

**Skagit County Planning Commission
Continued Deliberations: Comprehensive Plan 2016 Update
May 31, 2016**

Commissioners: **Josh Axthelm, Chair**
 Annie Lohman, Vice Chair
 Tim Raschko
 Kathy Mitchell
 Martha Rose
 Amy Hughes
 Kathi Jett
 Hollie Del Vecchio
 Tammy Candler

Staff: **Dale Pernula, Planning Director**
 Ryan Walters, Assistant Planning Director
 Kirk Johnson, Senior Planner

Chair Josh Axthelm: Okay, welcome to our Planning Commission meeting. It's Tuesday, May the 31st, and I call this meeting to order (gavel). Do we have any changes to the agenda?

(silence)

Chair Axthelm: Okay, seeing none, we'll go ahead and move on to the Continued Deliberations on the Proposed Comprehensive Plan 2016 Update. Guemes Island would like to be here for the Guemes section, which is a little farther down. They requested that we talk about the Guemes portion of it earlier. Is that okay with the Commission?

(sounds of assent)

Chair Axthelm: All right. So it'd be Guemes Subarea Plan – or Subarea Planning Implementation.

Annie Lohman: It's on – it starts on page 4 of Staff Report #2.

Chair Axthelm: All right, so the Guemes Subarea Plan Implementation. It looks like we got lots of comments on that. I don't see any proposals.

Ms. Lohman: You could call the P-8, -9, -10 proposals.

Ryan Walters: There's one recommended change at the bottom of page 6, RC-2. It'll be just a few minutes before I'm able to put anything on the screen for you.

Chair Axthelm: Okay.

Kirk Johnson: There's also one on page 5. It's listed as P-12. It's incorrectly listed as a public comment, as opposed to a recommendation.

Chair Axthelm: Yeah, RC-2 on page 6.

Ms. Lohman: Mr. Chair, can we just start at the beginning and just start at P-8 and work our way down, if that's the will of the Commission?

Chair Axthelm: Let's do it. That sounds fine. Is that all right?

Tim Raschko: Sounds good.

Chair Axthelm: Okay. So P-8: Supports Guemes Island Zoning Overlay, which implements key provisions of Guemes Subarea Plan, including prohibition on ADUs in certain areas and limiting building heights and increasing side setbacks. Anybody have any opinion on this? Where do we go? Any comments on that?

(silence)

Chair Axthelm: Okay. And P-9: Support full implementation of Guemes Subarea Plan to protect groundwater, shorelines, habitat and critical areas, and overall rural character. And the comment supported the proposal. Okay, any comments on that one?

(several negative sounds)

Chair Axthelm: And P-10: There is significant support for ceiling height and side setback proposals among Guemes Island landowners. Assertions that the proposal would prevent open-concept homes and require overly narrow second-level rooms, and be too restrictive in floodplain areas, ignore many good design options such as post-and-beam construction and the use of trusses rather than loadbearing walls. It says "See response below."

Ms. Lohman: The 10 and 11 are probably together.

Chair Axthelm: Yep, and then 11: Opposes proposed ceiling height limits and increases in side setbacks in Guemes Island Overlay, which will severely limit building options on narrow lots in shoreline areas such as Indian Village. And it says again, for example, 50-foot lots.

Dale Pernula: And I would point out that what says P-12 should actually be a recommended change in response to what was said in P-11. Maybe to explain that a little bit – I don't know what you'd call it, maybe "Recommended Change 1.5" or something, but it's a – P-12 is really a recommended change.

Chair Axthelm: So staff recommends amending the proposed codes so that the height of structures in the floodplain is measured from the base flood elevation.

Mr. Pernula: See right now if you have a very narrow lot like they have there that's 50 feet wide, they're probably going to be built eight feet out from the side yard minimum, which means that the height of the structure would be 12 feet but they're four feet where the building's going to be built below the base flood elevation where you're measuring. The entire height of the structure from the very peak of the roof could only be eight feet, so you're going to end up with perhaps some unbuildable lots. So to make it a little fairer we thought that it made sense to measure from the base flood elevation rather than the surrounding property. So that's a recommended change. The rest of their proposals, we're not recommending any changes right now.

Chair Axthelm: Okay. So do we have any motion on that or discussion before the motion?

Ms. Lohman: Usually motion ____.

Chair Axthelm: A motion would be best, yeah. So do we have a motion?

Ms. Lohman: I'll make the motion that – amending the proposed code so that the height of structures in the floodplain is measured from the Base Flood Elevation.

Kathy Mitchell: Second.

Chair Axthelm: Okay. It's been moved – motion's been made and seconded to do as staff requested and measure from the Base Flood Elevation for the height of the structure. Discussion?

Martha Rose: My only question or comment has to do with whether or not this whole side setback issue is too restrictive. I know that the community worked on the subarea plan, but there were several people that were concerned about these heights and setback combinations when many of the existing homes already had a closer setback and a higher wall. And so why should they be denied the same? I don't know enough about it to have an answer. I'm sort of putting it out there if anybody wants to enlighten me a little bit about this.

Ms. Mitchell: I had the same concerns.

Ms. Lohman: Can I ask a question, Mr. Chair? Would that be a separate motion to go after that, because we're talking about measuring the height, or is the height relevant to the setback?

Mr. Pernula: It is relevant to the setback in this case because even though it's at 12 feet, if you've got an additional – for every additional one foot of setback you get an additional height of the structure. But the issue that got difficult was on some of those narrow lots that are 50 feet in width, where they don't really have the room to get that additional height. So we thought one way of addressing it would be by measuring – for this provision – from the Base Flood Elevation rather than the surrounding ground.

Ms. Rose: And I think that that's – I'm supportive of that. That's a good start. I don't know if that addresses the entire concern but I know that addresses a big deal – a lot of it.

Mr. Pernula: I would say that it doesn't address a lot of the other concerns that were voiced, but I would say that we gave quite a bit of deference to the Guemes Island group because, you know, they have an adopted plan.

Ms. Rose: Yes. Thank you.

Chair Axthelm: Amy?

Amy Hughes: The variance procedure for this: Is there one?

Mr. Walters: There is a provision that allows for administrative reduction in setbacks and we're also proposing to update that section in the development regulations proposal. The administrative reduction in setbacks is a Level 1 variance. It's decided by staff rather than

having to go to the Hearing Examiner. And we believe that that provision can accommodate situations where it just doesn't work in this instance.

Chair Axthelm: Any other comments? I guess there's no – well.

(silence)

Chair Axthelm: Okay. So if there's no other comments, we can vote on the motion. Except, Ryan, do we have it up yet?

Mr. Walters: I'm giving it all she's got, Captain.

(laughter)

Chair Axthelm: You know that was recorded! You better get a job now!

Mr. Walters: I'm back in business now. I need just a couple more minutes. But the motion was to amend the proposed codes to the height of structures in the floodplain as measured from the Base Flood Elevation.

Chair Axthelm: Yeah, per the staff's recommendation. Okay. So all those in favor of that as stated – as he just stated a second ago.

Multiple Commissioners: Aye.

Chair Axthelm: Okay, ayes have it. Okay. Then let's see. P-13: Supports codification of the seawater intrusion policy, Skagit County Code 14.24.380, of the critical areas ordinance, which will implement several measures to protect the island's sole source aquifer. And let's see, it says the comment is supportive of the proposal. The Department strongly advocates codification of the seawater intrusion policy, which is an interim Health Department policy that the Planning Department is now implementing because Health no longer performs water availability review.

And then P-14: Under Skagit County Code 14.24.380, wells where the sampling exceeds the U.S. Environmental Protection Agency's drinking water standard for chloride of 250 milligrams per liter for public water systems should not be used for any purpose, including individual homes. And the comment is well water that exceeds this standard can still be treated and used. The proposed seawater intrusion code attempts to mitigate impacts on aquifer from improper well placement, but does not prohibit a single house from adding a well that exceeds this standard. The proposed code does prohibit a land division, however, where chloride exceeds 200 milligrams per liter.

Okay, and then P-15 supports a study and comprehensive plan and zoning amendments to match allowed growth with safe and sustainable withdrawals in areas susceptible to sea water intrusion. And this is not a comment on a specific code section. This concern should be directed to the Board of County Commissioners so they can decide whether to dedicate resources such as a study.

So do we want to address anything there, or keep going with some of the comments?

(unintelligible comments from several Commissioners)

Chair Axthelm: P-16: Would like to see more support for use of rainwater collection systems, including a policy that “rainwater collection is the preferred water source on the north end of Guemes where seawater intrusion is a critical problem.”

Okay, and P-17: Skagit County Code 14.24.380 should also allow the use of rainwater catchment systems, which are a viable option approved by the Department of Ecology. I think that’s – didn’t we address that last time?

Ms. Mitchell: Yeah.

Ms. Lohman: Mm-hmm.

Chair Axthelm: That same section –

Ms. Mitchell: Yeah.

Chair Axthelm: – for allowing that. For the P-18: Modify definition of “adequate water supply” for Guemes Island from 350 gallons per day to 150 gallons per day. And this would be a change to the drinking water code, Skagit County Code 12.48. The Department is not proposing amendments to that title at this time but would like to make a change in the future to address evolving water law and its current conditions.

Mr. Walters: We can put this on the screen now.

Chair Axthelm: Okay. I think that’s everything except – well, P-19 doesn’t – isn’t addressing the water, but P-20 is in a way. It says: Concerned about Guemes Island Resort traffic, water use and septs. Believes they are at or beyond capacity.

And then P-21 strongly supports proposed amendments to Skagit County Code 14.18.100(5)(i) placing certain limits on the proposed use of wells for land use divisions within ½ mile of a shoreline. However, the code provision should apply to the entirety of Guemes, Sinclair, Cypress, and Vendovi Islands, consistent with seawater intrusion provisions of 14.24.380.

Anything else? Nope.

Ms. Lohman: That Department recommendation, is that the same recommendation that we did earlier? Or is this one specific to Guemes?

Mr. Walters: This – no, this is different from what you just did.

Chair Axthelm: Yeah, that’s RC-2: Revise Skagit County Code 14.18.100 to ensure the 200 parts per million chloride limit applies to all seawater intrusion areas, as defined in Skagit County Code 14.24.380.

Ms. Lohman: And that’s new code, right?

Chair Axthelm: Yep.

Mr. Walters: Yes. It is new code. It is implementing an existing Health Department interim policy – interim for the last 20 years or something.

Mr. Johnson: This recommended change would make the land division code consistent with the seawater intrusion code, so it basically harmonizes the language about where the section of the seawater intrusion code would apply to land divisions.

Ms. Rose: So you need a motion, right?

Chair Axthelm: Yep.

Ms. Rose: I move that we adopt RC-2 on staff bulletin #2 – Staff Report #2 – that states to revise SCC 14.18.100(5)(i) to ensure the 200 parts per million chloride limit applies to all seawater intrusion areas as defined in SCC 14.24.380.

Ms. Lohman: I'll second.

Chair Axthelm: Okay, it's been moved and seconded to adopt RC-2 as stated in Staff Report #2. Comments?

Ms. Mitchell: Question.

Chair Axthelm: Okay.

Ms. Mitchell: For staff, is it shown on the map that those islands are also seawater intrusion areas? It would seem logical but I'm looking for definitive.

Mr. Walters: We don't have a map of that –

Ms. Mitchell: Okay.

Mr. Walters: – because the narrative defines exactly which islands. Well, and not just islands. It's also within a certain distance of the coast of the mainland, as well.

Ms. Mitchell: So it's taken care of through narrative versus maps, then.

Mr. Walters: Yes.

Ms. Mitchell: Thank you.

Chair Axthelm: Annie?

Ms. Lohman: I just wanted to point out it's also areas anywhere else within ½ mile of the marine shoreline, so it could be anywhere where that's an issue – in the new code.

Chair Axthelm: Now is this – okay. Any other questions?

(silence)

Chair Axthelm: All right. There's no other questions, so it's been moved and seconded to adopt RC-2 as recommended in Staff Report #2 to revise Skagit County Code 14.18.100(5)(i) to ensure the 200 parts per million chloride limit applies to all seawater intrusion areas as defined in Skagit County Code 14.24.380. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “no.”

(silence)

Chair Axthelm: Are there any other elements on Guemes?

Ms. Lohman: Yes, the one you skipped.

Chair Axthelm: Oh, yes, I did. It was 19. So 19, the comment was: Wants to see implementation of Guemes Island subarea plan policies requiring permanent protection of open space created through CaRDs. The proposed requirement for permanent CaRD open space protection through conservation easements is similar to what already exists in the CaRD code for natural resource lands. The Department has not proposed adding this requirement to implementation of – or to implement the subarea plan policy at this time. It proposes to take up the matter as part of a future development code amendment project.

Any motion on that? Or is there any motion to make? Any comments? So it’s not making any changes from what’s already in there.

Mr. Walters: Right. This item is in the subarea plan. It was also on the Guemes Island Planning Advisory Committee’s list of things to implement from the subarea plan in this Comprehensive Plan Update; however, we forgot to include it in the development regulations proposal so we would like to take it up later as part of the next round of Guemes Island subarea plan implementation measures rather than try to do it in this Update.

Chair Axthelm: Even as a recommendation?

Mr. Walters: Oh, you could include it as a recommendation. We would just prefer to not try to do it right now.

Chair Axthelm: Okay.

Kathi Jett: Josh? When does future – how far away is future? Next year?

Mr. Walters: GIPAC has had discussion with the Board and the Board seems inclined to try to process another round of implementing regulations maybe next year.

Ms. Jett: Maybe next year.

Ms. Lohman: Just – can I ask a clarifying question about CaRDs? I thought some of the CaRD open space was set aside for a potential *future* development. So this would be a change in that?

Mr. Walters: Yes.

Ms. Lohman: Making it equivalent to an NRL-type CaRD.

Mr. Walters: Not entirely equivalent, but –

Ms. Lohman: Well, similar.

Mr. Walters: Similar in the aspect of the open space would be set aside and not available for future development.

Ms. Lohman: I know at an earlier meeting on a different subject we had brought up as a commission that maybe we all ought to look at CaRDs – I believe when we were doing the TDR. Is that when you anticipate maybe going back on this?

Mr. Pernula: Well, maybe we might do that. It's been on the potential list of work – potential work items for a couple of years, but it's not something that we addressed. Remember where the most prominent place where the open space and the CaRD has the potential for future development is usually in a UGA or adjacent to a UGA where they have the – where if the UGA expands in the future and sewer can get extended to it, that's usually where it's going to occur. I'm not sure that much of the open space within a CaRD would be eligible for development.

Mr. Walters: It wouldn't really be at all unless there was some future change in the code, but with a conservation easement it wouldn't be available even if there was a future change in the code. Yeah, Guemes does seem different than other places you might do CaRDs. Also it's in their subarea plan. But although *you* might think that we should have another look at CaRDs and we might think that, the Board of County Commissioners doesn't seem to think that. So I don't think that's going to happen very soon. The constraint there is that there's not a whole lot of water available so there's not a whole lot of CaRDs occurring right now, or at least not substantially sized CaRDs.

Ms. Jett: I have a question. Just based on your remarks now, Ryan, if the people on Guemes Island want this restriction and, say, the majority of the Planning Commissioners think it's a good idea, especially based on their circumstances, can we still not make a recommendation?

Mr. Walters: Oh, no. You can make a recommendation. You have this other section at the bottom here for additional recommendations.

Ms. Jett: Okay, and that would be –

Mr. Walters: And you could suggest, you know, do it now or do it later. We would prefer to do it later but, I mean, we could try to draft something that would then have to have another round of public comment before the Board could adopt it. So I guess that's an option too.

Mr. Raschko: Well, I think it'd be kind of jumping ahead of ourselves to open that issue up at this point. I think we're well-advised to wait and do it later rather than try to do something tonight.

Ms. Mitchell: I agree.

Mr. Raschko: It's a somewhat complex subject.

Chair Axthelm: And that's something I talked to the Planning Department about, is that if we have items that really weren't part of the proposal in the first place that that would be something that could come up in the future for future updates, and it'd be a little more thought through.

So do we have any change from what we have there?

Hollie Del Vecchio: I think we need a motion. I'll move that we adopt an additional recommendation that the matter of requiring permanent protection of open space created through CaRDs on Guemes Island be taken up as part of a future development code amendment project.

Female Commissioner: I'll second.

Chair Axthelm: Okay. So it's been moved and seconded as an additional recommendation that the matter of requiring permanent protection of open space created through CaRDs on Guemes Island be taken up as part of a future development code amendment project. Discussion? That seems simple enough to me to get on the – that doesn't force them into making a commitment or doing a change. It just is a recommendation.

Mr. Walters: Just additional recommendations. This section is just for things that aren't actual modifications to the proposal.

Chair Axthelm: Any discussion on it?

(silence)

Chair Axthelm: Okay. So the motion as onscreen – all those in favor of the motion proposed, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

Mr. Raschko: No.

Chair Axthelm: Okay. Ayes have it. Okay. Any other Guemes Island issues you would like to address? Martha?

Ms. Rose: I have nothing.

Chair Axthelm: Okay. All right, does that cover it for the Guemes issues or do you see anything else that we're missing?

Mr. Walters: I think that's it.

Chair Axthelm: Okay. So we can move on to the next section. That moves us back up at – the last thing we were on is urban development.

Mr. Walters: So I don't think we have a staff report section on that.

Chair Axthelm: No. I think it was a comment by myself, but I don't recall anybody else had a comment on that.

Ms. Mitchell: I think you were on your own.

Chair Axthelm: Okay. You don't think I was – I was looking at was just the definition of urban development versus rural and having the staff take a look at that a little bit more as far as that definition. See what development was appropriate in urban and what was appropriate in rural. But that's – that's all it was. So I don't have anything. So the next one would be Wildlife Planning – or Wildfire. Excuse me – Wildfire Planning. My eyes are getting bad. Okay.

Mr. Walters: Page 10 in Staff Report 1.

Chair Axthelm: Okay, so we do have RC-9 on that one. I thought we already did that one.

Mr. Walters: Yeah, we did.

Mr. Pernula: You did that one.

Chair Axthelm: Okay, and the next one is References to Other Plans. And that was on page 11.

Mr. Johnson: Of the first – Staff Report #1.

Chair Axthelm: Yes. Correct. And there was opposition to removing the older water quality plans and watershed subarea plans from the Comp Plan. And the comment that the staff – you see the comment the County put there was that the revised policy states that “The County encourages the implementation of Total Maximum Daily Load (TMDL) plans, which are the current way the Department of Ecology plans water quality improvements.” The 1990 plans are 20 years old and not based on the best available science. They are useful from a historical perspective and remain in pre-2016 version(s) of the Comprehensive Plan, which are available on the Planning and Development Services website. Any comments to that?

I don't really have a proposal but my comments would be – is the same. I've talked about before about referencing, is that if we reference it or at least – it's not necessarily part of a plan but as a reference to say, This is used to develop a plan.

Mr. Walters: Yes, our general inclination is to avoid referencing – or to avoid incorporating by reference things that are really not Comprehensive Plan documents. So we need to be very clear in the Comp Plan what is the Comp Plan and what isn't the Comp Plan. Subarea plans – those are clearly part of the Comp Plan. Other random documents that may be useful documents for various purposes should not be called something that is part of the Comp Plan. If they don't include goals and policies and language that looks like Comp Plan language, that's usually an indicator they shouldn't be incorporated by reference.

Chair Axthelm: Okay. So like when you have statistics and stuff, how do you reference a statistic without pulling everything the statistic – the study was formed from?

Mr. Walters: Right. We can frequently say, you know, this information that is from this study or from this document. That doesn't make the study or document part of the Comprehensive Plan.

Chair Axthelm: Okay.

Ms. Lohman: There's other ways of determining water quality besides TMDL, and sometimes the TMDL is based on something and a water body could be failing some individual parameter in the TMDL and still be natural. I mean, that's the background level. So I'm a little bit concerned on just having that one measure cited.

Ms. Mitchell: I agree.

Mr. Pernula: Good point.

Chair Axthelm: And I'd be concerned is if there's – it's an older plan, or it's not up-to-date but is there – what is the up-to-date information? And should we change the reference to that?

Mr. Walters: Right. In the proposal, we would strike text about three watershed-specific nonpoint action plans and we would replace that with text that says the County encourages implementation of TMDL plans. TMDL plans are Ecology's water quality improvement plans. They are not mandatory. They are just plans. So this would say –

Ms. Lohman: Do you have to say it at all?

Mr. Walters: Probably not.

Ms. Lohman: I would suggest that we strike saying any at all. That leaves you open to potential new ideas or changes in – it doesn't say you're *not* going to use TMDLs. It doesn't say you're not going to use something else. But it leaves the door open to whatever's useful.

Mr. Walters: The rest of that paragraph preceding that sentence says “Local, state, federal agencies, tribes, and private interests shall be encouraged to plan and implement methods to protect and enhance water quality at commercial, recreational, and subsistence shellfish beds, including controlling potential new pollution sources, reducing pollution from existing sources, and establishing shellfish protection districts.” So we just thought that replacing the reference to the older plans with a reference to TMDLs, which is the current method.

Ms. Lohman: I think it's the beginning of a list and there's kind of peril when you start a certain kind of list-making because it's what you left off or what you put on it. It bites both ways. So I would urge you to strike – and I guess maybe I need to make a motion that we strike the reference to TMDL plans.

Ms. Mitchell: Second.

Mr. Pernula: You're talking about that one sentence that says “The County encourages implementation of Total Maximum Daily Load...plans”?

Ms. Lohman: Yes.

Mr. Pernula: Okay.

Ms. Lohman: Because I think the surrounding text captures that anyway.

Chair Axthelm: Okay. So do you have the policy, the actual policy text?

Ms. Lohman: Would it be helpful to the Commission if we put the strike changes version up so you could see it?

Mr. Raschko: Yes, it would.

Ms. Mitchell: Yes, that'd be very helpful.

Ms. Lohman: Basically it's the new blue language.

Chair Axthelm: And you're saying strike the TMDL?

Ms. Lohman: The new blue language, the proposed new language.

Chair Axthelm: Okay. So it's been moved and seconded to strike, as shown on the screen. So strike the new language that states "The County encourages (the) implementation of Total Maximum Daily Load (TMDL) plans." Discussion? Tim.

Mr. Raschko: Well, I was just going to ask what would take its place, but it's above in the verbiage. And I totally agree.

Chair Axthelm: Any other discussion on that?

Ms. Mitchell: Nope. Call for the vote?

Chair Axthelm: Okay. So it's been moved and seconded to strike the statement "The County" or from – what was it? Strike the proposed reference, or actually it's that whole sentence. The new text that we proposed to be added. Strike the proposed reference to TMDL plans in policy 5A-4.1. So how do we state that to strike that whole sentence?

Mr. Walters: I think that gets it.

Chair Axthelm: That's good enough? Okay. So all those in favor of striking the proposed reference to TMDL plans in policy 5A-4.1, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

(silence)

Chair Axthelm: Okay. And then – so Reference to Other Plans, RC-10, -11, and -12. It says: Opposes removal of detail describing proposed scope of Fidalgo Subarea Plan from policy 12A-4.1.

Mr. Walters: So to put this in a little perspective, this policy contains a list of subarea plans that the County *should* do. Subarea plans were a big deal at one point in the past and we implemented a couple of them – or we developed a couple of them – Guemes Island, Alger. There was an effort to do a South Fidalgo subarea plan that failed in what can only be described as a fireball. So this proposed revision would change the text about several of the plans – Alger, Bayview Ridge. For Fidalgo, it would change the text but it would not make – it would have the substantive effect of removing Fidalgo from the list of plans that we should do. So after the proposal, staff looked at this again and said, Well, we shouldn't have a proposal that just says things that happened and doesn't say things that should happen. So that's why there are recommendations – RC-10 – that say just move those policies into narrative because they describe past events rather than prospective policies. And the other RC-11 and RC-12 simply fix the rest to make that work. I think the substantive policy question here is, maybe, Do you want

to retain the Fidalgo Island plan on the list of plans that we should do? Because the other ones are done – Alger, Bayview Ridge, Guemes. Actually Hamilton, too. Yeah.

Ms. Jett: Josh, can I make a motion then?

Chair Axthelm: Yep.

Ms. Jett: Okay, I would like to move that the South Fidalgo Subarea Plan be removed from the list of things that should be done. I don't know how to word it, Ryan. You just described it very well but...

Chair Axthelm: We do have the three RCs there.

Ms. Jett: Right, and I think you said that they've already been taken care of?

Mr. Walters: The proposed text in the proposal doesn't do quite what we think it should do, so that's why we proposed these recommended changes.

Ms. Jett: Okay, then I move that we adopt the three changes, RC-10, -11, and -12.

Ms. Rose: Second.

Chair Axthelm: Okay, so it's been moved and seconded to adopt RC-10, -11, and -12, as shown on Staff Report #1, regarding South Fidalgo Subarea Plan. Discussion?

Ms. Del Vecchio: My concern about that would be that we're removing – by removing the South Fidalgo Subarea Plan we're basically saying that this isn't going – there's no chance that this is going to move forward in the next 20 years. That seems a little – I don't know that that's necessary or if it's necessarily true. Hopefully it's not true. A lot can change in 20 years. Hopefully less than 20 years. But it seems worthy of keeping that on the should-be-completed list.

Mr. Walters: That is the substantive question for you – whether that should remain on the list of plans to do or just be moved to the list of plans that were done. And it wasn't done, so it would be –

Ms. Del Vecchio: Okay, so that wouldn't make sense.

Mr. Walters: It would become a list of plans that were done and plans that were tried and failed.

Ms. Mitchell: One of the recent meetings when we had those four open houses out around the county, that meeting was even contentious on Fidalgo about the old Fidalgo thing. And I thought I heard an awful lot of people still say that they would like to have that done, but as far as whether there's champions or not, that I don't know. And are you guys saying at the County level you have not heard of any champions for finishing that plan or starting it again?

Mr. Walters: There was a proposal in the last round of Comp Plan amendment suggestions to do a Fidalgo zone and not do a subarea plan, and the Board deferred action on that later.

Ms. Mitchell: Thank you.

Ms. Jett: I would just say that I live on South Fidalgo and the majority of the people that I have spoken with support what Ryan just described, a change in the code as opposed to the expense of a subarea plan.

Ms. Mitchell: Can you say that a little bit louder, please?

Ms. Jett: I live on South Fidalgo and I just wanted to say that most of the people that I have spoken with – in fact, *all* of the people I have spoken with – say that they support a code change as opposed to going through the process of a subarea plan.

Ms. Mitchell: Thank you.

Chair Axthelm: Can we put the policy up for 12A-4.1?

Mr. Walters: So this spans several pages. 12A-4.1 says “Develop a long-term schedule for conducting community plans for” and then the following list. And that list includes Alger and Bayview Ridge and Fidalgo and Guemes and Hamilton, and all of the plans on that list have been completed except for Fidalgo. And the proposal originally made a bunch of changes to the text but what it really should have done is said, We did these so these don’t need to be policies anymore because they’re already done. Except for Fidalgo, which wasn’t done. So we can figure out the details of that. I think what we need to know is whether you’re supportive of generally recharacterizing as narrative things that are already done, and whether you want Fidalgo to be on the list of things that are already done, or tried and done, or things that we should still be doing. Because the next policy, 4.2, originally – well, originally 4.2 – are areas for *future* community planning, not ones that we really have on the horizon near-term but could occur.

Ms. Del Vecchio: Okay, so potentially if we’re removing South Fidalgo from the upcoming list we would just be moving them to – or *potentially* moving them to the future community planning. Although at the same time it seems like there’s been a community planning process there and maybe it takes the form of a subarea plan; maybe it takes the form of something else. But it seems like we at least have something in progress, which is worthy of retaining – acknowledging that there is something that could be – somebody could pick up again if they wanted to, which separates it from maybe some of the 4. – the old 4.2 areas.

Mr. Walters: When the Board deferred the proposal for a new South Fidalgo zone, they did say something about maybe there should be a South Fidalgo Subarea Plan first. But we don’t have any additional information from them about whether they would like to do that or not. And they didn’t really spend much time considering it. We could change the text such that it leaves the door open to either.

Ms. Mitchell: I think that’s a good idea.

Ms. Del Vecchio: Mm-hmm. Do we need to –

Chair Axthelm: I guess what I’m not seeing is why the – why Fidalgo isn’t listed in the future because there’s no timing now.

Mr. Walters: The first policy basically said, Do these first, then the second policy said, Do these later. So this is the second policy that you see on the screen here. The 4.1 was the first policy.

Mr. Johnson: And Fidalgo's just an outlier in the list of do-these-first, because all the others have been completed. So at the very least, we'd like to move the ones that have been completed up into the narrative and say they've been completed. And then the policy that says these adopted plans will govern or guide development – because policies generally should say something *should* guide development – and then – and the following are areas that are identified for potential future subarea plans. And I think that's the question – if you want to include Fidalgo in that list.

Ms. Del Vecchio: Well, then based on that, the question is whether we want Fidalgo Island to be first on the list of upcoming community planning processes or if it's now lumped into a larger list of future planning. And maybe saying, Well, this has to be done first or should be done first, at this point is not appropriate.

Ms. Lohman: Can you flip it back to 1? I guess I'm struggling with what you're saying, Hollie, because isn't this they're-already-done? So it's no longer a list of do-these-first.

Ms. Del Vecchio: Because what I was – what I had just been talking about was *retaining* South Fidalgo on the existing list, which is contrary to the motion that's on the table. So that's a – and I'm just discussing at this point.

Ms. Lohman: Right.

Ms. Del Vecchio: I'm going back and forth a little bit as to whether or not it belongs on that list or if it is more appropriate to go into the next – the list that's in the next section, which is just a kind of general statement of future long-term plans without the sense of priority.

Ms. Lohman: I think it almost needs to go under the future list because it's highly controversial and it may take a bit to even get it started.

Ms. Del Vecchio: Yeah, agreed. I think, based on the staff's comments, that this is viewed as kind of the priority, then – yeah, we might be hindering some other plans if we're saying that South Fidalgo has to/should come first.

Ms. Lohman: But I wasn't under the impression it was a prioritized list.

Mr. Walters: The second policy – the plans are prioritized between policy 1 and 2. The second policy has a list of unprioritized plans underneath it.

Ms. Del Vecchio: Right.

Mr. Johnson: Well, if you look at them, they're alphabetical and then because I think it came up later than the original ones, you've got Lake Cavanaugh Rural Village at the end.

Ms. Del Vecchio: No, that's not the priority I meant. The priority I meant was first policy – listed plans under first policy come before the plans listed under the second policy. Because right now the question is whether or not South Fidalgo stays in that first policy, which does give it, from what I get, a sense of priority over the second policy plans, or if it should just get rolled into the second policy plans.

Mr. Walters: Yeah, so if that's the direction you want to head, I would recommend that we say move text about the completed subarea plans in 12A-4.1 into narrative; move text about the Fidalgo Subarea Plan into existing policy 4.2 about future plans.

Mr. Raschko: Mr. Chair?

Chair Axthelm: Tim?

Mr. Raschko: Could you clarify? I didn't hear well. There was already a planning effort for South Fidalgo?

Mr. Walters: Yes.

Mr. Raschko: And how can you characterize it?

Ms. Jett: Disaster.

Mr. Raschko: A fireball. Okay, that's what I thought you said. Was there resistance by the people there to have a plan?

Mr. Walters: Yes. So the summary is there was a subarea plan in process. There was a consultant. There was a CAC and a TAC, a Technical Advisory Committee. There was a lot of work done on the plan. There's a lot of good information in the plan document; however, the resulting proposal recommended a rezone of the entire island to 2½-acre zoning from the 10-acre zoning that exists on a large portion of it. That is what met a lot of resistance and resulted in the CAC being disbanded, other – you could say maybe a Commissioner losing his job. I mean, there were several negative outcomes from that process, which is not to say that the *document* was flawed, but the *recommendation* certainly was. It was also illegal. So there were a lot of bad things that happened as a result of that.

Mr. Johnson: Illegal under the Growth Management Act.

Mr. Walters: Right.

Mr. Raschko: So why do we want to push that ahead again?

Chair Axthelm: Basically there's two different sides to it. There was opposition and there's people that are for it and people against it. But since it's not completed at this point, it could be an option in the future.

Mr. Walters: I would say that there was a lot of opposition to the recommendation to rezone. I don't know that there was opposition to having a subarea plan.

Chair Axthelm: Okay.

Mr. Johnson: If I could just add: In the text of the proposed Comp Plan, the proposed scope – before the plan was ever done – of the planning process is struck out and then a paragraph of what happened in the planning process and how it did move on to the development of a South Fidalgo Stormwater Management Plan is discussed there. So there is a brief synopsis of what happened in that planning process that brings us up to at least 2010.

Chair Axthelm: Tammy?

Tammy Candler: If I understood you correctly, though, you would be recommending changing the language to be this-is-done, and then the other section is this-is-going-to-be in future planning. So it wouldn't make any sense to leave it – just for simplicity of language, it would make more sense to just move it with the others – Birdview and the others – so that you could make all of the language like a past tense, right? Is that what you were saying?

Mr. Walters: Well, I think the question is, Do we want to do one in the future? If the answer is yes, then it should be in the list of future plans. It can have some past tense language explaining the background, I think, in that list.

Ms. Candler: Okay. But I thought you said that you were going to change that to some – that whole list was going to be a these-are-done kind of a list.

Mr. Walters: The whole rest of 4.1 would be just narrative because they're done. They don't need to be policies anymore because they have been completed.

Ms. Mitchell: The message I heard from the open house was that, yeah, there were issues and opposing issues but there still was a will to do something. And I think for them to move forward if they would choose to do that is their prerogative, and I think we should retain the ability for them to do that by holding that spot for them.

Mr. Walters: And it could be generalized a little bit to do something less than a full-blown subarea plan.

Chair Axthelm: Annie?

Ms. Lohman: I kind of am questioning in a comprehensive plan why you've written out this history. To me it's not part of a policy, and this is a comp plan – comprehensive plan – and I'm questioning what the point is. Because there's an awful lot of things that in draft form are ugly, and we don't write the narrative about what happened then in here. And so I'm suggesting that we strike all that language, and if there's going to be a new South Fidalgo plan it should be maybe on a fresh sheet of paper with nothing else written on it except maybe a title.

Mr. Walters: Well, it could alternatively be moved to the Profile because there's a Profile for almost every section.

Ms. Lohman: I don't think it needs to be anywhere. I think it maybe would even bring up more old bad blood, and I think it's probably a lot of people would wish it was dead and buried, and move on and start over.

Mr. Walters: Well, we're talking about a lot of narrative here about other plans, too.

Ms. Lohman: But I think all the reference to there was a citizens advisory committee and a technical committee – I think you got way down a rabbit hole that's not necessary to have in the Comp Plan.

Ms. Mitchell: Agreed.

Ms. Lohman: And so I would support taking that language out and putting the Fidalgo plan in the future plan list, because it isn't a priority list. It doesn't mean it's not going to ever happen. It's saving a spot for it and calling it out that if there's a will it is recognized that we think it should be done.

Chair Axthelm: So at this time we need to either vote on the motion or if we want to split it.

Ms. Mitchell: What was the motion?

Ms. Jett: Well, Ryan, couldn't it be brought up in the future if people want it? It doesn't have to be on any list, does it?

Mr. Walters: It doesn't necessarily have to be on a list. Kirk, do you think it has to be on a list?

Ms. Jett: I mean, is that a requirement?

Mr. Pernula: I don't think it would have to be on the list; however, if it's something you want to promote or that they want to use to promote it, I think it helps it. It enhances their ability to get it done.

Mr. Walters: I think also that this list evolved from probably a list of UGAs. Is that right, Kirk?

Mr. Johnson: Which list are we talking about?

Mr. Walters: At one point, we were talking about back in the early days of GMA other UGAs other than Bayview Ridge.

Mr. Johnson: No. I think – I mean, I think if you look in the – either the Introduction or the implementation chapter it talks about kind of planning at the global level and then these subarea plans that would do more detailed planning for more local areas. So I think it's a list of subarea plans. I know that some of them like Day Creek and Upper Samish Valley came out of the 2005 Update process. Those were important to Commissioners at that point. I mean, this is just kind of a long-running list of subarea plans that at some point somebody in the County thought was important to do.

Ms. Candler: I don't know if anyone else is having this issue but I don't know that I would vote the same on all three of these, and so it might make sense to separate them, I guess.

Chair Axthelm: So we can vote on the motion or we can split the motion.

Ms. Jett: Do you want me to withdraw the motion then?

Chair Axthelm: No, but we can split the motion.

Ms. Jett: Split it? Okay.

Chair Axthelm: Because there're three different items there so we could split the motion if you'd like.

Ms. Jett: Okay.

Mr. Walters: I think it will get complicated to split it, though.

Ms. Lohman: I think you need to start over.

Chair Axthelm: Basically it's withdrawing the motion and proposing three separate.

Ms. Del Vecchio: Well, I think the second two are maybe not necessary, or they stem directly from the first one.

Mr. Walters: Right.

Chair Axthelm: Okay.

Ms. Del Vecchio: If we're changing the first one, we're going to have to change the second two because they all work together.

Ms. Lohman: But we don't have to go with 10, 11, and 12. We can go with Planning Commission 1, 2, and 3.

Chair Axthelm: Okay, so we need to either withdraw the motion or vote on it.

Ms. Candler: We can vote on it, but it's confusing to me the way it's written.

Mr. Walters: Well, individual Planning Commission members shouldn't be able to withdraw motions since it's been moved and seconded.

Chair Axthelm: Okay.

Mr. Walters: But if you can just agree to delete, we can start over.

Chair Axthelm: Do we agree to – no. Okay, so how about all those in favor of the motion as stated implementing RC-10, -11, and -12, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

Multiple Commissioners: No.

Chair Axthelm: Okay, so the nos have it. There you go. So no change yet. So now is there another motion?

Mr. Walters: So I would recommend that you – based on what you have been saying here – that you move text about completed subarea plans in 4.1 into narrative; move text about the Fidalgo Subarea Plan into existing 12A-4.2 about future plans, shorten it, and make it more general.

Ms. Candler: And we want to include the language – I think we have a motion sort of from Annie that we strike a lot of that language.

Ms. Del Vecchio: He included that.

Mr. Walters: That's what I said about shortening it.

Chair Axthelm: So can somebody formulate into a motion?

Ms. Lohman: Shall I do it? I move that we move the completed subarea plans to the narrative section of the text in policy 12A-4.1. There you go.

Ms. Mitchell: Second.

Chair Axthelm: Okay. It's been moved and seconded to move the text about the completed subarea plans in policy 12A-4.1 into the narrative. Discussion? So at this point, that does not include – even though some's been completed on the Fidalgo, it would not include Fidalgo.

Mr. Walters: Correct.

Chair Axthelm: Okay. Any other discussion?

Ms. Del Vecchio: Is "completed" the right word?

Mr. Walters: Yes.

Ms. Del Vecchio: Okay.

Mr. Walters: Well, we could say "adopted."

Ms. Del Vecchio: That's what I'm wondering. Because it seems like there was a planning process that was completed even though – with South Fidalgo – even though it wasn't adopted.

Chair Axthelm: But they won't be – oh, no.

Ms. Lohman: That is better. These were adopted.

Chair Axthelm: Okay, call for the vote. The motion's been made to move text in policy – unless – any other comments?

Ms. Del Vecchio: No – sorry.

Chair Axthelm: I didn't look so I wanted to make sure. Move text in policy 12A-4.1 about adopted subarea plans into the narrative. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: Those opposed, say "no."

(silence)

Chair Axthelm: Ayes have it. Okay, do we have another motion?

Ms. Del Vecchio: You're on a roll, Annie.

Ms. Lohman: I move that we add the Fidalgo Subarea Plan to 12A-4.2 section for future plans.

Ms. Mitchell: Second.

Chair Axthelm: It's been moved and seconded to add the Fidalgo Subarea Plan to existing policy 12A-4.2 as a future plan. Discussion?

(silence)

Chair Axthelm: Okay, so the vote. Call for the vote. Move the Fidalgo Subarea Plan to existing policy 12A-4.2 as a future plan. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

(silence)

Chair Axthelm: Okay, ayes have it. So don't have to address the other RCs because that's not a proposal. Okay.

Ms. Lohman: I have a third motion. I move to – Ryan, can I ask you to pull that language up for me? I move that we strike the old descriptive language about a past Fidalgo Subarea Plan from the text.

Ms. Mitchell: Second.

Chair Axthelm: So it's been moved and seconded to strike the old descriptive language. Is that the old or is that proposed?

Ms. Lohman: I think "old" should go in front of "Fidalgo." I had my "old" in the wrong spot.

Mr. Walters: So "the proposed"?

Ms. Lohman: Right.

Mr. Walters: "The proposed description about the" or "the earlier"?

Ms. Lohman: There you go.

Chair Axthelm: Kathy, are you in line with that one?

Ms. Mitchell: Yes, that's fine.

Chair Axthelm: Okay, so moved and seconded to strike the proposed descriptive language about the earlier Fidalgo Subarea Plan.

Ms. Lohman: Can we change that again? Can we call it "past"? Instead of "earlier," can you say "past"?

Mr. Walters: Do you want to say "the unadopted," "the drafted"?

Mr. Pernula: “The drafted.” That would be the most accurate.

Mr. Walters: “The 2006 draft”?

Ms. Mitchell: “The most recent”?

Chair Axthelm: “Partially completed”?

Ms. Candler: I don’t think we can say just “past” because –

Ms. Lohman: Well, we can’t say just “earlier” because we don’t know what we’re talking about.

Mr. Walters: It was the 2006 draft Fidalgo Subarea Plan.

Ms. Lohman: Okay, there you go.

Mr. Walters: However, it wasn’t – the text really isn’t about just the plan. It’s about that process. Do we want to say “process”?

Ms. Lohman: “Process,” yes.

Chair Axthelm: “Plan and process”? Okay. Kathy, are you okay with that change?

Ms. Mitchell: I’m fine with it. Thank you.

Chair Axthelm: Okay, so discussion?

(silence)

Chair Axthelm: Okay, so if there’s no discussion, call for the vote on striking the proposed descriptive language about the 2006 Fidalgo subarea planning process. All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “no.”

(silence)

Chair Axthelm: So are you understanding that, Ryan, that both languages then would be gone?

Mr. Walters: What’s that?

Chair Axthelm: The old language and the new language would be gone? Or the proposed language and the old language would be gone?

Mr. Walters: No. No, I don’t understand that. So there would be nothing? There would be no description of –

Ms. Lohman: None.

Ms. Mitchell: No.

Ms. Lohman: Because it's moot. Why do you need it in a comp plan?

Mr. Walters: The old language describes what would happen as part of a community plan – the stricken language. Can I put that on the screen?

Ms. Mitchell: Please.

Mr. Walters: So what I understand that we're doing is retaining – we're retaining that, which is in the existing Comp Plan right now. It's the list of things that it *should* consider.

Chair Axthelm: So the stricken language, it will show. The other language it will not.

Ms. Lohman: Right. It's a flip.

Mr. Walters: Right. Yeah. Okay. I think we're on the same page.

Chair Axthelm: Is that what we wanted? Are the Commissioners okay with that? Because that's different than we might have understood, so I want to make sure.

Ms. Candler: Yeah, I was – it's confusing to me because now we're moving into another section. It seems that that language could be there since it's a plan.

Ms. Lohman: Can you put it back?

Mr. Walters: Yes, the stricken language should be – when we move it to the future plans, all the other future plans have a paragraph about what should be in the future plan, so we would restore the future plan language.

Ms. Candler: So what would be the issue with striking all of the section (c)?

Ms. Lohman: It isn't. It's just striking the proposed new language, the underlined.

Ms. Candler: Well, that's what we're discussing is what to do.

Mr. Johnson: I think she's saying if all of – what would be the issue with just having it say "Fidalgo Island period." Is that what you're saying?

Ms. Candler: Or having it not there at all.

Mr. Johnson: Oh. ____.

Mr. Walters: You just told us that you wanted it in the new plans, future plans section.

Ms. Candler: Right.

Mr. Walters: So we would put it there. And all the other future plans have paragraphs about what they would – what those plans would talk about.

Ms. Candler: Certainly there, but why does it need to be where ____.

Mr. Walters: Oh, no no no. Yeah, it would not be in 4.1 at all.

Ms. Candler: It would not be in 4.1. Okay.

Mr. Walters: Basically all of 4.1 would disappear because it's a list of things that have been done.

Ms. Candler: That makes sense to me. Thank you.

Ms. Lohman: I think we were not on the same thought wave.

Ms. Candler: No, I thought they were trying – I thought everybody was saying leave it in 4.1.

Chair Axthelm: And I was misunderstanding that when you said. So are you okay with that? Any opposition to that?

(silence)

Chair Axthelm: Okay, great. All right. So the next item –

Ms. Lohman: Affordable Housing. Oh, wait, no – Capital Facilities.

Chair Axthelm: Are there any other references to Other Plans? Okay, so the only other reference I had was – and we partially addressed that with the Open Space Concept Plan, but we did address it with our proposal on that.

Ms. Mitchell: We did but we still need to have it taken out of the policy part.

Mr. Walters: What are we doing now?

Chair Axthelm: No, we had the – on page 3. Okay, so thank you for keeping me straight. I had sent in a proposal that we –

Mr. Walters: When you have these moments, the audience starts getting noisy.

Chair Axthelm: Okay. So I had a section on – was approve the urban open space and land use section as proposed, with the following recommended changes. And that was to delete policy 2B-1.3 and renumber policies – we already did that.

Mr. Walters: Yes. You already addressed 2B-1.3.

Ms. Mitchell: All we did was to take it out of the narrative but we didn't delete the policy.

Mr. Walters: You changed it to narrative.

Ms. Mitchell: Right. So what happens to that policy?

Ms. Lohman: It disappears.

Mr. Walters: It goes away.

Ms. Mitchell: Great. Thank you.

Chair Axthelm: Okay. So that's taken care of. All right. So the rest is just findings of fact, reasons for action.

Mr. Walters: Yeah.

Chair Axthelm: Okay. All right, so the next one – any other references to Other Plans? Nope? Okay. So Affordable Housing.

Ms. Mitchell: We already did that.

Chair Axthelm: We did that one. And then Capital Facilities?

Mr. Walters: So there are two public comments that I think are very straightforward that we addressed in here. One is a clear drafting error. We had rural and urban water levels of services in the wrong column so they need to be reversed. That's RC-15. And then RC-16 is a recommendation that we make it clear that that annual Capital Facilities Plan that you do contains the other information that the commenter was looking for – the inventory of capital facilities and that kind of thing.

Chair Axthelm: Okay.

Ms. Candler: Can you put the language of RC-15 on there – on the screen?

Ms. Rose: I move that we adopt RC-15 and RC-16 of Staff Report #1.

Chair Axthelm: Can I – it's not a point of order but _____.

Ms. Rose: Oh, sorry.

Chair Axthelm: No, no, no. No, it's not a point of order. You're fine. I just think if we can keep those – should we keep them separate or put them together? It might be better – I'm just recommending that we keep them separate.

Ms. Rose: Keep them separate? Okay, I'll withdraw that and move that we adopt RC-15 of Staff Report #1.

Ms. Candler: I'll second.

Chair Axthelm: Okay, it's been moved and seconded to adopt RC-15 in Staff Report #1 as stated in policy 10A-1.4, to reverse the rural and urban water – what is that, LOS?

Several people: Level of service.

Chair Axthelm: Level of service. Thank you – so that they are listed in the correct columns. Discussion?

(silence)

Chair Axthelm: So all those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: No. Okay. All right, so RC-16.

Ms. Rose: I'll move that we adopt RC-16 in Staff Report #1.

Ms. Mitchell: Second.

Chair Axthelm: It's been moved and seconded to adopt RC-16 in Staff Report #1 stating: In the Capital Facilities Profile, clarify the description of the relationship between the Capital Facilities Element and the annually updated Capital Facilities Plan. Discussion?

Ms. Lohman: I think it's a great idea.

Chair Axthelm: Okay, any other discussion?

(silence)

Chair Axthelm: All right. _____. All right, so all those in favor of RC-16 as shown on the screen, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: The next item was Implementation.

Ms. Mitchell: Does anybody remember what that was in reference to?

Ms. Lohman: I'm struggling with what we meant.

Chair Axthelm: Ryan, Kirk, do you remember what that discussion was?

Mr. Johnson: I don't.

Chair Axthelm: Okay. We can mark that and move on. If somebody remembers or knows, we can go back to it if we need to. Let's see, the next one, Appendices, and that was by Kathy.

Ms. Mitchell: We had that discussion one of the first days.

Mr. Walters: Yeah, then the next one on the issue list, I think, is Formatting.

Chair Axthelm: Okay. We still had it marked so we weren't sure. Is there any other questions or comments on Appendices?

(silence)

Chair Axthelm: Okay. So the next one is Formatting. And, Annie, is that you?

Mr. Walters: I can provide a little background here.

Chair Axthelm: Okay.

Mr. Walters: When we did the last version of the Comp Plan, apparently we did it in a whole bunch of different Word documents and then sent it off to a company to format it into a nice document which cost a whole bunch of money. This time we put it all into one Word document and applied a consistent Word numbering scheme to it, which had the result of highlighting the problems where we had inconsistent numbering. So if you look in the document, say, on page 80 – this occurs several places in the document. You'll see these missing goals. And the reason is because a whole bunch of pages in the document would have a heading for that, but then a bunch of places in the document do not have headings. So we need to fix that to make it consistent with the numbering scheme in the document. And what we propose is that we just take that text – which is actually the goal text, the paragraph below it – and make that the color of the goal. Then where we have a missing heading we just would do without it. Where we already have a heading, it would become a heading right above the goal. So it's a simple solution which requires no generation of new text. It also has the effect of making it very clear that the goal is the text. The goal is not the heading. The goal is the text because it'd all be the same font and style.

Ms. Mitchell: So this is where you need the motion for RC-17?

Mr. Walters: Yes.

Chair Axthelm: This is on page 19 of Staff Report #1.

Ms. Mitchell: Page 19, Staff Report 1.

Chair Axthelm: RC-17. Do we have a motion?

Ms. Lohman: I make a motion that you do the housekeeping changes that fix things like missing headings and where it says "missing goal" and –

Ms. Mitchell: – "co-location."

Ms. Lohman: Also, yeah, when you're trying to clean up words like "co-location" – because you didn't get all of your co-locations in your quest for getting them all.

Ms. Mitchell: Kirk's got the list for it, though.

Ms. Lohman: I think all those housekeeping things we can – can we put them in a single motion that you just fix them?

Mr. Walters: Yeah.

Ms. Mitchell: Second.

Chair Axthelm: Does that work? Okay, so it's been moved and seconded to fix headings and goals in proofreading – for example, “co-location” – as shown on the screen. Comments?

Ms. Lohman: I have. I have one. This goes kind of a little bit – it makes me want to add “grammar” to the list, because there's certain instances where – several instances throughout, and maybe because there's been different people picking up the pen, or different drafting, or things in draft form and then they stayed in draft form, because there's several places where you start with the word “because.” “Because” and then you talk. That is just like – it's like a typo. It leaps off the page. There's some new language that starts with “because” and I think that you need to fix that.

Mr. Walters: There's a lot of old language unaltered that starts with “because.” There's some new language; however, I don't think it's universally considered ungrammatical.

Chair Axthelm: And that's the concern I'd have is if some of those situations like the “should” and the “must” and, you know, that that not be – that isn't – those things need to go through the process of fixing.

Mr. Walters: Yeah, I think we agree. I mean, as you know, I don't like “shall,” but in each case where we propose that we want you to review it. So I don't feel very comfortable making a whole bunch of typos.

Ms. Lohman: Okay, then I withdraw my suggestion we add the sentences that start with “because,” but there's a couple of them that – it is just flat out poor form – in the new proposed blue language.

Mr. Walters: There are a couple. Yes, and we've talked about a couple of those. I would agree. Not with the one – not with “because” in all cases, but in – there are maybe a couple other issues. If they are very egregious, I think we will correct them and then they'll be in the next version for public comment.

Ms. Lohman: I didn't write the worst one out, but it's in the – I know it's in the new language. If you do a search for “because,” they'll all leap out!

Mr. Walters: Yeah.

Chair Axthelm: Any other comments to that?

(silence)

Chair Axthelm: All those in favor – is everybody in favor of – all those in favor of the fix missing headings and goals and proofreading – for example, “co-location” – say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “no.”

Mr. Walters: There's one other recommended change in this section and that is in –

Chair Axthelm: RC-18?

Mr. Walters: Yeah, RC-18. In chapter 4 there are a bunch of things called “General Policy Goals.” The text beneath them says they are guiding principles and we think that that’s what they should be labeled because they’re not – they don’t have goal numbers and they don’t have policy numbers. They’re not both goals and policies. We think what they really are are guiding principles.

Chair Axthelm: Is there any opposition to that?

(silence)

Chair Axthelm: Okay. I guess we still – you still want a recommendation based on that? Or do we need to?

Mr. Walters: Either that or I guess it can be considered part of that one.

Ms. Lohman: Why don’t we since we did on all the other ones?

Chair Axthelm: I guess we have on all the others. Yeah, okay. All right. So do we have a motion?

Ms. Candler: I’ll move that we recommend RC – was it 18?

Ms. Mitchell: 18.

Mr. Walters: Yes.

Mr. Raschko: Second.

Chair Axthelm: Okay, it’s been moved and seconded to recommend RC-18, Re-label the “General Policy Goals” in Chapter 4 as “Guiding Principles.” Any further discussion?

(silence)

Chair Axthelm: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: Those opposed, say “no.”

(silence)

Chair Axthelm: Okay, so the next item is –

Ms. Lohman: Development Regulations.

Chair Axthelm: – Development Regulations. We already talked about the Guemes Subarea Plan so it’d be essential public facilities, approval criteria, and water.

Ms. Mitchell: Do you remember which staff report that was in?

Mr. Walters: That would be Staff Report #2. And there was one public comment that we require an adequate source of water for essential public facilities. We don't think we need to say everywhere in the code that you require an adequate source of water. We say that for water review so we don't think we need to add that every time.

Chair Axthelm: Do we have – what page was that on? Okay, P-2 says approval criteria for Skagit County Code, Essential Public Facilities, should require an adequate and legal supply of water. And the comment is essential facilities already do require an adequate and legal supply of water. Do you want to read the whole thing?

Several Commissioners: No.

Mr. Raschko: I agree with staff. _____.

Chair Axthelm: We don't need a motion there. Okay. So anything else?

(silence)

Chair Axthelm: Okay, so the next one would be 14.18.100, Land Divisions and Water Availability. We partially addressed that.

Mr. Johnson: I don't see – I don't see that in Staff Report #2, so I'm wondering if that was something that a Planning Commissioner raised.

Chair Axthelm: Yeah, and we had talked about it.

Mr. Walters: Yeah, we talked about that with respect to rainwater catchment.

Chair Axthelm: Yes.

Mr. Walters: And you generated an additional recommendation to look into that further.

Ms. Lohman: Yes. I think we talked about it already and I think it just got dropped down into the development regulations section.

Chair Axthelm: So are we satisfied with that? Any other further discussion? Martha, are you okay with that?

(silence)

Chair Axthelm: Okay, Rural Reserve and Lot Coverage.

Mr. Walters: This was on the last page of your Staff Report #2. Rural Reserve lot coverage was a recommendation – a suggestion for a development regulation amendment as part of last year's docketing process. It got docketed by the Board. It didn't include a specific recommendation for how we were to address this problem. Right now you can have 35% lot coverage in the Rural Reserve zone. Since the minimum parcel size in Rural Reserve is 10 acres, that could be 35% covered in buildings – 3½ acres of buildings. Lot coverage is not impervious surface. That's not the same. It's just *building* coverage. So we proposed in the draft a table with a sliding scale of percentages for lot coverage, but we think that that's maybe not optimal because anytime you have a table it results in breaks between the divisions of how big

your parcel is. So we looked at what Whatcom County had done and they have language similar to RC-3, and that's what we're currently recommending – that we replace that table in the proposal with a limit of 5000 square feet or 20%, whichever is greater, not to exceed 25,000 square feet. And we've done some calculations on parcels of various sizes and we think that this works out.

Chair Axthelm: What is included in the lot coverage?

Mr. Walters: I think it's just buildings, but I can look that up here in just a second.

Chair Axthelm: That's in the square footage footprint, so if you have a porch sits under that is that included? Or is it impervious surface like your apron or anything like that?

Mr. Walters: It is not impervious surface. Lot coverage is the area of a lot that may have buildings located thereon. But, yeah, I think your porch would count. It's not impervious surface, though.

Ms. Candler: If I remember correctly there were some concerns on – or a recommendation that ag land be excepted, or something like that. Is that right?

Mr. Walters: Oh, yes, and that's the next – yeah, that's the next RC, RC-4. We do think that ag buildings are the only buildings that would really run up against the proposed limit, so we propose just exempting them from that lot coverage maximum, which would mean you could reach 100% with ag buildings in Rural Reserve. So that would be a loosening of current regulations.

Chair Axthelm: Okay.

Ms. Mitchell: So I move that we replace the maximum lot coverage table in SCC 14.16.320 for Rural Reserve with a limit of 5000 square feet or 20%, whichever is greater, not to exceed 25,000 feet, as stated in RC-3.

Mr. Raschko: I second.

Chair Axthelm: Okay, it's been moved and seconded to replace lot coverage as stated and as shown onscreen. Discussion?

(silence)

Chair Axthelm: So, Ryan, this – I don't see where you change it in the code but is it – has that already been – is that proposed – did that go before the public as a proposed change?

Mr. Walters: This did not. No.

Chair Axthelm: Okay.

Mr. Walters: It will.

Chair Axthelm: Okay, so it still will. It's just – all right. My concern is being a change, too, from the – what was published.

Mr. Walters: Yes, but we have a – we – the point of this process is to get a better document than came out of the original proposal. And we do have the rule that whenever there's something new that hasn't received public comment it is entitled to receive public comment.

Chair Axthelm: Okay, perfect. Okay, any other discussion?

(silence)

Chair Axthelm: So all those in favor of replacing the maximum lot coverage table in SCC 14.16.320 for Rural Reserve with a limit of 5000 square feet or 20%, whichever is greater, not to exceed 25,000 square feet. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

(silence)

Chair Axthelm: Now that was RC-3. Any motion on RC-4?

Ms. Mitchell: It moves that we exempt agricultural accessory and processing uses from the Rural Reserve lot coverage maximum, as stated in RC-4.

Mr. Raschko: Second.

Chair Axthelm: Okay, it's been moved and seconded to exempt agricultural accessory and – as shown onscreen – as now shown onscreen. Is there any discussion?

Ms. Rose: I have a –

Chair Axthelm: Martha?

Ms. Rose: So you said that this would allow 100% lot coverage, and is that what you want?

Mr. Walters: I don't know!

(laughter)

Mr. Walters: I mean, the alternative would be to still limit them to 35%.

Ms. Rose: Or a percentage. I mean, in other words, I can see, oh, if somebody had greenhouses covering the land how you could – like, there is an example – no, they don't have 100%. But, I mean, I'm trying to imagine what it could be that would get up to 100%, but –

Mr. Walters: Probably – well, it would probably be some smaller parcel – pre-existing, under 10-acre parcel.

Ms. Rose: Right, but that's still a lot. And so I guess my only reaction to this is that there should be some limit of a percentage.

Chair Axthelm: But you're – one thing is you are allowing the lot coverage but – but you also have requirements for drainage that will cover some of that. So even though it's allowed it will never happen because it just can't.

Ms. Candler: And setbacks and other things, I guess.

Ms. Mitchell: Right.

Mr. Walters: Yeah, there are still setbacks. There are drainage requirements that might be very difficult to achieve, although you might be able to do it on another parcel if you own adjoining parcels.

Ms. Candler: Josh, I have a question.

Chair Axthelm: Yeah?

Ms. Candler: I guess I'm wondering why – maybe along the lines of what Martha was concerned about – why all or nothing?

Mr. Walters: It doesn't have to be that. I think that was the exception suggested by the public comment. But maybe that's not well enough thought out.

Ms. Candler: I'm a little bit concerned about that.

Chair Axthelm: Martha, go ahead.

Ms. Rose: So from working in an urban environment, I know it is possible to have 100% lot coverage *and* reach the low impact requirements, because they do it in downtown Seattle. So that doesn't – that's not the safety net to avoid 100% lot coverage. That won't – it will likely, because people aren't going to be spending the money, but it doesn't necessarily follow that that would be the thing that would restrict it. So I guess I would be in favor of putting some sort of a percentage of lot coverage with maybe a provision for a variance if there was a special circumstance of a very small lot or an adjacently-owned property that could handle whatever. You know what I'm saying? It's hard to foresee what that might be but – so I guess I would be in favor of putting –

Chair Axthelm: Your microphone – you need to pull your microphone –

Ms. Rose: I'm weaving in and out? Okay.

Chair Axthelm: No, no. Your microphone is too far away from you.

Ms. Rose: It's too far away. Okay. So I guess I would like to suggest that we put a percentage on it, even though we're exempting agricultural buildings. But I'm not sure what that percentage should be, so I'd like to hear what other people think.

Mr. Walters: Well, it's currently 35, and variances would be available same as always, so no special provision would need to be made for variances. But we could say exempt them from this new lot coverage limit up to 35% so it maintains the status quo for ag processing buildings.

Ms. Rose: Sure. Do you want that to be a motion?

Ms. Lohman: Um –

Chair Axthelm: Do you want to let her make a motion or do you _____?

Ms. Lohman: I'll hold my comment for the motion for the motion.

Ms. Rose: So I move that –

Chair Axthelm: Martha, I think you need to pull that microphone closer. It's not just for the audience. It's more for – it's for the recording system.

Ms. Rose: Thank you for the reminder.

Ms. Lohman: Did we have a motion?

Ms. Mitchell: We had a motion.

Ms. Lohman: We have a motion. It's on the screen.

Chair Axthelm: Oh, you're right.

Ms. Candler: Now we have to move to amend the motion.

Chair Axthelm: So we have a motion already.

Mr. Walters: So you could move to amend it.

Chair Axthelm: Would you like to move to amend it?

Ms. Rose: I move to amend the motion that's on the table to put a restriction on the maximum – on the amount of lot coverage agricultural buildings can take up to be a maximum of 35%.

I know I didn't word it very well.

Ms. Candler: I'll second the amendment, if that's a thing.

Chair Axthelm: Okay.

Mr. Walters: So now on the floor is this highlighted text.

Ms. Lohman: Right.

Chair Axthelm: Okay, so before – so is there a discussion on the amendment?

Ms. Mitchell: I'd like to hear from the farmers.

Mr. Raschko: I think from a practical standpoint nobody's going to build 100% coverage, and there are the setbacks and other mitigation. I think if he hadn't somewhat – I don't know the word he used – brought up the 100% thing nobody would have ever thought about it and it would not have been an issue. So I think we should just leave it as it is.

Chair Axthelm: Okay, Kathy?

Ms. Mitchell: I'd like to request from either of the farmers if they have any input on this to speak up.

Ms. Lohman: Well, I was going to say that a lot of farmers kind of consolidate their buildings in a way and they're not all spread out all over their farms, and so I'm concerned on what gets basically calculated into that 35%, especially if you put a series of barns or potato sheds or whatever together. But I dearly – I agree with Tim, too, that I kind of doubt that you're going to get up to 100%, but I don't know what the percent would be.

Mr. Walters: And remembering this is just Rural Reserve, so not Ag-NRL or Rural Resource.

Ms. Lohman: Correct, but there is agricultural activity going on in Rural Reserve.

Mr. Walters: Yes.

Ms. Lohman: And in Rural Reserve, food processing is allowed and some other ag-related activities that aren't necessarily plowing is allowed.

Mr. Walters: Ag processing is allowed.

Ms. Lohman: Right. So I don't want to slam the door on maybe there's an opportunity to put something there.

Ms. Mitchell: I'll agree with that.

Mr. Johnson: I'm just going to throw out that the comment came from a member of the public who felt that Rural Reserve, while stated that it's primarily a residential zone, allows a wide range of non-residential uses. And that was actually the genesis of the recommendation coming forward from the Fidalgo folks, that they wanted to basically – at least on Fidalgo Island – make Rural Reserve primarily a residential zone and remove a lot of the special uses that some people on Fidalgo feel like interfere with their residential zoning.

So what you have here is you have a proposal to put a limit on the maximum lot coverage in Rural Reserve, which you're going along with, but at the same time by having no limit on agriculture – if I'm correct – you're basically taking the 35% limit and doing away with it. And I'm not aware of a record of property owners in Rural Reserve who want to put agricultural processing facilities on Rural Reserve land, saying that the 35% lot coverage limit has been a hindrance to them. So it seems like to me kind of a double standard at work here. While you're limiting it for all other uses, you're saying, Well, let's remove the existing limit of 35% and have 100% be the limit, and that seems a little at cross-purposes with the intent, as submitted by a member of the public, for this code amendment.

Ms. Mitchell: Then I've got a question. Why did you guys recommend what you recommended?

Ms. Lohman: This is a staff recommendation.

Ms. Mitchell: This was a staff recommendation.

Mr. Walters: A member of the public suggested this exemption and we –

Ms. Mitchell: Right, but you say right here you guys agree.

Mr. Walters: Yes.

Mr. Johnson: Yeah, and the additional discussion generated a question of, Should there be some upper limit? I mean, we're fully aware that the Commissioners have said that Rural Reserve should be a zone where agricultural processing can go. That goes back to a pickle plant that was put on Pleasant Ridge back in the early 2000s. I guess I'm just trying to note in support of one of you Planning Commission member's comments that you have a current limit of 35% and so this would be potentially removing that and having no limit. I just thought that was an interesting observation to make to help with your deliberations.

Chair Axthelm: I thought we were adding this 35% because we didn't have a maximum.

Mr. Pernula: No, it's 35% right now.

Chair Axthelm: It is right now. Okay, so it would be the current. Okay. So any other discussion on that – specifically on 35%?

Ms. Lohman: Well, yes, because it wouldn't have the – it wouldn't limit it out at 25% – at 25,000 square feet total coverage, right?

Ms. Candler: That's right.

Ms. Lohman: So that would be the change. You would fall back onto the percentage, not on a square footage.

Chair Axthelm: Okay, but we're adding that to the rest of it.

Ms. Lohman: The amendment is adding up to 35%.

Ms. Candler: Josh, I have –

Chair Axthelm: Oh, go ahead.

Ms. Candler: I do have something. I mean, it's just basically what Kirk said but I – to go from 35 to 100% is extreme, and to just do it flippantly without, I think, a little bit more thought into that seems concerning to me. And I don't know what all the issues might be or what someone might propose. I just don't think that it's been thought out. But that's just a huge change. So I would support the status quo language that we've added on the amendment.

Chair Axthelm: Okay. So the amendment to the motion was to add the 35%. Is everybody – all those in favor of adding the 35% amendment?

Multiple Commissioners: Aye.

Chair Axthelm: Any opposed?

Ms. Mitchell: No.

Ms. Lohman: Nay.

Mr. Raschko: Opposed.

Chair Axthelm: Three opposed. Okay, the ayes still have it. But, again, this is back – this is to the current – currently it's 35%, so we're not changing anything currently. We added that so it wouldn't go – it wouldn't go up to the maximum. Right?

Mr. Walters: So the motion would retain the status quo for ag accessory and processing.

Chair Axthelm: For the full motion, are there any further discussion on the full motion?

Ms. Candler: Well, I have something. I mean, I wouldn't even be opposed to a different number. I just think from 35 to 100 is too broad. If some – if there were concerns in front of us that 35's not enough I think we should consider those, but they're not, because I don't think anyone knew that we were going to be looking at this. That's it.

Chair Axthelm: Any further discussion on the motion?

Ms. Rose: I just have one more comment.

Chair Axthelm: Martha.

Ms. Rose: So it's my – as you explained earlier, the 35% does not include paving areas like parking –

Mr. Walters: Correct.

Ms. Rose: – turnalongs, truck delivery, and stuff like that. So what's, you know, potentially – some jurisdictions look at all the hard surfaces as lot coverage, so it's really a lot more generous than 35%. I just wanted to clarify that.

Ms. Lohman: But there's still administrative variance procedures somebody could do. Correct?

Mr. Walters: There are variance procedures, you know, for small lots, weird circumstances, that kind of thing.

Chair Axthelm: Okay. Any other discussion?

(silence)

Chair Axthelm: All those in favor of exempt agricultural access of the – sorry, the change: Exempt agricultural accessory and processing uses from the Rural Reserve lot coverage maximum up to 35%, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

Mr. Raschko: No.

Chair Axthelm: Okay, ayes have it. Okay, the next one is Natural Resource Land Protection.

Mr. Walters: Page 3 in Staff Report 2.

Chair Axthelm: Okay, page 3 of Staff Report #2. So substantive comments on these items received from Ellen Bynum, Friends of Skagit County; Randy Good; and Tim Trohimovich from Futurewise. So P-3 is: Create landowner email notifications using website with map, zoning, and parcel numbers. Advertise map URL on county tax statements. It looks like the County doesn't have the ability to do that electronically. Do we want to cover these separately, as they seem to be a little different? Or do we have any comments or requests on P-3?

Mr. Pernula: We'd love to do it but we can't.

Chair Axthelm: Okay. And P-4? That doesn't mean it can't go onto the future Comp Plan updates as a proposal. Okay, P-4: Have statement recorded on each deed property that would have to refile at each sale and would serve as a notice to buyer and seller. Essential notice is attached to deed for buyer review. And the statement is it would be a substantive undertaking in terms of both staff time and recording fees – and, of course, other reasoning but.... Any comments on P-4?

Mr. Raschko: Are we talking about these right-to-practice forestry or rights-to-farm or whatever, and with each sale there is supposed to be a document signed by the buyer acknowledging? So isn't that done? I understand it isn't done and it's supposed to be done.

Mr. Walters: It is not done. Two years ago we tried to get the title companies in Skagit County – of which there are not that many – to make this happen. And our understanding is one of them does, although they don't use the right language. But it's a good effort. But they record that against everybody's title because they don't want to be bothered with figuring out who's within the mile or whatever of Natural Resource Land. But the other title companies, we do not believe, are currently doing it. Just from looking through some of the Auditor's recorded documents, they don't seem to be.

So we have a couple of different proposals here in the development regulations update to address these issues. The right-to-farm provision, I think, is required by state law. But there are a couple of different proposals in this one – C-12, C-13, 14, and 19 in the development regulations document. Let me summarize them here for you.

C-12 and 13 – and actually maybe these are most easily referenced in the original Staff Report document, dated March 8th. It came out with the proposal.

Chair Axthelm: Now this isn't a proposed change from you as a – on the Comprehensive Plan. This would be a –

Mr. Walters: This is development regulations.

Chair Axthelm: If we put it in, it would be an additional recommendation.

Ms. Lohman: No.

Mr. Pernula: No. It's in the document.

Ms. Lohman: What page are you on, Ryan?

Mr. Pernula: Page 34 of the development regulations. 33, 34, 35.

Ms. Lohman: But you switch it from the seller to the buyer.

Mr. Walters: Yeah, there are a bunch of different things that we're proposing here. The first one is to remove the obligation in County Code for the County to regularly mail a notice to all owners of and near Natural Resource Land. There's a provision that requires us to do that. Apparently we've never done it or maybe we've done it once. So we would remove that obligation. The second one – I think it's C-13 – would change the obligation for that title notice disclosure on sale provision from the buyer – to the buyer from the seller. This provision is enforced by the title companies when it is enforced at all. We have no ability to enforce it and the Auditor's office doesn't either. So it makes the most sense to have the buyer sign the notice so that the buyer is the one that is sure to receive the notice. Otherwise, the seller signs it and the buyer may or may not read it.

So that's what's happening in 12 and 13 there.

Mr. Pernula: There's one on 14 as well.

Mr. Walters: Yeah, the comments, however, are – the comments noted in the Staff Report #2 are not all related to the proposal. For instance, the email notification thing. That's not part of the proposal.

Chair Axthelm: Okay, and that's what I was referring to. If it's not part of the proposal at this point –

Mr. Walters: Right.

Chair Axthelm: – we don't really have to address it, but it can go on to the future Comprehensive Plan amendments request.

Mr. Walters: Well, some of these things are really not Comprehensive Plan things. They're like – they're operational things. They may or may not be good ideas but they're – they don't really have a place in the Comp Plan.

Chair Axthelm: Okay.

Mr. Raschko: Where do they belong?

Mr. Walters: The Board could direct departments to do things but we don't necessarily have Comp Plan policies for just operational stuff. One of the suggestions here is that we have this statement just recorded on each deed of property, just recorded against everybody's title, which we could do but it would be a tremendous expense because we don't get to waive recording fees. Everyone is \$63.

Mr. Raschko: Everyone is how much?

Mr. Walters: \$63 – for the first page.

Mr. Raschko: Well, I'll tell you from personal experience for many, many years, for resource landowners this is a continuing headache. I mean, it is really a big problem. And I'll tell you most timberland owners in this county think there's an ordinance in place whereby a buyer of land adjacent to the resource lands is required to sign an acknowledgment that they're buying a piece of property where these particular things are going to happen. And you have no way of knowing that it is not enforced until you find out by some pure accident as I did in some land transaction that it wasn't required. Anyway you're asked there in the closing, Well, where's this? Shouldn't this be here? No, we don't do that. They don't enforce it.

Mr. Walters: Yep. And we really have no mechanism for enforcing it.

Ms. Lohman: Well, couldn't you say that about the code in general then?

Mr. Walters: No. Land transactions happen through the Auditor's office. They don't happen through the Planning Department. And the Auditor's office does not refuse documents for recording. I mean, they're really not in charge of the sales. They're in charge of recording. So there is – as far as I can tell – really no mechanism for enforcing that. I don't disagree that that's a problem. I'm just saying –

Mr. Raschko: In the Planning Department.

Mr. Walters: What's that?

Mr. Raschko: In the Planning Department there's no way of enforcing.

Mr. Walters: I don't think the Auditor's office can refuse it either. I'm not aware of an Auditor's office that refuses to record documents that aren't compliant.

Mr. Raschko: But what's the nature of the requirement in the first place? Because the requirement is there, correct? It's just not enforced.

Mr. Walters: Well, the requirement is slightly different. The requirement in our current code is to – is for the *seller* to record that against the title. Not the buyer, which seems odd to begin with because the seller is departing the property. The buyer is coming to the property. So we would propose to reverse it and leave it, but it still would not be enforced.

Chair Axthelm: And that's in the proposal.

Mr. Walters: And we've tried. Yes. And we've tried – we've tried to get the title companies to do it. We modified the property lookup search on the website. Kirk is smiling. We made it in bold and red that NRL disclosure is required. A lot of people freaked out when they saw NRL disclosure is required. But there's no evidence that they changed their behavior.

Mr. Pernula: However, under C-14 we do and can require them to sign some sort of a document when they get a development permit. That we do control – after you bought it.

Mr. Walters: And that's actually required by GMA or state law. One state law or another requires that. And it's not in our current code so we proposed to put that in.

Ms. Rose: Josh?

Chair Axthelm: Yes, Martha?

Ms. Rose: I have a question. So is this information about resource land on a title report if your land is within a certain number of feet of the edge of the resource land, or only if your land is the resource land? Does somebody know the answer to that?

Mr. Walters: It's within –

Mr. Johnson: One mile of Ag; a quarter-mile of Industrial Forest, Secondary Forest, or Rural Resource or Mineral Resource Overlay.

Ms. Rose: So that shows up on the title report for the property that's being purchased.

Mr. Walters: Well, it only shows up on the title report if someone recorded it.

Ms. Rose: So it's not mandatory. Because in here it's talking about, well, most people don't pull a title report until after they've purchased the property. But so my question is, If somebody *did* –

Mr. Walters: Or *during* the purchase, I think.

Ms. Rose: I was going to say, so if somebody ordered a preliminary title report would that information be there if somebody chose to read it?

Mr. Walters: Yes, I'm pretty sure that that – if it's recorded and if you get a title report it's going to be in there. If it's a good title report.

Ms. Rose: So it's not customary for the realtor to pull the title report and provide it to any potential buyer? I mean, that's the world I live in. You know what I'm saying? Like, that's normal in my world, so I didn't know that people didn't do that as a matter of routine. So maybe I'm the ignorant one here.

Mr. Walters: They *should*.

Ms. Rose: In other words, in the realtor community is there a mechanism to make that happen?

Ms. Del Vecchio: Yes, but a lot of transactions do not take place within the realtor community.

Ms. Rose: Good point.

Chair Axthelm: I think that that –

Ms. Rose: Okay. I just wanted to ask.

Chair Axthelm: Yeah. And adding it right now would be beyond our scope. So how do we – do we want to address any of these comments?

Mr. Raschko: I don't think the matter should be dropped, and maybe this is not the place to be pushing it.

Chair Axthelm: It doesn't mean that it can't come out in the future as a future proposal.

Ms. Lohman: Maybe as a subject for the Ag Advisory and the Timber Advisory.

Mr. Raschko: It is.

Ms. Lohman: But I do agree with switching it from the seller to the buyer to make the transaction smoother on getting acknowledged anyway.

Chair Axthelm: And that's already in the recommendation.

Ms. Lohman: And that's in the recommendation.

Chair Axthelm: So we wouldn't need to address that – right, Ryan?

Mr. Walters: Right, that's _____.

Ms. Lohman: We can put in our recommendation that we think this needs to be fleshed out a little more and discussed a little more going forward.

Mr. Walters: I want to make clear the point we spent a *whole* bunch of time on this already trying to make this work and make the title companies do it, and we have not been successful. I don't want to say that we're giving up but, Kirk, could you say that we're giving up?

Mr. Johnson: I said that you're the expert on this one, Ryan.

Mr. Walters: Yeah, it –

Ms. Lohman: Maybe you need a fine.

Mr. Raschko: You can't refuse to do a closing? I mean, to file if the documents aren't complete?

Mr. Walters: Well, that might be a matter for legal counsel to provide us – or provide the Auditor's office advice on, but I'm not aware of that. Also they would have to review everyone, check to see if it's within the quarter-mile. I am not sure that that is very likely to happen. Because, I mean, really they review nothing. They record. They make sure that they have the legal description in there and then they record it.

Ms. Lohman: But the whole point of having these and what we haven't talked about yet moving down the page, is conflict avoidance.

Mr. Walters: No, we understand the purpose behind it. We just think that the mechanism doesn't really work very well because it's not enforced and may not be enforceable, which maybe means that there should be some – we should find some other mechanism to make it work. And actually we have come up with one of those, and that is a more interactive property search page than we have now that would have a Planning and Zoning tab where it would tell you if you're in a quarter-mile distance of a Natural Resource Land, or you're in the Ag zone and you can't build a house without three years of farm income, if you're in the Airport Environs Overlay, it would tell you all those things and what all those things mean – not just the fact that you're there but what you can do with your property. So we have that idea but that requires someone to build it, so we're in discussions with the IT Department about making that happen.

Mr. Johnson: Well, Ryan, I'm looking at an ag parcel right now and I think this is something that you instituted with the Assessor's office, but on the first page it does say "Sale requires NRL disclosure," and you click for more info and it has the provisions of code and all, and that's what we were getting a couple hundred phone calls about when we first put that in place. And so either I or Linda would, you know, slowly go through what this means, what this requires. So that did generate some more public knowledge than had been there previously.

Chair Axthelm: Tammy?

Mr. Johnson: It doesn't look like it's in red anymore.

Mr. Walters: No, we had to take it out of red.

Mr. Johnson: Oh.

Mr. Walters: So to give you an example here, this is a parcel in Ag-NRL and it has this language: "Sale requires NRL disclosure." You click that and it opens up a whole page about what that means, and it links to forms that you can use to attach to your deed and all that. We did all of this stuff to try to get this to work in 2014, and it really is not working.

Ms. Candler: I have a question. So I can understand why you would want the buy – to switch – this is regarding switching seller to buyer – I can understand why you would want to do that in terms of making sure the buyer is aware, but it seems like in furtherance of getting it actually recorded that might have the opposite effect. So what are your thoughts on why you want to switch it?

Mr. Walters: It's the buyer who needs to know.

Ms. Candler: Right. The buyer needs to know, but the seller's motivated to have them sign this – right? – and then to go and record it?

Mr. Walters: Well, as a practical matter, the seller is the one – or the title company is the one pretty much always making this happen when it happens, because the title company is sort of generally or perhaps vaguely aware of this requirement. And again, I'm only aware of one that is currently doing it. I don't think the seller is ever doing it. If people are just selling property without a title company, they're probably getting some form off the Internet and doing it that way.

Ms. Candler: But I guess I'm wondering: If the buyer is doing it, then it's still going to have to be the title company or someone who brings this to their attention.

Mr. Walters: Yes.

Ms. Candler: And then *they're* going to go record it, or they're not?

Mr. Pernula: Same as now.

Mr. Walters: Right. The title company is pretty much always recording these things now.

Ms. Candler: So I guess I'm wondering what's the reason – well, I guess just to make sure the –

Mr. Pernula: The information's going to the right person. That's the only difference.

Ms. Candler: Try and make it more likely that the buyer will be properly advised. Is that the idea?

Mr. Walters: Yeah.

Chair Axthelm: With disclosure, you know, if you have something wrong with your house or something wrong with your property, the seller is obligated to disclose that information. So this really goes in line with that. It's just about disclosure. As much as it would be nice to control it in this situation, when people sell their property they need to disclose the information. So I really don't see why we should discuss it.

Ms. Candler: Are you saying the same thing then – why are we switching it to the buyer? Or are you saying something different?

Chair Axthelm: Well, I mean, that's just a mechanism to let people know. Some people when you're selling your property you don't always know every little thing about it and you should know enough about it, but...

Mr. Raschko: See, what'll happen is somebody will buy a nice piece of property with open fields and these beautiful trees beyond it and beautiful to look at. Then one day somebody shows up and starts cutting them down and then they get mad because they didn't know!

Ms. Candler: Right. Isn't it on the seller to disclose? That's what I'm saying. That's why I'm not sure about switching it.

Ms. Lohman: Well, now I'm not sure either.

Ms. Del Vecchio: It is a mandatory disclosure. I think the question is whether it's actually getting – from the sounds of it, the concern is that it's not actually getting recorded. So there's a difference between – just because it's not getting recorded doesn't mean that it's not being disclosed as part of the real estate transaction, because that is a mandatory disclosure.

Ms. Candler: But that's my exact point. If the seller's motivated – the seller's the one that's motivated to record and say, I told them.

Ms. Del Vecchio: Yeah.

Ms. Candler: The buyer, then if they go record it then they've got to disclose it to the next person so it's not an incentive.

Mr. Raschko: I think the main point isn't *disclosing*. The main point is the buyer *acknowledging* that the neighbor has certain rights to do certain things on their property. And so after the fact when they try to stop them, you can just show this document in which they acknowledge that they are willfully moving next door to where all these terrible things are going to happen.

Mr. Walters: Yes.

Ms. Del Vecchio: Yeah, which is what – I mean, that is what happens. It's just the question is whether it's being recorded, which I don't know if it necessarily has to be recorded in order to show that they had notice.

Mr. Raschko: It's helpful when you're in a squabble to be able to –

Ms. Del Vecchio: Oh, it's always helpful! Agreed.

Mr. Raschko: – to show that they actually signed this thing and were knowledgeable.

Ms. Candler: I don't see how switching the burden to the buyer confirms there's a recording.

Ms. Lohman: Well, when you step back a little bit further, the state law requires the seller do the disclosing, so now this is a switch back to the buyer has to do the recording. So who actually – are you really thinking that you're going to capture more if you go after the buyer? You might still be in the same spot. And I'm wondering if your phone calls and the reaction was because it was a new thing?

Mr. Walters: The – yes, well, also because it was in red, which made it look like it was some kind of problem with the property. But the RCW makes this – requires the seller to make available to the buyer the following statement, and only applies to farms, not the other Natural Resource Lands. It doesn't require the recording. I do think the recording – the purpose served by the recording is that you could find the document. On the other hand, it's not being recorded and we don't have a good mechanism for making sure it is recorded. That's why we're also hitting it through the other code amendment by requiring it be on the permit. So if they buy a house, they got it. But if they build a house, they're going to get a permit from us and it's going to be printed on their permit as well, which is not currently in code.

Chair Axthelm: Could you bring up the code?

Ms. Lohman: I have a penciled-in note on an old memo from this that there was an idea of maybe putting it on the tax statement.

Mr. Pernula: No, that was – at one time – the one time that we did that annual – that disclosure that is supposed to be done annually, I think it was put on one of those mailings – it might have been a tax statement – that went out to everybody. But that's the only time it was ever done.

Ms. Lohman: It wasn't the disclosure itself.

Mr. Pernula: Well, it was the disclosure under 14.38.030 – the annual disclosure.

Ms. Lohman: Oh.

Chair Axthelm: So this code change doesn't preclude the requirement by state law that the disclosure happen.

Mr. Walters: No.

Chair Axthelm: That's still – so really the only difference is –

Mr. Walters: The state law requires it for ag. It requires it within proximity –

Ms. Lohman: It's up.

Mr. Walters: – and doesn't require recording.

Ms. Lohman: You don't have it on the screen.

Mr. Walters: Which?

Ms. Lohman: It's above where you are.

Chair Axthelm: And I know from a permit standpoint working with construction is it helps. When you bring projects in, they go through that pre-application process. ___ that notification is important because if you don't – then the person applying for the permit is very well aware of what options they have at that meeting. So that helps. I have a hard time with all the recording. I wish the information could just be given and not have to go through the recording process.

Mr. Pernula: Well, that's one thing that we're changing, that when you get a permit you have to sign the statement but we just put it in with the permit file. We don't require you to go down and record it. That's the proposal.

Chair Axthelm: Okay. Then I would make the motion that we accept that!

Mr. Pernula: That's C-14.

Chair Axthelm: Yeah, yeah. Okay.

Ms. Del Vecchio: In reality, this is – right now I think most realtors that are selling property in Skagit County the seller provides a disclosure regardless of whether you're within a mile. I mean, if you're in Skagit County also you're being provided with this disclosure. Is that – does a recording requirement like this – in reality, does it just mean that everybody's going to file one? Does it then lose its – does it become meaningless at a certain point if everybody's just filing one rather than –

Mr. Walters: I think that's what the one title company that is doing (them) is doing now. They're just –

Ms. Del Vecchio: Oh, yeah. I know. That is – in real estate transactions, I don't care if you're in the middle of the town. You're getting – you can be five miles away and – well, that might be hard, but –

Mr. Walters: And that's why we made it easy on the property look-up page – to identify whether you *were* within the area that needed a disclosure or not.

Ms. Del Vecchio: Mm-hmm.

Mr. Walters: But still.

Ms. Del Vecchio: But still you have to pull up the page, you have to click on something. I mean...

Mr. Walters: And they're definitely bringing up the page. That page is used a lot by real estate professionals. But there's no enforcement mechanism so...

Ms. Del Vecchio: Yeah. I mean, until there's an actual requirement at least by the Auditor's office that it be recorded, then it would almost have to be a blanket requirement, because the Auditor's office is not going to pull up the property and make sure that it is or is not within this proximity.

Mr. Walters: Right. Yeah, we understand the problem. We're just trying to get to solutions that work better than ____.

Ms. Del Vecchio: I guess I'm just wondering if – does this – does shifting it to the buyer and having it in there at all – really do anything until somebody else decides that it needs to happen?

Mr. Walters: It will have ever so slightly _____ effect.

Chair Axthelm: Okay.

Ms. Del Vecchio: So I guess what I'm saying is I'm not sure it matters whether we say seller or buyer here.

Mr. Raschko: Mr. Chairman?

Chair Axthelm: Tim?

Mr. Raschko: I move that the County retain the requirement that for a buffer reduction through a waiver that the neighboring resource owner's approval is required.

Ms. Lohman: Second.

Chair Axthelm: That's P-6.

Mr. Raschko: That is P-6.

Mr. Walters: Could you restate that?

Mr. Raschko: I move that the County retain the requirement that for a buffer reduction through a waiver, the neighboring resource landowner's approval is required. And that's in reaction to the staff's comment below P-6 where it says that the Department may eliminate the setback even without the NRL property owner's agreement where the lot size and configuration would otherwise preclude reasonable development of the property. And I make that motion because I think that if somebody's doing adequate due diligence they would see that a piece of land is not particularly appropriate for what they had planned to do.

Chair Axthelm: Do I have a second on that?

Ms. Lohman: I did.

Chair Axthelm: So it's been – the motion's been made and seconded to retain the requirement that for a buffer reduction through a waiver, the neighboring resource landowner's approval is required. So, Ryan?

Mr. Walters: So this one is C-19 –

Chair Axthelm: Thank you. Could you bring that up?

Mr. Walters: – in the proposal. C-19 is a re-write of the administrative reduction setbacks so there's a lot going on in C-19, but this section right here – no; this section right *here* is the part related to the Natural Resource Lands waiver. And the origin of this is we asked staff to identify significant bottlenecks in the permitting process and this was one of them. Under current code, if you are on Ag-NRL or Industrial Forest lands – wait a minute. Let's back up a little bit here. On parcels of land outside of and immediately adjacent, so only immediately adjacent. Abutting, evidently, but not in Natural Resource Lands have to observe a 200-foot building setback from the Natural Resource Lands. However, you can get a waiver from the adjoining property owner. I understand from staff that it is frequently difficult to get hold of the adjoining property owner. The code goes on to say in the case of Ag-NRL and Industrial Forest-NRL, the waiver must be approved by the owner of the adjacent Ag-NRL or Industrial Forest lands, but the Department can administratively reduce the setback in lieu of the signed waiver – so you don't get the waiver, the Department can approve it anyway – where the lot size and configuration would otherwise preclude reasonable development of the property.

Mr. Raschko: One of the –

Chair Axthelm: Yeah, go ahead.

Mr. Raschko: First of all, it doesn't make any sense to me to have the requirement if you can just waive it because, I mean, if you put that much effort into making sure that the right to practice forestry is actually filed, if you put equivalent effort into trying to find a landowner I don't feel very well protected. I mean, it just occurs to me we can't find the guy, fine, you can go do what you wish. Now there's a very good reason for the setback and that's that if you take the trees down – excuse me. You got trees here. This guy's got a field and he puts his house 20 feet away. One of your trees blows over on his house and then you have a big problem. And then there's other activities – the crop spraying and other things that occur. So the setback is very, very reasonable. And to have the adjacent property owner potentially liable because you can't find him and just want them to allow it and go ahead and do away with the setback, it just isn't right.

Mr. Walters: So the proposal would strike the requirement for the waiver – no. Would strike the requirement to obtain the adjacent property owner's *consent* for the waiver. That's what the proposal is. And your motion is to retain the requirement for the adjacent landowner's consent, right?

Mr. Raschko: That is correct.

Ms. Lohman: But part of it – isn't it also a notification vehicle? Because if you track down the NRL owner and tell him, Hey. The neighbor is expecting that there's a 200-foot setback so it is, in a way, it's like a de facto notification to that NRL owner, Hey, something different's going to happen right next door and we wanted to – and you have a chance to be told about it. And some things you can work it out and it would be all right. But it's – the whole point of having it is conflict avoidance. And if you can just unilaterally and easily waive it, then why do we have a lot of other things, too?

Mr. Walters: Well, I think we understand the point of it, but what I think we're saying is right now staff are waiving it.

Ms. Lohman: But shouldn't it be rare that you actually have reductions? Shouldn't it be not the standard practice that you just arbitrarily have – all at those interfaces you're going to just carte blanche ignore the setback. That sounds like what you're doing.

Mr. Walters: If what the outcome that we want is for the neighboring landowner to – permission to be required, then we need to know: Do you also want to allow the Department to reduce the setback, based on the text, where the lot's size and configuration would preclude reasonable development of the property? I think we do. We need to have a variance procedure where that is true. But the problem we've had in the code is that we've had this hand-waving administrative reduction and setback rather than following a proper variance procedure, and we fix that in the rest of the changes to this section. So what I would recommend is that we retain the provision for an administrative reduction and setback, but make it an actual variance procedure. Because where someone has a small lot adjacent to NRL and they can't comply with the 200-foot setback, we need to allow them the right to develop on their property. But it needn't be allowed just because they ask for it. They need to be able to demonstrate that they have a real problem developing their property. So they alternatively could apply for a standard variance, so we could be silent on it.

Mr. Raschko: You know, it's really interesting but I can tell you examples. One of them was right down by Lake McMurray where a company I worked for had to buy out a landowner in order to get the DNR to give them a permit to take their trees off the land. And the problem is that the agencies, you know, feel for the little guy and that's nice, but the price we paid was exorbitant. But it was basically, if you want to do this you'll pay the money. Okay? And that was before the right-to-practice forestry ordinance was in place. This goes back quite a few years. But these things happen all the time, these conflicts. And as Annie said, it's conflict avoidance. And for staff just to – and I'm a little alarmed to hear you say that. My understanding is that right now there is no waiver. What you're proposing is to have a waiver.

Mr. Walters: No. There's a waiver now.

Mr. Raschko: There is a waiver now.

Mr. Walters: Yeah. Right now the way the code reads today – the adopted code – you can waive the setback requirement. And it's phrased oddly because the landowner who wants the setback requirement deleted is the one doing the waiving. But the waiver requires the permission – see, this is existing code.

Mr. Raschko: Right, the permission of the adjacent NRL landowner.

Mr. Walters: Right. This setback may be waived if the applicant for the building permit on the non-resource land acknowledges in writing – but doesn't have to record with the Auditor – no, actually he does. There's another line at the bottom – the possible occurrence of some natural resources activity and waives in writing for all current and future owners any claim for damages. And I sort of question whether that would be really effective, but they would be putting it in writing and recording it. But then the current code goes on to say that you need to get approval from the Natural Resource Landowner for the waiver.

Mr. Raschko: Okay, but then you were saying that your staff is waiving them – without the permission of the adjacent landowner?

Mr. Walters: Yes.

Mr. Raschko: Is that legal?

Mr. Walters: Because it goes on and says that the Department may administratively reduce the setback *in lieu of* a signed waiver from the neighboring NRL landowner. So the original code provision as adopted seems to want to have many varieties of cake and eat it all too, because it makes no hard choices about how this is supposed to operate.

Chair Axthelm: So the concern I have, like, with that is you have Natural Resource Land – let's say forestry – next to a small lot and that small lot, because he's so small, can't, you know, can't go by those setbacks. But you have trees right next to him. He develops next to all those trees. Those trees fall down and hit his house because he didn't acknowledge that setback, then it becomes the neighboring property owner's fault because the County made an administrative –

Ms. Lohman: No, they didn't even do that. They just waived.

Chair Axthelm: – option, or administrative waiver. So they allowed them to be 50 feet away from the property line if the tree falls and destroys their house. And they're going to go against the neighboring property owner because their tree fell down. So I don't –

Mr. Walters: Maybe. There's always a Hearing Examiner variance available for weird problems with size and shape of lots and setback provisions.

Ms. Lohman: But that has notification too.

Mr. Walters: Yep.

Ms. Lohman: And that's the whole point, is notifying. Where if you just waive (wave?) your hand-wave, there *is* no notification.

Mr. Pernula: That's the current language, though.

Mr. Walters: Right. Yeah, there was an apparent misunderstanding within the Department of what an administrative reduction in setback is, and whether it had to be processed as a variance does. And these code revisions would say, Yes, it does have to be processed like a variance generally, not just for this but *all* administrative reductions in setbacks throughout the code. So I'm not sure that this notification process that is required for variances was being followed.

Chair Axthelm: Kathy?

Ms. Mitchell: Just to tack on what Josh and Tim and Annie were saying, in practical application, people don't talk about this very much but if you're building somewhere or taking some trees out somewhere, the first line of trees that you take down tended to be the stronger ones so those are gone. The ones that are left tend to be weaker. And so it's a higher likelihood that something's going to come down and that's pretty much a given. And so that's where falling back on the notification looks like it's pretty important.

Chair Axthelm: So we need a motion regarding these issues.

Ms. Lohman: We have.

Mr. Walters: We have a motion.

Chair Axthelm: To retain – okay. So the motion – so much discussion you forget where it is!

Mr. Walters: So the point of my comments, though, was to suggest that maybe we don't want the administrative reduction in setback language that's in the existing code?

Mr. Raschko: Just remove the language?

Chair Axthelm: Is that something that we as Commissioners want to tackle? Or is that something that really should go –

Ms. Lohman: I think it's like taking out a domino.

Chair Axthelm: Because it seems like there's a lot of comments that really should come from the public for that one – public and agencies.

Ms. Lohman: Mm-hmm.

Chair Axthelm: Or do we not change the – we put it back to what it was previously in the code and – although it already went through comments. How many comments did we get on it?

Ms. Lohman: I spoke with the Chair of the Ag Advisory and he was not in favor of deleting the language of notifying the NRL property owner.

Mr. Raschko: Notifying or getting permission?

Ms. Lohman: Getting permission. And then that made the conversation about, Shouldn't it be rare actually that you're having these reductions?

Mr. Walters: So to fully address the issue consistent with the discussion, I think we might also say "...and require any administrative reduction in setbacks to follow the variance process, which is consistent with what we're doing with all the other administrative reduction and setbacks provisions – making them all follow the variance process, where you have to meet the variance criteria for showing a hardship; you did not create the problem that results in the variance; it would preclude use of your property; and what's the other one? The standard variance criteria. So there is no –

Ms. Lohman: But it has notification –

Mr. Walters: Yes, it also has –

Ms. Lohman: – to the adjacent property owner.

Mr. Pernula: There is notification. It's right in the code.

Mr. Raschko: Well, the intent of my motion was to do away with administrative reduction in setbacks.

Ms. Candler: I think the new language does enhance the process because – it *does* kind of do that, doesn't it? You can't just – the Department can't just do it. Now it's got to go through the different process, right? Or I guess it's a little unclear.

Mr. Walters: Well, and we already have added other language in 14.10.020 in the proposal to address administrative setback reductions within Natural Resource Lands in this section. So we – because this number 19 is a rewrite of the whole administrative and Hearing Examiner variance process to be very clear about what is a variance and the fact that there is no administrative reduction in setbacks separate from an actual variance. And section (d) there, (1)(d) in 14.10.020, provides that – or (e) actually. Administrative setback reductions within Natural Resource Lands allowed by 14.16.810(8), which is the section we're talking about – yeah, that one – nope, nope, that's (7). (8) is a different one.

Chair Axthelm: Yeah, the hard part is because we didn't get the comments from the forestry on this one. Then how to make the call?

Ms. Lohman: Yeah, but we can make recommendations ourselves, and that's what you're forgetting.

Mr. Walters: So I feel like there are two options here. One, you can recommend that we eliminate an administrative variance process for where you can't obtain the adjacent landowner's waiver and rely exclusively on the Hearing Examiner variance process, or you could retain the administrative variance. We've got to be able to have some variance.

Mr. Raschko: All right then, I would amend my motion to include the option to go to the Hearing Examiner – however that would be stated.

Ms. Rose: Josh?

Chair Axthelm: Yeah?

Ms. Rose: So the way this is worded, it sounds to me like – because it says "and require" so it's not saying – so that the way this is worded if the person that owns the NRL land says no, the answer is no. Because it says it will require the approval of the neighbor *and* require...

Mr. Walters: Oh, remember that all of these are phrased as changes to the proposal. So the first one is to retain the requirement. The second part of this change is require any variance. So the landowner doesn't face both of these things. These are two changes that you would make to the proposal.

Ms. Rose: I see. So it's – it's not both need to be met. It's one or the other, right?

Mr. Walters: Right.

Ms. Rose: If the neighbor says no but the owner of the property that wants to develop submits a variance and it goes through the Hearing Examiner, it can be hashed out at the hearing, even if the neighbor keeps saying no.

Mr. Walters: Correct.

Chair Axthelm: And the neighbor could come to the hearing.

Mr. Walters: Oh, yes.

Ms. Rose: Oh, yeah, and that's when you can extract a statement that the person developing acknowledges the risk of building too close and record that document. Right? So that would address, theoretically –

Mr. Walters: Well, the – they would have to execute the waiver anyway, but they would need the landowner's permission, but this is in an instance where they can't get the landowner's permission. So the Hearing Examiner would decide whether they are eligible for a variance because of unique circumstances – the lot size or shape or the ability to develop _____, critical areas or –

Ms. Rose: But then if the Hearing Examiner granted them the exception, then they should still have to sign an acknowledgment that they're taking a risk.

Mr. Walters: Assumedly, yeah.

Ms. Rose: Yeah. All right.

Chair Axthelm: So the motion has been amended?

Mr. Walters: I think our permit staff would get after me if I didn't mention that this would be an unusual level of thing to have to take to a Hearing Examiner, but I'm okay with that.

Mr. Raschko: If you would not – if you don't mind, I'll just – I'm getting a little bit of background on this thing for a forestland owner anyway. In this county, each forest landowner has an inventory. That inventory is basically the statistical analysis of all the stands of timber. It comes up with volume, values, and everything else. And basically you take that and you do growth models and you do harvest modeling and you come up with a net present value – those cash flows. And that represents the value of the property. And you can borrow against that and many people do – very highly leveraged. In the loan covenants, generally you have to maintain 80% coverage – no, excuse me. It's – yeah, it's 80%, and if you're out of that then they can call the loan.

So in this county, which is mountainous, an average timber landowner has 24% of his land in an inventory position that has no value because it's constrained. There's either a stream buffer or it's perched over a school on an unstable slope or many, many other things. Anyway, as far as practicality goes, you are never going to harvest those trees; therefore, they have zero value. Now every time you get a new little regulation that increases that percentage, what it does is it decreases your potential for cash flow, it decreases the value of your property, and puts you closer to being in violation of any loan covenants you have and everything else. So every time a landowner comes up with this thing is he wants you to leave this big buffer because he took his trees off and now yours aren't wind-firm and they're going to blow over on his house, which is 20 feet away. You take that out of your inventory. And you get chipped at all around the edges, and this goes on year after year after year. And it used to be about 12%, but with the increase in what we call the “regulatory creep” and with these other constraints, you are losing and losing – losing asset value day after day after day. And so it's no small thing here to have a planner be able to just say, Hey, yeah, it's okay because you bought this piece of property and your house won't fit over here and you like it up on this knob where the view's better, or whatever it is. And you give them, you know, a little freedom to do something that might potentially be to the huge

detriment of the neighboring landowner in a cumulative way. So I just wanted to say that before everybody votes on it.

Chair Axthelm: So does this statement satisfy your –

Mr. Raschko: No. I'd rather have no variance, but if something is required then the Hearing Examiner variance is probably the best option.

Mr. Pernula: Josh, a quick comment. One is if you have a lot that's small and there's – it's within 200 feet, it may be that it's relegated that parcel unbuildable and without any reasonable use. So I think that's a problem there. The other thing is – just to let you know – Hearing Examiner special use permits, the base fee is \$4080, so it's not just a notice requirement. It's a pretty major undertaking. And I'm not refuting what you're saying – I agree with what you're saying – but it's a big deal.

Chair Axthelm: But I could see on the other end if we do allow it then it's a big deal for the Natural Resource person. Okay. So we'd like to vote on it. Is –

Ms. Lohman: So is that the motion, though?

Chair Axthelm: Are we all okay with the motion as stated here? So the motion has been made – or we discussed it now – so to retain the requirement in SCC 14.16.810(7) for an NRL setback or Natural Resource Land setback reduction through a waiver, the neighboring resource land approval is required, and require any variance from an NRL setback to be a Hearing Examiner variance. And that's differing from what was proposed.

Ms. Del Vecchio: Can I ask – it's a question: Are we – by going to a Hearing Examiner variance, are we taking two jumps from where – how it's currently being implemented?

Mr. Walters: Yes.

Ms. Del Vecchio: Okay.

Chair Axthelm: Okay. All those in favor of the motion, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

Ms. Del Vecchio: No.

Chair Axthelm: Motion stands.

Mr. Walters: Dale just confidentially whispered to me that that might be a problem in Ag-NRL because we do have so many small lots in Ag-NRL.

Ms. Lohman: But it's – yeah, it probably *is* a problem but they're inside and they're zoned Ag-NRL so it's common zoning.

Mr. Pernula: They're adjacent to them, too.

Mr. Walters: And actually, yeah. If they're inside they wouldn't have to record the waiver.

Ms. Lohman: Right.

Mr. Walters: It's only if they're adjacent outside, which is kind of weird.

Ms. Lohman: I think the intention was when you have an NRL zone with a potentially conflicting zone, it's that – because it's on the line where all the conflict is. You really can't argue if everybody has the same zoning. You *can*, but...

Chair Axthelm: Okay, here's a question I have with that then: Say you have Ag-NRL, two Ag-NRLs right next to each other. You can develop a house. In order to be closer than 200 feet you have to have –

Mr. Pernula: Not if it's Ag-NRL.

Ms. Lohman: You can't build a house.

Mr. Pernula: Well, you might be able to.

Ms. Lohman: In limited circumstances.

Mr. Pernula: In limited circumstances.

Chair Axthelm: Yeah. So but then if it was – then you would have the 200-foot.

Mr. Pernula: Not if it was zoned Ag-NRL you wouldn't. This is only adjacent to it.

Mr. Walters: Yeah. Weirdly, it doesn't affect inside.

Ms. Lohman: Well, the challenge is how do you identify what is or isn't, because we haven't – nobody had wanted to go to that level of detail.

Mr. Walters: Well, I mean, we know what the zoning is. You're talking about maybe rezoning? Is that right?

Chair Axthelm: No, I'm thinking about the adjacency. Is it when you have adjacent properties?

Ms. Lohman: I think it's the first step. I mean, this is not going to be the first/last time to be working on this.

Mr. Pernula: Probably not.

Mr. Walters: Okay, what's next?

Chair Axthelm: Okay.

Ms. Candler: Can I ask a question, Chairman?

Chair Axthelm: Yes.

Ms. Candler: Does the Department need time for an update tonight, as far as future meetings and where we're at and how much we have to cover?

Mr. Walters: Probably.

Ms. Candler: Okay.

Chair Axthelm: Okay.

Ms. Candler: I guess at this point in time I would suggest we start talking about scheduling because it's ten to – well.

Chair Axthelm: Well, actually we're trying to –

Mr. Walters: We would like you to keep going and finish.

Chair Axthelm: Because we still have recommendations –

Ms. Jett: What's involved in "finish"?

Ms. Candler: Yeah, how much time is that going to take?

Mr. Raschko: We can get through this.

Mr. Walters: Well, on your list you have Landslides, SEPA Appeals, Junk Vehicles and RVs, and Well-Metering for Guemes.

Ms. Mitchell: We can pass on the wall-metering. We've already done it.

Mr. Walters: I guess no well-metering.

Chair Axthelm: We have reasons for action and findings of fact on all the elements that we've had – we've done.

Mr. Walters: So I think you are really quite close.

Ms. Lohman: I think we're close.

Ms. Del Vecchio: So by pushing through you mean including drafting all the – and I know you've given us – we have stuff to work with, but even with that it's quite a process. So you mean getting through the findings of fact and the conclusions of law? I mean, because it can –

Mr. Walters: No conclusions of law. Yes.

Ms. Del Vecchio: I switched to a different role there! I'm sorry! Did you know what I was talking about, though?

Mr. Walters: Yes.

Ms. Del Vecchio: Thank you. Those – would you like us to be working through all of those tonight?

Mr. Walters: Yes.

Ms. Del Vecchio: Okay.

Mr. Walters: I sort of figured that the rest of this meeting could be one hour or it could be three or four hours, depending on your level of effort.

Ms. Candler: But even one hour gets us done at 10.

Mr. Walters: I know, but it gets the Comp Plan done a week earlier and possibly within the statutory deadline.

Chair Axthelm: So next time – sorry.

Mr. Pernula: Take a break?

Ms. Candler: I'm going to take a break.

Chair Axthelm: Oh, yes. Do you want to take a – do you _____?

Ms. Candler: I don't mind being absent from –

Chair Axthelm: Okay, go. The next one is Landslides.

Ms. Mitchell: That was on page 2, Staff Report 2.

Ms. Lohman: Page what?

Chair Axthelm: Page 2 of Staff Report #2. Substantive comments on the subject were received from Tim Trohimovich. So, adopt better protections for people and properties from landslides. The County will be evaluating its critical areas ordinance specifically to address geohazards by June 2017 under the optional one-year deadline extension for critical areas ordinance updates.

Ms. Mitchell: So they've got that covered.

Chair Axthelm: So it's being addressed. Do we have any other thing for landslides?

Several Commissioners: No.

Chair Axthelm: Okay. So the next one is SEPA appeals.

Ms. Mitchell: That's page 3, Staff Report 2.

Chair Axthelm: And that says substantive comments on this subject were received from Tim Trohimovich from Futurewise.

Mr. Walters: Basically he identified that the proposed language is a little too narrow. This is not a substantive change anyway, but the question certainly came up in the Shell Refinery rail project SEPA threshold determination. That was challenged to the Hearing Examiner. The Hearing Examiner reversed the Department and said that the Department needed to prepare an

EIS. Shell wanted to appeal that. State law does not allow a second administrative appeal of a SEPA threshold determination. That's already in our code, but it's in our code in the SEPA section and not in the permit process section, so we wanted to put it in the permit process section, too. But the line that we wrote is a little too narrow so we would revise it as specified here, RC-1.

Ms. Del Vecchio: I move that we adopt RC-1 as written in the Staff Supplemental Report #2.

Ms. Mitchell: Second.

Chair Axthelm: It's been moved and seconded to adopt RC-1 in Staff Report #2 – revise 14.06.110 to clarify that the Hearing Examiner's decision on the SEPA threshold determination is final and no appeal to the Board are allowed. Discussion?

(silence)

Chair Axthelm: No discussion, so all those in favor of RC-1 as written, or as previously stated, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

(silence)

Chair Axthelm: Good. And then – sorry, Junk Vehicles and RVs. And the first one was Kathy Mitchell. Actually all those are Kathy Mitchell's.

Ms. Lohman: Well, she's not alone.

Ms. Mitchell: I think Annie's got a little on that, as well. The short version is is staff has already acknowledged through some communication that they realize that the code needs to be looked at. There are situations where the way we have code written already for junk could actually exclude art displays and historical displays, whether it intends to or not. So it's – that language could be and should be looked at later and it would be a simple recommendation just to ask them in the additional section to please look into that.

Chair Axthelm: Any other comments?

Ms. Lohman: Well, yes. I think the definition that you have in there is incredibly broad because it could be interpreted that our precious bone pile that we regularly pick through and raid and my husband is a master at – I call him the Resurrectionist – on building stuff, useable stuff, future stuff – might be construed as junk. And when you think about the prohibition – everybody is allowed 500 square feet of junk in an agriculture context – that's a really small pile, because that's 20 by 25. And so I walked around my place and right now it's kind of relatively at a low point because the price of steel a year or two ago was pretty favorable so we kind of cashed in. So it kind of ebbs and flows. But we tend to be fairly neat and tidy and maybe it's not so obvious from the road. But somebody else, maybe their pile or maybe their neighbor can – so I almost think it's – I don't agree with it at all.

Mr. Pernula: I understand your point pretty well. I don't know if we have some photos available right now, but if you look at the stuff that we enforce on – and it's probably *the* major thing that we enforce on on zoning issues is on junk, and it's not something that's usable materials that's – it's in a farm. These are some of the places – here we go. This is the kind of stuff that we're looking at enforcing on, not necessarily a farmer and some of the material that they have there. But it is a major portion of what we do.

Ms. Mitchell: And rightfully so.

Mr. Pernula: And it is consistent with the definitions we have right now. If you think it's important for us to parse it out and make it a clear distinction between the two, that's okay, but it's very time-consuming and this is something that's very important to the residents of Skagit County.

Chair Axthelm: Martha?

Ms. Rose: This is a problem that is in every rural area I've ever visited – these pictures. And it's my understanding you only go after complaints? A complaint is what triggers enforcement. Is that true?

Mr. Pernula: That is our enforcement policy, yes.

Ms. Rose: And so if somebody complained about the bone pile, I would imagine there would also be a judgment call by whoever went out to look at it to say – and so you're a little bit at the whim of the person looking, I suppose. But there's probably some sort of appeal process as well, like, No, this is my bone pile and we use it. And it's not looking like that, like a picture on the screen. I don't know. I'm just asking because –

Mr. Pernula: First of all, there is an administrative judgment, yes. If something has some value and somebody can say, Yes, this has value and this is what we're going to be using it for, we'll take a look at that. But sometimes it's an old vehicle that has shrubs that had been growing through it for 30 years.

Ms. Rose: Right. I'm familiar with that.

Mr. Pernula: You know, there're some old boats with gigantic holes in the side – things like that. There's got to be some administrative discretion. So, yes, that's the main thing. And they can also appeal the administrative decision as well.

Ms. Rose: Yes, okay.

Chair Axthelm: Kathy?

Ms. Mitchell: Point well taken. The pictures are excellent. We know that that's truly what you're going after. One of the things that I would like to point out about just having them look at the language for art and historical displays is that there are people that are mischief-makers, and there are neighbors that are out to get other people, and that's one of the problems. For those of us that really do follow the letter of the law, when you read this one you go, Oh, geez. That's the problem. When you've got the people that follow the law, they're not the problem. It's the ones that don't. But from that standpoint, when we know that there are some broader perspectives – like the 500 square-foot limit can be different for historical display, too. You know, an old fire engine, an old combine, an old something-or-other – those kinds of things. And I do trust staff's

judgment and administrative judgment, but it'd be better yet knowing that there are people that do like to cause mischief and cause havoc on other people.

Chair Axthelm: From my standpoint, I've seen something that – a couple different things. You have the art portion of it which is an interpretation of it, and then you also have issues that drop property values, and then you also have issues of damage which is more concerning to me. I mean, I agree with the property value. I don't like that either, but what happens if you have somebody that's storing old liquids in containers in barrels – like you showed the one situation with barrels. You know, those barrels, if they had oil and corrosive products in them or whatever that leach into your systems, and especially in your situation where you're on a well. And that would be of a huge concern to me. So where is that line drawn as far as health versus property value?

Mr. Pernula: If there's a health and safety issue, sometimes that – we'll enforce on it even if we don't have a complaint. And they do take priority, those with health and safety issues. But generally on junk and stuff like this that those pictures were, it comes in from complaints by neighbors. And usually when somebody is complaining – *usually*, but not always – it's some pretty egregious situations. And we try to stay out of neighborhood squabbles.

Ms. Mitchell: It's filthier that way!

Chair Axthelm: So, Ryan, would it help to bring up the code on that? So if you guys want to make any change with it, you can. I hate to look at either item as a code, but I think that might help in this situation. So that's the proposed change.

Mr. Walters: The proposed change is to add a comma. The "junk" definition there is the existing definition of "junk." The thrust of these provisions C-31 and C-32 is to create a section in the code that is a list of things you can't do because right now we don't have that, and it would list storage of junk and recreational vehicles. Because then we would have one line in the code that says, Thou shalt not store more than 500 square feet of junk, whereas right now we have to arrive at that rule through a reading of the zoning code and the absence of "junkyard" in it.

Ms. Mitchell: I'd like to move to put the language on under the additional recommendations that the Board please review the junk code with respect to art and historical displays in the future or in the near future. I realize this would not be a top priority but this is acknowledging that there is a language disparity there.

Chair Axthelm: I'll second that. Discussion?

Ms. Del Vecchio: I certainly see the value in reviewing the code with respect to that. I'm – my concern is if we put an exemption for art displays, we're going to wind up with some really, really interesting junk piles. So I would just be careful about that. You're careful what you wish for there! But I think a review of that code is not a problem.

Chair Axthelm: Any other comments?

(silence)

Chair Axthelm: Okay. With that –

Ms. Lohman: In general, I'm just not in favor of when you set people up that they're really not a problem. You're setting up a whole bunch of benign activities when you're trying to cast your net to go after the people in the pictures. So you have to think about who else is caught in the net.

Ms. Mitchell: Right.

Ms. Lohman: And that's what I'm thinking about because when I went out and looked around – and, yeah, you get into judgment calls on who's neat and tidy and who isn't, and trying to set that aside. That is what I'm worried about because you're operating on a complaint-driven, but there's also people that are complaining because they have an ulterior motive and this is a wide open door to set somebody up. And I'm kind of questioning, because of your definition of what you're calling junk, because you also included dismantled machinery and stuff. Because I can still hear my husband telling me when he brought home this hulk that it's not as bad as it looks. And I was thinking, Oh my gosh, why'd you stop here? Keep going! Sam's is over there in Burlington! And he built something with it. And so I'm just struggling with who else is in the net.

Mr. Pernula: I certainly understand your point of view. What I can say is that we have not focused on those kinds of issues. We've really focused on those things that you saw in the photographs. And we try to talk to people and we're reasonable with them to make sure that it's something that can be used for something else. And if it's possible, it may be worth the exercise of going through it to better define the difference between what's usable and not usable, art and not art.

Ms. Lohman: Well, maybe the word "junk" is the tripping spot, because there's a difference between trash and other things, and I saw trash in those –

Mr. Pernula: A lot of that was.

Ms. Lohman: – arguably trash.

Mr. Pernula: Yes.

Ms. Lohman: And maybe – because your "junk" definition is pretty much anything that's just not mobile.

Mr. Walters: Well, I just want to point out this is our *existing* definition that we have been operating under for evidently quite some time.

Ms. Lohman: But you didn't have a we're-gonna-getcha if you have more than this dimensional –

Mr. Walters: No, but –

Ms. Lohman: – or if you had a building to cover it all. Right?

Mr. Walters: Well, we do have – I mean, that is how we have been operating. If you're inside a building, it's not a problem. It's not visible. We don't get a complaint about it. We – this is the number one complaint that we get and the neighbors are not happy. I mean, it's lowering *their* property values. It's degrading *their* neighborhood.

Ms. Mitchell: Absolutely.

Ms. Lohman: Well, I mean, we all have a guy like that in our neighborhood. I mean, I cried when Ella's property got bought by a slob. But you have to worry about who else – but you have to worry about the bigger picture. Sometimes when you're trying to get somebody, you're also getting who you don't want to get.

Ms. Rose: Is there a – when you have a track record of who you're going after, I'm – I don't think that way that we have to worry about something that's not really happening. If it's – in other words, are you catching the –

Ms. Lohman: But I'm in the business where we get nailed by perception. People drive by, they see the orange water in the ditch, they see the cow in the field, and they automatically say, That cow is doing it in the ditch, that's manure – when it's not. So I'm in the business where we frequently get a drive-by complaint. Somebody will overfly a dairy spreading manure, complain to DOE; DOE calls Department of Ag; all of a sudden there's a guy on the phone with the dairyman saying, I want to do an inspection. He has done everything right. We're in that business and so my sense of sensitivity is really high.

Ms. Rose: Sure.

Ms. Lohman: And whereas a regular guy's going, Aw, that's not going to happen, but when you're in that business you *know* it's going to happen.

Ms. Candler: Josh, I have something.

Chair Axthelm: Yes, Tammy?

Ms. Candler: And what we're really talking about is the potential for selective enforcement, which I don't think is a good idea. That's why I'm in agreement with what Annie's saying, because I don't think you can just say, Well, somebody's going to make a judgment call about what's okay and what's not because that's not going to work.

Ms. Lohman: The language doesn't give you that latitude.

Mr. Walters: We have one Code Enforcement Officer so we only do selective enforcement. I mean, we don't have the resources to enforce against everybody. We probably arguably do not have the resources to enforce every complaint that we get.

Chair Axthelm: So we have a motion on the table.

Ms. Mitchell: Yes.

Chair Axthelm: Are there any other comments regarding this motion?

(silence)

Chair Axthelm: Okay, so all those in favor to recommend to the Commissioners to review the junk code with respect to art and historical displays in the near future, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “no.”

(silence)

Chair Axthelm: Okay, ayes have it. Are there any other recommendations with regard to junk?

Ms. Lohman: Well, you still have the proposed junk rule as proposed in the – what went out for comment.

Chair Axthelm: Could you go to that part – Ryan? – which would be C-30, 31 – is that what it says on it? Do you have a number? Which didn’t change, besides the comment.

Ms. Lohman: But it goes down further where you say nobody can have more than – everybody gets a pass. They can have 500 square feet of junk. But arguably you could have a heck of a lot more of a problem on less square footage in that. So if what you’re after is trash in a health standard, to me having a square footage delineation doesn’t make sense at all.

Mr. Walters: It’s what we currently do. Seems to be working relatively well except that you can’t point to a line in the code – a single line – where it says that.

Ms. Lohman: And I’m saying I’m not sure we want to go to a single line. I don’t think it’s perfected in a way that is going to go after what you’re trying to do. Because arguably you might have a problem in less than 500 square feet.

Mr. Walters: The source of the –

Ms. Del Vecchio: You could do a percentage.

Mr. Walters: No. This is what we need to stick with. The source of this 500 square feet is the definition of “junkyard,” and that is the construct that we currently follow to do this enforcement. Junkyard is not a permitted use in the zone so you can’t have a junkyard. But the definition of “junkyard” is the use of more than 500 square feet of area or lot. That line is in our existing code as the definition of “junkyard.” What we want is to not be able – is to not have to say, You’re in this zone. Junkyard is not listed in that zone. Junkyard is defined as this. Junk is defined as that. We want one line that says you can’t store 500 square feet of junk. This is what junk is. So I guess two lines, but still a lot more straightforward.

Chair Axthelm: So point of clarification is that we’ve only – this comment here, we haven’t made any changes besides the commas with regards to the junk.

Mr. Walters: With regards to the definition that’s an existing definition.

Chair Axthelm: Yep. And the 500 square feet also exists.

Mr. Walters: The 500 square-foot line that’s in – where is it here? – _____ the storage of junk, that is in the definition of “junkyard” in our existing code.

Ms. Lohman: But that’s all new code.

Mr. Walters: That is new code, but the exact same text is in the definition of “junkyard” in our existing code.

Mr. Pernula: It's just circuitous how we have to enforce it right now. It's exactly the same enforcement mechanism we have now.

Chair Axthelm: So why is it not highlighted on here?

Mr. Walters: That's new text.

Chair Axthelm: Okay.

Ms. Lohman: At the top of the section it said "New text."

Chair Axthelm: It said "New text" for the whole thing. Okay, okay. That's what threw me off. Okay. Any other comments for the junk portion, or if you'd like to make a motion on it?

Ms. Lohman: I don't know how to clean up slobbs that don't want to clean up. Because I keep thinking about, Are you going to go after the people that don't mow or don't prune or don't –

Mr. Walters: That's not within this definition.

Ms. Lohman: I know.

Chair Axthelm: But this went before the public, so and it's attempting to do that – if we didn't have any other comments on it. Unless you want to make a change?

Ms. Del Vecchio: Is there a recommended motion from staff? Do you need us to be doing ___? It's already *there*.

Mr. Pernula: It's there and that's what's being considered.

Ms. Del Vecchio: Yeah.

Chair Axthelm: So we don't need a recommendation unless somebody wants to make one, or an additional recommendation.

Ms. Lohman: I don't know what it would be at this time. I think I would recommend in the future that we think about a definition maybe of what defines "trash" and maybe go there. But I'm just – I know at least one Commissioner is going to hear this Commissioner's concerns on why I'm a little bit hesitant on just saying, Yes, let's do it. I understand when you – those photos, but I could show you some other photos that would meet that definition too, and they don't look like that.

Chair Axthelm: Annie, you could make a motion similar to what Kathy had made – that it's something to _____ look at.

Ms. Lohman: I think we need to review then the "junk" definition and separate what is truly junk and what is trash in a health __, so how can – Ryan, I'm asking you for help here. How do we do that? And I admit we had a washing machine that set out there for a while and my son had a great deal of fun dismantling it because he was a young kid and wanted to know how it worked.

Mr. Pernula: It seems to me that that item number 6 you could add something similar to what's there with respect to defining the difference between "trash" and "junk."

Ms. Lohman: Are you guys all right with that?

Mr. Raschko: Is "junk" a smart word to use?

Chair Axthelm: _____ proposal to amend it. That's up to you.

Ms. Lohman: What were you going to ask?

Mr. Raschko: Well, "junk's" got a negative connotation. Some people will say, What's the difference between junk and trash? Maybe you should say "useful articles."

Chair Axthelm: And I think that that's – with them reviewing the junk code, they could also look at the definition of that. But that's – we're making the recommendations to them. We can't necessarily *change* the code at this point.

Ms. Lohman: Well, yeah, we can.

Chair Axthelm: Well, we *can* but that didn't go before the public.

Ms. Lohman: No, they did a whole bunch of other stuff.

Chair Axthelm: So whatever recommendation you want to make.

Mr. Walters: Also, just FYI, "trash," meaning putrescible solid waste and liquid waste _____.

Ms. Lohman: Well, stuff that can potentially take off and blow around the neighborhood – like those buckets can blow all over, for example. You know, stuff that doesn't stay put.

Mr. Walters: Right. I'm just saying the putrescible solid waste or liquid waste is dealt with by the Health Department separately. It's not – we don't consider it a land use at all.

Mr. Raschko: That's a new word for me.

Chair Axthelm: Martha?

Ms. Rose: So –

Mr. Walters: Putrescible.

Ms. Rose: – I think that we need to address this.

Female Commissioner: Decomposing.

Mr. Walters: Decomposing, yeah.

Ms. Rose: We've already made a motion that suggests that we talk about it later. Because, you know, when I think of trash I think of the things that I can't put in my comingled dumpster that's comingled recycling, which is metal, wood scraps, gypsum, all kinds of things that actually –

many of which we don't get money for them but you could – but where trash is food garbage and things that they can't – that you would put in your home garbage can, you know, from your whatever.

Chair Axthelm: Can't recycle.

Ms. Rose: So but those pictures showed appliances, which are recyclable, and they don't normally fall under that category of trash. That's metal recycling. And I would argue with you and say that's not trash; that's metal recycling. It's my metal pile. You know what I'm saying?

Ms. Lohman: There you go.

Ms. Mitchell: And I would say that's my garden art pile!

Ms. Rose: So I don't think we can solve this tonight. I think we have to open up this can of worms at some other date.

Mr. Walters: We can look at other jurisdictions' definitions, see what other jurisdictions do. We didn't do any of that for this because we weren't changing the substance of the code. But – if I may – you are spending a whole lot of time on this section, and that's your prerogative but I would suggest that you move on to the last item on the list, and the findings.

Chair Axthelm: So does that – before we – do we just need to vote on this or strike it or... Because we already had the one statement that was added. Do we want to – is your motion to add that into that?

Ms. Lohman: Yes.

Chair Axthelm: So the motion's been made and seconded to revise the – I guess it's the item number 6 – to review the junk code with respect to art and historical displays, and differentiation between trash and junk in the near future. Is there any discussion on that beyond that?

(silence)

Chair Axthelm: All those in favor of adding that statement?

Multiple Commissioners: Aye.

Chair Axthelm: All opposed, say "no."

(silence)

Chair Axthelm: Okay. Now we can move on. How's that? Okay, so junk – do you have any questions on the RV section of it?

Ms. Mitchell: I'm going to pass on the RVs. I believe someone else had something on that.

Chair Axthelm: Anybody else have anything on the RVs?

Ms. Lohman: Yes, I do.

Chair Axthelm: Okay.

Ms. Lohman: Does that mean that if three of my relatives come with their RV that I need a permit?

Mr. Pernula: No.

Chair Axthelm: Sorry – Ryan, could you go to the code on that one, too? So that was added right there, and you had a little bit of text up above, right? No. Yes? Yeah, there's a little section on the blue.

Mr. Walters: There is a section in .850 here that we struck to replace with the other text. So you see the existing code limits RV occupation to temporary basis – “temporary” is defined as no more than six months – and limited to one occupied vehicle per lot of record. And the proposed text reformulates that here: No person may use an RV as a dwelling unit. No person may occupy an RV for more than 180 days in a 12-month period. That extracts that definition of “temporary” and puts it right into the rule. No person may maintain more than one occupied recreational vehicle on any lot without a special use permit. So there could be some situation where you do have a campground or something like that where you are renting out RVs and a campground – Thousand Trails, something like that. And no person may maintain more than two RVs on any lot without a special use permit for that purpose.

Ms. Candler: Okay. That's not what I see here, though. If you say no person may use a recreational vehicle as a dwelling unit then you can't have those campgrounds, and we have some of them – don't we? – where people can live in their RVs?

Mr. Walters: Well, you can't *live* permanently. You can occupy them. You cannot live there.

Ms. Candler: Well, use it as a dwelling unit.

Mr. Walters: Right. No permanent – no RV can permanently be used as one of your dwelling units.

Ms. Candler: Okay. And that's defined as six months? So if you're building a house or whatever and you're living on your property then you've got a six-month deadline.

Mr. Walters: Yes. There's no special exception for building a house over a period of more than six months.

Ms. Candler: Okay.

Chair Axthelm: This all depends on if somebody complains, as well.

Mr. Walters: True. Unless you're in the floodway, in which case we're going to find out about that because that affects our obligations.

Chair Axthelm: I don't see anything that really is any different than what you could do right now. Any other comments? Do we need to make any changes?

(silence)

Chair Axthelm: Okay. The next item is well metering for Guemes. We covered that one?

Ms. Mitchell: We did.

Chair Axthelm: And then questions __ quantity of water ____ household rainwater catchment. We addressed that as well, so we are –

Mr. Walters: Commissioner Lohman had suggested that the Environment Element was not on this list. There were very few comments on the Environment Element and you didn't put it on your list.

Ms. Lohman: No. But I was worried that we hopped over it.

Mr. Walters: Right. Now would be the time if you did want to take that up. I don't know that there is _____.

Ms. Lohman: The one thing that I saw and I saw it early and I contacted Kirk a while ago, it has the weirdest numbering/lettering, starting on page 200. If you could pull up that section, Ryan. It doesn't make sense and it doesn't match anything else – any of the other chapters.

Mr. Pernula: What page?

Ms. Lohman: 200.

Mr. Walters: And we discussed this before and we definitely agree. It goes from a goal to a policy to a whole bunch of things that look like policies but they're all lettered instead of numbered separately. And then they have headings in between where you might expect there to be policy numbers instead. And in some cases I think they run out of letters and start with double letters maybe even. It's very odd. It's not consistent with the rest of the plan. If you wanted to include a recommendation for us to renumber those more consistent, we could do that pretty easily.

Ms. Lohman: I would like to make that motion.

Ms. Mitchell: Second.

Chair Axthelm: Okay, it's been motioned and seconded to renumber – what portion is it? – the Environmental – oh, okay, here we go.

Mr. Raschko: Second.

Chair Axthelm: Moved and seconded to renumber the lettered sub-policies in the Environmental Element. Any discussion beyond that? Consistent with the rest of the Comprehensive Plan.

(silence)

Chair Axthelm: Okay, no discussion? All those in favor?

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

Ms. Del Vecchio: Aye.

Chair Axthelm: Okay.

Ms. Lohman: The other thing I wanted to just call out: I thought that the things that I saw that you added were referenced. I didn't have any issue with any of the language that you added, but you did add a bit. It wasn't just simple little tweaks here and there. I just wanted to make sure everybody did look at it.

Ms. Mitchell: Thank you.

Chair Axthelm: Okay, so any other additional recommendations that you had come up with. So _____ or suggested that you come up with findings of fact, reason for actions, and then also any additional recommendations. Do you have any _____?

Ms. Mitchell: Yes.

Chair Axthelm: Okay, Kathy?

Ms. Mitchell: Any section?

Chair Axthelm: Yep.

Ms. Mitchell: When I did talk to the SCOG folks about some of the 20-year non-motorized projects, they said it's very normal and common to ask for needs analysis, and we've not done those. So I'd like to – I move that we recommend that the Board should ensure that needs analysis is done on the proposed 20-year non-motorized projects.

Chair Axthelm: Is that your statement for a motion?

Ms. Mitchell: Yep, that's it.

Chair Axthelm: Then I'll second that. Are there any comments or discussion? Sorry – discussion.

(silence)

Chair Axthelm: Okay, seeing none, all those in favor of adding the additional recommendation the Board should ensure analysis is done on the 20-year non-motorized projects, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: Opposed?

(silence)

Chair Axthelm: Okay.

Ms. Del Vecchio: Can we change the word "done," though?

Ms. Mitchell: Oh, yes, if it's awkward. Please.

Ms. Del Vecchio: I'll let you pick your word, Ryan, but – thank you.

Ms. Mitchell: Thank you. The professionals. I do have another one.

Mr. Walters: I resisted the temptation to do with “analyzed.”

Ms. Mitchell: Thank you. Another one: We've said in a number of places and specifically the staff report said it in two places – I'm going to paraphrase – that the projects on the 20-year list are described at a more conceptual level, and we've discussed that many of times. I would just like to make sure the words are in here. So I move that the Board should consider changing the terminology for the 20-year non-motorized projects to “conceptual projects” for those projects that are unfunded to flag them to be vetted, to have needs analysis, and to be prioritized if they're to be prioritized.

Mr. Walters: Is that an additional recommendation or a change?

Ms. Mitchell: Mm-hmm. It's a different distinction, if my brain's working right. The basic, just we keep talking about how these are conceptual projects and if that's the fact I think that should be spelled out.

Mr. Walters: Recharacterize?

Ms. Mitchell: “Recharacterized” is fine.

Mr. Walters: The Board should re – read it – would you read it again?

Ms. Mitchell: Re-characterized, relabeled.

Mr. Walters: No, read the whole thing. We need all the words.

Ms. Mitchell: Oh, I'm sorry.

Chair Axthelm: So he can type it.

Ms. Mitchell: I'm so sorry. The Board should consider changing the terminology for the 20-year non-motorized projects to be “conceptual projects” for those that are unfunded to flag them to be vetted, have needs analysis, and to be prioritized.

Mr. Walters: Okay, now read it again but much faster.

Ms. Mitchell: I'm sorry!

Ms. Del Vecchio: It's after nine o'clock!

Ms. Mitchell: Here we go. 20-year non-motorized projects – the next word, Ryan – to “conceptual projects” for those projects that are unfunded to flag them to be vetted, to have needs analysis, and to be prioritized.

Mr. Walters: That is the pace that I would want.

Ms. Mitchell: Is that okay? Does that make sense?

Chair Axthelm: Okay, do we have a second on that?

Ms. Del Vecchio: Second.

Chair Axthelm: Okay, it's been moved and seconded to add the additional recommendation as shown on the screen. Could we have discussion? I would say we have conceptual projects, but isn't there studies? Aren't there studies already?

Mr. Walters: Some of them are studies but –

Chair Axthelm: Okay.

Ms. Mitchell: This captures anything that wasn't.

Ms. Del Vecchio: But this is going to require a pretty substantial amount of funding to actually *study* something. So it's different.

Chair Axthelm: Okay. It's a consideration. It sounds logical then.

Ms. Lohman: Are the conceptual projects the same as a study project?

Ms. Mitchell: They could be but not necessarily.

Mr. Walters: I think the expectation is that studies yield projects but there may be a project that doesn't raise to the level of a study.

Ms. Mitchell: Right.

Mr. Walters: I think it's unlikely that we will end up doing exactly this, but this may spur –

Ms. Mitchell: You get the spirit of the idea.

Ms. Lohman: But studies may also say that it ain't gonna fly here.

Ms. Mitchell: Right.

Mr. Walters: Right.

Ms. Mitchell: And if we've got something good, we want to spend the time on it.

Chair Axthelm: Any other discussion on this?

(silence)

Chair Axthelm: Okay, so all those in favor of the statement the Board should consider changing terminology for the 20-year non-motorized projects to "conceptual projects" for those projects

that are unfunded to flag them to be vetted, to have needs analysis, and to be prioritized, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: All opposed, say “no.”

(silence)

Chair Axthelm: Okay. Got anymore?

Ms. Mitchell: That's it.

Chair Axthelm: Okay. I did have a recommendation. I guess a question is that you have, like, the functional subarea plans in the appendices. Those become incorporated into the Comprehensive Plan and can only be revised through the Comprehensive Plan process. Is that correct?

Mr. Walters: Anything that's part of the Comprehensive Plan. The appendices are clearly part of the Comprehensive Plan. Subarea plans (are) clearly part of the Comprehensive Plan.

Chair Axthelm: Okay.

Mr. Walters: GMA never uses the word “functional” plans, so I try to not use that word either, but evidently we have used it in the past.

Chair Axthelm: In the related studies and plans, so if it's a related study we have no control over it. We can't change it.

Mr. Walters: Yeah. I think that we have something at the beginning of the recorded motion about those.

Chair Axthelm: And this is my list of stuff that I was – and it mainly has to do with, like the Introduction – it specifies it – and I just want to be clear that – which things are part of the Comprehensive Plan and which things aren't.

Mr. Walters: So I thought that we had had a recommendation on that, but I strongly advocate that as well. We need to be clear on what's part of the plan and what isn't.

(sounds of assent)

Mr. Walters: And the beginning part, I think that you're referencing the related studies thing. We made some changes in the proposal to make it clearer that related studies are not necessarily part of the plan. But wouldn't it be better if that wasn't there anyway? Because it's right next to a list of things that *are* part of the plan.

Chair Axthelm: So I think our definitions are sitting differently, but my motion – I'm not making it at this point – but this is reference material only to which the Comprehensive Plan refers to – related studies and plans are reference material only to which the Comprehensive Plan refers to and are not part of the Comprehensive Plan. But how do you make a statement to that effect without –

Mr. Walters: I tend to think that this should be part of your recommendations on the proposal itself –

Chair Axthelm: Okay.

Mr. Walters: – to make very clear in the Introduction with –

Chair Axthelm: Mm-hmm, and I guess it would apply other places in the plan, too.

Mr. Walters: Yeah. Which documents are part of the Comprehensive Plan and which are not. The Introduction here talks about functional and subarea plans but then it only lists subarea plans below it, so I think we could delete the word “functional.” Then it gets into the appendices. Then it gets into what used to be called “Technical Appendices,” and we renamed that to “Related Studies and Plans” in the proposal because that had been a problem before. There were all these things that were arguably incorporated by reference, which is not a good idea, and had been the subject of a couple of lawsuits as well, and got us into trouble because, hell, there’re all these other documents from which the lawyers can pluck things to beat us over the head with. Then it goes into the Comprehensive Plan Zoning Map. So we didn’t move its location there, but it’s sandwiched in between all these things that *are* part of the plan so I think it would benefit us to extract that and put that someplace else.

Chair Axthelm: And that’s why I was suggesting to make a note that says these materials are subject to change or outside of the control of the Comprehensive Plan process. I’m sorry: Reference material only to which the Comprehensive Plan refers to and are not part of the Comprehensive Plan. These materials are subject to change or update outside of the control of the Comprehensive Plan process. Are subject to change _____. Okay. Somehow as the reference documents or something that – okay.

Ms. Candler: I’ll second.

Chair Axthelm: And the reasoning I put was findings of fact. I was thinking that these documents are past studies and are plans to which the County either cannot change or are reference materials and that which the – that the Comprehensive Plan refers to for background information. Keeping these documents as reference will allow the information to change outside of the Comprehensive Plan approval process. This also applies to the urban growth – oh, okay. I was using it as the Urban Growth Area Concept Plan – is that although adopted by the County, it was adopted as a concept plan and would take significant committees, levies, funding, et cetera, as its program requires, which I believe is not in the best interest of the County to undertake directly. So it’d keep it separate. That’s the – we can address the reasoning later but that was my reasoning.

Ms. Mitchell: You were seconded.

Chair Axthelm: Oh. Okay. I’m sorry. So it’s been moved and seconded to make very clear the – or, as it shows onscreen. Any discussion on that?

Ms. Hughes: I’d like to clarify. You mentioned the UGA Open Space Concept Plan. So where does that fall in the peruse of all of this?

Mr. Walters: That is *not* part of the Comprehensive Plan.

Ms. Hughes: Okay. So under here it would be referenced as –

Mr. Walters: Related studies and plans.

Ms. Hughes: Okay, but it would be a related study and plan.

Chair Axthelm: And it is listed as such.

Ms. Hughes: And it is listed as such. Okay.

Chair Axthelm: But this would clarify it to say it's not part of it.

Ms. Hughes: Okay.

Chair Axthelm: Any other discussion?

(silence)

Chair Axthelm: Okay, so the motion was made and seconded to make very clear in the Introduction and elsewhere which documents are part of the Comprehensive Plan and which are not, and note that the documents – and note the documents not part of the Comprehensive Plan are not subject to the Comprehensive Plan update process. All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “no.”

(silence)

Chair Axthelm: Okay. And then – question on the – it says – in the Introduction, it says “Comprehensive Plan Zoning Map and supplemental maps” and it says “under separate cover.” What does that mean?

Mr. Walters: Right. We don't include a copy of the map in the adopting ordinance. We would include copies of the maps of the things that are changing but not the whole rest of it.

Chair Axthelm: So are there maps – okay. There are some maps that are part of the Comprehensive Plan and there are some that aren't, or –

Mr. Walters: The Comprehensive Plan Map.

Chair Axthelm: Okay.

Mr. Walters: Yeah.

Chair Axthelm: You're just talking Comprehensive Plan Map. Okay. Oh, I see. It said “map.” Sorry. I guess _____. Okay. I had another one there but I think I'm okay with that. The Envision Skagit County – is that also a reference like a reference? It's a separate plan, it's pretty clear. It looks like it is.

Mr. Walters: Right. It is not part of the Comprehensive Plan.

Chair Axthelm: Envision 2060, or whatever it is. Okay, and then the last – I think it was the last one. Did we discuss that already – approve the Urban Space Open – approve the Urban Open Space and Land Use section? Oh, okay we did that – delete Policy 2B. Okay, so I've got that. Okay. All right. I was making the motion on that and I kind of changed my mind a little bit but it was _____ summary section as proposed, and then I had Public Involvement – please revise the statement as follows: to strike “this is true that the 2016 Comprehensive Plan Update process as well.” It says the Board of County Commissioners instructed the Planning Department Services to work directly with the Planning Commission in developing the 2016 Update proposal. And then I have “ensuring that the Planning Commission had the opportunity to vet major elements of the proposal before releasing the completed draft for formal public review and comment.” And I think a lot of it's been clarified but I felt like some of the items, although they were in it weren't as clear as I would like to see them. But I kind of – I've changed my opinion a little bit on that because I feel like that the Planning Department stepped up and clarified some things. I just felt like it should have been done earlier in the process. And that was mainly for like the transportation elements and some of the urban growth area information that was put in. So I can still place it on the table as a recommendation or....

Ms. Mitchell: I'd like to see that as a recommendation – the same thing. The Department did step up and we thank you for that.

Chair Axthelm: And I'm not trying to get on the Planning Department. I just don't want to say that we've given the public enough time when I felt like partially that we didn't and I wish it was more open, but yet I felt like in the end they still had a lot of word into it and it became clearer in the end.

Mr. Walters: Well, also, the public participation process is not over.

Chair Axthelm: No.

Ms. Mitchell: No.

Chair Axthelm: It isn't, but you were referring to this as for the Planning Commission. And so I just wanted to clarify that, that I didn't feel like it was ensured that the public had the opportunity.

Mr. Walters: So what is the – what is the _____?

Chair Axthelm: Just to strike “ensure” – well, okay. I know what it was. The first portion of it says “This is true in the 2016 Comprehensive Plan Update process as well.” So I felt like I struck that out because it was a little wordy, and then striking the last portion of that – “ensuring.” Do you know what I'm talking about? Where it's at?

Mr. Walters: Yes. I see it here. Yeah, I think everything in that sentence is true.

Chair Axthelm: Okay.

Mr. Walters: You did have the opportunity to vet major elements of the proposal before releasing the completed draft. You didn't have the ability to vet all of it, but major elements. I mean, that's why we had all of those work sessions.

Chair Axthelm: Mm-hmm. And that's partially why my feelings kind of changed on it, but I also – I wanted to get the point across that I feel like it needs to be clearer.

Ms. Lohman: Except it almost became deliberation-slash-work session, in a way.

Ms. Mitchell: Yep.

Ms. Lohman: It felt like – because, for example, in the Transportation, that was a moving thing for several days on end. That list was evolving as we were looking at it.

Ms. Mitchell: Well, and that's where I was having trouble with it because it changed so much from the end of public comment through our deliberations. I'm not saying that it wasn't necessary, because it was, but it sure changed a lot.

Mr. Walters: Well, yes, but –

Chair Axthelm: Okay, I need to probably make the motion, so let me go ahead and make that motion as I have it stated. If you go to the section, could you cut and paste it?

Mr. Walters: You want to –

Chair Axthelm: Just cut and paste the section in the Introduction where it starts with Public Involvement, starting with "This is true..." The added statement right there. Yeah, take that and paste it as the recommendation. I'll tell you what to take out. So my motion is to strike this – are you ready?

Mr. Walters: You tell me.

Chair Axthelm: Okay. To strike "This is true of the 2016 Comprehensive Plan Update process as well." So strike that portion.

Mr. Walters: And?

Chair Axthelm: And then also strike down –

Mr. Johnson: I think you meant through "where."

Chair Axthelm: After "ensuring," strike the rest of it after "ensuring" – down farther. Oh, you're not going to just strike through?

Mr. Walters: Oh.

Chair Axthelm: Oh, I see what you're doing. Okay, okay, I gotcha. To revise the statement is probably a better way to put it – either way.

Mr. Walters: Could do that.

Chair Axthelm: Do I have a second on that?

Ms. Mitchell: Second.

Chair Axthelm: Okay.

Ms. Candler: Can I ask you a question, Josh?

Chair Axthelm: So it's been moved and seconded to change the Introduction statement on page 17 of the Comprehensive Plan Update as shown onscreen.

Ms. Candler: And your reason is? Is your reason because you think that the members of the *public* didn't have enough time or we didn't have enough time, or you don't think the major elements were covered? What is –

Chair Axthelm: Okay, my statement is that the Planning Commission didn't have the opportunity – or agree that the public review was clear or adequately available. It was there. I'm not saying it's not.

Ms. Candler: Is it because things were kind of evolving and changing or was it a lack of time? What's the issue?

Chair Axthelm: Well, it's many items had to be clarified during deliberations, adequate detail needed to be provided to the public in the future for clearer understanding. So that's all it was. It's like with the – there were some items that had – were changed but it wasn't pretty obvious that they were changed – that they had changed, and so there were some concerns. And part of that was with the transportation elements of it and I think – you know, and some of that was out of control of the Planning Department, and that's not what I'm saying. I just want them to understand that we want to make sure the public has the opportunity and it's clear in understanding. And I think that that portion didn't go through possibly the work session that it could have gone through. There was reasoning for that, but that is of a concern with us.

Mr. Walters: I would suggest that if that is the concern that you express *that* concern in your findings. Because I don't think this expresses that very clearly.

Chair Axthelm: Yeah.

Mr. Walters: I mean, you could have a finding that says the non-motorized transportation projects should have gone through a greater review or something.

Chair Axthelm: I'm sorry. I didn't mean to take too much time on this. I just wanted to get a point across to make sure that it's important that we have public involvement. And it was involved. It's just that having it be clearer to the public.

Ms. Mitchell: Would you like to find a spot for a finding then so we don't forget to do that?

Chair Axthelm: So any other discussion on it?

Ms. Candler: I guess my thought is that we didn't – I mean, I think – I feel like we should either ask for more time or we're kind of saying that we had enough time, I guess, for us. Whether the public had enough time is a separate issue. That's all I have.

Chair Axthelm: Would it be better to state that items that – in release of the Comprehensive Plan to the public, if there were items that weren't fully clarified – that they should be removed until the next Comprehensive Plan update. Because what happens is public information or

public hearings don't happen on information that isn't provided till later in the process. But then, I mean, we still make changes. That's the hard part. That's where I was stuck. I don't want to –

Ms. Lohman: I think maybe part of our recommendation should say that when we're going to switch procedures, like this 20-year – there was reference to a 16-year plan and then we switched to a 20-year plan. That was the first we heard about that whole discussion – where we did the Transportation Element and it never came up. That appendix never came up and yet we had a work session on it. So to say, Well, the Planning Commission had a work session on the Transportation Element, that's only partially true. So we were struggling because we were out of the loop and staff was trying to grasp and understand a new procedure as well, so we were all – and if we had been more upfront – We're switching to a new procedure; it's going to be ugly – and we could have had a work session on it, I think it would have been a lot better perceptually. And the Planning Commission needs to know in advance what the materials are that we're supposed to have so we can make sure that we are looking at everything. Because if it's a study that got done that's not really going to be part of the Comp Plan, I don't want to waste a lot of time having to read it. And sometimes when you attach an appendix, it has more life or more meat in it than another attachment that's also called an appendix. So if we could have had that at the outset – You need to make sure you look at this or that – I think it would have made a lot better public process.

Ms. Mitchell: And had a work session on that, knowing that.

Ms. Lohman: So I guess I would like to suggest that there's a final review before the hearing to make sure that, okay, we're going to be – this is what the hearing is going to be about. It's going to be about a, b, and c. And we make sure that the website and all the links are active and up *before* it happens so we're not surprised.

Mr. Walters: I think there were a lot of moving parts to that Transportation Element, moving from the – excuse the pun – moving from the Transportation Systems Plan document, which no one apparently ever read, and Public Works not being familiar with the planning requirements, the GMA requirements, and us finding out very late in the game from SCOG that we couldn't certify our Transportation Element and us having to propose changes to make that work. So there was a lot going on there for the Planning Department, for other departments including Public Works, and we have some ideas about how to fix that going forward.

Chair Axthelm: I wouldn't be opposed to taking out my motion and saying – using it as a finding of fact as the Planning Commission did not have the opportunity or agree that the public review was clear and adequately available.

Ms. Candler: I think that would be cleaner. I think that would be better.

Ms. Lohman: I do too.

Chair Axthelm: And that's – understand, that was my hesitation, is I really appreciate what you guys have done with the process. I understand what happened with the transportation issue. I just think that it – it stuck you in a bad position, and unfortunately it's not something you could really get away from because it just – it happened. There might have been some things to save it from that but I – so I'd like to withdraw my motion on that and then just incorporate something into finding of fact.

Mr. Walters: So do you agree to drop this?

Chair Axthelm: Is that all right with the rest?

Ms. Mitchell: Can you peel that off and put it in the findings of fact and we can fix that then? Is that what you want?

Chair Axthelm: Yeah, but I don't actually think I need that statement at all. I have another one I can make in my mind that's better.

Ms. Mitchell: Okay.

Chair Axthelm: Okay.

Mr. Walters: So is it time to advance to the findings – or retreat to the findings?

Chair Axthelm: Are there any other – did anybody else have any other recommendations? I thought – “Menu of draft findings” – whose is that?

Mr. Walters: Yes, this is – the Department has compiled this menu of draft findings from the stuff that people provided and also from just reading through what you previously had in your recorded motion and generating some findings to support it. And behind each one there is initials indicating the origin of the finding. We tried to keep these relatively brief. Some of you drafted a lot of material. We did not include on this list findings that don't support the recommendations, so where you have a set of findings of fact and reasons for action they need to support the recommendations that come after that.

So I thought that you could identify the ones that you all agree with, that are non-controversial, and you could dump those in and scratch them off this list. And then you could whittle it down to the ones you do want to talk about. For instance, number 1-A: Who's in favor of that one?

Ms. Mitchell: That looks good!

Mr. Raschko: Okay.

Mr. Walters: Everybody good with 1-A?

(sounds of assent)

Chair Axthelm: Anybody against that?

(silence)

Chair Axthelm: Okay.

Mr. Walters: 1-E. This gets at that recommendation you just made – Commissioner Axthelm just made – about related studies and plans.

Ms. Candler: I don't understand the numbering.

Mr. Walters: What's that? They won't be numbered this way in the document. It's just we grouped them. We just grouped them.

Ms. Candler: So it's just going to be 1, 2?

Mr. Walters: Right.

Ms. Candler: Okay.

Ms. Lohman: Where is B, C, and D?

Mr. Walters: Well, that's a good question. We put this together rather late today.

Ms. Candler: Okay.

Ms. Mitchell: Low glucose.

Chair Axthelm: Okay.

Ms. Candler: That sounds fine. 1-E?

Mr. Walters: So 1-E?

Chair Axthelm: And that, to me, allows the other plans and studies to be changed or be modified. And if they change and then you don't have to update them – update the Comprehensive Plan.

Mr. Walters: Right, just distinguish them. Number 2 – on the map amendments, we definitely recommend that we include all three of these to explain why you made the recommendations you did. On the ones you just recommended approval, we can just say that we're good with those. And on the Sedro-Woolley one, we wanted to provide some explanation to why you went with north but not south.

Chair Axthelm: So what you want is clarification on the map amendment? Oh, you're doing that right here.

Mr. Walters: I really want to know if you're okay with including 2-A, B, and C.

(sounds of assent)

Mr. Walters: Good with those?

(sounds of assent)

Mr. Walters: Number 4.

Chair Axthelm: I think 2-B – an important thing with those is that we weren't necessarily saying no to their request. It's just because there were complications with it –

Mr. Walters: Right.

Chair Axthelm: – that was part of the issue was the complications.

Mr. Walters: Well, you said no to the south part.

Chair Axthelm: Yes.

Mr. Walters: Yeah.

Ms. Candler: And the first sentence of 2-B explains that, I think.

Ms. Lohman: Yeah.

Chair Axthelm: Yep. Okay, there. Thank you.

Mr. Walters: So I thought we'd skip over number 3 because I anticipate that's the one you'll want to talk about the most, and try to hit 4, 5, and 6. With number 4, we just tried to generate some text that explained why you made those recommended changes to the proposal.

Ms. Candler: Those look good to me.

Ms. Mitchell: They look good to me.

Mr. Walters: On number 5, Commissioner Hughes sent us this one.

Chair Axthelm: So I just did verifications. Is everybody okay with the ones on 4?

(sounds of assent)

Chair Axthelm: Okay. Okay, go ahead.

Mr. Walters: Number 5-A – Commissioner Hughes sent us this one. The e-mail I got from you I only to half of, so I don't know if there was anything else in it that we didn't capture. But since we removed the Open Space Plan as a policy, I don't know if we still need 5-A or not.

Ms. Hughes: And I understand that. I just wanted to clean up that language, though, and clarify if it's ever put into anything.

Mr. Walters: The language that's in the Open Space Plan?

Ms. Hughes: That's in the – there's just one statement in the UGA Open Space Concept Plan that could be clarified regarding the Taxation Act. In 2008 there was a – the legislature actually dealt with this but there's been some misunderstanding about what that act actually is. And so I think we need to follow up that if there's a statement in that that isn't clear enough that we make it clearer just in case it ever comes back. So I don't know if this is the place to do it and I agree with you on that. But if it's going to be referenced, where is the place?

Mr. Walters: And maybe the place is in the plan, in that plan itself. But that's – we're not proposing edits to it at this time.

Ms. Hughes: Okay.

Mr. Walters: So I think I would nix 5-A as a finding because it doesn't support anything that you're doing at this time.

Ms. Hughes: Uh-huh. Okay.

Chair Axthelm: Could there be an additional comment or additional recommendation that could go in?

Mr. Walters: To?

Chair Axthelm: I mean, it doesn't directly apply but it kind of has a –

Mr. Walters: To make changes to the Open Space Plan?

Chair Axthelm: No, no, no. Well, and – you could attribute it to the Open Space Plan. You could also attribute it just to a general clarification.

Mr. Walters: We could add this to the definition of the Current Use Open Space Taxation.

Chair Axthelm: Does that sound right?

Ms. Lohman: I think that would be helpful.

Chair Axthelm: Yes.

Ms. Mitchell: Okay.

Chair Axthelm: Is everybody okay with that?

(sounds of assent)

Mr. Walters: So we'll include that as another recommend – I'll type that up in a minute.

Ms. Hughes: Well, and I made a copy of what the e-mail you weren't ___, so I can give that to you just in case you need to have the rest of it.

Mr. Walters: Oh, okay. So we'll put this into a recommendation rather than the finding.

Chair Axthelm: 5-B.

Ms. Candler: 5-B looks good.

Chair Axthelm: Kathy?

Ms. Mitchell: Yeah, I had – in the e-mail I sent to the staff I had elaborated a little bit more by saying exactly what the policy had said about what they told them to do in the scoping memo and then the follow-up for the – under the resolution.

Mr. Walters: Yes, I shortened.

Ms. Mitchell: Yeah, you shortened it. So if this is okay with everybody, I was just looking for clarification for exactly what the words were instead of saying, We did – you know, you didn't say this. So is everybody okay with this language versus the longer language?

(sounds of assent)

Mr. Walters: And then the two under 6, Natural Resource Industries, just try to explain those two changes that you made to that section. Now this doesn't include anything you did today so maybe you would want to add another finding to Natural Resources about protection of natural resource industries using setbacks, or something like that – how important that is. But do 6-A and 6-B capture our reasoning for those recommended changes?

Ms. Lohman: Yes.

Chair Axthelm: And 6-B, wasn't that per – who – which farm – somebody made a recommendation.

Ms. Lohman: Ag Advisory.

Chair Axthelm: Per the Ag Advisory recommendation.

Ms. Lohman: They had written a letter and they – we cleaned up – we took what they – we don't think – *you* told us that you didn't think they understood what Home-Based Business 3 was.

Mr. Walters: Right, because they –

Ms. Lohman: In reference to how it's all tied to being ag-related.

Mr. Walters: Right, because they had a line in there about unlimited numbers of employees, but it *does* have a limited number of employees. But this is not about the Ag Advisory Board. This is about *why you* think.

Ms. Lohman: Right, but he was asking.

Chair Axthelm: Well, yeah, but we made the comment based on the fact that we were upholding what the Ag Advisory had stated.

Mr. Walters: Well, not exactly. Because what we said is that if you are going to not make the change we propose then you should delete Home-Based Business 3 because it doesn't make sense to retain it as it's currently in there –

Ms. Lohman: Right.

Mr. Walters: – because you have farm-based business. We were proposing loosening the regs for Home-Based Business 3 to allow a non-farm-related but home-based business in ag land.

Chair Axthelm: So is there a reason we want to have in there additional to that?

Ms. Lohman: Well, everything in the Ag zone touches back to it being related to agriculture and this didn't. Home-Based Business 3 did not.

Mr. Walters: I – I – yes.

Chair Axthelm: I think the reason we had made that change was to keep it more – in Ag zone, to keep it more agricultural-related.

Mr. Walters: I mean, Home-Based Business 2 is allowed.

Chair Axthelm: Yes, but that Home-Based Business 2 is more restrictive than what Home-Based Business 3 would be.

Mr. Walters: Yes.

Chair Axthelm: So it's to keep it more in line with agricultural use. Should we make an addition to that statement to that effect?

Ms. Mitchell: Can you repeat that?

Chair Axthelm: Okay. Just to keep it more in line with agricultural use. Thank you.

Mr. Walters: Okay, how about 3?

Chair Axthelm: Which one?

Mr. Walters: Number 3, Transportation. We skipped over that.

Ms. Candler: Did you – you didn't want us to make a finding regarding some of our recommendations? I was just going to propose a C – a 6-C, for lack of a better numbering right now: "NRL property owners have vested interests that are affected by neighboring setback variances."

Ms. Mitchell: That's good.

Ms. Candler: To support our recommendation.

Mr. Walters: Okay.

Chair Axthelm: Okay, is everybody okay with that?

(sounds of assent)

Chair Axthelm: Okay, we're good there.

Mr. Walters: You like that one? All right, so number 3.

Chair Axthelm: Number 3, Transportation.

Ms. Lohman: 3-A – the way you have it worded it almost makes them both conceptual. Or are you saying the 20-year plan is more conceptual?

Mr. Walters: Right, the 20.

Ms. Candler: That's how I read it.

Ms. Del Vecchio: I feel like there needs to be something before “transportation needs.” So for identification of planning of – I feel like there’s just something missing right there. I’m not sure what. For meeting – or just for meeting transportation.

Mr. Walters: While you guys read through that list, I was going to copy and paste the ones I’ve already circled.

Chair Axthelm: Copy and paste what?

Mr. Walters: I was going to copy and paste the other ones.

Chair Axthelm: Do we want to make any other additions to them?

Mr. Walters: You might, but I suggest you read through 3 while I’m making those ___.

Chair Axthelm: Okay.

Ms. Mitchell: Because it had the needs analysis language put in the recommendations, we should put something – should we put in for findings of fact saying that those projects may not have had needs analysis?

Ms. Candler: 3-E is kind of getting there.

Ms. Mitchell: It’s getting there, yeah. Not quite.

Ms. Candler: Does 3-B support our recommendations?

Ms. Lohman: 3-what?

Ms. Candler: 3-B.

Mr. Walters: It’s – I wouldn’t say it *supports* it, but it is an explanation of how we got into this mess.

Chair Axthelm: Well, so I had a little bit of comment on – a little bit! It’s a long statement – but on that, the non-motorized projects. We’ll go through that list first and then I’ll add that.

Ms. Candler: Okay.

Ms. Mitchell: Do we need to put something in about needs analysis since it ended up in the recommendations, though?

Ms. Del Vecchio: Well, I think most – I mean, most of your comments here kind of get at that. I mean, that’s – support that.

Ms. Mitchell: Okay. Okay.

Ms. Del Vecchio: That recommendation, _____ you know, it needs analysis – it’s not clear that a needs analysis has been conducted.

Ms. Mitchell: I'd like to find some way to say it and I'm getting brain-dead. It needs analysis as something that is normally done.

Ms. Candler: How about we can just tag it on to the end of 3-F, "Had not been _____ public vetting process or needs analysis"?

Ms. Mitchell: That'd be fine.

(several Commissioners speaking unintelligibly/inaudibly)

Mr. Walters: Okay, so I have "or needs analysis" added to 3-F at the end.

Ms. Mitchell: Yes, sir. Thank you.

Mr. Walters: How about this list? Do we want to strike any of the ones on this list?

Ms. Mitchell: Don't know yet.

Ms. Hughes: Is 3-A and 3-E about the same thing or is it two different thoughts?

Ms. Mitchell: They're two different thoughts.

Ms. Hughes: Okay.

Ms. Del Vecchio: I mean, I think it's a little bit repetitive. We could probably – I think 3-E is Kathy's comment and 3-A is staff's justification of why, but they both – I'm sorry. I can't talk.

Ms. Mitchell: If you want to marry them, go ahead.

Mr. Walters: One talks transportation in general – sort of a statement of how you're supposed to do it – and then one talks non-motorized in particular. And that statement is probably not true of the motorized projects.

Ms. Mitchell: Right.

Ms. Del Vecchio: Oh, yeah. 3-E is specific to non-motorized.

Ms. Mitchell: Right.

Ms. Lohman: I'm wondering if the word "demanded" is the right word on 3-G.

Mr. Walters: "Petitioned"?

Ms. Hughes: "Strongly supported"?

Mr. Walters: "Requested"?

Ms. Mitchell: "Requested" is better.

Mr. Walters: "Specifically" maybe? "Specifically requested via petition"? "Specifically requested" – anything like that?

Ms. Del Vecchio: Which one's accurate? Were they all by petition?

Mr. Walters: I'm only talking about the one, I guess.

Mr. Johnson: Well, the flashing lights on the North Fork Bridge –

Mr. Walters: I call that one of the small safety projects.

Mr. Johnson: Oh, okay.

Ms. Lohman: Because you were questioning whether it really needed to be even on the list given the monetary cost.

Mr. Walters: Right – very small.

Ms. Lohman: I mean, they could have just done it.

Mr. Walters: Right. I wouldn't even – I would call that one tiny. That is a tiny project.

Ms. Del Vecchio: Annie, on 3-H, what was the reasoning for including that ___?

Ms. Lohman: Because I thought it was interesting that it just spelled it out there but there was nothing for the 20-year plan in there to explain along that same type of idea, and I thought, well, if we're going to be using this 20-year plan we should have an analogous description.

Mr. Walters: Maybe we could expand on that there and say "and should have included a description for the 20-year"?

Ms. Del Vecchio: Yeah.

Ms. Lohman: There you go.

Ms. Del Vecchio: Because I didn't make that jump.

Ms. Mitchell: The description on page 251 under the transportation portion described the process for the 6-year TIP. Is that different than what 262 says?

Mr. Walters: What page is that?

Ms. Mitchell: 251. It's the first full paragraph that begins with "Pursuant to RCW 36.81.121," and it's a description of how the TIP was done, or the process for the TIP.

Mr. Walters: On 251?

Ms. Mitchell: Yeah.

Mr. Walters: I have something very different on 251.

Mr. Johnson: Could be clean versus track changes.

Ms. Mitchell: Oh, I'm sorry. Yes, this is the clean, not the track changes. I'm sorry.

Mr. Walters: What's the title of the –

Ms. Mitchell: It is under Transportation – Introduction – Chapter 8, and it is the couple of paragraphs right above the GMA mandate.

Mr. Walters: You'll have to give me just a second. This is in the Capital Facilities section? Is that right?

Ms. Mitchell: It's under Transportation. Does this help you?

Mr. Walters: Hold on. I brought up the clean. Yeah, it's under Transportation.

Ms. Mitchell: I just have my pieces of paper instead of the whole thing.

Mr. Walters: Okay, so now we're looking at the same thing. So what were you saying about it?!

Ms. Mitchell: Where it starts with "Pursuant" it describes the TIP process. Is that the same thing that we're saying here under 3-H or is that different?

Mr. Walters: Well, let's look at 262.

Ms. Mitchell: I'm kind of thinking it might be the same thing but I'm not sure.

Ms. Lohman: It's on page 262 of the track changes version.

Mr. Walters: Oh, yeah, they're the same.

Ms. Mitchell: Is it?

Mr. Walters: Yeah.

Ms. Mitchell: Okay. Thank you.

Mr. Walters: Just one's track changes and the other's not. So maybe we shouldn't say page 262. Maybe we should say at the beginning of the Transportation Element.

Ms. Mitchell: Okay.

Ms. Lohman: I had it there so you could find it.

Ms. Mitchell: Yeah, thank you. I was wondering if there were more places and I just missed them.

Mr. Walters: Okay, so do we want more changes then to section 3 here?

Chair Axthelm: The last one.

Mr. Walters: 3-Q?

Chair Axthelm: Yeah. And that's where – where you at? I'd like to add something to it. It says – and I'm not just concerned about property owners. I think that we need to have “and likewise open space conservation land.” Basically, when you have trails next to property owners, you have an issue with garbage and stuff like that, but also it needs to be considered with open space and conservation land.

Ms. Mitchell: I'd like to insert “trespass” in there because that ends up being a biggie.

Chair Axthelm: No, no, no. I'm talking open space conservation land next to property owners. So like it's important to respect the rights of property owners – oh, I see: “...that neighbor the trails and...” What I'm saying is property owners and conservation and open space lands next to the trails, or that neighbor trails.

Ms. Mitchell: That's good.

Chair Axthelm: So we're not just talking property rights, we're talking taking care of the land around it. Or NRL land or – is there anything else we need?

Mr. Walters: Well, the list that's at the end is all about property rights so I'm not sure we can insert this other concept right in the middle of this sentence. Maybe we want to have a separate sentence to express this.

Chair Axthelm: Oh. Okay, just put ____ “Likewise, it is important to respect” –

Mr. Walters: The preservation of open space?

Ms. Lohman: No, no.

Mr. Walters: What are we trying to express?

Chair Axthelm: Mainly what I'm trying – it's the likewise open space conservation land. So you have issue with garbage and stuff like that around people's property, but beyond people's property you have it also around – like, when I go down to the river or you go down on some of these bars and stuff, and people have been down there swimming and doing things, they leave their garbage there. That doesn't belong to anybody. It belongs to everybody. And that's what I'm talking about.

Ms. Lohman: What if you took out – what if you made it “It's important to respect property that neighbors trails,” because it wouldn't matter then if it was private property or open space property or public property.

Chair Axthelm: Sure. Because I'm not trying to just pick on property owners or on – say, Oh my property. I'm saying it's *everybody's* property. One of the biggest pet peeve I have is when you go to public – or parks and stuff like that and people just don't care.

Ms. Mitchell: Would public access be broader and capture it, besides trails? Would that cover?

Ms. Hughes: How about trails and open space?

Mr. Raschko: Well, now you're talking about protecting the open space equivalently to protecting private property. You're not talking about trails and open space next to private property.

Chair Axthelm: Either one. Whether trails and open space are next to private property or next to Natural Resource Land or next to the river, all aspects – people need to respect that.

Mr. Raschko: I agree, but does it belong here? Because it's talking about the Transportation Element – the trails.

Chair Axthelm: Which is trails, non-motorized.

Female Commissioner: It could.

Chair Axthelm: It still does.

Mr. Walters: I've rewritten it here to try to capture some of that.

Chair Axthelm: Okay.

Mr. Walters: All right, so are we good with 3s, the 3s? If we're good with the 3s, I'll put them in.

Chair Axthelm: Hold on a second. Transportation – I think I had something else I wanted.

Mr. Walters: If you have other new ones, we can get those while I'm working on bringing these in.

Chair Axthelm: Yeah, I had one. I'd recommend adding an advisory committee for non-motorized transportation.

(several Commissioners speaking unintelligibly)

Chair Axthelm: Oh, okay, I'm sorry. Why did I put that in miscellaneous findings?

Ms. Lohman: Well, you could say that to support it.

Chair Axthelm: Oh, okay, yeah. That would be an additional recommendation then. I'm sorry.

Ms. Lohman: Do you have to have a finding for each one?

Mr. Walters: I think we already have a recommendation about it.

Chair Axthelm: Do we already have a recommendation for non-motorized?

Ms. Candler: Yeah, 3-E and F.

Chair Axthelm: And then a finding also to me was there seemed to be a misunderstanding on the projects – there seems to be a misunderstanding on projects for transportation that are initiated or recognized by SCOG as being approved through Skagit County. Projects initiated by SCOG have not been approved through Skagit County unless they go through the appropriate Skagit County approval process.

Mr. Walters: And I think that that maybe is really important to the source of confusion; however, SCOG didn't initiate any of those projects. They came from County staff. But, yes, I think the point is they need to be approved by the County before they – before SCOG should consider them. But there's some harmonization we need to do of scheduling and who's doing what, which.

Chair Axthelm: Okay. And I think that was a source of a lot of the issues, is that you have a SCOG process and just because SCOG brings it up or because SCOG talks about it, and even if we gave it to them, it still has to go through our process before it gets approved.

Mr. Walters: Right.

Chair Axthelm: And that's where some disconnect is.

Mr. Walters: We shouldn't give it to them before it's been approved here.

Chair Axthelm: Yeah, and that's – we know that in the future and it's going to happen in the future, and I just want to make sure that that gets brought up. Is that in there to some effect?

Mr. Walters: It could be.

Ms. Mitchell: It needs to be.

Ms. Lohman: And wasn't there confusion on where the list started?

Chair Axthelm: Yeah, there was –

Ms. Lohman: How the list gets started in general.

Ms. Mitchell: There's lots of confusion.

Mr. Walters: How about "Projects should not be sent to SCOG for the Regional TIP until they have been approved by the County"?

Chair Axthelm: Well, and there's some confusion between SCOG-approved projects and County-approved projects.

Mr. Walters: Well, and we don't really care if SCOG approves them.

(laughter)

Mr. Walters: I mean, for our purposes here in this room we don't care if SCOG – someone cares, but it doesn't matter if they've been approved by SCOG. You're approving them first.

Chair Axthelm: But that was part of the point of confusion, I think.

Mr. Walters: That was part of the problem. And SCOG was changing their process at the same time because everybody was figuring this out all at once.

Chair Axthelm: Okay. I think that's a lot of the issue we had with the non-motorized projects, is that there was just – it's not that we didn't necessarily approve of those projects, that we didn't want those projects. It's that we wanted to make sure they went through the proper process.

Mr. Walters: Okay, what's next? I've pasted in all the 3s.

Chair Axthelm: I was looking at the police presence that I had on there on my list.

Ms. Mitchell: Where did we put the recommendation for the trail markers and addresses? Was that under recommendations or something else?

Mr. Raschko: I thought I saw that.

Mr. Walters: Yes. Additional recommendations number 3: Look into adding emergency markers and addresses for emergency situations for trails and public access points.

Ms. Mitchell: So do we need a finding to go with that?

Mr. Walters: Not – you don't necessarily have to have a finding for everything.

Chair Axthelm: Okay, so then I'd like to make a recommendation for that one. Additional recommendation is: Part of the implementation of non-motorized trails needs to have a well-planned system allowing for police jurisdiction and protection.

Ms. Candler: Are we switching from findings to recommendations? Should we finish findings, or no more findings? Do you want to switch?

Chair Axthelm: Yes, you're right. Go ahead. I was trying to – you're right.

Ms. Candler: I guess we may be ready to switch. Are there any other findings?

Ms. Mitchell: Anybody?

Chair Axthelm: Do we have a clarification on the Open Space Plan? Did you put anything in there on why?

Mr. Walters: Yes, we deleted the policy and moved it to narrative.

Chair Axthelm: No, on the finding itself.

Mr. Walters: In the findings. Yes: "In its scoping resolution, the Board did not express desire to update it to implement."

Chair Axthelm: Nope, that's not what I mean. A finding of fact is "Since the plan was adopted" – this is the statement I wrote which should be smaller than this, but – "Since the plan was adopted in 2009, the previous goal has been met. We recommended that the Urban Growth Area Open Space Plan be noted as reference in the Open Space narrative earlier in this section." So that's where we took it out.

Mr. Walters: Right. So that part of your sentence *is* a recommendation.

Chair Axthelm: Yes, I'm sorry. So since the plan was adopted in 2009, the previous goal has been met. That's why we took it out.

Ms. Candler: So you want that sentence as a finding? Is that what you're saying?

Chair Axthelm: Yep.

Mr. Walters: So I'm adding the sentence "Since the plan was..."

Chair Axthelm: Since the Urban Growth Area Open Space Plan was adopted in 2009 – Urban Growth Area Open Space Concept Plan was adopted in 2009, the previous goal has been met.

Mr. Walters: I'm saying the policy.

Chair Axthelm: We already made the recommendation to have it as a reference, right? And then additional to that is –

Mr. Walters: How's that? "Since the plan was adopted in 2009, the existing policy to identify open space has been achieved."

Chair Axthelm: Yes. Yes, and then additional to that is the Urban Growth Area Open Space document and the ordinance requirements – this is a finding of fact – reason for action, sorry – requirement at the adoption in 2009 requires many tasks to be completed before implementation. The Urban Growth Area Open Space Plan requires funding, advisory committees, levies, taxes, and further development of the Concept Plan as part of the implantation process. And currently the Urban Growth Area Open Space Plan can be used as a document to refer for ideas, public opinion studies, et cetera. If the Comprehensive Plan through the amendments – through amendments following the proper Skagit County approval process were to be changed to add individual goals and solutions found in the plan – not the plan as a whole – but goals and solutions could be realized sooner.

There's a lot of people in opposition to some of the stuff in the plans. Some of the stuff in the Urban Growth Area Open Space Plan. So to avoid that opposition, you could incorporate individual items into the plan – not referencing it, just pull items out. Put them as a goal, put them as something in the Comprehensive Plan, and then they could move forward instead of getting stuck on this it-wasn't-approved thing.

Ms. Lohman: Mr. Chair, would it be all right if I just gave my copy to staff so they had it because it's pretty long.

Chair Axthelm: I think they have it.

Ms. Candler: Josh, are you saying you want that whole thing or do you like what Ryan's done to kind of try to make it shorter?

Chair Axthelm: I'd still like it to say some of the things in there because that's what it – that's what I pulled right out of the document itself.

Ms. Del Vecchio: Does this connect to our recommendations?

Chair Axthelm: Yes.

Ms. Del Vecchio: Does it?

Mr. Walters: Does that capture in many fewer words?

Chair Axthelm: Yeah. Yeah, it does. I would say “plan requires further work.” But there was also – I mean, it specifically said “funding, advisory committees, levies.” It had those in there as part of the implementation process.

Mr. Johnson: If I could just – chapter 1 of the plan, the Introduction, the third paragraph on page 1 says “This document outlines the choices that are available and the means for implementing preferred actions found to be of most interest and benefit to Skagit County residents concerning open space separators around the ten county UGAs.” So I just – I feel it is unfactual to say that the plan *requires* x, y, and z. The plan *recommends* a number of things based on the planning work that was done, but I really think it’s just inaccurate to say that it *requires* anything.

Chair Axthelm: I thought the terminology I took right out of there, but...okay.

Mr. Walters: Also you might say that any of those things would be *part* of implementing it rather than the thing that has to happen *before* implementing.

Chair Axthelm: It’s ____.

Ms. Mitchell: I think the point was that the implementation chapter was huge with a lot of components to it.

Mr. Walters: Maybe that’s more the point that the – that implementation requires a lot of choices. You can make those choices.

Ms. Candler: So would it make sense to exchange the word “review” for the word “work,” or something along those lines?

Ms. Lohman: If I could – I think we keep forgetting why we went through the exercise of having the Open Space Plan. It was because we were directed to identify those spaces, those – I’m feeling kind of punchy so I can’t get it out – the corridors between UGAs and identify certain things. And it kind of morphed into a little more than just doing their task at hand. So it *did* identify those and we were given credit for identifying those things.

Mr. Johnson: I’m not arguing with your recommendation to, you know, not have a policy that says to implement it. I’m just saying that the plan, you know, from the third paragraph of the Introduction says it outlines choices and so I just think it’s factually incorrect to say that it requires anything. I think how Ryan has it phrased – that to implement the plan it could require creating an advisory committee, coming up with evaluation criteria, ranking projects, looking at funding mechanisms. But I’m just saying that the plan itself does not say, you know, if this plan is implemented, all of these things must be done immediately, any more than the policy that says Skagit County should consider an agricultural industrial park and should consider placing that on Ag-NRL land means that if that policy is adopted that the very next day we have to go out and do those things either. That’s all I’m saying.

Mr. Walters: So does it assist to rework this as further work “should be done” to identify which paths to implement the Open Space Plan?

Several Commissioners: No.

Mr. Walters: No?

Ms. Lohman: I think you could end after the first sentence and leave it alone.

(agreement from several Commissioners)

Ms. Lohman: I think you're getting too far in a rabbit hole.

Ms. Mitchell: Yeah. If we add the extra, then we're bargaining. Just make it simple.

Mr. Walters: Well, Josh had a lot more going there.

Ms. Lohman: Yeah, he did.

Ms. Mitchell: I know.

Mr. Walters: Am I deleting the highlighted portion?

Chair Axthelm: Because that's what I was saying – desirable portions – I was trying to say – I'm trying to give the people that are doing the trails some leeway and understand that we are listening to them. We acknowledge that they have important things to say and this is an opportunity. It's not – we're not saying no to the plan. We're not saying we don't want any of it and making that decision. We're saying yes, we can incorporate portions into it but let's go through the proper approval process.

Ms. Lohman: Well, and that's in the recorded motion that's attached to the County Commissioners' adoption of that. So I think that's already very loudly said, that this is not a stand-in for a trail plan.

Ms. Mitchell: Right.

Chair Axthelm: Okay. I just wanted to reiterate that, that if you don't – I mean, it's up to you guys if you want –

Mr. Johnson: Josh, I would be quiet if you said "implementation of the plan would require da-da-da-da," rather than "the plan requires..."

Chair Axthelm: Oh, okay. Then that's probably a better term for it – implementation of the plan.

Mr. Johnson: I think that's more accurate. I don't care if you want to – as a Planning Commission – want to keep it or not. I just feel that it's a more accurate statement.

Ms. Candler: I'd take out "before it can be implemented."

Chair Axthelm: In reality, it gives a way around it to say if somebody wants to suggest trails and change the Comprehensive Plan they can do that faster. Reference the Urban Growth Area Open Space Plan and it can go through the approval process faster. Otherwise, it's stuck on the plan itself, and if we can get past that...

Mr. Walters: Really what I would like to see is us quit talking about the Open Space Plan. If there's something useful in it, I think we should extract it, go for it, make it happen. If there isn't anything useful in it that we don't want to do, then somehow get rid of it.

Ms. Mitchell: I agree. But there's one – he put Open Space Concept Plan in that second blue line.

Chair Axthelm: I still want to acknowledge the – I mean, the tremendous amount of work that went into it, the wonderful studies that were done, the people that were involved. That's all really important and it's not for naught. Give it an avenue to have realization instead of getting stuck. And it's just been stuck because of some of the details and that's not what I'm – I'd like to see it – I'm not saying no to it. I'd like to see it come through. I just want a few of those things to go through the proper process, which a lot of people didn't feel like did. Okay.

Ms. Hughes: I'd like to delete a tax levy because we never really went there.

Mr. Walters: I think that's just saying that that's one of the things that's talked about in it.

Ms. Hughes: But we said funding.

Ms. Mitchell: It's in the – it's in the plan.

Chair Axthelm: It's in it. It says funding. That's where I got the word.

Mr. Walters: I mean, clearly we don't need to say that there, but it *is* one of the things mentioned. Maybe it should say "further work or study."

Chair Axthelm: Okay. Are we okay with this?

Ms. Candler: Yes.

Chair Axthelm: Okay.

Ms. Lohman: Are there other findings?

Chair Axthelm: Do you want to vote on it for that one? Or are we okay? Is there any ___?

Ms. Mitchell: The one place I've got an objection is it could be integrated. You know, there may be all kinds of pieces to it, but that's kind of jumping the gun until they're identified, and if the Board of Commissioners wants to do that, they'll do that anyway. In other words, that's unnecessary. I still think you can make a simple statement.

Chair Axthelm: Okay, how would you change it?

Ms. Mitchell: Stop it after "tax levy," parenthesis, period.

Ms. Del Vecchio: I think the last sentence doesn't necessarily –

Ms. Mitchell: It doesn't get us anywhere.

Ms. Lohman: It doesn't say anything. It's kind of hanging ____.

Mr. Walters: I actually like the last sentence because it could lead to some future outcome where we don't have an Open Space Plan anymore.

Ms. Candler: It actually does what you guys are talking about. Don't just implement it as is. If you want these ideas, put them in there.

Ms. Del Vecchio: But shouldn't that have been part of our recommendations? I'm just saying this doesn't connect. I feel like that's a recommendation.

Ms. Candler: Yeah.

Mr. Walters: I stopped caring about where these things exist ____ –

Ms. Del Vecchio: Gotcha. Okay.

Mr. Walters: – about an hour ago. But, yeah -

Ms. Del Vecchio: Yeah, please. I am not recommending that we revisit.

Mr. Walters: – the point is well-taken.

Ms. Lohman: Well, I kind of agree. It is not a finding. It's a recommendation.

Mr. Walters: It's not really a recommendation, though, because it doesn't say "Please do this." It just says –

Chair Axthelm: It could be. Let's give it an _____.

Ms. Del Vecchio: I'm fine with that.

Ms. Lohman: I don't know. I would recommend striking the last sentence.

Ms. Mitchell: I would strike it, too. If they want to do it, they'll do it. And they didn't want to do it. That's why they said keep that thing simple.

Chair Axthelm: I just want to give them some type of –

Ms. Lohman: I don't think it does anything. I think it's more confusion.

Ms. Del Vecchio: Do we need to vote on this one?

Chair Axthelm: I think we need to vote on this one.

Mr. Walters: Yep. Yep.

Chair Axthelm: So should we vote on it as is or vote on that last little portion of it?

Ms. Mitchell: Just the last portion of it.

Chair Axthelm: Whether to include the last portion.

Ms. Mitchell: Because that changes the whole thing.

Chair Axthelm: So all those in favor of adding –

Mr. Walters: Adding the first sentence?

Chair Axthelm: No, I'm just saying adding the first, or adding the statement from "desirable portions of the Open Space Concept Plan could be integrated directly into the Comprehensive Plan in place of the directive to implement the plan itself" – into that, the rest of the statement. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say "no."

Multiple Commissioners: No.

Chair Axthelm: How many's no? Can you raise your hand? One, two, three, four. Okay, nos have it so take it out.

Mr. Walters: I'm deleting this sentence.

Ms. Mitchell: Yes.

Chair Axthelm: I hope they get the message on that, though!

Ms. Mitchell: They will.

Mr. Walters: Oh, if it's not written down... So are we accepting this sentence?

Chair Axthelm: Is the Commission – are there any opposed to the statement as it's shown from –

Ms. Lohman: Can we strike "Since" and just say "The plan was adopted in 2009. The existing policy to identify open space has been achieved"?

Chair Axthelm: Okay.

Ms. Lohman: I don't think you need to say "Since."

Chair Axthelm: Strike "Since" up at the top

Ms. Candler: Then it needs to be two sentences.

Mr. Walters: That's one of your not liking "because." How about that one? Is that better?

Ms. Mitchell: Oh, let's just hit them all tonight.

Chair Axthelm: So as number 9 is currently shown onscreen.

Ms. Lohman: There, a semicolon does it.

Chair Axthelm: Are we okay with – sorry. All those in favor as the statement for number 9 as shown onscreen, say “aye.”

Multiple Commissioners: Aye.

Chair Axthelm: All those opposed, say “no.”

Ms. Mitchell: Still reading.

Mr. Walters: What? What?

Ms. Mitchell: I’m still reading.

Chair Axthelm: Oh, that statement?

Ms. Mitchell: Mm-hmm. Okay, I’m done.

Chair Axthelm: You okay with that?

Mr. Walters: Okay. Any other findings?

(silence)

Chair Axthelm: So if there’s no more findings, I did have –

Ms. Lohman: Is there something – is there a 12, Ryan, or is that the end of the page?

Mr. Walters: It goes on to 23.

Ms. Lohman: What is 12? Okay.

Chair Axthelm: And we already – we went through all these but we just _____. Okay. So additional recommendations. Did we add the advisory committee for non-motorized transportation?

Mr. Walters: Yes.

Ms. Lohman: Can we jump to our recommendations and then –

Chair Axthelm: That’s what I’m looking at.

Mr. Walters: Yes, we have that advisory committee.

Chair Axthelm: Okay, the other one is the police presence on non-motorized pathways.

Mr. Walters: No, we don’t have police presence for non-motorized pathways.

Ms. Lohman: I guess I’m not understanding that.

Ms. Del Vecchio: You mean the emergency markers? Is that what you're talking about?

Chair Axthelm: No. Well, it kind of goes with that but part of the implementation of non-motorized trails needs to have a well-planned system allowing for police jurisdiction and protection. And one of the issues that they had was that the police kind of had arguments of whether they could police it or not or whether they could respond to issues on it, and I would like to make sure that gets addressed. That's a recommendation.

Ms. Del Vecchio: I think that's what led to our additional recommendation number 3.

Chair Axthelm: Yes.

Ms. Del Vecchio: Okay – which is already in there.

Ms. Mitchell: Do you want to add to it?

Chair Axthelm: No, but as far as police presence. Oh, okay. No, you're right. You're right. I addressed – okay, sorry. I didn't catch the "emergency situations." So you're right.

Ms. Mitchell: Does that cover it for you?

Chair Axthelm: That covers it there and then – I think I got it. Martha, you had said something about Sedro-Woolley. No, I'm sorry. Sedro-Woolley, about developing the downtown? Just a recommendation in that direction?

Mr. Walters: We did not include that – anything about that in the menu because it doesn't really support your recommendation.

Ms. Del Vecchio: Are we on – I'm sorry – are we on findings of fact or recommendations? I'm not sure what we're doing right now.

Ms. Candler: I think we went – we asked if there were any more findings. No one said anything so we've moved to recommendations. Is that correct?

Ms. Del Vecchio: _____. Just making sure.

Ms. Lohman: We might flesh out a finding _____. Can we just start at the beginning like we were?

Ms. Candler: I'm sorry. I've got to go.

Mr. Walters: You might be done. I want you to consider the possibility of thinking that you're done.

Chair Axthelm: Okay, we're done. I'm sorry. I was just – I wanted to make sure your concerns were taken care of as far as the downtown.

Ms. Candler: I appreciate it but I don't think we can put it in there because the motion did not carry.

Ms. Mitchell: Oh, right. It didn't.

Mr. Raschko: That's right.

Chair Axthelm: Mm, okay.

Mr. Walters: If you're done, then someone should move to adopt the recorded motion as prepared.

Ms. Candler: I think, Josh, you had one thing that we were going to put in findings but it seemed more appropriate in recommendations. And I'm sorry I didn't make a note just a few minutes ago. Do you remember what that was?

Ms. Mitchell: We took that out and he had a different way of saying that.

Chair Axthelm: I remember.

Mr. Walters: I think it was about transportation and I think process and we captured a lot of that.

Ms. Candler: We captured it. Okay. I thought there was one other recommendation because I remember – but if we covered it, that's good.

Ms. Del Vecchio: I move that we adopt the – approve the recorded motion as currently prepared.

Female Commissioner: Second.

Chair Axthelm: So is there a general statement on this or is – no.

Mr. Walters: This is the whole thing, the whole document.

Chair Axthelm: No, I know. Don't we usually have a general recommendation on it?

Mr. Walters: Yeah, the recommendation at the beginning is to approve – approve the proposal with the modifications.

Chair Axthelm: There you go. Okay. So the Planning Commission recommends to the Board of County Commissioners approve the proposal with the following changes – or which the recommendations and –

Mr. Walters: One through 38.

Chair Axthelm: So recommendations – it'll include all those – information.

Mr. Walters: Everything on the screen. I'm going to print it here in a minute.

Chair Axthelm: Okay.

Ms. Mitchell: You're laughing at us!

Chair Axthelm: Is there any further discussion?

(silence)

Chair Axthelm: Okay. All those in favor, say "aye."

Multiple Commissioners: Aye.

Mr. Walters: Wait, wait, wait. We need to do a roll call vote on this one.

Ms. Del Vecchio: Oh, dear.

Mr. Walters: So, if you want, I'll call the names.

Chair Axthelm: Okay.

Mr. Walters: Commissioner Rose?

Ms. Rose: Aye.

Mr. Walters: Commissioner Jett?

Ms. Jett: Aye.

Mr. Walters: Commissioner Hughes?

Ms. Hughes: Yes.

Mr. Walters: Commissioner Raschko?

Mr. Raschko: Aye.

Mr. Walters: Commissioner Lohman?

Ms. Lohman: Aye.

Mr. Walters: Commissioner Mitchell?

Ms. Mitchell: Aye.

Mr. Walters: Commissioner Del Vecchio?

Ms. Del Vecchio: Aye.

Mr. Walters: Commissioner Candler?

Ms. Candler: Aye.

Mr. Walters: Commissioner Axthelm?

Chair Axthelm: Aye.

Mr. Walters: All right. I wasn't actually listening to your votes, but I assume the mics caught it. Was there anyone who voted no?

Chair Axthelm: Aye was unanimous.

Mr. Walters: And everybody's here. No absences. No abstentions. I was focusing on pronouncing the names.

Ms. Lohman: I think you missed –

Chair Axthelm: I do want to say something Ryan and Kirk.

Ms. Del Vecchio: Hold on. Wait. I'm not in there.

Ms. Lohman: You missed Hollie.

Ms. Del Vecchio: You missed me!

Ms. Candler: You're there. You just didn't vote.

Ms. Lohman: You missed Hollie.

Ms. Del Vecchio: I am definitely here and I want it recorded.

Mr. Johnson: Your voice isn't, though, so you're not counted.

Chair Axthelm: Ryan and Kirk and Dale, I'd like to say something. When I made that statement about the – being – it was the first little thing on the – now I can't remember what it was.

Ms. Candler: It was about the public policy or process.

Chair Axthelm: Yeah, the public process and stuff. That was not aimed at you guys as far as that. I think it was just a matter of saying we need to make sure that these things are more solidified. And it wasn't your fault with the transportation issue. But we want to acknowledge (the) public and their involvement, and make sure that they feel like they've had the involvement they need. So that's really what it's about. I just want to say thank you for working with us on this and clarifying it, and especially when you guys stepped up with the clarification on it and got the other departments to work together. That really seemed to smooth it out and I appreciate it and thank you very much.

Mr. Walters: Thank you. You did a lot of extra work to try to figure that out sort of at the last minutes. Thanks for following along and reading the stuff, some of which, you know, necessarily came out a little late. There will be more public process associated with that and the Board will doubtlessly have some instruction on how to improve the process in the future, which we hopefully will – none of us will be here to do because it will be eight years from now.

How many of you would like commemorative copies of the recorded motion? Okay, that's – so we'll do three. Oh, all right. Well, then we'll just do one and we'll sign it. Department Update?

Mr. Pernula: It's not on the agenda.

Mr. Walters: It's not on the agenda? Okay. Well, then let's just say that next week Shoreline.

Ms. Candler: Is there going to be – can I – is there going to be a breakdown on the – well, I guess there will be a new staff report coming out?

Mr. Walters: Yes.

Ms. Candler: And that will tell us exactly pretty much what we should expect to cover?

Mr. Walters: Yes. We anticipate there will be two more meetings on the Shoreline, next week and the week after. We will have two more staff reports and they're just focused on public comments.

Ms. Candler: Right. I was just kind of wondering. Are we going to be ready to do Lake Cavanaugh next week?

Mr. Walters: It's out.

Chair Axthelm: When is the Comprehensive Plan going before the Commissioners?

Mr. Pernula: We have a date on that. I don't recall what it was.

Mr. Walters: Next Tuesday, I believe, the Comprehensive Plan will go before the Board to get their direction, and I think adoption will be on the last day of June. Yes, it should be – yeah, whatever the regular time is.

Ms. Mitchell: 8:30 next Tuesday. You'll send us an e-mail for confirmation?

Mr. Pernula: You bet.

Ms. Mitchell: That'd be lovely.

Mr. Walters: And then we're anticipating bringing them into special session on the last day of June for final adoption. Just because we've come this far, why not meet the deadline?

Ms. Candler: Have we reached the end of the agenda? Can we adjourn?

Mr. Walters: I think so.

Ms. Del Vecchio: Motion to adjourn.

Chair Axthelm: Motion to adjourn.

Several Commissioners: Second.

Chair Axthelm: The meeting's adjourned (gavel).