

**Skagit County Planning Commission
Applicant Presentations: 2023 Docket
Work Session: 2025 Comprehensive Plan Update
July 11, 2023**

Planning

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

Staff: Jack Moore, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Long Range Planner

Others: Kevin Lisser, Consultant (LR23-01)
Heather Rogerson, Port of Skagit County (LR23-03)

Acting Chair Tammy Candler: It is time to call to order the meeting for Tuesday, July 11, 2023, for the Planning Commission (gavel). The first item agenda is Roll. Our chairman, Tim Raschko, is absent tonight. Vice Chair Tammy Candler is present. I'll just take roll. Amy Hughes?

Commissioner Amy Hughes: Here.

Chair Candler: Mark Knutzen?

Commissioner Mark Knutzen: Here.

Chair Candler: Vince Henley?

Commissioner Vince Henley: Here.

Chair Candler: Kathy Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Candler: Martha Rose, I believe, is absent. Jennifer Hutchison is absent, and Joe Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Candler: Do we have a motion to approve the minutes from the last meeting?

Commissioner Knutzen: So moved.

Commissioner Mitchell: Second.

Chair Candler: Any discussion?

(silence)

Chair Candler: All in favor?

Multiple Commissioners: Aye.

Chair Candler: Any opposed?

(silence)

Chair Candler: Motion carries to approve the minutes. We're moving on to item agenda 3, 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, which are not part of the formal public participation process for any development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total. Does anyone who's present in the room wish to speak tonight on that Public Remarks agenda item? And Ms. Rogers, is there anyone online that wants to speak?

Jenn Rogers: There are no other people online.

Chair Candler: Okay, then we will move on to item number 4, which is the 2023 Docket Applicant Presentations. And I believe we're beginning – does the Department want to do any introduction or are we just beginning with the Dunlaps?

Ms. Rogers: We'll just start with the Dunlaps' application.

Chair Candler: Okay. Is anyone here to speak on behalf of the Dunlap application? Please make your way to the microphone, introduce yourself, and go ahead and proceed.

Kevin Lisser: All right. My name is Kevin Lisser. I'm with Lisser and Associates and I'm here to represent the Dunlap family for our comprehensive rezone. So what we're trying to do is basically take 22 acres of their total ownership, which is north of the toe of a slope. Let me pull up an aerial image here for you. The highlighted area is their entire ownership and as you can see this area here is uplands. So what we're trying to do is take this portion and remove it to the RRv or Rural Intermediate zone out of the ag zone because you cannot farm that area. This is an example of what we're trying to do. You can't really see it on here but you can tell this area up here as well as down here, which is upland, is no longer in the ag zone. So all we're asking for is just the County to rather than have a broad brush stroke at this, take a look at that and hopefully remove it.

So here is basically what we're trying to do with the area of the rezone highlighted in yellow, which follows the toe of the slope. So it'll be about 22 acres. Go from there. Trying to make this short and sweet because you guys have already had their presentation from the agent staff.

Here's just another zoning map of what we're trying to accomplish. This area up here, which is – here's the road over the bridge. This is also in ag land. We don't see it as being farmable land and we would like the opportunity to remove it and change the zone. So short and sweet. Do you have any questions? Yeah?

Commissioner Knutzen: Could you go back to that schematic?

Mr. Lisser: Mm-hmm.

Commissioner Knutzen: Two frames back I think it was.

Mr. Lisser: This one right here?

Commissioner Knutzen: I think that was in the package that we got.

Mr. Lisser: Yes.

Commissioner Knutzen: And then the other aerial picture is in there too.

Mr. Lisser: They should all be in there.

Commissioner Knutzen: Yeah. Thank you.

Chair Candler: I have a question.

Mr. Lisser: Yeah.

Chair Candler: Just if you want to add anything for the purposes of our deliberations later down the road about why you think it's not farmable. It might be helpful.

Mr. Lisser: Let me show you. Here's a picture of that map of what we showed basically follows there. The soil type is pure rock. You can see where the farmland ends. This upland here – upside that's the area where we would remove out of the ag zone. And one more picture. That pretty much sums it up.

Chair Candler: I appreciate those. Thank you.

Mr. Lisser: Yeah. And those were also included in the original document packet.

Chair Candler: Does anyone else have any questions? Commissioner Hughes?

Commissioner Hughes: Just for conversation, this, to me, looks like a piece of property that would be real valuable for this ag tourism conversation that we're having at the County level. It's apples and oranges right now. It's really not part of the ag tourism. But I see potential up on the hillside for barn buildings, for new – generations from now when farming's still going on hopefully some secondary use for a farm up there. Would that still be possible with this?

Mr. Lisser: It's possible, but right now kind of what we're looking at is rezoning and making the upland separate into a new zone and then possibly following it along with the CaRD process in order to possibly get a few extra houses for the Dunlap family.

Commissioner Hughes: Okay. Residential versus –

Mr. Lisser: Residential for family purposes.

Commissioner Hughes: Okay. Thank you.

Mr. Lisser: Mm-hmm.

Chair Candler: Anyone else? Commissioner Woodmansee?

Commissioner Woodmansee: You have two separate zones listed on there that you'd like to rezone to. Is there one that you prefer?

Mr. Lisser: It's tough to say. It all depends on what the end of the commission is. If we go Rural Intermediate we're going to get probably nine lots. I don't know if they're going to include the two existing parcels that are on there – if we have to incorporate those. If we go Rural Reserve, I believe it's four, so two of those building lots would be probably taken by the existing houses. I'll leave it up to you guys to determine. Rural Intermediate possibly better because it's closer to the city limits of La Conner. That's more higher residential. Yes?

Commissioner Knutzen: Some of the parcels lie north of the road, which is adjacent to the town. You can look at the aerial photo. Is it conceivable that that could be zoned different from the part that's south and west?

Mr. Lisser: You're talking about these two?

Commissioner Knutzen: Correct.

Mr. Lisser: They possibly could. Residential may be kind of hard due to the topography and how you'd actually develop that area. But in the CaRD process it creates open space and so that area would probably be left alone for open space as a buffer between the higher density –

Commissioner Knutzen: Oh. Oh, okay.

Mr. Lisser: Yeah. Because here's all the residential up here, so it'd be more of a buffer between the road and _____.

Commissioner Knutzen: So your thought is *not* to put houses there; it's to put houses **in the** Rural Reserve.

Mr. Lisser: Wherever the building – yeah, so maybe up in here. I don't even know if this would be allowed because of access. But again, that's not for discussion right now. That's for down the road.

Commissioner Knutzen: Right. Well, if you're going Rural Reserve, you're only going to be putting three more houses, I think.

Mr. Lisser: I think four with the density because we can include the entire ownership density.

Commissioner Knutzen: Okay.

Mr. Lisser: So all the farmlands.

Commissioner Knutzen: There's how many up there now?

Mr. Lisser: There's two houses right now. They're highlighted here in green.

Commissioner Knutzen: Right. And if you go to Rural Reserve you could put potentially four more.

Mr. Lisser: Potentially four, but those two may be included. Those lots would have to be included as part of that four.

Commissioner Knutzen: Oh, okay. Okay, thank you.

Mr. Lisser: Mm-hmm.

Chair Candler: Anyone else?

(silence)

Chair Candler: Okay, if you have nothing to add, thank you very much.

Mr. Lisser: Thank you.

Chair Candler: And next up will be Heather Rogerson, I understand.

Heather Rogerson: Good evening. My name is Heather Rogerson. I'm director of Planning and Development for the Port of Skagit, and thank you for having me. I'm here to present for you the Port of Skagit's request for a rezone of approximately one acre of property in Bayview Ridge from existing zoning of Bayview Ridge Residential to Bayview Ridge Light Industrial. And just to orient you all to the location of the site, it's outlined here in blue. It's the parcel south of Peterson Road east of Higgins Airport Way, and then you can see Skagit Regional Airport as the landmark you may know. The parcel that I just showed you is actually currently a split zone so approximately six acres of it is currently zoned Bayview Ridge Light Industrial and then this approximate one acre is Bayview Ridge Residential. The surrounding zoning to the north, the south, and the west is currently Bayview Ridge Light Industrial, and on the west side of this one-acre here is Bayview Ridge Residential. So north, west, and south is all Light Industrial surrounding it.

Again for orientation, the subject parcel is located within Airport Environs Compatibility Overlay Zone 6, and WSDOT Aviation Guidance tells us that light industrial uses are generally more compatible with airport operations than are residential uses. And I'd also – I'll go back – actually next slide. With the rezone request, the Port of Skagit intends to develop the subject parcel and then surrounding parcels owned by the Port as part of the Watershed Business Park, which would be a new business park with industrial uses. What you're seeing here is approximately 40 acres of land that is currently owned by the Port that would be developed into – or subdivided into eight different lots for future development in light industrial uses.

I'll also note while we're on this slide that existing County Code does provide for a buffer area between existing residential uses and light industrial uses on Bayview Ridge.

And I have for you also – this is a preliminary concept rendering of what that first 40 acres of development could look like. Our vision right now at the Port is that this portion of the Watershed

Business Park could be home to a new agricultural innovation campus that would start with three different buildings supporting continued research and development uses as well as process and manufacturing that are already happening in Bayview Business Park that's nearby.

So in summary, we believe that the rezones request supports existing County policies of having ready-to-build industrial land within the county as well as airport compatibility and protection for that essential public facility that's on Bayview Ridge.

I'm happy to answer any questions you might have.

Chair Candler: I have a question.

Ms. Rogerson: Yeah?

Chair Candler: You said there was a buffer. What's the – do you know the buffer distance?

Ms. Rogerson: There's a few. So there's a minimum of – and the County Planning staff can correct anything that I get wrong – I believe that there's a minimum right now of 50 feet of physical land buffer. There's a significant planting buffer as well as a fencing requirement. And then there's also a buffer for purposes of loading zones.

Chair Candler: And do you happen to know what the fence requirement as far as – is there a height or a type of materials restrictions? Do you happen to know?

Ms. Rogerson: It's supposed to be a physical barrier to assist with light and noise, and I think that there's a couple of different options. I believe that under the code it could be wood, it could be CMU. I don't think a chain link fence would suffice for the purposes that are identified in the code.

Chair Candler: Okay. Anybody else have questions?

Commissioner Knutzen: the dotted line diagonally – I assume that's the pipeline?

Ms. Rogerson: Correct, Transmountain Pipeline.

Commissioner Knutzen: And you need to stay – you can't build on it obviously and you need to stay x feet away. It looks like that's what you're doing here.

Ms. Rogerson: We've had – yes, we're having numerous conversations with the pipeline. So within the easement area you can't construct a building on the easement area. You can, however, construct road infrastructure as well as, you know, paved open space. As long as there's not buildings or physical parking stalls designated on it.

Commissioner Knutzen: It doesn't look like you've got any parking but it's maybe impervious surface?

Ms. Rogerson: Yes, correct. So vehicle movement area but not parking area.

Commissioner Knutzen: Thank you.

Ms. Rogerson: Mm-hmm, absolutely.

Chair Candler: Anyone else?

(silence)

Chair Candler: Okay. Thank you very much. If you nothing to add then it's –

Ms. Rogerson: Thank you. I appreciate the consideration.

Chair Candler: And my understanding from Ms. Rogers is those were the two presentations planned for this evening.

Ms. Rogers: Yes, those were the only two citizen proposals that are on the docket this year.

Chair Candler: Okay. Then with those concluded we will move on to agenda item number 5, which is the 2025 Comprehensive Plan Work Session, which I believe Ms. Ruether is making her way forward for.

Sarah Ruether: Good evening. I'm Sarah Ruether, long range planning manager, and this presentation is an overview of our upcoming Skagit County Comprehensive Plan. Some of you who went to the Department of Commerce meeting a couple weeks ago, it might be a repeat, but it's going to be a big lift and you are *all* going to be involved so this is a bit of a preview.

What is the Periodic Comprehensive Plan Update? Skagit County is required to update its Comprehensive Plan and Development Regulations to ensure consistency with updated state laws and population (and) employment projections. And additionally this year we'll also have housing allocations as a new requirement. And this update is due in June 30th, 2025.

Just for basics: All of Puget Sound is deep into theirs. Theirs is due in 2024, at the end of 2024, and we are a 2025 county so we will be starting ours – or we're about to start ours – but we also have some other counties to look at as they are already kind of knee-deep into this and doing it. There are a lot of amendments to the GMA. There's new development regulations, and urban growth areas may be updated if cities need more – their 20 years' worth of population projections, and also work on our critical areas ordinance.

I took this from the Department of Commerce kind of template just to give you an idea of the processes we're going to do. We're in the process of creating a work program right now. We selected a consultant. We'll develop a community engagement plan. And we'll initiate some county-city collaboration, especially with all these new requirements for housing. SCOG is our kind of regional leader that's going to do that. We'll gather all this data. We'll have a SEPA review. There'll be staff reports, public hearings, SEPA determination. So it's similar to, you know, the docket presentation, just on a larger scale and a long list of requirements.

So some of the new requirements that we're going to have: In the 2021-2022 GMA legislation the big one is House Bill 1220. And this is a new requirement that housing capacity for different area median incomes – or AMI – levels is also going to be allocated with population and employment allocations. As SCOG right now currently has a consultant working on our – we have the population allocations from OFM so we do have that information, and they're coming up with low, medium, and high and then doing the 80% and 20%. The rural area would be the 20%. So in addition to that work, they're now going to take a step further and have a, you know, algorithm of how to allocate that population for housing in these different AMI levels. So that's a whole new thing that everyone's just trying to figure out and will be part of our update.

Also House Bill 1241 changes the periodic update and Shoreline Master Program cycles from eight years to 10 years and requires a five-year implementation progress report.

This other one, Senate Bill 5118, it amends the definition of “essential public facilities” to require new re-entry things. So this will be a definition update as part of our Comprehensive Plan. That will be a lot easier than the House Bill 1220.

There’s also Senate Bill 5275, which enhances opportunities in LAMIRDs. So this is something we look at. It’s not a *required* element, but with housing we might take a look at LAMIRDs and see if this bill could be used to help fit housing in other opportunities for LAMIRDs.

And then lastly, Senate Bill 5593 allows a county to make revisions to a UGA boundary to accommodate patterns of development. This is if you don’t have – if you already have your 20 years’ worth of growth but your development has happened in a different pattern than what you – you know, all of this is guess work, but if your growth happened in a different pattern and you want to move your UGA, all the same rules apply but you can move your UGA to fit the growth patterns and hopefully you save – you know, keep the compact urban development. It’s a way not to – if you didn’t make your guess right and development happened in a different place than you expected it, to just move it to fit to that. So that’s the purpose of that one.

And then new, very recent 2023 legislation: House Bill 1110, Middle Housing, will not be applicable to Skagit. The only city in Skagit County it’s applicable is to Mount Vernon, but I just thought I’d bring it up just so you know that that’s not actually something that we will be doing.

House Bill 1337 is a bill about ADUs and it allows for multiple ADUs on a property and removes owner occupancy requirements. This is only applicable to cities in UGAs but it could affect how we do our housing numbers because the UGAs will be taking potentially – having more housing opportunities because of the ADU allowances that will come with this bill.

And then House Bill 1181 is a new climate chapter required for the Comp Plan, and this requires a resilience analysis which, luckily enough, our Hazard Mitigation Plan is up for an update and we think we’re going to be able to kind of get some of their tailwinds and use their updated policies for resilience and use them in our plan. If it’s a – if an updated **FEMA-required** has taken into account climate change, hazard mitigation plan, we can just take those and put them as part of our chapter. So we’re planning on doing that there. ___ going to update their plan in 2024 so we have some – that will be a good way to have efficiency.

There’s also a required measure of vehicle miles travelled and greenhouse gas analysis. This is going to be a little bit more tricky, and we’re currently in conversation with SCOG and our consultant and have a meeting next week to figure out how we’re going to – there’re a lot of, like, little things nested inside of this requirement that we’re trying to figure out. And we’re actually the first county to do this. Because this was passed in 2023, all of the Puget Sound region counties have not done it. So we’re trying it out from the beginning. I mean, in one sense it’s good because we are looking at a comprehensive look anyway. We can deal with it. But it is getting – it is like a – it’s definitely a big, new problem. We’re like, Oh, we have to figure out how to do all of this new climate chapter! So that should be exciting as we try to figure that all out.

So just a brief overview of our timing: We selected a consultant. It’s LDC. They’re out of Woodinville and they have sub-consultants of Makers, Transpo, BERK, and DCG Watershed Company in Cascadia all underneath them. A lot of these consultants have already worked with us so they already know Skagit pretty well. We’re in the process of applying for our Department

of Commerce funding and we hope to go forward with a scope of work and Notice of Availability for a public hearing once we get all this hammered out, and hopefully there'll be a resolution with a scope of work adopted by the Board later this summer or early in the fall. It's all kind of a bunch of balls and juggling right now, and hopefully once we get a consultant contract we'll start working on our land capacity analysis. That's kind of your baseline first step.

And then the next step is Skagit Council of Governments will have their population allocations and actually also their housing allocations out the fourth quarter, which is December. So this is the 80/20 split. So when we have these numbers we can then use them to do the analysis required to work on House Bill 1220 and we'll probably go into that first, because it makes sense to do all your housing and land use first before you do your transportation because obviously that will change the transportation analysis.

And then, of course, there'll be outreach. Outreach will be an iterative process in trying to make sure that we reach all the different groups and get as much feedback. It'll be an iterative process and as different policy options are developed we'll take them out to the community and go to community groups and attend public events – try to go to people as much as we can.

And then, if everything goes as planned, we'll release our draft in the, you know, early 2025 or late 2024 and we'll also start work on the transportation portion at this point, because hopefully the land use items have been _____ time of any new development regulations in housing. Once we have those inputs we'll be able to analyze the transportation side, and hopefully adoption by June 30th.

And then the work after the adoption: They give you an actual year for the critical areas ordinance, so while we'll probably do the work with the critical area ordinance in parallel with the work we're doing, that may take extra hearings, it may take extra time. And we *are* given extra time for that, just as an fyi. And cities may apply for UGA expansions if they realize that they don't have their 20 years' worth of growth, so we expect that at the end of the process. And there might be Countywide Planning Policies that also need to change as the result of all of this work, so then we'll start with SCOG to do that regionally on doing that, and the Department of Commerce will review our plan. And that's the next two years in summary!

Go ahead.

Chair Candler: Are you ready for questions?

Ms. Ruether: Yeah.

Chair Candler: Okay. Commissioner Mitchell?

Commissioner Mitchell: Two things: For the hazard mitigation thing, we can maybe get the tailwinds on?

Ms. Ruether: Mm-hmm.

Commissioner Mitchell: Would we be able to do that by reference or do we have to have the whole thing in there as its chapter anyway?

Ms. Ruether: I think you can do it by reference.

Commissioner Mitchell: Okay.

Ms. Ruether: You know, so I don't think we have to copy the chapter, but I think there are a couple of copies maybe, you know, the headers of certain policies – I don't – you know, I'm not exactly sure but it will make it so we don't have to duplicate work obviously.

Commissioner Mitchell: Okay, good. The other part: Let's say Mount Vernon needs to expand their UGA. Are you talking about doing swapsies with land, as in they would expand the UGA into the county and we would swap something with them? Or is that –

Ms. Ruether: It's based on their analysis. It's if they get their population allocation – their number – and they do their land capacity analysis and they don't have 20 years of buildable land, then they can expand it. It's up to them to kind of, you know, determine where to – they make an application. A lot of times UGA expansion requests require EISs and are big, long processes, so it's like a whole other animal that kind of comes at the end of the process, and it's a case-by-case basis after the cities have done their analysis to show you the numbers that they can't fit 20 years' worth of buildable land in that UGA.

Commissioner Mitchell: And I can't remember what portion of it, but I think that Kevin Murphy with SCOG had mentioned somewhere in the – unless it was the other gal – had said something about if the County – I think they meant both cities and counties – but if anybody needed to change their zones to meet whatever the requirements, they had to do that. Is that going to stand? Are we going to be looking at rezones?

Ms. Ruether: Oh, you mean for housing maybe?

Commissioner Mitchell: Uh-huh, uh-huh.

Ms. Ruether: You know, it'll be on the table because we will have these new housing requirements and making sure that you zone for these different income levels, so – and cities also. So if you don't have enough land for your housing, there may be rezoning. It happens – it would happen without necessarily House 1220, but this new bill is going to say you have to show different income levels in your zoning. So, you know, rezoning is a part of this because you want to make sure you have enough land that developers have, you know, land to be able to – land to grow and that you're choosing that consciously. That's kind of – so there will be, you know, rezones considered if there's a deficiency of land. Does that answer your question?

Commissioner Mitchell: Oh, that's two separate questions actually. That was – while she was talking about the shifting there was another thing. It was another section in their presentation about the housing thing, and it just brought to mind – I was wondering how that was going to work because everybody's faces looked really puzzled.

Ms. Ruether: I think the housing thing is – the puzzling thing about it is the different AMI levels. Some of them are so low that the market's not even – it doesn't even produce that housing so you're going to zone for something that the market doesn't even produce so it feels a little bit futile. You know, I don't know. In your Puget Sound you might have a housing agency who can do that – and it's – honestly, it's easier for cities because they can just densify, right? Like if you densify you're giving more housing. It's going to be a little harder, I think, for a rural area. I think we're going to have to look at the UGAs and how much housing they bring, because, honestly, it's counterintuitive to densify in a rural area. Here we are, we have our climate change chapter that we have to do our vehicle miles travelled and keep that down. Well, to put any more housing

in there might bump that number up. I think we do have a good argument that it needs to stay in, like, UGAs and more urban areas to – honestly, to meet our environmental goals. But it's just a whole other layer of analysis when you have to look at: Does your zone support these different income levels in –

Commissioner Mitchell: Yeah, that'll be fascinating once we get there.

Ms. Ruether: It'll be interesting. I don't know, hopefully we've got really smart consultants – right? – who've already done this with Puget Sound!

Chair Candler: I have a follow-up. I understood the question differently, I think, and it caused me to have a question. You were talking about the cities if they find that over time the development is happening in a different place than they had anticipated, the UGA can move. I understand that. Is there a mechanism for – then does the County try to un-annex something, or is there – is that just still reserved by the city?

Ms. Ruether: I think they would probably go for a UGA boundary adjustment, which – honestly – it has to go through SCOG and the Board of County Commissioners. But, you know, the rationale is if you, like, if you had a new development come in and all of a sudden that becomes your spot where everyone's developing and you have the services, it doesn't make sense to have a static boundary. But you still have to meet – it'll probably still needs to go in the Countywide Planning Policies. It'll be something that will have to be changed. The purpose is to make it more flexible so we don't have urban growth boundaries that don't make sense.

Chair Candler: Sure. Sure, I understand that. I just didn't know if there was a mechanism for how the boundary adjustment happened. Do we have other questions? I see Commissioner Woodmansee.

Commissioner Woodmansee: The one question I have is, Is there – so we're gonna – kind of a new thing of 80-20 review as far as density goes. And is there going to be much of a backward look, like who's performed, who hasn't performed?

Ms. Ruether: Yeah. I mean – I think that's a good question. I always like backward looks, you know, if we have the data for it. I mean –

Commissioner Woodmansee: The data's there. I mean, housing _____.

Ms. Ruether: right, right. You know, I hope we can pull permit data and, you know, all these kind of things to – yeah, I mean – and honestly doing a lot of these housing things of trying to anticipate, like, classify it, the housing studies that have been done have looked at, like, how much housing have you produced at this rate in this income bracket? How much housing have you produced at this rate in this income bracket? And using that as a predictor for if things go the same of how they'll go. And in the last update they didn't do a land capacity analysis for all of unincorporated, so I think this is actually going to be a much more comprehensive update than the 2016. But I'm a 100% believer in, you know, trying to look at the past because, honestly, you know, whatever rate it's producing in the past is probably how it's going to go forward in looking at, like, how and whether that's working.

Commissioner Woodmansee: Well, yeah, because if you don't learn from the past and, you know, you see who's underperformed and who hasn't underperformed or who's overperformed, and then, you know, part of what you find out is who's actually playing in the game or not or who's –

you know, if one city's been trying to cater to just one economic level versus, you know, a variety. I mean, the new laws are going to probably tighten down that ability. But I think that there is a lot of good information looking back. And it also tells you that – if you look backwards, it also tells you – it can show you the flaws in how they looked forward last time or the last five times. And if the same repeat thing keeps happening – the same missing the mark keeps happening – then, you know, maybe some different decisions need to be made or some different zoning codes or, you know, a more honest look at it needs to be taken to see –

Ms. Ruether: I mean, you know, in all honesty I think the reason that House Bill 1220 came to be is because the entry level housing has not been produced at the rate as some of the other types so, you know. I'm looking at – you know, I'm hoping I can meet with you and Commissioner Rose to figure out, like, why is the market not producing these? And are there regulatory reasons for that that have contributed to it? I think that is the intent behind it. Some of it does feel like these lower AMIs that the market never produces it feels a little futile. But I think that could be a really good discussion to have.

Commissioner Woodmansee: Yeah. I mean, you know, a quick answer on that is it costs you the same to permit, you know, an \$800,000 house pretty much as it does to permit a 2 – well, you can't permit a \$200,000 house but... So it's easy to pass a law that says x but it's a lot harder to produce a product that meets x when what they cost to build whatever you're building. So anyways, I think it needs to have a comprehensive look backwards, you know. Part of that is just making sure that all the different cities in the county are, you know, at least trying to. You know, if for some reason one city's more attractive than the other for some reason – maybe they're more aggressive in their planning or something and they've done a little bit better job – that's one thing. But if it's, you know, purposeful and, you know, just because they weren't really interested in the growth, well, then going forward it should be – the process should shed light on, you know, how do we get – and I don't know any statistics at all, but if there's cities in our group that are, you know, habitually not meeting their percentage, then, you know, you can give a little push.

Ms. Ruether: Well, I think that was the intent. The intent was no city can say I'm just not going to zone that type of zoning.

Commissioner Woodmansee: Right.

Ms. Ruether: I do think that was the intent, yeah.

Commissioner Woodmansee: Yeah, I'm sure it had a lot to do with why these laws were passed.

Ms. Ruether: Yeah.

Commissioner Woodmansee: That was my one question. My other one was on the ADUs. You mentioned that there could be some ADUs that would maybe replace some housing, other type of housing. So when we're looking at units, do we count an ADU – say, a thousand square-foot or 800 square-foot ADU – the same as we would count a 2500 square-foot, four-bedroom home, as far as – I mean, this is a unit, that's a unit and there's no –

Ms. Ruether: I mean, all the math of how we're going to have to figure this all out is like, you know, we're going to have to rely on consultants, and we were talking with SCOG of trying to come up with a way to do it regionally like so that we're all using the same math. But I think you'll do some kind of ADU production rate and maybe an average rent of one. We're going to have to come up with some kind of averages for these and then try to get a chart of what the rate is for

these so that you can project it into the future – if we keep going at this rate, we will have this much with this kind of a thing.

Commissioner Woodmansee: Yeah. Basically, you know, do you grade an accessory unit the same as you grade a primary unit?

Ms. Ruether: I would say probably not but, yeah, the nuances of how you do that in a fair and kind of quantitative way is, I think, still being figured out.

Commissioner Woodmansee: Yeah. And I didn't come here with that thought tonight, but when you talked about that maybe some of the units would be eaten up in that area, that just made me think well, I wonder how we would count that. You know, if it's a one-for-one or what it is – if you're looking at density and all that.

Ms. Ruether: No, that's a good question, right? Because if you allow two ADUs – I think whatever your rate is, do you just do a straight two times multiplier? I'm not really sure.

Commissioner Woodmansee: Sure. Thank you.

Chair Candler: Commissioner Knutzen?

Commissioner Knutzen: In regards to Commissioner Woodmansee's comments about low income housing, it's very true what he says about to try and build new low income housing with building costs. But we need to have x units of low income housing. And I've wondered over the years – we have a lot of older units, whether they are single, duplexes, apartments, that maybe are not considered low income units. Is there a way to end up considering those as lower income? I mean, 40-year old apartment building, duplex/triplex, could be a lot easier to consider that a low income housing unit to where we can fill our quota that way. Is there any process?

Ms. Ruether: Well, this is going forward that you are zoned for it – going forward.

Commissioner Knutzen: Not to –

Ms. Ruether: It's not – we're not just, you know, doing a count of what's existing. We're saying with these population numbers, do your zones – the growth allow for enough of each one? So it's trying to look into the future and making sure that your zones could allow for that. Which there's lots of different ways that you could. You could do ADUs. Maybe you did extra housing in LAMIRDS. There's not one right answer to that question –

Commissioner Knutzen: Right.

Ms. Ruether: – but it's more looking forward. But however those got built, you could look at those regulations and say, you know –

Commissioner Knutzen: There are options.

Ms. Ruether: Like, those are options. Yeah.

Commissioner Knutzen: And another question on Urban Growth Areas. My knowledge is they're basically areas that surround the cities. They are counted the county still; they're not in the cities. They are zoned for somewhat higher residential density than the further outlying areas. And when

you talk here about the cities maybe needing to adjust their Urban Growth Areas, is there a conversation between the city and the County that happens when the city determines? Do they deal directly with the County? Or is it through the Skagit Council of Governments? Or do we even know what the process is? Is that, again, a question not for tonight?

Ms. Ruether: It's both. I mean, the Skagit Council of Governments goes through it first but then the Board is the ultimate decider, which is a little ironic because they're on both of them so they make the decision once and then they make the decision twice. And that'll come at the very end of the process. The cities have to do all the same work that we do. But if they find their Urban Growth Areas can't hold their population projections with the zoning that they choose, then they have to figure out how they're going to accommodate it, which means you're going to have to expand your UGA.

Commissioner Knutzen: Okay. Thank you.

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: Kind of a two-parter question: This is going to be extremely costly to do. Could you let people know where the money's coming from to do this part 1? And do we know yet what the penalties are either for noncompliance or for making mistakes?

Ms. Ruether: We have a Department of Commerce grant that we're applying for. We've been awarded \$700,000. We've got to spend it within two years. Yeah, it *is* costly. It's very costly. I – you know, the penalties are usually that you're not eligible for grants and things like that. And there are cities and counties that don't finish on time. And as has been put by some other people, they don't put you in jail. And everyone feels like they're getting a late start. I'm _____ feeling it. It's not just me! With all the new legislation and requirements it does feel like we're getting – we're getting all of the same requirements at the same amount of time!

Commissioner Mitchell: We're the County guinea pigs! That's one of the reasons for the part 2 of the question. We're the guinea pig of this County, right?

Ms. Ruether: I don't – it's planning so it's open-ended to a certain extent, right? Like, they're dictating that you do these analyses but we choose the zoning. There's a local choice in a lot of this. I think as long as you're meeting these – and then we talked – I talked with Kevin. You have to kind of show your work like you do in a math problem in math class. We're going to have to show our work. But some of it's fuzzy math, quite honestly. This is not like precise math. This is not to just say that we are being logical and quantitative in how we plan for the future. I don't know. I think it's pass/fail, not A/B/C so that is how I'm looking at it.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: So I was – I'm thinking a little more about this – you know, different levels of basically housing costs. One thing that – you know, I've been in this business for 40 years now – over 40 years – and I *can* tell you this: that I've never seen regulation roll back the cost of building. It *always* makes it more expensive. And so they passed a law that says you have to zone this way the same time that they pass a law that makes your gas price go up, which also makes your cost to build your house go up. And if you – it's like it's weighted to an impossible situation. You can never get there because there's such a heavy weight here you can never get this side down. And I've watched it for 40 years and all these new laws are no different. They're going to create another impossible situation and you're never going to get to that affordability at

the bottom because they've put permit costs in all this regulation. I mean, they just – we're just changing the energy code again. We just did it a couple years ago. And two codes ago, houses could be built with solar and virtually neutralize their power use. And so it's – you know, there's quite the agenda of that one direction and it just puts a hand on the scale and it makes it impossible to hit the bottom. The only way you could hit the bottom is with money from the government – who, then again, it's really coming from you. And so it's quite – you know, quite the issue that's been created over the last 40 years in my career of *everything* that gets – I mean, the graph just looks like this – cost to build. And regulation is heavy into that. And then now here we are. Okay, we want to build to all income levels, but this is still sailing. You know, it's not realistic and the whole approach to it is not realistic. The only thing that can offset it at all is density, and then in Skagit County the kind of density that would really truly offset it would be very hard to sell to the public. And so that's my experience in the last 40 years and so it'll be interesting working on it from this side of the table.

Chair Candler: Does anybody else have anything?

Commissioner Henley: No, I think Joe just covered what I was going to say.

Commissioner Hughes: Will we be working on this monthly? Every time we get together? What do you see for a projection?

Ms. Ruether: I probably will give you updates and public involvement stuff that we'll do. Yeah, I mean, you guys are taking this journey with me! I don't have the schedule because we're still at the very beginning stages.

Commissioner Hughes: Well, a follow-up: You provided a training opportunity last week or two weeks ago. Those kind of opportunities would be good to keep sharing with us. People are getting together, have a conversation, so we can hear these kind of conversations going on.

Ms. Ruether: Sure.

Commissioner Hughes: Thank you.

Chair Candler: I have something. You mentioned a House Bill 1241 that required an annual work program for select jurisdictions. Do you know yet whether we're going to be a select jurisdiction for that? Or what that – sort of anticipating?

Ms. Ruether: Oh, that *is* us. It just means that at least we know we **won't need to do** this every 10 years now. They're making it a longer timeframe so we don't have to – this is a once-in-ten-year effort. It used to be once in eight years, so they're giving you a longer grace period in between.

Chair Candler: Oh, so this isn't something – I got it.

Ms. Ruether: Yeah. That was like going forward it used to be that it was every eight years but going forward it's going to be every 10 years.

Chair Candler: Oh, I see. I thought it was something new. Sorry.

Commissioner Mitchell: More like housekeeping. Is this already posted, or can you post it for us?

Ms. Ruether: Sure.

Commissioner Mitchell: Thank you.

Chair Candler: Anything further?

Ms. Ruether: No.

Chair Candler: Okay, then we will move on to the next agenda item, which is the Director's Update – turning to Director Jack Moore.

Jack Moore: Thank you. So one of the biggest projects we have right now internally is software conversion. I may have mentioned this to you. Why I'd like to talk – I mean, obviously it will be of benefit to how we operate within the Department, but more so I want to highlight how it's going to be helpful for our community, our customers. And so we've been going through some intensive training – preliminary training – and then we're going to be configuring the software, but it'll provide a lot more access for our customers, both when they're wanting to apply for a permit – if anyone wants to look to see what type of development is occurring in the county or what permits are being issued in the community. It's real time in a lot of cases, so for the development community they'll be able to track their projects a lot easier. Instead of things being on paper and having to call, it'll be online on your cell phone – quite a bit more accessible than our current system is. So I'm just excited about moving forward on that. It's a long process. We're just beginning but I did want to mention that. Stay tuned. We're going to continue to work on that over the next – about a year before we think we'll be up and running. So it's a big effort but I think in the end it'll be good for the community and our customers. So that's one thing.

I did want to mention just a couple of other highlights. Continuing to work with the Port on a number of projects. Always looking for ways to kind of smooth things over and make our process run a little easier. One way we're looking at right now is trying to comply with state requirements for stormwater inspections long term. This is fairly new for the County and we implemented a couple of years ago – implemented a method of asking for an easement so that we're able to, you know, get on the properties and be able to take a look at the stormwater system for the long term health of the systems. And we soon realized that's a bit cumbersome when you're doing the volume of the permits that happen out at the Port. So right now we're looking at putting together a blanket access right to be able to just use it for all future Port projects. It'll just save a big step for each project that comes down the line. So I appreciate Heather and Sara's cooperation with that, and hopefully we'll get that in place soon and continue to look for other ways to improve.

Other than that, we're continuing to do various community cleanup projects. We get a lot of attention, you know, code compliance-wise in our department. We are the clearing house for community concerns, complaints, various activities that are happening on properties. So this time of year is quite busy. We see a spike in what we call "requests for investigation." And we're seeing a lot more housing issues and other types of issues that come with that. Encampments, RV encampments, squatting, things like that. So that's a problem for the community so we do hear a lot about that. And we're doing our best to address it. The Commissioners have been very helpful in their guidance and allocating resources for us to do our best to address those and get some of those places cleaned up, which definitely the neighborhood – generally we get pretty good response on that when we're able to do that. It doesn't come always fast enough, but we continue to work on that.

No real updates on the Orca relocation at this point. I know I haven't mentioned that recently but minor conversation is still ongoing. But the proponents of that project are primarily dealing with National Marine Fisheries right now. They have some issues they are trying to work through. Once they get those worked out then they tell me that they may be back to start discussing in earnest how that might look for Skagit County.

I think that's all I have for now, unless there are any questions.

Chair Candler: Anybody have any questions on the Director's Update?

Commissioner Woodmansee: I do. On that access easement, that's for future inspections?

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: I recently had the experience to get to help somebody try to figure that out and try to perfect one, and the person I was helping had a pretty hard time getting it figured out. So here's my question: This was a business and so – I mean, and the inspection's required. Why would you actually need an access easement? I mean, you can close – you can take their license away or whatever to do business if they don't, you know, adhere to the regulations. So one of the issues was this person was like, Why do they need an easement from me, you know? And I tried to play it down for him, you know, a little bit. So if there's a question here, here's the question: How long have we had to do – actually record an easement to actually do an annual inspection or whatever?

Mr. Moore: It's been about three years that that's something we've been required to do.

Commissioner Woodmansee: Is that a state law?

Mr. Moore: It is, yeah. It's prescribed from the Department of Ecology and it says that – primarily it's tied to our NPDES area, where the County has their – we're required to get our own umbrella permit for handling stormwater, and it puts the jurisdictions – the cities or the counties – in a position where they have to answer for what's going on on the maintenance of private systems, even though those private systems get their own permits and their own requirements.

Commissioner Woodmansee: From the DOE.

Mr. Moore: Yeah, it could be from the DOE, depending on the size of the project, and they might have a construction general stormwater permit, they might have ongoing requirements. But the way the state law's written there's an extra layer that says the county itself has to hold a permit and be responsive to that permit. So after talking to DOE in discussions, there's a couple different ways to do it. There's easements, there's right-of-access agreements, there's different approaches to do that. The way the County – the language that the County came up with for the parcel by parcel style was pretty generic. We offer that so if someone doesn't want to go and try to draft an individual-like described easement, it just says we're not going to say where but we're going to allow you access. You know, you can come on to the property for purposes of inspecting the stormwater. We don't have to delineate or survey an exact pathway or anything like that.

Commissioner Woodmansee: Yeah, that's the way this one was.

Mr. Moore: Yeah. So we try to think of a way that would make it easy. Some property owners have chosen on their own to go ahead and delineate an exact area only, as opposed to having it

more broad. You know, a little more costly upfront and more trouble, but it was what they chose to do. Anyway, there are different approaches to it. We're just trying to figure out how to comply with Ecology's regulations. You know, we don't have a – I'd say the ongoing inspection requirement, you know, is fairly new for Skagit County and, you know, it does seem to be expanding a bit from the state side, what they're telling us we need to do for commercial businesses. Looking at random aspects of stormwater handling, waste handling on site, things like that. Public Works will be taking the lead on most of that. They have a program for NPDES compliance. So we're kind of just looking for the best way through, the most painless way possible to get things in place to comply with that.

Commissioner Woodmansee: Yeah, maybe there could be something on the set of plans that's a – the approved plans – that's just like a title block that's with this approval comes with this. And then you don't have to do it later. It's all part of the permit, right on the face of the plans. Here's our access. With this approval and this construction of this, we now have this access to go inspect those facilities as required by the state. Something like that might be one way to, you know, eliminate a step.

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: And then I have a comment on the online stuff. Having worked in an office where I'm listening to the permit techs in our office talk about good experience and bad experience: Make your user experience your highest priority when you're doing that. Because – I won't throw any names out there, but there are some cities in our county that it's a breeze and there are some cities in our county that it is *really* difficult. And so it *really* needs to be user-friendly as you develop it and work the kinks out and whatever. So that's just an encouragement to put a lot of weight on user friendliness – which I'm sure you're already doing.

Mr. Moore: Thank you. That *is* one of our biggest priorities, and that was one of the most heavily weighted aspects of our selection. Our selection was a very comprehensive method of selecting the software bid. We had a number of vendors submit proposals and the customer portal, or the customer facing aspect was one of the bigger portions of weighting our supporting system. You know, we talked about a number of ways to make that friendly, easy – and then also for folks who maybe struggle, we're working already with our IS Department to set up at least two stations in our office that are – you know, we call them kiosks – that are really going to be where someone who just needs help or needs some coaching. They can just come in and sit down with a permit tech, bring their information in (and) the permit tech will just walk them through it right then and there and just help them get where they need to go. Because we understand that not everyone's – you know, everyone has different skills and abilities when it comes to new software, computers, et cetera. We're trying to consider all variables that come up.

Commissioner Woodmansee: One of the complaints I used to hear was, I have these questions but I have to go through the system to even get to the opportunity to ask the questions, and the system's so cumbersome I can't get – like, I can't get there, you know. And anyways....

Mr. Moore: Well, you may know we often pride ourselves here at Skagit County as having someone to talk to. If you need someone to talk to, you can come in and talk to someone.

Commissioner Woodmansee: That *is* the other critical component.

Mr. Moore: There's not many, many walls and doors and hurdles to get to a person, and we intend to keep it that way.

Commissioner Woodmansee: Yeah. Yeah, that's a critical part, I would agree also. Thank you.

Mr. Moore: You're welcome.

Commissioner Knutzen: I just want to comment on what you two just talked about. I'm putting in an ADU and it worked exactly like you said. And I had built a garage three years ago so a lot of the data was done. And I went in there and she was very helpful and I thanked her for helping me so much. And she said thank you for coming in because we know how the form is filled out and if you don't know how to fill a form out right – we go back and forth with people trying to fill out a permit, and if you can come in here realizing you can't do that for all your billings. But we know how it is to be filled in so it saves us both a lot of time. It didn't take us 15 minutes to go through and do the whole thing, because a lot of stuff was done. She knew what box to check. And I went out of there I think \$900 lighter but I was very happy because it went through! So good job.

Mr. Moore: Thanks. In all this technological advancement, we want to make sure we don't forget the human element of it. I mean, that's what's driving this ultimately. We want to make it easier for everyone involved but we're definitely not going to lose sight of the customer service aspect.

Chair Candler: Any follow-up or questions on the Director's Update?

(silence)

Chair Candler: Okay. Anything further from the Director?

Mr. Moore: No – thank you.

Chair Candler: Okay, we will move on then to item number 7, Planning Commissioner Comments and Announcements. And let's go ahead and start down here with Mr. –

Commissioner Knutzen: I have nothing tonight, Tammy. Thank you.

Chair Candler: Okay. Commissioner Woodmansee?

Commissioner Woodmansee: I've used up my fair share tonight. I'm good.

Chair Candler: Okay.

Commissioner Henley: Joe covered some of the stuff I was going to talk about so I have nothing more.

Chair Candler: Thank you for your questions and comments, Commissioner Woodmansee. I also just thank the Director for – I for one kind of appreciate the Orca update. I find it interesting. That's all I have.

Commissioner Mitchell: I have just a question. Our next set of meetings, what topics? Are we doing Comp Plan or what?

Ms. Ruether: We have agritourism hearing. It's the next, at the 25th.

Commissioner Mitchell: Okay.

Ms. Ruether: The 25th.

Chair Candler: Thank you.

Commissioner Hughes: Thank you for the meeting tonight. I leave feeling very positive for the next few years – that we have a lot of work to do but hearing comments that people are happy working with the Planning Department is very helpful for us.

Chair Candler: Is that everything?

(silence)

Chair Candler: I have no further comments, and with that we are at the end of our agenda and we will adjourn (gavel).