

**Skagit County Board of County Commissioners**  
**Adoption: 2021 Planning Docket**  
**April 25, 2022**

**Commissioners:**     **Ron Wesen (District 1)**  
                              **Peter Browning (District 2) – Chair**  
                              **Lisa Janicki (District 3)**

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

Chair Peter Browning: (gavel) Good morning. I'm Chair Browning. It's 10:30 on Monday, April 25<sup>th</sup>, and I'd like to reconvene the Board of County Commissioners. Before we begin, please rise and join us in a salute to the flag.

(All recite the Pledge of Allegiance.)

Chair Browning: Okay, thank you. All right, we're here with the Planning and Development Services and this is about a Discussion and Possible Action: Adoption of the 2021 Docket of Comprehensive Plan Use, Zoning Map, and Policy Amendments. And so thank you. Peter?

Peter Gill: Good morning, Commissioners. My name is Peter Gill. I'm with Planning and Development Services. Today we are here to talk about the 2021 docket, and this is the third meeting on adoption of the docket. The first meeting was on March 28<sup>th</sup> and we focused then on the Planning Commission recommendations on each of the 12 petitions. The second meeting was on the 15<sup>th</sup> where we discussed accessory dwelling units and the public notification requirements for mineral resource activities. And so today I'd like to discuss the ordinance that was provided to you and what is in that ordinance for potential adoption, if you all are ready.

The last thing I would say is we did let petitioners know and the Planning Commissioner know that we're discussing this today. So it is all out there and available on our website that is shown here on the screen. It's [skagitcounty.net/2021cpa](http://skagitcounty.net/2021cpa).

So I am going to go through each of the petitions, not in detail, just what is in the ordinance that you'll be considering today.

For approval, consistent with what the Planning Commission recommended, is PL19-0419 regarding the Nielsen Brothers Map Amendment and Rezone.

LR20-22, Small Scale Business Zone Use Modifications.

LR21-04, Agricultural Processing Facilities in the Bayview Ridge Light Industrial Zone.

C21-1, 2020 Comprehensive Parks and Recreation Plan.

C21-3, Hamilton Zoning and Comprehensive Plan Amendment.

C21-4, Front Setback Reduction in Bayview Ridge Residential.

And C21-5, Removal of Pre-Application Requirement.

And these in the ordinance are set up for approval consistent with the Planning Commission recommendation.

Also consistent with what the Planning Commission recommended are R21-02, which is Clarify the Conservation and Reserve Development Function. This was recommended for denial. The second one that was recommended for denial is C21-2, which is the SEPA Determination Review Timing. And the last two petitions we discussed in some length last meeting, which is LR20-05, which is a Public Notice for Mineral Resource Extraction Activities. And what has been attached with your ordinance is an amendment that would require public notice within 1320 feet of all the subject property lines for new mineral resource activity. And that is in Attachment 3 of the ordinance and it is described on Page 2 of the ordinance under Section 3.

And the last one is regarding LR20-07, Accessory Dwelling Unit Amendments. And what is in your ordinance would amend 14.16.710, Accessory Dwelling Units, to remove the additional sizing criteria that limit the ADU to 50% of the primary residential unit. This does not change the max size from the 900 square feet, which is the current size for new and existing structures. This is also included as Attachment 3 in the ordinance. It is described under Section 4 of Page 2.

And that is all the petitions that were considered for 2021 docket. Thanks for your support over the last year as we moved through these and all your interest in the different petitions.

Chair Browning: Thank *you* for keeping us updated throughout the whole process and keeping us engaged. For me it's the first time I've been involved in this and it was really good, so I really do appreciate the discussion – the very thoughtful discussion – and the community involvement. It's been very good. And I think a tremendous job of working with the Planning Commission, because I think that that could be – some strong personalities and they're very good, great people to have in working on our community but you managed that group well so I appreciate that a lot.

Mr. Gill: Thank you.

Commissioner Lisa Janicki: Peter, I too appreciate the process. I think it's been very open and the Department's been very responsive to the various concerns, and I think we found some good middle ground in bringing these forward. I was contacted last week about the ADU size limitation of 900 square feet, since the Planning Commission had recommended 1200 square feet. But I consider myself more informed because of the conversations we've had here in the hearing room about impacts on septic and water, you know, relative size to what's already existing in just appearance, and then the whole concept of additional garages or other outbuildings that would also be allowed and what that does for the visual landscape. And so I appreciate the recommendation from staff that we keep the ADUs at 900 but get rid of that 50% rule. So I think that is just one example where we hit some middle ground so thank you.

Commissioner Ron Wesen: I also want to thank you and the Planning Commission – all the time and effort – and Jenn, all your work on this. They spent an awful lot of time and you had to do the work between meetings and make sure the information was gathered and put in the new plans. I generally accept what the Planning Commission wants because they've gone through a lot of things – a lot of different public hearings – so I definitely agree with all the things they've brought up. The two areas that staff is recommending different than the Planning Commission is a mineral

resource overlay area. And staff is recommending the 1320 feet, the quarter-mile, which is the same as our restrictions on the title. So people living in that area already know that's going to happen, so I'm in favor of doing that.

The other one is the ADUs, changing that from removing the 50%. I think that makes sense. But I'm going to differ from Commissioner Janicki. I think the 1200 feet is acceptable in the rural areas and so I would like to do the 1200 feet on the interior square footage of the home. And one of the things that Jack Moore brought up on the modular units – it's very difficult to get a doublewide to 900 square feet. You've got to special order it and so forth. And looking at the long modular units, you've got a hallway to get all the different rooms and so you really are compacting it all down. So that's one of the concerns I have. We definitely have a housing issue in Skagit County. And the septic systems are all based on bedrooms, and so when you get your permit it's how many bedrooms you have in your building and so that's how they size the septic system. We had a nice little email from one of the Planning Commission members, and one of the things that he brought up was when you design your new building first you (decide) how many bedrooms you want and then you go from there. And if you added from 900 to 300, you're just adding a little bit to the rooms, is what he pointed out, and I believe that's true because, you know, 300-square-foot bedrooms are really small and then you put in the halls and everything it's hard to make it all fit in there. So that's what I would recommend.

Commissioner Janicki: You're the tiebreaker (laughs)!

Chair Browning: I know what I want. I mean, I just – I'm very comfortable with Commissioner Wesen's stance. It's still a small place and the point about the bedrooms is absolutely true. We design around bedrooms and the number of people using the septic system. So I would be comfortable with that to keep from special ordering. And that was a pretty compelling letter from the Planning Commissioner about just not being able to get a doublewide, which will be part of the landscape for the ADUs, that getting one down to 900 square feet's pretty difficult. So I would agree with Commissioner Wesen on this.

Mr. Gill: Okay.

Chair Browning: I'm still concerned about the ancillary add-on buildings – the garages and all the other things. That part bothers me almost more than the size of the house – making sure that we don't just create an opportunity to put in an extra building that all of a sudden becomes a place for people to sleep instead of its apparent design of being \_\_\_. So that part I really feel pretty strongly about because that becomes the deceptive add-on that we don't want.

Commissioner Janicki: It is true. In my way of thinking I thought the garage eventually becomes that additional sleeping space. I have just seen that happen in so many instances so, yeah, that was part of my calculation too.

Chair Browning: So that is my concern, that if we could keep it all very obvious and above-board and keep a very close eye out on those garages that mysteriously turn into an added room, which does bump it up to a 15, 1600 square-foot and that's way more than what the intent is.

Mr. Gill: Right. That's right. And it would be still, you know. It would still have to adhere to the 1200 feet, and if there were a larger garage it would still have to be cordoned off from the living space, just at 1200 instead of 900.

Chair Browning: So I would agree with Commissioner Wesen as long as we are very aware of that being the deceptive way to get more size.

Mr. Gill: And if you all do want to go that way, we can – when you make your motion, you would strike Section 4 and change it from Attachment 3 to Attachment 2, because that's the Planning Commission recommendation.

Chair Browning: Okay. All right.

Commissioner Wesen: So I would move to approve the ordinance adopting 2021 amendments to the Comprehensive Plan, zoning map, and development regulations with the following amendment to have Attachment 2 instead of Attachment 3. Really what I'm only changing from the staff recommendation is the 900 to 1200. So it's still going to be the 1320 on the notice for the mineral overlay?

Mr. Gill: Yes. Yes. And that's in Section 4 of the ordinance. So if you look at Section 4, that's where you're going from Attachment 3 to Attachment 2.

Commissioner Janicki: I'm going to second that motion. And Chair, the work that's been done here is too robust to – it's important. I want to be able to vote for this docket and in the worlds of thumbs up or thumbs down, this is an I-can-live-with-it, so in that spirit I'm going to second that motion.

Chair Browning: Thank you. It's been moved and seconded to approve this with the section using Attachment 2 instead of Attachment 3. So all in favor, say "aye."

Commissioners Wesen and Janicki: Aye.

Chair Browning: Aye. And none opposed, so thank you very much. The ordinance passes and we now have a docket that's completed.

Mr. Gill: And we can go on to the 2022 docket in a couple hours here.

Chair Browning: Okay, good!

Commissioner Wesen: One question I have is some people have asked me, How soon does this take effect?

Mr. Gill: Once it's signed, unless the attorneys want to tell me otherwise.

Commissioner Janicki: That's a good caveat! Director Hart joined us late. I don't know if Hal has anything else he wanted to add to –

Director Hal Hart: Commissioners, no. The only thing I have to add is I think the staff did a great job on this one and I'm commending both Jenn and Peter for their hard work. Thank you.

Commissioner Wesen: I don't know – Peter, is this your last time you're going to be in front of us?

Mr. Gill: You'll see me at 1 today.

Commissioner Wesen: At 1 today. Okay, we'll talk about it at 1 then.

Chair Browning: All right, well, we can adjourn this meeting now and we will be back at one o'clock. Thank you very much. Again, a great job from you guys. (gavel)