

**Skagit County Planning Commission
Workshop: Updates to Permit Procedures
Workshop: Comp Plan Update
February 27, 2024**

Planning

Commissioners: Kathy Mitchell (via Zoom)
Vince Henley
Angela Day
Amy Hughes (via Zoom)
Tim Raschko, Chair
Joe Woodmansee (absent)
Tammy Candler, Vice Chair
Martha Rose
Jen Hutchison (absent)

Staff: Jack Moore, Planning Director
Robby Eckroth, Senior Planner
Tara Satushek, Senior Planner

Chair Tim Raschko: (gavel) Good evening, everybody. The February 27, 2024, meeting of the Skagit County Planning Commission is now in session. We have two Commissioners on Zoom, I believe. That would be Commissioner Hughes and Commissioner Mitchell. Are you there?

I see them both. Good evening. Commissioner Hutchison is unable to attend in person tonight and she will not be on Zoom. That's basically an absence, for the record. So Commissioner Hughes and Commissioner Mitchell, if you want to say something, are you going to raise your hand? You're going to raise your hand. Okay. I see we have other people on Zoom as well. The Chat Box will be for the convenience of the Commissioners and the staff. There is a time coming up for Public Remarks. If anybody is Zooming in and wishes to say something, they are not to use the Chat Box for anything but they can say it during the Public Remarks. And I hope everybody understands that and I also appreciate everybody's cooperation in that regard.

Okay, so I'd entertain a motion for approval of the minutes of February 13.

Commissioner Joe Woodmansee: I make a motion to approve the minutes.

Commissioner Vince Henley: Second.

Chair Raschko: It's been moved and seconded. Is there discussion, additions, deletions, and that?

Commissioner Angela Day: I have a question.

Chair Raschko: Go ahead.

Commissioner Day: I support the motion to approve the minutes but I do have a question. It seemed like there was quite a bit of discussion about the Housing element that aren't in the

minutes. For example, examples from other jurisdictions about the middle housing element that we talked about, such as duplexes, courtyard homes, and that sort of thing. And I think that staff had committed to bring examples from other places when we get to that point, and I just didn't want to lose that thought. I don't think it needs to be in the minutes but I just didn't want to lose that thought. Do you recall that? Does anybody else recall that? I think Commissioner Rose in particular –

Chair Raschko: I recall that.

Commissioner Day: You had some examples and I think Commissioner Hutchison also did as well.

Chair Raschko: It should be in the transcript as well.

Commissioner Day: Yeah. Just so we don't lose that thought somehow. I don't know that it needs to be in the minutes.

Chair Raschko: Okay.

Commissioner Kathy Mitchell: I've got a point of order on the minutes.

Chair Raschko: Who is this?

Commissioner Mitchell: Mitchell.

Chair Raschko: Oh, Commissioner Mitchell. Go ahead, please.

Commissioner Mitchell: Yeah, thank you. I appreciate the thoughts on that. The minutes are supposed to be pretty basic and not too specific. That's one reason we have the transcripts. So even though I appreciate the conversation, that's not really what needs to be in there – all the details.

Commissioner Day: Mm-hmm, yeah.

Commissioner Mitchell: Thank you.

Chair Raschko: Thank you. Basically, minutes are to record decisions, I believe. Anyway, with no further discussion, all those in favor of approving the minutes, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And we have two ayes online. Okay. It's approved unanimously. Thank you. So we're going to turn to 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. Public Remarks – this is not part of the formal participation process for any development regulation or Comprehensive Plan amendment project – is limited to three

minutes and up to 15 minutes total. So if anybody wishes to address the Planning Commission, you may indicate so, and before you start please say your name and address. Is there anybody in the room?

(silence)

Chair Raschko: No. Is there anybody on Zoom who would like to address the Planning Commission?

Robby Eckroth: If you would like to speak via Zoom, if you could please unmute your microphone. I am not seeing anyone unmuted.

Chair Raschko: Okay, so we have nobody so that will conclude our Public Remarks for the evening. And we'll turn to our first agenda item, which is a Workshop and Updates to the Permit Procedures.

Tara Satushek: Good evening, Commissioners. This workshop is about an update to Senate Bill 5290 discussing the legislative updates to local project review. This bill was passed in May of last year, May 8th, 2023, and it amends the Local Project Review Act, which is an ordinance that identifies how local jurisdictions process permits and development reviews.

An overall of this is that this RCW 36.70 establishes project permit processes to integrate and streamline permit procedures. This applies to counties and cities that are subject to GMA. What Senate Bill 5290 did – what it worked to do is to increase the timeliness and predictability of local project review. The legislation – the current legislation, the RCW 36.70, requires timeframes for project reviews, which are typically 120 days, and it also requires that jurisdictions provide performance reports on how long permit projects are sitting in a queue, how many are accepted, to give measurable data to the state to see how a jurisdiction is performing to meet the 120-day timeframe that was established in the current RCW 36.70B. And then again, the Senate bill changes the timeline of that requirement.

The major changes of the Senate bill to the RCW is that it establishes a variety of timeframes for a variety of permit applications. Previously it was 120 days from determination of acceptance – or, excuse me, determination of a complete application to final decision. And this will break it down into different levels, which will be explained in further slides. The other thing that this legislation does is that it requires jurisdictions to provide refunds if the applicant timeframes are not met. And this is new. This was not in the previous RCW.

Here's a breakdown of the permit review timelines. So for projects that do not require public notice, similar to those that are building permits, require 65 days of determination of completeness from the acceptance of a complete permit application. Projects that do require public notice are required to be issued within 100 days. Those projects are typically administrative variance requests, general planning projects, things that don't require a hearing examiner. Those projects that do require both public notice and a public hearing – those that are subject to a hearing examiner – requires 170 days from, again, a technically complete application to final decision.

These can be altered with – a previous RCW did allow for flexibility with the jurisdictions to call out certain permits or certain types of permits that were exempt from this. For example, Skagit County has citing of critical public facilities as an exempt from the timeframe, and also if there's an agreed upon timeframe between the applicant and the Department, those timeframes can be expanded – excuse me, extended.

Chair Raschko: Excuse me. Can I ask a question, please?

Ms. Satushek: Yes.

Chair Raschko: It's about the timelines. And it's basically 65 days or 100 days from the determination of completeness of the application. That can be abused, I think, because I know it was. Is there anything that requires the County or other jurisdictions to get through the completeness part of it in a reasonable amount of time? And the reason I ask that is that when I was working – and this must be 20 years ago – I was getting permits regularly and it was a 30-day process for approval. And on Day 29 you get your permit back as incomplete. And then they – it wasn't incomplete. It was just part of the game. Is there a way to prevent that kind of abuse?

Ms. Satushek: Well, right now the code does say 28 days but I think it's the discretion of the Department policies, and currently our department does monitor those timeframes. But I don't – Jack, I might refer to you about that, about potential abuse of those timeframes.

Jack Moore: Sure. Thank you, Tara. Thank you, Chair. Yes, so the current guidelines for permit processing is 28 days maximum to determine a complete application. And I guess I'm not completely understanding what abuse might occur there, but we do strive to not get anywhere near the 28-day mark for our review of our applications, building permits specifically. We're – I know right now I monitor that on a weekly basis and I think that my – the last report I had showed that I think the oldest one in our queue for determination of completeness was nine days. But I think that more than 50% of the applications were less than two days stale for determination of completeness. So that's our current performance.

Chair Raschko: Yeah, I wasn't making any accusations or anything, and that sounds really good. It was Forest Practice applications.

Mr. Moore: Oh.

Chair Raschko: And, like I say, this goes back maybe 20 years. It was very frustrating. You'd hand in what you know is a complete application and on Day 29 you got it back because it was controversial and they didn't want to deal with it.

(laughter)

Mr. Moore: Well, I hope that doesn't happen currently.

Chair Raschko: But there's nothing to prevent that legally.

Mr. Moore: I mean, I suppose – I guess in theory, you know, if the Department didn't provide an adequate explanation as to what was deficient in the application, that could be challenged. I'm not sure what the avenue would be there.

Chair Raschko: Okay.

Mr. Moore: It's not something that I can think has come up in my memory.

Chair Raschko: Well, that's good to hear.

Vice Chair Tammy Candler: So the question was actually whether or not the statute has dealt with, you know, maybe like a definition of “completeness” or dealt with that issue specifically. It sounds like maybe it doesn’t, but if you see something I think we’d be interested in knowing that. If you happen to see something in the statute that deals with the completeness determination.

Ms. Satushek: Yes. And it does – so it’s subject to the jurisdiction – the type of permits that’s being ___ and the jurisdiction itself. So it may require – so for us, for the County, a technical complete is usually, like, all the required submittals, the application form itself, and a percentage of the fees due. And that would be a technically complete application. And then it would move to a reviewer to see if the content is sufficient to continue the review. Otherwise, the County would reach out to the applicant and to request more information, and that would kind of hit a pause on that timeframe to allow the applicant to resubmit any additional information needed.

Vice Chair Candler: So it’s like a checklist. If these things are done, it’s complete.

Ms. Satushek: Correct.

Vice Chair Candler: And that’s probably not new in the statute.

Ms. Satushek: Correct.

Vice Chair Candler: Right. Okay. Thank you.

Commissioner Day: Yeah, thank you. Tara, is it okay to ask questions now or do you want us to hold them?

Ms. Satushek: Oh, yes, and I apologize. I also meant to mention for Commissioners that are on Zoom, feel free to speak if you can or raise your hand so that we can communicate with our IT folks.

Commissioner Day: Great. I also had a question about the determination of completeness. And just a comment to the Chair’s question and not to – as a planning commissioner, I think experiences in specific vignettes are also important. It’s not what I *hope* to bring to the Planning Commission, but I would say that I have had an experience where it was far longer than 28 days until my application was determined to be in the status of “applied for.” And that brings me to the question of the determination of completeness. In other jurisdictions there is a formal notice of completeness, which I think is important because that means you are then invested under whatever statute or rules and regulations are in place at that time. So a determination of completeness is important. And so I can say that I have not – I don’t recall ever receiving a formal notice of completeness from Skagit County. So I just looked the code up, which you had in your PowerPoint, and it says in section – let me get back to the section – 41.06.100(4), it says an application is determined to be complete if the County does *not* provide a written determination to the applicant that the application is *incomplete*. So that is a little bit hard on the applicant to make sure that you keep track and determine what the 28 days is, or whatever the goal is. Like, how do I know that my application has actually been deemed to be complete? Do you just have to check the status page and see that your application has been uploaded and it’s in the status of ‘applied for,’ or how does that work actually?

Ms. Satushek: Yes, I can speak to that as far as the land development permits go. I’m not too familiar with the building permit side of things – and I can also check in with Jack. But we do provide the applicant a formal notice of complete application of technically complete. And that’s a

letter that we usually send a hard copy and copy with email as well, so it kind of starts that clock time. Also in that letter it identifies that it does allow the County to possibly request more information if needed when going through the technical review. In addition, it provides the timeframe of when – it says “Your application is technically complete. A decision will be made within 120 days.” So it does outline those timeframes. _____ to hear that you didn’t receive that letter. I’m not sure if that’s with – was it a building permit or a land use permit?

Commissioner Day: Yeah, I’ve applied for a couple of different building permits. One was for a garage with an ADU attached and one was for a chicken house, which came to someone’s attention that we had made a larger chicken house out of an existing chicken house and so I had to apply for a permit for my chicken house. And so I applied for that and that took – I don’t remember ever receiving a notice of completeness. I received something back from someone in, like, two months that it *wasn’t* complete. And the garage ADU, I don’t know. It’s been long enough ago but I’m fairly certain that I never received a notice of completeness.

So that’s just my recollection and my experience so I was actually surprised, I guess, to see in your PowerPoint that there is such a thing that’s determined by the County. It seems rather vague in the rules if you don’t receive notice that that’s completeness within the time period unless you’re otherwise notified that it’s *not* complete. That seems a little vague.

Chair Raschko: Joe?

Commissioner Woodmansee: So my experience in this realm has been that what usually happens if there’s not super good support for your project that the stop clock is, like, stopped at Point A; you resubmit it; and then there’s another stop for Point B because they didn’t address Point B in the first review. So then there’s another clock stoppage. And I think I can count on one hand in 38 years of business where a permit was actually issued within the timeframe that the code says. And so I think it’s important that – technically complete is an important issue and it definitely needs to be tracked, and it sounds like it is on the land use side and *maybe* on the other side. Maybe something just fell through the cracks. But as equally as important is the fact that when you get a need-more-information letter it needs to be thorough so that when you resubmit the new information there’s not really a chance that you can get hit with another one after they’ve had their 28 days to look at that, or 30 days or whatever it is. And that’s something that we fought for years and years and years, where it was like we got piecemealed out – right? Well, we need something on your critical areas, and now we need something on your plans, and the next thing is it’s something else.

And so it is super important that – and that’s part of how the system can get abused, is if it’s not a thorough thing in the beginning. Because I can’t imagine there’s any county anywhere that actually meets these days. And I’ve found in the past that if just one of the City or County personnel didn’t like what you were proposing, they just wouldn’t move it forward. And so they’d say, Well, we’re not going to accept your critical area report because we disagree with it. Well, that’s not really the process. You have your professional. You submit your report. It goes in – depending on where you’re at, you know, it might go in front of a hearing examiner. And so I’ve also seen that used – Well, we just disagree with what you’re saying so we’re not going to move you forward until you change it to what we want it to say.

So this is kind of a – I have a lot of experience with this day count stuff. I’ve done reports, like reporting back to the Cities saying, Hey, look it. Here’s what the law says as it relates to completed application. And it’s an area that really deserves attention and a good process so that the public can have confidence that it’s even realistic that these days would even possibly come into play.

Because my experience is that few and far are these in between that actually happen in these amount of days. And it's, you know, sometimes it's personalities, sometimes it's – you know, they just don't like your project. And sometimes it's, you know, people just not doing their job. But it is a super important thing and so going – because I think the 170 days is actually an increase. I don't remember there ever being one that was 170 days before. I could be wrong, but I think it used to be the maximum was 120 days and so this law changed it to where if you had a hearing examiner, it sounds like, and SEPA, now it's you get 170 days. And 120 days is short. I mean, if permits were ever issued in that timeframe, it would have been wonderful.

I will say this. I'll finish with this on this subject. When a permit takes 180 days instead of 100 days, the difference in the project being successful and not can be that difference in days, when it comes to really trying to do the project. It could be a funding change that changed in that amount of days. There's a lot of things that can change in that longer period of time. The more uncertain it is the less likely the project is to happen or be successful. So that's why these dates and trying to hit them are so important.

Chair Raschko: Thank you, Joe. Anybody else?

Commissioner Martha Rose: I guess I'll throw in my two cents. I don't have a lot of experience working in Skagit County, but lots of experience in King County. And they actually – in Seattle they would – when you applied for the permit, they would make you sign a statement that said you're not going to hold them to these timelines – or they wouldn't take your permit in! So is that a loophole that's still there? That's one question. And then with regards to incompleteness, I found that a lot of the incompleteness fell on the applicant, too.

Mr. Eckroth: Sure.

Commissioner Rose: To be fair, it wasn't just the reviewer holding back or whatever. It was a lot of more novice people in the industry were submitting. Because I used to run permits for a lot of people, too, and a lot of it was truly missing pieces. And then you might look at it and say, Oh, it looks complete, but then as you start digging a little deeper.... So I'm just saying to be fair, it's a two-way street.

But yeah, what Joe just said about the timeframes is a very valid point. Short plats would take three years. I've had that happen. Four-lot short plats, three years – you know? They killed the project – I mean it – but at any rate, we won't go there. But anyway, so the question is: Are there loopholes?

Ms. Satushek: Not that I'm aware of. There's no documents been adopted by the Department that I'm aware of that allow waivers of established ordinances.

Commissioner Day: I think I may have noticed something that you might call a loophole, Commissioner Rose. It looks like – it says if you have established procedures with a goal of meeting these timelines, then you can't be held to the fee refund. Did I read that correctly?

Ms. Satushek: I'm sorry. I'm not understanding. Could you please repeat that?

Commissioner Day: Yeah. I'd have to search in your PowerPoint where is the correct page, but it says if the County or the jurisdiction develops procedures that work to meet these timelines, these mandated timelines, then you aren't held to the fee refund. And so why –

Ms. Satushek: I'm sorry.

Commissioner Day: I think we'll come across it. I'll point it out when we do. But just for now or for during your presentation, I'm curious about whether you have published procedures for reviewing a permit application, and if those are publicly available. Because I've been – I've noticed in other jurisdictions they have those standard operating procedures and those are transparent to the public, including applicants, and I have not found that in Skagit County. And maybe I haven't looked in the right place, but I'm curious if those procedures for moving a permit through the process will be transparent to the public.

Ms. Satushek: Yes. So we do have a permit procedures code. It's Title 14, Chapter 6. And this Senate bill will pretty much overlay that. So we have established – the County has established procedures that lay out the different timeframes for different levels of permits which give that 120-day timeframe. This is kind of an overlay of where it'll reduce those timeframes for the land use permits. And again, this legislation isn't going into effect until January 1st of 2025, so it's something that the County is looking at. And as we go through this presentation, I'll speak to more as how the County is specifically addressing administrative procedures to meet these (sic) state-mandated Senate Bill 5290.

Commissioner Day: Thank you. I appreciate that. I think that is not what I was asking. I think it goes perhaps more to what Joe was saying, which is, How do you review a permit? Like, is that the reason that someone gets something back regarding stormwater and then later they get something back regarding the structural plans? You know, what is the process for reviewing it? What are the internal procedures, not just the timelines? And I think that's what I'm asking. And I looked at the title that you referred to in your PowerPoint and I just don't see that – your internal guidance for your planners and reviewers that say this is the steps that we take to review and approve or not approve a permit application. Does that make sense?

Ms. Satushek: It does, yeah. It does make sense. For larger permits projects we do require by code a predevelopment preapplication meeting so that all technical reviewers are able to address the proposed project and give a review letter of what are requirements that could apply to that. But again, it's really hard to call out each specific potential project and the permit procedures. That's why the Department strongly recommends and directs the public to predevelopment preapplication meetings. Right now I think we're booked out until April. So it's something that the Department does encourage and actively does. And again, when we get calls from the public we do request that process, just if it's a larger project. Typically with a building permit it's pretty straightforward unless the applicant doesn't have all their, you know, documents ready for submittal. But again, unless anybody else can speak to it, I don't think you can address every potential development project by code.

Commissioner Day: Thank you.

Chair Raschko: Thank you. Shall we continue?

Commissioner Woodmansee: Can I follow up with one question? Correct me if I'm wrong. Did the code change? You're not required to have a preapplication meeting, right? Or do we require it?

Mr. Moore: Yeah, if I could provide just a couple of clarifications to answer that question.... The code says you will have a preapplication meeting for projects unless it's waived. And so typically we waive most – or a *lot* of projects, I will say, especially building permits. And so – but the code

as it currently is says that you will have a predevelopment meeting in order to help establish that framework and what constitutes a complete application.

Commissioner Woodmansee: I thought that we had changed the code about that because I'm sitting here thinking "April." And then I'm 27 days to get – or 28 days to get the complete application – maybe. And so, I mean, I can't even apply for one of those – a permit that requires a preapplication meeting, I can't even apply for it 'til past April now, if we're booked through April.

Mr. Moore: In practice people are coming in for predevelopments several months to a year ahead of having any plans put together. That's usually a very preliminary, fact-finding exercise.

Commissioner Woodmansee: So would it be fair to say that at a preapplication meeting that there's a disclaimer that, hey, this may or may not be all the information we need to give you?

Mr. Moore: Oh, absolutely. Yeah. It's very – it's high level, yeah. It's rare that someone comes in with a full or even an 80% set of plans of any sort. That's not the type of service that is usually given in that meeting.

Commissioner Woodmansee: Yeah, so a preapplication meeting wouldn't necessarily be – wouldn't necessarily have all the information you would need as you develop your project. And although it's required, you can technically meet that. You can have an early meeting. Now you've had a preapplication meeting and at that point you can submit any time. But, I mean, if your project is morphing along the way, does that still work?

Mr. Moore: It can. So, like I said, it's high level and it's basically main blocks of what's necessary. So you may get comments from Public Works that says an access permit's necessary. There's, you know, limited site distance at this intersection. You may get comments from the Fire Marshal saying that this particular project does require sprinklers, so don't forget you need to just build that into your design. You'll get multiple, kind of general comments about applicability or common items that need to be considered when you're completing your design. Now it won't go down to the level of detail of you need, you know, using, I guess, construction plans Commissioner Day was referring to. You know, it won't say that every rafter must meet Table 14 of the Building Code of maximum span. You know, that's not the level of detail we're going to give. And that's not the level of detail our code has as far as what's necessary to constitute a complete application. There is some – you know, so an average homeowner may, if they don't understand what construction plans are or a typical permit process, they may need assistance. You know, we try to do our best to describe it down to some level of detail to where it can be understood, but that doesn't mean that you may not need assistance with the more technical aspects of putting together that information.

And if I could – I'm sorry –

Commissioner Woodmansee: No, no, go ahead.

Mr. Moore: If we've covered that, I want to touch on one more thing that came up a moment ago about letters of completeness, determination of completeness. So those are issued on land use permits only. So there'll be an affirmative confirmation of completeness on a land use permit. On a building permit, "completeness" means accepting it in and changing the status to "applied" and start to review it. So I just want to clarify that for you, Commissioner.

Chair Raschko: Okay, let's move on.

Ms. Satushek: So here is an example of the County's code section where it addresses the current timeframe of 120 days. And there are exceptions to a shorter timeframe for specific projects that are listed there. There are also, again, exceptions in the code that may expand on those timeframes for larger projects, again where the applicant and the County determine a longer timeframe is needed, so the code does allow some flexibility for that for very specific projects.

And I also want to explain a development permit is any land use or environmental permit required for a project action. So it is not a construction permit. It is not a building permit. Essentially it is – land use permits are approvals for development for land development, designs, and uses for future building construction like roadways and infrastructure improvements. Again, a project is considered technically complete once an application is received with the required submittal documents and fees paid.

As I mentioned previously, the determination of completeness does not prohibit the Department from requesting additional information or studies either at the time of notice of completion or if new information comes about with the project or if there are significant changes throughout the review of the project. So if there were changes either enlarging the project, either commercial or residential, depending on the land use proposal. Again, there's a 120-day timeframe. An applicant may request an extension of up to three months to meet any additional information that's needed. And the Department is authorized to offer up to three three-month extensions.

That's for land use permits. So for building permits, there are currently no statutory review timeframes. The Board of County Commissioners have (sic) established goals to be set for the Department, which is 30 to 60 days for review. Again, this current goal exceeds the new state requirements.

So here is a snapshot that Director Moore was explaining that tracks where we are with permit reviews. This is available online to the public. So when you go to the Building Permit page, you'll see where projects are at and whether they're meeting that review or not. Red is where it exceeds the 60-day review and yellow is where it's between the 30 and 60-day review timeframe. And the blue line tracks where – the amount of permits and where they are in regards to that timeframe. And this is updated, I believe, every week or every two weeks and it pulls from previous data so that's why it's post-dated to February of 2015.

Commissioner Day: Tara, can I ask a question about that chart? So for example the line that's red, Stormwater, that's just one part of the application, right? So these don't – these reviews don't happen concurrently. So if you have one that's waiting on stormwater – say one permit – then that's not the time __ permit decision then. You have to add all these lines up, correct?

Ms. Satushek: I'll let Director Moore speak to that.

Mr. Moore: These reviews do happen in parallel. They happen concurrently. So you don't cumulatively add these numbers up. The date to, you know, if these reviews are completed in these timeframes and approved at that round, then the upper number would be the days, maximum days, to issue that permit from determination of completeness.

Commissioner Day: Okay, thank you.

Mr. Moore: The other thing that *could* occur – just to be clear on this chart – is this is maximum timeframe *to review*. If there are deficiencies in the application where we do require additional information, a letter would go out on that date.

Commissioner Day: Sure. No, that makes total sense. And I guess that was kind of my question I was asking earlier. What are the procedures? You know, if I'm a new planner and you hire me here, how do I know how to review a permit application? Do you have standard operating procedures for that review? For example, do you have something that says these aspects will be reviewed concurrently, and you should meet with your colleagues, or you should collaborate, or, you know. How do you – do you have a set of operating procedures that – A, do you have a set of operating procedures and, B, are they publicly available?

Mr. Moore: Not in all instances. We do in some aspects of our department but not in all instances. A lot of it comes from hiring experienced, qualified people who understand the job. We do on-the-job training. We do collaboration between the teams/members. We also make sure our staff is up-to-date on the most current codes because they do obviously change all the time. So we do have guidance in some level but it's not in checklist form for every review.

Commissioner Day: So it's mostly up to the expertise and judgment of each reviewer?

Mr. Moore: Yes.

Commissioner Day: Okay. Thank you.

Commissioner Woodmansee: If I'm submitting a building permit in Skagit County, do I have to have a critical area review prior to submitting a building permit?

Mr. Moore: Well, I may be jumping ahead on the presentation, but at the risk of doing that I'll summarize it. We have required that in the past for Skagit County and do require it as of today. You may have heard we are going through procedural updates and going to be adopting and implementing a new software with a target date of August of this year. It's going to provide for different options for applicants to choose, so you'll have – you know, at least right now we're looking at three paths and we're building those into an updated version of our 14.06 in our Title 14, our permit procedures. We're working on a revised draft that would allow for flexibility. So what that may provide for is for experienced applicants, they may be able to come in and just apply for everything all in one shot. That would be the most time effective way to get your permit in the door and get it reviewed. For people who maybe want some more certainty with their site planning process – maybe they're not as familiar with all the various aspects, whether it be stormwater, critical areas, you know, well protection zones, septic, et cetera, et cetera. We are going to be proposing to the Board for consideration a method in which people could come in and do kind of a site planning process. And basically it's – I equate it to a preliminary plat approval, I guess, if you look at it from a planning perspective. So that's a paper approval. You really lay out details. You have some certainty at that point. And we're building in to help incentivize that – you know, we'll build in some certainty where you could use that for some certain length of time.

The second option that they could do if they choose to go a phase is do a – basically it's kind of a construction phase, I'd say a civil construction phase on a residential building permit. So if you want to come in and get your critical areas all the way done, you want to get your stormwater all the way done, you want to build your road, you want to put in your well, put in your septic and get all that done – have that done under a permit while you're working on your construction plans, your building plans, you can do that. So that would be a second option. So you could do site planning; you could do civil – you know, site development; or if you choose, you can come in all at once and do everything at once. So right now that's what we're looking at in our code update, is allowing for different options.

Commissioner Woodmansee: So right now, in the way we've been operating, you've got to get a critical area review done and signed off first.

Mr. Moore: Yes.

Commissioner Woodmansee: You've got to get a water availability done and signed off first before you can submit for a building permit.

Mr. Moore: Not as of today.

Commissioner Woodmansee: Okay, so that's changed.

Mr. Moore: About three years ago, I want to say, we combined. We used to do in-series review where you had a number of steps. You had critical areas, you had water, you had lot certification, building permit. So you might have four-ish, maybe five steps in the whole review process. We recognized that from an applicant perspective and a homeowner perspective, it's one project, you know. So for us to parse it up it kind of – you know, there were reasons that it got that way. I mean, all those reviews didn't exist 20 years ago so we just kept adding them on as a separate review item. Well, we ended up realizing it's quite cumbersome. So about three-ish – maybe longer – years ago – I might be losing a year or two – we came up with a more condensed method. So we took all the reviews and put them in parallel, with only one exception: critical areas. That's the only one that was left and put ahead of everything else. So right now, today, that's how it exists and it has for the last couple years here.

Commissioner Woodmansee: So if you do a critical areas review, could it be this hundred-day thing – A, it's not complete; we need more information? That may take you anywhere from 100 days to 200 days to get through the critical area review process now, and then now you can apply? Because – I mean, to a homeowner, they're trying to get their building permit. It's not – they're not counting from the day they submit the house plan. They're counting from the day they start trying to get a permit.

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: And that's at the first time they have to submit something.

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: And so, I mean, that's the *true* number of days to get your building permit. And so I would encourage us to – you know, there's no reason a critical area review can't be reviewed the same time the building plans can be reviewed, unless it's some extraordinary situation. You know, I would hope that we'd get a system where we're not having a second step – you know, a first step and a second step – as much as possible. Certainly to the professionals that do it every day.

Mr. Moore: Yes, I agree, which is why – like I said, we have a draft right now we're working on that'll be going before the Commissioners this year for updates that will have some of those options in addition to incorporating these new state rules.

Ms. Satushek: Thank you. That leads perfectly into "What is Skagit County doing to address new legislation?" One is technical improvements. The Department is currently transitioning to a new permit system that streamlines the application and improves transparency of the permit project

flow. And there're also administrative updates. Again, as Director Moore mentioned, we're working with a consultant to review our current permit procedures for compliance with this new Senate bill and overall general procedural improvements.

The new permit system will go live – is on track to go live by August 2024. The new system will streamline internal administrative processes by enabling permit technicians to transition into project managers, overseeing project applications from inception to issuance. Meanwhile, technical reviewers will assume the role of subject matter experts, focusing on evaluating applications rather than handling clerical tasks associated with permit monitoring and issuance. So it's a two-prong approach – a technical and an administrative internal operating.

And I also want to mention – I'm sorry – and this Director Moore mentioned too: the draft procedures will be presented to the Planning Commission by spring or summer of this year.

So the Senate bill also addressed compliance. So if those timeframes are not met in those three tiers, there is a penalty for refunds. So for example, a 10% refund of the final decision is not made within 20% of the original timeframe. And then as you can see, 20% as well. So for example, if a building permit requires a final decision after 65 days and if the decision was made after Day 65 but before Day 78, a 10% refund would be made to the applicant. So we will be monitoring timelines to meet this state legislation.

This new RCW did allow for flexibility because, again, it addressed all counties, all cities that are subject to GMA. They listed a laundry list of measures that if jurisdictions were to formally adopt that would, I think, a minimum of three and the permit fee provisions to not apply. This is not something that the County has adopted yet. It's just a Senate bill that has affected the RCW that will be going into effect January 1st of 2025.

And so I won't read these off. They're in the slides. I hope you can read them. I apologize. It is small and far away. But it goes over possible solutions, having new positions that are budgeted, contingent on increased permit revenue; entering into interlocal agreement with another jurisdiction to share permitting staff and resources. It identifies creative options for jurisdictions to look at in order to address offsetting permit refunds if it's a capacity issue that they're dealing with.

And that is my presentation. And if you have any more questions, I'm happy to answer or direct to the Director.

Chair Raschko: Please, Joe.

Commissioner Woodmansee: Is your three options that you talked about a minute ago directly related to this refund policy?

Mr. Moore: No.

Commissioner Woodmansee: They're not?

Mr. Moore: No.

Commissioner Woodmansee: Thank you.

Mr. Moore: They're just options we thought that the – based on feedback from our customers and the public – that we thought they might appreciate.

Commissioner Woodmansee: I was just curious because we just talked about it. That was the next thing was – I'm wondering, okay, is that the three options to that so that we have three options and now –

Commissioner Rose: Yeah, thanks for asking because I was thinking the same thing.

Commissioner Woodmansee: – now there's no refund, right? Because we have three options.

Mr. Moore: Oh, I'm sorry. Could you repeat that question?

Commissioner Woodmansee: In the presentation on the one slide, it talks about if the County has a three-option way to – I'm assuming – submit your permits.

Ms. Satushek: No. I'll clarify that.

Commissioner Woodmansee: Okay.

Ms. Satushek: So if you wanted to – if a jurisdiction wanted to – the state gave the jurisdictions options to – in order to avoid the refund process, if you adopt one of these – excuse me, three of these measures that are listed here by code, it would then – you would not have to have that refund section adopted by ordinance in your code. So for example, if the County decided to move ahead like – and this is – I'm not saying the County has done this at all –

Commissioner Woodmansee: Yeah, sure.

Ms. Satushek: I have no idea actually where it is right now. But if the County was like, We want to not look at this refund policy. We could adopt three of these 10 measures and actually be held accountable to them, actually implement them. That would avoid the refund process. Because a lot of times – and again, what these measures are doing is it's a capacity issue for staff capacity, an administrative issue to get the permits out the door. But that's not something that I'm presenting here today but is just addressed in the Senate bill that amended this legislation.

Commissioner Woodmansee: Gotcha. Okay. Thank you.

Chair Raschko: Other questions, comments? Yes?

Commissioner Day: So I'm looking at your revisions in your summary of your data, Building Permit Revisions. And so now I understand that we don't add them up, that these parts of a revision review happen concurrently. So the total would be 22 days? Am I reading that correctly? An average of 22 days?

Ms. Satushek: No. I believe – I'm sorry. I have it up here.

Commissioner Day: I'm trying to understand your chart. I'm sorry.

Ms. Satushek: Oh, no, no, thank you for asking. Thank you for – and I want to help clarify. I do have it up. It's on slide 7.

Mr. Moore: Yeah. Tara, I could certainly help to answer that, if you wish. So the top chart, of course, reflects the line graph above, and that's for initial review. The second portion of that table is for revisions. And so that's *each team* individually – where are they at in processing their

revisions. So say during the top chart, the – I don't know – maybe pick out "Residential Building Plan Review." They reviewed something in, you know, whatever range they're in – 30-something days. Maybe they sent a letter at that mark. We wait whatever time the applicant is working on it. Once it comes back, then the second part of that table is how many days does it take to look at that revised information?

Commissioner Day: I see. So this is not somebody applying for a building permit minor revision.

Mr. Moore: No. This is a revision to an existing application.

Commissioner Day: Okay. I gotcha.

Mr. Moore: We just track to make sure – our target – the Commissioners have put a desired target for initial review at 30 to 60 days. And our desired target for revision review is two weeks or less, 14 days or less.

Commissioner Day: This is a revision based on staff asking for additional information or a change.

Mr. Moore: Yes, or a voluntary revision that the applicant submits on their own accord. Yeah, either one.

Commissioner Day: So that's a question I have, is – and again, I don't want to raise, you know, questions here that are based on personal experience, but I think data points are relevant and so I'll just say that I submitted a minor revision on November 14th and I don't have anything back. And I've inquired a few times. So that's a long time.

Mr. Moore: I would be highly interested in looking into that for you.

Commissioner Day: Okay. Well, that's why I questioned the data, I guess, is because if there's something that I know of that is not reflected in this data, it just makes you question, you know, the accuracy of *all* the data, I guess.

Mr. Moore: Okay. I'm happy to look into that for you. We do track this weekly and a number of people are monitoring that in addition to just the reviewer themselves. So I have to think there might be some kind of irregularity or miscommunication that's happened, if that were the case.

Commissioner Day: Yeah, and I appreciate that. I guess it sort of comes back to what we were talking about earlier. If there are not really standard operating procedures, people are just relying on the discretion of individual planners. I feel like that leaves the department open to the sentiment that Joe expressed earlier, which is, you know, personal preference on the part of individual staff members. And I guess, you know, from a person who's interesting in how regulatory agencies operate, having taught classes in that and, you know, made a significant part of my life's work studying that, that doesn't lend itself well to credibility with the public. And I don't want to see that in our government. I want people to feel confident that we have a set of procedures that we use to review applications and that those reviews are based on some kind of, you know, objectivity and not just left open to the subjectivity of individual reviewers.

Mr. Moore: Thank you. Noted. I do believe that we are objectively looking at it and comparing it to code. So if at any point any applicant feels that maybe that is not occurring, that there is not a good code basis for any decision being made by the Department, I would really encourage you to contact the reviewer, their supervisor, me as the Director. You know, certainly here at Skagit

County I'm very clear that the Commissioners want that to be the way things are reviewed here. Very much factual-based, very much code-based. We don't want any variables in that regard. So I know that's something I try to establish in the Department and make sure that's very clear, that if we're asking for something we should always be able to very easily show the code why we are asking for something. I encourage looking at every project with an eye to approve it. How can this be approved? What can we do? Does this fit? And if it doesn't, can we make some suggestions to the applicant to make sure we can keep it moving. That's kind of the approach we take as a county and as a department, but I still do acknowledge what you're saying. Written procedures are very helpful in many ways. They can cover the general basis of review. They most of the time can't cover every variable in all applications because they're all a bit different in the different scope of work. But general guidance is definitely – I think it could be helpful.

Commissioner Day: Yeah, thank you. And I guess I'm – you know, I'm wearing two hats. One is a person with experience applying for something and so I have a citizen hat on. And I don't feel that I've been treated unfairly or with too much subjectivity, but I was observing then someone else on the Commission had felt that. But I would say that as a citizen I do see some kind of uncertainty in the procedures for review. And so I guess my other comments were as a planning commissioner, where I feel like since you are taking a look at these things and trying to meet deadlines, that having a set of procedures so that people have confidence in your process, you know. As a planning commissioner, I think that's valuable and I appreciate your work on that.

Mr. Moore: Thank you.

Chair Raschko: I'm afraid to look. Yes, Joe?

Commissioner Woodmansee: I just want to follow up! I mean, I'm going to make a little statement after I ask this question. Under development review, would that include – does that include just the planning process or does it also include timeframes for engineering, drawing, reviews, and stuff like that?

Mr. Moore: When you say 'develop review,' are you –

Commissioner Woodmansee: So development review is one of the categories –

Mr. Moore: Okay.

Commissioner Woodmansee: – for a building permit.

Mr. Moore: Yeah. So that's primarily zoning review.

Commissioner Woodmansee: Okay.

Mr. Moore: Yeah.

Commissioner Woodmansee: So do we have the same tracking going on for the review timeframes for if you – let's say you have a plat that got approved and now you've submitted your engineering drawings and there's this process – right? – and that's a lot of back and forth and all of that. Do we have – do you have the same – are you looking at that with the same critical eye you're looking at your other stuff?

Mr. Moore: In short, no. So we track building permits a lot more in detail than we do land use permits, as far as weekly reports and all of this that we display on our website. Those are the bulk of what we do in the department. The land use permits have a lot more variable. And that's not to say we are not very interested in that. We just have different methods of tracking. But with the new software, it's all going to be more uniform and it's all going to be able to be displayed on the customer end on the portal. So it *is* going to be far more transparent than it is now. We do generally track land use. We generally track variances, shorelines permits, plats, et cetera. But it's not to this level of detail that we do building permits.

Commissioner Woodmansee: And it wouldn't be hard because it's not like there's 100 development permits that require engineering and all that review processes. So having said everything I've said tonight, I just want to recognize the fact that I appreciate the commitment from the Commissioners and from staff from – if you look back three years ago to where we're at today, it's vastly improved. And so I want to also – you know, because everything I've been saying had had a critical eye at it, right? Well, I also want to say I appreciate the progress that has been made and I look forward to the continued progress to get to where we're trying to get to. And I appreciate all the efforts that have gotten us to where we're at now.

Mr. Moore: Thank you.

Mr. Eckroth: Chair Raschko?

Chair Raschko: Yes?

Mr. Eckroth: Commissioner Mitchell is hoping to say something.

Chair Raschko: Commissioner Mitchell, please.

Commissioner Mitchell: Thank you. I've got a two-part general question. How many of these measures are already in place and are we leaning towards any of those on that list specifically for implementation? So could you tell us what you're looking at now in that regard?

Mr. Moore: Which measures are you referring to, Commissioner? I'm sorry.

Commissioner Mitchell: It was the general list.

Mr. Moore: One moment. Oh, the measures we can take to set up an alternate arrangement to avoid refunds? Is that the ones you are talking about?

Commissioner Mitchell: Yeah.

Mr. Moore: Yeah, we're looking at that right now in our update of 14.06 so that hasn't been finalized yet, nor has the recommendation been put before the Board of County Commissioners. But we *are* looking at that list and all of the requirements in the new state law as informing the proposed update to our permit procedure section of code. So I don't know that I have an answer on exactly which ones are going to be finally incorporated, but I do anticipate we will put those in code, some of those in code.

Commissioner Mitchell: Thank you.

Mr. Moore: Mm-hmm.

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

Ms. Satushek: Thank you.

Chair Raschko: We'll turn now to Comprehensive Plan Update. Mr. Eckroth.

Mr. Eckroth: Thank you, Chair. Robby Eckroth, senior long range planner. I just want to provide a quick update on where we're at with the 2025 Periodic Comprehensive Plan Update. So last Thursday we had an internal staff meeting with our consultants, which kicked off the Comprehensive Plan update process internally, so we can start moving forward, which we're going to start doing really quickly. So I just want to give you an update on some of the things that we discussed and what you can expect in the next few months or so.

So as I mentioned, it was an opportunity for our internal staff team and our consultant team to talk. Some of those team members included people from our Public Works division, our Public Health, Parks, GIS, Department of Emergency Management, and Facilities. And then we had project members from our consultant teams from Kimley-Horn, BERK Consulting, Cascadia, DCG Watershed, Makers, and Transpo Group. So we went over the Comprehensive Plan update process so all staff is familiar with that process; the draft schedule, which I provided in your materials; team rules and responsibilities in coordination and communication strategies.

Commissioner Henley: Question?

Mr. Eckroth: Yes?

Commissioner Henley: This is a very useful and informative Gantt Chart, but I see that it doesn't seem to have any dependencies in it, and I think it's rare that you'd start a task on time and have all the dependencies resolved. So there must be some dependencies in there.

Mr. Eckroth: Sure, and that's an excellent point. And this is just a draft schedule and we are going to be working with our consultants here soon to get into more detail for each of those items.

Commissioner Henley: I don't know if a detail is what we need but we certainly need to have all the dependencies defined. All right?

Mr. Eckroth: Do you mind elaborating on what you mean by 'dependencies'?

Commissioner Henley: Well, I mean, for example, you've got the very clean edges on these, you know, horizontal bars, which are tasks in process basically.

Mr. Eckroth: Right.

Commissioner Henley: So what I would expect to see is I would expect to see – say, a Task C – all right? – is unable to complete until we've done Tasks A and B.

Mr. Eckroth: I see.

Commissioner Henley: Because they require something that Task C needs. I mean, it's a standard management tool. It's not anything new.

Mr. Eckroth: Sure

Commissioner Henley: So what I'm asking is, are we going to see a chart with the dependencies on it and, if so, when?

Mr. Eckroth: Yeah, I can ask our consultants if that's something that they can provide. Of course, we have to be careful with our consultants' time and resources as we do get billed for every single thing. But that is something that we can bring up. Jack, have you anything to add to that?

Commissioner Henley: Well, there's a number of project tools that are available you can use. Everyone from Microsoft and through about four others so they're available. I think you can even do a Gantt Chart in Excel, but I'm not sure about the dependencies. But Microsoft Project does handle dependencies.

Mr. Eckroth: Right.

Mr. Moore: Yep, as Robby said, we'll take a look into that to make sure that we're considering adequate time for those irregularities.

Commissioner Henley: Okay. Thank you.

Mr. Eckroth: So next steps are to complete a project charter and that's going to confirm the project goals, schedule, expectations of team members, and the requirements. And then in addition it will identify the team with roles, communication protocols, and projects risks and mitigation for those risks. We are also going to be working on a community engagement program which builds on the Public Participation Program that I showed to you in the last few meetings. And within that program we will be identifying a more precise schedule for events, stakeholders to reach out to, and engagement strategies that will be used throughout the process.

We're also going to begin auditing our Comprehensive Plan to see where we're not meeting the new state requirements. And then our consulting team is going to start collecting data and use that data or just see where that data can assist us with that Comprehensive Plan Update process, by collecting data internally and then externally as well to make sure that we're informed as much as possible before we really begin making any amendments to our Comprehensive Plan. And that data will be used for things like our Land Capacity Analysis, transportation data, things like that.

So as I mentioned, the schedule that I provided to you, it's a draft. It's really broad right now. It's going to get more detailed but I just wanted to show you what our suspected timeline is going to be moving forward.

Right now we're also working with our team to identify public engagement events and tactics. As you can see here, that's noted here in the schedule. And we're still discussing the best way to have workshops over specific Comprehensive Plan amendments. So we're talking about how we're going to group each of those elements so we're not giving too much to you at one time essentially. We want to make sure that we're breaking it up so you can focus a lot of your time on each of those elements.

So that's all I have right now. I'm open for questions. I just wanted to give you a quick update in this meeting. Thank you.

Chair Raschko: Any questions?

(silence)

Chair Raschko: Okay. Thank you.

Mr. Eckroth: Thank you, Commissioners.

Chair Raschko: Okay, we have a Director's Update. Mr. Moore, please.

Mr. Moore: Thank you. I apologize for the delay here. Technical difficulties. There we go. Okay. Sorry for that delay. Couldn't quite get open what I was trying to get open.

So I just wanted to share the County's docket schedule and some dates, upcoming dates, that might be of interest to the Planning Commission. For the docket schedule, on March 26th we have Planning Commission and Board of County Commissioners Workshop scheduled to go over that. On April 9, we have a joint Planning Commission and County Commissioners docket and Comp Plan update discussion scheduled. April 23rd there'll be – the County Commissioners will have a public hearing and then on May 14 they will have deliberations. So I just wanted to share those upcoming dates. And I'm not sure if I have any other announcements at this point, unless the Commissioners have any questions.

Chair Raschko: No questions?

Commissioner Day: I guess I have one.

Chair Raschko: Please.

Commissioner Day: Do the Commissioners take a vote and make recommendations on the docket? When you said they have deliberations, does that mean the Board of Commissioners? Did you mean that, or are we expected to, I guess, make recommendations on that?

Mr. Moore: The County Commissioners do establish the docket.

Commissioner Day: Yes.

Mr. Moore: And then we work through all the items on the docket.

Commissioner Day: Oh, so you're talking about establishing the docket.

Mr. Moore: Yes, yes.

Commissioner Day: Okay. Thank you.

Mr. Eckroth: So this is just a preliminary stage the Commissioners decide –

Commissioner Day: I gotcha

Mr. Eckroth: – and then throughout the summer in November we'll talk more about each of those petitions.

Commissioner Day: I got it. Thank you.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Well, thank you. So Commissioner Comments and Announcements.

Commissioner Rose: I don't have anything.

Chair Raschko: I was going to start on this end!

Commissioner Rose: Oh, sorry.

Chair Raschko: Oh, okay, we'll start __. Joe, have you anything?

Commissioner Woodmansee: Nope.

Commissioner Henley: No, I'm done.

Vice Chair Candler: I don't have anything to say.

Commissioner Day: I think I've said enough! Thank you.

Chair Raschko: Okay, well, thank you, everybody. Wait a minute! Commissioner Hughes, have you anything?

Commissioner Hughes: I have nothing.

Chair Raschko: Okay. Commissioner Mitchell?

(silence)

Chair Raschko: She's already gone. Okay. Well, thank you, everybody. Have a good evening and we'll be adjourned (gavel).

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