

**Skagit County Planning Commission  
Work Session: 2022 Docket; Updates: CFP and Agritourism  
October 25, 2022**

**Planning**

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

**Staff:** Hal Hart, Planning Director  
Sarah Ruether, Long Range Planning Manager  
Jenn Rogers, Long Range Planner  
Forrest Jones, Transportation Programs Section Manager

Jenn Rogers: (gavel) We will call this meeting of the Planning Commission to order tonight, October 25<sup>th</sup>, 2022., at six o'clock. With the chair of the Planning Commission and the vice chair absent, the Planning Commission will need to nominate a chair pro tem for tonight. If there are any nominations, can you please speak up? Commissioner Hughes?

Commissioner Amy Hughes: I nominate Kathy Mitchell.

Ms. Rogers: Is there a second?

Commissioner Joe Woodmansee: I second it.

Ms. Rogers: The motion has been so moved and seconded. Is there any discussion?

(silence)

Ms. Rogers: All those in favor, say "aye."

Multiple Commissioners: Aye.

Ms. Rogers: Any opposed?

(silence)

Ms. Rogers: And any abstentions?

(silence)

Ms. Rogers: The motion passes and Commissioner Mitchell is now the chair pro tem for tonight.

Chair Pro Tem Kathy Mitchell: Okay, thank you. So thank you for coming, and to our guests as well. The first item is for Approval of the Minutes. Has everybody had a chance to look at the minutes and have any recommendations?

Commissioner Jen Hutchison: Motion to approve.

Commissioner Vince Henley: I second.

Chair Mitchell: It's been moved and seconded to approve the minutes. Any discussion?

(silence)

Chair Mitchell: Seeing no discussion, I'll take the vote. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Mitchell: Nays?

(silence)

Chair Mitchell: None. Okay, thank you. So we'll move to the third item, the 2022 Work Docket Session, and at this point I think we'll turn it over to Jenn Rogers to give us some preliminary information.

Ms. Rogers: Thank you, Commissioners. Tonight you are going to review the 2022 Docket staff report and the Department recommendations for each petition. Again, my name is Jenn Rogers and I'm a long range planner for Skagit County Planning and Development Services.

So first we'll go through the process here. The Comprehensive Plan amendments review is a yearly process whereby citizens and staff can submit petitions to make changes to the Skagit County Comprehensive Plan and Development Regulations. Citizen petitions are due by the last business day of July each year for review in the following year by the Board of County Commissioners. The process begins with review by the County Commissioners. The Commissioners hosted a public hearing in May of this year and then created the docket by resolution in June.

On October 10<sup>th</sup>, 2022, the Board of County Commissioners passed a resolution to add two new petitions from staff to the docket. I will review these later and why we added them a little bit later, as well, in my presentation. Today is the Planning Commission's second work session on the docket. The Planning Commission will also host a public hearing before voting on a recommendation for each petition before going to the Board. The Board will then take final action on which petitions will be finally approved or denied.

All of the petitioner applications, memos, staff reports, SEPA, and noticing documents are available on our project website at the link available on the screen. This year's docket had – originally had two citizen petitions added and ultimately five County staff petitions. One of the citizen petitions was rescinded at the end of July by the petitioners so it will no longer be discussed or under consideration by the Planning Commission.

The first citizen petition is LR22-01, Small Scale Recreation & Tourism Rezone. This petition has been brought by Bertelsen Farms and they seek to rezone four parcels on Starbird Road, just east of I-5, from Rural Reserve to Small Scale Recreation and Tourism. Total acreage of the rezone would be about 69 acres.

The rezone would allow for more uses than Rural Reserve. These uses have been compared more extensively in a table available in our staff report. The purpose of the Rural Reserve district is to allow for low density development and to preserve the open space character of those areas not designated as resource lands or as Urban Growth Areas. Land in this area are transitional areas between resource lands and non-resource lands for those uses that require moderate acreage and provide residential and limited employment in service opportunities for rural residents.

There was a question in our last work session as to how these zones were designated historically. So lands with important natural resources, such as prime agricultural soils, were designated as natural resource lands. Other areas of the county which were out of the floodplain and prime for development were designated under residential zones, such as Rural Reserve. The Small Scale Recreation and Tourism zone would provide for recreational and tourist uses that create opportunities to diversity the economy in Skagit County. This zone is also considered a LAMIRD, which is a Limited Area of More Intense Rural Development. Typically the GMA does not allow us to designate new residential LAMIRDs, but it does allow us to designate new *commercial* LAMIRDs such as Small Scale Recreation and Tourism or Small Scale Business.

The County's Small Scale Recreation and Tourism zone would allow for intensification of development on lots containing, or new development of, small scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses that rely on a rural location and setting but do not include residential development. The small scale recreation or tourist use is not required to be principally designed to serve the existing and projected population. And public services and public facilities are limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low density sprawl.

So there are two other properties in the county that are zoned Small Scale Recreation and Tourism. So the first is a resort on Guemes Island. This was designated Small Scale Recreation and Tourism in the early 2000s, it looks like. And the second is Birdsvew Brewery in the east county zone. The brewery was rezoned in 2015 to allow for the existing brewery to expand. The Planning Commission recorded motion for the rezone stated "In 2005, the Birdsvew Brewing Company started as a brewery/" or "tasting room and due to its success, it has expanded over time to more closely resemble a brew pub and eatery." The Birdsvew Brewery's business plan has changed due to its economic success and a rural commercial zoning designation would allow this business to flourish.

The petitioners would like to rezone these four parcels to allow for the current winery business to expand, to build overnight camping and a dog park, a microbrewery, and to grow bees and hops to support the onsite commercial business.

Currently the Bertelsens are using a well for their water, so for the Bertelsens to utilize any of the proposed activities in the petition, they would need access to the public water source, and that's because the property is located within the Skagit Instream Flow Rule area, which means potable water can be limited for current property owners and new developments are not permitted without access to a public water source. So this means Skagit County would not issue a permit for any of

the activities that have been proposed by the applicant even if they receive the rezone, without access to public water.

Are there any questions on this petition before I move on? Yes?

Commissioner Hughes: I have a question on clarification of Birdsvew. Will you go back to that?

Ms. Rogers: Yes.

Commissioner Hughes: Which one is that?

Ms. Rogers: It's top left and it says "SRT."

Commissioner Hughes: The top left. Okay. As I recall when that was done, they were asking for the whole parcel to go into a new zone, and it was discussed that only an acre or two and then the rest stay agriculture. So I'd like that clarified that my memory serves me. But that is how that was developed, is that the brewery got rezoned but the rest of it stayed agriculture.

Ms. Rogers: I can certainly check on that and get back to you.

Commissioner Hughes: Yeah, thank you.

Ms. Rogers: Mm-hmm.

Commissioner Henley: Also a question? I understood that the PUD was not very enthusiastic about providing water to these particular parcels. Is that still the case?

Ms. Rogers: It's not number one priority for them at this time. They –

Commissioner Henley: Well, that's pretty much at the *last* of their priorities, I think!

Ms. Rogers: I don't want to put a ranking on it. I just know it's not at the top of their list right now because they have other projects that they're working on, and, of course, it's very expensive.

Commissioner Henley: So in effect this is not a very useful change without access to PUD water.

Ms. Rogers: Correct, and the applicants have acknowledged that.

Commissioner Henley: Right.

Commissioner Hutchison: It could take a while.

Ms. Rogers: It could take a while. Yes.

Commissioner Woodmansee: So maybe a point of clarification. The PUD doesn't provide water to anybody. If you want PUD water and you don't have it, you have to bring it to yourself. So unless they're doing a local improvement district campaign, the PUD is not in the business of extending their water system.

Ms. Rogers: Just to your property. Is that what you mean?

Commissioner Woodmansee: So you can utilize the water. That's all done at developer or owner cost.

Ms. Rogers: Correct.

Commissioner Woodmansee: And at times it'll be like how much depends on your situation and which expire after so many years. But – so just a point of clarification is PUD will – if you will expand their system, that's usually – they're pretty favorable on that usually.

Ms. Rogers: Right.

Commissioner Woodmansee: And so it's not about *them* expanding; it's about whether the proponent would be willing to spend the dollars to expand the PUD system or not.

Ms. Rogers: It's in their proposed projects that they would. Like I said, it's not high on their priority list but it is in their proposed projects to bring a line along down I-5 towards the Starbird Road area. But you're right: They would have to at-cost bring that all the way to their property.

Commissioner Woodmansee: Right.

Ms. Rogers: Are there any other questions?

Commissioner Mark Knutzen: It says here – talked about the zoning up there: "The areas," let's see – areas up there – "Areas near Bertelsen" Farm... This is on the bottom of page 7. "Areas near Bertelsen farms include Industrial Forest-NRL, Secondary Forest-NRL, and Rural Resource-NRL." And Bertelsen is Rural Reserve.

Ms. Rogers: Correct.

Commissioner Knutzen: It also says here property uses just east of Bertelsen Winery are residential. And that surprised me.

Ms. Rogers: There are some residential uses along Starbird Road near them.

Commissioner Knutzen: Actual residential areas? Because I looked on the County – the iMAP at the zoning and the only thing I found close was about two miles north where the Conway grade school is at is Intermediate – Rural Intermediate, 2 ½-acre, from there all the way to Lake Sixteen. But I found *no* strictly residential areas.

Ms. Rogers: Rural Reserve is considered a residential zone, so there are other Rural Reserve zones near this property.

Commissioner Knutzen: Well, Rural Reserve you can build essentially one for five acres.

Ms. Rogers: Correct – or one for 10.

Commissioner Knutzen: So that's – you can consider that residential?

Ms. Rogers: It's in our Comprehensive Plan as being considered a residential zone.

Commissioner Knutzen: Rural Reserve is considered residential?

Ms. Rogers: Residential.

Commissioner Knutzen: Oh, okay.

Ms. Rogers: But not very dense, or least dense.

Commissioner Knutzen: Not intense.

Ms. Rogers: Right.

Commissioner Knutzen: Right, mm-hmm. Okay.

Chair Mitchell: Could you please bring up that map again for the –

Ms. Rogers: The iMAP version? Just give me one moment. I'll just bring it up on the iMAP. So you can see Starbird Road is right along here. So it gets into some natural resource lands east, and all of these areas around the property are Rural Reserve and there are people who live on Starbird Road near them. If you look at the aerial... So here's Bertelsen Road over here on the left and then some of – what I was trying to explain is within the vicinity there are residential uses nearby.

Chair Mitchell: Thank you. Does that help everybody?

(silence)

Chair Mitchell: Okay, good. Thank you.

Ms. Rogers: And there was an aerial image I did have on the next slide. Okay, so I'll move on to the next petition. So this is the first of the County petitions, C22-1 – is our Wind Turbine Use Amendment. This petition would add wind turbines as an allowed use, accessory to a structure. Wind turbines are allowed in the code but no zone lists wind turbines as an allowed use, and that's because wind turbines used to be in the code pre-2008 as a major utility development, which required a special use permit that could cost more than \$3000 at the time. On July 1<sup>st</sup>, 2008, an Administrative Official Interpretation was issued to deem windmills and other small scale renewable energy systems as accessory uses, which do not require a special use permit. So that would also include solar panels. The release stated that the County intended to amend the development code to reflect the AOI, but wind turbines were never added back in. So this petition would add wind turbines as a small scale accessory use to a structure, one per property, only for net metering purposes. So when I say that it has to be accessory to a current structure, that would eliminate some of the zones, like resource zones where you wouldn't have a structure to power anyway – if that makes sense? The purpose of this, like we said, is for net metering for someone to power their home or their barn or whichever structure they need powered on their property. Just for themselves and not to be shared with the community.

So as for the regulations that we would be proposing, we modeled our code language off of the Whatcom County regulations, which is what we said was our intent in the AOI. The tower must be placed with a setback of at least 1.2 times the total tower height, and that does include the blade height. Height, including the blades, will not exceed 100 feet. Sound levels may not exceed 55 decibels, which is in compliance with current WAC standards and Skagit County Code. The blade tip must extend no lower than 30 feet from above the ground and the tower may not be climbable below 15 feet.

We did not include language that required a minimum lot size because the setback requirements would naturally limit the number of properties that would be able to have a wind turbine based on how tall it is.

As for safety for wildlife, our natural resources team will be reviewing any permits submitted for wind turbines to ensure correct siting of the tower, and that includes for critical areas as well as wildlife. So if a tower is proposed in a known migratory bird habitat or in a common flight path, staff can require review by a wildlife biologist to ensure that appropriate mitigation is implemented to protect birds or other wildlife. And that's consistent with other structures that are proposed that require a critical areas review.

So, too, a couple pictures just to kind of show you two different designs that have been used historically. So the one on the left is the monopole design, which is more the modern design, and the one on the right has a lattice design. The County will only be allowing monopole designs, as they are less intrusive physically and are a better fit for aesthetic requirements as well. Most, if not all, of the modernly designed wind turbines are a monopole, including those that have been proposed in the County since the AOI was released.

Are there any questions on this petition?

Commissioner Martha Rose: I have one. Is that okay if I –

Chair Mitchell: Martha, please go ahead.

Commissioner Rose: So this is an industry that's evolving and so you only allow the one type right now, but how will that be treated as different models come on the market or different configurations even?

Ms. Rogers: If there are different configurations that are proposed that, you know, would be a better fit, then we can certainly go through the process of amending our regulations as those come up. As with any new technology that could be proposed for building requirements and such, it would go through the docketing process and update.

Commissioner Rose: Okay.

Chair Mitchell: Commissioner Woodmansee?

Commissioner Woodmansee: I don't – I actually think that lattice design's more attractive than the mono design, and so I'm curious as to what's the reasoning for not allowing that.

Ms. Rogers: When I talked to our current planning team, this was the preferred design for our county because it's a little – you know, it's smaller, it takes up less space. Hopefully if there is ever a reason why they would need more stability, we could use guywires. There're some areas of the county that are rocky so if you wanted to put a tower in then you'd need to use those. But that was the preferred design by our planners.

Commissioner Woodmansee: I would recommend that the planners reconsider that, because I think that this – the lattice design gives you an opportunity to be a little bit creative and if your setback is as far away as it's going to be, then I don't think that wider base is going to be any more intrusive, particularly on a shorter one. These are – neither of these are anywhere near 100 feet.

Ms. Rogers: Right.

Commissioner Henley: A couple points: If you're going to have the lattice design, then you won't be able to have the not-climbable below 15 feet, okay? Because the way that design is is that you'd have to have it enclosed by a fence – all right? – so that people couldn't climb the tower. That's not true of the monopole. So I think from a safety point of view and from a mischief point of view, the monopole design is by far a superior design.

Now in my own thinking about this, I'm happy to see that based from the original proposal, which was allowing wind turbines up to 100 kilowatts, this has now been reduced to 30 kilowatts. In my mind, that's still too many and I would like to see that reduced to, say, 10 kilowatts. Now these systems aren't very useful without energy storage anyway because it's an intermittent source, all right? So you can't depend on it to do everything. But if you have an energy storage system – in other words, a battery bank – when the wind blows, you can charge it up and then you can use it through an inverter system to power whatever you want to power, or feed it back into the grid.

But the thing about it is is that if you have a 30-kilowatt one, that's in a crowded, residential area which this zone change would allow – all right? – or which the ordinance would allow – all right? – would make it pretty dense in terms of the number of windmills in a residential neighborhood. I would like not to see that. I live in a relatively large house and I just looked at their energy usage for the last couple of years. We average about 27 kilowatt hours a day, all right? If you had a 10-kilowatt wind turbine and the wind blew for 10 hours a day, that's 100 kilowatt hours of energy – all right? – which is about three times what my large house requires. So it seems to me that we could reduce this requirement for this – or this limit, I should say – all right? – to 10 kilowatts as opposed to 30 kilowatts. I don't want to see residential areas turned into industrial sites, and the larger turbines you allow the more likely that is to happen. So I would like to see this reduced to 10 kilowatts and not 30.

Ms. Rogers: Okay.

Chair Mitchell: Commissioner Hutchison?

Commissioner Hutchison: I have a couple questions too. So accessory use is possible for zoning other than residential.

Ms. Rogers: Correct. Well, if there's a structure that you would like to power, it has to be *accessory use*.

Commissioner Hutchison: But still only a limit of one per parcel, is what I'm reading.

Ms. Rogers: Correct.

Commissioner Hutchison: One per parcel, no matter how many acres you have, no matter how many structures you have on your acreage.

Ms. Rogers: Just one.

Commissioner Hutchison: Testing the decibels, you're showing us a good range. It seems healthy, but it's noted that during storms that can be heightened. Is there a method for measuring this that's meaningful? Does it matter?



Ms. Rogers: There are methods out there that are – you can always measure sound, if you want to. There are ways out there to do it. And during a storm it would be higher, but also the noise of the storm would be accumulating.

Commissioner Hutchison: Drowning it out \_\_\_\_.

Commissioner Henley: There's another source of sound which hasn't been covered by mention in the ordinance, and that's resonance, all right? And you can have induced sound because of the rotation of the blades, and depending on what resonant structures you have nearby, you might actually create an amplifier, which causes more noise, which might not be amenable to mediation. So you might want to think about that and how to address it, because it's a real problem and those of us who remember the Tacoma Narrows Bridge can give you a really good example of what happens when resonance goes wild. Now there's been a lot of study, mostly by the Swedes and the Australians, on what happens to these monopole structures when you get into a resonance situation. You basically get an S-bend in the thing and if it becomes severe enough it can actually cause the monopole to collapse. So you need to be thinking about that kind of thing and somehow address it in the ordinance. I'm not sure how you do that, but it's something at least that should be examined by a good engineering firm and calculated as to what the effects of resonance would be. It's a real problem and you can't ignore it.

Ms. Rogers: Sure. Thank you.

Chair Mitchell: Anymore questions?

Commissioner Hutchison: I did still, if I can continue. Your critical areas review – what's that process actually look like in this scenario? Would it happen prior to any installation, or is that –

Ms. Rogers: Correct. So it would happen during the permit application process – that would go through a critical areas review.

Commissioner Hutchison: Okay. And there's no *minimum* height expectations?

Ms. Rogers: No *minimum* height, but it does need to be tall enough to work.

Commissioner Hutchison: Fair. So that brings me just to the roof mounting options. Is there any leeway to that with guylines on a monopole mounting?

Commissioner Rose: Roof mounting? Is that what you said?

Commissioner Hutchison: Yes.

Ms. Rogers: It's not something that we have entertained as an option. I mean, with our setback requirements, technically they need to be set back from a structure for the height, so we haven't looked at putting them on a roof.

Commissioner Hutchison: Okay, so the setback applies to – I was thinking all the neighbors' structures, but it would apply also to the property it's –

Ms. Rogers: Correct.

Commissioner Hutchison: Okay.

Commissioner Henley: The problem with things like roof-mounting is you'd probably have to have a guide structure, all right? A monopole structure probably wouldn't work on most roofs.

Ms. Rogers: I don't entertain to be an expert on the monopole design, but I don't believe so, based on what the planners have told me so far.

Commissioner Henley: Yeah.

Chair Mitchell: Commissioner Woodmansee?

Commissioner Woodmansee: Well, technically you could design a house that had a monopole that went all the way down to the ground and all the way up through the house and have the same impact as having a pole like that.

Commissioner Henley: You could.

Commissioner Woodmansee: But the real reason I wanted to say something is the setback. So I don't see that it says in there that the setback is – does it say in there that it's from structures also? I thought that that was a property line setback also.

Ms. Rogers: I'll doublecheck with our staff to make sure that I've got that correct.

Commissioner Woodmansee: Because it seems like that could be, you know, you're getting a long ways away from where you're sending your power and maybe it wouldn't be the most benefit.

Commissioner Rose: I did research on this many years ago because I entertained the idea about putting one on a building, and I came to the conclusion that, one, there'd be too much vibration and noise in the building. You'd never want to do that. But also, the starting point for the minimum height for one of these things is 35 feet, but I believe we just learned that the rule would be that the blade has to be 30 feet off the ground, so we're talking a lot higher than 35 feet. And that means that your setback from either the property line or the buildings is going to be hundreds – or at least a hundred, if not 200 feet. It's too –

Ms. Rogers: If we had the maximum of 100 feet, it would have to be 120 feet on all sides.

Commissioner Rose: Right, if you – okay, so 120 feet. Yeah, so any rate – and then as far as the wattage goes, if you have an all-electric situation, it seems conceivable to me that you might want 20 or 30 watts. I'm not sure if your house –

Commissioner Henley: The 10kw turbine would allow you 100 kilowatts a day, assuming you've got 10 hours of wind.

Commissioner Rose: What I'm saying is if you – let's say you have an all-electric home and a shop and a few other activities, it's easy for me to grasp that you might want the 30-kilowatt system. I know people that have put, like, 15 kilowatts on their house – of solar – and they still might have gas heat, you know? So if you're going all-electric and you're charging a car and maybe you have other equipment that – eventually all the vehicles are going to – just like all our tools are, you know, battery now. Pretty soon everything's going to be electric. So I don't understand the resistance to the size – or the wattage, but I do know that there are new designs coming out all the time. We've barely seen – I think, you know, we're going to see a lot more choices as time goes on, and they'll probably be more efficient too.

Commissioner Henley: You still will need an energy storage system to make it work properly. It's not going to happen if you don't have that.

Chair Mitchell: Any more questions? I've got a few for you.

Ms. Rogers: Okay.

Chair Mitchell: This was going to be my last question, but since you just touched the wattage thing, could you please explain to us how the County went from – chose initially the 100 down to the 30 and why that's good?

Ms. Rogers: A little bit of my ignorance, first of all, was when you talk about 100 kilowatts, how big of a wind turbine would be needed to even get to 100 kilowatts – would be massive. And we're talking about, you know, wind turbines that are more to the size of farms on the east side of the state. So when our plans examiner looked over the proposal, he recommended reducing that by quite a bit because it wouldn't match the size limits that we were looking for for a net metering purpose for a small structure for a small wind turbine.

Chair Mitchell: Okay. The next question is – forgive the ignorant side of this question! But it says one per parcel. Well, there are people that do have two parcels and three parcels or more, depending on how they're configured around where the residence is. So what if they have – let's just assume they had two or three parcels and they have the house on one and the barn's on another and, you know, the shop's on another. It's possible they could all meet in the center. What if somebody wanted to put up two or three of them?

Ms. Rogers: Let me doublecheck on that and just see what would be the better quantifiable answer to that, and I'll get back to you.

Chair Mitchell: Yeah. Because I could see that happening.

Ms. Rogers: Well, and I can – we'll have a supplementary memo for the work session after the public hearing, so I'll address all of your questions as well as the comments that we receive.

Chair Mitchell: Good. Thank you. I've got a couple –

Commissioner Henley: Would the special use permit solve that problem?

Ms. Rogers: Well, the point of this change was to reduce the administrative burden on applicants to allow for more wind turbines, to encourage renewable energy access.

Commissioner Henley: We're talking about multiple ones in this case, okay? Would the special use permit apply to *multiple* ones as opposed to just one?

Ms. Rogers: Well, and that's the – the intent is to have one per property. That's the intent, so I want to make sure that the language is written correctly to meet that intent.

Commissioner Henley: Okay.

Ms. Rogers: So that's why I want to make sure to bring the question back to the staff and make sure that's fixed.

Hal Hart: Commissioners, I could see different strategies to regulate that, based on that. But that is the intent. I was just looking at Whatcom County's and they actually want to do kind of a quick process to get to this.

Ms. Rogers: And Whatcom County does allow for midsize wind turbines, multiple wind turbines. They have a much more intense use in Whatcom. So here it's just one per property, one for residential structures.

Chair Mitchell: Okay. Commissioner Woodmansee.

Commissioner Woodmansee: On the various properties – if there's multiple properties, one of the things that I think we should stay away from is penalizing somebody because they own more than one piece of property. There's a – I don't know – this dates back a *long* ways, but there was a point in time where the County started aggregating people's property, and if you bought your neighbor's 1 acre that was buildable and then – because, hey, you want to protect your deal there – the next thing you know the County aggregated it and it wasn't two properties anymore. And so – which is – that's got nothing to do with this other than the fact that I wouldn't want a piece of property to be restricted that could otherwise have a feature just because the same person owned it. And so to me it seems like the one-per-property's pretty – you've still got setbacks to deal with and all that, so one-per-property's pretty self-explanatory.

Chair Mitchell: Could you rephrase that? So what you're saying is that one per property, regardless of the number of parcels?

Commissioner Woodmansee: Yeah, if you had four 10-acre parcels, then someday you could sell one of those 10 acres to somebody else, or you might have your shop on that parcel. I don't think you – if we're going to do this, I don't think that that – because you're basically penalizing the parcel at that point just because it has a common owner, which is the practice that I would like to *not* do. And so you don't lose your right to do it just because you own two parcels next door to each other and have two different buildings that you want to try to serve.

Chair Mitchell: Right. Well, one way or the other they'll have to address that for us.

Commissioner Woodmansee: Right.

Chair Mitchell: I've got three more questions, one that's sort of a two-parter. So on – how does the structure work now for permitting fees versus what would happen if this passed the way it's proposed?

Ms. Rogers: For fees for this structure?

Chair Mitchell: If we're doing turbines. I'm assuming there's a permitting fee, or maybe there's not.

Ms. Rogers: You'll still need to apply for a building permit, so it's the same fee.

Chair Mitchell: Okay. The other thing is in the language in here it says – page 16 of the latest staff memo – “Wind turbines typically need to be located in flat areas without nearby structures or foliage which block wind,” which seems to make sense. So I can't help but thinking, How is flat area determined, and how much flat area is needed? And where I'm going with this is it's easy to

think of, you know, flat farmlands, that kind of thing, or maybe out on the coast where it's long and flat. But what about places where it does start getting hilly?

Ms. Rogers: The language I put in there is not meant to be part of the regulations, just to advise that where you're going to find wind turbines that are more efficient are going to be in areas that are flat, that are not blocked by other, you know, by buildings, by trees, by whichever. That is what was meant by the language, not that we would *require* that your property be flat for us to permit them.

Chair Mitchell: Just that they would tend to be. And it also said that it was likely – for good examples, it would be out around the islands areas and the coast areas. Are there other places further inland that have more wind that would be good siting or not?

Ms. Rogers: I don't have a wind report in front of me but any, you know, areas that match those kind of characteristics, there's probably some still along the Highway 20 corridor that are a little bit flat, but it just depends on how many trees and how close you are to a hillside. And, again, I don't want to purport to be an expert on wind. But the areas where we know there is more wind in the county certainly would include those western shoreline areas.

Chair Mitchell: Okay. Commissioner Hutchison.

Commissioner Hutchison: I just had one more question that is in the regulation in the blue line notes. You haven't mentioned here that if equipment goes out of use for a continuous period of 12 months that it has to be taken down. Is that – I'm understanding that as policy. So I guess my question is where the blue line language in the regulation is not just talking about net metering but it's also speaking of hybrid, off-grid. If somebody's off-grid, how are you even monitoring their production? How would you *know* if a facility is out of use for over 12 months? Is there inspections intended, perhaps? And that's like perhaps something that would be useful with the S-curving that might happen in a monopole? Like, are inspections intended for –

Ms. Rogers: So the requirements for the 30-kilowatt is part of the design of the pole. So when you apply for a building permit, that's something that would be evaluated. Not necessarily how much energy you produce day-per-day, right? So we wouldn't be going out inspecting how much energy you're producing.

Commissioner Hutchison: Right.

Ms. Rogers: And the 12-month is meant to be that this is the – it's the responsibility of the property owner to take care of the wind turbine that they have installed.

Commissioner Hutchison: If it goes dormant.

Ms. Rogers: Correct.

Commissioner Hutchison: And even if the property is transferred, then the new owner takes on that responsibility.

Commissioner Henley: Also you need to consider that when you decommission one of these things there's likely to be a significant amount of toxic waste to be dealt with.

Chair Mitchell: Was there a question with that, or just a statement?

Commissioner Henley: No.

Chair Mitchell: Okay. Any more questions? So I've got another one. I've had a number of people – just to tell everybody: I've been asking everybody I could think of and I would talk to and I don't care who they are; even if I don't know them I ask them what they think – since June about this, what they think about it. And I read the initial language that we had and I realized this is tighter than that was then. The question was is it's allowing for all zones, and most people's reaction was why all zones? Why can't it be narrowed down from all zones in the county?

Ms. Rogers: So the limitations that we have provided will naturally limit some of the zones. Like we said, it has to be accessory to a structure. So the intent behind that was that – so, say you do have a property where you're a farm owner, right? You have a barn on a property but you don't live there but you still want to be able to power the barn. That's the intent behind saying "structure" versus just your house. We wanted to give opportunities to be able to use renewable energy for all your structures regardless of if your home is there as well. But resource zones are not residential zones, so that's why it would naturally eliminate some of those. And a lot of the resource zones that we're talking about outside of, you know, maybe a barn on a farm, would be forestry lands, right? So those aren't going to be areas where you'd want to put a wind turbine anyway because it's forestry.

Chair Mitchell: Okay, that sounds like a reasonable explanation. But so why wouldn't we take the next steps just to put what zones it *could* be then, instead of just *all*?

Ms. Rogers: We could do that. I mean, the Planning Commission can certainly suggest to add that language to the code.

Chair Mitchell: Okay. Does anybody have any more questions?

Commissioner Woodmansee: I have a question.

Chair Mitchell: Commissioner Woodmansee.

Commissioner Woodmansee: Do you know how wide the blades would be for a 20kw?

Ms. Rogers: I don't know how wide they would be. I can see if I can find some industry standards maybe on it. It probably depends on the style of the blade itself.

Commissioner Woodmansee: Yeah. I don't know if this is accurate or not, but I was looking it up and – I don't know if that's legit or not but I did. Anyway, so it's telling me that a 30kw system would have a 45-foot width, so basically 2½ feet diameter, if that's right. So imagine 100-foot pole and a 45-foot wind turbine that's on a 220-foot-wide lot. So you can put it right in the middle of your lot. Maybe it's got to be 240 feet wide because you've got to leave 120. I mean, it technically meets the criteria. I can't imagine how hideous that would look for somebody that's got the next 250-foot-wide lot. And somebody could build a 30kw wind turbine in the middle of their lot 100 feet from their house, and you've got this 45-foot – if \_\_\_\_\_. It told me – it said 10kw was about 23 feet; 30, 45; and 25 was 32. But imagine you're 100 feet tall, you're down 45 feet for your turbine, and you're on a 250-foot-wide lot right in the middle of your lot. I can't – that'd be just really intrusive, I think, to a neighbor.

Commissioner Henley: Thirty kw's too big.

Chair Mitchell: Yeah.

Commissioner Woodmansee: And so –

Ms. Rogers: I can bring that back to staff and talk –

Commissioner Woodmansee: Yeah. So if that's accurate, it leads me back to minimum lot size! I mean, if you're a 250 feet by 300-foot lot and you have a row of those, I mean, I wouldn't support wind turbines on every lot like that. That'd look terrible, I think. And so that's something to consider.

Ms. Rogers: Of course. Thank you.

Commissioner Hutchison: She did mention too that it's supposed to be in the blue line about – in the regulation about not being so close to your *own* property structures, which I *don't* think I read anywhere in there. But if that's the case then they wouldn't actually have been able to, like, manipulate their own small lot in that way, I don't think.

Ms. Rogers: And something I can –

Commissioner Henley: Not everyone will fall in love with wind turbines in their neighborhood. You can count on that.

Commissioner Woodmansee: Well, I was just thinking how big that is.

Commissioner Henley: Well, 30kw's pretty big!

Commissioner Woodmansee: Only 100 feet tall and legs that big – I mean, that's huge!

Chair Mitchell: That's huge, yeah.

Commissioner Woodmansee: I mean, that's like somebody builds a skyscraper outside your –

Commissioner Henley: And you haven't talked about blade width yet either.

Commissioner Woodmansee: Sure. No. we just talked about –

Commissioner Henley: \_\_\_\_\_ diameter, then you've got the width.

Commissioner Woodmansee: Anyways, seems like there's still work to do on that.

Chair Mitchell: Yeah. Commissioner Knutzen?

Commissioner Knutzen: Would these be allowed in every zone?

Ms. Rogers: As it stands, but you still have to meet the regulations. So that's what I was explaining – that it would be limited based on the regulations.

Commissioner Knutzen: So they'd have to be permitted and there might be other regulations in the zone that wouldn't permit them, for whatever reason – height restrictions or whatever.

Ms. Rogers: Towers typically are an exemption for height restrictions.

Commissioner Knutzen: So I'm thinking industrial or next to the airport or, you know, they have other restrictions that may conflict with the requirements here.

Ms. Rogers: The most restrictive requirement will always be what is used. So, say, if you are in the Airport Environs Overlay you would have to meet those regulations for height. That's why I think there's – I believe there's some language in there that talks about FAA regulations for lighting and such, especially if you're closer to the airport. So when these permits come in – so, say you were in the Bayview area, the Environs Overlay, we would send these permits to the Port of Skagit for evaluation to make sure that it's meeting their standards as well as ours.

Chair Mitchell: I've got a couple more questions. This might spur some others.

Commissioner Henley: Just a point real quick: Not every parcel is going to be suitable for a wind turbine. I mean, there are lots of parcels where there's not much wind. There're lots of parcels that aren't flat. There are lots of parcels that have obstructions on them that would make wind turbines ineffective. I don't want to see an industrial site, but, you know, I also don't want to see a residential neighborhood with a wind turbine at every lot.

Ms. Rogers: They're also incredibly expensive, so there is that aspect of it as well.

Chair Mitchell: Commissioner Woodmansee?

Commissioner Woodmansee: Okay. You're going to hold your thought?

Chair Mitchell: I'll hold until you're done, yeah.

Commissioner Woodmansee: So – which all this brings me to this point: A wind turbine has got to be a tremendous more amount of money than solar.

Ms. Rogers: Very much so.

Commissioner Woodmansee: You can do solar anywhere that you have a tree cutting. As long as you can get the sun, you can do solar anywhere. I have solar at my house at Big Lake. It's a pretty decent size house and we don't have a power bill except three months out of the year. And I don't think – I mean, we spent \$30,000 to get solar four years ago. I don't think you could even touch 30,000 – I mean, it's probably \$100,000 for one of these, to build it the same size. It makes me question, you know, why are we going down this road, because there's a renewable energy already out there that's in most cases – because if you've got too many trees for solar, you've got too many trees for wind. I'm not saying there should be nothing, but it just really causes me to question a lot.

Ms. Rogers: It's – we're not going to see an explosion of wind turbines. This is already allowed. We permit them currently. And there's really just been a couple since 2008 that have been proposed, and if they've even been built it's been a very, very small number of them, even though they've been allowed since then. But there are properties that it could work. Like we were talking about, on the west side or on the islands it would have enough wind to produce some energy. And it is a priority of the County to ensure that we are encouraging renewable energy resources dependency off the grid. If they can and they have the funds, then we want to make sure the option is available.



Commissioner Woodmansee: And I'm fine with that, but I think it's – in my opinion, right now it's not restrictive enough. That's where I'm at.

Ms. Rogers: We can always add more restrictions.

Commissioner Woodmansee: Well, they're too big – they *can* be too big, if my little research was correct. They can be too big and you could have a row of 300-foot-wide lots that technically people could put a wind turbine on. Because this doesn't say – the setback in here is from property line; it's not from structure.

Commissioner Rose: I have one comment about that, and that is before I ever put – I put solar arrays on almost all my new houses, but before I do have a solar survey done, and they come out and tell you the viability of it. And I can't help but think that you're not going to spend this kind of money on a wind turbine without somebody with the savvy to make an assessment about your site and everything else, to tell you if it's a good idea or a bad idea. So I think that in itself is going to rein in any proliferation of, you know, a mass of these wind turbines. I just don't see it. But I can imagine that there will be some sites – the farm at the barn, or whatever – where this could supplement the solar, especially through the winter when we have a lot of wind like today and we don't have a lot of sun. Any rate, I think it's good to open the door to more choices and maybe to restrict the size – the small – you know, maybe there's some sort of basis of size of lot or property that would determine the size of the thing. Because if you have a farm that's hundreds of acres, why shouldn't you have a big one? You know, why would that be so awful?

Chair Mitchell: Okay. I've got a couple, three. I'm treading on ground that I already know that it's a little dicey, so I'm expecting some good answers, Ha! I'd like to know how many already exist in the county. And regardless of what anybody else ever says, I always want to go see what the tide gate looks like so I understand what it is. I want to see what the culvert looks like so I know what it is. I want to see what the drainage ditch is so I know what it is and what it means. And I would like to go see what some of these things are like, but I also know I would not want to go on anybody's property. That's a given, you know, unless somebody was invited. That's a whole other ball game. But I'd like to know how many are out there already and are there any that we can, you know, just go and look from afar, you know, to see what these things look like and get a feel for them. And part of the thing – it's a little esoteric at this point because I don't have access to them – is somebody says "It sounds like this; it's only the sound of a refrigerator" – yeah, I want to know. I'd like to know what that sounds like and looks like. So what do you say? What can we do?

Ms. Rogers: We can see. We can run a search and see how many permits that we've received for that. I can see if our staff can do that.

Chair Mitchell: Okay, thanks.

Commissioner Rose: There's one on Buchanan.

Ms. Rogers: I mean, I know there's one on Old 99 that's not being used.

Chair Mitchell: The one on 99 was defunct for a while, missing a blade – you know. I don't know how long it's been sitting there.

Ms. Rogers: It's not the example that we would want to replicate, but it is one!

Chair Mitchell: If I remember right, there was one out on Guemes somewhere.

Ms. Rogers: Yeah. I think that one has guywires. I think that was the example we were talking about with the rocky soil and it needed additional structural support.

Chair Mitchell: Yeah, yeah. So I would like to know how many there are. It'd be great if there was such a thing, you know, as a map to know where they are. I wouldn't want to be intrusive on anybody's property. It's not that. So, yeah, thank you.

Ms. Rogers: If I can find one that would be a good example – I mean, I'll check and see how many we have permitted – see what I can find in that – and then I'll also see if there's a good example for you to drive by.

Chair Mitchell: Okay, good. Commissioner Woodmansee?

Commissioner Woodmansee: I have one last comment. I agree with most of what Martha said, so I don't want to leave the impression that I'm against them. But I just think that there's some work to do to figure out potentially some residential protections and stuff like that. So it seems to be a little bit overbroad to me right now, but it's not that I'm *against* it. But – which, you know, in the end it won't matter and it's not up to me. So I'm not trying to say that the whole thing's a bad idea. And I agree with everything that Martha said, that there's, you know, situations where a bigger one might be a good idea and so maybe the situation can dictate the size also and not just have a carte blanche – you can be 30kw.

Ms. Rogers: Certainly, and that's – I mean, that's why we take these regulations through the Planning Commission first so that we can have these discussions and add and subtract as we need to.

Commissioner Woodmansee: Sure. Okay.

Commissioner Henley: The ordinance is for generating capacity *up to* 30kw. You can have a smaller one.

Ms. Rogers: Correct. You can always have a smaller one.

Chair Mitchell: Okay, anybody else?

(silence)

Chair Mitchell: All right. Thank you, Jenn.

Ms. Rogers: All right. Our second County petition is just a very simple ordinance correction. There is an error in Skagit County Code 14.24.080. Currently the code language refers to subsection (6)(b) when it needs to refer to (5)(b). Are there any questions?

Chair Mitchell: So it truly is just fixing an error?

Ms. Rogers: Yes. And I have the language so if you look at the draft language, it's in there – you can see what it says.

Chair Mitchell: Can we pop that up for everybody's benefit, please?

Ms. Rogers: You want to look at my proposed code or you want to look at that code?

Chair Mitchell: Repeat, please.

Ms. Rogers: You want to look at the current code or the proposed amendments that I have drafted?

Chair Mitchell: Your proposed amendments.

Ms. Rogers: Okay. Give me one moment.

Chair Mitchell: Because it shows both, right?

Ms. Rogers: Correct, but just the one section. So in section (6) down here, just changing it from (6)(b) to (5)(b).

Chair Mitchell: Perfect. Thank you.

Ms. Rogers: Mm-hmm. Any other questions?

(silence)

Ms. Rogers: Okay, County Petition 22-3 is the Guemes Island Overlay Setback Amendment. So the petition would remove preferential side setback requirements for the Guemes Island Overlay so they're more consistent with the rest of the county. The proposed side setbacks will remain at eight feet, which is what the minimum is currently. And staff are also proposing to remove the building envelope requirements which are tied to the side setback requirements, which limit the height of a structure after 12 feet if a structure is unable to exceed the minimum side setbacks of 8 feet. I have drawings to show.

So we'll start with the side setbacks. So the current side setback requirements read "Each side at setback must be at least eight feet. The total of both side setbacks must be at least 30 feet, or 30 percent of the lot width at its widest point, whichever is less."

In a memo from GIPAC, the Guemes Island Planning Advisory Committee, when this regulation was requested in 2016 to be added to the Guemes Island Overlay, GIPAC noted "the proposed setbacks and building envelope are intended to keep views open, avoid tall walls close to (the) property line(s) and generally reduce incompatibility between smaller existing homes and larger new homes, particularly on small lots."

If you look at the figure on the screen, we'll first kind of talk about how the larger setbacks were originally intended to allow for offsetting your home to ensure that there are continued large view corridors for homes that are behind you. The reason I bring this graphic up is that it does not – the regulation does not require you to look behind you that your home – the home behind you is not blocked – right? So the intent was to ensure to protect the views, but for staff and for many applicants that is not what is happening and the regulations are incredibly arduous for both staff and property owners to calculate and build appropriately. So we're proposing to remove the offset – excuse me: remove the additional side setback language, and so it'll just read "at least eight feet." Eight feet on either side of a property line would ensure at least 16 feet of a view corridor

between homes, which is the standard viewshed for shorelines in other areas of the county, including island properties and lakeside properties.

So on the screen is the drawing of the building envelope requirements for the Guemes Island Overlay. If a structure is built at the side setback – so if it's built at the eight-foot minimum side setback line – the structure may not be built higher than 12 feet before being required to be built inward at a 45-degree angle. If you can build more than the 8-foot side setback, for every foot that you can go beyond the side setback you can go up a foot. So if you have a nine-foot setback, you can go up to 13 feet, and so on and so forth. But the requirement means that if you cannot meet the side setbacks additionally beyond eight feet, then a structure – you cannot have a livable second floor because the ceilings would not be high enough, given the overall height limit of 30 feet. This results in a lot of loft style or A-frame-designed homes on Guemes Island. And this requirement is particularly restrictive for the small lots on the island and there are a lot of small lots which were legally drawn at the time, and they're between 40 to 50 feet, and those lots often cannot meet these side setback requirements, so they're not able to build a second floor that is livable. So it's unfairly restrictive for homeowners in these lots because, like I mentioned, they are a legally drawn lot and we should be allowing them to build a home with sufficient living space.

So we'll talk about a current example. This is a homeowner on Guemes Island that is going through the permit process to do a renovation. The current cabin that they're working with is 528 square feet and the lot is only 43 feet wide. So the current space is too small even for full appliances. They just would like to renovate the home to make it livable for themselves and to put in full-size, more energy-efficient appliances in their home.

So as you can see, this is the lot that is being discussed. It's very narrow. They do not have a home in front of them. They do not have a home behind them. And the area behind them is a wetland and cannot be developed.

So here are the proposed drawings for the new home. The first floor of this home is 843 square feet on the first floor. The second floor required dormers to have a livable space. Normally we would have to reject this application because dormers are not allowed, according to the building envelope requirements. But they were able to just talk with their neighbors. They had to take a side setback easement from their neighbors' properties to ensure that they had enough of a side setback to allow for the dormers. And I bring up this example just to show how small these homes really are, even if we did allow a second floor. You're still restricted on your lot coverage to ensure that you're not taking up too much of your lot. These homes are still very small.

I also wanted to mention 843 square feet: You just discussed accessory dwelling units. That's still smaller than the old accessory dwelling unit size, and now we allow 1200 square feet. So there are properties in the county that would be allowed to have a home and an ADU that are much larger than these primary residences that we're talking about being unfairly impacted.

There have been concerns brought up that removing the side setbacks would cause environmental harm, so I wanted to discuss the protections that are already in place in our Shoreline Master Program. Even with the side setbacks being changed to just eight feet, property owners will still have to build their homes at least 50 feet back from the shoreline and planners will review any proposed development to ensure that the house is also not built too far out in front of neighboring homes, which could block a side view. The shoreline setback must be at least 50 feet but also common to the average of setbacks for existing dwelling units within 300 feet. So what the planner will do is they will measure the homes within 300 feet of the property line and

make sure that you're in the average. So they'll mostly all be lined up in a row – right? – so you're not having staggered homes that are blocking views that way.

The maximum lot coverage is 30%, and in the Shoreline jurisdiction, as I'm sure you remember, this includes any development on the property, even outside of your residential structures, so, like, driveway structures; stormwater infrastructure – that all counts to your 30% so it limits you quite a bit on how much of your property you can build on anyway. So that's why the ability to use – to go up and use all of your 30 feet height limit is important.

Height limits are still 30 feet and the side setbacks are eight feet as well in the Shoreline Master Program. There are also requirements to ensure that development will not cause harm to water quality or quantity. And development reviews are required to ensure that new development does not inhibit aesthetic reviews or viewsheds of neighboring properties. And I included the direct quote from the Shoreline Master Program in the staff report.

So in summary of the comments that we've received, people have wrote (sic) in already to support the side setbacks because they believe it preserves rural character of the island, protects shorelines, and ensures water resources are available. I already mentioned the protections that are already existing for shoreline properties, but as for water, any development which requires a building permit will also have a water review and the applicant must prove that they have enough water available to them on their property to support the expansion. And as for the rural character of the island, like I mentioned, these homes that we're discussing that are the most impacted are still very small. So we're not talking about adding apartment buildings or townhomes or whichever. You're still limited on your height and your lot coverage, which is going to keep these homes *small* on these small lots.

Are there any questions about this petition?

Chair Mitchell: Any questions? Commissioner Woodmansee?

Commissioner Woodmansee: I believe that the – in other zones you can go to 35 feet tall in the code, so there still is some restriction in height.

Ms. Rogers: Correct.

Commissioner Woodmansee: And you can get two stories in 30 feet; that's not a problem. So it's not just a, you know, all the way to what the rest of the code says. There's still a little bit of benefit to properties in the rear, you know. Sometimes 5 feet's a difference between whether you get your view or not. So there's still a little bit of restriction there, which is reasonable, but the side setback seems to be, like, a pretty common sense thing to restore.

Ms. Rogers: Just to add on to that, I mentioned in the staff report but, as you know, you just went through an update the Shoreline Master Program, which would include restricting homes that are within 100 feet of the shoreline to actually 25 feet. Of course, we're not going to go out and make people chop off five feet of their home, but for new development or new proposals they would have to abide by those new rules, *if* that is accepted by Ecology and ultimately by the County.

Chair Mitchell: Yeah. I looked back at some of the transcripts, and I don't know if Martha remembers this but both Martha and I were questioning if it was too restrictive back then. And the group that had proposed it had wanted it, and so now – correct me if I'm wrong – so now what

we've seen is this many years go by and the County had had that in place and they're finding that, in fact, it is too restrictive.

Ms. Rogers: Correct. And I do want to note, I think it's important to discuss the – the docketing process is in place so that we can review established regulations to make sure that they are meeting the intent and that there are not unintended consequences, and that we have a process in place so that if there *are* unintended consequences we can remedy them. So that's why this discussion is happening.

Chair Mitchell: Okay, good. Thank you. Commissioner Woodmansee?

Commissioner Woodmansee: So if there's a 25-foot height limit within 100 feet, that's all the more reason to allow the side-to-side use, because the 25 feet makes it that much tougher to have a two-story.

Ms. Rogers: Correct. And if I'm remembering correctly, it's if you're then between 100 and 200 you're at 30 feet still.

Chair Mitchell: Okay. Any more questions or comments?

(silence)

Chair Mitchell: Okay, thank you.

Ms. Rogers: Thank you.

All right, so these last two are the new petitions that were added to the docket in October by the Board of County Commissioners. So the first is C22-4, the Economic Development Plan Amendment. This petition would add a new goal to the Economic Development chapter of the Skagit County Comprehensive Plan. The new goal would ensure all public facilities, including Port facilities, are eligible for State economic development grants. RCW 82.14.370 allows for monies collected through sales and use taxes to finance public facilities serving economic development purposes. But for those public facilities to be eligible for these funds, the facility must be listed in the County Comprehensive Plan or Economic Development Plan. Our current Economic Development Plan – excuse me, *chapter* – does not explicitly state or reference individual public facilities in a manner which would make them eligible for those funds. So we requested that the Board amend the Comprehensive Plan because we want to make sure that when the next round of funding is available in 2023 that we can award those funds to the appropriate facilities that *should* be eligible. So we didn't put it on the docket this year. It wouldn't be put in place until 2024.

Are there any questions on that petition?

(silence)

Chair Mitchell: Okay, looks like not. Okay, thank you.

Ms. Rogers: And our last petition is C22-5, Seawater Intrusion Areas Amendment. This amendment would change the requirement for a County hydrogeologist to review proposed new wells in a seawater intrusion area to instead allow for a licensed hydrogeologist under contract or employed by the County to perform those reviews. Seawater intrusion areas are those areas of the county at risk of seawater contaminating groundwater relied on for drinking water. In Skagit,

this includes Guemes, Sinclair, Cypress, and Vendovi Islands. Guemes Island has had documented issues with seawater intrusion in existing wells, and some residents have had to have various treatment systems installed to continue to have potable water. New proposed wells are required by Skagit County Code to be reviewed by the County hydrogeologist to reduce the risk of seawater intrusion on the new well and on neighboring wells. Skagit has been without a County hydrogeologist since early this year and we've been unsuccessful in hiring a replacement at this point. The lack of a County hydrogeologist means that there has not been a qualified staff member to perform these duties specified in the Code, and the proposed amendment would allow for the county to select a Washington State-licensed hydrogeologist under contract to perform the required reviews.

So same as the previous petition. The Department asked the Board to revise the current docket to add this petition so that we can contract to the hydrogeologist as soon as possible to perform these reviews. And waiting until the next docket would have delayed the implementation by another year. Are there any questions?

Chair Mitchell: Does anybody have a question?

Commissioner Woodmansee: I have one.

Chair Mitchell: Commissioner Woodmansee.

Commissioner Woodmansee: At the same time the County could hire this position in the future and not *have* to hire out, right?

Ms. Rogers: Correct. So the language will read – I believe I think I changed it to “engaged with or employed by” the County.

Commissioner Woodmansee: Yeah, okay.

Ms. Rogers: There's a little bit more flexibility in there for us to contract in the meantime.

Mr. Hart: Commissioners? Just an add-on. The County Commissioners have asked us to – for redundancy purposes to also have somebody on contract, too. So if that person is knocked out or incapable, then we can immediately go to somebody that we have as a backup.

Chair Mitchell: I've got a question for you. There's a chloride map for Guemes that had been – I guess it was on a number of websites over the years. And the last thing – this has data collected June 2006, Skagit County Health Department, Amended May 2010 by Skagit County Public Works. And that's the only thing I could find for the most recent stuff. Well, that's a good 12 years ago. People are always talking about the sea level/water level intrusion, which I do believe is there. What I'd like to know is where are they now compared to what they were then? You know, which wells where and what locations and stuff. And I had talked to some people in the past that had said – you guys have heard this backwards and forwards – that have said that it depends on how deep you drill those wells, how close you are to the water. And there are three aquifers out there. And for the ones that are going into the Vashon Aquifer, which is the shallower one – that's the good, clean, nice water – and they don't go very deep. I've forgotten how deep it is. Maybe – forgive me for getting it wrong – but 20, 30 feet. Something like that. Maybe 40. I don't know. But if they drill too deep then they can get into the saltwater thing, so I'm sure that's part of the equation. I would like to know, I think just in general since we're revisiting this and talking about it all the time – if we could have some sort of update on what it looks like now?

Ms. Rogers: I'll talk to our natural resources staff and see what we have available.

Chair Mitchell: Thank you. That'd be helpful.

Ms. Rogers: Of course.

Mr. Hart: \_\_\_\_\_. I just talked to USGS too, and so they'll be meeting with us on, I think – well, at least on I believe Monday.

Chair Mitchell: Oh, good. Any updates that you've got on that kind of stuff will be helpful. Thank you.

Mr. Hart: Okay.

Chair Mitchell: Thank you very much.

Ms. Rogers: Are there any other questions?

Commissioner Woodmansee: I have one.

Chair Mitchell: Commissioner Woodmansee, and then Commissioner Knutzen.

Commissioner Knutzen: I just have a general question on all the docket items.

Ms. Rogers: Yes?

Commissioner Knutzen: At the end of this, you say staff recommends approval of this petition. All of these were approved by staff. Two questions on that, and these are just general information for me. Who on the staff votes on this? And what do you base your voting on? It's not whether you like it or don't like it, I'm assuming. It's based on the regulations as you know them, whether it's legal or not legal. I'm assuming that. I've had people ask me, Well, that dang staff. They're pushing this. Well, tell me if your opinion matters or you're looking at it just on a legal basis of what the code says.

Mr. Hart: Do you want me to take that?

Ms. Rogers: Go ahead.

Mr. Hart: Yeah, sure. So the director is the gatekeeper.

Commissioner Knutzen: The what?

Mr. Hart: The director is the gatekeeper of the staff team. The staff team will come to me saying, We have problems with this code. And so when they have problems with the code we want to bring those back and kind of air what those issues are.

Commissioner Knutzen: Those are for general discussion.

Mr. Hart: Internal to the staff team. Right. So that's how that would occur. So it could be our department. It could be other departments. It could be a combination of departments bringing



concerns forward. And so when we have those concerns, we put those into a recommendation and then bring them before the Commissioners and before you.

Commissioner Knutzen: But is it based on your interpretation of the code?

Mr. Hart: It's how we're implementing the code, yes.

Commissioner Knutzen: Right. It's not your personal opinion of whether the proposal is good or bad per se?

Mr. Hart: It's not a good or bad. It's how are we doing on the implementation of the code? Is it confusing, is it – you know. Those kinds of issues.

Commissioner Knutzen: Okay.

Ms. Rogers: Well, if I may, it's – I mean, we brought together staff members from all aspects of our department that have over 20-plus years' experience each of them, in their specialized areas. So they're using their experience implementing the code, the feedback that they're receiving from applicants, and as well as their expertise in their field. So all of those are going into it, and we also have a lawyer to make sure that we're doing things legally too.

Commissioner Knutzen: Okay. Thank you.

Chair Mitchell: Commissioner Woodmansee?

Commissioner Woodmansee: I was just thinking: What about the cost of having that third party do this? Is it just passed on to the applicant? Because we don't necessarily have a cost associated to that that's maybe nominal. But I would imagine that the private sector may be a bit more expensive than if it was a staff person. And so has that been figured out or discussed, if there'd be a fee structure?

Mr. Hart: We can charge an hourly fee and that may not recover all of it but we – you know, in most of the fee structures that we have, we only – for the time that's spent on anything, it's only a percentage of what we recover. So we don't recover everything all the time. So a lot of places it's you're lucky if you get 30 to 45% of what is spent on something covered. But in other places, you know, we might be able to get a better cost recovery.

Commissioner Woodmansee: So would it – is the intent that this option would be available but the fee schedule would stay the way it is?

Mr. Hart: That's a great question. I don't know if we've looked at the fee schedule for anything at this point. So that comes with the budget, though. Yeah, go ahead.

Ms. Rogers: Oh, two of the County Commissioners did explicitly state during the docketing process that it is their wish that this be passed on to property owners, that it be their responsibility to pay for this. So that's what we still have to figure out: How does that look in reality?

Mr. Hart: Yeah, so we get that during the year when they say that. But, yeah. Great. Thanks, Jenn.

Chair Mitchell: Anybody else?

(silence)

Chair Mitchell: None? Okay, thank you.

Ms. Rogers: Okay, so as for our next steps, the Planning Commission will host a public hearing on – at our next meeting on November 8<sup>th</sup>, 2022, at 6 p.m. The current comment period is open so that will remain open until November 10<sup>th</sup> at 4:30 p.m. People can provide written comments. Verbal comments are always limited to three minutes so we always encourage folks to write in their comments to ensure that they can get them all submitted for the record. There will also be one more work session – at least one more. If you want more, we can add more – to discuss the public comments and I’ll get answers to the questions that I wasn’t able to answer tonight, as well. That second work session will be during the second meeting in November. Deliberations are then scheduled for December 13<sup>th</sup>. And again, the 2022 petitions and documentation can be found at our website at the link here on the slide. Thank you.

Chair Mitchell: Thank you. Okay, so it looks like we should move on to the annual Capital Facilities Update. And who’s \_\_\_\_\_? Is Forrest going to handle it?

Mr. Hart: We’ll go ahead and start with Sarah. Sarah.

Sarah Ruether: We have a choice. We can either do Capital Facilities or we can do TIP first. Which do you – \_\_\_\_\_.

Chair Mitchell: Let’s do the TIP first then, please.

Forrest Jones: Good evening, everybody.

Chair Mitchell: Good evening! It’s good to see you, Forrest.

Mr. Jones: Yeah, it’s good seeing you all. My name’s Forrest Jones, for those who don’t know me. I’m the Transportation Programs Section Manager for Skagit County Public Works. Sarah asked me to come and give a little presentation on our 2023-2028 Six-Year Transportation Improvement Program. We call that – for short, we’ll just use the word “TIP.”

So basically all counties are required to prepare a transportation improvement program, or TIP, and we’re supposed to hold a public hearing, so I’ll be holding that public hearing in November – I think on November 22<sup>nd</sup>.

So what is a TIP? The TIP’s a perpetual advance six-year plan to coordinate transportation programs, expenditures, and planning for roads, bridges, ferries, motorized/nonmotorized projects, projects seeking grant funding. The plan is linked and consistent with the Comprehensive Plan and the Capital Facilities Plan, and I think it’s listed in there by reference.

State law requires the counties to adopt the TIP by the end of December and it also must be adopted prior to the annual budget.

The projects on the TIP: What we try to do is leverage road fund dollars with grant funding to stretch the County funding, and that helps us address more issues and do more projects on our road network. To get federal funding, your project needs to be on the TIP. So if we want to go after grant funding, we’ll put the project on the TIP and start looking for grant dollars for that. And

also we collaborate with regional funding partners and align priorities with funding opportunities with the State. We assign projects based on the priority selection criteria.

So basically our project selection criteria: We look at high risk. Public Works tracks and codes all crashes in the county within the county jurisdiction. This allows us to take a systematic approach in determining specific types of projects to improve overall safety of the road network. We address infrastructure needs and repairs. At Public Works we rate our roadways and works with operation \_\_\_\_\_ to maintain and improve our roads. We also inspect all of our – I believe right now we have 113 bridges. We review those on a biannual basis.

Level of service: We run reports usually collecting volume data and model it to determine if we're meeting level of service. Also, as I said before, leverage grant funding.

Here's some of the reports and plans and assessments that we do. My group does the majority of these, except for the fourteen-year Capital Ferry Improvement Plan. So I'll go over some of those. So here's a picture of all the covers of the said reports. So the Priority Array. At Public Works we generate this from our electronic database from our road log using the data we collected throughout the year to determine the locations of possible needs. It takes into consideration collisions, traffic volumes, roadway conditions, geometry, just matters of significance and local importance. Some of the roads on the Priority Array, they are in the TIP. For example, Josh Wilson Road, Cook Road at Old Highway 99, Francis Road. Those are all in the Priority Array.

Another report we do is the Skagit County Strategic Risk-Based Assessment. For short I just call this our safety plan. So what this plan is, we get detailed crash data from the state, so we take all that data and we look at it and we say, Okay, where are we high on the average? So there's a crash rate, say, so we go look at that crash rate. If we're higher than the average or higher than other parts of the state, we look at those and what we can do to fix those crash rates and bring them down. So we just take a whole look at it, the county as a whole, and look at those. One of the examples is we did a project on Prairie Road. We just added some more – we had a lot of run-off-the-road type of crashes so we did a project there too. We put in more signing, guidance type measures. We put in rumbles – centerline rumble strips in the curves – you know, stuff like that. And also a barrier protection. We've done that. Those are some of the projects that come out of that.

The County Road Concurrency Code, Skagit County Code 14.28.110, requires the County engineer to produce the status of all our road concurrencies and as it's outlined in the Comprehensive Plan. So basically we run a report. I give that report to Hal, just to show we're within level of service. So level of service is basically like – you figure like a grade A is great, if you're in school; F, you're failing! So we look at all that to make sure we're within that level of service as outlined in the Comprehensive Plan.

Annual Bridge Report: As I said before, we have 113 bridges. I myself is (sic) the lead bridge inspector for the County. I have another guy that goes out with me – and actually we just sent three more people to training for that. So by federal law we are required to inspect every bridge within the county that is over 20 feet long. So we go out, every bridge we hit every other year. Some bridges we hit more than that if we feel there's a problem that needs to be addressed.

Chair Mitchell: Are there any right now that are needing attention?

Mr. Jones: Well, we actually – we do have some projects we're working on. Marblemount Bridge, we actually just got an 18-million-dollar grant to address the Marblemount Bridge. It's right now

load restricted, so we have it down to a single lane of traffic. Without getting into all the technical stuff, we're just going to replace a few items, repair a few items. We're going to clean it and paint it, and so we'll be doing that. Probably start (the) design this coming year on that, then we'll do construction in probably 2025.

Thomas Creek Bridge on Old Highway 99: It's just south of Kelleher, I believe. So that is one of our few remaining wood structures. It looks like it's – it's got the asphalt on top but you go underneath it it's all wood. It was built in, like, 1934, so we just got six million dollars to replace that bridge. All those were on the TIP.

So another report we look at is the Skagit County Capital Ferries Plan, or the Fourteen-Year Ferry Plan. So we go through that and talk with the division manager, Rachel Rowe, and whatever projects she has coming up we put those in the TIP and look for funding for those.

So we add other sources. We talk with Parks and Capital Facilities. And their Capital Facilities Plan is just for nonmotorized type of stuff. The Centennial Trail, it is in the Six-Year TIP so we just applied for grant funding to get additional design funding and construction funds for that. And that's from Big Rock to Clear Lake, I believe.

Public: We get calls from the public all the time. You know, Hey, can you look at this or fix this or do that? So we go out and look at that.

The Sheriff's Department – they're out there every day so they bring us stuff, and stuff like that.

And as I mentioned before, grants.

So currently the TIP – the proposed TIP has 50 projects. Five are new projects that are being considered; 39 are projects that will remain or be carried over from the last year's TIP; and six projects are being removed. The new projects being considered are Josh Wilson Road Phase 2. This is – it's not really a new project but it is just because I have Josh Wilson Road Phase 2; this is Phase 2A. Basically what I did is I split the project in half so 2A went from the new section from, like, Avon-Allen to Chuckanut. So I split it at Pulver Road just because funding-wise it's so expensive because I can't get all the funding at one shot so I split them up and try to make them smaller projects so I can get more funding for them.

Then I have North and South Oysterman Creek Culvert Replacements Projects. This is out on Concrete-Sauk Valley Road. We've had two culverts fail. The Sauk River had shifted and it started eroding the bank. Basically it started head-cutting. When that happened, the creek started head-cutting up to the culverts and caused the culverts to fail. Actually we're working with FEMA. It happened during the storms, last year's storms, so we're working with FEMA. We're trying to get funding through FEMA on those. So hopefully that will come through.

A preventative maintenance bridge deck bundle: That's three bridges. It's F&S Grade at Samish River, it is Cascade River Bridge on Rockport-Cascade Highway, and it's South Skagit Highway at Pressentin Creek – or Pressentin Bridge. But, yeah, basically these are – it's a bridge deck funding. We just got 1.6 million dollars for that, so what that'll do – the decks are kind of getting pot-holed and exposing rebar and stuff like that, so we'll come in and grind those down and put new deck on them.

Commissioner Hutchison: So that's like, I believe you said there were five new projects under consideration. Is the fifth one the Phase 2B for Josh Wilson?

Mr. Jones: You're right.

Chair Mitchell: She's sharp.

Commissioner Hutchison: I'm trying to follow you. You've got a lot of information.

Mr. Jones: Oh, yeah. I'll have to get back to you on that one. I can't remember it off the top of my head. I think it actually – anyway, I'll get back to you guys on that. I'll let Sarah know. Yeah, there is a fifth. I just can't think of it.

Commissioner Hutchison: Okay.

Mr. Jones: I apologize for that.

Notable projects that are remaining: The Guemes Ferry Boat Replacement; Guemes Terminal Improvements for Shoreside Facilities; Cook Road/I-5 and Vicinity. So that project will signalize the Cook Road interchange. It will add a second lane on the off-ramp and we'll have a through lane through Old 99 past Green Road that will – we call it a "drop lane": Once it gets too far, it'll drop that lane. We actually just received six million dollars in grant funding for that. So we'll start design on that in 2023. Hopefully that will ease some of the congestion through there, but cross our fingers. And Francis Road Sections; Josh Wilson Road; and we talked about Thomas Creek too.

Projects that are being removed is Active Warning Signs. This is two sites on Alger-Cain Lake Road and South Skagit Highway. We have construction funding for that. We're hopefully going to construction at the end of this year. Basically, they will install signs where basically if the temperature drops below a certain thing it will change colors and let you know, Hey, this could be icy through here.

Cedar Grove fish passage improvement, that's up in the Concrete area. They removed, I think, two or three culverts and replaced it with a pedestrian bridge. That's at the end of Cedar Grove and it goes into some Fish and Wildlife property. People can still get in there and use that property.

Illumination of channelized intersections. That project is in construction right now. It's putting illumination at channelized intersections at Best Road and Chilberg Road; South Skagit Highway and Concrete-Sauk Valley Road; Marine Drive and Havekost. I think a couple of those are done. We still have two more we're working on.

We talked about Prairie Road guidance. Upper Finney Creek Bridge, we're working on that right now. That's up past Concrete off of Concrete-Sauk Valley Road. Basically it's heavily used by recreational and logging companies. So there's DNR timber sales up there too, so it's quite an important bridge for the economy to get logging and get the trucks back and forth. Right now it's load-restricted, I believe, for 16 tons.

So, yeah, those are some of those. Here's a map, if you can see it. You can see all the little dots. All the little dots represent all the projects that are in the TIP, and you can correlate those dots. There's a number or a letter in there (and) you can correlate it at the bottom of the thing for what project it is.

My adoption schedule: Basically I start looking at this in June, sometimes earlier if I can. It's been a real busy year so I'm kind of – I got a little behind on that. In July I start discussions with staff

on the ongoing projects and new, proposed projects. August we have to submit our federally funded projects to SCOG, if you guys know what SCOG is. So those have to go on the regional TIP and they go through a similar process that I'm going through right here.

Today, October 25<sup>th</sup>, I'm presenting it to the Planning Commission. Please feel free – Sarah has my email so (if) you guys have any questions or concerns just feel free to email me directly or call me directly. That's fine. I'll put – after this week I'll put something on the County website, a draft that's similar to what you guys are seeing. I've found a few mistakes so I'll fix those and I'll update you guys, too. But, yeah, I'll take comments all the way up to November 22<sup>nd</sup>. That's when I have my public hearing with the County Commissioners. And any changes I'll make between there and when we adopt the TIP on December 12<sup>th</sup>.

Where can you find it? You can find it – here's a link to it, so and I'll send that out myself also. Like I said, I haven't put it on there yet. I'll probably put it on tomorrow. There's my phone number. That's my direct line right to my office, and that's my email address right there.

Anybody have any questions?

Chair Mitchell: Yes, okay. Commissioner Knutzen first.

Commissioner Knutzen: Yeah, just to fill me in on what the project phase – there's three: PE, RW, and construction. Can you enlighten me? I think I know what they are but it's better to hear it from you.

Mr. Jones: Yeah. "PE" is short for preliminary engineering. Basically when you're designing the construction project you're designing it. "RW" is right-of-way and "CN" is construction.

Commissioner Knutzen: And along – this is a copy of that?

Mr. Jones: Yeah, now that's –

Commissioner Knutzen: That they – had been mailed out.

Mr. Jones: Yeah, that's basically a summary of the big cheese.

Commissioner Knutzen: Right. And how much are these subject to change? Specifically the Josh Wilson Road, and I'm curious. That's my area. And it's both 26, 27, 28 – that's maybe not in Concrete yet – \_\_\_ firm? I mean, this is just a projection.

Mr. Jones: Yeah, it's just a best guess.

Commissioner Knutzen: Right.

Mr. Jones: So, yeah, they changed – there's projects that have been on the TIP for – not on this TIP but ones that I have dropped off there. They've been on there for 20 years and it's, like, okay...

Commissioner Knutzen: And the funding here is projected to be – a lot of it's federal funding?

Mr. Jones: Yeah.

Commissioner Knutzen: That's what you're hoping for? That hasn't been procured yet for four years from now.

Mr. Jones: No. You'll see a "P" and an "S" there?

Commissioner Knutzen: Okay, yeah.

Mr. Jones: So "P" means "proposed," so that means we're searching for it. We're going after grants, we're trying to budget. The "S" means we've secured that funding.

Commissioner Knutzen: Okay. Thank you.

Chair Mitchell: Commissioner Hughes next.

Commissioner Hughes: Could you explain to me the relationship of Skagit County with the Highway 20 from Sedro-Woolley to, like, Concrete area? Is that State or is that local?

Mr. Jones: That is State. I know they have a couple projects coming up in through there so I'll talk to them a little bit about that.

Commissioner Hughes: I figured you'd probably talk to them.

Mr. Jones: Yeah.

Commissioner Hughes: I'm looking for, maybe, highway safety information corridor, like, is on Highway 2, just because we have so many slowing down cars to turn left and those accidents that were happening last summer. I really think we need some attention through there, as we have a growing community.

Mr. Jones: Yeah. I know they are looking – I think it's between Collins Road and I'm not sure what road west of there. I want to say Gardner, but it might be even further back. I know they're looking at putting some roundabouts in there, restricting some turn movements, and stuff like that. So I know they're looking at it.

Commissioner Hughes: Just to reiterate, when you go over Highway 2, it really draws your attention when the signs are "Be Careful," so many "accidents this month," or all the different things that they do. They do a lot of public information to just make people be aware. After the string of accidents last summer, I almost wanted to write a letter to the editor and say, "How about if we all just turn on all our flashing lights when you're going to turn left" along that road, to get people slowing down. Because I can see how it happens, but it just needs to be in people's attention more.

Mr. Jones: I know – this is how long I've been here. They did at one point have a traffic safety corridor on SR-20, so from Anacortes to Burlington, and I think they did another one from – I don't know if they did it from Burlington to Sedro-Woolley, but I know they did one in that area. I just can't remember where it was. But, yeah, I'll see if I can maybe find some information on safety corridors. Typically the State would be in charge of that.

Commissioner Hughes: It just seems like a quick way to maybe get something going for next summer. I know that designing a road and funding is a process, but public safety ideas could be maybe shot up into that area.

Mr. Jones: Yeah.

Commissioner Hughes: Thank you.

Mr. Jones: No problem.

Chair Mitchell: Commissioner Hutchison?

Commissioner Hutchison: I appreciate the reporting. I think it's amazing the depth of the work to be able to put all of that data into one Excel spreadsheet, as you put your TIP! However you organized that, that's a lot of detail.

Mr. Jones: Yeah. Well, actually I started that spreadsheet because when I presented it before, the people that were on the Commission said it'd be nice if we had all this in one spot!

Commissioner Hutchison: Nice. It *is* nice. It's very neat to see all those projects organized. I realize it's a lot of work. So my question is: Who's writing all these grants? Is it a whole team of people? Is it one person? How are you –

Mr. Jones: Right now it's myself and I have another guy by the name of Torey Nelson. You guys may know Torey. And we have different people that'll help. My section does most of the grant writing. We have Emily. She's in natural resources. She does a lot of the grant writing for the culvert replacement and fish barriers – stuff like that.

Commissioner Hutchison: So when you put "P" next to it, you've got a pretty good handle that you know where the source could be – you've identified –

Mr. Jones: Yeah. Yeah.

Commissioner Hutchison: – true potentials for securing.

Mr. Jones: Yeah, I just went to a conference over in Wenatchee. They call it the "IACC," I can't remember the – basically it's an infrastructure type of conference where all the grant funding people in the state go to that – the people that are in charge of them. So they give presentations and you can sit there and talk to them and say, "What do I need to do to get this grant?" So, yeah.

Chair Mitchell: Anybody else?

(silence)

Chair Mitchell: I've got a question for you. So we've been doing the roundabouts for a while. How's that going? Is that doing what you're expecting? Are they working better than expected, or –

Mr. Jones: On the –

Chair Mitchell: Roundabouts.

Mr. Jones: Oh, yeah, I think they do great. They reduce crashes. People to get used to driving them – yeah. Some people have a little harder time than others, but for the most part – and that's



part of the glory behind them is even if you don't get it, you slow down enough that if you do have a crash it's going to be minor.

Chair Mitchell: I remember a few years ago one of the citizens was asking about some of the places that had been done early on where they were having trouble with trucks going around them. Has that been taken care of in most places?

Mr. Jones: Yeah, you'll see – Sedro-Woolley's a good example on that. So you'll see a lot of the older roundabouts they have that sharp curve going up and trucks were having troubles with their tires on those. So the newer designs, they're not quite that sharp. In some cases, like the ones in Sedro-Woolley, there's nothing there. It's just a change in pavement. Yeah, that's for the trucks so they don't wreck their tires on them.

Chair Mitchell: Good, super. Commissioner Knutzen?

Commissioner Knutzen: You mentioned that Thomas Creek Bridge on Old 99 earlier? I noticed after what you've told me, the funding has been secured for that.

Mr. Jones: Yeah.

Commissioner Knutzen: And pre-engineering is January of '23, so that's just a few months. So that project, is that a go, as far as you know right now?

Mr. Jones: Yeah, yeah.

Commissioner Knutzen: Have you decided – out of curiosity – how to – you going to alternate traffic? You going to build a bridge? You going to go down Green Road, or –

Mr. Jones: Yeah, we haven't quite got that far. We'll start design, but we're looking at – what I would like to do is put in a temporary bridge next to the one. I think we used \_\_\_ State highways so I think we have, like, a hundred feet of right-away through there. Yeah, if possible, we want to put in a bridge right next to it.

Commissioner Knutzen: Yeah, Green Road is not a good road to go down.

Mr. Jones: No, we wouldn't put them down Green Road. We would – if we had to close a road, we would detour them down I-5 to Bow Hill.

Commissioner Knutzen: Down I-5?

Mr. Jones: Yeah.

Commissioner Knutzen: Okay. Thank you.

Mr. Jones: Yeah, we went through that when we did the Old Highway 99 Overpass. So we know some people still use Green Road. We worked with the Sheriff's Department help with that.

Commissioner Knutzen: Okay, thank you.

Mr. Jones: Yeah.

Chair Mitchell: Will – it's for both you and Jenn – will this presentation be going up on our website for the public?

Ms. Rogers: Yes, I have it in my mind to corner Forrest on the way out to make sure I've got his PowerPoint to put up online.

Chair Mitchell: Perfect. Thank you.

Mr. Jones: I have to fix the five, though!

Chair Mitchell: Yeah, for the five things! Thank you. Thank you so much.

Mr. Jones: Yeah, no problem. All right, you guys have a great evening. I'm going to go get some dinner.

Ms. Ruether: Good evening. Thanks to Forrest for coming. I appreciate that. As a former transportation planner, I find that stuff super fascinating. I realize it's getting late so I'll go through this quickly. I'm Sarah Ruether, long range planning manager, and I'm going to present the Capital Facilities Plan. It's a six-year update.

Okay, what is the purpose of a capital facilities plan? The purpose is that a County needs to ensure that the public facilities and services needed to support development are adequate to serve development at the time of development. So it means that we've got all the services – water, transportation, schools – are all taken care of, so it's a very big document, as you've all looked at it. And I was looking for photos. It's a hard thing to have photos of so I put a photo of the proposed Mount Vernon library, because part of our update, Skagit County Facilities did a fair market value purchase of this land for – Mount Vernon purchased it for the library. So that's why I included that photo. It'll show up later.

What is capital facility planning? It is a required element of the GMA that supports the Comprehensive Land Use Element, and broadly it ensures that the infrastructure needed to support development is there. And it ensures that we don't build more than we can support and that we have the funding to build what is needed for future development. This Capital Facilities Plan addresses capital facilities planning within the unincorporated areas of the county, but includes Bayview; that is our UGA. And impact fees cannot be charged if the projects are not identified in the Capital Facilities Plan, or for incorporated cities, a capital infrastructure plan.

And the Skagit County definitions – \_\_ definition when I reached out – this is a good project to have as you're starting a new job because I did get to meet lots of people and reach out to lots of people. So this is the definition that I sent to all of these drainage and dike districts. It's "any publicly-owned structure, improvement, or asset that is related to providing facilities services or related to development that exists now or may be needed during the next 20-year planning period." Not to say that you have to have the funding for those 20 years; it ensures that you know where your funding's coming from for the next six years – but that's the time window of the GMA. And it requires the expenditure of public funds over and above annual maintenance and operation expenses and costs \$10,000 or more and has a life expectancy of 10 years or more. And I assume they did that so you don't have to account for every tiny, little thing. Had to put some limits on it. So we don't have to do the County's equipment and Rental and Revolving Fund.

What is in the Capital Facilities Plan? This is the technical document that describes funding. We have a Capital Facilities section in our Comprehensive Plan and that covers the policies. This

portion has funding; it has amount of equipment; you've seen it have numbers in it. So this is the nuts and bolts of how we're going to be able to develop like our Comprehensive Plan says we want to develop. It includes both County-owned facilities and special purpose districts. It includes Bayveiw UGA, which was not updated last year so I focused on it this year. It includes 24 dike and drainage districts; 24 fire districts, seven school districts, nine public water systems – and that doesn't include some of the – Edison and some of the private ones. And it incorporates, by reference, transportation, because you can't have development without transportation, of course. And it also incorporates concurrency because if all your roads are failing and you can't get anywhere that would be a problem for development too, so we include that.

A summary of the internal changes: For the County, the transfer of the Kincaid Street parking lot. That's where Mount Vernon purchased that for the new library. And County facilities are working on establishing a courthouse that meets space and security needs. They're trying to have one point of entry for security and also – security also in terms of, like, updating the building in terms of its safety for earthquakes and that kind of thing, and to eliminate leased office space downtown. And the District and Superior Courts had an update of their space and staffing needs. They're kind of related to those space needs that our facilities are working on. In the Bayview UGA, one of the major updates was the stormwater. They work kind of around the Port and so they're working with the other dike and drainage districts to update the stormwater kind of plans needed for that area.

And with housing, there was an update of the funding for housing.

And parks, a new park facility was added – the South Skagit River Park.

A summary of the external changes: The school district enrollment numbers were updated. The fire districts updated their facility needs and existing facilities. The dike and drainage districts also updated their facility needs and existing facilities. Jenna Freibel really helped me with that. And Edison had an updated maintenance required and they also have funding for a capacity study to look at how they're going to be able to grow with a future with their location.

And then we just had a wonderful presentation from Forrest Jones that explains how transportation has been covered. And he has his funding and all these interesting projects that are going to make it possible for us to all have safe roads and roads that meet our concurrency and level of service requirements.

And so based on all of this – the projects and the locations and the level of service described and updated in the Capital Facilities Plan – a reassessment of the Land Use element of the Skagit County Comprehensive Plan is not required.

So the timeline and next steps: The draft is posted online, if anyone wants to see it. I have not updated your updates yet, Kathy. I'm waiting to get a whole bunch of them. So if anyone has – Kathy gave me a bunch of updates and I have done it, but I'm waiting to repost the document if I got anymore after this. We are taking comments, so comments can be emailed or mailed. There'll be a public hearing on November 8<sup>th</sup>, deliberation on November 22<sup>nd</sup>, and it's anticipated it will be adopted concurrent with the budget on December 12<sup>th</sup>. This is similar to the TIP. It's kind of just like a sister or brother to the TIP.

Does anybody have any questions?

Chair Mitchell: Yes, go ahead.

Commissioner Hutchison: Can I ask about – in reviewing that whole document, something caught my attention in the relocation of Lorenzo Creek at his shop in Concrete.

Ms. Ruether: Lorenzo Creek? Which section are we in, so I can get my mind in the right frame?

Commissioner Hutchison: It was projected to happen in 2025 and it's estimated to cost, like, three million dollars. And I'm just curious if I can find out more about, like, the \_\_\_\_\_.

Ms. Ruether: Okay. I mean, I got my information from other people, so just give me – like, which part of the section so I can understand better who I need to talk to. But I'm happy to \_\_\_\_\_.

Commissioner Hutchison: I didn't print it out so I don't have the page number or any –

Ms. Ruether: Okay. All right. Well, you can get that later.

Commissioner Hutchison: It seemed fascinating. I was just curious.

Ms. Ruether: Okay, yeah. Sure. Anybody else?

(silence)

Ms. Ruether: No? Okay.

Chair Mitchell: Thank you. Good job.

Ms. Ruether: And we've got one more. Everyone's tired. Okay, so this will be just a quick update on Agritourism. So just a quick review of the timeline. Right now we're still in our discovery phase. The survey went out and we have smaller meetings and a public forum schedule, and then later on in the winter, probably after the holiday season, we'll have policy options, and then we're hoping in the, you know, later winter/early spring to start doing code and Comp Plan changes. Everything is as planned.

So everyone who lives in unincorporated Skagit County should have gotten a postcard. They went out actually earlier than we thought, but Jenn worked really hard to get the survey on quickly, so thank you to Jenn for that. And as of today, participation has been really good. We have had 346 participants. And the responses and comments is a little confusing because we have – we tried to put comment boxes after each one so that if you felt like that question didn't cover your, you know, concerns, you could put information in there. So the responses and comments are all part of those boxes, so that's why those numbers are so big.

And just to let you know, we did revise the survey, the original survey that I gave to you. We got comments from the Ag Board that it was too complicated and it was too long so we took about half of the questions out and tried to just get the essence and make it much more simple. So I think we made a better survey from their comments. So if you're wondering why it looks a little different.

Chair Mitchell: Super.

Ms. Ruether: And we have our outreach meetings scheduled. So the first one will be the Ag Leaders Lunch and Don McMoran from WSU will usually host that. I've been to one. So we're going to go there on the 2<sup>nd</sup> of November. And then the second one is at Sedro-Woolley Senior Center from 10:30 to 11:30 on the 11<sup>th</sup> of November. The third one's in La Conner at Maple Hall from 6:30 to 7:30 on November 16<sup>th</sup>, and the big Town Hall will be December 6<sup>th</sup> from 6:30 to 8-ish, depending if it goes that long. So that's the plan, anyway. Yeah, Kathy?

Chair Mitchell: Some of the projects – and I don't know if you are going to be doing this – are you going to be passing out comment cards there where they can be posted and reviewed later or not?

Ms. Ruether: Yeah. I mean, we'll have comment cards. Also we'll – the survey will still be open so, you know, we're not going to close the survey till any of these meetings are done. And the decision was to do that, just – if by chance, someone came to these meetings and they didn't get a postcard because they live in an incorporated area or whatever, that everybody gets a chance. We're really trying to make – we're trying to let everybody participate as much as possible. You know, there'll be paper surveys, if you'd rather do it – take it, you know, just write your comments the old-fashioned way by paper and pencil. Or we can give you a postcard and you can take the survey. So, yes, it will all be in – you know, when you do the outreach meetings, we try to, you know, we write notes then we try to take feedback. It's the same as – the same idea as a survey except in person. We're there to get feedback from the community, and it's going to inform the policy choices. Does that answer your question?

Chair Mitchell: Thank you. Any questions?

Commissioner Knutzen: Where is the Town Hall meeting going to be held at?

Ms. Ruether: I think we're just going to have it here. We thought that would be easier.

Commissioner Knutzen: Right here?

Ms. Ruether: Yeah, right here.

Chair Mitchell: Awesome. Anybody else?

Commissioner Knutzen: The Ag Leaders' lunch. Where do they have that at now? Do you know? It used to be at The Farmhouse years ago.

Ms. Ruether: Yeah, it still is. It is. Apparently it used to be a breakfast. They're not making you get up super early anymore so now you can just go to lunch.

Commissioner Knutzen: Are former farmers welcome? Planning Commission members, do you suppose? I like to go and just listen.

Mr. Hart: Yeah.

Ms. Ruether: The one I went to was last month. There were a variety of different people there.

Commissioner Knutzen: He's probably in charge of it. Don McMoran is the ag man.

Ms. Ruether: Yeah, you can talk to him. I don't get the impression that they're exclusive.

Commissioner Knutzen: Yeah, okay. Thank you.

Chair Mitchell: Anybody else? So there – would we have to go take the survey to see how it changed, or did I miss something? Have you already sent us something on how it changed?

Ms. Ruether: Well, I was – the original survey that I think I gave you all had many more questions. It was much longer. It was a little more complicated. The feedback we got that it was too complicated and too long, so – I just was noting that if you remember the first \_\_\_ that I gave you, it is a bit different. Because we did take feedback and respond to it.

Chair Mitchell: Is there something that we can see without taking the survey ourselves?

Ms. Ruether: Huh?

Mr. Hart: She's asking if she can see a copy of the current survey.

Ms. Ruether: Oh, of the original survey or the new survey?

Mr. Hart: The new survey.

Chair Mitchell: The new one.

Ms. Ruether: You want me to look it up on the web?

Ms. Rogers: Don't you have some printed?

Ms. Ruether: Yeah, I do. I have some printed. I have to go get them.

Chair Mitchell: You don't have to do that tonight. If you could just send it to everybody later so we can see what they look like. I mean, we can go on – I'm not a farmer, so I don't want to say anything!

Ms. Ruether: Yeah, actually I do have it in a Word document because I printed some off because on the website we say if, you know, if you don't want to or can't take it on the web, we have – I have printed copies that I put out front. So I think I – it's all in a Word document. I can email it to all of you.

Chair Mitchell: Super. That'd be great. I think we'd like to see that.

Ms. Ruether: Okay, sure.

Chair Mitchell: Thank you.

Ms. Ruether: Mm-hmm.

Chair Mitchell: Anybody else?

(silence)

Ms. Ruether: I think that's it.

Chair Mitchell: Okay, good.

Ms. Ruether: All right. Thank you.

Chair Mitchell: Okay, so are you going to set Hal up for the Director's Update?

Ms. Ruether: Yeah.

Chair Mitchell: Okay.

Mr. Hart: The Capital Facilities Plan – I just want to make a comment on that. It was always considered – since 1990 – even before that it wasn't required prior to the Growth Management Act. They always felt that was one of the ways you got truth in local government in planning, because you have to have a financing plan. And you bring the financing plan and you put it together and you say, Okay, on this map where're you going to invest? And so it's great to see Forrest – you know, now 30 years into that. It was so new 20 years ago – or 25 years ago when we first started doing that, and the priorities – people didn't understand early into the process how we got to the priorities on the map. Right? But it's – as you can hear from Forrest, it's data – a lot of it's data-driven, and I think that was key tonight. I just wanted to kind of point that out. The Department of Commerce has some really good information on it as well, so you can look at their handouts and stuff and that will help to kind of get your frame of mind around why it's so important out there.

But a lot of court cases were based on – out of Snohomish County – the fact that Snohomish County wasn't keeping up with growth. And so there's a famous court case by a Dr. McVittie. And she was just torqued off that nobody from Snohomish County was listening to her concerns. And so, you know, she took them to court, and it led to the shaping of capital facility plans and transportation plans all over the state from that activity early in the Growth Management process. It's just a lot of history there that's shaping billions of dollars that are going out.

Chair Mitchell: Well, they've come a long way. It's both sides. The Capital Facilities Plan and the TIP Plan are really looking good.

Mr. Hart: Yeah. Okay, let's just take that first slide. Just the first kind of update – I mentioned it last time, too. We kind of have a Step One, Step Two. We're continuing to work with FEMA. FEMA's going to be joining in our offices later this week and they're going to be laying out/looking at resiliency and looking at mapping for different kinds of challenges that Skagit County could have. So we have fire, flood, earthquake, all those kinds of things, and how do we respond, how do we come back from that? And they're still here because of the flood from last November. So it's a year later. They're just about ready to walk out the door and go deal with some typhoons and hurricanes and other things elsewhere, but before they do they want to work with our staff team a little bit in November and look at both the geographic information and kind of the social data about, Okay, who are those populations that really get hammered when we have a natural disaster, whether it's a fire or a flood? And so the other thing I'd bring up, too, I think there's going to be a talk at Western Washington University this Thursday. I think I sent it to you, Jenn. But the talk is on the increased frequencies of forest fires in Western Washington. So I thought that might be kind of interesting to hear that. So I passed that to the FEMA folks, because they're not really from here. They're – you know, some of them are but some of them are flying in from Washington, D.C. and stuff. So it's good for them to know, Okay, it's different. This is a different region, they have different issues, and so I also passed that information to them. Let's go to the next slide.

I wanted to bring this to your attention. It's been increasing, so we're now at 155 single-family homes in the unincorporated area. And 22% of those – so 34, I think, is the number, and I think it may even be 10 up from this now, based on kind of looking at it last night but it's not official yet. But so about 34 to 40 of those are ADUs now. So that's a lot of ADUs. I wanted to kind of bring that up. And we're looking at that closely, even in the discussion that Jenn brought up today where, you notice, where you have very small lots and things. Housing – I had three conversations at least today, both with private sector folks, with compliance folks, and with others. People are building – they are building these. Whether or not we're there or not, they're building these for a variety of reasons. I think those reasons are income because people are hammered that way right now, and also they need housing for other family members. There's just a lot of reasons we're seeing that right now. And our housing market is among the tightest in the state of Washington. If it isn't *the* tightest it's always one or two of the counties. So it's a big deal. And let's go to the next slide.

It's from the field. This is a thank you. I've been spelling "Chuckanut" wrong, like it's three words, and Jenn caught that today, so thank you, Jenn. But I think it's really important to see how quickly those are moving forward. And then we're going to see some expansion – additional ag processing – at the first picture to the left up there as well. So I think we're going to see some more silos as well out there. Let's go to the next one.

The one on the far left is just a big box, but it will contain airplanes and it's a fairly large box. It'll also be commercial jets that will most likely be in there. The empty lot in the middle is one I'm kind of bird-dogging right now. It's Pacific Dream Seafood, and their location is next to Sakata Seed up there. So it's an empty lot right now. Maybe one of the most interesting things is where the water's going to shed. So there's stormwater that you can't see from the road, but it's just over the horizon that goes down the hill a little bit. It's already constructed. And then part of the lot goes the other way. So it's going to go into a different system in that direction. So it'll be interesting to see how they ultimately put that together. I haven't reviewed that plan recently but it's currently in our office being reviewed by staff. We've just asked for additional stormwater information so I'll keep you updated.

And then Lindell's Yachts. They are doing site prep. I think they've got that in place, and they had that blocked off yesterday when I was there. So let's go to the next one.

And then don't forget that we *are* addressing housing. And this was an infill situation where 11 lots were proposed and approved by the hearing examiner to go in on this narrow property. They've been putting the facility – they've been attaching it to the city line that comes through there for sewer, and I believe it's PUD water in that case there. So there will be 11 homes on that site, so stay tuned. Let's go to the next one.

Okay, so what have we been seeing in terms of ADUs? So at least three different types so far. I only went through the first 20 when we were there, but they kind of fall into categories. So everybody, I think, has a different picture of what an ADU is in your head. So my picture was the one on the bottom. So, like, Okay, I'm just going to put something together and it's going to be under 500 square feet and it's adjacent to – it might be, you know, a couple of carports or something like that. And that's one version. We are seeing those – there's an example. The other one, which I think is kind of interesting, is the – I think staff just rolls their eyes when I say that – it's like the Fonzi. And that's where it's *above* the garage or *above* a shop. And that's a pretty high end one there. And then you have another one which is probably at 1100 square feet. I think that's my memory on that one. It's the third one there. It looks just like a single-family residential home.



Interesting point: We don't count the garage as part of the square footage in that. If it's 1100 feet, that's 1100 feet of living space and then the garage is something else there. So that's what we're seeing. And I – you know, it's in the millions of dollars of new investment that is occurring out there.

All right, and that's it. So if you have any questions, I'd be happy –

Chair Mitchell: Anybody have any questions for Hal? Commissioner Knutzen?

Commissioner Knutzen: All those proposals that you were showing there, there's one photo that showed Pacific Dream Seafood location. It was an open field, but in the background it looked like Sakata Seed.

Mr. Hart: It is Sakata Seed.

Commissioner Knutzen: It looked like the parcel was north of Sakata Seed.

Mr. Hart: Just north.

Commissioner Knutzen: Yeah, so east of the old FedEx building.

Mr. Hart: Yes.

Commissioner Knutzen: That was going to be Westland Distillery. They were going to build a distillery there – proposed. So that fell through?

Mr. Hart: Landowners didn't agree on everything and the landowner and the person proposing to build there didn't agree. And so they've now –

Commissioner Knutzen: Well, they had wanted to be able to have some outdoor events.

Mr. Hart: Yes.

Commissioner Knutzen: And I know some of the other businesses around there felt that would conflict –

Mr. Hart: That's correct.

Commissioner Knutzen: – with them so – good to hear. Thank you.

Mr. Hart: Yep. And there should be quite a lot of employment there, too. So that's nice.

Commissioner Knutzen: Is that plan – do you know if they have any plans you can tell us about?

Mr. Hart: Well, their plan –

Commissioner Knutzen: To make it big – they've got old rack houses over there. We were going to get to go through there – remember? – weeks ago.

Mr. Hart: Oh, yes. Yes, yes.

Commissioner Knutzen: That fell through.

Mr. Hart: Originally Westland was – I think they’re breaking it – I think their strategy is to break it up and put different aspects of their processing into different existing buildings that are in and around the airport.

Commissioner Knutzen: Because that’s Rural Reserve over there, right? Where the rack houses are at?

Mr. Hart: I think where the rack houses, are. Right.

Commissioner Knutzen: And where they were going to build that distillery was, like, industrial zoning or something. I don’t –

Mr. Hart: Right –

Commissioner Knutzen: No, it was a Port property.

Mr. Hart: No, this is a – I say it’s –

Commissioner Knutzen: It was private property. It was Light Industrial, I think is what that’s zoned.

Mr. Hart: Yeah. It’s owned by a large landowner in the area.

Commissioner Knutzen: Did they do anything over there on the Rural Reserve with the distillery or anything?

Mr. Hart: Well, I think you’re going to see more rack houses.

Commissioner Knutzen: Tasting rooms? Anything like that?

Mr. Hart: I’m just going to stick with the rack houses at this point.

Commissioner Knutzen: Sorry, I just can’t help myself, folks! Sorry!

Mr. Hart: As soon as I find out anything new, I will bring it forward. But it needs to be publicly out there, so if they –

Commissioner Knutzen: Thank you.

Mr. Hart: Yeah.

Chair Mitchell: Anybody else?

(silence)

Chair Mitchell: I’ve got a question for you. I understand when you use the term “resiliency” as far as with the FEMA group and things like that. I didn’t understand it when we were talking with the Board of County Commissioners. And I know that Commissioner Rose had mentioned the term a couple, three years ago, and it sounds like it has a lot of connotations to it or a lot of meanings or definitions. I don’t understand how they apply. If you could tell me how they do and when?

Mr. Hart: That's a great question. I think it's going to evolve and I think we're going to keep it mostly in the context here of FEMA and emergencies and how we rebound from them. So if you think of every element of the Comprehensive Plan. For example, the stuff we just saw at the airport – right? One could say, Okay, do they have a power source that in an earthquake or some sort of event, if they got cut off could they continue to power up the buildings around there so that people wouldn't lose employment, right?

Chair Mitchell: Yeah.

Mr. Hart: That would be really important. One of the key things you want to do in a disaster is make sure people can go to work and keep the economy chugging along. And so having uninterruptible power or some alternative power site or power generation capability. It would be really important to your economy and would therefore make you more resilient. So for that area, that might be what we would look at.

Then you would also want it to be out of the floodplain, you know, away from other disasters that could also impact that. But you can then say our housing would be \_\_\_. Look at our housing. So we'd want to make sure that we've cleared all those hurdles and that we aren't putting housing in harm's way either, and that maybe we have resiliency built in, especially where we're working with Cities to put a lot of people. And so if you're looking to site a lot of people in a specific location you'd want a number of transportation routes, number one. You would want evacuation routes out of there if need be. You would want to look at the long-term flood risk in a place like that. So one example would be if you were to put housing in the location of the – let's say the fairgrounds. What we understand is that the downtown has been protected with a wall, but the fairgrounds is less protected by that same wall. So it's really important to know in your design how much less protected is that area. I think it was, like, a foot-and-a-half to two feet there. So you would want to make sure that you incorporated that into all your design of any new housing that goes there. And that's just – you know, I think that's important to the County because we're putting dollars into housing in a situation like that, potentially, and so we would want to protect that investment for the long term.

Chair Mitchell: Okay. That helps.

Mr. Hart: Yeah.

Chair Mitchell: Thank you. Anybody else?

(silence)

Chair Mitchell: That's it. Well, thank you.

Mr. Hart: Thank you.

Chair Mitchell: Appreciate it. Okay, so the last item on the agenda is Planning Commissioner Comments and Announcements. Does anybody have anything?

(silence)

Chair Mitchell: Nobody? All clear. Okay, so seeing nothing further on the agenda, everything's met. Thank you, everybody. Have a good evening. Meeting adjourned (gavel).