

Skagit County Planning Commission
SMP & Annual Code Amendment Updates
March 1, 2011

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

Staff: **Gary Christensen, Planning Director**
 Betsy Stevenson, Senior Planner
 Carly Ruacho, Senior Planner
 Bill Dowe, Planning Deputy Director

Chairman Jason Easton: Good evening and welcome to the Skagit County Planning Commission meeting. I call this meeting to order (gavel). The agenda for tonight's business is to work on the Shoreline Master Program Update, the annual code amendment update and general business. At this time, I'll turn it over to the Director.

Gary Christensen: Good evening, Planning Commission members, Chair. Good to see you again. This is our monthly meeting and tonight's order of business is really more kind of update. As the agenda notes, there's no public hearing. But it's an opportunity for us to come before you and talk about things on our work program, things that will be coming to you later this year and perhaps beyond. One of the projects, the Shorelines Master Program, is a three-year program or project so you'll be getting periodic briefings about that.

So today is kind of a work session format. We have – or I have – some of my staff here to discuss with you the agenda items as noted on today's agenda.

My name's Gary Christensen. I'm the Director of Skagit County Planning and Development Services, where we help you plan and build better communities, yes.

Chairman Easton: I'm used to that in stereo!

Mr. Christensen: Yes. So I don't have much more to add. I do note here the fourth agenda item is General PC Business, so that could be very brief, if

anything at all. But I think our intention is to, you know, over the next hour-plus get through the two agenda items, starting with the Shorelines Master Program Update. So, if there aren't any initial questions about the agenda, we can turn to that first item.

Chairman Easton: Let's do that.

Mr. Christensen: Okay. So let me introduce Betsy Stevenson, who is a Team Leader/Senior Planner, and it will be the Project Manager for the Shoreline Master Program Update. So you should have received some advance information as part of trying to get you some background material information on the project. So, with that, let me turn it over to Betsy and she can take it from here.

Betsy Stevenson: Thanks, Gary. Good evening. I just kind of wanted to start the process with you. You're probably going to get tired of me by the time that we're done, but...

We officially started this process in July; however, we didn't get our grant signed and our contract done until January of this year so we're playing catch up a little bit right now, so it's going to be fast and furious for the beginning. So I'm going before the Commissioners in a couple of weeks to kind of kick everything off and I thought it'd be a good opportunity, since you were having a meeting anyway, to just come and spend a few minutes kind of going through briefly what it's all about and what we're doing.

I gave you a little focus sheet that the Department of Ecology put out that may or may not be more than you want to know right now, but at least it kind of gives you a little bit of background on what we're going to do. So I'm going to run through my PowerPoint presentation very quickly and then kind of open it up for any kind of discussion that you may want to have now or questions or just a brief – (I'm) thinking for those of you who were here, I'm kind of assuming we might do something similar to what we did with our critical areas ordinance update with some workshops, some study session nights, where we bring a lot of stuff before you along the way so you have some time to absorb it and not have it all come at the end when we're getting finished and ready for adoption.

So we've got a good team of consultants working with us so we are getting going. We should have a website up and running sometime this month. We're going to get a letter out for asking for people that may be interested in serving on the advisory committee. So it's started.

So, anyway, I'll go through my PowerPoint presentation. Feel free (to) ask questions at any point or whenever you want. If you've got thoughts on what you'd like to see or how you want us to come before you, please let me know that, too. One of the first things that we plan on doing is sending out a postcard

to all the property owners in the county letting them know that we're doing this and how they can get their name on a mailing list or get updates on our website. We have a listserve subscription they can go to – all of that sort of thing. So we really do want to get people's input and their involvement. So coming before you and being on television is one way to do that as well, so thank you for letting me do that.

Most of you probably already know a lot of this so I'll just go through it quickly.

Water considered shorelines: lakes and reservoirs greater than 20 acres in size; all the marine shorelines; rivers and streams with mean annual flow over 20 cubic feet per second; any associated wetlands; lands extending landward 200 feet from the ordinary high water mark; floodways and floodplain areas landward 200 feet from the ordinary high water mark.

And the planning process for shoreline updates, as laid out by the Department of Ecology's guideline: It's broken up into six parts. Phase 1, which is done in year one which we've just about pretty much completed now, are the preliminary shoreline jurisdiction maps and the public participation plan.

Phase 2, also completed in year one – we're working on this but we're not finished yet: The Shoreline Inventory and the Shoreline Analysis and characterization. A lot of this is where we gather the information that's already existing and kind of start putting it together and compiling it. So we're started on that process. We will have some draft stuff fairly shortly. I don't think that a lot of this is due until later in the spring.

Phase 3 is completed in year two. That's the Shoreline Environment Designation, which is similar to zoning, basically. The policy and regulation development – which is when you guys will be getting involved – which is our code development. And then the Cumulative Impact Analysis. That's something a little bit new and different but very important to the process.

Phase 4, which would be completed in the third year, is the Restoration Plan. We actually have to identify sites that would be suitable and probably beneficial for restoration, either through protection or through actually going back and undoing some things. And then we'll go back and look at the previous phases that we've done up to that point, based on the Restoration Plan, and see if any of that needs to be revised.

And then Phase 5 is our local approval and adoption process, which you will be very involved in.

And then Phase 6 is the state approval process.

So this is really hard to read and I know nobody else is going to be able to see it, but it is the "Rainbow Chart," as it's called, and it kind of identifies all the different things that I just mentioned in the phases in the first column. The next column is all the different tasks that are required to have done. And the task section I did give you a copy of that sheet in your handout so you can read that. And then it also tells you what our products are that we're responsible for that come out of each of those different tasks.

And that's really all I kind of wanted to share with you, and it certainly wasn't 45 minutes but just kind of quick for now. Carol asked me a couple questions before we started. Our Master Program has been amended a few times since it was initially adopted in the early – 1976. We've done some amendments but no real major overhauls. Based on the new Ecology requirements that they adopted in 2003, don't get too attached to it. I think we're just going to have to kind of start over so I don't think there's going to be a lot of, Well, what did it used to say? Where are we going from there? I think we can use it for background and guidance. It's a great document and regulation, but the format and everything is going to be very different. And I'm kind of excited about some of the mapping work that we're doing with GIS. There's going to be all kinds of layers that you can put on and take off based on the inventory and characterization things. I mean, it's going to be huge layers that will be on our iMap system so you'll be able to do it electronically, and it's going to be really neat. So we'll have somebody come and do a presentation at some point when we get that up. It's real drafty right now but it's going to be very exciting.

So, anyway, questions at this point?

Chairman Easton: Yeah, I have a couple questions.

Ms. Stevenson: Okay.

Chairman Easton: So this would be best to be treated more like – not really like an update, but more like writing a whole plan? I mean, from a logistical point of view?

Ms. Stevenson: I think so.

Chairman Easton: Okay.

Ms. Stevenson: Yeah.

Chairman Easton: And the – did you say you were going to send a postcard to *all* county residents, or just those that are on the shoreline?

Ms. Stevenson: No, I think we want to hear from everybody.

Chairman Easton: Okay.

Ms. Stevenson: So I'd rather do – send it to all the county residents.

Chairman Easton: I think it's a wise choice.

Ms. Stevenson: I mean, it would take some time to determine who the landowners were on the shoreline areas, so I –

Chairman Easton: It might cost you as much to figure out who it is than ____.

Ms. Stevenson: The critical areas ordinance, we sent it to everybody because we didn't know who-all had critical areas on their properties.

Chairman Easton: Right.

Ms. Stevenson: One of the things that is a little different that we're finding in our mapping as we do the jurisdictional mapping – the draft mapping – is we are required to show shorelines that – shoreline jurisdictions that are on federal lands, too, which we've never done before. And since the county has so many federal lands, there's a whole lot more streams and things that will be showing up as jurisdictional. We probably won't have much jurisdiction in those areas, but –

Chairman Easton: You still have to do it.

Ms. Stevenson: Yeah.

Chairman Easton: My last question for now is – so is the completion then 2013 or 2014?

Ms. Stevenson: Yes, 2013.

Chairman Easton: 2013.

Ms. Stevenson: End of June of 2013.

Chairman Easton: Okay. And I'm sure at least at the Director level, or maybe at your level, there has been some talk in the legislature about delaying some of these – some of the requirements concerning when these have to be done. But given that you've been given a grant, does this look like the most likely timeline that you're going to go with?

Ms. Stevenson: Yeah, our funding is in Ecology's biennium process, so the funding for the first year we have. For the next two years (it) will depend on whether the legislature goes ahead and funds that. The Puget Sound Partnership has been very active in lobbying to make sure that the Puget Sound

counties and cities are getting their funding. And I haven't heard anything different yet, so – but, yes, if the funding isn't there then we aren't expected to do the work.

Chairman Easton: Right. Okay.

Ms. Stevenson: That's written in the contract.

Chairman Easton: So you've only received grant funding then for 2011.

Ms. Stevenson: Yes. I mean, that's all the –

Chairman Easton: The remainder of 2011.

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

Chairman Easton: Okay.

Annie Lohman: Can you repeat that last – what you said?

Ms. Stevenson: I don't know what he said.

Ms. Lohman: You were talking about your grant funding. If you don't get it, then –

Ms. Stevenson: If the legislature doesn't appropriate funds to the Department of Ecology in the next biennium for their budget, then we won't be asked to finish – if it – they are funding it in total – you know, what they think it's going to cost us to do the work. So although our contract is for the whole amount for all three years, right now we are only guaranteed the funding for the first year, which ends June 30th.

Chairman Easton: How large a grant did you receive?

Ms. Stevenson: \$740,000.00, and that includes the money that was earmarked for Lyman and Hamilton, so we're working with them under interlocal agreements to do the work for them, as well.

Chairman Easton: The Lyman and Hamilton plans are separate City plans, but you're doing the work to support them?

Ms. Stevenson: I think they're probably going to adopt the County's, or at least that's what we – our intention is, whether they do something with it after they get it from us to make it different. But it seems silly for all the inventory and characterization and Cumulative Impact Analysis. There's no way they could do it for the money that they were going to get, and it seems silly for us to stop at

their city limits, so we're going to go ahead and do all that work. I was under the impression – and we've had a few discussions – that they will probably adopt the County's plan, but if they want to make changes or whatever it's their process and they can do that.

Chairman Easton: Other questions for Betsy?

Carol Ehlers: Yes, of course!

Chairman Easton: Carol.

Ms. Ehlers: I know Anacortes has finished their plan and had it approved by the Department of Ecology. What other Cities are finished?

Ms. Stevenson: Oh, good question.

Ms. Ehlers: Or even working on it?

Ms. Stevenson: Mount Vernon has submitted theirs, I think, to Ecology. I don't know that it's been approved yet. I'm not sure they've heard that back yet. Burlington is working on theirs separately. Sedro-Woolley's doing theirs separately. They're still negotiating their contract, I think. Concrete is a little further along, and I'm not sure where they are in the process but I don't think they've submitted their plan yet.

Ms. Ehlers: And La Conner?

Ms. Stevenson: And La Conner is doing theirs separately as well, and I'm not sure they have their contract signed yet.

Ms. Ehlers: Do the Swinomish also have to do a plan like this since they have shorelines?

Ms. Stevenson: Theirs is a coastal zone management through the federal government. We are working closely with their folks and we have our kind of – I don't know what you'd call it – a reciprocation program sort of. The landowners can choose to either go through their process or ours. They have taken on, at least under our shoreline and critical areas, that if our regulations are more restrictive than theirs then they will apply ours if people choose to go through their process, which is really nice. I don't know if that will continue, but they're very interested in the process and since, you know, we do have some overlap with their shoreline areas we're going to work really closely with them.

Chairman Easton: And that's worked well with critical areas?

Ms. Stevenson: So far, yeah.

Ms. Ehlers: Well, when you get your website set up, I strongly suggest that you put this in identifying “in progress” or what part of in progress they are.

Ms. Stevenson: Yeah.

Ms. Ehlers: So that people who live adjoining or adjacent – we’re going to have fun with that later tonight because in some cases it means within a mile or a half-mile and that needs to be cleared up, especially for the Shoreline Master Program – then people can keep track.

Ms. Stevenson: At least a link to the websites of the different towns so that they can keep up, and I’ll try to keep that updated.

Ms. Ehlers: Yes. Now the inventory has been talked about for four or five years now, but as far as I know – and I *should* know – no person who actually lives on the shoreline or owns property on the shoreline has ever been contacted for this process. So that will be an issue that I think you need to figure out how you’re going to do and what you’re going to do and how you’re going to work with them, because the last thing you want is for people to get upset because they think something’s been done and it hasn’t or it’s been done differently from what – you know.

Ms. Stevenson: Yeah. Yeah, we’re hoping to involve as many as we – people as we can from as early on as we can. Understanding that we’re following in the footsteps of Kirk’s project a little bit and learning from some of the things that they’ve done and all the outreach that they’ve accomplished and some of the things that they’ve done with Envision Skagit, we will be out at community meetings. We will be setting up things at different meetings, and more visioning meetings which will be the kickoff. I’m hoping we’re going to start in June with those, which is kind of the first rounds of getting out to the public. But the beginning is this postcard to all the landowners saying, Hey, we’re out there. Here’s the website. Sign up for listserve. We’ll do notices in the paper, but that may be the only notice that everybody in the county gets for the process. At some point they have to show some interest.

Mr. Christensen: A couple of footnotes, too, in response to your question, Carol. There are some other jurisdictions besides just in Skagit County who are either well underway or completed. I think Whatcom County was an early adopter, so they have submitted their Shoreline Master Program to Department of Ecology and they are finished. And I think we heard today that Snohomish County has submitted theirs. But I think that’s under review.

One other thing worth noting is the consultant whom we have under contract to assist us with this project, the Watershed Company, has assisted other jurisdictions in their Shoreline Master Program updates. So we have the benefit

of playing along with somebody who's been there before. And certainly as part of the public participation process and some of the lessons learned, we can capitalize on their previous work with other jurisdictions. So they bring that to our process in having been there and done that, so we can build upon that and learn from that and they will assist us with that effort.

Ms. Ehlers: I commend you for starting the process, the vision process, in the summer because there's a stunning number of part-time owners on the shorelines. And their ability – well, I guess the general public's ability to misunderstand something plainly written seems to be almost unlimited these days, and if you're out of town and out of community it's – from my observation in a waterfront water system – it's almost totally unlimited. So the more you can do when they're there and then if you were to notify any organization that is around the edge so that we could push people to come, out of self-defense, if nothing else, which is how I'm going to do our neighborhood – the more that happens in the beginning, I think, the better results you're going to end up with.

Ms. Stevenson: I agree.

Ms. Ehlers: Now my last question today: Do you remember when we did the update about putting that little tiny cabin on Young's Island?

Ms. Stevenson: Yes.

Ms. Ehlers: And you and the consultants sweated blood. You worked in full detail with the latest Department of Ecology projects. It went through the entire process. Everybody finally agreed. Supposedly they had signed off on it. And then somebody at DOE decided they didn't like it and they held it up, I believe, a whole year. You should –

Chairman Easton: Is there a question in there?

Ms. Ehlers: Well, there's a comment. Figure out how to get us, as a collective in the county, to put pressure on Ecology if that game gets played again. Because that was a game.

Ms. Stevenson: Our shoreline person should be involved. He was going to come tonight but had another obligation. So he will be involved the entire process, but –

Ms. Ehlers: You mean the Ecology person?

Ms. Stevenson: Yeah. Unfortunately part of the problem there again is they still have the authority at the end and it goes through a little more detailed review of everybody seeing it. They will come back with some kind of a letter with, I think, some stipulated conditions and some things on there that, you know, it's

approved but you have to do these things. That's what I've seen them do in other places. So we're hoping that, based on their experiences with these things, that they will share those early on with what they're looking for. They continue to write additional chapters in their guidance in the handbook so that we have more and more information, so it's getting better as we go. But it's still a moving target and they're still learning, too. So I can't guarantee any of those things but we're going to work very closely with him. He'll be very involved. He will be here, I'm sure, at several of the meetings as we go. But we're going to do the best that we can to get it through.

Chairman Easton: Mary has a question.

Mary McGoffin: Well, I was just thinking of the other stakeholders. They may not be property owners, but people like Ducks Unlimited, the Steelhead Fishing Club, the marinas – you know, people who, even for recreation, care about what happens to the shorelines. So I don't know how you want to reach out to those groups.

Ms. Stevenson: We have a pretty good mailing list that we use –

Ms. McGoffin: Oh, do you already?

Ms. Stevenson: – as well. So, yeah, thank you. I appreciate that.

Ms. McGoffin: Great, great. Excellent.

Ms. Stevenson: Part of the public participation plan – which you haven't seen yet but will be on the website as soon as it gets finally approved by everybody who needs to look at it – has identified a lot of the user groups. And some of them are not even necessarily from this area – or our state kind of organizations that do. But you're right. There are a lot of people who come up here to recreate, too.

Chairman Easton: Please share that with us when you do post it.

Ms. Stevenson: Yeah, I will.

Chairman Easton: Or at least send us a note that there's a link to it.

Ms. Stevenson: You should at least get an e-mail that says, Hey, here's their webpage and it's been updated.

Chairman Easton: That'd be excellent.

Ms. Stevenson: That's a good question. Does that work for you guys?

Chairman Easton: For most of us I think that works. Yeah.

Ms. Stevenson: Getting our listserve that says, Hey, there's updates on the Shoreline webpage; go to it? Or – and I will give you memos occasionally or send e-mails occasionally, and I can come whenever you want –

Chairman Easton: Okay.

Ms. Stevenson: – to a meeting, too, you know. If you're having a meeting and you don't have too much on the agenda but you're coming anyway and you kind of want to know what's going on, a quick e-mail or a phone call and I'll come and update you on where we are.

Chairman Easton: Sure.

Ms. Ehlers: I'd like that very much.

Chairman Easton: Yeah, I think that would work well for Carol and I think out of the ____.

Ms. Stevenson: I know for me it's a whole lot easier to take it a little bit at a time and get a whole lot out of it.

Chairman Easton: No, I think that's a good plan.

Ms. Stevenson: And the consultants that we're using are also the Watershed Company. They're the people who helped us with the critical areas ordinance so they're familiar with what we do up here.

Chairman Easton: Okay.

Ms. Stevenson: And some of the people that we deal with.

Chairman Easton: I just want to add that I want you to – I'd like you to reach out to Senator Ranker's office. He has a heightened awareness-slash-concern and actually has legislation that was moving – I haven't tracked it recently, but was moving in the areas of Shorelines, and so I think having him as someone who's – you know, let him be aware. Make him aware of the fact that we're doing our update and would appreciate being – probably I think I would send him a letter and ask him to keep us informed about the things he's doing on this issue, since he is the senator for the majority of the county. I think that would be really helpful.

Ms. Stevenson: Okay. And do you want that to go out under us or did you want to send that?

Chairman Easton: No, that's – from you would be fine. It doesn't need to be from us.

Ms. Stevenson: Okay. Yeah, okay.

Ms. Ehlers: I have another suggestion. Back in the back of the current Shoreline Master Program is a list of laws that apply or that relate to the laws that the Shoreline Management Plan is under. That has historically been a real godsend because – and I would hope that you'd put that on the website so that – it's WAC 173 –

Ms. Stevenson: Did you just say you wanted me to put something on the website? Did I just hear that from you?

Chairman Easton: Yes, you did. It's on the record.

Ms. Stevenson: All right! All right, okay – yeah. No, I think all the guidance –

Ms. Ehlers: I think very highly of an accurate website.

Ms. Stevenson: All the guidance documents from Ecology, all the rules that we have to follow, all of that information should be there for people. It's kind of hard to find unless you know where you're looking on their website.

Ms. Ehlers: Exactly. And I saw – I read some of this again today – and I saw that once in a while in the original document where there's a legal – there's legal language that regulates something, but it clearly ties in to another RCW that you might not expect. Well, here in parentheses is RCW 90 bing, bing, bing. So that no one could argue with you, nobody can say, This just doesn't fit. I don't understand. And anyone who really wants to think about it can find it quickly. I like that kind of footnoting, especially since if that RCW changes then you can make a change without twenty-two lawyers and six hearings.

Ms. Stevenson: Okay.

Chairman Easton: So anything else for Betsy? Thank you.

Ms. Stevenson: Thank you for your time.

Chairman Easton: We look forward to hearing from you for years to come.

Ms. Stevenson: I look forward to coming back for years to come! And I hope it's always this pleasant.

Chairman Easton: Well, we'll do our best. All right. Well, at this time the agenda calls for us to move to the issue of Annual Code Amendment Updates.

Mr. Christensen: So let me just introduce this matter. As all of you, I think, are aware, we do annual code amendment updates. Some of you have gone through several. Some of you, this may be your first one. But, that said, it's an opportunity for us to periodically update our codes to make sure that they're consistent with plans and policies. It is a work program that really develops over time, and when we have a number of items that are ready for processing we process them as an annual update.

So this evening Carly Ruacho is here – Senior Planner – whom you all know and who is the Project Manager on our annual code amendment program.

So, with that, I'll turn it over to Carly. I know that she's provided you with a memorandum and some advance information, and she has a bit more that she can share with you tonight, and then conclude with explaining kind of what our schedule is for adoption. And this'll be a matter that comes before you for a public hearing. You'll make a recommendation to the Board of County Commissioners. So, with that – without stealing anymore thunder from Carly – take it away, Carly.

Carly Ruacho: Thanks, Gary. Good evening, Commissioners.

Chairman Easton: Good evening.

Ms. Ruacho: Happy to be here tonight to kind of give you a preview of the code amendments. This is always – you know, it's one of those bittersweet things that the list gets so long each time. We do try to do it every year. Usually it kind of stretches into every two years. I think we're getting closer to the year, and we'll continue to strive to do these each year because then the list would not be so long. It's kind of one of those tedious tasks. Most of them, as you'll look through the list, and maybe you've already looked it over, what we call the "code concept table," which is what you're provided for your meeting. Brian, if you could turn on the overhead for me, that'd be great. Got the front page of that here just for the public so they can take a look and see if it's anything that they might be interested in taking a look at.

So what the plan is is to notice for these things this week. Hopefully the notice will come out in the paper on Thursday. And notifying folks that the code amendments – the actual code language – will be available on Friday. That's our plan. It's always kind of a mad dash at the very end to get all the t's crossed and the i's dotted. So that's what we're working on this week – getting our SEPA documents in order and finalizing our code amendments.

So what you have is the concept table, which lets you and everyone else know – this was taken before the Board of County Commissioners; we need to get their blessing before we release – at least the items that we are going to be reviewing

and making amendments to. I want to point out just a couple of things about the table that might not be intuitive. You'll probably have noticed that some things are stricken, which might seem a bit unusual – to have a table with some things stricken at the beginning – but what we wanted to do was show that things were not forgotten. At some point you spend a certain amount of time developing this code language, and literally you could do this all day every day. It is just, you know, an exhaustive task. So at some point you just – you have to kind of call it and move forward, and whatever wasn't fully developed or couldn't be kind of vetted by then needs to roll to the next process. So those things that you see stricken are those items that just couldn't be fully developed by the time we needed to say, We need to move on. We need to develop the list and get these things going.

So we wanted to put them on the list so that folks – you know, possibly someone may have brought these to our attention, because these things come to our attention throughout the year through citizens, property owners, staff, other departments – a number of ways that people bring to our attention maybe an erroneous reference, something that just isn't clear. I think Carol's going to talk about a definition that we have had issues with. You know, maybe someone has an opinion that, you know, it could be different. So they generally send us an e-mail or send us a letter and let us know that there're some clarifications that they'd like us to see.

And so we wanted to show that it's not that that was forgotten, that anything fell through the cracks, but some things just didn't make it this time. So those will stay on the list and be on the list for next time. So if you were wondering about that, hopefully that explains it.

The rest should be pretty self-explanatory, other than maybe the staff initials. Those were really for in-house, you know, tracking: Who's supposed to be working on this? As you look down now it might seem like, well, it wouldn't be that complicated because what it ended up being was really two to three people. It started out much more than that but some of them, they had to fall off the wagon. So we kind of narrowed it down to a few of us at the end there and kind of picked it up and ran with it and got these things developed.

So you'll see the initials "JD" on there. "CR" is me, and then "JD" is on there quite a bit and that's Jill Dvorkin, formerly Jill Olson. She's our – one of our Chief Civil – or our Civil Deputies. And she was instrumental in drafting some of these, based on, you know, changes in the law or different legal issues that have come up with our codes. And so she'll be here throughout the process to help, you know, discuss those and answer questions on those and the rest of them as well. So just to clarify on that.

I sent you the memo that kind of outlined some of the more substantive proposals, because we used to call these "miscellaneous code amendments"

and we no longer refer to them as “miscellaneous” because that seemed to lead people and give people the impression that they were insignificant. And that’s not our intention. Just because we do these once a year in a batch and they’re not a specific topic does not mean that they’re insignificant in nature. A lot of them are. A lot of them are the wrong reference to, you know, a code section we’ve changed and we missed the reference and it doesn’t exist anymore. Or minor clarifications where we’ve seen that there could be something that would be a little better communicated. But that’s not to say that there aren’t some that are significant. And so I always do try to point those out and try to clarify that as often as possible. As Carol was stating earlier, sometimes it’s just not possible to have people not misunderstand some things. But I do want to try to get the message across as often as possible that we are not insinuating at all that all of these are insignificant in nature.

So I know you’ve got the memo and you’ve already looked through them, but just for the benefit of the public I’ll just quickly run through some of the more substantive changes.

One of them is the addition of Net Metering Systems. That’s a type of power generation-type facilities. So this is the first time that will be introduced in our land use code. And we’re defining those and allowing those as small solar and small wind energy production facilities. So that’s something, I think, we’re all aware that is coming and is here and kind of the wave of the future and so we are introducing that to our code, not maybe as whole-scale as we can, and we will over time, but just kind of the first step to define them and list them – just these two types, solar and wind. There’re varied other types and I’m sure over the years we will have much more in detailed development regulations regarding these types of uses, but this at least gets it in there and gets the discussion started.

We have the addition of a Recycling Drop Box Facility as a use. This, again, one of those things that is just, you know, where we’ve come to; one of those things that probably wasn’t talked about much twenty years ago but is an everyday part of our lives now and something that when the original code – this code that we’re working with – was developed, recycling would be seen as a large, industrial-type use and that’s just not what recycling is these days. So there’s lots of different types. And so these neighborhood-type size drop box facilities are something that people are wanting, neighborhoods are wanting, and something that the code just didn’t address before now. So this is the first time we’re proposing to discuss that.

Manure Digesters. Again an interesting new development – a way to get some energy production out of farm-type waste. That is something that our code did not, you know, attempt to address before now. So you’ll see coming forward at the end of the week when we release the codes to the public – you guys, you’ll

get them by e-mail and Carol by mail – so you can see our proposed new definition and how we plan to regulate those.

We also have a new section for process and approval criteria for land division extensions. With the kind of the status of the economy, we're finding that a lot of folks are not being able to get their land divisions done in the timeframes that we've seen in the past. There just isn't the market out there so they want to take a little time, let the market pick up before they complete these types of things, and the code really didn't speak to that. So now you'll see a new section that speaks to extensions, a process and criteria for land divisions.

We also have a new provision relating to expiration of applications for land divisions. So, again, on the same token as you want to allow extensions and allow for changes in the economy, you don't want them to linger forever. And there's been some issues lately where we've got, you know, plats that are fifteen, twenty years old, rules have significantly changed, and they're very, very difficult to try to process when there's very different expectations on either side. So we want to have a flexible and realistic time schedule and options for extensions, but then at some point we want to be able to say, This cycle is closed and if we want to begin anew then we do so under the current regulations, rather than trying to dig up some record of some microfilmed code, you know, from twenty years ago. So that'll be coming to you.

We have some amendments to the school siting criteria in the Bayview Ridge UGA. Some of you will remember when we went through the Bayview UGA code planning process. And we've heard from the Burlington School District as we've lived with those codes for a few years now, and they've proposed some changes to those siting criteria that they feel will work better for them. So we've been communicating back and forth with them and we have a proposal that we hope will work for both them and us.

The second-to-the-last bullet here in the memo has to do with expanding existing NRI-zoned ag support businesses onto ag land. What we have in the County is a zone called "Natural Resource Industrial," or "NRI," as we call it. And back in the '90s when GMA came into effect and we began planning under that law, a lot of these ag support businesses that are integral to ag and they're dependent on ag but they're not actually an ag business, they got this NRI zoning. So they're not zoned Ag, but they're this kind of a resource industrial zoning.

Well, now what we have – you know, it worked out great then. We identified them, they got their zoning so that they could exist legally, but maybe not as much expectation was given to expansions and what we would do if these folks needed to expand. Because the way it really works out, I think they located next to their customers, which would be the ag folks, and so they're basically most time surrounded by ag land. And, as we know, we're very restrictive on our ag land, and especially with commercial-type uses. So there wasn't really an

opportunity for them to expand without going through a very cumbersome Comprehensive Planning process that possibly, you know, might or might not allow them to do what they needed to do.

So this code provision is very specific to those existing NRI businesses in the county that would like to expand. It lists out some criteria that they could do so onto neighboring lands if cause is shown for that.

And then the last one that went in the memo to you had to do with mining. Those amendments have been modified a bit. We have talked with our Forest Advisory Board and our Agricultural Advisory Board. I don't know if you'll remember the last time we did this process – those of you that were with us. We had some very lengthy dialogue with those groups once we had released this and they had some concerns, and it took quite a while to work through that. This time we thought it best maybe to try it differently and we went to those boards *prior* to releasing to see if we could hear their concerns and if there was anything that we could – to change or modify that would still meet our needs but would alleviate their concerns. And so we've been having those conversations for about the last two months with those boards. And so this last one, although it's still – there are still some changes proposed, they don't necessarily deal so directly with mining as they did when we put them out for comment for those boards.

So those are some of the more significant ones. I'm not going to run through all of them. As you saw, there were ninety-plus changes – we're under the hundred mark. Last year we were at 111. But as Gary always, you know, reminds me – and I think (it's) beneficial to remind everyone that usually, even though we have about a hundred, you know, 90% of them will sail through with probably not even a comment because they are kind of housekeeping in nature. And we expect that again this year. And then we'll be left with a handful that might be, you know, needing some further discussion maybe for the refinement. And so that's kind of the same process we expect this year. We'll probably see the comments narrowly focused on a few and several dozen will go through probably with no comment.

So that kind of wraps up the substance that I have. The schedule that we're proposing is, as I stated earlier, release, hopefully this week, and give people quite a long comment period. There are so many code changes that we don't just want to give people fifteen days or something to try to, you know, look through all these things. So we're going to give folks hopefully about a month to be able to look through these – give them plenty of time. So our current thinking is to have the public hearing at your regularly scheduled monthly meeting in April, so that'd be April 5th. And we're not quite sure – we have kind of a May target that we would like to hit. Basically it goes back to – as we talked about earlier, some of these plat extension languages, we do have some specific plats that are going to be hitting up against some expiration dates and so we have some dates in May that we're trying to beat if we can so that these codes can be applied to

those folks so that they get to have the benefit of the new codes. So it might be that we can meet at your regular May meeting for deliberations and be able to meet that timeline, but it also might require a second meeting in April. So just –

Chairman Easton: Let me add some thoughts to that because I took some time with this memo today and sort of – this is, I don't know, my third – I think this'll be my third code amendment hearing process. I think there's the possibility these might be the least of the controversial ones that you've pulled out, but of those that have been controversial in the past they might even be less controversial than some that we've considered under Miscellaneous in the past – when it was previously referred to as "Miscellaneous."

Ms. Ruacho: Right. Never again.

Chairman Easton: Never again.

Ms. Ruacho: No.

Chairman Easton: So I think – and I would like the Commission to come prepared with the possibility that we may deliberate some or do some or all or none – some possibility of deliberation on the night of the 5th, and I think that's a possibility. We'll do that within everyone's comfort zone. If there's a lot of testimony, obviously we'll adjust. And if we can take some of them and get them done we will, and especially the ones that are date-sensitive. If there isn't much testimony on those, we may be able to consider those sooner –

Ms. Ruacho: Right.

Chairman Easton: – than some of the others.

Ms. Ruacho: And that might allow us to just go into May.

Chairman Easton: Unless there's some strong disagreement between myself and the staff and the rest of you, I'd like to have that flexibility on the 5th.

Mr. Christensen: That –

Chairman Easton: Does that sound all right?

Mr. Christensen: I think that's a good suggestion. It may very well be that after the public hearing on the 5th that if there's no testimony nor any written correspondence and no concerns or issues amongst the Planning Commission members, that you may simply be able to forward those on to the County Commissioners with a recommendation. And then, depending on how many are left and the need to take action sooner or later, we can deal with the remaining ones either later in April or wait till May 5th.

Chairman Easton: Till May, yeah. Because I can see a scenario where – particularly the ones that are date-sensitive – that there may not be a lot of testimony about those. We could handle those on the 5th.

Ms. Ruacho: Mm-hmm.

Mr. Christensen: Yeah.

Chairman Easton: And then if there are things that are going to need – we're going to need more time to deliberate on for us to consider, then I'd like to try to avoid a second meeting in April unless it's absolutely necessary.

Ms. Ruacho: Sure. No, that's a great idea. I drafted the notice that way, as you're talking about, to notice that deliberations were possible.

Chairman Easton: Good.

Ms. Ruacho: At least partial deliberations, like you say, to whatever extent, you know, might happen that night. There might be five minutes left –

Chairman Easton: It's probably a really good standing policy for us to have, except for on anything that's really large.

Ms. Ruacho: Right.

Chairman Easton: I think it's good for us to notice the public that we could – because I don't want us to – obviously – come up against a time where we wanted to deliberate and we couldn't because we just didn't notice people.

Ms. Ruacho: Right. Yeah, because I had that same, you know, thought that you just – you never know really, even though you think on even a larger topic about how many people might come or how long the public comment might take. You really just – you just never know. It could take all three hours; it could take a half-an-hour. So on this one, same way.

Chairman Easton: Okay.

Ms. Ruacho: Just unsure how many it'll be and what they'll be on. So that's a really good point that the ones that *are* time-sensitive might be ones that don't have much comment and we *could* dispose of them possibly on that night. And then we wouldn't be in a rush and we could just wait and meet again at your regular meeting in May.

Chairman Easton: Okay.

Ms. Ruacho: So that is just to kind of put you at ease, and if everyone's comfortable with that, your notice does allow that.

Chairman Easton: Okay.

Ms. Ruacho: So if that turns out to be how it works out that night, great, and we can move forward with that. And then the other interesting thing – and it's always interesting to me and it happened this year, too – when we take these things to these boards, these County-approved boards, they're kind of a subset of the public, you know, kind of like you guys are. And you think through and I even, you know, before I go meet with them I circle different ones that I think, you know, I'll highlight for them and that they'll be interested in. And there're always others, you know, that you would never think, you know, that they would be interested in! And it's the same for the public. You think, Well, I think this group'll be, you know, pretty benign and there won't be much comment and then there'll be this other group and – sure enough! – there're some in the group you thought somebody would care about and comment on and might not like or might want to be clarified, and – nope! – they sail through with no problem. And then some that you thought would just sail right through and, you know, here're some comments on those. So it's always interesting to see what people see and what their comments are, so that's why this is such a great process. It'll always be interesting to see how that goes.

So that's what we're looking for for that schedule. We'll work into that schedule also, probably along those same dates, a kick-off presentation for pipeline safety. So that's going to be one of those code amendments that we're going to run by itself, kind of as a topical issue. So we've got that grant from the Pipeline and Hazardous Materials Safety Administration from the federal government and we need to be done by the end of July, so we've got that timeline. And so at the same time the Miscellaneous – whoops, I – oh, I wasn't going to do that – the *Annual Code Amendments* are moving forward, we'll need to kick off the pipeline safety and that'll kind of be happening in the background.

So one of those nights, probably April or May, we'll need a few minutes probably to talk about that and kind of bring that to your attention, and so as you start to see our public outreach process you're kind of aware of what we're doing on that. So that'll probably kick off with the Commissioners mid-March. We anticipate having a presentation from the Pipeline Safety Trust with them, and then hopefully we can get them back for you guys a little bit later and kick it off with you so you're aware of what's going on.

So that's our presentation on the code amendments. I'm happy to, you know, answer any questions you have. The fact that you don't have the actual language is purposeful.

Chairman Easton: Right.

Ms. Ruacho: It's not quite time yet. In due time it will come. And, again, we plan to give at least a month, you know, for your review, for the public to comment. So we hope that there'll be plenty of time once you do have the full meal deal. But if you do want to talk about anything that you see here that just kind of gives you a taste and an idea of what to expect and what the comments might be like, I'm certainly happy to talk about that.

Chairman Easton: Yeah. Before I open it for questions, I want to clarify, especially for Josh because of it being his first time through this. You're going to have two distinctly different additional times than today to ask questions of staff and those – during the public hearing and then also during the – during our deliberations. And at that time you'll have already had the plan to be able to review. So if you want to ask questions now, let's keep them – you know, kind of keep that in mind. We're not – we haven't had our presentation yet so a lot of what we have for questions may get answered later. So just from that point of view. Dave?

Dave Hughes: My only comment is maybe make a memo when you send stuff out of what numbers in the ninety-some are the time-sensitive.

Ms. Ruacho: Okay.

Chairman Easton: That'd be good.

Ms. Ehlers: Yes, that would help.

Chairman Easton: Any other questions? Carol?

Ms. Ehlers: What is the Planning Department doing with the repair of water lines with an inside dimension of eight inches or less?

Chairman Easton: Does that relate to the code amendment concept?

Ms. Ruacho: Yeah, it's one of the code amendments.

Chairman Easton: Oh, okay.

Ms. Ruacho: In your packet.

Chairman Easton: I didn't memorize all ninety-two of them.

Ms. Ehlers: It's in number 32 and it's not tied to anything, so you can't figure out where it might –

Ms. Ruacho: Where it is?

Ms. Ehlers: Where it logically would find a home.

Ms. Ruacho: It's in the "Various" category, which we always have to have some "Various." So that is going to appear in a number of different zoning districts. It's a new – it's going to be a new use. So that – right now we have regulated water lines, whether it be repair and maintenance or new, as a utility and they have all fallen under specific permitting requirements under "Minor Utility or Major Utility." We're proposing to separate out repair and maintenance of water lines. Not that it's *not* part of a utility – it is – but we can be more specific than that if we want to and need to. And in this case we felt like having repair and maintenance of water lines that are this size, the eight inches or less, it's a specific – kind of a specific – delivery size. It's important to the water people, this eight inches and less. That allowing the repair and maintenance without the more cumbersome process that a new utility would have to go through would be beneficial to the utility companies and something that's acceptable as far as processing. So you're going to see that coming forward as a separate use from, say, a new utility being laid in the ground.

Mr. Christensen: This code provision would also be similar to how our neighbors both in Whatcom and Snohomish, I think, are processing these, too. There's a threshold level that determines kind of a distinction or creates a distinction between what might be viewed or defined as "maintenance" or ongoing upgrades versus a whole new line.

Ms. Ehlers: Well, surely you're not thinking of anything that regards emergency repair.

Ms. Ruacho: Well, I don't think in our Utility section – I don't know if we address emergency repairs as a use. This is the line in the ground for a significant distance as a land use, that there is a utility in the ground there. So it's differentiating between a utility, putting a new utility in or – as Gary said – say upgrading wholesale to a different size versus just needing to go in and repair and maintain an existing water line of a certain size.

Mr. Christensen: Yeah, some of these water lines that have been in the ground for decades and I think are like asbestos, you know, material and so forth, and they want to go in and they want to replace these and upgrade those, either because there's been failures occurring on those lines or they are anticipating or want to be proactive. So we're very mindful, though, of water system upgrades that might be supersizing lines, so there's an intention to provide more service to a given area. And, if so, then that may be viewed as a new line rather than a maintenance or an upgrade.

Ms. Ehlers: Oh, yes. It would.

Mr. Christensen: So eight inches seems to be the threshold or the industry standard for water purveyors in terms of the services they provide, so we're consistent with how other jurisdictions are addressing this particular type of utility development.

Ms. Ehlers: The eight inches, the minimum size for any water line that has a business on it, because of emergency fire flow. But you know that, Gary, because you helped write the Coordinated Water System Plan.

Chairman Easton: Mr. Dowe, did you want to add something from the microphone?

Bill Dowe: I only wanted to add that eight-inch and less is the size that's categorically exempt from SEPA, as well, so it's consistent in a lot of ways.

Chairman Easton: Gotcha.

Ms. Ehlers: Mm-hmm.

Chairman Easton: Okay.

Ms. Ehlers: I just want to make sure that as you're writing something you don't think that any water system that's got a six-inch break, like we did ten days ago, is going to have to get somebody's permission to repair it.

Mr. Dowe: No.

Ms. Ruacho: No, we're talking about modifying the line.

Ms. Ehlers: Okay.

Chairman Easton: Okay.

Ms. Ehlers: Well, you see what I mean.

Chairman Easton: Yeah. Other questions? Annie, did you have a question?

Ms. Lohman: No, I'm kind of _____. I just didn't want our code to be so onerous for a lot of these small Group B and even the smaller Group A water systems. Because they're often non-profit, operating on a voluntary board and, you know, they're, you know, pretty lean operations.

Ms. Ruacho: This amendment actually is going the other way.

Ms. Lohman: It sounds like it.

Ms. Ruacho: It's taking them *out* of a utility needing a permit – a special use permit – of a certain level, whether it be administrative or Hearing Examiner, which can be lengthy and expensive, and taking this very, very specific repair and maintenance of a certain size water line and making it a use that would be outright permitted, that they could just – need to get whatever environmental-type permits they need, but the land use permitting would be severely reduced.

Chairman Easton: Okay. Questions on other topics concerning the code amendments?

Ms. Ehlers: You know that's a very interesting example, though, of something that you might think was unimportant but turns out to be of interest in ways that you didn't expect.

Chairman Easton: Yes, I agree. There's lots of those examples. All right. Thank you, Carly.

Ms. Ruacho: Mm-hmm.

Chairman Easton: So we're agreed, then, we'll be prepared – we'll have about a month to review this – we'll be prepared to – and if, you know, if it's helpful for you to ask questions of staff prior to the hearing that's – there's nothing that forbids you from doing that, so you can – after you review, or as you're reviewing the documents that we'll get. And we expect those probably first of next week?

Ms. Ruacho: Yep.

Chairman Easton: Okay. Great. Thank you, Carly.

Ms. Ruacho: You're welcome.

Chairman Easton: Anything else from you? We're going to move to General Topics.

Ms. Ruacho: Right, General Topics. I'll just stay for General Topics.

Chairman Easton: Is there any general business that you'd like to bring before us?

Ms. Ruacho: Just those of you who got your mileage reimbursement requests, if you want to fill those out, pay specific attention to – this time and hopefully each time in the future I'll remember to give you the specific mileage that the Auditor – they have a very specific way that they will allow you to calculate mileage. So I've provided those mileages to you so we can eliminate this process we've had in the past where we submit them and they come back with a different mileage and they need to be reworked. So hopefully this can streamline it. We give that

to you now and, like I said, I'll try to remember to bring it because it's hard to memorize down to the tenth of a mile that you need. I'll try to remember to bring those.

Any of the Planning Commission members who are *not* submitting for mileage, if you ever want to change your mind just let me know and I can calculate your mileage and get that on the list and be getting that to you. That's always an option for you. We do it on a quarterly basis so today's your quarterly meeting for that, so if you want to give those to me at the end that'd be great.

For reminders: Today was our first attempt at the new way of reminding you for meetings. So a lot of you opted into the e-mail reminders, and I think we kind of neglected to craft our e-mail in a way that would suggest we want to hear from you whether you are going to attend or not. So we do still want a response, even if we communicate via e-mail. If you could shoot us a response back that yes, you're coming or no, you're not, that would be really helpful for us. Just – today we only had four confirmed responses so it's always, you know, a little questionable whether we're going to have a quorum when we get a response like that. When we don't hear from you that it's a "no," we generally assume you're coming, but just so that we don't have any cross-communication it'd be great just to get a response back. We'll try to craft a new message.

Chairman Easton: You might want to opt out of electronic now.

Mr. Hughes: Well, maybe send it on Monday instead of – I'm in the office early and then I'm gone, so – and that's where my computer is, so...

Ms. Ruacho: Maybe send the reminder – would you – would the majority prefer the reminder to come on Monday that there's a meeting tomorrow, or would you –

Chairman Easton: Monday's fine.

Ms. Ehlers: Monday's perfect.

Ms. Ruacho: Maybe switch the reminders to Monday?

Ms. Lohman: You're calling us also.

Ms. Ehlers: You're calling us on Monday.

Mr. Hughes: Patti called Monday, so that was –

Chairman Easton: Well, depending on which reminder system you're on depends –

Ms. Ruacho: Right.

Mr. Hughes: Well, maybe that's what I'm on.

Chairman Easton: Let's just keep them all – why don't we have the calls and e-mails go out on Mondays?

Ms. Ruacho: On Mondays. All right. I'll relay that to Patti.

Chairman Easton: Okay.

Mr. Christensen: And where that is helpful to all and certainly you, as members, if we can confirm that there won't be a quorum then there's no need to meet.

Chairman Easton: Right.

Mr. Christensen: So if you know you can't make it and we can't get five members, then there's no sense for the other four to travel and take time out of your busy personal lives and schedules as well.

Chairman Easton: Anything else from either Carly or Gary?

Mr. Christensen: That's all I have.

Ms. Ruacho: Just probably – like we talked about – not necessary, but just to maybe keep that second – not second – third Tuesday in April, which would be the 19th, maybe just tentatively free, if possible, just in case we need it. But I think we have a good strategy for getting these done without it but –

Chairman Easton: Yes, the Chair's committed to – you can hold that tentatively, but the Chair's committed to make sure that we don't meet on the 19th.

Ms. Ruacho: Great.

Chairman Easton: On the 19th, unless at all necessary. All right, anything else? All right, hearing no other business before us, we are adjourned (gavel).