

**Skagit County Planning Commission
Workshop: Latecomers' Agreements Code
June 5, 2018**

Planning

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

Staff: Hal Hart, Planning Director
Stacie Pratschner, Senior Planner

Public Remarks

Commenters: Tom Glade, Evergreen Islands
Ellen Bynum, Friends of Skagit County
Dawn Greenfield
Doreen Gillette
Andy Culbertson
Bill Redding
Jason Redding
Bill Wooding
Krysta Verbarendse
Pam Doddridge
Don Yankacy

Others: Lisa Grueter, BERK Consulting

Chair Tim Raschko: (gavel) Good evening. Welcome to the June 5th, 2018, meeting of the Skagit County Planning Commission. Are there any changes to the agenda? Desires?

(silence)

Chair Raschko: The first thing that we will have tonight would be Public Remarks. Can I have a show of hands, please, for how many people might want to address the Commission? Okay. So it's limited to three minutes. We ask you to please take the podium and state your name and your address, and then three minutes. The three minutes will be certainly adhered to just out of fairness and efficiency. So who would like to go first? This gentleman?

Tom Glade: Good evening. My name is Tom Glade and I'm speaking this evening on behalf of the members of Evergreen Islands who are – for the most part, live on Fidalgo Island and Guemes Island.

We own 10 acres_____ ridge overlooking Turner's Bay with beautiful views of Turner's Bay below and Padilla Bay to the north and White Horse and Three Fingers Mountains to the east. The residents of South Fidalgo have struggled for a long, long time to reserve South Fidalgo for residential use and protect our islands from commercial development. In 1969 a developer proposed a massive project of homes, duplexes, and condominiums, and recreational development of over 600 acres of prime forest and grassland around Pass Lake and Deception Pass Park – land that was owned by Claire and Amelia Hyland. In our oral – in her oral history, Kathleen Hyland said the people of Fidalgo Island got wind of it and they said, Oh well, we don't want that to happen. So they formed the Save the Pass Lake committee and that was the committee that put pressure on the state parks. The Hylands sold their lake property to the State in 1972. Evergreen Islands started when they were going to sell Heart Lake and have a big development around Heart Lake. That's when Kathleen worked on Evergreen Islands. But even before that they were going to put the – they were going to put the nuclear power plant on Kikit Island and the one on Bacus Hill. And they got involved with the aluminum company that wanted to put their smelter on Guemes Island.

In 1977, DNR proposed to lease 450 acres around Heart Lake, the most popular trout fishing lake in the state, for a condominium development. DNR wanted to clearcut 160 acres of the north end of Deception Pass Park, which is visible from the bridge in South Fidalgo.

Representatives Berentson and **Gorman** and Senator Peterson figured out a way to use surplus park funds to actually buy Hoypus Hill from DNR for about \$3 million and transfer it into the parks system. In 1977, Claire and Amelia Hyland and their friends formed Evergreen Islands in response to these twin insults to our community's sense of place and natural beauty. In 1977, Evergreen Island succeeded in stopping the proposed Tethys water plant which would have been a million-square-foot building on the shores of Turner's Bay and an undisclosed railyard for the associated 1½-mile-long trains that would have been used to ship the water at least 800 miles, which would have been out of state. That would have required five million gallons a day of Anacortes water rights to do that.

In the spirit of Claire and Kathleen Hyland, Evergreen Island wholeheartedly supports Comp Plan amendment P-12, the South Fidalgo Rural Residential zones. We are very grateful for the efforts of Roger Robinson who has worked tirelessly with Skagit Planning to iron out the wrinkles in the process.

(sound of timer)

Mr. Glade: And thank you for your time.

Chair Raschko: Thank you. Who would like to go next?

Ellen Bynum: Ellen Bynum, Friends of Skagit County, 110 North First, Mount Vernon. I am here to request that you do more work, and this is the kind of work that I'm interested in. I noticed that we had a Parks Plan proposal and it's for the whole of the County parks. And we have a capital plan and we have a transportation plan. We have various things. I don't see any review of the Parks Plan happening in the schedule of events, and it seems to me that if you review – you're going to approve or not approve the capital and transportation. It seems to me that if you're going to do those two and run it through the Planning Commission, you might want to do the Parks part of it. And I just want to put that request in and see if anybody wants to do that.

And the second thing is I just wanted to report that your former Commission member Carol Ehlers is back after a stroke in Rosario Assisted Living, if you want to visit her. And she said today, I guess I'm gonna live! – which was a good thing.

Commissioner Kathy Mitchell: Thank you so much.

Stacie Pratschner: Thank you, Ms. Bynum, for that update. I will also speak with the Planning Director about the Parks updates as well. Thank you. Thanks for bringing that to our attention.

Chair Raschko: Did you have your hand up?

Dawn Greenfield: Hi. My name is Dawn Greenfield and I want – I'm here on behalf of the South Fidalgo concerns or whatever. I live at 14162 Gibraltar Road. I live on 10.2 acres. I've lived there for 21 years. In a divorce settlement I was awarded this beautiful piece of property which, again, I've lived on for 21 years. There are some wonderful outbuildings that were built on this property, years of my love put into the gardens on this property. I've had – we've had and I currently have three head of cattle on this property. There's been cattle on, say, five acres for the last, oh, probably 18 years. I have 20-something chickens. I just went – was awarded a year ago a special use permit to hold events on my property, and that is a means for me to pay people to help me to keep up this beautiful piece of property. A lot of the events are weddings, receptions. I do celebrations of life. I've done corporate celebrations there. You know, I've been very adhering to the sound regulations. Music goes off at 10. As you can imagine, I had to get the okay from my neighbors and go through all the many steps that were required of me from the County to get that special use permit. And it's also been hundreds of thousands of dollars of my own money – some of it my retirement – to do this. You know, again, it's a very unique and special piece of property. It has one home on it. I pay taxes like there's two homes on it, you know. So, again, I want everybody to know that my neighbors have known me for 21 years. I have a – you know, and my neighbors are the same neighbors that I've had for 21 years, with the exception of maybe one or two. And they have been very good to me and very supportive of me, and it's very concerning to me that what I've put a lot of love and care into, and all the love that happens at this property could be jeopardized by somebody who doesn't even own –

(sound of timer)

Ms. Greenfield: – similar type property could call what happens on mine. So thank you.

Chair Raschko: Thank you. Who's next?

Doreen Gillette: Doreen Gillette. I live at 6004 South Campbell Lake Road. My husband and I own 17.1 acres of property. It was used for many, many years for raising cattle. We reached a point where we just basically could not afford to do that anymore. So we're sitting on 17.1 acres. I'm hearing – my first complaint is that we are not getting enough information from the council on this P-12, whatever the P-12 is. I don't know. And I feel like you're getting a lot of information from people that are supporting whatever the zoning changes or whatever's *trying* to happen to our properties. I – and I also feel that people that live on a small piece of property should not have a say in what big property owners can and can't do with their own land. We pay a whole lot of taxes and there's a group of people that would basically want us to just kind of sit and watch our 17 acres of grass grow. And I also took offense to Mr. Lundsten, I believe that's the name. Your letter to the editor, I felt, to say that people are sending in inaccurate comments and statements and clogging up kind of you're trying to do, but we don't have enough information. Our comments are coming in – yes – but we're basing it on what hearsay, but I don't have any information on truly

what's trying to happen or what the proposal's all about. So you're right. I probably don't have accurate information and I'm asking for accurate information. Thank you.

Chair Raschko: Thank you. Anybody else?

Andy Culbertson: Hello, my name's Andy Culbertson and I live at 5909 Campbell Lake Road. I also have property – I own the west side of Turner's Bay. The east side is owned by the Swinomish Nation. And I just wanted to talk about P-12 for a minute here. We had this come up before last summer. I spoke at that time. I was against it then. I'm against it now. I think many of the amendments were odd, to say the least, and very specific to maybe some minor problems here and there. But the overall arching goal of no rural development is not what we voted for in the Growth Management Act. We voted for *managed* growth. And that doesn't mean that those with a special interest should be able to control the land of everybody involved. I think a lot of P-12 is very self-serving. Mr. Glade spoke earlier. The land he spoke about was clearcut in the '90s. The roads that he accesses his property on were the logging roads that the loggers were chastised for by the County. You can look this up on the record to see if I'm right or not, but the land that was in question at the time was all forestry land and it was cut. There's houses there now. And it shows to me a reasonable amount of development on the land. And I hope Mr. Glade uses his land well. I hope he enjoys it. I hope for the same for me. And I feel like P-12 is a bad way to go for a few people trying to impose their will on the landowners of South Fidalgo. So thank you very much.

Chair Raschko: Thank you. Anybody else?

Commissioner Mitchell: There.

Chair Raschko: Oh.

Bill Redding: Well, thank you for taking the time to listen to us. I am also not a resident of South Fidalgo as of yet but we purchased property about 15, 16 years ago.

Commissioner Mitchell: Your name, please.

Mr. Redding: Oh, sorry. We actually live in Edison but we purchased property on South Fidalgo
–

Commissioner Mitchell: Excuse me. We need your name, please.

Mr. Redding: Oh, Bill Redding. Sorry. And we spent seven years looking for it. It took us a long time to discover it. And the purpose – the reason we bought it is because it had the ability to have three residences on it. And our plan then and now is to build on it and have two of our children live there. We would then age in place and enjoy our grandchildren and children. This, of course, P-12 would threaten that, and it's to me unbelievable that I have to tell my son who spent four years in the service and risked his life in Iraq to come back to this country and have *his* liberties taken away when he was fighting for others' liberties. They have been planning to move in on that property with us for about five years, preparing for it. They're actually ready to do it next year. So it's – you know, it hurts to hear that some group of people have decided or would even entertain the idea of taking away the rights I purchased with my property. I do love the rural setting. We live very – our property is very close to Mrs. – Ms. Greenfield's and we love it also, and we've taken very good care of it and plan to make it the rural – the epitome of a rural setting. We are in Open Space Ag and actually are farming it now. But I would urge you to reconsider. I don't think we've

– we have a substantive due process yet. A lot of information has not been – there's no justification that's based on good data for the proposal and I think it should be studied. And I also think – I came from San Juan Island originally, graduated from high school there, and saw San Juan Island do this same exact process, and it was very interesting. And I go back there now – I have family there still – and see how what transpired. I used to know all the property owners. And it's still a pretty rural island. Yes, they made some mistakes early on and it cost them, but they basically went through an incentive-based process and found that to be very effective to preserve the existing farm and the existing rural communities. And if you've been out there lately, you can kind of see that it worked pretty good. Anyway, I would propose that we look into those options rather than closing the door on people that innocently purchased property with those rights attached. Thank you.

Chair Raschko: Thank you. Please go ahead.

Jason Redding: My name is Jason Redding. I'm also Bill's son. We've had that property since I was about seven years old so I grew up working on it. And I learned how to mow the lawn there and I learned how to work there, and I'm one of those two sons – not the one that spent the time in the service, but the other who just got back from college last week who plans on probably moving there, maybe not in the next five years – or maybe in – within the next five years, but it's been planned since, you know, I can remember, and I love that piece of property. And this proposition would put in jeopardy what has been planned since the purchase of that property, which is, like we've mentioned, to build multiple residences. I've seen my dad plan and plan over and plan over how to make that property the most beautiful that it possibly can be and not to detract from the rural setting in which we live. We do enjoy that actually. We aren't looking to develop – or to overdevelop, I should say, but rather make that a veritable paradise for our own family in a small area where the houses are clustered and the rest of the 15 acres upon which we live are left in their natural beauty. We take very seriously the stewardship of that and we would urge – as a family – urge the council to please consider those things before making final decisions, and also to please inform those whom it would affect because it does have a large effect on many people, more than just those small interest parties that would otherwise have these changes take effect without any notification of the property owners. So, yeah, thank you.

Chair Raschko: Thank you. Is there anybody else who would like to speak?

Bill Wooding: Bill Wooding. I operate – own and operate Lake Erie Trucking in Anacortes. My business address is 13540 Rosario Road. I've lived in that area pushing 60 years at Lake Erie and, you know, so many of the – over the years people who had larger parcels broke those parcels up and the people who are complaining today about what other people want to do they wouldn't be there if it hadn't been for the fact that these other parcels were divided years ago so they could have the quality of life that all of us would like to have. I own a piece of property from Seaview North. When I acquired that property I bought it – the main purpose was to operate a gravel pit at the intersection of Rosario Road and Marine Drive – is to buy it and hold it as a buffer to be a good steward of my property and not impact my neighbors. And at the time I bought the property, it was zoned – I could have had four houses to the acre. After I bought it with Growth Management Act coming in – came in, I was allowed to build one house on 40 acres. My intent originally was to subdivide that up into one-acre parcels but where we had that South Fidalgo Subarea Plan committee and we all voted to make it 2½ acres but nobody liked it, even though we voted it in and that was what was approved, but the County would not accept it. Why did we go through the drill?

My feeling is if it isn't broken, why change anything? You look at the areas. We don't see vast areas being devastated. And contrary to what Mr. Glade was saying, he would leave you to believe that it was Evergreen Islands that saved the islands. You know, the water treatment plant was never going to happen. They didn't have no financing. We knew that from Day One. They spent a lot of time. They didn't even have any property. Mr. Culbertson, it would have been his property they would have put it on (and) they never even talked to him. So and this goes on and on. You know, some of these clearcut areas they've talked about to where roads are built in, you know? And I think overall the island's done pretty darn good just by the stewardship of the property owners that are there, and I see no need of throwing in a bunch of new mix and changing things at this time. Thank you.

Chair Raschko: Thank you. So one last call?

(silence)

Chair Raschko: So we're done? I'd like to thank everybody for taking the time and the energy to come and address the Commission tonight. And I think what everybody's had to say is very important and I know that most people I see around the table have been taking notes. I think you've been heard. The one thing I would caution is that even though this is recorded for television it does not become part of the public record, so I'd encourage everybody who feels strongly about any issue to make the same comments or add to them either in writing or speaking or both when the comment period is open. That way it becomes part of the public record. Am I correct?

Stacie Pratschner: Yeah, thank you, Commissioner Raschko, and then I'll just repeat: Thank you, everyone, for coming out this evening and braving Sharpe's Corner to come and speak with us about the P-12.

The County right now is processing in addition to P-12 22 total amendments and rezone proposals. Those 22 amendments are required by the State to be released together in one package, so we haven't yet released P-12 for public comment. When it is released for that public comment, there'll be letters that are sent to everyone on South Fidalgo Island. There will be a notice in the newspaper, and then there will also be a notice on our website. We'll have a month-long comment period at that point in advance of the public hearing that we'll have with the Planning Commission.

But, again, thank you for coming out and making these comments. It's really important that we hear what residents think about this proposal and also the historical background of it too. As many of you know, it's been going on for a long time. So when that is publicly released there'll be that public notice and there'll be opportunity to comment at that time. This evening we're going to be doing a workshop on Latecomers' Agreements and so all of you are welcome to stay for that if you'd like to learn about that proposal. Thank you.

Chair Raschko: Thank you.

Ms. Pratschner: Yeah, thank you.

Chair Raschko: So we're going to move on to our workshop. And as Stacie said – and I usually forget to announce this that, you know, we're moving on and people are embarrassed to get up and leave so....

Ms. Pratschner: Oh, I'm sorry. Commissioner Raschko, it looked like there were a few other folks that came in who might want to comment before we get started on the –

Unidentified female voice: (inaudible)

Ms. Pratschner: Oh, that's fine. You can –

Chair Raschko: You have what?

Same unidentified female voice: Are you taking comments?

Ms. Pratschner: Yeah, you can certainly come up and comment. Yeah, definitely. Sorry to interrupt you there, Chair.

Commissioner Josh Axthelm: You should probably repeat that. Stacie?

Ms. Pratschner: Yeah?

Commissioner Axthelm: For any people knowing that it doesn't go on public record.

Ms. Pratschner: Yeah, definitely. So what I just finished telling some of the other folks who had made comment is the P-12 proposal, the rezone, is part of a package of 22 other amendments that the County is also processing right now. State law requires that we release all those amendments at the same time for public comment. They have not yet been released for public comment. When they are, there will be letters sent to residents on South Fidalgo; we'll do a notice in the newspaper; and it'll also be posted on the website. There'll be a month-long comment period in advance of the public hearing. So we appreciate that you guys came out here and braved Sharpe's Corner to come and make comment. But we'd encourage you when that comment period does open up that you submit comments in writing or come testify at that future public hearing. But, yeah, please – we've got everybody – you can have three minutes apiece – that's just to keep it fair for everybody – and we'd love to hear your thoughts. You can go ahead and go up to the microphone.

Krysta Verbarendse: Do you want my name and address or –

Chair Raschko: Yes, please.

Ms. Pratschner: Yes, please.

Ms. Verbarendse: Krysta Verbarendse. I live at 6192 Campbell Lake Road. I'm concerned with the P-12 rezoning that the Planning Department staff is – *appears* to be recommending for the Commissioners for approval and I'm opposed to these changes. I attended a meeting in our community recently put on by Roger Robinson and that's how I heard that this proposal is back in action. Last year we attended these meetings. The Planning Commission voted it down by seven to two. We kind of thought it was handled at that point.

I recall many of the comments made by the Commissioners. Basically it seemed to be a solution that was being made to a problem that did not exist. It wasn't adequately drafted. There were no studies performed. There was a lack of data that someone said would inhibit good planning. It was also discussed that the lack of local support – that it had a lack of local support. There was significant opposition. We're opposed to this.

So my questions are: What has changed? Why are we revisiting this? What evidence is there that Rural Reserve and this zoning in my community is not working? Where's the notice from the County and the planners? Why are we not being informed? This is very concerning to us.

I recently read in the *Anacortes American* that the Save South Fidalgo petition organizer, Roger, was working with the Planning Department directly on these changes. Our community knows nothing about this and we're not being asked for our opinions. This drastically changes my property rights and I'm very concerned. So my question is: Why? Under whose mandate? The majority of the property owners and public opinion opposed on these changes was opposed last year. Why does the Planning Department continue to pursue it? Last year during the comment period the proposal – only 700 acres were represented of the 4,000 whose property would change. This is a big indicator that many of the property owners knew nothing about it. Of the 700 acres represented, 84% were against the new zoning. This petition submitted in January for the rezone had 215 signatures. 73% of those were not from Rural Reserve. They don't live in that zoning. In fact, the majority of those lived in Rural Intermediate, whose property it wouldn't change. It doesn't change anything on their property yet they're telling me and other Rural Reserve property owners what we can and cannot do on our property. It would appear that the public has no voice or that the Planning Department does not look at the instruction from the Commissioners who are our representatives. They represent us, the property owners.

(sound of timer)

Ms. Verbarendse: I'd like you to look at the record. I'd like you to consider the opposition. Thank you.

Chair Raschko: Thank you. Are there any other people wishing to speak? Okay. Well, sir, you can speak next.

Pam Doddridge: Oh, sorry. My name is Pam Doddridge. I live at 13562 Islewood Drive. We have 35, 38 acres – something like that. Last year we did not get notice. We – because we found out from our neighbors about it. Again, we're not getting notice. I read the original proposal. I see the map and I have to wonder why only part of us – I live on a street where people on one side of the street are Rural Intermediate; on the other side of the street, they're Rural Reserve. Why do my rights get changed but their rights don't get changed? I just want to know: What is the County trying to fix? What's the problem? There are – that's a great area we live in. We like it. I moved here to live in the county. I did not want to live in the city. I don't want a homeowners association. I don't like being told what I can and cannot have or do on my property. You know, there is a permit process that is already in effect. If I want to add some of these things that are on your list I'd have to go and get a permit to do it. And I'm looking through this list and there's a lot of things on here – and I know the list is not final because for some reason it's on your website but it's not a final list – but a lot of these things, what is wrong with having them? You know, what's wrong with a dog kennel? What's wrong with, you know, a display garden? You know, you guys are saying that there's a problem with the water. Well, I don't believe Anacortes has a water problem. And I read this list and I just – I don't understand. There's some reason that this is being brought up.

I also went to the meeting Krysta went to and at that meeting I specifically asked Mr. Robinson – because he told me he had 250 signatures – I said, Of these 250 signatures, how many of them live in Rural Reserve? He told me almost all of them. Well, that turned out to not be quite true, because then we got the breakdown and most of them did not live there. I've gone around and spoken to my neighbors. None of us knew anything about this. And, you know, the other thing –

you know, we – sorry. Sorry sorry sorry. There were some other things but I can't remember them. Anyways, thanks for listening to me and we will be back because this is not going to go without a fight. We do not want to give up our property rights. I purchased this land specifically. I love where it is. I love it being open. I have kids, I have grandkids, I have friends that I like to bring to my property and do what we want to do and have a good time. We are better caretakers of this property than somebody else in the county telling me how I should take care of my property. Thank you.

Chair Raschko: Thank you.

Don Yankacy: Hello, I'm Don Yankacy and I'm at 13995 Trafton Road. I have never heard of this thing coming on. Someone stopped me on the road and asked me about it, or told me about it, and I went to some of my neighbors and they have never been heard – heard from the County that people were trying to stop us from doing everything. I mean, they don't want us to have an animal clinic hospital way out at the end of the road? Why not? It doesn't bother anybody. Campgrounds: My wife has owned her property for 52 years and we like to go on trips. We have no place to take our dogs around here. There's a couple of kennels but they're not that good. We'd like to maybe do a dog kennel. Right now it's allowed. All these things are allowed. But if they're taken away we'd have to go through other procedures and lawsuits and everything to get in. And I believe that whoever's doing this thing – Robinson, whoever he is; I don't know – has some other reason to want to take these rights away from us, and I believe it's against the law for it to be taken away for no reason at all. Please tell us the reasons.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: Nobody? Okay, well, thank you once again. We appreciate your being here. You're welcome to stay for the next meeting. If you care to go, we'll just take a short break here and give people the opportunity to go ahead.

(break)

Chair Raschko: Okay. I'd ask if we could have the conversations out in the lobby, please, and we'll continue our meeting. Thank you. Okay, we'll move on to the workshop. Stacie?

Ms. Pratschner: Thank you so much, Planning Commissioners. So tonight's workshop: Staff has contracted with BERK Consulting and this evening I have Lisa Grueter with me. She's one of the principles with of the company, and she is helping us out in drafting a proposal in code to have provisions for latecomers' agreements, which can be a powerful spur for economic development, rural economic development as well. And so Lisa has prepared a white paper which was provided to you prior to the meeting, and she'll also be giving a presentation to start the conversation. Thanks, Lisa.

Chair Raschko: Now would you like for us to wait till the end if somebody has questions?

Lisa Grueter: I think I can take them along the way in a workshop kind of format.

Chair Raschko: Great. Thank you.

Ms. Grueter: So I'm going to give an overview that generally follows the format of the white paper. We're going to cover what legislative authority there is, and there were some changes in the legislation in 2013 and 2015 that prompted the County to take a look and see if its code needed to be updated. And then we did some research with example codes and we also did some case studies on how this may or may not apply to different situations in the County that we think help it more real and help us understand how things could work before we work with you and staff to create the code.

So the purpose of the latecomers is to allow a property owner to request that infrastructure be installed or a local government to initiate or participate in building a road or extending other infrastructure like sewer and water, and then to be paid back over time by the property owners that benefit from that improvement. So one development might spur the extension of the road or utility but the other properties that benefit would pay back the first-in developer.

In the law, the definitions for "streets" are noted there on the left, so a street includes curbs, gutters, storm drainage, sidewalks, street lighting, traffic control. Basically the County sets engineering standards for streets and so it's a requirement of development that development have adequate access to their properties. And so when development goes in, if it triggers the need for an improvement they would meet County standards. So this gives you sort of like what's involved in the street but it's basically the County street standards would be what someone would design to.

Utilities – that can be covered through a latecomers' agreement: stormwater, sanitary sewer, combination sewers, water mains, hydrants, reservoirs.

So that's what the law covers. There's two different sections in the law: one for roads, one for municipal water and sewer. There's actually a third statute that applies to water and sewer districts that's very similar to what applies for municipal water and sewer.

The process is pretty similar for all the different statutory requirements. So, first, the law says, Who can initiate this latecomers' agreement? And it can be initiated by a property owner request or it can be initiated by a municipal government or district. So they create what's called a "reimbursement area." It's sort of the benefitted areas basically. So you would include parcels that would have a requirement for a similar level of improvement to the road or to the infrastructure and then they would pay their fair share of the extension of the improvement. The law has some differences but in general says there needs to be a notification to those who would be in the reimbursement area, and those owners can request a hearing. And then after that, after the decision by the elected officials, then that agreement would get recorded.

And then there's a different payback period basically. For roads it's 15 years and for sewer and water it's 20 years.

So, again, the County needs to do something in its code. Right now in the County's code the only place a latecomers' agreement is addressed is in the Edison Clean Water area. So the County needs to do something at least for roads, and where it's a service provider such as in Edison it needs to make sure that its latecomers' provisions meet the more recently updated law.

And then there's an option for the County to participate in latecomer agreements, and the County can set the terms under which it would determine it wants to participate. By the way, WSDOT can also participate in the road improvements, and if it does so it looks to the County or the Cities to manage their participation. So there's some things that the County can define, and we'll go

through a couple of examples of other Counties. And then we did do some research and calls to the Port, to the Economic Development Association, to Blanchard Water Association, and some others, just to try to get a sense of how could this apply, after speaking with staff in terms of other examples around the county of where were there some infrastructure needs and how would the County be involved or not.

So we'll start with Pierce County. Pierce County has a latecomers' agreement that's been pretty well updated – code section – for streets. For sewer it's in the process of revising their code to meet the latest legislative requirements. It's sewer where they've done the most number of agreements. They do one to two a year. They are a sewer service provider in an unincorporated urban growth area. So they're a provider, and they've done one or two a year, and they've got 19 agreements that are in effect and would expire sometime between 2019 to 2032. And those blue areas are – they map them so people can see. That's their reimbursement area.

They also allow latecomers' agreements for stormwater. As you saw before under Utilities, stormwater is part of utilities that can be addressed.

One interesting thing too is they give grants and loans for sewer connection. There's a number of ways in which municipalities may be able to assist infrastructure. Latecomers is a tool. There are other tools, and you'll see there're some other tools that Clark and Thurston have used.

Clark County has a street latecomers' code. They don't have one for water and sewer. They have a big special district that does do those, Clark Regional Wastewater. They don't really use the latecomers' agreement that much even though they have it in their code. What they've tended to use more are development agreements. For them they've found it's more – while they need to provide a process because of the legislative requirements, they've found that they use the development agreement more often because they're dealing with the developer who's ready to go and they don't necessarily have to address the other benefitted property owners. So they've done 12 developer agreements in the last five years and all were related to streets. So they did have some suggestions, though, that we put into the white paper in terms of ensuring there's provisions for nonperformance and things like that. So it was good to speak with them to see what their thoughts were.

We did present in the white paper too – there's provisions under State law to do interlocal agreements. So the one that's kind of interesting was Thurston County and Lacey. Within one of their unincorporated urban growth areas the Health Department basically said there's a public health concern here with the septic systems in place, that there needed to be a new wastewater system. So the County, even though it won't be the service provider long-term, was able to secure a loan from the Department of Ecology and build a system similar to what you have in Edison – a large, onsite sewer system. And Lacey, in the interlocal agreement they agreed that they would take over and maintain the system. It would technically be the County's during the term of the loan because they were the ones that secured the loan for the system.

And then there's other tools too, and Skagit County does have some revenue for infrastructure that it has disbursed. It's a sales and use tax and it's been used most recently for, I think, fiber optic infrastructure. So just saying that while we're presenting about latecomers', there may be combinations of things that happen in order to make infrastructure extension feasible. And so there may be combinations. So, for example, there could be a latecomer's agreement for extension of a water line and the County may help secure funding for it and be a participant and receive reimbursement. They'd be one of the parties to receive reimbursement. So just why did

we look at other things? Because there's a number of tools that can be combined in different ways.

So, again, we looked at what possible uses could there be in Skagit County. So in the rural areas where you have limits on wells in certain basins, it may be something where you'd like to see rural property owners connect to Group A water systems or municipal water systems. So it may be something that the County could be a participant in. It doesn't mean that the County is the service provider. Similar to the Thurston and Lacey example where Thurston secured the loan, that Lacey has agreed to take it, there may be some combinations like that.

So there was an example in there of the Blanchard-Edison Water Association where a latecomers was requested and was not ultimately approved. One thing to say with any of these districts is even if the County were a participant any water or sewer extension has to be consistent with that entity's comprehensive sewer or water plan. So it has to be in alignment with what they have plans for.

But in Edison, in the Limited Area of More Intense Rural Development, the County *is* the wastewater service provider so the County could be more than a participant and could initiate if there needed to be improvements, or it could respond. Right now it requires people that come in to help pay back the service that was already provided, but let's say there were other improvements that were made to wastewater. The County could use this provision there.

And then we did speak with the Port about Bayview and there're certainly areas where maybe road extensions or sewer extensions may be appropriate. That might be an area where the County could participate and certainly for roads would be needing, as the key road provider, to be involved. And even if the County is not initiating a sewer or water extension, because a lot of it happens in the road right-of-ways the County *would* be involved. The infrastructure needs to meet County standards.

One question we're not entirely certain about is whether fiber optics could be part of that infrastructure. It seems like the street definition says "and other" and does reference lighting so, you know, that *may* be a possibility. Mount Vernon, the City has a policy that has a latecomers' provision in it so that may be one – that the County and the City and the Port and others have been working towards – that may be one that we need to research a little bit more for the code efforts.

So that was some of our fact-finding, and then after hearing some input from you and working with staff – and including the Public Works Department, because this is something that they would be very involved in – then the idea would be to develop code. And in the statutory requirements we do need to address infrastructure. That's a prerequisite for development in the County Code does have a section that says what's required for new development. Certainly roads, adequate water. There are a variety of ways that could happen, but adequate water. And then in the urban growth area the sewer extension. The County does need to respond to property owner requests such as for roads. And then there is the ability for the County to either initiate or participate in other latecomers' agreements.

And then there needs to be the process, like I mentioned. There has to be notification and an opportunity for a hearing, and recording the agreement, and then you could require that it be mapped, kind of like what Pierce County does. They map it so that everybody – property owners and others – would know: Where does this apply?

And then you could also show how this code provision works with other things. For example, you could say in order for the County to participate there needs to be an interlocal between the County and another sewer or water district so that there's a formalized process for the County to enter into agreements. And you could also link this as a – you know, there's another alternative. Your County code also right now does allow for developer agreements, so that's another option. It's an alternative to a latecomers' agreement.

So, Stacie, maybe you could talk about the schedule, because I think this fits in with other things that you're working on.

Ms. Pratschner: Yeah. Yeah, thank you so much, Lisa. So this is just a draft schedule that we've put together to anticipate the timeline for possible adoption if we decide to move forward with drafting latecomers' agreement code. We'd like to run it in concurrence with our annual updates to the Capital Facilities Plan and the Transportation Improvement Program. They all go naturally together since latecomers will have Public Works heavily involved, and it also deals with the extension of public improvements. And so this is just a timeline that shows our 14.08 – chapter 14.08 – legislative process – so giving enough time for Department of Commerce review for SEPA, for our attorney to review everything, and of course for review and comment by the public and the Planning Commission before going to the Board with a recommendation.

Chair Raschko: Well, thank you.

Ms. Pratschner: Yeah, thank you.

Chair Raschko: Has anybody any questions?

Commissioner Martha Rose: I have a question.

Chair Raschko: Great.

Commissioner Rose: So this is not a new topic for me. I mean, I don't build enough big stuff. It won't ever apply to me but I've always been curious about this idea that the developer pays for these vast improvements and if they get paid back at all it could stretch out to 15 to 20 years. And it's kind of like putting your money in a 0-interest bank account, right? Does that make sense? In other words, does the value of those improvements – do you get to allow for inflation and interest on the money that you've invested in these improvements? It's not – again, it's not for me. I'm just thinking like it seems so unfair. The latecomers' agreement is not unfair. It's very – it's a very good idea, but it – in my opinion, it should factor in, Boy, we built this road 15 years ago and you're going to come in at 14 years later and pay me a little bit of money, but it should be with interest. You know what I'm saying? It should acknowledge that materials and stuff have gone up in price and that I spent this money 15 years ago that I could have put in the bank and earned a little interest on, or something, you know? So what's your thoughts on that?

Ms. Grueter: I will research that a little bit. The law says what can be included, so the design, construction, all that. I don't recall that it says financing or interest, but let me research that and see. I hear what you're saying.

Ms. Pratschner: Yeah. Yeah.

Commissioner Rose: Maybe a better way to put it is, How would you feel about putting your money on loan for 15 years or 20 years without anything more than the flat return? You know, it

doesn't – so that's what doesn't make sense about – you're right. I've never heard of any provision that allows for interest, but I don't know if there is.

Ms. Grueter: I'll ask some of the other Counties we reached out to to see how they handle that.

Ms. Pratschner: That's a great question.

Commissioner Amy Hughes: Well, and on the flip side of that, interest varies. So that also has to be calculated in.

Chair Raschko: Go ahead.

Commissioner Mark Lundsten: Well, I guess I just thought that it was like any kind of bond that you would raise money for, and that the interest would be built in – that it was something – if you were going to invest in something, the return was part of the agreement. Like if the County's raising money, they're going to – they're the one handling the loan. They're going to factor that in. Somehow they're going to figure it out. So it seems to me that that's – for any investor, that would *have* to be part of it. It would work otherwise. I just assumed that that was part of how any investor for this would – on the developer's side – would have to do that. I just don't see how it would work otherwise.

Ms. Grueter: It does allow for contract administration costs and other things so I'm wondering if – I think in addition to researching the code and talking with the county attorney or Municipal Research would be to see some of the actual agreements that have been completed, for example, in Pierce County, and see how they handle it over time.

Commissioner Lundsten: Well, actually I have one other comment that bears on is that I was lost in this a lot. I mean, I had to read it a few times to get it – on the abstract. And when you got specific, Oh, I see. Oh, I see. Every time that you had a specific example – Edison, Blanchard, Chuckanut Manor and water issue, and so on – then I started putting the pieces together. This is really hard to get in the abstract because it seems like a moving target. You have all this money to build a road, then you wait for people to move in and start paying you back for it. When are they going to come? You know. But once you started laying out a few examples it made a lot more sense. So as far as the presentation goes, that helped someone like me. I mean, Martha knows a lot more about these things – you know, she's worked in the business. But for the rest of us, I think it's – the examples really help.

Commissioner Annie Lohman: Mr. Chairman?

Chair Raschko: Go ahead.

Commissioner Lohman: My husband is the manager of _____ and I am also a longtime member ____ Edison Water, and I feel like there is a bit of inaccuracy in how you portrayed the situation. Because whenever there – whether it's a PUD, a Group A, or whoever, whenever there is a mainline extension the person that wants that mainline extended has to pay for that mainline extension; and/or if a mainline needs to be upgraded or a pump installed or whatever it is to the existing system, that is usually the applicant that wants those has to pay for those and then they have to meet all the criteria that the utility requires and the Health Department requires and all the permitting and all of that. All of that engineering – and it's a multilayered process – has to be funded somehow. And then once the project is finished and accepted then by whatever utility it is, then it's hooked to the rest of the service. But those individuals or groups of people that want

to have that extension have to pay for that. And so while the County could be the lender or the bank, you've kind of been silent about who is – what the money – you're not talking about, well, somebody has to pay for that initially because a small Group A – and arguably Blanchard-Edison is, you could say they are big because they've got 400-something connections, but really in the scheme of things, compared to PUDs they're pretty dang small.

Ms. Grueter: Sure.

Commissioner Lohman: You can't jeopardize their financial position by just bypassing their board of directors. So I'm almost thinking that in a way that it's a poor example – because you got so specific into the situation. You weren't – you were – you didn't provide enough information.

Ms. Grueter: Well, I think that in that case the County wouldn't be the one to initiate the idea. There would be – would the County want to participate? It was mentioned as an example because it had been proposed at one point for an extension and then didn't go through a few years ago, so that's why it came to mind for us to take a look at. In that case – as I mentioned, in any case water and sewer has to be consistent with the local district's plan and anything that would happen would have to be based on, like, an interlocal agreement between the water association and the County. That's not something the County would do unilaterally where it's not the primary provider. The idea would be – it was an example if you wanted to make more connections of rural properties to water systems. It was just one example. Maybe it's not the best example, but the idea would be since the County does have some funding sources that it has issued with the sales and use tax, if the County came up with criteria – we want more rural property owners connected to a municipal water system – is there a reason, a set of conditions under which the County might support rural water extensions? It doesn't mean that the County wouldn't have to be consistent with a plan or have an interlocal.

Commissioner Tammy Candler: This is sort of a clarification question and maybe I should already know this. I've read the materials and sometimes when we have something coming in front of us Ryan Walters will say, you know, this is the Department of Ecology is saying we must address this in our code. And I know that in your presentation you indicated the County needs to do something in the code for this and you cited some benefits, like being able to apply for funding, and get some help from WSDOT, and all that kind of stuff. And this is not hostile toward latecomer agreements at all – it's just a clarification: Is there some – do these statutes require us to do something with this right now?

Ms. Grueter: You do need a code that allows the County to respond to a property owner request.

Commissioner Candler: Okay, so we –

Ms. Grueter: You do.

Commissioner Grueter: We have – this is a true requirement that something needs to be done.

Ms. Grueter: Right.

Commissioner Candler: Okay. I understand. Thank you.

Ms. Grueter: Yes. And in some cases, like in Edison, you *must* respond if there's a request. Like if there needed to be an extension somehow or some other improvement. In that case, the County's the service provider. You *must* respond. And so you need a process by which you would

consider the request. And then in some cases, again, are there situations under which the County would want to be a participant? Or what if someone like the Port came to the County and said we'd like you to participate? It's allowing the County to determine under what circumstances it would voluntarily participate, but then there has to be provisions where you respond to a request.

Commissioner Candler: Okay, and is that – do you happen to know is that in one of these statutes that you've cited in your Legislative Requirements section?

Ms. Grueter: Yes, on page 2 of the white paper there's the three statutes listed – 35.72, which is for streets and roads; and then 35.91 is municipal water and sewer. Those are the two that count for the County. The third one there is for water and sewer districts.

Commissioner Candler: Okay, thank you.

Commissioner Rose: I'd like to – I thought of a good example that I think – you know, so in Seattle the code requires if you're building on an alley that you must use the alley for access. That's one of their little quirks. And if the alley is unimproved, you must improve the alley. And let's say you're right smack in the middle of the block and you're the first person on the block to improve the lot – you know, tear down the old house – then – and I actually have worked on projects where we had to do this more than once – you had to pay for all the engineering, all the new stormwater work, and the paving and the rockeries and whatever else it took to make that alley serviceable for 50% of the block. And then before this became law to require latecomers' agreements, then the next person that bought next to you could take advantage of all that and not pay a dime. And we're talking – these improvements could cost 300 grand. I mean, they weren't small improvements.

So it's a good law. And that was a really black-and-white example that, I think, most people could wrap their minds around, you know, where it used to make us angry all the time, and they would do the same thing with the water main extensions. So I think that one idea is that it encourages development of some lots that might otherwise be undevelopable because of the huge infrastructure costs, and that might encourage other development along the way that – you know what I'm saying? I'm not sure if that was the – or just to be fair to the people that got stuck in those situations where the codes would actually mandate these improvements and then other people could hop on board and take advantage of them, you know?

Ms. Grueter: I think it's definitely for some of the reasons you mentioned. Fairness, right? But I think since the County requires certain things to be done as a prerequisite for development, a developer might be ready sooner than the neighbors and be willing to frontload the cost with the idea they're going to get paid back.

Commissioner Rose: Right. Exactly. Right.

Ms. Grueter: So it is – and it's fairness but it's also allowing them to – they're only going to grow where the County code says they can grow. So if it's urban it's in the urban growth areas, and the rural development has to meet County code. So this is just a tool. It could be seen as an economic development tool in the sense that if in Bayview or some other unincorporated UGA the County could participate. Other entities or water districts or districts are allowed to initiate now. They don't just necessarily need to wait for a request. So it allows a number of different situations. It could be by property owner request. It could be initiated by a municipal government or a district.

Commissioner Lohman: I have a question then. So then those governments then, they would put a lien?

Ms. Grueter: They have to record the benefit area, so they would do – they would go through the same process. They would define what the improvement is and who benefits and say what the fair share payment is, and they'd record it. So I would imagine it would be recorded against all the properties that would benefit in the reimbursement area.

Ms. Pratschner: Be able to reference that recorded number on any kind of title report.

Commissioner Lohman: Okay.

Chair Raschko: So could this be imposed then on people against their will?

Ms. Grueter: Well, this is where you get to define the process. So you must notify people within the reimbursement area. Pierce County's code has a process where someone can appeal the boundaries of the reimbursement area to their Hearing Examiner. So I think you can define a process that works in terms of – you have to at least meet the statute with the notification and the request for a hearing. But you can define a process that works for you.

Chair Raschko: Okay. Just using – I'm sorry, but using Edison for a conjectural example. What if the County deemed it appropriate for 30 more houses out there to be on a public water system rather than wells that might have polluted groundwater or some such thing? And you've got the Edison water district there, and they vote not to incorporate it because it doesn't meet criteria or it's not affordable or whatever. Would it be similar to like a condemnation where they can force Edison to incorporate those additional houses and, you know, and start this?

Ms. Grueter: I guess because there's the other provision that the infrastructure has to be consistent with the public agency's plan, it seems like that is one of the –

Commissioner Lohman: Mr. Chair? A similar situation did happen when – the Inman Landfill. A lot of those folks around there had wells.

Chair Raschko: In where?

Commissioner Lohman: Inman Landfill.

Chair Raschko: Oh.

Commissioner Lohman: And a lot of those folks on neighboring properties had wells and it was in the County's best interest to hook them up to Samish Island Farms, which now is serviced by PUD. And so the Samish Farms had room and so it happened, but – and it wasn't adversarial because they agreed. But that was an instance where it *did* happen.

Commissioner Candler: Do you know if there was a cost associated to that?

Commissioner Lohman: I believe – I don't know all the details. It's too long ago and I am shaky on my memory on that one.

Chair Raschko: That was a long time ago. Well, just one other – so the County initiates _____, or construction, taxes, properties. Does that become a County road or does it remain a private road that they're just funding?

Ms. Grueter: I believe it's a public road. It's – whatever is required of development to have access to a public road.

Chair Raschko: So they'll own the right-of-way?

Ms. Grueter: The County.

Chair Raschko: The County.

Ms. Grueter: Right. And it'll be developed to County standards.

Ms. Pratschner: Mm-hmm.

Ms. Grueter: The County doesn't allow private roads for private development, does it? Maybe internal circulation roads but there has –

Ms. Pratschner: Yes. Thank you.

Ms. Grueter: – to be – the development ultimately needs to access to a public road.

Ms. Pratschner: Yes. Yeah, if you're doing some kind of subdivision development you could certainly have those internal private roads, but there has to be ingress/egress to a public road and that's where this latecomers would come into play, is with public improvements, not private roads.

Ms. Bynum: And I think a lot of roads in the county are still owned by the adjacent landowners _____, which is unusual.

Ms. Pratschner: Yeah. That's a good point.

Ms. Bynum: But not unusual _____, right? It's a public road but –

Commissioner Lohman: I guess I'm tripping over the word "latecomers," especially when you talk about the Blanchard-Edison water situation because I think that's where the misnomer is for me, and that's why I'm taking exception to it being included as part of your latecomers' agreement, because that's really not what the situation is and you haven't portrayed it accurately in the report. And so I think there's a big difference between somebody wanting an extension and there's only a limited number of parties and they're all upfront participants, and there isn't going to be any future folks.

Ms. Grueter: True. If they're all paying at the same time –

Commissioner Lohman: Right, right.

Ms. Grueter: – that is different than a latecomers.

Commissioner Lohman: That's way different.

Ms. Grueter: Sure. And we can update the analysis. We were under the impression that the Chuckanut Manor was going first and there were other benefitted properties and that was going to – they understood they were part of the benefit area but –

Commissioner Lohman: And I don't really use this forum to talk about their business because it's just kind of awkward. And that's partly why I'm a little bit surprised that – because it *is* awkward! So I think we have to be careful when we're talking about latecomers that that's really what we're talking about, not just a party that wants to do an extension.

Ms. Grueter: Right.

Commissioner Lohman: Or to –

Ms. Grueter: It is meant for that 15 to 20-year period –

Commissioner Lohman: Right.

Ms. Grueter: – where somebody's ready to go quite a bit sooner and you're trying to capture other people that benefit later. So I understand what you're saying. We can update this.

Commissioner Axthelm: So just to understanding it: Let's say somebody else develops property and they have to extend the road – the public road – or make some road improvements out to that property. All the properties between those two points would then need to pay part of that back over a 15 to 20-year period?

Ms. Grueter: That's right.

Commissioner Axthelm: ____ benefit?

Ms. Grueter: Yes, the County would determine which properties benefit, based on which would have a similar requirement were they to develop. So they're basically being treated the same. It's approved – you know, if the road improvements would have been a prerequisite to all the developments – future developments on that road, they would pay their fair share of whoever went first back over time.

Commissioner Axthelm: Okay. And how is that paid over – that's through taxes? Or how is it paid? So, like, the property owner that doesn't – isn't asking for the change and somebody beyond that's asking for it.

Ms. Grueter: Yeah, I believe it's at the time of their development that they would pay their share at that point.

Commissioner Axthelm: They would pay *their* share, but all the properties in between that point?

Ms. Grueter: Only their – they all pay *their share*, and that's part of what gets determined at the time the formula for, you know, determining their fair share is based on. I think sometimes, frontage – there's a number of ways it can be determined but it's basically who's benefitting and how much are they benefitting.

Commissioner Axthelm: Yeah.

Ms. Grueter: That's determined upfront.

Commissioner Axthelm: Okay. It just sounds difficult. Let's say a property out here wants to develop. Well, and they have to improve the road because they have more traffic that goes out to

that road. The improvements are happening because of that traffic, not necessarily benefitting the people that are there. So I'm kind of –

Commissioner Rose: It's only if they develop.

Ms. Grueter: I believe it's when they develop.

Commissioner Axthelm: It's only if they develop.

Ms. Grueter: And we'll bring you some more examples – specific examples – of agreements, but I believe, for example, Pierce County says for roads you have to be generating a certain number of trips for this to start happening, at least to a single-family home. And I suspect what they're saying is, you know, if you're farming and you haven't changed and your trips are pretty low, you know, it's not until you get to a development that's consistent with the ultimate purpose of the zone you're in.

Commissioner Axthelm: Okay.

Ms. Grueter: But then you start paying.

Commissioner Axthelm: Okay, so what about period – time period did that go away? That's when the 15 to 20 years comes in play?

Ms. Grueter: Right. Right. And the code will have to be specific that for roads it's no more than – you can't make roads 20 – if you did a combined ordinance and were trying to address both – you know, water, sewer, and roads, you can't go out 20 years for roads. You can only go 15 for roads and up to 20 for water.

Commissioner Axthelm: Yeah. So somebody develops 21 years later, they don't have to pick up that ___.

Ms. Grueter: Right. And I have seen on the Pierce County side that several are expiring this year in 2018 and then they have some expiring next year. But they are very clear in terms of which properties are involved and under what period of time.

Commissioner Axthelm: Okay. And do they have like a – what's it called? The life of – it's like a road. If you're coming in at the end of the agreement then you would pay – you wouldn't pay back all the way back to the 15 years prior?

Ms. Grueter: I think you pay your fair share, but what we're going to find out is is there ___, you know. We'll come back with more information in terms of some specific examples to get at that question.

Commissioner Axthelm: All right.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: I wonder if you could, just for one last time for me – I want to make sure I understand this. So I own property on the County road. My neighbor is behind me with no access to the County road. So a road will be built through me to him. When do I pay?

Ms. Grueter: If you go first and you're willing –

Chair Raschko: No, *he* is.

Ms. Grueter: If *he's* going first and he needs that road improvement as a prerequisite for development, then they would pay first and you would pay later if you develop during that period of time.

Chair Raschko: Okay. Thank you. Nothing else?

Commissioner Lohman: So is all this different than when the PUD extends their line and they make everybody pay whether they want to participate or not?

Ms. Grueter: Everybody that's in that benefit area, when they develop they would pay their fair share.

Commissioner Lohman: But even if they don't – like on the PUD it's a water line and if they paid by frontage – so if it – even if you object and don't want to hook up you're on the hook.

Ms. Grueter: There may be something related here where, I think, if it's prerequisite for development, if there's like – if you're within so many feet of an extended line you may need to hook up. But we'll look at the County requirements, because the County already says in its code what's required for new development. We'll find out if there's some kind of a distance that kicks in for a connection. But in principle, I think, when development happens then you would –

Ms. Pratschner: If you never develop you don't pay.

Commissioner Lohman: Because thinking about the water and why I'm struggling with water is – the development's already happened, and maybe the well is inadequate or failing, and so it's the need to improve the situation of an already developed something.

Ms. Grueter: Well, Edison – the community – is basically that situation where the Health Department said, you know, something needed to happen. The current septic systems were failing and there was a health or environmental concern. Right? So then the County took on building the system and everybody – we can research more the history –but I believe everybody was required to hook up because it was a public health and safety or environmental concern. So in that case – there may be situations where there's two things happening at the same time and, yes, they may need to hook up for those reasons. And then, the way the County's code works for Edison right now is somebody – let's say there's a vacant property or a property that could be further developed. They have to – based on the County's current code, there is a latecomers' provision where they pay back the County for having put in the infrastructure that does support that additional lot developing. So it's a similar situation, I think, here. So there may be situations where it's just necessary.

Commissioner Lohman: But all of those benefitted properties, though, they are all obligated to pay, either over time or somehow.

Ms. Grueter: Well, we can research more about Edison. They may have had to do it altogether because there was a concern.

Ms. Pratschner: And I thought there might be a few out there who are still in their individual septic systems, so we should look more closely into that if we want to explore.

Ms. Bynum: Also I think that Edison applied for a grant and then the County took on as the administrative grant.

Ms. Pratschner: Yeah.

Ms. Bynum: I don't know that it was initiated by the County _____.

Ms. Pratschner: Yeah. Yeah.

Commissioner Axthelm: I think in the PUD lines _____ some people opted out of it and said, My well's fine, and there was a fee adjustment there somehow. Then if they hooked up later they would get a larger fee than if they hooked up right then and it would be limited. So something about there was a water meter and stuff they gave them a discount on it.

Commissioner Rose: I have one more comment on what I think about the water thing and the sewer thing. When I develop a lot in the urban growth boundary, I have to pay a very – what I consider a pretty big chunk of money for – as a latecomer – for that sewer hookup and as a latecomer for that water hookup. So I don't really see it as much different than that.

Ms. Grueter: It is similar to a system development charge.

Commissioner Rose: Yeah, I mean it's really the same. That's all. I just wanted to – I had this, Oh yeah, that's what I pay every time. It's a latecomer agreement, right? Sort of. It's not a latecomer agreement but it's essentially I'm paying as a latecomer to hook into that system that's already there.

Ms. Grueter: You're paying for the – the City or district or whoever, they already oversized the system in anticipation of growth to meet their future needs, so you are paying. Yeah, there's a lot of forms of things that kind of do something similar.

Commissioner Rose: Yeah, it's not called that but that's really what it is. Yeah.

Commissioner Lundsten: So the latecomer agreement – to get back; I've been going in and out of confusion about this – is that you're providing both an incentive for individuals – developers or individuals – to enter into an agreement to develop something that's necessary for the future, and other people can join in. But you're also – the tricky part is making it fair and making it workable and what are the terms of that fairness, and a lot of what you're doing is modeling this over what you already know from interlocal agreements or municipal agreements or municipal bonds or –

Ms. Grueter: Or local agreement districts.

Commissioner Lundsten: Yeah, there you go.

Ms. Grueter: Right, very similar.

Commissioner Lundsten: Like you're going to build a sewage treatment plant on Westpoint in Seattle. When they did that they charged everybody a bunch of money. It was on the ballot and so on and so forth. You've basically taken that model and you're transferring it into – bringing private citizens and developers into it with the government at some level, and trying to establish fairness in that process to get whoever's involved in paying for it paid back. That's – so that's what prompted you to do that. This whole thing is – I mean –

Ms. Grueter: Well, and the legislative changes where the County does need to respond to a property. So it's prompted by the changes in State law and the County doesn't have all the mechanisms in its code to be able to respond. So the County's responding to a legislative requirement but then seeing it as – you know, if the County's identified urban growth areas that should grow and develop and somebody's ready to go sooner and wants to up – you know –

Commissioner Lundsten: I see.

Ms. Grueter: – put it in, then there's probably less – I don't know if it's incentive or less *d*is incentive! Because then they have the potential to get paid back.

Ms. Pratschner: Right.

Commissioner Lundsten: And this was just in 2013 and 15 when these laws were changed? Is that right?

Ms. Grueter: For water and sewer mostly. Some of the road stuff was changed. The road provision has been in place for some time and the County just needs to put something into the code.

Chair Raschko: Okay. Anybody else?

(silence)

Chair Raschko: Well, thank you very much.

Ms. Grueter: Thank you.

Ms. Pratschner: Thank you so much. And then as far as next steps, Lisa and I will continue working together on plans for a second workshop and start discussions, if it's the Commission's pleasure, to draft some code that we can start to review.

Chair Raschko: Okay.

Ms. Pratschner: Thank you. I've been in front of the Board a lot lately. Can you tell?

Chair Raschko: Well, thank you. I'll turn to the Department Update, please.

Ms. Pratschner: Yeah, thank you. Earlier this week, as the Planning Commission knows, over the past year Western Washington University and Skagit County have an established interagency agreement where Western students and their professors have been working on a series of projects for the County. We knew they were important projects because the community told us they were important, but then we also knew that we wouldn't have the capacity to get them done in a timely fashion. And so the students did their final presentations to the Board on Monday. They

did a fantastic job. There was a presentation about recommendations for Edison. That was subsequent to a community meeting that we had in Edison the week – last week, excuse me – to present that to them. Also presentations about outreach that was done to folks who are hoarding or junk collecting, which is a concern for our code enforcement department; septic locating; and also the rainwater catchment design. So the Board was really impressed with the presentations. We should be getting some final documents probably within the next couple weeks from the students, and we presented them with certificates and had a luncheon for them. And, yeah, if you, you know – and everyone loves getting on Skagit 21, so if you want to see the recording of it... It was really a pleasure to see the students' presentation skills especially improve so much over this past year. And I don't know if I was that poised when I was that age, but they sure are!

Of course, as you know, our Assistant Director is now at Samish Indian Nation. We are still working on filling some positions within the Department and so we do have jobs available for folks within our building division specifically.

I think that's all the Department updates I have for you now unless you guys have any questions for me.

Chair Raschko: What's the process for replacing the assistant department head?

Ms. Pratschner: The Assistant Director? At this point I'm not sure if that position is staying in its current iteration or if it will change or become a different position. So as soon as I know I'll let you guys know.

Chair Pratschner: Okay.

Commissioner Axthelm: Was that created a few years back?

Ms. Pratschner: I believe so, yes.

Chair Raschko: Any other questions?

Commissioner Mitchell: Oh, just – do you have a general timeline yet for pending dates – updates?

Ms. Pratschner: Oh, yeah. Great. Great. Thank you for that question. And so with the docket, which is our total of 22 code, map, and comprehensive policy amendments – one of which is P-12, the South Fidalgo, which we heard some comments about this evening – right now we are working on doing outreach for a stakeholder meeting for another rezone that we are working on. This is a rezone that would modify the land use designation of some properties out near the Mount Baker-Snoqualmie National Forest. And so when that process takes place and those drafts are completed, the Department can then release all 22 amendments at the same time for public review. There'll be a month-long comment period and that month-long comment period, that will be accompanied by letters to individual property owners who would be affected by both rezones, as well as posting on the website and then also in the newspaper.

Commissioner Mitchell: Are there – is there a target date for, like – what are we coming? – July something?

Ms. Pratschner: I can probably give the Planning Commission a better idea at our next workshop on a target date once I can batten down a date for the stakeholder meeting. I don't want to confuse

anyone who might be listening in who – you know, who might think that there's a public hearing when there isn't want. But I'll try to come back with a more exact date with you guys later.

Commissioner Mitchell: Thank you very much.

Ms. Pratschner: Yeah, thank you.

Commissioner Lohman: Are we going to *have* the next meeting? I mean, for a while there all of them got cancelled.

Ms. Pratschner: Yeah, yeah, and thank you for bringing that up. Right now we – yeah, our goal would definitely be to have a next meeting. Hopefully we could turn around some information for our latecomers or one of our other projects. Everything is in different levels of review right now, whether it would be attorney or other work. And so, yeah, we'll hopefully get that next meeting.

Commissioner Lohman: So it's on?

Ms. Pratschner: I will –

Commissioner Lohman: Was that a yes?

Ms. Pratschner: Right! If we're going to be able to hold a workshop, I will give you guys at least that one-week notice.

Commissioner Lohman: Okay.

Ms. Pratschner: Thank you.

Commissioner Mitchell: And thank you for getting the PowerPoint for us early. That really was helpful.

Ms. Pratschner: I like having the printout too. That helps me.

Chair Raschko: Anybody else? Yes?

Commissioner Lohman: As the commenter during Public Remarks mentioned, Carol Ehlers is over at the assisted living. Is it appropriate for us – because she was a Planning Commissioner for a very long time – over 20 years, I believe. It was very long. If we could get a card and maybe send her some flowers, is that okay? Can we do that?

Ms. Pratschner: I think that's a great idea.

Commissioner Mitchell: That would be great.

(several sounds of assent)

Chair Raschko: And we would have to fund that ourselves, I presume. The County can't do that.

Ms. Pratschner: I can find out.

Chair Raschko: I would be willing to bet you can't. But, anyway, I'd certainly chip in.

Commissioner Lohman: Well, and I don't want to strong-arm anybody into, you know, passing the hat –

Chair Raschko: Oh, I don't think it'd be strong-arming.

Commissioner Lohman: – passing the hat or something. But I just – because of her tenure here, and some of us, we learned a lot when she was on the Planning Commission and she's been such a fixture in the community.

Commissioner Mitchell: She was the original mentor for a lot of people.

Chair Raschko: I'm wondering if this is something amongst us we can organize and do rather than relying on staff or somebody to do it for us.

Commissioner Lohman: I think that I like that idea. But I thought that we should say something because we can't meet outside of a meeting –

Commissioner Mitchell: And we can't contact each other. Stacie, we need you!

(several people talking at the same time)

Commissioner Mitchell: We'd get in trouble for flowers.

Ms. Pratschner: Yeah, yeah, no parties! The Department did send her a card, as well, and I think it's a great idea if you guys would like to send something. But, yeah, I'll just have to be – because of the Open Meetings Record Act, I'll have to be careful that organizing for that doesn't constitute a public meeting.

Chair Raschko: Okay, then how are we going to do it?

Commissioner Lohman: Maybe at the next meeting. Could we put it on the agenda for the next meeting?

Chair Raschko: Could we please have that on the agenda? Thank you.

Ms. Pratschner: Done, done, and done.

Chair Raschko: Are we now in the Commissioners Comments and Announcements?

Commissioner Lohman: I thought we were.

Commissioner Mitchell: I think we are.

Chair Raschko: I think we are. Have we any – thank you very much.

Commissioner Lohman: I jumped in there.

Chair Raschko: Thank you for bringing that up, by the way. Have we any other comments, questions?

(silence)

Chair Raschko: No? Okay. Well, how about a motion to adjourn?

Commissioner Lohman: I move to adjourn.

Commissioner Axthelm: Second.

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

Multiple Commissioners: Aye.

Chair Raschko: (gavel) Thank you.