

**Skagit County Planning Commission  
Deliberations: 2021 Docket  
February 22, 2022**

**Planning**

**Commissioners:** Kathy Mitchell  
Mark Knutzen  
Vince Henley  
Amy Hughes (absent)  
Tim Raschko, Chair  
Joe Woodmansee  
Tammy Candler, Vice Chair  
Martha Rose

**Staff:** Hal Hart, Planning Director  
Peter Gill, Long Range Planning Manager  
Jenn Rogers, Assistant Long-Range Planner

**Public Remarks**

**Committer:** Patrick Donnelly

Chair Tim Raschko: Good evening. Welcome to the February 22<sup>nd</sup>, 2022, meeting of the Skagit County Planning Commission. We'll start with a roll call. I see we have Tammy here. And I've seen Vince and Mark and Kathy and Martha. So is Commissioner Woodmansee – okay, I see you. And I believe Commissioner Hughes is somewhere else tonight. All right, so she is absent. She's actually in Hawaii. So we'll go to the Approval of Minutes. Is there a motion to approve the minutes of the last meeting?

Commissioner Vince Henley: I so move.

Commissioner Kathy Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve the minutes. Is there discussion of the minutes?

(silence)

Chair Raschko: If not, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Any opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay, so that carries. Tonight we have room in our agenda for Public Remarks. This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing the same day or items that have had a public hearing and are still under Planning Commission deliberation. So what that means is that our remaining docket items that we'll be discussion tonight are not open for discussion by the public. Public Remarks, which is not part of the formal public participation process for any development regulations or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total.

So does anybody on line tonight who wishes to address the Planning Commission?

Patrick Donnelly: Good evening. My name is Patrick Donnelly.

Chair Raschko: Go ahead, Mr. Donnelly.

Mr. Donnelly: I guess this goes to the Planning Commission. I submitted – Wende Dolstad and I – we live at 7650 Delvan Hill Road. We submitted to the Planning Commission agenda item number RL21-01. The Planning Department didn't send it forward to you and we're wondering – maybe Peter can answer this question – if it's still out there and coming forward. So that part I don't know, Chairman. Is that coming forward or is that dead and gone?

Chair Raschko: Well, off the top of my head I don't know what item that is. Peter, can you address this?

Peter Gill: Yeah, Mr. Donnelly's application was part of the Board packet. The Board did not add it to the docket and therefore it is not in your items for consideration this year.

Chair Raschko: To be specific, the Board you're talking about is the Board of Commissioners.

Mr. Gill: Yeah. Yes, that's right. Skagit County Board of County Commissioners.

Mr. Donnelly: Is it still on the docket or do I need to resubmit or what do I need to do to get you, the Planning Commissioners, to take a look at one specific item and tell me whether or not this is good, bad, or indifferent? I've been working on this for about four years now and it's been a very difficult process. I've attended many meetings with the Planning Department – let me rephrase that – with the Planning Commission. I've attended numerous of *your* meetings online. I'm a bit concerned that we let a few things slip through the cracks and I believe that it is extremely important – *extremely* important – to resolve these matters so that we don't have difficulties in the future. *Your* job – excuse me for shouting, but I am excited about this – *your* job, as commissioners, are our hope, as the general public, that you're going to really address these things and get a clear look at it. So I hope that you will, and maybe Peter has to give the answer, but I would like to have RL21-01, Peter, reconsidered/addressed so that we know that we're in good shape. And if it goes forward to the Planning Commission, I'm certain they will do a fine job with it. Thank you.

Chair Raschko: Thank you.

Mr. Gill: Yeah, and just for Mr. Donnelly's sake, you will need to resubmit that if you want the Board of County Commissioners to consider adding that to the docket again. And you can get ahold of me and we can run through how you would do that.

Mr. Donnelly: Okay. Thank you very much.

Chair Raschko: Is there anybody else that wishes to address the Planning Commission?

(silence)

Chair Raschko: Okay, seeing/hearing none, we will now move on to the 2021 Planning Docket Deliberations. I believe Mr. Gill has a program. Please go ahead, Mr. Gill.

Mr. Gill: Sure. Good evening, Commissioners. We have some follow-up material to discuss tonight regarding a couple of the petitions that you all had questions about at the February 8<sup>th</sup> meeting, and we've prepared a few slides to go over that. This is going to be pretty similar to the supplemental staff report that we sent out this week with the meeting materials. And for folks that are on the line, those are all available under [skagitcounty.net/planningcommission](http://skagitcounty.net/planningcommission). You can get those meeting materials. But I will share my screen and we will go through these. It's just two items here. Okay. Sorry about that. Excellent.

So the first item we wanted to discuss and bring some information to you on was LR20-07. This is regarding accessory dwelling units. This proposal was brought forward by a member of the public. The proposal would relax the owner occupancy requirements and the current ADU size restrictions for *existing* structures only. One of the requests or the reasons for the proposal from the proponent was that this change that dropped the owner occupancy requirement is more consistent with the actual uses of ADUs on the ground.

Just a note to follow up on some of the comments from last meeting: That ADUs *are* allowed in the Ag-NRL zone, and actually almost all the NRL zones, when a residential structure is also allowed. And so that's one of the nuances – is that when with Ag-NRL, residential use is accessory to agriculture and so once you establish your agriculture you're allowed to have a residential use and ADUs are an accessory to that residential use. So I just wanted to make sure that was clear.

There was questions about the size of the ADUs in the existing code – and right now I put the code citation here toward the bottom of the slide – and the existing requirement is that the accessory dwelling shall be a minimum allowed by the building code and a maximum of 900 square feet – and that excludes the garage area – provided that the square footage of the ADU will not exceed 50% of the total square footage of the principal unit of the existing single-family dwelling excluding the garage. So that's what the code currently allows for: 50% of the primary residential unit up to 900 square feet. Many of these ADU regulations were passed in the '90s and 2000s and at that time 900 square feet was the typical practice of most ADU regulations. Some of the main reasons for the sizing was to keep the restriction on the size – was designed to ensure that the ADUs remain subordinate in size to the primary residence. Right? So it's clear that one is the main house and there's a secondary unit but it is an accessory unit. So that's one thing for the size limitation. The size limits are also aimed at minimizing the visual impacts of additions or alterations to the residence. And so that's some of the background on the size. There was questions on that last time.

There was also questions on the landowner occupancy and – my slides aren't changing – but I pulled out the code here, Skagit County Code 14.16.710. Under Owner Occupancy it says that either the principal unit of the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property or an immediate family member of the property owner. And, you know, having this landowner on the property is pretty common for most ADU regulations. Some of the thought behind it is that when there is an owner on the property that the units are

better maintained because the owner has to live next to the ADU or the primary residence, whichever they're in. It's also believed that it cuts down on the housing speculation, from outside ownership that might buy up properties to get two rental units on them. Because if the owner is required to live on one of those units, he can only have, obviously, one of those. And this is quite similar to what is happening in neighboring jurisdictions. So there was a question about that, and Jenn Rogers did some research and some background to kind of look into what those requirements are. And so I'll ask her to kind of guide us through these next couple of slides.

Jenn Rogers: Thanks, Peter. In Snohomish County, they also require a property owner to live in one of the dwelling units. They allow for both attached and detached accessory dwelling units. The floor area may not exceed 1200 square feet, not including garages, porches, or unfinished basements. A mobile home may qualify as a detached ADU if the lot is larger than 10 acres and is located outside of the Urban Growth Area and is still subordinate to the existing dwelling unit. Outside of the UGA, detached ADUs may also be built on all lots that have a legal single-family dwelling, as long as the parcel meets the minimum lot size. Next slide?

In Whatcom County, again one of the dwelling units must be occupied by a property owner. The floor area may not exceed 1,248 square feet unless a density credit is used, and then can be expanded to just over 1700 square feet. ADUs are not permitted on plats which received approval after January 25<sup>th</sup>, 1994, unless those lots have been specifically marked for ADU allowances. Outside the UGA, ADUs may only be built if the lot is at least 4.5 acres. There are some exceptions in a select few zones on that requirement. And ADUs are restricted in the Lake Whatcom watershed.

In Skagit County we do allow for temporary homes for certain uses. This is separate from the accessory dwelling unit regulations. We allow for temporary manufactured homes such as mobile homes or tiny homes if you are caring for a disabled or elderly family member or if it's accessory to farm dwelling units for agricultural workers and their families. This unit must be temporary and able to be removed without converting any land while it is on the property.

Mr. Gill: Thank you, Jenn. So that is kind of some of the questions that we heard from the Planning Commission at the last meeting, and we wanted to come back around and hopefully that helped with some of the questions. We have one more petition to go through. Do you have any questions at this time on the ADU material that we just provided, or do you want me to keep going here?

(silence)

Chair Raschko: You may as well keep going, Peter.

Mr. Gill: Okay. Great. So the other petition that we left for tonight was LR21-02. This was dealing with the Conservation and Reserve Development Land Division Policies and Codes. And the petitioner, Friends of Skagit County, asked for clarification of the definition and function of CaRD developments within the Comp Plan and the code. And we've talked about this a fair number of times and there's quite a bit wrapped up into the petition. And so tonight I'm trying to simplify it and get down to kind of the main question, I think, that exists before you. That has to do with redevelopment of the Open Space Reserve tract within these land divisions.

Talking about CaRD land divisions, these are a little bit different than a normal subdivision in that all the development is clustered in a certain part of the original parent parcel in order to protect that open space. And so that is what's unique about these CaRD developments. And one of the petitioner's comments that they provided back as follow-up to their original petition – I'll just read

it here. It says: "It's unclear whether the current CaRD land division policies uphold and comply with the original intent to identify and protect natural resource lands and restrict inappropriate development in rural lands." And so we did a bit of digging and we looked at 152 of the 180 or so CaRD land divisions that have been approved since 2000 to try to understand how much open space was protected and how many building lots came through those land divisions. And that's what this table is that's shown on the slide. On the left part of the table in the blue shows the open space designation that's attached to the subdivision or the open space tract in the subdivision. And the next column is the amount of open space that's in that designation, that open space tract. And the last column on the right is the number of building lots that are associated with those land divisions.

And so what you can see, and I guess I'm getting to kind of the question from the petitioner as whether it protects natural resource lands and restricts inappropriate development – is that by looking at all of these CaRDs we – you know, if shows that over 4,000 – 4,200 acres of land is put aside in these open space tracts for either protection of working landscapes or unique critical areas or open space recreational areas and things like that. So that's 4,200 acres and there are 592 building lots out of that same area. So if we're using how much open space is protected through CaRDs as a measure of whether it's protecting natural resource lands, I'd say we're doing pretty good with our CaRDs, with respect to this question.

Another question had to do with – from the petitioner – had to do with whether – it says "We are especially concerned that the remaining portion of the set aside as land reserve can be redesignated through a Comprehensive Plan amendment." And so this gets to whether that open space reserve tract can be redeveloped in the future. And this is where it gets a little complicated. That open space urban reserve is the only designation on that open space tract that could be redeveloped in the future. You can only get that designation if you're within a half-mile of an Urban Growth Area or a half-mile of a Rural Village, which is considered a LAMIRD.

The issue here is that none of these changes – or you cannot actually rezone these areas. That cannot be done by an individual. It would have to either be done by a municipality, the state, or by a change in the state rules around LAMIRDS and Rural Villages. Rural Villages were more densely populated in 1990 when the Growth Management Act went into effect, and those boundaries are not allowed to change past their 1990 extent. And so by allowing someone potentially in the future to rezone when they're adjacent to a LAMIRD, we're setting folks up for potentially thinking they have something they don't, because legally we can't allow that, at least not at this point. It's against state law.

So I'll kind of explain that a little bit further over here, or maybe just in a different way by showing you a map. And this map shows two things. It shows the Urban Villages. Here's Edison up here, Bay View down here, Clear Lake over here, et cetera. The other thing that it shows, in green is the Urban Growth Areas. And so that open space designation is only allowed when you're within a half-mile of either the Rural Village or the Urban Growth Area. And that's what's shown on this map. The yellow line here on the map is the half-mile from either the – in this case it's the Urban Growth Area. In the blue, it's the Rural Village. Okay?

So that is kind of where we're at with it. The staff recommendation is attached to removing that open space designation from the areas in blue. So that is adjacent to Rural Villages or the LAMIRDS. It would not change anything adjacent to the Urban Growth Areas.

The last thing I'll say about this is there are only – so we looked at 155 of these land divisions and we only found three that had this Open Space Urban Reserve designation attached to that reserve

tract. So only three. And that is not necessarily just adjacent to a Rural Village. It's also – could be within an Urban Growth Area. So I guess the question it also gets to: Is this really a problem? I'm not sure. Of the 152 we only had three, for a total of 61 acres.

Okay, so that is all the slides we have. I'd be happy to take any questions.

Vice Chair Tammy Candler: I do have a question.

Chair Raschko: Go ahead.

Vice Chair Candler: Peter, going back to the slide where you compared the acreage versus the building lots, I'm assuming that the lighter column with the building lots did include – the amount of building lot, had the entire CaRD been used, as opposed to not having the extra building lot from the CaRD. Is that correct?

Mr. Gill: Are you seeing my screen?

Vice Chair Candler: Yes.

Mr. Gill: Okay. So, yes, I think I understand. So, yeah, these –

Vice Chair Candler: It would be, like, the maximum building lots, not the –

Mr. Gill: This is the total number of building lots that were allowed on that – with that CaRD and that's how many were done. Not necessarily built yet, but that's how many could be built and were part of \_\_\_\_\_.

Vice Chair Candler: Assuming the CaRD was used. Okay. So –

Mr. Gill: The exception is just on these two: Open Space Reserve – there's 134 acres – and Open Space Urban Reserve, and this is the one that I've been referring to through most of this – the 61 acres. These are parcels that didn't use all their development units – and I think that's why I want to make this point; I think this gets to your question. They didn't use all their development units when they did their land division. They kept some of their development units that they have under the current zone and they didn't build lots.

Vice Chair Candler: Okay. And then my other question was of the – my math is bad – almost 30 of the units you didn't look at – you looked at 155 out of the 182 – of the ones you didn't look at, is there something unique about those, or what was the reason for not including those?

Mr. Gill: Those are simply weren't scanned and we didn't have the time or resources to dig into the paper files and go track those down. So, yeah, so there could be other things out there. This is not a full – it's a sample, but it's a very large sample what we have!

Vice Chair Candler: It is. I just didn't – I was wondering if it was a time constraint thing or what was going on. Okay, that was all I had and it looks like Commissioner Woodmansee has something as well.

Chair Raschko: Go ahead, Joe.

Commissioner Joe Woodmansee: Thank you. So on the OS-Reserve-RSV, what you're saying is that some people could have maybe done four lots and they only did two. And so there's potential to do two more in the future under today's code.

Mr. Gill: That is correct.

Commissioner Woodmansee: That's the hypothetical.

Mr. Gill: That's right.

Commissioner Woodmansee: And on the Urban Reserve that essentially can't be used because of the – on the blue ones, the law doesn't allow it, and in the Urban Growth Area it could only be – those areas could only be utilized if the City were to expand.

Mr. Gill: That's right.

Commissioner Woodmansee: Do you know of the three that we have, how many are in the blue area and in the green area? I mean, it won't affect the green area in this change. It's only going to affect if you have something you actually *couldn't* do by state law, correct?

Mr. Gill: Correct. Yeah, and unfortunately I don't know how many of those three are part – and there could be others, like Commissioner Candler pointed out, because we didn't look at every single one. But, you know, there aren't that many options.

Commissioner Woodmansee: And it's kind of a moot point whether it's up against a blue one or a green one, because the state law disallows one on the blue and then city and municipality has to take the action if it's against the green.

Mr. Gill: Yes, this is true. I think the point of having it adjacent to the Urban Growth Areas is that, you know, likely the Cities will expand in the future and that by kind of setting that open space tract aside that could be developed in the future. It's not locked up into, like, a conservation easement or one of these other designations that could prevent it if the City were to expand from actually using that land in the City in an urban kind of way. Does that –

Commissioner Woodmansee: Correct. No, it makes total sense to me. You just – if the City expands someday, there's opportunity; if they don't, there isn't.

Mr. Gill: Right.

Commissioner Woodmansee: Which is, you know, I think fine for some reason for that not to be the case. And then on the blue, you're not losing anything. You couldn't do it if you wanted to anyways.

Mr. Gill: That's correct.

Commissioner Woodmansee: And so I'm just feeling like there's, like, a net zero effect on property owners here, I guess is what I'm trying to say. Because if the City expands and you have this Urban Reserve zoning and they expand into your property, all the rules change and it's now going to be City rules, not County rules. And the City would choose whatever zoning they want to annex it in under, and at that point you're under a new zone.

Mr. Gill: That's right.

Commissioner Woodmansee: Thank you.

Chair Raschko: Any other – Commissioner Mitchell has a question.

Commissioner Mitchell: Yes. Peter, so I have Option A and B that you're giving us there. Are there any significant upsides or downsides to either one?

Mr. Gill: You know, I think that Option A, which is just to remove the Rural Villages from the option under – or, you know, from the Urban Reserve \_\_ is certainly simpler than the second one, which has to do with aligning things with the periodic review process. Because the landowner would have to know that was happening and be tuned in for that eight-year periodic cycle. Either would work, but I think the first option is certainly simpler.

Commissioner Mitchell: Okay. I was curious because I personally was leaning towards Option B, thinking that would lend more flexibility because we don't know what we don't know is coming down the pike.

Mr. Gill: That's true.

Commissioner Mitchell: And perhaps the state, the Board, GMA, the landowners, anybody – something would change. And so I think what I'm looking at right now is I don't know if I'm understanding this well enough to know if we were to recommend either option, would that do harm to anybody?

Mr. Gill: It wouldn't change anything for the folks that already have it attached to a plat, so the three that we identified, you know, that would still – it wouldn't change it. If somehow they were able to rezone that reserve tract, that wouldn't change anything by any action that we were to take tonight – or not tonight, but the *Board* would take.

Commissioner Mitchell: Okay, thank you.

Chair Raschko: Any other questions? I have a quick one. This might be a little off-the-wall, but in the summary it says that this is an initiated petition (and) requests a clarification of the intent. Do any of these clarify anything as far as understanding it?

Commissioner Henley: Good question.

Chair Raschko: Because I find this really confusing.

Mr. Gill: It is quite confusing. The nuances of land division and reserve tracts and buildable lands and all that comes into play, and certainly, you know, the original staff report we did try to clarify why the, you know, definitions are slightly different between the Comp Plan and the GMA. We did look at, you know, a number of the CaRD land divisions to see if there was a problem – you know, that as far as whether this is achieving the goals that CaRDs were intended to look at. So, you know, I don't know. I think as far as we are clarifying for, you know, future landowners that want to subdivide their property, what is available to them by changing this. But –



Commissioner Henley: I think the problem here, if I might just observe, is that you've got 16 different entities here that are all interacting, and it's very, very hard to figure out exactly what the optimum would be.

Chair Raschko: Yeah. Well, I wasn't meaning to be critical, Peter. I think it's just the nature of the beast. So are there any other – okay, excuse me. Joe has a comment, please.

Commissioner Woodmansee: I think Kathy maybe has a follow-up to her comment first.

Commissioner Mitchell: Do you want me to go?

Commissioner Woodmansee: Sure. I think you were going to follow up on your question or something.

Commissioner Mitchell: Well, actually I have a question then for Peter and probably for Tim both. So because this is such a rare thing, from what we've seen by looking at the numbers, if I'm understanding all that right, I'm kind of wondering why we're even doing this. And so right now that's sort of a rhetorical question but if – I mean, if clarifying for such a rare thing you could get the same thing at the desk for that rather than doing something this way. At least that's the way it's appearing. If I'm wrong, please let me know.

Mr. Gill: Yeah, and I don't know if you need a response but, you know, that is worth considering whether this is really a problem or not.

Commissioner Mitchell: Thank you.

Chair Raschko: So did you have something, Joe?

Commissioner Woodmansee: So I was going to say exactly what Kathy just said!

Chair Raschko: Okay! Well, Martha has a request to speak.

Commissioner Martha Rose: So I guess my interpretation of this conversation is that – or that the question is being asked because everybody's looking for where do we develop next or how do we develop or how do we grow. And if you have a CaRD with a portion of the land reserved, at what moment, you know, can that – so I think that people are looking for where's the next development. And I'm not saying for or against it, I'm just saying people are trying to figure out – this is my inkling of it. I haven't talked to anybody about it, I don't know, but I'm reading it and I'm listening and I'm trying to imagine why this has come up. I'm pretty sure it probably has to do with trying to target Well, where's the next little flourish of development going to happen? Where are we going to provide the housing? Is it going to be some of these tracts that have been reserved or is it going to be the ones that are close to the urban – existing urban edges, or urban edges that might grow all out? I don't know. So I'm not sure if there's a reason to have to even talk about it or discuss it or settle on anything. But trying to read people's minds, I'm guessing that's why the question is on the table right now. That's all I have to say.

Chair Raschko: Thank you, Martha. Anybody else?

(silence)

Chair Raschko: Okay. Have you more, Peter?

Mr. Gill: That is all we have tonight. We are – you know, we do have, if anybody had any questions on any of the materials that we sent out or, you know, we did send an updated recorded motion. But, yeah, as far as ADUs and CaRDs, that's all we have.

Chair Raschko: Okay, thank you. Okay, so we'll turn now to our Deliberations and we'll start with LR20-07, Accessory Dwelling Unit Code Amendment. The floor is open. Excuse me. Commissioner Candler, you have a motion?

Vice Chair Candler: Yeah, I just want to move to get the discussion started. I'm going to move that we recommend to the Board of County Commissioners does not approve LR20-07.

Chair Raschko: Is there a second?

Vice Chair Candler: We've gotten some additional input from the Ag Advisory Board and Ellen Bynum and some others and I have had more time to think about it – we all have – so I'm kind of back where I was before, but even more so, with the additional input.

Chair Raschko: Is there a second?

Commissioner Henley: We haven't taken it off the table yet.

Commissioner Mitchell: I'll second so we can have a discussion. Mitchell.

Chair Raschko: It's been moved and seconded to not recommend approval of LR20-07. Discussion, please? And please use the Chat Box. Okay, Mark?

(silence)

Chair Raschko: Are you there, Mark?

Commissioner Mark Knutzen: Could you read the motion please?

Chair Raschko: What have you got, Peter?

Mr. Gill: Yeah. I think the Planning Commission is recommending that the Board of Commissioners does not approve the accessory dwelling code amendment. And I may have adlibbed a bit there, but – “does not approve.”

Chair Raschko: Is that adequate for you, Tammy?

Vice Chair Candler: Yes, that was the motion.

Chair Raschko: All right. So Mark?

Commissioner Knutzen: I would like to disagree with that. I had a motion to make – to amend the ones that we did two weeks ago. It's restricting from the three options we had two weeks ago. But Tammy is obviously quicker on her finger trigger than I am so her motion was accepted first, but I want to speak against it. I have a motion that's different. That's just my comment at this time.

Vice Chair Candler: And for purposes of discussion, I think you can go ahead and say what you would prefer to see happen.

Commissioner Knutzen: Okay, if you're fine with –

Chair Raschko: \_\_\_\_\_, Mark.

Commissioner Knutzen: Would you like me to do that? I can read my motion. It's –

Vice Chair Candler: There's a motion on the table, but if you want to explain why you would disagree with that in the form of something else that we could do, I think that's fine.

Commissioner Knutzen: What I would like to see is that we – the code amendment, the ADU code amendment, the family occupancy requirements stay intact and that the size of the ADUs may be up to 1200 square feet regardless of the size of the main dwelling. Period.

Chair Raschko: Okay, thank you. Joe was next.

Commissioner Woodmansee: I just – I do want to correct a little bit of what I said in a previous meeting. And I was comingling the temporary structure code with the ADU code in my previous thoughts and conversations. And so I just want to get on the record and say I do not – I'm fine with one of the occupants needing to be an owner or an immediate family member in the ADU situation. I think that that is – the purpose of this is not to create rental properties, in my mind, and so I just want to get that on the record. And for the second time tonight, what Mark just said is how I feel about this – that I do feel like that 1200 square feet is a more reasonable number, and I don't think it should be tied to the size of the existing residence. Because you could have an 1800-square-foot house and be back down to 900 square feet, or you could have a 1200-square-foot existing house and be forced to turn it into an ADU and have to build 2400 square feet to be able to be at 1200 or 18 to be at 900. And so I think the most pragmatic thing to do would be to increase the square footage, keep the one owner or owner/family member to a unit, and stop there. I would totally agree with what Mark said.

Chair Raschko: Thank you, Joe. Kathy?

Commissioner Mitchell: Yes, thank you. I thought what Commissioner Knutzen put forward was brilliant. The reason being is this: I think it's very important that the familial tie stay to the land for anywhere in the county. People that do have a tie to the land take care of it better and tend to understand what goes on around that area better than people that don't. That can get proven time and time again. I do like the idea of increasing the allowance from a 900 to a 1200-square-foot, regardless of what the size of the main house was. That gives them a little more room just to live, whether it's one, two, or three people – whatever it may be; it doesn't matter. I've lived in a 1300-square-foot place for ten years and I do know how difficult that is. But it was beautiful. And the idea of opening up the whole county to – I think it was Commissioner Raschko said last time we met was something that just struck a chord with me. If we allowed the familial tie thing to be dissolved, that effectively would upzone clear across the county. Now we know that ADUs already are allowed in different places across the county. As a matter of fact, there's very few places that they're not. But if we remove that familial tie it would turn a lot of places into rental places one way or another. So I'm echoing pieces that other people have said that have hit home, and I would like to see familial tie intact (and) up to 1200 square feet for the ADU, regardless of size of the main dwelling. Thank you.

Chair Raschko: Thank you. Vince?

Commissioner Henley: Yes, as you may remember, I proposed in the last meeting we had that we remove the familial requirement and increase the size to 1200 square feet. Now since then I've heard, like probably many of you have, from a number of constituents with good, rational reasons as to why we should retain the familial requirement, and so I would like to back off from my original proposal and say I agree with the consensus I've been hearing here, is that we should keep the familial occupancy requirement and we should increase the size regardless of the other dwelling unit on the property to a maximum of 1200 square feet. That seems pretty consistent with the surrounding jurisdictions, and I'm not a big fan of necessarily following the surrounding jurisdictions, but in this case I think it makes some good sense. So I would like to agree with Mark and Kathy and the rest of you, and let's keep the familial requirement and increase the maximum size to 1200 square feet, regardless of the main dwelling size.

Chair Raschko: Thank you, Vince. Martha.

Commissioner Rose: So after reading all of the points of view and hearing all the discussion, I too am on board with the family member where before I wasn't. And mainly because of the speculation of people that would snap up land just to rent out two separate units, driving the price of farmland up, making it harder for people that generally wanted to farm the land to – making it harder for them to do so. So I'm in the same camp as everybody else, and I also agree that the 1200-square-foot size is more reasonable without the main house having to be twice as large. That just doesn't make any sense to me. So that's where my support lies. Thank you.

Chair Raschko: Thank you. Anybody else? For myself, I agree that I think the familial obligation should stay in place and I think 1200 feet – square feet – is a good change. We have a motion on the table. The options are: We could call the question; we could ask the person who made the motion to amend it or to withdraw it. But at this point I'm ready to call the vote. All right.

Commissioner Henley: Well, let's hear what we're voting on first.

Chair Raschko: That's what we're doing. What we're voting on is a motion to recommend not adopting – recommend to the Board of Commissioners that they not adopt LR20-07. Did I get that right, Tammy?

Vice Chair Candler: You did. I am willing to amend it, hearing the pretty much unanimous response from the Planning Commission that they would like to have the code changed to increase the size to 1200 square feet. And it sounded like the majority of people who addressed it would also like to see the removal of the 50% requirement as well. So I have a question for Peter. If we – as far as how to word this recommendation, would it be that we would recommend the Board of County Commissioners deny the petition but direct the Planning Department to change the code to reflect 1200 square feet and remove the requirement of 50% of the main dwelling unit? Is that how we would – is that the right verbiage?

Mr. Gill: Yeah. I think it would be easiest to deny the existing petition because it doesn't – yeah, and then start over with your own recommendation essentially.

Vice Chair Candler: Okay. Then I am going to amend my motion that the Planning Commission will recommend that the Board of County Commissioners deny LR20-07 but direct the Planning Department – or consider directing the Planning Department to change the code to increase the

ADU square footage to 1200 and remove the condition that the ADU be only 50% of the main dwelling unit in size.

Chair Raschko: Remove the condition that it not exceed the 50%?

Vice Chair Candler: Yes.

Commissioner Henley: I second that.

Chair Raschko: Well, okay. It's already been seconded. The second now has to approve the –

Commissioner Henley: Ah, okay.

Chair Raschko: – amendment, and that would be Kathy.

Commissioner Mitchell: Mitchell. Yeah. I was wondering, Commissioner Candler – and maybe Peter can help us with this again with the wording on that. Would it be better to include – specifically to state “deny the motion,” like you had said at the beginning, like comma or something, and say “retain the familial tie plus allow up to 1200 square feet for the ADU regardless of the size of the main dwelling.” Does it make better sense to be real specific with that, or what do you think, Commissioner Candler?

Vice Chair Candler: Yes, but I think by denying the petition – by recommending that they deny the petition we are addressing the family tie, and I think we could put that in our reasons for action in our findings of fact separately. But it's probably not a bad idea to put it in the motion as well.

Commissioner Mitchell: Okay. Would you mind – would you mind rephrasing the whole thing so I've got it in my head before I agree one way or the other?

Vice Chair Candler: Okay, so I think you're asking for a change so I will – we'll do it with the change. I would move to amend the motion to be that the Planning Commission recommend that the Board of County Commissioners deny petition LR20-07 because we want to retain the familial tie to the land, and that the Board of County Commissioners consider a change to the code and directing the Planning Department to change the code to reflect 1200 square foot ADUs and remove the condition that the dwelling unit be only 50% of the size of the main unit.

Commissioner Mitchell: I'll second that.

Chair Raschko: Thank you. So I'm just going to ask Peter to read it back once he has finished his typing and then we'll know what we're dealing with.

Mr. Gill: Okay. That would be great. Okay, I have “The Planning Commission recommends to the Board of County Commissioners that the Board of County Commissioners deny LR20-07 in order to retain the familial connection to the land but recommends the Planning Department to increase the size to – maximum size to 1200 square feet and remove the condition that the dwelling unit is limited to 50% of the primary residential unit.”

Chair Raschko: I was going to say: Does that satisfy you, Tammy?

Vice Chair Candler: It does.

Chair Raschko: And Kathy? Okay. So we have an amended motion that we've all heard numerous times now on the floor. Is there further discussion of the amended motion?

Commissioner Woodmansee: I have a question.

Chair Raschko: Okay, Joe.

Commissioner Woodmansee: And my question is: When you deny a petition – my first question is: When you deny a petition, does it die on the vine at that point? So would you actually – and I don't know the answer to that, and so my question is, Should we be approving the petition with the amended things that we want? Like we're willing to take the 1200 square feet but we *don't* want to get rid of the familial – the family thing. And then we want to add, Lose the 50%. So my only – the only reason I'm asking the question is because it seems to me like is once you deny the petition, it's done. There's no longer a petition for them to consider.

Vice Chair Candler: You're asking if there's a mechanism to make the changes if the petition is denied.

Commissioner Woodmansee: Right. That keeps the petition – so is there a mechanism – well, basically, if we approve the petition with the following changes, it keeps the petition alive in front of the Board of Commissioners, but if we deny it with the recommendation that they make changes otherwise, we're recommending that they just deny the petition. And now is it not gone at that point? That's my question. It's a technical question for sure.

Chair Raschko: It's a good point, Joe.

Vice Chair Candler: It is a good point. I know one thing is that it's still alive in front of the Board because they don't even have to follow our recommendation. But I understand the question about what would be the mechanism for the code to change if we recommend denial of the petition. And I don't – Peter, do you know the answer?

Mr. Gill: I don't know specifically. You know, we could talk to the Prosecuting Attorney's office. I think either way your recommendation will be clear. I mean, if you deny it but say we want to make these changes that recommendation is clear. If, you know, if legally we have to keep that petition alive in order to make those changes, you know, the Board, like you said, certainly can still do that. If you want to, you know, approve it with changes you can also obviously do that. So, you know, their changes are pretty minimal in terms of what they've proposed in the code and so it wouldn't be that hard to approve it with except for the familial connection and except for the existing dwelling unit – or existing structure provision that they recommended. So either way I think your message will be clear.

Chair Raschko: Any other comments?

Vice Chair Candler: Well, and the reason why I phrased it the way I did was, you know, that we would be recommending then that the Board of County Commissioners direct the Planning Department to make this change to the code. So the only question is, Does the Board of County Commissioners not have authority to change the County code without some other public process once a petition is denied, I guess.

Commissioner Woodmansee: And that was my concern, was that this is all going through a public hearing, but if this dies and then you start something new, do you got to go through a public hearing to change the code? I don't know the answer.

Chair Raschko: It seems a safe thing to do would be to amend the motion once again to approve it with these changes. Because I can see the point where – it's sort of like legislation where you have all of, you know, the add-ons to the thing that have nothing to do with the original bill. You can't take a petition like this then start creating laws that weren't part of the docket, so to speak.

Vice Chair Candler: Which is my concern with approving the petition, because it has things in it we don't want. And so I have concerns about approving it because there is that element that none of us agree should be removed, the family – the familial aspect. And so that's my concern with approving it as is.

Commissioner Woodmansee: Yeah, and I'm not –

Chair Raschko: That's why you'd like to.

Mr. Gill: So if I could suggest: If that's the way we want to go, I can share my screen and you can see specifically what would be changed under the current petition versus what you would like to be changed. I think it's a little more clear on how you might structure that motion to make that happen.

Vice Chair Candler: I would appreciate that. Thank you.

Mr. Gill: Okay. Okay, you should be able to see that now. So these are the – this is Option B, the petitioner's proposal. The sections in red are what they're striking out and the blue underline is what they would be adding. And so if you want to retain the owner occupancy, you would, you know, make a motion to keep that section. That's (a), 1(a). And then the size and scale is under (d).

Commissioner Woodmansee: Can you scroll down a little, Peter?

Mr. Gill: Sure.

Commissioner Woodmansee: Thank you.

Chair Raschko: What is your pleasure, Tammy?

Vice Chair Candler: My pleasure is to maintain the motion as it is. I think that there is something that can happen if we recommend that the Board of County Commissioners direct the Department to look to changing these two things that we do want changed. Whether that involves extra public process or not, that's probably not a bad thing, but I would not vote to approve this petition as it is because of the removal of the familial tie. And if you don't agree, you know, you can vote against me and we can have a different motion, but I just don't want to change my motion at this point.

Chair Raschko: All right, we are going to vote. All right. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those against, say "nay," please.

Commissioner Woodmansee: Nay.

Chair Raschko: And who said “nay”?

Commissioner Woodmansee: Joe.

Chair Raschko: Joe. And any abstainers?

(silence)

Chair Raschko: So that passes.

Commissioner Woodmansee: And could I make a comment, Chair?

Chair Raschko: You may.

Commissioner Woodmansee: So I just want the public to know that I’m in agreement with what we’re trying to do. I was just trying to keep a safety factor for it doesn’t have to start over to get there. That’s my whole reason.

Chair Raschko: Okay. Thank you, Joe.

Commissioner Woodmansee: Yep.

Chair Raschko: Okay, this would be a good place now to do Findings on \_\_\_ 20-07 while they’re all still fresh in our mind. Would anybody like to start that discussion?

Commissioner Woodmansee: I can come up with the first one. This is Commissioner Woodmansee. So one finding I would find is that the Planning Commission finds that the maximum size ADU would be better served in our community if it was increased to be 1200 square feet.

Chair Raschko: Okay, thank you.

Vice Chair Candler: Can I suggest that Peter share his screen with us so that we can kind of track those? Thank you.

Chair Raschko: Okay, Kathy, did you have something?

Commissioner Mitchell: Yes, sir. I do. I think it’s important to note here that we feel that it’s critical to retain the familial tie to the land to understand the uses, the needs, and the surroundings for maintaining, conserving, preserving. If anybody wants to take a hash at that, that’s fine. I’m just thinking off the top of my head. People that are connected with the land, own the land, more often than not have far more incentive to take care of it well. Thank you.

Chair Raschko: Joe?

Commissioner Woodmansee: My question is, Is this where we interact the concept of hey, we’d like to see the Board of Commissioners pursue these other changes?

Chair Raschko: Well, we can give reasons why we want those changes.



Vice Chair Candler: I have a question about that. Peter, you have limited this number/point 1 to the sentence that we're just recommending that they deny it. Is it not appropriate for us to go on with a second sentence that says but we also have recommendations for changes?

Mr. Gill: Pardon me. So yeah, I just hadn't gotten the chance to write it all in. So this is what I have. It may need a little bit of tweaking here.

Vice Chair Candler: Thank you.

Commissioner Woodmansee: While Peter's doing that, would it make sense to say that we deny LR20-07 as written, and then go on to say what we want to say?

Vice Chair Candler: I think breaking it up into two sentences would be a little bit helpful.

Commissioner Woodmansee: Okay.

Vice Chair Candler: Maybe put a period after – go ahead, sorry. As written is fine.

Mr. Gill: I think it was actually "in order to..."

Commissioner Woodmansee: There you go.

Chair Raschko: Well, should that then be in the same sentence as the first part?

Mr. Gill: Maybe.

Chair Raschko: That gives a reason for denying it. And then a period after "land." And then you might say "The Planning Commission also recommends that..."

Vice Chair Candler: "...that the Board of County Commissioners direct the Planning Department..." I think that works.

Mr. Gill: I think it said "is limited to." At least I know I said it that way.

Vice Chair Candler: Yeah.

Commissioner Woodmansee: And it should say to increase the size to a maximum of 1200 square feet.

Mr. Gill: And I believe that is what I heard as well. All right.

Chair Raschko: Okay, anything else?

Commissioner Woodmansee: So I have a question relating to my vote. With the wording that's in here, can I change my vote? Or is that just a done deal? It's in the record now so I guess it doesn't really matter. Because I'm very comfortable what we're saying here, and we don't need to change it. I'm just – it's on the record now so I'm good with that.

Vice Chair Candler: I'm just trying to think of more reasons for our actions, if we want to add anything.

Chair Raschko: Well, if it's any help, the Agricultural Advisory Board was against it, I believe. Kathy, did you have something?

Commissioner Mitchell: Yes, I do. I think that for the reasons that the ag community stated their things that were so important, that it was equally important for other rural residents for many of the same reasons on why they wanted to have the familial tie. So if we do mention something about ag, I think we should mention the ag community and rural as well because they have similar circumstances, whether they're forest or another kind of rural, for why they didn't want to change the ADU part. So think about that, if anybody could come up with a better way to word it. The other thing that comes to mind is that the part about the size of the ADUs and disconnecting that 50%, if somebody is going to live in an ADU they do need to have enough space to be able to live for the time period that they're going to be there. If it's just one or two people and a 900 square foot, that's fine. If they have a baby, heaven forbid! Or children. So I think that if we can find some wording to say why allowing the increase to 1200 square feet makes sense, I'd like to find us good words to put that in.

Vice Chair Candler: I'm looking at the Ag Advisory letter. One of the things that they mentioned was the most obvious impact will be the sheer number of houses that could be built. I don't know if that's one of the things that we want to include. At the same time, some of us want, you know, to – we are looking for places where additional development can go, but that is one of the things that was specifically listed.

Commissioner Mitchell: Oh, I know. I know. Because one of the things we were early on we kept talking about is we're supposed to be trying with GMA to have most of the growth be in the Urban Growth Areas and not in the rural, and we've already exceeded the 20% that's supposed to be in the rural. This would certainly allow more of that to happen than is intended.

Vice Chair Candler: I would like to see that, something like that in there. Thank you. I don't know how to phrase it. But we're already not on track to be 80/20 development right now. Is that –

Commissioner Mitchell: That's true.

Vice Chair Candler: Maybe that's a good way to start, is we are not on track to have the desired 20% county, I guess, or however you want to say it. So the point, I think, would be – and maybe this can be the second half of the sentence or a separate sentence so the idea would be that while we may need to look for housing opportunities in the county, we want to be selective about how we do that, or thoughtful about how we do that. How and where we look for additional housing opportunities *in* the county.

Commissioner Mitchell: That's good.

Vice Chair Candler: And I think we can even add in this same paragraph one of the concerns that was raised is we were concerned about sort of a blanket upzone, which it really isn't, but...that it might result in a significant increase by removing the familial requirement.

Commissioner Mitchell: Something about unintended consequences.

Commissioner Woodmansee: So basically removing the familial requirement could result in unintended consequences of a spike of the building in rural areas.

Commissioner Mitchell: Exactly. Thank you.

Vice Chair Candler: Yes.

Commissioner Woodmansee: *Encouraging* speculative building.

Mr. Gill: \_\_\_\_\_ the last part.

Vice Chair Candler: “Speculative” is what you’re saying, right?

Mr. Gill: Correct.

Vice Chair Candler: Speculative.

Commissioner Woodmansee: So the point is we’re not looking for *investor* opportunities for people to come in and build rental houses. I mean, that’s a super key point we want to make here.

Vice Chair Candler: Yes, I agree with that 100%.

Chair Raschko: Okay, are we done with that?

Commissioner Mitchell: If you could say those words in the last part of that sentence, I think that’s important to put in.

Vice Chair Candler: That’s good.

Mr. Gill: Is that it?

Commissioner Woodmansee: I’m fine with that.

Chair Raschko: Okay, we’ve got Vince next and then Mark and then Joe again.

Commissioner Henley: Yeah, I’d like to – I’d simply like to mention that it’s not just the ag people that were against this particular proposal. It was also the property rights people. I mean, I certainly got my ears bent about that. So I think that we need to recognize that this has a broader appeal than we might have once thought; however, I would like to caution: I’ve heard a lot of commentary here about not creating more rental property. The fact of the matter is, in Skagit County we’re going to have to create an awful lot more rental property if we believe the projections that we’ve seen in terms of population growth. So let’s not shoot ourselves in the foot here with the argument about rental property.

Vice Chair Candler: Right, but I think we’re talking about speculative rental property versus the family tie and we’re talking about maybe thinking about where the rental properties should go – whether they should be concentrated or closer to the Urban Growth Areas, all that kind of stuff. So I see your point, but I don’t think that we’ve –

Commissioner Henley: I’m just recommending that we approach it circumspectly because we are going to have to deal with it at some point.

Vice Chair Candler: Certainly.

Chair Raschko: Okay, Mark?

Commissioner Knutzen: Yes, thank you. Our recommendations don't change *how many* ADUs can be built. They don't change *where* ADUs can be built. And they don't change the *use* of these ADUs. The only thing our recommendation changes is the size, if my interpretation is correct. And I think the ag community needs to be aware of that. We're not creating more. We're not allowing more ADUs. And we're not changing the *use* on ADUs.

Vice Chair Candler: I think we are maybe – I'm sorry to interrupt you but I don't agree with that.

Commissioner Knutzen: Okay, what's your interpretation?

Vice Chair Candler: Well, and the fact that, you know, somebody still has to live on the land that owns it, or a family member, I do think that changes a use from saying they don't, and that's speculative development we're concerned about. So I just don't – I would prefer we don't put the word "use" in that sentence. I like everything else.

Commissioner Knutzen: Well, we're not changing anything. We're leaving the family requirements exactly like they are, right?

Vice Chair Candler: Right. You're right. I'm thinking of it changing it from what the petition was but you're right. Yeah, I'm sorry.

Commissioner Knutzen: The only thing we're changing is the size. We're allowing them to go from 900 square feet to 1200 square feet, and we're eliminating the 50% limit.

Vice Chair Candler: Right. Sorry. I was thinking of it wrong.

Commissioner Knutzen: That's what my head says here. To allay the fears of the ag community is why I think that's in there. Because, Tammy, you pointed out in the letter that they just sent us today, that's a big concern – as being someone in the ag community myself, it is a concern. So the family occupancy requirement is a huge – that's number one to me. We cannot let that lapse big time. So anyway. Okay, thank you.

Vice Chair Candler: Agreed. I apologize.

Chair Raschko: Okay, Joe?

Commissioner Woodmansee: What I was going to say, we've covered now.

Chair Raschko: All right. Thank you. Anything else?

(silence)

Chair Raschko: Okay, nothing else?

(silence)

Chair Raschko: With that then, let's move on to – where did I go? – LR21-02. That's Clarifying CaRD Land Divisions and the Reserve Functions. So the floor is open on this one. Okay, Joe, did you have something you wish to share?

Commissioner Woodmansee: Yeah. I don't think we need to do anything here. I think it's a – I think we're fixing a problem that doesn't really exist. And the state laws and the city codes and annexation and all that is going to determine what happens in any of these areas in the future – and the County code. And so I would make a motion that we deny this request.

Commissioner Mitchell: Second.

Chair Raschko: It's moved and seconded that we recommend to the Board of County Commissioners denial of LR21-02. Did I change that too much for you?

Commissioner Woodmansee: No.

Chair Raschko: Okay. And do we have discussion? I see Tammy Candler has something.

Vice Chair Candler: So I would agree with that motion. I would support it. I guess, if anything, maybe we would want to just sort of indicate our support that the Board of County Commissioners direct the Planning Department to work with individuals to answer their questions, or something – some sort of general language that reflects what we discussed, which is that I think that there's clarification that needs to be done in any given situation, like someone mentioned you can kind of get that at the desk. That would be my only thought. Or just leaving it like it is is fine with me as well.

Chair Raschko: Okay, anybody else?

Commissioner Henley: I kind of agree with Joe that, well, we probably don't need to do anything.

Chair Raschko: Okay, seeing no more comment or no more questions, the motion has been made and seconded to recommend to the Board of Commissioners that they deny LR21-02. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those against?

(silence)

Chair Raschko: And has anybody abstained?

(silence)

Chair Raschko: So that passes. Thank you, everybody. Now we can turn to Findings on LR21-02. Tammy, did you have a finding or did we dismiss you a while ago?

(laughter)

Vice Chair Candler: Yeah, I was just typing a comment. It seems like what we could maybe say is the petition was a bit vague to be actionable, but we would certainly encourage the Department to work with individual citizens on clarifying their code and their requests. Something like that. Or we would certainly support the Planning Department to be generous in their time and efforts to clarify code and permit processes with the public with their time, expertise – whatever else we can think of in there.

Mr. Gill: I added on a little bit so take a look and see if this is what you meant.

Vice Chair Candler: Yes, thank you. I appreciate that. I was having a little bit of a hard time phrasing it. Maybe “encourage the Planning Department to be generous”? Or something like that.

Chair Raschko: So Tammy, may I ask: Are you talking about a situation where a property owner comes in looking into this type of thing and you’re recommending that the Planning Department be generous with their time in explaining all the options or non-options there are?

Vice Chair Candler: Yes.

Chair Raschko: Or the way I read this: to inform the public. In other words, use other venues and information or pamphletting or something else that the general public –

Vice Chair Candler: Shall we say “individual public”? Would that clarify?

Chair Raschko: Too informal. Why don’t you say “landowners” or –

Vice Chair Candler: Homeowners? I mean, it’s a variety of people. How about just “citizens”? Or – that’s not –

Mr. Gill: Applicants.

Chair Raschko: Customers.

Vice Chair Candler: You know, the way it was phrased in our discussion was “at the desk,” but I think that’s just how we all know it. You go to the desk and they talk to you. But it could be a variety of different roles of the person standing at the desk – customers, applicants. That works for me. Does that help, Tim?

Chair Raschko: Yeah, to me that makes it – instead of being a big broadcast effort, you know, public affairs thing, it makes it –

Vice Chair Candler: You know I agree.

Chair Raschko: Yeah, okay. So Kathy’s next and then Joe.

Commissioner Mitchell: Yes, I want to tease staff for a moment. So this is one of those occasions when staff did a really good job for us – thank you – in showing that this was working. So the concept of clarifying is somewhat of a misnomer – I’m stumbling through what I’m saying – somewhat of a misnomer for the whole concept, because everybody’s going to have their idea. So the gist is this is something that – a problem that really didn’t need to be fixed with Comprehensive Plan changes or docket changes. So I think maybe the simplistic way is that staff showed why the CaRDs were working as is, and that the definitions and policies are effective. If somebody wants to help wordsmith that, please jump in.

Mr. Gill: “...policies and...” – I’m sorry. You had “...policies and...”

Commissioner Mitchell: Regulations, ordinances – I don’t know what the correct term is. “The desired effect”: Is that what you’re going for? Yeah.

Mr. Gill: I'm not sure if I heard that or if I put that in my own head. I'm not sure.

Commissioner Mitchell: I can read your mind!

(laughter)

Commissioner Mitchell: Thank you. The basic gist was to reinforce that it is working the way it is and that it's not as confusing as we thought it was.

Mr. Gill: Yeah. I appreciate that. That's good.

Chair Raschko: Okay, Joe.

Commissioner Woodmansee: Well, I was just thinking that we could recommend that the Board of Commissioners direct the staff to do basically a handout specific to the example that we talked today about the state law and the tracts and the Urban Growth Areas. But you could take it a step farther than that, you know – the specific concerns that were here. I mean, we could address – this could be addressed in a handout that, you know, addresses OSUR – unless the state law changes, this can't be used and et cetera. Basically how it was explained to us could be in a paper that gets handed out specific to these examples. I was just thinking that so you don't have to spend *too* much time telling the same story over if they tell the story in a handout concerning CaRDs and open space all in just one or two pages then that would maybe go a long ways in helping the public and saving some time for the staff from time to time.

Mr. Gill: Sorry, I did adlib a bit there but make sure this is what you want. I said, "The issue could be addressed by handouts specific to the Open Space Urban Reserve designation when adjacent to Rural Villages." I think that is the meat of what we were discussing there.

Commissioner Woodmansee: Yeah. And the second part of that was – what we were discussing earlier was that, that OS-UR designation could be something that is adjacent to an Urban Growth Area – right?

Mr. Gill: Yeah.

Commissioner Woodmansee: So it would be when adjacent to *both* those areas, the two different? And, I mean, correct me if I'm wrong for sure.

Mr. Gill: Well, the issue isn't really an issue adjacent to Urban Growth Areas.

Commissioner Woodmansee: Gotcha. Okay. This addresses the issue.

Mr. Gill: It really is just an issue adjacent to those Rural Villages where you couldn't rezone that area.

Commissioner Woodmansee: Gotcha too. I'm good with that.

Mr. Gill: Okay.

Chair Raschko: Okay, Vince?

Commissioner Henley: Yeah, it seems to me didn't we work on something here a little while ago, this C21-05, the Pre-Application for Development Meetings? It seems to me from what we've been discussing here that that might be the right opportunity to get this sort of thing brought out and discussed. Is that not the right place?

Mr. Gill: No, that's a good point and, you know, something to the effect of, you know, the drawbacks of the OS-UR designation should be brought up during a pre-development meeting.

Commissioner Henley: Yeah, I mean, it's just basic – yeah, it seems to me we'll have an ideal place to do it. So why not?

Mr. Gill: What language do you want me to use?

Commissioner Henley: I'm not really sure except I'd like to work in the use of both of those meetings to accomplish this understanding about what can and can't be done. Yeah, I don't know if it's pre-development or pre-application, but one of those two meetings.

Mr. Gill: Both could work.

Commissioner Henley: Yeah, that's good. I like that wording.

Chair Raschko: I like that too, Vince. Does that do it for you?

Commissioner Henley: Yeah, that works for me.

Chair Raschko: Okay, anybody else?

(silence)

Chair Raschko: Have we got what we need? Okay, unless anybody comes forward in the next moment, we'll consider our work done on 21-whatever it was. LR21-02. And that takes us to the end of deliberations, for which I wish to congratulate everybody. We still have the work ahead of us to approve the recorded motion. And what we need to do to complete that, in my opinion, is go through and make sure that we are all in consensus on what we've put in the past and today on the Findings. And then I believe that we would then be ready to vote on the document. So would everybody want to proceed with that tonight?

Vice Chair Candler: I do.

Chair Raschko: I do too.

Commissioner Henley: It's okay with me.

Chair Raschko: All right, so I have before me the draft recorded motion that Peter supplied us. It already has all of the Findings that we came up with up until tonight. I think that would be a good place to start and then go through it on each petition. Just make sure that we still agree with what we put, and add anything that comes to mind that we might have overlooked. And go through in that way. So if that pleases everybody we'll start with PL19-0419. I believe that's the first one. And that is the Nielsen Brothers Comprehensive Plan and Zoning Map Amendment. I believe what we're looking at in blue is our findings. Does anybody –



Commissioner Henley: I have no problem with that.

Chair Raschko: Does anybody have any additions or changes?

(silence)

Chair Raschko: Okay, let's move on.

Commissioner Mitchell: Excuse me, Chair?

Chair Raschko: Yes?

Commissioner Mitchell: Could I just ask for Peter: Could you go back and put in periods and things like that and clean that kind of stuff up afterwards where we don't take your time now?

Mr. Gill: Sure. That would be good. I can get punctuation in here, I can put a little heading that says "Findings and Reasons for Action" – that kind of thing.

Commissioner Mitchell: Thank you so much.

Chair Raschko: Okay, LR20-02. That's the one we just did.

Mr. Gill: This is actually the Small Scale Business Zone and then –

Chair Raschko: That's right. If you have any changes, please speak up.

Commissioner Henley: Looks good to me.

Chair Raschko: All right.

Mr. Gill: Anyone have a problem with me changing "this" to "these"? "Allows for these businesses to have this accessory use..."

(Several Commissioners make agreeing comments.)

Chair Raschko: Okay, LR20-05, Public Notice Amendment for Mineral Resource Extraction Areas.

Commissioner Henley: I think we recommended denying this, as I remember. Right?

Mr. Gill: That's correct.

Chair Raschko: Anything on 05?

Commissioner Henley: Nope.

Chair Raschko: All right, let's move on then. To LR20-07, Accessory Dwelling Units. We can have a second whack at that, or are we all satisfied? All right –

Commissioner Mitchell: Give us just one minute here, please. Thank you.

Chair Raschko: Is everybody done?

Commissioner Henley: Yes.

Chair Raschko: All right. We'll move on to LR21-02. That's Clarifying the CaRDs –

Vice Chair Candler: Can I just – our votes weren't recorded on that last one. Is that something that's going to be done later?

Mr. Gill: Yeah, I have those down in my notes here but if you want to do those right now I can.

Vice Chair Candler: It doesn't matter. I just wanted to point it out that it needs to be –

Mr. Gill: That's right.

Vice Chair Candler: – addressed at some point.

Mr. Gill: Yeah. I can do that when I look at the punctuation.

Vice Chair Candler: Okay.

Chair Raschko: Okay, LR21-02. Anybody want another whack at it?

Vice Chair Candler: Looks good.

Chair Raschko: All right. Let's move on, please. LR21-04. That's Agricultural Processing Facilities in BR Light Industrial.

Commissioner Henley: Still looks good.

Chair Raschko: Okay, thank you. C21-1, Comprehensive Parks and Recreation. Any changes?

(silence)

Chair Raschko: All right.

Commissioner Henley: No, it looks good to me also.

Chair Raschko: So next, please. C21-2, SEPA Determination Review Timing. That was a unanimous vote. Do we have anything on that?

Mr. Gill: Just one finding.

Chair Raschko: That's right. I'm sorry.

Mr. Gill: Not allowed under state law.

Chair Raschko: I think that's adequate. Okay. So we'll go to C21-3. That's the Hamilton Zoning and Comprehensive Plan Updates. Does anybody –

Commissioner Henley: That's almost pro forma. I think that's fine.

Chair Raschko: All right. Moving on, please. C21-4, Reduced Front Setback to Include Class 19 Roads.

Commissioner Henley: Still looks good.

Chair Raschko: All right. Anybody else?

(silence)

Chair Raschko: Okay. C21-5, Pre-Application Requirements.

Vice Chair Candler: Looks like there's a typo, but otherwise it looks good.

Chair Raschko: Eliminates?

Vice Chair Candler: Yeah.

Chair Raschko: Okay, thank you. Okay, I'm assuming we have consensus here. Let's go to the next.

Mr. Gill: That is it.

Chair Raschko: That is it. All right! And we come to the final moment when we vote to approve our docket recommendations to the Board of County Commissioners. So I have a question for staff. In the votes that you recorded, they were oral votes. Did you put Amy Hughes down as an "aye"?

Mr. Gill: Not tonight. I did not.

Chair Raschko: Okay. All right. So all those in favor of approving the recorded motion, please say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those against?

(silence)

Chair Raschko: And has anybody abstained?

(silence)

Chair Raschko: So it looks like it's a unanimous support. Let's see, absent, Amy Hughes.

Commissioner Mitchell: And there's a typo in "February."

Chair Raschko: What was wrong with it?

Vice Chair Candler: I'm not seeing it.

Mr. Gill: Sorry, let me just get this final one in here just so we can be official here. All right, is that – that’s what I have written down.

Commissioner Mitchell: Peter, the typo fix did “February” wrong again.

Chair Raschko: How do you think it is spelled?

Commissioner Mitchell: Isn’t it Feb-u-ary?

Commissioner Woodmansee: The difference is the comma’s gone. Right?

Vice Chair Candler: We’ll want to keep the comma.

Chair Raschko: I thought it had that “r” in there.

Mr. Gill: February. Yeah.

Vice Chair Candler: It’s weird. Like Wed-nes-day!

Commissioner Mitchell: Right.

Chair Raschko: I’m going to look it up.

Commissioner Henley: (unintelligible)

Commissioner Knutzen: The initial spelling was correct. F-e-b-r-u-a-r-y. That is the correct spelling.

Vice Chair Candler: We have to put the comma back in.

Mr. Gill: *That’s* what it was. Got it.

Commissioner Knutzen: I’m not that smart. I’m looking on my calendar.

Chair Raschko: Okay, I think that takes care of \_\_\_. I congratulate everybody on, I think, doing a job well done. Thank you. And with that – if I can find my agenda – we will move on to the staff report – the Director’s Update. So we’ll start.

Hal Hart: Thank you, Commissioners. Peter, if you can go ahead and switch your screen.

Mr. Gill: Yeah.

Mr. Hart: Great job. It was really fun to watch, actually. Great job.

(constant buzzing sound from recording system)

Mr. Hart: All right. Is that working? We’ll go ahead.

Commissioner Henley: I still hear it.

Mr. Hart: All right. Let me mute and see if Peter can do it. Let’s just try that.

(buzzing stops)

Mr. Gill: Oop, I think it was Hal! So, Hal, I'm not sure I'd do a very good job with your commercial projects. I can cover the other two, but I think if you're talking we won't get the buzz. Why don't you try and go through this one. If it's too bad, I'll stop you.

Mr. Hart: Just a quick update, was Lindell Yachts came to us last week and they will be developing up at the airport. They want to move very quickly on a three-phase project, the first phase being about 38,000 square feet. And you'll see additional phases over time up there. It will be adjacent to Sakata Seed and the main road, Peterson Road, through there.

We are also working with several other firms right now but those phone calls are being returned and going back and forth. But this one looks like it will happen, and they want to consolidate their operations. They are also in Stanwood, as well, and they also have an office here. So it's pretty interesting. You can look them up and see that they're growing rapidly. That's it for that one.

Do you want to go ahead and do those, Peter? Or is it okay?

Vice Chair Candler: It's fine. I think it's fine.

Mr. Hart: Okay. Okay. So we took a look at our housing numbers over the last few years. This is the totals that we have right now, just simply the total coming through the gate. And 2015 was 193; 2021, all the way down at the bottom, was 203. My math says that's about 1394 homes received in that time period. We're starting to track that. We'll be asking a lot of questions about the data. We could figure out what the average size of the home was. There's all sorts of other things that we could ask: How many bedrooms? What are people developing out in the county? All those questions. We will get that data as we monitor and get ready for the next Comprehensive Plan update.

Okay. The statewide work is kicking in this year. The Washington State Department of Commerce is talking about a multiyear project that would develop guidance for counties and cities to address climate change. So all counties and the cities are invited into that process to watch it. Guidance will focus on what Washington wants to focus on, which is the mitigation of greenhouse gas and then long-term resilience. So I'm just bringing you the news from the State of Washington on this one.

Mitigation – reducing greenhouse gas. Resilience means to assess the natural hazards that could be exacerbated by the changing climate.

And then they're also asking us to look at those communities that might be disproportionately impacted by climate change. So it'll be interesting to see how they define those things as we move forward. A working group starts next week and so we'll be monitoring that.

We have an upcoming short course. You can go to the Department of Commerce website. There is one that I always encourage our staff to attend if they don't know a whole lot or they haven't seen a lot of short courses before. There's one this week from one o'clock to four p.m. and it's an online registration. That's so they can count heads, I think. And you can do that for the Zoom. And then you'll see – usually they have a planner and an attorney talking about planning and current case law, so that could be interesting.

And then I have – go ahead, Peter, and then I'll have one more after this.

Mr. Gill: Sorry, I couldn't unmute for some reason. Yeah, just our normal – and thanks for putting that short course in there. It's much better than watching all those movies or those short videos that many of you have watched for the short course training. So if you do have a couple hours and you can make that, it's on Thursday – let's see – no, the 24<sup>th</sup>. Yeah, Thursday. That'd be great. I'm going to do it.

So the updates: Next Planning Commission is March 8<sup>th</sup>, so we'll see you back here then. And I was going to say we'll finish up on the recorded motion but you all did quick work and so we will have a surprise. No! I'm not sure yet exactly, but we will make good use of your time.

Just a heads up that the hearing on the Shoreline Program is scheduled for March 1<sup>st</sup> – coming up here soon – and there's an updated draft posted on our website of the Shoreline Program. So you're welcome to check that out and take a look.

We are working with the Board to come up with the work plan for 2022, and that's being reviewed and we're working on a resolution to put that into motion, at which time the Board will meet again, similar to how we did last year, with the Planning Commission and we can talk through some of those priorities for the Board.

And the last item is thanks for those that were able to make it to the Ag Summit, and apologies for folks that had trouble getting on. There was a lot of great information on water and agritourism issues and different agricultural technology happening in the county. So it was good and there's more to talk about with ag tourism that we will look at getting you an update on next meeting for sure.

So that's all I had. Thank you.

Mr. Hart: I have one more update, Peter, so I'm just going to continue. There are four bills that are still alive in the legislature that are really considerable and they have a big impact on planning. The first one is a climate change bill. That's still alive and that could pass very shortly. I have a legislative update from the Association of Counties at about 4:30 today. So climate change is still alive. That's one to know about.

Salmon recovery: That one is still alive, so that could have some impacts on our agricultural areas, on our VSP project, or other things.

The LAMIRD bill: So that would allow for some growth in our rural places, our Rural Villages. That bill is still alive tonight.

And then another one which is still alive is – the Commissioners were asking me about this one tonight. That's Senate Bill 5964, and what that does is that changes – it requires all local governments exempt – let me see if I can say this right. It establishes a consolidated permit review process. How about that? That's what it does. And so it does have funding in there for participating counties. The idea potentially could lead to a statewide permitting system and there could be money attached to that as well. So stay tuned. We'll see what happens to 5964.

So four bills still alive – again, climate change; salmon recovery; the LAMIRD bill; there's actually another one, too. And then this one, 5964, statewide permitting. Now I'm trying to remember what the other one was. But those are the big ones that are still out there.

Mr. Gill: And Hal, if I could add on to what you are saying, right? So the LAMIRD bill, as it pertains to kind of what our discussion was tonight, is not really about expanding the LAMIRD as much as intensifying the uses –

Mr. Hart: That's correct.

Mr. Gill: – within LAMIRDs. So that's an important distinction, right? It's not about making them bigger. It's about what you can do within those boundaries as they're already established.

Mr. Hart: Yeah. And the one way I look at it is if you had a small convenience store, it would allow you to grow that convenience store a little bit.

Mr. Gill: Correct. Thank you.

Mr. Hart: Yep. Thank you, Commissioners. That's all I have.

Chair Raschko: Thank you. Are there any questions for Hal or Peter?

Commissioner Knutzen: Yes. This is Mark. I have a question for Director Hart, if I may.

Chair Raschko: Please.

Commissioner Knutzen: You mentioned earlier that Lindell Yachts is building up by Sakata Seeds, and I'm questioning which direction because when Westland Distilleries first moved here about three years ago their initial plan – they were going to build a distillery and an event center on the north side of Sakata Seeds.

Mr. Hart: Yeah.

Commissioner Knutzen: And I'm wondering how this affects that or if it does.

Mr. Hart: Great question. This shouldn't affect that. This is to the south. This is the open lot between the street and Sakata and it's to the west of that street that goes in there. So it's the south and west side. So it's on the same side where the new greenhouses are.

Commissioner Knutzen: Oh, in the – okay. Thank you.

Mr. Hart: You bet.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: I have a question for you, Peter. When you mentioned our next Planning Commission meeting \_\_\_\_, you said "So we'll see you here." Is that just a euphemism or are we going back to in-person meetings?

Mr. Gill: That was a euphemism for now. But yes, I imagine that the in-person meeting situation would be changing here in the next month or so. But I don't have any specific news from the Commissioners to give you \_\_\_\_.

Chair Raschko: Okay, so we'll be Zooming in on the 8<sup>th</sup>.

Mr. Hart: Yeah. The one thing – Commissioners, this is Hal – we were planning a meeting for our permit update to various folks in the community, and we were shooting for that fourth week of March. And to do that, we're hoping by then that the governor will change his order for indoor masking and holding meetings, and make it easier for everybody if we socially distance to meet in person. So that's what I'm hoping for. I think that was around the 22<sup>nd</sup> to 24<sup>th</sup> of March, or somewhere in there. So we're waiting for the governor to make his move, Commissioners.

Commissioner Henley: I have a point about that.

Chair Raschko: Go ahead, please.

Commissioner Henley: Yeah, I – you probably know this – I teach a course that meets once a week. I just had three of my students come down and test positive for COVID, so I don't think we're out of the woods yet on the COVID issue. They're having to isolate. They're going to miss part of the class. But, you know, that's three people within a period of about three weeks. So it's not done yet.

Chair Raschko: Thank you, Vince. Anybody else?

Commissioner Woodmansee: I have a question for Hal. On this SB5964, does the Association of Counties support this bill or – I mean, I guess I'm concerned about the state saying they're going to have a statewide permit process.

Mr. Hart: That's a great question. I didn't ask. I talked to Paul Jewell this evening. I didn't ask him that. I just wanted more information on the bill itself. My assumption – they might just be neutral on the bill the way that it currently is. It would – I mean, it does create a grant program for local governments and allows for technology investment. So, you know, our county's looking at a very large technology investment. And it's not confined to just large counties or small counties. I didn't see anything in the bill about that so far. I can send you a copy, the bill link.

Commissioner Woodmansee: Yeah. My question is, I guess, maybe to follow it up would be, Is this, like, a – if they pass this bill, is this, like, a mandatory, every-county-has-to-go-through-this process? The thought of the state being the head of the building permit process is just not a pleasant thought for me. And so – or is this like a voluntary thing that you apply for grants?

Mr. Hart: The gist of it that I got was yes, it's an inducement that you apply for the grant, but for the building community that supports kind of a 90-day turnaround for your permit. So the idea is that no matter what, you're going to get that turnaround. If you've put in all the information that's required, you should get the permit at the end of that 90-day period. And so it's kind of that exchange, Commissioner.

Commissioner Woodmansee: So one more follow-up – sorry to drag it out, but there's already time limits on other permits that are, in all honesty, pretty much ignored all the time. Because if you put in the right information it's to the eye of the person who's enforcing your application. And so my experience personally is these artificial timelines are not much of a tool for streamlining permitting process. Anyway...

Mr. Hart: Okay. Thank you. That's good input.



Commissioner Woodmansee: I wouldn't, like, fall in love with that concept and then realize that, you know – I'll stay positive, but...

Chair Raschko: I'd add on to what you're saying, Joe, that I experience regular, very deep frustration in the state permitting process. They had a 30-day limit and I got very tired on Day 29 of having your application returned as incomplete. And, you know, if it was incomplete, they'd know that in the first three days. And I'm sorry, but I just have to add my concern to Joe's.

Is there any other comments or questions for staff?

Commissioner Rose: Well, I just want to ditto the reservations expressed about a state-run permitting process. Some places are a lot quicker than that – like Sedro-Woolley is two weeks, if it's a regular building permit – you know, just a normal. And I know a lot of places are a lot worse but also that timeframe being false. That's a true story.

Mr. Hart: Very good.

Chair Raschko: Thank you. Anybody else have any anecdotes?

(silence)

Chair Raschko: Okay. Well, thank you very much. Thank you, Peter. We'll go now to our Planning Commissioner Comments and Announcements. Who wants to go first? Okay, Martha.

Commissioner Rose: I don't have anything. Thank you.

Chair Raschko: How about you, Kathy?

Commissioner Mitchell: Nothing, thank you.

Chair Raschko: Mark?

Commissioner Knutzen: Yeah, I do have a couple questions. I admit I'm pretty new here and I freely admit that I still have a lot to learn about protocol. Early in the meeting Patrick Donnelly spoke about his docket request that was excluded from this year. As I remember, the County Commissioners decide what items are on the docket. Is there something they look for or don't look for? I know with COVID, so it was two years. But six were excluded; seven were included. Who decides what gets in and what gets out?

Mr. Gill: There is a set of criteria that the Department is required to look at in terms of what gets docketed and how it's reviewed, and the staff does make a recommendation to the Board. But ultimately it is the Board's decision and the Board does meet with the petitioners prior to making a – and they do have a public hearing – prior to making a decision on what to docket and what not to docket.

Commissioner Knutzen: You *do* make recommendations to the Board?

Mr. Gill: But we do make a recommendation. Right.

Commissioner Knutzen: Okay. The other question I have: Now we're finished with the docket. It goes to the Board of County Commissioners. What is the protocol for us as Planning

Commissioners? I know we can listen in, like we did in the Shoreline Master Program. Can we comment or have we already had our say? We're not supposed to interrupt them, talk with them, converse with them? I don't know – what's proper?

Chair Raschko: Who are you asking?

Commissioner Knutzen: No answer? Nobody wants to answer that?

Commissioner Henley: They're not going to touch that one with a stick!

(laughter)

Commissioner Mitchell: I can take a stab at it, if you want, Mark. But maybe we can talk afterwards.

Commissioner Knutzen: Okay, okay. Okay, I'll withdraw my motion! That is all I have. Thank you.

Chair Raschko: Okay, thank you.

Commissioner Knutzen: I'm going to remember your no-answer! I'm going to remember that!

Chair Raschko: Joe?

Commissioner Woodmansee: Yeah, I just appreciate all the staff's work on all this. It would be totally impossible to do this without their help. And tonight especially I appreciate the dialog and helping me get to the other side of the one issue between our last meeting and this meeting, and it was a good night tonight.

Chair Raschko: Thank you, Joe. Vince?

Commissioner Henley: Yeah, I'd like to say that having been on the Commission now for nearly a year and two little segments, my first impression of the staff was pretty negative, but I have to say that over the period of the year as we worked together I've come to value them as an essential element in the process we use to get things done. So anyway, good show, you guys. Okay. I appreciate it.

Chair Raschko: Thank you, Vince. Tammy?

Vice Chair Candler: I don't have anything particular, other than just good work, everybody. *Everybody*, Commissioners and staff alike.

Chair Raschko: Thank you. I'd like to echo what others have said and just thank staff. I think they did a great job. Peter's been really, really helpful to me in a lot of these issues that we've gone through. I want to thank my fellow Commissioners, too, for all the hard work and perseverance. So with that, we will stand adjourned. I hope everybody has a very nice evening.

