

**Skagit County Planning Commission  
Presentation from WWU: Setback Reform  
Workshop: Permit Proposals  
March 20, 2018**

**Planning**

**Commissioners:**

**Tim Raschko, Chair  
Kathy Mitchell, Vice Chair/Acting Chair  
Tammy Candler  
Annie Lohman  
Mark Lundsten  
Josh Axthelm  
Martha Rose  
Amy Hughes (absent)  
Hollie Del Vecchio (absent)**

**Staff:**

**Hal Hart, Planning Director  
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Brandon Black, Senior Planner/Team Leader**

**WWU Student**

**Presenters:**

**Andrew Graminski  
McHale Jones  
Candice Trusty  
Allison Tompkins**

**WWU Professor:**

**Tammi Laninga**

Chair Tim Raschko: (gavel) Good evening, everybody. The Tuesday, March 20<sup>th</sup>, 2018, meeting of the Skagit County Planning Commission is hereby called to order. Are there any changes to the agenda desired?

Kathy Mitchell: No.

Chair Raschko: If not, we'll move on to Public Remarks. I presume everybody here is either staff or from Western Washington University. You still have the opportunity to speak for three minutes, if you wish. Nobody? Okay.

So tonight we will start with a presentation by Western Washington University on Setback Reform. Are you going to introduce?

Ryan Walters: Just briefly, we, Skagit County, partnered with Western Washington University last year as part of their Sustainable Communities program to do a number of projects that the County internally did not have capacity to do. One of those projects is what you're about to receive a

presentation on tonight. We've known for a while that our setbacks in Skagit County are sort of largely too onerous for especially smaller lots, and we've been seeking a way to reduce those setbacks or at least reduce the need for variances, which are relatively expensive and lengthy processes for those. So that's sort of the genesis of this project.

Eventually we envision this will result in code amendments but it's not currently on our work program. We don't expect to do it during this calendar year, so there's no pressure. But this presentation is the culmination of this students group's efforts on this project. We saw a little preview a couple months – a month ago or so and we're pretty excited about it. We think it's some pretty good work.

Chair Raschko: Great.

(some mostly unintelligible comments between Mr. Walters and WWU presenters about setting up the PowerPoint)

Andrew Gaminski: Hello, everyone. So we are students from Western Washington University Huxley College of the Environment. I'm Andrew Graminsky. So I think we'll all just quickly introduce ourselves.

*(NOTE: Only presenters are listed here.)*

McHale Jones: I'm McHale.

Candice Trusty: I'm Candice.

Allison Tompkins: I'm Allison.

Mr. Graminski: This is just a fraction of our class! \_\_\_\_\_ at least. We've been working on the setback project. So as Ryan stated, with collaboration with WWU's Sustainable Partnership Program, planners from Skagit County have presented us with this project to simplify Skagit County's setbacks to reduce the number of variances.

So a little bit of a background of how we got here: So back in January we had an initial project orientation on what we would be doing and what zones we'd be working with. And in February, we had – planners came up to us and where we presented our interim findings in which they gave us feedback, and we used that feedback to further develop revisions for the setback requirements.

So a quick summary: To help guide our way towards in this project, we looked at other counties which include Whatcom, Clark, Kitsap, Snohomish, King, Jefferson, and we compared language, format, and measurements requirements to Skagit County's code. We analyzed for clarity, appeal, and overall comprehension, and then we also identified these graphics, tables, and brochures, and other tools to help further develop our revisions.

So the purpose was to minimize the complexity of the setback definitions and layout, comprehensiveness, and then references; and then, again, reduce the number of variances that are coming in; ensure requirements meet the goals of Skagit County's Comprehensive Plan; and then revise setbacks to identify the minimum standards for a \_\_\_ and road types. And then just a quick brief of the proposals we'll be talking to you about: So we made a proposal to change the table to go by road type instead of what it is now. Then the actual requirements within the code,

and then revisions made to the dimensional standard worksheet, or DSW. So, Candice, do you want to take over?

Ms. Trusty: So our first set of proposals involve organizing Skagit County's minimum setback requirements by road type. As Ryan stated, a big part of the reason that we are looking to revise the code is to reduce the number of variance requests received by the County. We started out by comparing Skagit's setback requirements to six other counties' in the region, and we found that in most cases Skagit County had smaller minimum setbacks than the other counties in the area. We also compared the setback tables of the other counties to Skagit's dimensional standards table and we found that we preferred Whatcom County's setback tables which organized the minimum setback requirements by road type. You can see an example of that in the slide in the top out of Whatcom County's code. We would also like to note that Whatcom had smaller – or has smaller minimum setbacks in all the zones that we compared to Skagit County and also received only seven variance requests in 2016.

So our proposed changes came from these comparisons to the other counties. We're proposing to revise the dimensional standards table to organize minimum setbacks by road type. We would also like to decrease the minimum setbacks in the zones of Rural Intermediate, Rural Village Residential, Rural Reserve from 25 feet to 20 feet, and this is where the access point of the parcel is off of a local access road. We would also like to decrease the minimum setbacks in the Secondary Forest zone. Because of the similarities to the Rural Resource zone, which has minimum setback requirements of 50 feet, we would like to reduce the minimum setback requirements for the Secondary Forest zone from 100 feet to 50 feet. We would also like to avoid using the words "see code" in the table, and to do this we'd like to state the agricultural zone's minimum setback requirements in the table and then keep its maximum setback requirements in the Zone section. We would also like to replace the word "same" with actual setback numbers in the table.

So our reasons for changing the dimensional standards table to organize the minimum setbacks by road type is to simplify the table and to make the table more user-friendly by having all the minimum setback requirements in one place for users to find. We think that removing "see code" from the table and also "same" would simplify the table and make it less confusing for users.

Reducing the minimum setback requirements in the Rural Intermediate, Rural Reserve, and Rural Village Residential we think would help to reduce the number of variance requests and also put Skagit County more in line with other counties in the region in their setback requirements.

Also for the Secondary Forest zone, by matching the minimum setbacks of Rural Resource, which has the similar purpose, we think this would add a level of standardization to the setback requirements and also simplify the overall code.

So this is our proposed minimum setback table, which organizes by road type. We got the road types from Skagit's Comprehensive Plan and, as you can see in the table, it includes all of our proposed setback revisions.

Ms. Jones: We're McKale and Allison, and in this second section we're going to just talk about the revisions that we're proposing to make to the actual setback requirements code within the Skagit County Code under the Zoning section. It's in 810.

Ms. Tompkins: All right, this is the outline of the 10 subsections that will be within the setback requirements ordinance within the code and this next section of the presentation is basically going to walk you through the majority of these subsections minus 4, which is – will just be the table that Candice just presented. And then some of the other ones we'll just kind of talk simultaneously through some of the other slides.

So our first new subsection that we want to add to the ordinance is a purpose. We think that this will kind of help with – create uniformity between the rest of the code because most sections do have a purpose. And then it'll also convey to the users kind of the reasons why we have setbacks, outline the information that they'll find in the code, and hopefully make the whole kind of ordinance a little more – make it easier for them to go through. And the – off to the side there is our proposed purpose. You can also find that if you flip to the end of our memo. I have a draft text in there of our proposed code, so you can kind of walk through that as we are talking about it.

Ms. Jones: All right, so the next section would follow in the setback requirements – is also a new section, and it would just be a definition. So there *is* a definition for “setbacks” in the zoning code as it is right now. It's located in the Definitions section. And it reads as “a line generally parallel with and measured from the lot line, existing or planned street or road right-of-way, easement or driven surface (whichever is most restrictive) defining the limits of an area in which no above-ground buildings, structures or junk may be located.”

So what we did was we actually looked at this particular definition to just try and figure out how we could simplify it, and then we compared it to other counties to get more ideas about how they were doing it. So right off the bat we noticed that the other counties didn't have as many lot line restrictions. They might reference a couple of them but the one in Skagit County has probably six as it is right now. But when you read past all of those restrictions you can really see that the definition is just a line which limits and defines an area. So we wanted to really look at the code and figure out how we could mirror some of these other definitions that were a little more simple but still retain that definition. We also noticed that the other codes included the words “minimum required distance,” which Skagit's didn't have, so we wanted to revise it, just make it more straightforward, and include those better elements from the other codes. And we changed it so the draft code now shows the definition for “setback” as the “The minimum required distance from a lot line, road right-of-way, or easement that shall remain free of structures.”

This third section we would call Applicability, and this is in the code as it is right now. But it's a very simple section, and what it actually includes today is just one or two sentences about the horizontal setback requirements and then also it includes notes about architectural features and porches. What we thought might be a better idea – just stepping back and looking at the code as a whole and trying to figure out how we could make it flow better and group similar items – was that we might be able to incorporate this Applicability section to have the architectural features, the horizontal notes, porches, and then also the fences. We also liked this third item about the setbacks must remain free of junk or structures, because then that negates the need to also include that in the definition itself. So the use of setback area as a group makes sense because it just kind of describes all of the different things that are allowed to go in a setback area.

Ms. Jones: So it also included in the Definition section of the zoning code are the definitions for front, side, and rear setback. Most of these definitions include more like measurement or like how you would measure those for measurement requirements, and they do just like a general description of what a front, side, or rear setback is. So we're proposing to take those out of the Definition section, just leaving the one that we presented in the – two slides ago, and then moving

those for front, rear, and side into a Measurements subsection of the Setback Requirements. And that would look something like what is shown on the screen there.

Also within this Measurements section would be the vision clearance, which is currently in the Setback Requirements code. And then we will include graphics for the vision clearance, which is on the left there. And then following the Measurements section we'll include a section on lot type examples, which we pulled from the Dimensional Standard Worksheet that the County currently uses. And so far we added one example for split lots, which we'll get into, I think, in the next slide, and then we also just worked on kind of cleaning up the examples that they did have in the Dimensional Standards Worksheet. We eliminated a lot of the text that was in there, hoping that the Measurements sections that is before would kind of eliminate the need for any explanation, because you'll be able to see kind of the required measurements and then also how those visually look within the examples.

All right, so split lots is one particular aspect that the planners came to us wanting to address because it's something that they have to issue a lot of variances on. It's on – split lots are on kind of waterfront properties where you have the main portion of your property up against or on the waterfront and then you have a road right-of-way that cuts through your property and you have an additional smaller section on the other side of the road right-of-way. And it's normally too small to build any, like, residential or living structure, but the current requirements make it impossible to build any other sort of accessory structure on it. So we wanted to make a kind of Special Requirements section within the ordinance that would allow people without having to receive a variance to build on these specific – or on these smaller division lots. We propose for figuring out the front setback of those smaller divisions taking an average of existing structures or existing neighboring structures in that area. And we got that justification from other counties. We looked at other counties and that's what they've been doing, and then I think the planners informed us that Skagit County also does that for shoreline properties as well. And then we propose reducing the rear and side setbacks to just three feet, which is what you already require for accessory structures in the larger part of the property.

Ms. Tompkins: Okay, so this is the section that we would now title Administration Reduction of Setbacks. And that exists right now in the code but all it does is just really briefly describe the process by which people can apply for variances to change their setback requirements. And then followed by that is its own separate section – is side and yard – side and rear yard easements. And you can see right here this is actually as it is right now on the website. And you can see it's really long and lengthy so we kind of thought maybe we could revision this as being more simple and reflecting and nearing what exists for the variances. So what we would like to do is basically put the variances and easements under one subsection titled Administrative Reduction of Setbacks, and then they can break it out into variances, easements, and then both of those will just kind of give a brief description of what that means – variances being an administrative request to the County and easements being a request to your affected neighbor. And then what we'll do is just direct them into the appropriate subsections within the code. So as a variance stands right now – I think it's under 14.10.40 – that they can go and find that additional information about how to complete that process. So we just felt like it might not be 100% necessary to have the side and rear yard easements describe this full process here in the Setback Requirements. If we could maybe move it somewhere else and then just make a reference to it and include a navigational hyperlink that would just take them to that process that describes the forms, the legal process, and everything else about that.

We also just noticed that in the DSW, the Dimensional Standards Worksheet, it does reference both of these standards – the easements and the variances – but it's just the language is a lot more simple, and we just felt like if it could be simple there we could have it be simple in the code as long as it's buffed out elsewhere in their own sections.

All right, so as we've gone through this whole section so far, you know, we really envision this being really comprehensive, and what we've tried to do is revise, you know, language of individual subsections within it; revise the flow; kind of regroup some things together that we thought might be appropriate; and then also bring in references to other sections that we thought might be missing. And one of these was Overlays. So we noticed that there was a description for Agricultural-Natural Resource Lands in the code right now but when you looked at the DSW you saw that there were other overlays that property owners should be considering, including Guemes Island and Airport Environs. And they have special requirements that kind of dictate special elements of different – of the side and rear easements, for example, on Guemes, and then the front setback is dictated by the regular standards. But these two standards for Guemes Island and then the regular Skagit County setbacks didn't reference each other in the code. It only exists on the DSW. So we thought we could incorporate those elements, and then that would also just negate the need to dedicate space to them in the DSW. And as it was right now, I think each of them took up over half a page or more.

So this Overlay section would include all three Ag-NRLs, Guemes, and Airport Environs. And then there might be any additional overlays to be considered, and you guys could certainly add them in there at a later time, and they would just quickly reference the overlay to be considered with the hyperlink that would direct you to the appropriate section within the code that already describes all of those requirements. So we think that this will just kind of help make the code more comprehensive and also likely increase compliance and adherence to these additional overlays that might be overlooked if you're looking in the code and they're not there.

Ms. Jones: All right, our third and final proposal is our revisions to the Dimensional Standards Worksheet, or the DSW. You should have copies of these, as well, that were handed out to you. There's two of them – a residential and then an ag – agricultural one as well. We modeled these off of Kitsap County's development brochures which are kind of a similar – are a similar thing to the DSW is that they're just kind of a quick run-through of what needs to be done for a specific kind of development.

The current DSW we found to be very long and cumbersome, and hopefully with our proposed changes to the Setback Requirements ordinance it kind of negates a lot of what is already on there, and we can keep it to a one- to two-page handout that just highlights the key features or the key responsibilities of a property owner when determining setback – or their setbacks on their property and what's required of them.

And each handout will follow this outline. It will include the purpose of the setbacks as in the – what's stated in the ordinance; how to find your setbacks based off of your – what zone you're in, what road type you're in, and then also – or what road type you're *on* – and then will also help you determine your, like, front and your side and your rear setback requirements. They'll contain another section on just other considerations, like how to determine setback requirements for accessory structures or how to obtain variances, which will just kind of, again, be a brief sentence on "See this part of the code" or "See this part of the setback requirements." And then we'll include the lot type examples as well as the specific table for the type of development that you're – or type of structure that you're developing.

Ms. Trusty: So this concludes our presentation on the research and analysis our team completed in order to create these revisions and proposals for Skagit County. Additional information and examples are contained within the memo presented to you today, as are the three completed project deliverables from our team: a revised Setback Requirements ordinance, a new minimum setbacks table, and an updated DSW. We believe these modifications will help simplify the requirements, reduce variance requests, and alleviate the administrative burden created by both.

Thank you all for your time today, and we're ready to answer any questions you may have for us.

Mr. Graminski: \_\_\_\_\_. I completely forgot to introduce my professor \_\_\_\_\_. If it wasn't for her, \_\_\_\_\_ overwhelming support throughout the process. We really appreciate it and I just wanted to make sure she is acknowledged. And a special thanks also to the planners for giving us this opportunity.

Ms. Jones: Yep. Thank you, Andrew.

Chair Raschko: Well, thank you. That was a – it looked like a lot of thought and work went into that. I appreciate your effort. Are there questions?

Tammy Candler: I have a question.

Chair Raschko: Yes?

Ms. Candler: So I have a question regarding – first of all, I want to say I think some of these ideas are really, really a good idea, like the overlay idea particularly. I like the idea of trying to avoid using “see code” and the replacing the word “same” with the actual setback. That was good. I do have a question about your definition. I don't think that the code section you're looking at is dealing only with road frontage so I'm wondering if the definition – or maybe you know why it doesn't include any reference to, like, a property line setback. Does that make sense?

Ms. Jones: Right, because you're talking about front and back – or back and sides as well, right?

Ms. Candler: Is there a discussion about that?

Ms. Jones: For the setback definition itself?

Ms. Candler: Yes.

Ms. Jones: There isn't discussion of that. I mean, really, like the idea as it's written right now and, I believe, like the original context really was just trying to – what it was just trying to tell you was the actual distance between whatever your roadway is – minor or, you know, more arterial or anything like that – to what your actual property line is. And I think I feel like it does define that. Basically it's talking about the setback being that area between those two things. So I think because it still includes the information of a lot line, I believe that it – that incorporated that. But –

Ms. Candler: Okay. And then another question that I had...the six counties that you looked at – going back to the beginning – you chose to organize your setbacks by road type, right? Was that – were there counties that organized it a different way?

Ms. Jones: Hmm, I'm trying to think if any of them did, because we noticed that right off of the bat that the majority of the other counties did it by road type so that struck us immediately. And I can't think, right off the top of my head, if any of the six did.

Mr. Graminski: Kitsap and Whatcom.

Ms. Jones: Okay – well, had it by road type, yeah.

Mr. Graminski: (inaudible)

Ms. Candler: What were some of the other options?

Mr. Graminski: Very similar that, yeah. Yeah.

Ms. Candler: And can you articulate what it was about organizing it by road type that you thought made it better or simpler, or why did you choose that?

Ms. Tompkins: I think it's better justified by road type. It's easier to kind of convey to someone why you would have a 50-foot setback next to a highway versus a 20-foot setback next to a normal access road at least. And so we saw that as a good justification. And from our perspective as not planning students but as citizens, that it's a little easier to understand that justification for why you would have smaller or larger setbacks based off of a roadway instead of based off of whatever land use you're in.

Ms. Trusty: I think also trying to fit too much information on one table when there's different types of special requirements in each zone, it's easier because every zone will have a minimum setback requirement. So to just have all that information in one table and then have additional requirements stated in each zone's section, it just is cleaner, I guess? And I guess using Skagit's as an example, it had, you know, a footnote at the bottom of the Dimensional Standards table saying the minimum requirement for the main three zones we were looking at. So by doing it by road type you could just have each of those minimums in the table without having to reference different areas.

Ms. Jones: I think if I could just add a third justification to that – do you need more? – is that, two things: One was that the Dimensional Standards Worksheet itself directed people to go look up the road type in order to determine what their setback was, with a special note that it could be smaller based on the road type. And then also if you look in the individual zones for, say, like Rural Reserve or et cetera, some of those have different setback requirements like little tiny tables of just like four different elements that give you smaller setbacks for minor or local access roads. So, again, I think just including them all in the road type kind of gives you that, like, a more intuitive sense immediately at the bat of why your road types would determine a setback.

Ms. Candler: Well, I enjoyed your presentation and I thank you. I don't have any more questions. Anybody else?

Chair Raschko: Anybody else?

Annie Lohman: I have a couple questions too. So your table, you're not intending for the table to be necessarily exhaustive but just showing the minimum requirements and then reference back to the zone? Is that what I heard?

Ms. Trusty: Yeah, for any additional requirements.

Ms. Lohman: Okay. And then you were talking about the Ag-NRL and Guemes and the Airport Overlay. Were you suggesting that the Ag-NRL is an overlay?

Ms. Jones: No, and you're right. I don't think that in the code that we've drafted it's titled as an overlay section. I think it's something like "special requirements." It's just something to consider grouping all as one element – it's additional things that you might need to think about, considering what your property's adjacent to or borders.

Ms. Lohman: Okay. The other thing was you were talking about wanting sameness with other counties. Then my ears kind of perked up because part of what we cherish here is we are *not* the same as other counties. This is the largest contiguous ag base in western Washington – and you could argue the same thing on the timber side – and we have a large contiguous Rural Reserve in the areas where those are, which makes us unique. We aren't chopped up and so we – it gives rural NRL users a lot more ability to use their property for the NRL. And I – so when I hear somebody saying, Well, we want to be the same as other counties I kind of urge a little bit of caution on that.

Ms. Trusty: So when we first presented our preliminary ideas to the planners, I had proposed removing the 200-foot maximum from the agricultural zone, which I found – because I didn't quite understand why it was necessary, and we were informed why it is so important, especially in Skagit County where your agricultural areas are very important to you and you're trying to preserve that good land. So we threw that away. And we also – we didn't – we're not trying to change any of the agricultural setbacks. Just to – for simplification in the table to state the minimum setback for the agricultural zone, which is 35 feet, and just have the 200-foot maximum in the code so that it's only organized by minimum setbacks – if that makes sense.

Ms. Lohman: Thank you.

Chair Raschko: Is that it?

Ms. Lohman: And my last question is – mostly maybe to staff – is how many variance requests do you see a year?

Mr. Walters: Let me pose that question to Brandon Black, our team supervisor of our Current Planning division.

Brandon Black: Probably about 25 or 35 – something like that. Off the top of my head.

Ms. Lohman: 25 to 35?

Mr. Black: Somewhere in that area.

Ms. Lohman: So what is then – knowing that we're 25 to 35 – what is the – you said Whatcom only had four?

Ms. Tompkins: It's seven in 2016.

Ms. Trusty: I think it was like seven or eight last year as well.

Ms. Tompkins: Yeah.

Mr. Graminski: One in 2013.

Ms. Lohman: So what about the other counties that you surveyed?

Ms. Tompkins: I don't know if we have the information from other counties. We happened to have a presentation from the Whatcom Planning Department earlier in our quarter and so we were able to ask them some questions, but we did not get the opportunity in other counties.

Ms. Mitchell: Is it possible, if things moving forward – obviously you guys have e-mail to each other – can you find that information and get it to Ryan? That would be a helpful piece.

Ms. Tompkins: Yeah.

Ms. Mitchell: Thank you.

Ms. Candler: I have a question also.

Chair Raschko: Okay. If you don't mind, I'd like to just build a little bit on what Annie was asking. But my question concerns the Secondary Forest. And I'm curious as to what the rationale is that the setback for Secondary Forest would be more than everything else.

Ms. Trusty: Oh, so what the similarities in purpose there are for the Rural Resource and the Secondary Forest zone?

Chair Raschko: No –

Ms. Trusty: Oh.

Chair Raschko: I'm asking why it would be 50-foot instead of 35-foot when it's 35 for every other zone on the matrix.

Ms. Tompkins: Why we wouldn't be reducing it to 35 and instead we chose to reduce it to 50?

Chair Raschko: Right.

Ms. Trusty: I mean, that's a potential – there's a potential for that. The reason I decided that – reducing it from 100 to 50 – was just because of the similarities of the two, so it seemed like a good justification for reducing it to 50. But there might be justification for reducing it even further. I'm not –

Chair Raschko: Yeah. I would offer that if somebody is putting a building on this Secondary Forestland the fact it's in Secondary Forest is that they intend to still operate the rest of it as forestland. And so the bigger the setback you make, the less that carves into that operable part of the property. So I would think that you would want to minimize it.

Ms. Jones: Yeah. That doesn't make sense and I think that that adds even worries in to just set the – set the – change the minimum required distance.

Chair Raschko: Mm-hmm.

Ms. Jones: And if it's at 35 then they certainly have the option of still setting it back, you know, 100 feet if they so please.

Chair Raschko: Right. Okay, thank you. So –

Ms. Mitchell: I've got a question too.

Chair Raschko: Go ahead.

Ms. Mitchell: The question I had probably goes between you all and staff. I really like a lot of what I've seen with your work and how it's coming along. One of the things about when we look off the web for information – that's what a lot of us do for this information. You repeatedly said that we're going to be using hyperlinks to go to something else. It's not always possible for some of the people, especially rural people, to access information that way unless they were to come in here and somebody would let them borrow their stuff. So as a practical question and a functional question, if we needed to have somebody be able to see the whole thing and for it to be printed out, what would that look like?

Mr. Walters: That would look like your eight-page DSW that – to provide a little background, the DSW, which is not a term we use and which we had to decipher, is the Dimensional Standards Worksheet, one of the things we put in your packet. That's a handout that we created for our use here and also to go in our building permit application for people to be able to figure out their own setbacks. Because setbacks are a gigantic time-suck at the permit counter, figuring out all those eight pages of Dimensional Standards Worksheet – all those eight pages of standards, applying them to your property, and then hoping that you got all that right because then you go draw up your plans. So in that we tried to be very comprehensive so we don't miss anything, and so that the checklist that we use behind the counter is the same as the checklist that the applicant sees in front of the counter. Now with this, I think some of that would be dramatically simplified. Certainly the table in the back. I would worry a little bit about maybe eliminating some of the content about the Guemes overlay or the ag overlay – or not overlay, but the ag standards, the natural resource standards. I think we kind of need to retain that because we don't want to miss it. But otherwise it would be reduced.

Ms. Mitchell: Okay.

Mr. Walters: And in that we do pack in all the definitions or the citations, and we've made it a step-by-step process.

Ms. Mitchell: Right.

Mr. Walters: But we're open to changing it as well.

Ms. Mitchell: Well, one reason I'm bringing this point up – because things are changing; we know that, and a lot of people do go computer-based. But sometimes, we'll also learn, in order to have these documented and kept, there are times where you want to print something off and make a real notebook. And so keep that in mind too, because for some projects some people are more anal that way where they want to have that information preserved as it was at the time. Because we all know that things change on the web.

Mr. Walters: Ah, I see.

Ms. Mitchell: See what I mean? A few months later, a year later, two years later, what changes with different understandings – and I realize that a lot of the permits are taken care of that way, but keep that in mind because that does make a difference for people too.

Mr. Walters: Oh, well, the other place you would see it all in one place is in the ordinance that adopts it. The ordinance that adopts it would have all of the stuff that they're talking about and then it gets split up and put in its appropriate place when it's codified. But the ordinance itself has everything in one document.

Ms. Mitchell: Super.

Mr. Walters: So sometimes we'll refer to that or link to that.

Ms. Mitchell: Super.

Mr. Walters: I have a question for them as well.

Chair Raschko: Okay. I think you're after Tammy.

Mr. Walters: Okay.

Ms. Candler: Okay, so this is a question maybe is more for Brandon, but of the variances that you mentioned earlier, do you have any – do you know how many of them are on, like, the split lots that –

Mr. Black: Probably about half of them.

Ms. Candler: Okay.

Mr. Black: Yeah, primarily focused in the Big Lake and Lake Cavanaugh areas for the average split lots. In Big Lake there were areas that railroad right-of-way was given back to the property owners. So they're split by – I can't remember the name of the road \_\_\_ but they end up with \_\_\_. The lakeside area of course they want the residence on, and then they have the small, little lot on the other side that – primarily they want places to store their boats or I have seen some that have put in accessory dwelling units on top of their garage. But they're such small lots \_\_\_\_\_ quite a few variances on those. And they come in in waves. So thinking back with my comment on the 25 to 35, I may have included \_\_\_\_\_ some critical area variances in there too, so it may not be that high. But ideally \_\_\_\_\_. The other areas we see them are out in Samish Island along North Shore and Guemes – or not Guemes – *Fidalgo* Island on smaller lots on the west side. \_\_\_\_\_.

Ms. Candler: And are those the kind of variances that can be addressed/would be addressed with this kind of an adjustment?

Mr. Black: They could definitely with road type. A lot of those structures out there are primarily on Samish Island built in the '40s, '50s, and if you could go down North Beach nowadays you'll see that a lot of them are being replaced, and, of course, people want bigger structures. And a lot of that's due to the \_\_\_\_\_ with being on the marine environment. So you're going to see a lot

more of that out on Fidalgo Island too. Samish Island seems to be the one that's been the hot button area the last couple of years.

Ms. Candler: Okay. Thank you.

Chair Raschko: Okay, Ryan?

Mr. Walters: My question involves rear setbacks. The table that you have on page 3 of the memo I believe addresses front setbacks and compares them across the six or seven counties that you looked at. But what about rear yard setbacks? Did you look at rears, and do they need to be – or are they smaller in other counties?

Ms. Jones: We didn't look at the rear.

Ms. Tompkins: We looked at rear in our original one.

Mr. Graminski: \_\_\_\_\_ already had so we kind of just \_\_ problem areas and that was what we focused on.

Ms. Tompkins: I thought that it was either – between Skagit County and other counties, it was either rear was larger and the sides were smaller or the rear was smaller and sides were larger.

Mr. Walters: I noticed in your Whatcom County table the rear was only five feet, and ours is 20. And you recommend to reduce – or allow for reduction, I guess – in the rear yard to just three feet on those split lots, which would certainly help out being able to site a structure on those split lots. So I was just wondering if there's more opportunity to reduce the setbacks.

Ms. Tompkins: I think there is, yes.

Ms. Jones: I think there is, and just generally overall Skagit's tended to be larger on average on the front, and I would imagine that – you know, like you said – the side rear seems to be the same. We wanted to make a lot of suggestions to make them smaller. We didn't want be too gung-ho about it, though, so....

Mr. Walters: Thank you.

Ms. Tompkins: Yeah, thank you.

Chair Raschko: Anymore?

Mark Lundsten: I have a question that probably will be answered by staff. Well, first, I was gratified that I wasn't the only one that didn't know what DSW stood for. I had to ask Ryan at the start of the meeting so that was good. I also think that the clarification of the language and the purpose and definition are very helpful for laymen. I'm a layman, not a contractor. So to me it was like, Oh, yeah, okay. Well, that keeps – it's a good frame of reference with clear language. That's a good goal to have, so I commend you for that. But I do have a question. What was the genesis of this and what's the purpose of it? Where did we start and where are we going? Will we be deciding on something here? Who brought what to whom? Did you come to us? Did we come to you? I'd just like to know a nutshell story of that.

Mr. Walters: I would say that that story begins several years ago, maybe during the 2016 Comprehensive Plan update when we updated the variance code, because we used to have a provision in the setbacks – in the zoning code that allowed us to administratively to reduce the zoning setbacks. Sort of a wave of the hand to reduce your setbacks without having to go through a variance process. And that approach was appealed to the Hearing Examiner and then to the Board of County Commissioners, in one particular example, and the Board said, No, you need to apply the variance criteria. Now I don't think the code was very clear that you had to do that, but that's what the Board said. So we went back and amended the code to say, Okay, you have to apply the variance criteria. That made it much harder to get setback reductions, and if the setbacks are larger as they are and you can't do easy reductions and you have to get variances, that increases the number of variances you have to do and makes the whole process more onerous.

Mr. Lundsten: So that was basically the obstacle that prompted this process to begin – from you, on your side?

Mr. Walters: Yes. So it's been a somewhat slow realization that this was a problem, but we have definitely identified that as a problem. We've also identified some of the definitional aspects – the definitions of the various lot lines and various setback types that are in our current code – as problematic because they don't capture some of the setbacks we have been opposing. So there – without a policy change, there's still a mechanical problem in the code that needs to get fixed, so we identified that as well.

Mr. Lundsten: And this group from Western Washington just came up as a natural group to work on this problem? Was that – I'm just curious about how it started.

Mr. Walters: Oh, yes. Western came to us with the idea of participating in the Sustainable Communities Partnership Program that they have that – I think it is – Edmonds participated in last year. So we brainstormed projects for them to work on. One of them is this project. Some of the other projects are a formula designed for rainwater catchment systems. Another one is counselling for people that hoard junk.

(laughter)

Mr. Walters: That's sort of a common code enforcement problem we face.

Mr. Lundsten: I didn't realize that!

Mr. Walters: So we put together a suite of projects for them to work on and it has been really great working with this team and the other teams that have worked on these projects.

Mr. Lundsten: And, finally, will we be having a proposal put in front of us in the next year or whatever which we will say, Commissioners, this is what we ought to do?

Mr. Walters: The Board will need to add it to the Department's work program.

Mr. Lundsten: Okay.

Mr. Walters: But assuming they do that, then, yes, it would move forward like any other development regulation amendment.

Mr. Lundsten: Okay. Thank you.

Ms. Mitchell: Oh, one more quick question. So how many students are involved total?

Tammi Laninga: Well, there were 13 students on this project and then I had another 14 students working on a different project on the Growth Management Act revision – no, we did that. Not the Growth Management Act *review* that's going currently going on with the Ruckelshaus Institute. So yes.

Ms. Mitchell: Thank you. Good.

Ms. Laninga: And maybe 75 students across the – all the projects.

Ms. Mitchell: Thank you.

Chair Raschko: Is there anything else?

(silence)

Chair Raschko: Okay, well, thank you very much.

Several students: Thank you.

Chair Raschko: Okay, so we'll turn to a Workshop on Skagit County Code Chapter 14.06 Permit Procedures.

Mr. Walters: Well, good evening again. My goal here tonight on this project is to give you some background to provide you with some familiarity with our existing code, our existing permit procedures, so that you are well-versed with it when we start diving into a proposal later on. To back up a little bit, the Board of County Commissioners indicated to the Department that they would like to explore removing themselves from the permit process.

Ms. Mitchell: Can we just stop for a second?

Chair Raschko: We're not kicking you out. You're welcome to stay for the whole meeting! But I've been wondering if you're just politely sitting because you don't want to interrupt the meeting, but you'd really rather go.

(laughter)

Chair Raschko: Thank you very much.

Ms. Lohman: Mr. Chair, does Brandon need to be up here?

Chair Raschko: Pardon me?

Ms. Lohman: Does Brandon need to be up at the table?

Chair Raschko: Oh, he's welcome to. Sure. Do you want to join us up here?

Mr. Black: Do you want me to stay? I am interested in the next one, but if I'm not needed then –

Ms. Mitchell: Well, if you'd like, you can have a seat at the table. That's all we're going to say. You're welcome to stay but you can go.

Mr. Black: I'll just stick around just for a little bit to listen and then I may head out.

Chair Raschko: Sorry for the interruption.

Mr. Walters: Okay, so the Board indicated that they would like us to explore a code that would remove them from the permit process, and we'll get into a little more detail and what role they currently play in the permit process. But the Board members – the Board of County Commissioners – are not attorneys, they're not planners, they're not permit experts, they're not administrative law judges, but sometimes they have to play that role in the permit process. And generally legal advice, MRSC – which is the Municipal Research Services Corporation for Washington state local jurisdictions – and the various risk pools – the Washington Cities Insurance Authority or the Washington Counties Risk Pool – all recommend that lay people generally not participate in the permit process as judges because that can lead to errors in the permit process if you don't follow the code and apply the proper codes to permit applications, which then can lead to judgments and errors in judgment that cost money. That's why the insurance companies are interested.

So upon the advice of the prosecuting attorneys assigned to our department and the risk pool, et cetera, we are considering that and the Board has asked us to look at that. The Board members as elected officials also sometimes sort of chafe under the prospect of having to sit as judges, because when you're sitting in a quasi-judicial capacity, as you may know from some of your training, you're not allowed to talk to members of the public who are your constituents about the case before you. You are specifically prohibited from doing so. And that's very contrary to what elected officials want to do. They want to hear from their constituents. So when they're put in that position, constituents frequently don't understand those requirements, and even if they do don't like them. They want to be able to talk to their elected officials. So there are those considerations.

We also have some *mechanical* problems, I would say, with our permit procedures chapter of the code. It has been added onto over time and has gotten a little clunky, and then there are just some defects in it and we'll go over some of those. So if we are going to change the permit process to remove the Board from it, then we need to also fix those mechanical problems in the code. If we are *not* going to remove the Board from the permit process, we still need to fix the mechanical problems in the permit procedures chapter.

So let's talk, I think, first of all about the types of permits that we issue. There are any number of kinds of permits that you can get here at the Planning Department, largely grouped into building permits and land use permits. Some of those types require public comment procedures and some do not. A building permit, for example, does not. And one of the important distinctions between those types of permits that require public comment and those that don't are: Is there any discretion afforded to the Department? Or maybe not *any*, but is there a substantial amount of discretion afforded the Department in issuing the permit?

For a building permit, there is not. The Department is supposed to strictly apply the building code – the International Building Code, the International Residential Code, the International Fire Code, local amendments and the zoning code that implements it – and there's not supposed to be really

discretion. You either meet the requirements of those codes or you don't. And if you don't, then your permit gets kicked back and you've got to go fix your drawings or fix your site plan until it does. And then we must issue the permit when it meets those requirements. That's what I mean by having a lack of discretion. Sometimes we call those types of permits "ministerial," which simply means that they're not administrative discretionary type. They are: you apply, you get it if you meet the requirements.

The next class of permits, though, is the ones *with* discretion, and we divide those into a couple different types of review processes. But those are your special use permits, your subdivisions, your bigger types of permits that *do* involve comment periods and sometimes involve public hearings. We try to stagger it so the simpler types don't require public hearings. They do have comment periods and staff make the decision after reading the comments that come in. And then the next set are ones where they go to the Hearing Examiner. The Hearing Examiner holds a public hearing. There's also a written comment period but the important distinction is that there's the public hearing. And then the Hearing Examiner makes the decision.

Now there's yet another type of permit under our current system and most systems, and that is where the Hearing Examiner holds a public hearing and then makes a *recommendation*. Doesn't make a decision – makes a *recommendation*. That recommendation automatically goes on to the Board of County Commissioners and then *they* make the decision.

So I have broken that up into the table that you see on page 4 of the memo. And if you read it in black light it's kind of hard to see ~~\_\_\_\_\_~~ strikethrough, but the table here describes what are basically five types. If you read our code, it will describe them as *four* types, but that's because it breaks Level 1 into two types but doesn't really tell you it's doing it. It makes it a little more complicated than it needs to be. But this is the table that we reviewed briefly at a previous meeting. And in the top row, it shows you all the types of permits that are in each of the categories, the first category being those administrative/slash/ministerial decisions. There's no public comment period. There's no public notice. You come in for your building permit. If you meet the requirements, you get it. That's Type 1. Under our current code there's also another Type 1 which is also administratively decided but there *is* a comment period. I propose that we look at breaking those into two different types so that we can clearly tell the story of how they're different. And that's how they're represented on the table.

So those ones that are also decided by staff but do have a formal comment period are in your second column there, and that's stuff like: administrative special use permits, administrative variances, critical areas buffer variances between a certain percentage, lot certification reasonable use exceptions, preliminary long subdivisions of less than nine lots. Those types of things do get comment periods but are decided by staff.

Moving rightward on the table, the next, Type 3, those are your Hearing Examiner decisions where staff open a comment period, make a recommendation, but the Hearing Examiner makes the decision.

And then there's Board of County Commissioner decisions, the Type 4 permit under the revised scheme, where the Board of County Commissioners makes the decision after the Hearing Examiner's recommendation.

Now the final column is here just for completeness. There's only one item in it. But it's sort of an odd man out. It's a Board of County Commissioner decision that *is* ministerial. It's a 'shall' issue.

There's no discretion involved. But weirdly we *do* have a comment period, which is problematic because really you shouldn't be soliciting comments if you can't do anything with them. So in this potential revision here we would just strike that and move that type elsewhere. We can get into some of the details of it.

So going back to the first page, though: Some of the problems with the code now are that there is no table like you see here in the memo and on the screen. That table doesn't exist in the code. There's a list but the list isn't complete. Not all the permit types live in that list. Some live in other chapters. There are various references in other chapters to some type of permit that that chapter is describing and it'll say this is a Level 1 approval. Well, that list of what types everything is needs to be in one place. And we need to avoid stating those things twice. For maintainability in the code, we need to say those things only once.

The code is also not entirely clear what type of a review a building permit is. And that is obviously a really big problem because we issue more building permits than anything else. Now we have interpreted the code to make it clear that a building permit is in the first column, a Level 1 no-notice permit. But it's sort of difficult to find a line in the code that actually says that.

As I mentioned before, our Level 1 applications are currently divided into two different levels, those that do have notice and those that don't have notice. That's a very clunky way to do it.

Alternation of final plat, which is something that occurs after you do a final plat, has to go all the way to the Board for approval, even though a short plat to begin with would never have to go all the way to the Board because that's only four lots. So we don't think that makes sense and we think that that is just sort of an anachronism of the current code.

There have also been some substantial questions about whether or when you can make appeals of SEPA threshold determinations or EIS adequacy, because there's some language in the code that talks about when you can do that but it's only described under Level 1 applications and not the other levels of application. And that's just sort of an organizational problem of the current chapter.

And then there's substantial repetition. Because in the current code you've got Level 1 procedures, Level 2 procedures, Level 3 procedures, Level 4 procedures, and because each of those sections details the entire list of procedures, a lot of – there's a lot of duplication across it.

So what we've identified so far in terms of modifications to the chapter are the following bullets – and we are very early on here, so nothing is set in stone at all. But one of the things we're talking about is consolidation of the two types of pre-application meetings we have – pre-application and pre-development meetings – because there's substantial confusion amongst the staff as to what the differences are between the two: which ones are required, which ones aren't; which ones cost money, which ones aren't. And most jurisdictions just have a single type of pre-application meeting called a pre-application meeting, and so there's probably potential for reducing that confusion by simplifying into one type. Frequently right now we'll have pre-development meetings and then waive the pre-application meeting, when actually the pre-application meeting is required and the pre-development meeting isn't. Both of those are simply opportunities to get in early before you submit an application to find out what all of your requirements are. So we want to make that very clear in the code while we're making changes.

Ms. Lohman: So are you proposing that would be for a fee or \_\_\_?

Mr. Walters: Right now the way it works is the pre-application meeting costs, I think it's 400 bucks, Brandon?

Mr. Black: 450.

Mr. Walters: 450. But that amount is applied toward the cost of your application fee if you then follow it up with an application within a defined period of time. But the fees would all be handled in the fee schedule, not in the code.

And since Brandon's still here, let me preface the next bullet by saying that there's some internal staff disagreement about the following; however, we have talked a lot about making the Department, instead of the applicant, responsible for the mailed public notices. Right now we ask applicants to come in with pre-addressed envelopes that are pre-stamped, and then we put public notices – when they're required – in those envelopes and mail them out to the surrounding property owners. And if we pursue this bullet, we would make the Department responsible for generating the address list and printing those envelopes rather than the applicant. The reason being is the applicants don't always get that right and we have to check it anyway, and we have tools available to help us print envelopes that sometimes applicants don't have.

Josh Axthelm: Don't they come to the County anyway to get the information?

Mr. Walters: Yes, and there's been some evolution of that over time. They used to go to the Assessor's office and the Assessor would prefer that they *not* come to the Assessor's office to ask for address lists. So our GIS Department made a tool internally to generate address lists; however, it's – it doesn't work very well for capturing all the required addresses. You can't just do a straight mail merge so that's sort of problematic. This *seems* like a simple thing but functionally it has been very difficult to accomplish this well, and there have been a couple high profile applications recently where we have not accomplished the mailing to all the right parties. So we want to avoid those issues.

As I said before, we want to divide Level 1 applications that require public notice from Level 1 applications that do require notice so that we can clearly distinguish those.

Also we currently lack a single table that in one place describes the term lengths of all the various types of permits and the opportunities to get extensions. So a building permit – if you want to know how long a building permit lasts, you've got to go to the amendments to the code that are in Title 15. If you want to know about other types of permits and how long their lengths are, you've got to go to those sections of code. So an administrative improvement of the code would be to have one table that lists all the permit types, how long they last, how many renewals you can get, and how long the renewal lasts. We would probably integrate the subdivision renewal term lengths that you just passed into such a table, if we had a table, because it would make it a lot easier to see how to do all of that.

Ms. Lohman: Excuse me. Even though that was only \_\_\_\_\_?

Mr. Walters: Yes, because it applied to a certain range of types so we would include the range. We wouldn't change the effect. We would just describe it in a table.

And then the – I think the final bullet here is that we would add a procedure for pre-application neighborhood meetings. We would only – we would not require that of any currently existing

permit, but the Planning Commission recommended in its recorded motion on the Shoreline Master Program that we require a pre-application neighborhood meeting for certain types of shoreline habitat restoration projects because they can have detrimental effects on surrounding drainage. So what we said at the time was great, we'll draft that. It would be ideal to not put that into the Shoreline Plan itself but into procedures because it's a procedural thing. And then we could make it a requirement for other types of permits if we wanted to. But since we're talking 14.06, now would be an appropriate time to draft that and insert it into the code.

Overall what we want to try to accomplish with procedures – and procedures of almost all else because they are the basis for how you process anything – is really good drafting, using the plain language guidelines that are recognized by legal writing experts and the federal government, even – not that they always use them. But they even have a website, plainlanguage.gov, where they define some of these things.

Number one, we want to be concise.

We want to organize information logically – generally sequentially. We don't want to get things out of order to make it just weirdly more difficult.

We want to use useful headings.

We want to use parallel construction and the same terms whenever possible.

We want to use active voice, not passive voice.

Mr. Hart: What's "parallel construction" mean?

Mr. Walters: Oh. Where we are describing two things that are slightly different, we want to describe in almost the identical way so you highlight the difference between them.

We want to use active voice, not passive voice, so you know who the actor is, who the requirement falls upon.

We want to write short paragraphs, short sentences, and short sections. Typically when we've done code amendments in the last several years we've made those code amendments very list-y. We used bullets, we used numbering so that you can hit the points and know that you've hit them all because it's – one of the requirements is not buried in a page-long paragraph of text.

We want to avoid repetition. This is a really big key, I think. We want to avoid repetition so that we're not saying anything more than once for maintainability and also because anytime you're saying something more than once you are almost always going to say it in a slightly different way when you didn't mean to, and that introduces ambiguity and it suggests to later readers of the code that you meant to have that be different, even when you might not have. So generally we want to avoid saying anything more than once. Where we need to point to things, we'll use cross-references so that people know where to find the thing that they need, but we won't commit this sin.

And then lists and tables. Lists and tables are really key to brevity and to making sure that things are parallel.

Ms. Lohman: Can I ask you a question? When you talk about avoiding repetition, I know that sometimes when we've been in a chapter and we wanted to refer to another chapter because of the applicability or maybe a collision of the two chapters or an exception or something, that's not what you're talking about here, correct? When you're talking about avoid repetition.

Mr. Walters: Are you talking about the Shoreline Master Program?

Ms. Lohman: Well, the Shoreline and then even the stormwater. I mean, I'm an aggie so I know sometimes we've had to refer something in the ag chapter because of the specificity in the ag chapter for that activity. But we don't want to lose the ability to do that activity because of another section –

Mr. Walters: Yep.

Ms. Lohman: – conflicting.

Mr. Walters: We generally try to thread that needle – try to use a cross-reference – but it's sometimes problematic to have too many cross-references as well. So I think generally we have done things where we'll say but x is exempt per Skagit County Code this-other-section. So we give a really good pointer but leave the details to another section. There probably won't be a lot of need for that in this because it's not the substantive rules; it's the procedural rules. But generally that would be the approach.

The next section of the memo – the second half of page 2 – lays out a proposed table of contents for the chapter. The current chapter has two chapters about intent and purpose that probably don't need to be separate sections. It talks about foundation of project review. It doesn't have really an applicability section, which is, as the students talked about in setbacks, something we really always want. We always want to describe applicability. And there're certain types of things that are exempt from this chapter. This chapter applies to development permits, building permits, and not other types of things. So we need an applicability section.

We do have an administration and interpretation section in the code right now, but that administration section says that the Director of the Department is in charge of administering this chapter. Well, the Director of the Department is in charge of administering the entire title, so that properly should move up to the general provisions for the entire title, and it doesn't need to be repeated in each chapter. You'll see here that – and, again, this is very draft at this point – but we are not talking about changing lot certification. Lot certification is a very complicated section of the code and it would please me (to) no end to leave it alone. There is a little bit of repetition that I think that we can deal with without changing really any of the substance of lot certification and without changing that section.045.

The current application level section, .050, I think is actually probably where we would put types of review – the big table that's at the end of this memo – on. On this memo you've got it at .030 but maybe – one of the important things that we should probably try to do is keep the numbering the same that it is now to the extent that it is reasonable. So, for instance, lot certification: We're not changing it, but even if we were we would probably want it to retain the same number, unless it really was an organizational problem within the chapter. There're some tradeoffs there. So keeping the same numbers is somewhat useful.

Consolidation of permit applications, consolidated review – .060 – that, I think, can largely stay in the same place and it makes sense in that location.

Integration of SEPA review, same thing. Because of some of the SEPA issue questions we've had, we might want to make a couple of changes, but maybe that won't be necessary.

Pre-development and pre-application review right now, .080, is maybe where we can keep that section, but we also want to make it sequential so in this layout we did move that down a little bit a couple of section numbers so that when you read through the code you're stepping through it sequentially.

The code here would create a new .090 section for public notice requirements where all the requirements associated with public notice would live in one spot and up-front, because later on the content of the notices would be described. But this would be the overarching requirements for how you distribute public notices, who gets them, when they're posted – that kind of thing. So just a little bit of change in the sequence.

Contents of application, .090, would probably change a little bit to include that determination of completeness that's in .100, because they're very related. They're basically the same concept. If you don't fulfill the contents of application, if your application's not complete, and then there's a procedure for asking for more application. So those are very related concepts and they probably go together in a single section. And then we would move – so that's – I think that's .090, .100, and .105 all really fit together in one.

Now the existing, as I said before, .110 through .140, the review procedures for those four different levels, are likely to be able to be eliminated as a separate structure because there's where we have a lot of repetition and a lot of restatement of rules. And right now, for instance – as I said before – the Level 1 review for SEPA includes some text that isn't in the others and has caused us some grief recently. So if we didn't try to restate those procedures four different times, we could avoid having to repeat it. And so the proposed new structure on the right-hand side would just lay out the steps, and those steps are skipped if they're not addressed by the table. And the table describes when those things are required.

Ms. Lohman: Where are they? Which chapter? Which *new* section number?

Mr. Walters: .130 through .190 basically – the application, the Department review, the public hearings, and then the decision. And then the final five or so sections are maybe just reorganized a little bit, but they basically cover the same concepts: appeals, remand of appeals to lower review bodies, reconsideration of appeal decisions – and exhaustion of administrative remedies, .240, would be a retitle of .220, judicial appeals, because not all appeals, especially when we start talking shoreline permits, immediately go to court. And then what we are currently lacking, the section on permit expiration, a wholly new section that tries to capture various term lengths and expiration periods and renewal opportunities.

Page 3 of – I sense a question.

Ms. Candler: I have a question. I don't think I'm fully understanding what you're doing with the numbering. Is this just an idea or are you thinking that this is – like, for example, .080. I could see not – I could see skipping it on the new one if .090 was the same, but it's not. So I'm not understanding your numbering scheme.

Mr. Walters: Yep. And I already made a change to this just trying to look through the table and trying to figure it out. So –

Ms. Candler: It's just a draft.

Mr. Walters: Yeah. This is just a draft and very open to additional suggestions about how it makes the most sense and how it most logically should be organized.

Ms. Candler: I'm just – I just didn't understand why you skipped .080 in the new one. It doesn't really matter but I –

Mr. Walters: And there might not be a good reason.

Ms. Candler: Okay. Thank you.

Mr. Axthelm: I have a question on that – .150. That's where you provide stamped envelopes and stuff. So it says "to allow the Department to expand the notification radius." So why –

Mr. Walters: Oh, yes. An additional provision of the code right now says that notification, with the exception of marijuana, is 300 feet. But the Department can expand it to 500 feet if we tell the applicant in the pre-application meeting, which sort of assumes that we can't expand it if we *don't* tell them in the pre-application meeting. But, really, if we're the ones sending the envelopes we could send it to whoever we wanted. So if we rework that section, we would assumedly remove that limitation.

Mr. Axthelm: Okay. It just seems like it would – it's – one person you could do it, the other person you couldn't. So it wouldn't be necessarily just.

Mr. Walters: Oh. We would justify it. So for a pend – there's also the possibility, if you want, to look more deeply at that, too. Because during our marijuana discussions where we eventually landed on 1000-foot notification radius, we did talk about how in some cases 300 feet yields very few people – right? – because it's – maybe it's very large lots and – versus in a small-lot area where 300 feet yields many people. But maybe you have different notification radiuses depending on the intensity of the proposed use or – you know, there's a variety of ways you could slice that onion, so we're open to suggestions there. But we do want to make it administratively functional.

Page 3 just is another view of the table of contents and this one – this table lists the existing section numbers and what we're thinking in terms of where they might live. And, again, not set in stone. But we do envision that if we move forward with this project that we will do a cross walk like this so you can see where our stuff is.

Chair Raschko: Mm-hmm.

Mr. Walters: Whatever is in the final proposal. And then the final page in – well, page 4 of the memo is that table. This is the master table where not the details but the real substance of each permit type is described. And sort of the magic of this chapter rewrite is in the table, because if you decided that you did want a certain type of permit to have a pre-application neighborhood meeting or something like that, you'd just write it in the table and it would be done. You don't have to go back and rewrite huge paragraphs of text or find that section. You know at a glance what each application type requires. And an applicant reading through the table would know what the

applicant is in for. So take just one example here: a Hearing Examiner special use. Some kind of special use permit, maybe like a dog kennel, that requires a Hearing Examiner special use in a certain zone. That person would come to the table and look for Hearing Examiner special use permits. That person would find that under Type 3, Hearing Examiner Decisions, and then the applicant would know that they need to do a pre-application meeting but that that can be waived. There's a process described in that section about that. They would know they don't have to do a pre-application neighborhood meeting. They know a notice of application needs to get issued, and there's a section that describes that. They'll know that there's a public comment period and how long it is – 15 days. And they know that the Director makes only a recommendation and that the Hearing Examiner holds the public hearing and makes the decision. And then they'll also know that there is under the table as proposed here no local appeal of it. Now that's different from our current code and that gets back to what we were talking about before – the removal of the Board from the appellate process.

We don't currently think that the Board of County Commissioners would be *entirely* removed from the permit process because currently they have the responsibilities that are listed in that far column: Board of County Commissioner Variances, which are only one type, and that's ag siting criteria variances; site-specific rezones; binding site plans or subdivisions of 50 or more lots; development agreements; and regional essential public facilities. Now you could remove the Board from some of those, like the ag siting criteria variances or regional essential public facilities, but you couldn't remove them from site-specific rezones because those have to be adopted by ordinances. The Board's the only one who can adopt an ordinance. So we don't envision the Board being entirely removed. On the other hand, I've never seen a site-specific rezone processed here because almost all of our rezones are also Comprehensive Plan amendments, which go through you guys instead.

Binding site plans or subdivisions of 50 or more lots: Those do happen and they could be moved to just be a Hearing Examiner decision. Development agreements, though, are contracts and the Board doesn't really delegate its contract authority so we don't anticipate them wanting to do that.

We do plan to go to the Board in a public session on TV – that you could attend too if you wanted, I suppose – to get final definition on what it is they want to see in the proposal – where they want to land in this – before we move forward. Because they generally indicated what they wanted but until they review the specifics I'm not sure that we will have a particularized sense that is good enough to move forward with a proposal.

Ms. Lohman: Ryan, you've eliminated – for example, in Type 3 the Hearing Examiner makes the decision, and then \_\_\_\_\_'s been extinguished. So do you propose then having a section that tells what the next step would be on the table?

Mr. Walters: I don't know about the table. The exhaustion of administrative remedies section, which used to be –

Ms. Lohman: I saw it in the list.

Mr. Walters: Yeah – which used to be called judicial appeals, could describe there, because it differs for types of permits. It's generally to Superior Court but for shoreline permits it's not. So we might want to have that level of detail elsewhere. One important requirement, though, is that the notice of decision that would come out and be published and be mailed to parties of record, that is required to indicate what the appeal process is.

Ms. Lohman: Because it almost suggests, though, when you just look at the table and if you're trying to use the table as your guide that, oh my gosh, it ends there.

Mr. Walters: Yeah, and one –

Ms. Lohman: So even if you could add another line that – even if all it says is “for specifics see the chapter” because it's too complex for the table. But for most of us, when we go in for a building permit or a permit we're strangers to the system. And you see a table like that to help you and maybe you have your heart set on something and it suggests that that's where it ends.

Mr. Walters: Yeah, yeah, indicating that the local appeal, the –

Ms. Lohman: Right.

Mr. Walters: And we've struggled with, you know, sort of what to call that but the appeal within Skagit County government. Even that is not 100% accurate because if you appeal to Superior Court you might go to Skagit County Superior Court. But –

Mr. Hart: What I'm hearing you to say is you would like an extra line to convey which direction the appeal would generally go to. Is that what I'm hearing?

Ms. Lohman: Right.

Mr. Walters: And we could maybe include a cross-reference to – you know, we could say see another section where it describes that?

Mr. Hart: And what you're saying is it's going to be complex and \_\_\_\_\_.

Mr. Walters: A little bit, yeah. So we don't want to be inaccurate, especially when we're talking about people's appeal rights but we want to be –

Ms. Lohman: But when you're trying to use a table to be –

Mr. Walters: Yeah. Yeah.

Ms. Lohman: – as exhaustive as you're suggesting to – at least that's how it's sounding to me – we don't want to accidentally have an omission that maybe we should have had.

Mr. Walters: Right.

Ms. Lohman: And I don't know how you would do it. But it's kind of like sometimes when you start writing lists you get into the danger of if you don't have every single thing you could think of in the list for whatever that activity is and somebody comes up with some use that's not in the list. So the table can have that same kind of peril.

Mr. Walters: Yep.

Ms. Candler: Well, and I had the same question when I saw that. But I kind of like the idea of instead of adding another line and just phrasing it a little differently: “not local,” or – I don't know – something. Because I don't – I think it could be accomplished and still be smaller.

Mr. Walters: Yeah, and there's also – there is the opportunity to request reconsideration, generally not of decisions but of – well, potentially that. So including the cross-reference, I think.

Ms. Candler: Mm-hmm. Yeah.

Mr. Walters: Might work. But you'll see this a number of additional times before –

Ms. Lohman: I mean I don't have an answer.

Mr. Walters: Yeah.

Ms. Lohman: I mean I don't know how to do it either.

Mr. Walters: So we can talk more about it.

Chair Raschko: Mm-hmm.

Mr. Hart: I think it's a really worthy comment, so thank you.

Mr. Walters: Are there any other questions generally about this or about different aspects of it or suggestions for how we should proceed or things that we should think about?

Ms. Mitchell: I wish I knew more to just ask!

Chair Raschko: This is sort of – I mean, it's very, very good but it is kind of a skeleton.

Mr. Hart: Yeah.

Mr. Walters: Yes.

Chair Raschko: And I think that questions or suggestions might be more forthcoming when there's some meat on the bones, so to speak.

Mr. Walters: We could proceed to that. You know, you could look at a code draft and then – you know, the big policy questions can be resolved through the table. But – okay, we'll talk about that.

Chair Raschko: Anybody else? It looks like a big challenge.

Ms. Mitchell: Yeah.

Mr. Hart: We appreciate each –

Mr. Axthelm: Oh, yeah, actually \_\_\_\_\_. You were talking about the pre-development, pre-application meeting at the beginning?

Mr. Walters: Mm-hmm.

Mr. Axthelm: So and from a construction standpoint, I've found that the pre-development meeting was actually quite good because it gave that opportunity to bring something forward before you put a lot into it. And so you can get a quick look at it and then if you needed you go to the pre-

development. And especially if it's free. It's like it's not a big – it's not a big meeting but it does get some major players in there so you can have a quick look at something. So we've avoided issues because we've had that meeting before.

Mr. Walters: Yeah, the Department had a management review done ten years or so ago and there was a lot of emphasis put on that type of meeting and the rapport that was generated.

Mr. Axthelm: Okay. So you were talking about taking it out of there but I would suggest to leave it in there.

Mr. Walters: Oh, I'm not –

Mr. Axthelm: But maybe help people clarify what the difference is between the two.

Mr. Walters: Yeah, we're not suggesting removing the concept but tweaking the language.

Mr. Axthelm: Yeah. Okay.

Ms. Mitchell: How many people have been involved with it so far to get it this far?

Mr. Walters: Just Stacie and me.

Ms. Mitchell: Okay.

Mr. Walters: Well, and Brandon.

Ms. Mitchell: Okay.

Mr. Hart: But we'll start expanding the circle.

Chair Raschko: Okay, anything else?

Mr. Axthelm: There might be something like a concept review, you know, if the pre-development doesn't work. Understanding like a concept review.

Mr. Walters: Some jurisdictions call it that and that maybe more clearly conveys what you're talking about. It's a conceptual overview meeting.

Ms. Lohman: So then when would your fee structure kick in? Would you change it? Because now that pre-development meeting is no cost, right? But your pre-application meeting does have a fee that could be, but it's towards your building permit. So how would you do that?

Mr. Walters: Well, the Board sets fees and they could charge for a pre-development meeting if they wanted to. I don't think we would change it. Because the – I think the pre-application meeting basically is free now anyway. We charge for it, but since you get a credit it's a net zero cost. Brandon, do you have a sense of how many people pay that and then don't proceed?

Mr. Black: Two or three a year.

Mr. Walters: So that's –

Ms. Lohman: It's not an issue.

Mr. Walters: No.

Mr. Axthelm: But it does avoid some major costs sometimes. Because then if you go into a project and think you could do it and – oop – no, you can't.

Mr. Walters: Oh, doing the meeting is critical.

Mr. Axthelm: Yeah.

Mr. Walters: Yeah. But it's also not clear in the code right now that you need one of those meetings for a commercial building permit. Like, you pretty much always need one for a commercial building permit because you can learn about the ADA requirements and, you know, all of that kind of stuff.

Mr. Axthelm: For some people it's repetitive. I mean, you take developers and contractors, it can be a little repetitive that way but I still like it. It's simple enough to do and – for the few times it might hold you back a few weeks, it helps you out.

Mr. Hart: One other interesting aspect too, like a lot of things in the building and planning world there's some seasonality to it. So I just was asking Brandon about that, and we may get just a few a month in the winter and then really kick it up this time of year to the summer. So I don't know how that would have any bearing other than we get really busy \_\_\_\_\_.

Mr. Black: \_\_\_\_\_ three a week, sometimes four in the summer. We double-down on \_\_\_\_\_. I just want to say that the pre-development is something I would not advocate doing away with. I think it's very vital for folks to find out the feasibility of their project. It saves staff time. Instead of an applicant coming in and talking individually with staff at the counter, they get the full attention of all the staff: fire marshal, critical areas, health – everybody needs to be involved in –

Ms. Candler: He needs you to use a microphone.

Mr. Black: – and – oh, I'm sorry – everybody that may have some input or review authority on a new project, and it gives us a chance to look at it ahead of time before meeting with them. And, as Josh knows, we prepare notes that help drive the project. If it's a more complex project, we'll require a pre-application meeting, which is where they'll pay, because we'll want to look at certain aspects. It could be anything from fire code issues to water issues, which is always a big thing. Sometimes – and they do pay for that – sometimes folks will go away from those meetings, though, and find out that, well, jeez, it's going to cost way too much for the infrastructure; I'm not going to do the project, and they will lose that money. But 95% of the time they are back within their six months to get their application in. It does take time to get some of your ducks in a row, as Josh would know, being in the industry.

If the project – oh, the last point is if the project is a real simple one, we can waive that pre-application meeting and just have them go straight to \_\_\_\_\_. But again I want to stress how vital those pre-development meetings are for both staff and the applicants.

Chair Raschko: Thank you.

Mr. Walters: So I think we're all on the same page there, because we're not proposing to get rid of the meeting.

Chair Raschko: Anything else?

Ms. Mitchell: No. Good work so far.

Chair Raschko: Okay, so we'll go to Department Update, please.

Mr. Hart: Yeah, so we have a number of things going on – a couple of things I want to make you aware of. I'd like to submit your names to the William D. Ruckelshaus Center. And what they're doing is they're doing a listening, and it's from the University of Washington – a guy named Joe Tovar is leading up an effort and our Western Washington University professor is also involved. I just asked her about it – that was here this evening. And they want to ask cities and counties around the community and that's going to come up. So as a representative of planning and the community, I don't know if you think that's a good idea or not but I would like to submit your names so that you can tell them how it's working in Skagit County. And they will also interview – they're also going to interview all the electeds up here as well. And there's an – I was just looking at their website and that is an issue, I think, that could be pretty important. They're going to take the information and they're going to go county-by-county and they will – I think they're going to be here this next month and I'll get that date. I was looking on the website for the date but – and they're limiting it to 50 so I'm not sure how they would do it. But I want to make sure they hear from our community and get as many voices in there as we can from the unincorporated county I think would be very important. So I look to you for leadership on that. If you want to do that or not, let me know and then I'll get you the date and time and they'll make sure they get that to you. So I think that's one big picture thing that's coming up.

Ms. Mitchell: Do you know what kinds of things – a little more detail on what kinds of things they want to know?

Mr. Hart: Yeah. At the website, they were – they have already conducted a few questions and answers and they have a list of things like address the redundancy between SEPA and GMA and stuff like that in the development process. So as people come in for permits or – you know, there's a lot of redundancy maybe in requirements, and so reducing that might be a comment or a question that they'll hear. And they've got an appendix that's out that has five pages – well, one, two, three – three pages right now of comments that they've already heard, like port districts – priorities may conflict with City and County priorities, so how do you deal with that? So just lots of little big picture kinds of things that in long range planning you hear about. And so maybe there's something they could do to tweak that act at 30 years old or so now. And looking at the next couple million people that are going to come into Washington, what are we going – where are we putting them? All those kind of questions kind of come back. And it's kind of a report card, I think, for them. But they want to do it county-by-county and really here they're kind of in a double bind so they'll ask 50 people in Whatcom County too. That's slated between now and, it looks like, December of this year. And then they make the final report to the legislature in 2019.

Ms. Mitchell: So they would be asking set individuals rather than as in a workshop style with the group. Is that correct?

Mr. Hart: That's what I see so far.

Ms. Mitchell: Okay.

Mr. Hart: And I can get you more information if you – I just want to keep that on your radar screen. And I think it's a generational opportunity that at least they're coming out to ask. That's important.

Ms. Mitchell: Okay.

Martha Rose: Is this – is the goal to adjust the Growth Management?

Mr. Hart: Yes.

Ms. Rose: That's the goal?

Mr. Hart: Yes.

Ms. Rose: So whose –

Mr. Hart: What's working, what's not working –

Ms. Rose: Right. So I know that the builders have been pushing to loosen up the Growth Management rules for probably decades – probably since it was enacted.

Mr. Hart: Right.

Ms. Rose: And so who's funding this report, or this study?

Mr. Hart: That's a good question and I think it looks like the state legislature is doing that and they've given some money to the University of Washington.

Ms. Rose: Okay.

Mr. Hart: And then they're asking the William D. Ruckelshaus Center at the University of Washington to do the work.

Ms. Rose: I see. Okay. \_\_\_\_\_ good.

Mr. Hart: I think it should be pretty good, and let's just see where it goes. But being there is part of – you know, participating in it, I think, is the first phase. Let's see what happens to the information they find here.

Ms. Rose: Sure.

Mr. Walters: When they kicked off the project a couple of years ago I thought that it had more focus on identifying all the conflicts between the Shoreline Management Act and the Growth Management Act and the various capital facilities planning statutes and the transportation facilities planning statutes and all of that that kind of overlay and kind of mesh together and kind of don't. But I'm not sure that that's still the focus. The Western professor's focus – her research project has been on LAMIRDs, limited area of more intense rural development – our rural intermediate zones and our rural villages. Not just ours, but all the counties'. So I don't really know where they're going with all of this.

Ms. Rose: Well, I know that there's a big push to get a buildable lands survey because the Growth Management Act looks at certain boundaries and says, Oh, there's this many blank spots to build on, but the reality is a lot of those really aren't buildable. And so I know that that's probably a possible piece of the puzzle is to identify whether there is enough buildable lands in the Growth Management areas, the boundaries. You know, the same conversation we had not that long ago when we agreed to expand Sedro-Woolley's Growth Management – you know, the urban growth boundary.

Mr. Hart: And I'm looking at their – in Phase 1, which is 2016 through June 2017, the Association of Washington Business, Association of Washington Cities, Building Industry Association of Washington, Futurewise, something called Forterra, Master Builders of King and Snohomish, Northwest Open Access Network, Suquamish, Swinomish, the Tulalip, the Quinault were all part of that process so it's pretty broad.

Ms. Rose: Okay, so that's everybody.

Mr. Hart: Yeah, I think it's everybody. Yeah.

Ms. Rose: Everybody. Yep.

Mr. Hart: So we'll get you more information and I'm looking to you for the okay to submit those names to the Ruckelshaus group – if you're okay with that.

Chair Raschko: Well, I'm going to be okay if my fellow board members were okay.

Ms. Candler: I'm fine with it.

Ms. Mitchell: Sure.

Mr. Hart: And then I'll run that by Tim, my boss, but that would be my recommendation. What group knows it better than you guys dealing with it every week?

Chair Raschko: Okay.

Mr. Hart: Thank you.

Mr. Walters: April 12<sup>th</sup> is the date, I think.

Chair Raschko: April 12<sup>th</sup> is when this happens?

Mr. Hart: Yeah, \_\_\_ that out there and I believe it's an April meeting but we'll \_\_\_\_\_  
afternoon.

Chair Raschko: So everybody's fine with that?

(sounds of assent from multiple Planning Commissioners)

Chair Raschko: Okay.

Mr. Hart: Thank you. That's it for now.

Chair Raschko: That's it? Great. Okay, any comments or announcements?

Ms. Lohman: I have one. This is National Ag Week and today is specifically National Ag Day and the first day of spring. So I just wanted to push that out to all the farmers out there and forestry guys, because they're all part of ag.

Chair Raschko: Which day is it?

Ms. Lohman: National Ag Day.

Ms. Rose: Today.

Chair Raschko: Oh, *today*? Well, happy Ag Day!

Ms. Rose: I have an announcement. Are you done?

Ms. Lohman: Yep.

Ms. Rose: So I build homes that are net zero, and we're going to have a Behind the Wall tour on Sunday the 8<sup>th</sup> from 11 to 3, right across from City Hall in Sedro-Woolley. And we're going to – it's a teaching opportunity. We like to show people what gets hidden by the drywall in the insulation, you know, that is important to know about in these types of homes. And so everybody's invited. We do this on every project we build. So I just don't build that many projects. There aren't that many opportunities to do this so it's on the 8<sup>th</sup> – I think it's a Sunday – April 8<sup>th</sup>.

Chair Raschko: And what time?

Ms. Rose: 11 to 3.

Chair Raschko: 11 to 3.

Ms. Rose: Yeah, right across from City Hall. Yes?

Mr. Hart: Is that the project that's the live/work project?

Ms. Rose: Yep. Yeah.

Mr. Hart: Okay, great.

Chair Raschko: Anybody else?

Mr. Lundsten: I'm interested in seeing Martha's project. I will be coming back from out of town on a trip at night late the night before. I doubt I'll make it so I request that you ask us again when you do the next one – if there're more opportunities.

Ms. Rose: There'll be one other one because I'm teaching a Built Green class, and the other one is going to be in the evening. I can't remember which day. I think a half a week off of that – I think it's a half a week later. I'm not sure. I'll try to figure that out and let you know.

Mr. Lundsten: If you remember to send me a note \_\_\_\_, I am interested in that and what you're offering. Thank you.

Ms. Rose: Mm-hmm, yep.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Thank you, everybody.

(silence)

Chair Raschko: Well, thank you, everybody. Is there a motion to adjourn?

Mr. Axthelm: A motion to adjourn.

Ms. Mitchell: Second.

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

Multiple Commissioners: Aye.

Chair Raschko: We're adjourned (gavel).