

**Skagit County Planning Commission
Status Report: Rural Forestry Initiative (RFI)
Introduction: 2017 CPA Docket
January 24, 2017**

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

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

Public Remarks

Commenters: **Carol Ehlers**
 Ed Stauffer

Chair Josh Axthelm: (gavel) It's Tuesday, January 24th. Welcome to our Planning Commission meeting today. Do we have any changes on the agenda? Actually, I – one was Kathy Jett's name was omitted from it, but that was a clerical error.

Dale Pernula: We apologize for that.

Chair Axthelm: Is there any other changes to the agenda?

Female Planning Commissioner: No.

Chair Axthelm: Okay. Seeing none, we'll move on to the first item on the agenda, the Public Remarks. Do we have any remarks from the public?

Carol Ehlers: Carol Ehlers, West Fidalgo Island. But I'm bringing here to bring up a subject of east county. I suspect that you have read in the newspaper the problems that east county's having with elk that don't understand they're not supposed to dig up potatoes and they're not supposed to eat orchards. The federal government has decided that that whole mountainous area is suitable for grizzlies and endangered species. And the EIS has not been published yet, nor has there been a legal notice anywhere, but the newspaper said there would be a hearing in Darrington and in Bellingham. And I came to the Commissioners this morning and asked that there be one here so that it could be videotaped and that we could bring things and show and tell what some of the difficulties are with the economic consequences.

There was an article in the *National Geographic* last year in May on Yellowstone. It's the best description that I have ever read of the relationship of wild territory – natural – with elk and the problems they bring in and their needs, and grizzlies. According to that, grizzlies need a lot of – they don't just live on blueberries. They eat a lot of fish, and the only fish I can think of in this area are the endangered species. So if we have an endangered species eating an endangered species, I don't know what we do in that conflict.

But I was taught many years ago that if you're going to argue with a government you have to use a government document. The government document these people are looking at is a topographic map that really does – I have a copy, three-dimensional. I'll bring it in so you can see it if you ever want to. You look at that and there isn't possible for any kind of economic benefit up there, so of course the grizzlies are fine. Anything else is too. But if you look at the Skagit County topographic maps, the only thing you see is a zoning map in upriver. I can find no Skagit County government information on the agricultural economy in east county.

That's part of the trouble they're having with the elk. How do you know there's orchards? I know there's an orchard because of a Planning Commission situation years ago. Most people don't think of the orchards up there. They don't realize that elk have figured out how to dig potatoes. I don't know whether grizzlies like them but everything I read says if you have a cabin, which is what they think people have, then you have to make sure that all the fruit is off your fruit tree so that the bears won't get it. Well, what do you do with an orchard? What do you do with your sheep? What do you do economically? And this Planning Commission and this Planning Department has, in my experience, been told for decades we're not supposed to pay attention to economic issues. But I think that time should have ended, and it might just as well end with east Skagit County because I was one of those who put in that national park in the wilderness area. We did it to protect the river water quality. We did it to provide an economic basis for people to live up there. We did it so that there would be state funding and federal help for a highway that went across through the North Cascades leading to the recreation area.

Chair Axthelm: Carol, your time's up.

Ms. Ehlers: And I don't want it destroyed because of ignorance. Thank you.

Chair Axthelm: Thank you. Any other public comments?

Ed Stauffer: Good evening, Commissioners. I'd Ed Stauffer. I live in Alger on the west slope of Chuckanut Mountain. I came to the Commissioners' meeting this morning and some things happened that made me think of you. Your work load in the past year was truly awesome and many times it was frustrating, and I thank you for your tenacity in sticking it through. Our Board of County Commissioners is very proud of you. Commissioner Dahlstedt made an extended statement this morning where he described what he saw as your value and your function, and I would suggest that each of you review that on TV-21 and very carefully take to heart what the Commissioners see of you and what your role is in Skagit County and our three-part planning.

Quickly, the Comp Plan Amendments you'll look at tonight: I have a question of you. I want you to search your souls. Is each Commissioner aware of the content of the amendment proposals that were submitted? Do any of you know the content of the one I submitted and the disposition on that? If you don't, you should know the content because the Planning Department receives those, juries them, and recommends to the Board of County Commissioners deletion or docketing. And this morning they voted – or previously they voted on which will be docketed.

Those that aren't docketed are gone. They are available on the website. But you should be aware of those. You should be included in that process.

Number two, the Work Plan – the annual Work Plan. Are all of you aware of all the components of the Work Plan, the grants that are being applied for, the conditions that are coming with those, the agencies that are intervening in the government, the proposals that you're going to deal with this year, the things that you're going to go into making a decision listening without prior information? You need to be aware of the Work Plan. It's already been ratified this morning without discussion. There was nothing published on the Work Plan for the general public so too bad. One thing that was missing, I think, was doing anything about the CaRDs. So they're proceeding with a number of issues without resolving that, which is a preordered issue. You don't want that to happen. That would be your job, is oversight to make sure that these things are coordinated.

And, finally, the Rural Forestry Initiative: That's a mess. It's been a mess for years. Did you know that that was dealt with once before by the Planning Commission? Public hearings were held, public testimony was submitted. Many of the letters were submitted by members of the rural Forest Advisory Board, many of still seated, many of them today – I went to their last meeting – have the same complaints they did about the last version of the way the staff handled the Rural Forestry Initiative. So there's a controversy going on. Are you aware of the history of this issue? Are you aware of what's being asked of the rural citizens of this county?

So there's a lot of work to do, but I think if you get organized ahead of time you can get some of that work done and then not have to deal with it as they read it to you sentence by sentence eight months from now. Thank you.

Chair Axthelm: Thank you. Any other public comment?

(silence)

Chair Axthelm: With that, we'll move on to the next item on the agenda, the Officer Election. And Article – what's the number of the IV?

Annie Lohman: Four.

Chair Axthelm: Four – thank you. The Planning Commission Bylaws provides the Planning Commission elects Chair and Vice Chair from among its membership at the first regular meeting of each year. So do we have any nominations for Chair of the Planning Commission?

Ms. Lohman: I'd like to nominate Tim Raschko.

Kathy Mitchell: Second.

Chair Axthelm: Okay. Do we have any other nominations for Chair?

(silence)

Chair Axthelm: Third time: Do we have any other nominations for Chair?

(silence)

Chair Axthelm: Okay. So Tim Raschko has been nominated for Chair. All those in favor, say “aye.”

Multiple Commissioners: Aye.

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

(silence)

Mr. Axthelm: Okay. It is your seat now.

Chair Tim Raschko: You don’t want to do the Vice Chair?

Mr. Axthelm: That’s your job.

Chair Raschko: Okay. Before I go to that ___ chair, I’d just like to say thank you, and also that I hope this is based somewhat on merit and not just on the perception that I have more spare time than everybody else because I’m retired. Okay? Having said that, have we any nominations for Vice Chair?

Ms. Mitchell: I wanted to nominate Tammy Candler for service, and the problem with her not being here – I don’t know if you can do that. Can you?

Ryan Walters: Sure. Why not? She may decline it after she comes back.

Ms. Mitchell: I know in the past she had been open to that kind of thing, but I would want confirmation before doing that to her. But what do you guys want?

Chair Raschko: Are there any other nominations?

Mr. Axthelm: I’d like to nominate Kathy Mitchell.

Chair Raschko: I second it – or can I?

(laughter)

Martha Rose: I’ll second it. There you go. You got your second.

Chair Raschko: Any other nominations?

(silence)

Chair Raschko: Okay, it’s been moved and seconded that Kathy Mitchell be Vice Chair. All in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Congratulations.

Ms. Mitchell: Thank you. I’ll get Tammy later!

Chair Raschko: Okay.

Ms. Lohman: Do you want to switch seats?

Ms. Mitchell: I'm fine here.

Chair Raschko: All right, we'll move on to the Rural Forestry Initiative Report.

Mr. Pernula: Okay, I'll turn it over to Kirk Johnson in just a second. I just wanted to preface this with – we have been working on this for a few months now and I think we're getting somewhere. As we were working along, the Prosecuting Attorney's office indicated that they really wanted to do an in-depth analysis – legal analysis – to make sure that the direction we are going is compliant with the Growth Management Act, and that's why it's really an update rather than something that's further along. But we do want to have the – we do want to move forward on it and we want to bring it back to the joint meeting that we're going to be having with the Board of County Commissioners. Because we want to get this legal analysis done prior to it coming back, we have delayed the joint meeting with the Board of County Commissioners until March, probably the March 7 meeting that was advertised. So I'll turn it over to Kirk now.

Kirk Johnson: All right. Thanks, Dale. Good evening, Planning Commissioners. So this is going to be a recap. A *lot* of it is going to be a recap of the presentation that we did back in October, but it's been a while and also it's probably helpful to go over some of the issues again. And I am going to ask for help from John Cooper, who's really our technical expert on forestry issues, and also possibly Ryan, who's very knowledgeable about our code.

So to begin with, the Forestry Advisory Board asked the County to implement the concept of the Rural Forestry Initiative, and that was maybe 10 years or so ago so this has been around for a while. It never has come to the Planning Commission as a legislative proposal that's gone out for public hearing and comment. It's always been in a draft form.

The Commissioners put RFI on the Department's Work Program, and so we are working on it. And we're working on it together with something that's required by state law, which is to transfer jurisdiction for forestland conversion permits from the Department of Natural Resources to Skagit County. And we're also working on land clearing rules that are also required – that the County is required to adopt under state law. So the RFI is not necessarily linked hand in hand with those two other issues but because we're working on forestry issues it's a good time to move forward other things that we need to do in the forestry arena.

You may remember this from last time. Environmental review for development is done under the County's critical areas ordinance the County's required under the Growth Management Act to have critical areas regulations that protect critical areas. It's required to designate and then protect those critical areas.

Environmental review for forest practices, if that's all that's occurring on a piece of land, is done by the Department of Natural Resources under the state forest practice rules. So if a timberland-owning company wants to do a harvest on its land and it's not doing any conversion of the land, it's not cutting the trees and pulling the stumps and planning to do development, they wouldn't come to us. They'd come to the Department of Natural Resources and submit the permit application for that practice.

RFI really looks at what happens in instances where development and forest practices are proposed on the same parcel or the same tract of land. And that's where it gets kind of interesting. Do you defer to the critical areas rules? Do you defer to the forest practice rules? Or is there some kind of hybrid approach that can be used to look at the developed area under the critical areas ordinance and the area that's going to be subject to forest practices under the state forest practice rules. And at a very kind of high conceptual level, it's pretty simple. It makes sense that one would be considered under one set of rules and the other under another set of rules. As you get into some of the intricacies it becomes a little more complicated and that's why we've been having repeated conversations with the Forest Advisory Board and continuing to work on this.

One thing we were able to clear up with the Forest Advisory Board is that we already essentially implement the Rural Forestry Initiative on existing parcels where there's no division of land that is proposed. And actually I'm not going to – that's the second option I'm going to show here. But so if you have an existing parcel – let's say you have 10 acres of Rural Reserve and you want to put a house on a portion of it, and then you might down the road want to harvest some timber on your land but not convert that land for development, there's one option that would have us review the entire parcel under the critical areas ordinance. And according to John, this is what most landowners request when they come into the Department, and I'll talk about why in a second.

So those critical areas are then protected under the County rules and the – you know, the housing site is identified and wetlands or stream buffers or whatever is associated with that right in the developed area is done by the County, and then forest practices can proceed under Department of Natural Resource review after the critical areas are protected by the County. And it really gives the property owner maximum flexibility for development purposes. Like, if they want to come back later and put a stable or a barn or a shed or something on the property, their critical areas review is taken care of. And so it's what a lot of people choose to do because a lot of people who are developing their property are not long-term forest management companies or foresters. That's really a secondary purpose for owning and living on the land.

But we do have – okay, this is just an illustration of Option 1. So basically you have the 10-acre parcel, you have the housing site in, say, the lower right-hand corner, and the entire parcel is reviewed under the critical areas ordinance and protections put in place, depending on what's on the site there.

So then for an existing parcel, Option 2, which is currently available, the County will only review the developed area – so where the house is going to be put on the land – plus a 200- to 300-foot buffer around that under the critical areas ordinance. And the 200- to 300-foot buffer depends on what types of critical areas might be immediately around the development area. And if you have questions on that, you can direct them to John.

Review for landslide hazards may consider surrounding – the surrounding area either on the property or on somebody else's property to make sure that where the house is proposed to go is a safe place for a residence. If you have a very steep hillside that's prone to sliding, whether it's on your property or on a neighbor's property, the County after, you know, going through the geohazard review and all, is not going to recommend or allow placement of a house if it's clearly in harm's way. So that's – we don't review the whole 10-acre parcel for landslide or geohazards unless it might directly affect the development on the property.

So then if the landowner wants to come back and harvest timber on the rest of the land after the development process has gone through, they would go to the Department of Natural Resources and apply for a forest practice permit. Again, as – well, I'll just leave it there. I was going to say if it's not a conversion, but even if it were a conversion at this point they would go to DNR. It's that conversion process that we are planning to transfer to the County. And I hope that wasn't an unnecessary confusion.

So anyway, this is really an RFI-friendly option that's already available on existing parcels, and so we were able to clear that up with the Forest Advisory Board that, you know, we're already doing RFI if you have an existing parcel and you want to put a house on part of it and do timber on the other part.

And this is just again an illustration. Down in the lower right-hand corner you've got the home site and then you've got an area 200 to 300 feet around that which is the buffer area where we would look for critical areas and the applicant would submit information about what's there and there'd be a critical areas, well, review and possibly site assessment. And then again John in his review would look more broadly than that to see if there are geohazards that might affect development in that part of the property. And thanks to the wonders of animation – Ryan – if it's determined that that's an unsafe place to put the house, it may require to be moved to someplace that's not subject to those same risks.

So we can all – a landowner can already essentially do Rural Forestry Initiative on an existing parcel. We don't have that option currently on a – through a land division and, more specifically, through a CaRD, which is a Conservation and Reserve Development, which involves clustering residential lots on a portion of the property and then leaving the remainder in open space. And one of the reasons is that state law and County code assume that land divisions below a certain size – if you're creating parcels that are smaller than 80 acres, I believe, they presume that that land division is being done for development purposes.

And so the laws seek to ensure that all the necessary infrastructure and utilities are available and installed at the time of the land division. So, Is there water? Where are the roads going to go? How are you going to handle septic? Typically a critical areas review to make sure that home sites aren't proposed to be placed in a Type 1 wetland area or, you know, an area where really they shouldn't be going. And the goal there is to protect people who buy a lot so that they know that they will have water or they'll have a way to get to their house on a driveway, and also to require development to cover its costs and impacts.

So there are a lot of requirements under state law and existing in County code on land divisions, and it's one reason why we've concluded that we really can't do Rural Forestry Initiative on a standard land division where you might have 40 acres of land and you're putting a house on – one house on four 10-acre lots. We just don't think we can get there under state law. So where we're focusing is CaRDs, which for purposes of conserving forestland for long-term management is really a better option because it clusters the development on a portion of the property and puts the remainder in an open space, which could be a forest open space.

So current practice: The development parcels, the area where they're proposed is identified and clustered. And the remaining open space is either reviewed under the County's critical areas ordinance, or the whole thing or a part of it can be placed in an Open Space-Protection Area easement where there can be no development and no forestry. So if you want to do your CaRD and you don't want to do critical areas on the remainder, you can put it into this Open Space-Protective Area easement where you can't develop, you can't log, harvest, whatever – but also

you don't need to go through the expense of doing the critical areas review. If somebody chooses not to do that, then the remainder of that area is reviewed under the critical areas ordinance. And then if they want to come back later and harvest or do other forest practices on part of the land, there might be a portion that's in a critical areas easement that wouldn't be subject to harvest under DNR rules, but the rest of the area of the remainder of the parcel would be available – or would be subject to the DNR permit.

The proposed RFI option for land divisions would look a lot like the development on the existing lot, where the County would review the developed area – so maybe where those two residences were going to be placed – plus a buffer – the 200- to 300-foot buffer around it – under the critical areas ordinance. And just like with the existing lot, the review would consider surrounding topography and geography to make sure that where the residences of the lots are proposed to be placed is a safe place to do that. That wouldn't mean that the remainder of the property would be reviewed for geohazards not related to the safety of the development itself. And I'll come back to that in a second.

And the remainder could be placed in an Open Space-Forestry designation, which would be a new open space designation. It doesn't currently exist. But it would be the landowner basically committing to the County that they were going to manage that open space area for forestry over a longer period of time. And we haven't exactly defined what that longer period of time is or how that's determined. But that's the intent of the Open Space-Forestry designation, and there would be notes on the plat saying as much.

So then the forest practices in the Open Space-Forestry area, when they occurred, would be reviewed by DNR under the state forest practice rules, which is what the FAB members are wanting to be able to do. And so we have an illustration of that. You've got the two development lots. You've got the buffer area. The County does critical areas review there. It looks for geohazards that might affect – only affect the development area.

And then some issues we've been talking about – and, frankly, haven't entirely resolved how to deal with – is stormwater management for the developed area. We want to make sure that the developed area is managing its own stormwater and isn't being overrun by stormwater coming offsite onto it. The FAB has said that the state forest practice rules for stormwater or for runoff from forest practices are very tight, and so they feel there's no need for anything other than forest practice rules on the land that's going to be potentially harvested.

Another issue we've talked with them about is how to address windthrow or the risk of blown down trees. Some of you may remember from the 2016 Update that there's a requirement if you're adjacent to Industrial Forestland but not in it, you've got to set your house back 200 feet from the Industrial Forestland so that if the Industrial Forestland is logged up to the boundary of that land you don't have trees then on the residential parcel that blow down and damage the house that's adjacent. And you also – it provides protection for – so the forest landowner or manager – the company that's doing the timber management – is not then forced to put that setback on its own property, which takes land out of production.

So that's how we do it in code for if you're adjacent to Industrial Forestland. So that would be one option under this, is to say the houses would have to be set back at least 200 feet from the Open Space-Forestry tract. And one idea that we've thrown out there is maybe the CaRD lots could be larger than the normal one-acre that's the maximum allowed to a CaRD if you need that in order to get the 200 feet setback from the Open Space-Forestry area. And we had some discussion about this last time with you. We're really open to suggestions on that.

And then we've also had some discussion with FAB on whether the landowner who wants to do the RFI CaRD land division should submit a Forest Management Plan that talks about how they intend to manage the land in forestry and what long-term means, you know, to them under that plan, and how they would protect critical areas in the forestland under the state forest practice rules, not under the County's critical areas ordinance. So that's a component of King County's code of how they deal with this. And I'll just go through that very briefly and then I'm sure there are a lot of questions and we can get into more of a discussion.

Again, we're continuing to discuss the issue with the Forest Advisory Board. We're also reviewing other County examples of this kind of hybrid management, and also looking at hearings board decisions and court decisions. And we do expect to have a final proposal by the meeting of the Board of County Commissioners and the Planning Commission in early March.

So let me just briefly go through the King County approach, which is really the one example that we found that we can kind of look at that's in existence/in operation and either it hasn't been challenged or, if it was, it was obviously found compliant. So basically the applicant who wants to do a clustered land division in King County and wants to do forest management on a part of it will propose an area of their land holding that would be for the development, kind of as we've gone through in some of the examples here, and then an area – they have have something called a Resource Tract, which would be the forest management area.

Then King County staff walk the site – then the applicant submits a Forest Management Plan that indicates how environmental resources will be protected under state forest practice rules. And they're not required to go out and do an expensive critical areas site assessment, but they are required to identify what they know to be environmental features of the property or steep slopes and the like. Then King County staff walks the site and identifies critical areas that may be affected by or affect the development. And that's a really important feature here, and we can talk about –

Chair Raschko: Excuse me. May I ask a question here?

Mr. Johnson: Yeah.

Chair Raschko: When they walk the site, are you talking about the entire parcel or just the parcel portion that's going to be developed?

Mr. Johnson: My understanding is that they're walking the entire parcel.

Chair Raschko: Thank you.

Mr. Johnson: And these areas may be placed in a critical areas tract. Again, this is – there are kind of three zones under their approach. You've got the development area and then you've got the forestry area, which is an area where development isn't going to negatively affect the forest practices and the forest practices aren't going to negatively affect the development. And then you have this kind of middle area which is still in the Resource Tract but if King County feels that there are critical areas – a stream, a wetland, a steep slope – that could be negatively affected by the development or that could somehow under forest practices negatively affect the development, then they put those critical areas into a Critical Areas Tract within the broader Resource Tract. So the broader Resource Tract would then be subject to state forest practice rules and the entire area that's out of that kind of interaction zone would be under the forest

practice rules, but there might be selected areas in that kind of interaction zone – I don't have a better word for it – that might be identified as critical areas and subject to County rules which for wetlands and certain streams are a little bit stricter than the state rules. So we're not necessarily saying this is the only way to go. It's just interesting to find a jurisdiction that is doing something like this and to see how they've kind of – what they've developed over time. And it's been about a 10-, I think, or 15-year process for them to come to the approach that they currently have.

Ms. Lohman: Kirk? But it's not a critical areas assessment?

Mr. Johnson: No. So the landowner doesn't – as I understand it – doesn't have to do critical areas site assessment for the entire parcel. They submit their Forest Management Plan and, again, if they know that there's a stream or a wetland, they call out what they know about that. And King County also has much more detailed and sophisticated kind of critical areas layers than we do here in Skagit County. I mean, I think they're probably the premier County in the state in terms of the data that they have on what's out on the land in rural King County.

That's the overview and I'm happy to go back to any part of it to clarify things, or you can ask John for, you know, additional information, or Ryan.

Chair Raschko: Any questions? Okay.

Ms. Rose: I don't have a question – just a comment. This seems very logical, like it's – there's nothing that you outlined that doesn't make sense. That's my only comment.

Hollie Del Vecchio: I do have a couple questions. On the hazard reviews, is there anything that ___ take into consideration the effect that the developed – the proposed development might have on surrounding development, developed areas?

Mr. Johnson: Sounds like a good question for John. And maybe clarify whether you're talking about under our current code, under King County's code –

Ms. Del Vecchio: Either one.

Mr. Johnson: – or the proposal.

Ms. Del Vecchio: I guess in the proposal – I would be more interested in the proposed. I know there's a lot. There's consideration of affected – that hazardous areas will have on the development itself and/or on surrounding development, but is there a consideration of the effect that the development might have on neighboring developed areas? I was thinking especially if there's any slopes involved that are –

John Cooper: Certainly it's got – assuming you're addressing a geohazard perspective.

Ms. Del Vecchio: Right.

Mr. Cooper: So, yes, anytime that you're going to do a development under the critical areas, not only do we evaluate the surrounding area to determine whether the slopes above it may be unstable. We also look at the development to make sure that the development itself won't have a negative adverse impact on surrounding developments or on the environment or infrastructure.

Ms. Del Vecchio: I think I made this comment along these lines the last time we were discussing this, but as far as the 200-foot buffer, using – expanding the one-acre lots under the CaRDs to allow for accommodation of that buffer. That just – it still seems to me that we are putting the burden on providing that buffer on the forestry lands rather than the development. I mean, I know they're not the ones that are clearing the land to create that buffer – at least that's what has to be involved – but we're still cutting into the forestland in order to provide that buffer. So I would just like to have that looked into a little bit.

Mr. Cooper: Yeah. So one of the things that we considered, and I kind of – I think you might be talking about the windthrow issue where we have this –

Ms. Del Vecchio: Right.

Mr. Cooper: – 200-foot windthrow buffer. That's really open for debate at this point. You know, there's advantages to that if you just clear-cut everything – just take all the trees out. Then we don't have a windthrow problem. One of the ideas is that often people don't like to live in those environments where all the trees are gone. So Kirk mentioned during his presentation that maybe we'd make the lots – instead of having a one-acre lot minimum size, they could possibly be larger – maybe two acres – to incorporate that 200-foot buffer on the property owner or on that subdivided piece, so that those individuals could make the decision whether they want to have a windthrow buffer or whether they don't. They could cut it and not have a problem, but if they wanted to have the trees they could avoid cutting it and manage. Does that kind of answer your question?

Ms. Del Vecchio: Either way we're still cutting into the forest that's being managed.

Mr. Pernula: It reduces the amount of land that would be –

Ms. Del Vecchio: – devoted to forestry.

Mr. Pernula: Mm-hmm.

Mr. Cooper: That's right, so the only other option would be to harvest it all so there is no windthrow problems.

Mr. Johnson: On the developed development lot. So basically cut all the trees and then there's nothing to fall down on the house.

Ms. Del Vecchio: Okay, but then we're just basically clear-cutting and putting an end to it.

Mr. Cooper: That's correct. Yes.

Ms. Del Vecchio: Okay. And I don't know that that's the answer there. I'm just – that would be my – that's my –

Mr. Cooper: Yeah. That makes two of us.

Ms. Del Vecchio: The concern that I'd like to have fleshed out a little bit more.

Mr. Cooper: Right.

Chair Raschko: For one thing, looking at that taking all the trees off, we're really at a long-term proposition with the forestry part of it. In 35 years they'll be tall again so that's really not a long-range answer. I do think one thing that could be considered is reducing the size of the buffer. This goes back to when we had 200-foot tall trees and I haven't seen one of those in almost my lifetime, except for in the national parks. Typically you'll grow a tree to maybe 120 feet on really good ground anymore. So I think that's a viable thing if it can be done legally.

Kathi Jett: I also had that same – that was going to be my question: Why is it 200 feet? I haven't seen a 200-foot tall tree in a long time.

Mr. Cooper: You know, then again, that's completely – that was a number that was thrown out there. What I would throw to you for consideration is that when you have – if you'd had a clear-cut done around the residences or around that parcel and you do have some sort of wind event in which windthrow does occur and you have a 200-foot buffer, you might have 50 feet, 100 feet of windthrow into that buffer. So that means 100-foot tree comes down and lands on the property boundary if it's 100-foot tree. Is that clear? Do you understand what I'm saying there? So you've got this 200-foot buffer. The windthrow hits that. Those trees within that buffer that may throw/fall could extend 50 to 100 feet into that buffer and, if so, they would land as they came down – if they came all the way down, they could land on the property boundary. But again, that's just a thought, maybe not even valid. We're open for consideration and we've actually posed this to the FAB on numerous occasions as to get a little help. What sounds reasonable? Should we have it at all? Maybe we shouldn't.

Ms. Del Vecchio: Does King County use a buffer?

Mr. Johnson: We didn't ask them that. That would be a good question. Unfortunately their – kind of their expert on this just decided to retire, so she's a lot harder to –

Ms. Del Vecchio: (unintelligible)

Mr. Johnson: You would think so. Yeah, I think we can get that. I think we can get that answer because there are other foresters there. I know one of the FAB members said just do a disclaimer or a disclosure: If you're less than 200 feet or 120 feet, "I hereby acknowledge that there's forest management going on and trees may be harvested and trees may fall and I'm willing to accept that risk."

Chair Raschko: From my understanding, that is supposed to be done now with the sale of a property but doesn't happen because of the title companies or some reason.

Mr. Walters: We have –

Chair Raschko: ___ rights?

Mr. Walters: We have the disclosure upon sale that, yeah, doesn't frequently happen.

Chair Raschko: Mm-hmm.

Mr. Walters: We also have the disclosure upon permit application. You've got to sign a right-to-manage natural resource lands at the time you apply for a permit. And adjacent to a natural resource land there is a required 200-foot setback. But a lot of these would be *in* the natural resource land and our code doesn't require you to do any setback *in* the natural resource land,

just adjacent to it. So we have a bunch of those mechanisms already of varying degrees of utility.

Mr. Johnson: But also we could have a situation under current code where you could have a residence going in Rural Reserve next to a forested parcel and that forested parcel adjacent to it, that landowner could harvest their timber and you could have the same issue and there would be no NRL disclosure or no 200-foot setback requirement. So it's not like this situation doesn't ever happen in the county. It just doesn't happen where there's land butting up against Industrial Forest land. And then there's a lower standard – a similar but lower standard for Secondary Forest, and I can't recall what's exactly different about it.

Mr. Walters: The issue is really driven by the fact that in the CaRD development you only have one-acre lots, which is 200 by 200, to begin with. So if you wanted to try to move your house away from stands of trees that could fall on it you might be pretty limited in where you could go.

Mr. Johnson: I think Commissioner Rose the last time we talked said that you could certainly have longer and skinnier lots that give you more length that could be set back from the forest land.

Ms. Rose: Right.

Ms. Lohman: Just an observation: The way that you have your example pictures drawn, you're protecting yourself from yourself because presumably it's a single property owner that's doing these CaRDs, and so your scenario doesn't take into account the adjacent properties. So you've got your buffer but it's on your own property. Is that what you're alluding to? You haven't gone on the neighboring parcel.

Mr. Cooper: Can I respond to that?

Mr. Johnson: Yeah, that'd be good.

Mr. Cooper: So what you see before you is the lot itself and then that kind of hashed or the dashed line around it actually represents the critical review area, roughly 2 to 300 feet. It's not necessarily a buffer. A buffer would only be applied if we found critical areas. Again, there could be a buffer applied for windthrow but that's not really what this represents here.

Mr. Walters: But the other point that I think Commissioner Lohman was making is that there's going to be a parcel to the right and below.

Ms. Mitchell: North, south, east, west.

Mr. Walters: Yeah.

Mr. Cooper: Yeah.

Mr. Walters: But again, it just comes back to if – I mean, you're not required to position your development lots in the *corner* of the parcel so you have some flexibility there. But again, on a one-acre lot and in an Industrial Forest zone you don't have a lot of flexibility with where you're going to be able to move your house within the lot.

Chair Raschko: So just to clarify, John, the no-cut buffer then is inside the solid line square?

Mr. Cooper: Yes.

Chair Raschko: Okay.

Mr. Walters: Well, it's not necessarily –

Mr. Cooper: It could be.

Mr. Walters: – no-cut either. We're not –

Chair Raschko: No, it's not a no-cut. You have to have the house 200 feet from that solid line. That's all. Okay.

Mr. Cooper: It wouldn't be part of the forest practice area.

Chair Raschko: Kathy.

Ms. Mitchell: When you were mentioning the option for a forest plan, have you got into any kind of depth on what would be asked for, and where that would go, who would review it, who would maintain it, who would – you know, the whole ___?

Mr. Cooper: Right, and we've had some discussion on that. I don't think we have any confirmation on any particular direction to go at this time. We've looked at some forest plans that were a couple of pages, very simplistic, and then we've looked at some that are in-depth and would take a little bit more effort to put together. Again, this is a process where we're seeking information on what's appropriate. I think my interest here is if we're creating resource land I'm really interested in seeing some sort of – some statement from the property owner that that's the interest here – that they want to keep this land in long-term forestry – and so that may be incorporated into the plan somewhere. It could be done other places, too – on the notes on the plat, as well. But right: As far as the forest plan, we're still in the investigation phase.

Ms. Mitchell: When you investigate those further – because I realize that could be either very simple or end up being really complicated and sticky – if you could please add on to your list or inquiry you make – actually I'd like to know what the Forest Advisory Board would think about that if that option were taken or that route was taken, because things can change. What you might expect in your best laid plans – let's say in 2020 to 2025 – and then what happens in 2070 for that same parcel, and what kinds of things would be adhered to? So I think one of the things it looks at is how far down the road you'd expect them to adhere to those plans and what kind of depth those plans really are expecting. Is this going to be something that's a guideline or is it going to be something that's going to be used for enforcement? And I think we would like to know that kind of thing too.

Mr. Cooper: Right. We're not there yet.

Mr. Walters: And we actually did ask the Forestry Advisory Board what they thought of the idea of a plan, and the board members were sort of all over on the question. There are a lot of plans that forest landowners already have to provide. Most of these forest landowners are going to be putting their forested part of their parcel or their forested parcel into the Current Use Forestry Program through the Assessor's office to get a reduced tax rate, and you've got to provide a plan for that. And we don't get to see those plans. They are held by the Assessor's office and

exempt from public records disclosure and all that. If we were to require a plan, we would assumedly require it for the same purpose that King County requires a plan. And we asked them if they use the plan for enforcement and they said no, although they seemed to imply that maybe they could if they wanted to. We would need to flesh that out. But I think that's not really the primary purpose.

Ms. Mitchell: Yeah.

Mr. Walters: The primary purpose seems to be to identify what's there so you know what you're talking about before you go to divvy up your lots and figure out where your developed area is, and then identify the critical areas that could impact the developed area or vice versa. So it's really not about finding critical areas in the forested parcel and regulating them via the critical areas ordinance for protection against forestry activities. King County assumes in their system that the forest practice rules take care of critical areas in the forested area. It's all about the development. If you're inserting a development into the middle of the forested area, what's the interaction?

Now I think John is aware of one example of where you've got – and you should jump in here any time – a development that is draining – that has its stormwater draining into a critical area that's offsite, and if that critical area were to go away you may have an impact on a future development ____ below.

Mr. Cooper: Right. So, yes, we have – in my time here I've been able to observe at least one development that occurred where it was – they did an area with extensive impermeable surface which increased runoff that they sent to a retention/detention pond which again was – one of the discharge areas was through a pipe that went to a horizontal spreader that fed an existing wetland. And unfortunately then under those circumstances, when you add additional water you have the potential to increase the size of the wetland. That's a good example of something we might look to preserve the current situation so that there's not an impact on adjacent property owners or vice versa.

Ms. Mitchell: Right, or hey, best case scenario, which we hardly ever look at, is what if there was a positive impact? Right?

Mr. Cooper: Yeah.

Ms. Mitchell: And that's the things – as you look forward, if you can look as much as you can to both the pros and the cons and let us know what they might be, that'd be great.

Mr. Walters: Well, and in our discussion I think John has identified only that one example so far where that might be the case where you might find a critical area that affects the developed area, so maybe this doesn't really happen very often. Maybe it happens more frequently in King County where they maybe have a more checkerboard pattern of development. And then hopefully also under our new stormwater rules, *new* developments won't have that effect because they should be managing their stormwater onsite.

Mr. Johnson: Ryan mentioned something that I think is really important to emphasize. In talking to King County, the forester who's now retired said, We believe that – and it makes logical sense – when you're looking at an area that's only forestry and is not affected by development or is not affecting development that the – she said the science-based forest practice rules are sufficient to protect environmental resources, because you have a different setting where you're

harvesting but then the trees are growing back up again. So there are some people we've talked to who have said or suggested any kind of land division, it has to be all critical areas. And I think because land division assumes development and therefore you've got to do – the County has to do critical areas. At least I felt, in talking to King County, here's an example of a jurisdiction that's saying if it's all forest management, even though it's part of a land division, but it's not being affected by or affecting the development area, we believe the science-based forest practice rules are sufficient. So that's an example that we can point to as saying here's a jurisdiction that's doing that, been doing it. As I said, we don't know if they were appealed or not, but if they were they were found compliant. And so it's really – it's not so much the developed area and it's not so much the forest – exclusively forested area. It's where you might have interactions in between the two that's really kind of the sticking point and where the FAB is saying, you know, the more difficult and onerous you make this the less we're going to want to do it at all, and where the County is saying yes, but we do have this obligation under the Growth Management Act to protect critical areas as part of developments. And so it's kind of, you know, but – I mean, we've met with them three or four times and we've had good discussions each time back and forth of how much is enough and what's too much.

Ms. Mitchell: I've got another question for you as you look forward to this. I realize it's still in a lot of back and forth discussions. When it comes time for you guys to come talk to us again, could you please invite one of the Forestry Advisory Board people to be here to be able to answer questions? I do trust John implicitly. It's not that. But I think they have looked – they look at a different perspective and it might be nice to have somebody handy to review what we're saying, correct any misconceptions we may have or to alleviate some questions. And that would be handy. Thank you.

Chair Raschko: I'm one.

Mr. Johnson: Yeah.

(laughter)

Mr. Johnson: *Another one.*

Chair Raschko: I think it'd be a good idea to have Dave Chamberlain come. _____
proponent.

Ms. Mitchell: I'd like to have the Chair. Yeah, I'd like to have the Chair, if possible.

Chair Raschko: Yes.

Ms. Lohman: Mr. Chair?

Chair Raschko: Yes?

Ms. Lohman: Can we also – if you're going to have these PowerPoints, if you could print them out for us?

Mr. Johnson: Okay.

Ms. Mitchell: Is this one posted? I mean, it looks different to me from what I remember, unless I'm remembering –

Mr. Johnson: Yeah, it's been updated. It'll be posted tomorrow morning, I believe.

Ms. Mitchell: Thank you.

Amy Hughes: One of the questions I had: I can see in developable property you'd want it down in the corner and then you have a forest behind. But if because of any reason of the land it needs to be moved further back in, how does the road development to get back in there affect the viability of the forest and how is – is that a concern?

Mr. Johnson: I think John's probably the best to answer that question.

Mr. Cooper: Sure. I fully understand your question.

Ms. Hughes: If, like in agriculture we keep the developable property up towards the road so it doesn't impact the greater ag ground. In forestry, if because of wetlands or topography you have to go and find another site, well, then you're going to have a road that goes back up into there, and then you have a house that's kind of more surrounded by forestry.

Mr. Cooper: Right.

Ms. Hughes: So how does that all work out?

Mr. Cooper: So basically the access road – the driveway – would be included as part of the development – would undergo critical areas review. So if that's necessary to move the development up a hill or to the right or left or any way away from existing County infrastructure – roads – we would have to look at that for critical areas. And that wouldn't be included in the forest practice. Now that doesn't mean that forest practice activities could not use that road. Certainly they could to access areas and build their landings or whatever they need to get their timber out of there. But, yes, that would probably increase the area of development.

Ms. Hughes: In that case, if it affects the forest viability that the forest ground isn't as attractive as it was before that happened, is there consideration of that?

Mr. Cooper: We haven't developed any consideration. I'm not sure I understand why it would be less attractive. Why would it?

Mr. Johnson: John, are there siting criteria? Like in ag land, there are siting criteria that you have to put the house within 200 feet unless there are extenuating circumstances.

Mr. Cooper: No. I think under CaRD rules it just has to be clustered. Obviously the cheapest and best place is going to be close to County infrastructure, which happens most of the time – 90-95% of the time – just due to the cost of installing roads. Once you have to locate on the interior of the parcel, sometimes that can be cost-prohibitive for developers. And it's not – oftentimes you can find other areas or stagger your cluster. It doesn't have to be side-by-side. It can be one on top of another to avoid critical areas that are in the development area to make it a little easier and make development more possible.

Ms. Hughes: But what if it affects the viability of the forest, that the foresters don't really want to go in there because you've gone back into their territory a little bit more.

Mr. Walters: There is a design criteria provision in the CaRD code that requires a lot in an NRL zone or adjacent to an NRL zone to be placed to minimize potential impacts to natural resource land production on both the property that's being divided and any adjacent resource lands. But that's all it says. It doesn't provide metrics or bright line rules, but it does say that you're supposed to position your lots to minimize those impacts.

Chair Raschko: Okay, let's see. Kathy's next, and then Martha. But just to follow up on the same subject, I'd just like to have one more question and that's about the instance where it's on the interior. If there is an existing road that goes right through this parcel before all this happens, is that road then going to be considered under critical areas if the development –

Mr. Cooper: If the existing road was done prior to 1996 then, no, it probably wouldn't.

Chair Raschko: Prior to what year?

Mr. Cooper: 1996 is when we adopted our critical areas ordinance.

Chair Raschko: Thank you.

Ms. Mitchell: My go?

Chair Raschko: Kathy.

Ms. Mitchell: One of the things, especially for the farmers and the rest of us that are used to looking at some of these graphs, the picture they have on here of the slope with the possibility for landslide and that kind of thing, one of the things where we really appreciated people like John when they came in, and the DNR people, to areas like our forests are and others, what looks like one generic great big hillside is often not. There will be benches in there. There'll be valleys in there. There'll be ravines in there. And I remember when you guys came out and said you have to be 50 feet from that cliff – thank goodness – and others. And so one of the things that makes their job really tough and will be important with them having the walkthroughs – and I have little difficulties with walkthroughs sometimes because we want stuff kept to ourselves, but when safety come in play what makes it very important for these guys having the walkthrough is why it's so important is because there's often surprises in there that you cannot see or don't realize that are there. What looks like might be solid ground is not at all. There can be holes and slash piles and everything else where it just looks generic and it's not. So we have to – in this instance one of the things that the forestry guys are really good at is looking more three dimensionally at that piece of property than we are thinking of normal farmlands. So I hope that helps as you think about things forward.

Chair Raschko: Martha?

Ms. Rose: So my comment had to do with the road question. Is the road part of the one-acre parcel?

Mr. Cooper: It doesn't have to be, no.

Ms. Rose: So it seems like there should be some more thought put into that whole road question because you could eat up a lot of land putting in a very long road. Even if you could afford it, it might not be a good idea or it might or it might be something you want to address. I think some jurisdictions count it as part – they'll say you have to have frontage of the parcel that

you're going to build on. You have to have road frontage, and the way you get that road frontage is with the road, your access road, but then that becomes part of the developed lot area. And that alone keeps you from getting too far back in there.

Mr. Cooper: Yes. That's a very good point and probably for, I know, further consideration. That needs to be evaluated. But do bear in mind that roads do burn up a lot of property very quickly.

Ms. Rose: Yes.

Mr. Cooper: So you might end up with a – you know, a 20-foot wide lot that goes up several hundred feet, and you've got this little postage stamp to build on by that time. So that's – I think that kind of leads some support to Kirk's concept that maybe we need to make those lots – leave the possibility of making those lots a little bit larger.

Ms. Rose: Right. Yeah.

Mr. Cooper: But again, that eats into more forestland when you do that.

Mr. Pernula: Tim, remember if somebody's doing this – this CaRD development – they're trying to preserve as much of the land as possible as a forest resource, and they want to minimize the amount of land that's taken out of production. So with or without rules it's in their own interest to minimize the distance away from the existing roads that these lots are created. Otherwise they're just imposing a limitation on their own future production of the forestland. So I'm not as worried about that but, you know, if we want to have some standard of keeping it up on a road maybe that's okay but I think people are going to try to keep as much land in forest production as possible.

Ms. Mitchell: Can I add something on that? Absolutely true. What Dale's saying is absolutely true, but here's the flip side to that same coin. Those roads – back in areas that are logged would have a lot of roads and skip roads because they are working. And our neighbor has got a ton of old skid roads that do get grown back over or that are still pretty compact but can be used again if they need to be. It doesn't mean they always are open either. So there's two sides to that coin: Having the road can be invasive, yet if you're having a working forest, some of those are also necessary. So just a thought to keep in mind.

Chair Raschko: Just having some experience in this area, the person doing this owns the whole parcel if he wants to make a CaRD and divide it up. Before anybody does anything – say, on a 40-acre parcel – they locate the areas they have to be able to sit with a machine in order to get the logs off the ground and on a truck. That's the first thing you do is locate those landings where they're going to be, and then you connect them with the road system that has as little road as possible in order to take as little land out of production, being mindful you have to put the road in a safe place where you won't have road failures. So in this whole thing it would behoove the landowner to build a road to these potential parcels under 12% so it meets code, have it up to standards so somebody can drive on it to their house, and then arranging the whole thing to have easements and everything else. But it can be preplanned and worked out variously.

Anything else?

(silence)

Chair Raschko: So I don't think – just speaking from as a FAB member, I really appreciate the effort that the staff has put into this, and I think we're getting close. I don't think it's going to be easy to absolutely solve all these issues but I'm confident we will and what I really look forward to seeing your next actual plan. So thank you very much.

Mr. Johnson: Thank you.

Chair Raschko: Okay. ___ done?

Mr. Johnson: Yeah, done on Rural Forestry. I was just going to ask if – I think the next item – is it up here too? Yes, it is. Okay.

Chair Raschko: Comprehensive Plan Amendments Docket Introduction.

Mr. Johnson: Oh, is that before –

Mr. Walters: Run it. There we go.

Mr. Johnson: Is that before the legislative work program? Okay. All right, 2017 Docket of Comprehensive Plan Amendments and Development Regulation Updates. The annual deadline for Comprehensive Plan amendments and code amendments is the last day of July, and typically the second half of that year – so that would have been July 2016 – is taken up by the Board taking public comment on and making decisions on which items to add to the docket. And when they're added to the docket, then they move forward for environmental review under SEPA, and then they move forward to the Planning Commission and the public for public review and comment and hearing and your deliberations and your recommendation to the Board. And then your recommendations are forwarded to the Board with all the other information that's been collected and the Board makes the final decision.

So you're coming into this – we had that process last fall. There was – the Board did something different this year. Not only did they hold the public hearing for anyone who wanted to comment, but they held individual meetings with people who submitted applications and each applicant or applicant organization had 30 minutes to present to the Board what was in their proposal or their proposals and why they thought it was important or necessary. And I think all three Commissioners were at all of those meetings. And then there were public comments which were posted on the website and provided to the Commissioners. So there was a pretty thorough vetting process that was done to get to this point. And the Department does have a role in that. It's actually required by code to make the Department's own docketing recommendations to the Commissioners on a certain set of criteria which aren't should the proposal be approved or not but should it be docketed. And that takes into things like other work items on our agenda and resources and legality, or just kind of some practical considerations.

So the Commissioners made their docketing decisions in December – I think about the third week of December – and I – shoot – I have a resolution on my chair in my office which I didn't bring out here. I know you were sent a link to it but if – let me see hands of anyone who'd like a hard copy of that before the end of the meeting. Okay.

So the Commissioners adopted a resolution establishing the docket and we went from – I don't know if there were more than 30 amendment proposals down to maybe a dozen or a little more than that. So we're going to walk through them one by one in a little bit of detail but not a huge amount of detail, unless you have questions and want to get more in-depth.

Are there any questions just kind of on that introduction or the docketing process?

Ms. Lohman: The thing you have in your office, is it this?

Mr. Johnson: No, it's the adopted resolution that the Board approved at the end of December that – I mean, it's essentially the same information. It just has recitals – “Whereas...” “Now Therefore, Be It Resolved.” So the content is really the same.

Ms. Lohman: If we could get printed materials like this so that we have them in print for the meeting –

Mr. Johnson: Okay.

Ms. Lohman: – it would be really helpful to us, because we're scrambling to write this stuff down because we don't have it written.

Mr. Walters: This is the list of docketed items from the resolution. Wasn't that linked in the agenda?

Mr. Johnson: Yeah, it was linked. Yeah. We –

Mr. Walters: This is just a PowerPoint version of that.

Mr. Johnson: Yeah, we didn't – so Linda has a list. I think there are two Planning Commission members who like to get printed copies of everything and so she sends printed copies of items to those Planning Commission members, and the rest were under – we were under the understanding that you're fine with the electronic links, and if you want something printed you can either print it at home or contact us in advance and ask for a printed copy.

Ms. Lohman: Well, I guess I didn't see the electronic link so I didn't print anything.

Mr. Johnson: Anyone want to take over starting to go through these as I run and get the printed resolutions? Or anyone want to run and get the printed resolutions?

Mr. Pernula: Where are they at?

Mr. Johnson: They're on the chair – not my desk chair but the other chair in my office. Do you have your card, John?

Mr. Cooper: Yeah.

Mr. Johnson: Okay. So we'll have that to you in a second. Any other questions on the docketing process before I give a brief summary on the different proposals that were docketed?

The first one, P7 – the ones that are indicated as Ps were submitted by members of the public or organizations. The petitioners, the Guemes Island Planning Advisory Committee, or GIPAC, and they are requesting code that would require the permanent protection of CaRD open space for CaRDs that are done on Guemes Island. And there's a policy saying that there *should* be such code, that that *should* be a requirement, in the Guemes Island Subarea Plan that the County Commissioners adopted several years ago. And so what GIPAC is saying is, We'd like

to see the development regulations that would actually put that in effect. They're making the argument that the policy issue is already considered and approved, and now we just want to see the County implement it.

So there are, I don't know, five or six different kinds of open space in CaRDs, and I think two of those kinds require a permanent conservation easement. That's the Open Space Protected Area and Open Space/Natural Resource Land easement. But the other CaRD open spaces are designations, but if, say, the property were rezoned, that open space area could go away and there could be more development on it. And what the GIPAC people are saying is water's limited on Guemes Island and rural character is kind of, they feel, at sort of what it can sustain, and so they don't feel that there should be the prospect for upzones in the future that are taking open space that's been conserved through a CaRD in exchange sometimes for additional development potential that then can have more development. So that would only apply to Guemes Island.

The next one, P12, Roger Robinson: It proposes to rezone all property on Fidalgo Island that's currently zoned Rural Reserve to a new zone that doesn't now exist but would exist, called "South Fidalgo Rural Residential." (I think I'll let John pass those out.) I think when that proposal was submitted, there was a petition with 30 or so signatures, so it reflects more than Mr. Robinson but it's not a formal group like the Guemes group is. And they're concerned about the variety of special uses that are allowed in Rural Reserve that tend to be not residential uses but commercial or quasi-commercial. In my folder over there I have a list of those that they're concerned about. I think agricultural processing facilities; anaerobic digesters, which are like the – what is the name of the –

Mr. Walters: Manure digester.

Mr. Johnson: Manure digester; asphalt batching plant; kennel; et cetera. So they have a list of about 15 or 20 uses that are allowed in Rural Reserve that they feel should not be an option on South Fidalgo Island. So the zone would propose to eliminate those uses and they would also like to see CaRDs prohibited in the future on Fidalgo Island. And again, I think the – they say that these changes are necessary to maintain the rural character and also protect limited water supplies, although parts of Fidalgo Island are served by either the Anacortes water system or the Del Mar water system. Other parts are reliant on wells.

Port of Skagit County: They're requesting the redesignation of two Port-owned properties – I think it totals just about 1.3 acres, so it's a real small area – from Aviation Related to Bayview Ridge Light Industrial. Aviation Related is the areas kind of enclosed within the airport where you expect to have airplanes taxiing by and that kind of thing. And because of some wetland designations, these two parcels are isolated from the airport and so they really can't be used for aviation-related purposes, so the Port's asking for them to be designated Light Industrial so they could have a – you know, the type of buildings that are up there that house light industrial uses.

Next petitioner: So C represents County-initiated, so this was put forward by Commissioner Wesen and, like the other items, supported by the other Commissioners. It would be to revise the Coast to Cascades Corridor study description that is in the Comprehensive Plan's Transportation Element Technical Appendix, which you considered last year. It was one of maybe 15 non-motorized projects that were added to the Comprehensive Plan. It's a corridor study so it's not actually a project. If you remember, two or three of what were called "projects" became corridor studies, which is a more general, kind of broader term. You couldn't implement a corridor study as a specific project without doing more work. There's a concern that this

corridor study might consider some unutilized road right-of-way that the County has through agricultural land between Burlington and Bayview Ridge. Now the corridor study description is a sentence long and it doesn't say anything about unused right-of-way or going through agricultural land, but Commissioner Wesen was concerned that the corridor study, I guess, could consider that option and maybe could support that option, and so this is an effort to say that shouldn't be considered through a corridor study if the corridor study does go forward at some point.

The next several are pretty – for the most part – minor technical code amendments, so I think I'm going to try to go through them quickly unless anybody has questions.

C3 would apply the garage setbacks to new garages rather than existing garages which might have been put in place before the setback requirement was there.

Major utility development in Bayview Ridge Residential would – currently you couldn't put a major water pipe or, I think, utility pipe through the zone, and those sorts of things are logical things to have in residential areas.

Temporary events in various Bayview Ridge zones: The Heritage Flight Museum has to get a temporary event permit every time it does its Fly – annual – or monthly Fly Day, which really it shouldn't need to. I mean, these are industrial zones.

Prohibit creation of multiple lots in Small-Scale Business. Small-Scale Business allows a business up to 10,000 square feet, and it was never intended that you could – if you had a five-acre parcel you could chop that into three separate lots and have 10,000-square foot business, 10,000-square foot business, 10,000-square foot business. That would really not be consistent with GMA requirements for rural character. So it says if you have a Small-Scale Business designation you can have one 10,000-square foot business on it.

Rural Freeway Service and Rural Center development size limits is kind of the flip side. It says you're limited to a building envelope in those zones. I think in Rural Freeway Service it's 6,000 square feet. But it's saying we want to make clear that you can have two or three businesses within that building. And I think a good example of that is Cook Road and I-5 where you have kind of one building or two buildings and there's a Starbuck's and maybe a tattoo place, and I don't know what else is there, but just to make it clear that that's allowed.

I'm not even sure what the mobile home park code is. Do you remember, Ryan?

Mr. Walters: Yeah, there's just a reference in the code to mobile home parks will be regulated by such and such provision in Title 12 that doesn't exist, so we would like to remove that reference.

Mr. Johnson: Similk Beach septic talks about there being a sewer system in the Similk Beach LAMIRD which doesn't exist, so this would either remove that reference or clarify that it doesn't exist.

Affidavit for accessory dwelling unit: There's already a similar requirement in the code and this is duplicative, I believe, or there's an easier way to achieve the same goal.

Variance chapter formatting error is really just a formatting error – no substantive change.

C12: Repair, replacement, and maintenance of water lines: This was something that was requested by the PUD and the Department decided to put it forward. It would say, similar to SEPA, that water lines up to, I think, 12 inches in diameter, repair or replacement of existing water lines, I believe would not require a permit, or if they did require a permit it would be a lower level permit. I can check out the staff report if anyone's interested but that's kind of the gist of it.

Ryan, you want to talk about 13 and 14?

Mr. Walters: Yes. We have a section of code regulating telecommunications towers, personal wireless service, utility cell towers. We get quite a number of applications for a cell tower, antennas, and new towers, and they usually get appealed. So this is an area where we need to have some clarity for the public. Also this area is highly regulated by the federal government and the federal telecommunications laws, so we need to have a lot of consistency with the federal government. Other local governments that will be remain nameless – Anacortes! – have been sued by cell tower providers, all the way up to the 9th Circuit Court of Appeals, for failure to comply with the federal telecommunications laws. We made some changes to this section during the 2016 Update to ensure that consistency. What we didn't do is fix the really poor organization of the whole section and we didn't add a clear applicability statement, and we need to get there on those two issues in order to make sure that at least some of the telecommunications towers that aren't cell towers still have some regulations, and that we haven't created any kind of inconsistencies with federal law. And we've had a number of permit processes and appeals recently that have informed some of the things that we would like to fix in that section. So this one actually may be something that we spend quite a bit of time on.

C14: The Airport Environs Overlay map has a couple of properties that are not owned by the Port that are in Airport Compatibility Zone 1, which is a very restrictive zone. It doesn't really allow any uses – any residential uses – and we don't – that was not our intent to zone any properties that aren't zoned – that aren't owned by the Port to be in Airport Compatibility Zone 1. The reason that they are in Airport Compatibility Zone 1 is because the engineer drew a map that way. But if we look at the ownership and we look at the other considerations, they really should be in ACZ 2. And the Port agrees and the Port suggests that we make this change. So this would be a relatively small change but important for the landowners in that zone.

Mr. Johnson: All right, 15, 16, and 17 all involve open space designations so Open Spaces Statewide or Regional Importance, OSRSI, which is – *specifically* is intended for public open space that's of a regional significance. The first one, Ika Island, which is a small island kind of southwest of La Conner, is privately-owned and really shouldn't be designated open space, public open space, and so we're proposing to change that to Rural Reserve, which would be consistent with some other similar knobs in that vicinity.

DNR lands to open space. DNR owns most of Cypress Island and much of Cypress Island is already in open space designation. There's maybe a half-dozen properties they own there that are in Rural Reserve, and DNR itself has recategorized those – well, either recently acquired them or has owned them and put them into one of two programs that they have for conservation purposes. And so GIS brought this to our attention that these are now in categories – DNR categories – where other lands that are like that are – we've designated open space in the Comprehensive Plan. And so for consistency purposes, it would be logical to move them into the OSRSI designation.

Seattle City Light Lands are a little different. Many – I think most, if not all, of them are either currently in Industrial Forest or Rural Resource, and Seattle City Light has two different categories of land. It has wildlife mitigation land that is part of the mitigation for the dams – dam or dams that they operate – and then they also have some endangered species protection lands. And these, I believe, are lands that they've purchased since the last time we kind of did this review. Some of those are a little trickier to deal with because to go from Industrial Forest or Rural Resource they'd have to be taken out of a natural resource land designation and put into the open space designation, and we have to see if there's any light in the GMA requirements for de-designating resource land to do that. And also in the docketing comments there were some concerns raised about taking resource land out of that designation and putting it into open space. You know, kind of the counterargument to that is it's owned by a public entity and their primary goal with the lands will not be forest management or resource – mineral resource extraction, although they have indicated that they're interested in doing some management on these lands to improve habitat for a certain species. They have an interest in making sure that this isn't a hands-off zone. So with those Seattle City Light ones, we may focus – there are about three of the half-dozen or so that are proposed that are like small islands – relatively small islands, maybe 40 acres – surrounded by a much larger swath of open space lands. And those – it might be logical to change those but not the ones that are kind of incursions into the resource lands. So that just reflects some of the consideration we're doing.

Pressentin Park was expanded, I think, in the late 2008 and it's comparable in size, I think, to Howard Miller Steelhead Park, which is open space, and so it would just make sense to designate that as open space.

Island International Artists is a Rural Business on Guemes Island, and when it was given a Rural Business designation a while ago unfortunately the designation was put on the wrong parcel. So you have a private residence that doesn't have a business that has the Rural Business zone and then the private residence that does have the business that has a Rural Reserve zone, and we're proposing to swap those. And we've been in touch with both property owners and they're both supportive of that, as is the case with the Ika Island one.

Weide Mineral Resource Overlay is land that had MRO designation and then it was pulled out through the 2005 Update based on mineral resource data that we had at the time. They also had land that was put into the MRO and they were informed by letter from the County that land was being – some of their land was being put into the MRO, but somehow a letter telling them that some of their land was being taken out fell through the crack. So we didn't mail it, they didn't receive it, and they've brought forward evidence that there are mineral resources there. And so that's another correction that we're proposing to make.

And then the last one, Jensen Rural Reserve: It's a small parcel right outside of La – between the Town of La Conner and the Swinomish Channel and it has a residence on it. It's currently zoned Rural Business. It got that as a result of a map change we made several years ago. It involved three parcels. Two of them have businesses on them. This one doesn't. And so short of adding it to the La Conner urban growth area, which has some very high sewer cost implications, we're proposing to just make that Rural Reserve, which would make the house that's there a conforming use rather than a nonconforming use, consistent with the property owner's wishes.

Mr. Walters: And, Kirk, one other piece on C14 that I didn't cover: C14 there says we would be simplifying the Airport Environs Overlay map. The other aspect of this is that some of you may recall when we updated this map just a couple years ago the Airport Compatibility zones all

overlapped in a variety of ways, and it's very confusing to read the map and difficult to tell which Airport Compatibility zone you could be in. And based on the structure of the code, you really shouldn't be able to be in more than one. So we're proposing to just erase a bunch of the lines so it's clear which zone you're in in every instance. So that's the simplification aspect of C14 there.

Mr. Johnson: Just briefly, the process on these is we were going through developing the code language, reviewing the map criteria. We're aiming to come out with a proposal at the end of February – so about a month from now – which would include a Notice of Availability, a SEPA determination, a public hearing notice, notification of property owners around any properties proposed for redesignation, and that would include the Fidalgo Rural Residential. And then it will be out for public review and comment for 30 days or – we haven't gotten that far. But then members of the public and property owners and the like will have the opportunity to submit written comments to you, come and speak at a hearing before you, and then you'll have your deliberations and make recommendations to the County Commissioners. So that is that process in a nutshell.

Ms. Del Vecchio: All – Kirk – all at the same time?

Mr. Johnson: All at the same time what?

Ms. Del Vecchio: All 23?

Mr. Johnson: Yeah, that will come forward as one package of proposals.

Ms. Del Vecchio: Okay.

Ms. Mitchell: We better do our homework.

Mr. Johnson: Most of the code amendments, from our perspective, are really kind of tweaks.

Chair Raschko: Are there further questions or comments for Kirk?

Mr. Johnson: And then a lot of the map amendments are really technical – not all of them, but a lot of them are just kind of, you know, putting the designation on the right parcel.

Ms. Del Vecchio: So _____ question then. If we get into it and realize there's a lot more to some of these than we expected, is there a flexibility in the timeline to – allows us some more time on these? We may not need them, but –

Mr. Walters: We have until the end of the year to complete adoption of this docket, but our plan is to adopt it March, April, May to get it done. Because the landowners that have parcels in the wrong zone, they, you know, want to get on with the rest of their life. So if there's something that is a holdup, we may just drop it or pursue it separately. If it's a code amendment, it doesn't need to be together with everything else so it can be easily pursued separately. But we would still want to move everything else forward. If there's no question about the other stuff, we want to get that going and get that done.

Ms. Del Vecchio: Yeah. Good. Okay, thank you.

Mr. Pernula: Okay, I'll go into this. This goes a little bit beyond the agenda item of the 2017 Comprehensive Plan Amendments docket. I was going to cover it under the Department Update. Just this morning the Board of County Commissioners reviewed the Planning and Development Services Work Program, and part of the Work Program is the legislative work program. And about six of those items the Planning Commission will deal with or have dealt with over the last few months. Those legislative items that were included in the Work Program for this year include the – well, you've got the list up there – the 2017 Comprehensive Plan Amendments and Development Code Update. That's what we just went over.

The Rural Forestry Initiative that we just went over as well.

Some Stormwater Code Updates. What we're wanting to do is update the stormwater management regulations to comply with the County's NPDES permit, and one thing we'd really like to do is streamline the permitting process outside the NPDES area. The NPDES area includes Bayview Ridge and much of the urban growth areas and some additional areas around the cities. But those areas beyond that where we have different standards that apply, we'd like to make the regulations a little more streamlined.

The Capital Facilities Plan Annual Update: That's something that we do every year and we'll do that probably late summer or early fall, and it's adopted at the end of the year by the Board of County Commissioners.

Floodplain Management Regulations Update: One thing we want to accomplish is adopt a channel migration zone. That's where rivers or streams would migrate and it would allow us to do our regulation of floodplains under what's called "Door 2." It's kind of a complicated process but it would make it easier for some developers to develop under Door 2. So we'd like to accomplish that as well.

Did we miss anything?

Ms. Mitchell: Number 6, yeah.

Mr. Pernula: Number 6?

Ms. Mitchell: You have the Comp Plan '17, RFI, Stormwater Code Update, Capital Facilities, Floodplain Management.

Mr. Walters: That's everything that's in the resolution.

Mr. Pernula: I think it's all there.

Ms. Rose: Well, in our paper copy it says Shoreline Master Program Update. It doesn't have that on the PowerPoint.

Mr. Pernula: Okay, it's not on there. You're right. The Shoreline Master Program Update. The Planning Commission, as you know, held public hearings on it, adopted it, made a recommendation to the Board of County Commissioners. Now the Board has to take action on it. There's a few tweaks that need to be made. Some of the tweaks have to do with regulations around Lake Cavanaugh, and also to deal with the channel migration zone.

So those are basically the legislative work program items that you will be dealing with or have dealt with. In addition to that, we have a broader work program by staff that we're going to be working on. You may be interested in some of those. We're trying to improve our permit processing processes and also improve our software to deal with permits just to make it more efficient.

And another item on the long list of items that we want to accomplish by this year is Facilitation of Rainwater Catchment Systems. We allow those now but we would like to see if there's some easier, more prescriptive routes to get those systems approved rather than having them always designed by an engineer. So we're trying to work on that.

Another item that was docketed is exploring how we will deal with a Rural Advisory Committee. That was something else the Board wanted to docket as well.

There's quite a number of issues that we have to deal with but those are some of those that the Planning Commission will deal with or may be interested in. Are there any questions?

Mr. Walters: So we don't currently expect the Shoreline Master Program to come back to you.

Mr. Pernula: We were going to take it directly to the Board; however, we got tied up with a couple of environmental impact statements. The current one that we're working on is the one for the Tesoro project. When that gets done we're going to get back to the SMP and get that to the Board.

Chair Raschko: Kathy?

Ms. Mitchell: I'm not sure if this is right for this time right now or if you're still going to do some more at the end. But at one point or other we were going to have a meeting with the Board of County Commissioners – more like a business-type meeting. Do you know when that might be?

Mr. Pernula: Yes, that'll be in March, probably March 7. And the reason why we have it in March – we were going to have it in February, but we put it ahead to March so that we can have some of the legal issues relative to the RFI reviewed by legal staff.

Ms. Mitchell: Thank you.

Mr. Pernula: And that was one of my announcements I was going to make.

Ms. Mitchell: I stole your thunder! Thank you.

Chair Raschko: Okay. It's time for comments by the Commission members.

Mr. Axthelm: I'd like to make a comment.

Chair Raschko: Josh.

Mr. Axthelm: And I really enjoyed working with the County. I mean I'm going to be here for a long time still but I really enjoyed doing the Chair position. It was a learning experience and I really appreciate your support and help with that, especially Annie Lohman. So thank you very much.

Ms. Mitchell: Thank you for your service. It was a lot of extra time you put in. I think we all acknowledge that. Thank you.

Chair Raschko: I'm glad we did that last year! Amy?

Ms. Hughes: That was too – just to thank you, too, for chairing the last year or two, or more.

Mr. Axthelm: Thank you.

Chair Raschko: Anybody else?

Ms. Rose: How long did you have that job?

Mr. Axthelm: Two years.

Ms. Rose: Two years?

Mr. Axthelm: Yep. And I was Vice Chair, I think, the year before that. I think. Yeah, one year before that.

Chair Raschko: Well, thank you very much. That concludes the agenda.

Ms. Lohman: I move to adjourn.

Chair Raschko: There's been a motion to adjourn. Is there a second?

Ms. Mitchell: Second.

Chair Raschko: It's moved and seconded. All in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: (gavel) Okay.