

**Skagit County Planning Commission**  
**Election of Officers**  
**Study Session: NPDES (Drainage Ordinance Code Amendments)**  
**Miscellaneous Business Matters**  
**January 5, 2010**

**Commissioners:**

Jason Easton, Chairman  
Carol Ehlers  
Jerry Jewett  
Mary McGoffin  
Annie Lohman  
Kristen Ohlson-Kiehn  
Dave Hughes  
Matt Mahaffie  
Elinor Nakis (absent)

**Staff:**

Ryan Walters, Deputy Civil Attorney  
Gary Christensen, Planning Director  
Lori Wight, Public Works Stormwater Specialist  
Mike See, Stormwater Coordinator  
Jan Flagan, Assistant Surface Water Section Manager

**Others:**

Christina Maginnis, Department of Ecology  
Kate Rhoads, Consultant from Otak

**(NOTE: The recording begins in mid-sentence sometime after the start of the meeting.)**

Ryan Walters: ...on secret written ballot. I don't think that's a very good idea. I didn't find any case law indicating that that had been tested anywhere – because it's pretty creative – but I don't think we're enthusiastic about testing that. But I do have an alternative: If you would like, you could put your heads down on your desk and vote with – by raising your arms.

(laughter)

Chairman Jason Easton: And later we could watch the video! That's perfect!

Mr. Walters: Yeah.

Chairman Easton: All right, so reading the last line of your memo, sir –

Mr. Walters: And it was all on one page on my computer.

Chairman Easton: Yeah. It indicates that, instead, you suggest that the Chair simply request a motion to elect the 2010 Chair and Vice Chair, and then follow our normal procedures like we would in Robert's Rules of Order.

Mr. Walters: Right.

Chairman Easton: All right.

Mr. Walters: Your *simplified* Rules of –

Chairman Easton: Yes, thank you – the *simplified* Robert's Rules of Order and our own amended versions therefore.

Mr. Walters: Right.

Chairman Easton: Okay, any questions of the attorney?

(silence)

Chairman Easton: That's good, since we pay him by the hour.

Carol Ehlers: We will obtain copies of the bylaws we agreed to?

Gary Christensen: Yes, I have those for you.

Chairman Easton: We have those for us. Great. You'll distribute those at the end or something?

Mr. Christensen: Yes.

Chairman Easton: Okay. Excellent. All right, with that, then, the Chair would entertain a motion for the election of Vice Chair. Someone would have to make the motion because the Chair can't make the motion.

Jerry Jewett: I'll nominate Mary.

Chairman Easton: There's been a nomination of Mary. Will you accept – and there's a second –

Ms. Ehlers: Do you have to have a second for a nomination?

Chairman Easton: There is no need for a second for the nominations, so we will go ahead and ask Mary if she'll – she's to serve.

Mary McGoffin: Yes.

Chairman Easton: Thank you, Mary. All those in favor – or are there any other nominations?

(silence)

Chairman Easton: All those in favor, signify by saying “aye.”

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

Chairman Easton: Aye. Any opposed?

(silence)

Chairman Easton: Abstentions?

(silence)

Chairman Easton: All right. Now I’ll entertain a motion for the election of Chair.

Mr. Jewett: I’d like to nominate Annie Lohman.

Chairman Easton: Annie, you’ve been nominated to serve as Chair. Would you choose to – like to – would you like to accept the nomination?

Ms. Lohman: Yes.

Chairman Easton: Okay. Are there any other nominations?

Mr. Hughes: I nominate Jason.

Chairman Easton: Matt?

Mr. Mahaffie: (inaudible)

Chairman Easton: Okay. All right, so I’m going to turn the gavel over to the Vice Chair since it would seem more appropriate, even though it’s very ceremonial. And yes, I would choose to be Chair again if so trusted. And, with that, we’ll turn it to Annie.

Ms. McGoffin: Mary.

Chairman Easton: Mary. Thank you, Mary!

Ms. McGoffin: So to my Commissioners – or do we have any other further nominations? Okay, with that, then – help me out a little bit here. How do I proceed?

Mr. Jewett: A show of hands.

Mr. Christensen: A show of hands, yes.

Ms. McGoffin: A show of hands? Okay, so a show of hands for Annie as Chair. (counts inaudibly) A show of hands for Jason as Chair? So by five to three, we have Jason as our Chair for 2010.

Chairman Easton: Thank you, Commissioners. Thank you, Annie. And, with that, we will turn the agenda back – turn back to the agenda. We have finished the elections; we will now work through the work session.

I just wanted to make sure before we turn this over to Public Works that you did all receive all the documentation concerning this, some by e-mail, some by mail? All right. With that, this now becomes Public Works' show and I'm not sure what order you all want to go in, so I'll just leave it up to you.

And, Gary, there isn't any other business before we go to this, is there?

Mr. Christensen: No, no, there's not.

Chairman Easton: Okay, great.

Lori Wight: Good evening, Commissioners. My name is Lori Wight. I'm with the Public Works Department. I'm going to go through a brief presentation. If at any time you have questions, please stop me and ask me, and we can also start diving into the meat and bones of the code if that's so desirous of you, but that's in your process so we'll let that be.

(some discussion among Commissioners about turning on the computers)

Ms. Wight: So what is stormwater? Well, stormwater is what happens after the storm runs out to the river and ultimately to the bay and the ocean. This kind of was a good demonstration to show you the different sources that contribute to urban wet weather flows.

What's the problem? Urban runoff. Runoff can carry some pretty nasty things, including fecal coliform; fertilizers and pesticides; heavy metals; oil and gas; sediment. And stormwater runoff is an increasing concern for the health of Puget Sound.

I'll give you a little background – just a refresher. The National Pollutant Discharge Elimination System is EPA's program to issue permits to potential sources of water pollution. It originally concentrated on large point sources such as factories and sewage treatment plants. As those sources have been brought under control, EPA and Ecology have placed more emphasis on stormwater and other nonpoint sources of pollution.

Within Skagit County the permit is required only in the urbanized areas. The UGA are the dark area and the light gray areas are the census-defined urbanized areas.

Chairman Easton: Excuse me – could you go back to that slide?

Ms. Wight: Sure. Absolutely.

Chairman Easton: So the UGAs are the lighter – the darker gray or the lighter gray?

Ms. Wight: The UGA are the dark gray.

Mr. Christensen: It would be the yellow areas, as well as the light gray that's attached to the yellow.

Ms. Ohlson-Kiehn: So it's everything surrounded by the red dotted line, or sort of line, dot, dot, line?

Ms. Wight: Yes.

Chairman Easton: That would be everything that's covered?

Ms. Ohlson-Kiehn: But it's subject to what you're talking about?

Ms. Wight: Correct.

Chairman Easton: Because I'm just – the Phase II explanation seems – gets into – Carol's agreeing with me – gets very confusing.

Ms. Ehlers: The light gray is not the urban growth area. The light gray is what the federal government decided had to be included because of the census.

Chairman Easton: Okay.

Ms. Ehlers: And since this is here, the biggest weakness of your whole proposal is the map because you really can't read it in black and white. This shows anyone who looks at it the scope of the issue and it doesn't tell them how to decide whether their property may or may not be affected by it. But it has the

rivers, it has the political boundaries, it has the census tract, which is something most people don't know is relevant in this. You find it in your code, in your code definition of what the area is. It's the census district, which is not what the Phase II talks about, but it's how the government has tricked you into including these areas that otherwise wouldn't be there.

Ms. Wight: Correct.

Ms. Ehlers: So the more you can tell us of this and whatever maps you have, the more understanding the public will have of what you're doing and where you're not doing it.

Ms. Wight: Okay.

Chairman Easton: We're going to do our best to let you – let it flow –

Ms. Wight: Sure.

Chairman Easton: – but we're also – it's also, with such amount – a big amount of material, the Commissioners have – we have a history of trying to ask short questions as we go so that we're making sure that we're able to track.

Ms. Wight: Okay, absolutely.

Chairman Easton: It's a delicate balance.

Ms. Wight: No problem. That's what we're here for, right?

So the next one kind of gives you a photograph with this overlay, basically so that you could see that some of those areas wouldn't necessarily be considered urban; however, as Carol pointed out, we have those urbanized census tracts that are included, which includes quite a bit of farmland.

The permit has many requirements and it's aimed at improving water quality. The requirements focus on these topics: public education and outreach; public participation; illicit discharge and detection; controlling runoff from development; and pollution prevention for municipal operations.

How is the County protecting stormwater? Well, we have our Phase II permit, and that information is available on this link so if you want to get into all of the details it's there for you.

How is the County protecting stormwater, continued: We have the Local Source Control Program within our Health Department. They are going out to those commercial businesses and educating and talking to them about how they can prevent creating a situation where pollution would get into the water system.

And education is a very key component. We have an interlocal agreement with Skagit Conservation District for stormwater education and outreach. There's been a Backyard Conservation Stewardship Short-Course that quite a few people attended – and some positive results there.

And then we have our Rain Garden. I wanted to throw that picture in there to show you that we're doing our best even here at the new facility.

We've set up a Stormwater Pollution Prevention Hotline and that's the telephone number that you call in to. You can report water quality concerns or illegal dumping and discharge.

The stormwater regulations strengthen the regulations to prohibit non-stormwater discharge. We're adopting new codes that will better control runoff from development sites, and we're making changes to the current code to allow Low Impact Development techniques.

So here are the three major changes to the drainage ordinance:

Firstly, the prohibition of non-stormwater discharge and controlling runoff from development, redevelopment and construction sites to stormwater system; the adoption of the 2005 Stormwater Management Manual for Western Washington standards within the UGAs and census-defined urban growth areas; and strengthening the enforcement strategies specific to illicit discharge.

The interim ordinance was effective August 18<sup>th</sup>; however, section 14.32.120 adopts the runoff control requirements on February 16, 2010. That was due to a modification to the permit.

Chairman Easton: How long does the interim run for?

Ms. Wight: It goes for a year. We have till August.

So Illicit Discharge Detection and Elimination: That's an acronym that you see a lot, the IDDE. That helps prevent pollutants entering the drainage system. We have to map the drainage system. We have the legal authority for code and enforcement.

Staff training for all of our staff – our IDDE staff and all our field staff – is going on right now.

We have the Spill Hotline.

We're developing and implementing ongoing IDDE program and we're tracking spills to the source.

So for controlling that runoff from the new development, redevelopment and construction sites we're establishing some minimum requirements, some technical thresholds and the site planning process. We want to allow for LID. That's something that's been a major point in this most recent change or modification to the permit.

In our permitting process we have review and inspection.

Chairman Easton: Could you define "LID" since we have people watching –

Ms. Wight: Sure.

Chairman Easton: – who probably do not speak Planning or Public Works?

Ms. Wight: "LID" is for Low Impact Development.

Chairman Easton: Thanks. Sorry.

Ms. Wight: That's no problem. Then also our O & M for our stormwater facilities: We need to have maintenance standards, inspections and enforcement.

Some of the requirements –

Chairman Easton: We have a question.

Ms. Wight: Sure.

Mr. Jewett: Do you have jurisdiction just in the county or in the cities also?

Ms. Wight: We are just the county.

Mr. Jewett: Pardon?

Ms. Wight: Just the county.

Mr. Jewett: Okay. Because most of this development occurs in the cities.

Ms. Wight: True. The cities themselves are permit holders as well so they have their own.

Chairman Easton: Have they all updated to the 2005 Manual?

Ms. Wight: I can't speak for them. I know that there's been an attempt; however, you might want to talk to Christina, and I'll introduce her. Christina Maginnis – she's our Permit Coordinator with Department of Ecology.



Chairman Easton: Okay. Could you come to the microphone real quick? Why don't we just dispense with this question while we're on it?

Christina Maginnis: Absolutely. The requirements for the Phase II cities who adopt the 2005 Manual as their standard is not due until February 2010, so next month. But early adopters have been the City of Mount Vernon and the City of Anacortes, and I believe Burlington is on track to adopt for February 2010, same as Sedro-Woolley.

Chairman Easton: Okay, great.

Ms. Maginnis: So you guys are in – you're all going to be consistent. No one is adopting some other manual, if that's what you're concerned about.

Chairman Easton: Right, because the '05 Manual is the manual that everyone will have then.

Ms. Maginnis: For this area, yes. There's King County area: They may be looking at what's going on in Seattle.

Chairman Easton: Some people think that's another planet from here, but...

Ms. Maginnis: Right, but you guys are all going to hopefully be consistent with the 2005 Manual.

Chairman Easton: Okay. Great. Thank you.

Ms. Maginnis: Sure.

Ms. Ehlers: You talk about enforcement. Since the code that you're writing is a County Planning Department code but those of you who are writing it are in the Public Works Department, who is supposed to enforce it?

Ms. Wight: Well, as Title 14 is the section of code where enforcement law is, it will be a function of the Planning Department; however, there has been some coordination, obviously, to this point. Especially we've coordinated quite a bit with the Planning Department. And I know that there have been some funds allocated for code enforcement.

Ms. Ehlers: Well, it's a question of knowledge, too.

Ms. Wight: Absolutely.

Ms. Ehlers: You folks have been deep into stormwater for some time.

Ms. Wight: Sure.

Ms. Ehlers: And the Planning Department has not a good history in that and it's lost a lot of its people.

Ms. Wight: Yes, me included.

Ms. Ehlers: So that, you must see, will continue to raise the question of the expertise to enforce and –

Ms. Wight: We *are* working – we are coordinating with the Building Official and we are creating some standard operating procedures. One of the things that we want to do – and actually the code is written this way right now – is we like to be able to give – be an advisor and say, “Here are the things that we have noticed and they are violating this particular section of code.” So we're in coordination; it's just that at that point of when a code enforcement letter would go out, that would be something that would be drafted on Planning Department letterhead because Public Works would not be able to assume that role.

Mr. Christensen: Okay, if I may add to that: The development review in Skagit County is really an interdisciplinary approach so there are staff whom the Department relies on. Planning and Development Services will seek expertise from Public Works and Health and others on an as-needed basis. Lori is correct that the enforcement authority for Title 14 rests with Planning and Development Services, so we are, in essence, the enforcers, or we like to refer to it as “trying to seek compliance” with the code. But we rely on the expertise from other departments that have the technical knowledge and know-how, and so we often coordinate our efforts in addressing those code compliance issues.

Ms. Ehlers: Thank you.

Mr. Christensen: And also Public Works through some of their alternative funding sources has been able to offer some financial assistance to the Department so that we have a part-time position for NPDES code enforcement.

Ms. Wight: So some additional runoff control codes and regulations: We'll be implementing a program for runoff control. There're going to be more stringent thresholds for that site plan review, based on that 2005 Ecology Manual standard.

Inspection will be before, during and post-project. That's a little different. We haven't always done that level of inspection.

Establishment of maintenance standards and annual inspection of the post-construction facilities will be part of the inspection.

And Skagit County will need to implement the operation and maintenance requirements and those will include developing and implementing operations and maintenance programs; adopting maintenance standards consistent with the '05 Stormwater Manual; annual inspection program for all County-owned and -operated stormwater facilities; establish policies to reduce pollutants from all lands owned or operated by the County; and develop and implement Stormwater Pollution Prevention Plans for County facilities.

Ms. Ehlers: This is a much bigger description than just for this area. Well, the subject today supposedly is just the stormwater in the municipal area, but what you've just described sounds like a program for the whole county, not just this municipal area.

Ms. Wight: Right.

Ms. Ehlers: Am I correct?

Ms. Wight: Talking about County facilities.

So, with that, I have some other people here as well, if you have any questions for them: Kate Rhoads is with Otak and she helped develop our code and has a lot of the knowledge for whys and wherefores. And then also Christina, who you met earlier.

Chairman Easton: You have one more. Your –

Ms. Wight: Oh, I'm sorry – my boss! Mike See!

Chairman Easton: All right.

Ms. Ehlers: Well, and don't forget Jan.

Ms. Wight: I did! Jan!

Chairman Easton: It's a big party. All right, thank you, Lori. So at this point, Commissioners, is the way Lori and I discussed doing this was she would make a brief presentation. We really appreciate her not really going over all the things that she's \_\_\_. And then we're just going to turn this over – I think we'll just start with Annie, if she's got any questions, and just kind of work our way this way. If you don't and then have a follow-up question to something somebody else says would obviously be appropriate, but we'll just kind of work our way down the line and go from there.

Annie, do you have any questions?

Ms. Lohman: Not at this time.

Chairman Easton: Okay. Carol.

Ms. Ehlers: Several hundred.

Chairman Easton: We'll just take them in fifty – batches of fifty; how's that?

Ms. Ehlers: The map's the most significant one. But in the definitions of 14.04 you have a definition of "best management practices" which does not agree with the Phase II permit on page 44. Since the many other sections of the code follow the Phase II document exactly, I wondered why the BMPs didn't, because the BMPs in the Phase II make a lot more sense to me as a lay person than what's in 14.04.

Ms. Wight: Okay, let me try to clarify or get clarification from you, Carol. The best management practices definition that we're amending –

Ms. Ehlers: On page 1 of 6 in the – in 14.04. Then compare page 44 in the NPDES Phase II. I thought I'd just call it "Phase II" to make it simple.

Ms. Wight: Okay.

Ms. Ehlers: And that is in the middle, toward the upper third of the page on page 44 in the copy which I have.

Now as far as I'm concerned you don't have to explain in any kind of detail. Just recognize that there is a conflict and that those who will be needing to use these documents need to have the greatest amount of consistency, and you've already done a good job on that.

Ms. Wight: Okay.

Ms. Ehlers: So you don't necessarily have to answer.

Ms. Wight: Okay. Well, I want to make sure that I'm on the same page as you. So I've got my page 1 of 6 and I'm comparing to the document that's "Western Washington Phase II Municipal Stormwater Permit" on the front. Okay, that document is actually the permit itself, written by Department of Ecology.

Ms. Ehlers: Mm-hmm.

Ms. Wight: And their definition for "BMP" is "means best management practice." Oh, wait. Pardon me. "...are the schedules of activities" – we don't have "are."

Ms. Ehlers: Just take a look at it.

Ms. Wight: Okay.

Ms. Ehlers: We don't need to take more time on that.

Ms. Wight: Okay.

Ms. Ehlers: My second question in the code – you've answered those two – when it comes to putting this together as a package for the hearing, give the website.

Ms. Wight: Okay.

Ms. Ehlers: That's all on the draft. You see, a lot of the questions have been answered!

Chairman Easton: That's because her presentation was – the materials have been great and the presentation went well.

Ms. Ehlers: Oh, yes.

Chairman Easton: We don't say that all the time; I promise.

Ms. Ehlers: No, we don't. Regarding sediment – and this is also something that you won't have an answer to, and Kristen may need to answer it later, too.

Ms. Ohlson-Kiehn: Oh, really?

(laughter)

Ms. Ehlers: But on page 19 – well, it's your expertise, you see – page 19 of Phase II there is a discussion toward the top of the page, Roman numeral III, about required erosion and sediment controls, which we all know have been mandated for a long time. You used to have workshops on it. I haven't seen a workshop advertised for almost ten years. It might be time.

Why are these not necessary for logging? Because some of the areas within this municipal area are forested, and when you cut stretches of trees you have more water than you used to have and the sedimentary controls and the drainage controls do not always seem to be the kind of effectiveness they ought to be. I have listened to a man on Fidalgo who has told me every time he meets about the next 5,000 feet of drainage he's had to put in to take care of the water from the cutting above in order to not have it going into the street and wherever.

And there is a project on the drainage utility to deal with the sedimentation from a clear cut mess above Grandy Creek. As long as these things are endemic, you're going to have to figure out how to have sedimentation control on logging,

which is not used to it. Because the thing that angers the public the most that I can think of is “I have to do it but they don’t.”

Ms. Ohlson-Kiehn: So do you want to know – I’ll just give you the information that I have –

Ms. Ehlers: Okay.

Ms. Ohlson-Kiehn: – on that, which is my understanding is that roads and harvest activities that occur on forestlands are not considered a point source of pollution by the Department of Ecology. So that’s one piece, and I’m not sure how they define “forestlands” versus not, but I’m sure Christina could tell us.

Ms. Maginnis: (inaudible)

Chairman Easton: You might – Christina, I need you to come to the mic, please. Thank you.

Ms. Maginnis: Sure. Under this permit the forestlands have their own Forest Practice Act and they have basically a separate permit to log, so they wouldn’t be – the actually logging site itself wouldn’t be covered.

Chairman Easton: Even if that area was inside these boundaries?

Ms. Maginnis: They would be under their own permit.

Chairman Easton: Right.

Ms. Maginnis: So it’s not like they have two; they’re not double-covered.

Chairman Easton: Gotcha.

Ms. Ehlers: Well, that’s quite reasonable, but if they don’t *have* to have sediment control –

Ms. Ohlson-Kiehn: Well, that’s not to say they don’t have to have sediment control. What the Department of Ecology has done is given Clean Water Act assurances enforcement to the Forest Practices Department of the Department of Natural Resources. So they’re responsible for monitoring the erosion and sediment control.

Ms. Ehlers: So, in other words, if a person within this area has a difficulty they shouldn’t be calling the Public Works Department number but the DNR number?

Ms. Ohlson-Kiehn: Yes.

Ms. Ehlers: And that's in the phone book?

Ms. Ohlson-Kiehn: It's in the phone book, it's on the website.

Ms. Ehlers: Okay. Well, it's useful to know exactly what to do.

Chairman Easton: That's a good question.

Ms. Ehlers: And I think – oh, one last question: page 46 of Phase II. The **Major Municipal Separate Storm Sewer Outfall**, line –

Ms. Ohlson-Kiehn: Oh, okay. It's on 47 of mine.

Ms. Ehlers: 47 on yours? Oh, well, that's difficult, isn't it? Line 1, 2, 3, 4, 5: "...stormwater from lands zoned for industrial activity (based on comprehensive zoning plans...)" Is it correct that because the industrial-zoned area at Bayview is not in this municipal territory designated by the federal government that this does not apply there? Or will it apply there even though it's not within this map?

Ms. Ohlson-Kiehn: Actually –

Mr. Hughes: It *is* within the map.

Ms. Ohlson-Kiehn: – it *is* within the map.

Ms. Ehlers: Is it within the map? Okay, then that takes care of that. Thank you. You see, I had trouble with the map, didn't I?

Chairman Easton: Yeah, I think we're going to come – when it gets to me, I'm going to have some questions about the map, Carol, I think that might help – or some suggestions. Kristen?

Ms. Ehlers: Well, this is mine.

Chairman Easton: Good. Thank you.

Ms. Ohlson-Kiehn: I don't have any additional questions right now.

Chairman Easton: David? Does anybody?

Ms. McGoffin: I do.

Chairman Easton: Okay.

Ms. McGoffin: On page 5 of 6, line 12, where it says, "The Administrative Official may allow the use of appropriate LID measures": I would like to encourage the

Department to actually, you know, consider giving credits to developers for implementing LID practices as a way of encouraging that method.

Chairman Easton: Is that something that you or the consultant want to address? I'm sorry; I forgot your name.

Kate Rhoads: I'm Kate Rhoads with Otak. The code allows the use of LID, and if they use LID and they're using the DOE Stormwater Manual they will get credit for sizing their stormwater facilities for any LID measure that they're using onsite. So if they're putting in a rain garden, for instance, as an LID measure or if they're using porous pavement, then the method to size and design their stormwater facilities, meaning their stormwater treatment facility or their detention facility, would be sized accordingly, or reduced in size and given a credit to have a smaller stormwater facility.

Ms. McGoffin: Okay. Then, in addition to that, have they removed any language that would discourage LID strategies, like any barriers to that, anything that would contradict it?

Ms. Rhoads: We have not done that. That is a permit requirement to do that, so ...

Ms. Wight: Right, right. Ultimately we allow low impact development techniques. We don't and haven't – actually, forgive me because I am not as versed in the development code as I am with this now. I don't think that we have specific measures for providing for credit for the low impact development, if that's the question.

Chairman Easton: So why wouldn't we? It seems – especially when you consider some of the other things we give credit for – I don't mean that sarcastically. I just mean this would seem like an appropriate place to apply that kind of logic. Can we – let me ask this towards the consultant. Okay, are there jurisdictions that are giving – that you're aware of – that are giving these kinds of credits?

Ms. Rhoads: Maybe it would help if you defined "credit." What kind of a credit are you talking about?

Ms. McGoffin: They're called "flow credits."

Ms. Rhoads: A what?

Ms. McGoffin: Flow credits. Like in this book here –

Ms. Rhoads: Sure.



Ms. McGoffin: – they describe flow credits under section 7. So that's what we're talking about.

Ms. Rhoads: And in the Department of Ecology Manual, if you use low impact development when you do some computer modeling to determine what the flows coming off of a developed site are, and you are allowed to have some credits. You are given credits in sizing your stormwater facility.

Ms. McGoffin: But these are specifically if you use LID features.

Ms. Rhoads: Well, and that would be the same with the – that manual doesn't really relate necessarily to the DOE manual. So there are some credits –

Ms. McGoffin: Okay.

Ms. Rhoads: – incorporated into the DOE manual which this code adopts that will allow to have those same types of credits. I don't know if they're the exact credits, but they do allow credits to reduce the size of any required stormwater facility.

Chairman Easton: So let me rephrase this. Do you believe that the current plan in front of us that we're considering passing does encourage low impact development? Does it add encouragement for folks to do low impact development? And you wrote the code.

Ms. Rhoads: Yeah. I don't know what would encourage a developer. If it's an encouragement enough to have a smaller facility, a smaller pond, that would be encouragement. But, quite honestly, what I've heard from developers is that if they do low impact – they typically aren't able to do enough low impact development not to have a stormwater facility. So by doing the low impact development you can have a smaller stormwater facility, but you're not going to eliminate the requirement – typically you're not going to be able to eliminate the requirement to have a pond. It can be smaller but it's not going to eliminate it. So then they have two requirements: They have the LID requirement and the facility requirement.

Now it can be an incentive to have a smaller stormwater facility, but in every instance, you know, you have to weigh what the specific requirements are for that one project.

Ms. McGoffin: Well, the people, it seems, who do the biggest projects are the County themselves, right? So would they be more prone to use LID practices instead of really expensive, costly – you know – structures? I mean, what's the incentive?

Ms. Rhoads: Well, you –

Mr. See: Hi, I'm Mike See, Skagit County Public Works. I can touch that on a little bit and preface that with the intent of the interim ordinance and the adoption of a permit ordinance was to meet the permit – NPDES – permit requirements. On our current – this is the first permit for what – we are considered Phase II communities. Phase I communities like Snohomish County, King County have been dealing with this stuff since about the mid-'90s. They have some higher requirements upon them. And currently – our current NPDES permit expires in February, 2012. We're anticipating that Ecology will issue a new permit before or shortly after that time.

And Ecology is currently in a process right now to look at – specifically – low impact development. One of the appeals when this permit was appealed by many different groups was specifically on low impact development – that it wasn't properly – and Christina could talk on this also if she doesn't think I'm doing justice to it – but that low impact development wasn't properly defined and that – then there were others – groups from the opposing sides. Our Ecology has now set up both a technical advisory committee as well as an implementation advisory committee that is looking at our next permit and how to incorporate – to increase our low impact development requirements. So we very much so anticipate that our next permit will have higher requirements upon us for low impact development.

Our goal to get this interim adoption through the process and a permit adoption through the process in an efficient manner was to make the changes that were necessary and not go too far beyond that at this point.

Ms. McGoffin: Right.

Mr. See: As far as low impact development and some of the things we, the County, are trying to do to encourage that, there's – we are – we have submitted a grant application to pursue through the Department of Ecology for their recent stormwater retrofit and LID improvement grant for the north parking lot – the old movie theater parking lot just north of here – to see if we can get funding to redesign that in a low impact development-emphasized style. So we are going – pursuing those options where we can. And not always are they cheaper –

Ms. McGoffin: Right.

Mr. See: – but they do benefit the water quality greatly.

Ms. McGoffin: Mm-hmm. Okay.

Ms. Ehlers: Jason?

Chairman Easton: Yeah?

Ms. Ehlers: I understand from the grapevine that the County has agreed to develop a PUD ordinance for Bayview. That would seem to me to be an ideal place for something like this to be incorporated.

Mr. Christensen: Yes, good question, good timing. I was going to indicate to the Planning Commission that the County has embarked on what we call “Phase 2” of the Bayview Ridge Implementation Plan, whose purpose is to develop a Planned Unit Development ordinance and/or regulations, as well as to look at low impact development techniques. Now you may recall that when the Bayview Ridge Subarea Plan was before you the Plan does have a number of policies within the Plan that specifically encourage and support the concept of LID techniques. So as we begin to move from policy to implementation we’ll be looking at regulations and incentives – perhaps credits – which would apply at the Bayview Ridge Subarea or the urban growth area there.

Chairman Easton: Any other questions? I have a couple. \_\_\_\_\_ Kristen may be the one who helps us with this one. I have a history of asking questions about timelines because I’m concerned about the way in which we use our resources. So I’m confused. This is a 2005 manual. It says on the first page of 1 of 55 from the pdf that’s marked a wwpermit, zero-designed, o-designed, pdf; that the modification date was on the 17<sup>th</sup> of 2009 – June 17, 2009; and the expiration date of this document that we’re working our way through is about two years away from probably the time, 2012, when the Commissioners approve it. Why are we – why are we approving this? I mean, what am I misunderstanding about approving this document knowing that it’s going to expire in two years? Help me.

Ms. Ehlers: Is it valid now?

Ms. Wight: The current interim ordinance? Yes.

Chairman Easton: Well, the interim one would be, yeah.

Ms. Maginnis: So good question on the timelines. The initial permit was issued in February, 2007. Because there were several appeals, the appeal process going before the Pollution Control Hearings Board took about a year-and-a-half, and so the final permit with its modifications just happened this past June. And so several areas were modified. One is the deadline was pushed back for this runoff control ordinance from last August to this February to give communities more time to get their codes updated.

And then when you’re asking about the permit expiring in another two-and-a-half years in 2012 –

Chairman Easton: February of 2012.

Ms. Maginnis: February of 2012. Yes, this current version will be – will expire February, 2012, and Ecology – our stormwater team – is already working on writing another permit so that there will be a continuum.

Chairman Easton: So the '05 update's expired in – I mean the '05 Manual –

Ms. Maginnis: The '05 Manual will be continued –

Chairman Easton: Okay.

Ms. Maginnis: – until it as a manual itself is updated by Ecology. So it's separate from the permit.

Chairman Easton: So you've got to have that done by February of 2012?

Ms. Wight: Not the –

Ms. McGoffin: She said the Manual.

Chairman Easton: Oh, you're in the Manual.

Ms. Maginnis: The permit is not the Manual.

Chairman Easton: Okay, so the permit – the permit what relates to the Manual – the Manual has to be redone.

Ms. McGoffin: But they don't redo the Manual.

Chairman Easton: You're not going to redo the Manual; you're going to –

Ms. McGoffin: That's not their job.

Ms. Rhoads: This is separate.

Ms. Maginnis: It's separate.

Chairman Easton: Okay.

Ms. Maginnis: Right. So you're talking about on the permit. You're right, the permit does expire in 2012, but the Manual does not expire when the permit expires.

Chairman Easton: Excellent.

Ms. Maginnis: The Manual and all of the guidance in it continues –

Chairman Easton: I'm amazed I was confused!

Ms. Maginnis: – until it is updated. No, you're right. There's a lot of different documents and you're wondering. You have good questions.

Chairman Easton: Okay, thanks.

Ms. Wight: I'm back to piggy-back, if I could.

Chairman Easton: Sure, go ahead.

Ms. Wight: – while we're on that subject.

Chairman Easton: Yeah.

Ms. Wight: This particular document that you were referring to earlier –

Chairman Easton: Yeah.

Ms. Wight: – is the permit. So this is Department of Ecology's document. This is their permit that they sent here.

Chairman Easton: Right. That's what I was looking at.

Ms. Wight: Okay. Just to be clear!

Chairman Easton: Right, that's the one that it says on the top there "Issuance Date"?

Ms. Wight: Yeah.

Chairman Easton: Okay. All right, I don't have any other questions. Are there any other questions from the rest of the Commission?

Ms. Ehlers: This timeline that you've given us, am I to assume that it's August 18<sup>th</sup>, December 18<sup>th</sup>, 2009, and all the other dates are 2010?

Ms. McGoffin: Yes.

Ms. Wight: Actually, no. On August 18, 2009, is when we adopted the interim ordinance and our deadline to adopt permanent regulations is August 18, 2010.

Ms. Ehlers: No, I'm looking at this timeline.

Ms. Wight: Mm-hmm, mm-hmm.

Chairman Easton: Okay, so I have some logistical questions for you and Gary or Michael. First of all, I don't believe we scheduled deliberations. Or have we? Did we schedule them?

Mr. Hughes: Is there a public hearing?

Chairman Easton: Is there a public hearing?

Ms. Wight: The public hearing we have on our timeline scheduled for March 2<sup>nd</sup>.

Chairman Easton: Okay.

Ms. Ehlers: Well, then this *is* a 2010 timeline that you've given us two copies of.

Ms. Wight: Yes.

Ms. Ehlers: Okay.

Mr. [REDACTED]: Why am I not looking at the timeline then?

Ms. Ehlers: There's a timeline in the Commissioners' agenda and there's a timeline given us extra.

Ms. Wight: There're some duplicates. I wanted to make sure it was clear and readable, that's all.

Ms. Ehlers: But there were no years on it so next time put years on it.

Chairman Easton: Okay, so for those that are – I just wanted to make it and I apologize I didn't have it in front of me – for those who are watching at home, if this issue interests you there will be a public hearing and possibly deliberations on March 2<sup>nd</sup> – Tuesday, March 2<sup>nd</sup> – at six o'clock, here at the Continental complex. Okay?

Ms. McGoffin: That's after the February deadline.

Chairman Easton: Yeah, it *is* after – March *is* after February.

Ms. Wight: But our interim ordinance carries us through to August of 2010.

Chairman Easton: Excellent.

Ms. McGoffin: Okay, got it.

Ms. Wight: It's a lot.

Chairman Easton: Commissioners, I would ask you to – and I would ask staff to consider and the Commissioners – to consider that we deliberate that night. I know that's not normally our tendency, but depending on the amount of – I want you to come prepared. Depending on the amount of testimony, if there's not much I want us to be prepared that we could deliberate that night. Does anyone object to that?

Ms. Ehlers: Only if it's noticed to the public.

Chairman Easton: Noticed. Of course.

Ms. Ehlers: Anything in writing has to be delivered to the Planning Department in sufficient time for them to –

Chairman Easton: Distribute.

Ms. Ehlers: – collate it and distribute it so that we can read it because we can't –

Chairman Easton: Of course.

Ms. Ehlers: – do otherwise.

Chairman Easton: Well, I recognize in the schedule it's clarified in that way. I would like to note what I'm getting at is I'd like to put you all on notice and I would like to make sure that the notice that goes out to the public includes the possibility that we may deliberate that night. But it will be at our discretion if materials come in and we feel the need that we should wait.

Ms. Ehlers: Oh, no; we read them. We've always promised that we read them.

Chairman Easton: I agree.

Ms. Ehlers: Okay.

Chairman Easton: That's not what I meant to say.

Ms. Ehlers: In that case I suggest that whoever among you writes the legal notice deal with the issue of turning in comments so that you can deal with this.

Chairman Easton: If you wish to submit a written comment, please do by – do so – by date x.

Mr. Jewett: It says February 4<sup>th</sup> here.

Ms. Wight: When we do the Notice of Availability for publishing, that will create all of those dates and we'll have all of that published.

Chairman Easton: Okay. All right.

Mr. Christensen: And, Lori, we're on schedule for releasing that next week then?

Ms. Wight: I have it all crafted. I might have some adjustments.

Chairman Easton: Okay.

Mr. Christensen: And we'll post that on our website, skagitcounty.net.

Chairman Easton: Okay, can you make it a habit that when you post anything new to the website that has to do with things we're deliberating on or are involved in that you send us just a note? If you could just e-mail us a note, that would be great.

Ms. Wight: That it's been done?

Chairman Easton: That would be great – that it's been done – so then we can go see it. Or even a link.

All right, so with that, I believe that we are – ladies and gentlemen, do we have anything else further for the Public Works Department? Annie?

Ms. Lohman: Okay, the hearing and the deliberations are on the interim, so when does it become –

Ms. Wight: Actually the hearing will be on the proposed amendment to code, so it will be the permanent \_\_\_\_.

Ms. Lohman: So that it'll no longer be the interim.

Ms. Wight: Correct.

Ms. Lohman: Okay.

Chairman Easton: Okay. All right. Well, with that then, we've dispatched the subject. Thank you, Public Works –

Ms. Wight: Thank you very much.

Chairman Easton: it – Lori, Michael, \_\_\_, Ecology, Jan.

Mr. Christensen: I do have some miscellaneous business.



Chairman Easton: Yeah, I think I'd like to do the bylaws distribution. Thank you, Annie, for requesting that.

Mr. Christensen: I do have a couple of handouts for you, one of which is the bylaws, as adopted by the Board of County Commissioners and recorded under Resolution Number R20090532.

Chairman Easton: Did they make any modifications?

Mr. Christensen: I don't believe they did.

Chairman Easton: Okay. Can we make sure that we send Elinor a copy?

Mr. Christensen: We will.

Chairman Easton: Thank you.

Mr. Christensen: And these are also available online for the public or those in attendance who wish to review the Planning Commission bylaws can go to skagitcounty.net and either do a record search and type in the number R20090532, and that should pop up as a pdf file. And it may also – although I haven't confirmed – but it should be a link under the Planning Commission portion of the Department's website. I'll need to verify that.

The other – or I should say another – handout is the ordinance which adopted certain 2008 Comprehensive Plan amendment proposals to amend the County's Comprehensive Plan and the Comprehensive Plan and zoning map. So, as you recall, you have \_\_\_ made a recommendation on a number of Comprehensive Plan amendments and map amendments. The Board took action on that in December and did so on the 29<sup>th</sup> of December, and I believe they supported the Planning Commission's recommendations.

Mr. Jewett: They did. I watched it.

Mr. Christensen: So no changes there.

Mr. Jewett: Sharon made a motion to extend it. And she didn't because it's going to come up in 2011 again.

Chairman Easton: \_\_\_ forward? Did what we did move forward?

Mr. Christensen: Yes. I'm also providing you with Skagit County Code Title 14, which includes all of the code amendments that were adopted in 2009. You may recall Phase I and Phase II? So we now have for your personal reference Title 14. The pink simply provides separation between each of the chapters. And, again, this is also available online. Yes, Carol?

Ms. Ehlers: There was something – several of us went to that meeting of the Commissioners just to witness the act and afterwards we noticed –

Mr. Christensen: On the 2008 Comp Plan amendment recommendations?

Ms. Ehlers: On the 2008 – mm-hmm. The map for Mr. Stiles that's here is inaccurate.

Mr. Christensen: Is it inaccurate in what regards?

Ms. Ehlers: Well, it says that what we were talking about was a parcel that was zoned Ag-NRL and it wasn't. The second map here in this document is correct. It's – well, it's what we talked about.

Mr. Christensen: Right, and you'll notice there that the second map indicates that – there's a note at the top there?

Ms. Ehlers: Mm-hmm?

Mr. Christensen: So it's a correction.

Ms. Ehlers: Okay. But we changed the RRv to be RFS.

Mr. Christensen: Yes.

Ms. Ehlers: Okay. Just as long as –

Mr. Christensen: Yes, that's correct.

Ms. Ehlers: Just as long as that sticks with until the next mapping process.

Chairman Easton: As a reminder – I forgot to mention this to Public Works before they left – my suggestion on the map – the confusion about the map that we looked at early on?

Mr. Christensen: Yeah, the –

Chairman Easton: If it's going to be a black and white map –

Mr. Christensen: Yeah?

Chairman Easton: – use hatches. I mean, use some – don't use shading.

Mr. Christensen: Right.

Chairman Easton: Use some sort of change in the actual –

Mr. Christensen: I think the black and white copy of that map which was e-mailed to you –

Chairman Easton: Yeah.

Mr. Christensen: – uses a hatching pattern.

Chairman Easton: Yeah, and that's why I was sort of surprised to see the version that we had on the screen.

Mr. Christensen: Yeah.

Chairman Easton: Okay. Maybe for the future, that would –

Mr. Christensen: If it's black and white, I think cross-hatching is a better way in which to represent or distinguish.

Chairman Easton: Absolutely from light gray and gray.

Mr. Christensen: Yeah.

Ms. Lohman: So, Gary, just to finish this: On the Stiles map, what did they do then with that little teeny tiny spot in between? Did they just –

Mr. Christensen: It's left as Rural Reserve, so we'll –

Ms. Lohman: The Commissioners didn't just use their authority and just make it –

Mr. Christensen: They did not because it wasn't – in the terms of legal counsel's opinion – it wasn't fully vetted before you. And that's actually different ownership and so there was a decision to not act on something without proper notice and consultation with the property owner. So we'll have to fix that at one of our next updates or amendment cycles.

Chairman Easton: To fit with our general concept that we don't have that kind of issue come up in our maps whenever possible.

Mr. Christensen: Yeah, there was – we were aware of that prior to their action and there was discussion about whether they could – if I can say – administratively or legislatively do a fix. But we were concerned that there might be some risk or liability in making a map amendment without following due process.

Ms. Ehlers: That's a decision John Moffat insisted we follow a number of years ago. But I do hope nobody's going to ask these people to pay \$5000.

Mr. Christensen: Yeah, that'd be probably a County-initiated fix.

Ms. Ehlers: Thank you.

Mr. Christensen: Yeah, thank you. Any questions about what it is that I have provided you? Because I do have just a few other additional matters which shouldn't take long.

Chairman Easton: Yeah, one about the bylaws. Is there a version – in the past, did you guys distribute a version of modified Robert's Rules of Order? Because they're referred to in this beyond the appendix that you took all the Commissioners – there's been a lot of changes in Commissioners. Annie, am I off the mark here?

Ms. Lohman: I don't think so because I think it's like such a universal –

Chairman Easton: Just not a version as much as I mean like an actual one that they gave us.

Ms. Lohman: No.

Chairman Easton: Okay. I think it would be good just to kind of make sure that everything's standardized and we all aren't playing on the same page that's in front of us – when we're flipping to page 12, we're all flipping to the right – to the same page 12. Could the Department invest in nine miniature Robert's Rules of Orders please? Thank you.

Yeah, I'm good with the rest of this. Any other questions about the stuff Gary's done so far? Okay, let's go on.

Mr. Christensen: Okay, let me make a note here.

Ms. Lohman: Can I ask a procedural maybe, a question? On our agenda, can we have someplace for like reviewing what we went over, like the question we just had about the Stiles property? I think we need a chance on our agenda to, you know, to make sure that our old business is finished and there isn't any trailing anything. Just make sure. If we had it always on the agenda then it would – I mean, and maybe we don't do anything, but at least it gets addressed.

Mr. Christensen: We could have a Miscellaneous item that would allow really for most any matter to be raised and discussed, or the agenda could follow a more formal process. You know, Old Business, New Business – you know, that kind of format. But it's really whatever your pleasure is.

Chairman Easton: Any other thoughts on that? Dave? Dave says Miscellaneous. Does that work for you, Annie?

Ms. Lohman: Yeah, just so that we have a placeholder.

Chairman Easton: Sure, okay.

Mr. Christensen: I think that's a good point. In fact, I do have some Miscellaneous.

Chairman Easton: Here we are now! Perfect timing! Move to add Miscellaneous to the agenda without objection.

Mr. Christensen: Yes, thanks for the lead-in.

Chairman Easton: All right, here we go. Mr. Christensen.

Mr. Christensen: So I've given you three handouts addressing the bylaws, the CPA 2008 ordinance adopted by the Board, and Title 14, Skagit County Code, which incorporates the 2009 Phase I and Phase II code amendments. So you now have those.

I also want to indicate that our next meeting in February, which is currently scheduled, I think, on the 2<sup>nd</sup>, which is the first Tuesday of the month – that's our typical meeting date – there is a potential conflict with that date with one of the Planning Commission members and has asked that we consider rescheduling that to the next Tuesday, February 9<sup>th</sup>. So I don't know if that poses any conflicts with any of your calendars or schedules, and (I) just simply bring that matter to your attention and discussion.

Chairman Easton: Any concerns about moving it to another night?

Ms. McGoffin: I might not be here.

Ms. Lohman: I will probably have a problem.

Chairman Easton: Okay, then, well, two. Would you be able to be here on the 2<sup>nd</sup>?

Ms. McGoffin: Yes.

Chairman Easton: And you'll be able to be here on the 2<sup>nd</sup>?

Ms. Lohman: Mm-hmm.

Chairman Easton: Then with only one person asking for it on the 9<sup>th</sup>, we'll leave it on the 2<sup>nd</sup>.

Mr. Christensen: Okay. Very well. And what I am attempting to do, my preference for that first meeting in February is to have a joint meeting with the Board of County Commissioners. As you recall, we did that last year and I think that that was very helpful and instructive. It's a time to build some rapport and to have some dialogue and discussion. One of the things that will likely be on that agenda is that there will be a short presentation on the accomplishments of 2009, those things that we got done – the Department and the Planning Commission and the County as a whole – as well as items that are on our 2010 work program, so things that we'll be working on. And I think it will be beneficial for you as well as the Board to kind of hear the desires and the needs and the constraints and what our resources are and what it is that we can do, and have some open-ended dialogue about the work program and what's coming up.

Ms. McGoffin: Gary?

Mr. Christensen: Yes, Mary?

Ms. McGoffin: I'd like to request the accomplishments just be itemized on a sheet –

Mr. Christensen: Yeah.

Ms. McGoffin: – for time's sake.

Mr. Christensen: Yeah. Yeah. Yeah, that was –

Ms. McGoffin: We don't need to go over those again.

Chairman Easton: So instead of a presentation, those would just be in writing? Is everyone agreeable to that?

Mr. Christensen: Yeah, I think last year they were in the form of a memo, kind of a punch list of, you know, one through twelve or something like that.

Ms. McGoffin: That's fine.

Chairman Easton: I think in PowerPoint, too.

Mr. Christensen: They can be elaborated on or they can be short and concise, and if your desire is to have it short and sweet we can certainly do so.

Chairman Easton: Short and sweet.

Ms. Ehlers: Save your time. We don't have much of it.

Chairman Easton: We'll focus on 2010. Short and sweet. If there's a suggestion right now or you think of one between now and then, you can make it now for what you'd like to see on that agenda. If you'd like to add it – what Gary and I are trying to do with agenda items is that we both – that they kind of – we both get to see them so that we, you know, we flip back and forth. So if you're going to send one in, if you don't send it to both of us we're going to send it to the other one anyway.

Mr. Christensen: Yes.

Chairman Easton: So if you have a suggestion for an agenda in general, just go ahead and send them to us and we'll go from there.

Mr. Christensen: Yeah.

Ms. Ehlers: I have a specific question. My understanding of what the County Commissioners do is if one of them misses a hearing that it's possible for them to either read the transcript or watch the hearings, since they are now duplicated, and they may then discuss and vote in deliberations. We did not allow that recently and I would like to know what the policy is so that their policy is our policy.

Mr. Christensen: Yeah. I don't know that you didn't disallow that. I think –

Mr. Hughes: She wasn't a member during the public hearing.

Chairman Easton: Okay, there were two different people. One of them was Elinor and that's not what – I don't think – Carol's talking about.

Ms. Ehlers: I'm not talking about that.

Chairman Easton: Because Carol's right. We're all right. Elinor wasn't a member yet. She's talking about Annie.

Ms. Ehlers: Mm-hmm. And, you see, my memory – I didn't say anything last time because I didn't have a specific memory to base anything on. But as I thought about it, I've heard Sharon say, But I've watched the transcript or I've – and go through that, and then she is allowed to vote. And I think that's something should be looked into because if it's okay for them then it should be okay for us.

Mr. Christensen: I think the question, if I recall, or the hesitancy perhaps was allowing Planning Commission members to participate from afar live. So you couldn't –

Chairman Easton: It was a remote question then.

Mr. Christensen: Yeah, it seemed as though you agreed –

Mr. Jewett: That was different than this.

Ms. Ehlers: No, that's another question.

Mr. Christensen: Okay.

Chairman Easton: So the night that Annie couldn't get here because of the pass, Annie asked me if I would ask the Commission for her to be able to participate remotely, and since we didn't have a policy at the time and it wasn't in the bylaws, we all discussed it and agreed that we wouldn't be able to do it on such short notice. And then we addressed it again; the conversation came up during the bylaws discussion. Am I recalling this right, Annie?

Ms. Lohman: Yep.

Ms. Ehlers: Well, all I wanted to make sure is that somebody who has watched it is allowed to deliberate and vote, or as part of the deliberation is allowed to vote later.

Chairman Easton: Maybe I'm mistaken. I think we've always allowed that. I don't recall *not* allowing someone.

Ms. Ehlers: Okay, I just wanted to make sure that it was allowed.

Chairman Easton: Annie, were you not allowed to vote?

Mr. Jewett: No.

Ms. Ehlers: No.

Ms. Lohman: No.

Ms. Ohlson-Kiehn: She wasn't allowed to vote and she did read all the – didn't you read all the information?

Ms. Lohman: Yes, I did.

Chairman Easton: So you missed the public hearing but you didn't miss –

Ms. Lohman: No. No, no, no, no. I missed the deliberations.



Chairman Easton: You missed the deliberations. Okay, that's a different animal. We're talking about two different things. I'm not saying that we should or shouldn't. I'm saying those are two different things. If you're not here for deliberations – we had this discussion during the bylaws discussion and we made a decision –

Ms. Lohman: Yeah.

Chairman Easton: – that's codified in the bylaws.

Ms. Lohman: I think that's – I think it *is* different than a hearing. But I also –

Chairman Easton: Because of the interaction.

Ms. Lohman: I *did* have a conversation with Commissioner Wesen about participating remotely, particularly with all the budget cuts, and I see a potential that we might have a bit of a yo-yo with scheduling.

Chairman Easton: Sure.

Ms. Lohman: So there is going to be some movement in our schedule and we need to be able to be flexible in order for us to keep a quorum. And that last hearing, or deliberations, we were dangerously close to *not* having a quorum *again* for one of our – one of the things that was before us.

Mr. Christensen: Yes.

Ms. Lohman: And I think that we have the technology, we have the means of making it a secure method with passwords and secret codes or secret words or – I think that we can allay the suspicion that it isn't you on the phone. I think there's ways around that.

I also think that it should not be a privilege that should be abused. I think it should be used for extenuating circumstances. It shouldn't be a luxury item for somebody.

Mr. Christensen: Mm-hmm.

Chairman Easton: Mary?

Ms. McGoffin: Go ahead.

Chairman Easton: (inaudible)

Ms. Ohlson-Kiehn: Where did we leave that conversation about remote?

Ms. McGoffin: That's my question.

Ms. Lohman: We left it in limbo.

Ms. Ohlson-Kiehn: We left it in limbo. We haven't resolved it yet.

Chairman Easton: We left it in – we didn't make a decision to add it to our bylaws. I don't know if it goes so far as in *limbo*.

Ms. McGoffin: I don't know that it needs to be in the bylaws.

Mr. Jewett: Well, the Commissioners in their meeting passed on making a decision on it, too.

Chairman Easton: Oh, for themselves?

Mr. Jewett: For us.

Chairman Easton: Oh, for us.

Ms. Ohlson-Kiehn: I kind of –

Chairman Easton: Oh, that's right. We sent that to them – we sent it up to – didn't we send that up to them, Gary, and ask them for their opinion?

Mr. Christensen: The bylaws?

Chairman Easton: No, about the issue of remote attendance.

Ms. Ohlson-Kiehn: And remote participation.

Mr. Christensen: I think Ryan probably brought it to their attention, but I –

Ms. McGoffin: You know, we should put this on the agenda for February 4<sup>th</sup>.

Mr. Christensen: Sure.

Ms. McGoffin: Because we'll have all of them there. February 2<sup>nd</sup>.

Ms. Ohlson-Kiehn: Oh, that's a good idea.

Ms. Lohman: I really think that we all should think strongly about it, especially if we need to be flexible in the schedule.

(several people talking at the same time)

Chairman Easton: Annie, Jerry's saying that if you watch the tape on the 22<sup>nd</sup> of December they discussed this issue – the Commissioners did. Was that in light of us or in light of them?

Mr. Jewett: It was our request.

Chairman Easton: It was our request. Okay. Thanks, Jerry.

Ms. Ohlson-Kiehn: Did they have a technical person there – just out of curiosity?

Chairman Easton: Well, this was during that whole technical swap, too. I mean the technical swap was like ten days away from happening at that time.

Ms. Lohman: But then Carly said that it wasn't a problem – at our meeting when we talked about it.

Chairman Easton: Right. I think one of the things that we didn't know at the time, too, was we – I think there was some concern about – well, we'll just talk about it on the 2<sup>nd</sup>. I think that makes the most sense.

Ms. Lohman: Okay.

Chairman Easton: And on the 2<sup>nd</sup>, let's have an attorney present, not because we expect anything to be difficult but just to –

Mr. Christensen: We'll invite legal counsel as well.

Chairman Easton: Legal counsel, yes.

Mr. Christensen: Yes.

Chairman Easton: Anything else?

Mr. Christensen: Yes.

Ms. Ehlers: Where are we going to hold this?

Mr. Christensen: Right in here.

(laughter)

Chairman Easton: We'll flip a coin to see who gets to sit on the dais!

Mr. Christensen: We'll probably move down and have –

Chairman Easton: That would be so funny. I think you should set the room up –

Mr. Christensen: Not a roundtable but a square table – a rectangular table.

Chairman Easton: Set it up once when we're up here and they're down there and then we'll set it up the real way! That would be funny.

Mr. Christensen: Yeah. Well, I just have one last item which is good news, so saved – I don't know if it's the best – for last. But on Christmas Eve the Western Washington Growth Management Hearings Board issued an order which found the County in compliance with all remaining issues under the Bayview Ridge Subarea Plan. So there was a settlement agreement reached between the parties and the County, and as a result of that there was a joint submittal to the Hearings Board to find – to remove the compliance issues from the *Abenroth* case – and there were really two cases – which just had one item remaining. And as a result of that settlement agreement the Board heard arguments and read the briefing and concurred that since all the parties had settled the matter that it was a matter no longer before them and ordered that all the issues remaining be dismissed.

So what that means is the County is now GMA-compliant with one exception, and that's under the critical areas ordinance, section 120, which deals with the ag-fish buffers, which the County, even though there's a compliance issue we are not able to address that matter because the legislature created a three-year timeout which then assigned, I think, the Ruckelshaus Institute to try to come up with a workable solution for all the parties concerned.

So we are compliant with all of that which we can address, and so that certainly is good news. You may hear about it in the coming week or so. We're going to try to get a press release out and get some information on our website. So that is certainly good news. It's been a long time awaiting to be compliant with the Growth Management Act.

It is not only a sense of achievement but it also has a real financial stake in that it allows the County to be more competitive with grants and we then, as part of applications which we can submit, we can hopefully be more competitive and be the recipients then of additional funds to help us with our planning processes here in the county.

So not just the Department, but other departments and other organizations who are under the umbrella of the County can now, as part of applications, indicate that we're GMA-compliant. So that is certainly good news.

Ms. McGoffin: Gary, what I would add for the agenda the next time we meet is a review of how we got in those messes a little bit, and what proactive things we can do to stay out of those kind of quagmires. You know, as a learning lesson.

Because moving forward – ideally – we should stay out of those kind of sink holes.

Mr. Christensen: Do you want the elaborate version or the short –

Ms. McGoffin: Abbreviated, Gary, abbreviated.

Chairman Easton: Mary doesn't ask for elaborate for *anything*, I don't think!

Ms. McGoffin: No.

Ms. Ehlers: The first chapter of that is the County initially didn't want to follow the law at all, and that's what initially got us in trouble.

Ms. McGoffin: That was succinct! Thank you.

Chairman Easton: Yeah, well, I'm inclined to say I believe that that was succinct and I do believe the County intends to follow the law. So with that, sir, are we completed?

Mr. Christensen: I'm done.

Chairman Easton: We're adjourned (gavel).