

**Skagit County Planning Commission
Work Session: 2022 Docket
Deliberations: CFP Update
November 22, 2022**

Planning

Commissioners:

**Kathy Mitchell
Mark Knutzen
Vince Henley
Amy Hughes
Tim Raschko, Chair
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
Randy Johnson, Lead Planning Examiner**

Others:

John Ravnik, Consultant to Applicants of LR22-01

Chair Tim Raschko: (gavel) The November 22nd, 2022, meeting of the Skagit County Planning Commission is now in session. Welcome, everybody. We have a roll call. I believe everybody's here barring Commissioner Candler, who asked to be excused. And we'd entertain a motion to approve the minutes of November 8.

Commissioner Vince Henley: I so move.

Commissioner Kathy Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve the minutes. Is there discussion of the minutes?

(silence)

Chair Raschko: Okay. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Aye. And against?

(silence)

Chair Raschko: No abstentions?

(silence)

Chair Raschko: Okay, it passes. Thank you. So we'll turn to our 2022 Docket Work Session.

Jenn Rogers: Thank you, Commissioners. Today we will review the public comments received for each petition on the 2022 docket. My name is Jenn Rogers. I'm a long range planner for Skagit County Planning and Development Services.

So first we'll just go over the process. So the Comprehensive Plan Amendments Review is a yearly process whereby citizens and staff can submit petitions to make changes to the County Comprehensive Plan and development regulations. The 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 Board. The Commissioners will create a docket of petitions, and they did so this year in June and then decided to add two additional staff petitions in October. So the docket then goes to the Planning Commission for additional review. This is the third work session on the docket. The Planning Commission has also hosted a public hearing at our previous meeting on November 8th. Once the Planning Commission deliberates on a recommendation for each petition, that recommendation is sent to the Board and the Board will deliberate and decide on a final decision for each petition next winter.

So all of the materials that we've submitted, both to the Board of County Commissioners and the Planning Commission, are available on our project website on the website on the screen here, so skagitcounty.net/2022cpa. And that includes the original petitioner applications, our staff reports, and the supplemental report that we are reviewing tonight, the Notice of Availability for public comment, the SEPA designation, and the public comments submitted both for the Board of County Commissioners' public comment period and for the Planning Commission public comment period.

So LR22-01 is our only citizen petition this year on the docket, our Small Scale Recreation and Tourism Rezone request. This petition has been brought by Bertelsen Farms, and the petition seeks 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.

So the rezone would allow for more uses for the petitioners than the Rural Reserve designation, and these uses are compared in a table in the first staff report. They would like to expand their current winery business, potentially add a camping and a dog park, and support new agricultural products for a brewery.

So comments in support of this petition would like to see a small business expand in an area which is rural and lacks other economic opportunities. The new ventures could also attract tourists which would also frequent other businesses in the county, bringing other opportunities for those owners.

Comments in opposition were concerned about nearby critical areas and farming activity, as well as the potential for increase of traffic and noise.

So just to reiterate what I've mentioned in previous presentations, if the rezone is approved, the applicant will still have to apply for the necessary land use and building permits before most of these new activities could commence. And these permits will include critical areas reviews, SEPA designations, and reviews which will help protect and identify any nearby critical areas on the property, as well as it could help mitigate for traffic and additional noise that could happen from the new activities.

Friends of Skagit County wrote concerned about rezoning the property to a LAMIRD and stated that it could be a violation of the Growth Management Act. The Growth Management Act has three different types of LAMIRDs. Friends of Skagit County mostly referred to Type 1 LAMIRDs, which are areas that were developed at higher densities prior to 1990 when the GMA was enacted. Those areas cannot be expanded and we could not create new LAMIRDs of that type in the county.

The GMA *does* allow for the County to designate new Type 2 LAMIRDs if they are either a small Scale Recreation and Tourism zone or Small Scale Business. So Type 2 LAMIRDs do allow for intensification of existing uses or the development of new uses, but no new residential development. I want to pause there. Are there any questions about the LAMIRDs aspect? Yes?

Chair Raschko: Go ahead, please.

Commissioner Mark Knutzen: I've read the documents you sent out to the Planning Commission. I don't see anything new here that you just presented. It looks like that's just a summary of what you've already sent us?

Ms. Rogers: Correct.

Commissioner Knutzen: For the record.

Ms. Rogers: Correct.

Commissioner Knutzen: Just to make sure I'm not missing something.

Ms. Rogers: This information is included in the supplemental report, which is on our website.

Commissioner Knutzen: Yeah. Yeah, okay. Thanks.

Ms. Rogers: Of course.

Chair Raschko: Any other questions?

(silence)

Ms. Rogers: There was a previous question from Commissioner Hughes during the last work session. There was another property which was rezoned a few years ago to Small Scale Recreation and Tourism for the Birdview Brewery, and Commissioner Hughes was correct that they only approved a rezone for two acres of the total 12-acre parcel. And that's the end of my comments for that petition, if there's any questions.

Commissioner Mitchell: I have a couple.

Chair Raschko: Please go ahead.

Commissioner Mitchell: I was just curious: How long did it take for the proponents to get to this stage from start to finish and how much does it cost to do something like this for permits and things?

Ms. Rogers: For permits? Hal, do you have – for the –

Commissioner Mitchell: To do something like proposed?

Director Hal Hart: I think you could ask the applicant.

Commissioner Mitchell: May I?

Ms. Rogers: If Chair Raschko is –

Director Hart: Well, through the Chair.

Chair Raschko: Please go ahead. Is the applicant willing to share that information? Were you able to hear?

Ms. Rogers: You'll have to come up to the mic, please.

John Ravnik: I will, but I'd like to communicate with him first.

Chair Raschko: Sure.

Mr. Ravnik: I believe the question is what expenses have they incurred and how long has this taken to-date?

Chair Raschko: Correct. Can I say one more thing?

Mr. Ravnik: Yes, sir.

Chair Raschko: In no way am I pressuring you to do so.

Mr. Ravnik: That's why I'm speaking to them directly.

Chair Raschko: All right.

Commissioner Mitchell: And just a ballpark, if you want to.

Commissioner Knutzen: Commissioner Raschko, I do have a question. This probably happened 10 or 15 years ago. Does anybody remember that?

Ms. Rogers: No, but the applicant would. The applicant might, so when they come –

Commissioner Knutzen: No, the Birdview Brewery.

Ms. Rogers: Oh, yes.

Commissioner Knutzen: It hasn't been recent. It's just –

Ms. Rogers: I want to say it was 2015, but let me just check my notes here.

Commissioner Knutzen: Oh. I know it's been there for a while. I've been there – always on official business!

Ms. Rogers: So it was in 2015 – December 2015, is when you approved that.

Commissioner Knutzen: It had been in existence for many years.

Ms. Rogers: Correct. 2005.

Commissioner Knutzen: 2005, but it was 2015 that the rezone was allowed –

Ms. Rogers: Correct.

Commissioner Knutzen: – for them to do what they were already doing.

Ms. Rogers: They wanted to expand to an official restaurant.

Commissioner Knutzen: Right, and their music events and –

Ms. Rogers: Correct.

Commissioner Knutzen: But all of it had to – all the stuff they do has to go through the County.

Ms. Rogers: Correct.

Commissioner Knutzen: Okay.

Chair Raschko: Excuse me. Commissioner Mitchell is willing to withdraw her question if it's sensitive information that you'd rather not share. And like I said, I sure don't want to be pressuring you into sharing something that is more personal.

Mr. Ravnik: I respect Commissioner Mitchell's opinions and I think she knows that if I didn't want to do this I wouldn't. So good evening. My name is John Ravnik, with Ravnik and Associates, Post Office Box 361, Burlington, Washington. Our original application was signed by the applicant in July of 2021, so we're approaching 18 months through the variety of meetings that we've had with you and staff and the Commissioners. And very respectfully, it's gone very, very well. I am impressed. Cost-wise, between my fees and other parties that have been involved, we're probably approaching the 25 to 30,000-dollar range. Anything further while you have my attention?

Commissioner Mitchell: Is that kind of a normal thing? It usually costs people a lot of money to get things rolling for businesses?

Mr. Ravnik: I'm not going to speculate on other services provided by other parties.

Commissioner Mitchell: Okay, thank you.

Mr. Ravnik: Thank you.

Chair Raschko: Any other questions?

Director Hart: Commissioners, I would say that that is within the total ballpark that I've seen before for something like this. And I think the one aspect that he brings up was the timeframe. Some places it can be slow. Some places it can be a little faster.

Commissioner Mitchell: Good. Thank you. That helps.

Chair Raschko: Okay, well, thank you. Are there any other questions on the Bertelsen property proposal? Yes?

Commissioner Amy Hughes: My question isn't pertaining to this. It's more code and conversations of the rules that have been written. Do you want to go there tonight or do you want to just – okay. It would be some clarification on natural resource lands. I know a lot about NRIs and the lands we see basically on the river bottom. And then we've got our forestries. But the lands that have been used traditionally for livestock ranching that are up in the hills from south Conway to Whatcom County to up Highway 20 – what are those considered, that are being used for agricultural but are traditionally more livestock-type lands?

Ms. Rogers: The designation for Ag-NRL is dependent on the soil type. If it was a soil that was considered commercially significant at the time that we started zoning our properties then we considered it Ag-NRL, and a lot of other properties that did not meet those requirements or requirements for other resource lands were designated Rural Reserve.

Commissioner Hughes: Rural Reserve. And so if they've been used historically for livestock – cattle and dairy, whatever – they're still Rural Reserve?

Ms. Rogers: I believe so. But my understanding of how we originally zoned them was soil type, because that has the biggest impact on the ability to grow something on that property. But I don't want to speculate on for cattles (sic). Maybe if Hal or anyone else has anything to say on that?

Director Hart: Not at this point. I'm going back to the original designation right now.

Commissioner Hughes: So my question is more – there's some agriculture purposes being used on hills that's not the valley, not the soil type that's under NRL. Is there a tension to that for future generational use or is it land that is developable in whatever direction we go? How does that code work on those grounds? And if we can't answer it right now, we can wait for follow-up.

Ms. Rogers: Unless Hal has an answer to that, I think I will defer for now and see what I can – give you a better answer than what I know.

Commissioner Hughes: I've been pondering it and I've been trying to look for an answer with all the code language and definitions. I'm just not finding it.

Ms. Rogers: And the comprehensive plans have a better narrative on some of those types of questions – on what the County's intent are to protecting those lands – rather than the code itself. So that's where I would look first.

Commissioner Hughes: Okay.

Commissioner Mitchell: Could you rephrase that for all of us, please?

Commissioner Hughes: Try again? I want a definition of "natural resource lands" regarding the lands that aren't in the river valleys that are being used for agriculture.

Commissioner Mitchell: Okay, thank you.

Chair Raschko: Anything else?

Commissioner Hughes: No.

Chair Raschko: Okay, thank you. Shall we move on?

Ms. Rogers: Thank you. So our next petition is the first of the staff petitions. C22-1 is our Wind Turbine Use Amendment. The petition would add wind turbines as an allowed use accessory to a residential structure. The wind turbines are defined in the code but are **no zoned list** when turbines is an allowed use. We did use to have wind turbines in the code pre-2008 as a major utility development which required a special use permit that could cost more than \$3,000 at the time. In July 2008, an Administrative Special Interpretation was issued to deem windmills and other small scale renewable energy systems as accessory uses which do not require a special use permit. The release stated the County intended to amend the development code to reflect the AOI but wind turbines were never added back in, so that's what this petition is seeking to do so. And I do want to be clear. Wind turbines are currently allowed. We will permit wind turbines as it stands. So this petition is seeking to clarify what those regulations are to ensure that the size limitations are meeting what is best for Skagit County. Does that make sense?

(silence)

Ms. Rogers: So the question of the petition is not: Do we allow wind turbines or do we not allow wind turbines? We're seeking to clarify what those regulations would look like in our code.

Chair Raschko: Okay. Yes?

Commissioner Hughes: So that – pardon me?

Chair Raschko: Go ahead, please.

Commissioner Hughes: So that clarification would include what type, single or the traditional?

Ms. Rogers: Correct.

Commissioner Hughes: There's wordage there for a decision.

Ms. Rogers: Right. We can – there's room for the Planning Commission to certainly recommend different regulations or limitations on wind turbines.

Commissioner Hughes: Okay.

Commissioner Henley: But does it or does it not also specify the size of the wind turbines and a number of other things that such an installation must need?

Ms. Rogers: Correct.

Commissioner Henley: Okay.

Commissioner Mitchell: So –

Commissioner Henley: Zero is a size.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: So, specifically, how is it being done now? Are they having to go through a special use hearing or not?

Ms. Rogers: You still have to apply for a building permit. The Administrative Official Interpretation in 2008 removed the –

(unintelligible remark from the audience)

Ms. Rogers: – removed the requirement for a special use permit. So the intent was, with this AOI, to go from a special use designation to an accessory designation to make it easier for property owners to install a wind turbine on their property.

Chair Raschko: Any other questions? Commissioner Woodmansee?

Commissioner Joe Woodmansee: Thank you. When that administrative decision was made, who was – I don't care who the person was but what was that administrative person? What was their title?

Ms. Rogers: It was our Planning director at the time. I believe it was Gary Christensen.

Commissioner Woodmansee: Okay. So before that determination was made, what was the status of wind turbines in our code?

Ms. Rogers: It was considered a major utility development, which required a special use permit.

Commissioner Woodmansee: Okay. So he took it – and I really wasn't looking for the name. I was more looking for the position. So they took it then from a – probably a public notice situation to just an administrative approval?

Ms. Rogers: Correct, but the intent was to have them be accessory for residential purposes for net metering. So it's not meant to be a large installation, right? That's why we have these size limitations on how big they can be, because it's meant to be one per property so that they can use it for net metering purposes.

Commissioner Woodmansee: Okay, so I'm still struggling with this particular item. It seems to me like if you were going to do a wind turbine you would *need* the public process and you would need the more scrutiny because of the potential impact. So it seems like that, to me, when that decision was made, it actually probably went the wrong direction for me. Because it lessened the burden to be able to do one, and I think – I still have – you remember from the last meeting I as at, I had a lot of concerns about height and stuff and impacts, and so – I don't know. I think that there's still a lot of questions on this issue, I guess, for me.

Ms. Rogers: Well, let me get through my comments. And Randy Johnson is here. He's our lead plans examiner so he's been helping me on this petition so he'll be able to answer your questions with a little more expertise than I'm able to have.

Commissioner Woodmansee: Okay.

Ms. Rogers: Okay. So the comments in opposition for this petition were concerned that wind energy is not a true clean energy source because of the process required to build the structure itself, and some owners in other states have had difficulty recycling the parts after decommissioning. They also stated that there is not enough wind in Skagit to make wind turbines feasible and that the towers would be a blemish on the Skagit landscape.

One comment in support would like to see more options for green energy for property owners, so they were supportive of this petition.

So I already went over that, you know, we are – wind turbines are currently an allowed use accessory. So the Department of Energy does list wind as a renewable energy resource, and I included this quote from the DOE on wind energy in my supplemental report: that not only is wind an abundant and inexhaustible resource but it also provides electricity without burning any fuel or polluting the air. Wind turbines continue to be the largest renewable power in the United States, and it helps reduce our reliance on fossil fuels.

There were several follow-up questions from the Planning Commission on our last work session. So first I just want to clarify the limit for turbines will be one per property of record. As for sound, we are staying with our recommendation for sound limits to remain at 55 decibels, which is what our current Skagit regulations state, as well as the state itself. If a neighbor is concerned about the noise or thinks it's too loud, they can file a complaint with our office and our team can go to the property and measure the noise levels from the property line to determine if they are compliant.

Setbacks are measured only for the property lines, not for structures on the property itself. We did do some more research into how large a 30kw engine – excuse me, turbine – could be. It looks like between 60 and 85 feet. The blade diameter would be approximately 40 feet in diameter, so that would be across both of the blades.

So we discussed the size issues that we brought up at the last meeting with 30kw being too large, but, again, we're staying with our recommendation for that size because, especially for farms, it would be great for them to be able to power all of the structures that are on their property. It also ensures that people are able to utilize the wind that is available and store it for future use if there are days where we have more wind versus days that we don't have as much wind.

So and if we limit the size too much, it won't be as advantageous for properties like large farms that want to use it because it won't be able to power enough structures that we would like to see.

So we have – like I said, we have permitted a few wind turbines in the county since 2008. They've all been smaller than the restrictions that we have set out in the code we've drafted. So these four, they're all the same model from Skystream. They're all 2.4kw systems. So this one's 45 feet; this one is 35½ feet; 45 feet again; and, again, 45 feet. So those are the four that have been permitted and built in the county since 2008.

Commissioner Mitchell: Were there some before them?

Ms. Rogers: There's a couple, but these – I don't have records for the ones before this one. I'm always thinking about the one on Highway 99. That's not the one that we want to permit.

Chair Raschko: Go ahead, please.

Commissioner Knutzen: There four _____, are they – to make myself clear, are these in Skagit County now?

Ms. Rogers: Right. These are four that our department has permitted since 2008.

Commissioner Knutzen: And so these are all legal –

Ms. Rogers: Correct.

Commissioner Knutzen: – right now.

Ms. Rogers: Correct.

Commissioner Knutzen: Okay. Thank you.

Commissioner Woodmansee: I have a question.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Do you know if these four would meet the criteria of the proposed regulations that are being proposed now?

Ms. Rogers: By size, yes. I believe so as well as with setbacks, but I'd have to doublecheck on the setback side.

Chair Raschko: Are there any other questions? Commissioner Mitchell?

Commissioner Mitchell: Well, it's more of a comment. You know, I appreciate the fact that the DOE had that comment, but like a lot of things, that was a pretty whitewash thing that doesn't necessarily apply to most of Skagit County. And I think that one of the things that we talked about earlier is that some of the better places would be along the shoreline, and it looked like from one of those maps from Oscar Graham's presentation in 2013 that the other places would be high on the tops of the mountains – were some of the best places. So I don't know. It's one of those things that I know the DOE said that because of support for the green energy, but just because something's green doesn't mean it's necessarily applicable or a good idea for different places, or all places.

Ms. Rogers: And I only included that quote just to discuss the clean and renewable energy side of it, not necessarily where we're putting them.

Commissioner Mitchell: Yeah, thank you.

Chair Raschko: Anything else?

Commissioner Henley: Just one comment, if I may. The only way these things actually work in a way you just described the vision _____, for example, powering a farm, is if they're also a couple with an energy storage facility – in other words, a battery bank – so that when the wind does blow you can be charging the battery bank and then when you need the power you can use it from the battery bank. The windmill by itself isn't anything like a steady source of power, especially in Skagit County.

Ms. Rogers: Do you have a question for me?

Commissioner Henley: No, it wasn't a question. I was just pointing out that without an energy storage system you don't have a workable system. You'd have to couple it with an energy storage system.

Ms. Rogers: Okay, thank you. Randy, did you have any comments on that?

Randy Johnson: Of course, the – and by the way, Randy Johnson. I'm the lead planning examiner that's here. You're correct in one aspect of it. It's alternate current that comes off from that unit, and then it comes down off from that unit. It can be used power – directly right into a home or a business while it's producing power, because wind that we have, there's different cycles with the wind that blows within the area. One suggestion that – in the future that we will make hopefully to the individual applicants that would be – is to get a survey, basically, of the wind for your property to be able to find out what it is. That will give you your ultimate for your height, that movement of how much energy you're going to be able to produce. Then it's up to each one if they want to do their calculation to see how much that they're going to use right then and there and that'll produce for them. But to have some storage you would need some backup. You are correct, in that regard – is to have it for long-term.

Commissioner Henley: If you were going to do such a survey, though, that could probably take quite a long time.

Mr. Johnson: Not necessarily.

Commissioner Henley: Winds are seasonal.

Mr. Johnson: Well, __ low profile.

Commissioner Henley: You have to study it for at least a calendar year, I would suspect.

Mr. Johnson: Well, we have from the airport. They already have. They've already monitored the wind so there's a profile that they have throughout on the flatland.

Commissioner Henley: Yes, I understand that.

Mr. Johnson: So we're able to – they're able to grab part of that profile. I just did the study. I'm just doing it on my own property right now. I live over off of Bradley Road. And so I had them come out and we just had met with a person – because I'm looking whether to go solar on myself (and) thinking in the future whether I'd go wind. There's pros and cons to both situations. And so with looking at that is I had them come out and just – the engineer, they came out there and they just basically set up and just monitor. And within a week they could get a profile of what – when – a pretty much measure so you can get an idea. You're right. It could be because you have different winds at different times of the year that is different. But you start getting a profile and you see if you're able to manage – how much you're going to be able to manage off that high and low during the days of where you're going to get a constant – how much power you think you're going to be able to generate.

Commissioner Martha Rose: I have a question. So isn't part of the purpose of this for the wind power to be able to be grid-tied, just like the solar panels can be grid-tied?

Mr. Johnson: It could. That's the idea, that you're able to grab, maybe store some energy, put it back onto the grid, and then it would be able to come back.

Commissioner Rose: So that's your storage.

Mr. Johnson: Correct. It will go back into the metering. You don't have to – you *could* do a battery backup, just like solar panels. You don't *have* to do a battery backup on any solar panel system. You can just go back into the grid and with the local utility company – PSE – that we have here they'll take that power back into the grid and then when it's producing you're making that back on to it. Your meter is calculating – it's going a different direction.

Commissioner Rose: Right.

Mr. Johnson: And then it will bring it back onto you.

Commissioner Rose: Right. It serves like a bank.

Mr. Johnson: That's correct.

Commissioner Rose: Yeah.

Commissioner Henley: I have other comments about that. I'll just hold them for the moment.

Chair Raschko: I think what we're really trying to accomplish here is to ask questions about it. And I don't want to step on anybody's toes but I think our opinions formed at this time should come out when we deliberate. Go ahead, please.

Commissioner Hughes: Has different feedback from the four that we have from those people regarding their satisfaction with this? Their thoughts? How it's working for them?

Mr. Johnson: I have not heard anything back from that, just because of – once we issue the permit, we're not going back and usually monitoring or _____.

Commissioner Hughes: Yeah. I was just wondering if through all this process some of them called you and said –

Mr. Johnson: I haven't heard anything back.

Commissioner Hughes: Okay. Thank you.

Commissioner Woodmansee: I have a question.

Chair Raschko: Please go ahead.

Commissioner Woodmansee: My question is a follow-up on the wind analysis that gets done. And so trying to understand how that works, if you can evaluate a site for a week – well, if you evaluate that site in June or August versus February or December, it seems like that information would be drastically different. And so I would like to understand how that evaluation works in such a short period of time because it – on the surface I don't understand that.

Mr. Johnson: Because the company that I use that was there, they were able to take once again from Bayview Airport and so they could use the comparison of what we did during that week and compare it to previously looking back in the history of Bayview Airport that was monitored, and then be able to get that profile from there so it matches pretty close so they can see then what we're going to profile for the year.

Commissioner Woodmansee: So essentially they say, Okay, this week at Bayview it was this and this is what we had on the subject – on the study property.

Mr. Johnson: Correct.

Commissioner Woodmansee: And so then they take that and extrapolate that, assuming every other week is going to be the same relationship?

Mr. Johnson: Pretty close.

Commissioner Woodmansee: And that's how they do it?

Mr. Johnson: That's how they do it. They did a – with a comparison they showed that it was pretty close to about the same. So they're saying, Here if we look at it over the profile of the year, it should be the same. And once again, wind changes, weather changes so we may have more wind one year than we do another year. But it's just that you'll get – they're hoping that you'll get that much. And the same is, like, for solar panels, just for instance. You know, of course during the summer a solar panel really works well. Because of technology, they're able to work a little bit better during the cloudier days in our wintertime, so they build up enough for the peak and they base it off the size of what they assume how many sunny days. Now this year we had a lot of sunny days, right? So in that sunny days it really produced energy. Well, maybe more than normal the last couple years. But you'll get the benefit of it as it comes back and forth, because they try to set what they figure is a baseline that you're trying to achieve. One, if you're trying to be totally off the grid or just try to maintain that you can get *something* back and then be able to go back into the system and then you'll be able to balance out that cost for what your reward is for your payment.

Chair Raschko: Commissioner Mitchell and then Commissioner Henley.

Commissioner Mitchell: I don't know who to direct this to so I'll go to you first. Maybe she might toss it back to you. So why now? This was back in 2008 and the grant thing was done in 2013, and at the time I'm pretty sure Oscar had said that it's no big deal. There's no rush or anything like that. And here we are 2022, so why now?

Ms. Rogers: Hal, do you have an answer to that? I just know because when I started here this was on the docket. So...

(laughter)

Commissioner Woodmansee: Fair enough!

Director Hart: This had been coming up. People have been asking. We wanted to make sure that we were ready for a lot of – and you're going to see so many more energy-related issues coming up in the near future. This year is going to be chock-full of them. And so this is low-hanging fruit. Do you want to change it or not? Right?

Commissioner Mitchell: Are we teething?

(laughter)

Chair Raschko: Commissioner Henley?

Commissioner Henley: Yeah, I think the process you described a moment ago is really a description of a statistical modeling process as opposed to a data gathering process. The data is real. It's actually a measurement. You can do something with that. A statistical model may or may not be real. It depends. I mean, that's one of the problems. I spent a heck of a lot of my professional career developing mathematical models to predict a lot of different things, so I have some familiarity with it. So I think it might be proven to be a little bit more optimistic than one would hope if you have a very short sampling time, especially when you have something that's as driven as the variability of, say, the weather at a particular site on a piece of property. I think you can use some generalization if you have airports what you're talking about and then you do a statistical connection between airports and various locations. You might learn something. But even that has limitations to a certain size and area. It's not universal. In other words, you can't do a model here in western Washington and have it work probably okay in Spokane. It's not going to happen.

Mr. Johnson: I totally understand that. Thank you for that comment.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay, shall we move on? Thank you.

Ms. Rogers: Thank you. The C22-2, Critical Areas Ordinance Correction. This is the simple code fix that we have an incorrect reference in our critical areas ordinance. This petition did not receive any comments. I'm assuming there are no questions.

Chair Raschko: Is there anything on 22-2?

Commissioner Knutzen: Is this kind of a housekeeping?

Ms. Rogers: Yes.

Chair Raschko: Great.

Ms. Rogers: Okay, C22-3 is the Guemes Island Overlay Setback Amendment. So this petition would remove the preferential side setback requirements for the Guemes Island Overlay so they're more consistent with the rest of the county. The proposed side setbacks would remain at eight feet. And staff are also proposing to remove the building envelope requirements which limit the height of a structure after 12 feet if a structure is unable to exceed the minimum side setbacks of eight feet.

So the current side setback requirement requirements read that each side setback must be at least eight feet. The total of both side setbacks must be at least 30 feet or 30% of the lot width at its widest point, whichever is less. So in a memo from GIPAC when this regulation was requested to be added to the overlay, GIPAC noted "The proposed setbacks and building envelope are

intended to keep views open, avoid tall walls close to the property line, and generally reduce incompatibility between smaller existing homes and larger new homes, particularly on small lots.”

So comments in opposition to this petition are concerned about maintaining rural character, protecting shorelines, and ensuring water availability for its residents. Comments in support think that we should be protecting personal property rights and allow for people to remodel or rebuild outdated homes in the most efficient way possible to maximize the lot coverage that they are allotted. There are also a few residents who would like to raise their current homes above base flood elevation but are not able to because their current home would be subject to the building envelope restrictions if it were raised up.

So as for the concerns brought up about removing the side setbacks would cause environmental harm, we do have a Shoreline Master Program which would protect the shorelines from development. 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. Planners will review any proposed development to ensure that the house is not built too far out ahead of neighboring homes, which could block a side view. The shoreline setback must be at least eight feet but also common to the average of setbacks for existing dwelling units within 300 feet. So that’s ensuring that none of them are sticking out in front of one another that are neighbors.

The maximum lot coverage is 30% and that includes any development on the property such as driveways, structures, stormwater infrastructure, et cetera. Height limits are still 30 feet and the side setbacks are eight feet in the Shoreline Master Program.

So there are requirements to ensure that development will not harm any water quality or quantity, and development reviews are required to ensure that new development does not inhibit aesthetic views or viewsheds of neighboring properties.

As for protecting the sole source aquifer, during the development reviews the applicant must prove they have enough water to serve the expansion.

Some commenters in opposition also mentioned that this is a regulation which was approved previously by the Board and should stay in place. But the docketing process is here so that staff and the public can request review of established policies and regulations if they are not meeting the intent or have unintended consequences, so the Department has recommended removing part of the side setback requirements and the building envelope restrictions because of the unintended consequences on property owners on Guemes Island.

Are there any questions on this petition?

(silence)

Chair Raschko: No questions? Okay. Let’s move on.

Ms. Rogers: C22-4 is our Economic Development Plan Amendment. It is the first of two new petitions that were added in October to the 2022 Docket by the Commissioners. This petition would add a new goal to the Economic Development chapter of the Comprehensive Plan to ensure all public facilities including Port facilities are eligible for state economic development grants. The current Economic Development chapter does not explicitly state or reference individual public facilities in a manner which would make them eligible for certain state economic development funds.

So we received one comment from the Friends of Skagit County. They wrote to support this amendment with a caveat that this is the only way that we can ensure that these public facilities are eligible for funding, and that is our belief as well.

Are there any questions?

(silence)

Chair Raschko: Okay, no questions.

Ms. Rogers: C22-5 is our Seawater Intrusion Areas Amendment. So this 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 with the County to perform those reviews. The seawater intrusion areas are those areas of the county at risk of seawater contaminating ground water relied on for drinking water. So 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. So 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, but the County has been without a County hydrogeologist since early this year and we've been unsuccessful in hiring a replacement. So we are proposing to allow not only for a County staff member to do it but also to allow for the County to contract out for this service.

So we received two comments on this petition, both in support. The Friends of Skagit County requested that we contract with a hydrogeologist which is familiar with an island environment like Guemes. Are there any questions?

(silence)

Chair Raschko: Everybody's good? Okay. Thank you.

Ms. Rogers: As far as the next steps, the Planning Commission is scheduled to deliberate on each petition on December 13th. The recommendation will then be sent to the Board of County Commissioners. And we're estimating there will be at least one work session before the Board before they decide to deliberate, and that will probably happen in January and February. And again, the 2022 petitions and staff documents can be found at the website on the screen, skagitcounty.net/2022cpa. Thank you.

Chair Raschko: Thank you. Anything else on the docket?

Commissioner Knutzen: I just have a comment. These six proposals that staff just presented – this is more for the record, not us. We received 124 comments and I want to say personally to the people that submitted these I know what's being recorded. I know that now. It's *really* helpful to me. I've heard other Commissioners make the same reference. Whether I'm for it or against it, it gives me information from areas that I've never even been to. So thank you for that, public.

Chair Raschko: Thank you. That was a very appropriate comment. Anybody else?

(silence)

Chair Raschko: Okay, thank you, Jenn.

Ms. Rogers: Thank you.

Chair Raschko: We now will move to the Capital Facilities Plan Deliberation. Was there anything from the staff before we begin?

Sarah Ruether: I'm Sarah Ruether, long range planning manager. I have my presentation here. I don't know how much we need to go over so I have the brief one.

The purpose of the Capital Facility Plan is to ensure that the public facilities needed are – and necessary to support development have adequate levels of services at the time of development – so just to review the purpose of why we're doing it.

And a summary of the internal changes: We had updates to County facilities; the transfer of the Kincaid Street parking lot; the establishing a courthouse that ___ security needs; eliminating leased office space downtown; and the district and superior courts, changes related to that. Bayview UGA stormwater was updated. There was no change made by Public Works to the other stormwater facilities.

We did have one comment from Friends that asked about kind of the land use implications, I think, in the stormwater. This document is about level of service and financing, and I do think stormwater – the more detailed stormwater and land use question probably would be answered in a master plan or a comprehensive planning process. This is more – this is like the TIP: It asks for your projects and it asks for funding to make sure that when development comes you have the adequate services. So that would be my staff response to that comment. I do think it's important to address, but this is maybe not the right tool for that.

Just to review: Housing, there was an update of the funding. Parks, there was one new park facility added. For external changes, I updated the school district enrollment, the fire districts, and the County dike and drainage districts, updated theirs, and Edison had an updated section on their maintenance and capacity study.

So based on the projects, the locations, and the level of services from these updates, a reassessment of the Land Use element of the Skagit County Comprehensive Plan is not required based on those findings.

So we had the public hearing. That was our last meeting on November 8th and now we're in deliberations, so I will do a work session with the Board of County Council (sic) on November 29th and then there will be a hearing on December 5th. The Board consideration is concurrent with the budget adoption on December 12th, and the TIP will also be part of that as well.

Are there any questions on this process before you deliberate?

(silence)

Chair Raschko: No questions for staff? Okay. Well, thank you. So the floor is open to discuss the Capital Facilities Plan deliberations. It's also opened for a motion, if anyone wishes to go that route.

Commissioner Mitchell: Chair, I have a motion.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: I move that we accept the Capital Facilities Plan as written.

Commissioner Rose: Second.

Chair Raschko: It's been moved and seconded to approve the Capital Facilities Plan as written. Any discussion? Please, Commissioner Mitchell.

Commissioner Mitchell: I think over the last few years, including this year, the work on it's been done really well and very thoroughly. I notice that you guys have been able to get some more input from some of the fire districts, which is great. And I realize that's hard to get information like that so thank you. And this does include the TIP then, right?

Director Hart: TIP will be –

Commissioner Mitchell: Was that separate?

Director Hart: Well, I know they discussed the TIP this morning at BoCC so I'm going to ask Sarah.

Commissioner Mitchell: Yeah, that's the one thing I need to know – if it gets tucked in.

Chair Raschko: And there was a question.

Ms. Ruether: Well, I need to go get – I guess I need to add your statements as part of the Findings of Fact and Action. I put the Findings of Facts and Actions on the motion that was in your packet. But Jenn's going to go bring it up so we can edit it.

Director Hart: Sarah, while you were looking at that detail, there was a question about the TIP.

Ms. Ruether: Oh, sorry.

Commissioner Mitchell: So the motion I made was for the Capital Facilities thing, and I was assuming that just means TIP's included because it is.

Ms. Ruether: It is. It's referenced in the Capital Facilities Plan. The most updated TIP is part of that document.

Commissioner Mitchell: So I would not need to amend the motion. I could just leave it the way it was, correct?

Ms. Ruether: Yes, it is part of it. Yes.

Commissioner Mitchell: Thank you. I didn't want to mess you up.

Chair Raschko: Well, while we wait, is there anything else anybody would like to discuss on the matter?

Commissioner Henley: It's pretty straightforward to me.

Chair Raschko: So what are we waiting for now?

Ms. Ruether: Jenn wants – she's going to bring up the Findings of Facts and Action. I didn't realize you needed – it was pretty straightforward because this is not a new thing, so I just figured it would be the same as what I had. But if we want to – I didn't add to it. That's fine. So she's going to go get that.

(NOTE: Discussion of the motion is paused here and resumes on page 22.)

Commissioner Mitchell: So how did it go this morning with the TIP?

Director Hart: I think it went just great, although I was in a different meeting. The only thing I know is that the engineer lost his tie clip during the meeting so he was looking for it. So I assume it went really well.

Commissioner Mitchell: Forest was the one _____.

Director Hart: Yeah, Forest was doing it again.

Commissioner Mitchell: So detailed. Good.

Ms. Ruether: Hal, do you want to do your Director's Update maybe, while she –

Director Hart: Certainly, we could do that. Do you want to pull it up? So I am fresh out of attending the – a couple of things that were really helpful last week with the County Commissioners. The first one was the Association of Counties meeting in Renton. I was only there really for a day-and-a-half and it was, like, a three-day thing. But I will –

Ms. Ruether: Jenn didn't put it up. I don't know where she put it.

Director Hart: All right. We'll just go through it. So I think the first thing that you need to know is – remember last year we had all those bills? One of the biggest years – it's very impressive – and they adopted a lot of things. But a lot of things kind of stopped right at the last minute. They're all going to come back, all those things. So no net ecological gain bill is coming back. And I had a chance to sit down with the authors of those bills and the folks that have brought them up. Some have actually sat on planning commissions before. So it was quite interesting. And we had talks about my former place in Woodinville, and they were in Bothell, and so I hope to influence them in the future because I said to them that geography matters when you're talking about these big bills. Right? And so they have different impacts depending on where you are and you have to think about how geography matters.

So no net ecological gain is one. There's a climate action bill. That's another one. A new housing bill. And they are getting ready to come out with a new housing bill to address the missing middle. There's a missing middle taskforce. And so one of the problems that – I have a slide that shows this, but one of the problems is look at how both Hexcel and Legends today – great, you know, local – well, Legends is local, mostly local here, and they're hiring people, 20 bucks an hour. What is 20 bucks an hour? It's 41,600 a year. Great. So new housing in our county is between 1500 and 1800 and is well into anywhere between 40 to 50% of that income. And I'm giving you the

before-tax, right? So we know taxes will probably go up and we also know we have a lot of inflation. So what I see is a definite workforce need.

So let's just skip down to where I was – yeah. Okay, those are the bills. The last one is the Bill Ruckelshaus Project Part III, additional changes to the GMA. And that will also impact permit times. So as a result of that – and then the next day I went to – the Department of Commerce put on a really great look at permitting time frames around the Puget Sound. And so they invited Bellevue, they invited Poulsbo, they invited Tacoma, they invited – let's see, I'm trying to think. They're mostly bigger communities that were invited. And they were talking about, you know, we've gone to permitting that everybody does everything online all the time. Right? So it's not a permit counter and there's this constant demand for faster and faster permits, and so what are people doing to do that? And they see this as part of the problem of housing is – a lot of advocates see that the permit timeline is longer and there's a lot of people at the counter. It's a virtual counter now. Bellevue said 92.6% of all interactions are now online. Almost nothing left in Bellevue at the front counter. And then they have kiosks there, even at their front counter, where if you're having problems submitting your building permit someone will come over and assist you. And so those were kind of some of the recommendations I was saying, Oh, we could do that now, because – but anyway – so let's go on from that one, because where I really wanted to drive was the housing issue.

These are the firms. I checked all these today. So Lindell Yachts is continuing to move forward. Pacific Dream Seafood: One of the other big things is to change your permit system to make sure you have a single point-of-contact for all your bigger projects – right? So my recommendation to the Board is single point-of-contact; have a permit coordinator that's empowered to make sure that you have everything that you need to address the concerns. And there's kind of an agreement – and all the larger Cities are doing this now – that you sit down and, let's say, Joe is going to come in with a big project. Okay, Joe, we're going to give you good service to get that housing out there, but we're going to say to Joe, We'll review it in seven days – the first review in seven days – but you have to also do it in seven days too. So if you're going to meet our 60 or 90-day timeframe for expedited review, both sides are a team and the reviews going back and forth have to be coordinated. So the coordinator on this side will be working with whomever's on Joe's team on the other side. And so that is one of the – you know, kind of the – the City of Tacoma, a guy named Phil Gowe, who's been doing it for a long time, was telling us that's really working. And if you were to look at how it's done it, they did a pilot project in the very famous old – I had family that used to live there for the last 120 years – in the Proctor District of Tacoma. So it's kind of a nicer district in Tacoma. They put five and six-story buildings in there and they put a lot of density in the existing cities and they did it in a fairly nice way. The neighborhoods don't necessarily like that, though, because you go from single-story to five or six stories, right? But there are better ways to do it than probably what they did. But the idea is not to sprawl but to put new housing there.

So that is going to come up in the legislature. What I'm telling you will come up and they may mandate these things. This meeting was just saying, Hey, these are the best practices – right? – that we can see to move permits faster and go through. The legislature is seriously considering mandating it to Skagit County and everybody to say, Hey, no, you're going to do this. And they are saying they are going to provide assistance to local governments to do that. But what I've seen is they do that for a few years and then it levels off – right? – and goes away.

So let's move on. So we're doing good. West Coast reductions is moving forward. VanderYacht Propane is nearly done. Okay, now we can go ahead. Port of Skagit's got their own project as well.

The other thing I wanted to bring to your attention – and Sarah and I just started going over this. Both end projections are *really* delayed. I can't tell you how delayed they were. So they have a low series – so in 2020 the census was 129,523. Even that was delayed in coming out. But we've grown since that point and we're now, we believe, over that. So the low series estimate from the OFM was 130,000 for '21; 131,250 for '22; and going out to 2025, they said, Okay, we don't understand this one yet because we just got this. Their low series is below what they're already saying our population is, so I've got to reach out to somebody tomorrow and I'll be able to explain that. It's really interesting math this time around. Let's go to the next one.

The high series projection – this is pretty, you know, it would be up to 146,910. So typically there's a low and a medium and a high. I only so far saw the low and the high.

(unintelligible voice in background)

Director Hart: They had a meeting? So we just didn't get to it. We'll get you – in fact, we can send those to you. I think you should just, you know, look at them. And the low series was – I wrote "145." Let's go to the next one. Okay, let's skip this one and keep going. I want to get back because we're running out of time here.

So the main thing is I wanted to get back to the housing issue one last time and finish up on that. There are some – on this one I'll just say there are resilience policy questions that we think are out there for your next Comprehensive Plan update. And some of those are – right now we're working really hard to – when we had the flood in November. So we're working hard on recovery, and Randy would be good for this too because he just passed his floodplain administrator's test and so he's an official floodplain administrator now. That means he has a certain knowledge that's really important to Skagit County. So we're working on all parts of resiliency from a flood standpoint. We're thinking about it for the rest of the disasters that could befall Skagit County as well. And that's – you know, how do we recover? How do we – what happens to us? So thinking ahead, we think that as you think of your Comprehensive Plan you want to keep people out of harm's way, probably out of the floodplain. Or if they're in the floodplain, you want to elevate those structures. Whatever is necessary to keep them out of harm's way. You also want to reduce – you know, the planning should be looking at it in terms of you don't want to bankrupt the county in the *next* flood event or in the *next* disaster event. So thinking about how we would recover and operate during an event and also think about we want to keep our economy rolling during a flood event. And so if a major part of our economy is up on the hill where the airport is, we want to make sure that there are ways to get there safely and that it can continue to work.

Last year Sarah and I were talking about an incident that closed – I think it was a landslide that closed I-5, so it cut – that has a tremendous – when you close I-5 it has a tremendous impact on businesses, community members, and there's a real economic impact to that delay and closure. Sometimes the passes close and you hear it in the state legislature. There was the big flood that hit Centralia a few years back and that kept it closed for many days. So that's the kind of planning that you have to incorporate not only here but kind of regionally as we look ahead. And we think that the flooding may be occurring in different ways in the future that may catch us off guard, so we need to understand how that's going to happen. So, again, it's also looking at long-term investments and how will Skagit County deal with flooding and earthquake and fire preparedness just from the capital facility planning in the future.

So if we were to put a lens on that, what kind of capital facilities are we talking about that will keep us resilient as a community? So it could be our roads, it could be our dikes, it could be a lot of

other things that we have to start investing in now for the future. So as we think of our capital planning, we need to think about: Are we thinking for those longer term investments? Where *are* those resources to find that and who do we engage? And if that is – if our economics is impacted, then I think – then you start thinking about there’s more funding for those kinds of resources to protect your economy, and also it’s a balance between economy and environment, too. So you want to protect all the good works that have been done to – you know, for salmon recovery as well. But it’s a larger discussion of investment for the next 20 years as we add – you know, it could be 146,000 people in that next increment of planning that we’ll be at. Or more. Okay. Sorry about that, but it went on and on.

Chair Raschko: Okay, well, we’re in a – we’re kind of mixed up here.

Director Hart: Yeah.

Chair Raschko: Tonight I’d still like to entertain questions for Director Hart on his report, but we still have a motion on the floor.

Ms. Ruether: Right! I have the Findings of Fact up, and you should also have it in your packet. If you want me to make additions or revisions I can do so.

Chair Raschko: Okay. We need to approve the motion and then we will do the Findings of Fact and then we will approve the – hopefully – the recorded motion. Does that sound appropriate? Okay.

So we have a motion. There’s no further discussion.

Commissioner Henley: I call for the question.

Chair Raschko: Okay, all those in favor of the motion, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Aye. And those opposed?

(silence)

Chair Raschko: And there’s no abstentions, so that passes unanimously. So we’ll turn then to the Findings of Facts and Reasons for Action. We have a list. Go ahead.

Ms. Ruether: The first one is RCW 36.70A.070(3) requires that a Comprehensive Plan include a Capital Facilities Planning element that provides an inventory of publicly-owned capital facilities, forecast of future needs, identification of the location and capacity of expanded or new facilities, a six-year financing plan for additional projects necessary to support development, and a requirement to reevaluate the Land Use element if the financing falls short of meeting the existing needs. The statute further provides that park and recreation facilities must be included in the Capital Facilities Plan element.

Chair Raschko: So is there any rejection or opinions about number 1?

(silence)

Chair Raschko: Everybody's fine with 1. Okay.

Ms. Ruether: Number 2 is WAC 365-196-415(2) recommends a jurisdiction periodically review and update its inventory at least every periodic Comprehensive Plan update and updates its six-year financing plan at least biannually.

Chair Raschko: Okay, is everybody okay with number 2?

(silence)

Chair Raschko: All right.

Ms. Ruether: And number 3 is Skagit County's most recent update of the Capital Facilities Plan was the 2022-2027 document adopted in 2021. That was last year's.

Chair Raschko: Okay, do we have consensus on 3?

(silence)

Chair Raschko: All right. Number 4, please.

Ms. Ruether: Number 4: The proposed Skagit County Capital Facilities Plan improves upon the existing plan with an updated inventory, needs assessment, six-year financing plan, and by referencing the most recent draft of the Transportation Improvement Program, the TIP.

Chair Raschko: Okay, anything on number 4?

(silence)

Chair Raschko: All right, number 5, please.

Ms. Ruether: Number 5: The County published a Notice of Availability, Public Comment and SEPA Threshold Determination for the Capital Facilities Plan in the *Skagit Valley Herald* on October 20th, 2022.

Chair Raschko: Okay, there should be consensus on 5. And there is. Six, please.

Ms. Ruether: RCW 36.81.121 requires a county to adopt a comprehensive transportation program for the ensuing six calendar years consistent with the Comprehensive Plan that shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit.

Chair Raschko: Okay, anything on number 6?

(silence)

Chair Raschko: Okay, number 7, please.

Ms. Ruether: The Transportation Improvement Program, the TIP, is incorporated by reference into the Capital Facilities Plan to fulfill the requirement for the plan to address transportation.

Chair Raschko: Seven?

(silence)

Chair Raschko: Okay, number 8, please.

Ms. Ruether: Changes to the 2023-2028 Capital Facilities Plan were incorporated when requested by the district.

Chair Raschko: Okay, that looks fine. Number 9, please.

Ms. Ruether: The role of the Planning Commission in reviewing the 2023-2028 Capital Facilities Plan is to help the County plan for capital facilities and public services to be provided to support development at the time development occurs.

Chair Raschko: Anything on number 9?

(silence)

Chair Raschko: Okay. Number 10, please.

Ms. Ruether: Based on the projects, financing, and levels of service described in the Capital Facilities Plan, a reassessment of the Land Use element of the Skagit County Comprehensive Plan is not required.

Chair Raschko: And number 10? Yes, please?

Commissioner Jen Hutchison: It's stated also – I believe it was first or second – that if the funds aren't available to fulfill the segments noted in the plan, then that review would be required. But then in some of the TIP programs that are on schedule it was noted that certain of those projects don't quite have funding identified yet, but we've got six years to try to. I just want to know in reality, will they just push off to the next plan if they don't get funded so we'll just see them again? It's not like everything stops and we have to come back and –

Director Hart: Do you want to answer or do you want me to?

Ms. Ruether: Yeah. I mean, I think it's a framework for floating to the top – what you plan to do in the next six years. And, obviously, do you have, you know, all the things that you want to do in your life for the next six years? I don't have all funding for all of that. So it's a way to prioritize so, you know – and you're making commitments in dollars. Like for planning, that's a hard thing to do to have concrete numbers, so you're going to the work. If it's the TIP – I worked for transportation planning. There's a lot of work that goes to making those estimates. So it's much more in detail even if you don't have the dollars in hand. By getting it that far, if it's a TIP it puts it also on the list that you're eligible for federal funds. So it does other things even though you don't have that money in hand. Did that answer your question?

Commissioner Hutchison: Yes, thank you.

Chair Raschko: Anything else on 10?

(silence)

Chair Raschko: Okay. Number 11, please.

Ms. Ruether: The proposed 2023-2028 Capital Facilities Plan is consistent with GMA requirements for capital facilities planning described in RCW 36.70A.070, the Skagit County Comprehensive Plan, the Countywide Planning Policies, and supports the requirements of Skagit County Code chapter 14.28, Concurrency.

Chair Raschko: Anything on 11?

(silence)

Chair Raschko: Okay, number 12, please.

Ms. Ruether: The proposed amendments reflect local conditions and promote the general public health, safety, morals, and welfare.

Chair Raschko: And there shouldn't be any opposition to that.

(silence)

Chair Raschko: No? Okay. Thank you. Is there other additional items to be added to this list?

(silence)

Chair Raschko: Okay. And we'd entertain a motion to approve the recorded motion regarding the 2023-2028 Capital Facilities Plan and Transportation Improvement Program.

Commissioner Rose: So moved.

Commissioner Mitchell: Second.

Chair Raschko: It's been moved and seconded to approve the recorded motion. Is there discussion further?

(silence)

Chair Raschko: Seeing none, all those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Aye. Those opposed?

(silence)

Chair Raschko: There's none and no abstains. Great. So that's passed. Thank you very much for your help.

Ms. Ruether: Thank you.

Chair Raschko: Thank you, everybody. So I'd like then to return to the Director's Update. Did you have more?

Director Hart: No, but I think there was one question from Joe Woodmansee that was there.

Chair Raschko: Did you have a question?

Director Hart: Probably about permitting, I would assume.

Commissioner Woodmansee: A question and a comment. The most efficient plan review process that I've ever been involved in was where the actual plan review was done with the engineer for the proponent and the staff member sitting across the table, where the proponent literally walked the City staff through the project and said, Here's what we did here, here's how we did this, here's why we did this, and we met the code by doing this here. And so if we're going to eventually try to get down to a 7 on 7 scenario, I would highly recommend that you consider looking into the concept of a mutual review out of the gate so that that engineer can walk – or proponent; it might not always be an engineer – but they can walk the staff member all the way through the project and explain the entire thing to him. And if there's an obvious conflict in real time the staff member can say, Well, the code changed in 1941 and we can't do this anymore. Here's what – so please change that detail to this or whatever. I've seen that be the best way to short-circuit the lengthy wait time sometimes. And you're just getting cut to the chase, right?

Director Hart: Yep.

Commissioner Woodmansee: You don't – because you come back with 20 questions and then those 20 get answered, then you come back with 14 questions and then those 14 get answered. Well, I've seen this other process – and I've actually participated in it, not as the owner of a project but on behalf of an owner or an engineer and a City reviewer were not getting along, and so I was actually going to be the contractor. So the owner and the City agreed to sit down and have this meeting, and we walked all the way through the thing and took care of 40 comments in one meeting and came to the conclusion that, Okay – the City guy said, Okay, I understand that now. We're good on that, but change these 14 things and whatever. So it's something I think that would be worth looking into in the future.

Director Hart: I definitely – I am doing that. I'm putting a memo together this evening to the Commissioners and I'm going to add "mutual review conception." I'm going to look it up, but I will see if I – I may have to come back and ask you questions tomorrow.

Commissioner Woodmansee: Oh, I like that term. I didn't actually have a term for it. But it was, you know, both sides were there. "Sides" is the wrong word, but both entities were there. It eliminates the back and forth – at least one round for sure.

The other thing, I don't know if the Counties follow this at all or not, but are you aware of the gas heat decisions that are coming out?

Director Hart: I'm sure Randy is. I've heard just a little bit, but go ahead if you can explain.

Commissioner Woodmansee: This is my understanding and so I might not be 100% right. But after July you can't heat a house with gas heat. You have to have electric heat pumps.

Director Hart: Yeah.

Commissioner Woodmansee: I think that that's really short-sighted on the code board or whatever that's out there.

Director Hart: The state Code Council.

Commissioner Woodmansee: Yeah, the review board or whatever for codes. I think it's a really poor interpretation and it's not a good thing for the consumers of our state.

Commissioner Henley: It's not really workable economically either.

Commissioner Woodmansee: It's not. I'll use my house as an example. I have a boiler, a gas boiler, for my radiant heat, the most economical heat I've ever had – ever – in any house I've ever owned. And, you know, my gas bill was \$100 this month in the middle – you know, a cold month, right? And so, anyways, I don't know. There's probably nothing that we can do about it, but I would like to see Skagit County take the position that, Hey, we're not against – we need a little bit of everything. When you _____ electric to electric, it's going to be like California with having brownouts. And, you know, you're going to be trying to charge your car, you're going to trying to heat every house, and then in addition to that is supposedly they have a goal of converting every house *existing* by 2050 or something like that.

Commissioner Rose: I'm on the other side of the fence from Joe on this conversation. Because my all-electric home has a monthly bill of \$7.97. And my experience is is that it's more expensive to have two utilities, running gas piping everywhere and electrically. By eliminating the gas piping and building more energy-efficiently – anyway. And also what I've noticed lately is that the equipment is evolving to the point where the efficiency of the – at least the electric equipment, is much higher than it used to be.

Also I've taken – I got to hear Eileen Cagney with the American Lung Association speak and after I heard her speak about the toxicity of gas in the home, that's when I decided to quit building with gas in the home, and that was about 12 years ago. It's so nasty that that's a lot of the problem with people having increased rates of asthma and what they call "sick house syndrome." So there's two sides to this conversation at least. Maybe more.

Commissioner Woodmansee: There is, and I'm reclaiming my time!

(laughter)

Commissioner Woodmansee: Which is a joke, okay?

Commissioner Henley: I'm on Joe's side!

Commissioner Woodmansee: I was watching something the other day and it was a congressman and he kept saying "reclaiming my time," so I threw it out there! Anyways...so I don't know anything about that but I do know that "one size fits all" I'm worried about, and I think it's short-sighted and I don't think that every gas house is (an) unhealthy house. If that was really true then there would have been issues about – there would be laws – I think it would have been addressed before now.

Commissioner Henley: Yeah, like a century ago.

Commissioner Woodmansee: Anyways, I do think it's a negative that that option's going away. It's unfortunate.

One last thing: If you want to make your paycheck go farther into your house payment or your rent, they should lower taxes.

Commissioner Rose: If you want to make what?

Commissioner Woodmansee: Your paycheck go farther to pay your rent and your mortgage, they should lower taxes. Anyways, that's my soap box.

Chair Raschko: Thank you, Commissioner Woodmansee! Are there more questions for staff about the staff report?

Commissioner Mitchell: I've got a request.

Chair Raschko: Please, Commissioner Mitchell.

Commissioner Mitchell: Thank you. The last one where you had the resilience things?

Director Hart: Yes?

Commissioner Mitchell: Could you either send that to us or post that for us?

Director Hart: Sure.

Commissioner Mitchell: That would be great.

Director Hart: Yeah. I spent a lot of time thinking – well, not too much time, but thinking about what it means for Skagit County – right? And I'm keeping it tied to the disaster and thinking we need to be able to come together as a community and think about how to rebound, because Mother Nature wants to do what Mother Nature wants to do. But it's how we all work together in the final analysis. I think Sarah and I are seeing that as we work with FEMA in our office.

Commissioner Mitchell: Yeah. And I'll be very much interested to know – the little teaser out there when it's teasing about teething – with more stuff coming that's energy-wise, I'm dying to know what that stuff is now, so when you're ready, if you could tell us.

Director Hart: Yep, and – again – we're going to see a lot more coming down now.

Commissioner Mitchell: Thank you.

Chair Raschko: Anybody else? I'll just throw a little more gas on the fire real quickly. But the *Seattle Times* on Sunday had an op-ed. It was by the head of a building association or something, but it was really interesting: Trying to address the causes of the high cost of housing, the high cost of permits, and the effects of GMA. But trying to – what I'd recommend to do is if you're interested is look it up. It's the two days ago Sunday *Times*. And it just had a different view that I've never read before.

Director Hart: Yep, that was from the real estate center at the University of Washington about the high cost of permitting. And so that information has been out there but I think there's some updates to it now.

Chair Raschko: Mm-hmm.

Director Hart: And so, yep, if I can find that – I know I have it at home. I bought that newspaper with that in mind – to read that. It's interesting how they're couching it this time, though. It was couched last time differently. And so anytime you see something in the *Seattle Times*, you're going to see some legislative action soon to follow. And so that will probably be the permit timeline issue.

Commissioner Mitchell: If you have access, could you get us that information so we all can see it? I know that I can't see it.

Ms. Rogers: Hal, I can _____ and send it to the Planning Commission.

Director Hart: Oh, great. Did you hear that?

Commissioner Rose: (unclear)

Ms. Rogers: I said that I'd be happy to make a PDF of it so I can send it to you so everyone can read it.

Commissioner Mitchell: Thank you so much.

Commissioner Rose: Can I say –

Chair Raschko: You *may*, please.

Commissioner Rose: I didn't read the article, but impact fees, in my mind, are one of the highest culprits, because they impact not just the cost of new housing but they also impact the cost of old housing. And so the way I've explained it to people is that it's my understanding that impact fees are justified with the thought that the new housing is putting stress on the infrastructure, including schools, the roads, the sewers, the water lines. And I maintain that that's everybody's job to maintain those things, not just the new construction. It's just like if you move into an old house you have to update your utilities in that old house. If you move into an old house in a neighborhood, you might – it's unequal. In other words, you could build a new house and be charged school impact fees and a couple without kids moves into it. Or you could have a family of six kids move into an old house and not have impact fees. It's not a just way of, you know, apportioning costs for those items. It should be spread around the entire community with higher utility bills or on the taxes or some other way, but when impact fees range in cost per house from – Joe, help me out – somewhere between 25 and 35 or 40 grand per house, that is one single thing that could correct runaway housing prices. Please help me out. Am I right about the range?

Commissioner Woodmansee: No, you are – depending on what jurisdiction you're in.

Commissioner Rose: Yeah. I mean, it's a bigger deal than permits. It is. It is the biggest item and it's – you wouldn't get a big fight from people that advocate for affordable housing because they believe the same thing – that impact fees are the single biggest problem. And I don't know if you've heard this before.

Director Hart: It's different. You know, this is a different era and so it's lining up differently than it did in the early '90s to, let's say, '97, '98.

Commissioner Rose: Right. Yeah, yeah. Any rate, that's my two cents on that. See, we're not on opposite ends of everything.

Commissioner Woodmansee: Nope. Not at all.

Chair Raschko: Okay, we're going to have Commissioner Mitchell and then you'll be next.

Commissioner Knutzen: The comments you made a little bit ago on the articles – two articles in the *Seattle Times*. Is that correct?

Chair Raschko: Yes. It was just one article.

Commissioner Knutzen: Well, I saw two articles in there.

Director Hart: There was another one, yeah.

Commissioner Knutzen: And usually the first thing I do – it caught my attention; ADUs, housing. Well, that's what we did here. We did that – right? – a few months ago. The first thing I do is check and see who it's by because that's a lot of credibility. If it's from Fox News or CNN, I probably won't even read it, if you follow me. The one article – I think the one you're talking about – was written by I think he was an executive director of the building trades association or something like that –

Chair Raschko: That's what –

Commissioner Knutzen: And I don't remember. I wasn't prepared to talk about this, but I'm just from memory. And the other one was by two professors that work at the University of Washington – and I'm a Cougar so I take that with a grain of salt. But they work – and you apparently know this article too – they work at the University of Washington in the division, departments – help me, Hal.

Director Hart: Real estate.

Commissioner Knutzen: Pardon me?

Director Hart: It's the real estate department.

Commissioner Knutzen: And when I was reading that, what they recommend to do to help to solve the housing crisis is what we did here, from what I'm – my take on that. Would you agree with that? Kinda?

Chair Raschko: You talking about the ADUs?

Commissioner Knutzen: Pardon me?

Chair Raschko: You talking about the –

Commissioner Knutzen: The ADUs, and the housing – you know, cost of housing and making more houses. So I just – when you mentioned that, I just wanted to comment that.

Chair Raschko: Well, I missed the second article.

Director Hart: We'll bag them all and send them up to you. There was a third one, too, that was on the bread farm which was really good too. So WSU did score one there! But I will say the real estate department started at Wazoo and moved, I think around 2002, to the University of Washington. So it did start over in Wazoo, just so you know.

Commissioner Knutzen: Okay.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: Yeah. I sent an article to Hal and some of the other kids a while back. It was one of those things that caught my attention because I was really surprised, and that was that Germany was shutting down some of their wind turbines and building coal again. Because they – sort of what Joe was saying, that they were finding that they went the full route, it wasn't working, so they're having to find some ways to supplement. They're worried about winter coming and things like that. So it's what you said a little bit a while ago. I can't remember the words, Hal, but it was something (like) things are changing; it's a little different this year.

Director Hart: It is.

Commissioner Mitchell: I'm seeing things shift. So if you can keep us apprised on what you see – I don't see some of the Seattle stuff, for instance.

Director Hart: We'll make sure that we ship that article. And if you want me to share the article that you previously sent.

Commissioner Mitchell: Yeah, it's just because it was (an) eye-opener and I've seen several more on that same thing since then, so other people are catching it. But, you know, later? So I don't know what's going to be, but it still comes back to the question with the resiliency for the state. So they've mandated a number of things that we have no control over, right? Like the 2030 with the automobiles, and a lot of other things coming down the pike, and, quite frankly, it scares me because I'm thinking, How can you pigeonhole us and shoehorn us into these things like this when we've already seen problems in other places that did that?

Director Hart: I always felt that counties to a certain extent are kind of like the states. That you have – this is why geography matters. Because you have 39 experiments in local government – right? – that are out there. You have some broad guidelines called Growth Management, but they always said, Well, it's not going to be top/down; it's a bottoms-up approach. You might remember that discussion. But over time it's changed, right? And so and I understand why it changed, but, you know, it's harder for me to say it's still a bottoms-up as they continue to do things that, well, everybody has to do those – right? And so I'm sorry, but if we're the lowest income in western Washington north of Seattle, it has a pretty significant impact here. And then, in order to achieve that balance, you have to make sure your legislative folks – who are usually Seattle-based, because there's a lot of them – right? – overall that are proposing that. They need to understand that it has a disproportionate impact in some communities and some counties than in other counties. Right? And so you want to be able to compensate. But you see how complex policy gets when you do it from Olympia versus allowing it to happen more organically in Skagit County.

Commissioner Mitchell: Exactly. And forgive me for saying it this way, but I'll just be as blunt as I can. It's just like with the DOE and the SMP thing. We've been told for years that, you know, we have our say-so and that's why everybody has their input and do all kinds of things and then have it sort of flipped now where we're supposed to do what they say because it's easy for everybody/for them, instead of what it is for locally? And that does the topsy-turvy thing again about the geography.

Director Hart: Right. So I will be talking to the Commissioners about flexibility and, you know, make sure that there's flexibility built in for rural counties, largely rural counties.

Commissioner Mitchell: I appreciate everything you can do. Thank you.

Chair Raschko: Okay, we'll turn to Planning Commissioner Comments and Announcements. You must have something, Amy.

Commissioner Hughes: I don't.

Chair Raschko: Kathy?

Commissioner Mitchell: Nothing.

Chair Raschko: Joe?

Commissioner Woodmansee: *Clearly* I've said enough tonight!

Chair Raschko: Vince?

Commissioner Henley: I have no comments at this time.

Commissioner Rose: You already got mine too!

Chair Raschko: Jen?

Commissioner Hutchison: I'd just like to share my appreciation for the staff and the Department for your preparations for our deliberations this evening. You really helped us cruise ___ right through. Tracking that as we go is really helpful, so thank you.

Commissioner Knutzen: I concur with the last Commissioner. The staff stuff we got was written in English! I understood it with only two or three readings. Thank you, both of you. No, it was good. It was really helpful.

Unidentified Voice: She's a keeper!

Chair Raschko: Well, I really appreciated having the Findings of Fact laid out nicely like that, so thank you very much. Okay, we'll stand adjourned (gavel).