

**Skagit County Planning Commission
Study Session – Discussions on:
Bayview Ridge Update
Shoreline Master Program Update
Bylaws Review
May 7, 2013**

Commissioners: Annie Lohman, Chair
Josh Axthelm, Vice Chair
Carol Ehlers
Keith Greenwood
Elinor Nakis
Robert Temples
Dave Hughes
Jason Easton (absent)
Matt Mahaffie (absent)

Commenters: Patrick Murphy
Bob Peterson
Roger Mitchell
Ellen Bynum, Friends of Skagit County
Ed Stauffer
Paul Taylor

Staff: Dale Pernula, Planning Director
Ryan Walters, Civil Deputy Prosecuting Attorney
Betsy Stevenson, Senior Planner

Others: Bob Bengford, Consultant (on Bayview Ridge)

Chair Annie Lohman: (gavel) Okay, I call to order the Skagit County Planning Commission meeting. It's May 7th, 2013, and it's 6 p.m. If we could review the agenda and if there's any corrections or additions, please let me know. Carol?

Carol Ehlers: I have something I would like to bring up as a topic for a future meeting under number 7.

Chair Lohman: Okay. Anything else?

(silence)

Chair Lohman: Okay, moving on, we have Public Remarks and this is open for fifteen minutes total and three minutes per speaker. And how many people here would like to – so if you could just go up to the mic and give your name and your address.

Patrick Murphy: My name's Patrick Murphy. I have vacation property on Sinclair Island and I'm here that I would like to read part of a letter that I – of an e-mail that I sent to the Sinclair Island Dock Committee on behalf of me and my wife. "Ginny and I would like to thank you and the Committee for all your effort on the dock and before that by Ralph Gregory himself and further Bob Peterson. When we bought the property and built our cabin thirty-three years ago we did so because we would have access to the island via the County dock. We understood the County taxes were to maintain the dock and other minimal services. Now taxes have continued to increase and the dock has had no maintenance and finally disappeared. The lack of a dock has also decreased the value of the properties. I am personally unable to use our cabin on a regular basis without a dock due to a disability. I cannot climb the rocks and get on a – get onto the island to maintain or use our property. We feel that – oh, the mail is out delivered to a boat. Out on the island there, if you want your mail you have to row out to a boat and get the mail. There have been some other alternatives proposed, but if we cannot reach an acceptable proposal by the County to replace the dock or some other alternative we feel – my wife and I – feel that there are some attorneys out there that feel that we have grounds for – to do otherwise, and that's just the way we feel about it. And I hope that we can all come to an acceptable rate and for replacement of the dock. Thank you.

Chair Lohman: Thank you.

Bob Peterson: My name is Bob Peterson and I live on Sinclair Island as one of the permanent residents. I've been there for thirty-three years. And since this dock has broken and the County hasn't replaced it, the situation is that on that island you have County-owned roads on the island, but the dock is the only access to those roads without crossing private property. So just to get basic police protection or fire protection or any kind of services from the County they have to anchor a boat, get in a dinghy, row ashore, cross private property to get to the public area. Now there's been numerous times when there's been situations out there where we've had to have medical emergencies. We've had the County's SWAT team out there on a couple of occasions. We've had Homeland Security there because of a drug bust. We've had the Coast Guard there when boats crash on the beach in the winter storms. It happens fairly regularly. And right now you can't provide any of those services, and it seems to me that it's the County's responsibility to be able to at least provide police protection, and right now we don't even have that. And it's – so I think the County has an obligation to fix this dock so that we can have just basic services. Thank you.

Chair Lohman: Next person?

Roger Mitchell: Roger Mitchell, Bow. Thank you for the opportunity to share my opinions. Imposed time restrictions on public comment require me to be very brief. First, I commend the Planning Commissioners Greenwood, Mahaffie and Lohman for a good faith effort on the bylaws revision. I think it was a nice job. Thank you.

Unfortunately, after talking with many colleagues, there's considerable confusion about the bylaws committee proposal, public participation document, the ordinance, and other documents under consideration at this meeting this evening. Time constraints preclude going into detail. At a minimum, please provide a written public comment period with a reasonable deadline so citizens have a reasonable opportunity to comment. Thank you.

Chair Lohman: Anybody else?

Ellen Bynum: Ellen Bynum, Friends of Skagit County. I did want to – I've got something that I have written to Mr. Pernula and to the Planning Commission members – some of the Planning Commission members – about, and that is that I received the notification for the hearing and the language of the wording of the notification didn't point me to any other documents. So I read the agenda language that you were reconsidering the other ordinance and I reread it and sort of figured out that there must be something else going on, but I actually didn't go to the website until I read the *Skagit Valley Herald* this morning. And I had about half-a-dozen – no, more than half-a-dozen – phone calls from people saying, Are they reconsidering the document, the ordinance? So I wrote to Dale and said, you know, when you send this out be really, really sure that you have explained it in a way that your sort of – the average person could understand it. And that would have given me more time to review some of the proposed changes.

The other thing is that I realize that you probably left it up – you put it on the website at some point and there is a requirement for notice at some point that I don't know if that met that or not and I don't know if because you're discussing it it's not – there's no time requirement because you'll give additional time for public comment, but I felt that that was pretty important.

And the third thing is really about trust. When people read things and they think it says one thing and it doesn't say that, but there's nobody there to tell them otherwise, they're pretty pissed, you know. They're really angry and they're saying, What was all our effort for the other week when we went in there and told the Commission what we wanted them to know? It causes a fair amount of distrust. So maybe, you know, have somebody that you pass off the agenda to who isn't a planner, isn't on the Commission, just reads the plain English and can decipher it in a way that is helpful. So I would second Mr. Mitchell's suggestion

for a public comment period on the revisions, just because a lot of people didn't even get to read them until today. Thank you very much.

Chair Lohman: Anybody else?

Ed Stauffer: Good evening, Commissioners. Ed Stauffer, Box 114, Bow. I join with others in thanking you for your extra effort to help solve these problems, make things better for all of us. In my reviews of the materials I find a document that you posted on the website called "Public Participation Enhancement," dated March 26, 2013, and it's a basically review, as I can tell, of the Skagit County Code chapter 14. It is not attributed to an author. I don't know who wrote this. It has a number of modifications and suggestions in different colors of ink that are not explained. They need to be explained. There are a few typographical errors. I don't know if there'll be an additional opportunity for me ever to address any of these things, so I'll just have to leave a lot of it out.

What the chapter 14 is is the law. And many times when I've gotten up and made testimony in front of this body I've asked that people review the law. Well, here it is about public participation in Skagit County Code. I would like you also to get a summary of chapters 36.70 and 36.70A and do the same type of summary on the same issues. I support the majority of the edits in this document. I just want to say as an overview that Skagit County has three elected County Commissioners. They're called the Board of County Commissioners. They each appoint three citizens to the Planning Commission, increases by 400% the public voice – that's you, the Planning Commission. And in 1961 we added, under the Planning Enabling Act, we created a planning agency which included hired people called the Planning Department. Your job is not to help the Planning Department. Your job is to oversee the Planning Department. Thank you.

Chair Lohman: Okay, anybody else? We have time for maybe one more.

Paul Taylor: My name is Paul Taylor. I live at 20388 Eric Street, Mount Vernon, Washington. If I were wanting to stifle public opinion in any type of planning process, the first thing I'd do is try to pass some ordinance or regulation that would keep the public from participating in certain areas.

The second thing I would do is – to stop meaningful public opinion – is put them on an agenda where they can speak but yet at the beginning of the meeting so we don't even get to comment on what is being discussed or said.

And, of course, another way to do it is not give what you're discussing to the public or access to the public ahead of time. Well, we have all those things happening right now. Now what's a reasonable person supposed to think if you cut down on the number of opportunities for the public to speak, you put them at the first of the agenda, and you don't give them anything to comment on? You

have stifled public speech. You've stifled due process. This isn't due process, and I will debate it with anybody, including your attorney, anytime, any place, and if he can convince me that this is due process he will get kudos. But it isn't. Thank you. I appreciate, though, all your participation on this. I know you've got a hard job and the Planning Department doesn't make it any easier for you. Thank you.

(applause)

Chair Lohman: Okay, moving on to the next topic is the discussion of the Bayview Ridge Update. So, Dale?

Dale Pernula: Okay, making most of the presentation tonight will be Bob Bengford. He's a consultant with Makers Architecture and Urban Design. He's been working with us for well over a year now developing new PUD standards and design standards for the Bayview Ridge area. I'll begin the presentation and then Bob can work in. We'll give a bit of a background about the Bayview Ridge, a project overview, the planned unit development code that's been prepared, the development standards, and the next steps.

The UGA was designated in 1997. It includes almost 4,000 acres. The last GMA compliance issue resolved – was resolved – at the end of 2009. The Subarea Plan forecast for a total population of 5600 residents at Bayview Ridge by 2025. That includes the current population of about 2200. There's been a de facto moratorium on large development until the development of a PUD ordinance. More than four-lot subdivisions are not permitted at this time. In 2010 we began work on a PUD ordinance with visioning exercises that were led by a consulting firm, HDR. In 2012 we, along with the Port, hired Makers and Bob to write the PUD ordinance and development standards.

Bob Bengford: So, again, I'm Bob Bengford with Makers and I'm going to run through some of the highlights of the development code and say a few things about the process that we went through.

First of all, the code itself is based on the 2008 adopted Subarea Plan for the area that went through a public process. Also in 2010 there was some community visioning that occurred, and so the results of that were also integrated into the concepts for this code.

So this map outlines what we're calling the "Core Bayview Ridge Planning Area," and it doesn't apply to the entire Bayview Ridge area but some of the larger properties outlined in red here. And so on this map shows some of the properties in the aerial photograph. Mostly these are the larger properties that haven't been developed yet. And the area encompasses four different zones, including the two residential zones including the BR-R and the Urban Reserve. It

also includes Light Industrial zone and what's called the BRCC Community Center zone.

So as part of the process, Dale mentioned a few things about that. Since between November of 2011 and middle of last year, we held eight partnership meetings, which included some of the folks in this room, some property owners and their representatives, staff, and Makers, as the consultant. So the final draft of what came out of that was produced on November 26, 2012, and that's probably what you have in front of you.

The objectives of the process and of the project were to put together a code that balances both predictability and flexibility that's the right fit for Bayview Ridge and Skagit County; and trying to create a compact, walkable community to both protect the airport compatibility and compatibility between the various uses up on the ridge; also to create a pedestrian-oriented community center area; minimize the environmental impacts of the uses on the ridge; and also provide the needed public facilities and services for those uses.

So here's a detailed chart, and I'm not going to go through it but you should have a summary of this. There was a – we put together a technical memo that tried to highlight some of the key issues and discussion items. I see some shaking the heads. You don't have –

Ms. Ehlers: No. It wasn't on the website that I could find.

Keith Greenwood: I found it.

Ms. Ehlers: And we could only find it as of Thursday. So it's been around for a year – this is the same thing Paul's talking about – it's been around for a year, the final draft is last November, you give it to us the first of May, and you want us to talk about it tonight without any real understanding ____.

Mr. Greenwood: Carol, I don't think that's correct on the timing, but maybe we could let him finish. Just my suggestion.

Ms. Ehlers: I've got the memo right here – Tuesday, April 30th.

Mr. Bengford: So, in any case, the summary here tries to give you a quicker overview. I know that the development standards is a fairly thick, big document so we tried to find a way to summarize some of the key issues and talk a little bit about how we went through those issues and what some of the outcomes were so it helps simplify things a little bit and what the outcomes are. So I'm not going to go over this in detail, but I will talk about some of these things as we move forward.

In terms of the amount of time that we spent on various things here, the key issues were the review process, the zoning issues and the design standard issues. So I put some stars up on the screen there and they about represent the amount of time that we spent on things. So most of it was on the actual review process itself and what was the right amount of public outreach that fit the different processes for the different applications; how staff was involved; what level of – whether it was Planning Commission or Hearing Examiner – those types of things – were involved in each process.

So then quite a bit of time was also spent on the zoning issues as well, and I'll go through those. Less time was actually spent on the design standards issues, and that's actually most of the content in the document, but that seemed to be a little bit less controversial.

In terms of the approach to crafting the standards themselves, what we tried to do is figure out what's most important and focus on those issues. We also tried to make sure that there were clear minimum standards so that both the decision makers, the staff, and the applicants know what's clear, what needs to be done to be consistent with code. But at the same time we tried to add some provisions in there to allow some flexibility, and I'll go through those in a little bit too.

Another way to have flexibility was to use what we call "toolbox approach," and that's where you have a number of different ways that you can meet the minimum requirements and let the applicants choose from those numbers of ways to do it. So it was both a way to be predictable but yet allow some flexibility for the applicant in how to meet those requirements.

Another thing in here is you'll see lots of graphics. So we tried to integrate both good and bad examples of how to meet the standards and make it very clear visually how to do it. I mention in here integrating a form-based approach, and so that's where we've tried to institute standards to get the development form that we want in terms of open space, buildings. And I'll go through a little bit of that as we go through the design standards. And then, of course, try to make it a document that's clear and easy to use.

About the standards themselves, it's broken up into five different parts, from the purpose, applicability, the review process, the zoning provisions. And then there's these larger community design issues and then the smaller, site-specific project design issues.

We try to integrate a lot of charts here that are easy to read. Again I'm not going to go through this in detail, but we've tried to indicate, you know, what parts of this document apply to my property, so that's what this document's about, because you may be, for instance, in the core planning area and then you need to work with everything in the code. But if you're outside of that then you have a different set of rules, or actually many of this stuff is voluntary.

So I'm going to go through some of the code elements of the review process now. And here what we try to demonstrate is, Well, what is a planned unit development? So a PUD, it's a conceptual development plan essentially under common or single or unified ownership or control, and often uses more than one phase of development.

And when are they required? In this case the conclusion we came up with is a PUD would be required prior to or in conjunction with any subdivision or binding site plan that's within that core Bayview Ridge planning area. So essentially you could do a planned unit development by itself, which could be a more conceptualized plan, or you could do it in conjunction with a subdivision or a binding site plan.

Ms. Ehlers: So that's only within the red line.

Mr. Bengford: That's within the red area, because those are the bigger properties that need this type of approach. The other prop – most of the other properties are either already developed in the residential areas or they're smaller, where the existing code should work just fine.

Chair Lohman: What's the tipping point on whether you're considered big or not?

Mr. Bengford: That's what we highlighted it on –

Chair Lohman: I saw the map, but what – how big before you become needing a PUD?

Mr. Bengford: Well, any – again – any subdivision within that highlighted planning area you'll need to do a PUD, because most of those you'll see that the lines kind of meander around, and we tried to exclude some of the smaller parcels where we didn't think this was appropriate. So we tried to create the boundaries here that focus on some of those bigger parcels where there's quite a bit of coordination that's needed in terms of access, making sure you meet some of the goals here where some of your development begins to affect properties that happen around it. Does that sort of answer your question? It might as I go through –

Chair Lohman: Right, just –

Mr. Bengford: – go through the rest of this.

Ms. Ehlers: Not quite, but try to answer it later.

Mr. Bengford. Okay. And some of the goal to this is again to ensure that there's good master planning, that we're thinking ahead of how these pieces work

together. Because, again, you have some big properties out here and you want to think of how these roads might fit. You want to think about how stormwater management works. You want to think about how the compatibility with the airport works. There're so many things that are interrelated. And also you have – with these bigger properties – you have better opportunities for. They already have a pretty good trail system, so there's things that you want to coordinate and plan ahead so that's why there's desire to create this – we're calling it "PUD" but it's kind of this master planning process.

And the other part of that is community involvement is a big piece. So we've tried to make sure that there's good community involvement at the very outset before some of the major decisions are made in the process.

So, again, here's another big chart. But what we've tried to do here is indicate what the review process is for the various types of applications. So one notable thing is is when you have a development that has more than fifty lots usually that kicks it into a higher level of review process where you might need to provide an extra meeting or go to a higher level of authority in reviewing and approving the document.

We also put together a chart here that tries to indicate what the process might be and how it flows, for instance, from pre-application meetings with staff on through public meetings, and where the process might change, depending on how many lots are involved.

Another thing here – I try to mention we've added some provisions here that provide for some flexibility. In many cases we have offered what we're calling "departures." So oftencases (sic) we'll say, Well, here's the standard. You have to do this. But then in some cases we've said, Okay, we're offering departure opportunities provided you can demonstrate how you're meeting the intent or the objectives. And so we've tried to indicate, Well, what are the goals here? So these aren't variances. These are voluntary things. The applicant can voluntarily propose a different way to meet the standard. And so, again, they're voluntary. Code only allows these – there may be like about a dozen or more of these. You can't do a departure on any standard, only when it's mentioned. And there are some cases where if you have a really small project where it gets into a higher level of review – if you had a small project. And an example of that is if you do – in some of the core areas you could have a commercial building or a multifamily building. The standards require that you have a certain number of features to break down the scale of the building. So a departure might mean well, you're supposed to break down the scale every 50 feet – you're supposed to do something. Well, in this case you might say, Well, I want to do something every 60 feet, or 70 feet instead, but I think it's going to meet the objectives and the intent. So you can propose that and it'll go through the process and you need to state why it should get a departure. So it's just another way that you can get a

little bit of flexibility but, again, you can't – you need to demonstrate how it meets the objectives.

So as you look through this, you know, take a look and see when there are departure opportunities. And in some cases we've tried to demonstrate what the criteria – some cases there are extra special criteria for getting a departure.

So now I'm going to go through some of these zoning provisions. And the key thing in here and the change from the Subarea Plan is – I guess I don't have a big paper map, but you can see the map up on the screen here. Right now the Community Center zone from the Subarea Plan was sized at 40 acres, and we're allowing much more flexibility with that. Because originally it had proposed to include a school and a large 25-acre park, and that's no longer necessarily the case. The school and the park can go in different zones under the new code proposal. So we're saying that the Community Center zone can be much smaller than this in code and that the boundaries can change with these applications and zone change. The other thing that can change is the Light Industrial zone, and we've seen a report that has come out recently that there's greater demand for Light Industrial uses in the area. So what we've integrated into here is that is from here out that there's some flexibility to have the Light Industrial zone expand and kind of together with the market conditions. If the market conditions provide for it to be better for it to be Light Industrial rather than residential, the code here provides an opportunity to do that.

Some of the other changes – or, actually, some of the other provisions here: Permitted uses – the BR-R allows for a mixture of housing types. It's mostly single-family because it's relatively low density, but there are some provisions to allow for a mixture of housing types. The BR-CC is primarily smaller scale, retail/commercial development that supports the rest of the Bayview Ridge planning area. But the other thing is we've also added a provision that you can have some mixed use and some residential in the BR-CC to try and incorporate a mixture of uses, allow a little bit more flexibility of the property owners there and how they can use their property. And there's no changes to what can be done in the Light Industrial zone.

The density for these areas is largely set in the Subarea Plan, and it's based at primarily this four units per acre for the residential zone, but with provisions where you can go up to six with some incentives, with some bonuses. And in the Airport Environs with some of the sensitive areas adjacent to the airport, there's some lower maximum densities. In fact, there's one area you can only go up to two units per acre. And, again, in the BR-CC zone, there's now – under this provision – now you can have housing, and it's basically up to four but you can get a bonus and go up to six. There's no minimum density there.

Now I mentioned these bonuses. The way it was set up in the Subarea Plan was that to get the density you would purchase farmland density credits to preserve

some of the farmland surrounding the area, and that would be a way that you could go up to six units per acre. But that has not been adopted yet by the County. And there was also a desire amongst the committee to have a little bit more flexibility in how you might get these density bonuses. So we've added some other provisions regarding providing affordable housing or even providing environmental certification to get the density bonus. And in this case, if the County does or once the County does adopt the farmland density credit program, what you would need to do is use that for this first tier of density bonuses, and then once you've done that and get up to five units per acre and you still want six, then you could choose these alternative means of getting that density. There's lots of details in the document here but it would take me a little bit too long to go through those, so...

Just like many of the codes, there's a density and dimensional standards table, and it has the setbacks, the lot area by the different zones. And, again, I'm not going to go through those in details, but those are there and we've tried to make them pretty clear.

We did spend quite a bit of time on stormwater and impervious area issues, so we worked closely and spent probably a couple meetings working that out with the committee. And what we tried to do here is the more intensive your development is and the more small your lot – the smaller your lots are, we tried to make it more flexible and say, Well, if you have more intense development you can have more impervious area. So we tried to have this sliding scale of percentages of impervious area that's fair, and we've also allowed some discounts if you have some things like green roofs or permeable pavements, or even there was an interest in having more single-story development so we allow a little bit of a discount there if you have single-story, more accessible housing forms that you can have more impervious area. And then, again, there's flexibility to use other and propose other design treatments. You can have other higher percentage of impervious areas providing you can demonstrate that those techniques meet the goals.

Now I'm going to go through some of the larger, community design provisions that we came up with. And the concept for the community center was create somewhat of a small-scale village core where you might have a mixture of uses, where it's pedestrian-friendly. It's not just a strip mall with a big parking lot, but it's something a little bit more community-oriented. So these images here just try to show examples of what's sought there. And so to try to do this we came up with three different layouts of buildings along Peterson Road of how you could meet this. And the main concept is to try to create, say, one or one-and-a-half blocks of a main street concept where you have storefronts right on Peterson and you have parking lots around the back.

But to provide some flexibility, we created different arrangements where you might – if you look on the screen, option C shows more of a crossroads where

you might have storefronts on four corners and again you've got parking around the back. But you're trying to create kind of a village center and really a pedestrian or cluster of uses there. Option B has an option where you have a little plaza in between them. So, again, we try to create some choices here that the developers can use and be consistent with the Subarea Plan and the code.

The other thing is making Peterson Road itself more pedestrian-friendly. So in the core area we show an option – one option with a median, one without it. Both of them have bike lanes. Both of them also would have *some* on-street parking, where you have some storefronts, because if you want to have some storefronts it's important to have on-street parking to make that workable. The other thing is to have some street trees and generous sidewalks, particularly in this core area.

Chair Lohman: So are you then – where's all the traffic – what's your traffic path then going to be? Like if I'm hauling seed to Christianson Seeds I usually take Peterson Road. So is that still going to –

Mr. Bengford: That still will continue. This will still be the main route and then you'll have – those road widths and the lane widths will be there, but there will be – you'll have to slow down in this core area and you'll have – you know, because you'll have residential uses, you have a school, and you'll have – the idea is to try to create this village center, but you'll still be able to drive your truck and have some of those Light Industrials. There's the capability to accommodate both of these things because there's a limited amount of that and we feel that there's also no need – that you're going to have so many uses here that you're not going to need to go up to four lanes or get **any road type like that**.

Ms. Ehlers: Have you talked to the federal rules people? There're only two highways out of this industrial area that go to I-5, Josh Wilson and Peterson. Back in the days when the Planning Commission was involved in transportation planning or even allowed to look at it, Ann Marie Gutwein made it clear that federal rules required how both Peterson and Josh Wilson were to be built – that Josh Wilson was to take the heaviest traffic for everybody – but the County Planning Department still hasn't put that into any plans that I know of – and that Peterson would continue being *the* heavy truck traffic. Heavy truck traffic used to go through the center of every town that you drove through in the 1950s, and it was disruptive for the trucks and dangerous. It was almost impossible for any of the retail shops to make a go of it if they were on that road. So when we ever get a chance to talk about some of these things, I have a number of issues to bring up on that: for financial viability for the stores; for the kind of thing Annie's talking about; and for safety. You don't want people jay-walking across that road, because it's tempting. It's not safe enough. And I would rather prevent problems. You're talking about roads. 5000 acres surely has other main roads that are involved in it. At least I hope we'll get there.

Mr. Bengford: Yes, the Subarea Plan has a generous chapter on transportation. It didn't call for massive changes to Peterson Road in terms of allowing more lanes or more truck traffic. So what we've done here is kind of been consistent with what came out of the plan, this plan.

Ms. Ehlers: The County Planning Department has a long history of trying to pretend there was not any problem of traffic on Peterson Road. But that's not something you know.

Mr. Bengford: Any comments on that?

Elinor Nakis: I think I have one comment is that I used to work in North Bend and North Bend used to have the main traffic coming right through downtown. And now it's – they have a bypass around that town. All through my whole life I've seen many, many small communities have their main road that used to pass right through the center of town moved for safety issues and for just feasibility, more efficiency. So you're going to make – this plan makes Peterson Road much more inefficient. I mean, it's an efficient path now, if they had _____. You know, it moves a lot of traffic but it won't move – I mean, could you put that road somewhere else?

Ms. Ehlers: Please.

Ms. Nakis: I mean, this little – more a little town center? In a place that's truly all those things that you are proposing: a walkable, safe community?

Mr. Bengford: Well, if there's going to be –

Ms. Nakis: _____ across our highways _____ Highway 20 that comes and splits Sedro-Woolley. And we have one crosswalk now, but it took us – well, I don't know – a hundred years to get a crosswalk across.

Mr. Bengford: Sure. Well, an area like this I think you usually want to make sure that the retail uses are in the center and not simply off to the side on smaller roads, and the other thing to keep in mind it's not a – Peterson isn't a continuous through road, so it's not like North Bend or these other roads where it's a major, continuous through road. But, you know, factoring in the – we had the Public Works did look at it and they didn't have any – the Public Works Department didn't have any comments and say that this was unworkable.

Ryan Walters: And I can address that briefly. Peterson Road is a federally designated truck route, but Public Works has talked to the traffic generators at the Port and they've tried to direct people down Higgins-Airport Road to Highway 20. Because we have already received residents along Peterson and elsewhere – sort of Country Club, that area – complaining about truck traffic on Peterson

Road. So although it's a federally designated truck route Public Works is trying to move people in an alternate way already.

Chair Lohman: So those of us, though, like where I live, which is near Edison, how would I get there?

Mr. Walters: Well, Public Works isn't –

Chair Lohman: I mean I could go Farm to Market, but there's reasons why we designate truck routes. It's, you know, so that you don't have *all* trucks on one single road, and efficiency because you want Industrial and Light Industrial also at the airport and all the airport and its surrounding Port structure.

Mr. Walters: And they haven't tried to eliminate trucks because it could be de-designated or they could impose weight limits or things like that, but they don't desire – Public Works – to eliminate trucks. I think the biggest issue was with Fed Ex and the sheer volume of trucks that roll down Peterson out of the Fed Ex facility at the Port.

Chair Lohman: Oh.

Mr. Walters: So the other thing that I think (is) important to keep in mind is Peterson was already designated as the main street for this development in the Subarea Plan. So it's been that way for a long time.

Chair Lohman: Right.

Ms. Ehlers: But that doesn't mean that it should be in stone. Some years ago I was invited to the Physical Activity Coalition meeting – a long afternoon workshop – at the railroad, and I joined the work group on – that was Rural. It was mostly bicyclers, and I got an earful as to how Ovenell Road was the perfect road for bicycling because of the nature of it and how level it is, and that we shouldn't be putting bicycles on Peterson because it's sort of like putting bicycles on 20 through Fidalgo. It's a hazard to anybody who's on that bicycle and anyone else. You try to separate them so that both groups have a place to go. But before – part of all this discussion for trucks going toward 20, a lot more would go toward Higgins if the Higgins-20 light was worth a damn. But you can almost guarantee that if there's two cars going down Higgins Road they both are going to have to stop and wait a long time, whereas the light at Avon Allen and Pulver is a very – are very responsive lights and so trucks are attracted to it the way anyone else is because you can get through it easily.

Now some of what I'm thinking of is I can understand having the retail on Peterson Road. I just don't want it on both sides of it. But I do think that this discussion illustrates the need for a topic by topic discussion of this draft before it

goes to a hearing, with enough time to actually read it. I didn't get it done in five days, but I did read enough to raise a bunch of questions.

Chair Lohman: Okay. Sorry, Bob.

Josh Axthelm: I think this comes down to – well, you have an age-old issue when you have like a dairy farm and somebody builds their house next to a dairy farm and then goes to complain about all the smell. It's the same situation here. You build your house on a highway or you build your house on an industrial road, you're going to have truck traffic. And I think that the people need to understand that – is that you can't take an industrial road that's used for major traffic and then totally boot those people out and push them around it. The people on the farms and the industry pays for your roads, pays for your – for a lot of the development and so we need to respect that as well. I think taking the truck traffic off or doing this is creating a hazard. I really don't think it's appropriate.

Ms. Ehlers: For the houses.

Mr. Axthelm: Well –

Ms. Ehlers: The trucks shouldn't have the houses on top of it.

Mr. Axthelm: Combining the two is an issue.

Ms. Ehlers: Okay.

Chair Lohman: Well, let's let him move on. Go ahead.

Mr. Bengford: Yeah, I wish I – I wasn't involved in some of the transportation planning before so I wish I could answer some of those questions a little bit better. But in any case something like these, or some of the concepts for having some storefronts on roads, and actually the lower right-hand corner images of the city of Woodinville, which has quite a bit of traffic running through it but still functions as a main street.

Mr. Axthelm: You're suggesting to run truck traffic through that? That's what you had – that's a picture example of what you had there before?

Mr. Bengford: That's somewhat of the concept for the buildings and the sidewalk improvements along that portion of Peterson, based on what's come out of the Subarea Plan and based on the committee's work in putting together this draft code. So this is basically implementing the policies that came out of the Subarea Plan that were adopted. This is just basically for one block of Peterson Road.

So some other provisions in the BR-CC on some of the other streets again address where parking lots might be located. And, again, since there's – since

the core planning area does run along both sides of the road, and there could be – again, there could be a school on one side, residential uses on the other. Again, part of the idea there was to make sure that there was a pedestrian-friendly way to – that there was a core there, a pedestrian-friendly way to cross that area. Also we looked at the residential streets themselves. As these areas get developed the developers are going to put in residential streets, so what we've tried to do here is create a number of different road configurations and street layouts and street designs, rather than just one street design. And so part of what we've done here is try to create somewhat more narrow streets here that have less impact, less stormwater impact, have slower moving traffic, take up a little bit less land and look better – that fit well into the neighborhood. So there's options with – some with on-street parking on both sides, some with parking on one side, and maybe in some cases you wouldn't need – you would provide all your parking off of the street. So there're some options to work with.

Ms. Ehlers: I see you have alleys. Is that where you're planning for the garbage cans to go?

Mr. Bengford: Alleys are an option.

Ms. Ehlers: Then how are you – if you have narrow streets, where do the garbage trucks go and anyone meet them?

Mr. Bengford: They would be able to fit down these streets.

Ms. Ehlers: And someone coming the other direction?

Mr. Bengford: Yes, they would be able to fit down the streets. Many other cities have adopted and built streets to these standards and they facilitate utilities and all those needs.

The other thing is in the BR-LI we tried to set the standard for the BR-LI streets to simply look like what's being built out there with the soils and the trails on one side, so we basically just wrote that into code to continue that pattern.

The other thing is if we're developing residential uses on these properties, particularly on the north side of Peterson, is to create a connected system of roads. So rather than do the example that's on the left, which has lots of curvilinear streets and if the children or people want to get from point A and point B to the park that they wouldn't have to do this half-mile walk around – so trying to create a little more finer grain, creative streets – something more like on the one on the right. So there are some minimum standards for connectivity as new streets are put in. And that's one of the key things that needs to be coordinated as these larger properties are developed to make sure that we don't just wall each property off and just have one entry and exit onto Peterson. The idea here is to spread out the traffic and not to keep it too concentrated on one street.

And the other thing, I mentioned trails a little bit earlier. You already have a really good trail system developed in the Light Industrial area. The idea here is when you're planning for these large, undeveloped areas, you have a great opportunity to create a new trail system. You just need to – you need to think ahead a little bit. So with this, this map is not in the code itself but it illustrates kind of the concept that's written in the code, creating a connected trail system, having something that runs north and south through the planning area and makes connections to the existing Light Industrial trail system.

A park plan is also addressed in here. Back in the Subarea Plan I mentioned there was a – the proposal there was to have one large, 25-acre park, but I think what we came to the conclusion here is to be a little more flexible and split it up into some smaller parks. So the chart here has some standard based on the amount of residents and lots proposed. You have a certain amount of acreage of – whether it's community parks or neighborhood parks that need to be installed with that development, and there're some standards for how they would be designed and integrated into the community.

Schools is a big issue too. We collaborated with the School District, and part of what their concern was is to make sure that schools were a permitted use, not a special Hearing Examiner use, both in the BR-CC and the BR-R zone – so allowing a little bit more flexibility there.

Another thing is try to encourage some of the PUD applicants to show concepts for how they could integrate schools into their subdivision to show an example with or without schools. Because the school's going to need to buy some land as we move forward, and some of these larger properties have some extra acreage so trying to get the folks to work together on that.

The other thing is there're some design standards and guidelines written in here regarding schools to try – again – try to make them more pedestrian-friendly, to try to get the entries prominent and up closer to the road. So the examples down at the bottom are showing some good examples. And the other thing is try to promote the capability for some public use of the open space as a playfield and also try to create an environmentally-friendly, low impact development treatments with the schools.

Robert Temples: Bob, I've got a quick question.

Mr. Bengford: Sure.

Mr. Temples: You're using the term "school" kind of in the general term, is what I'm hearing. As we know the school system goes everything from kindergarten to college, so I don't know what level of education you're even discussing for this development.

Mr. Bengford: I believe elementary school is the primary need that we've been talking about.

Ms. Ehlers: That's what it's always been in previous discussions.

Chair Lohman: That's what the school representatives behind you are nodding.

Mr. Temples: That's right. Okay. Thank you.

Ms. Ehlers: In that regard, the Anacortes school system has had a really progressive combined use with parks. For example, the tennis courts that were built with various kinds of public and private money are on the school playgrounds so that the school can use it as well as the public. And it's that sort of thing that I think should be encouraged.

Mr. Bengford: So then the last thing here is to get into some of the project development standards, so filling out individual lots with development. And so within this there're some standards for specific housing types that are allowed, from single family, duplexes, cottage housing and townhomes. So there're standards that are there. They talk about setbacks, garage location, driveway standards – trying to be very clear and, again, work these details out with the committee. Cottage housing is another housing type that we wanted to allow the opportunity. It's more of a niche form of housing type but it's something that's becoming more common. What it is is essentially a small – it's a cluster of small – up to about 1200 square feet – homes surrounded by a common open space. So it's a very unique concept. There're some specific standards in there. You might take a look at it. It's a special option there. The other thing is since these units are much smaller than regular single family dwellings, there's a provision there that you can have two for each – basically two cottages count as one regular single family development. Because they're much smaller, we figure they're going to have a much smaller impact. And also if you don't – otherwise, there's no market except to build them if they're smaller.

Townhomes could be another housing type, particularly near the center and the core. So with these you could have up to four, five, six units attached in a building. We show good and bad examples, and there're some basic standards for the design of those. And also there's a number of – there's quite a bit of material in here on standards for commercial and multifamily design standards. So we talk about site design here and building design. We talk about efficient vehicular circulation, pedestrian circulation, internal open space, surface areas, lighting. Again, building design here – trying to keep things at a smaller scale. I'm not going to go through this in detail, but it's an example of – particularly in the commercial core area, try to have buildings that have some details integrated with them. And so here's where we've got a toolbox list of options. You must pick two or three features from this option – trying to provide some choices. And

then showing good and bad examples. The other thing is trying to avoid a lot of big, blank walls in these areas. So there're some basic standards on that.

So those are some of the big features here. Other than that, Dale, if you wanted to add anything regarding some of the infrastructure planning that needs to be done from here on?

Mr. Pernula: Just a few points that I'd like to make on it. First on the roads and transportation: All the streets within the subdivision will be required to be put in by the developer. There may also be some offsite improvements where the development itself has an impact on existing roads. They would not be required to fix existing problems but any problems that they're causing they would have to provide a remedy to.

In 2011 the Public Works did a traffic study that includes projections through 2035. It includes expected impacts from full build-out of the development, and I've already covered the other things that it does require them to pay for – the internal roads and some of the offsite roads, and it has to go through SEPA.

Trail requirements: This is a walkable, livable community and there's proposals for trails. I think Bob laid out where some of those may be.

Stormwater management: There's a two-part Bayview Watershed Stormwater Management Plan. The County Drainage Utility has provided funding to Drainage District 14 and 12 to build projects to handle existing deficiencies, and new development must manage its own stormwater consistent with the 2012 Stormwater Management manual.

The Parks Comprehensive Plan is in line to be docketed this year and new development will have to design and construct parks to meet levels of service and Bayview Ridge development standards.

A future school location is addressed in the code. Bob mentioned that it's made a permitted use in both of the zones. And more work needs to be done in coordination with the School District and the key property owners as we move forward.

The next steps include community outreach, the update of the Bayview Ridge Subarea Plan, SEPA review, and adoption. And there we've got some next steps laid out there. You can't quite see it but some of those include docketing – hopefully it gets done this month. June and July we have community meetings in the area. September, the release of the Subarea Plan and development code that's being proposed. And October, a public hearing before the Planning Commission. October and November will be the Planning Commission deliberation and recommendations, and from there to the Board. That's about it.

Mr. Temples: I've got one question.

Mr. Pernula: Yes?

Mr. Temples: Do we know the level of – service level impacts on fire and police at this time on this project?

Mr. Pernula: I couldn't tell you.

Ms. Ehlers: Well, there's a brand new fire hall down the road in Fire District 6 between this site and the airport.

Mr. Temples: Well, I'm just saying they might want to have some input on a project like this.

Ms. Ehlers: Absolutely, and the tradition is that we don't tell them.

(laughter)

Ms. Ehlers: Dale, are these roads to be public?

Mr. Pernula: These roads are to be public. Are there options for private streets from some of the smaller streets?

Mr. Bengford: It depends on what the larger County policy is on that. I think, for the most part, these are public streets. There're options for smaller little court accesses that we've written in there, but for the most part these are public streets.

Mr. Pernula: The small ones would probably be access easements for less than four lots or so.

Mr. Bengford: Well, things like townhomes – if you have like a big townhouse development there'll probably be little private streets there, but if they're single family lots they're going to be served by public streets. They might be more narrow than what you see now, but they'll be public streets most likely.

Ms. Ehlers: You mentioned accessible housing, but you don't really say much about it. You're graciously going to allow one story, which is the beginning for accessibility, unless you're going to have elevators, which takes it out of affordability. So what's going to happen to people when they get older and they can no longer do all this walking and they can no longer drive and they'd still like to stay within walking distance of their relatives. From the size of the houses you're talking about there isn't going to be much space for Aunt Mary or Grandma or Grandpa so they'll have to live somewhere. And I don't see anything in here for senior housing.

Mr. Temples: Except the cottage housing does have the potential for that.

Ms. Ehlers: It does, but I want to bring it up now so it doesn't ____.

Mr. Temples: No, I think it's a good idea.

Mr. Bengford: Any of these housing types can be senior housing. We're not prohibiting that. I think that's actually encouraged.

Ms. Ehlers: Two-story? You haven't gotten to the point you can't walk up stairs.

Mr. Bengford: Yeah, there's nothing requiring people to build two-story homes.

Ms. Ehlers: Ah.

Mr. Pernula: And let me point out that still the density is mostly four to six units per acre, which can accommodate primarily single family homes, even one level. A lot of what Bob was talking about is that core area which is a very small area.

Mr. Bengford: The BR-CC. I think the cottages would be a great senior housing option.

Ms. Ehlers: I think it would, too, but if you skim through this the way I had to skim through it –

Mr. Bengford: Sure.

Ms. Ehlers: – you don't see it. And the closer you get to needing this kind of housing the more you pay attention to it.

Mr. Bengford: Well, I encourage you to – hopefully this has been a good just overview then. I know that you haven't had much time to review everything, but hopefully this has been useful to you. If you get a chance to look at it more it'd be great to get more comments from you. And as Dale mentioned, in – I believe – in July on that schedule we're planning to do some community meetings and that's where we hope to get a lot of comments. And then we will come back to you in September with a further review, so you will get that opportunity to come back. And, again, keep in mind that we did put these together consistent, for the most part, with the Subarea Plan. But there are a few things in here that will – that are a little bit different and a little more flexible – have changed it a little bit, so we're going to have to do some updates to the Subarea Plan. That's something that we'll be working on at the same time as some of the code tweaks and while we're doing these community meetings.

Ms. Ehlers: I really appreciated that some of that was put in blue ink.

Mr. Walters: To get back to the fire/police issue briefly, there are level of service standards described in the Subarea Plan for fire and police. Police, obviously, is provided by the Sheriff's Department because it's an unincorporated area of Skagit County. Fire service would be provided by a fire district. But there are level of service standards in the Subarea Plan, so I think maybe that *is* addressed. Also the draft that's available on the website now – it's labeled the April 16th draft – it very well may change between now and the time that there are community meetings, and then it might change in response to community meetings before the next stage where there will be a public hearing before the Planning Commission. And at the same time, there're Subarea Plan amendments to be drafted. So there's a lot – this is very much a preview – there's lots more going on.

Mr. Greenwood: I was just – when Carol was emphasizing that there's been short notice on this, I watched the presentation to the Board of Commissioners on April 16th and there was quite a bit of information, including public comment, pertaining to that presentation. And it's basically the same presentation, Carol, so that's been – the information's been available and I've been reading it since then. So that doesn't mean I *know* it fully, but it *has* been available. So I – and the Commissioners also – the County Commissioners – emphasized, as Ryan just did, that this is a start. This is no fast track of something that has just come up. This has been going on for a long time and there's quite a bit of information and background information. I think Dale, or whoever put together the summary of next steps and previous steps that have been accomplished, I think there's quite a bit of information out there already.

Ms. Ehlers: I'm not disagreeing with that. I have a huge –

Mr. Greenwood: Well, I think you sounded like it.

Ms. Ehlers: I have a huge pile of information from the Bayview Ridge Plan, all the various steps of it. But the assumption is made by many that because some people find this on a website everybody else in the county does. If the Planning Commission is going to be expected to know something that's on the Commissioners' agenda, it doesn't hurt to send it out. It doesn't hurt to put it in. We got the notice dated the 30th of April. And I'm trying to make a point which the audience has made again and again: The more time you have to read something and digest it the better you are when you come sit and listen to something like this and the better you are later when you've had a chance to think it through and go look at the Bayview Ridge documents which are in the past, and go look at the urban growth area, and go – have you seen, for example, the trail system around the Port? – to go out to the Port and see how beautifully that is done, and then say, Ah, if that is the model then that is something that's really greatly to be followed up on. It's that kind of preparation

that I say we should do on the Planning Commission. And the more time we have the more likely we are to be able to work it in with the rest of our workload.

Mr. Greenfield: So then this is an introduction, so from here on out see if you have enough time. ____ suggestion.

Ms. Ehlers: I'll find a way to make it most of the time.

Chair Lohman: Okay, was that – I'm sorry.

Mr. Temples: I'm just going to make a brief comment here. I'm sort of jumping in on the deep end on this, but from what I've seen in the presentation so far a couple concerns come up to me. It's like the old – forgive me the old adage of What comes first, the chicken or the egg? I'm hearing a lot of description about the chicken but I sure have no idea what the egg is doing. In other words, this is an extremely complex project that's going to involve – as you said – a long-term development. Okay, what's being developed first? What's the steps in the development? What's the steps in addressing highway concerns and streets, et cetera, et cetera? The people concerns. It's like we're seeing a possible image of something at the end, but we don't know how – what are the steps to get there? Because I'm not hearing it. I'm sorry.

Ms. Ehlers: Good.

Mr. Bengford: Yeah, part of that with the Subarea Plan we began to look at a lot of those issues back in – between 2004 and 2008 – _____.

Mr. Temples: Well, I've seen similar developments down in Harbor Point in Mukilteo. There's another development just north of 164th on Bothell Highway. Same kind of concept. I'm not saying they're not successful, but they are very complicated and they take years to develop.

Mr. Bengford: Sure, and the actual developments here may take a while to develop, so we're – this is the start. You've done the Subarea Plan. We're setting up some of the development regulations to help everybody sort through it to figure out what's allowed, what needs to be done. The County – as the last few slides pointed out, there's a number of stormwater and other issues that are still being worked out. There's some collaboration that's going to be needed between the schools. So, yes, it's a work in progress and it will continue to be a work in progress.

Ms. Ehlers: So do you start with the structure of it – with the roads and have a schematic, an idea of how the roads – this is what you're thinking of, isn't it?

Mr. Pernula: Well, let me put it this way. There's a subarea plan for this non-metropolitan urban growth area, which there aren't many of them anywhere.

This is going to be like a small town that's being created here. This is not for any particular development at this time. We have a plan for the area and now this is an ordinance to implement that plan where any of several property owners or their agents or their developers come along and can utilize these standards to develop their property. So there's not a specific development or a specific developer at this time. It's an area where many years ago – I think like fifteen years ago – was designated for development as an urban growth area. So –

Mr. Temples: Fine-tuning is what I'm hearing?

Mr. Pernula: We're putting together – a plan was adopted in 2008. I think first in 2004 then was refined in 2008. And these are the regulations to implement that plan.

Mr. Temples: Okay.

Ms. Ehlers: But Robert has, as I hear it, how do you start? Out in my area where people were developing, there was a developer who developed about 350 acres, and he started by figuring out where the roads could be and might be and should be. And then after he figured that out he then thought to see how the drainage would work and how the various other infrastructure issues would work. But he started with what I've always been taught is the bones of development, which are the roads. And then once you figure out that this road is good for this direction but it isn't going to work that way because of the way the traffic comes, then you start rearranging it a bit. Is that what you're getting to?

Mr. Bengford: And that's to an extent what we try to do here in setting up parameters for the blocks. But ultimately these are private properties and so the individual property owners have the opportunity. And they are looking at ways that they get there currently doing this. They're looking at ways they can set up the road system. So we've designed some parameters for how they can start doing that. So they'll look at, you know, what uses are permitted, where's the market at. So we're trying to set up the framework here and the rules for them to be able to move forward when the right time comes for them. So we can't – what we don't want to do is plan too much where we've laid out – you know, in some cases you may want to set out some major roads but you want to give them some flexibility to configure some of the roads that work best for the land use and the type of development. So we've tried to navigate this to get the things that are really critical but allow flexibility where it's warranted.

Mr. Walters: I think also that all our staff are very aware that there are a lot of moving parts to this. And there are a lot of chicken and egg questions: What do you do first? How can you enable a development to occur if you haven't already done this, but can you do that if you don't know what the development looks like?

I think it is important to point out that if you – if we end up having this code adopted then a developer would be able to come in and submit for a PUD, submit a master site plan at that time, which would provide a lot more visualization of what it is they might be able to do. And the document allows for a relatively complex, you know, review process of that to make sure that that's right at the time. But this document isn't trying to do a master site plan by itself. That would be left up to the developer. And there're good reasons for that. For instance, Bob alluded to the ability to convert some more property – Light Industrial – dependent on market conditions. And if we were to do a master site plan right away, you might be locked in. That would foreclose some of those opportunities. So this shouldn't be confused with that level of detail. It is more of an enabling document to allow a developer to move forward.

Mr. Temples: Well, I understand. By the same token it's like you're using the term it's "market-driven," but how do you explain to the people here who – it's really driven by the people who want to live there. But you're also saying – I can understand, I appreciate it – some market issue as well. And I'm just saying there's a lot of parts and pieces to this one and a lot of variables, which is hard for a lot of us to even understand completely because a lot of us aren't dealing with market stuff. We don't know what's selling right now and that's partly what you're talking about – what's sellable, what's leasable, et cetera.

Mr. Bengford: And I think, again, keep in mind that with the partnership committee we had some key property owners; again we had staff; the consultant team; we went through eight meetings; we probably had about six or seven drafts of this where we refined things, we talked about it and we refined them again, and I think we ended up in a place where we had agreement from the key property owners here. But we also tried to make sure that we met the intent of the Subarea Plan and what came out of that many-year-long process and all the goals and policies that came out of that. So I think we've – there're a lot of complicated issues here, and so what you have before you, again, is a draft but it's our way of kind of sorting through these things and setting up parameters for the development here.

Chair Lohman: Okay, is that the – all of – the rest – this is like our first presentation of this. I'm sure we're going to see a lot more.

Ms. Ehlers: Before October?

Mr. Pernula: You bet. Well, we're going to have those community meetings probably June, July.

Chair Lohman: I think if we could have some updates similar to what Betsy's been doing, that would be very helpful. So, okay, moving on on our agenda then – and I'm going to take a – kind of a Chair privilege because I forgot – and all of

us did – to introduce our new Planning Commission member, so could you introduce yourself and tell us a little bit about you?

Mr. Temples: Well, I'm Robert Temples, just like the tag says here, and I was doing commercial design for thirty-five years. Most of it was basically architectural in nature. I had my own business for eighteen. Most of my years were in Snohomish County, working in Everett, Lynnwood, Mukilteo, Everett. And then I got involved with the City of Lynnwood and I was on the Planning Commission there for two-and-a-half years and half a year into my term, bottom line is I got moved up to Chairman, which I did for two years. So I've got a lot of experience and a lot of work from residential up to large developments, ones very similar to what Bob's been presenting here tonight. And I'm kind of a newbie to the area but I've lived in western Washington since 1958 so, trust me, I know quite a bit about Skagit County, and I'm very honored to be serving here. Thank you.

Chair Lohman: Okay, next item on our agenda is the Discussion of the Shoreline Master Program Status. Betsy, you're on.

Betsy Stevenson: This is going to be very short. It doesn't have too much more than the memo that I sent you. But I just wanted to take a minute to talk to you briefly since I thought you might be curious at least. But I know you have other things to do tonight as well.

So the Aquaculture section that you guys worked on with us in March with the Advisory Committee did get worked a little bit more and went down to the Department of Ecology early in April. We're still working to make changes and revisions and work on the things that came to you in development. We're still going back and working on a lot of that information now.

The public participation piece: I'm in the process of scheduling the open houses now. I've got a couple of dates kind of firmed up. The 28th of May, which is a Tuesday, we're going to try to have the first one here in Mount Vernon in this building, probably out in the foyer (and) maybe use this room as well. Thursday, May 30th, in Anacortes; Thursday, June 6th, in Concrete; and Lyman we still haven't scheduled yet. I'll get to them soon. Not sure yet about the times, but I'll get that information out very shortly. So and that's the second round of open houses so that we will take our draft document back out; get comments from folks; get comments from the Department of Ecology; come back; rework it again; have that draft available online and to you guys, as well, to be looking at; and then start our adoption process. And it sounds like it's going to be a nice dance over the summer and fall _____ Bayview Ridge and the Shoreline stuff, so we'll just kind of see how that works. I know there're some priorities there so we'll just kind of see where we can fit in and what your schedules look like without overdoing it on you guys too much. Maybe it's nice to get a break from

one and work on the other one for a little while, too. So we'll work with you on that and just see what you want to do.

But that was really all I wanted to share with you at this point. We're still really busy and working hard but you may not see anything in the way of progress. I'd invite you to come to any of the open houses that you would like to. I know several members came to the last round and it's very helpful. I'm hoping some of the Advisory Committee members would be there as well. So I'll get that information out to you on the website and out to our listserve very soon.

We're also proposing to do another mail-out to, you know, all the landowners in the county with those dates on it as well, and just kind of where we are in the process. So that should be happening shortly, too.

Ms. Ehlers: Betsy? May I put in the petition that we no longer be asked to express our ideas in three to four words? That was the open house in Anacortes. Everything we wanted to say was restricted and it couldn't work for a lot. I would like to show something, Annie.

Chair Lohman: Is it related to Betsy's topic?

Ms. Ehlers: It is.

Chair Lohman: Okay.

Ms. Ehlers: I went to the Bureau of Land Management presentation on San Juan Islands and picked up the map, which I think would save us a lot of grief on the subject of public access _____.

Chair Lohman: Stand on one spot to talk, okay?

Ms. Ehlers: Okay. We have in this county an enormous amount of public access. We have city, we have county, we have state, we have federal, and the Shoreline Management Act requires that public access be on publicly owned property, which is not what the draft sometimes tends to say.

Mr. Axthelm: The microphone. Hold the microphone.

Ms. Ehlers: Thank you. Did you miss all of what I said? So the question of public access was important enough at the beginning of this process that Jason encouraged us all to go listen to an attorney talk for four hours in the morning on the subject of public access – how you make sure that it is done thoroughly and honestly and and and and and. It was a very frightening presentation, although a number of us went to hear him again up in Bellingham. And I have been looking ever since for evidence that we could put in the plan to show people that we have a lot of publicly-owned public access to fresh and saltwater shorelines in this

county, and so lay off on that issue, please. Most of the information in detail to see it would have to be on the Internet because the maps are too big. But I found in talking to groups like the Puget Sound Partnership that if you can show them a map like this, which indicates, yes, there is a lot of it; go look for it, they shut up. And that's a relief when you're being criticized by people at South Sound for things that are a problem down there but aren't a problem here.

This is the San Juans National Monument. It has in it the Fish and Wildlife National Park Service, other federal, State of Washington, State Park, Indian Reservation, and then the little yellow dots for what was taken over by the Bureau of Land Management. No one can say legitimately to San Juan County that they have no public access or they have too little public access or anything else about it. And that immediately eliminates one of the major legal issues that comes up again and again on these issues.

So my suggestion to the County is that in the process of doing this you have a map like this created that can be used for posters or for the document that's sent to the state, saying, We really do have public access. Don't make us give every four houses require access the way it is where I am. They mandated access but there's a 200-foot cliff that you can't get down in any way; there's no place possible to park because of the topography; and when you get down there isn't any beach to start with. That kind of public access is what the law is being written to do and that doesn't make much sense. I'd like it to make sense. So I'll tell the County Commissioners about this next week.

Chair Lohman: Thank you, Carol. Okay, anything else from the Commission on Betsy's presentation?

Ms. Stevenson: We do have a timeline on our webpage which I was going to try to do, but I didn't think it would show up very well. But it's on the webpage to just give you some idea of kind of the next steps as well, so he was going to bring it up so you can at least see what it looks like. But that doesn't mean that you can't keep _____. But thank you for your time. I appreciate it.

Chair Lohman: So you're finished? Is that what you're saying?

Ms. Stevenson: Mm-hmm.

Chair Lohman: Okay.

Ms. Stevenson: Thank you.

Chair Lohman: So moving along, the next item on our agenda is our Bylaws Review. So, Keith? Keith was the Chairman of the Bylaws Committee.

Mr. Greenwood: Okay, I just wanted to report back to the Commissioners. Over the past couple months we've had the time to review – and I don't know how many of you have been able to look at the report itself. The elements of it were on the website. They've been on there for over a week now.

But basically the bylaws were revised in 2009, was what I understood, and we want to periodically review those and see if they weren't changed. So if you recall at the March meeting we had some other things that seemed to cross paths with the bylaws, and so the potential existed to review several documents at the same time that the bylaws might be able to address. If you recall, it started with over a year ago the Board of Commissioners wanted to initiate discussion to try to see how they could help make the Planning Commission become more – a little more efficient. So we had the seventeen questions and transcripts, interviews – a variety of things that took place as a result of that.

So, anyway, last month we were looking at several documents at the same time and so we took the task of – twofold: one is to review the bylaws and, two, to see how we might be able to address the ordinance that was proposed at the time, which we, as Planning Commissioners, voted on with some reluctance on some levels to throw away all at once, because there were some elements that many people liked. They thought they were part of the means to improve the Commission's function.

So we looked at several documents – quite a few, actually – in preparation. That took most of the time, was the scoping aspect of it. The Planning Enabling Act, the Growth Management Act, how to run planning commissions from how they were set up for cities and towns, the resolution for development of our commission, and Chapter 14, our Skagit unified development code, as well as the Board's memo, supplied questions and answers, transcripts, interviews, the ordinance itself that was proposed – the base language, draft language – and then the public comments that many people submitted during that timeframe both to us and to the Board of Commissioners.

What we came up with was – again, maybe this is the chicken and egg meeting – but just some of our take on what we saw, what we found, what we discussed after reviewing those documents. We found that – because we were looking for deficiencies, if you will, or areas for clarification. So we found that the staggering of terms that were sought by the Planning Enabling Act and were a point of discussion in the previous meetings were out of step so that several of the Commissioners' terms expire at the same time. Also we found that one area of the bylaws for the Planning Commission was not clearly describing the process for agenda setting for the meetings, and so – including timelines for development of those agendas. We also found that the public participation elements of the proposed ordinance were spoken favorably of by several of the Commission members, as well as public members. It was deemed to be beneficial, or at least

worth looking at. The timelines for notification and information dissemination continue to receive criticism, and we've heard some more of that even tonight.

The majority, we found, of the seventeen questions and the answers have been addressed administratively.

So we came up with four recommendations. One – and you can read those; I'll try not to read them for you – but we found that the re-staggering of Commissioners' terms seems to happen kind of naturally anyway, because a lot of the terms expire or people come and go on the Commission based upon other factors besides their term expiring. So we didn't feel that there was any action necessary unless the Board wishes to more closely follow the intent of the RCW 36.70. There were some suggestions that came up through – both to the committee and then some of those came in the proposed ordinance, too. So that can be addressed if it's so desired at some future date. But we didn't recommend any action to be necessary.

Changes are not required for the Chair to make reasonable modifications to our guidelines, our bylaws, how to conduct meetings; however, there was some revised language for bylaws to reflect the process for development and use of agendas during developing the structure of meetings.

We also pulled out the portion of the proposed ordinance – just for discussion's sake – of the proposed ordinance that addressed public participation. Those things that provided enhancement elements for public participation, and that's what you probably found on the website. So there's room for improvement in that for sure, and yet those – there're very few original words or elements to that.

Included you might have found highlighted some portions that would strike out and optional timelines that – potential extensions of timelines from, say, fifteen days or fourteen days to thirty days. So that's another discussion point within that public participation enhancement document that you'll find on the website.

And at the Chair's and the Commissioners' pleasure, we could continue to investigate or we could do whatever meets the needs. Questions?

Ms. Ehlers: I like what you've done with the bylaws. I have nothing to disagree with. I could move their approval right now, but I haven't heard what anyone else says. The 14.08, I'm deeply troubled by several things that I don't find in it yet, and several things that were a problem legally last year and will be more of a problem legally this year if we don't get it right. So I would very much like to separate the discussion of the two.

Chair Lohman: I think they are two distinct things.

Ms. Ehlers: Well, yes, but that wasn't clear to the audience from what Keith was talking about.

Chair Lohman: Right.

Ms. Ehlers: And they aren't sitting there holding it in their hands.

Chair Lohman: No. I think, Keith, it would be beneficial to the Commission if you went to the sections in the bylaws that you actually changed and pointed out the changed language.

Mr. Greenwood: Sure.

Chair Lohman: So if you could all flip to page 1 of the Bylaws of the Planning Commission.

Mr. Greenwood: And, again, these revisions just pertain to agenda setting. So they were very small changes – they appear small to me. If you look on – this is page 1 – it says “The Chair shall preside at all meetings of the Planning Commission, enforce the Rules of Procedure, draft the agenda in cooperation with the appropriate staff member, and execute the will of the Commission. The Chair shall appoint all subcommittees.” The changed language is the addition of “draft the agenda in cooperation with the appropriate staff member.”

Chair Lohman: And then it changes the numbering.

Ms. Ehlers: That's in the Section 4 on Recording Secretaries _____.

Chair Lohman: Correct.

Mr. Greenwood: Correct.

Chair Lohman: Correct.

Mr. Greenwood: And then if you look under Section 4 also, but Section 4, bullet point b, “draft the agenda in cooperation with the Commission chair,” some renumbering, and if you look at g, as revised, it says, provide the Planning Commission proposed legislative draft reports, findings, conclusions, and recommendations – these are all existing bylaws language – pre-hearing correspondence, draft recorded motions, and all documentation necessary for an adequate record and informed decision or recommendation. Such materials shall be transmitted to the Planning Commission at the same time as they are made available to the public. And the added language is: “all agenda items require a minimum notice of one week prior to the regular or special meeting, including work sessions to provide materials to the Commission for review. The

work sessions' shorter noticing timeframes may be allowed when approved by the chair in extenuating circumstances."

Chair Lohman: And the thinking behind that was because when you're working with moving drafts like Betsy has been doing with the Shoreline, sometimes we need to be flexible, especially when we've been in the loop – and she's kept us in the loop quite a bit – so we can't have it so ironclad that it's meaningless.

Mr. Axthelm: And I can understand when we have public comments _____.

Chair Lohman: This isn't –

Mr. Greenwood: This is just for development of the agenda, so it's not public hearings or shortening the notice on anything.

Chair Lohman: This is materials that come to us. This is not – yeah – it's not hearings or deliberations.

Mr. Axthelm: Okay.

Ms. Ehlers: Is it understood that we will always, at least at the meeting, have something in front of us?

Chair Lohman: I would think so.

Ms. Ehlers: Well, it wasn't on the 8th of January.

Chair Lohman: No, it wasn't. That was –

Ms. Ehlers: That was a very bad experience.

Chair Lohman: Well –

Ms. Ehlers: And a first time for me.

Chair Lohman: But I think this language would cover that.

Ms. Ehlers: Okay.

Mr. Greenwood: That's the intent of it.

Ms. Ehlers: That was the intent.

Mr. Greenwood: Mm-hmm.

Ms. Ehlers: Okay. Until we find it's a problem, let's go on.

Chair Lohman: Well, that's why you review bylaws periodically – because you fix what isn't working and you strike what you're not doing.

Okay, then moving on to the appendix.

Mr. Greenwood: Let's see, page 2 of the Appendix A.

Chair Lohman: Not to interrupt you, Keith –

Mr. Greenwood: Yeah, go ahead.

Chair Lohman: When we reviewed the bylaws in 2009, we did not do anything with the Appendix A. We just did the bylaws. So this is the attached Appendix A.

Mr. Greenwood: And so the changes reflect a more current – and clarify – a more current pattern that the Planning Commission has used to conduct its meetings, rather than a standardized format that is often used where it's just old business, new business – that sort of simplified process – but instead replaces it with an agenda review process where it says we've added agenda review, but added "order of agenda items to be posted prior to the meeting but may change during review at direction of the Chair and the pleasure of the Commission members, which is similar to what we did this evening, and then struck out the parts that described that more standard skeleton standard meeting format.

I think that's it. I think that's it on the bylaws.

Ms. Ehlers: And in case anyone has gotten lost, what they have done is gone back to the 2009 bylaws and revised it slightly.

Chair Lohman: Well, and it went back to that seventeen question.

Ms. Ehlers: Yes. And I have provided the Planning Commission for their information something to talk about later at another meeting. A member of the community came to me and said, What's the purpose of all of this? And as I was going – "all of this" being our work and the Planning Commission and procedures – I found the minutes from 1980 to 2001, which has a good deal in it about the purpose of what we're going and why we're doing it, so I have provided that to all of the Planning Commissioners.

Chair Lohman: When I reviewed the transcript of where we went over the seventeen questions, several Commission members questioned the bylaws being silent on voting in public when we elect the Chair and the Vice Chair. And it doesn't say that we're going to vote in public, but when you move along later on it references the Open Public Meetings Act and Appearance of Fairness Doctrine

and several other things that clearly say we vote in public. So there is no secret ballot for the Planning Commission. And so unless you want us to clarify that, I think it's kind of suggested that all of our votes are in public.

Ms. Ehlers: Everything we do is supposed to be in public.

Chair Lohman: Right.

Ms. Ehlers: Entirely in public and that would include the voting.

Chair Lohman: But nowhere in the bylaws did it say that we are voting by a written ballot.

Ms. Ehlers: That's correct.

Chair Lohman: So I just wanted to say that – that we didn't change anything in the language on that.

Mr. Walters: A couple of years ago you were taking votes by written ballot.

Chair Lohman: Mm-hmm – before me.

Mr. Walters: Right. Several of you have changed since that Planning Commission, but that was a problem in the past. Well, it's clearly prohibited by the Open Public Meetings Act.

Chair Lohman: And then there was also a lot of discussion leading up to tonight about appearance of fairness and conflict of interest. And the bylaws and the Appendix A have several references, and I think that it's adequately addressed. And Robert's also has some fairly clear language when it comes to conflict of interest. So I think that it's already handled in our bylaws. We just need to know that it's there.

Ms. Ehlers: I think it's handled properly. What is not handled properly is when there's a conflict of interest on the part of a staff person, as occurred last year and which will be prevented by something that I read in the paper this year. There have been over times various accusations about conflict of interest over various procedures, and I think it applies equally to staff as to Planning Commissioners.

Chair Lohman: But we can only write bylaws for the Planning Commissioners.

Ms. Ehlers: That's correct, but I do think it's wise to bring up the issue.

Mr. Greenwood: I just wanted to point out that in our review of voting, since you brought up that example, both in the Appendix it talks about voting but also in

Section 3 of the main document it does say, "All votes must be public." So it's – we found it to be pretty clear, but sometimes it just needs to be revisited.

Ms. Ehlers: Do you want a motion?

Mr. Axthelm: No, we suggest the bylaws to _____. We're not writing them because we're not the ones adopting _____.

Chair Lohman: The County Commissioners.

Mr. Axthelm: The County Commissioners, yes.

Ms. Ehlers: But we can approve – we can move to request that they approve it.

Chair Lohman: Right.

Mr. Greenwood: We actually are given a – well, I shouldn't say "actually." I believe we're given the authority to write our own guidelines – bylaws. That does require Board approval.

Ms. Ehlers: I believe there's two state laws – I'd like some more training on state laws. It's tough reading this stuff all by yourself. And this monster is the SEPA document that we're supposed to follow. I think we had a session on it back in the late 1990s.

Chair Lohman: Carol, let's keep it on point.

Mr. Walters: Under the code, your appropriate motion would be to approve the bylaws.

Ms. Ehlers: Okay.

Mr. Walters: And under the code, they don't go into effect until the Board of County Commissioners approves them.

Ms. Ehlers: That's what I thought. But in the state law, we are the ones who are supposed to draw them up.

Chair Lohman: Right.

Mr. Greenwood: I'm wondering – I mean, we just talked about the bylaws – if we could cover the findings or recommendations? How do you think best to handle that, Annie?

Ms. Ehlers: Afterwards.

Mr. Greenwood: Because we just talked about the bylaws. Do you want further explanation on the public participation that's –

Chair Lohman: No. They're separate.

Mr. Greenwood: Okay.

Ms. Ehlers: They're separate

Chair Lohman: So would somebody like to make a motion?

Ms. Ehlers: Anyone else want to make the motion? I move we accept the committee's recommendation for the revisions of the bylaws of the Planning Commission of Skagit County, Washington. Is there anything else I ought to say, Madame Chair?

Chair Lohman: No. Is there a second?

Ms. Nakis: I'll second that motion.

Chair Lohman: It's been moved and seconded that to accept the committee recommendation for the changes in the bylaws. Is that sufficient? All those – any discussion?

(silence)

Chair Lohman: Seeing none, shall we vote? All those in favor, say "Aye."

Ms. Ehlers, Mr. Greenwood, Ms. Nakis, Mr. Axthelm, Chair Lohman, Mr. Temples and Mr. Hughes: Aye.

Chair Lohman: All those opposed, say "nay."

(silence)

Unknown female voice: It's passed.

Chair Lohman: Okay, thank you. And thank you, Keith, for – Keith did yeoman's work on this. All in favor.

Ms. Ehlers: I would like to thank those of you who worked on this because it's tedious work, it's careful, you did a careful job, and it's extra work and I appreciate it.

Mr. Greenwood: You're welcome.

Unidentified male voice in the audience: Carol, can you move your microphone a little closer to your mouth, please?

Mr. Greenwood: Okay, the next one – I didn't know if there was any further need – and, again, it's by the Chair's wishes – but are people fairly satisfied with the staggering of terms or do we just want to leave that with the – our recommendation was just not to mess with that. But certainly if the Board of Commissioners wishes to pursue it further, we'd be happy to forward some of those options for re-staggering those. But –

Ms. Ehlers: Your analysis is right on. Originally they were staggered. Several times since Dave and I have been on they have been re-re-staggered. And people move, they resign, sometimes games were played. That's what happened four-and-a-half years ago. I think it happened before that, too. And so there isn't any formula that I know of that guarantees perpetual staggering.

Mr. Greenwood: Well, actually there is a provision that is stated where a new appointee is to replace and fulfill the remaining term of the person they're replacing. So it should, in effect, stay that way. But if the appointments are for a different timeframe then you'll get this coinciding terms.

Chair Lohman: I think what's happened is over time people at the Commissioners' office, or somebody, has lost track of the appointment.

Ms. Ehlers: There's been some of that.

Chair Lohman: So we've had a human element in there, and when you draw a picture of where we are now and how do we jumpstart it to get it ideal, it gets overly complex. And then is it going to just slide off again anyway? So it looked like it was going to become overly complex, so let's just leave it alone. Maybe it'll sort itself out again.

Ms. Ehlers: I would make the comment that if they decide to sort it out – since there's a number of us that have terms coming to an end in September –

Mr. Greenwood: Like four.

Ms. Ehlers: Okay.

Mr. Greenwood: And one in October.

Chair Lohman: Yeah.

Ms. Ehlers: Okay – that some thought be given as to the pattern of work that the Planning Commission has because it's difficult for someone to come in in the middle of a project. I remember years ago somebody from Fidalgo was

supposed to come in in the middle of GMA but he wasn't to attend until it was done, and the poor guy never attended. Nobody thought it was going to last for years. So –

Chair Lohman: But you could argue that nobody would ever be able to get on –

Ms. Ehlers: That's true, but I'm –

Chair Lohman: Or off!

Ms. Ehlers: Or off – yes.

Mr. Greenwood: It happens sometimes.

Ms. Ehlers: But I'm not sure that I think but two of us could say that one. But I'm not sure that the 1st of February is a good time in the pattern of a department for a bunch of new people. So I was much happier that we were to start the 1st of September than 1st of February. The school year pattern still covers much of our behavior – the calendar. We take summer off. We take August off usually.

Mr. Greenwood: So are we fairly satisfied with that position and leave it in the hands of the Board of Commissioners?

Ms. Ehlers: I am.

Mr. Greenwood: Let them decide. Okay. I don't think we need a motion for that.

Chair Lohman: No.

Mr. Greenwood: The public participation element will take some digestion. Let people read it. Let them look it over. This is the egg portion where we're just throwing it out there as just the part that I pulled out of the proposed ordinance. You know, there were people who were reluctant to vote against the proposed ordinance because they felt that there were some good elements in it, and this is just one of the elements that were in that proposed ordinance. There were multiple provisions in it. And we don't pass regulations. The Board of Commissioners do. We make recommendations. So our recommendation was to back up, okay? So we looked at this public participation element, which seemed to get a lot of support, and just threw out those portions that pertain.

And then the last part was pertaining to the public notifications. So those are options in there, too, to see if people want more time. You know, I don't – I don't want to go into my opinion too much except that I've never seen it to be a good practice to rush regulations. You know, they don't seem to work real well. I told my kid when he started driving, You get in a hurry, you make a mistake. So I think the same would apply here.

Ms. Ehlers: Good.

Mr. Greenwood: And that's all I had on that. Did you want to have discussion any further on that public participation element?

Ms. Ehlers: I've done what I usually do and have lots and lots of comments and discussion, and it's almost eight o'clock. Some of these things are short.

Chair Lohman: Well, what's the will of the Commission? Do you want to just – do you *want* to work on this or do you want to just let it lie?

Ms. Ehlers: I don't think that it's legally safe for us to let it lie. We had too many –

Chair Lohman: No, I mean not do anything at all with it – just leave it what's written on the books now.

Ms. Ehlers: You mean the way it currently is?

Chair Lohman: Yes. And which we all have complained about.

Mr. Greenwood: This is just a committee report.

Chair Lohman: Right.

Mr. Greenwood: The Commission can do what it wants to.

Ms. Ehlers: If you could change ten to thirty.

Chair Lohman: Well, that *is* in the suggestion.

Ms. Ehlers: Yes, but there are other things which are in here. There's a sequence issue for staff reports that I could not find my way through. I was thinking of last year's Comp Plan amendments and the difficulties and the potential this year, and I'd like to have a really clean process this year. We didn't have it last year.

Chair Lohman: Can you – what do you mean?

Ms. Ehlers: Illustrate? Well, we –

Chair Lohman: Can you explain that to me a little? I don't get what you're saying.

Ms. Ehlers: You don't have time to hear most of it but, for example, We refer to a public hearing. In law there is no such thing anymore as a public hearing. There is an open public record hearing. That's what it is in the SEPA law and that's what it is in the Growth Management law. And we operate according to an open public record hearing, which means that only – there is only one hearing. That's at the Planning Commission or the Hearing Examiner. Once either of those two have made a decision it then goes to the Board of County Commissioners but it is a closed record appeal. You can't play the game that they used to play before GMA, where the Planning Commission would sweat blood doing a Comp Plan and half the important people would just stay home, and then the County Commissioners would have a hearing – I've got a transcript that says this: Oh, we didn't want to bother with the Planning Commission so we're coming to you, and we don't like this and we don't like that and we don't and we don't and we don't. And so the Planning Commission for years wasted a lot of time and energy that got destroyed. So the Growth Management Act stopped that all over the state and said there is one hearing. Now in Title 14 in our Definitions and in our language we don't talk about an open public record hearing. We talk about public hearing. I haven't found it yet, Ryan.

Mr. Walters: I'm sorry. That's not correct. The open – the single public hearing requirement is not a function of GMA but of reg reform, and it applies to quasi-judicial hearings not legislative hearings. There are frequently many public hearings associated with legislative proposals because under GMA you're required to have another public hearing or something like that – another public comment period – when the proposal evolves in a substantial way beyond what was previously made available for public comment.

Ms. Ehlers: So, in other words, last year we could have had another open record hearing? We could have had another hearing at the Commissioner level on that mess I got stuck on?

Mr. Walters: I'm not – I didn't track that so I don't know exactly what went on there.

Ms. Ehlers: Be careful.

Mr. Walters: But –

Ms. Ehlers: Under SEPA there is an open record hearing, and it cites 36.70B as the reason for it. And we haven't done much talking in this Commission about 36.70B, but under the SEPA law, "WAC 197-11-775 Open Record Hearing. Open record hearing means a hearing held under chapter 36.70B RCW and conducted by a single hearing body or officer," and then it goes on. Now each one of these things that we get involved with has a SEPA review or supposed to. But what I have found over the years is that although SEPA is legally mandated – and it's a nice, fat set of laws – it hasn't been done. So to take it out of recent

history, a couple of years ago there was a huge industrial rezone from Industrial to Secondary Forest. They didn't – the Planning Department did not notify the fire department because it's in Planning Department practice – I don't find a law, but it's in their practice that unless SEPA has been done the fire department doesn't know. So, if you remember, the fire department didn't come to the hearing; the fire department came to deliberations; we correctly told them they couldn't say anything; but, following our practice, we asked them – Dave and I – asked two different questions as to what he was doing there. And he told us why – that he was objecting to the interior lands being zoned Secondary Forest, which was against a number of rules and practices. Later I have found that it's more frequent than it should be that the fire department doesn't know that some of these things are going on. Now there is in most of these documents not yet a description of other agencies and other departments that need to know at the same time the public knows – or actually, I think, earlier – that something's proposed in order for the facts to be done. Now I've brought –

Mr. Greenwood: Can I ask – a point of order. I feel like we're pretty far off track with what is in the document itself. If you're implying that the current public participation language needs further revision to incorporate some of the things that you're pointing out, perhaps there's further opportunity through whether it be committee or Commission meetings to discuss some of those revisions.

Ms. Ehlers: I would like –

Mr. Greenwood: But the changes themselves are pretty simple in the sense that – I'll just highlight those for you real quickly – the introduction of a provision for “any interested person may suggest” – and this is on page 1 – “may suggest development” regulations, and then some language for getting that docketed.

Ms. Ehlers: And that's fine.

Mr. Greenwood: Okay. The other change – the rest of it is existing code.

Chair Lohman: Right.

Mr. Greenwood: The other change would be on page 3.

Chair Lohman: 2.

Mr. Greenwood: Is there one on 2? No? Well, we did some formatting just so you can understand it a little bit different, but –

Ms. Ehlers: The formatting is –

Mr. Greenwood: I may have missed a portion, but it looks like there's an addition of a publishing of a notice on the main website to get us up to the 20th century, because that's what they're doing now.

Chair Lohman: And on the Department's website.

Mr. Greenwood: Yes, on the Department's website.

Chair Lohman: They may be doing it but it doesn't say it.

Ms. Ehlers: Well, there's a –

Mr. Greenwood: And then there's one more element, I believe, which is the incorporation of some – the proposal on page 3 for early and continuous public participation. So there's an effort to compel, if you will, the complete agency – the Planning Department and the Planning Commission – to review with public participation early along the way, similar to what Betsy's been doing with the Shoreline Master Program. So the rest of it, there's some added documentation or suggested language for public comment to extend that a little bit. And the rest of it is just existing language. So all it's designed to do was to make some additions and not a whole lot of subtraction from what you already have.

Ms. Ehlers: When it refers to “any” map, every proposal must be on a map, but “any” map implies there doesn't have to be one. When you say “one or more of the following methods,” the County would love to get rid of the newspaper notice because it costs them money. But at this point the *Skagit Valley Herald* –

Chair Lohman: Well, Carol, can you tell us where you're –

Ms. Ehlers: I'm under – it's the sort of thing that you don't spend time discussing at eight o'clock at night when we've had a lot of detail, frankly, but there are some things in here that are –

Mr. Greenwood: Annie, do you think this is something that should be done in committee continued, or –

Ms. Ehlers: Perhaps.

Mr. Greenwood: It's up to Annie to decide, but I'm thinking –

Chair Lohman: Well, I think it's the Planning Commission –

Mr. Greenwood: Is it?

Chair Lohman: – decision, not *my* decision. I'm a member of the Commission.

Ms. Ehlers: Whatever –

Mr. Greenwood: Well, I was kind of hoping we'd get together and that area would be done, but...

Ms. Ehlers: Whatever you guys want. The 300 feet again – this is the top of page 3 – 300 –

Mr. Greenwood: Is this existing language or something proposed?

Ms. Ehlers: It's existing, I think.

Mr. Greenwood: Okay.

Ms. Ehlers: But there's a problem with it.

Chair Lohman: Okay. No, I researched that extensively and I – there is nowhere a requirement – this an *additional* requirement in addition to all of the items listed under number (9). I think it's (9). Number (9) is Public Notification and then there are two elements. One is General Legislative Proposal and it lists through – we added letter (f) – it lists those ways of notifying the public. Then in addition, if it's a site-specific Comp Plan or zoning map amendment all the properties within 300 feet. And *nowhere* can I find *anywhere* under – that there's a requirement to notify *beyond* 300 feet individually.

Ms. Ehlers: I can't find it either but when we were using public wells there was a 980-foot circle around the wells.

Chair Lohman: But there's a difference between notification and a land use activity or a prohibition for doing something within a certain distance to something. That is entirely different. We're talking strictly public notification for a site-specific Comp Plan or a zoning map amendment.

Mr. Axthelm: So a well situation would have its own requirement.

Chair Lohman: Under the Health Department. That's a totally different thing.

Mr. Temples: I've seen it down south – same thing.

Ms. Ehlers: Under the current aquifer code anywhere where it's a Group 2 – Category 2 – aquifer, which is on the hills above the Samish River and on South Fidalgo, among other places, in Aquifer 1 the following uses are not permitted but in Aquifer 2 they can propose a hazardous landfill; they can propose injecting all kinds of God-awful chemicals; and the only way that you can protect the wells, individual or group, of anyone within hundreds of feet of those things is if they know it's going on. Because there is no protection other than public uproar to

raise various issues that are in the – it's in the aquifer ordinance what happens when the wells people have an uproar, but the County – on the basis of some Department of Ecology person telling somebody who works in the County that every county had to have a place for hazardous landfills –

Chair Lohman: Okay, Carol.

Mr. Axthelm: But we can't affect that.

Chair Lohman: Okay, Carol, then what would your recommendation be?

Ms. Ehlers: Well, that means there's no protection.

Chair Lohman: This is current law. It's state law, from what I can research, and I checked with my husband – he's a water manager – and he looked in all of his stuff. We're talking specifically public notification for a site-specific Comp Plan and zoning map amendment.

Ms. Ehlers: Yes, but then how does the wellhead manager know? Think of that when –

Mr. Greenwood: What does that have to do with Comprehensive Plan and zoning map amendments?

Ms. Ehlers: Because a lot of Comp Plan amendments have very negative consequences for anything in the water nearby.

Chair Lohman: Well, I – nobody could disagree with you on that, but if you want to change the 300 feet you need to make a suggestion what it should be.

Ms. Ehlers: Well, and I'll contact the state and see what they suggest. I've tried several times. You're right: It's not in the WAC 246-190. There's virtually – one of the difficulties is that the state Health Department protects wells, the state Department of Ecology is legally responsible for protecting the area around it; the state Department of Ecology doesn't have much in the way of laws and they have a half-time person for the whole state. They pay real attention to fish.

Chair Lohman: Okay. It was a suggestion – it's probably lost in the formatting. Okay, item number (9) is Public Notification and we suggested – the way that it's written in code now it's (9) Public Notification and then it says General Legislative and then it jumps into number (10) Public Notification, Site-Specific – and we suggest kind of reordering that so it's a little more readable.

Ms. Ehlers: It was better.

Chair Lohman: And so really we haven't done anything as far as – I didn't think we were doing anything deleterious.

Mr. Temples: It seems _____ take on as a task to find this out?

Ms. Ehlers: Apparently I'm going to have to. I've been told if there's going to be any discussion of geology on the saltwater islands I'm supposed to draft it.

Mr. Greenwood: Do you want to put her on the committee?

Chair Lohman: Would you like to be on this committee and work on that?

Ms. Ehlers: I would like very much to be on it because I was so disturbed by the lack of facts that I have seen in past years at 14.08.080 that we, the Planning Commission, are supposed to _____.

Chair Lohman: Well, what is the will of the Planning Commission? Do you want to keep this active at the committee level, to bring it back to the Commission, or what do you want to do? What are your wishes?

Ms. Ehlers: That'd be practical.

Mr. Temples: Well, I think it almost seems to be something that's eventually drafted up a little bit and presented as an item to the Commission, and just have discussion and see where it goes. But we don't have enough information right now to make an evaluation or a recommendation or anything.

Ms. Ehlers: I would like to start with what you have here.

Chair Lohman: It was not an intention to have a decision made. It was a discussion.

Mr. Greenwood: It's a recommendation from the committee to the Commissioners.

Ms. Ehlers: And I would like to continue that discussion.

Mr. Greenwood: In committee? Is that what you want?

Chair Lohman: So you're on the committee.

Ms. Ehlers: Okay. It's worth it.

Chair Lohman: Would anybody else like to be on the committee?

Ms. Ehlers: Anyone else want to be on the committee with me? Keith?

Mr. Greenwood: Well, it looks like I'm already on it on the list, but – myself and Matt and Annie.

Chair Lohman: Well, I would like to be off the committee because I'm farming right now and it's really very difficult.

Mr. Temples: I have a few connections with some geologists I know real well, too, that might be of some ___.

Chair Lohman: Robert, would you like to be on the committee?

Mr. Temples: Hmm?

Chair Lohman: Would you like to be on the committee?

Mr. Walters: You're going to need to keep it under five.

Chair Lohman: Right, three. And if I go off –

Mr. Axthelm: That's four.

Mr. Temples: I'll help out.

Mr. Greenwood: Okay, now most of this work has been done by e-mail so what that's going to entail, I'm going to assume, with Carol's participation will be some more face-to-face meetings. So I don't want to scare you off; I just want to let you know that it'll be a little different format than – maybe that's why Annie's doing real well with the e-mail part. She participated in a big way.

Ms. Ehlers: Annie's farming is huge.

Chair Lohman: Huh?

Ms. Ehlers: Annie's farming is huge this time of year.

Mr. Temples: I e-mail quite a lot.

Chair Lohman: Well, any farmer.

Mr. Greenwood: Well, e-mail won't be complete, so just – we'll figure that out as a committee.

Chair Lohman: Now keep in mind e-mail is a one-way conversation. You can't see the people raise their eyebrows or –

Mr. Greenwood: That's good!

Chair Lohman: – you know, wave their hands or – so sometimes what you're thinking and what you type isn't exactly 100%.

Ms. Ehlers: Well said.

Chair Lohman: Because I finally had to call you because it was like, Wait a minute, we're going around and around and we both were –

Mr. Greenwood: Yeah.

Mr. Temples: Easier than a lot of texting, I'll tell you that much.

Chair Lohman: Okay.

Mr. Walters: Let me provide another ___ and Open Public Meetings Act and public records obligations there. Although you have a new member, it sounds like you're relatively familiar with this stuff already. But you're going to have a committee that is less than a quorum – so less than five people; four or fewer – and you will communicate via e-mail or however else you want to do it. The e-mail should be using your official County e-mail addresses, and if any of you have trouble with that – because the IT department recently switched the server – you should let us know and we'll figure out that. Your communications via e-mail can't broaden to include more than a quorum. You can't have a serial meeting by relaying communications from less than a quorum to someone else that then creates more than a quorum. So just keep that in mind too.

Chair Lohman: And you need to check with Matt and see if he wants to remain on the committee.

Mr. Greenwood: Okay. I can do that.

Chair Lohman: Because he had difficulty participating, so we want to make sure. So, either way, it would be four or three. I don't want to strike you from the committee.

Mr. Greenwood: Do you want to change the task, Chairman?

Chair Lohman: What is the Commission's –

Ms. Ehlers: I like a lot of what you have here.

Mr. Greenwood: Do you want to just focus on the public participation element?

Ms. Ehlers: I'd like to focus on 14.08 – those pages that you did.

Chair Lohman: The desire was to strengthen the public's participation.

Ms. Ehlers: Yes, and I wish to do that too, but what has concerned me on and off over the years is that sometimes what we have before us doesn't include essential facts or something that is a fact – I'm talking about geography, at least primarily – geographical facts – what is before us. If you have a slope that nobody's – if you have a piece of land and nobody knows whether it goes – which way it goes, you end up with a drainage problem.

Mr. Greenwood: Do you want to talk about this in committee?

Ms. Ehlers: And if you have no topographic lines –

Chair Lohman: This is a committee item.

Mr. Greenwood: Do you see a committee item that we talked about?

Mr. Hughes: Yes.

Ms. Ehlers: Yes, it is, but it's a fact. You don't know how it goes.

Chair Lohman: Ryan, several members of the public during the public remarks section were concerned that we aren't doing this in the public. But are we allowed to do this sort of thing? Because if the County Commissioners asked our opinion and I thought we were responding –

Mr. Walters: Do you mean the fact that you're doing it in committee rather than in public?

Chair Lohman: Well, and then bringing it to the Commission and then putting it out in the public.

Mr. Walters: So I guess if the question is, Can you do things in committee? Yes, you're not prohibited from forming committees.

Chair Lohman: Can we do original things? Like this.

Mr. Walters: Can you do original things, like come up –

Chair Lohman: Like this is an original idea. It kind of was hatched because of the ordinance debacle.

Mr. Walters: Right, yeah, so there's no – I suppose there's no prohibition on that. You have a limited authority.

Ms. Ehlers: Mm-hmm.

Chair Lohman: Right. I mean, we're advisory. We understand that.

Mr. Walters: Right. But on your own you can form committees, you can do work. There might be some constraints as a formal body is likely –

Chair Lohman: Because it is not our intention to do something secretive.

Mr. Walters: I don't know of any problem with what you're doing now, if that's your question.

Mr. Temples: Well, I think if the intent is primarily to investigate, clarify, and in the end we may come back and simply say state law dictates and that – you know, in our fact-finding we may find that state law is what it is.

Chair Lohman: Well, it may be we're stuck with 300 feet.

Mr. Temples: Yeah. But that would just be something that publicly we can say, Yes, we've done our due diligence. We've investigated this, and we found the justification for this particular...

Ms. Ehlers: Or anything else.

Chair Lohman: But I don't want to be perceived as that we're doing something in the dark of night and then springing it on the Planning Commission because we're using a committee to work on this to do the tedious part.

Mr. Axthelm: But it's still coming before the Planning Commission so we're still seeing the whole bulk of it.

Mr. Temples: And Ryan might have some valuable information that he can even point in our direction on this. I don't know.

Mr. Walters: A couple of things: First of all, there's legally no problem with you acting with less than a quorum because the Open Public Meetings Act kicks in when you get to a quorum. Somebody's got to draft things. When staff drafted, they're not drafting it with a projector screen and an open room. You know, someone has to draft it. So I don't think that's a problem. Anything that you recommend you can't adopt on your own anyway. It has to go to the Board of County Commissioners.

On the second question of the distance for site-specific proposals, that distance, I think, could be anything. I don't think you're limited to 300 feet. I don't even think 300 feet is a minimum, although we would research that to verify that. But, you know, if you wanted it to be a mile – I think it's extremely unlikely that the Board would adopt anything like that because there's a cost associated with it

every time. But it is possible that you could come up with something that has some reasonable cost that sounds like it addresses some real concern.

Mr. Greenwood: And if we're satisfied with Public Participation as currently drafted, we don't need to make changes. But if you see these as beneficial changes, then we can hopefully come up with something that's agreeable to folks. And I think we've done quite a bit of due diligence in coming up with this. This was not done without background documentation or reading. But if there's other elements that people wanted to see revised, then we could look at those as well, I assume in committee, and then bring them back to the Commission.

Ms. Ehlers: Because I raise a question doesn't mean I don't like a lot of what was done.

Mr. Greenwood: Yes. Nothing personal taken.

Chair Lohman: Okay.

Mr. Axthelm: I had a question on the 30 days in there. And I know, like, we have our meeting every 30 days. But the 30-day requirement, does that actually pose problems, because then it makes it so it extends it for two months instead of one month?

Mr. Pernula: It could.

Mr. Axthelm: Could it be like a 25 days, still giving the public plenty of time but does 25 days say, Okay, that gives enough time to set another meeting?

Chair Lohman: Dale, go ahead.

Mr. Pernula: I actually think that there are a lot of projects – things that are smaller – that don't need beyond the 15. Others may need 90 days – some of the very large things might require a much longer period of time than even 30 days, having a 30 days as a minimum. If you take an action at one meeting and then you want to bring it back at the next meeting, I guess you could continue it. But if you have something else already scheduled you wouldn't be able to reschedule it if it was similar to it or based on what you're doing at one meeting. You couldn't schedule it the next meeting. It'd have to be two meetings later.

Ms. Ehlers: You're thinking of continuing a hearing?

Mr. Pernula: Well, not necessarily continuing, but if you have something that's related to one item and then you wanted to address the other one, the next meeting you couldn't.

Mr. Axthelm: So usually we have like a work session before –

Mr. Pernula: 30 days is an awkward number actually.

Mr. Axthelm: Yeah, that's what I was thinking because the – because we're 30 days apart and so now you don't have 30 days. You have to wait two months instead of one month.

Ms. Ehlers: You're thinking of the 30 days only for the hearing, but some of this is 30 days for the public to know about the project at all.

Chair Lohman: But there's a difference between the comment period length and how long it has to be advertised. I mean there's a bunch of 30 days and 14 days so you have to make sure that what line and what subsection you're in.

Ms. Ehlers: Yes.

Mr. Greenwood: And that's part of the reason for the 30 days, as I came up with it, was so that there would be a meeting, people would be here at the public meeting, then they'd know what's on the agenda for the next meeting, rather than in between meetings somebody doesn't keep up with what's on the agenda, so –

Mr. Axthelm: And that's my point.

Mr. Greenwood: This is kind of an old business/new business type of philosophy, but – Dale?

Mr. Pernula: You couldn't set it at one meeting and have it at the next because there's time that you have to have to take it to the newspaper, get it on the website, and so on. There's not any time.

Mr. Axthelm: That's why I brought it up, because –

Chair Lohman: It sounds like a committee project.

Ms. Ehlers: It sounds like something we ought to have on the timeline, yes.

Mr. Axthelm: So, the question is we do the work sessions, and then if we see a project and say, Okay, you know, this is a project that really needs more time. Is that a situation where we could suggest the amount of time beforehand? Does that make sense? To say, Okay, this is a bigger project. We need a little bit more time for people to review it.

Mr. Walters: One of the things you've incorporated into this draft is some of the language from the prior draft about the initial review by the Planning Commission and discussion of approaches. And perhaps at that time there could be some discussion of what length an appropriate comment period would be for – an initial

comment period – would be for that particular project. Also in your draft you have some language about what the initial written comment period is versus other comment period. Because your initial comment period you have here it would be 30 and any other would be at least 14, so that provides maybe some flexibility.

Now one of the other things that we've talked about, though, is if you have a public hearing sometimes people hear things at the public hearing and then want to be able to respond to them in writing, so if the public hearing ends at the same time the comment period ends then they wouldn't have that opportunity. But if the comment period – the written comment period – were to go to the end of the week or something after a public hearing then they would have a few more days to get in some additional rebuttal or something like that.

Ms. Ehlers: Yes, you do need a way of rebutting.

Mr. Walters: So that would be a way of fixing that problem. Now Commissioner Wesen, I think, was very clear that he wanted it to be very predictable so that if a public hearing is held that people always know because it's always the same when a public comment period ends that's advertised at the same time. So that's why in the previous draft there was that language requiring them to end at the same time. But if they end at the same time, no opportunity for rebuttal.

So those are some of the questions/details that you might want to think about.

Mr. Axthelm: It sounds like a good thing to cover in committee.

Chair Lohman: Sounds like a committee job.

Ms. Ehlers: It's good for the committee. What I have found this last four months with people calling me about one problem or another is that we have inches and inches of laws. And some guy called and he said, I don't even know where to start. Fortunately he had a good education and was used to looking things up, and so I said, When you start with, and I told him where you found Title 14, where you found SEPA, where you found, where you found, where you found. And it's things that we have learned to work our way through but most amateurs don't know this stuff. They don't even know where to go find it.

Chair Lohman: But the public pointed out quite a few things that were wrong with the public comment periods when they're too short, especially if it happens to be a happenstance that it's a week filled with a bunch of furloughs or holidays. All of a sudden your comment period is actually way shorter because maybe your access to the Planning Department to get information from them is restricted. So by lengthening it, it kind of evens out those odd weeks where you've got, you know, a bunch of stuff piled up in it. So when you set it too short, like ten days, or with the Commissioners you actually had it less than ten days but the reality

was it was even less than that. It was maybe four days. So part of lengthening is to kind of cover those sort of problems. So that's also another consideration, maybe for the committee?

Ms. Ehlers: Yeah.

Mr. Greenwood: Okay.

Chair Lohman: Okay.

Mr. Greenwood: Are we good?

Chair Lohman: So –

Mr. Greenwood: We'll be talking.

Chair Lohman: – Department Update.

Mr. Pernula: Okay, one thing I have here is a notice and I have several copies of it, if anybody's interested. There's a regional Short Course on Local Planning. I am sure some of you have been through this before in the past, but it's very worthwhile. It's going to be held in Bellingham on May 21st, 6:30 to 9:30 p.m. So if any of you are interested in going – I will likely go – but if any of you are interested – it's free – let me know and I could have copies of this if you want it.

Mr. Axthelm: Will you e-mail that to us too?

Chair Lohman: Yeah.

Mr. Pernula: Sure. Yes.

Chair Lohman: Anything from you guys? That was all from you guys?

Mr. Pernula: That's all I had.

Chair Lohman: Okay, Carol, you're on.

Ms. Ehlers: I just wanted to bring to the attention of the Planning Commission for thinking later. Two documents, one the SEPA list of elements of the environment. There is a tendency on the part of applicants to think that the SEPA Checklist is the beginning and the end of SEPA. And it includes such important things as traffic, but it doesn't include most of the items that are on this list. And I found that there's a major issue that won't come to us so I can talk about it: the 40-acre clear-cut that's up on Mount Erie – a man called, and I found that after I listened to what was being talked about and looked at the site, in fifteen minutes I could identify from this list the crucial issues on that site. So it

didn't require a lot of time and thinking because you had somebody who'd already drawn up the list. And you could say, Ah, combine this, this, this, and this.

Mr. Greenwood: Point of order. I think that let's be a little bit careful about characterizations of projects that have not been proposed. And the characterization of a 40-acre clear-cut on forest property has not been proposed. And so just try not to paint a picture of, you know, a particular part of agriculture that ____.

Ms. Ehlers: 900,000 board feet is –

Mr. Greenwood: A person bought some property. Let's just not go too far with that, please.

Ms. Ehlers: Well, there was panic and when you have panic the public has the right to respond intelligently with the panic instead of responding in a panic fashion.

Mr. Greenwood: Let's just try to keep to facts instead of opinion, please.

Ms. Ehlers: These are the facts that are going to have to be used in that site. The other thing I have brought in is something called – that the Assessor used to put out – which is a pie chart indicating which acreage paid most of the property taxes. It's an eye opener. I'll let you enjoy looking at it. And I bring it because the total assessed value in the county in 2008-9 was 16 billion 800 thousand. The total assessed value in the county now is 14 billion 100 thousand. The Assessor has told me that the residential land on Fidalgo is – shoreline – is $\frac{3}{4}$ of a billion, so I suspect that out of that 14 billion, 1 billion is shoreline. It would be a good idea for us to protect as much of that tax value as possible, if we like to get property taxes to run the government. And I think we all do. Well...

Chair Lohman: Okay, any other Planning Commissioners want to say anything?

Mr. Greenwood: Just that I would recommend that when you look at her pie chart you –

Ms. Ehlers: It's not mine.

Mr. Greenwood: Well, the pie chart that you gave us. Look at the ad valorem tax base and how it was structured and why it's put into place so as to maintain land uses that are desired and show revenue streams over periodic periods of time – sometimes very long periods of time – so as to avoid conversion to uses that might be something other than you like. So look at ad valorem and how it was set up and how long ago.

Ms. Ehlers: All I'm trying to do is protect what's already been converted.

Mr. Greenwood: Okay.

Ms. Ehlers: That's all I'm trying to do.

Mr. Greenwood: Okay.

Mr. Axthelm: I'd just like to make – I'd like to thank – just make sure the Commissioners are thanked that they filled the positions! I think it's really nice that we have enough people that seem to have a very diverse knowledge base.

Ms. Ehlers: It's nice to have nine, isn't it?

Chair Lohman: _____, Josh. That's a good idea. Okay, is there somebody can please move to adjourn? Somebody?

Ms. Nakis: I would like to move to adjourn this meeting.

Mr. Axthelm: Second.

Chair Lohman: (gavel) We're adjourned.