

Skagit County Planning Commission
Workshops: Guemes Ferry; OSRSI; Sign Code; Binding Site Plans
July 2, 2019

Planning

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

Staff: **Mike Cerbone, Senior Planner**
 Nick Schmeck, Planning Intern
 Andrew Graminski, Planning Intern

Chair Tim Raschko: (gavel) Good evening. The July 2nd, 2019, meeting of the Skagit County Planning Commission is hereby called to order. I think we're going to need a change to the agenda due to the fact that the C-3 material didn't come. You want to elaborate on that, Mike?

Mike Cerbone: Sure, yeah. Thank you, Chair. So what I did is I have a PowerPoint for you, and we didn't get the staff report completed with enough time for you guys to review it. So what I was hoping we could do is get through the other three items, C-1, C-4, and C-7. Time permitting, we would – did I have that right? Yeah – time permitting, we would then deal with the Binding Site Plan. And what I was planning on doing is walking you through an explanation of what a binding site plan is and what the process is here at the County so that we can still have a conversation and see if you're going to need additional information when we bring this item back to you. And hopefully that works for you guys.

Chair Raschko: Okay, so I'll move number 4 on the agenda down under number 6.

Mr. Cerbone: Yeah.

Chair Raschko: Okay. We have no public so we will dispense with Public Remarks, so we'll move to our item agenda 3, a workshop on Guemes Island Ferry Updates, which is C-1. Go ahead, please, Mike.

Mr. Cerbone: Yeah, and if I could get my screen up on the screen in front of these folks, that'd be great. Thank you. So this is docket item C-1. This is a staff-initiated amendment. Before I get into this too quickly I did want to introduce. We have Andrew Graminski and Nick Schmeck. They are our interns from Western Washington University. These are the folks that helped me pull together the information that I bring before you. They are also the folks that are going to help me do the research to answer your questions that you guys come up with. So I just wanted to make sure you guys knew who they were and why they're here, and we're definitely lucky to have them. And I think it allows me to have more than two hands, so it's good!

So docket item C-1 is for amendments to the Comprehensive Plan. Essentially what this is is the County is in the process of procuring a new ferry to go out to Guemes Island. And so these amendments essentially are going to update the numbers that we have in our Capital Facilities Plan and in our Comprehensive Plan, and they are going to accurately reflect the cost estimates and revenue sources that are known at this point in time. These may change. The actual dollar numbers may change if more information is available between now and when you actually deliberate and act upon a recommendation for adoption of an ordinance. But I did just want to introduce the item to you now and let you know what it is. In my mind it's not necessarily a policy decision, which is what you folks are normally used to dealing with. It is housecleaning, for lack of a better way to describe it. It's just to more accurately represent where the current project is, what those costs are, and where those revenues are.

We did, however, go through and describe all those for you. So in the staff report, you know, we had described exactly what page needed to be updated, in case you wanted to take a look at that. And then we did also provide a little bit of a background and some next steps for what might occur. And then we also did document what we thought were the applicable County policies – the Countywide Planning Policies – as well as the Comprehensive Plan goals and policies that go with that. I wasn't going to go into them in too much detail unless you did want me to do that because, again, I think it's more of a housecleaning item rather than a, you know, a change in policy for the County.

So Attachment A details exactly, you know, what we're proposing to do. So we can chat a little bit about that. We're proposing to delete a sentence and add a new sentence that again more accurately reflects where we're at. The previous iteration had 12 million five-hundred thousand. It looks like we're looking at 19-million in federal and state funds at this point, so the County's been doing a good job and the elected officials are doing a good job lobbying and identifying additional funds for the ferry.

Project costs: 19 million. Apparently last time they were not at the point where they were ready to make a decision as to whether they wanted to replace the ferry or overhaul the existing ferry. That decision has been made that they do want to replace the ferry, and the direction they're going is with an electric ferry. As I understand it, it wouldn't be the first electric ferry in the country but it would be one of the first electric ferries, so that's pretty exciting. How many of you guys have actually been on the Guemes Island Ferry? All right, everyone! I'm going to have to get out there.

So then we're adding another statement here under A5 that just, again, more accurately describes – there was a surcharge placed on the ferry and the County wants to make sure that when people read this they understand what that surcharge was and what the intent of it is and where those funds are going.

And then we have updating of financial information. Again, typically when you have a capital facilities project like this, when you start off you've got, you know, I'd say a pretty rough estimate of costs and things, and as you actually go through the project you get tighter and tighter and get a better understanding of what that cost is closer to reality. And so I think that's essentially what is reflected before you this evening, is tightening down those numbers and the revenues and costs associated with the proposed ferry.

Does that make sense? Any questions?

Chair Raschko: Okay, any questions or comments?

Mr. Cerbone: Yeah?

Commissioner Mark Lundsten: Can you review for us who's approved what for this? I mean, how is – and what is left to be decided?

Mr. Cerbone: So who's approved what? My understanding is that the County has made a decision to replace the ferry. I can tell you that. My understanding is the County's made a decision to replace the ferry with a specific type of craft, which is an electric ferry. My understanding is we've identified some revenue funds from the State to assist us in getting there. We've also put a surcharge in place to assist in paying for the cost of that. I don't believe the actual project has been purchased at this point. I believe they're still working on that. But what I can do is provide you more detail. I don't want to give you the wrong information. So I will find out and I can report back to you at the next meeting. Is there any other specific questions you guys wanted to know? Would it be helpful if we had somebody come from the ferry to provide – who's from the ferry project team?

Commissioner Hollie Del Vecchio: I don't know if that's necessary.

Commissioner Lundsten: I don't know if it's necessary.

Mr. Cerbone: Okay. I will get you – I'll get you some more detailed information about exactly where it's at in the decision process.

Commissioner Lundsten: That'd be – for me, that'd be great.

Mr. Cerbone: And what the next steps are.

Chair Raschko: Thank you.

Mr. Cerbone: Yeah.

Chair Raschko: Okay. Shall we move on then to C-4?

Mr. Cerbone: I'm just going to pull this up real quick. So C-4. So Andrew helped me out with this one. Nick helped me out with the previous one. So C-4 is a proposed amendment from Planning and Development Services staff and what it is is a proposal – it was in coordination with the Parks Department, and what the specific request is is to amend the development code to identify trails as an outright use. Currently those are identified, I believe, as an administrative conditional use, special use. If we look at Attachment A – so this deals specifically with one zone, which is our Public Open Space (of) Regional/Statewide Significance/Importance zone. And currently the use is identified as – currently what we have is, under administrative special uses trails and primary and secondary trailheads are identified as administrative special uses. Is everybody familiar with what an administrative special use is? Okay, I see everyone nodding their heads. So it requires notice to, you know, adjacent property owners; it's a decision that's issued by staff; it's appealable; it's our hearings officer. And what the proposal would be is to still have primary and secondary trailheads as an administrative special use and then the request was to allow trails themselves to be identified as outright permitted uses.

And so one of the things that came to my mind when I was looking at this was we don't define what a trail is. Trails can be a lot of different things. They can be a – you know, an 8 to 12-inch single track that's an earthen surface – right? – that you would go mountain biking or hiking on. A

trail could also be a multiuse path, like a bike path, that could be 12 to 20 feet wide and designed more like a roadway. And I didn't know if that was something you wanted me to take a look at and maybe look at, you know, providing for specific trails are allowed as outright uses or at least providing a definition of what a trail is. That's something we didn't have in the code. That was the primary reason I wanted to bring this before you and chat with you before we went too far. But what we did do is just take the proposal – we typed it up so that you could take a look at it and then we could discuss it in more detail.

Chair Raschko: Kathy?

Vice Chair Kathy Mitchell: I think we've got a couple questions for you.

Mr. Cerbone: Yeah?

Vice Chair Mitchell: So the definition of trail, that's going to be important because where we live out in the woods there are people that put their own trails in, whether they're supposed to or not. And I don't believe our County would intend that the – what do you call those? – unauthorized ones are the ones that are to be done. So I don't know if that language will be incorporated or not. I'd also like to know who – who started this?

Mr. Cerbone: So this came out of the Parks Department. Parks Department and Planning and Development Services. And so, again, it would be specific to this one zone and so it wouldn't be in any other zones in the county. So maybe a map showing you where that is would be helpful next time as well so we could identify those areas?

Vice Chair Mitchell: Do they say the reasons why they want to do this?

Mr. Cerbone: Well, you know, I think in general, you know, trailheads – so when you do a trailhead, a trailhead is generally a gathering place, so that's where you're going to have people parking vehicles. That's where you may have a restroom. You may have some other interpretive information and things like that. You know, I think the thought was that that does, you know, generate more use on that specific piece of property. But when you're looking at a linear facility like a trail, that is something that potentially has, you know, less impacts than that trailhead, and so the thought was that it could be under a different threshold. That was my understanding. I wasn't the one who came up with it. I gathered it and brought it to you. But that's the general thought. And I have seen that in other jurisdictions that I've worked in in terms of the trail itself being an outright use. Now just because it's a permitted use or what's called an outright use in the code doesn't mean that they can just do it. So if they're triggering, you know, any other thresholds for any of our other permits they would still need to get that permit. So, you know, if they were going to be doing earth-engaging activity to construct the trail, if there was going to be impervious surface as part of the trail, you know, they may need to come in and get a different permit to go ahead with that. It would just mean that the decision for whether the trail could be there or not would be permitted, as opposed to going through administrative special use.

Does that make sense?

(sounds of assent from several Planning Commissioners)

Chair Raschko: Any other comments, questions?

Commissioner Lundsten: Yeah. So I understand you still have restrictions by the permit process.

Mr. Cerbone: Yeah, whatever additional permits. It wouldn't waive the need for those –

Commissioner Lundsten: There's still a protocol for doing this and there're restrictions of some sort for the permit, like you can't – you just don't have an appeals board. You don't have the further requirements.

Mr. Cerbone: Yeah, most of the permits that would apply would probably be clear and objective standards, so like a Level 1 type of decision. Yeah.

Commissioner Lundsten: And the applicants would be those in control of public lands, not people in control of private property. Is that right?

Mr. Cerbone: So the applicants – I'm not sure that we would make a distinction over who the applicant could be, but still the property owner would need to consent to the trail going across their property.

Commissioner Lundsten: So – and I'm just confused about this. If it's open space, you define the open space as the public lands, and public open space district zoning says "Zoning designation for lands in public ownership." So these trails would be trails that would be permitted by people who are the owners of this land, like Parks and Recreation or the State or something that involves something that is in the County's jurisdiction.

Mr. Cerbone: Yes, yeah.

Commissioner Lundsten: It wouldn't be a private property owner. Is that right?

Mr. Cerbone: You know, I don't believe so. In my mind right now I'm trying to work through all these different scenarios as to whether a private property owner – I guess a private property owner could potentially permit a trail, right? – a private interest, I'll say; not a property owner, but a property owner – on public land, but they would still need to get the approval of whoever owns that public land. So in this instance, let's maybe back up and explain what it's intended for. So if the Skagit County Parks and Rec wanted to develop a linear park – a trail – you know, they could work with all the property owners along that, which might be, you know, the State or other government entities, to be able to get the alignment for that trail, and then they would be able to permit that.

Commissioner Lundsten: I see. Yeah, okay.

Mr. Cerbone: And the reason why I'm going through my mind thinking private versus public is I'm thinking about Galbraith up in the Bellingham area. So that's private forestland in Bellingham, you know, right outside of the city of Bellingham there, and that is owned privately and that is publicly developed through the City of Bellingham but then also through a partnership with private entities. And I don't know that something like that couldn't or wouldn't happen in Skagit County at some point in the future. But the people proposing the amendment is essentially the Parks Department and the Planning Department and the intent was to be able to, you know, develop linear trails throughout the county.

Commissioner Lundsten: In this case – if I may – it seems to me that this is maybe an occasion when it would be good to have someone from Parks and Recreation, since they're right next door anyway, tell us exactly what this is for.

Mr. Cerbone: Yeah, and I also imagine that this proposed amendment may raise concerns or at least interest in the community as well, so I think that would probably be a good idea to have somebody come in, provide a little more detail about that so that that information is in the record and available to folks that may want to learn about it as well.

Commissioner Lundsten: And one other thing about the homework for this, or the background for this is the Guemes Channel Trail, which is just mired in conflict in Anacortes right now.

Mr. Cerbone: Mm-hmm.

Commissioner Lundsten: And it's all about the parameters of the trail. It's all about that and wetlands. So the issue is much bigger than it seems, as I'm sure you're aware.

Mr. Cerbone: Yeah, yeah, I've worked on regional trails in the Portland metro area. Some people really like trails in their backyard. Some people not so much.

Commissioner Lundsten: Yeah.

Chair Raschko: Okay, Annie?

Commissioner Annie Lohman: I'm thinking back to when we had DNR come before us, and I can't remember exactly the scenario but basically they wanted to develop a trail for – wasn't it mountain bike activities?

Vice Chair Mitchell: Mm-hmm.

Chair Raschko: Down in Darrington.

Commissioner Lohman: And they delegated the trail building to a private third party, which is frequent when it happens. And even private property owners, like big timber, sometimes will do that too in agreement, you know, for how the trail's going to be managed. But I think the devil is in the details on how this trail gets managed after it's built because some well-loved trails can become a problem because it's beyond the trailhead that you get into issues, because it becomes very well-used. And so you get too many people for the facility basically. It's overrun. And so that's a caution. And I don't mean that in a negative way but you've got to plan for it.

Mr. Cerbone: Mm-hmm.

Commissioner Lohman: And sometimes I think that we don't think about that. Because we *do* live in a great place and we *do* want people to get out and use trails, but what happens to the property owners in the neighboring area when the trail is overpopulated?

Chair Raschko: Okay. Josh?

Commissioner Josh Axthelm: Kind of along that line, it seems – the OSRSI is the *public* lands. It's specifically a zone, so it's not necessarily just public property. But, yeah, I remember the issue in Darrington and there were some conflicts with that between, like, horses and mountain biking. My concern would be like the width of the trail, so a definition on trails would be very important. But, like, the width of a trail: Let's say it's a six-foot-wide trail. Well, you're really – you can't just approve the trail without having the parking facilities available in that situation. Or if it's just a simple dirt path for a nature trail then, okay, that's pretty simple. One or two cars – no big deal.

But where's the trailhead? I guess I have a hard time being an outright permitted use without having someone – without having it approved or having the option to appeal it if somebody had an objection to it.

Mr. Cerbone: Okay. Yeah, and I think that's – I think both Commissioner Lohman and Commissioner Axthelm have, you know, communicated, you know, why you may not *want* to change the code based on the request. And so I think that's going to be important. I'll get you guys some more information but that's going to be important for you guys to deliberate on. I can tell you that dirt pathways can sometimes attract even more people than the paved ones. And I can also tell you that most single-track and primitive trails these days are constructed by volunteers. That's generally how they get constructed. The bike paths typically are more capital facility – you know, where they're built with a road where they have, like, a base and everything is constructed and they have to deal with the stormwater and runoff. But that's my experience and that's what I used to do. I used to work for the BLM in park service and forest service before I became a planner, and I built trails. So different parks and national forests. And I still volunteer and I build trails still. So I can tell you about dirt ones but I can probably get you someone here that can tell you more about the improved facilities.

Chair Raschko: Kathy?

Vice Chair Mitchell: On this same point [REDACTED] same question. Under the OSRS –

Mr. Cerbone: It's hard. I kill it every time.

Vice Chair Mitchell: The acronym – right? – for the open space. One of the things it said under that, what it was designated for, was not just for public use blah-blah-blah-blah – there was a thing, and if there's – something needs to be protected. In so many words. I've forgotten what the exact words, but in a sense what it was (was) sometimes those designations are to protect the land. So my question is: If they're asking for outright permitted, what about those instances? Because if you say you're outright permitted and there are those areas where the land needed to be protected for whatever reasons there are, there's a conflict. And how would that be addressed? Because if you put it in the code to be outright permitted, that pretty much preempts things unless you've got words in there that say the exceptions are blah, blah, blah, blah, blah, blah. It's on my computer. I forgot to bring it. You know that passage I'm talking about, right?

Mr. Cerbone: I don't know the specific passage you're talking about, but I saw the potential for conflict with this request, which I toyed with whether I wanted to bring it to you last or not, but I figured I would at least get the information in front of you and we could have that conversation. But, yeah, certainly, you know, of all the amendments we've discussed so far this would be one of the more polarizing ones, in my opinion, because people either really love trails or they love them somewhere else. And again, I dealt with this when I was in the Portland metro area where we were trying to put a regional trail in, which was a bike path, and we had a mixed bag. You know, we had folks that loved it, wanted it there, wanted to be able to access it. We had people who were concerned about, you know, what types of people may use that trail for transportation or camp on it, trespassing, things like that. And the comment that was made about how that trail is managed is pretty important. I don't know that we would want to articulate that into our code, but I think it's important for the folks that are proposing, you know, these types of facilities to make sure that they have a plan in place to be able to manage those.

Chair Raschko: Okay, Tammy.

Commissioner Tammy Candler: I've seen in the Skagit County Code it uses the terminology "protection of environmentally sensitive areas." I don't know if that's what you're looking for, but that was not my question. You had – I just wanted to address what you said earlier about whether or not a map would be helpful, and as far as I'm concerned it would be very helpful.

Mr. Cerbone: I saw you nod.

Commissioner Candler: Okay, thank you.

Mr. Cerbone: Yeah. I mean, I could pull it up right now and we could move around it but what I can probably get you is a map that has that very bolded so it's very easy to tell where that zone is. We'll make it some drastically different color from the rest of everything else. So I'm red/green colorblind and blue/black. One in four men are red/green colorblind which makes it really difficult to see gradations in red and green and even determine the difference between red and green on a map. And then I'm blue-black as well, so it's amazing I've gotten where I am!

Chair Raschko: Hollie, you had a comment?

Commissioner Del Vecchio: Yes, thank you. Just a – I don't know if this has been considered but it seems like as long as we're defining 'trail' – you know, breaking down. There's a large variety of trails so maybe one thought would be, you know, or maybe there's some trails that yeah, outright permitted use makes sense. I don't know if it's a matter of width, or because there are connector trails, or the system's already there; we're just trying to add some connectors, or whatever. It may be all right, there's a reason for those not to have to go through the full – you know, to go through the permitting process again or the approval process. But so for me it would be helpful to kind of see what some of those different definitions of the trail might look like. I don't have those definitions, but –

Mr. Cerbone: Yeah, no, I mean, that's something we can dig in. Like I said, this is Andrew's. He's scribbling very ferociously over here. So what we can do is we can look and we can see how some other jurisdictions have dealt with the issue. Sometimes if there's specific concerns about a specific sub-type of a use like a different trail versus one – they may have more impacts – then maybe it makes sense to classify that, you know, with a discretionary decision. And sometimes, you know, if it's something that's going to be less of an impact it makes sense to classify that as an outright use. And I think Commissioner Candler had a good point: Where is this property in relation to the entire county and where is it in relation to, you know, residential uses and things like that?

Commissioner Del Vecchio: Just to add on, if we could have that kind of background before or maybe in conjunction with meeting with whoever you're going to bring for us –

Mr. Cerbone: Yeah, I'll connect with the Parks and Rec director, Brian Adams (and) see when he's off-tour. We'll schedule a time for him to come in and chat with you guys. And what I'll do is I probably will schedule this for a subsequent meeting and I'll bring back some more information. Because, again, I anticipated that this was going to be something where we were going to have conversations like we're having and we were probably going to have some differing viewpoints up there, which I think is good. That's why you guys are all here: to represent different aspects in portions of the community. And so, you know, I think that's appropriate. I will try and bring back some more answers to you but I may do it with Brian as well just so we can kind of work through and get a better understanding of what the intent is and you can get a better understanding of, you know, what those impacts could be.

Chair Raschko: Okay, any other questions or comments? I'd just ask you to please just clarify for me: This would be a change to make in an outright use. So right now it's an administrative one?

Mr. Cerbone: Yeah.

Chair Raschko: And that's on public and private?

Mr. Cerbone: No. So right now this amendment just deals with a specific zone, so it's not changing that classification or the use in any other zone. It's just in this specific zone. And currently as drafted – up on the screen here what's proposed is to add it as an outright use. So maybe just for reference we can look at some of these other outright uses. Historic sites open to the public.

Chair Raschko: Well, I understand that. What I'm getting at is on zoned land that is zoned in other zones – like forestland or open space.

Mr. Cerbone: Oh, so you want to understand how we deal with it in other –

Chair Raschko: Yeah. Is there a permit needed for that?

Mr. Cerbone: I don't know, but we can take a look and see how this use is classified in the other zones and how it'd be dealt with.

Chair Raschko: Yeah, because I used to manage Galbraith Mountain and nobody ever got a permit to do anything, much less let the landowner know.

Mr. Cerbone: Yeah! Yeah.

(laughter)

Chair Raschko: And what my concern is is that a trail, if you don't define it, it can become big enough for dump trucks and RVs.

Mr. Cerbone: Yeah, yeah.

Chair Raschko: And then all of a sudden you're doing something where in other realms you have to absolutely have a permit.

Mr. Cerbone: Oh, yeah.

Chair Raschko: And so I think it's a fairly big issue –

Vice Chair Mitchell: Yep.

Chair Raschko: – to get a handle on.

Mr. Cerbone: Yeah. No, and we'll definitely bring back some more information. It's great that we have your perspective as well because you've managed that area. What I've heard from other people in the past – actual federal land managers – is sometimes it's easier to get forgiveness than permission. So that was what was told to me by a Forest Service manager when I was living on the central Oregon coast. We went and asked them if we *could* build trails on the Forest Service land, because we had already chatted with Boise Cascade and Boise Cascade had allowed us to

build trails on their land and we just wanted to put a little eighth-of-a-mile connector into an existing trail. And that was what the district ranger communicated to me. I don't think it's the right way to go about things but unfortunately that is how some of the primitive trails have been developed in the western U.S.

Chair Raschko: Yeah.

Mr. Cerbone: Yeah.

Commissioner Lohman: I have a question for you. On your Applicable County Policies section, you have the Land Use chapter of the Comprehensive Plan Goal 2E, Allow public uses as special uses in most comprehensive land use designations to be reviewed as site-specific – on a site-specific basis.

Mr. Cerbone: Mm-hmm.

Commissioner Lohman: So are they saying then, administrative special uses? Is that shorthand for that, or what does that mean there?

Mr. Cerbone: So this was a specific policy that was identified from the Comp Plan, and what it's saying is it's saying allow public uses as special uses in most Comprehensive Plan land use designations. So to me what that tells you is that if you look on the entirety in terms of the Comp Plan designations – and everybody knows a Comp Plan designation is kind of general and that's implemented by zones. You might have, like, a Residential Comp Plan designation that's implemented by different density residential uses. So what they're saying here is they're saying, Hey, if this is a public use it should probably most of the time be reviewed as a special use permit. It doesn't say "all," and so that's, I think, part of what you'll have to weigh as a commission: Is this one of those uses that should be classified as that, or is this one of those uses that can fall into that, you know, "most." So when I read this it says that not all of public uses on all the zones in the county should be special uses, but *most* of them should be. So I don't know how to quantify "most" – whether that's, like, 80% or – but that's something so –

Commissioner Lohman: Well, the slippery slope is some Comp Plan zones it's not compatible –

Mr. Cerbone: Agreed.

Commissioner Lohman: – because of – especially certain working lands.

Mr. Cerbone: Agreed. Or if you have – like, say you have a specific zone where maybe you have more density where you have a smaller minimum lot size and so that brings more people into potential conflict with the use. It may not be appropriate in that situation. And so it may be appropriate in this public designation, but I think that's something you as a commission have to, you know, discuss and arrive at. The key thing I take away from this Comp Plan policy here is that, you know, if they wanted it to be an administrative special use or even a hearings examiner special use they would have said "all" uses, or "all public uses shall be..." But what they did is they said, Hey, most of these should be. But there *are* instances where it's maybe appropriate for them not to be. And so that's, I think – that would open the door for this proposed amendment to even come before you. Because if it was drafted to say "all shall be" it probably wouldn't have been brought before you. I certainly wouldn't have brought it before you. I would have brought potentially a Comp Plan amendment to change that policy before you. But it heavily weights that it probably should be a special use in most zones. That's how I read that.

Chair Raschko: Kathy.

Vice Chair Mitchell: Okay, so the last thing: So when you tap into Brian and his folks for why they brought this forward and the intent and everything, so we need to know everything behind that for the whys and the wherefores. It's one of those things where it seems like it's an easy thing because blah-blah-blah-blah-blah-blah. We do lots of trails, and that kind of thing. And I'm sure they've got their reasons for why.

Mr. Cerbone: Oh, yeah. Yeah.

Vice Chair Mitchell: There's got to be something that's making them want to do this. They must be running into some sort of difficulties or _____ here.

Mr. Cerbone: Yeah, and he would be able to tell that story far better than I can.

Vice Chair Mitchell: Yeah. So we need to know that piece of it, if you'd let him know ahead of time. We need to know those pieces ahead of it, but also it's back to – it's the slippery slope thing. You guys have dealt with this beforehand. It's looking and seeing ahead of time to see if it's worth doing something like this. It's back to it's very easy to put it in print and then in practice you go, Oh, boy.

Mr. Cerbone: Yeah, and that's primarily what we deal with internally, right? Like, we do try and look at – we look at not only what the intent of some of these changes we bring before you are, but we look at – we try and look at what the consequences are. And it is that fine line along the spectrum of, you know, trying to anticipate those things and word the amendments properly – between doing that and then maybe getting a little overzealous on how that amendment is done and clamping it down, so that you kind of cut out the ability for discretion in the future.

Vice Chair Mitchell: Right.

Mr. Cerbone: It is – you know, somewhere you have to land on that spectrum and that's certainly what we're here to help you ____.

Vice Chair Mitchell: So it's back to the balance for what people would like to do and the uses and those kinds of things in the slippery slope concept. So then part B of the what-I'd-like-to-know is: So they're saying just for this zone right now, so if this gets put in just for that one zone now you can see where you're going down the pike – Hey, it's done in that zone right there; let's just – you know, why don't we do this in Secondary Forest – you know, going 'round the pike.

Mr. Cerbone: Sure, sure.

Vice Chair Mitchell: And so I don't know how much you can do for assurances and stuff, but it's back to that slippery slope concept. And at this point, unless I can hear something different, it's been working.

Mr. Cerbone: Yeah. I mean, the assurance is that it won't spread to another – you're the body that it would have to get through. So you as a group would have to make that recommendation and then the Board would have to act on it. The language, I think, in the Comp Plan policy that's applicable to this review, I think allows for some deviation from them being special uses, but certainly the way it's drafted, not all of them would be special uses because it puts a lot of weight on *most* should be a special use. So that allows you to do some. The other, you know, thing that

I would offer for consideration is we're talking about a zone – and I have a note here to get some more information for you – but we're talking about a zone that essentially was created to cover public land. And so this is land that potentially is identified or should be available to the public for access. And so we're talking about it in that context of that specific zone as opposed to, you know, say, Industrial Forestland – right? – where you've got a lot of private ownership.

The other thing I'd offer for you is this doesn't give anybody the right to go across anybody else's land. This gives somebody the right to establish a use on a piece of property. So if Parks wanted to build a trail and the trail went through DNR property, DNR would still have to agree to allow that facility to exist there and they would still have to sign the application. So there are some checks and balances there. If I thought it was kind of heavily slanted in one way I would tell you that, but I really do think this is one of the things that we talked about the first meeting of this year where I don't know that there is a right or wrong answer here. You know, there's good arguments on both sides and if you wanted me to argue in either direction I could provide you that. But I think you as a group can do that as well, you know. Depending on what your perspective is, how you view trails, what your experience is on that, you know, I think you could land in either way. And that's why I'm not a planning commissioner; I'm a staff member. But I think you guys as a group can deliberate and chat about this after I bring you some more information, and can arrive at a place where you can make a recommendation. But I don't – if I felt like there was a right or wrong answer, I would provide it, but this is one of those things where it's a policy decision. The ferry amendments? I felt like there's a right answer for that – right? We're updating things to make them more accurate. This is a policy decision. This is something where you as the lenses of the community need to look at the request and see if it's consistent with the values, and then make a recommendation to the Board.

Chair Raschko: Okay, we're going to move on to C-7.

Mr. Cerbone: And we definitely have some stuff to bring back for you so you'll see this soon.

Vice Chair Mitchell: Thank you.

Chair Raschko: Proposed Changes to the Sign Code.

Mr. Cerbone: This one, I think, is a little more straightforward. So Nick helped me out with this one. So the background on this is essentially we have a provision in the code that says you have to get a building permit for signs. The reality is that we use the International Building Code. So the IBC has a specific appendix that deals with signs and when permits are required, and so what we want to do is correct the language in the code so that it's accurate and so that folks don't have to get building permits for things that they don't need building permits for, and so that folks don't *think* they need to get building permits for things they may not necessarily need them for.

How many people are familiar with signs and how they're built and constructed? So we've got a couple of different types of signs, right? You have, like, a freestanding sign. So, you know, you go into a commercial shopping center and so you've got a sign that's kind of off on its own. It's a freestanding sign. It's sitting there. It has all the different tenants on it. That's a freestanding sign. So that freestanding sign, depending on how big and what the size of it, is going to be subject to different wind loads, and so that requires a building permit to make sure that freestanding sign remains standing and doesn't fall and fall into the right-of-way or injure a person or something like that. Likewise, you would have a sign that was – in you were in a downtown, like, say, Fairhaven or Edison or something like that – you know, a small, commercial, downtown area – you may have what's called a projecting sign. So that sign would stick straight out from the building so

when people are walking down the sidewalks they can see that sign and what that business is. Again, that type of sign may require a building permit because it is sticking out, it's acting like a sail. So it potentially, from wind load, be blown off or fall down, injure a person, et cetera, and so that requires a building permit. If you're putting a sign on the side of a building and it's bolted to the building, that is not subject to wind load. It needs to be secured properly but it's not subject to a building permit and wouldn't require one. Likewise, if you're building a very small monument sign – a freestanding sign – that may not trigger the need for a building permit.

And so this really is – in my mind, there is a right answer on this and that is that this clarifies the code. It makes it easier for people who are picking our code up at six o'clock at night and trying to figure out how they're going to open their business and what they're going to do and maybe what they need to do. It gives them a little better certainty for what they may or may not need to do. And it also is just more transparent. I like things that more accurately portray what needs to occur and what doesn't. So the proposed amendments are identified in Attachment A. We did also include – I apologize; it looks like it may be frustrating for some folks who looked at Exhibit B and you're like, Why did you provide me a hyperlink? Why don't you print this out for me so I can read it? We're not allowed to do it, based on the copyright issues. You can type the link in and connect to it and go look at it, but we're not allowed to – in fact, if we try to print it out, it won't let us. So that's why that is the way that is. And so anytime we bring things that are examples from the IBC, there'll be a hyperlink in there and that's because we're not technically allowed to reproduce it and hand it out. Or at least that's my understanding.

Commissioner Lohman: Can I ask you a question –

Mr. Cerbone: Yeah.

Commissioner Lohman: – on a freestanding sign? I know nothing about signs other than I've seen a zillion of them. So when you're talking about an exemption for a freestanding sign less than 7 feet in height, you – where's the width? Where's the rest of the dimension? Because seven feet is taller than most tall men.

Mr. Cerbone: The building official is the one who provided that information to me. So that is what he is comfortable with. What we do is we adopt the IBC and then we go ahead and we can amend that. So we can adopt the International Building Code verbatim, and much like we talked about with one of the appendices last time we were here about the fire code standards, we can decide that we don't want to adopt portions of that code and we do that through exemptions. In this case, I believe he's comfortable with that and does not believe that that causes an issue. But I can ask him that question because what you're communicating to me is, Well, what if your sign is, you know, 40 feet long and 7 feet tall? Is that kind of what you're asking?

Commissioner Lohman: Well, I mean, that's pretty excessive.

Mr. Cerbone: It'd be a weird sign!

Commissioner Lohman: I was just curious that giving only a height parameter without a width, because you were talking about wind shear and I was thinking about somebody standing next to something and poof! So it just struck me as incomplete.

Mr. Cerbone: I can bring you some more information about why he's comfortable with that 7-foot, and I can even invite him to come and chat with you about it. But if it's a relatively straightforward answer, I'll –

Commissioner Lohman: Well, I don't want to make it into anything that – if it's not necessary, but I just thought it was funny not having more.

Mr. Cerbone: I think if you have a question it's necessary, because if *you* have a question there's probably other people in the community that have the same thought and question. So I'll gather an answer for you. I'm going to guess it's probably going to be something I'm going to report back to you relatively straightforward. If it's anything too complicated, I'll probably have Jack, who's our building official, come in. I don't think he's probably come before the Planning Commission too often so he might enjoy it.

Commissioner Candler: I have a question.

Chair Raschko: Go ahead.

Commissioner Candler: Is the reason that you want to do this hyperlink to the building code because that way if it changes ours automatically changes with it? Or is it huge and you can't write it out, or –

Mr. Cerbone: No, no. You mean the Attachment B, why there's a hyperlink?

Commissioner Candler: Well, or just this language, "...as required by the currently adopted International Building Code." Is that – you don't want to write what that is in our code because it could change, or what is the reason for that?

Mr. Cerbone: Yes, but let me answer that with a little more detail so you feel probably a little more comfortable about it. So we do actually elsewhere in the code adopt the IBC, and so this is a section within the code that references the International Building Code. So elsewhere we identify what version it is, and so when we adopt a new version we go through and amend that section. But what typically we try to do when we write code is limit the amount of places where we need to do that so that when we do go through and *do* adopt the new IBC we don't miss one. Because that is bound to happen on occasion. So what we do is try and limit that one. And I think the specific section where we adopt the IBC – I want to say it's like Title –

Commissioner Candler: Maybe I misheard you. I thought you said we couldn't reproduce that or something.

Vice Chair Mitchell: I know what he's talking about.

Mr. Cerbone: It's just literally – normally if I'm referencing something, I'm going to give it to you because I know some of you guys want to read it. I'm not allowed to print that out. That's why I gave you a hyperlink so that you could go and look at it at home. But our understanding is that we can't print it. I think there's two issues. There's an exhibit that we're trying to provide you access to so you can review it, and then there's the actual code amendment itself.

Vice Chair Mitchell: And I tried printing it several times and kept getting the same message. They will not allow anybody to print it at all unless they are members of whatever. So they block you from printing it.

Mr. Cerbone: Yeah.

Commissioner Candler: So we don't –

Mr. Cerbone: Did that answer it? I mean, you can access it. You're able to open it – is that right, Commissioner Mitchell?

Vice Chair Mitchell: Yes.

Mr. Cerbone: Yeah So you can open it and you can look at it.

Vice Chair Mitchell: I tried under two different browsers to access it.

Mr. Cerbone: I think Commissioner Candler still has an unanswered question.

Commissioner Candler: I'm just –

Commissioner Lohman: May I? Isn't the County a member? So then –

Mr. Cerbone: We are.

Commissioner Lohman: Then wouldn't that – because it seems weird to me that you have a – you're deferring to an outside something for regulation –

Mr. Cerbone: The International Building Code, yeah.

Commissioner Lohman: And it seems weird that you can't provide that to the public – somebody at the counter – because you can't print what that regulation is but you can tell them, Go look it up on the computer.

Mr. Cerbone: I may be able to get Jack to print it for us. We're not capable of doing it. Maybe the building official has the ability to do it. I don't know. We can look into that in more detail. Do you want a hard copy of that? Is that what everybody –

Commissioner Lohman: No, I don't.

Mr. Cerbone: Okay. You're just perplexed by the fact that they have it locked down.

(sounds of assent from several Planning Commissioners)

Mr. Cerbone: So there should be access.

Vice Chair Mitchell: We're used to reading stuff at 2 o'clock in the morning.

Mr. Cerbone: Yeah, yeah, and I understand that too. That is the way people protect their copyright information. It is pretty standardized. You can go to other countries and they also use the International Building Code, as well as the IFC, which is the International Fire Code. It's used throughout the United States, Canada, and other countries, and it pretty much standardizes kind of, you know, safety in buildings and how they're designed. And then each individual community makes a decision about what appendices of the base code that they also want to adopt. Like they just came out with one recently that deals with wildfire for the International Fire Code and so a lot of communities haven't gone through and adopted that yet. But I can look into why we can't print it, but Commissioner Mitchell very accurately described the same thing that we beat our head against the wall trying to provide you a copy of it.

Chair Raschko: Okay. Mark, did you have a –

Commissioner Lundsten: I just wanted to see if I understand this right, that when it comes time to passing this and we've all studied it, someone will transcribe it or you will download it with and print it with whatever rights you have at that point in the County. But for us to just reference it and print it out ourselves we can't. But for our purposes of the code, we would put it in at a certain time and say, This reflects the International Building Code as of this date and here it is in our code. And then as the International Building Code would change, ours wouldn't necessarily change. It would be – we would keep track of those revisions and maybe revise our code accordingly a year later. Is that right?

Mr. Cerbone: Kind of. So let me try it this way. This section of the code doesn't actually adopt and apply the International Building Code. That's a different section which I can pull up and I can show that to you. What this section of the code does is when you're going through and you're looking at our sign code, which is separate; that is part of Title 14 – when you're going through and looking at the sign code, it says, Hey, after you've gotten your land use approval or your permit for your sign, you then have to go get a building permit. And what we're saying is that – Appendix H, I believe, is what it is – has specific standards for how and when a building permit is required for a sign, and we're trying to make our code not point you towards that unless you have to go towards that.

Mr. Schmeck: May I add something as well?

Mr. Cerbone: Yes, if you could provide clarity.

Mr. Schmeck: Yes, yeah, so our current International Building Code is the 2016 version. So in the building code section that we adopted, the International Building Code, we're at the 2016 version of that, and then we are referencing back to Appendix H within this sign code. Does that give you better clarity? Because we will come in front of you at one point to update the International Building Code __ their new standards at some date.

Commissioner Lundsten: That answers it right there. That's what I was trying to get at.

Chair Raschko: Okay. Tammy? I'm sorry, it was Hollie.

Commissioner Del Vecchio: That's okay. She can finish.

Commissioner Candler: When you used that word "adopted" there, you're saying Skagit County adopted, not International Building Code has adopted. Because it says "currently adopted." So that means what we've currently adopted, not what they're doing.

Mr. Cerbone: Yes. Yes, exactly.

Commissioner Candler: Okay.

Mr. Cerbone: And so 15.04 is the chapter. 10.015. And so this deals with the International and Uniform codes adopted. And you'll recall, folks who were here at the last meeting, we did look at this because we were looking at doing amendments to the International Fire Code. And so what we did right here, this is where we actually adopt it. So the International Building Code 2015 edition, published by the "...International Code Council, together with supplements and amendments thereto including..." and then it calls out the different areas – right? So we've

adopted Appendix E, B, C, and G and J. So *this* is where we actually adopt that code, and the other section of the code is where we just point to this and say, Hey, we've adopted this and you need to get a building permit. Why this came up – this will hopefully provide some clarity – is somebody came in and one of the permit techs – they had gotten approval for a sign and the permit tech said they'd need a building permit, and the building department said, Well, no, they don't, and then the permit tech said, Yes, the code says they need a building permit. But they didn't really need one because it didn't justify it for the review. Does that help clarify it a little bit? Because the code, when they read it, pointed them towards getting a building permit even though they didn't technically need one. And so it was kind of this chase-your-tail scenario within our code, which is not uncommon when you have 1100 pages of documents/rules codified. Clear as mud.

Commissioner Del Vecchio: Thank you. So I think the underlying concern for me is not whether you can print this out for us to be able to review at a Commission meeting, but rather if we're doing this for the purpose of providing clarity for someone who's trying to figure out, Do I need a building permit for my sign? – to me that's about as clear as mud right now. And we've directed them to something that they may or may not be able to access that is not referenced, you know, verbatim anywhere in *our* documents. And I'm wondering – it seems like we're trying – we have two things going on in this one paragraph. One is do you need a permit, and then what are the requirements for the construction of the sign itself. And I feel like they're kind of blending together here. Because we have the code that we are – the building code that we are referencing, does that tell you *when* a sign is to be – requires a building permit, or just *how* it's constructed if a permit is needed?

Mr. Cerbone: It does. It identified thresholds for when building permits are required, so that's what that appendix does.

Commissioner Del Vecchio: Okay. So the thresh – sorry – so the thresholds then for when that is required, do those – do those line up directly with this next sentence about "Freestanding signs less than 7 feet in height and wall-mounted signs that do not project from the building do not require a Building Permit"? Is that pulled from the code?

Mr. Cerbone: So that is not so that is different from when that specifically is required or not required. And so what the building official again was doing was trying to say in these circumstances you will not need a building permit. What the original –

Commissioner Del Vecchio: Even if the building – even if the International Building Code says you do.

Mr. Cerbone: Yes.

Commissioner Del Vecchio: Okay, that is *not* clear.

Mr. Cerbone: Okay.

Commissioner Del Vecchio: So I think it's just a matter of separating it out a little bit.

Mr. Cerbone: And we can work on the wording to make sure that's more clear. The way when I got here and I first looked at this and picked it up it was basically "delete this." And so I chatted with the building official about that. I said, Well, you know, we can alter this and we can say building permits shall be required, you know, as required by the International Building Code. And

he said, Well, you know, I think it's important to also provide clarity on these two items where we wouldn't require a building permit. So, yeah, we can work on the language so it is more clear.

Commissioner Del Vecchio: Ideally – in my brain – what we would be able to do in this is say, Here are the specific situations where a building permit for a sign is going to be required. Not require somebody to look anywhere. Rather, say, If you're building a sign that meet these parameters, you need a building permit. And then go to the International Building Code to make sure that it's being designed – you know, constructed – appropriately.

Mr. Cerbone: Yeah, and the information you're looking for is in the IBC and this section is in a different section of the code and it's what I would refer to as a "breadcrumb." Right? So when you're going through and getting your sign code approved – your sign approved – through the PDS, what it does is it says, Hey, you're also going to need to get a building permit in these circumstances. So what you describe would be essentially pasting all the standards from Appendix H into this section of the code.

Commissioner Del Vecchio: Mm-hmm.

Mr. Cerbone: And I would not suggest that we do that. It would provide more clarity but it also would –

Commissioner Del Vecchio: Because you started off by saying you were doing this to provide clarity.

Mr. Cerbone: Yes, yes. It would provide more clarity but it would also result – if we did that with everything – it would result with a code that's about this thick, that is then more difficult and – we'll just say more difficult to utilize.

Commissioner Del Vecchio: Understood. Understood. But in that case, if we're not going to actually insert language – and I don't know how much verbiage there is involved with the actual parameters of when a building permit is required for a sign. I don't know if that's a paragraph or six pages.

Mr. Cerbone: More than that.

Commissioner Del Vecchio: But if we are going to say, Well, we're going to have our own requirements that don't necessarily line up with that anyway, then I think we need to have it all in one spot rather than having some – you know, our own – you know, the parameters that we've built in here plus look to the code for anything else. I ___ do one or the other preference I would like to see – I would like to have the parameters for when the permit is required actually in here if it's not too extensive, if we're trying to make it easier for people to use. It *is* extensive? Very extensive?

Mr. Cerbone: Yeah. Well, the hard part is – what you're describing would be essentially paraphrasing another section of code, and then what winds up happening is that folks will come in and want to do their permit under the paraphrased language and it may not cover all the issues and considerations that should be covered. And so that's why –

Commissioner Del Vecchio: But we're paraphrasing here anyway.

Mr. Cerbone: No, no. This –

Commissioner Del Vecchio: I mean, we're adding to it. We're muddying the waters.

Mr. Cerbone: We're subtracting. And we can very easily pull the last piece off and just have "as required by the currently adopted International Building Code." And if that feels better to folks, that is somewhere where you can arrive. But the building official wanted to make sure that people, when they read through this section and they fell into those two situations, did not feel the need to come back in and get that building permit.

Commissioner Candler: Can I say something?

Chair Raschko: Josh?

Commissioner Axthelm: So the – you have International Building Code, but it really should be the Washington State Building Code, right? Or International Building Code as adopted by Washington State.

Mr. Cerbone: Well, we can go back and look at it –

Commissioner Axthelm: Just because – although in this case there's no – well, there's differences between the International Building Code and what Washington State adopts, and they have amendments that go to it. So –

Mr. Cerbone: Yep, per WAC chapter 51.50.

Commissioner Axthelm: Yep.

Mr. Cerbone: So if you look up at the screen, that's – we adopt the International Building Code 2015 edition, published by the International Code Council together with supplements and amendments thereto, including the 2015 International existing Building Code, per WAC chapter 51.50, and then all the appendices. And Appendix A is Washington State Amendments, it looks like.

Commissioner Axthelm: But Appendix H I don't think was adopted by the State.

Commissioner Lohman: No. It's not in the list.

Commissioner Axthelm: What you're referring to.

Mr. Cerbone: Mm-hmm.

Chair Raschko: Okay. Tammy?

Commissioner Candler: If I understood you correctly, you said that the International Building Code does not exempt freestanding signs less than 7 feet in height but that Skagit County wants to do that, right?

Mr. Cerbone: So my understanding is that this is something that's more specific than what's in the International Building Code Appendix H, but I can get you more detail on the specific ___ and the difference between the two.

Commissioner Candler: Well, if that's true, the problem with this is that it is internally inconsistent in these two sentences. A person would read that and they would be totally confused: As required by the currently adopted International Building Code, my 6-foot-5 sign needs a permit. But it says right here it doesn't. So I think it's more of a –

Mr. Cerbone: Well, we can definitely wordsmith it. I mean, that was the intent – to bring it before you this evening –

Commissioner Candler: I don't know if that addresses what Hollie was talking about, but that to me is the very big problem here. I think it needs the word "except when" or something. Just something to say it's not two things that are just opposite of each other right next to each other.

Mr. Cerbone: Well, I think Josh maybe just identified something that may need to be corrected, is that Appendix H doesn't appear to be adopted in our code. So I'll dig into that, bring you back more information on that, because that may be part of the amendments as well.

Chair Raschko: All right. Annie?

Commissioner Lohman: And that Josh's comment feeds right into what I was going to say: Well, then does that mean that we put in our own – that Skagit County is going to adopt Appendix H, and *can* we do that? Or can we only adopt what RCW 51.50 says? And then it speaks back to – if I'm hearing what Hollie and Tammy are saying, my question about how you have only one dimension on that 7 feet, because it could be a 7-foot flagpole!

Mr. Cerbone: I don't know and so I will find that information out for you.

Commissioner Lohman: Because we are striking some very specific – "32 square feet or greater than 6 feet in height" as anything in excess of that. Well, we've gone *less* specific and so it's – I think sometime when somebody's telling you something and you're hearing something spoken there's an implied what he's meaning, but we're not inside his brain to hear the rest of it.

Mr. Cerbone: Sure. Sure, yeah. So if I understand properly, I'm going to get you some more information about why 7 feet. I'm going to dig in more and see if there's maybe a scrivener's error in the code and we have adopted Appendix H or not. And then I will do some more research to see whether we need to adopt Appendix H if we're going to defer to that. But what – from our conversation tonight, that may be why that specific language was in there: because we have not adopted Appendix H. And so that's starting to make more sense to me. And I'll certainly look at the language, but that typical way of saying this is what we refer to except for these items is pretty universal. But we can be clearer in how that's communicated.

Commissioner Del Vecchio: Can I just add one thing to your list of to-do items there?

Mr. Cerbone: Yes, you can add whatever you want to add – as long as it's not wash your car or _____!

Commissioner Del Vecchio: I was just wondering, if Appendix – if it's not just an oversight or error, which I'm assuming it's not – and that Appendix H is not listed here for a reason, I would want to know is there somewhere else that they're turning to for the signs.

Mr. Cerbone: Yeah. No.

Commissioner Del Vecchio: Just so we're not overlooking a resource that the State has already decided they prefer.

Mr. Cerbone: When we birddog that out we'll figure that out. If it is what I just said out loud, then basically the County is saying you need a building permit for all of these. We're not adopting Appendix H and its thresholds – and this would have been a historical decision – we're requiring you to get a building permit under all of these circumstances except for that there be 2 square feet; over 6 feet in height; et cetera. And thank you, Josh – Commissioner Axthelm – for bringing that up because that did connect some dots that maybe weren't connected – in my mind, at least.

Commissioner Axthelm: And there is a place you can print out the code and it's, let's see: ___ codes. There's a viewer there and you can print it off. But it doesn't condense it like the building code is. It takes, like, one page and puts it on five pages.

Mr. Cerbone: I'll chat with our building official because I know they have copies of it. They're able to print it. It's just, again, we don't have the special password to be able to do that or the copy that allows us to do that. But I will birddog that out, as well.

Chair Raschko: Okay. We're going to move on to Proposed Changes in Binding Site Plan Standards (C-3).

Mr. Cerbone: So this one, again, I apologize I do not have a staff report for but I do have an explanation. And apparently my hot keys don't work anymore.

All right, so we're going to talk a little bit about binding site plans. It's an interesting application type. It's not something you see in other states. It's pretty unique to Washington. I wasn't quite sure – is everybody familiar with what a binding site plan is?

Vice Chair Mitchell: No.

Mr. Cerbone: Okay, good. All right. So we're going to go through and we're going to educate you about what a binding site plan is, and we're going to talk to you about what our process is that currently exists to allow a binding site plan to be recorded. Before I get into it, I'll just quickly talk to you about the impetus for this code amendment. This code amendment was proposed by our current planning section. It was after having conversations with folks that manage industrial lands out around the airport, Bayview. And it was presenting practical difficulty for them developing incubator businesses. So essentially they were trying to build structures. The structures could then house different uses, and they were trying to build those so that they could be occupied by different uses and those uses could change over time. But because of the way the binding site plan process works, it was basically creating another hoop to jump through.

And so I wanted to give you that information so you have that context as we go through. So think about that as we're going through this overview of what a binding site plan is and how our code works.

All right. So we're going to talk about what a binding site plan is. We're going to show you an example of one. We're going to chat a little bit about the code section. I did delete the RCW and I forgot to pull it off my content screen. And then we're going to talk in more detail at the end about what that proposed amendment is.

So a binding site plan: It's an alternative method of land division authorized by RCW 58.17.035. So land divisions typically are processed in our county. We use a kind of short, medium, and large plat. And so what typically occurs with a land division is you come in, you get a tentative approval to divide your property, and then you come back and you record what's called a "final plat." And that plat is actually recorded and it creates new specific lots that can then be sold and developed. So that is what a typical, traditional land division is.

This is an alternative method that is a little different than that. So binding site plans can be used for three purposes. They can be used for industrial and commercial uses. They can be for mobile homes and travel trailers. And they can be for condominiums. So if you're taking an existing building and breaking that up, whether it's for residential or other purposes. Binding site plans can be used by local governments but we must adopt procedures for their review and approval. If you look at the authorizing legislation from the State of Washington, it's very small. There's not a lot of information about, you know, what a binding site plan is, and it really did provide a fair amount of discretion to different jurisdictions to implement it. And so we're going to walk through how we chose to do it here in Skagit County.

So this is a binding site plan, and I gave you guys a printout, too, so you have a printout there if you want to kind of take a look at it closer up. But essentially, you know, what this is is, you know, we're dealing with in this situation a binding site plan that would do a land division of a single property into three lots. And so here you've got lot 1, lot 2, and lot 3 and, you know, you have three specific buildings. You know, that could be a Wendy's, a Taco Bell, and a Hardee's. Or, you know, that could potentially be, you know, three different Light Industrial users – you know, a manufacturer, potentially may be space for somebody who operates a small business to store their vehicles, a service industry like an electrician or a plumber. A fair amount of flexibility.

So this is the purpose of a binding site plan. Again, it's to provide an alternative administrative method for division of land for commercial and industrial-zoned property or for condominiums. So we've limited it here at Skagit County to those three specific items. To allow the director to modify the interior lot-based or lot-lined requirements contained within the zoning, building, fire, or other similar uniform codes adopted by the County. So it allows for some discretion and some flexibility for the standards that occur on the site. It allows the director to authorize the sharing of open spaces, parking access, and other improvements along adjoining properties subject to the binding site plan, and it provides administrative requirements for binding site plans in addition to the procedural requirements that you have to follow in order to permit one.

So the third bullet point down really – what that says is it allows for these three specific different uses to occur on a site and potentially for them to all share. So they may own their individual buildings but then they may share common space, and it provides the flexibility to be able to go through and do that.

General provisions: So this is the applicability portions of it. We highlighted blue here the section that is proposed to be changed, just kind of, again, for context. But it's not important at this point but I thought you might want to know. So what the first bullet point says is if you want to do a binding site plan you've got to apply for one. Pretty straightforward. You can't get it automatically. You've got to actually go through it. And it says that – the second bullet is that the site is subject to the binding site plan (and) may be reviewed independently based on as-built plans for fully developed sites. So you could go through and do lot 1 and not – redevelop lot 1 and look at that and not deal with lot 2 and lot 3. Binding site plans shall be required for any commercial or industrial development that involves two or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure. So this is the section that the current planning

would like to remove for specific zones, and we'll go into more detail at the end of this presentation.

Commissioner Axthelm: The blues or that section they'd like to remove?

Mr. Cerbone: Yeah. Yeah. And we'll have it blown up at the end along with the proposed code amendment, too. So that section, you know, requires you if you're industrial or commercial to utilize the binding site plan process.

The site that is subject to the binding site plan shall consist of one or more contiguous legal lots of record. So that says you have to have a legal lot of record – at least one, if not multiple – before you utilize this process. It's pretty straightforward.

The application process is – the first step, we advise you – you're not required, we advise you to set up a predevelopment meeting, which is something we do at the County where you can sit down with a planner and they'll go over the standards and requirements that are necessary for you to submit your application. Always encouraged, not required.

The second bullet point, a binding site plan shall be considered under County zoning and other codes in effect on the land that the fully completed application is filed with PDS. That basically says whatever standards are in place at the County when you submit your application, those are the standards that we review your application against. So once you've submitted your application and it's complete, we can't go change the code and apply a new code to it.

Third bullet point: A complete application for a binding site plan shall consist of a completed form. Pretty straightforward. You've got to fill out the application. It needs to be signed by all the property owners. Pretty straightforward. And it also has to have supporting documents included.

This is the review process. So we talked a little bit about these different levels of review previously, but binding site plans for the creation of lots in existing developments for eight or fewer lots, tracts, parcels, or units on any development are a Level 1 permit. A binding site plan for between nine and 50 lots is a Level 2 permit, and a binding site plan for the creation of more than 50 lots would be a Level 3. Is everybody familiar with the difference between Level 1, Level 2, and Level 3? So Level 1 is typically an administrative decision, you know, that allows for staff to make that decision. The standards are fairly clear and objection. A Level 2 decision, there's typically some discretion or potential for impacts. In this case, I think it would be classified as a potential for impacts to adjacent users. And so it's a process that has notice and a staff level decision is issued. And then a type 3, I think – again, based on the threshold of numbers – has the potential again to impact adjacent folks or raise concern, and so notice is provided and a public hearing is convened by our hearings examiner, who ultimately will issue that decision. So the Level 1 and Level 2 decisions are issued by staff. The Level 3 decisions are issued by our hearing examiner. The Level 1 and 2 are – Level 2, rather, is appealable to the hearings examiner and the Level 3 is appealable as well.

These are the actual requirements. A binding site plan shall ensure that the collective proposals function as one site with respect to, but not limited to, lot access, interior circulation, open space, landscaping, drainage facilities, facility maintenance, and parking. So the intent there is to make sure that as you're approving it everything functions properly, emergency service vehicles are able to get in and out, customers and employees are able to get in and out of these sites safely and efficiently.

A binding site plan shall meet the requirements outlined in SCC 14.16 and 14.18.000(5). So 14.16 is our general zoning standards, so that's where we have all of our different zone and all the specific standards that apply to each zone. So we're saying here you still have to meet all the standards in the zone, and then 14.18.000(5) is the general land division standards. So it'd be the general criteria that a regular land division would be reviewed upon. You still need to address those criteria as part of a binding site plan application as well.

The fourth bullet talks about if a previous approved site plan is submitted for approval the conditions/limitations imposed by the Administrative Official may include any conditions (and) limitations contained in the previously approved site plan. And so that is basically saying if you're applying for more than one permit you can go ahead and include those conditions of approval and issues from the other permit collectively along with the binding site plan.

When a binding site plan is considered alongside with another land development application, the Administrative Official will join all conditions and limitations imposed on the concurrent application into the building site plan.

And as I'm going through the code, you are more than welcome, as the Chair allows, to interrupt me and ask questions. I know sometimes this is about as exciting as watching paint dry, but I do think it's important that you kind of understand the concepts.

So approval requirements: A binding site plan shall contain applicable attachments setting out limitations/conditions (to) which the plan is subject, including any applicable final dedications of property or containing a provision requiring that any development of the site shall conform with the approved plan. So if we need a right-of-way dedication there, that would be in there and that would be reflected on the binding site plan. So if they came in for the tentative approval of their binding site plan, we require as a condition of approval a five-foot dedication. When they came in to record that final binding site plan, that should reflect that five-foot dedication. It should no longer be part of it.

Administrative official may authorize sharing of open space, parking access and other improvements among contiguous properties subject to the site plan. So, again, it kind of talks – that was in the Intent section as well, but it's in here in Approval as well.

Conditions of use, maintenance, and restrictions on redevelopment of shared open space, parking, access, and other improvements will be identified on the binding site plan and enforced by covenants, easements, and other mechanisms. So that provides the folks that are tenants of the individual lots within the binding site plan assurance that things are going to be maintained accurately, and if there's any changes to landscaping and things like that that's consistent with what the vision for the whole development was. So that would keep a new tenant potentially from coming in on one of the sites and maybe painting a bright pink building when everything else is, say, beige, and putting pink flamingoes out in the landscaping. So it's a provision to allow for that protection.

So this is one of the ways that a binding site plan is different than a traditional land division. Like I said, a traditional land division is actually finished with the plat and the plat is recorded through the County. This does require recording, and the applicant records the approved binding site plan with a record of survey. So as part of the record of survey, it's recorded.

All required improvements are completed prior to recording. That's a decision that we made. So that means if you are required to, say, make an intersection improvement because of the traffic

impacts on your site that intersection improvement would have to actually be completed and accepted by the County before they allowed you to record the binding site plan. And that, of course, would hold you up from being able to sell those individual properties to different people.

When not required, the applicable record of survey shall be shown in the binding site plan when recorded. That basically says that when it's not required it's still going to be recorded in there and shown in there anyway. It's a little redundant.

And then prior to recording the approved plan, it shall be surveyed and the final recording shall be prepared by a professional land surveyor licensed in Washington state. So that's to make sure that everything is measured accurately, accurately reflects reality, and there is some liability insurance with the surveyor to that effect.

And, of course, we can't do anything that RCW 58.17.500 doesn't allow us to do. But as I mentioned earlier, it doesn't provide a lot of guidance or limitations in terms of what we can or can't do. It doesn't allow us to use binding site plans for residential uses so we wouldn't be able to do that if we wanted to. That'd be an example.

Site improvements required prior to approval of a building permit: So, again, if your binding site plan was predicated on providing landscaping – things like that – or specific site improvements, that would be required prior to getting your building permit approved. All public/private site improvements required by the approved site plan must be completed prior to issuing the first permit for the site. And when we're talking about building permit, we're talking about the building permit to occupy the actual building. We're obviously not talking about any permits you need to complete the improvements on the site. Those would be allowed. And the administrative official may condition the completion of such improvements pursuant to an approved phasing plan. So if you were doing one of these larger ones, say, where you have 50 lots, they could go through and they could phase that and they could say prior to, you know, the first six being recorded you need to have these improvements done. So they could break it up so it is in digestible pieces.

Alterations of approved binding site plans: So if you have an approved binding site plan, this section of the code tells you how you can go through and alter and amend that approved binding site plan. So you submit a proposed alteration. It must be shown on a new site plan and be accompanied by a letter of an explanation. So we're saying, Okay, what do you want to change? And explain to us why you want to change that and how that meets the code. Major changes must be processed under the same process as the original permit. So if it was a Level 2 decision and this is a significant change, it would still be required to be completed under a Level 2. Minor alterations will be processed as a Level 1 permit. A minor alteration may be something like converting some parking, changing some landscaping, maybe adding a small addition onto an existing structure. Binding site plans may be altered if the original intent of the recorded binding site plan has not been altered and potential impacts are mitigated. So that allows you to go ahead and make changes as long as you're mitigating the impacts of those proposed changes.

How do you get rid of a binding site plan if you've got it on your property? And so vacation of a recorded binding site plan? Vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, rules, and conditions as required for a new binding site plan application as set forth in this chapter. A binding site plan shall be vacated as a whole only. So if you've got a binding site plan that approved three lots, you can't just vacate one of those lots. You have to go through and vacate all three of them. If a building permit or commercial site development permit which accompanies a binding site plan expires without construction, then

the binding site plan shall be considered vacated unless Planning and Development Services determines that the expiration is consistent with the approved binding site plan.

So that's the general process. You guys want to run out and apply for some binding site plans?

Vice Chair Mitchell: Sounds exciting!

Mr. Cerbone: Okay. So PDS is proposing to exempt certain zones from these standards. Right? So binding site plans *shall* be required for any commercial or industrial development that involves two or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure. So that's the section that we had highlighted in blue earlier. And what they're proposing to do, which we don't have in here – oh, no, it is right there; I'm sorry. The section is hindering the ability for economic development, as I explained, allowing for incubator businesses. The specific zones they would like to preclude from this requirement are the BR-LI, so that's Light Industrial; and then Heavy Industrial zone; the AVR; and the AVR-L. The thought was that specifically in these zones the incubator-type businesses are hindered by the requirement they have to go through – the binding site plan process – and staff would like to look at removing that requirement. They don't want to remove that requirement wholesale for the entire county. They do want to do it specifically there. I look at it as kind of a – you know, a pilot project. But they think this is something that will allow the development and occupation of buildings and foster economic development in and around the airport.

So that's what I know, so now you know what I know. What do you need to know the next time I come back with this information?

Chair Raschko: Any questions? Go ahead.

Vice Chair Mitchell: Basic question. So this is saying that this would be required for all but these types of zones – the BR-LI, high industrial – it would be *required* to do this?

Mr. Cerbone: Mm-hmm. So right now that phrase that is shown in italics is what is required and it's required for all zones. And what this proposal would do would remove that requirement in these specific zones. These specific zones would not be subject to that. If they *wanted* to use a binding site plan they still could, but they wouldn't be *required* to.

Commissioner Del Vecchio: What would that then look like? I guess I'm trying to figure out still what the point of the binding site plan that we would then be losing if we remove that requirement.

Mr. Cerbone: Well, I'm not quite sure, to be perfectly honest with you. It wouldn't require them to go through if they were going to create two or more leases or transfers of ownership. And my guess is – and I'll definitely get you a better explanation. I will get you the right one. But I'm going to guess that right now if you want to own a piece of property and lease these specific areas out you have to go through a binding site plan process. So this would allow you to still lease out those specific areas without going through a binding site plan process. But I'm not positive and I'm going to go back and get you the correct answer.

Commissioner Del Vecchio: I'm still trying to get my head around this. I haven't dealt with binding site plans directly, Michael, so I'm still – I have these very elemental questions that I feel a little silly asking.

Mr. Cerbone: No, no, no. If *you* have the question I'm sure at least one other person up here has it and most of the community does.

Commissioner Del Vecchio: So right now if you have a property owner with, say, three buildings on their property that they want to lease to three different entities – people wherever – they want three different leases, one for each of these buildings that are already constructed and already on their property and I'm assuming already have access and all that. They, in order to lease to more than two people, have to go through a binding site plan?

Mr. Cerbone: I think it goes back to before the buildings are built, because if they have those buildings right now, per our code, they already have a binding site plan.

Commissioner Del Vecchio: Okay, so the binding site plan –

Mr. Cerbone: So I think it's for vacant lands development.

Commissioner Del Vecchio: Okay, so they're building lands.

Mr. Cerbone: Yeah. ___ green field. So for green field vacant development.

Commissioner Del Vecchio: Okay. So they are needing the site plan before they construct the buildings that they are then intending to lease out.

Mr. Cerbone: Yes. That is how I understand it.

Commissioner Del Vecchio: And so what happens where they initially they start off using all of these buildings themselves and then their business – and that was the intent and they didn't need a binding site plan, and then they downsized and now they have two vacant buildings. Have they bypassed the requirement for the binding site plan or do they have to go back and do a binding site plan because they're now leasing out?

Mr. Cerbone: If they're altering the binding site plan and the binding site plan is not just the physical development, it's the use as well.

Commissioner Del Vecchio: Right.

Mr. Cerbone: So if they're altering that then they would have to go back and amend it. So my guess is it's both of the things that you and I said.

Commissioner Del Vecchio: Would they have had to go through a binding site plan process if they were building – if they were – if those buildings were constructed for their sole use?

Mr. Cerbone: No. I mean, if you were – if you had a single property and you were going to build a manufacturing facility on that property, then you're a single user and you don't fall into this because it's two or more leases or transfers of ownership.

Commissioner Del Vecchio: Right. So then – so there's not a binding site plan in that case to amend. There's not a binding site plan at all because you never intended – your intent was to use it yourself.

Mr. Cerbone: So I think it's –

Commissioner Del Vecchio: Is that kind of what's going on? I mean, I'm wondering if that's what's going on right now.

Mr. Cerbone: So I think it is. And think about this in terms of, like, a light industrial park or – it's probably easier to think about it in terms of, like, a commercial development, right? So, you know, your typical large format retailer, you know, you're going to have, like, a Target or something on the site. And what you see now is you have these additional users that kind of anchor the front of that. So you may have a Dairy Queen and an Arby's in front of your Target, right? And so we would require that if – we would require that to go through a binding site plan if there were going to be the different leased – those three different lease areas because there's three different entities.

Commissioner Del Vecchio: Right. Okay.

Mr. Cerbone: And so in these specific zones it would allow them to – it would allow them to build spec buildings, so they would be able to build the building and then find a user and fill it later. And I think that's the crux of the issue, where right now if they want to build the building they need to know what the user is and go through and identify all that.

Commissioner Del Vecchio: Right.

Mr. Cerbone: But I will double-check with our current planning manager, Brandon Black, and make sure that we can come back to you with a more eloquent explanation of exactly why it is. But I believe that is why. And then if there's a binding site plan there, as we saw, when you go through the code, whenever you're amending you go through that same process again. And so that was creating difficulty for constructing spec buildings out by the airport.

Commissioner Del Vecchio: Can I – so, again, I'm going to add to your list here.

Mr. Cerbone: Yeah. No, no, no, ___. Yeah.

Commissioner Del Vecchio: So there was earlier in your presentation here it was talking about the creation of additional lots. So you can create additional lots through the binding site plan as well?

Mr. Cerbone: That is – that's the intent. Yeah, the binding site plan allows you to create additional lots.

Commissioner Del Vecchio: So this applies to either if you're creating lots, and then I'm wondering: how are we different than a short plat?

Mr. Cerbone: So a short plat, you can do that. So you can go through a short plat process and create that and that's separate. The binding site plan was, I believe, intended to be something that was a little more nimble than, like, a short plat or, you know, a medium plat or a long plat. It was intended to be something that was a little more easier to get approved. But the way we have this drafted is that if you're leasing spaces then you have to go through a binding site plan. And I think the crux is they want that flexibility to not have to do that. Certainly if they're creating areas for conveyance. Like, if they want to sell stuff they have to do either a binding site plan or a plat. They have to create that discrete lot so that that could be transferred. But the way I read this and understand it is if you want to allow multiple leases on a commercial or industrial zoned property, you then have to actually record a binding site plan.

Commissioner Del Vecchio: So removing this requirement then would make it easier for leasing.

Mr. Cerbone: Yes.

Commissioner Del Vecchio: It would provide more flexibility for the leasing of the buildings on a single property or a contiguous properties or whatever.

Mr. Cerbone: I believe so, but I reserve the right to be completely wrong and bring you the correct answer.

Commissioner Del Vecchio: Yeah. No, that's alright. I just want to make sure I'm at least grasping *something* here.

Mr. Cerbone: Yeah, yeah.

Commissioner Del Vecchio: So it makes it more flexibility for leases but maybe a little more difficult for the creation of additional lots, because if this doesn't exist then they're having to go through the other plat.

Mr. Cerbone: Oh, so this doesn't remove the ability to use the binding site plan for these zones. It removes the mandate to do that. It still allows the flexibility to use the binding site plan process if they want to.

Commissioner Del Vecchio: Okay.

Mr. Cerbone: And it still allows them the flexibility to utilize a traditional plat process as well. But it would allow them to do leases without doing that.

Commissioner Axthelm: I would caution against it because, to me – you – it enables you to plan for the future and it kind of forces a plan for the future with the binding site plan. Where like you have the short plat, you don't clearly have to have everything in there and have the full plan. But with a binding site plan, I've seen it has to have the roads, it has to have utilities. It's designed out.

Mr. Cerbone: Yeah.

Commissioner Axthelm: And that makes sense, because how many of these subdivisions or commercial developments you see that are just kind of dotted all over but don't have the plan for everything and it just – the roads. It's a planning mess. So I think the binding site plan really, when you have two or more lots, just like a residence when you have to – when you put a residence in, they have so many lots. You have to have a road. There're certain requirements.

Mr. Cerbone: True.

Commissioner Axthelm: To me, I think those requirements should also be there for commercial properties.

Mr. Cerbone: Is everybody understanding what Commissioner Axthelm's saying?

Chair Raschko: Yeah.

Mr. Cerbone: Because it really is part of the picture. That is definitely a very concise description of the counterpoint for the amendment.

Commissioner Axthelm: Because taking out that requirement would then allow – yeah, it allows more flexibility but you don't have that plan for the future and so....

Chair Raschko: Okay, Hollie, are you satisfied?

Commissioner Del Vecchio: The binding site plan process, I mean, is it really that onerous that it's – why is it holding things like this up? If it's designed to be – I was just wondering if – are we really addressing the problem here? Because it does come at a huge tradeoff that was just explained. That's – as a planner, I _____ with that. So why are we needing to provide that big tradeoff? Is there something about the system that actually needs to be fixed rather than just doing away with the system as a whole?

Mr. Cerbone: I can tell you that state law doesn't require commercial and industrial to go through this process. It was a decision that Skagit County made. Because that was the first thing we did while we were researching this, was we went back and we looked at state law and we said, Well, if we make this amendment is that going to make us inconsistent with state law?

Commissioner Del Vecchio: My concern – I mean, there's a lot of stuff going on throughout the rest of the state that – really – I don't want to mimic.

(laughter)

Mr. Cerbone: Sure, sure.

Commissioner Del Vecchio: Just because the rest of the state's doing it –

Mr. Cerbone: No, I completely understand what you're communicating. So I think what we'll do – so we're going to do some more research on this. I think what we'll do is A, we'll go back and we'll look at the original ordinance that was adopted to create the binding site plan process here and we'll see what we can learn from the ordinance. And maybe if there's tapes available from the hearings – I don't recall the exact year when we adopted this locally, but we'll go back and try and understand why the County made the decision to have this language the way it is. But I'm going to guess when I go back and look, what Commissioner Axthelm communicated is exactly probably why they made that decision, because they were concerned about how these types of developments were occurring and they wanted to make sure that they were well thought out. And the reason why I think it's that way is because when you look at the beginning of the code section it essentially – it leaves us breadcrumbs there to say: This is why we're doing this. And so I think he connected the dots well there. But I'll go back and I'll take a look, and I will also personally give the person who is having the issues – the developer – I will give him a call to better understand what his concerns are so I can articulate those better. I'll also invite Brandon to come out and chat with us as well, but I have a feeling I'll probably be able to understand the information and convey it to you the next time we meet. Are there other items?

Vice Chair Mitchell: Tammy.

Commissioner Candler: Yes. So my question has to do with – you described this as certain zones are being exempted and it's sort of a pilot project. My concern, of course, is what some people might call a pilot project other people might refer to as arbitrary action or there might be – are

there any concerns about only applying this to certain zones or – what is the reason for doing it in only certain zones?

Mr. Cerbone: And I'll get more information on that but, again, my understanding is that there was specific proposals in these areas that the current code was hampering the ability to do. But I'll come back and I'll provide you more detail and see if I can – I'll see if I can't get a specific example so that we could look at it and understand, you know, why that is creating practical difficulty.

Commissioner Candler: And I actually have one more question. In terms of – you gave us a lot of examples of what minor alterations would be. Is it defined anywhere or is that –

Mr. Cerbone: I will get you the threshold. Because I did suggest those. Those are not 100% accurate as far as I know. So I'll figure out what the threshold is between a minor and major and I'll make sure I communicate that back to you next time as well.

Commissioner Candler: Okay, thank you.

Mr. Cerbone: But yeah, I would imagine typically if there's a minor and major terminology they usually have a threshold determination between the two. It's not usually just left up to shooting from the hip.

Commissioner Candler: Right.

Mr. Cerbone: Although sometimes it is.

Chair Raschko: Annie?

Commissioner Lohman: My question kind of dovetails on Tammy's, because in all those zones that are listed you've got multiple ownerships, so it isn't just the Port's property. But yet I know that a lot of the incubator business is going on on the Port, but there's multiple owners. So I'm just – is there someplace else in the county besides up on Bayview Ridge where these zones are that – is there more Port property or is it – do we want to limit it just to Port property, or *any* ownership?

Mr. Cerbone: So my understanding is if it is for this it's not specifically a Port property but it may be. So let me dig into that and get some more information on that.

Chair Raschko: Mark?

Commissioner Lundsten: I have a couple background questions. When was the idea of a binding site plan implemented first in this area? Did it come from somewhere else?

Mr. Cerbone: Yeah, it came from state law. And so state law enabled the ability to use this type of process and then what it did is it didn't mandate it on Cities and Counties. It said, Hey, here's a new process that you can utilize, City or County, but you then need to go out and reach out and adopt an ordinance that implements that. And so – let's see. I think it's in here. Sometimes we have in the code little tidbits and breadcrumbs that provide us a clue as to when these were adopted and that's all I'm looking for right now. So it looks like – let's see, it looks like it was originally adopted in 2000. If you're looking here at the code, if you look right above where it says 14.18.600, that last section lists off all the times this section of the code was amended by different

ordinances. So it looks like it was originally enacted in 2000. It was amended sometime in 2007, again in 2009, and then again in 2015.

Commissioner Lundsten: Okay. And was it, like, a shopping center idea from somewhere else that someone came up with?

Mr. Cerbone: I don't know, but when we pull this original ordinance from 2000 we'll get an idea as to whether this specific requirement was in at that point or if it was an afterthought and added at one of these other – 2009 or 2007. So they may have allowed for a binding site plan to be created within the county, and then after a couple of years of utilizing that process they may have decided to provide the limitation that's the subject of what we're talking about tonight. So we'll find out where that got inserted. And based on the age of this, I would say there's probably pretty good records for us to understand not only when it got inserted but, you know, what the context was around *why* it was inserted, which I think would be pretty important for you guys to know.

Commissioner Lundsten: It seems to me like it would be a natural for – vertical integration, if you will, for a developer to roll everything into one and standardize certain things and then it'd be simpler for the planning purposes – less repetition. So I just wondered: What was the impetus?

Mr. Cerbone: Yeah. Yeah, yeah and, you know, and I think what Commissioner Axthelm communicated was, yeah, we've probably all – in Washington, especially outside of the Pacific Northwest – driven into commercial developments that make absolutely no sense that should be interconnected – right? Like, you should be able to get from the car wash to the Target, but there's, like, practical difficulty in doing that. And so that's – I think that's what he communicated, you know: This is the flip side of pulling this away. Because right now it *requires* you to go through and pay attention to all these things and do that. Delaware is the place that I think of when I think of poor connectivity landscaping and – yeah. So when I was listening to what Commissioner Axthelm was describing I was effectually thinking of Delaware. But that may not be a good one for folks here. Arizona is another good example of where they have these kind of commercial cul-de-sacs in their developments, depending on what city you're in.

Chair Raschko: Okay, any more thoughts or questions on C-3? Kathy?

Vice Chair Mitchell: Okay. So we've been through so much for my pea head. Could you distill down what they're wanting us to do – one more time?

Mr. Cerbone: Yeah. So the specific request again came from the current planning section. It was from an interaction with the developer out by the airport. And what they're wanting to do is remove the mandate or the requirement that if you are going to have more than two lease areas that you have to utilize a binding site plan process. And what that binding site plan process does is make you coordinate all of the development. But I think a traditional site plan, if it was developed all at once, would also make you do that. But I'm going to get you some more information and bring that back to you.

Vice Chair Mitchell: Thank you.

Chair Raschko: Okay. That will conclude that. Thank you very much.

Mr. Cerbone: I know I'm successful when the Planning Commissioners are smiling.

Chair Raschko: Great discussion. So we'll go to a Department Update, please.

Mr. Cerbone: Yeah. I was looking for an update but it does not look like Hal sent me one. Well, I can give you a minor update. We have some departures at the County. We've had a few folks in our stormwater program have left and so we are in the process of replacing those and posting those positions. We found out recently that our compliance officer is also leaving. So today was actually his last day so that position is posted and we're trying to fill that position. Aside from that, it is July. July is the fabulous month at the end of which that people have to submit their applications for next year's docket. That is a little surreal for me because we're just kind of starting, but part of that is because it took me a while to get here, and I apologize for that. So as far as I know, I have, you know, one request for a code amendment so far. I have talked to a person – a group of people – that would like to see the County adopt Complete Communities – Fully Contained Communities. Thank you. That is another provision in Washington state law that allows for the development of fully contained communities outside urban growth areas. So there's a provision in state law that allows us to adopt that and so these folks would like us to consider adopting that provision and putting a process in place so that they can navigate it. So far, that's what I know is coming down the pike for next year, but I won't know for certain until the last day of July at 4 p.m., because that's the deadline for submitting docket items.

So that would be my update. Is there anything that you guys are curious about that I can research and bring back to you? Or do you have any questions that you'd like me to figure out?

Commissioner Del Vecchio: I think we've given you quite a bit.

Mr. Cerbone: Well, ____ these two gentlemen ____!

Chair Raschko: Okay. Thank you.

Mr. Cerbone: Thank *you*.

Chair Raschko: Okay, Planning Commissioner Comments and Announcements. Should we start at this end? Do you have anything, Mark?

Commissioner Lundsten: I only have an addition to what you were talking about, and that is that – you know, a question. Have you considered, due to your circumstances and the – Ryan and Kathy have not been replaced, as I understand. Is that right?

Mr. Cerbone: Mm-hmm. Or no! I'm sorry. Kathy was replaced. Kim started on Monday so she's two days in. She's still drinking from the fire hose. So she has started. We've all enjoyed working with her so far. And then we also do have a backup receptionist who has started and her name is Deepti. So she is also training. So if you come in during the week you'll see Lori, who you typically see out there, and Deepti will be out there with here and so she is also training to learn the position. But Ryan's position has not been filled.

(a few unintelligible or inaudible comments)

Commissioner Lundsten: Given that situation, I'm just wondering if the Department or the Board have considered bumping back the time for the submission of proposals for the next year's docket. You know, till October or something like that.

Mr. Cerbone: So we have not. I have read the procedures and it doesn't necessarily prescribe a specific timeline for what we do after the deadline for submitting. So I'm going to try my best to

make lemonade and move this current docket forward and provide the support that's necessary for the Board to make decisions about the upcoming docket. And, you know, I think probably where things are going to slip – I'm not sure if everybody's familiar with what my position does, but I do manage the docket and then I do manage the work program, which is separate from the docket. And so my guess is some of those items that would typically get taken care of on the work program may not get taken care of as quickly because we are going to focus on the docket. Or at least that's what I'm planning to do until somebody tells me differently.

Vice Chair Mitchell: Since you mentioned the work program, could you make sure that every time the work program comes around we know what it is?

Mr. Cerbone: Yeah.

Vice Chair Mitchell: For the future. We used to always look for it in November, December-ish and sometimes it would be there, sometimes it wasn't. And you go back in the archives, it's really hard to find those tidbits.

Mr. Cerbone: How have you as a board typically interfaced with the work program? Is that something where the senior planner brought that before you to share it with you, to comment on? What was the typical – or you were just provided notice of it?

Vice Chair Mitchell: It was more or less – unless it was different in the past – more or less just on individual curiosity. The thing is is that oftentimes the work program stuff will come to us and it's –

Mr. Cerbone: Oh, yeah – no, a lot of the work plan stuff comes through you, right?

Vice Chair Mitchell: Right.

Mr. Cerbone: So state law requires that we process Comprehensive Plan amendments once. They have to be collective. We can only do them once per year. We could do development code text amendments throughout the year. And so most of those work program items are development code text amendments. Or, you know, they're more, you know, area-type planning projects where it would go through a public process and eventually, if that was to become part of the Comprehensive Plan – yeah, I would say most of those projects that are on the work plan, unless it deals with some sort of administrative policy or something like that that's used to implement the code, would come before you guys. So I can definitely – when we get the work program finalized – I can provide you a 20-minute update on it and answer questions about it, if that's okay.

Vice Chair Mitchell: Super. That would be helpful because oftentimes, believe it or not – because you guys do a million things; we know that – oftentimes we – it's not that we get blindsided; we just don't know what's coming up.

Mr. Cerbone: Sure, sure. And sometimes things that were proposed for the docket get deferred and thrown into the work program.

Vice Chair Mitchell: Right.

Mr. Cerbone: Yeah. We cannot change any – we cannot do anything legislative at the County without going through this board first. It's very specific in the code in the Procedures section. You guys review all of those and make a formal recommendation to the Board before they issue their decision. Very straightforward.

Chair Raschko: Okay. Anything, Hollie?

Commissioner Del Vecchio: Oh, no. I'm good. Thank you, though.

Chair Raschko: Tammy?

Commissioner Candler: No.

Chair Raschko: Everybody satisfied?

Vice Chair Mitchell: I think we're good.

Chair Raschko: Okay, then stand adjourned. Thank you.

Vice Chair Mitchell: Thank you.

(gavel)