

Skagit County Planning Commission
Deliberations: 2011 Comprehensive Plan Amendments
Discussion: Shoreline Master Program Update Schedule
September 11, 2012

Commissioners: **Annie Lohman, Chair**
 Mary McGoffin, Vice Chair
 Jason Easton
 Keith Greenwood
 Carol Ehlers
 Matt Mahaffie
 Dave Hughes
 Elinor Nakis
 Josh Axthelm

Staff: **Kirk Johnson, Senior Planner**
 Jan Flagan, Surface Water Section Manager
 Dale Pernula, Planning Director

Public Commenters: **Kathy Mitchell**

Chair Annie Lohman: (gavel) I call to order this meeting of the Skagit County Planning Commission. It's Tuesday, September 11th, 2012. This is a meeting where we will be deliberating on the 2011 Comprehensive Plan amendments. And to begin I'd like to call the order and review the agenda.

Jason Easton: Madame Chair, I have an addition I'd like to add to the agenda. Given the infamy that this date carries for our generation, all of us, I would really like us to start this meeting tonight with the Pledge of Allegiance, so I'm going to ask that we add that to the agenda.

Chair Lohman: Any objections?

(silence)

Chair Lohman: Seeing none – did you anticipate doing that then before the agenda review, just right at the top?

Mr. Easton: That would be my preference – sure.

Chair Lohman: Would you like to lead the Pledge?

Mr. Easton: Sure.

(Everyone recites the Pledge of Allegiance.)

Chair Lohman: Any other changes to the agenda?

(silence)

Chair Lohman: Seeing none, we'll move on. All are present. We are still waiting for Commissioner Josh Axthelm and he will be arriving late. I'd like to introduce our new Planning Commission member, Keith Greenwood. Did you want to say a couple words?

Keith Greenwood: Well, I'll just let you know I knew I was in the right building when I parked my three-quarter ton truck in the parking lot, and I think the parking space is about 10% smaller than elsewhere. There's also a greenbelt and a riparian zone between parking lots, so that's appropriate for a planning department.

I want to thank you guys for – and the Commissioners – for allowing me to participate in this process and be on the board. I've watched some of you and some of you probably didn't want me watching on TV but I do that anyway. It's a nice forum for keeping up to date with folks.

So, again, I appreciate the opportunity and look forward to working with you.

Carol Ehlers: And?

Chair Lohman: Welcome aboard.

Mr. Easton: Welcome.

Mr. Greenwood: Thank you.

Ms. Ehlers: No.

Mr. Greenwood: Well, Carol wanted me to say as well that I have reviewed the public documents that are available, both from the hearing pertaining to the issues on the agenda.

Ms. Ehlers: That's important because – this is my comments to the audience – it's crucial that we all have read the entire record in order to be equitable to the people who have applied for something and those who have objected to it.

Chair Lohman: Okay, now we're going to move into the deliberations of the 2011 Comprehensive Plan amendments. And first, before we get started, I'd like to ask if

anybody objects to the Chair's participation or any other Planning Commission member's participation.

Ms. Ehlers: No, but the audience should realize that because I live downhill from one of the projects I will not be taking part in that discussion and will be watching it out in the anteroom where I can watch the television and perhaps hear better than you can.

Chair Lohman: And the Chair further asks Planning Commission members if they have any issues of interest that they – or any interest in the property or issues that they want to disclose.

Matt Mahaffie: Madame Chair?

Chair Lohman: Go ahead.

Mr. Mahaffie: Two of the proposals – Lake Erie Trucking, I have performed work for that company in the past, not associated with this project in any way. I just wanted to disclose that. And the James Ritchie proposal, I have an associate – a sometimes business associate – that performed the critical areas study on the property and as well as analysis. I have not done any work or received any compensation, but I just wanted to make sure that was clear.

Mr. Easton: You still believe you can be fair and –

Mr. Mahaffie: Yes.

Chair Lohman: Anybody else?

(silence)

Chair Lohman: Okay. We're going to move into the deliberations and we're going to be taking them in this order. We're going to start with the James Ritchie proposal, then Jensen/Peck, and then Lake Erie Trucking. Then we're going to move into the two County-initiated amendment proposals. One is to refine the rezone requirements for Rural Intermediate and Rural Village, and the other is to correct scrivener's errors. So, that being said, I will entertain a motion to get us started on the James Ritchie proposal.

Mary McGoffin: Chair?

Chair Lohman: Go ahead, Mary?

Ms. McGoffin: I move that we approve the James Ritchie proposal to redesignate 5.5-acre parcel, P69432, from Agricultural-Natural Resource Land to Rural Reserve, adjacent to the Swinomish Channel.

Mr. Easton: I second the motion.

Chair Lohman: It's been moved and seconded that we approve the James Ritchie proposal to redesignate a 5.5-acre parcel from Ag-NRL to Rural Reserve, adjacent to the Swinomish Channel. All those in favor –

Ms. McGoffin: Discussion.

Chair Lohman: – or discussion? Sorry. Sorry!

Mr. Easton: This will be a short meeting!

Chair Lohman: I'm in – now the way we're going to do this is I will recognize each person and let everybody talk once. And then if you have a burning issue that you want to re-address then you have to wait 'til everybody gets a chance. So as the maker of the motion, Mary, you get to start.

Ms. McGoffin: Okay. I read the materials. I did not feel this was a mapping error. It appears to be part of the Skagit Beach platted community, and that was my main reason for approving it.

Mr. Easton: Is it possible to have a map – can I request a map be put up of the area while we're discussing it, because it would help me from an orientation point of view? Thank you, Kirk. I can – excellent.

Yeah, I echo the fellow Commissioner's statements. I think this is an equitable approach. This does not appear to be anything other than us doing right by what the intention of GMA is, in my opinion. And in the intention of the – you know, I think ultimately when we put it back on property owners to fix things that shouldn't have been done certain ways ten, twenty, thirty years ago it's not very equitable. But if we can get to the right resolution it sure is worth it for the whole community, and so that's why I support the motion.

Chair Lohman: Carol?

Ms. Ehlers: Well, I have a tendency to go back to the law. And the law is very clear – state law is – that any of these resource lands must be of long-term commercial significance, and this parcel is not. And so then you look to see other aspects of what has to be discussed, and in 14.08.080, which is what our recorded motion has to include, is a series of findings of fact based on maps, descriptive material – “It shall include whether the proposal is supported by capital facility and functional plans” – which I presume to mean, in the rural area, water and roads because that's the primary ones – “whether it bears a substantial relationship to public health, safety, morals or welfare” – I don't think that's relevant – and a number of other things which I could read, if you wish. But it seems to me in agreeing with Mary's motion that this fits 14.08.080 as to what we should be doing, and that our findings of fact should look at these issues and be based on what's in the record, unless we wish to sit here and specify those.

Chair Lohman: Any other Commissioners? Dave?

Dave Hughes: Question to staff: Is there any difference in setbacks between Ag and Rural Reserve, as far as building next to the ag resource land?

Kirk Johnson: You mean if the property is – where the building is going in – is Ag or Rural Reserve?

Mr. Hughes: Well, if we change it to Rural Reserve it there a setback – more of a setback – to the ag land than there is if it stayed in Ag?

Mr. Johnson: I think it's – it looks like Dale's looking it up – I believe it's 200 feet in either case, but I'd feel more comfortable if Dale could confirm that.

Chair Lohman: Matt, did you?

Mr. Mahaffie: Sure. Echo of what has been said before and the problem of me looking at it in reality and I've come back to the critical areas part of it. If I remember correctly, approximately 40% of the property is taken up by buffers or critical areas and hasn't been farmed. It couldn't legally be farmed at this time. It's not really a 5 ½-acre ag parcel. You know, it's more of a ___ or whatever ___ is. A 2.8-acre parcel in an irregular shape, how could it be farmed commercially?

Ms. Ehlers: Mm-hmm.

Chair Lohman: Anybody else?

Elinor Nakis: My question is is it really buildable?

Chair Lohman: Is that a question to staff?

Ms. Nakis: Yes. Yes. Is it buildable? I mean, with all the wetland and creeks and whatnot on it.

Chair Lohman: Any other Commissioners?

Ms. Ehlers: Isn't that –

Mr. Greenwood: Keith Greenwood. You know, when you look at the Growth Management Act and what it's intended to do on a simple basis of reducing or slowing urban sprawl and then having a management plan for that spread of growth which in most cases is inevitable, it seems like the zoning more likely in this case fits the adjoining parcels. So something more compatible with those adjoining parcels without being in conflict with the ag land seems most appropriate. And if that land doesn't have

the soils that it needs and they don't need additional buffers, then that makes sense to make that change.

Chair Lohman: I also have a question of staff. There is a ditch along that farm access road along the property, the line that bows into the ag land. Is that correct, Kirk?

Mr. Johnson: So where – I think it is, but where are you – I guess you can't point, can you?

Chair Lohman: Well –

Mr. Johnson: So a ditch on the east side of the property?

Chair Lohman: Yeah.

Mr. Johnson: Yeah, at least on the lower portion of it.

Chair Lohman: We're seeing nods from –

James Ritchie: The applicant.

Mr. Easton: The applicant can – the applicant can com – I mean, could comment if we needed him to during deliberations.

Chair Lohman: You've spread this one?

Mr. Hughes: We farmed this.

Mr. Easton: Thanks, Jim.

Chair Lohman: Any other Commissioners?

Josh Axthelm: Yes, I – since I came in late, could you restate the motion?

Chair Lohman: Mary, would you –

Ms. McGoffin: The motion is in favor of the first one – James Ritchie proposal – of converting that land – of rezoning that land to Rural Reserve instead of – what is it?

Mr. Hughes: Ag.

Ms. McGoffin: Instead of Ag.

Mr. Axthelm: Okay.

Ms. McGoffin: So it's in favor.

Mr. Axthelm: Okay.

Mr. Easton: Mary made the motion and I seconded the motion.

Chair Lohman: And right before you got here we asked if any of the Commissioners had a reason to – a conflict or anything.

Mr. Easton: For any of the items on tonight's agenda.

Mr. Axthelm: Okay.

Chair Lohman: Okay.

Mr. Axthelm: Thank you.

Chair Lohman: I guess I want to say that just by idling land I don't want to set a precedent that you can change a land use. And it's not hard to idle farm land and not farm it for five, ten, fifteen – however long you want to wait. And while I realize that this is a specific situation I just don't want to open the door that that's a means of changing zoning. It's just to say, Well, it hasn't been farmed in five, ten years.

Mr. Easton: I would concur. I just don't think that's a precedence (sic) that by itself we would be setting on this. I think there's a lot of other factors, for at least my vote in favor of the proposal. But I agree. That shouldn't be grounds for that. That's healthy farming in a lot of different kinds of crops. I mean, land doesn't get worked all the time in some places and times, so I think it – that makes sense. I appreciate that comment.

Chair Lohman: Did you find the answer?

Mr. Johnson: So I – Dale has, I think, found the setbacks. I think what I'm thinking of is a setback from agricultural land. And I have to say, having worked on the Envision project for the last several years, I'm a little rusty on my code and it's not coming to me where exactly in code that is. I think Dale can read the building setbacks in Rural Reserve and Ag for you, if you're – that's what you're looking for.

Mr. Hughes: I just wondered if it was the same or, if it's the same, then it's a moot point. But if one was greater than the other, then...

Dale Pernula: Okay, in the Rural Reserve, the setbacks: The front yard is 35 feet; the side yard is 8 feet. A 3-foot setback is permitted for non-residential structures when the accessory building is a minimum of 75 feet from the front property line or where there is an alley along the rear property line 20 feet from the street right-of-way; and the rear is 25 feet; and, once again, a 3-foot setback is permitted for non-residential structures when the accessory building is a minimum of 75 feet from the property line or when there is an alley along the rear property line.

Then in the Ag. In the Ag-Natural Resources Lands, the setbacks for residential: For front, it's 35-foot minimum, 200 feet maximum from the public road. Unless specified below or elsewhere in this chapter, no portion of a structure shall be located closer than 35 feet from the front lot line and no portion of a structure shall be located further than 200 feet from the front lot line. There's a very long paragraph after that. Side is 8 feet adjacent to a property line, and rear is 35 feet.

Chair Lohman: Dale, I think what we're looking for is between different uses, is there a setback – to avoid conflict?

Mr. Pernula: You know, I'm not familiar with other portions of the code, other than the building setbacks that are right within the zones itself. There might be some that I'm not familiar with. I can dig into the code a little bit more.

Mr. Hughes: (inaudible)

Chair Lohman: Any other Commissioners' thoughts?

Mr. Easton: I don't think Elinor's question got answered. I'm not sure it *can* be answered, but...

Ms. Ehlers: Is there a consultant or an applicant here who could answer the question? We have done that in the past.

Mr. Hughes: I guess if it's not buildable that that'll come out during that process.

Mr. Easton: We heard some testimony that the space that they're going to be able to work with within this lot is pretty small, if I remember right. I mean they talked about where that footprint's going to fit.

Chair Lohman: Mm-hmm.

Mr. Easton: So they must have done some work on that. I wouldn't expect – I guess I'll take a common sense approach here for a second. Would you go this far and spend this much time and money if you didn't think you were going to be able to build on it?

Chair Lohman: Mary?

Ms. McGoffin: I think it's irrelevant whether they can build on it or not. They're just asking for a rezone of this property and that's all we're being asked to advise on. So what they do is really not material right now.

Chair Lohman: Josh?

Mr. Axthelm: From my understanding, they only wanted to put a single-family residence on it. Is that correct?

Chair Lohman: Well, isn't that the restriction under their – don't they have that restriction already under their – the plat itself?

Ms. Ehlers: That is what they were asking for. Again, Annie's right. This is not our discussion as to what's – I mean, Mary's right – it's not our discussion as to how the land is developed afterwards. It's ours in terms of the zone, and in this case I go back to an earlier comment: This is part of a platted community in which the only possible use for the land is as a residence. A 5-acre parcel is a good illustration of what you need if you have a horse barn. If you have a family that wants to have a horse and you have shelter for the horse and then you have the need for a house, 5 acres is a common size in this county. And that does fit within the rural definition of – as defined in the Countywide Policies and in our other documents

Chair Lohman: Are you all ready to make a decision?

Mr. Axthelm: Yes.

Mr. Easton: Yes.

Chair Lohman: Somebody want to call for the question?

Ms. Ehlers: Call for the question.

Chair Lohman: Okay, it's been moved and seconded that we accept the proposal – the James Ritchie proposal – to redesignate the 5.5-acre parcel, P69432, from Ag-NRL to Rural Reserve, adjacent to the Swinomish Channel. All those in favor, say "aye."

Ms. Ehlers, Mr. Easton, Ms. Nakis, Mr. Greenwood, Chair Lohman, Mr. Axthelm, Ms. McGoffin, Mr. Hughes and Mr. Mahaffie: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: So it looks like everybody voted.

Ms. McGoffin: Yeah.

Chair Lohman: So moving on to the – shall we do the – do you want to do the findings of fact now or do you want to wait to the very end and do the findings of fact for each one?

Ms. Ehlers: You mean the findings of fact for the next one?

Chair Lohman: Dale?

Mr. Pernula: If you wish, you can either do them now or we can come – you can make them rough and orally and we can bring them back in a more precise manner in the future for your adoption. Either way would be fine.

Chair Lohman: Well, I would suggest that we just do them now and then we can get it all taken care of and then –

Male voice: Yes.

Chair Lohman: Do you want – how do you wish to proceed? Do you want to do it, as Dale suggested, in a rough form or do we want to basically write the document?

Mr. Easton: I don't have a preference.

Ms. McGoffin: I'd prefer not to write the document. We've given our reasons. Each of us have spoke for it. Those could be construed as findings of fact.

Ms. Ehlers: I would like to add something, too, as a finding of fact, because there's a section in 14.08.080 in terms of community vision. And the community vision process in this county, which took place between 1990 and 1991 and then led to the Countywide Policies of 1992 was one of the best examples of public participation we've ever had. I found in the Comp Plan a policy – Countywide Policy CPP 2.3 – which applies to Ritchie and applies to the next one. "Rural development shall be allowed in areas outside of urban growth boundaries having limited resource production values and having access to public services. Rural development shall have access through suitable county roads, have limited impact on agricultural, timber, mineral, critical areas, shorelands, historic landscapes or cultural resources, and must address their drainage and groundwater impacts." I particularly want to refer to that after my motion to approve the Jensen/Peck, which I will make when you want it.

Chair Lohman: Okay, any other finding of fact you want?

Mr. Johnson: Could I ask for one clarification, because I'll be the one –

Chair Lohman: Sure, Kirk.

Mr. Johnson: So, Commissioner McGoffin, you said that – I believe – that your main reason for making the motion was because the parcel is a part of the plat of Skagit Beach, not that it was a mapping error.

Ms. McGoffin: That was – yes – only because that was in some of the letters that was brought up as a reason to oppose it. But I – after reading the staff report where it is, in fact, part of that plat, that gave me confidence that it should be treated similarly.

Mr. Johnson: To the other parcels that are part of the plat?

Ms. McGoffin: Mm-hmm. Yeah.

Ms. Ehlers: Yes, I agree with that same principle because when you ignore something that's in a plat that is, in effect, an error.

Mr. Easton: As a seconder of the motion I sort of respectfully agree with what Mary is saying but wouldn't say it the same way. I actually do believe it's a mapping error because of what the staff report indicated, which is part of my support for it, citing the same sentences that Mary – without repeating them – that Mary just cited. So it's kind of a – I don't think it's – I really wouldn't rise to calling it a finding of fact. Whether we put this in as – I would prefer that there's not a finding of fact that calls it a mapping error –

Ms. McGoffin: Yeah, just leave that off.

Mr. Easton: – because I don't believe that we could have – I don't believe all nine Commissioners would vote for that and I would prefer to have unanimity on our findings of fact, especially on a unanimous motion.

Ms. McGoffin: Okay, so can you adjust that?

Mr. Johnson: Yeah.

Ms. Ehlers: Thank you. We need a lesson in the future on what a finding of fact is.

Mr. Easton: I think referencing the plat, Kirk – referencing the plat and referencing the agreement amongst the Commissioners that that was a factor is a finding, would be a fact.

Mr. Johnson: Right. I think for re-designating resource lands I think the code gives you four reasons to draw on: one is a mapping error, one is a change of circumstance. So I think that you need to be careful that if you want to recommend the rezone that you're citing one of those four circumstances.

Mr. Easton: With that in mind, maybe Mary would be adjustable to the idea of calling it a mapping error.

Mr. Johnson: What we can do is we can write up what your discussion and identify what those four conditions are and bring it back and say, Do your findings and your decision mesh with one of these four conditions?

Mr. Easton: Madame Chair?

Ms. McGoffin: Sounds good.

Mr. Easton: Can we address logistics here for a second? And I know we're doing some changes in the staffing so... One of the ways that this has been handled in the past is not brought back to all of us – it was brought back to the Chair at the time when I was chairing. I think Annie may have signed off on some of these since she's become Chair. But what would happen is after the findings of fact were drawn, it would be sent to me for my – as the Chair – for my review, then I would send it and the Department would send it to all the Commissioners. If there was an objection to the way that they were drawn up that was brought to our attention – brought to my attention – and then I would work with staff to either – most of the time – we never actually had one, but the idea being that we would then bring it back to a meeting, not to unduly burden our agenda with constantly reviewing what we just did. And so that worked pretty well over the last couple of years, so I would suggest that we kind of work off that some. Madame Chair, I would suggest that we continue that type of tradition.

Chair Lohman: I agree.

Ms. Ehlers: That kind of tradition was developed because there was a time in the past when our motion was not written down by the staff –

Mr. Easton: Oh, I remember.

Ms. Ehlers: – and a different motion would go to the County Commissioners and we didn't know it.

Mr. Easton: Right.

Chair Lohman: I think you have to recognize as a finding that while it may in some regards meet the Ag definition that in other ways it does not. So there's a bit of a tension. But I think you're going to have that tension on a lot of properties that border NRLs, and that's the balancing act that we struggle with on every one of these.

And further, in the plat itself the covenant restricts the use of the property to be residential only. So you can't do anything else because of their covenant of being in that plat.

Ms. Ehlers: Well, in addition to that, Annie, 14.08.080(7), the last part of it is whether the proposal would be compatible with the neighboring properties and not adversely affect the value of those. We have considered the effect of the value to the ag land. We have not yet considered the value of the neighbors in contributing to the road costs. So I'd like to add that to your findings.

Chair Lohman: The road costs.

Ms. Ehlers: They pay for the road. That's the financial obligation of the plat. And, of course, that raises a difficulty because when we wrote these codes it didn't occur to us how many of the roads in the county aren't county.

Chair Lohman: Okay, anything else that the Commissioners want to put in the document?

(silence)

Chair Lohman: Okay, staff, any final thoughts?

(silence)

Chair Lohman: We're going to move on, then, to the Jensen/Peck proposal.

Ms. Ehlers: I move to approve the petitioners' proposal to rezone PL – the land in PL11-0240 – is that the one? I can't read my handwriting – 0240 to Rural Intermediate.

Chair Lohman: I don't think you quite got it, Carol. Maybe if you could look at Mary's.

Ms. Ehlers: Thank you. To quote –

Chair Lohman: Sorry. ____.

Ms. Ehlers: To quote the piece of paper in front of me, "I move to approve Jensen/Peck's proposal to redesignate two parcels, P35204 and P11-2774, totaling approximately 11 acres, from Rural Reserve to Rural Intermediate, in application PL11-0240."

Chair Lohman: Is there a second?

Ms. McGoffin: I'll second it.

Chair Lohman: Okay, it's been moved and seconded to accept the proposal – the Jensen/Peck proposal – to redesignate two parcels, totaling approximately 11 acres, from Rural Reserve to Rural Intermediate near Bayview-Edison and Bayview Roads. Okay, as the maker of the motion, Carol, did you want to open the discussion?

Ms. Ehlers: Yes. In addition to that Countywide Policy I just listed, I'd like to note that this is land that is not suitable for long-term agricultural use; it is out of the floodplain; there are no critical areas; the utilities are paid for; the Bayview Road, when you go out and drive, it turns out to be the traditional boundary because it is *the* paved road in the area. And that's – the only difficulty is drainage is an issue, but I don't think that the rezone should depend on the drainage. I think that's a separate issue that needs to be dealt with but not in our issue to approve or deny.

Mr. Hughes: That sounds like we can rezone Fidalgo Island with those comments down to – Jan, did you happen to – since I have the floor – bring the pictures of a couple years ago that – remember the flood, or what I call the flood, when the tide came in on 100 acres of farm ground in June?

Jan Flagan: (inaudible)

Ms. Ehlers: When was that?

Mr. Easton: Couple years.

Mr. Hughes: A couple years. We lost 80, maybe 90, acres of potatoes out of 170-acre field – in June, mind you. They were that tall.

Mr. Johnson: Jan, if they're on the website anywhere we could pull them up.

Mr. Hughes: I know Public Works has them. I was at a meeting that –

Ms. Flagan: Yeah. I don't think they're on the website.

Mr. Johnson: Okay.

Ms. Ehlers: Did it come in from the saltwater or was it from fresh water from uphill?

Mr. Hughes: From the hill. And I guess that's my reasoning. Until drainage is fixed up there and, you know, since that's happened, in my opinion – I sprayed that field today – the drainage is probably worse than it was two years ago.

Mr. Easton: Which field did you spray then?

Mr. Hughes: Just –

Mr. Easton: Somewhere in that area?

Mr. Hughes: It's south of there.

Mr. Easton: Okay.

Mr. Hughes: Well...yeah, it's south. But, you know, it's – I know it's not all the County's fault. There's some Fish and Game shenanigans going on and, as far as I'm concerned, some land taking and this and that. And it's, you know, every time something's built up there it just compounds it and, you know, I would like to hear what the County's done since then. Because, you know, we had, along with – the Dike and Drainage District out there had a lot of ideas, and so what's – has anything happened?

Ms. Flagan: Okay. Well, I'll try to introduce myself.

Mr. Hughes: Please.

Ms. Flagan: I'm Jan Flagan. I'm the Surface Water Section Manager for Skagit County Public Works Department. And we did a Stormwater Management Plan of the Bayview area several years ago. We did a Stormwater Management Plan that evaluated the impacts due to full development within the entire drainage basin, and then we focused on the effects of development within the urban growth area to find out what impacts that development would have on the low lying farm lands, and we identified several projects. And what we've been doing this year, we have interlocal agreements with the drainage districts in the area: Drainage District 14, which is Joe Leary Slough area, and Drainage District 12, which is west in the No Name Slough area. And they are constructing the projects with a cooperative agreement with the County Drainage Utility.

Does that answer?

Ms. Ehlers: No, Dave is –

Chair Lohman: Wait. Hold –

Ms. Ehlers: May I? Dave is right. I've been watching drainage on that area of Bayview. I've been watching the development of Bay Bridge View Way, and when you – and I remember why the Drainage Utility was founded: because water was coming down Peterson – a photograph of water coming down Peterson Road four and five inches deep. That is a very high till layer. There isn't much to absorb the water when it rains. I watched it on Bay Bridge – that 1-acre road that's – that road that's up to the north in the picture where's there's lots of 1-acre parcels. Keep going north.

Ms. Flagan: This?

Ms. Ehlers: This one. I watched the water pouring off there in sheets that were absolutely – the volume was astounding. And there was nothing done, but gradually that road has gotten improved. Bayview Road hasn't. I went up there and looked again because Dave is right: There's a huge problem. But it's the County's Drainage Utility problem.

Ms. Flagan: Right.

Ms. Ehlers: And the County Drainage Utility has not had heat applied to it from this area because the group that was founded to provide the heat was disbanded by Chal Martin. Nonetheless, the Bayview Road drainage system, there's nothing in it to delay the velocity. There's nothing that I can see to manage the water. I'm not – I couldn't tell what the culverts were like under the road, but it doesn't look as though that drainage ditch that's down at the bottom of the road that follows it has a very effective berm between it and the farm land.

Chair Lohman: Well, what's deceptive, too, with this photo – if I may, Carol – there's quite an elevation change from where it's green down on the one side and the brown on the ag land on the other.

Ms. Flagan: Correct.

Chair Lohman: I mean, the map makes it appear relatively the same elevation, but it's a significant change.

Mr. Hughes: Yeah, Dike and Drainage 12, which is basically what we're talking about, takes a huge amount of water.

Ms. Ehlers: Mm-hmm.

Mr. Hughes: I mean that – Josh Wilson Road, that new development there – that development is not new anymore, but I've seen in rain situations which is north of Josh Wilson comes through Dike 12, or Drainage 12, or both. I've seen water flow over Farm To Market Road.

Ms. Ehlers: Mm-hmm.

Mr. Hughes: You know, from the Port, Paccar, et cetera. That goes to Dike 12. You know, I'm – sure, stopping two houses is irrelevant but, you know, we have to stop some place until something is done. And, you know, there's a lot of money in an acre of anything anymore, whether it's potatoes or – which happened to be that year. And, you know, we've got thirty days and hopefully we don't get a rain storm like that because there's a pretty good-looking crop out there this year that I'd hate just – you know, go the step further on that. But something has to be done in that area. It's easily of all the drainage districts surrounding this Bayview Ridge area, this is the most vulnerable. And it just – you know, it's a disaster waiting to happen because it's a huge area that it's draining. I think probably the northern line would be almost to the state park almost would come through 12 – close to it.

Ms. Flagan: Okay.

Chair Lohman: So Mary, then Jason.

Ms. Flagan: There – you know, when we did Bayview's drainage Stormwater Management Plan there were several projects identified to help Drainage District 12 and particularly on the No Name Slough. Some of those were due to development within the urban growth area and some are due to development outside of the urban growth area. The ones within the urban growth area we're addressing with these interlocals and the ones outside, like the Mary Hugh area, we are proceeding with project development on that under the Drainage Utility, because those properties are within the Drainage Utility and not within Drainage District 12.

So we – yeah, this plan was initiated by Public Works because it did recognize that development within the urban growth area did have an impact on low lying farm lands. And what we wanted to do was to come up with some means to protect that. And the basic for the plan was – in talking with the drainage districts – was that they could handle the current elevations in the drainage conveyance systems – Big Indian Slough, Joe Leary Slough, No Name Slough – but they couldn't handle any increase. So we developed a list of proposed projects to handle future build-out and yet maintain that elevation level within the sloughs and within the drainage conveyance systems. And we're starting – Drainage District 14 has quite a, you know, start on their projects. We've got \$800,000 worth of projects that we're doing for them, or they're actually doing the projects and we're financing it through the County Drainage Utility. It's a cooperative effort.

So, you know, I agree. This is an area of critical drainage concerns and the County – Public Works – is trying to address those.

Chair Lohman: Mary?

Ms. McGoffin: Well, aside from the drainage issues, which are very apparent even before you put the houses there – the three houses that are possible – aside from that, when I look at that I see all the trees clear-cut for that whole facing west slope, which is part of the problem. But aside from the drainage, there are reasons that I am supporting the proposal. And according to our Comp Plan we need to put at least – not at least, but up to 20% of our population in the county. And this place, it already has the infrastructure. It's not on unstable slopes. You know, there's reasons why they could go there. The drainage problems are not going to be really exacerbated by three houses on 10 acres. So I feel like it's – that's the Public Works Department to get that in order, and there are other reasons to consider why this proposal could still go forward.

Ms. Flagan: Okay, I do want to point out that the stormwater plans were done based on total future build-out at the existing zoning. So if you change the zoning, I mean, that means like if we have a single-family resident parcel we have an assumed amount of imperious area. If you change the zoning –

Mr. Easton: Point of order.

Ms. Flagan: – it does that.

Mr. Easton: Point of order.

Chair Lohman: Jason.

Mr. Easton: I think staff is borderline testifying. I mean, like we're starting to cross into some opinions. I mean I want us to be careful that we stick to the expertise side of this and not the – not testimony.

Chair Lohman: But she's showing the limitations –

Mr. Easton: It's your right to rule.

Chair Lohman: – of the stormwater report which is based on what's currently what we have before us and she's telling us that that information in that report then is not going to be the same.

Mr. Easton: You can rule me out of order. That's fine. I just wanted – I'm raising it to the Chair.

Chair Lohman: Does anybody else have any comment on that – on that subject only?

Ms. Ehlers: On that subject only. How many acres are we talking about that drains into Dike District 12 in that spot?

Ms. Flagan: I – I –

Ms. Ehlers: Is 5 acres a material percentage of that?

Ms. Flagan: You know, I'm going to state again that the Plan was done based – I was not the engineer that did the Plan. So the Plan was done based on full, future build-out at the current zoning and I don't feel like I can offer an evaluation on the impacts of varied development.

Mr. Easton: Can I speak to the motion now?

Chair Lohman: Sure.

Mr. Easton: Okay. So I want a clarification from Public Works that even if this was voted down we have no control over your budget or your timing of when you're going to execute on any of those plans or Dike 12's plans for that area, right? I mean I don't want us to – I'm a little concerned that we're mixing apples with oranges here. We don't have any say over what's going on in relationship to this Drainage Plan. Right, Jan?

Ms. Flagan: To the best of my knowledge that's true, yes.

Mr. Easton: Okay. I just want to make sure we're clear about that.

Ms. Flagan: And I just – I wanted to be here to help because there were some questions about what the Drainage Plan was and what it covered, and that's all. I have no opinion one way or the other on your decision on the zonings.

Mr. Easton: Okay. So to the zoning issue: Wow, I would have to say that on the small scale of a single Comp Plan I might not have – I don't know if I've read such passionate

and well-presented arguments by both proponents and opponents. So regardless of how I end up ruling in the end, I want both sides to hear me say that. I found both arguments to be compelling, and I am – you know, I mean there's standing water of Highway 20, you know, at the scale at times. I mean we have a draining issue and we all are sitting on a commission that's done a lot of things to approve a lot of things up on that hill. So whether we've all voted for them or not is a moot point. I'm not sure how this decision will – I don't believe this decision will truly impact drainage in the sense that we're going to impact what happens on the global side or that District's side of drainage, whether we vote for it or against it. Is this a mapping error? Is there a logical boundary? Those were questions that I was wrestling with. Is this a – I mean, does it fit the character of the rest of the area? Is it agricultural land that – you know, I mean there are a lot of questions that, to me, I'm coming back to the Code and I can't find – outside of an emotional reason – I can't find a Coded reason to vote against this motion. So it's with reluctance, because I'm concerned about drainage, but I don't feel like I can defend a no vote on this proposal personally, so I *am* going to be a yes on this and for that reason I would state that my finding of fact is that this didn't get mapped right in '96 and should have been mapped accordingly.

Chair Lohman: Any other Commissioners?

Mr. Axthelm: I have a question. As far as the drainage, for the impervious surface that gets added is there something that the County can do for retaining that water onsite versus getting around that issue with the runoff? Could there be a requirement to put in place for, like, a property like this, say, if there's issues in this area?

Mr. Johnson: So we have the drainage ordinance that talks about provisions for development. And, again, I'm not an expert and Jan isn't an expert either. There are people in Public Works who do the drainage review. There are different thresholds about how much impervious surfaces are created, about whether a proposal requires onsite drainage treatment or requires an engineered drainage plan, which might then require detention and the like – onsite detention of the water. So I know with the engineered drainage plan requirement – Shane was telling me this this afternoon – if there are known drainage problems in the area then there's a lower threshold at which the County can say, You must go to more extreme measures to control the drainage from the property. I don't know that that's the case. I don't think it's the case if it's below the 5000-square foot impervious surface level.

So I don't know if that addresses your question. I mean, there are codes that we apply to projects depending on whether they're above or below a certain threshold of impervious surface or other things. You could certainly state in a finding or a recommendation a concern about drainage in the area and, you know, measures that are in the Code should be applied to address the problem – something like that.

Mr. Axthelm: Okay.

Mr. Johnson: But you can't really condition a Comprehensive Plan amendment.

Mr. Axthelm: Okay. That was my question.

Mr. Johnson: Okay.

Mr. Axthelm: Whether you can condition it in this case.

Mr. Easton: Matt?

Chair Lohman: Matt?

Mr. Mahaffie: No. I'm good.

Mr. Greenwood: Keith Greenwood. I think that where there is a mapping error I would tend to say you could interpret it that it was, but it's on the line and so it's a jagged line anyway and it's on the boundary of both types of uses. And if we've reached a tipping point of cumulative impacts to where drainage is significant in the entire planned area then we need to address that infrastructure as a county. If – but I again see the incremental, and just because it's incremental doesn't mean it's insignificant, but I don't think it would make it cumulative to where it blew the top off of the drainage issue just by itself. So I think it's a compatible use but it does sound like we have a drainage issue that needs to be addressed in that region and it seems well recognized. So I would say just because it fits the adjoining property and would fit well with the management of that region, so ___ to make the switch.

Chair Lohman: Well, I notice in your stormwater report that it did have some fairly strong language cautioning about increasing residential development in that area until you get a drainage plan implemented. I mean, you can have the report and have it identified but it's – the key is getting it implemented, and I think that this proposal is bringing that discussion maybe out in the open again – having a big drainage discussion – because the County does have a lot of language in Code about drainage. But it really doesn't have any language about how do you control it going off your property, because it *is* going to leave your property at some point. And there is a vast amount of difference between the Drainage Utility and how it functions and operates and how it works compared to a drainage district. I mean, they are night and day different. And maybe the discussion needs to go further – and I hate to use these parcels as the hostage on that topic – but maybe the discussion needs to happen sooner rather than later that the Drainage Utility needs to be reevaluated and maybe adjusted to be more workable, like the drainage districts, so that you can kind of have areas and maybe work on how you're going to organize and tax so that you can be more responsive to an area, rather than trying to take on the whole county outside of the drainage districts.

So but I have to agree with Jason that we don't want any development in the Ag-NRL; we don't want it in the Forestry; we don't want it in the floodplain. Here you're up above; you've got some infrastructure; you've got some serious problems that need to be

addressed. But if we don't let them go here, where *do* we put them when we don't want them everywhere else?

Mr. Easton: I think it's going to be important, regardless of how this vote goes, that drainage is a significant finding of fact, and the 20% needs to start becoming a finding of fact for us, too. You know, that's not something we've done a very good job of noting, I think, when it comes to how we approach these decisions. You know, we can't – amongst a bunch of us, outside of the global part of Bayview – we can't point to anything we've done that significantly interpreted the 20% recently. And while we're expecting the cities to do that – although there are players that would wish that the number be lower in the county – it is – continues to be – our Comp Plan, and until it isn't it is what we're all trying to work with. So I think those two facts, although sort of opposite of each other in some ways, do need to find their way into our finding of fact regardless of what our vote ends up being.

Chair Lohman: Carol?

Ms. Ehlers: I'd like to give another example of community vision. Back in the 1960s when this County was trying to figure out how to – in '59 it was given permission to plan and it stewed for years as to how it was to do it and what it was to do and what criteria. One of the few things that I remember everyone agreed on was that Bayview Ridge is where the population was to go because there was no flood hazard. And it was also agreed that something needed to be done to take care of the problem of drainage, and one of the things this County is very good at is putting off when it comes to drainage.

Mr. Easton: You might want to call the question on that note.

Ms. Ehlers: So –

Chair Lohman: Are you –

Ms. Ehlers: But it is the community vision. It was the community vision, going as far back as you'd like.

Chair Lohman: Okay, Commissioners, are you ready to make this –

Mr. Easton: I want to call the question – call for the question.

Ms. Ehlers: Good.

Chair Lohman: Okay, all those in favor of the motion, which is to accept the Jensen/Peck proposal to redesignate two parcels, P35204 and P112774, totaling approximately 11 acres, from Rural Reserve to Rural Intermediate, near Bayview-Edison Road and Bayview Roads (sic). This is permit – or PL11-0240. All those in favor, say "aye."

Mr. Easton, Mr. Axthelm, Ms. Ehlers, Mr. Greenwood and Ms. McGoffin: Aye.

Chair Lohman: All those opposed?

Mr. Hughes, Ms. Nakis, Mr. Mahaffie and Chair Lohman: Nay.

Mr. Hughes: Can we have a hand count?

Chair Lohman: Yes.

Mr. Johnson: Yeah.

Chair Lohman: So if you voted aye, can you raise your hand? We have one, two, three, four, five. No? One, two, three, four. So it was a five-four, with Commissioners Lohman, Hughes, Nakis and Mahaffie voting no. Okay.

Mr. Easton: On the findings of fact, I don't think we need to do anymore, but if somebody else does...

Chair Lohman: Did you have an additional finding?

Mr. Easton: No. I'm just saying you might want to –

Chair Lohman: Did anybody have any additional findings?

Ms. Ehlers: I think we provided a lot for her.

Chair Lohman: Okay. Do you prefer that we just kind of incorporate it as we move along rather than parceling it out?

Mr. Johnson: I mean, if you want to have that discussion and clarify it that's fine. I think there is a lot of material from your discussion that I can draw from and then present back to you, and if anybody feels like there's something in there that shouldn't be or something got missed it can be proposed.

Chair Lohman: But there again we will all be seeing the printed document before it gets published.

Mr. Axthelm: Was anything mentioned on lot density?

Chair Lohman: No.

Mr. Axthelm: I mean I'm not – size of lot; excuse me.

Chair Lohman: You can mention it.

Mr. Axthelm: Okay. It seems to me that the size of the lot – looking – here you don't see it all, but if you look at the lots, as far as the property lines, is that in one of the other slides?

Mr. Easton: Do you have a slide of a plat map?

Mr. Axthelm: A plat map.

Chair Lohman: It's this map maybe – that we got earlier?

Mr. Johnson: Not with the parcel sizes on it.

Mr. Axthelm: Okay.

Chair Lohman: I wrote ____.

Mr. Easton: No, he's talking about the actual space, I think.

Mr. Axthelm: Yeah, and I have that one. That's fine.

Chair Lohman: Okay.

Mr. Axthelm: It seemed to me that the plat map had a lot of parcels that were smaller than these parcels, even after splitting these parcels up.

Ms. Ehlers: It did.

Chair Lohman: Mm-hmm.

Mr. Axthelm: And I don't believe because of a line – and if you look at the neighboring parcels it really is in line with the parcels that are around it, also with the Bayview Road being a line that divides it. And I don't think it would set precedents for additional areas around it in this case because of that situation. That's my opinion. Finding of fact, I guess you could say.

Chair Lohman: Any – Elinor?

Ms. Nakis: Just once again – I said this before – that I don't feel like this was a mapping error. I think that this was a plan – planned. I mean, you can just – you can see how it steps back for the road – the sizes of the properties – so that you don't have a lot of developed properties right on a rural road so you don't lose the rural character of the area. So that's just my opinion, but that's why I voted no.

Mr. Easton: What's the development date on Bridge Way – Bridgeview Way? That's later than '96, right?

Ms. Ehlers: Oh, yeah.

Mr. Easton: So, I mean, that's – that's – okay. I don't want to beat a dead horse. Sorry.

Chair Lohman: Okay, we're looking for findings of fact. Okay, there aren't any more. Let's move on to the next proposal, and I'll give Carol a moment to – Carol's going to recuse herself so she's going to go out into the lobby. The next topic will be Lake Erie Trucking/ Bill Wooding. Does somebody want to make a motion? Go ahead, Mary.

Ms. McGoffin: I move that we deny the Lake Erie Trucking proposal to redesignate (an) approximately 35-acre parcel, P19168, from Rural Resource-Natural Resource Land to Rural Reserve, on Fidalgo Island east of Rosario Road.

Chair Lohman: Is there a second?

Ms. Nakis: I'll second that.

Chair Lohman: Okay, it's been moved and seconded to deny the Lake Erie Trucking/Bill Wooding proposal to redesignate an approximately 35-acre parcel from Rural Resource-Natural Resource Land to Rural Reserve, on Fidalgo Island east of Rosario Road. Mary?

Ms. McGoffin: Okay, so moving it to Rural Reserve could possibly create seven lots on this area. My concern is that, granted, the areas towards Burrows Bay are very well-developed; unfortunately, they are on steep slopes, and I got the feeling that a lot of those letters were about, We've already done enough damage. Let's try not to do any more. We need a subarea plan. And even though Growth Management is not requiring the County to have a subarea plan anymore, I'm hearing from all of those letters that they feel it's necessary. So I'm very reluctant to take a big piece of land like this that even though it may not be growing great trees it does have upland prime soil, so it is holding the soil with some kind of root systems – something's growing there – that you – it's performing some kind of function in that whole ecosystem. And maybe we don't know completely what it is but I think you need a subarea plan here and I'm reluctant to approve this. So my finding of fact is going to be that this needs to be looked at as a subarea plan and resources need to be committed to restore some working on that.

Chair Lohman: Elinor, as the seconder, did you have anything?

Ms. Nakis: Oh, just that I drove out to that area and I just felt that it's there for a reason – that it needs to be left alone. But that was just my opinion. It does – it would definitely affect the properties below it if it was developed.

Chair Lohman: Go ahead.

Mr. Greenwood: Keith Greenwood. As a forester, I could speak to the perspective of forestry on this parcel. I've looked at it and I've read the documents for and against, and this is kind of a case, in my view, of where forestry and forest land is encroaching upon urban areas. Actually that area, you know, on its location is not the best place for forestry-type practices and, in fact, from the comments received, they're not very – the neighbors don't seem to be very amenable to forestry-type practices there. And the fact that there isn't – hasn't been activity for ten years – forest practices have many, many periods very long in between treatments. So I think if someone were to do any type of forestry-type practices on there, I know it's been quite a while and times change and maybe the receptivity to it has changed, but I tend to think that – from the comments heard – it really doesn't fit the natural resource. What people seem to be looking for there is a nice place, kind of a watershed restoration. We want to hold this just like it is. And forest properties don't tend to stay the same forever.

So I think I'd rather have that area developed – from looking at the information presented – than the areas to the west. Those areas on the cliffs, those are the ones that propose the most environmental risk to water quality and erosion hazards, critical areas. So that's why I think that this area, if it doesn't take place now – perhaps the infrastructure is not in place although it looks to be so – it should be something that's reviewed for growth in the future. It looks as though the gravel, the mining area reserve that hasn't been used in quite some time – and I'm just forecasting perhaps, but it's more likely that that area will turn into something more akin to urban development than natural resources. It looks like the natural resources are an island and people are using them as a park and a preserve and a watershed, and if we want those to – those values – to be retained then we should be willing, as a community, to secure those rights, whether we buy the property and put it into a different type of use, that's certainly our prerogative, if the fees are there.

Chair Lohman: Anybody else? Matt?

Mr. Mahaffie: Kind of take off on that a little bit: This is natural resource land. It's meant to be a zoning worked. It seems like people want it preserved, and oddly enough, the best way to do that is through a CaRD subdivision. You dedicate – or open space tract. You lose 7 acres but you protect the rest forever. It seems kind of backwards but, I mean, if that's what the community wants that's – in my opinion – the best way to do it. I wish you could see the whole island here with the zoning, and you kind of realize that it really does look like this property has been punished by mutual ownership. There are bigger areas and more heavily timbered parcels on Fidalgo with Rural Reserve zoning. It's not making the only conceivable sense because it was aggregated with the property to the north. I don't think that's a fair way that something should have gotten zoned, just by mutual ownership.

Chair Lohman: Jason?

Mr. Easton: Yeah, I just want to point out that the overwhelming response that Commissioner – Mary – was responding to, five of those people are on the same Board

of Directors for one organization and their names are on the letterhead. I didn't have to be very investigatory on this one. But their names are on the letterhead for that organization – Evergreen Islands. And so it's not – it's not quite as broad – I don't think it's being broadly opposed, as it may appear. That being said, there's no doubt – I lived on South Fidalgo for a while. I now live inside the city limits but in the past I lived in South Fidalgo, and there's – you know – there's no doubt a subarea plan or some sort of consistent application of Growth Management would be helpful. It's not coming. They're not going to spend the money on it because they don't have the money, and the money that was spent we're not getting back. Consultants aren't in the habit of sending refund checks.

That project and this particular piece would have obviously been – I think this would have obviously been addressed. I mean that's kind of a no-brainer. This would have been addressed if a subarea plan would have been dealt with. The pressure on us to make piece-by-piece decisions on South Fidalgo are only going to build. They're not going to slow down, you guys. There is more and more landowners – whether this passes or not – that are going to come before us and want decisions made on South Fidalgo. And I'm a little concerned. I don't think we can punt every time with the, Well, we should have had a subarea plan, so we stay the course.

Now, you know, I feel a little sense of responsibility with Madame Fidalgo Island not in the room to say that – and I mean that with love – that it's dry but it may – and it has drainage issues. If you took our testimony – some of our testimony – out of the last hearing and changed the names, there're some real similarities. You know, three versus seven. Seven lots on South Fidalgo is not 20% of the – you know, this isn't a 20% bump in residential growth. Ongoing drainage problems? Well, we just approved – granted, it was five-four – we just approved something with ongoing drainage issues and water quality. And, you know, the bay versus agriculture – you know, very similar issues.

And so I – I just – man, I have been wrestling with this one for, well, months, I guess, since we believed that we would get this deliberation. I think what Matt said is so piercing, and this is what I really wish some of the folks who wrote these letters would have really thought through: You're not getting what you want by opposing this. You get it by having a CaRD here. You would get the preservation that you want if you let them finish what they're – an undone project, which is why I'm going to vote against the motion to deny. I'm not sure I'm at the place yet to vote for a motion to accept, but I'm definitely at a place to vote against a motion to deny. Because I think the key to getting what most of the people here want is to give Mr. Wooding what he's asking for.

And I also wonder, too – there's an intensity that comes with the name "Wooding" and that comes with the name "Evergreen Islands" in Fidalgo that I think could be kind of calmed down by everyone actually getting a much bigger percentage of this piece of land locked down long-term into one use. But remember this – especially for those of you who aren't very familiar with Fidalgo Island: There's a very rich, expensive and effective history of public-private partnerships to preserve land just around the corner

from this. And there's 1500 acres of reserved forest land on Fidalgo Island, and most of it's within a rock throw from where we're at on this map. And if there is that desire to actually go big, there are mechanisms in place with the Trust – the Land Trust – and others. So I'm going to vote no – I'm going to vote against the motion. I believe that Matt's testimony about the CaRD is the most effective way to solve the problem for most people and still address the 20% issue in a way that's respectful. And by – no matter what happens on all these motions tonight, drainage in this area has got to be noted in a finding of fact.

Chair Lohman: Yeah. Any other Commissioners? Josh?

Mr. Mahaffie: Can I say one more thing?

Chair Lohman: Yes, go right ahead.

Mr. Mahaffie: One thing about several of the comment letters that kind of struck me was almost a personal attack that he was a developer that had bought this after the zoning. And I'd just like to point out that the zoning was changed around him, not that he bought it after the fact, you know, looking to make a buck.

Mr. Easton: So the statement that he bought it in one zone and now he's asking for a zoning change is inaccurate?

Mr. Mahaffie: Yes. Yes.

Mr. Easton: All right.

Chair Lohman: Any other comments to the motion? Discussion towards the motion, which is to deny?

Mr. Easton: Do you want to withdraw? Did we change your mind?

Ms. McGoffin: No, because I still feel that this piece of property is contributing something the way it is. And, granted, seven houses is not very much but still it's going to require roads and driveways and some, you know, some infrastructure into this piece. And I don't know. There's not much forest land in this – in front of all of these houses on that steep slope. I mean those trees are performing some function. And, I mean, I have a background in forestry, too. I mean, trees take forty years to mature. Ten years is not very long. So if it had a forest management plan – it doesn't have to because it's only 35 acres – but if it were to have one, those trees could be thinned or whatever to make it more – you know – more useful. I don't know. I just think that it's still performing a function in its natural state that's benefitting that whole area. I'm not a biologist, but there's something going on there that's worth leaving alone.

Mr. Easton: Madame Chair?

Chair Lohman: Jason.

Mr. Easton: Dale, this calendar year have the Commissioners approved the addition of any building lots in Skagit County – of *additional* building lots?

Dale Pernula: Yes.

Mr. Easton: Do you know approximately how many?

Mr. Pernula: I don't know. I know that I've signed a few CaRD plats so I know that some have been approved. I could not tell you how many.

Mr. Easton: We're talking under fifty?

Mr. Pernula: Since I've been here, yes – way below fifty.

Mr. Easton: Way below fifty.

Mr. Pernula: But before I came – I came in May – I don't know how many.

Mr. Easton: Right. Kirk, can you add anything to that? And right now our building – the last time I looked at the numbers for building permits we were under – we under thirty for the year, under fifty for the year?

Mr. Pernula: No, we have – and I can't tell you in terms of residential units, but I know that we have a large stack of permits right now. From the time that you submit an application to when it gets the initial review is around sixty days right now, just because we are getting a lot of permits right now.

Mr. Easton: Okay, thanks. That just helps for my perspective – point of view – for me. Thanks, Madame Chair.

Mr. Greenwood: Madame Chair? Just from – again – from a forestry perspective. If, let's just say, it's fifteen years old and the next entry takes place at the year thirty in its life cycle, I think this room would be full with a lot more people if I initiated some harvest activities in there, including thinning. You'd have more people upset. You'd have more roads in there reopened, reestablished. You'd have – and thinning tends to cover very high percentage of the area to thin those trees out. You can do that and we could do it in a very responsible way. I practice that on a regular basis.

Now when you get to what is going to be the rotation, let's just say we have a long rotation. Or a standard rotation might be around forty years old, maybe fifty on this lower site. You go to harvest those trees, how many are you going to harvest? What percentage of the area are you going to harvest or be allowed to harvest? I just think that you'll get what the people are looking for more through the proposal – from a forestry perspective. There're often times when a low site ground needs to be nutrient

enhancement, like fertilization. You might need some weed control. You've got all kinds of opportunities for conflicts of neighboring uses. And so I think there's opportunity to give people what they want through this proposal. Yes.

Chair Lohman: Matt?

Mr. Mahaffie: Can I say one more thing?

Chair Lohman: Yes.

Mr. Mahaffie: I don't think it's been pointed out firmly that this *is* a legal building lot. This is not preserved in any way. If they want to stick a house in there now it doesn't have to be in a 1-acre building envelope, like a CaRD would require. If they wanted to put a mansion in there, there's nothing really stopping it.

Mr. Easton: There are mansions down there, too. I mean in this neighborhood.

Mr. Mahaffie: This is a very upper class neighborhood with very large houses that, you know, the impact could be much greater than a seven-lot CaRD, as it sits now.

Chair Lohman: Okay. Somebody want to call the question?

Mr. Easton: Call the question.

Mr. Axthelm: I'd like to say one more thing. I always do this!

Chair Lohman: That gets you to talk when you're threatened.

Mr. Axthelm: I think that, you know, growth comes. It comes and a lot of us don't want to have it sometimes. In certain areas we'd like to restrict it but yet it has to come and it has to come somewhere. I think that having this go to the seven-lot is appropriate. If you look at the density of all around it, it seems in line with it. Matter of fact, it seems better than what the density is on some of these lots. And I really like the comments of Jason and Matt. I think that they're right in line with it and that I would vote against – what is it? Against the motion?

Chair Lohman: Yeah.

Mr. Easton: Yeah, because the motion's to deny.

Chair Lohman: The motion is to deny.

Mr. Axthelm: Yes, thank you – against the motion.

Chair Lohman: Okay, question?

Mr. Greenwood: Call the question.

Chair Lohman: Okay, all those in favor, say “aye” – of the motion which is to vote against – deny – Lake Erie Trucking proposal to redesignate approximately 35-acre parcel, P19168, from Natural Resource Land to Rural Reserve, on Fidalgo Island, east of Rosario Road. So all those in favor, say “aye.”

Ms. McGoffin: Aye.

Chair Lohman: All those opposed?

Mr. Easton, Mr. Greenwood, Chair Lohman, Mr. Mahaffie, Ms. Nakis, Mr. Axthelm and Mr. Hughes: Aye.

Chair Lohman: Mary, you were the lone aye, so the motion to deny – or to – yeah – to deny the proposal was failed. So usually you don’t have a negative motion, so the prevailing motion will be to accept the proposal.

Mr. Hughes: Do we need a motion to accept?

Mr. Pernula: I think you need a motion to recommend approval.

Chair Lohman: Does somebody want to make that?

Mr. Easton: So moved. I move to approve the application commonly referred to as “Lake Erie Trucking/Bill Wooding” proposal, PL11-250.

Mr. Hughes: I’ll second.

Chair Lohman: So it’s been moved and seconded to accept – and I’m not going to repeat it because we just repeated it three times. Do you want to have a discussion again or do you want to just go right to the vote?

Mr. Easton: I think we’ve discussed out. I mean, I feel discussed.

Chair Lohman: Okay.

Mr. Hughes: I want to say one thing. Just, you know, over the years we’ve sat up here and anytime something come up for Fidalgo Island we were told, You can’t touch it. We’re doing the subarea plan. Well, maybe this will – well, I’m trying to be politically correct here – but get ‘em going again. So, yeah, that’s – you know, we can sit here ‘til we’re on here another twenty-five years and still be saying, Oh, we’re waiting for the subarea plan and – let’s get a subarea plan. You know, it’s long overdue.

Chair Lohman: Well, I have one last thing. *Again* I think it comes down to a drainage issue for me. But are you going to hold people hostage? And while on one I voted no

and this one I'm voting yes, so it seems like it's a conflict, but you could wait *forever* for the County to get something done that they really probably ought to get going on. And the drainage and some of these issues that are going on down there, maybe this is – again – shining a flashlight that says, We need to do some work and we need to be serious about it and get it going. But at the same time people have property and they have rights and you can't hold them hostage forever. And it – really it's not *prime* NRL property and it's not – definitely not the last piece. So, Dale?

Mr. Pernula: The only thing I would add is if this motion now passes, you may wish to make a motion to the effect of what you just said – that you would recommend to the Board of County Commissioners that as part of the work program in the near future we develop a subarea plan for Fidalgo Island or South Fidalgo Island.

Chair Lohman: Okay. Okay. Okay, so we're going to go to the vote so all those in favor of the motion, which is to support.

Mr. Easton: To support. Aye.

Mr. Hughes: Aye.

Mr. Mahaffie, Mr. Axthelm, Ms. Nakis, Chair Lohman and Mr. Greenwood: Aye.

Chair Lohman: All those opposed?

Ms. McGoffin: Aye.

Chair Lohman: So it was eight to one.

Mr. Hughes: Seven-one.

Mr. Easton: Seven-one because you're down one.

Chair Lohman: Or seven to one – excuse me. Mary was the only no.

Mr. Easton: So I'd like to make a finding of fact, Madame Chair.

Chair Lohman: Yes. Go ahead, Jason.

Mr. Easton: It is the strong and unanimous opinion of the Planning Commission that the subarea plan in South Fidalgo be restarted and that the community be engaged to plan for the future growth that *will* visit South Fidalgo.

Chair Lohman: Did you want to make that a motion?

Mr. Easton: I'd like to make that in the form of a – whatever is more effective in Dale's mind. If you think it should go as a motion or do you think it should go as a finding of fact?

Mr. Pernula: As a motion.

Mr. Easton: As a motion. So moved.

Chair Lohman: Is there a second?

Mr. Mahaffie: Second.

Mr. Easton: Get that off the transcript, Kirk?

Mr. Johnson: Yep.

Chair Lohman: It's been moved and seconded to reactivate the South Fidalgo Subarea Plan. Any discussion on that?

Mr. Easton: We're *recommending* that they do it. We can't actually do it, or we would.

Chair Lohman: Correct, so can you rephrase the motion that we're recommending?

Mr. Easton: Yeah, it's a recommendation. I think – I want to clarify that.

Chair Lohman: Sorry.

Mr. Easton: The Planning Commission strongly recommends to the Commissioners that the South Fidalgo Plan be reengaged or restarted.

Chair Lohman: For discussion? Jason, did you want to lead off?

Mr. Easton: Well, I don't think it bears any more discussion, from my point of view, except for the fact that I would prefer they not make the same mistakes they made last time that got them bogged down into not being able to make decisions. And CACs – you know, Citizens Advisory – and CACs with citizens on it and TACs with technical folks and the cross-mixing that didn't happen and the infighting that did. You know, I just really hope that they find a better way to do that. I hope they can do it without having to spend significant dollars, but an outside – some outside help will probably be necessary to be able to facilitate it.

Chair Lohman: Elinor?

Ms. Nakis: I just think it's very disrespectful of any group to go out and recruit volunteers to sit on a committee and to develop a plan and then put them off, put them off, shelve the plan, and decide that all that work and all that time was for nothing. And I

think we had testimony in June or July that – from people who had been on that original committee who were pretty disappointed. They put a lot of heart and soul into volunteering and nothing was ever done with it. So time limits would be good to have – to set goals and to have time limits for when you have to have answers and come up with a plan.

Mr. Axthelm: And these plans can be changed. I mean you can come up with a plan. It may not be perfect at first. We see that every year with the Comprehensive Plan. We see that with the – sorry, ordinances – is that they change. Get something out there so that they can move forward. And if you don't like it, put it in place to change it as time goes on. And that's –

Ms. Nakis: Right. Absolutely.

Mr. Axthelm: Yes. Otherwise you get a situation where nothing gets done and that's what it seems.

Chair Lohman: Okay, Keith?

Mr. Greenwood: Yes. Keith Greenwood. I'm not sure – you know, as a weakness on my part – but what all the elements would be required for a complete subarea plan, but perhaps a recommendation of maybe a lower order set of goals and priorities, at least something that could be agreed upon by the community might be something to provide some direction. That would be more helpful and at least they could reach some level of consensus on that. Where you get sometimes into the details it gets too much infighting and you end up losing and frustrating people. So, again, I'm not sure if we could direct them to go to all that extra effort. If there was some way we could relieve them of that additional burden and the cost, as well, that would be my thoughts on the matter.

Chair Lohman: Okay. Any more discussion?

(silence)

Chair Lohman: Okay, seeing none we'll move to the vote. This is to recommend to the Commissioners that they reactivate the Fidalgo Subarea Plan process, or something similar. So all those in favor, say "aye."

Mr. Hughes, Mr. Easton, Ms. Nakis, Mr. Axthelm, Mr. Greenwood, Ms. McGoffin, Chair Lohman and Mr. Mahaffie: Aye.

Chair Lohman: All those opposed?

(silence)

Chairman Lohman: So seven – or eight. Eight. I'm sorry. Thank you. Carol, you can come back in. So we're going to momentarily wait for Commissioner Ehlers to get back into the room.

Ms. McGoffin: And, Chair?

Chair Lohman: Yes?

Ms. McGoffin: I would like to offer another finding of fact.

Chair Lohman: So, Kirk? Going back to –

Ms. McGoffin: I want to go back to the Jensen/Peck one for not a finding of fact; it's just a recommendation.

Chair Lohman: Did you want to wait for Commissioner Ehlers?

Mr. Hughes: She's right there.

Mr. Easton: She's here now?

Mr. Axthelm: Are we done with the Wooding?

Ms. McGoffin: Yes, we're done.

Chair Lohman: Okay.

Ms. McGoffin: So it actually is not particular to any of the proposals. It's just a recommendation in general. And Kirk and I e-mailed back and forth a little bit about this topic because I asked him if the County has any design-related architectural codes or standards for Rural Reserve or Rural Intermediate. And the reason I asked that question is because density alone does not preserve your rural character. The architectural styles, codes, designs also impact your rural character. And the reason I say that is because I was in England a couple years ago, and you can't change anything about those farm houses or anything – three- or four-hundred-year-old properties without going through some kind of review. And that's how they maintain their rural character over centuries.

So I'm asking the County to – I'm recommending to them that they look into some kind of design-related architectural codes or standards for Rural Reserve and Rural Intermediate.

Mr. Johnson: Is that a personal statement or is that a motion that you're putting out?

Ms. McGoffin: So I'm bringing that up because it's – let's see. Commissioners?

Mr. Easton: Can we call it the Leavenworth proposal?

Ms. McGoffin: The Leavenworth proposal.

(laughter)

Mr. Easton: Sorry, Mary.

Ms. McGoffin: So, Commissioners – let's see, how do we do this?

Chair Lohman: Can you – do you want to discuss this?

Ms. McGoffin: So I'd like to – I'd like to hear your opinions on that. Yeah.

Mr. Easton: Design standards in Rural Reserve and Rural Intermediate?

Ms. McGoffin: Mm-hmm.

Ms. Ehlers: Well, (if) you want to start a fight, tell people how they can build or can't build their house.

Mr. Hughes: Yeah.

Chair Lohman: I guess the hair went up on my neck at the thought.

Ms. McGoffin: I guess that's why we're –

Mr. Hughes: Trailers –

Mr. Axthelm: I'm from the architecture background. I would strongly oppose that. I think that there are certain areas – certain areas like Leavenworth – that might be appropriate to have a situation like that, but to say overall Rural Reserve and have design standards I think would – is – is against every fiber in my being! I think that, you know, you have situations where you take a modern home and put it into a rural environment and it beautifies that environment. It looks beautiful. It's wonderful. It's – to pick a certain style of a house or a building and say, That's appropriate in that setting, is not right. I've seen a lot of modern houses go into areas that are – they're full of trees and look beautiful.

Ms. Ehlers: There is an issue – oh.

Chair Lohman: You might need to wait. Elinor?

Ms. Nakis: I think there was testimony at our last meeting about McMansions going up in that area and that, you know, it was disturbing, I guess, if they would take the whole

lot and build a giant house out in the rural area that – and you want to have this rural character, you want to try to encourage it.

Mr. Axthelm: Now that doesn't have to do with style.

Ms. Nakis: I think that was –

Mr. Axthelm: That doesn't have to do with the style of the house. That has to do with density on the lot.

Ms. Nakis: Mm-hmm.

Mr. Axthelm: And that's a different factor. I understand that one. But it's the style of the house.

Chair Lohman: Okay, hold on, Carol. Jason.

Mr. Easton: So nothing probably brings out the independence of us westerners than to tell us how to build our sod houses or et cetera any faster than design standards. I mean, in cities right now in this jurisdiction they're struggling when they just start the conversation and they're in defined neighborhoods. You know, I mean, here's one of the most defined neighborhoods in the whole community – in this whole area – is Old Town Anacortes because of its age, and they can't come to – they're not even *close* to an agreement – you know, long-term – about design standards, I don't think, that'll actually make a major difference in the neighborhood. It's laudable. I appreciate what you're saying. I want to defend rural character. I think the best way we've defended rural character as a group, as a community, and particularly every member of this board that I've served with, including our newest member, is we didn't build condos next to the Farmhouse grocery store. And we're holding the line in the south, you know, with Mount Vernon and all those kind of battles over what we do. It's keeping dirt from dirt not being dirt anymore that I think defines rural character more than design standards. If I have an Old English-looking house, you know, three or four farm houses next – you know – out off of Avon-Allen it might look better than what's there now, but that's four more houses that probably weren't there on usable agricultural land and that would be more of a concern to me. So I think we're better set in preservation of dirt than we are in trying to preserve ag – I mean architecture.

Chair Lohman: Okay. It sounds like the majority doesn't support the finding.

Mr. Hughes: Not much consensus.

Mr. Easton: Not much consensus.

Chair Lohman: So –

Ms. McGoffin: That's okay. Thank you for your opinions.

Chair Lohman: Mary, I don't want you to think we shot all our arrows at you, but I want everybody to dare to ask them.

Mr. Easton: No, we saved some more for later.

Mr. Pernula: Carol wanted to ____.

Chair Lohman: Carol.

Ms. Ehlers: There is an issue that will be important for the shorelines eventually and so it's in this category of rural.

Chair Lohman: Wait. This is deliberations.

Ms. Ehlers: In terms of rural appearance, every one of the rural lots can have 35% lot coverage, which is building coverage. And if you think of every one of these 10-acre lots out in the county having a 3 ½ building legal on them, that is a rural issue, I think. And it's going to come up later but it's appropriate, I think, to bring it up now in terms of the – because that's as big as the Cascade Mall. Do we think every 10-acre lot should legally have one of those? Just as something to think about. I'm not making it as a motion.

Chair Lohman: Okay. Okay, so moving on to the County-initiated policy amendment proposals. The first one, identified as C-1: This is policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations. Jason?

Mr. Easton: I move to approve.

Chair Lohman: Is there a second?

Ms. McGoffin: I'll second it.

Mr. Easton: I move to limit discussion to thirty seconds per Commissioner on this issue – on all County initiatives, actually. I move to do that as a point of discussion.

Ms. Ehlers: Thirty seconds.

Mr. Easton: On the County-initiated ones only.

Ms. Ehlers: So you want us to say "yes" or "no."

Chair Lohman: You could say a couple more things after that, but I have to agree.

Mr. Easton: You can vote against my motion.

Chair Lohman: You could say one minute.

Mr. Easton: Okay, one minute.

Chair Lohman: Okay. It's been moved and seconded to accept the County-initiated proposal C-1, a policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations.

Mr. Easton: I don't know if there was a second to my second motion.

Ms. McGoffin: Yeah.

(several incomprehensible comments)

Mr. Easton: Did Mary second it? Oh, okay.

Chair Lohman: You did, didn't you?

Ms. McGoffin: Mm-hmm.

Chair Lohman: So Jason has a ____.

Mr. Easton: Have a discussion on the discussion? We're going to vote on the discussion first to limiting discussion?

Chair Lohman: You get to –

Mr. Easton: I get to speak to my motion about limiting discussion?

Chair Lohman: I don't think we need to vote on that because I have discretion.

Mr. Easton: Okay, you're going to do it by consensus as Chair – you're going to take discretion? Okay. So I was –

Chair Lohman: So Mary's timing you.

Mr. Easton: Yeah. Right.

Mr. Hughes: You've already used your minute!

Ms. Ehlers: You used your minute!

Mr. Easton: That's it – I'm out!

Chair Lohman: I'm teasing!

Mr. Hughes: Carol, you used most of yours, so...

Mr. Easton: These are simple clean-up exercised that make sense. And I wouldn't want to trouble the crowd with more bloviating – by me.

Chair Lohman: Mary, did you –

Ms. McGoffin: No. I have no further comment.

Chair Lohman: Anybody else?

Ms. Ehlers: For what?

Ms. McGoffin: Amendment C-1.

Chair Lohman: Any other Commissioners?

Ms. Ehlers: Well, it is already. I wouldn't – to require that no development whatsoever take place until Skagit County has a TDR program in place means that you're going to silence most of the county. The Envision 2060 has not been approved by the County Commissioners. It has not gone through a hearing process. The TDR program, as far as we know, isn't even funded. Is it funded?

Mr. Johnson: Yes.

Ms. Ehlers: Good. It's funded. How many months and years will it take? How many years is it funded for?

Mr. Johnson: It will be done and either adopted or not moved on by the end of 2014.

Ms. Ehlers: Okay, so that means that for two years we will tell everybody they can't do anything. And I don't like holding people hostage to a document which has not been written, not been approved and – in effect.

Chair Lohman: Okay. Carol, you're done. Next Commissioner. Keith?

Mr. Greenwood: Yeah, it's Keith Greenwood. If I could just take a little clarification: Was this going to limit discussions/proposals like we just reviewed – the last three – to only the periods of time within which the Comprehensive Plan is up for review?

Ms. Ehlers: Mm-hmm. There will be nothing.

Mr. Greenwood: Wait – is that clear?

Mr. Easton: That wasn't clear.

Mr. Greenwood: Is that correct or no?

Mr. Easton: No. He's right – you can still do Comp Plan amendments.

Chair Lohman: But...

Mr. Easton: Assuming they're docketed by the Commissioners. There's no other way.

Ms. Ehlers: No.

Mr. Johnson: No, not under –

Mr. Easton: Oh. Then I misunderstood.

Mr. Johnson: If I can speak. I was so surprised that you were supporting this because –
(laughter)

Mr. Easton: I definitely have been misunderstanding.

Mr. Johnson: – the last time you spoke strenuously against it. Basically the proposal – there are two parts of it: One – for Rural Intermediate – one is that a Rural Intermediate rezone could only be considered as part of a subarea plan or a state-mandated Comprehensive Plan update, which is, you know, an eight- or ten-year cycle. And the other is that it would at least have to consider use of Transfer of Development Rights or a conservation easement or other mechanism.

Mr. Easton: How do you even *consider*?

Mr. Johnson: I don't know. It was a way to put on the table something that at least one of the Commissioners has been asking for for a number of years.

Mr. Easton: I want to withdraw my – I withdraw my motion.

Mr. Johnson: It was put on the table.

Mr. Easton: I withdraw my motion.

Chair Lohman: _____. Okay.

Mr. Easton: I think my seconder has to agree to that. I don't know if they have to agree to withdraw with the maker of the motion. Anyway, I'm moving to withdraw my motion.

Chair Lohman: You can still keep your motion so that we can have discussion and everybody votes no.

Ms. McGoffin: Right.

Mr. Greenwood: Can we *revise* your motion?

Mr. Hughes: Well, he withdrew it. Just make a motion to deny.

Chair Lohman: Okay.

Mr. Easton: Motion to deny sounds stronger to me. Thank you for clarifying my confusion.

Chair Lohman: Okay, we need a new motion so we _____.

Mr. Hughes: We didn't need staff to –

Mr. Easton: Hey, love you too!

Chair Lohman: Jason, do you want to make a new motion then?

Mr. Easton: No. At this point I'll let somebody else make the motion. I don't trust my ability to put a sentence together right now. I need to recover.

Chair Lohman: Carol, do you want to make a motion?

Ms. Ehlers: I'll make a motion but I'm not going to have all the words in it probably. I move to deny in 3C-1.3 –

Chair Lohman: No.

Mr. Easton: You could just move to deny C-1. Kirk, right?

Ms. McGoffin: It's right here, Carol.

Ms. Ehlers: Well, you keep finding shorter ways of looking at things! Thank you! I move to deny C-1, policy amendment to further refine rezone requirements for Rural Intermediate and Rural (Village) land use designations.

Chair Lohman: Is there a second?

Mr. Easton: Second.

Chair Lohman: It's been moved and seconded to deny policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations. Okay, Carol, as the maker of the motion you can start. Or do you want to just keep with what you already said?

Ms. Ehlers: I'll save us time and keep what I already said.

Mr. Easton: Wow. I'll defer to the rest of the Commission. I don't have anything else to add.

Ms. McGoffin: I have something.

Chair Lohman: Mary?

Ms. McGoffin: There was one comment letter – David Hough. He brought to our attention that there was an 80 acres that he thought should be Rural Intermediate and it's Rural Reserve, and he said that it's an error. So the concern would be if they have to wait long periods of time to correct errors that maybe that is not such a good idea. And how does staff feel about that?

Mr. Johnson: I could tell you the area _____ –

Ms. McGoffin: I just want to know your opinion.

Mr. Easton: More of a general question.

Mr. Johnson: Yeah. Well, actually I'm going to walk back to the – I thought it was succinctly stated in the response to the comments, so if I could just read that to you.

Ms. McGoffin: I can't remember it.

Mr. Johnson: Okay. So – and it was, in fact, in response to Dave Hough, who was a former Planning Director here. So and this is the Department's response: "In 1997, Skagit County adopted its first Comprehensive Plan and development regulations, pursuant to the Growth Management Act. Shortly thereafter and again in 2007, when the state law required Skagit County to update its Comprehensive Plan and development regulations to assure that both were compliant with GMA, Skagit County allowed for the Comprehensive Plan land use designation and zoning district map to be reviewed and corrected if errors were discovered. GMA and Skagit County recognize that a comprehensive plan is intended to be long term, is not to be amended more frequently than once per year, is required to be periodically reviewed to assure compliance with state laws and locally adopted land use policies and is to be in effect for twenty years. It's with this in mind that Skagit County has contemplated establishing a land use policy which would limit review of Rural Intermediate and Rural Village boundary amendments to ensure concurrent and periodic review and create a more predictable land use pattern over a longer period of time. This is consistent with GMA."

So the motivation really was so you looked at one proposal to add to Rural Intermediate in the Bayview area and it raised concern, at least in the Department's mind, of does then someone adjacent to that in the next year come forward, and someone adjacent to

that. And so what is really supposed to be – in my professional opinion – a fixed-in-time LAMIRD that is based on what was there in 1990 over time grows and grows and grows into be something that really wasn't intended by the Comprehensive Plan or by the Growth Management Act. And it's – you know – it's more convenient and flexible for the property owner to look at those when they want it to be looked at, but it may lead to a more comprehensive and overall look to batch those less frequently.

Ms. Ehlers: But if batching is not – supposedly doing it once a year – batching – but what I read this policy doing is denying until a new rule is put through.

Mr. Easton: Right.

Ms. Ehlers: And having been held hostage the last ten months, I don't like being held hostage and I don't think anyone else does.

Mr. Johnson: So if I – so there are two components to the amendment: one is the timing and the second is the TDR requirement or consideration.

Ms. Ehlers: Well, the – the – your change of a seven-year GMA to state-mandated – wherever I find it – that makes sense. That's not something I'm disagreeing with. But it's interesting for Mr. Hough to be the one to bring this issue up, because he was the one in charge of having the various lands – the million acres in this county – designated. Our mapping wasn't half as good as it is now. Our knowledge was a third as good as it is now. Our understanding of what the direction Growth Management would lead us has changed almost totally in the last twenty years. A number of things which we agreed to in the beginning I would not agree to now, in both directions. And for David Hough to be the one – who was responsible for all of this – to point out that there are errors I think is the most significant part of the whole comment period for everybody because it's a valid comment.

Mr. Hughes: Call the question.

Mr. Easton: The question's been called for.

Chair Lohman: Okay, question. So all those in favor of the motion – do I need to repeat it again?

Ms. Nakis: Yes.

Chair Lohman: The motion is to deny the policy amendment proposal to further refine the rezone requirements for Rural Intermediate and Rural Village land use designations. So all those in favor, say "aye."

Mr. Hughes, Mr. Easton, Ms. Ehlers, Ms. Nakis, Mr. Greenwood, Mr. Axthelm, Ms. McGoffin and Mr. Mahaffie: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: The Chair voted “aye.” I forgot to vote. Okay –

Mr. Greenwood: Can I make – I’m sorry.

Chair Lohman: Go ahead.

Mr. Greenwood: Can I make a point of clarification or fact-finding? Yes, that’d be the correct term. Thank you, Jason. I like the part about – the second portion of this proposal actually, in that we’re encouraging those to initiate a process of considering transfer of developments. My only weakness on that that I saw was that it sounded like the process wasn’t really defined yet or fleshed out.

Ms. Ehlers: It isn’t.

Mr. Greenwood: And I’d like it to be worked out a little bit better before we make recommendations to people to have that tied to their rezoning. But I like the idea and it sounds like something we should do in the future, but I just think we should flesh that out first.

Mr. Easton: You know, I’m wondering – and I concur – Madame Chair, sorry, I should have asked for permission.

Chair Lohman: No, you’re fine.

Mr. Easton: I concur and I wondered if it might be stronger, or if the rest of the Commissioners would feel comfortable, with some sort of motion from us supporting the development of a TDR program. You know, a) for the development of this discussion, that we send the signal that I’d like to see the conversation continue to happen. We may not get all nine of us to agree with that, but I don’t want this vote to mean the end of TDRs. I obviously don’t think we have that much power, by the way, and you have a budget right now. So if you’ve got a budget and we don’t have that much power, obviously it’s going to go on for a while. But some sort of statement from at least me as a finding of fact that I think TDR discussions need to continue. I’d like to see the program develop. It’s just is too – it’s not mature enough yet to put into a vote.

Chair Lohman: I just – I’ve got to say something. I do not like TDRs. I’ll just be right upfront. I really don’t think that the county is urban enough to support a TDR program or a Transfer of Development Rights. We have the Farmland Legacy Program, which is an extinguishing of development rights and we struggle to get – I mean we get participation but maybe we could get more, and I wonder if you’re going to create a competing entity. But I really question whether we have enough population to support a TDR program, and I think it is more appropriate for a more urban area than Skagit

County. That being said, also I think that development rights are not equally distributed amongst the rural property owners. Some of us had our development rights extinguished against our will or over time, so not every parcel in the rural area is equal. And so then you have that tension: Those of us – or those that have and those that don't. Even though they're all zoned the same it's not equal. But yet a lot of what drives our property valuation in the rural area, particularly in the ag zone, is whether you have a development right or not. Whether you exercise it or not it does drive the valuation, particularly when you're talking to a banker or some kind of thing like that. So some of us in the rural area hold all of those property right elements pretty tight to the vest, and I'm not sure that this county is ready to divest ourselves of those. Jason?

Mr. Easton: So you just demonstrated to me why we need to keep having the conversation, because to hear another side of the story, to understand more how it might not be able to be supported. If we don't –

Chair Lohman: There's a lot of tension, to –

Mr. Easton: – I'm not overly believing that our statement here is going to make a huge difference.

Chair Lohman: No.

Mr. Easton: I don't want to be – I'm not as naïve as I was when I first got on this commission years ago, but I do believe that what you just said has to happen and that they're going to keep talking about it. We can shut – if it needs to be shut down as an option for us because we're not big enough yet, if we're too rural to support it and it would cost Farmland Legacy, the only way those things are going to get on the record is if we encourage this process to – I think is to encourage this process to finish and not to just say we don't like them and don't want to have anything to do with them.

Chair Lohman: I just fear that we implement something that we're going to regret.

Mr. Easton: I'm a long ways away from saying I support implementation.

Chair Lohman: But I think we're pushing really hard to implement something, and TDRs have been discussed off and on for quite a while. This is not a new topic –

Mr. Easton: I know that – not at all.

Chair Lohman: – and I'm questioning whether now is good. I'm not saying I don't –

Mr. Easton: Well, if we don't have consensus on a TDR motion then I'll just withdraw the conversation.

Chair Lohman: Dale?

Mr. Easton: He can put it as a finding of fact.

Mr. Pernula: Another thing I'd like to say is that personally I'm totally open-minded on TDR. You may be absolutely right or perhaps the right TDR program could be crafted that would work well with Skagit County and supplement the existing Farmland Legacy Program. If it's going to go forward that's exactly what I would like to see. But unless it really has a very strong consensus within the county and it has something to offer to the county, you know, I'm certainly not going to be in support of it. But I think we need to take a look at it and see if it is something that would help us preserve farm land and forest land, as well.

Chair Lohman: But I think you have to be very cognizant of the rural property owners. We could be outvoted very easily and have something like that implemented by an urban contingent that maybe we, the rural people, don't want it.

Mr. Easton: Yeah, the only reason they don't work is if there's not a market. One of the things that's very seldom discussed by the County when they talk about TDRs is the buyers. They talk a lot about the sellers but they don't talk much about the buyers, and I have to tell you in my past and in my current job I spend – like Josh – I spend a lot about who would be potential buyers, and they're not in the buying mood at times, in seasons. And so these programs would be very susceptible to market, to current fiscal markets and I don't think we've done anywhere near enough outreach or work on the side of, you know, sitting down with the Joe Woodmansees of the world or the you-fill-in-the-blank developer – Bill Wooding or whatever – and say, Would you ever buy and, if you did, what would it look like and what are these worth? You know, those kinds of conversations. Because the buyers are just as much have to be at the table or you're just going to have a program and participation's going to be ___.

Mr. Johnson: So if I could – if I could interject. May I interject?

Chair Lohman: You may. Go right ahead, Kirk.

Mr. Johnson: So there is a TDR Advisory Committee. I think there are four, if not more, representatives of agriculture. Is it Mike Hulbert?

Mr. Easton: Yeah.

Mr. Johnson: Mike Hulbert, Kim Mower, Allen Rozema, and I think there is one other but I'm not thinking of him now. Joe Woodmansee is on the Committee; Wayne Crider from Skagit Island Builders Association; Charlie Guildner from People's Bank; Jana Hanson and John Doyle, representing cities who are – and Margaret Fleek, representing Burlington. So we're trying to take a very comprehensive look at both the sending side – which is the rural and resource lands – and the receiving side. If you don't have a demand you don't have a market for development rights and you don't have a functioning TDR program, so there's – it's not really even worth looking into.

We're definitely – we've made a commitment that there is no – there's no predetermination to implement a program by looking at a program. The County Commissioners, when the study phase is passed, will need to make a decision whether to move forward into putting something together or not, and one of the key questions is – definitely – Is there enough market demand here in Skagit County to make a TDR program function? And another one of the key programs (sic) is: Can a TDR program be created that does not compete with the underlying Farmland Legacy? And I don't – frankly don't know anyone who has any desire to do that. It's a very successful program. It's nationally recognized. Skagit County got an award from American Farmland Trust for its agricultural land preservation efforts.

So I would have to agree with Dale and Jason that we're trying to take a real objective look at it. Agriculture is well represented; the development sector is well represented. There's not a predetermined outcome to this particular study, as some people felt there was to the first time around where the predetermined outcome was, It's not going to work here and it's going to kill Farmland Legacy so let's kill any more discussion.

Chair Lohman: Carol.

Ms. Ehlers: There are – there was a TDR program in Island County. It was apparently opaque, and so some people's – I listened to former Commissioner Bill Vaux describe TDR programs to the then-County Commissioners sometime in the early '90s, and you should – I hope you're going to look at what happened at Whidbey. Because Bill said that because the price of purchase was held so tightly to the vest that some farmers who didn't know any better sold their development right for \$25. And I understand there was a problem of who owns the development rights between the time they are sold and they are bought. I understand there is a major problem in some title company operations as to where the locus is of a TDR at a given point, which may be more difficult now that the major title companies are outsourced to India, I understand, which won't help communication here very much.

Chair Lohman: Carol, can you ___ the question?

Ms. Ehlers: And one other thing: And I listened to a man in Maryland talk about how certain groups manipulated the TDR program to the dis – to create the exact opposite result from what was intended. So please look out for those things while you're doing what you're doing.

Chair Lohman: Okay. We still have one more County-initiated policy amendment proposal.

Ms. Ehlers: The housekeeping?

Chair Lohman: Yes. This would be C-2. This would be minor housekeeping policy and text amendments to correct scrivener's errors. Anybody want to make a motion? Jason, did you?

Mr. Easton: I move to approve the scrivener errors noted as C-2 on our agenda.

Chair Lohman: Is there a second?

(silence)

Chair Lohman: Somebody?

Mr. Easton: Nope, we're keeping all the mistakes! No one's going to second this?

Ms. McGoffin: I'll second it.

Chair Lohman: Okay, it's been moved and seconded to do minor housekeeping policy and text amendments to correct scrivener's errors.

Mr. Johnson: Madame Chair, I have one requested tweak to that.

Chair Lohman: Okay!

Mr. Johnson: So it's on the second page. It's – so 3-C, 1.8 – and it says it processes “a seven-year” and then adds “periodic state-mandated GMA update.” It would be more clear if it said, “...state-mandated GMA-Comprehensive Plan update,” because it's really the mandated update of the Comprehensive Plan, not the mandated update of GMA that we're talking about.

Ms. Ehlers: Do we have a motion?

Several people: Yeah.

Ms. Ehlers: Do we have a second?

Mr. Easton: Yeah, and –

Chair Lohman: Yes.

Mr. Easton: – and I'll agree to that addition because we don't update the GMA. That's a state act. We only update our Comprehensive Plan.

Chair Lohman: But – can I ask a question of staff?

Mr. Easton: Sure.

Chair Lohman: But you might find some other little things that we're not going to see tonight that you're asking for correction. Or are you only asking *these* corrections?

Mr. Easton: Did you feel like that one was big enough you needed to ask us?

Chair Lohman: It was written with the Comprehensive Plan in and in the previous – in C-1 – it got voted down, and so it just looked like a logical thing to do the C-2, is just to clarify that we're talking about the Comprehensive Plan update, not a GMA update.

Ms. Ehlers: I agree.

Mr. Johnson: I don't think we're going to find other things in addition to this that we would go and change without asking your okay or informing you. I think this is the total of it at this point.

Ms. Ehlers: Okay.

Mr. Easton: Call the question.

Chair Lohman: Discussion, anybody? If you don't, we can move to the vote.

(silence)

Chair Lohman: Okay, all those in favor, say "aye."

Ms. Ehlers, Mr. Easton, Mr. Hughes, Ms. McGoffin, Chair Lohman, Mr. Greenwood, Mr. Axthelm, Ms. Nakis and Mr. Mahaffie: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: Okay. So, motion carried. Okay, moving on – did anybody else have anything else to do with the Comp Plan amendments? Last call. Dale?

(silence)

Chair Lohman: Okay, moving on to the next discussion item. It will be Shoreline Master Program Update, and this'll be a discussion about the schedule. Dale.

Mr. Pernula: Okay, Betsy Stevenson provided me with an update of that schedule just a day or two ago. I'd like to pass that out.

Mr. Easton: Looks good.

Mr. Pernula: I think the main point is that she would like to bring the topic back up with the three remaining sections to the November 6th meeting instead of the October meeting. She didn't think she would have it in a good enough state prior to the October

meeting for you to have a meaningful review before the meeting so she wanted to move it off to the November 6th meeting.

The primary items that she would like to review at that time are aquaculture, some administrative provisions and – very importantly – how we deal with legal nonconforming structures. That's been something that's kind of been on everybody's mind all along. But those should be fleshed out in plenty of time so you'll have an advance copy before the November meeting.

The other – the rest of the tentative schedule going through next year and the adoption's a little more tentative, but that's where she sees it right now.

Mr. Easton: Madame Chair?

Chair Lohman: Jason.

Mr. Easton: So, Dale, what do you see happening in October then, if we move October to November?

Mr. Pernula: Well, one thing I was – we don't have anything that's major to bring to you next month; however, I thought that if you didn't get through the agenda tonight – make motions and so on – that it would move forward to next month. Right now you don't have anything. If we can develop something over the next week or so we'll get back to you.

Ms. Ehlers: Annie?

Chair Lohman: Carol.

Ms. Ehlers: I have been asked to meet with the Guemes people, which I have, and I've talked to a number of other people. They're having a hell of a time finding the information on the Internet and "a hell of a time" is really almost an understatement. I think part of it is the equipment some people have. I think part of it is knowing how you get from here to there to there to there, which is difficult. A lot of people are not able to get the inventory. Other people are not able to get the text. One of the things I would like you to develop for the next meeting is a small cookbook on how you get from the homepage in Skagit County to the various aspects of the Shoreline Plan written for people who are not as savvy as most of my colleagues on the Planning Commission seem to be, but for the rest of us, whose equipment is not sophisticated. And this should start with a statement of what kind of a program you need, because when I call – I'm getting acquainted with my new computer. When I couldn't get something on I called the GIS Department. What I needed to know is whether I needed Explorer or Firefox.

Ms. McGoffin: Okay, Carol.

Chair Lohman: Carol.

Ms. Ehlers: Wait a minute.

Mr. Hughes: No –

Mr. Easton: Can we take this offline? This feels like a you-and-Dale conversation.

Mr. Hughes: Yeah.

Chair Lohman: Yeah.

Ms. Ehlers: Well, you have questions with the Shoreline. If they can't find the stuff then they aren't going to be happy in dealing with the process and we aren't going to be happy.

Mr. Easton: Great point. Great point and I've never known Betsy not to return somebody's call.

Chair Lohman: Let's let Kirk show us quickly.

Mr. Johnson: I can show it in about ___ seconds.

Ms. Ehlers: Showing doesn't help somebody who can't remember.

Mr. Easton: But if they're watching –

Chair Lohman: But it'll be on TV and they can ____.

Ms. Ehlers: What good is that when a third of the county can't get the TV?

Chair Lohman: Well, I don't get the TV either but I see it on –

Mr. Johnson: If anyone's interested, when the meeting closes I'd be happy to show you how to get _____.

Mr. Hughes: Good idea.

Mr. Easton: Madame Chair, I have a brief Miscellaneous Business.

Chair Lohman: Jason.

Mr. Easton: I just want to remind the Commission there's an issue going on in the City of Anacortes that may potentially/ very well likely we will have quasi-jurisdictional issues with the responsibility for. It's commonly referred to as "Tethys," which is a water bottling plant. If you don't want to have to recuse yourself you should be very careful

with your behavior from here forward. If you want to sit on this Commission that night, whenever that night is, you might want to be very careful as – you know, Carol just went through a meeting and held hostage for ten minutes. So it's just a reminder. And there are – and I mean this with a great deal of respect for people on both sides of the issue – there are people on both sides of the issue who are trying to – wouldn't mind seeing some of us disqualified and will help try to goad you into conversations at times that may look – or letter-writing or maybe get you fired up enough that you testify. And then all of a sudden you're sitting here ten months later and you've got a big decision to make as a Planning Commissioner and you're going to be on the outside looking in. So stay away from that one.

Ms. Ehlers: Good point.

Chair Lohman: On the Shoreline thing, can we get back to that? Sorry.

Mr. Easton: Oh, sorry. I thought we were done.

Mr. Greenwood: I have a point on the Shoreline, too, I'd like to make.

Chair Lohman: Okay, Keith, go ahead.

Mr. Greenwood: Go ahead. You can make yours first.

Chair Lohman: Okay. I would like to add on Betsy's list if we could back to the ag chapter, because there was some tweaks that were done to that and it was not finished. Is that possible?

Mr. Pernula: Onto which part?

Chair Lohman: On Betsy's tentative November 6th, could we also add agriculture? Is that okay with you guys?

Mr. Easton: Yeah, sure.

Mr. Axthelm: Well, I – a question with that is if we go back to it now and they ___ developed it, shouldn't we just wait till they have it more developed? Or is that one item we asked to revisit before?

Chair Lohman: Well, we've been working on it and I know I met with Ryan and Jill and we worked on it some more. –

Mr. Axthelm: Okay, I only asked –

Chair Lohman: The thing is, it's already gone to Ecology so –

Mr. Axthelm: Okay. I just don't want to keep talking about something that's not – that's partially developed, and that's what we talked about before. If they're giving us a view of this, saying this is what we're doing, we haven't ___ all these sections, we would have given our opinion. We had our opportunity to give her our opinion on agriculture. And I still want to give my opinion again but I think that I want to see it more developed before we start digging back into it again. Because it's taking a lot of our time and I think that –

Chair Lohman: Yeah.

Mr. Hughes: I'd just like to see it get a public hearing so we can do what we're here for instead of –

Mr. Easton: We've dealt with the same sections already?

Mr. Hughes: Yeah.

Mr. Axthelm: _____. I think it is. It's just –

Chair Lohman: No, and I agree so maybe we don't want it on there. But I want to make sure that we're not rushed through the final product, too, and we sign it and stuff.

Mr. Hughes: We're going to have a public hearing and a chance to deliberate to deliberate on this whole plan and, you know, frankly, the last several months we've noted my participation.

Ms. Ehlers: Mm-hmm.

Mr. Axthelm: I think the less we dig into it now the better opportunity we'll have to talk about it later.

Chair Lohman: Okay.

Ms. Ehlers: I would like one other thing. In the past – a long time ago – when people needed a paper copy of something it was placed at Office Depot where they could go in and get copies. I would like to have the RCW for the Shorelines, the WAC for the Shorelines and the policies for the Plan available at Office Depot so that anyone who wanted a copy could go in there and get copies and have it available, because you want to look at the law and the other while you're looking at the text of the document. It's something we used to do. We haven't for a long time. But I think it would be helpful.

Mr. Axthelm: Are we in Miscellaneous things?

Mr. Greenwood: I'd like – I just want to make one point on that Shoreline Master Program Update. I've been watching your discussions about on – in your work sessions. And being new, I've been reviewing the portion pertaining to forestry. And

having that you haven't had that type of representative here I think it might be helpful if I contributed in some fashion there. Without going point by point, I could perhaps give you a summary of the points that I would bring out from a forester's perspective and being involved in the community. So whether that's an additional item – I don't necessarily want you all to review stuff that you've already done. You might even say you've already covered it. So if that's something that would fit into the schedule I'd appreciate the opportunity to contribute.

Chair Lohman: Commissioners?

Ms. Ehlers: I would find it helpful.

Mr. Easton: That's fine with me.

Chair Lohman: Okay, Dale, can you add that?

Mr. Pernula: Sure. I'm not sure if it would be at this point or at one of the times – December, January, February – as a re-review comes back.

Mr. Greenwood: I don't think – for me it doesn't make that much difference. That'd be enough time either one. And, you know, I would offer to you that I would give you something that you can look over – just having me do some reviewing on the outside and then you can address it without going into a long deliberation on it.

Chair Lohman: Anything else? Matt?

Mr. Easton: Josh had something.

Chair Lohman: Josh?

Mr. Axthelm: No, I just – are we done with the Shoreline portion of it?

Chair Lohman: Yeah.

Mr. Axthelm: So we're on to Miscellaneous?

Chair Lohman: Miscellaneous Business.

Mr. Easton: Sorry I jumped the gun.

Mr. Axthelm: You know, I had a hard time downloading the agenda for some reason. I must have opened it wrong. And so I went onto the website to pull the agenda off here and it says –

Mr. Hughes: "To Be Announced."

Chair Lohman: “To Be Announced.”

Mr. Axthelm: “To Be Announced.”

Mr. Hughes: Yeah, that’s why I missed a meeting. There was no meeting scheduled on there.

Mr. Axthelm: I think that confuses the public a little bit. I’d like to see that agenda go in sooner so that we can – the public knows what we’re going to talk about.

Mr. Johnson: So where did you go and it said “To Be Announced”?

Mr. Hughes: The Planning Commission site.

Mr. Easton: Cue the Planning Commission page.

Chair Lohman: I went there today and it’s the same.

Mr. Axthelm: It said, “To Be Announced” today?

Mr. Johnson: It was up a week ago. I printed it from there.

Mr. Greenwood: I printed it from there.

Mr. Easton: There’s two places on there where it’s supposed to be: one where the meeting schedule is and one where it lists the dates. I think it was missing in one of them.

Chair Lohman: It wasn’t on the one I went to.

Mr. Mahaffie: It was missing the dates.

Mr. Easton: It’s missing when you look at the dates.

Mr. Johnson: Planning Commission...

Mr. Easton: It’s there where you click “Agenda.” You’re right. But if you close that and go down to today’s date –

Mr. Hughes: “To Be Determined.”

Mr. Johnson: Okay.

Mr. Hughes: Yeah, I mean –

Mr. Easton: But so if you missed it at the top, like my compadre did...

Mr. Axthelm: That's what I did.

Mr. Hughes: That's the one I've been going off of.

Mr. Johnson: All right. I'll bring that to Brian's attention to be sure to put it in both places.

Chair Lohman: Okay, anything else on Miscellaneous?

Mr. Easton: I have just one other thing. I think it would be good for Brian to add a button on our Planning Commission page to the Shoreline Master Plan that goes from Planning Commission to Shoreline Master Plan, because there isn't one.

Chair Lohman: Right. Yeah, I agree.

Ms. Nakis: It was hard for me to find the first one.

Mr. Easton: Yeah, I was fooling around with that today and it just took a little while.

Chair Lohman: Mary?

Mr. Easton: Only because it's such a major issue that we're doing for ongoing meetings for the long-term. I mean, I don't think we want to clutter the page with everything that's on our agenda but...

Ms. Ehlers: Mm-hmm.

Mr. Axthelm: When you click on the agenda does it actually – does it have links that go to the different documents that we're dealing with?

Chair Lohman: No.

Mr. Easton: No. That's another question.

Chair Lohman: It's just the agenda.

Mr. Easton: Is it possible for us to have links inside the agendas?

Mr. Johnson: Yeah, I don't – I mean, I guess we could. In deliberations 2011 CPAs we could have the 2011 Comp Plan Amendment website link.

Mr. Easton: That would be good.

Ms. Ehlers: That would be good.

Mr. Johnson: So if there's a specific document mentioned in the agenda then we could have a link to that document. If it's just a topic area that has its own website, then we could link to that.

Mr. Axthelm: And the comments – when we have the comments, if we have the link on there to posted comments. And that's for us and also for general public.

Ms. Ehlers: Yes. That would help a lot.

Mr. Johnson: Yeah, would think that that would be doable.

Mr. Axthelm: Okay, good.

Ms. Ehlers: And someplace –

Chair Lohman: Mary was up, Carol.

Ms. McGoffin: It's my turn.

Ms. Ehlers: Okay.

Ms. McGoffin: I am starting a new job October 1st and so I'm effectively resigning. This will be my last hearing, meeting – Planning Commission meeting. My new job will have evening meetings. And so I wanted to give the County – they'll have eight weeks to find somebody before November 6th.

Mr. Easton: Congratulations. We'll miss you. Or I'll miss you.

Ms. McGoffin: Thank you. I'll watch you!

Mr. Easton: I'm sure you will.

Ms. Ehlers: Good luck.

Mr. Hughes: I thought you have meetings!

Mr. Easton: Yeah!

Ms. Nakis: You'll still have evening meetings.

Mr. Easton: You can watch it on tape later.

Ms. McGoffin: We're not televised.

Mr. Easton: We're so entertaining you can watch us on demand.

Chair Lohman: Okay. So the very last thing on our – before adjourning is we have public comment. Okay, we're going to limit you to three minutes.

Ms. Ehlers: Oh, come on.

Chair Lohman: And if you could state your name and your address, that would be great.

Mr. Easton: Point of order – I'm sorry. You have that statement you've got to make about this isn't...

Chair Lohman: Oh. You're not testifying – this is not a public hearing – but you will be recorded and it will be available on the County website.

Kathy Mitchell: Thank you. Kathy Mitchell, 1155 Chuckanut Ridge Drive, Bow. A couple housekeeping kind of things: I wanted to back up what Carol was saying what she just went through. Some of your best customers for trying to understand how things are going on – I've spent as many minutes as sixty trying to find one item that I knew I should be able to find on the website before, and there's nothing more frustrating than going through every freaking page and trying to find some little link. And I've gone so far as to then send an e-mail to somebody like Dan Berentson once, only to find it on the sixty-first minute and then sent a second e-mail saying, I apologize. I did finally find it.

The other thing that happens frequently is you try to find something and there'll be corrupted files. I do not understand why that happens, but the next frustrating thing that happens is I call some kind person inside, whether it's Kirk or Gary or Betsy or somebody, and they check it and they say, I can open it fine. We can't. I do not understand why that would be. But there's a whole lot of frustration from the lay person out there trying to keep up with things. You guys do good work – same with the guys inside – and we so try to read stuff where we don't have to pester you. And, quite frankly, staff is very good about helping for a lot of things, but because their plates are very full – they are lean on staff – sometimes it can be a week to two weeks or more before you get the reply or the information. So timeliness does go out the window a lot of times. There are times where you can find something or get response immediately that day, but that's the rarity.

So when Carol brought up the thing about possibly having a cookbook or something like that on some of the main issues that you're doing that could be held someplace where people can't get in there and tear them out, but the person behind the thing you could say, Can I look at this? – he says, Yes, with them standing there – I need section whatever it is, then get it copied, that would be handy because there's a lot of folks that do not have the computer capabilities otherwise. And even though staff *is* helpful, the timeliness can really be way out the window depending on what you guys are up to. So, point one.

Number 2: So glad that there's a forester on now, and I would second it from having forest land. We've got 24.7 acres and I know Ed's family and a lot of others that are rural have a lot of forestry and they're keen on knowing what your take is on Shoreline things as (they) move forward because that's not been addressed well enough from our perspective. So if you do put that in, I sure would like to have notice of that on the agenda, and I know that there's a lot of other rural folks that would, as well. Thank you.

Chair Lohman: Okay, is there a motion to adjourn?

Mr. Easton: So moved.

Chair Lohman: Okay (gavel), we're adjourned.