay.

Ms. Ruacho: And we discussed this at length and –

Mr. Easton: And you weren't able to resolve it.

Ms. Ruacho: We just – you know, their desire is that this be pulled from this process and be further discussed so that they could vet their issues again, you know, rather than just in the letter that you've seen – their letters that came in that said they were concerned with this and that they didn't appreciate the process that it went through and that we are bound, like Gary said, more than normal. We have some bookends here that are a little stricter than normal – well, a *lot* stricter than normal. We can amend this, we can massage it, but we still

have to adhere to the spirit of the agreement. We don't have just the full reins on this one.

And so there was some, you know, just – there were some feelings that – like Annie, you know, kind of alluded to – some feelings that their public process rights maybe were not given the full –

Mr. Easton: Yeah, it's okay. I don't need you to go over that. I follow you there. Jerry has a question and then we'll probably move on.

Mr. Jewett: Could the Planning Department and – or the County – and the City of Mount Vernon agree to add to Mount Vernon's urban growth area without going through the public process?

Ms. Ruacho: No, this is just the process. It just outlines what the process is, how often they can come forward, what they need to do, what kind of work they need to do, a land capacity analysis – that type of thing. It outlines, like Gary said. It gives them certainty as to what their package needs to look like when it comes to the County. It tells them when they can, so timelines; what the package needs to include; and who it needs to come from. So it's really a process structure. Absolutely every individual change would go through a public process but the structure that's listed out here is what's before you.

Mr. Easton: And let's just note for those that are at home and don't speak planning, there would be two more opportunities before this for people to disagree publicly with this code change. Assuming it passes from us, there'll be a chance to speak in front of the Commissioners before they make their decision.

Ms. Ruacho: Not necessarily. That's at the Commissioners' discretion. It doesn't need a public hearing at the Commissioner level. It needs a public meeting. The Commissioners certainly *can* allow people to speak, but it's not a public hearing.

Mr. Easton: Okay. So if people wanted to inquire the Commissioners of a chance to speak to this they could ask for that opportunity.

Ms. Ruacho: Certainly, they could ask that.

Mr. Easton: And then they also always have their appeal rights before the Hearing Boards.

Ms. Ruacho: Correct.

Mr. Easton: So there is – you know, like I said, I'm trying to be cognizant of people who are watching this that don't speak planning. There *are* opportunities

for people who disagree with what we may vote on tonight to take those concerns to a higher level.

Ms. Ruacho: Sure. And then, as Jerry indicated with his question, any actual applications that come forward that will be reviewed under this code will go through a public process, and so each one of those applications will then have an additional several options for public comment individually after this.

Mr. Easton: So, with that, we're going to move on, if that's all right. This next section I want – before you go much further – I want to poll the Commission about what they're looking for in this section. Because in my review of this section I found it to be just clarifications and slight additions. I'm not – but I don't want to speak for the whole Commission. We could go through all – there's eighteen, right?

Ms. Ruacho: Mm-hmm.

Mr. Easton: We could go through all eighteen of these and look at all those opportunities to see the double lines, or we can move forward. It's up to you all. Does anyone, in their review of it, have any concerns about this section?

Ms. Ohlson-Kiehn: This section being any of the –

Mr. Easton: The next eighteen like the example, Kristen, that we just saw.

Ms. Ohlson-Kiehn: In the yellow?

Mr. Easton: Yeah.

Ms. Ohlson-Kiehn: Okay.

Ms. Lohman: Well, I think we owe it to the public to at least go through it. You don't have to dwell on every little line. I mean, I think you could quickly go through it. But I think it's for the public record and for the people that we are supposedly representing, I think it would be nice to –

Mr. Easton: I hear your concern, but we don't make it a practice in our deliberations that we have to review everything we're about to vote on. So I want – that's why I wanted to make sure that every – because part of our due diligence as being Commissioners is review this stuff prior to the meeting. So I guess, with that, is there anyone else who agrees with Annie that you want to go through them point by point, or do you want to just defer to Annie, or what's your pleasure?

(silence)

Mr. Easton: All right, hearing no one who's interested in taking them point by point, is everyone comfortable with us moving to deliberations so we're done with the staff report?

(silence)

Mr. Easton: Any disagreement? I mean, I'm open to your input. All right, with that we'll – thank you, Carly and –

Ms. Ruacho: Sure. Just one additional point that you did request – the Planning Commission did request – the Chair or a designated representative from both the Ag Advisory Board and the Forest Advisory Board, who are the two County-appointed advisory boards who both attended these meetings, as well as other agencies and interest groups.

Mr. Easton: Mm-hmm.

Ms. Ruacho: But they did honor your request and the Chairs – Dave, are you the Chair? Okay. Sorry, I don't liaison with the FAB –

Mr. Easton: That's okay.

Ms. Ruacho: But both Chairs are here tonight. We identified in the staff report our interpretation of their position upon our discussion.

Mr. Easton: Right.

Ms. Ruacho: They have received that staff report; I would say two weeks or so ago it was sent out, so they've had the opportunity to look it over. They're here tonight to address you at your discretion. If they would like to point out any, you know, discrepancies or support – whatever they would like at your discretion they are here for that.

Mr. Easton: Okay, right. And I thank you. I appreciate the reminder that we did include that into this next meeting. The way I'd like to handle that is we'll move into – we'll go ahead and entertain a motion and a second, move into deliberations, and then I'm going to ask you guys to come up and *I'm* going to ask you a few questions just to start off, and if the Commissioners have others we'll do that. We have within the way we practice the ability to do that with folks who – or groups that testified before us at the public hearing.

So, with that, I'll entertain a motion for the approval of these changes.

(silence)

Mr. Easton: Do you want to take all nineteen at once?

Ms. McGoffin: Chair, I'd like to hear from –

Mr. Easton: You want to hear from them first?

Ms. McGoffin: Yeah.

Mr. Easton: Before the motion?

Ms. McGoffin: Yeah.

Mr. Easton: Okay. Great. Dave, do you want to come up first? If you go to Carly's microphone would be great.

Could you introduce yourself for the record? Give your address and your title.

Dave Chamberlain: My name is Dave Chamberlain. I'm Chair of the Forest Advisory Board, 14348 Hidden Ridge Lane, Bow, Washington.

Mr. Easton: Thank you, Dave. In addition to just any general comments you feel like we need to hear before we go into deliberations – and please, let's keep them brief – the one question I have is sometimes communication between citizen advisory groups and staff, sometimes just like cousins and wives they think they heard one thing and they didn't hear each other. It would be helpful for you if you could tell us if you believe that the staff's recollection that you're in agreement now on these is accurate. So if you could speak to that and then anything else you think we need to know.

Mr. Chamberlain: Yeah, I think, pursuant to the meetings that Carly referenced, I think we were able to hash out all the issues that were of concern.

Mr. Easton: Great.

Mr. Chamberlain: There were some changes made and we've continued discussions with – on at least one of the topics. It was a major topic in our FAB meeting yesterday and I've heard through John Cooper that further resolution has been arrived at. So I think, you know, while I could comment and say I wish that some of these deliberations had happened prior to this going to the Planning Commission, I think in a roundabout way I think we accomplished the level of communication that needed to occur.

There's just one issue that's been tabled and it's, I would say, of paramount importance to the Forestry Advisory Board and we believe that it would be a major plus for the county as a whole to promote forestry that's – it's being tabled for further consideration, and I understand the reasons for it and I would be speaking to you here for a half-an-hour or more explaining the intricacies of it.

There's some politics involved. There's some bitterness about forest practice rules involved. And, quite frankly, there's just some ancient language in the Forest Practices Act that's – it's just old language that needs to be revised and we're kind of trapped by some of that old language. And I'll just briefly tell you.

You know, we're talking about RFI. It's not spelled out, but I think you've got enough material from me; you know what I'm talking about. And it's the whole issue of Class IV General applications that involve lands platted after 1960. The Forest Practices Act was created, I believe, in 1973, '74. At that time plats involved small lots. Roads, streets, gutters, alleys – you know, basically small lots. You put a house on there and a yard and pretty much the whole lot is cleared. And certainly in deferring those Class IV – they're called Class IV General applications – to the County process made sense because that's a conversion activity.

Roll forward to 2009 and we've got 20-acre plats and now all of a sudden – and I don't necessarily agree with all the interpretations on this – but we end up with 20 acres that, because it's a plat, it falls under County jurisdiction and we're applying critical areas. And maybe 1 acre is taken out for a house and other amenities, and you've got 19 acres that can be managed for forestry and should be managed for forestry under Forest Practices rules. But it falls under critical area rules which are *development* rules. They're designed for development and conversion.

And I just want to take this opportunity to, well, relay the concern that if you have rules for development that's what you're going to get is development, and I hope at some point in the future I can come back to you and say we've resolved some of the issues that I won't go into that would take a half-hour or forty-five minutes. There're some issues that I think we need to deal with at the state level and I think that'll eliminate a lot of the hardball political aspects of this. And ultimately I hope we can come before you and say, Let's do this because it's doing to add to forestry, it's going to add to wildlife, it's going to add to greenbelts, it's going to promote all the things that are stated in the Growth Management Act, our County planning goals, the Forest Practices Act. And I think it'll bring us to the level of consistency where we're truly achieving that goal of improved forestry.

Mr. Easton: Thank you. Any questions from the Commission? On behalf of the Planning Commission to another commission, I appreciate your – and I'm sure we all do – the volunteer work that you do for the Forest Advisory Board. It's a lot of work and thank you for your time tonight, Dave.

Mr. Chamberlain: Thank you much.

Mr. Easton: Good evening. For the record, would you state your name and your address and then your title?

Kim Mower: Yes, good evening. I'm Kim Mower and I'm Chair of the Agriculture Advisory Board, and my address is 35658 Lyman-Hamilton Highway, Sedro-Woolley, Washington 98284.

Mr. Easton: Great. We'll take sort of the same format as Dave. Do you feel like you are in agreement with the changes and the testimony that came before us as a public – the public hearing had some – obviously – some challenges between you and the Department. Has that been worked out, and then anything else in general that you feel like needs to be communicated to us?

Ms. Mower: Yes, we worked on a number of these issues. Prior to us getting with the Planning Department our land use committee, which is chaired by Mike Hulbert – he's not here this evening – we got together and we went through it all and we decided to look at more of them in more detail. And when we submitted this to Planning they set up the meetings and were very good at working with us and going over all the details, and every bit of questions that we had were answered. Most of them were just – we just didn't understand what the words were saying and we just – you know, we're just lay people and we just were trying to get that clarified.

And that was great. I really appreciated that, you know. I'm on a pretty steep learning curve myself and it was great to be part of the process and have Carly stand up here and say all her eloquent detail. I was on it, you know! That's great.

But, yes, they worked with us very well, took a great amount of time and we felt very satisfied. Some of the issues with the Ag Advisory Board were different from Forestry. They had other deals that they're working with. And there were some word changes that we asked and they fulfilled our requests. Yeah, I think they did a very nice job.

Mr. Easton: Excellent. Anything else you want to add? You don't have to if you don't want to.

Ms. Mower: No, I appreciated being part of the process. I feel very proud as a citizen to be involved and to, you know, have a voice and to be listened to and people taking the time to fill me in.

Mr. Easton: Any questions from the Commission? Well, again, I want to thank you for your service to the community and all the time you put into that. So thank you and thank the Ag and FAB boards for us, please.

So, with that, the Chair will entertain a motion on the proposed amendments. I'd like to take them – all nineteen – at once, unless there's an objection. Okay, seeing none, then we'll take them all – nineteen – and which is waiting for a motion.

Ms. McGoffin: I move that we recommend the amendments to the Board of Commissioners as given to us this evening and... I'm waiting for a second.

Mr. Easton: Okay, is there a second?

Ms. Ohlson-Kiehn: I second.

Mr. Easton: Okay. So Mary moved and Kristen seconded. Any discussion? I appreciate the Department's decision to take the ones out that were contentious. It made the deliberations – it would have made the deliberations very challenging and I think it's better for us to work through the process in a more collaborative way. I'm really glad to see the FAB and the Ag community being able to get together with you guys on the same page. Sometimes – I love seeing the improvement and the trust between both sides.

So, with that, if there's not any other questions or comments, I'll call for the question. All those in favor?

Ms. McGoffin, Mr. Jewett, Mr. Easton, Mr. Hughes, Ms. Lohman, Ms. Ohlson-Kiehn and Mr. Mahaffie: Aye.

Mr. Easton: All those opposed?

(silence)

Mr. Easton: Any abstentions? Okay, it passes seven-zero. And, Carly, I believe that concludes this portion of the program?

Ms. Ruacho: It does. The only thing that I would ask is this time is you notice you don't have a prepared recorded motion, and I apologize for that. Sometimes I'm going to have time to do that before and not always, and unfortunately this time with the other packet that you received, maybe you see why I don't have that this time. So if there are any specific findings that you would like to make that I could incorporate into your recorded motion – other than what I can gather from what you've said today – if there's anything that you specifically want to identify I'd be happy to jot that down and make sure that's included.

Mr. Easton: Any Commissioners have a specific finding? Okay, there's none of those. And I'll make my – I'll be available to sign when necessary. I'm in and out of work on this next couple weeks.

Ms. Ruacho: Thanks, Jason. I appreciate that.

Mr. Easton: I'll be available, though. All right, so we have moved through that item on the agenda and now we'll move to General Issues. At your location there

you should have the Quarterly Mileage Report. I'm going to ask that we – if you could do us the favor of adding to this when you prepare it for us – if you could just list the dates of the meetings that we have in each quarter on that memo.

Ms. Ruacho: Okay.

Mr. Easton: That would be really helpful for us to be able to turn these around quickly.

Ms. Ruacho: Okay.

Mr. Easton: And any questions about the quarterly quarterlies? Okay, hearing none, we added to the agenda the issue of our –

Ms. Lohman: Excuse me, ____, I was trying to wave to you.

Mr. Easton: Oh, I'm sorry. I didn't see you.

Ms. Lohman: On the Miscellaneous Amendments, are we going to see the final product?

Ms. Ruacho: Of the codes or the recorded motion?

Ms. Lohman: The recorded motion. Because I don't think we did on the last one, yet the one before we did.

Mr. Easton: So the policy, if I remember right, is that recorded motions – and there has been some concern about this – that recorded motions would be distributed to Commissioners –

Ms. Ruacho: – via e-mail.

Mr. Easton: – via e-mail.

Ms. Ruacho: I mean I will *mail* them to Jerry and Carol.

Mr. Easton: But they may be signed before – they may have to be signed before they receive them, right? There's some timeliness on these.

Ms. Ruacho: You will have another meeting on the product, on the recorded motion. You will see it. If you have comments, you are to direct those to the Chair and he is to be the arbiter of any changes that he would like to reply then back to us and we can make those changes before they're –

Mr. Easton: Now are we doing that in meeting or are we doing that by e-mail?

Mr. Christensen: I think – let me – maybe a friendly amendment to Carly's. Certainly we're interested in any of the members' comments or ideas to a recorded motion, but to not get us in trouble by you having e-mail communication amongst yourselves, I think it'd be best if you, after your review of a recorded motion, simply transmit those comments to your staff – us – and we, in turn, will route it to Jason and Jason can review that and then decide on your behalf. But I want to avoid the e-mail communications going back and forth between you, which might appear to be a public meeting without it being noticed.

Mr. Easton: That sounds good. Okay. And then is it your intention then that I sign those prior? That's all settled before we're meeting our next time – this is all done before – most likely – before the next meeting, as related to – and as it relates to the Commissioners' calendar and such?

Mr. Christensen: Yeah.

Ms. Ruacho: As often as we can, we will try to have a recorded motion prior – you know, at a meeting if there's no time constraint, or at your meeting for deliberations. Sometimes, especially now toward the end of the year when – this is really when long range planning gears up – what needs to get everything done by the end of the calendar year that we need to get done, so this is always our really busy time.

Mr. Easton: Right. Okay.

Ms. Ruacho: You have a lot, obviously. You've seen your calendars coming up and you know you have a lot of things before you. There will be times when we'll have to undertake this process. In this regard I'm hoping that there's more comfort in that it's going to be a very similar recorded motion to the Phase I amendments –

Mr. Easton: Okay.

Ms. Ruacho: – other than having different codes attached and some findings related to the additional meetings that took place on the seventeen amendments you have in front of you.

Mr. Easton: Excellent. Any other questions about this issue? I'm sorry I didn't see you earlier.

Ms. Lohman: That's all right.

Mr. Easton: And so –

Mr. Christensen: If I may, also –

Mr. Easton: Go ahead.

Mr. Christensen: As a matter of protocol and procedure, your recommendation wouldn't be presented to the Board for their review and action on that until the recorded motion is signed by the Chair and also reviewed by legal counsel.

Mr. Easton: Right. And we discussed earlier in the year that the Chair and Vice-Chair would be – the *Commission* – would be notified of when it's going to be on the – *proactively* notified – about when this is going to be on the Commissioners' agenda, so if we choose to come testify at a – you know, at a public meeting concerning – or a hearing – that we have that option, that we're reminded about that.

Mr. Christensen: Yes.

Mr. Easton: Okay, excellent.

All right, with that we'll move on to the last item on the agenda which we added. Basically we need to discuss the leadership of the Commission. As I said earlier in the meeting, Chairman Stiles resigned effective today and I spoke to him on the phone today and he confirmed that. What we have in place right now is that I'm acting as the Chair and we have no – obviously – have no Vice-Chair. So we need to – you know, what's the will of the Commission about what to do? I think the options are we're still – just from a technical point of view – we're still under our former bylaws. We probably will be for a couple more meetings, I would think, before they probably get through the Commissioners.

So, with that, I'm going to, you know, turn this over to whoever else wants to talk about this. I think it's – you know, I'm willing to – I'll just say this for the record – I'm willing to serve as the Chairman, if that's what you guys wish. If you want to have somebody else, I'll respect that, too.

Anyone?

Mr. Jewett: I'd be fine myself for you to be serving as Chair, but we still need a Vice-Chair, and I don't want that.

Mr. Easton: Did you just nominate her?

Mr. Jewett: If Mary would take it, I would nominate her.

Ms. Lohman: I would second that.

Mr. Easton: So it's been moved and seconded to nominate Mary McGoffin for the Vice-Chair. Any – are you going to accept the invitation?

Ms. McGoffin: I don't know what the protocol is. Do I – yes, I accept the nomination.

Mr. Easton: Okay. Anyone else wishing to nominate someone or to nominate themselves? All right, I'll call for the question. All those in favor?

Mr. Jewett, Ms. Lohman, Mr. Easton, Ms. McGoffin, Mr. Hughes, Mr. Mahaffie and Ms. Ohlson-Kiehn: Aye.

Mr. Easton: And all those opposed?

(silence)

Mr. Easton: Any abstentions?

(silence)

Mr. Easton: Look at that: We voted in public!

(laughter)

Mr. Easton: Just kidding! This is a little awkward, so I'm going to let Mary chair this portion of the meeting. Newly elected – your first responsibility since I'm clearly a little biased.

Ms. McGoffin: All right, so I understand that Jason is serving as our interim Chair until we officially elect him as our Chair, and I believe we have the right to do that at this time. We could do it as a voice. I would like to open it up to my fellow Commissioners, if there is somebody else they would like to nominate for that position. Is that correct? Can I do that? No, can't do that.

Ms. Lohman: No, we don't want to nominate anybody else.

Ms. McGoffin: Okay, so hearing none then, I move that we accept Jason's offer to chair our committee – our Commission. So I ask for any comment or, if none – hearing none – then is there a second?

Mr. Jewett: I'll second that.

Ms. McGoffin: All right. Any objection, abstention?

Mr. Easton: Do you have a question?

Ms. Ruacho: She's acting as the Chair right now?

Mr. Easton: So she can't make a motion.

Ms. Ruacho: Correct.

Ms. McGoffin: Okay.

Mr. Jewett: Okay, so I'll make a motion.

Ms. Ruacho: Thanks.

Ms. Lohman: I will second.

Mr. Easton: Do you want to call for the question?

Ms. McGoffin: So I call for the question that the Commission has agreed to accept Jason's nomination, and hearing no opposition, he is – all in favor?

Ms. Ohlson-Kiehn, Mr. Jewett, Ms. Lohman, Ms. McGoffin, Mr. Hughes and Mr. Mahaffie : Aye.

Ms. McGoffin: All opposed?

Mr. Easton: I'm going to abstain.

(laughter)

Mr. Easton: For vanity purposes! All right, well, thank you. Thank you, Madame and Vice-Chair; thank you for your faith in me – and to staff for their help, or their help to come in the future. So, with that, is there any other business to come before the Planning Commission?

Mr. Hughes: I'd like to – since you're so prompt tonight and I've already got dinner and don't have to rush home and have it, because you usually go to nine. A couple weeks ago I was talking to Carly. I asked her about a – I guess it's an interpretation or something that's come up as far as the Planning Department. And I was – you know, I think about – I've been thinking a lot about it, the pros and cons, and I guess I wanted to bring it up in front of the – my fellow members and get any of their feedback. And that was – oh, a while back in the paper there was an article and the determination that if someone bought 40 acres the only way they could get a building permit is if they personally farmed it themselves. And, Gary, maybe –

Mr. Jewett: That's the way I read it.

Mr. Christensen: Pretty close. Yeah, and I don't have a copy of the AOI, or the Administrative Official Interpretation, which I issued which is, I don't know, maybe ten pages in length or so. It is posted on our website at skagitcounty.net. It is in

effect. There were no timely appeals filed. We did receive a couple letters of correspondence.

In essence, it requires that if you – while the Code – let me back up a little bit. The Skagit County Code Agricultural district – the Ag-NRL – 14.16.400 requires or indicates that single-family residential dwellings are not permitted outright in the Ag zone. They are only allowed as an accessory use. And so what my Administrative Official Interpretation seeks to clarify is how the Department will determine whether a single-family dwelling in the Ag zone is indeed accessory to agricultural operations – farm management. So there's a very extensive kind of rationale and reasoning and court cases and citation and explanation. We worked closely with the Ag Advisory Board in our drafting of the Administrative Official Interpretation and it was really at their request in the form of a letter to the Commissioners asking that they direct the Department to come forward with an Administrative Official Interpretation to clarify how, in fact, the County would implement that provision of Code.

So, generally speaking, it says that if you have I think it's land which is larger than an acre in size and you don't have any, like, vested development right associated with it, in terms of previous County permits and approvals –

Ms. Ruacho: Or an existing residence.)

Mr. Christensen: – or an existing residence – so those are, like, grandfathered in – that you must demonstrate that you have three years of farm income on the property. And that simply is obtained by an affidavit by the landowner. So they have to attest to – that they can demonstrate that they've had farm income over the course of three years. And we will then review that at time of application.

So there are some exceptions to that, again. If I think it's less than an acre in size; if there're some pre-existing structures and uses. But that, generally speaking, is the nature of the Administrative Official Interpretation on that matter.

We certainly can make that available to you if you want to understand more the purpose and the objectives and the reasoning behind that and how the exceptions actually are applied. We can e-mail that to you or you can simply go to skagitcounty.net. Go to “quick search” at the top of the home page; click on “Departments”; go to “P” for “Planning”; and then on the left-hand side of the Department's home page you'll see a tab that says “Administrative Official Interpretations,” and we are now listing those or publishing those on our website so you can read and download and copy to your delight.

So I don't really have much more to say. I wasn't prepared to talk about that tonight, but if you see the need or the desire or want to know more about that, then we could schedule that on a future agenda, as well.

Mr. Easton: You want to do that?

Mr. Jewett: No, but I've got a question about it. When I read it in the paper, I also understand that previous there'd been people coming up here from Seattle, buying 40 acres of farm land and putting a house on it, and then renting the farm – the other 39 acres – to Dave to plant potatoes on.

Mr. Easton: Not that we want to pick on Dave.

Mr. Jewett: Would they still be able to do that under this?

Mr. Christensen: No.

Mr. Jewett: They would have to –

Mr. Easton: That was the genesis of why it was stopped.

Ms. Ruacho: But – well, let's clarify. They absolutely can rent their ground to Dave or to anyone else they want to plant potatoes or anything else they want.

Mr. Jewett: But they wouldn't be doing the farming themselves.

Ms. Ruacho: They wouldn't necessarily get a *building* permit. The situation that you outlined was they bought a 40, they built a house and then they rented their ground. That absolutely is allowed. If they want to use – if they rent their ground first and they want to use that lease agreement as their three years' farming income, no, we don't allow that. It needs to be your own agricultural operation, not that of a lease-type of agreement because then, theoretically, if we're picking on Dave, Dave could be responsible even though he's allowed one residence as accessory to his farm so that he can manage it. He would then theoretically be responsible for an unlimited number of single-family dwelling units because he farms many, many leased parcels and so then a house could crop up on each one of those when it's not a separate farm.

So we don't allow them to use the lease payments as their farm income but absolutely this does not stop anyone from leasing ground when they have a home there. It's just whether they can get the home or not based on the lease, and, no, they cannot.

Mr. Easton: Okay.

Mr. Christensen: But if it was 40 acres purchased, they could not get a building permit for a residence without first demonstrating three years of farm income. So they can't – if they apply for a building permit for a single-family residence with the intentions of leasing the land to another farmer or another landowner, that

doesn't qualify for the farm income. They have to show three years of I think it's consecutive income.

Ms. Ruacho: Mm-hmm, \$100 an acre is a – which is a very low –

Mr. Jewett: _____ they said it in the paper.

Ms. Ruacho: And there's a lot of people who are under that misunderstanding – that this somehow inhibits people's rights to be able to lease their land – and it absolutely doesn't. Anyone can lease land to anyone. We do not regulate that. It's just what can be used to show that you are accessory to a farm operation, and Dave is just one farm operation and so he cannot be responsible for a house to crop up on every parcel that he leases for his one operation.

Mr. Easton: I guess what to me what's unique about this whole situation is a ten-page AF – it's an AFI?

Mr. Christensen: AOI.

Mr. Easton: A ten-page AOI. When I read the paper I was like, man, this is something that sure seems like the kind of thing public hearings happen about when they're this specific. And so, if this is true – I mean, I'll take your word – this is truly a code interpretation? I'm not surprised, Carly, that you're getting a lot of questions about what it – what's – what the story is and I would wonder if it's not appropriate at least to televise some sort of short – and I'm curious about what the rest of the Commissioners think – but some sort of short explanation to the public because, you know, clearly there're some questions about it.

Dave, do you have anything to add?

Mr. Hughes: You know, I feel like we're getting back almost to where we were fifteen years ago when we started talking about – what's it? – aggre – lot –

Ms. Ruacho: Aggregation.

Mr. Easton: Aggregation.

Mr. Hughes: It was *aggravation* to a lot of people – that if a farmer bought a piece of property next to his and they didn't make 40 acres or 80 acres or whatever the common denominator was, that, you know, they couldn't – they didn't have a development right, whereas someone else could buy it then they could. It was a huge – it wasn't – you know, you couldn't compete. You know, I mean someone could come in and pay 20,000 an acre because they have a building right, whereas a farmer, you know, back then it was, you know, 3,000 an acre, for example.

And, you know, this is fine and dandy but I personally – I mean, you know – and a lot of the farms in the valley are made up this way – but personally I own land. I don't make any money off that land; I rent it to our farm. So how is that – how would you interpret that? If I wanted to build a house on some of my property but I don't farm it – the farm does?

Ms. Lohman: But you're integral to Hughes Farms.

Mr. Hughes: Well, yeah, but, you know, you talk to some government people and boy, you say hey, you just own some stock, and that's, you know, no different than owning Microsoft stock. So, you know, I think (it's) a can of worms. Or say if my daughter and son-in-law, who works full-time on our farm – someday they'll be owners or stockholders – what if they wanted to build a house, if they're renting the ground to the farm, you know? I mean, these are the questions that keep going around in my mind on this deal.

And I'll close it with this: Say the so-called Seattle or out-of-area or anyone comes in and buys 40 acres and – or 20 or any piece of property with a lot cert, unless that's faded out, but, you know, that seems to be – it's been the hot topic when I buy land, and I know a lot of other people when they buy land – so, yeah, someone comes in – and use a 40 because it's, you know, the largest parcel that you could – or 60; it still only has one lot cert – comes in and buys a large chunk of property. And let's just say another farmer had been farming it. He'd been leasing it from, you know, the previous owner. So now this person comes in and they're bound and determined to build a house. Well, I can see that 40 acres being, you know, put ten cows on it and maybe a couple horses and, you know, it's easy to come up with \$100 an acre income now. And that goes on. I mean, that's – I mean, I've – you know, there's a lot of people come in and buy ground that really don't want farming activity in the conventional way on it or even the, you know, the other way. So you know, it has merits on both sides but there're some areas there that could actually take it out of farming.

Ms. Ruacho: I think if it was the situation you described where somebody comes up and they're not interested in farming on their property, having farming activity happen on their property or around them, that was going to get removed from farming anyway. That was their decision when they bought it – that they didn't want that activity so that was going to come out. In this regard I think – you know, we're not going to stop everyone from pulling land out, from putting a house on it and then stopping the farming. We thought long and hard about this. I know we have talked about this since I've been here for nine years. It's a difficult subject, but at least now there's an Administrative Interpretation that everyone can read and understand how the Department is going to implement this code provision that has been on the books for many, many years. And because it has the three-year previous timeline, somebody would have to be very, very serious about wanting a house there that they couldn't lease the land for three years; they would have to actually make that income themselves for

three years with those cows or horses or however they want to do it themselves for three years before they get to live there. So it – somebody's going to have to be pretty serious if they don't want to farm it.

Mr. Hughes: There are a lot of those people out there, believe me.

Mr. Easton: Okay. Well –

Mr. Hughes: I mean and that's what I meant, more than didn't want to farm. They'd gladly buy the property, take their acre or so, put their house and rent the rest to whoever's farmed it before, you know, over the years.

Mr. Christensen: Let me suggest this: This is a good discussion. Certainly there are questions that have been asked tonight – there might be others – some of which might get answered by simply reading the Administrative Official Interpretation. I know that in my conversations with interested parties, when I've referred them to that – only after their having read the short article in the newspaper and drawing their own conclusions – that they were better informed and much more knowledgeable after having read the Administrative Official Interpretation.

So I would say this about that: If you read that and you have some questions, feel free to give me a call and we can talk about it. If we are of the opinion that you would all benefit by having a more general discussion at some later date, then let's put it on an agenda.

Mr. Easton: Yeah. If that's of interest to you, just contact me and we'll talk about that. For now, I'm not going to add it to an upcoming agenda, but if it comes to light that you want to do that as a commission we'll do that.

Let me just note before we end the meeting that our next meeting will be on October 20th where we will have a public hearing on four different – three 2008 Comp Plan amendments and one 2005 Comp Plan amendment – which will be a public hearing. And then our following meeting on November 3rd will be the deliberations on the Comp Plan amendment, and our regularly scheduled monthly meeting will be December 1st.

Ms. Ruacho: Jason, one clarification.

Mr. Easton: Yes?

Ms. Ruacho: You are *not* having a meeting on November 3rd. Instead, that meeting has been moved to November 17th.

Mr. Easton: November 17th. Okay. Send them a note at the website.

Ms. Ruacho: Okay.

Mr. Easton: And with that, anything else to come before the Planning Commission? Annie?

Ms. Lohman: Yes. Carly, on the website is there an archive? Because stuff rolls off.

Ms. Ruacho: On the Planning Commission page?

Ms. Lohman: On the Planning Commission page. Is there an archive page somewhere? Because I went to there and was looking for something, and then I went another week and – whoa! – it's gone.

Ms. Ruacho: I know that our webmaster – Gary printed it out here – and when you go and there's the little calendar there and it has your agenda and your packet of documents for the upcoming meeting, those move down under your calendar to the meeting archive, and then they should all be listed there. If there's some skip happening – you know, we've got meetings here just on the page Gary has back to May 5th which, I believe, is when we started this process – it should move down there. It should have your meeting date and then those packet materials should all be there. If there're some that are missing it's not intentional. We can resurrect them, get them on there. But that's what should happen: They should move from that upcoming meeting down to the meeting archive. But it has to be done manually, so there may be just, you know, an error – you know, forgot one or something.

Ms. Lohman: Because I went to look at our recorded motion and it kept giving me a 404 error so you couldn't get it opened, and then it disappeared, so now I know where it is.

Mr. Easton: Okay.

Ms. Lohman: But I don't know if it works. I could not open the recorded motion. And my reason was because we didn't see it, it didn't get circulated. I wanted to look at it. So I don't know if that – it could be resolved.

Mr. Christensen: We can look into that and we may need to have that conversation while we're at the office pulling things up, and we can talk through where they should be and why they're not and we can check with IS and try to resolve that.

Mr. Easton: All right, with that, we're adjourned (gavel).