

Skagit County Board of County Commissioners
Public Hearing: 2022 Docket Proposals
May 24, 2022

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

Amber Erps, Clerk of the Board

PDS Staff: **Hal Hart, Director**
 Jenn Rogers, Assistant Long Range Planner

Public Hearing
Commenters:

John Ravnik, Civil Engineer (LR22-01)
Marlies Slostad (LR22-01)
Bill Sygitowicz (LR22-02)
Conrad Kurp (LR22-02)
Greg Ellis, Holistic Development and Consulting, LLC (LR22-02)
Tony Harrah (LR22-02)
Patrick Donnelly (LR22-02)
Mary Ruth Holder (LR22-02)
Glenn Johnson (LR22-02, LR22-04, LR22-05)
Beverly Faxon (LR22-02)
Harvey Moyer (LR22-03)
Hal Rooks, Guemes Island Planning Advisory Committee (LR22-04)
Tony Wisdom (LR22-05)
Mark Madden (C22-3)
Michael Brown (for Allen Bush, GIPAC) (C22-3)
Forrest Nelson (C22-3)

Acting Chair Ron Wesen: (gavel) Good morning. I'd like to call this session of the Skagit County Commissioners to order. This is May 24th, a little after ten o'clock in the morning. We are here for a public hearing dealing with our 2022 Docket Proposals. I will read an opening statement.

The purpose of this hearing is to receive testimony on the petitions received to consider, including deferring or excluding on the 2022 docket for the proposed Comprehensive Plan, Map, or Code Amendments. The County has received five public petitions and suggestions for the Comprehensive Plan Policy, Map, or Code Amendments. Another three amendments have been proposed by the County. Skagit County Code 14.08.040(3) requires the Board to hold a public hearing (and) written comment period to establish the annual docket. We have a signup list for those who wish to testify today and there will be an opportunity at the end of the hearing for those who wish to testify but did not sign up to speak. Please limit your comments to three minutes so that everyone will have a chance to speak. Before you testify, please clearly state your name, spelling your last name, and the town or city where you reside.

The written comment period will remain open until Thursday, May 26th, at 4:30 p.m. Written comments are encouraged and are not limited to a length or on the number of issues that you

may address. Written comments must be submitted to the Planning and Development Services Department, preferably by email. Address will be on the screen. Skagit County Board of Commissioners is scheduled to meet on June 14th at 11 a.m. to decide which items to include in the 2022 docket. Thank you for taking the time to participate, and we will begin the hearing and hearing testimony in the order of which petitions are listed in the staff report.

Director Hart, do you have anything else to comment?

Hal Hart: No, sir. Jenn will give the balance of the report.

Jenn Rogers: Thank you, Commissioners. I just have a few slides to run through before we start taking public testimony. Again, my name is Jenn Rogers and I'm an assistant long-range planner for Planning and Development Services.

The Comprehensive Plan Amendment process is a yearly process whereby citizens and County staff can submit petitions to make changes to the Skagit County Comprehensive Plan and development regulations. Citizen petitions are due by the last business day of July each year for review in the following year by the Board of County Commissioners. As seen on the screen here, we are on the third step of this process, a public hearing. We have had two work sessions so far, one to introduce and explain the petitions on April 25th. The second work session was on May 9th to detail the staff recommendations for docketing of each petition. After today's public hearing, there will be a fourth meeting on June 14th for the Board to deliberate and potentially take actions on which petitions should be docketed.

As a reminder, the docketing process each year begins with an initial review by the County Commissioners. Staff present every petition that has been submitted on time and meets the filing requirements to the Board. There is a public hearing for citizens to provide comment and for the petitioners to speak on their application, and then staff provide recommendations to the Board for docketing.

The Board will then vote to approve which petitions will be included on the docket. Inclusion on the docket is procedural and does not guarantee the petition will be ultimately approved. After the docket is created, the Planning Commission will host multiple work sessions to review the petitions and host the second public hearing. This point of the process is also when there is a more detailed analysis done, including SEPA and a legal review. The Planning Commission will then provide recommendations to the Board on which petitions should be approved or denied, and the Board will then take final actions on which petitions will be finally approved.

We have provided the public and the Board a staff report with recommendations and analysis on each petition. (That) documentation and the applications are on our website at skagitcounty.net/2022cpa.

The Department reviews each petition that is submitted by the following criteria:

- The petition complies with the filing requirements.
- Petitions can be reasonably reviewed by staff this year.
- Proposed amendments would not require additional amendments and is consistent with the County goals and policies.
- Would the proposed amendment be more appropriately addressed through an ongoing or plan work program?

- A legal or procedural flaw would prevent implementation.
- Or if the proposal would lack sufficient information for review.

The public comment period is open for the 2022 Docket. The Department published the Notice of Availability and the staff report on May 8th in the *Skagit Valley Herald* and on our website. The public comment period will be open through this Thursday, May 26th, at 4:30 p.m. And there are three options for providing public comment to us. You can mail a letter to our office here at 1800 Continental Place with your full name and address. You can email us at pdscomments@co.skagit.wa.us. Or you can provide verbal testimony during today's hearing. As always, please include your full name and address in any comments that you provide to us, and including when you stand up to provide verbal testimony.

As for today's hearing, we will be going in the displayed order for petitions. We will start with the citizen proposals and move on to the County proposals. We will introduce each petition and then the speakers who have signed up will be first to provide testimony. And then we will open up the floor for anyone else who would like to speak.

Please remember that your comments must be limited to three minutes – there will be a timer – and to start your testimony by stating your name and spelling it, and your address as well. If you are on mute, please – excuse me. If you're on Zoom, please unmute to signal that you would like to speak. And if you're in person, please come up to the podium where I'm standing to provide your comments. Thank you, Commissioners.

Chair Wesen: And just on the first one, the Small Scale Recreation, the petitioner will give their and the people who signed in ___ petition, and then anybody else can talk on that one?

Ms. Rogers: Correct.

Chair Wesen: And then we'll go on to the next one. So we're going to lump everything together – comments on one thing.

Ms. Rogers: Yes.

Chair Wesen: Very good. Commissioner Janicki, any comments, questions?

Commissioner Lisa Janicki: No.

Chair Wesen: Okay. So we'll start with the first one, is LR22-01, Small Scale Recreation & Tourism Rezone. John Ravnik?

Amber Erps: And I understand the petitioners have five to ten minutes to provide _____.

Ms. Rogers: Amber, for switching this over –

Commissioner Janicki: They switch it in the back.

Chair Wesen: So the petitioner, you have five to ten minutes. The buzzer will sound at two minutes left.

John Ravnik: Very good. Good morning. My name is John Ravnik. I'm a civil engineer with Ravnik and Associates in Burlington, Washington, Post Office Box 361. Ravnik is spelled r,a,v-as-in Victor,n,i,k.

The word "welcome": When you hear that, when somebody says that to you, what does that mean? It's hello, it's come in, it's welcome to my family. Well, Bertelsen Winery has taken the step of wanting to welcome tourists and locals into Skagit County. The application that's been provided is for a Comp Plan amendment from Rural Reserve to Small Scale Recreation and Tourism. The project is located at the east side of Starbird Road just east of Interstate 5 in south Mount Vernon and it consists of approximately 69 acres. Thirty-two acres are located on the north side of Starbird Road and approximately 37 acres are located on the south side. Their business opportunities that they have for locals is right now they have the Bertelsen Winery which is overwhelming with popularity. They have a microbrewery facility on the north side of Starbird Road and they see in their big picture very possibly Doc Bertelsen's General Store. And the microbrewery, they have an area set aside for the growth of hops and the management of bees, which are all assets to their business. And then they have the existing wine venue on the south side which is extremely popular, since I've recently learned.

The property is currently zoned Rural Reserve. There's a reference by staff that nearby zoning are Industrial Forest but those are well over a mile away so there should not be any influence at all.

And this exhibit that I put up right here is not in your book. If it is something that you would like to have included, we have the Secondary Forest green here, in here, and we have an ag Rural Intermediate up in this area and the site is clear down here. So the property is surrounded on all sides for at least mile by Rural Reserve.

The project area is within the Skagit PUD service area, so that's important. And Bertelsen sees that in this business opportunity that they have – they've got a little bit more than 20 employees now. They see upwards of well into 100, 120 employees for the overall program. The little Bertelsen Winery has got 350 members right now, 100 people waiting to get on the list. In the last two years their production has gone from approximately 1500 cases per year to 3000 cases per year, and just to meet their current demand they would have to literally double their production. So this has been an extremely viable business opportunity for their family. I think some of the kids are even involved, which is important for the legacy. And it is a place where people serve – the locals go. And it's amazing the number of touring trips and parties that come from as far as Seattle on the weekends and put the system to its capacity. So obviously being this opportunity is a great business employment opportunity.

On the south side they have the existing venue, which they would be expanding because they want to do some RV or camping sites. There would not be any lodging facilities per se. They want to have a dog park and try to make it an absolute event for people to enjoy their business opportunities.

So on the north side of Starbird Road – and I hope that this is somewhat clear – what they're looking at is an area for the general store. They're looking at a building that's presently permitted and being tenant-improved for a microbrewery. All the rest of the property to the north would be used for hops and bees production. And then on the south side of the site through this area we've got the existing winery, we've got existing grapes, we have expansion of parking and grape production, we've got overnight camping, and then also a dog park. And one of the most popular

events that they have right now at Bertelsen Winery is they're dog-friendly, and they get people from all over Skagit County and surrounding areas that come and enjoy their business here.

If I can take a minute and have Ali Bertelsen hand out a document to you – and I was unaware of this, but this is *Washington Tasting* magazine and Bertelsen Winery is highlighted in that. So I always looked at it as a small, little, intimate winery and it is, but it's also a very, very flourishing business that would provide a real opportunity to Skagit County and the employment. And so hence the request for the amendment from Rural Reserve to Small Scale Tourism and Recreation to accommodate their business desires and to accommodate the expansion of Bertelsen Winery. And if you have any questions, I'd be happy to help.

Chair Wesen: Commissioner Janicki, any questions?

Commissioner Janicki: No questions. I've been there. I know the site. I think we all do. It's always just a conundrum between wanting, you know, I mean, these beautiful places to go and have the weddings, have the gatherings, being able to enjoy the harvest from the land but keep agricultural land productive. And so that's that trade. I mean, I see it at other places in the wineries in Skagit County too. And I just have to tell you that I struggle a little bit with it because once you park RVs on that land it's a conversion. So I am – I love the place, I love the space, I love the entrepreneurial spirit and the tying to the land. I just am – I'm conflicted. So I'll just let you know that upfront.

Chair Wesen: Just thank you very much. And you mentioned there's a PUD service area. What's that mean?

Mr. Ravnik: With the exception of Anacortes and then some satellite water systems – Blanchard Water, Samish ___ Water – PUD serves all of Skagit County. And so it is in an area where if PUD doesn't extend water lines in hopes of people connecting, PUD has developers extend water lines. So it is in an area where if there were business or developers or further development that want it – and there are people that live in this area that have wanted PUD water – then it would be extended through, of course, a development and possibly any type of a state grant or matching funds. And right now they're served by two wells, one that serves the winery, one that serves the microbrewery on the north side. And both of those are permitted installations.

Chair Wesen: Good. Thank you.

Mr. Ravnik: Yes, sir.

Chair Wesen: Is there anybody from the public who'd like to comment on this one? Go ahead and come up and you have – over there where John's standing.

Marlies Slostad: I just have a question.

Chair Wesen: Name and address, please.

Ms. Slostad: My name's Marlies Slostad. I live at 13872 Trumpeter Lane, Mount Vernon, and I just have a question. I've been here a long time in Mount Vernon and in the past I believe they wanted to build some golf courses up there and there was an issue about water source. And the golf courses were denied because of the water source. And so if they're building this, are they going to have to build another well? And how is that going to affect the water source and the ground – I mean, you know, the available water? So that's my only question. Thank you.

Chair Wesen: Thank you. Anybody else from the public?

Ms. Rogers: Commissioner, we do have Ali and Steve Bertelsen on the sign-up list ____.

Chair Wesen: Is there anybody online who would like to comment on this one? Anybody online?

(silence)

Chair Wesen: Not hearing any, we'll move on to the next one then. LR22-02, Fully Contained Communities. Bill?

Bill Sygitowicz: Is it easier speaking into this one?

Chair Wesen: You don't have to touch them. They're __ mics. You just stand your feet on the ground there and –

Mr. Sygitowicz: Well, the popularity of Bertelsen Winery is kind of in support of why I'm here right now. My name is Bill Sygitowicz. That's spelled s,y,g,i,t,o,w,i,c,z. I'm with Skagit Partners and I'm standing in for a land use attorney that could not be here this morning. We're asking you to amend the Countywide Planning Policies and the Skagit County Development Regulations so that sometime in the future Skagit County can accept and discuss an application for a development legally known as a Fully Contained Community. The current Comp Plan states under the GMA mandate heading that, quote, "Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner, and reduce the inappropriate conversion of undeveloped land into sprawling, low density development." The GMA goal is to have 80% of the future population to be in the cities and only 20% to be in the counties. The facts are that that goal hasn't been achieved in the last 22 years, currently placing nearly 30% on small rural acreage parcels that has actually exacerbated the feared, dreaded sprawl. Our proposed amendment would help alleviate that sprawl.

And it's not the responsibility of the planning departments or the City or the County to build homes; however, it *is* their job to provide planning and adequate land for the anticipated future growth. These Cities have failed to do so; hence, the 70/30 split of population versus the 80/20 goal.

And I ask you: Why is it that two of the largest builders in the county are constructing houses and apartments outside of Skagit County? Why is it that another builder can permit, start, finish a huge apartment complex in one city while he's still waiting for issuance of a permit in another city? Yeah, that's Burlington versus Mount Vernon. Why is it that one of the county's largest employers that 80 of their last 100 hires live outside of Skagit County? Each of these 80 people – well-paid individuals – receive their paycheck in Skagit County but go home to spend it someplace else. They buy their groceries, their cars, they eat at restaurants, and they pay their property taxes in a different county, depriving Skagit County of any benefit of their employment here. Why is it that affordable housing isn't available? The answer is just inadequate planning that has stifled developers' ability to fulfill an existing and growing demand. Government's the problem, not the solution. We've heard that before.

Our proposed plan can help reverse that trend. There is, however, a group called NIMBYs, meaning Not In My Back Yard or Don't Build Anything Anywhere group, that's been inundating you with pleas to ban anything that sounds like a Fully Contained Community.

(sound of timer)

Mr. Sygitowicz: There is, however, another new group called “YIMBYs.” It means “Yes In My Back Yard,” like the local Skagit Island County Builders Association that are in support of what we want to do. Here is the one singular fact, though, that you need to know: Our present application is not about a specific project. There’s been no specific project presented, drafted for discussion, so those who proclaim to know what we’re planning on doing are just blowing smoke because we haven’t drafted anything yet.

Per Washington state law, a new fully contained community can legally be built. The law states, quote, “The process of siting a new, fully self-contained community in the rural area with associated provision of urban facilities shall be in conformance with an RCW, the Countywide Planning Policies, and community planning process.” That’s what we’re asking to amend to allow this. We’ve agreed to fully fund an EIS that will factually answer all your questions.

And you’ve kicked this can down the road long enough, I think. Let’s move ahead to at least formally and professionally discuss the concerns you may have. We ask you to approve and include our proposed amendment changes which allow the County added flexibility in meeting its stated goal of curtailing the sprawl of low density development. Thank you.

Chair Wesen: Thank you. Commissioner Janicki, any comments?

Commissioner Janicki: No. I know this project so no questions.

Chair Wesen: Thank you. We have Conrad Kurp that signed in. Anybody signed in to speak? You want to speak?

Amber Erps: He’s by Zoom so hopefully unmuting himself.

Commissioner Janicki: Oh, Conrad is?

Conrad Kurp: Hello.

Ms. Erps: Is Conrad first?

Commissioner Janicki: Are you Conrad?

Greg Ellis: I’m Greg Ellis. I’m signed up but I can wait.

Chair Wesen: Well, go – just wait. Well, Conrad’s on Zoom here so we’ll go Zoom first. So just stand there. That’s fine.

Mr. Ellis: Thank you.

Chair Wesen: Go ahead.

(silence)

Chair Wesen: We can’t hear you.

(silence)

Chair Wesen: We still can’t hear you.

Mr. Kurp: Can you hear me now?

Chair Wesen: There I could. Yeah, go ahead. I heard a little bit.

Mr. Kurp: Okay. I should be. Fully Contained Communities, like it was just said, it's kicked down the road for a long time because Skagit County citizens didn't want it, and they still don't want to go that route. We have a policy stated to preserve farmland and those communities like to have flat lands and sprawl out, and they like the vicinity of the interstate so their inhabitants can commute to jobs which don't exist at this time here and may not ever if we keep it rural and agriculture. So the Cities and the County objected. They have still room to accommodate quite a bunch of people. And the thing is, if you build it it will be used. Same with any infrastructure and roads, freeways, and so on. If you build a freeway, you will get traffic and if you build a suburban development, contained or not – that's another question, if they can contain it _____ – it will be filled up and the people will depend on the infrastructure of the County outside of their so-called containment. And –

(sound of timer)

Mr. Kurp: – so that's quite some impact outside of some. And we have been debating smaller developments, like we just heard about the brewery and winery. I think the fully contained thousands of people, they won't be contained. And we are the only agricultural valley still functioning pretty good in the Puget Sound area of western Washington and we should use all our means to preserve the farmland which we have. Once it's paved, it's gone forever. So I say –

(sound of timer)

Mr. Kurp: – don't consider it. It's not feasible right now in the code and –

Chair Wesen: Just go ahead and –

Mr. Kurp: Yeah, I'll wrap up here. Until we say we do want it, don't consider proposals. Get out of reactionary planning. We should plan what we want and don't have to react each time somebody comes with a brand new idea. Thank you.

Chair Wesen: Okay. Your time's up here, so just – could you give your last name and your address, please, again?

Mr. Kurp: Oh, Conrad Kurp, k,u,r,p, Fidalgo Island, 6920 Salmon Beach Road, Anacortes 98221.

Chair Wesen: Thank you. Go ahead and – name?

Mr. Ellis: My name is Greg Ellis. My company is Holistic Development and Consulting, LLC. I've been working on holistic walking village developments since 2003. I was a builder/developer since in the early '80s and I realized that people needed to be served holistically where they live to be able to thrive. And so since 2003 I focused 100% on sustainable walking village community projects. I actually was asked to speak at the Imagine. There's meetings of the Council of Government to develop the Imagine Skagit 2060 Plan, and it actually includes that the goal of Skagit County is to have a series of interconnected, holistic, sustainable communities interconnected by walking, bike, and cart paths. And I can imagine that and I would love to work towards – with the County towards seeing a cart and walking and bike path from Burlington to Mount Vernon to La Conner, Anacortes, and then upriver connecting a series of holistic farm

villages where people can live and work and thrive and have their needs met and their gifts utilized, and collaborate resources right where they live so they don't have to drive to the farm. It's actually proven that you can grow more than eight times as much food per acre on a small-scale, organic, permaculture-type farm model, so we could – and I would say we should require at least as much food production as what is happening historically in a given property – that we would have to *exceed* that to do a farm village. In fact, I know we can at least double it easily by having more – it provides – I actually have a movie that shows when peak oil happened in Cuba, people starved. There was no fuel to run the tractors and run the farms and so they started composting around the city and lots and they showed that they could grow eight times as much food per acre right where they live in town and it provided ten times the jobs. And the people didn't have to drive. They were buying Chinese bikes and they couldn't ride 30 miles out to the farm and when there was no oil to fuel the car they built buses that carry 150 people, and they realized, We just have to have what we need where we live. So they started growing the food around their communities, around the city and they thrived. Within a year and a half people are being fed again and *connected*. And the idea is *connecting* people, because we're all in it together. And when we look out for each other we share our gifts –

(sound of timer)

Mr. Ellis: – together in a walking village. We thrive. I want to help the county however I can and any developer to create community projects where everyone thrives, the land is honored, the people are honored, the County is honored, and it's a place where people want to live and come and visit and see it and experience a holistic, sustainable walking village for a day, a week, or a lifetime.

Chair Wesen: Could we get your last name again and your address?

Mr. Ellis: Greg Ellis, and I live at – or my address is P.O. Box 779 in La Conner, Washington 98257.

Chair Wesen: Thank you.

Mr. Ellis: Thank you so much.

Chair Wesen: Anybody else on the Fully Contained Community comments?

Ms. Rogers: Commissioner, we do have one more signed up – Tony Harrah.

Commissioner Janicki: Patrick, just a minute. We've got one more on the list and then – Patrick Donnelly wants –

Chair Wesen: Tony? You signed up – you want to talk on the Fully Contained Communities?

Tony Harrah: My name's Tony Harrah. I live at 9594 Flagstaff Lane – a La Conner address – 98257. And I hadn't prepared any remarks. I was just going to sit and watch. But I feel pretty insulted to be called a NIMBY. I mean, I live on Rural Reserve. I don't have to worry about folks in my neighborhood. But I'm also a citizen of Skagit County and part of the community so I'm looking at long range health of the community in many different ways. So we who have opposed this proposed FCC, again are people who are looking out for their community. And I feel that the gentleman here is insulted, a lot of citizens in Skagit County who want the county to remain not just as it is but to be developed responsibly. And I believe three out of four of the biggest cities in

Skagit County have passed resolutions against the FCC. So I think that public opinion has been pretty clear, and I would hope that you would just – you know, this is like Charlie Brown and the football, and it comes back every year, and we'd like to put a stop to it once and for all. Thank you.

Chair Wesen: Thank you. Patrick, you want to comment?

Patrick Donnelly: Yes, I do, Commissioner. I'm Patrick Donnelly, 7650 Delvan Hill Road, Sedro-Woolley. I'm having a little difficulty with part of this because there's a concept that we're trying to fulfill but there's no picture, there's no plan, there's nothing for me to really evaluate. There are a whole lot of considerations that have to be given with Fully Contained Communities. We've seen the history of that throughout the state and other states. Can it be better? Possibly. But without a plan, without something to look at – for *me* to look at – I'm having a little difficulty. It could be anywhere. Could be here or could be there.

Yes, applicant, you have insulted us, and maybe that's the only way you could get our attention, but I think you have and I think you've been given the word that we're not particularly interested in changing the concept at this moment. I, personally, would take a look at it and see if there is some possibilities, but without a plan, without a determination of where you're going to locate, then I can't make an honest or fair decision. So for that reason I am definitely against a Fully Contained Community without some more specific locations involved. If it infringes against farmland or other neighbors or water rights or other circumstances, we certainly need to consider those. So I'm against this at this moment. I'm open but strongly opposed at this time. Thank you.

Chair Wesen: Thank you. Is there anybody else here that would like to comment?

Mary Ruth Holder: I would like to comment. Mary Ruth Holder.

Chair Wesen: Yeah, go ahead, Mary.

Ms. Holder: Thank you. First I want to apologize for not signing up earlier to comment. I didn't know for sure if I was going to be able to come to this meeting.

I'm Mary Ruth Holder, h,o,l,d,e,r. I live at 201 South 7th Street in Mount Vernon, and I and my husband Phillip are opposed to docketing LR22-02 or deferring it. The staff's recommendation that LR22-02 be deferred, we believe, is misguided. Commissioner Resolution 2022-0010 deferred the previous petition, LR20-04, quote, "pending approval by the Skagit Growth Management Act Steering Committee of any relevant Countywide Planning Policies, population allocation, or necessary approvals as required by the 2002 Framework Agreement." In light of that resolution, the petitioners' request to docket LR22-02 is inappropriate, duplicative, and untimely and its deferral that the staff recommends threatens to create a procedural tangle for the future. It can be – this item can be denied without prejudice, allowing petitioners to resubmit it an appropriate time, that is, after the GMASC has spoken. We feel that docketing or deferring consideration of LR22-02 – taking that action would serve to undermine the public confidence and the sincerity of the Commissioners' resolution and the transparency of the Commissioners' intentions about FCCs. Moreover, any action to maintain the viability of LR22-02 would ___ fly in the face of resolutions and letters adopted by Cities and Towns in Skagit –

(sound of timer)

Ms. Holder: – opposing the docketing of FCCs without GMASC consideration. And by the way, that resolution, the action you took in approving that resolution, that is *not* kicking the can down the road. But that is giving the public and the GMASC time to really consider these items.

So we urge you today to deny this petition for docketing, and do not defer it. And if you like, you can deny it without prejudice if the staff or you feel that it's necessary to signal a future opportunity for the petitioner to refile - that is, post the Growth Management Act Steering Committee's action. And thank you very much for considering my comment.

Chair Wesen: Thank you. Mr. Johnson?

Glenn Johnson: Yes, I'm Glenn Johnson from 936 Apartment Q in Park Street, La Conner, Washington 98257. And I'm here to discuss the Fully Contained Communities but also the Seawater Intrusion Protection and Ag Accessory Use – all. I'm into combining things in artistic, creative ways where Fully Contained Communities – most people think of large tract, conventional housing systems that we have right now that are largely unaffordable. We're not creating affordable housing. So a long time ago I started working on the concept of creating affordable housing for farmworkers and tourists, *not* for living in fulltime, year-around. They're 12 __ systems and they're permaculturally-designed dikes that produce food on a large body of land that now is mowed for weed control. Now I'm often considered an eccentric and outside of the box. You're damn right I am. I'm trying to help figure out solutions to these very problems that we have with housing ourselves. We know that we have a huge amount of people coming. Where are we going to put them? And, you know, I creatively came up with a concept to basically take the Channel Drive development that's close to a Fully Contained Community north of La Conner a mile-and-a-half along the Swinomish Channel that is a terrible example of development on a sandpile next to a body of water that could have a huge tsunami flow that would wash out in between each of the houses and tumble the houses out into the farm fields. And we're not talking pie in the sky. These are 50/50 chances in the next 50 years of having 12-foot water coming over our dike system and covering 35,000 acres of our prime ag land with saltwater. And if those dikes dissolve in that process, we are done as a county. We don't have an ag income. We don't have an ag industry. We don't have potatoes being sold to China or Japan. We don't have seed crops going anywhere in the world. I mean, we have to do something about elevating our bay dikes, and I've invented and –

(sound of timer)

Mr. Johnson: – created a design that holds water and it holds people at the same time and is one of the most artistic, creative things that no one here has given me the time to fully explain. Thank you very much.

Chair Wesen: Thank you. Anybody else to comment on Fully Contained Communities?

Beverly Faxon: I would like to comment.

Chair Wesen: Yes, go ahead. Your name?

Ms. Faxon: My name is Beverly Faxon. I live at 20757 Anderson Road in Burlington. I want to thank you for this opportunity to take our comments, and also I really want to thank you for giving us this option. I appreciate that.

I had a couple things I knew I wanted to say but then I also have a response I want to try to make.

What I wanted to say is I really appreciated that the Commissioners passed a resolution in February, having given this some thought and realizing that the process needed to go through the GMASC. Thank you so much for that. I agree with Mary Ruth Holder that it will send an odd message to either accept or, as the County staff suggested, defer this new proposed amendment. The County has made it crystal clear there's a process to go through. The developer knows what needs to happen next. And this is another attempt to leapfrog that process. I also appreciated at the beginning hearing the criteria for what needs to happen for something to be placed on the docket and I noticed one of those criteria was that there was no procedural or legal probability of a problem. And clearly there is here. We've seen that there is definitely a procedural issue with trying to put this on the docket and there could be a legal one as well. So that's my first comment.

My second comment that I'm compelled to make is in response to Mr. Sygitowicz's statement. He said a couple of things that were very inflammatory, and one of them was that he brought up that old chestnut that government is the problem, not the solution. I sure hope our County Commissioners don't feel that way because I don't feel that way about government and I don't want my Commissioners to feel that way and I don't think it's the Commissioners or the County's or any government's job to just get out of the way so the developers can do what they want.

My second comment is to the suggestion that these are NIMBYs. I have to say, Mr. Sygitowicz, this isn't *your* neighborhood. This is *our* neighborhood. You're not even from Skagit County, so please try not to place that on us.

I know my time's up. I'll stop now. Thank you.

Chair Wesen: Thank you. Is there anybody else to comment on Fully Contained Communities? Anybody else online?

(silence)

Chair Wesen: So hearing none, we'll move on to the number 3, LR22-03, Critical Areas Review Amendment. And Harvey, you –

Harvey Moyer: My name is Harvey Moyer, m,o,y,e,r. I live at 20947 Lake 16 Road, Mount Vernon 98274. This is with regards to critical areas and the grandfather clause in the code. There's some – its interpretation has changed and I went back to one of the original signers, Harvey Wolden, and he created this petition because he doesn't like seeing things that he did getting erased without due process.

So the change is – the current code for the grandfather clause says you can modify an existing single-residence without changing its use or expanding the footprint or impacting critical areas. The current thought of the Planning Department is that you cannot replace the structure or any exterior walls or the roof. People say, Well, can't you just remodel? Well, the definition of "remodel" does not allow – that the Planning Department is using does not allow for even replacing a wall of the roof. So people living in existing houses are getting hit with having to do a full critical areas review.

So in the comments from the Planning Department I said it's – the intent is to expand allowed actions. No, that's not the intent of Harvey's petition. The intent is to restore it back to its original intent, as he signed it on May 19th, 1996. It protects legal rights of existing properties, it's consistent with the Department of Commerce critical areas handbook, most of the jurisdictions that the MSRC cites allow replacement. The Planning Department has changed their stance on it

since 2010 and the code has not changed. There's kind of a current thinking that well, these critical areas surveys are valuable and they *should* be done. Well, that may or may not be true but that's not the intent of the code. So just because we think it's a good idea doesn't mean you can just change the interpretation.

So in 2010 one of my neighbor's replaced the whole structure. It took 42 days to approve. There was no review or variance required. In 2018 another neighbor replaced their house, 422 days to approve. They did a full review. It was over \$5,000; a shoreline variance was required for an existing residence; a critical areas variance hearing was required for the existing residence; and it was treated as though it was an undeveloped lot. So it cost about \$15 to 20,000 extra to build in the same place. So this legal existing residence that was built probably in the '60s goes through this whole process because the code changed around it, and that was the whole purpose of the grandfather clause was to allow existing residences to be there.

So here's the 2010. This building was replaced. The permit that took the 42 days said you can leave it. It says it's within the exception activities of the grandfather clause and they were warned that they shouldn't disturb anything or remove vegetation. No clearing, grading, or logging. So that was in 2010. Today the 2018 one required this much paperwork and about \$20,000. So now they're saying that the Growth Management Act does not cover this. This is the Planning Department's interpretation: "The Growth Management Act allows for exemptions of critical areas, ordinance review such as those listed in 14.24.070. But the exempt activities must not reasonably increase potential for ongoing harm for protected areas. Given the impacts of the proposed code change to unknown critical area on nonconforming structures, the Department staff recommends excluding the petition." So the story has changed.

They also want you to think that replacing a house is going to fill the lake with mud, and that's *not* true. There's a stormwater protection pollution prevention plan that is required when you apply for a house. You put up fences. You put up waddles. There's mitigation required which prevents this from happening. So everybody acts like, Oh, all this – you're going to tear this house apart and it's going to run into the lake. Well, that's not true.

The other misconception is it's only about \$1800. Well, it'd be fine if that was the truth but when I got bids it was \$3700 on the average in 2019. The one for my neighbor was over \$5,000. And then once they kind of got you hooked in, it's like, well, that's not too bad, but then all of a sudden they add on the shoreline variance, the critical areas variance, and they treat you like an undeveloped lot.

So Harv Wolden worked hard on this. Past Commissioners worked hard on this. The Planning Commission's worked on this. And to just change the interpretation without going through public process is – it kind of goes against open government, and the right thing is to stick with what the original intent was, and if you want to change it then change it in future documents.

So that's all I had to present. Any questions?

Commissioner Janicki: Nope, no questions from me.

Chair Wesen: No questions for me.

Mr. Moyer: Thank you.

Chair Wesen: Anybody here who would like to comment on this one?

(silence)

Chair Wesen: Anybody online who would like to comment?

(silence)

Chair Wesen: Hearing none, we'll move on to LR22-04, Seawater Intrusion Monitoring System. Hal Rooks?

Hal Rooks: Good morning, Commissioners and public. My name's Hal Rooks. I live at 1219 10th Street in Anacortes and I'm here as the chairperson of the Guemes Island Planning Advisory Committee. And I want to talk about our proposal to have a seawater intrusion monitoring system for Skagit County, which the Planning Department has suggested not be approved.

So basically as I thought about how to talk about this because it's a long, complicated story, we on Guemes Island have seawater intrusion. We've had it from – we *know* we've had it since at least the 1990s. It has caused wells to two Class A systems to go bad. People have moved toward rainwater catchment to try to deal with it. It basically begins the process of polluting the sole source aquifer that underlies Guemes and provides the only groundwater to most of the residents. So the committee that I'm a member of, GIPAC, has tried since 2016 to interest the County in how do we deal with this issue other than just say we're upset that there's seawater intrusion but we're not going to do much about it, frankly. So we've proposed these various ideas that we've come up with and we've learned of from other jurisdictions, and they've all been turned down. And this latest version of this is because we were turned down in 2018 and then again in 2020 with variations of this. The last time we were turned down in 2018 was when this proposal we had was known as P-2, and it became a bit infamous because an attorney who's now left the county but was working for the Planning Department said what we proposed to do is illegal and it would not be approved by the Department of Ecology. So after – we have our own people who have looked at the code repeatedly, and including an attorney we've now had to consult who said it's in the code, (that) they should be doing this already. The hydrogeologist who used to work for the Planning Department and has now retired looked at the code when we started doing this in 2018 and he said, You're right. We should be doing this. We're not doing it. We're not even following our own code. The code as we read it – and as I think most people who would read it – says if you are going to drill a well in an area like Guemes Island, which is a critical area and a sole source aquifer and is a Class A recharge system, you need to have a hydrogeologic review of where you're going to drill the well before you do it. That's what the County is not enforcing. The County says unless the well is connected to a building project, we're not going to be concerned about it.

So what we see on the island is that people buy land and then just go drill wells to say that they have water or to check that they have water so when they sell the land they can say you've got a well here. But there's no review of what that well might be doing to neighboring wells, and we have a problem where people who have had wells for many, many years now have seawater intrusion because neighbors have been allowed to drill without any reference to what the impact of that well might be on the area.

So when we were turned down for P-2, one of the things that we – well, the first thing is we asked to see the judgment or the reasoning for the turndown and this is what I got: four pages of blacked-out paper, nothing in writing – nothing at all. It was essentially, ___ to you. So we tried again. We got nowhere. These were public records requests. We eventually learned sort of secondhand that the concern was, well, Ecology wouldn't like this and Ecology's really the people we have to pay

attention to. So we went to the Department of Ecology and said, Look, we have a sole source aquifer. We're trying to figure out how to stop seawater intrusion into this aquifer. And we said who should we talk to. And they said, well, there's person who's really good at this. We got in touch with her, talked to her at some length, and she said what you should do is go look at what Island County – neighboring Island County – is doing. They had the same problem on Whidbey, and we worked with them and we've come up with a seawater intrusion monitoring process and it would probably work for you. So right off the bat the arguments we heard were used about this can't be done or it's illegal or counties can't do this or Ecology won't approve it is, frankly, bogus.

So that is what we've proposed now in this current iteration of this effort to try to get Skagit County to be concerned about the seawater intrusion on Guemes Island.

Now I would stand back a little bit, though, as I thought about how am I going to try and talk about this complicated topic that has a lot of iterations over and over again of us trying different things and being turned down? And I guess what I'd say is the problem of seawater intrusion is not going to go away. It's almost inevitably getting worse on the island but we don't really know because it's all underground. We, the committee, have now for the second time in 30 years, gone to the U.S. Geologic Survey and said, Would you come and do an assessment of what is going on in our aquifer because we depend on it? And we had to raise \$80,000, which we did, to pay for it. We tried to interest Skagit County in participating in this and we got nothing. Other counties, like San Juan County, which has similar kinds of problems and is also interested in similar kinds of studies of their aquifers, have the county participating in the effort to try to save the water resource for their public. And in San Juan County, the County put up the money that was required for the study as opposed to us who had to go find it.

So I would really just sort of ask the question of the County: This problem isn't going to get better. It's probably getting worse. When we get the U.S. Geo study done in a year we hopefully will have a little better idea of how much worse it may be becoming. We've seen on Guemes 30 years ago what happens if the problem really becomes bad, and that was in the potlatch area of West Shore where two Class A systems failed and housing values dropped to zero because if you don't have water you can't live on the island. All the people who lived there had to leave because they sold their houses when they could. And Skagit County through the PUD, had to come in and create a water system with reverse osmosis. So that, you know, is a potential future, but we've also been told the County doesn't want to be in that business anymore. It's extremely expensive. So we're really sort of trying to figure out how do we avoid that future, which is probably coming. We don't know how quickly. Maybe it won't be in our lifetime. Maybe it will be tomorrow. We don't know. From our perspective, the County has not – we get a lot of platitudes that say yeah, we're concerned about it. Yes, we don't like it. Yes, we do. But when we put in specific requests for “and this is an option of how we might deal with it” we're turned down or we're told by some legal opinion we won't be shown we can't do that. So I guess I'm really just sort of asking if you – you know, you don't like what we keep proposing. We love beating our head against the wall with you all. But what is the County going to do? What do we have to do to get the County to follow its own code which says you should be reviewing these wells before they go in?

The other piece of this that's causing confusion, just for you Commissioners to try to think about, is when I first came into this committee in 2016 and got involved in this, water and well water issues were under Health, okay? Around 2016 it was taken away from Health and given to Planning where it's been for the last years since 2016. Now about a year ago or so we were told no, it's going to go back to –

(sound of timer)

Mr. Rooks: – Health. It's no longer going to be in Planning. We went to the Health Department at that time and said what gives? Michael Cerbone was still here from Planning and Michael Cerbone and this Health person sat down with one of our people and we said, okay, what's the division of labor here? When does it become a Health issue? When do we go to Planning because we've been used to dealing with Planning? No answer. Nobody *knew* the answer at that point. They said we'll have to get back to you. Well, nobody's ever gotten back to us. We've never heard who do we contact in Health, if that's who we're supposed to go to now. The critique of this code amendment I put in is it's on the Planning Department form. Well, Health Department doesn't *have* a form to do code amendments. Then we're told Health doesn't *want* to do code amendments. So as a citizen, you know, I'm looking at a county that is a part of a code that is granted part of the Planning Department code says you're supposed to be checking wells in sensitive areas like Guemes Island. It's not being done. So does it no longer – has a magic wand been waved over this whole issue because it's now been switched to Health and Health doesn't engage in these kinds of things? Or is it still Planning? It's a very confused situation. All we know is that the water situation is not going to get better on Guemes and sitting and sort of punting the problem down the road isn't helping. So thank you.

Chair Wesen: Thank you. Do we have anybody from the public here who'd like to comment on this one?

(silence)

Chair Wesen: Is there anybody online who would like to comment on the seawater intrusion?

(silence)

Chair Wesen: No comments on this one? All right, moving on to the next one, Agricultural Accessory Use Amendments, Tony Wisdom, LR22-05.

Commissioner Janicki: While Tony's getting up to the podium, Hal, I am sorry that this has gone through the different renditions. And your comment that all you've received is platitudes is – it's on us, and I take that. You know, we have done this dance with the Prosecutor's office and the division – you know, the division between Planning and Health was trying to get a more expedient response to people who have applications in for development. And there was such a backlog of permit applications in that Health took back the quality and quantity but not the legal availability, so those three aspects. But, you know, if getting a solution for Guemes Island is the only thing I do before I get out of this office, this is going to have it. It's your district, I know. I shouldn't speak. But it's so frustrating. And I share your frustration and I can't believe how nice you said all those bad things that we haven't done. So thank you. Okay, Tony. I'm riled up now so –

Tony Wisdom: I need you calm for this one.

Commissioner Janicki: Okay, freeze.

Mr. Wisdom: Tony Wisdom, w,i,s,d,o,m, 11261 Pulver Road, Burlington, Washington. First, just quickly I'd like to thank the County staff for taking the time to work through all of the applications, and I appreciate the effort you've gone through in this regard. It's a lot of work.

I am a farmer here in Skagit County so I feel the pain every day of what I am proposing and what I'd like to visit with you about, which is a code amendment proposal by Skagit Valley Farm on

behalf of Skagit County agricultural workers. And just to be clear, there is no formal organization of Skagit County agricultural workers and I am *not* representing them as a chairperson or anything. I'm just simply saying as a farmer, a large employer in Skagit County, this is a really serious issue that I know you're aware of and I want to give you our ideas today about why we suggest this continue to move forward.

So this is a proposal to amend the County Code and the Comp Plan for the allowance under certain conditions of permanent and/or temporary seasonal farmworker housing as an agriculture accessory use within the Ag-NRL and other zoning areas where ag is a permitted use. And sort of right off the bat I want to be clear we're not talking about taking any farmland out of production. I think that's obviously a hot topic and something pretty important to highlight.

So the good news is the law's on your side as we interpret it. Chapter 70.114A of RCW talks about this. I'm sure you're familiar with it. You can look into it and understand it as well. But just some highlights:

But this RCW prohibits local governments from placing restrictions on temporary farmworker housing and requires that it be considered a permitted use at rural worksites for the purposes of zoning or other land use review processes subject only to height setback and road access requirements of the underlying zone. The regulatory authority or the burden in this case would be with the state of Washington, not with Skagit County. The statute does not explicitly define what a rural worksite is but since there are express references to ag workers in the code we contend that it must be construed as encompassing rural and ag zones and probably most zones outside of defined urban areas. We believe that the County has historically taken the position that it is preempted by state law from regulating farmworker housing more restrictively than state law. The legal opinions we've checked with believe the County has been accurately and correct about this. So as the conversion (sic) revolves around *how* to allow this, not necessarily or distinctly *whether* to allow this.

The County appears to be focusing on temporary housing, but I want to point out that our application requested permanent and/or temporary housing, so we will focus our efforts moving forward to push for more permanent housing because that clearly seems to make more sense for the need. And I would note a comment by, I *think*, Commissioner Janicki in a recent *Herald* article as such – that it seemed – I think your exact words were “stupid” to focus only on seasonal. Which I understand the intent there and thought it was actually a pretty good comment. Anyway, the number one need for Skagit County farmers in the ag community is safe, affordable farmworker housing. In 2020, according to public documents, county farms produced crops worth nearly \$320 million. And this amount is based only on the production of crops and does not take into account revenues from other ag industries and other support services or the trickledown revenue into the local economy. There are roughly 2,000 people directly working on farms or for companies in the county that directly support agriculture, such as tractor and farm equipment dealerships, chemical and fertilizer dealers, and other ag support industries. All of these folks require housing.

The cost of living in Skagit County and the surrounding counties, including Snohomish and Whatcom County, has skyrocketed, and affordable housing for farmworkers in particular, who are an integral support service for the ag industry, is simply not available to serve the need and getting more and more difficult with every day. Farmworker housing is necessary to ensure a continuing and productive ag workforce and land base in the future. Without it, ag, which is a driving source of revenue in the county, will not continue to be sustainable. The sustainability and enhancement of ag resource lands is a predominant goal of the Growth Management Act and the County's Comp Plan. Permitted properly, farmworker housing is a use that is both compatible with ag use

and compliant with GMA goals. The Countywide Planning Policies and the County's Comp Plan goals and policies – again, we're not primarily talking about taking any farmland out of production but rather – an idea we have here – using existing areas like old dairy facilities that might be able to accommodate this kind of process. So when thinking about how we made our proposal and what kinds of solutions might be viable moving forward, the first idea that started as, I think, a good example was the revamping of existing structures that may be in that location that are no longer suitable for their once-intended use. But in today's environment, the cost of refurbishing any existing buildings may be just prohibitive.

So here's some representative photos of existing sites in Skagit County that may be options for this kind of project. So this is an old – it's an old dairy structure facility that now has, as you can see, some remnants of feed storage and some old milking part or concrete. And what happens is as time has gone by, a lot of dairies have, you know, gone out of business in Skagit County so we have a whole bunch of these little three, four, five, six-acre plots of land out in the middle of good, productive farmland that sit – this kind of stuff. And as farmers, we do our best to try to keep it looking tidy and clean and neat and maintain those structures for some viable use – perhaps where we store equipment or where we, you know, store things that we might need in the future – tires, et cetera. Well, that's a *good* use of those places if they're appropriate to do so. It's really not the best and highest use of a site like that, which has, as you can see, already some impervious surface and is not impeding on current farm ground. This is another structure that is, I think, 3½ acres or so, and you can see these buildings are in a state of pretty poor disrepair and need a lot of attention, and we struggle every year to try to do what we can to keep these buildings from falling down, which, as you can see, we've put metal roofs on them and we put metal roofs on these buildings only to try to keep them viable for storing equipment or things underneath them. Otherwise, they would just fall down and be vacant. But that land is not really returnable to ag production because it's got some concrete there, lots of gravel over time, and other structures. So there's a perfect example of the kind of location where something like this idea may have merit.

This is a third site which basically is just a mimic of the first two. So you get the point there. The idea is to primarily, I think – we'll have to see where this goes – but would be to try to use an existing site that is really not productive farmland. It's outside the scope of what really is usable for us as farmers in the big picture, but it could have huge benefit directly – which would directly impact agricultural use and –

(sound of timer)

Mr. Wisdom: – particularly farmers and farm workers in Skagit County.

So if the refurbishment of an existing structure proves to be cost-prohibitive, there *are* models of farmworker housing in Washington that could be replicated to fit the need in Skagit. So here's a few examples. We're not talking about reinventing the wheel here. So this obviously is a very large thing but it gives you the general idea. This is one that's in the Yakima area where you see a series of small – like quad-pods – in a circle, then with some additional larger structures that might be more suitable for small families or something like that. Here's a structure near Mattawa. I drive by this all the time as I go to our eastern Washington farmworker operations. There's actually three of these now in Mattawa. They're exploding over there in terms of – “they're exploding,” meaning these types of structures are being put in more and more over in that area. And here's another one in George, Washington, which is similar. I think these three have all been developed through the state or with ____ or some organization like that, which is helpful but I'm

not sure that's exactly the right solution for Skagit County. There may be other ideas and options that we can consider, which I look forward to discussing with the County as we move forward.

So I thank you for your consideration of the extremely important issue in Skagit County. And, again, we're in luck. The current law's on your side so it doesn't really require you to step into any hot water or on burning coals. It should be easy for the alteration of the code to be able to come into compliance with the law and that we would be able to move forward on this. Do you have any questions for me?

Chair Wesen: Any questions?

Commissioner Janicki: Just – and I better not say it! The “stupid” part was because that farmworker housing that was built in Burlington – in the county just outside of Burlington – was funded with federal monies that at first they said it had to be seasonal so that they had to have only 11 months, but by the time they constructed it I believe that was peeled back to they could only have farm workers in there for *seven* months.

Mr. Wisdom: Yeah.

Commissioner Janicki: So five months empty. That was stupid, and I'll stand by that. That is just – you know. The funding – and it's not sitting on – it wasn't sitting on farming land at that point. Anyway...

Mr. Wisdom: So I'm going to take that as a question so I have a chance to give you an answer.

Commissioner Janicki: Please do.

Mr. Wisdom: Yeah, I know exactly what you're talking about because that exact project impacted a lot of farmworkers in our business. And we get complaints all the time that the temporary nature of a lot of the farmworker housing that has been built in Skagit County, you know, is not really adequate. And in today's world we do live, especially in Skagit County – we live in a year-round production cycle. I mean, there's a lot of farmers here who are only on a temporary basis. Maybe they need pickers for a certain kind of crop in a very short period of time. But there are also a lot of farms encompassing dairies that have employees that live year-round. And what we find now is we have two, three, four families living crammed together in unsafe, really not very appropriate housing situations for this exact very reason. So this is a perfect solution to the problem. Thank you for your time.

Chair Wesen: Thank you. Are there any comments on the agriculture accessory housing amendment? Anybody online?

(silence)

Chair Wesen: So nobody commenting? Okay, Jenn, what do you have now? We're moving on to the staff-recommended changes.

Ms. Rogers: We do not have any speakers signed up for C22-1, Wind Turbine Use Amendment. So unless there is anyone here present or online that would like to speak...

Mr. Johnson: Yeah, my name again is the same that it was a few minutes ago, Glenn Johnson from La Conner, Washington 98257. And windmills are a kind of a interesting thing for me. Years

and years ago when I was in the Army in Germany I got a chance to study my ancestry. I'm half Dutch, even though I have a Johnson last name. I'm mostly Dutch. And I consider the country of Holland my home, home country – besides here – 20 feet below sea level, producing second to the United States in gross domestic farm product in the world. And, you know, those creative people are some of the most creative people here! I mean, there's been a lot of Dutch farmers that have made us millions and millions and millions of dollars as a community. Growing cows is not an easy thing and mostly Dutch people do that, and bulb growers – all of these ag-related things. In Holland they had windmills. Windmills everywhere to pump water originally, to grind grain, to powder wood to produce paint. I mean, there's a lot of diversity within a windmill's production capacity. And I see two little tiny windmills nonfunctioning here in the valley, which we could have windmills that are tourist destinations that are also important tsunami towers keeping ag people safe when we get this burp.

(sound of timer)

Mr. Johnson: Because there's a lot of housing that's out here that's not going to handle any sort of a tsunami burp. We just had – just a high tide flooded Edison just a few months ago, you know, without there being a storm or a tsunami behind it. And we could see a world where we don't want to be. And I just think that we have an opportunity with conceptualizing like I have for a long time how to build windmills that fit to today's standards that can excite tourists to come here to stay and leave their money behind and their bodies behind as they go back home to where they came from. So the same issue with Tony's farmworker housing can fit with tourist housing that we don't have to necessarily have permanent housing – and I've designed my housing to be able to handle being removed if people don't like it.

Chair Wesen: Thank you, Glenn. Any other comments on the wind turbine?

(silence)

Chair Wesen: Okay, not hearing. We're moving on to the next staff critical areas ordinance correction. This is C22-2.

Ms. Rogers: There are no speakers signed up for this petition either, so unless there's anyone here or online that would like to speak...

Chair Wesen: And this is just changing –

Ms. Rogers: This is a code change, yes.

Chair Wesen: The number was wrong.

Commissioner Janicki: It's a scrivener error.

Ms. Rogers: Right.

Chair Wesen: Any comments on this one?

(silence)

Chair Wesen: Hearing none, we'll move on to the last one. C22-3, Guemes Island Overlay Side Setback Amendments.

Ms. Rogers: We have Mark Madden first on the speakers' list.

Mark Madden: My name is Mark Madden, m,a,r,k m,a,d,d,e,n, 4910 North Indian Village Lane. That's on Guemes Island.

I'm speaking in favor of removing the building envelope that's on the Guemes Island Overlay like the rest of the county. It has not worked. It's _____ near a lot and 16 of 22 lots in my community of Indian Village are 50 feet wide or less. The building envelope idea, I think, began in the early 1990s. It was to limit blocking views of properties behind new homes. It was to reduce scale differential between new homes and older cabins. And it was to maintain the Guemes Island rural character. In 2016 the Commissioners passed a GIPAC proposal that put the building envelope into the building code, and it was very controversial. Westside property owners found out about it at the last minute and campaigned against it. One Commissioner stated that it could have gone either way.

The building envelope provides no benefits. It does not improve views, it does not reduce home size differential, and it does not change the rural character of Guemes Island. Instead, it traps homes below the base flood elevation. To raise homes, they must be built smaller than they are now. It prevents updates and design features such as side gables and high ceilings. And it destroys property values. Who'd buy a home in a flood level if it's not practical to raise it?

(sound of timer)

Mr. Madden: The building envelope does not improve views behind any of the beachfront homes. There is not one home that is behind the 75, west side, no bank, beachfront homes. The building envelope just reduces views by reducing view windows in new homes. The scale differential is huge at both west side beaches. It's close to 50%. The demand for new home construction is the greatest on the west side, and that is because half of the 75 homes are four to five feet below the base flood elevation and they're susceptible to flooding. Most of the smaller homes already violate the building envelope. Rebuilds would have to be smaller, and that increases the sale differential.

Rural character from a planning perspective –

(sound of timer)

Mr. Madden: – is density. The "rural character" definition in the Guemes Island Overlay has no mention of building envelopes. The building envelope just prevents home updates, destroys property values, and forces home updates to be less livable or less unique. Thank you.

Chair Wesen: Thank you.

Mr. Madden: Are there any questions?

Chair Wesen: Nope.

Commissioner Janicki: I don't have any questions but, Mr. Madden, if you have that in written format – I don't know if you got through all of your comments – you're more than welcome to submit it to Jenn for the official record.

Ms. Rogers: We have Michael Brown next on the speakers' list.

Michael Brown: Hi. My name is Michael Brown, 4366 Clark Point Road. I'm speaking on behalf of Allen Bush so I'm assuming I get 10 minutes, because he was signed up to actually –

Commissioner Janicki: Oh, he was the presenter?

Mr. Wisdom: Yes, and, of course, he has to go back to work.

Chair Wesen: Yeah, okay.

Ms. Rogers: Three minutes.

Mr. Brown: So I'm going to read what he was going to present.

Chair Wesen: He's the –

Ms. Rogers: Commissioners, so you are limited to three minutes per speaker because this is a County-initiated proposal, so there isn't a citizen petitioner.

Mr. Brown: Okay. On your marks, get set, go. Dear Commissioners, On behalf of the Guemes Island Planning Advisory Committee, I'm writing to urge you *not* to docket the proposed amendment C22-3 at your meeting on Tuesday. This amendment, which was proposed by the Planning and Development Services without notice or consultation with Guemes Islanders, would, quote, "remove the preferential side setback requirements for the Guemes Island Overlay to be consistent with other areas of the county."

We understand that PDS has proposed this amendment as part of an effort to cut down these numbers of variance requests PDS must process. GIPAC is sympathetic to the burden these variances place on the County staff but we believe that there are other and better options to lessen this burden than arbitrarily eliminating important parts of *our* subarea plan, which was approved by the County and the Guemes Overlay. This language on side yard setbacks that PDS proposes to eliminate comes directly from the Guemes Island Subarea Plan, Policy 2.11, that the County Commissioners adopted in 2011. The intent of this policy was to maintain the rural character of Guemes Island in accord with the original goals of the subarea plan. Without a setback requirement, the small lots on the island's shoreline will take a distinctly urban appearance and, most importantly, will result in the ecological degradation of the marine environment. We need to keep regulations in place to protect the natural character of the shoreline, including aquatic vegetation marine life.

In 2011, the Board of Commissioners adopted the subarea plan into the Skagit County Comprehensive Plan. The BOCC publicly said they looked to GIPAC – I am a member of GIPAC, by the way – to represent island residents on issues related to the subarea plan. Until this code amendment was surfaced, we were under the impression that this was still the case. We are therefore very and *unpleasantly* surprised when we learned

(sound of timer)

Mr. Brown: – that the PDS proposed to eliminate side yard setbacks that were an important part of our subarea plan.

I want to very quickly show you two examples of side yard setbacks. Can we –

Commissioner Janicki: If you put “light down” they’ll switch it from the back room.

Mr. Brown: Okay. I hope that doesn’t mean – I have some more time. These are important to look at because they show that, in fact, within a 50-foot lot, as you can see here – this should show up here. Okay, do you see that plan right there? That shows that that is the building envelope that is currently policy. And it shows you the size of the building that could be built on that. Not exactly small; it’s 1100 square feet, I believe. Here’s a second example right there of a house which was –

(sound of timer)

Mr. Brown: – if it raised up higher because of the floodplain, could, in fact, still accommodate an 1100-square foot house, and that’s what it looks like.

So, again, I am asking the Board of Commissioners to still allow our side yard setback policy and to deny PDS’ request to delete it. Thank you.

Chair Wesen: Thank you. Is there anybody else who’d like to comment on this one?

(silence)

Chair Wesen: Is there anybody else online that – or anybody else here that hasn’t commented on anything?

Ms. Rogers: Someone named Forrest is unmuted.

Chair Wesen: Forrest? Forrest, would you like to comment?

(silence)

Ms. Rogers: We cannot hear you if you’re speaking yet.

Commissioner Janicki: There’s quite a lag on that.

Ms. Rogers: Oh, okay.

Forrest Nelson: I was hoping that you’d be –

Commissioner Janicki: Yeah, we can hear you now.

Mr. Nelson: Okay, great. Thank you much. I am in favor of removing of these envelopes requirements that are current. I am on the west side of the island at Indian Village and such requirements will impede my ability to improve my small 800 square foot cabin and be able to increase lot headroom space in my cabin as the code is currently written. If I was able to simply raise my rear roof a little bit, I would be able to make almost fulltime use of the cabin versus seasonal use of it. And removing these requirements will not improve the view to anybody that potentially would build behind me. My property rises 50 to 80 feet on the back side and as such, with the trees and the growth that are on my property, there is no view from the road or from the property behind me. So in agreement with statements by Mark Madden, I’d like to see these side envelope requirements be eliminated. Thank you.

Chair Wesen: Thank you. Is there anybody else online?

Commissioner Janicki: Did you get his last name? Forrest, did we get your last name for the record?

Mr. Nelson: Last name is Nelson, n,e,l,s,o,n. My Guemes address is 4884 North Indian Village Lane, Anacortes 98221.

Commissioner Janicki: Thank you.

Chair Wesen: Thank you. Is there anybody else online who would like to comment on any of these proposals?

(silence)

Chair Wesen: Anybody else here who would like to comment on any of them?

(silence)

Chair Wesen: Go ahead.

Mr. Harrah: Since we're talking about these crowded –

Chair Wesen: You have to go to the mic to get online so everybody can hear it.

Mr. Harrah: Talking about these crowded lots, if I ___, I can pull up a picture to maybe show a little better about what we're talking about.

Chair Wesen: Your name and address, please?

Commissioner Janicki: He's already spoke.

Chair Wesen: You already spoke already?

Mr. Harrah: Yeah, yeah.

Chair Wesen: You only get the three minutes.

Commissioner Janicki: Yeah, we have to cut it off because we're over – we should be into the next session here. We've got people waiting.

Chair Wesen: Just to remind everybody, we are still accepting written comments from anybody until the 26th at 4:30, so you may send in your written comments with pictures and so forth, and the Commissioners will make their decision on what will be docketed on June 14th at 11 o'clock. Is there anything else, Jenn?

Ms. Rogers: No. I will collect any materials that you might have used today so we can make sure they're part of the public record. Thank you, Commissioners.

Chair Wesen: Okay. Hal, anything?

(silence)

Chair Wesen: All right. With that, we'll adjourn for a minute and then we'll come back for Public Comment. Thank you (gavel).