

Skagit County Board of County Commissioners
Discussion/Possible Action: Ordinance Adopting CPP Amendments
January 26, 2021

**Commissioners
and Staff:**

Commissioner Lisa Janicki, Chair (District 3)
Commissioner Peter Browning (District 2)
Commissioner Ron Wesen (District 1)
Linda Hammons, Clerk of the Board

PDS Staff:

Hal Hart, PDS Director
Michael Cerbone, PDS Assistant Director
Peter Gill, PDS Long Range Planning Manager

Others:

Kevin Murphy, Skagit Council of Governments Executive Director
Katie Bunge, Skagit Council of Governments Associate Planner

Chair Lisa Janicki: All right, good morning, everyone. It is Tuesday, January 26th, at 10 a.m. We are here for a session with Planning and Development Services to discuss the Countywide Planning Policies and possibly take action. But before we begin, if you would all please rise and join me – join with me in a salute to our flag.

(recitation of The Pledge of Allegiance)

Chair Janicki: All right. Linda, could you please do a roll call for the record, please?

Linda Hammons: Yes. Chair Lisa Janicki.

Commissioner Peter Browning.

Commissioner Ron Wesen.

Planning and Director's (sic) Services – Hal Hart.

Planning and Director's Services – Michael Cerbone.

Planning Services – Peter Gill.

And it looks like Kevin Murphy from SCOG and Katie Bunge from SCOG are on the line.

Chair Janicki: Yes, and welcome, and thanks for joining us, Kevin and Katie.

All right. Hal, do you want to do the introductions and get this started?

Hal Hart: Yes, Commissioners. I'll just get it started. So the Countywide Planning Policies are part of the Washington State Growth Management Act. They were one of the original things that would help Cities and Counties coordinate their growth across the landscape. So with that, I would like Peter to dig in a little bit and provide you a brief report.

Peter Gill: Sure. Thank you, Hal, and good morning, Commissioners, and folks from Skagit Council of Governments that have joined us. I appreciate you joining us – and folks at home that are watching. We’re going to talk today as soon as I get my presentation up here. We’re here to consider the Countywide Planning Policy amendments. And I think you all can hopefully see that now.

Chair Janicki: Yes, it’s on the screen.

Mr. Gill: Excellent. So just briefly, the Countywide Planning Policies are used for establishing the countywide framework from which the County and the City comprehensive plans are developed and adopted. The document also provides the basis for the 20-year growth allocations that are negotiated between all the Cities and the County, so it’s a *really* important document. The last time that we actually approved a change to this was in 2016 with the growth allocations, and at that time that was the *only* section that was actually changed. These amendments limited fairly tightly to just looking at cleanup, cleanup of the references as well as comparison to the Growth Management Act for any changes that happened on the state level (that) should have been reflected in this document. And so that’s what SCOG has done.

I just want to talk a little bit about the adoption process because it’s a bit different than what our typical legislative process looks like. So as I mentioned, these amendments started with the Skagit Council of Government, affectionately known as SCOG – I’ll try and refer to them as “SCOG” from now on – and the Growth Management Act Steering Committee, and that’s made up of the mayors within Skagit County as well as the three Commissioners.

So work began on the document in February of 2019 and through a series of reviews with the Technical Committee as well as the Steering Committee and was adopted unanimously on December 18th of 2019. So from there it went over to the Planning Commission in June. There was a bit of a holdup because of the COVID situation and the prohibition on meetings. And so in June we introduced this to the Planning Commission. We went through SEPA and Department of Commerce notice and things like that. We had a public hearing at the Planning Commission on July 24th. We did not receive any formal comments on the amendments at that time from the public. The Planning Commission deliberated and prepared their recorded motion, which is their recommendation to the Board, on August 18th, 2020, and they adopted this 9-0 in support of the amendments. And it’s important to note that they did not propose any changes to the document that was approved by the GMA Steering Committee. So those were unchanged from the December 18th, 2019, draft.

And so we’re at the final box here with the red boundary around it for deliberation and adoption. The interesting part of this is the Board is allowed to basically a yes/no vote at this point for adoption. Any changes to the policies would actually have to go back to the GMA Steering Committee and then come back to the Board, and if they’re substantial enough then potentially go back to the Planning Commission before coming back to the Board.

So just a little bit more on that. The yes/no vote, basically voting yes or no without actually changing, is part of the agreement in the 2002 Framework Agreement between the County and the Cities or the local jurisdictions. And so it’s basically adopt or propose changes and send it back to the Steering Committee.

So what do the amendments look like? So most of these changes actually just remove references to Skagit County in order to make it more clear that these policies apply to all the Cities’ as well as the County comprehensive plans, not just the County comprehensive plan. Many of the

changes remove auxiliary verbs like “should” and “shall” and “will” and things like that. And third they reflect current conditions on the ground. And so there’s two examples here that I think provide a pretty good example of all three of those things. The first one was changed from “Skagit County shall provide results of the Six-Year Capital Facilities Plan including a financing plan, and these shall be consistent with land use designations.” So that was changed to read without the Skagit County-specific reference and without the auxiliary verbs to say “Provide results of required Six-Year Capital Facilities Plan including a financing plan and ensure consistency with land use designations.” So that’s an example of the first two items.

And then the second example here is basically just trying to reflect what has currently already been done. So instead of “countywide recycling program shall be developed,” it now reads “A countywide recycling program shall be maintained,” right? So we already have that so the language had to change.

So many of the amendments in the document look like this or in that vein.

The second kind of types of amendments – and these are far fewer – are changes to reflect the state Growth Management Act. And so here’s an example for open space and recreation. Where it used to say “encourage the retention of,” now it just says “retain open space.” And instead of “development of recreational opportunities,” it says “enhance recreational opportunities.” So those kinds of things. So there’s two of those. There’s another one on economic development that were actually changed just to reflect what the State GMA now says.

And so I don’t want to – I didn’t have too many slides here. I just wanted to get to your questions and comments. I also want to say thank you very much for watching, to the public that’s out there, because I appreciate that’s really important. If you want to get all of the background documents, even a really exciting video of me presenting this back in March, you can get that at this URL here and including the draft ordinance that we’re considering today. And that’s all I have.

Chair Janicki: All right. Commissioners, do you have questions? Commissioner Wesen, go ahead.

Commissioner Ron Wesen: Yeah, thank you very much, Peter, for the presentation. I think it’s really important that people realize when this thing was written up in 2002 at that time the County and the Cities were in lawsuits against each other. So this was kind of a way to calm the potential planning going forward. And the other thing, I think it’s important for people to realize this is not Skagit County government’s plan, it’s the whole community plan. So it’s Skagit County government plus all the different Cities bringing their plans together and this is how we’re all going to work *together*. And so that’s my understanding on this. Is that correct, Peter?

Mr. Gill: That is correct and accurate, yes.

Commissioner Wesen: And so the cleanup we’re doing here is just to better clarify it’s all the jurisdictions working together and this is what we’re all supposed to do. Like you mentioned, the six-year financial plan and so forth, the Cities have to come up with their own six-year plan and before it wasn’t clear that they had to do that, is the way I understood it.

Mr. Gill: Yes, these changes make sure that it’s more clear that it does apply to everybody, not just the Skagit County.

Commissioner Wesen: So thank you very much. I appreciate all the work on this. And it's just to make it more clear to everybody involved.

Chair Janicki: All right. Commissioner Browning, do you have any questions?

Commissioner Peter Browning: Well, my only question is just the oversight piece of this. So who's ultimately responsible for making sure that we have countywide adherence to the Growth Management?

Mr. Gill: Well, ultimately – I'll take a stab at that – you know, it's the State for ultimate adherence. But as far as whether the County is and the Cities are all abiding by this, anyone within that framework agreement can ask or propose that someone maybe needs to adjust their policies in order to try to come into better compliance with what the Countywide Planning Policies are.

Commissioner Browning: Okay.

Mr. Gill: I don't know if anyone has a different take on that or if SCOG would like to weigh in on that.

Mr. Hart: I'll just add – oh, pardon me. Sorry, Mike. I was just going to make a quick addition. Some of the policies that have been written around Washington State over time came from citizens that felt that they were not heard in this process. Another big push has always been at the local level. Different groups or citizens that have challenged actions locally and they had done that through the Growth Management Hearings Board process. That was another kind of way to be heard that was built into the law.

Commissioner Browning: Thank you, Hal. Michael, did you have something to say?

Michael Cerbone: Yeah – no, it fits in well with what Hal said. Essentially whenever somebody changes their local plan – one of the other jurisdictions within Skagit County – those changes need to be consistent with these Countywide Planning Policies. So whether it's a third party, like a local group, or even another jurisdiction – another City – you know, if they believe that the changes being made by that jurisdiction are not consistent with the Countywide Planning Policies, then they can participate in that process and, as Hal described, ultimately appeal to the State.

Commissioner Browning: Okay. Thank you.

Chair Janicki: All right, if there are no other questions I'd entertain a motion from a Commissioner.

Commissioner Wesen: I move to approve the ordinance as recommended by the Skagit County Planning Commission adopting amendments to the Skagit County Countywide Planning Policies.

Commissioner Browning: And I second that motion.

Chair Janicki: Okay, it's been moved and seconded to approve the ordinance recommended by the Skagit County Planning Commission adopting amendments to the – and let's get this language right because – is it the Skagit *Countywide* Planning Policies? It's written up as "Skagit County Countywide Planning Policies," but I think we've got an extra word in there. There was a lot of conversation about making sure that it was understood that this was across all entities and not just ours. So anyway, the Skagit *Countywide* Planning Policies. Is there any other conversation/discussion on this motion?

(silence)

Chair Janicki: All right. All those in favor, signify by saying “aye.” Aye.

Commissioner Wesen: Aye.

Commissioner Browning: Aye.

Chair Janicki: Opposed, same sign.

(silence)

Chair Janicki: Motion carries 3 to 0. And Peter, thank you for your presentation today, and I know anything like this that has taken a period of time and working with a never-finalized document from 2016, so this is actually – the final document will be a cleanup of two rounds of amendments and that we’ll have a clean document going into – well, as of January 26, 2021. So thank you, Peter, Michael, and Hal, for leading the group on this, and Kevin Murphy, thank you for working this through with the SCOG board too. Well, not the SCOG board – the Growth Management Advisory Steering Committee, I think is what we’re called when we voted on it.

All right. With that then, we are going to adjourn and the Commissioners will be back in session here at 11:30 for County and individual success stories, our public comment period, and any miscellaneous announcements. We stand adjourned. Thank you, everyone.