

Skagit County Planning Commission
Presentation: 2024 Countywide Planning Policies Amendments
Introduction: Agritourism Remand
August 13, 2024

Planning

Commissioners: Kathy Mitchell, District 1
Vince Henley, District 1
Angela Day, District 1
Amy Hughes, District 2 (via Zoom)
Tim Raschko, Chair, District 2
Joe Woodmansee, District 2
Tammy Candler, Vice Chair, District 3
Martha Rose, District 3
Jen Hutchison, District 3

PDS Staff: Jack Moore, Director
Tara Satushek, Senior Planner

Chair Tim Raschko: (gavel) Good evening. The August 13, 2024, meeting of the Skagit County Planning Commission is now in session. And if Amy is truly on Zoom we have everybody present. I wish to welcome back Commissioner Mitchell.

Commissioner Kathy Mitchell: Thank you.

Chair Raschko: Good to see you. I'd appreciate a motion to approve the minutes of July 23rd.

Commissioner Vince Henley: I so move.

Commissioner Jen Hutchison: I second.

Chair Raschko: It's moved and seconded to approve the meetings on July 23rd. Is there any discussion of the minutes? Any changes?

(silence)

Chair Raschko: Okay, all those in favor of approving the minutes, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Amy, did you vote?

Commissioner Amy Hughes: (inaudible)

Chair Raschko: Good. Okay. Public Remarks. Before I introduce Public Remarks, perhaps I'll just ask first if there's anybody interested in addressing the – no.

Mr. Moore, is there anybody online who would want to –

Director Jack Moore: We do have Kristen Keltz of the Skagit Tourism Bureau. If you wish to comment, will you please unmute?

(silence)

Mr. Moore: It does not appear that there are any comments at this time.

Chair Raschko: Okay, great. So we'll move on. We'll go to our first major agenda item, which is the 2024 Countywide Planning Policy Amendments presentation. I presume that's Mr. Moore.

Mr. Moore: All right. Good evening, Commission. My name is Jack Moore. I am the Director of Planning and Development Services here at Skagit County. Today I'm filling in for our senior planner, Robby Eckroth, for this presentation. We are doing a work session and a high level overview of the Countywide Planning Policies Update. This will be the first of meetings, series of meetings – at least two more – that we will start getting into the content of the Countywide Planning Policies a little deeper and having some further discussions. But for tonight I want to just do the introduction, go over the main points, and then answer any questions or take any comments that you may have that we may want to further delve into at one of the later meetings.

On June 20, the Skagit Council of Governments was presented with proposed amendments to the Countywide Planning Policies. The purpose of these amendments are (sic) to make Countywide Planning Policies consistent with the recent state law changes. This presentation will provide a background on the Countywide Planning Policies and the role of the Skagit Council of Governments, and also will summarize the proposed changes to the Countywide Planning Policies.

The Countywide Planning Policy is a written policy statement or statements used solely for establishing a countywide framework from which the County and City comprehensive plans are developed and adopted. Countywide Planning Policies ensure that County and City comprehensive plans are consistent, as required by the Growth Management Act. The proposed changes and supporting documents can be found on the Planning Commission archive webpage, which is linked on this screen.

Skagit Council of Governments has a technical advisory committee, which consists of Planning Department staff from the County, Cities, and Towns. The SCOG – Skagit Council of Governments – Steering Committee consists of the Board of County Commissioners and the mayors of those Cities and Towns. The Technical Advisory Committee makes recommendations to the Steering Committee on changes.

The SCOG Steering Committee is the recommending authority to the Board of County Commissioners for items such as Countywide Planning Policy Amendments, changes to the Urban Growth Area boundaries, and housing and employment allocations.

The proposed changes to the Countywide Planning Policies are distributed to the affected Towns, Cities, and the County for input prior to the Steering Committee making a recommendation to the Board of County Commissioners. When a recommendation is made to the County

Commissioners, they have the authority to adopt any new CPP (Countywide Planning Policy) or CPP amendment as proposed by the Steering Committee, but they may not change the proposed CPP or CPP amendment in any manner; or they can decline to adopt any new CPP or amendment proposed by the Steering Committee.

The Skagit Council of Governments Technical Advisory Committee drafted Countywide Planning Policy amendments to be considered by the SCOG Steering Committee. These proposed amendments are being made to bring the Countywide Planning Policies into consistency with state law changes pertaining to housing, climate, greenhouse gas emission reduction, and climate resiliency.

On June 20th, the SCOG Steering Committee forwarded the amendments to member jurisdictions for public comment and to solicit input from City and Town councils and the Board of County Commissioners. These proposed amendments, which are included in your packet (and) were handed out this evening, include notes from the SCOG on the side of the document that explain the reason for the amendment or policy addition.

The proposed updates to the Countywide Planning Policies regarding housing address recent legislative changes such as House Bill 1220, which requires every jurisdiction in Skagit County plan for affordable housing. These amendments would add policy language aimed at significantly increasing housing production within the existing Urban Growth Areas, primarily in the city limits in areas that have good access to transit, jobs, and services. The amendments also add policy language addressing the siting of publicly funded or subsidized housing including permanent supportive housing, transitional housing, shelters, and housing for populations with special needs, and also adds language addressing coordination with publicly funded housing authorities. Please note that the proposed amendments also include the initial population allocations in Appendix A, which will likely be subject to change. The County has found it is unable to accommodate the zero to 50% area median income allocations in the rural area following receiving guidance from the Washington State Department of Commerce. Those allocations will need to be given to the Cities in exchange for higher AMI allocations. Commerce has indicated in their study that multifamily is really the only viable option for providing the zero to 50.

The proposed amendments on climate: The proposed updates to the Climate Element also include recent state legislative changes from House Bill 1181, which adopted a new goal in the Growth Management Act. Goal 14 requires counties planning under the Growth Management Act to create a Climate Planning Element in their comprehensive plans. This is, of course, new to us. This GMA goal requires that the Comp Plan development regulations and regional policies, plans, and strategies adapt to mitigate the effects of changing climate, support reductions in the greenhouse gas emissions, and per capita vehicle miles travelled. The proposed revisions, presented to the CPPs address these new legislative requirements under GMA Goal 14.

There are proposed amendments to the Land Capacity Analysis. The Skagit Council of Governments Technical Advisory Committee proposed to change the requirement for Skagit County GIS to store the Land Capacity data from all jurisdictions, and SCOG is now proposing to collect land and housing capacity reports for all regional jurisdictions.

Next steps: August 22nd to September 12th, Planning and Development Services will be holding a public comment period and the Planning Commission will be holding a public hearing on September 10. Deliberations for the Planning Commission to make a recommendation to the Steering Committee and the Board of County Commissioners will be held on October 8.

Thank you for your time, Commissioners. That is the overview of the Countywide Planning Policy Update, and I am available for questions if you have any.

Chair Raschko: Are there questions? Please.

Commissioner Angela Day: Thank you for your presentation and for all the documents ahead of time. I sent in some comments earlier this afternoon just to kind of save meeting time. I copied all my fellow Commissioners and I assume they're available for the public if anyone wants to read them.

But I guess just a big question is: Do you know how much discretion the County has, given the new state mandates made regarding climate change and affordable housing?

Mr. Moore: Well, that's a bit of a general question. There are guidelines that are provided that we do have to meet targets, but within those targets there is a wide variety of ways that we can meet those targets. So we'll take housing and population allocations: So SCOG meets and discusses the populations. There are, you know, low, medium, high estimates that are provided that we decide regionally which we're going to use. We then look at those to see the feasibility of accommodating those within the greater Skagit County and then work out a regional planning model in which we'll accommodate that population. There is the flexibility, as I mentioned a moment ago, about the housing as well. The default is that all jurisdictions take all income bands. Of course, that is not feasible in a rural area because we are primarily limited to, you know, single family for the most part. So there is flexibility there. So while there are targets that need to be hit, there is flexibility at the local level for us to demonstrate how we're going to achieve those goals in a broader fashion.

Similar – I guess somewhat similar but a little different on the Climate Resiliency Element, as that's a new element. We were given directive that – Skagit County was given directive to develop a plan for these items. The first step would be to come up with the broad overview and the broad policies that we would employ to work toward improving those items and resolution and, you know, for instance, reduction of vehicles and miles travelled. The encouraged outcome in this cycle is to really drill down and start identifying actual action items. Now we are, of course, going to meet the minimum of the broad policies and the goals, but we are hoping to get a little more specific on that element as well. We have consultants, of course, a team of consultants that are helping us with that and we're hoping that we could identify some action items coming out the other side of that discussion.

Chair Raschko: Okay. Commissioner Candler?

Vice Chair Tammy Candler: I noticed on the Table of Contents on the document that you provided, Countywide Planning Policies Proposed Revisions, there's a policy on Natural Resource Industries, Policy 8, (and) there's a Policy 9 on Open Space and Recreation, among other sections. There's nothing specific to policies on farmland. Is that an oversight? Is that just something that's never included? Is it incorporated somewhere else? Was there any discussion about whether that would be a segment? What are your thoughts?

Mr. Moore: Good question. I don't think I have an adequate answer right now, but I'd be happy to look into that for you. I will note it.

Vice Chair Candler: Thank you. Okay.

Mr. Moore: I'll bring back some information to answer that at our subsequent meeting.

Vice Chair Candler: Thank you.

Mr. Moore: Mm-hmm.

Vice Chair Candler: Or I guess it would be called – it's usually called "agriculture" – whatever.

Mr. Moore: Okay.

Vice Chair Candler: But it usually has its own – *often* has its own section.

Mr. Moore: Got it.

Chair Raschko: Any other questions?

Commissioner Day: Just going back to your description of the land and housing assessment and who will take what portion of the expected population growth, is it true that that added population growth is not anticipated to be added to either forest or agricultural resource lands? When you say "rural," that means certain rural districts or zonings?

Mr. Moore: Yes. Yeah, there's not any mandate that it go to any particular zoning district. That's up to the individual jurisdiction. Skagit County does not intend to encourage development in natural resource lands. That is why they're designated as such.

Commissioner Day: Yeah.

Mr. Moore: So while we will – while we are actively working with the Cities to, you know, divvy up the allocation in a way that it seems feasible for the county as a whole, each individual jurisdiction will figure out how to provide that housing. In the cities, especially for the lower income bands, it will likely be multifamily, either by creating additional multifamily zoning or infill in other areas. For the county, strategies would look quite a bit different. We would be looking – you know, one strategy we're considering is population allocation that could be accommodated within the LAMIRD areas – the Local Areas of More Intense Rural Development – that are existing. That way the County could focus our housing in those areas in population, those areas that are already built out.

Commissioner Day: Okay, thanks.

Chair Raschko: Commissioner Woodmansee.

Commissioner Joe Woodmansee: So do we have any idea what the capability for housing is in these LAMIRD areas? I mean, we do have analysis. Because if we're saying that's like where we're going to look but that's – if that's only 10 units or if it's 2,000 units, obviously both may be exaggerations. But I'm curious as to what's the potential on those areas.

Mr. Moore: Good question. That is something our consultant is assisting us with. So we're analyzing the LAMIRD areas, we're checking to see, you know, what property, how much property might be undeveloped or underdeveloped, and then estimating – depending on policies and potential changes, you know, what can we expect to see out of that. So that's something we're working on and we'll be able to bring back to you for consideration. I don't expect that that will be

the total answer, obviously. I think there will be other potential ways to solve that or read our population and housing allocation. It could be things like encouraging use of accessory dwelling units, even in more dispersed rural areas. So there will be different strategies, I'm sure.

Commissioner Woodmansee: I have a follow-up on it. When you talk about the zero to 55 – zero to 50 or whatever it was.

Commissioner Hutchison: Percent.

Commissioner Woodmansee: Percentile? Our policy talks about meeting all percentiles, but is essentially what the County is forced to do is to – our policy to meet that percentile is to tell the Cities: You have to meet that percentile. Our policy is, you know, we can't meet it so you have to meet it, and then all the Cities are getting together to do this comprehensive planning for densities and stuff. It's a long question! So when all the city land capabilities and all that come in, you know, let's say Burlington can take five units and Mount Vernon can take seven and Sedro-Woolley can take eight units and Anacortes two and so on and so on – obviously hypothetical. But where does it – is there a way for the – let's just say one of the Cities has way more capacity. How do we make that happen from here through SCOG and, like, I would hope that their policy would be, well, you know, if there's a loss of opportunity in this area that, you know, we would really encourage that City to be aggressive in looking into what they could do versus a City that's, you know, has minimal future opportunities, if there is such a thing. Was there a question in there?

(laughter)

Mr. Moore: I believe so.

Commissioner Woodmansee: Okay.

Mr. Moore: I think I followed that! I mean, you correctly identified that it's via SCOG. So the Technical Advisory Committee and all the planning staff get together and we go over this in detail. And so when we, you know, receive confirmation from Commerce that, you know, the County wouldn't need to plan or wasn't viable to plan for zero to 50, we take the number – you know, the total number of units that would have been in those income bands. We go back to SCOG, we say, All right, what are we going to do with these, you know? How are these going to be accommodated? And the Cities, you know, while there are certain constraints in Cities, they're not insurmountable. For instance, one City might have some undeveloped land base easterly of their main developed area. Another City may – and, therefore, they could take a look at that zoning out there, see if any of it can be turned into multifamily. Maybe it's a lesser dense zoning designation at the moment, but they can change that to encourage or allow for multifamily to get those income bands taken care of. Another City, say, if they are constrained by a river and ag land, maybe they don't have room to really expand so much. Their strategy would likely be infill. And so there are different ways they could accommodate for the multifamily or the additional housing units in that band. So it is a conversation we have in SCOG, and then the Technical Advisory Committee makes a recommendation to the Steering Committee at that point – the electeds.

Commissioner Woodmansee: Well, it seems like redevelopment would be a huge tool in that zero to 50 range because all your services are there and you might be completely changing an area of a City, but if you're going to try to meet it you're going to have to do that eventually. And so redevelopment would be to me, you know, something that we should address.

Mr. Moore: Agreed, and I do see that being employed in areas. Just, you know, anecdotally, I live in Sedro-Woolley so I see the types of multifamily that are going up there and I know the history of the property and what used to be there. So I see both. Developing on undeveloped, I see them, you know, having changed their zoning to allow multifamily where it previously didn't. I see single-family dwellings being purchased and replaced with multifamily. So that's similar to what the other Cities are allowing as well.

Chair Raschko: Commissioner Rose?

Commissioner Martha Rose: So Joe always makes me think of other things! So it seems like there's a lot of surplus commercial zone because people are turning away from the retail outlets, and that seems like low-hanging fruits as a redevelopment opportunity – more so than even tearing down an existing house and putting back four units. Because, as you know, the malls are dying and people are shopping online, and while not every – and also there's this rule that a lot of Cities have, a land use rule that in their commercial zones they want commercial on the ground floor and housing up above, which is a really difficult combination to get financing for. And so if they could just get away – you know, say bye-bye to the commercial part and just put in housing, it's a win-win because that type of money is much easier to get from a bank. Any rate, so those are just food for thought.

Mr. Moore: Okay.

Commissioner Rose: Yeah.

Mr. Moore: Mm-hmm.

Commissioner Rose: Yep.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay. Well, thank you. We'll turn now to an Introduction to our Agritourism Remand.

Mr. Moore: I'm switching hats! Okay, thank you, Chair. So this evening we also want to – I wanted to reintroduce the agritourism/event venue/business remand – go over what has happened leading up to today and then talk to you a little bit about what your ideas are moving forward on how to proceed, given the Commissioners' direction.

As you may know, and as we've provided a copy, on June 24 the Board of County Commissioners passed a resolution remanding the proposed ag tourism code amendments back to Planning and Development Services and the Planning Commission for additional work. The Board of County Commissioners, based on its review of these amendments, found that they desire to have additional information provided on a number of topics. They provided some examples on that. And the history leading up to that remand is that on December 12th the Planning Commission did recommend some amendments for code adoption to the Board of County Commissioners that were forwarded to the Planning Commission by the Agricultural Advisory Board. On the remand from the Commissioners – the Board of County Commissioners – they included some description, as I mentioned, and I'll just review those items from the resolution.

They wanted further deliberation on at least these items:

- Whether additional detail is required to describe and regulate agritourism uses other than those considered accessory uses, pursuant to Skagit County Code Title 14;
- Whether the proposed agritourism code amendments afford adequate and equitable opportunity to participate in the Skagit Valley Tulip Festival;
- Whether Skagit Agricultural NRL lands – Natural Resource Lands – in east county should be considered and regulated differently than the dike and drainage portion of the Skagit below the pipeline crossing – is a natural switch from different types of ag land and also is a designator for other changes to the county;
- They also asked whether temporary use standards are sufficiently detailed;
- And whether and to what extent the proposed agritourism code amendments and existing codes are consistent with the decision rendered in the matter of *King County v. Friends of Sammamish Valley*, and also other state-level action related to agritourism.

So that was the directive that (was) provided by the Board of County Commissioners that additional work was needed on at least these topics to provide them further information to review and consider.

So staff here is available to help – guide, help, provide information to you, and help set up any process you believe would assist you in answering these questions and providing this guidance that the Board of County Commissioners are asking for.

I did have a few questions to prompt the discussion and help to describe what I think – you know, how we might proceed potentially. But I guess let's just start with generally – you know, did the Planning Commission have an opinion on how we begin this phase of the work? What information would you like from the Agricultural Advisory Board? Would it be helpful to review and reconsider previous public comments received during the last public comment period? And then, what additional information and services can Planning and Development Services compile or provide, such as possibly organizing a multi-stakeholder group in order to help support your review and deliberation of these five topics?

Those are just general ideas and questions to prompt the discussion. If I can turn it over to you – if you have any ideas or guidance or ways that we could help you with this process.

Chair Raschko: Okay, thank you. Commissioner Mitchell would like the floor first and then we'll do Commissioner Rose. Go ahead, please.

Commissioner Mitchell: That was a pretty lengthy process that the Ag Board went through, the Planning Commission went through, staff went through, Commissioners went through. And when I read through something like this I'm wondering what the heck kind of information we didn't get that they did when they made this information. So when they put this resolution together, obviously they had more input than we did from I don't know what sources or where they came from, to prompt the questions. So I feel like we're behind the power curve now, as to specifically what these questions were asked and why. So if you can get us up to speed there first that would probably help so we know where to go.

Mr. Moore: My understanding from the questions in their remand resolution were that they just felt there were some missing pieces that they needed in order to adequately consider whether this was the right action for Skagit County. So they had some discussion about, you know, for

instance, the Tulip Festival. The proposal didn't identify any carve-out for the Tulip Festival. It indicated, you know, certain businesses. This had straight limitations on those without any reference to the Tulip Festival. So I know some of the public comments received were having to do with the Tulip Festival as, you know, roughly a one-month event and if the operations were limited as in the proposal, that it may not allow for people to even operate during the whole Tulip Festival if they're associated with that, if they're going to be under that umbrella. So they wanted to just – you know, I heard the Commissioners talk about what does it mean – you know, can we be more clear on that?

So the – going back to their directives, so they asked for some more clarification on agritourism uses – just what the difference between agritourism uses and ag accessory uses (are). They thought that could be more clear so that there would be no misunderstanding moving forward with any potential applicant.

Commissioner Mitchell: Do you think they're looking for lists?

Mr. Moore: I think they're probably looking for – could be more examples or describing the limitations of agricultural accessory uses. I think there was that in the proposal, so it did contain some description of that, but sounded like they wanted a bit more robust or clearer delineation between what is an agricultural accessory use versus what would be considered an agritourism use or an event use. So just so it's a bit of a brighter line or a clearer line between those two.

Commissioner Mitchell: Okay.

Chair Raschko: Anything else?

Commissioner Mitchell: Not yet.

Chair Raschko: I've got a question that just kind of hinges on that, if you don't mind, please.

Commissioner Rose: No, go ahead.

Chair Raschko: I keep going back to the first page where they quote Skagit County Code 14.16.400 saying nonagricultural uses are allowed only as accessory uses. So I just don't understand why it was then they want to know how we want to regulate uses that are not accessory. I mean, that just seems to me to be kind of an oxymoron. See what I'm saying?

Mr. Moore: I *think* I follow.

Chair Raschko: Okay, let me try again. Pardon me?

Vice Chair Candler: Where are you at?

Chair Raschko: On the second paragraph – the second Whereas of the resolution. They quote Skagit County Code 14.16.400 and it says nonagricultural uses are allowed only as accessory uses to the primary use of the land. Okay. So it just seems to me to be contradictory then to describe how we want to regulate those uses that are not allowed. Or am I missing something?

Mr. Moore: That is existing code right now. And so there are sometimes accessory or peripheral or smaller uses that are occurring on a farm that may not be considered directly related to farm

activity. And as long as those are very limited, then that's – I think that's what the code is attempting to describe. Is that the question?

Chair Raschko: No. I'm just totally confused. But it's –

Mr. Moore: Okay. Well, certainly we have adequate time to go through all of this. I don't anticipate this will be a quick process necessarily. We'll have a lot of discussion. Again, we could do homework, we could provide you with any information you need. We could help provide recommendations or alternatives. So just looking to figure out a way today to support you in that.

Chair Raschko: Commissioner Rose?

Commissioner Rose: So I think you mentioned that a handful of these sites have started going through the process to legalize or to grandfather in, and I think it would be helpful to know – to have some of those examples in front of us. And what are the hoops that they are jumping through to become legitimately agritourism sites? I'm guessing that it's a small percentage compared to how many there are, but I don't know. I guess that would be interesting to know as well. So just knowing how onerous the hoops can be – and I'm not saying they shouldn't be, but for fire and life safety issues, for example, it seems like it would be impossible for some of them to ever comply. You see what I'm saying?

Mr. Moore: I think so. And to provide context to my response and comments, to clarify – yes. As part of the Board of County Commissioners' action, they did provide a pathway to compliance for existing businesses. I have spoken with a number of those businesses, met with them, met with them onsite to go over preliminarily what they may need to do to bring their buildings and site into compliance. So those businesses – we could look at the example of what they need to do. But I'd like to remind that those will not be regulated by this new ordinance that we're considering.

Commissioner Rose: Right.

Mr. Moore: So that would be a separate track –

Commissioner Rose: I see.

Mr. Moore: – that they are utilizing. And so these – the proposal and what we're going to discuss is, I would say, the *permanent* ordinance that will apply to all future businesses –

Commissioner Rose: Oh, future.

Mr. Moore: – when they wish to come and propose a use on natural resource lands. Now I'm still happy to provide kind of a rough idea of what it would take to get there, if that does help support the discussion for the permanent ordinance. But to answer your question, with that being said, it is apparently high bar if you're looking at your typical barn or post-frame building – to convert that to a non-residential, commercial type space for an assembly occupancy. It's going to take a bit of work from a lot of them. And so far we don't have any building permit applications in and so that is definitely still happening. The difficulty in doing and the length of time that some of those businesses – which I estimate are 20 or less – are even qualified for pursuing that route. They are looking to employ assistance – you know, architects and such to help them understand what they need to do specifically and what that's going to cost them. While I've provided general guidance and general idea of the things that they're going to need to address, they're looking at professionals to help them with that. But again, that is a separate track, a kind of a separate item

that isn't directly associated with our remand or our development of a permanent code for Skagit County.

Commissioner Rose: So a follow-up to that – I know there was conversation about if somebody's going to have a commercial enterprise on their farmland, will there be a revised taxation on the land to go along with that if that's allowed for that segment of the land? How does that whole thing work? Because the, you know, one of the stories that I heard at the hearing was that we can't make it as farmers unless we have this other thing going on. But as a developer I understand that if you have an activity on a piece of property that enhances the value of that property then it's a vicious cycle of: Okay, you have some sort of venue next door to me. You make a lot of money from that venue. You might pay higher property tax but the value of your property goes up. And now all the land around it, the property goes up too, just because that's what happens. And so I didn't hear anybody at any of the hearings talk about that phenomenon. They were just talking about how, Well, we can't – farmland is expensive and the only way to make it work is to have these things. But that just makes it even more expensive. And it's actually to the detriment of the farmland – you see what I'm saying? – like, in the big scheme of things is why. Any rate, I think you get the idea.

Mr. Moore: I think so.

Commissioner Rose: And I just wanted to articulate that because a lot of people don't think of that piece of the puzzle. They don't think about it's a vicious circle that – a spiral is what it is. And I think that's a really important thing that has to be considered when crafting whatever is settled on with the ag tourism and accessory ag use – the language and stuff.

Mr. Moore: That's a good point. Yes, definitely property values are often tied to adjacent properties in the same area, especially if they have similar allowed uses. While I don't claim to be an assessor in any way or an appraiser, my understanding is that, you know, they will look at both a combination of the existing developed area and use and then what is the highest use that could be attained on the property to help establish the value of that property.

Commissioner Rose: Right.

Mr. Moore: I would presume – and we could, you know, look into this further during this discussion – that if the limitations – you know, if there were limitations that affected some properties and not others that their value would be different because one property couldn't expand the same as the other. So back to your question on the existing, you know, I don't know that those existing uses are going to necessarily affect other adjacent properties who don't have that same opportunity in code or law.

Commissioner Rose: Right.

Mr. Moore: Now moving forward with this ordinance, if it applies uniformly then possibly it could.

Commissioner Rose: Right, and I might –

Mr. Moore: If it's going to allow a higher use of a property, maybe.

Commissioner Rose: So it might be good to have some expert or somebody who is savvy about assessing properties like this what happens, and they've probably got examples in Snohomish County they could pull. Because that would – it'd be a shame to craft some sort of code language

that would basically cause agriculture to go down, you know, and be non-viable because property values get way too high. And that's all I want to say about that, but yeah. Yeah, thank you.

Mr. Moore: Good point.

Chair Raschko: Commissioner Hutchison.

Commissioner Hutchison: Thank you for this information. So the pipeline crossing has caught my interest as a point of reference. And you suggest that there's other divisions across this perimeter. Is there expansion on that information you can share with us? Maybe not today, but –

Mr. Moore: Yes. I apologize. I stumbled over that because I was trying to call to mind an example that uses the pipeline to delineate different areas of the county, and I failed to remember exactly what uses that delineation. The reason why I put that in the memo is that there was some discussion on the differences between, you know, lower valley and upper valley. And then trying to figure out, you know, if you chose in your proposal to differentiate those two areas, what would be a logical switch point. And since that pipeline crossing is identified in other plans and limitations – which I'm going to find out for you – that *could* be one area or one place that you could draw the line. I mean, Highway 9 might be another, it might be further east might be another. I don't know.

Commissioner Hutchison: So if I may follow up, with the idea of segmenting perhaps spatially, or is there a possibility to segment perhaps based on acreage of below 40 acres in the Ag-NRL versus above 40 acres? Is that perhaps a defining line that could be considered potentially for use? You're suggesting that we could help you find places to start and I feel like just getting some more information is probably – everybody's had good questions tonight. Thank you.

Chair Raschko: Okay.

Mr. Moore: Thank you.

Chair Raschko: Commissioner Mitchell and then Commissioner Day.

Commissioner Mitchell: Just to finish up what we just talked on, but I really do have a different question. Boy, that's opening up a sticky wicket by pretending we can carve out Ag-NRL land upriver, downriver, or anything else, and I don't know where that idea came from and why. But we have worked very hard for decades and decades to follow GMA, to follow the rules, to protect ag land, to protect resource lands, and not to patchwork things. And I realize that oftentimes we are told to use mountains, rivers, highways, something-or-others to delineate something, but if we did my first instinct on that is that's completely artificial. This thing is completely artificial by trying to divvy up upriver versus downriver on something like that. So it's just the thought that came to mind. And the same thing if we were to try to divvy up on acreage size or size of business or something else. It's the same kind of thing. Then it's really trying to circumvent what GMA says, what the law says, what Ag-NRL is defined as, and everything else that's in the Comp Plan that goes with it. So that would be a really sticky wicket.

But the other thing I'd like to ask Jack is under the b) for the History and Background here when they're asking us to – it says "Whether the Proposed" ag tourism "Code Amendments afford adequate and equitable opportunity to participate in the annual Skagit Valley Tulip Festival." I'm really puzzled over this question simply because of this. The way I've understood and the way it's proposed to us by staff and the powers-that-be, is the Tulip Festival goes on anyway. You've got

chambers of commerce going, you've got businesses going, people are doing this all over the place. That is inherently separate and different from what Ag-NRL is period and what the uses are. And the same thing for any recommendations, policies, laws, restrictions that go with what can and can't be used in Ag-NRL, *even* if we start bickering on the definition of ag tourism again. It's – again, they're two separate things. And I know that the powers-that-be know this, so the question is, Why is this even in here? Are we just dissuading to have the conversation all over again? Because this really is a moot question. And I'm sorry to be so direct but...it's a non sequitur. It doesn't fit.

Mr. Moore: Okay. I think I could provide, you know, something of a comment right now and then certainly we could look into it further. So I personally took a look at, you know, what I could find with the recognition of the Tulip Festival from the government of Skagit County. And I looked back and I tried to find ordinances and resolutions that might talk about that, because it isn't specifically addressed in the zoning code. There's not any reference to it. And so in the Ag-NRL section of our zoning code it just doesn't – it's – it just doesn't talk about it. There's nothing there. So there's no guidance on law as far as zoning goes or limitations. So I went back, like I said, and looked through resolutions and ordinances and could only find a tenuous connection – or a peripheral connection, maybe would be a better way to put it – from the government of Skagit County and the people of Skagit County and the Tulip Festival. There was some talk about some minor partnerships, there was some talk about some Health Department-related things, but there is no real clear guidance on how the Tulip Festival operates as it relates to other codes and laws as far as zoning. So I think that's likely, since we're on the subject. We're talking about Ag-NRL, we're talking about larger scale businesses, whether it be, you know, events of any sort, that now would be the time that maybe that should be made clear in code since it's absent right now.

Commissioner Mitchell: Well, it's an interesting question. If we were to go that route and do something like that, then when you have to come back and talk about the raspberry festival, the basketballs and something something something something. So again it's one of those things where if we try to go back and define something like that and wrap it into zoning, how can you do that? I know I'm not saying this personally. How can we do that when a festival is not zoning? It's over everything. You can't tell who's going to be coming up from this county, another county, another city. We've had people who came from – I forget – Ohio and Iowa. It's just not two things that mix. And so if we do really take this question seriously, it's one of those things I think it's going – again, we're going to go down a slippery slope trying to solve a problem that really doesn't exist, first of all. And the second thing, we're going to tie ourselves in knots trying to do it. So we just – caution us on that one.

Mr. Moore: Okay. I can hear your concern and I suppose I would suggest that, you know, it may be that we don't spend a lot of time talking about the Tulip Festival or what it is or what it isn't or anything. I don't see that being part of the conversation here. It could be that there's just a reference in Ag Tourism that says, you know, X events are ag accessory, X events are ag tourism. If there's a limit on the number of days, you could operate ag tourism. That any operation during the month of May – or April – during the Tulip Festival does not count toward your maximum days of operation. I mean, it could be something as simple as that potentially, you know. I wouldn't suggest we're digging into what the Tulip Festival is and isn't. I don't think that's the proper purview or even where we are – the directive from the Board of County Commissioners. I think it was mostly about, you know, if we say that you only have X amount of days to operate your business per year, that may prevent them from participating in the Tulip Festival because if it's –

Commissioner Mitchell: I still don't see how. I don't see how.

Mr. Moore: Just – I don't know – just for instance. I don't remember the exact numbers in there, but say you're authorized to operate for, you know, 15 events per year or 15 days per year or, you know, 26 days per year – whatever it may be. The Tulip Festival itself is 30 days. So you wouldn't even be able to run the whole Tulip Festival if you are limited on the days of operation – number of days, maximum days for ag tourism.

Commissioner Mitchell: But the thing – the whole point for the Tulip Festival is that you can't – the businesses aren't controlling who comes to them. They're operating whether they're following codes or not and whether they're operating or not. That's the part I still don't understand. For example, if you take one of the tulip operators out there that has the parking and the visitations and those kinds of things, they were grandfathered in for wherever it was going to be. They're going to continue operating. And the guy down the street, you know, they're going to have people come to them as well. How can you say whether people can and can't come and stop or not? And that's why even trying to tie those two together seems really confusing. And when it was posed to us in talking about this kind of thing, the Tulip Festival itself is not inherently to drive ag tourism. The Tulip Festival was to celebrate the tulips – okay? And so if we try to tie somehow, somebody, how many days somebody operates or something like that and say it's because of that, then you have to lift all kinds of things for other people. It's two things that – I don't know.

Mr. Moore: Okay. I'm – I don't know if I explained it very well but, again, I don't think we're trying to limit the Tulip Festival or trying to say people can or can't operate in the Tulip Festival. I mean, again, I'm speculating what might occur here based on the conversation I heard. It might just be that we recognize that the Tulip Festival *is* a separate thing and it doesn't land under ag tourism. If we could just – you know, possibly that would be part of the proposal – That there is a carve-out for the Tulip Festival, that it doesn't constitute ag tourism as it relates to this proposed ordinance. It could be that that is the proposal.

Commissioner Mitchell: Well, that is what we were led to believe from the get-go.

Mr. Moore: Right.

Commissioner Mitchell: So –

Mr. Moore: Right. But upon further investigation, there isn't officially any separate recognition of that. And so to make it more clear that those are separate items, that's, I think, why this was included in the remand.

Commissioner Mitchell: Okay.

Mr. Moore: Is just to simply make it clear that they are not connected.

Chair Raschko: Okay, we have Commissioner Day and then – Vince, did you have something? – and then –

Commissioner Henley: A long time ago!

Chair Raschko: And then you and then Commissioner –

Vice Chair Candler: Otherwise, a point of order because we didn't have everybody spoke yet.

Chair Raschko: Commissioner Day, please.

Commissioner Day: Thank you. Thank you for your comments, and I certainly respect the Commission's work on this previously and I was not appointed to the Commission when you all worked on it so I'm a newcomer. But it is near and dear to my heart. My husband and I ran an agricultural business for 25 years. We lived in the Snohomish Valley. And I've worked for USVA as a contract grants reviewer for the past several years so it's something I'm very interested in and also a reason that I feel at home here in Skagit County. So I am eager to hear more from constituents about this.

Just to respond to your questions, Commissioner Mitchell, I think one only has to read the *Skagit Valley Herald* to understand that there isn't – there're some challenges for some farms to participate in the Tulip Festival, and so I think further clarification is warranted. And I also understand that accessory uses – an accessory use is something that is incidental to a primary use, which is different than an inherent function of an agricultural business.

So to your point, tulips and having people out to the farm to tour and to sell the tulip bulbs is an inherent part of that agricultural business. It's to me not analogous to a wedding venue, which is hard to see how that is an agricultural business. But USCA has guidance on some aspects of agritourism as do other agricultural entities and experts nationwide. Now whether those agree with the GMA that we have or not I don't know. But I think if – I certainly understand the need for and the desire of the Board of Commissioners to have greater clarity than just sort of this accessory use code. I think that we have an incredible treasure and resource here in the Skagit Valley so it's a tricky balance to maintain those soil based activities at the same time providing some additional marketing and on-farm experiences that bring people out to the farm, which is a financially valuable pursuit in the agricultural economy across the United States. People are really hungry to come out to farms and farms are looking for opportunities to accommodate, you know, those tourists that want to come out.

So I think to your question in the staff memo – Should we have a broader, multi-stakeholder group? – I would say yes. I think that more voices is better. I think even just a couple of Planning Commission meetings ago we had a citizen come and say, you know, we really need to think this through and be a little bit more creative. So I think that a code amendment that is specifically designed for agritourism – what it is, what it maybe isn't, what the limitations are – I think that is warranted. And I think creating opportunities for farmers with recognizing that we need to preserve soil-based activities, providing economic opportunities is a great way to preserve farmland. So I would appreciate a multi-stakeholder sort of advisory group that could provide input with some creative regulations that we could discuss. Thank you.

Chair Raschko: Commissioner?

Commissioner Henley: It seems to me –

Chair Raschko: Commissioner Henley, are you next?

Commissioner Henley: – if I've got the floor, it seems to me that the Agricultural Advisory Board – which was quite competent in my opinion – spent a long time coming up with their output. Now one of the key things that they did, in my view, is make a good definition of what "agritourism" is and what it is not. And it was a very small code change, as I seem to remember. Now the thing that bothers me more than anything else, it seems that we had one segment of this so-called agritourism thing, namely the wedding venues – all right? – where virtually no agriculture was taking place at all, or very little. And so I wonder if we, say, reconvened a subset of the AAB and

we had it salted with some Planning Commissioners and you discussed the same thing, why wouldn't you actually come up with the same conclusion? And I think that that's not necessarily a danger but I think it's a likely outcome. The other thing that I'd be concerned about is it gets back to the economics of the thing. It seems to me that some of the things that we've got here have such an out-of-balance revenue proportion versus farming – all right – that the perpetrators, I should say, are the people who are skating beyond the pale of the strict code, I think that the economic arguments would be so great that they could not literally afford – all right? – to not have agritourism the way *they* see it as opposed to the way the AAB saw it. And so I just ask: If we go to all this trouble, might we not come up with the same conclusion? I don't see a difference, necessarily.

Vice Chair Candler: Thank you. I have a question. I recall that Planning and Development Services, your department, took the position, specifically in a staff memo that was provided in our materials, that this would not affect the Tulip Festival. And I also think I recall that one of the reasons – or that one of the things you provided was a resolution about the Tulip Festival that was up there on the board. If I'm hearing you correctly – and that's obviously what we acted on. That was the information we had and that's what we believed. Are you saying now that you don't stand by that position or that you think that something's changed?

Mr. Moore: Yes, that is what the Board of County Commissioners believes – that it is not clear enough in code and there isn't a clear differentiation between ag tourism and the Tulip Festival; that someone might misinterpret that any limitation on ag tourism use might overlap with the Tulip Festival. And I don't believe that's their intent and I don't believe that's what the Board of County Commissioners wants. And I think they just – since there is no distinct difference in code or law at the moment about the difference between the two or the fact that they don't overlap, someone might misinterpret that they do. And so thereby any limitation on an ag tourism business in the future might – someone might misinterpret and think that participation in the Tulip Festival counts against any limitation they may have, whether it be number of days of operation or whatever. But what I heard the Board to indicate is that that is not what they are looking to have happen. They are not looking for an impediment to the Tulip Festival and not looking to have that count against some future business.

Vice Chair Candler: Okay, can you then tell me what activities are the Tulip Festival? What does it mean? When you say "the Tulip Festival," what is it? I mean obviously I know that there's a street fair and that is part of it and that happens in the city of Mount Vernon, and I can't imagine how – and please correct me if I'm wrong – the code we do out in county would not affect a street fair in Mount Vernon, correct?

Mr. Moore: Correct.

Vice Chair Candler: Obviously there's a lot of traffic. We all know it's famous, lots of use of restaurants downtown or wherever they are. That is, I think, what Commissioner Mitchell was getting at. We can't control who drives through the county, by regulation or otherwise. What – and farming is an everyday of the week thing and that's not being regulated. That's growing tulips, right? What activity is the concern? Is it sales coming to the tulip farms? Is that the issue? What are we talking about?

Mr. Moore: It could be a festival or an event, you know, like a – I mean, think of the street fair in Mount Vernon. Again, we don't regulate Mount Vernon. But think of that being picked up and put out on one of the ag operator's land. I mean, they have similar looking tents out there, they have vendors out there, they have food out there, they have people selling trinkets, they have all kinds

of things that happen during the Tulip Festival under the umbrella of the Tulip Festival. Now if you look at that and say those are not – I mean, are those ag accessory in some way? Do they bleed over into this proposed ordinance we're looking at? I mean, does their type of business – could someone think that, Ah, this actually *should* be regulated under agritourism because they're going out there during the month of April and setting up a booth and selling earrings with tulips on it or something. You know, that's not an agricultural activity. It's peripherally associated with the Tulip Festival and ag –

Vice Chair Candler: And because it's Monday through Sunday of every week all through the Tulip Festival, there's no way to get a permit is what you're saying?

Mr. Moore: No, no, not at all. No. What I'm saying is say we have a(n) ag tourism ordinance that says you can operate, you know, 20 days a year. You're an agritourism business of some sort – whatever that's kind of accessory or it's an agritourism. Whatever it's defined as. All I'm saying is that's the kind of uses that might, you know, *potentially* – I don't know – be allowed for under the ag tourism ordinance on a limited basis. But if we put a very strict limitation on those ag tourism businesses that operate throughout the year in Skagit County, I don't think the Board of County Commissioners are looking to create an impediment to participation in the Tulip Festival during the month of April.

Vice Chair Candler: Okay.

Mr. Moore: So if they can only operate 15 days per year because we want to keep pretty much clamped down on this agritourism possibly, then they might perceive it as being, Well, then I can't participate in the Tulip Festival because that's more than 15 days. So I don't know if I'm explaining it well.

Vice Chair Candler: You are, you are. I appreciate that.

Mr. Moore: But, you know, so – and when you think of agritourism businesses or the focuses of the type of businesses out here, I know we spend a lot of time thinking of wedding venues because that's a big operator out here. But that's not the total and all-encompassing types of business. Any large crowd type business, whether it be a festival, a fair, a large gathering, a rodeo, a whatever, those are either, you know, peripherally ag-related or not ag-related. That's what we're trying to figure out. And so – but again, I don't think the Commissioners are interested in impeding the Tulip Festival in any way. So any rules or limitations we develop for ag tourism, we don't want people to misunderstand and say we're trying to shut down the Tulip Festival or run these people out of town or disincentivize them participating.

Vice Chair Candler: From a Planning and Development Services perspective, is the County code a good place for that clarification, or would that be something that would be in, like, the Tulip Festival resolutions, or a memorandum attached to a Tulip Festival resolution? Would there be an advantage to doing it one way or the other?

Mr. Moore: Well, as the Tulip Festival's a private entity, a non-governmental entity, I think probably the public and the Board of County Commissioners would like clarification and limitations that are enforceable. I think in the code is the appropriate place.

Vice Chair Candler: Okay. I have some other questions. Oh, before we move on, though: You identified something I can totally understand what you're saying as far as farmstands that would

be operating more than 20 days of the year. Anything else come to mind that we should be thinking about and deciding about and talking about?

Mr. Moore: I'm just going by observation. You know, sometimes there are places – I gave that example of, you know, selling earrings. There are businesses out there. Some ag-related, some might be ag accessory-related existing ones that may not fall under this because they're existing, but, I mean, there are retail sales of some sort of imported products out there that are peripherally related to ag. Some of them are, some of them aren't. You know, so there could be a lot of things. Rodeos, you know, is something that *could* be an ag tourism event – possibly or maybe not. It may be not at all and so that should be clarified.

Vice Chair Candler: Did you say "rodeo"?

Mr. Moore: Rodeos, yeah. We had an unpermitted rodeo happen out here just a couple of years ago on the west side and it was a large event. It was a lot of disruption. There was no prior warning for medical services, for law enforcement, for zoning, for anything.

Vice Chair Candler: Was that during the Tulip Festival?

Mr. Moore: No.

Vice Chair Candler: Was that something we'd *want* to have happen during the Tulip Festival?

Mr. Moore: I don't know. I don't believe so. I don't think it's consistent with the Tulip Festival but I'm not –

Vice Chair Candler: I appreciate _____.

Mr. Moore: I'm not here to kind of talk about what the Tulip Festival is and isn't because I don't think that's our directive here. We're not trying to regulate the Tulip Festival. My whole point is we're trying to really clearly separate our conversation from what happens during the Tulip Festival. I think that's what we need to do.

Vice Chair Candler: Okay. Then I will move on. I have a question about number – it's page 2, (1)(e) about the *King County v. Friends of Sammamish Valley* and other state-level action. I have a couple questions about that. First of all, King County/Friends of Sammamish Valley still in the decision-making process, right?

Mr. Moore: It is.

Vice Chair Candler: So do we have any information about – is that – is there any indication that's expected to come down soon and we're going to have some more information soon?

Mr. Moore: Not specifically. It's uncertain how long the court will take to render a decision on that. So it's just an example of things that are occurring right now in other jurisdictions that might help to lend us guidance. Also the state has talked about establishing some criteria or guidelines at a state level for what agritourism is in Washington State. They've been discussing that. There's no law passed yet on that, but I provided this as an example of just – there are other things in motion at the moment that may help us to get an idea of how other places are handling things. Or maybe what the state guidance may have.

Vice Chair Candler: And that's what you mean in here by "other state level action"?

Mr. Moore: Yes.

Vice Chair Candler: Potentially some statutory action?

Mr. Moore: Yes.

Vice Chair Candler: Okay. And so, of course, I don't know how we would presently be able to figure out if we're going to be consistent with the decision that's going to be ultimately rendered, which we don't know what it is yet. So my question is: Is this premature? That's – I'm not asking – that's a rhetorical question, sort of, for the group. Just throwing that out there.

Mr. Moore: Yeah.

Vice Chair Candler: And, of course, if you have a response that's great too, but I'm just kind of pointing that out.

Mr. Moore: No, good point. The only reason I threw that in there is that, you know, I didn't know how long this conversation would take, depending on the direction that we get here, depending on how long it takes to get through and come up with a revised proposal for the Board of County Commissioners. It may be – if it goes for any length of time – it may be that we have this stuff at our disposal and we may be able to have that and form our decision.

Vice Chair Candler: And I read – now I'm going to change topics back to what we were talking about about the pipeline. I'm not exactly sure I read somewhere we have 89,000 acres of ag land in the county, and I don't know if that's accurate. But it doesn't matter, the number. The point is is that do you have any sense of the percentage of that that would be split by the pipeline? I could be way off base but it seems to me – I don't want to disregard, you know, eastern county farmland. There *is* eastern county farmland that's very valuable – same to me as anything else. But it seems like the majority of it's *not* east of the pipeline. Does that make sense? Am I wrong about that?

Mr. Moore: Let me see if I understand. So the first part of your question – can we, you know, provide a comparison of the amount of the area, NRL area, east and west of ___?

Vice Chair Candler: Yeah, just like what would be affected if we were to break it up that way.

Mr. Moore: Yes. Absolutely we can do that.

Vice Chair Candler: Do you have a sense of it?

Mr. Moore: I don't right now, no, but I can use GIS to give us the area of the Ag-NRL zone.

Vice Chair Candler: Okay. By acre?

Mr. Moore: By acre, yes. Absolutely.

Vice Chair Candler: Percentage?

Mr. Moore: Yes, absolutely. Yeah, I can do it either way.

Vice Chair Candler: Okay. I would appreciate that.

Mr. Moore: So we could separate that and then – let's see. I'm not quite sure I follow the second part of that question, though, so I want to try –

Vice Chair Candler: I think that was the whole question.

Mr. Moore: Okay. All right. Thank you.

Vice Chair Candler: That's all I'm asking for. Because I could be way off base but it seems to me that if it's a very small – if the numbers are – I don't know. it doesn't matter. I just need to see the numbers to tell you – that tells you _____!

Mr. Moore: Anecdotally it's going to be far smaller than the west area. Yeah.

Vice Chair Candler: Is that – right, so that's what I was thinking.

Mr. Moore: Yes.

Vice Chair Candler: So if that's the case, then I'm not sure why we would look at it – that being our geographical – I don't understand where that came from. If it's because less – I don't even understand which way that cuts.

Mr. Moore: Sure. I can provide some possible insight to that. So there was some discussion about the differences of the type of farmland, and this even happened during the Agricultural Advisory Board when they were going over this. They were talking about soil types; they were talking about large scale ag production – you know, tillable farmland; high value soil types; and how that changes as you move up the valley from the open delta area to the more valley area. And so – and they talked about how the farming types changed somewhere in that region between Sedro-Woolley and Lyman. You went from, you know, production of crops to lean more toward rangeland and pastureland and things like that. So they recognize there's a difference in types of agricultural activity and difference in sometimes the type of – size of properties that are conducting agricultural activities. So I do know that that was part of the conversation, is that, you know, we – even just looking at it – and farm use does seem to change at that point. So should there be a different standard – you know, east versus west county – or should there not? I mean, I think that's part of the conversation.

Vice Chair Candler: Okay. And then my – let's see. One of our topics for discussion is, you know, what information we'd like from the Ag Advisory Board. I'd love to say, you know, they've worked very hard and that's not even fair to ask them. But, of course, if this continues to be a discussion I'm sure they're going to want to weigh in and I guess that would be one question for them. If they've already addressed it maybe it wouldn't be too much to ask, or I can go back through the materials.

And then another of the questions is, What additional information can you compile? And I would just go back to my original question is whether the County is looking at changes in policy on ag. Is there something in the works to change any of the ag policies to change what we've discussed about preserving farmland? And I know that that's not the whole of the question because there are different people who believe different things about what it would take to preserve farmland, one being, you know, let us have our land to till and stop sending us all these people who don't like us – or whatever. You know. And then the other is, We need to be economically able to

sustain this activity. And I get that both are coming from a place of preserving farmland. *But...* I feel like *probably* – and I could be wrong – it *feels* like a zero-sum game. Like, *probably* they can't be both correct. So I would like maybe some policy directive from the Board of County Commissioners as to what direction we're going. If that makes sense. Does that make sense?

Commissioner Henley: _____. A few minutes ago you mentioned that we're not trying to regulate the Tulip Festival.

Mr. Moore: Mm-hmm.

Commissioner Henley: So my question is: Do you have a clear idea of what it is we *are* trying to regulate?

Mr. Moore: Mm-hmm. I believe so. Activities on Ag-NRL land that may or may not be –

Commissioner Henley: That are not farming.

Mr. Moore: – that are not direct farming.

Commissioner Henley: Okay.

Mr. Moore: (laughing) Yes. Outside of the month of April.

Commissioner Henley: Outside.

Mr. Moore: That's my understanding.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: And this is a real good time for this question then. Because like I had said in the very beginning, What the heck are you guys privy to that we're not privy to? Well, apparently there's a lot of information that you guys know that we don't know. For example, there might be somebody that's been doing some sort of illegal activity or taking advantage of this, that, or the other thing that happened this last year, the year before. The other ____ examples. Rodeo was another example. Somebody else doing other kinds of things. Inherently one of the basic knowledge bases that you have – and I mean staff and the Commissioners – are the kinds of illegal activities, the kind of complaints that come in, and those kinds of things. And we rarely ever, ever know any of that unless it's anecdotally, and even if they do it we don't know if it's true or not. So when we're supposed to try to factor these kinds of things in I know you try to protect us from the legal end of it for obvious reasons, but there are certain things that we need to know. How can we assess and figure out what is and isn't appropriate activity if we don't know it? And we can keep guessing, but we spent close to – what? – two-and-a-half years if you add on all the years before and then the years before that and the decades before that when this issue keeps coming up. And even the multi-stakeholder thing: It was multi-stakeholder. It always has been.

And so but there's other things that we don't know, and you guys know some of that information. If there are things like that that we need to weigh in for what is and what isn't: what the powers-that-be think isn't isn't; what the state thinks isn't isn't; when these cases come up, what GMA thinks isn't isn't, we need to know those things specifically because we're flying half-blind and guessing. And if we're going to be challenged to do these things correctly, with the remand like the Board of County Commissioners wants, we need to have more information for what *has* been

happening if we're supposed to consider what's the future. Because I know the Ag Board did the best that they could do, I know the public did the best that they could do, the other groups did the best that they could do, the Planning Commission did the best they could do, and we handed it up to the Board of County Commissioners. You guys have more information than we do so we need to have the rest of that information, if you could.

Mr. Moore: Okay. We'll try to provide what we can. I'm not sure what you might be referring to, other than code compliance cases. I've noted that down. I can give you examples of types of things that have occurred out there that –

Commissioner Mitchell: Laser shows, for example.

Mr. Moore: That would definitely be an example.

Commissioner Mitchell: Right.

Mr. Moore: And we will brainstorm about other maybe useful information that we could gather for you to consider, whether it be, you know, state guidance or other jurisdictional guidance or court decisions.

Commissioner Mitchell: Right.

Mr. Moore: We certainly will do that.

Commissioner Mitchell: Thank you. And just like any other businesses that happen, there are people that go through their businesses, they get their permits, they get their licenses, they get their wells, electricity, everything else, and they do it properly, and then there's the other guys that do things peripherally. And that makes a difference too because something else has been happening here obviously. And we don't have control over that. And if we don't know what's going on, how do we say what is and what isn't, what's appropriate and what's not appropriate? Because up to this point, we try to capture the full gambit. Even read a list when we had that joint meeting with everybody of what places think across the country is ag tourism. You know, we started laughing about some of those things that's not ag tourism. You know, some of that's funny; some of it's not. But that's the whole point. If we're really going to be challenged to do this and do it correctly, we need to have much better guidance on what they're thinking. And so I agree with what Commissioner Candler said. We need a little bit better direction. The examples are fine for starter places, but if they're going to open up ag tourism to different things we need to know what they're thinking.

Chair Raschko: Jen?

Commissioner Hutchison: Thank you. I really appreciate this discussion. These few questions are bringing a *lot* of different details up, which are very important to so many people in the community. Where do we start? I think defining the differences between accessory and ag tourism specifically. As Kathy was sharing, her idea of celebrating tulips is a farmer opening their farm for tours and selling their products. That's a celebration of tulips. We've got a lot of traffic. It's time to see them. It only happens in this window. But what I'm hearing and I'm learning, which Commissioner Mitchell's sharing that she's not aware of these other uses flying under the radar of accessory, that we don't know they're having full-on community markets. We don't realize that. So you're asking to understand that there and when does that become – that tour turn into a barn party, which the state does recognize as ag tourism? So – but where do we land on that. And so

that tour versus barn party versus – I think we really do need to define these things to determine what the County's going to be acceptable to, and that's a really good place to start. I just wanted to share the conversations.

Vice Chair Candler: Can I ask a question about what she said?

Chair Raschko: Please do.

Vice Chair Candler: When you say "barn party," which the state does recognize, are you talking about a commercial use or a residential –

Commissioner Hutchison: I don't think it's beyond that end of the definition. It's at the state level for agritourism. They –

Chair Raschko: It's a – what did you say?

Commissioner Hutchison: Barn party. It's worded in the WACs _____.

Vice Chair Candler: (unintelligible)

Commissioner Hutchison: I mean I would expect that's commercial use. They're talking about ag tourism in that reference. Maybe we can get –

Chair Raschko: Well, I've been to barn parties. But all it is is a party. You don't pay to go there.

Commissioner Hutchison: This is where we have to be careful. It becomes an event at some point, right? We need to figure out that line.

Chair Raschko: Joe, did you have something?

Commissioner Woodmansee: Yeah. First I have this question, and I think it needs to be described better in our communications and our – most people, including me, like if you told me to meet you at the pipeline, I've got no idea where I'm meeting you. I've got no clue where I'm meeting you. I need a definition of what the pipeline location is. I think the public also needs that since we're talking all about it, since it's a source of topic here. So this is vague. I can't vision anywhere where the pipeline might be in my mind because I don't know what that reference is. I just don't know if I – you know, it's like, you know, I wasn't the cool kid. I don't know where the cool hangout is. So I think that we need to define that, which has already been asked. You know, defining the areas will by default define the pipeline. Right?

Mr. Moore: Roughly the west edge of Sedro-Woolley – or the east edge. I'm sorry. The east edge of Sedro-Woolley.

Commissioner Woodmansee: Okay. Anyways, it's kind of a light-hearted thing but I have no idea where it was. I'll make just a follow-up on that. Are we talking about a gasoline pipeline, oil pipeline?

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: Okay.

Mr. Moore: Yes, yes.

Commissioner Woodmansee: The one that burst in Mount Vernon? Or not burst; it leaked. Conway? Excuse me, Conway.

Chair Raschko: I thought it was the water pipeline.

(incomprehensible comments from Planning Commissioners)

Commissioner Woodmansee: See, we don't know what pipeline it is!

(laughter and more incomprehensible comments)

Commissioner Woodmansee: Anyways, I need a point of reference there.

Mr. Moore: Okay.

Commissioner Woodmansee: Just for that part. Being in the minority on this in the past, I guess I'm kind of happy to see it come back, but to even consider some of these things I would need a pack that had literally everything in one packet. Here's – if you're going to discuss definitions, then I would want the proposed – I would need a whole new packet. I don't want to have to go and try to dig through all my papers and find what this recommendation was, what that was. So I would need everything nice and clean. If we're going to talk about this part of this, the Advisory Board's recommendation with this, the staff-recommended this, the existing code is this – *all laid out* so that it's just all right there to look at. If it goes to that.

I do think that there's a value in the stakeholders and that the stakeholders should – it should be equitably represented. So there shouldn't be 10 Ag Board members and two industry people as stakeholders. It should be more evenly weighted so that the conversation can be more evenly weighted. I think there's always value in the stakeholder meetings, and especially – I mean, we've been working on this for a long time and it was worked on, I'm sure, before I was around. And it's not – it's – unless you're going to draw a super bright line that's really, really restrictive it's not an easy task. The easy thing is draw a bright line that's really restrictive and now you don't have to debate anything. But we're not there – *clearly* not there. The Commissioners aren't there. And so I think a stakeholders thing is a good thing. The best case scenario for me is if there was a good representation of the Ag – not just the Ag Board, but farmers. You don't have to be a member of the Ag Board to have input, so it shouldn't be even just the Ag Board as the only farmers in it. There should be non-Ag Board people that are farming also. But I think that, you know, to me the best solution would be if the ag group of people really came to us and said the industry, the Ag Board, the non-Ag Board farmers – maybe it's union/non-union; I don't know. But anyways, if they all could end up coming to us as a planning commission and saying, We've landed here. We all agree if we could go here and if we could mold our code to here, we can move forward. It covers our concerns, it covers our concerns. And to me that's why there's value in that stakeholder meeting.

It's true that in the development world some things would never get built if they didn't have one type of use. So if you build mixed use, you would never see the single-story commercial get built if you couldn't build the multifamily above it. Because the multifamily above it supports the commercial. It's not financially feasible. The old commercial zoning to me, I think, is a little antique because – I mean, especially in smaller towns. Because you need – for the commercial area to be viable, you need people there and so you should be able to – to get people there, it might need

to be commercial/only residential and not have to have the mixed use underneath. Which that's an oxymoron – commercial residential – but....

So my point is this, is that when you are – you're a small farmer, you're a medium-size farmer. Your ability to earn your living on your small farm may hinge – and *does* hinge, I'm sure, in some cases – on your non- or barely attached to agriculture or whatever. It might take this to keep the flat land being farmed. And the alternative is, just everything gets taken by big corporate farmers. I mean, there's a real correlation there to me that the industry can't support small farming, medium farming, and that it's important. And if it is – if the bright line gets so restrictive, I don't see that as a positive so I think that there's a real value in making sure that, you know, the small farmer, the small business person, that could allow the farming to happen because, you know, in a mixed use building, the cashflow comes from the rental units. And if you didn't have that cashflow, you're not going to farm the commercial units. And so I think that's real – in the Ag zone, too, and so there's a, you know. Having said all of that, I still – and I believe that those things can happen including a lot of the existing type of things that we have going on, without giving up farmland, or certainly without giving up *more* farmland. And so to me that's where the balance needs to be, and I just think that to me it's a good thing to discuss it further, because maybe I was in the minority but –

Chair Raschko: Okay.

Commissioner Woodmansee: Just being honest!

Chair Raschko: Are you done?

Commissioner Woodmansee: Yeah.

Chair Raschko: Okay, anything else?

(silence)

Chair Raschko: Okay. Well, thank you. That was a really good discussion.

Mr. Moore: Thank you for that. Thank you for all the discussion –

Chair Raschko: You did a nice job.

Mr. Moore: – and the suggestions and recommendations and thoughts and comments. It does give us a place to start that does help the Department to help to try to craft a plan forward here to attempt to address the Board of County Commissioners' concerns.

Commissioner Mitchell: One more question. People keep saying “multi-stakeholder.” There's always been multi-stakeholders involved. I don't think the County could have done anything else to get anybody else involved, whether it was early, middle, or late. How would they address that and how could they make it any better? It's just like the Comp Plan every year and the seven-year – the big Comp Plan when we do that. You can only invite people. Either they show or they don't show, early or late. How could it be any different unless the Board of County Commissioners were to develop a whole new committee that was specifically just for that? They do their thing somewhere else then go back to the guys – the Ag Board, us, and everybody else later. I don't understand how you could make it any more multi-stakeholder than it is. It's a serious question.

Commissioner Day: Mr. Chair? I have a thought about that. Maybe I can help you answer that.

Commissioner Mitchell: Let him finish first. I do want to hear what he has to say.

Mr. Moore: Well, I guess there's a couple different ways of looking at it, and I will combine maybe some of your comments with Commissioner Woodmansee's comments.

Commissioner Day: One, you had mentioned that it was open to the public to do comments. And in my mind the difference between general public comment and stakeholders who have – sit down and work through in-depth an issue and come up with a joint proposal at the other end, those are two different things. It requires a different commitment of time, it generally attracts a different type of people who have different areas of expertise or different backgrounds or incentives for being there to spend that dedicated time and to work through a lengthy process; whereas a public comment period, you know, we limit those to a couple minutes. And you can show up and say something and that's the extent of your input. So I see those as being two very different things.

And to transfer back to Commissioner Woodmansee's comments and as an example: Stakeholder groups, if you are taking the premise that it's a group that is dedicated and is going to spend more time and work through things where they may get hard, it may be that you intentionally have or appoint people to those groups from different backgrounds. In this case if we did go this way and the Board of County Commissioners were interested in this, then it could be we have, you know, three small farmers that have some kind of ag activity – non-vegetable-producing activity on 10-acre or less lots. That would be one subset of farmers. We maybe have farmers from – that plow a hundred acres or two hundred acres at a time and produce vegetables. It may be that we have other farmers that have one-acre lots in the Ag-NRL zone that might have a different point of view of what's important to them or what they think ought to be allowed in different parts of the Ag-NRL zone.

Mr. Moore: So to me that's what I think of when I think of a multi-stakeholder group. You intentionally lay it out and get people from different backgrounds so they can come and provide their input and work through differences of opinion until you may come to a consensus potentially.

(music starts playing loudly)

Commissioner Mitchell: Weren't we assured at the joint meeting by Commissioner Browning that's in fact what the Ag Board was? I believe we were.

Chair Raschko: I specifically asked him if they represented the whole wide farming community and the Chair of the Ag Advisory Board said yes and Commissioner Browning then gave a 10-minute speech on how it was.

Mr. Moore: Mm-hmm.

Chair Raschko: Really. And I don't think it ended up being that way.

Mr. Moore: I don't think there are any – as far as I know, any venue operators on the Ag Board, so that's one portion of the community that's missing, if we're talking the difference between different folks and different backgrounds.

Commissioner Henley: Turn it off.

Commissioner Mitchell: So do you think that they would – if they put this in their guidelines, wouldn't that have to come from them to do that? We don't have the power to do something like that.

(music gets louder)

Mr. Moore: No, that is correct.

Chair Raschko: You could stomp on it.

(laughter)

(music stops)

Commissioner Henley: Sorry.

Mr. Moore: Yeah. No, I mean that suggestion or potential option did not come from the Board of County Commissioners. These are just – these are the questions that I proposed to get the discussion started here, to see what the Planning Commission may see as valuable. But you are correct. If the Planning Commission saw that as being helpful to the conversation, I would need to go back to the Board of County Commissioners and find out if they concur and if they wanted to appoint some kind of technical advisory group of some sort to help with these discussions.

Chair Raschko: Angela?

Commissioner Day: Thank you. I'm sorry to be so eager about this. I think you're exactly right in that. I also think the Agricultural Advisory Board is an excellent resource, but I think specifically choosing a variety of perspectives relative to this issue and having a dedicated conversation where people work through and make code recommendations. Commissioner Woodmansee said, Wouldn't it be great if everybody came together and recommended the same thing, and I completely agree. The thing is, that won't happen just on its own. It generally takes, you know, some stewardship of a process and probably staff time that's dedicated to that. I've been involved in similar things where some planning commissioners were on a specially appointed committee and then other people were selected specifically for the views that they represented. And I think that is – you're right; that's the only way that you get to some kind of consensus recommendation that is representative of all the stakeholder groups.

Chair Raschko: Tammy?

Vice Chair Candler: So partly I'm exposing myself to Public Enemy Number 1 status for pointing this out, but what I'm – it's food for thought and it's discussion so I'm going to do it anyway. When you talk about a group that's going to come together and figure out a solution to this, you are doing what I think most – human nature and all of the good people here want to do. They want there to be a compromise. And that's great if your goal is to make everyone happy, which, by the way, isn't a realistic goal probably. I think we all probably could relate to that. If your goal is to make everyone happy, the idea would be to get together and just they give a little, they give a little, and there's a compromise, and a lot of people are going to be happy – never everyone. But the problem that I keep having, and I may just be wrong about what our policy of preserving farmland is, because I think it – if you're going to – you cannot both develop farmland and preserve farmland. And I just heard someone talk about a venue operator being one of the stakeholders and that's fine if that's what is going to happen. But I don't think we're talking about farming – how

do I put this? Ag land is for agriculture, and venues – we’ve already talked about some might be compatible, some might not. But are we looking for a compromise or are we looking for preserving farmland? That’s my question. I don’t know what direction we’re going. Because I don’t think the two are compatible, sadly. And I know that sounds awful and I’m not trying to be mean to anyone, it’s just that you cannot – if you get to a T in the road, you cannot turn left and right at the same time. It’s not possible. You can either develop farmland or you can preserve farmland. There’s nothing in between. And if we’re talking about a compromise, that’s okay but we need to acknowledge, I think, on some level that we’re not going to preserve farmland that way. Sorry. Everybody can hate me! But I’m not even – I’m just saying we don’t have a clear policy that tells me that our policy has changed, that we’re not preserving farmland. And until we do that, I don’t know how we say, Well, you know, here and there a little bit. It’s fine if that’s what the compromise ends up being, but it *is* going to be encroachment, it seems to me. I just want to keep that sort of in the back of people’s minds as we go forward.

Mr. Moore: If I may, I’d like to reassure you that I have no indication from the Board of County Commissioners or anywhere else that anyone is interested in anything other than preserving farmland. I’ll just – I’ll state that. I think I’m on solid ground by relaying that. So I think as you or one of the other Commissioners pointed out, there might be a different idea on what that means – what is preserving farmland? How *do* you do that? I think that’s what we’re really talking about. And if you’re *only* thinking of venue operators and large scale farming, they may not be compatible in any way. And I think the Board of County Commissioners have indicated that, that large-scale venue operators or wedding operators aren’t really – you know, not exactly what everyone had in mind for the Ag-NRL zone.

Vice Chair Candler: So we may have to figure out, What is a stakeholder for this purpose?

Mr. Moore: Mm-hmm.

Vice Chair Candler: And maybe a stakeholder for this purpose is a venue operator who doesn’t like the policy.

Mr. Moore: Maybe it’s not a venue operator at all.

Vice Chair Candler: Maybe it’s not a venue operator at all. It came up, so that’s what I’m trying to figure out.

Mr. Moore: Maybe it’s someone who has semi-regular events where they invite a dozen people to their farm and they do activities there of some sort that’s kind of related to agriculture. Now is that – that’s an event of some sort? That’s a potential commercial use they’re getting paid for? But maybe it’s directly involved or peripherally involved with the land or farming. You know, where’s the line? I mean, I think it’s easy to look at the large-scale, you know, carnival-style, festival-style events. Weddings, those are very clear. It gets murky for me, at least, in the middle. You know, you start going from a farmstand to now teaching classes on something related to ag to now maybe the classes deviate from ag use and they are peripherally talking about something else – talking about some other outdoor activity, you know. We have people that do this. We have operators that have a(n) agricultural business that invite small-scale groups and have classes on their site. It’s hard to understand, or hard for me to sometimes draw that line and figure that out. So to me that’s where the murkiness is. It’s not that – I don’t think anyone’s suggesting we get rid of viable farmland. I don’t think that’s it. And if you only own two acres in the Ag-NRL zone, are you doing large-scale, you know, vegetable production? Probably not. You’re probably doing

something else. Either you're not doing ag at all or you're doing some more hobby farm type production, specialized. And so those are the ones that get a little gray to me.

Vice Chair Candler: But if you do an assessment of farmland, is that two acres included?

Commissioner Woodmansee: If it's zoned Ag.

Mr. Moore: If it's zoned Ag-NRL and we have lots of things zoned Ag-NRL, and maybe that's part of the problem as well. I mean, we have mobile home parks and trucking companies that are in the Ag-NRL!

Vice Chair Candler: So I think I understand, and I'm not trying to be difficult. What the documents actually say is our goal is to figure out kind of how the Tulip Festival fits in – right? To figure out how this *King County v. Sammamish* and other related, you know, directives from authorities are going to fit in. And then also, I guess, there is some more general directives. So that's where I'm – the two directives that I can articulate, I think, make sense and the rest is just – I would need more – I think I would need more hearings. I'm not sure.

Chair Raschko: Which two?

Vice Chair Candler: Well, if what the Board of County Commissioners wants us to do is figure out how to deal with the Tulip Festival.

Chair Raschko: Okay.

Vice Chair Candler: Then, okay, that's a narrow topic we could discuss. Also knowing that this overarching legislation or case law might be coming down.

Chair Raschko: Okay.

Vice Chair Candler: That's premature but that I can understand as a goal that we could look at. But the rest, I feel like we've maybe vetted.

Mr. Moore: Thank you for that. I would suggest, you know, that at least some ways that the staff might help with this discussion, and I'm hearing that you're needing a bit more. So that's one of the reasons I put, you know, a technical advisory group of some sort – a stakeholder group – that might help us at least have options to choose from. You know, maybe they come to a joint conclusion, but as you point out, sometimes that's not possible. Sometimes they'll come up with – you know, they're boiling it down to two options or three options, depending on whose input there is. And maybe that would be helpful for the Planning Commission. Maybe if we could either via staff or via a technical advisory group boil it down to, Okay, here are three ways we could proceed with this one item, three possible ways, and whatever other ways you may come up with. But maybe that would help guide the conversation at that point or make it easier for the Planning Commission to frame the conversation and ultimately come up with their recommendation. Just throwing that out there as, you know. Staff is definitely willing to help do that – drill down, provide more than one option for each of these items to be able to discuss and maybe help guide.

Chair Raschko: Okay, do you have anything new?

Commissioner Henley: No.

Commissioner Woodmansee: I have a comment I'd like to make and it has to do with – let's say that the code got adopted and we just move forward. We're done with it. Because this isn't about wedding venues. That's just a category. And you perked my interest when you talked about *other*. So we make this – we brighten the line and then we've given this opportunity in the moratorium period to be grandfathered. Is that – are we talking that's just to all these *venues* that are the popular things to talk about for both sides of the equation? Or are we talking about the trucking companies and the storage facilities and the whatever else. I mean, there's tons of things in the Ag-NRL –

Mr. Moore: Yeah.

Commissioner Woodmansee: – that are not agriculture. And so are we going to go clean the whole slate or are we just cleaning this little slate?

Mr. Moore: Very narrow focus here!

Commissioner Woodmansee: So how do you focus on one and not the other?

Mr. Moore: Yeah. So the pre-existing nonconforming venues is what was addressed under the Commissioners' – the Board of County Commissioners' *former* action. That is very descriptive to large-scale events, and they gave examples of what it could be – weddings; rodeos, I think were included; and a couple other things like that. Retail fairs. So that action and that umbrella covers a very limited amount of businesses that are in operation today.

Commissioner Woodmansee: Okay.

Mr. Moore: And that – my estimate is – you know, not that I know the details of every business out there, but my estimate is 20 or less. Twenty or fewer are going to be covered by that. Where – you know, to move on to your next topic, of the non-ag businesses that happen to be zoned Ag-NRL, those are pre-existing nonconforming uses. They can remain. They don't have to change. They're not eligible for this other route that the Commissioners – Board of County Commissioners – have provided for those few, narrow-focused operators of venues and retail fairs. So those are just standard pre-existing nonconforming. Those are covered under the zoning code right now. If they come in and want to do modifications to their pre-existing nonconforming use, there are pathways in the code to allow for that. Same with a lot of other things that could be happening on a property in the Ag-NRL zone. Our zoning code is currently set up with different sections of types of uses.. It's set up with allowed uses that are just flat-out allowed. If you want to come and do those and start those up, you either start them up or you get your building permits to do the modification to your building or your property and you operate. There's no question.

There's a second level of things that are slightly more intensive. It could be a home-based business of some sort. If you happen to own a house in the Ag zone but you're – you have a business where you have to have a home – some part you maybe have a couple trucks there or you have people stop by once in a while to talk to you about your business that you do onsite. That is a slightly more intense use, an example of a more intense use than the standard allowed uses. You might need an administrative special use for something like that.

Then there's another level where it's a Hearing Examiner special use – increasing intensity of use on the property. So a lot of those, if there are pathways to compliance, those aren't going to be covered under that action that the Board of County Commissioners took. Those aren't necessarily – if they're identified as being – having an avenue for, you know, in existing code, I don't know

that those would necessarily translate to ag tourism either. You know, they probably wouldn't. I don't know. Possibly some of them would, but I don't – I think it'd be a small percentage, in my estimation.

Commissioner Woodmansee: Sure.

Mr. Moore: So I just think there are different uses and different pathways in code for a lot of these things. But what we are lacking still and it's – obviously our conversation tonight is another example – this particular pathway isn't clear in our code and it's not an easy conversation to have. Because it's hard to know. Are – you know, where do you draw the line? It's hard to know where to draw the line on these things. I mean, at each end of the spectrum it's easy to see. It's as you get to the middle – that's where it gets hard. So I hope I answered in a roundabout way a little bit of what I'm talking about.

Commissioner Woodmansee: It was great. Yeah, it was very helpful.

Chair Raschko: Okay, and one last comment. Jen, please.

Commissioner Hutchison: I just wanted to see if Amy had anything. We haven't heard from her today. She's on Zoom, right?

Chair Raschko: What about Amy? Does she have anything?

Commissioner Woodmansee: That's her question. Does Amy have anything?

Commissioner Hughes: Excuse me while I answer this. I have no voice today and so that's why I'm listening. And I really can't get into conversation, but I have been taking good notes.

Chair Raschko: Okay.

Mr. Moore: Thank you.

Chair Raschko: It was great. Thank you. Well, we'll wrap that up then. Thank you, everybody, for a lot of good thoughts. Thank you, Jack.

Mr. Moore: Thank you for the conversation.

Chair Raschko: We'll turn next to your Director's report.

Mr. Moore: Ah, Director's report! Well, I think –

Commissioner Day: I'm sorry. I need to leave early. Thank you very much.

Mr. Moore: I will share something that's on the topic right now. There is a meeting this evening in Sedro-Woolley. It's having to do with a state process that is very new for Skagit County. This is the first time it's happening. It is a public hearing that the state is holding for possibly placement of a battery energy storage system near Sedro-Woolley. This is a company that approached the Department in Skagit County to talk about permitting requirements and other concerns that the County may have, that this company ultimately decided to go through a state process that is somewhat new and it's – the acronym is EFSEC. It's the Energy Facility Site Evaluation Council.

It is a standalone entity at the state level that removes the permitting authority from the local jurisdiction and retains it at the state level.

This is new – again – for Skagit County. This is the first time we’re going through it and the state, EFSEC Department – is holding a public hearing right now at the Sedro-Woolley Community Center tonight. They’re going through general information, introduction. They’re going through a land use consistency hearing. They’re doing a number of topics tonight.

The Department has provided public comment to EFSEC on this proposal. Part of the makeup of this group is that every jurisdiction that a project – wherein one of these projects is proposed to be located has the opportunity to assign a person to sit on the council temporarily. So that person would get one vote. The County Commissioners have decided that Robby Eckroth would be our seat at that table. So he is there tonight as an EFSEC member of the group and that’s why he’s not here this evening. I know that the – at least one of the Commissioners was attending over there this evening as well and I think they were going to speak during the public comment period. And I just want to let everyone know that, you know, that is something that’s brand new for Skagit County that this **preumption** (?) that the state is – you know, that this path that the folks can – the proponents of these projects, these energy projects, can choose, and this is the first time someone has chosen to use this path in Skagit County.

It is – you know, we do have some concerns. We did look through their application materials. They did use a lot of our comments from our predevelopment meeting in their submittal package to the state. We were relieved to hear that. But we did provide some additional comments where we thought that maybe they missed a few of the points in our code or in some of the environmental concerns we have, some of the materials that they had prepared. So we have submitted that in writing. We are providing public comment at the meeting. And we are watching closely how this process plays out. We are – you know, just to learn a bit better what that looks like, what the state’s – how they make their decisions, what criteria they use – really looking forward, you know, to the next possible time an applicant chooses to go that route instead of through the County.

So, you know, it is a little unsettling, from my perspective, that they’re not coming through the County system for the decision on the permitting. So interesting to see how this plays out.

Vice Chair Candler: Rumor mill has it that it’s in the flood zone. Is that true?

Mr. Moore: It is. It is, and that was part of our comments – that they do need to – we do suggest/request that they provide mitigation measures for that. Part of their proposal is importing a sizable amount of fill in which to place these – I don’t know if you’d call them containers – cabinets – on to presumably raise it above the flood level. Because the batteries that are typically used in these are susceptible to catastrophic damage when they come into contact with water. We’ll see.

So we provided a lot of comments to them about environmental concerns; proximity to wetlands; proximity of being within the flood zone; proximity to Hansen Creek, et cetera, et cetera; explosion hazards; long-term management of the site; emergency response to the site. So we provided quite an array of comments that we hope they take into account.

Unidentified Male Voice: (inaudible)

Mr. Moore: As a reminder, it is in the Ag-NRL zone. Mm-hmm, mm-hmm, yes.

Chair Raschko: Any other questions?

Commissioner Woodmansee: I just want to say this – go on the record and say how wrong I think it is that the state would create laws and regulations that allows them to bypass the local jurisdictions, and that is very disturbing to me that an applicant would come to us, apparently not be satisfied with what they're being told, and then try to go around us. Which is the only explanation I can think of right now as why this would be happening. And, yeah, it's really disappointing to me.

Mr. Moore: Commissioner, if I may. You know, it may or may not be as nefarious as that, I'll just point out. They did come to us and then they were looking at, I think, four or five other locations that they were attempting to develop as well that are all south of us. And so at least their stated reasoning was that since they had multiple jurisdictions to deal with, it would be easier to go through one joint permitting process via the state as opposed to trying to manage multiple permitting processes with different jurisdictions. So at least that was their stated reason for choosing that route.

You know, I will say also I think we – a lot of us recognize we do have a deficiency with our power system. A few months ago we requested a – staff requested a meeting with Puget Sound Energy to find out a bit more about PSE's long-term goals on power and what they perceived as their limitations on their power system. Because all of these proposals are coming under the umbrella of PSE requests for proposals. I mean, they're being initiated by PSE. So PSE has indicated to us that they recognize the demand on both the available power and specifically their transmission lines. The demand is outpacing what they have and what they can provide. So they're looking at ways of providing dispersed energy production or energy storage in order to meet the spikes in their demand. So that's who's really driving this, is they're putting this out for private companies to partner with PSE to help that.

And so it is – we have a number of examples of deficiencies in their grid; I mean, even right now. There are – you know, in Sedro-Woolley again there are certain sections of their grid that can't even take another house on it or another 200-amp service on it because it's reached its capacity. Out at the Port of Skagit County, they are now constrained from having more commercial and industrial businesses in and around the Port because they don't have enough power to operate those. And so they have been in discussions with PSE, they have been looking for grant money to help jointly develop some additional infrastructure out there. So I do want to say that, you know, this is a big demand the community has and we do need to find a solution for it. How to get to that solution is – you know, again, like we talked about in some of the other topics, there may be multiple ways, but right now this is the proposal that PSE is encouraging and entertaining, and then the state, of course, that has this permitting mechanism to allow for these to come in.

Chair Raschko: Okay. Well, thank you very much. I see our agenda does not provide for – were you finished?

Mr. Moore: Yep!

Chair Raschko: Okay. Thank you. It does not provide for Commissioner Comments, but does anybody have anything to share?

Commissioner Rose: I don't.

Chair Raschko: No?

Commissioner Hutchison: Thank you.

Chair Raschko: All right, we stand adjourned. Thank you (gavel).