

**Skagit County Planning Commission**  
**Public Hearing and Deliberations:**  
**Master Planned Resorts & Rural Reserve Campgrounds**  
**December 7, 2010**

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

**Staff:**                         **Gary Christensen, Planning Director**  
   **Carly Ruacho, Senior Planner**

**Others:**                     **Mark Personius, Department Consultant**

**Public Hearing**

**Speakers:**                 **Jack Swanson, Attorney for Pioneer Trails**  
   **Jeroldine Hallberg, Consultant for Pioneer Trails**  
   **Diane Freethy, Skagit County Alliance for Rural**  
   **Preservation (“SCARP”)**

Chairman Jason Easton: Good evening. I call this meeting of the Skagit County Planning Commission (gavel) to order. Tonight’s business before us is concerning the public hearing for the – excuse me – the code change, Skagit County code change. And if I find my script that I just had in front of me – there it is. The purpose of the public hearing is to receive testimony and written correspondence regarding the County’s proposed amendments to the Skagit County Code Title 14.

There’s a sign-up sheet in the back of the room for those of you who would like to testify. An opportunity will be given at the end of the hearing for those that would wish to testify but did not sign up. Please limit your correspondence to three minutes so that everyone will have a chance to speak. Special interest groups, associations, or those representing others are encouraged to designate a spokesperson for your group to allow greater participation and cross-representation.

Before you testify, clearly state your name – spelling your last name – and your address. A recording system will record your comments. Written comments are

also being accepted and can be placed in the box located on the staff table near the front of the room.

Before we begin taking public comment tonight, staff will make a brief presentation about the proposal.

Thank you for your time and thank you for participating.

Director Christensen.

Gary Christensen: Good evening, Commissioners.

Chairman Easton: Good evening.

Mr. Christensen: We have proposed code amendments and a public hearing on those proposals this evening. And, with that, Carly, are you or Mark going to summarize?

Carly Ruacho: Mark's going to do MPR and I'll do Rural Reserve.

Mr. Christensen: Which one do you want to go with first?

Ms. Ruacho: MPR.

Mr. Christensen: Okay. So let me introduce Mark Personius, who is under contract with the Department, and he'll be making a presentation on the proposed amendments to the Master Planned Resorts code section of Title 14. So, with that, Mark.

Mark Personius: Thanks, Gary. Good evening, Commissioners.

Chairman Easton: Evening.

Mr. Personius: I will just speak briefly to you about the background on the MPR – or Master Planned Resort – code changes you have. You have a line-in, line-out version of chapter 14.20, which are the – which is the recommended code changes, and a cover memorandum from staff that gives a little background on the statutory requirements of Master Planned Resorts and talks about some of the issues that they bring up in terms of Growth Management legislation. I will just speak briefly about that.

These are – this tool, MPRs, were specifically identified by the legislature as an economic development tool for rural counties, so and by that they offer a really significant deviation from the Growth Management Act in that they allow urban – essentially urban growth in rural areas under this MPR designation. So just doing that comes with a lot of responsibility and a lot of restrictions on the types

of uses, and a lot of requirements for the kinds of uses that those would be – requirements for compatibility with adjacent rural lands and adjacent resource lands. I'm not going to talk a lot about that until we get into the details of the code itself. But it has been an issue in some other places about how compatible are these. Anytime you have potential for locating urban growth in the middle of a rural area, there's compatibility issues that have to be dealt with. So you'll see a lot of those changes in the code correspond to that issue.

They are – there's – just a little bit of background for you. This code was originally put together – I want to say seven, six or seven years ago with the local advisory group that was appointed by the Board of County Commissioners to work with staff on developing these regulations. There has since been one proposed MPR in the county, and that was the 1000 Trails MPR up on Bow Hill, that the Board ended up not approving. And, as I talk about a little bit in the memo, many of the code changes you see tonight come out of that process. That there were some – there were some issues that came out about what we want to see from developers, from applicants, when we get a Master Planned Resort application; the kind of information the County needs to see in order to make a good decision on whether or not these things are good, in the right location, and are they adequately served with adequate capital facilities, and do they adequately protect adjacent rural and resource lands.

So that particular project proposed something like an 800-unit resort there at the campground. One of the issues, I think, that came out of that process was that – and came out of this code update – was that, well, we want to try to define "Master Planned Resorts," the potential envelope for them that best fits Skagit County. And so one of the things you'll see in here is that there is for the first time a cap on the number of units that could go into any particular individual MPR. The current code doesn't have any caps and this code change recommends a cap of a maximum size limit of 300 units.

There's a couple of examples we talk about in the memo of one that you might – typical – what we would think of as Master Planned Resorts in the region: the Semiahmoo Resort up on Drayton Harbor and the Sun Mountain Lodge over in the Methow Valley are what the legislature was intending by these things. They're resorts, they're destination resorts, they provide jobs, they enhance tourism, but they are located in relatively remote rural settings and in what are called settings of – that are called in the statute "settings of significant natural amenities." And so we've taken some pains in the code to try to define what that means in Skagit County.

So part of that original code also talked about, Well, these things should be sort of like a PUD, a Planned Unit Development ordinance, and you could just deviate from the code a little bit in terms of how you arrange these things, how you arrange the uses within these types of development. And one of the things that came out of that was that we set initially a ratio of short-term visitor units to long-

term visitor units at 55%, so that 55% of the units in a Master Planned Resort should be for short-term visitor accommodation. And this code would change that and raise that requirement to 80%.

So the idea was we don't – these weren't intended to be retirement communities or new towns or new cities in remote, rural areas. There's a whole other category of – under GMA, where you could theoretically do that, called a "fully contained community." But under MPR, the idea was it was supposed to be a resort destination, it's supposed to be tied to a setting of significant natural amenities, and that setting is supposed to be the draw. That's what's supposed to get people to come there: because it's a beautiful place.

So we've raised that issue, we've raised that threshold so that we make sure that these are not – you can have *some* long-term permanent occupancy with these types of things. You think of these as golf course developments, golf course resorts, ski area resorts – things of that nature. But we want to make sure that they are absolutely major – that the focus of them is intended for short-term visitor accommodations.

I mentioned a maximum size limit of 300 units as proposed in this code. There is no maximum size limit under the current code. There is no minimum or maximum MPR acreage associated with this code. Staff's talked about that a number of ways: Should we have a minimum? Should we have a maximum? We ended up not doing that primarily because these things could be large and they could be small. We don't want to limit the development or the market's ability to come out with a product that would fit here in Skagit County. So these could go – these could go on 20 acres or even 10-acre parcels, or they could go on 200-acre parcels. So it depends on where they're sited, what the uses are. We want to maintain as much flexibility for the market as possible so we don't – haven't established a maximum lot size on this.

You will also see new locational criteria that defines a little better what the setting of significant natural amenities means here in Skagit County. There's also enhanced consideration of the compatibility of the MPR with the adjoining rural and resource lands. And primarily what that means in terms of regulatory language is that there are criteria for approval or findings of fact that the Board would have to make in an ultimate decision that said that these are – this use is compatible with the adjacent uses, there's adequate open space, there's adequate buffering, there's adequate setbacks, there's adequate environmental protection in place to make sure that these MPRs, if it was located in a remote rural area wouldn't – would not have an adverse impact on the adjacent properties.

And, finally, one of the real fundamental problems that came out of the 1000 Trails application was just that there wasn't a – there was never a really good, coherent application for the County to evaluate. And so you'll – most of what you

see in these code changes are very – just very clear requirements now for what a resort master plan should have in it. We want maps at a certain scale. We want to see very detailed – you know, how many units, where're they going to be located, where are the roads going to be, where are the capital facilities going to be, who's going to pay for them. There's new requirements for an economic feasibility assessment to be done as part of the proposal. We want to make sure that these are serious, that there's money behind these things. These aren't going to just falter. We're not going to have people flipping these and coming forward to just do a proposal to get it – get some kind of entitlement but then not have any backing to actually get this thing done.

So that's – those are the main emphases of the changes you see in the code, I'll be happy to answer any questions you might have before we get to the hearing.

Chairman Easton: Questions before the hearing?

Mary McGoffin: Chair?

Chairman Easton: Yes?

Ms. McGoffin: Short-term will be what? Three weeks? Less than a month? Those 80% that you're asking to be short-term – I mean, what do other counties call "short-term"? How do they define that?

Mr. Personius: These are not – they're not defined. I don't think we define them with any specific occupancy permit requirement. So, I mean, but they're – it's a hotel, it's a motel, it's a lodge, it's an inn; therefore, daily/nightly rental.

Carol Ehlers: I found two sections in code –

Mr. Personius: Yeah?

Ms. Ehlers: – that say four months is what the County defines "short-term" in other circumstances.

Mr. Personius: In terms of the campgrounds, I know there are some requirements for that in terms of RV camping and things like that. But when we're talking about accommodation units, I'm talking about – at least in terms of this aspect of the code it's just talking about built units, so hotel units or inn units or motel units or cabins or those things.

Ms. Ehlers: So you're talking days?

Mr. Personius: Yeah.

Ms. Ehlers: Not months?

Mr. Personius: No.

Ms. McGoffin: Okay.

Chairman Easton: All right. Thank you, Mark.

Ms. McGoffin: (inaudible)

Chairman Easton: Before the hearing?

Ms. McGoffin: No, we can do the hearing. Do we get a chance to talk to you?

Mr. Personius: Yep.

Ms. McGoffin: Okay, great.

Ms. Ehlers: And when we do, is it on the record as part of the hearing?

Chairman Easton: It would be part of the deliberations, which is also a public meeting.

Ms. Ehlers: Well, there's a vast difference legally between a public meeting and a hearing.

Chairman Easton: Did you wish to ask Mark a question before –

Ms. Ehlers: Mm-hmm.

Chairman Easton: – or during the public hearing?

Ms. Ehlers: Mm-hmm.

Chairman Easton: Okay, that's fine.

Ms. Ehlers: On 14.20.040, the Minimum Standards.

Mr. Personius: Yes.

Ms. Ehlers: They are much clearer than they used to be. That's good. But I have a question on number 2, Compatibility.

Mr. Personius: Mm-hmm?

Ms. Ehlers: Since the only discussion of compatibility in here is compatibility with lands, and there is no reference to compatibility with legally platted dense

residential areas, and there are acreages that might be considered that are adjacent – whatever *that* means – to these dense areas, I don't see criteria to see whether this – a particular proposal, as it is particularly described – how you could assess whether it has a degrading effect.

Mr. Personius: That's a good question. I mean, one of the – when you have sort of open-ended, discretionary permits, such as an MPR is, there's a lot of discretion to the local government on whether to approve or to deny. So that's why you see so much new language to help inform the decision-making about what is compatibility – what's compatible, and what's not. There is a general statement in the statute that MPRs shall not contribute to low density sprawl and promote low density sprawl. And so when they're talking – what that means is if they cannot – outside the boundaries of the MPR you cannot permit new development that would be at a similar density. What is already there is a different question legally and also from a planning perspective, but whether or not – we do specify that we don't want these in UGAs or adjacent to UGAs per se, which is not to say you could not have a resort in a UGA. You just – you could have a resort under a commercial zone, an urban zone. It just wouldn't be under the MPR – this code. It would have to come under an urban-commercial zone code.

But the idea is just that we're – we've got this animal that could happen anywhere, theoretically, in the county that we – not having locational criteria that says, They cannot occur here, here, here and here, which we looked at and eventually rejected, it being *too* restrictive. So there has to be some flexibility in that. There's no good criteria on, Can they locate next to a LAMIRD? There's nothing here that says they couldn't. So could they locate next to a Rural Intermediate zone or something like that? There's nothing in here that says specifically you can't do that. Conversely, there's nothing conversely that says you *can* do that. So that's part of the site-specific analysis that would have to occur.

Ms. Ehlers: And that is where I have, in my experience, not found the County developing criteria for what affects the housing – the legitimately, already built. You call it "LAMIRD"; that's the technical term. But I'm thinking for the already built, suburban or sometimes almost urban development. This talks about saltwater islands being an appropriate place for this. Any saltwater island that, would it be illegally allowed, is right next to suburban development. And it's the lack of criteria that I'm concerned about.

Mr. Personius: Mm-hmm.

Ms. Ehlers: I'll get specific on some of the criteria later, but this is what I wish to bring up now because there has to – there is a law in this state that things must not only *be* fair, they must *appear* to be fair. And for things to *appear* to be fair, if you're going to tell proposal A they may, and proposal B they may not, you need

to have – and you already have lots of things in here that are good for whether you even accept the proposal. That’s – that’s been well done. It’s how you decide after you accept it whether you say “no,” and the County is very weak on that category in general.

Mr. Personius: Well, and again, you know, that’s the discretion that falls under the County’s purview under the GMA, that they have a great deal of discretion in approving or denying MPRs. And so, again, we’ve certainly added a lot of criteria that didn’t – weren’t in the first set of regs, from the lessons learned. There could be more but, again, we kind of get into that gray area of well, if we apply it everywhere it might restrict the use to certain places and maybe that’s a good thing and maybe not. I think at this point we’d like to say, you know, Let’s let the market show or propose where these might go, but give it some guidance and give it – certainly give the code a little more teeth for the County to react to that.

Ms. Ehlers: So –

Mr. Christensen: If I may –

Ms. Ehlers: I have another question for him.

Mr. Christensen: Let me try to add to Mark’s comments and response and see if it maybe addresses your concerns or issues, Carol. One of the things that we wanted to do was provide more specifics yet still retain some degree of flexibility. And that’s not an easy thing to do. In the code here we talk about in this particular section that you cited, “measurably degrade,” and I think we’re trying to ascertain or determine, Well, how do you measure that? What’s the criteria or the standard? And it’s somewhat like under the state Environmental Policy Act and when they talk about significant adverse environmental impacts. Well, what does that mean?

These projects, and in particular MPRs, are going to be evaluated and certainly in trying to assess their impacts or whether there is any kind of measurable degradation, certainly the Department will have a perception or a comment on that, the public at large will, proponents, opponents. But, ultimately, the decision maker is going to have to evaluate those measurable arguments or impacts as they might come forward.

So without being very specific here and otherwise perhaps prohibiting something because you’ve been specific, we wanted to maintain a degree of flexibility. And each of these projects are going to be judged on their own merits ultimately. And so it is through the process and through the application of the goals, the policies, the objectives and the code itself that will provide further information about the projects. And with regard to their compatibility, whether it’s compatible with existing infrastructure or that which would be necessary or needed for the

project, and that with the land uses that are adjoining or adjacent to the proposed project.

Chairman Easton: Okay –

Ms. Ehlers: Gary, that is quite correct, but this document – there are three things for everybody to think of while people are talking and having this period of time. The document correctly refers to Comprehensive Plan policies. We have none regarding housing. It wasn't considered important to protect housing in this Comp Plan. The document talks about process and there is a good process. There's a SEPA process which gives you a whole fifteen days to respond. For something this large, that's a little tricky. And then once you've responded, when it comes – when the response goes to the Hearing Examiner or to the Planning Commission, the public only gets a seven-day period to respond to the staff report. That is – for something as large as one of these might be, that is a measure of concern. And that's why I'm raising it. Because I don't want it to be a blanket yes or a blanket no or anything of that sort. But the processes don't necessarily give the protection to the *housing*; they give protection to the land.

Mr. Christensen: So not only do you have the code, as you have before you with regard to Master Planned Resorts, but any project is not categorically exempt under the state Environmental Policy Act. Your reference to a fifteen-day comment period would assume that the threshold determination would be nonsignificant and, therefore, it only is fifteen days; however, if an environmental impact statement is done, there's a scoping process, there's public hearings, there's a draft environmental impact statement released along with a final environmental impact statement which addresses all of the public comments. I would suspect, without a proposal in hand, that anything of that significance is probably going to have an environmental impact statement. And, certainly, a lot of due process and opportunity for the public to comment on a proposal.

Ms. Ehlers: Yes. Thank you.

Chairman Easton: At this time, then, I'd like to hear from Carly then about campgrounds.

Mr. Christensen: Yeah.

Ms. Ruacho: All right. Thanks, Jason. Mine will be much more brief. I have the easy part of this. So for our proposals regarding campgrounds, we have proposed to amend two definitions, the definition of "developed campgrounds" and the definition of "destination campgrounds."

The review originally started out because there was a redundancy. The use of cabins was listed in both a developed campground and a destination campground. And because the way the definitions are structured, if you have

any one of the uses listed in a destination campground you *are* a destination campground. So to have cabins listed in both was problematic. So that was initially what we started out with was to correct the redundancy, And the definitions are not too burdensome, so to, you know, take a look at the rest of the uses seemed prudent at the time.

So we kind of looked at it in – you know, with the mindset of if you had – if you were a campground and you had any one of these uses, would that really make you a destination campground per se. And so we kind of looked through each of those uses – snack bars, retail shops, restaurants, et cetera – and we came to the conclusion that of the uses that were listed under destination campgrounds, three additional uses, including laundry facilities, sports courts and an onsite office – we did not feel that if you had any one of those things in and of itself it would make you a destination campground.

So it's our proposal that we would correct the redundancy of cabins and allow those as developed. And then also allow those three uses that I just mentioned in a developed campground, and then all uses of a developed campground are allowed at a destination campground. So you can have all those uses plus the additional ones, but a developed campground cannot have any of the uses listed in destinations. So that's kind of the structure of the definitions, how that works.

So that's what we're proposing there on the definitions, and those definitions do apply throughout the whole code. And then we are proposing specifically a change to the Rural Reserve zoning district, where what we would allow would be for pre-existing – as you can see here, 30 acres or less; I won't read the whole thing – campgrounds that exist on a certain date. And the date we picked is May 17, 2009, and the reason we picked that date is that's our last date of really good aerial photography. So that – if we are going to get into a situation where we are making a determination whether someone existed on that date or not and how many campsites they had, we are going to need some tools and our aerial photography is one of the better tools that we do have, and so that May 17<sup>th</sup> date is specific to the aerial photography that we have. So we can look back on that date and look at the aerial photo and determine how many sites you had, what your footprint was, what types of uses you had, what building you had – that type of thing. So that's why that date is there.

You can see that we've pretty narrowly scoped this. You have to be pre-existing, number one. You have to be 30 acres or less. You have to meet the definition of a destination campground, meaning you have any one of those uses listed in that definition. And then if you do come in for this special use permit modification that we would allow, number one, you would need to be permitted to start. You can't modify a permit that doesn't exist, so you would need to be an existing permitted campground. You couldn't increase the number of sites. You couldn't increase your footprint. And you need to meet your original conditions regarding perimeter buffers.

But it does allow, outside those parameters, some flexibility to these campgrounds which, prior to this change – and if it does go through – in the current state they're really locked into whatever they have on the ground at that time. We have no process for existing destination campgrounds in the Rural Reserve area to modify whatsoever because they are considered nonconforming. They're really just kind of locked into what they have and they have no flexibility. So we do have some of these campgrounds in the county and there is a need for some updating, some upgrading, some response to changing in camping and their customers. So we feel like this is a very narrowly crafted code provision that would give them some flexibility for their business that would not allow expansion to affect the neighbors or things like that, and allow them to go forward under a permitted – under a permitted-type process, whereas right now we're dealing with these nonconformities which are just kind of difficult for everyone. It's difficult for them, it's difficult for neighbors, it's difficult for us.

So we think this is a good direction to go in and we really – it doesn't look like a lot of work on the page. What is it? Maybe nine lines of underlined language. But we really did spend a lot of time, a lot of discussion. A lot of time, a lot of thought went into this. So hopefully – when you look through it – hopefully you see it as something that could be useful. And, of course, any comments or suggestions you have we would definitely be open to that.

But that's really all I have to say about campgrounds. The only other thing I would say just as a point of order: We did receive one comment letter prior – you know, prior to the close of the comment period. You have a copy of that comment letter. It is relatively short. It's the one from Friends of Skagit County. I don't see a representative here tonight. I don't know if Diane planned – sometimes they'll come in on each other's. I don't know if she plans to come in on Friends' position or not. But I wonder if maybe, because you are proposing to deliberate tonight, you might want me to read that into the record just for the public's sake, since there's nobody – it doesn't appear that there's anybody here that will be commenting on Friends' behalf. Just to kind of put that out there and then maybe make it easier to move into deliberations. So if the Chair desires, let me know at the end of the public hearing and I could read that into the record if you desire.

Chairman Easton: Yes?

Ms. Ehlers: A brief question: In this 14.16.320(3), Administrative Special Uses, you seem to have thrown Campground, primitive out. Can't you have a Campground, primitive in Rural Reserve anymore?

Ms. Ruacho: Yeah. What happens in the zoning code is uses are listed alphabetically so when we insert this new use – this Campground, destination – it will come alphabetically before Campground, primitive. So primitive

campgrounds will become the letter (c) and then it'll drop down through (k), which now it stops earlier than that. So you'll note that the note here to the code publisher that the remainder of the section needs to be renumbered. So rather than striking every use, for just for ease of people's review we just indicate to Code Publishing that they're to renumber, you know, the remainder of the section. But if we were to strike primitive campgrounds, it would be shown on here as stricken, and we are not striking it. It is just – it will just move down in the order.

Ms. Ehlers: Good, because it's a really suitable use.

Ms. Ruacho: Absolutely.

Chairman Easton: Any other questions for staff before we take public testimony? Or for the consultant?

(silence)

Chairman Easton: All right. So at this time we're going to take public testimony. Please state your name, spell your last name and give us your address. Mr. Swanson, you're up first. Please keep your comments brief. We'll give you four minutes.

Jack Swanson: No problem. Jack Swanson, 900 Dupont Street, Bellingham. I'm here because of Pioneer Trails, over by Anacortes. We pushed the County Commissioners in 2008 to try and deal with the problem Carly described a few moments ago, which we had an existing campground – it was a developed campground but had the amenities of a destination campground and there was no way that the code would allow the modifications – a modification of that to bring it into compliance with the code. So we two years ago started a process to try and get some modification to the code and have had numerous discussions with the staff, and over the last year we've tried to help them to develop the language that's in front of you now.

Carly did a fine job of explaining what it is that is proposed, so what I'd like to deal with is on page 3 of the memo that I gave you, which is "Reasons for Supporting the Proposed Change." First of all, RVing use of campgrounds has changed significantly since a decade ago when this code was adopted. And the costs of RVs – an expensive RV was \$500,000.00 in 2001. Today a \$750,000.00 RV is commonplace and many run a million dollars or more. Shocking as it is, it's true. And so the existing campgrounds you have – which your code doesn't distinguish between RV parks and campgrounds – so the existing campgrounds you have that are out there to serve the RVing public really need to be able to upgrade their amenities package, because people who can buy million-dollar RVs expect an amenities package when they get to wherever it is they want to go. And without the ability to do that, many of these

campgrounds will cease to be able to compete with other destinations around the northwest, around the area.

I found some interesting facts in dealing with this. RV ownership is approximately 8.3 American households – 16% increase since 2001. With over 16,000 campgrounds nationwide, recent research shows that more people enjoy camping in campgrounds closer to home, spend less time on the roads to save fuel. (In) RV parks and campgrounds across the country, reservations in 2010 are running 5% better than 2009, which was a record year despite the recession.

Population demographics trend more favorable towards RV use. 34- to 54-year age group remains the largest element of RV, but the baby boomers are coming. They're nearing retirement. The number of consumers aged 50 to 64 will total fifty-seven million by the end of this year, 38% higher than in the year 2000. One in ten vehicle-owning households in that age group owns at least one RV.

These were shocking to me. All of these – oh, RV buyers can still deduct their interest on the loan like it was a second house. I was stunned to learn that.

All these factors suggest a greater demand for campgrounds and a need for campgrounds to provide amenities for users. This proposal will allow RVs to upgrade their – RV camp parks or campgrounds to upgrade their amenities package to be a more desirable RVing experience.

RV campgrounds contribute to the Skagit County economy directly through sales; and motel/hotel taxes on rental fees; permanent and seasonal campground employment; outside purchases, such as gas, food and recreation.

Specifics are available in the Dean Runyan and Associates report for the Washington State Department of Commerce, and you can get that quote in my memo.

Number 2. Non-conforming uses are not favored in Skagit County. I'll read you what the code says about the intent: Is "to permit these nonconformities to continue until they are removed, but not to encourage their survival except as expressly provided in this section." The remaining total text that deals with nonconforming uses is very restrictive, not expansive. Skagit County's code is perhaps the most restrictive I've seen in thirty-eight years as a land use lawyer in terms of dealing with nonconforming uses. If you're nonconforming, you're in trouble. You can do something with the building that you have there, but you're not allowed to expand the size of the building or build new buildings. Whatcom County, contrarily, they allow – on a conditional use permit – they allow complete modifications \_\_\_\_\_ permit as long as it's done on the property that you started out with originally. If you've got any room to expand, they allow expansion extensively. And so it's a very different world there than it is here.

Some existing campgrounds simply cannot comply. Because they can't get into compliance with existing code, they're faced with the prospect of having to tear down the amenities they have in order to be in compliance with your zoning. And if you're not in compliance with your zoning and you remain a nonconforming use, go try and borrow some money from your lender in order to do something.

Finally, this proposal's modest. It's carefully tailored to be limited in scope and not open the door for massive modifications to exist in parks, or even new parks in the Rural Reserve district. The proposal has built-in protections. Further public review and input is required through the special use permit process. And it's the administrative special use so you also get staff's attention. And, overall, we believe that this proposal, while modest, is going to allow existing parks – a few; half-a-dozen, maybe – in the Rural Reserve to modify their parks to create a better camping experience for local people who want to use them and also people from outside the community who are just traveling through.

I urge you to approve what the staff has provided. Thank you.

Chairman Easton: Thank you, Mr. Swanson. Any questions for Mr. Swanson?

Ms. Ehlers: Yes.

Chairman Easton: Carol?

Ms. Ehlers: The refineries in Anacortes have a tradition of hiring contractors. It's my understanding that many of them have come to your RV site to spend the time, to live – and I'm not meaning that improperly – while they're working as contractors – short-term contractors – for the refineries. Is that true for you and/or for others?

Mr. Swanson: Is that true for our – for Pioneer Trails you mean?

Ms. Ehlers: Mm-hmm.

Mr. Swanson: I believe it is true that there are some people who do come there and live temporarily while they work at the refinery.

Ms. Ehlers: Since you have a context in which you understand these things, what do RV – what do short-term contractors brought in by local industries do if they can't find a campground that permits them? Do they have to stay in another county?

Mr. Swanson: Well, I expect they commute. That would be the only other alternative. They find some rental facility of some kind that will meet their needs for residential purposes and then drive.

Chairman Easton: Is that it?

Ms. Ehlers: In an administrative special use, what notice is given to the neighbors?

Ms. Ruacho: Do you want me to answer that?

Mr. Swanson: Please.

Chairman Easton: Let's save that comment for – let's address that during deliberations.

Ms. Ehlers: Okay.

Chairman Easton: We'll address that during deliberations. Thank you, Mr. Swanson.

Annie Lohman: I have a question.

Chairman Easton: Oh, okay. Go ahead, Annie.

Ms. Lohman: In this proposal, you would be able to work on your RV site, correct?

Mr. Swanson: Correct.

Ms. Lohman: So you would –

Mr. Swanson: Well, well – RV – the park itself? Campground? Yeah.

Ms. Lohman: Yeah. So, you – are you supporting what Carly presented to us?

Mr. Swanson: Yes.

Ms. Lohman: Okay. So you already have RV park – RV amenities that need some work, is what you're saying?

Mr. Swanson: Yeah.

Ms. Lohman: And this proposal allows you to do that work?

Mr. Swanson: Correct, correct. We have RV amenities that would only be allowed in a destination, as opposed to a developed campground. The zoning only allows developed campgrounds. It doesn't allow destination campgrounds, so by definition we're a nonconforming use. We either – the way the zoning's

written now, in order to come into compliance with the zoning we need to tear down our snack bar, tear down our room that we have for – a little meeting room that we have – tear down our laundromat. Those would have to go in order to be in compliance with the code. Now we're not allowed to maintain those things either, or to expand them.

But what we're really looking for here – the specifics of this – is that – this campground used to have a bunch of tiny Conestoga wagons. You know about it? Okay. They're cute. One of them's still there. But what they did was they converted those Conestoga wagons into another form of campground. Some are tenters and others are for RVS. But they were not allowed to do that, so we're basically in violation of the code and we needed to do something here so we could come in and make an application to cure that problem. And so that was the principle objective here. Right now we're in a position where if we go to a bank and try to borrow money we can't honestly show them that we're in compliance with the zoning code. I don't know if you've had any experience trying to get financing lately for *any* kind of real estate development, but, I mean, it was a problem being nonconforming twenty years ago and it's a gigantic obstacle now where there really is no real estate financing at all at this point, and maybe will be within the next year or two.

Chairman Easton: Any other questions for Mr. Swanson?

(silence)

Chairman Easton: Okay. Thank you, Mr. Swanson.

Mr. Swanson: Thank you.

Chairman Easton: A familiar face has come to revisit us!

(laughter)

Jeroldine Hallberg: Thank you, Jason. My name is Jeroldine Hallberg and since I no longer work for the County I have to identify my affiliation and my address here. I live at 6335 State Route 9, north of Sedro-Woolley, and I am here representing the owner of Pioneer Trails. I'm working with Jack on his proposal. I originally was not going to comment at all because Jack covered so very many things, but there're a few other issues I wanted to add to this.

You might want to know how or whether this could affect other parks in the county. And while our motivation was purely for Pioneer Trails, there are a few other parks that it could affect. And I think Gary has the inventory, too, but I thought I'd list for you those that are just within the Rural Reserve zone so you'd get a sense of that. And they range from the very small, like a 2-acre park, all

the way up to the huge 1000 Trails RV Park in Alger at 175 acres, or possibly more than that.

So, Norway Park, Lake McMurray – at Lake McMurray; Alpine RV Park in Marblemount; Skagit Speedway, which operates an RV campground around it, in Alger; Wilderness Village in Rockport; there's a KOA campground at Burlington – it's called Burlington Cascade and that's an 85-space RV park; the Pioneer Trails; and Skagit River Woods, which is a 320-space membership campground outside of Birdsvew on the river. So that's the range of people who could come to the County for modification of their campground just in the Rural Reserve zone.

Thank you.

Chairman Easton: Any questions?

(silence)

Chairman Easton: Okay. Thank you.

Ms. Hallberg: Okay.

Chairman Easton: Ms. Freethy.

Diane Freethy: Good evening, Commissioners.

Chairman Easton: Good evening.

Ms. Freethy: My name is Diane Freethy. I'm the president of Skagit Citizens Alliance for Rural Preservation, P.O. Box 762, Sedro-Woolley, Washington. Can you hear me?

Chairman Easton: Mm-hmm.

Ms. Freethy: We appreciate the opportunity to once again express our objection to Master Planned Resorts in rural Skagit County. The comments I'm about to make support our position and I'm asking that you give them due consideration prior to making any decision on the proposed code revisions.

Goal C-8 of the Rural Element of our County's Comprehensive Plan says, "Provide for the siting of Master Planned Resorts, consistent with the requirements of the Growth Management Act, in locations that are appropriate from both an economic and an environmental perspective."

As pointed out in the Planning and Development Services memo of November 18<sup>th</sup>, MPRs are – quote – "an exception to the general rule under the GMA that

urban uses are not allowed in rural areas” – unquote. Nevertheless, after weighing both positive and negative impacts on the environment and local economy, that exception may be adopted or rejected by the local jurisdiction.

Skagit County’s Rural Reserve zone is *not* an urban growth area. Siting non-essential enterprises such as MPRs in rural zones is inappropriate from both an economic and environmental standpoint because they require higher levels of urban services. Also, transient populations are unpredictable and tend to create problems for public health and safety officials. Local facilities such as hospitals often bear costs that reduce any supposed economic benefit. And not only do MPRs represent increased risk to wildlife and natural habitat, they use a lot of land and consume a lot of water. Two such developments in eastern Washington have resulted in huge lawsuits over groundwater withdrawals that caused farmers to go without.

RCW 36.70A.360(4)(c) reads in part: “A master planned resort may be authorized by a county only if the county includes a finding...that the land is better suited, and has more long-term importance, for the master planned resort than for the commercial harvesting of timber or agricultural production.”

Some of Skagit County’s resource-based industries that are located in Rural Reserve zones have been contributing to the local economy for decades. Comparatively speaking, the long-term importance of an MPR is debatable, as is its economic value. Our rural roads barely support today’s industrial traffic, and increased tourist traffic during the peak of the ag and timber harvesting season would likely cause unacceptable gridlock.

On a more general note, we’ve noticed a troubling shift towards urban-style development in rural areas over the years. Meanwhile, the Planning Department admits that it has never complied with the urban-to-rural ratio set forth during development of our Comprehensive Plan in the ‘90s. Unless and until that threshold is met, facilitating additional urban development in rural areas by revising the County Code amounts to – in our view – a Growth Management violation. We would much rather see PDS staff engaged in more basic planning and less catering to developers. For example, we believe that a rural lands analysis is essential to protecting our renewable resources and establishing orderly urban development in the future.

Thank you for listening and thank you for your service to our community.

Chairman Easton: Thank you. At this time, I’m going to close the public hearings.

Ms. Ruacho: You don’t want me to read into the record?

Chairman Easton: No, it’s – it was submitted appropriately and –

Ms. Ruacho: Oh, yeah. I just didn't know if for the viewing public, et cetera, if you'd want it stated.

Ms. Ehlers: You said at the beginning that you were going to give us a chance to read it between –

Chairman Easton: Yes. So (gavel) we're going to close the public hearing, we're going to adjourn for – until seven o'clock. At that time we'll come back on the air and back into session, and at that time I want you to be prepared to – does that seem sufficient enough time to the Commission? – to review the documents that you've been given new tonight. Just the one comment letter that – the additional comment letter that we haven't had read to us, or portions of it read to us. And then we'll go into deliberations at that time. And those who stay, we can ask questions of, too – and staff.

All right, thank you. We're adjourned (gavel) till seven, or recessed till seven.

(recess)

Chairman Easton: (gavel) I call this meeting of the Skagit County Planning Commission back into order. Tonight we're now deliberating on the Skagit County Code changes relating to the Master Planned Resorts, campgrounds, definitions and et cetera.

At this time we're going to do the deliberations in this manner. We're going to take campgrounds first. I'd like to do these as two separate pieces of work, if that's fine with staff? It's fine with staff. So we will take campgrounds and the definitions that are on your – that had been sent to you previously, 14.04.20. At this time are there any questions of staff concerning campgrounds? And then I'll entertain a motion after questions.

Ms. Ehlers: I have a question –

Chairman Easton: All right, let's start with – let's wait for the Chair to recognize you, please. Mr. Hughes?

Dave Hughes: I have a question – it's more general – so I can get a perspective of what we're talking about. And I think most of us know – at least I know – what – and I'm going to use Clark's Cabins as an example. What is that classified as or – yeah.

Mr. Christensen: That's a Master Planned Resort.

Mr. Hughes: That would come under the MPR?

Mr. Christensen: Yeah.

Mr. Hughes: Not a –

Mr. Christensen: That is the only one designated in Skagit County as – that's the only MPR designation in Skagit County.

Mr. Hughes: Okay.

Ms. Ruacho: So it's an even higher yet than if you were kind of thinking of them in a structure order. Primitive campground, a developed campground, a destination campground, a Master Planned Resort. So it's at the highest threshold of that type of operation.

Mr. Christensen: It would have the greatest amount of resort development opportunities, as well as intensity, as permitted under current code.

Mr. Hughes: Okay.

Chairman Easton: But in addition to that, if it wanted to improve it has to go back through the process to do – to do any additional improvements.

Mr. Christensen: Yes, to do anything more –

Chairman Easton: That's for the public's sake. I don't want to leave people with the impression that we're approving an MPR tonight. We're only approving, if we choose to, some code changes, even though there is only one MPR in the county.

Mr. Christensen: Yeah. Yeah, let me restate my response to Mr. Hughes. Clark Cabins – or Skagit River Resort, I think as it may also be known as – is currently designated under the County's Comprehensive Plan and zoning map as a Master Planned Resort. And the privileges and uses for that particular development are based on land use approvals that the County has already granted.

Chairman Easton: Okay.

Mr. Christensen: Should that particular site or resort want to expand beyond current land use approvals, it would need to come back and be subject to section – or Skagit County Code 14.20, which is those requirements which are before you tonight.

Chairman Easton: Okay. Questions about campgrounds? Carol.

Ms. Ehlers: Okay. I have no questions regarding the definitions. My question has to do with the Rural Reserve. That list that you were talking about, the testimony was about Pioneer Trails. Pioneer Trails is on one of the biggest water lines in the county so there is no significance to using the water. Many of the other parks that were mentioned earlier are also – like the one in Alger, I believe, is also on a major water line so there's no difficulty with that.

In much of the Skagit River basin, many of those creeks are designated as low-flow streams and there is a substantial limit/reduction on what kind of development that can take place there. Fisher-Carpenter Creek is such a stream. The motel that was allowed to expand has, I understand, taken most of the water available for use not on a pipe line. And so the people who live in Fisher-Carpenter Creek now cannot build or develop unless they put in a water line. That's fine for Fisher-Carpenter Creek because it's in a commonly occupied part of the county. Are there any –

Chairman Easton: Commissioner, we are not – you – no – I'm the Chair and I'll be very clear. This line of commenting and questioning about a hotel and about water does not come – is not in order here. So I'm going to take –

Ms. Ehlers: Yes, it does.

Chairman Easton: No, it's not!

Ms. Ehlers: A campground expands, it takes all the water from everyone around.

Chairman Easton: It's not a campground. It was a hotel. You're –

Ms. Ehlers: No, I'm talking about campgrounds in the low-flow stream area.

Chairman Easton: Please keep your comments to the topic at hand.

Ms. Ehlers: I'm to the subject at hand, which is, Can one of these use up all the water rights available in a low-flow stream area in the upper valley? And if so, how do you prevent – how do you balance the rights? We've been talking about how you balance rights under this kind of circumstance for twenty years, and this is the first time it's really come push to shove.

Mr. Christensen: Well, any development proposed in Skagit County, whether it's a campground or not, needs to be reviewed based on its water source and whether there is adequate water to meet the needs and demands of that particular project. And that's a requirement under Skagit County Code. This particular code amendment with regard to campgrounds, as you'll recall, in the Rural Reserve areas those existing RV parks or campgrounds can't expand beyond their current number or limits. So presumably there wouldn't be any more demand for water for those particular developments.

Certainly any either existing or proposed RV park – or development, for that matter – that has available public water is going to have less constraints to development opportunities than those that would be relying on other sources of water.

Ms. Ehlers: Thank you.

Ms. McGoffin: Elinor has a question.

Chairman Easton: Elinor?

Elinor Nakis: I had a question. When Jeroldine listed the different campgrounds that are in the area already, how many of those campgrounds are nonconforming? How many of the other campgrounds out there?

Chairman Easton: She only listed the ones that were in Rural Reserve, too – just to be clear.

Ms. Nakis: Mm-hmm.

Ms. Ruacho: Right. I don't know if we're prepared to say at this point of the list that she gave which ones would be nonconforming or – all we can really say is that this code would allow modification of existing campgrounds that meet the criteria of 30 acres or less; that have the amenities of a destination campground; that are currently permitted. If they develop beyond the scope of their original permit and are currently nonconforming, this provision would allow them to come in for a modification and keep what they had as of the 19 – or excuse me – the 2009 – boy, that was a long time ago! – the 2009 date so that, as Jack stated, they can be conforming again under a current permit. We had no process prior. The only option for them was to eliminate amenities, eliminate campsites, to go back to some previous status to be considered conforming. So this gives a path to conforming without allowing any expansion, without allowing increase in the number of sites. Again, a very limited scope, but it allows a path to conformity.

Ms. Nakis: But we can assume that probably out of the sixteen Rural Reserve campgrounds there're probably a few that have expanded and need to – or maybe would like to – come back and –

Ms. Ruacho: Oh, absolutely. Yeah, absolutely. It wouldn't always be – to meet this provision, you don't *have* to be nonconforming, really.

Ms. Nakis: Right.

Ms. Ruacho: You could be currently conforming and want to come in and do something. So definitely, even if they're not currently nonconforming, so long as

they meet this criteria and stay within the thresholds, they could use this modification process if they are nonconforming. Which, I think you're right that we could assume that there's more than one that may have an aspect here or there that might not be in perfect line with their permit that could be thirty years old that could use this provision to come into compliance.

Mr. Christensen: Yeah, I might add that it's important to note that this is not a project-specific code amendment. While it does meet the needs of Pioneer Trails, as earlier testimony indicated, it very well has applicability to other similar projects and developments in Skagit County as well.

Chairman Easton: Any questions on campgrounds? All right. Well, the Chair will entertain a motion now for this section, for the definitions.

Ms. McGoffin: I'll make a motion, Chair.

Chairman Easton: Okay.

Ms. McGoffin: I move that we accept the proposed zoning changes relative to campgrounds, as proposed by staff.

Chairman Easton: It's been moved. Is there a motion – is there a second?

Ms. Ehlers: Should we not specify that it's 14.04.020 and 14.16.320?

Chairman Easton: Duly noted. And do I have a second?

Ms. Ehlers: That's my second.

Chairman Easton: Okay. So it's been moved and seconded to move to approve the definitions of – the code changes for 14.04.020 and 14.16.320, Rural Reserve, as presented to us tonight concerning campgrounds. Any discussion? The maker of the motion has a right to speak first. Do you wish to speak to your motion?

Ms. McGoffin: No, Chair.

Chairman Easton: Okay. And does anyone wish to speak for or against the motion?

Ms. Ehlers: I just think it's a good idea to allow people to come into conformity and have a sensible process for them to do it.

Chairman Easton: Hear, hear.

Ms. Nakis: Absolutely.

Chairman Easton: Okay, with that being said, I will now call for the question. All those in favor, say aye.

Mr. Hughes, Ms. Ehlers, Ms. Lohman, Chairman Easton, Matt Mahaffie, Ms. McGoffin and Ms. Nakis: Aye.

Chairman Easton: And all those opposed, say aye.

(silence)

Chairman Easton: Any abstentions?

(silence)

Chairman Easton: Let the record show that it passes unanimously, and we are seven tonight. All right. At this time the Chair will now entertain those that are interested in asking questions concerning Master Planned Resorts. So questions for staff or our consultant. Mr. Hughes.

Mr. Hughes: I'll be brief. Just a couple. Does the County have an inventory of major lakes?

Mr. Christensen: It's all of those that are not minor.

Mr. Hughes: Okay.

(laughter)

Mr. Hughes: Kind of what I thought. I'm sure Carol wouldn't go for that.

Chairman Easton: You beat her to that question!

Mr. Hughes: Oh, I know I did. You know, it's just something that just kind of jumped out at me.

Mr. Christensen: Yeah.

Mr. Hughes: And then while you're thinking, the only other comment is these – you know, some of us can look at – go anywhere in the Rural Reserve, because I think that's what we're talking about on these MPRs, and I can almost look at any place as a – has significant natural amenities. And I guess my – if I have a qualm about it is, I mean, this could be built anywhere in the Rural Resource – is that what we're talking? – Rural Reserve, yeah. Get my zoning destinations right.

Mr. Personius: Just to be clear, technically the code only excludes them from ag resource lands, so Ag-Natural Resource Lands and UGAs. So any other rural or forest resource land is technically potentially available for an MPR.

Ms. Ehlers: Does – do Skagit County rules such as these apply to the federal lands?

Mr. Christensen: We do not have land use regulatory authority on federal or tribal or trust lands or incorporated areas within Skagit County.

Ms. Ehlers: Because this is the kind of thing that was talked about and dreamed of in the '60s for what became the Ross Lake Recreation Area. This was a major part of the rationale for approving that.

Mr. Christensen: I want to speak to Commissioner Hughes's comment about this being perhaps applicable anywhere in Rural Reserve.

Mr. Hughes: Or anywhere.

Mr. Christensen: Let's say anywhere in Skagit County.

(several people talking at once)

Mr. Christensen: We had that discussion quite extensively amongst staff, legal counsel and Mark, and we felt before these proposed code changes that certainly there was much more opportunity for MPRs to locate based on somebody just making a case that they're in a significant natural setting. I mean, you might think of all of Skagit County as in a significant natural setting. Many places you can see the Skagit River, many places you can see saltwater bays, many places you can see Mount Baker. We're in a land of beauty and a lot of natural significant settings.

So what we tried to do – let me refer you to I think it's page 3. And my ordinance pages aren't numbered but it'd be page 3 under Skagit County Code section 14.20.040, and if you look at subsection 3. And we spent a lot of time trying to come up with this language.

Chairman Easton: Mr. Director?

Mr. Christensen: Yes?

Chairman Easton: Could we ask that you put that – can you have that put up on the screen?

Mr. Personius: Sure. I got it.

Mr. Christensen: Yeah. Mark, can you do that?

Mr. Personius: Mm-hmm.

Mr. Christensen: And can you zoom? There you go. Subsection 3. And for the viewing public and the Commission's benefit as well, I'm going to read this because I think if I read it we'll focus on it a little bit and think about it. And then we can maybe discuss it. But I think it is – it helps us address Commissioner Hughes's comment about what – where are these areas and what might they be.

So under subsection "(3) Setting of significant natural amenities. MPRs shall only be located in areas that have significant, predominantly natural area views and extraordinary landscape characteristics such as certain forests, shorelines, or mountains in a scenic, relatively remote rural setting. It is the County's intention that MPRs be located in settings of significant natural amenities – meaning settings that constitute rare and exceptional natural scenery and features of such quality as to be deemed significant, when compared to the generally scenic qualities of the overall Skagit County landscape. The setting of significant natural amenities together with the recreational activities and uses proposed for an MPR must be the primary attraction for visitors and guests to the resort. Examples of these potentially significant settings include but are not necessarily limited to: the Skagit River, salt water islands and/or bays, major lakes, and remote mountainous regions."

Now that still appears to apply to a lot of areas.

Mr. Hughes: I like to think that's where I live.

Mr. Christensen: Yeah, yeah. But we're not going to see MPRs on farmland.

Mr. Hughes: No, but I do live up in a hill.

Mr. Christensen: Yeah. And if it – again, it's part of this trying to be prescriptive enough but maintaining some degree of flexibility so that it's almost as if you would know it when you see it.

Now as these projects come in and are proposed, for somebody to simply say, Because we can see Mount Baker, we want to be a Master Planned Resort, there's got to be some correlation or some kind of nexus to that. There's got to be an exceptional natural scenery and feature such quality that's – that would be deemed significant when compared to the *general* Skagit County landscapes. So there needs to be a nexus or a tie between that particular location and the amenities that that project would be identifying.

Ms. McGoffin: Chair?

Chairman Easton: Commissioner.

Ms. McGoffin: I guess what I would say is consider it from a developer's point of view. He's not going to put it somewhere unless it is extraordinary. He's got too much competition and I don't think that, you know, Skagit County generally is going to be one big Master Planned Resort. They're so expensive to build. Sun Mountain Lodge in the Methow Valley is in an extraordinary setting, even though that area's thousands of acres. So I don't see it, really, as an over – I don't see it as a threat to the county, personally.

Chairman Easton: Any other – Mr. Hughes, did you want to say something else?

Mr. Hughes: No, I'm fine.

Chairman Easton: Okay. Annie?

Ms. Lohman: I had a question where you allow – basically you could potentially allow the PUD to pipe water potentially a far distance from their regular customers. I mean, way off into Timbuktu. Yet you wouldn't that same activity to occur if it was going to be maybe a tiny development. So on a fairness issue, how come you would allow something like that?

Mr. Christensen: Yeah.

Ms. Ehlers: Mm-hmm.

Mr. Christensen: Public water through PUD number 1, their franchise really is, for the most part, all of Skagit County.

Ms. Lohman: But the urban growth areas have such strict rules on providing sewer and water –

Ms. Ruacho: Sewer.

Ms. Lohman: Sewer.

Ms. Ruacho: Just sewer.

Mr. Christensen: Yeah, sewer cannot be expanded beyond an urban growth area. Public water is a service that can be provided both within and outside of urban growth areas.

Ms. Lohman: Okay. I didn't know that.

Mr. Christensen: There's – there's – you're right that there is a constraint for either rural development or other types of development outside urban growth

areas which may be reliant or need public sewer. And under state statute and the County code, and Hearing Board decisions and case law, there are only but a few exceptions when sewer can be provided outside of urban growth areas.

Ms. Ruacho: Usually, Annie, the water is a cost-prohibitive type thing. If it was going to be a small development way, way out, the cost for them to pipe water out there would just prohibit it, whereas if it was going to be a Master Planned Resort, possibly because of the nature of the development it might be worth it for them. But it's not prohibitive in either case. If it was a small development and someone wanted to pay the cost to pipe it out there, they would be allowed to do that. It's just usually cost-prohibitive.

Mr. Personius: And I would just add in, Annie, that the statute on MPRs is very clear about those costs. And it says, "All costs associated with service extensions and capacity increases directly attributable to the Master Planned Resort are fully borne by the resort." So they have to pay – the resort would have to pay – if they needed to extend sewer, extend water, they'd have to pay for whatever extension they needed.

Ms. Ehlers: Yes, when it comes right down to it, 040 section 7 on Capital facilities is really quite well done and quite thorough.

Mr. Personius: Mm-hmm.

Ms. Ehlers: It does not seem to cover – they're several sections here, but it doesn't – isn't clear what area the term/word "area" applies to. "Surrounding area or" is in one site in 020. "Within one mile" is in 060. "Within the project area" is in 060. There's an unspecified area in terms of the roads – the public roads – that you have to put in the Transportation Element. And I – it's difficult to – and if you have that within the context of the word "adjacent," which I suspect you meant to mean "abutting" or "adjoining," but when it comes to water in the Coordinated Water Systems Plan, it's anything within a half-mile. So somewhere some of these things need to be cleared up before you actually finish this code, if we pass it, because you need – everybody needs to know what the word "area" means and how it's going to be applied to the applicant. Otherwise it isn't fair to the applicant. Things have to be structured. And you've tried to do that.

Mr. Personius: Well, again, I think, you know, that's the challenge of trying to write a code that is – it's essentially a \_\_\_\_, so it could apply to literally thousands of properties in the county, and it, you know, potentially, I say – in theory only – but not knowing where those are going to be then their water might be an issue in one location and it might not be an issue in another location. Transportation might be an huge issue in one location; not an issue in another location. We don't know that.

Ms. Ehlers: Of course not.

Mr. Personius: All this sets up is that when you come in and make a site-specific application, then you need to get specific and then the County has discretion to say, Okay, now, in this case, in this site water's important. Water adjacency means a half-a-mile. Or we want you to look at the roads four miles away because there's an impact. You know. So you still have that discretion. This is just sort of defining what the envelope is.

Ms. Ehlers: Okay. Now in that envelope – I'll go to what Dave started with – which saltwater islands do you have in mind have plenty of water that could support something of this sort?

Mr. Personius: Well, again – and, again, this speaks to the challenges of writing this kind of a code about a theoretical location that we don't have specifically identified. So saltwater islands might have wonderful – be wonderful settings of significant natural amenities and meet the criteria of section (2), and then they might not have any water and meet the criteria for section (7). And so, again, we don't know that and it's impossible to know that ahead of time. So we just define the envelope, let the applicant, let the developer, let the property owner look at this code and determine if they think they can meet it. And they can move forward with it, if they've got the wherewithal to do that. If not, then I think the code has worked.

Chairman Easton: You left out one important –

Mr. Personius: Yes?

Chairman Easton: I think you left out one important piece to the puzzle in the list of people that would – this would apply to in relationship to the developers, et cetera, you know. It's the Commissioners. The Commissioners ultimately are going to have to apply this code –

Mr. Personius: Mm – yeah.

Chairman Easton: – to the applications, and if water's not readily available it's not going to get there.

Mr. Personius: Well, yeah, but I'm even going further back to the applicant. And part of this is to tell the applicant, Look, we're asking for a lot of information here.

Chairman Easton: Right.

Mr. Personius: These are significant developments, potentially significant adverse impacts, so here's the laundry list of everything we need to see in order to make a good decision. And, you know, if they do their due diligence up front,

some sites may just – they may figure out it's not going to cost money for – we can't make any money –

Chairman Easton: Right.

Mr. Personius: – because we can't get the water here so forget site A; let's go to site B or – you know. So that's what I'm talking about.

Chairman Easton: Mary, did you have a question?

Ms. McGoffin: Yeah, I did. I'm very happy to see there's an economic feasibility study request in there. What I'd like to see is that be the very first thing. So before you ask a developer to do the hundreds of things on this list that all take money is do that feasibility first. And given that the County Planning Department – that may be outside the scope of their expertise to analyze an economic feasibility study, is ask a third party to do that. Maybe EDASC or somebody else. So before they put out a lot of money, somebody can say, you know, You've thought this thing through. Okay, now go. You know, Continue. That's my priority.

Ms. Ehlers: I think that's a very good idea because we've watched a couple of people out in the west. One of them spent a lot of money on Allen Island before he discovered it simply wasn't feasible. And it would have been better had he known what the criteria were and –

Ms. McGoffin: Yeah, but my point is don't ask him to do a traffic study, like that stupid engineering \_\_\_\_.

Ms. Ehlers: Oh, no; I agree. But if you know that these are criteria that you have to do, then that's part of the feasibility.

Ms. McGoffin: Right.

Chairman Easton: Do jurisdictions – do other jurisdictions put – you know, in relationship to these economic studies, do they take it outside of the planning departments to analyze them? How are they analyzed and do they prioritize them, in your experience?

Mr. Personius: Some do, some don't. It depends. Most communities and most counties in Washington do not do that. Where we have seen this most commonly is in Oregon because Oregon has more experience with these kinds of resorts. So they have seen a lot of failed resorts over the years and they said, Hey, you know, let's make sure that there is a feasibility assessment up front to make sure that this proposal is real and they've got the adequate financing and they can make this thing happen.

Ms. Ehlers: How do they do it?

Mr. Personius: Hmm?

Ms. Ehlers: How do they do it?

Mr. Personius: Well, I mean, they – the feasibility assessment? You look at the market, you look at the costs in an order of magnitude basis. It's a business pro forma basically that you put together that looks at all the development costs and the building costs and labor costs and permitting costs and all those kinds of things. And then pencil that out with how many units you're going to have, how much they're going to cost, what are you going to rent them for, what your occupancy rate's going to be.

Ms. McGoffin: Well, usually a bank requires it anyway.

Mr. Christensen: Yeah, yeah.

Mr. Personius: Sure. Yeah. Oh, that's going to be done internally before you even get to this. They're going to already have it in-house. It's that, yeah, we want to see it now.

Mr. Hughes: I would think a developer, that he's going to do an analysis before he even comes in there.

Mr. Christensen: Right.

Mr. Personius: Oh, yeah.

Mr. Hughes: Economic analysis. And then someplace I did read in here – and maybe you could comment on – that there is some bonding required.

Mr. Personius: Yes.

Mr. Hughes: And what – just for the record \_\_\_\_.

Mr. Personius: Typically just like a subdivision. You bond the sewer and the water and the road work and lighting and all that kind of stuff – whatever you're going to need.

Chairman Easton: Other questions?

(silence)

Chairman Easton: Okay.

Mr. Hughes: Well, then, kind of wait till the end, but is it – you know, when – staff, when you’re sitting in your smoke-filled room debating this –

Mr. Christensen: No, this is a non-smoking room.

(laughter)

Mr. Hughes: Oh, this is non – okay, non –

Chairman Easton: In their *non*-smoke-filled room?

Mr. Hughes: Yes.

Ms. Ehlers: In their stuffy room.

Ms. Ruacho: Yeah – hot air.

Mr. Hughes: You know, since there is already – you know, we do have 14.20, which is, you know, the Master Planned Resort section. This would actually make, theoretically, could make it a little more restrictive than what we already have – already have on – that’s already – you know, people can work off of.

Mr. Christensen: It may or it may not. I think what really these proposed code amendments do is clarify where previously or without these it was very ambiguous. We found that when we were – a year or two, maybe even a bit longer – when there was a party interested in pursuing this there was a lot of ambiguous terms and processes, and what we recognized then is that we needed the specifics that we’re proposing this evening to really provide more certainty to both those that want to develop these types of developments and also for the County in its review of those types of developments.

So I don’t know that it necessarily makes it more restrictive. I mean, it may in one regard because there’s a cap now. You can’t have more than 300 – what do we call those? – 300 units.

Ms. Ruacho: Total units.

Mr. Christensen: Total units. And previously, you know, the sky was the limit. But when we looked at the kinds of Master Planned Resorts that we might think of as being applicable to Skagit County – the Semiahmoo and the Sun Mountain – we were looking at kind of comparable scales. And our number is a bit higher than that so we didn’t want to limit it to that. But, again, we didn’t want to just have anybody come in and propose thousands of these units.

So, again, what we really wanted to do through these proposed code amendments is address some of the issues that came about when we were reviewing one of these proposals years ago.

Ms. McGoffin: So, Mark, how would something like at the \_\_\_\_, where they have a resort in a winery, would that be a permitted use? Or like a horse ranch, you know, with a –

Mr. Personius: The requirements are that the setting of significant natural amenities is the draw and that you have to have indoor or outdoor or both recreational facilities associated with the resort and that's what brings people there.

Ms. McGoffin: But that's agricultural land. I mean, it still has to be Rural Reserve is your point.

Chairman Easton: No, no, it just can't be ag land.

Mr. Personius: It can't be ag land. It can't be in a UGA.

Chairman Easton: So basically anything but ag and UGA.

Mr. Personius: Yes.

Ms. McGoffin: So if they planted vineyards on their Rural Reserve land, fine?

Mr. Personius: Mm-hmm. Oh, sure. Yeah.

Ms. Ruacho: But, I mean, just to be clear, just because this was such a long and drawn-out process when we did try to process one Master Planned Resort, which was the 1000 Trails up by Alger on Friday Creek, just to kind of give an example of that, you know, we live in a *beautiful* county, like Dave said. It's amazing. But it's all amazing kind of thing. So this has to be up over and above amazing, so it being located in a forest, on Friday Creek, with the views that they had, that was determined *not* to be a setting of significant natural amenities. That's not the level that we're talking about.

Ms. McGoffin: Okay.

Ms. Ruacho: So if you have a piece of Rural Reserve and you plant grapes, you know, on it and you want to have a winery, unless there's something more to it that we're not talking about, that is not going to pass the test. It has to be – like we, you know, we tried, we knocked around all kinds of words.

Mr. Personius: We were burning up the –

Ms. Ruacho: – the e-mail panel!

Chairman Easton: Thesaurus?

Mr. Personius: The thesaurus – yes!

Chairman Easton: There's the smoke!

Ms. Ruacho: We were, we were burning 'em up to, you know, find something, you know, with the rare, the types – words like that – rare, unique, exceptional.

Mr. Personius: But the – yeah, and the – if you think about this – we were talking about campgrounds earlier. I mean, from a tourism standpoint and from an economic development standpoint you start with the campground – right? – in the rural areas, and then you go to SRT, the small-scale resort and tourism category, which would allow – that's the mom and pop cabins and fishing resorts – right? – and those kinds of things. They're up to twenty-five units, I think is the –

Ms. Ruacho: Thirty-five.

Mr. Personius: Oh, thirty-five. Okay. So most of those winery things are in that category. They're much smaller, much more intimate. And then if you wanted over thirty-five units, then you go into the MPR category, from thirty-five up to 300 now. And that's for the bigger – you know, so if you go up that scale, the cost goes up, the expense goes up, and theoretically the significance of the setting goes up commensurately with it.

Ms. McGoffin: Right.

Chairman Easton: Any other questions? I have one. The 80/20 rule: Where'd you – where'd you get – where'd that, you know, originate from?

Mr. Personius: Oh, boy! That's a good question.

Mr. Christensen: The 80/20 – the earlier commentor made reference to that – the 80/20 is found in the Countywide Planning Policies, and that is 80% of the county's future growth over the next twenty years is to be guided to urban growth areas.

Chairman Easton: No, I'm talking about full-time versus –

Ms. Ruacho: We went to 80/20.

Chairman Easton: Oh, we were thinking the other 80/20!

Ms. Ruacho: Nope! These guys do our population analysis.

Chairman Easton: No, I'm not interested in that part of the conversation.

Mr. Christensen: But I think there was a comment –

Ms. Ruacho: There was a comment.

Mr. Christensen: I think there was a comment.

Chairman Easton: There was comments earlier that go around that. You're right. I apologize. The question I had is, Where did we come to the 80/20 rule in relationship to long-term stay and short-term stay?

Mr. Personius: The original code, which was developed with, as I mentioned, a local advisory group of folks that were interested in actually developing these things was, well – the thinking at the time was, Okay, let's, you know, make this as wide open as we can so let's – the market was at that time for – as much as for sort of a second home market as it was for short visitor accommodations or short stays, so let's carve that number down (as) close to 50/50 as we can and still meet the law. And the law says they have to be predominantly short-term visitor.

So they – so we dialed it back to 55% and said, 55% can be short-term and, therefore, 45% could be permanent – you know, second homes or something like that. And coming around to it now this time it's like no, you know, that's – these are really supposed to be resorts and we don't want – you know, this is not meant to be a new city up in the hills that, you know, is going to be there year-round and we need to provide a lot of services that we hadn't thought of or haven't budgeted for. So that's where we ended up – back on the 80%. And if you look at the scale of resorts, that's right on par with most of what we're talking about with the resorts. They only need 10 to 15%, really, for employee housing, staff housing, and things like that. So we carved them a little bit of extra to have that.

Ms. Ehlers: That depends on where they're located.

Chairman Easton: The further away –

Mr. Personius: Yeah, yeah.

Ms. Ehlers: If they're located in a remote mountain area, which actually makes a good deal of sense –

Mr. Personius: You'd need onsite housing, sure.

Ms. Ehlers: – you'd need onsite housing.

Mr. Personius: Yep.

Ms. Ehlers: I –

Chairman Easton: Questions?

Ms. Ehlers: This is not something I would make a big issue of now, but it seems to me the County ought to decide what its definition of "short-term" is and have it the same in all three codes where the word's used. And elsewhere I saw four-month. Now if you don't like four-month, I mean, discuss that so that – again, for people remembering what the code says, short-term is \_\_\_ that applies to wherever it applies.

Ms. Ruacho: Well, and in this case – we were looking earlier in the evening when that was brought up – I think Mary brought it up – we defined short-term accommodations. And so I'm not sure in the other code sections that you're referring to what specifically they're tying that short-term to, but in this case I think whenever we use the term "short-term" it is in conjunction with accommodations and we do define "short-term accommodations." We don't define it with a time limit. We define it as types of accommodations, so it's in 14.04, the Definitions section. And we define it as a hotel, an inn, a lodge, a yurt, cabin – those types of things. So if you are that type of establishment, then you are by nature short-term accommodations. So when we say "short-term accommodations, 80%," we mean 80% are in timeshare, hotel, motel, cabin accommodations; 20% in some type of a permanent.

I think – you know, Mark and I were talking on the break and it has – it's come up twice and there was a phone call earlier, too, about that same issue. And I don't think it would be inconsistent with the definition that we currently have that at this point we couldn't open up for modification tonight because we didn't notice that we were contemplating changing that definition. So but something that we could do within this code would be in that section where we talk about short-term accommodations we could add language. And I thought Mark's language earlier was helpful – the nightly rental-type language. We could definitely add that, say to (2)(b), so it'd be under 14.20.030(2)(b) where we talk about short-term visitor accommodations. We can add some language to help clarify tonight, you know, if that's something that you guys feel would be important. And I don't think it would conflict at all with the definition that we currently have because it would be kind of apples to oranges. One defines an accommodation type and one would define kind of a time limit.

Ms. Ehlers: I think you need to raise that at another time because if one looks at short-term visitor accommodations, you find that every second house in this county is short-term unless the occupant is either registered to vote at such unit's

resort address or receives its annual property tax assessment. So every second house in all those dense districts are considered short-term accommodations, whether somebody lives in it twelve months of the year, eight months a year or whatever it is. You need to look at that whole definition. Not tonight, but you need to look at it.

Chairman Easton: I think that Carol's right and I think we should move forward at this time. The Chair will entertain a motion to consider for the Master Resort level – Master Resort Planning – Master Planned Resorts.

Mr. Christensen: We'll note that. This particular section – what is that? (2)(b), I guess it is – and the need to maybe further clarify. We are going to, just after the first of the year, be processing some miscellaneous code amendments so that might be an opportune time to kind of pick this up and try to address some of your thoughts and comments tonight while still moving forward on the other proposed code amendments.

Chairman Easton: Let me add I think it needs to be noticed. I don't feel comfortable with it even within here. I'd feel more comfortable if it's noticed because if we're going to follow through with having the same definition in each location, then I think it needs to be something that people are noticed about specifically.

Ms. Ehlers: A second home is a home, and you don't want it confused in terms of the definition with what you mean in an MPR.

Ms. Ruacho: So if I'm hearing properly, mostly the concern is with the definition of "short-term accommodations" and the fact that it lists second home, and maybe that's something that we should take another look at?

Chairman Easton: Yeah, when you're doing your miscellaneous code amendments.

Ms. Ehlers: Mm-hmm.

Ms. Ruacho: Sure. I'll definitely note that.

Chairman Easton: Mr. Mahaffie?

Mr. Mahaffie: Just a comment. Carly just specifically referenced timeshare contractual ownership as a short-term, but in the update here it's called a residential use.

Ms. Ruacho: Where? In this –

Mr. Mahaffie: Yeah, number 2.

Ms. Ruacho: Number 2. Let me look.

Mr. Mahaffie: “Specific Allowable Uses...All residential uses,” and it lists “condominium, timeshare and fractionally owned accommodations” as *not* a short-term?

Ms. Ruacho: Right. Provided that the permanent residence just be – the fractionally owned part of it – the timeshares – a lot of times in one building they will sell fee simple a certain amount of units. Usually, like Mark says, to pencil out they need the 10 to 15%. They rely on that sale to fund the rest of the project.

Mr. Mahaffie: Yeah.

Ms. Ruacho: So you can have those units so long as – and that’s the language we added there at the end – it does not exceed the 20%.

Mr. Mahaffie: Even though the people that use it are short-term? You know, they –

Ms. Ruacho: If they own it they wouldn’t –

Mr. Mahaffie: The company buys a chunk but then sells them in two-week increments, and usually the people that use those two-week increments only use it one year and then they go to Hawaii the next year or whatever.

Ms. Ruacho: Right, but unfortunately we don’t regulate that.

Mr. Personius: Yeah, we don’t.

Ms. Ruacho: So if you own it as a private owner, you could live there. And if you choose to, you know, get it for a week and et cetera, et cetera –

Mr. Mahaffie: But you usually only buy it for two-week chunks. You know, a company’ll have it for a short time but then –

Ms. Ruacho: That would be considered short-term, but a lot of times the company will outright sell a unit, say, to you. You buy the unit, and if you own that unit that would – we would consider that in the 20% permanent residential. But if it’s the company, like you say, doing it on points or a week at a time –

Mr. Mahaffie: That would be short-term?

Ms. Ruacho: – that would be short-term. Yeah.

Ms. Ehlers: You know, if you're not careful you could end up with 300 second homes.

Ms. Ruacho: Well, not if we amend the definition. I mean, it's my understanding you guys are directing us to take a look at that definition and bring something back at the first of the year.

Chairman Easton: With your other code amendments. I think that would be appropriate.

Mr. Christensen: Yeah.

Ms. Ruacho: Yeah. So that's noted and we'll bring that back for you.

Ms. Ehlers: Okay.

Mr. Christensen: We'll make that a finding of your recorded motion.

Chairman Easton: Yeah, that would be great.

Ms. Ehlers: Yes. Now I would like another word defined next year and that – don't laugh at me – is the word "adjacent." We got into a seven-month legal fight on the west side of Fidalgo Island over the definition of "adjacent" as to whether it was the one-half mile that was mentioned in the Coordinated Water System Plan or whether it was abutting or adjoining. We ended up going through more thesaurus arguments with three attorneys on the subject.

Ms. Ruacho: Because it means both. I mean, that's the problem. In a dictionary it means both, or either/or.

Ms. Ehlers: Define it. If you mean that it means "abutting," then that makes it clear.

Ms. Ruacho: Sure.

Chairman Easton: Okay. The Chair –

Ms. Nakis: Replace that word then? I mean, replace it?

Ms. Ehlers: Not so much replace it as define it so that everyone can find out by looking in the definitions what it means in Skagit County Code.

Chairman Easton: Right. Okay. Do you want that as a finding on *this* or is that more of a – that seems to me to be more separate.

Ms. Ehlers: Well, I'd like it a finding on this because I find "adjacent" in six different places.

Chairman Easton: Okay, so you do want it in a finding. All right, so an additional finding for definition purposes and, again, I think it's another area that makes sense for us to not do tonight, but it makes more sense to do it as a separate code amendment.

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

Ms. Ruacho: Got it.

Chairman Easton: All right.

Mr. Mahaffie: Can I ask one more question?

Chairman Easton: Of course.

Mr. Mahaffie: Would there be a mechanism for the settings of significant natural amenities to be known before somebody spent a ton of money and a ton of time to have it denied at the end because of that?

Ms. Ruacho: It was one of those things – I'll speak and then these guys might want to speak, because this is really the heart of the matter with these MPRs. You want to be prescriptive so that people have some amount of certainty to understand what we mean, but at the same time you don't want to preclude something accidentally. So if we looked through the county right now we could look through and think, I think this would be good and I think that would be good. But we don't know all the ins and outs and specifics of those parcels. We could identify parcels that all have a problem with water or all have a problem with transportation or, you know, something like that. And so we could unknowingly preclude the placement of any MPRs, or somebody might come forward with a parcel and say, Gosh, I think this would be a great place, but you didn't identify it and so I can't do it. And so it's really hard to identify these up front.

Mr. Mahaffie: That's not exactly what I was asking. If somebody *did* come forward with a parcel, would there be a mechanism to identify it as an appropriate place versus going through the whole list of –

Chairman Easton: Before you found out whether it was appropriate or not.

Mr. Mahaffie: Yeah.

Chairman Easton: So, basically, can it pass the shock and awe test of being great enough before I spend all my time and money filling out my applications and doing my – yeah.

Mr. Personius: A new acronym we came up with was “S-S-N-A,” which is short for – of course – for “setting of significant natural amenities.”

Ms. Ruacho: Well, we took it one step further and we actually called it the “SSNA.”

(laughter)

Chairman Easton: Okay. That’s a great question.

Mr. Mahaffie: Would the Planning Department provide support one way or the other in an initial submittal of some sort?

Chairman Easton: They take Gary on a shock and awe tour?

Mr. Mahaffie: I mean, you’re asking for something that could cost into the millions for feasibility and then –

Mr. Personius: Well, one of the things that we’ve done with this is – and this was how the process was set up originally – is it’s a two-step process. The first is a Comp Plan amendment to get the designation, and then comes the permitting and that’s a whole second process. So but that first process to get the Comp Plan amendment and to get the map designation requires the Master Plan be done and approved by the Board. And it’s discretionary, it’s legislative so there’s – technically there’s room for discretion there. And although it’s not specified in the code, there would have to be a finding as a part of that that it is in a – the location is in a setting of significant natural amenities. Up front is there one? It isn’t specified that way right now.

Ms. Ruacho: But we do have, through our general process for any permit that you would be seeking, whether it’s a Comp Plan amendment or any permit, we have two types of meetings that you can have with the Planning Department. One is a pre-development meeting, which is a – it’s free of charge – where we sit down with all the disciplines that would be involved. The critical areas staff would be there, the fire staff, Public Works – you know, anybody who’d be involved in reviewing your proposal. And at that stage if you have just a very conceptual idea, like, Here’s my parcel; I might want an MPR. If that’s where you are in the development stage, that’s where you can come in and sit down and if at that point we think, This is a no-go – like you were talking about I own this 10-acre Rural Reserve and I’m going to plant some grapes. How about that? You know, then we would go over it with him and – so it wouldn’t be an official response, but we do not hold things in secret, you know, from someone who’s coming in. If they come to us and ask, it’s very rare someone would put that kind of money into something without talking to us first. So if they do come in and talk to us,

which they generally do, we would not hold back. If we felt like it wasn't an appropriate location they would know that going in.

And that was the case for 1000 Trails. It was not – it was not a surprise. It was just – you know, they have the right – anyone has the right – to say, Thank you for your opinion. We are still choosing to move forward and we'll see, you know, how it all plays out. So we would tell them up front, you know, if they ask. We would say, We don't think this meets the code and our recommendation will likely be for denial. So then their decision to move forward and spend the money would be knowing that fact.

Ms. Ehlers: That helps. You know, when it comes right down to it we tend to be – have this discussion as if we didn't already have a chapter 14.20. And what this discussion needs to be is, Is this particular document a fairer document to both the County Planning Department and to the applicants and the public? Is this a fairer, more basic document than what we already have, and I think it is.

Mr. Christensen: Yeah.

Chairman Easton: That's a good point, Carol. All right, I think that's a great place to ask somebody to give me a motion.

Ms. Lohman: Well, I have one observation. I'm struggling with subjective criteria rather than – and it goes back to your significant natural setting. Because, I mean I could go up on Bow Hill out of the Ag zone and to look down on that and call it "ag land" is a pretty awesome sight. And a lot of other people would think that, too. So I've been sitting here thinking and listening, trying to figure out what words *would* you use that would kind of lessen it from being subjective and being more objective, and I think that's the challenge. Because I'm thinking about your example of 1000 Trails. How *would* you accommodate somebody that they've already kind of got an established something, and the market is changing, and they need to be able to put campers and generate revenue, and we're locking them into a paradigm that might be obsolete just because their Friday Creek isn't enough? And I'm – you know, I don't know all the details besides just what we've heard tonight, but it bothers my conscience a little bit in trying to be fair. So I just –

Ms. Ruacho: But I think you have to take it back. You know, kind of pull out from the tunnel view – looking at, say, 1000 Trails or, you know, the person with the winery – and back up clear to the statutory language that even allows her – the fact that GMA even allows for an animal like this is – is – it's like GMA is over here and everything fits nicely and we have this regulatory scheme where you're to have a UGA, and fit your people there, and only serve within that area, and then the rural is to be kept rural. And then we have this little animal here that they allow because they recognize that there might be an instance that is so amazing – like you said, it's beautiful when you look down at the valley. But you

can achieve that view from virtually anywhere in the valley that you can get any elevation.

So there might be something. Some county, some jurisdiction might have something – like Mount Baker – in their jurisdiction. Like everybody – you know, the general landscape is beautiful in the northwest, but then there might be this pearl. And so they wanted to – it seems, you know, from the language they provided – acknowledge that that might be the case. There might be this gem that is so rare and unique and amazing that they would want to allow people to be able to go there and have a resort there so that people could experience that. But it's not everywhere, and it is supposed to be very, very exceptional. And it is hard when we live somewhere like we live. Not everybody has this kind of benefit like we do to live in such a beautiful place.

And so I think it makes it a little bit more difficult here than it does in other counties because it *is* so beautiful. But it is a very, very difficult test and, like you say, it would be great if we could have some prescriptive language. We struggled with it for a long time. This is what we came up with. But, I mean, I think – you know, just so that everyone is clear – it is *supposed* to be a very difficult test and that's how the legislature set it up. It is something – a very, very large exception from the general direction of the Growth Management Act that you would have this thing that you could do if it was amazing.

Ms. McGoffin: So –

Chairman Easton: Mary.

Ms. McGoffin: So, Carly, what designation is 1000 Trails? It's not a Master Planned Resort because you said only Clark's Cabin was. So what is it currently?

Ms. Ruacho: They operate under a special use permit as a campground.

Ms. McGoffin: Just a campground, so like – that's why they want to be a destination campground? That would be their category?

Ms. Ruacho: I'm not sure. I'm not remembering what zone they're in, but I don't believe we allow –

Ms. McGoffin: Okay, so they're not even asking to be a Master Planned Resort.

Ms. Ruacho: They were.

Ms. McGoffin: Oh.

Ms. Ruacho: They did in the past. It was prior to your tenure but it did come through the Planning Commission and there was a request and we processed that as a Comprehensive Plan amendment because that's the first step. And –

Ms. McGoffin: But they can exist as something else.

Chairman Easton: They're going to exist on a conditional use permit.

Ms. McGoffin: So that's not their only option.

Ms. Ruacho: Oh, I might be misspeaking. Maybe it only went to the Board. Gary reminded me.

Mr. Christensen: Yeah, I think it was just – it was proposed, went to the Board and the Board decided not to docket it.

Ms. Ehlers: But a lot of what's in here is in response to that dilemma.

Mr. Christensen: Yeah, that was really our – well, not our only because Skagit River Cabins was also processed as an MPR. But 1000 Trails was also seeking that designation, and based on their proposal as it was presented to the Board, the Board decided not to docket it and they eventually decided not to pursue it, I think in large part because of the economic times.

Chairman Easton: Okay.

Ms. Ehlers: One other thing: The question was raised about the only MPR we have in the county and there is a section in here which deals about – deals with should they wish to modify, what the process is.

Chairman Easton: Right.

Ms. Ehlers: And that's appropriate.

Mr. Christensen: Yep. Thank you.

Chairman Easton: All right. At this time the Chair will entertain a motion for the Master Planned Resort.

Ms. Nakis: I'd like to make a motion that we accept the Master Planned Resort with the modifications that we've asked for.

Chairman Easton: With the findings that we've asked for?

Ms. Nakis: Mm-hmm.

Chairman Easton: Okay. Is there a second? For clarification, that would be 14.20.010 through 14.20.130.

Ms. Ehlers: And the findings on short-term and adjacent.

Ms. Ruacho: Just so that I'm clear, there is no modifications. You're not –

Chairman Easton: No.

Ms. Ruacho: – wanting to modify the language at all; just the two findings.

Ms. Ehlers: So that it's clear.

Chairman Easton: The motion that's on the floor has no modifications. I need a second to the motion.

Ms. Ruacho: As proposed – okay.

Ms. McGoffin: I'll second it.

Chairman Easton: Okay, so it's been moved by Elinor and seconded by Mary that we accept the Master Planned Resorts as proposed, 14.20.010 through 14.20.130. Any further discussion?

(silence)

Chairman Easton: Seeing none, all those in favor, signify by saying "aye."

Mr. Hughes, Ms. Nakis, Ms. Ehlers, Chairman Easton, Ms. Lohman, Mr. Mahaffie and Ms. McGoffin: Aye.

Chairman Easton: All those opposed, say "aye."

(silence)

Chairman Easton: And any abstentions?

(silence)

Chairman Easton: All right. This passes unanimously seven-zero.

Other business. I have one other business item for the Commission. And you have your quarterlies – your quarterly mileage reports are due tonight. If anybody needs to get on MapQuest to check their mileage, you can do that with my computer after the meeting. On the 21<sup>st</sup> at 3 p.m., former Commissioner

Jerry Jewett will be honored by the Board with his certificate of greatness. So if you'd like to come or you want to watch on television, you're sure welcome to.

Just as a way of housekeeping for you all, for the remainder of the month and because of how tight a couple of deadlines are that are coming up for things that need my signature, I'm going to just give you the advance notice that I may need my Vice-Chair to sign for me. My daughter's expecting a child any day now and we have timing issues with the staff when I need to come in and sign on findings, so Mary may need to step in to sign. And I'll be able to communicate by e-mail if that comes up.

Ms. Ruacho: Perfect.

Chairman Easton: We still haven't signed off on the – you're still wondering about Guemes, I'm sure. I have not signed off on Guemes. I'm going to ask that Carly and Mary – if I have to step out, which I probably won't have to, but just in case – that we follow the same procedure which is that I want them sent – the findings – sent to everyone for their review and then sent back to either Mary or I, whoever's – whoever they came from, whoever's chairing at the time – anything that comes up that is a discrepancy from what you thought we found. Those should just be clerical in nature, is my thought. I'm hopeful. I'm hopeful that they'll be clerical.

The other issues for – any other issues before we adjourn?

Ms. Ehlers: A little one. When I asked that that creek on Guemes be added to the map Carly said she thought that that was a map that was not County. But I bumped into Gary and Ryan Walters and they said that the maps *are* County, so please put that little creek that goes underneath South Shore Drive and into the bay on the official map so that Ann Marie can use it as grounds for getting money to fix that road.

Ms. Ruacho: I can – the best I could do would be to talk to Ryan about it. You know, that's great for him to say that – you know what I mean? – but if I can't get the map then –

Ms. Ehlers: But see if you can do it because –

Ms. Ruacho: Sure. If he knows something about it that I don't know – I can definitely check with him and if it's easily replaceable, that's absolutely no problem.

Ms. Ehlers: All you have to do is write the word with the name of it next to the little blue line.

Ms. Ruacho: Well, that's different than being able to get a new map, but we'll see what we can do.

Mr. Hughes: When do we come out with the code changes?

Chairman Easton: Oh, the code changes would be in our – is that January's agenda?

Mr. Christensen: The code changes that we're currently contemplating?

Mr. Hughes: What we're going to do in January.

Ms. Ruacho: You're probably not going to meet in January.

Mr. Hughes: Okay.

Mr. Christensen: Yeah. The only thing that we might do in January – and if not January it would be in February – is probably have a joint meeting with the Board of County Commissioners and discuss the work program like we did this year.

Chairman Easton: And we'll have our re-election of officers – or our election of officers – at our first meeting, too.

Ms. Ruacho: So we're working on your next year's schedule right now.

Chairman Easton: Okay.

Ms. Ruacho: So we'll let you know as soon as we know if you're going to meet in January or if your first one would be February, and try to get you the schedule for code amendments and those things. *We'll* be processing them, you know, early but it takes a little while to get to that stage, so we'll let you know as soon as we know.

Chairman Easton: Okay. All right, anything else \_\_\_?

Mr. Christensen: Happy holidays.

Chairman Easton: Yeah. Motion to adjourn?

Ms. McGoffin: I'll move to adjourn.

Chairman Easton: So moved (gavel). We're adjourned.