

**Skagit County Planning Commission  
Deliberations: 2022 Docket  
Update: Agritourism Study  
December 13, 2022**

**Planning**

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

**Staff:** Jack Moore, Assistant Planning Director  
Sarah Ruether, Long Range Planning Manager  
Brandon Black, Current Planning Supervisor  
Jenn Rogers, Long Range Planner

Chair Tim Raschko: (gavel) Good evening and welcome to the December 13<sup>th</sup>, 2022, meeting of the Skagit County Planning Commission. A quick roll call – everybody's present except for Commissioners Candler and Rose, so if that could please be in the record. And I ask for a motion to approve the minutes from November 17.

Commissioner Vince Henley: Well, I move that we approve the minutes.

Commissioner Kathy Mitchell: Second.

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

(silence)

Chair Raschko: Nothing. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: No abstentions? Okay, thank you. So I'll immediately turn to tonight's main topic, which is the 2022 Docket Deliberations. Please go ahead.

Jenn Rogers: Thank you, Chair. My name is Jenn Rogers. I'm a long range planner for Skagit County Planning and Development Services. So tonight we will be discussing the 2022 Docket

and the Planning Commission may enter deliberations and provide a recommendation to the Board in the form of a recorded motion.

So the process up until this point: The Board of County Commissioners created a docket of petitions for the Planning Commission's review in June. The Board then added two additional petitions in September. The Planning Commission has held three work sessions as well as a public hearing for the public to provide public comment and testimony on each petition. The Planning Commission then held another work session to review the public comments submitted and staff responses. And tonight the Planning Commission may enter into deliberations, as I mentioned. So after the recommendation is approved by the Planning Commission, the Board of County Commissioners will then host a work session and deliberations for final approval of each petition.

The petitioner applications and relevant staff memorandums, staff reports, supplemental reports, Notice of Availability, and SEPA documentation are all available on our website at [skagitcounty.net/2022cpa](http://skagitcounty.net/2022cpa).

There were just a couple of questions that were brought up by the Planning Commissioners I just want to address before you go into deliberations. I'll do that briefly here. The first question on the rezone application to Small Scale Recreation and Tourism is – so first was, What are the steps and considerations for granting a rezone by Skagit County? So this is dictated under Skagit County Code 14.08.020. A request for a map amendment requires a petition for the docket, public hearing review and recommendation by the Planning Commission, and final approval by the Board of County Commissioners – the docketing process that you're familiar with. A petition for a rezone must contain a detailed description of how the map amendment complies with both the land use designation criteria in the Comprehensive Plan and the approval criteria for map amendments and rezones in 14.08.060. A petition for amendments to a commercial or industrial designation, such as Small Scale Recreation and Tourism, must also include a detailed development proposal that is consistent with the applicable designation criteria, and a map showing the subject property and property lines and land use designations for all properties within 500 feet of the site.

Specifically for a rezone application to Small Scale Recreation and Tourism, (it) must also include a site plan showing the location of all the uses, a demonstration that the location of the SRT uses is based upon scenic and/or natural features of the land that support the need for a rural location and setting; (and) a demonstration that the proposed expansion of the existing recreational or tourist use is a logical expansion and is compatible with existing uses onsite. There also must be measures to protect adverse impacts on prime soils, traffic, visual impacts, noise, critical areas, and protection from conflicts with nearby use of natural resource lands.

Finally, the rezone must be consistent with the requirements of the Skagit County Comprehensive Plan, including any applicable designation criteria. And when we, as a department, looked at the rezone application for Bertelsen Farms we did look at the designation criteria in the Comprehensive Plan and the proposed activities, and the Department determined that this was a good location for the proposed activities because it is out of the floodplain; it is right next to a major freeway, which helps with traffic; and it borders Skagit and Snohomish County, which can certainly attract more tourism from the south.

The second question is, What are the Department's criteria for labelling large scale versus small scale? Specifically for small scale recreation and tourism, there are specific size limits designated in our code language for development, and it's both by acreage and square footage. So for the

total size limits, the code dictates the entire SRT-designated area whose boundaries are identified on a single Comprehensive Plan amendment shall be considered as one unit for the purpose of this calculation. So all four of the parcels that are being proposed to be rezoned are considered one unit for the following requirements that I'm going to list.

The maximum number of acres that may be devoted to the built environment is 20 acres. This includes any support infrastructure as well, like driveways, parking, and stormwater. Additional land may also be associated with the SRT development, provided that it remain substantially undeveloped, primarily left in a natural state, and is used for passive recreational purposes only. Retail and services uses shall not exceed 3,000 square feet of gross building area per establishment, and they are limited to two establishments for the entire area.

There was a concern on – there was also concern I wanted to follow up on with regards to the wind turbine use amendment. A Planning Commissioner was concerned about having adequate public noticing requirements for this particular use. We have required SEPA in the past for wind turbine requests and we will continue to do so as long as it is allowed in the code. So this will ensure that a public notice will be sent out to all neighbors within 300 feet of a property. There will be a 15-day public comment period. And once a designation is issued from the SEPA review, there is a 14-day appeals period allowed to the hearings examiner once a determination has been released.

So as I mentioned previously, tonight we're here for the Planning Commission to deliberate on each petition that is on the docket tonight. Once a recommendation has been approved, it'll go to the Board of County Commissioners for their review and final approval. Are there any other questions that I can answer for you tonight before you go into deliberations?

Chair Raschko: Any questions?

(silence)

Chair Raschko: Thank you. Okay, we'll start deliberations. Before we do, I recommend the way we go about this is to take each issue and deliberate on it and then immediately afterwards do the Findings of Facts while we still have our minds wrapped around that particular subject, and then move on to the next one. Does that sound – is that – okay? The other thing I'd ask for is a little bit of help because, you know, and we do this to see who wants to speak. If you want to speak, please do so through the Chair, and just be aware that once you have the floor, you don't have an opportunity at the floor again until everybody else that wishes to has had a chance to speak, and then you can go again. Okay. So if we can kind of do it that way, I'd really appreciate it.

So we'll start out with LR22-01, and the floor is open for a motion or discussion.

Commissioner Mitchell: I'd like to make a motion, Chair.

Chair Raschko: Please do so.

Commissioner Mitchell: I move that we approve LR22-01, Small Scale Recreation and Tourism.

Commissioner Mark Knutzen: Could you repeat that, please? I didn't hear it.

Commissioner Mitchell: I move to approve LR22-01, Small Scale Recreation and Tourism.

Commissioner Knutzen: Second.

Chair Raschko: It's been moved and seconded to approve LR22-01. Is there discussion?

Commissioner Knutzen: I seconded it.

Chair Raschko: Correct.

Commissioner Knutzen: Do you want me to speak now?

Chair Raschko: No, I asked – no. I appreciate your second and now we're going to discussion so I thought you had something to say. Anybody else? Go ahead, Commissioner Hughes.

Commissioner Amy Hughes: I'd like to begin the deliberations. As a community member, I have agonized over this decision. This is an opportunity to enhance our local community experience, as well as those who pass through Skagit County. The Bertelsen family have been good stewards of their property for 50 years. My concerns are: Will this developing industry, Small Scale Recreation and Tourism, be the end of our ranching pasturelands and, two, are Skagit County codes and enforcement able to handle this? This could be like letting the genie out of the bottle. It can be positive or it can bloom into something not yet imagined. Look south to King County's growth of breweries and wineries on rural lands, or Oregon's marijuana waste problem. Both are unintended consequences of unclear planning policies and codes. Skagit County should look east to Mazama and Winthrop across the north cross highway, and to the Gorge in George Washington. Both have been very different outcomes as a result of local codes. Our next step after tonight will be further public process of comment and permitting then code enforcement. Are our codes strong enough to withstand countywide tourism pressure over generational time?

Chair Raschko: Thank you. Other comments?

Commissioner Mitchell: Yes.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: Thank you. I think that the proposal and the proponents had presented things in a thorough, methodical, logical manner and followed everything that staff and the County has required. And it appears that the location is ideal, being at the Starbird interchange. The fact that they're Rural Reserve and have been adhering to what those zones require is one thing, and the change – recommended change or the ask for the change for the Small Scale Recreation and Tourism, all the things that they said they would like to do fit within those zones. And the objections that we had heard through some folks is that this would impact Ag-NRL and those kinds of things. Well, the thing is is that it's not Ag-NRL. And the pastureland, whether they use it or not, is still up to them to use. It's still there. And one of the things is it's open. They've got all of the things that you would need to have to support what the County requires under Small Scale Recreation and Tourism. When you look at the County Code policies and you look at the Comprehensive Plan under those sections and guidelines – I don't want to read every bit of it to you by any means – but everything that they have said that they would propose fits within those guidelines. And because they've done the homework as they should – they presented the business plan the way they should. The location is ideal for something like that. It does not impede on any of the neighbors. It doesn't impede on any kind of traffic. There's egress/ingress without problems right there at the interchange. And any of the activities that they do have are fully contained within their

own properties. It's not like any of these things will spill over elsewhere. For the ones that we're objecting to the sound and possible things for special functions, that issue is a separate issue entirely. It's really not for what we're talking about. Remember back when we were doing the Terramar thing and the Birdsvew Brewery, those kinds of things in the past? When people are bringing up the issues about doing special events, well, special events have to get permits and meet different requirements. That's not what's before us on the table here. And as far as the water issues and those kinds of things that some people have raised, they've got two Class A wells. They've already talked with PUD. They've got possibility for doing a line out, extend to that. And for them to be able to do different things, again you fall back to what the County has instructed them to do for the steps for this. They've met every bit of those requirements. And trying to say that you have to get a permit to do this, that, or something else first is putting the cart before the horse. And that's one of the things that staff's really been good about – doing the homework and walking us through those steps. So I do think that this should be approved.

Chair Raschko: Further comments? Commissioner Hutchison.

Commissioner Jen Hutchison: I would just agree with everything that Commissioner Mitchell just stated. The homework's been done; the guidelines appear to be followed completely, wholly; cooperation from the Department has been consistent. And I don't see any reason even with the comments that we've heard or concerns that there may be. I don't see any reason that it would change the rural outlook of the community. That's the point – that it's in that area for that purpose, to bring tourism for a type of farming and agriculture desire. They're raising their wineries and they're planning a plant for the breweries. So I think it's substantially important to note that. Now that might change in the future. If the property ever changed hands, you could see different activities down the road, but I feel like we can trust the Bertelsens to stay and continue to be good stewards of the properties there. I can't imagine that they would bring so much traffic that the roadways would be of concern. We've heard a lot of different comments that I've gone back and forth a lot with as well, and it just seems to be such a good fit in that location. Part of the process of getting the waterline there is going to benefit the entire community when it happens. But in addition to that, it stalls the actual growth of the property so it's not all in one hit. They have to go through processes one thing at a time. It's a nice gradual adaptation to the change in that development for that zoning. So I feel like the neighbors and the community who have had their concerns will have a nice time to ease into those changes and realize that it's well-controlled and well-planned. I can't imagine why we would deny it. I fully support the zoning change. Thank you.

Chair Raschko: Can I clarify one thing? With whom are you disagreeing then?

Commissioner Hutchison: Oh, I –

Chair Raschko: Because I think you said Commissioner Mitchell is –

Commissioner Hutchison: Oh, I completely agree with everything.

Chair Raschko: Oh, you agree. Okay, I'm sorry.

Commissioner Hutchison: Everything. Yeah, Commissioner Mitchell made valid statements. I don't need to sit here and repeat everything.

Chair Raschko: Any other comments?

Commissioner Joe Woodmansee: I have one. So imagine 10 years from now we still have a housing crisis and someone comes to the County and says, I want to rezone this property. I'm going to bring water up and I want to build 100 houses here. And somehow or another they convince the Commissioners and the powers-to-be (sic) and the Planning Commission, Hey, that's a good idea. And now there's 100 houses sitting on that hillside. So I look at this as a bit of a preservation as well as in investment into the community, and so with what they're proposing to do – and I don't always agree with the staff report but I think I agree 100% with what they're saying here and the process that they're going through and everything that they looked at – that this is a – I'm going to be honest. I wouldn't have the courage to make this investment because I've spent my entire career in the safe zone of residential housing, and it's a pretty known factor and stuff. And so I think that it's admirable that we have people – local people – willing to try to move forward with a project like this. The infrastructure in the area – just having water brought out into here is a step forward for the entire area. There's a lot of water problems up the road, down the road there, as far as the ability to drill wells and stuff like that – not very far, not in this exact area. And so I do feel that that's a public benefit. It's going to be a large investment to do this project from beginning to end, for sure. And so I feel like that, you know, in a way you could say that there's going to be a fair amount of preservation of open space. And, you know, if this project moves forward and is able to – and it's successful, you're never going to see houses on this property because you're going to have this great project that's got super access. You couldn't have a less impact when it comes to traffic. It's not even possible to have a less of an impact, and you're hundreds of feet down the road from the I-5 interchange. And so that's my take on it. And so I echo the other people who spoke. With Kathy and Jen, that I support this project fully.

Chair Raschko: Thank you.

Commissioner Henley: I'd like to say something.

Chair Raschko: Okay. We'll go with Commissioner Knutzen, then Commissioner Henley.

Commissioner Knutzen: The only area I want to address is what the landscape has looked like in Rural Reserve. All these other – the opponents, the issues have been addressed well, I think, by the fellow Planning Commissioners and the proponents and staff. Landscape on Rural Reserve in my memory goes back to the late '50s. I'll start with the Rural Reserve up in my way, Bayview Ridge. Peterson Road, west of Burlington, that's the geographic center of Skagit County. Twelve miles to the south, which is where the Starbird Road is at, 12 miles to the northern border of Whatcom County. You head out of town about two miles you come to the Bayview Ridge. My family has farmed the pieces south of Peterson Road. There's three farms. Back then there was farm buildings on all three farms that were part of the hill up there. And the reason they built them there was because of the Skagit River flooding. They were built back in the early 1900s. And as the people on Fir Island know, the Skagit River can be very devastating and the floods would come in and wipe out all the farm buildings down below. The only one I remember is on the corner of Peterson Road and Avon-Allen Road. There was 22 acres that my dad sold in the late '50s. \_\_\_ Terrace is what it's called now. Back then it was no houses up there other than a few at the golf course. And now it's considered residential area. There's houses from the late '50s to the '80s built from Peterson Road all the way over to the Skagit Golf and Country Club. You go up Peterson Road to the crest of Peterson Road and there's developments on both sides. You come to the open fields there about  $\frac{3}{4}$  of a mile before you get to the airport and there's open fields. I don't ever remember cattle on them. There used to be some woods on the north side. About 25 years ago, Bay Ridge Fire District 6 built Bay Ridge Fire Station. There was supposed to be 500 houses. It was residential zoning. The Burlington-Edison School District was going to build a school. I don't know why that got changed but now it's all zoned Light Industrial. There's 125 acres that the Port

has on the south side. They are in the process of starting some development. We were presented with that this summer. That big Amazon building is there just before you get to the runway. On the north side it's actually – most of that's still owned by the same family that has cleared it and owned it since the '60s. Sakata Seeds is there. You go out to the airport, which was put in in the late '30s. The federal government put it in and then eventually it was declared surplus. It's the Port of Skagit County now. You go west of that PACCAR industrial area and it goes all the way down to Ovenell Road. There it's Heavy Industry. The transfer station is there. You go all the way down to the railroad tracks and that's actually ag ground down there where Sierra Pacific Lumber Mill is at. It doesn't really matter if it's ag ground. It's zoned Heavy Industry so that's where the lumber mill's at.

The next road over about a mile to the north of that's the Josh Wilson Road, and I mention that because just as you get to the hill on the south side, the first half-a-mile on the south side is Rural Reserve where from Peterson Road north it's Light Industry. So there's a point in the center where it changes to Rural Reserve. But there's an 80-acre piece that sold just short of three years ago – 15 acres of Ag-NRL land on Josh Wilson Road, and that was bought by a distillery company. We were scheduled to view those rack houses. It was an international distillery company that built these rack houses. They're based over in Europe somewhere. And when they bought that property – 3 1/3<sup>rd</sup> million dollars; I don't know why it was worth so much, but it was to them – and they were planning on putting a distillery and an event center over just north of Sakata Seed. That was sent out to the neighboring property owners. And it fell by the wayside and I was told – I think it might have been our former director that told me that the neighbors – industrial customers – complained about the event center because they were concerned the noise and the dust that they cause would create problems with the event center, even though they were there and they were in the right to do that. So I'm not sure if that's why it fell by the wayside or not.

You go further out past the Bayview grade school there's 140 acres there. It was a dairy farm. About 15 years ago it was sold to a local developer and they did a land division – 28-acre cluster houses, Bay Meadows, really nice houses. Lived up there for about 10 years. A hundred-and-forty feet above sea level after living down in the flats of 20 feet above sea level, and that's the only place I got my riding lawn mower stuck was up on the hill up there because it's hard pan and the water just never goes away.

You go further out to the roundabout (that) was put in – Josh Wilson Road, \_\_\_ Road, 165 acres, was going to be a blueberry farm. About 10 years ago farmers from BC bought it. They hired a local farmer to take the sod out and realized real quick it's not blueberry ground. In Plan B now, they're working on a 33-cluster house development. It's Rural Reserve. Rural Reserve is residential ground.

So now you go down to Conway – I'm getting close to the end – on it. It looks a lot like it used to look like up our way. A lot of the houses were built 100 years ago. It looks like there used to be some farms that were complete farms back 100 years ago. Not so many now. Over the last 40 years it looks like a lot of those have been split up, and the only big farm that I see left there is what the proponents have. And when the staff does reports on what they've done, everything they've done so far has been legal, they've done it the right way. What they want to do, there's no way they can do that in the Rural Reserve zone, so they need to change this to the Small Scale Recreation and Tourism zone. I think, based on what I've seen the last 60 years how it's changed, this property's going to change in the next 10, 20, 30 years. And in my view what their proposal is is so much better than just putting 13 more houses in it, and that's why I strongly support this rezone request. Thank you.

Chair Raschko: Thank you. Commissioner Henley?

Commissioner Henley: Yes. First of all, I'd like to thank the petitioner and staff for the good job they've done. It looks to me like they did everything that was right. And the thing that convinces me that we should approve this particular item on the docket is it has a strong agricultural content. We've had a lot of talk about agritourism around, but mostly it's about tourism and not so much agriculture, and this particular change of zoning, I think, maintains the strong agricultural component and I think that's a good idea and I'm for it. So thank you guys.

Chair Raschko: Thank you. Okay, so I have a motion, and all those in favor of the motion, please say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Aye. Those opposed?

(silence)

Chair Raschko: And abstaining?

(silence)

Chair Raschko: So that passes unanimously. Thank you. So let's immediately turn to our Findings of Fact, 22-01. The floor is open.

Commissioner Mitchell: I've got a few.

Chair Raschko: Go ahead, please, Commissioner Mitchell.

Commissioner Mitchell: I've got a whole long list but I'm only going to do the first two and then step aside for somebody else.

The County has specific steps to the process for applying for rezones and the proponents have met those steps, including the applicant has provided site plans as part of the rezone application.

The next one: Skagit County Code – so SCC 14.16.130, Small Scale Recreation and Tourism, addresses code for SSRT in detail. The proposal is in the Rural Reserve zone, not Ag-NRL, so it's not affecting farmland as is or with a change to the SSRT zone. The proposal will not cause a reduction and loss of farmable soils. So it's not affecting farmland as is or with the change to SSRT zone – period. The proposal will not cause a reduction or loss in farmable soils.

Chair Raschko: Okay. Are you done?

Commissioner Mitchell: I've got more, unless somebody else has got something.

Chair Raschko: Anybody else?

Commissioner Hughes: I'll add, for the Planning Commission to ponder: Do we want to state Policy 5, Economic Development, and of that, 5.7, 5.8, and 5.10? I saw that those all had to do with something like this. And I'm saying the numbers for you, Jenn. I could read them, but if you



had – if you're good at pasting, you can do that rather than listen. But it's just whether we want to put some code direction in there – or not code, but policy.

Commissioner Mitchell: Can you give us the general gist of the policy? Because I don't remember what they said.

Commissioner Hughes: Okay, so Policy 5, Economic Development, and that's from Appendix 3, Countywide Planning Policies: "Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of the state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities."

That's where I found it. I see what you're doing now, Jenn. So, yeah, it would be the very top one that you've got shaded. Yeah. So it's up to you whether you want to put policy in there or not.

Commissioner Mitchell: I think it's a good idea.

Chair Raschko: We'll go over these after we get them all right.

Commissioner Hughes: Yeah, and then while she's there, 5.7, 5.8, and 5.10.

Ms. Rogers: Commissioners, just to clarify: So 5, the top one, is the exact \_\_\_\_\_ that the Countywide Planning Policy is meeting and then the rest of them are from the County – just to show you the difference between the two.

Commissioner Hughes: Guidance from anyone? Put it all in or not?

Chair Raschko: Well, I think we should add what you have, and then we're going to go over –

Ms. Rogers: Okay.

Chair Raschko: – that and discuss which ones we want to retain.

Commissioner Mitchell: I've got some more to add.

Chair Raschko: Okay.

Commissioner Mitchell: Is it okay?

Chair Raschko: Yeah.

Commissioner Mitchell: Okay. Another one, Jenn.

Ms. Rogers: Let me just copy this in here and then we can take it out if we want to. Okay.

Commissioner Mitchell: Ready?

Ms. Rogers: Ready.

Commissioner Mitchell: Okay. Page 63 of the 2016-2036 Comp Plan states, quote, “Two other types of commercial LAMIRDs – Small Scale Recreation and Tourism uses – “

(several people making partially audible comments)

Ms. Rogers: \_\_\_\_\_ the Comprehensive Plan states, quote, “Two other types of commercial LAMIRDs, Small Scale Recreation and Tourism Uses...”

Commissioner Mitchell: Comma, “...and isolated small scale businesses may allow new development provided that development is contained and consistent with the surrounding rural character. Small Scale Recreation and Tourism zone...” That would be the beginning of a new sentence. Sorry. “...is a Type 2 LAMIRD.”

I’ve got more.

Chair Raschko: Go ahead.

Commissioner Mitchell: Page 64. What I was doing was the same thing that I think Amy was doing, was trying to give you some policy stuff to guide us. Page 64 of the 2026-2036 Comp Plan states: “The Rural Reserve designation covers those portions of the rural area that were not already developed at higher densities in 1990.” End quote.

Page 66 of the same plan: “Small Scale Recreation and Tourism designation...” I hope this isn’t repeating what she said. I can’t remember. So tell me if it is. “...is intended to foster economic development and diversification that is recreational or tourist-related that relies on rural location and setting and that incorporates the scenic and natural features of the land. The SRT designation is consistent with the type of LAMIRD authorized by RCW 36.070A.07(5)(d)(ii).”

Chair Raschko: Can I interrupt for a moment?

Commissioner Mitchell: Yeah, I’m done.

Chair Raschko: The question I have for you is whether – if we reference all the work the Planning Department did on their analysis, if that would pretty much cover everything you’ve got.

Commissioner Mitchell: It might. Theirs is a little bit different. It doesn’t matter, it’s just that there’s different places that show how this works and why it works.

Chair Raschko: Okay. Well, if you feel you’ve got something that is additive to what they have, let’s just keep going.

Commissioner Mitchell: Yep, yep. Let’s see: “The location is directly off I-35 (sic) Starbird interchange to allow for guests’ ingress and egress without disturbing neighbors.” And, actually, I think that’s enough unless you guys want to add something.

Ms. Rogers: Commissioner Mitchell, can you just make sure I read that sentence correctly?

Commissioner Mitchell: Yeah.

Ms. Rogers: “The location is directly off the I-5 interchange, allowing ingress and egress without disturbing neighbors.

Commissioner Mitchell: Yeah, the I-35 Starbird interchange.

Ms. Rogers: Do you mean I-5?

Commissioner Mitchell: I-5, yeah. Yeah, that's good. Thank you.

Chair Raschko: Commissioner Hutchison.

Commissioner Hutchison: Can I add on to where you left off there, Commissioner Mitchell? In that same sentence you could almost say "which is also an advantageous location for commercial tourism type properties."

Ms. Rogers: What type?

Commissioner Hutchison: The commercial and tourism type properties \_\_\_\_ location.

Ms. Rogers: Yeah.

Commissioner Hutchison: And another thought, "It's beneficial to the community to have more activities, as well as bringing in our neighboring communities to visit Skagit County." I think that's good for now.

Chair Raschko: Anybody else? Kathy, would you like to add anything more?

Commissioner Mitchell: No. We could just beat this up, but no, that's fine.

Chair Raschko: Okay, so why don't we go back to the top and review these?

Ms. Rogers: Okay. "The County has specific steps for applying for a rezone and the proponents have met those steps, including the applicant has provided site plans as part of the rezone application."

Chair Raschko: Would it be better if that's "including the applicant's provision of site plans"?

Ms. Rogers: So take out these four words?

Commissioner Mitchell: Pardon me?

Ms. Rogers: So take out "have met those steps"?

Chair Raschko: No. Including "the applicant has provided..." I mean, it just seems like funny having the verb in there. If you're including something you're including an object, not a verb. So "...the applicant's provision of site plans..." Did I say the same thing?

Commissioner Mitchell: Yeah. It was a little different than that and we can just go back, but I think that's fine.

Ms. Rogers: \_\_\_\_\_. Commissioner Mitchell?

Commissioner Mitchell: What I said was the County has specific steps to the process for applying for rezones. Because that process is important.

Ms. Rogers: Yes.

Commissioner Mitchell: Okay, thank you.

Chair Raschko: Are you saying including that the applicant provide? Everybody's happy with that?

Commissioner Mitchell: If it reads fine with you guys, that's fine.

Ms. Rogers: Do you want me to read it one more time?

Commissioner Woodmansee: I think it reads good.

Chair Raschko: Okay, B.

Ms. Rogers: "Skagit County Code 14.16.130, Small Scale Recreation and Tourism, addresses code for SSRT in detail. The proposal is in the Rural Reserve zone, not Ag-NRL, so it is not affecting farmland as is or with the change to SSRT zone. The proposal will not cause a reduction or loss of farmable soils."

Chair Raschko: Okay, C.

Ms. Rogers: "Encourage economic development throughout the state that is consistent with adopted comprehensive plans; promote economic opportunity for all citizens of the state, especially for unemployed and for disadvantaged persons; promote the retention and expansion of existing businesses and recruitment of new businesses; recognize regional differences impacting economic development opportunities; and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services and public facilities."

Commissioner Mitchell: Sounds good.

Ms. Rogers: "Tourism, recreation and land preservation shall be promoted, provided they do not conflict with the long term's commercial significance of natural resources and critical areas or rural lifestyles." So I think what I'll – do you want me to separate out each goal as a different –

Commissioner Hughes: However you would like it to be presented.

Ms. Rogers: Okay. "Agriculture, forestry, aquatic resources and mineral extraction shall be encouraged both within and outside of designated resource lands. The primary land use within designated forest resource land shall be commercial forestry. Residential development..." –

Commissioner Hughes: We didn't –

Ms. Rogers: Is that one that wasn't supposed to be? Okay. Would you like me to move on to F?

Commissioner Mitchell: Yeah.

Ms. Rogers: "Page 63 of the Comprehensive Plan states: Two other types of commercial LAMIRDS, small scale recreation and tourism uses, and isolated small scale businesses may

allow new development provided that development is contained and consistent with the surrounding rural character. Small Scale Recreation and Tourism zone is a type 2 LAMIRD.”

Chair Raschko: Everybody okay with that? All right.

Ms. Rogers: “Page 64 of the Comprehensive Plan states: The Rural Reserve designation covers those portions of the rural are that were not already developed at higher densities in 1990.”

Chair Raschko: Okay.

Ms. Rogers: “Page 66 of the Comprehensive Plan states: Small Scale Recreation and Tourism designation is intended to foster economic development and diversification that is recreational or tourist-related that relies on rural location and setting and that incorporates the scenic and natural features of the land. The SRT designation is consistent with the type of LAMIRD authorized by RCW 36.70A.070(5)(d)(ii).”

Chair Raschko: All right.

Ms. Rogers: “The location is directly off the I-5 Starbird interchange, allowing ingress and egress without disturbing neighbors, which is also an advantageous location for commercial and tourism uses.”

Chair Raschko: All right. Thank you.

Ms. Rogers: “The proposal is beneficial to the community to add more activities, as well as bringing in our neighboring communities to visit Skagit County.”

Chair Raschko: Okay. Is there anything else anybody wishes to add?

(silence)

Chair Raschko: No? Okay. We will then vote to approve the Findings of Fact and Reasons for Action. All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Aye. Those opposed?

(silence)

Chair Raschko: Those abstaining?

(silence)

Chair Raschko: So that passes unanimously. And we will \_\_\_\_\_. Thank you very much for the great job you did presenting that proposal.

Unidentified Speaker: Thank you for your thorough questions. I think it was great that all of you have questions. And that’s all I did – get everybody’s questions answered and have positive communication. So thank you very much.

Another Unidentified Speaker: Thank you very much.

Chair Raschko: Okay, we'll move on to C22-1, Wind Turbine Use Amendment. The floor is open.

Commissioner Henley: Chair, I move that the Skagit County Planning Commission reject C22-1.

Commissioner Mitchell: I second.

Chair Raschko: It's been moved and seconded that the Planning Commission reject C22-1. The floor is open for discussion and the motion.

Commissioner Henley: I can discuss it.

Chair Raschko: You may.

Commissioner Henley: Thank you. We had a public hearing on this particular item and of all the people that spoke about C22-1, Wind Turbine Installations, there was only one in favor of it. All the rest of them on the order of 20 or so were all totally against it. So the public, even though it knows something about this, was in rejection mode for this particular one, and I think, as representatives of the people of Skagit County, we should listen to that. So that's one thing.

The second thing is there's really no demonstrated positive need for wind turbine installations in Skagit County and it's not particularly topographically well-suited for it anyway, and I have not heard any other facts – all right? – to talk about that.

And the third thing is I think it's too big, personally. The limits on the size of the wind turbine installations that we're proposing here are up to 30 kilowatts and I think that's too large. A 30-kilowatt electrical generator of any size is a pretty large piece of machinery and I'm not so sure we want to encourage that throughout Skagit County up on poles. I think eventually it would get out of hand and it would become both unsightly and dangerous, and so I would rather not do that. The – how would I put it? – the sweet spot for some of these residential type generators, these wind turbines, these smaller ones, they veer anywhere from less than a kilowatt to about 8 kilowatts. There's not much above that and I've seen pictures of multiple installations of less than 1 kilowatt wind generators and I don't think we want to allow that either. I think we want to allow one as an auxiliary use to an existing structure, as the presentation says. And I don't think that we should go beyond that and I think that if you have a limit of 10kw, as opposed to 30kw, that would generate on the order of 2400 kilowatt hours a month, which is a pretty good thing for an auxiliary use with a single structure. So I just don't see any need for approving this as written and I would recommend that the Planning Commission and my fellow Commissioners reject it.

Chair Raschko: Thank you. Any other discussion?

Commissioner Mitchell: I do, if nobody else does.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: Okay. I've not been shy about talking about this from the beginning. I've been trying to find a way to put this in a nutshell, and I appreciate Commissioner Henley's comments over the last meetings that we've had about this because he does bring a lot of good engineering background and information to it, and we've all learned from this. The same as reading a lot of the information that you've given us, and, quite frankly, an awful lot of information

that the public that came to us brought. The thing I was impressed with about the – I've never seen this happen before in all these years. I've never seen a group of people come out that we haven't seen before! They came out on saying something: Look. This is being proposed. We've had a number of years of dealing with these kinds of things now. We know a lot more now than we did back then and it's not really such a good idea. And I was trying to think of concrete ways to address that and I've got all kinds of ways we could do that. But the first thing that comes to my mind is this: We keep talking about Skagit and ag tourism, the beauty of the valley, why we do what we do to preserve farmland and everything else all the time. And I had just been on a trip last spring with my sister called "Sister Palooza Trip." We went across country. We went all the way over to the east coast and back, up and down through the center. We went through huge areas of miles and miles and miles of the big wind farms. We also saw a lot of the old small ones out in ranch country. We have a lot of family down in Texas and others in other places. So we've seen an awful lot of these and, yes, they're everywhere. I was startled, astounded, and dismayed that they looked so awful. Most of them were not functioning. There were some. Even with the huge, huge wind farms going you might see 20 or 30 or, like we were through the north part of Texas – I don't know. We were driving a half-hour through these things and only some of them were going, and that was typically what was happening with the big ones up on the ridges.

Now why does this matter here? Because if we're going to start doing this where we allow – just flat out allow in any zone to have residential mills anywhere, it's going to change the way this valley looks for years. The people that come out and talk to us – whether it was the people here for the wind turbine thing – about a lot of different issues. They keep saying why Skagit is so precious to us. When you come up over that hill first coming into the valley, it's gorgeous and it's beautiful. The scenery here's fantastic. We moved here for the same reason. We came from other places. This was the place of choice. It wasn't to see wind farm turbines and these kinds of things all over the place. It's not that they don't have value because they do.

The other piece to this is that it's already been proven when Oscar Graham did the 2013 grant study for the County and presented that there really wasn't – there's not much that need here then. We have small wind allowances. There are a few places that would be better. But the general gist is there's not that big of a need. And so when you come back and ask why now – and remember I asked at the last meeting, Why now? And the answer we got is we're going to see more energy things coming. Well, I appreciate that answer but it's not satisfactory. And the reason being is it's usually that somebody has a need that they want to fill, they don't want to go through an examiner or there's code missing, there's grant money coming or something something something. It's usually something tangible that we need or, you know, all of us or somebody.

We already know that the wind turbines now in 2022 for the small ones, they just don't have the same benefit as other alternative energy sources. They don't have the same money back for, you know, money spent. They don't have that much value as far as what they're going to give the homeowner. Yes, they can spend a lot, a lot of money putting one of these things up but what comes back is a small piece of it. They're far better off going towards solar panels or other things. And so when you come back and say why this, why now, I think it's a mistake to allow these categorically all zones. I'm just afraid that's not acceptable. Thank you.

Chair Raschko: Thank you. Other discussion? Commissioner Hutchison, please.

Commissioner Hutchison: Thank you. I have mixed thoughts on this. Personally I've invested in renewables for our own home in Skagit County. I'm a city resident even, and we've got solar. I have yet to see the \$8 a month electric bill that Commissioner Rose apparently gets. And I do get wind. I don't get a lot of wind but when the sun's not shining it's usually blowing something. So I

feel like there are alternative options that this proposal the way it's structured now does not even start to consider for a resident like myself, where I could put very miniature type of units actually on my rooftop. And they sell kits that include the solar panels with those wind turbines as a complete option to buy. And they're very affordable in comparison to a single-pole, 100-foot tall, 30 kilowatt monster that's overwritten for what we're looking to do.

So I feel like I am on the side of rejecting the policy the way it's written. I do believe it should stay on the plate for perhaps next year or the year after. I understand that it's not necessarily green, but neither are my solar panels. It's renewable. When the power outages start coming, I want to still have power, whether it's just to keep my freezers on, and the new applications now with this technology allow you to do that. So if it's my house that's the resource for my entire street when the power's out for a week, then that's what it'll be, but if the sun's not shining once my batteries run out then I don't have wind either. And if we don't look at options to include that down the road then we aren't prepared for when the need is great.

So I enjoy considering the renewable options. I'm sure Commissioner Rose would agree that we should keep an open mind. But I just don't feel like – you know, we're talking, too, not about farms. We're talking about auxiliary use with a small purpose for individuals. But we are talking about it across the board for all property owners, which isn't reasonable because we do have larger industrial properties with multiple buildings and structures that perhaps, you know, a farm with five outbuildings would like to have several. If they've got 120 acres, who's to say they shouldn't? So what we really need to be looking at is more of regulating for the line of service that's expected – what that kilowatt maximum might be for safety reasons and consideration for the overall appearance and acceptance to the community that that would be housed in. So when you start looking at limiting those kilowatts, you're going to start being defined down to those smaller units that more reasonably would fit a home like mine. So I feel like if we can just structure the way the policy's driven a little differently and really do our own research instead of just saying, Oh, this is how Bellingham *wrote* it and it worked for them. I think we really need to care about, you know, Skagit because obviously Skagit cares about wind. And I appreciate everything that you guys have done to get us this conversation but I do have to reject and agree with everybody else here that we're not ready yet to approve this type of motion.

Chair Raschko: Thank you. Okay, are we ready for the question?

Commissioner Woodmansee: I have a couple comments.

Chair Raschko: Oh. Go ahead, Commissioner Woodmansee.

Commissioner Woodmansee: So I agree with the comments about all zones is too broad. And Jen – just like last topic, Jen stole a couple of my things, but.... I also think that the one per parcel is an arbitrary number. And you could have large farms that could utilize more than one, but we're saying in this – what we're considering here – that if you have one parcel, one. And I could see a large farm in the future when this is gone through in a more detailed way and a more thorough way that, you know, a half-a-dozen might be the right thing for a farm.

And I do think there are still setback issues to get through. I don't agree with the statement that not only is wind an abundant and inexhaustible resource. It is *some* places, but it's certainly not everywhere. And I also don't agree that it's a – I don't agree with the premise that fossil fuels are evil and you *have* to do something to get rid of fossil fuels. And I feel like that that's a lot of the pressure in the wind world. And so I just think this is not ready to move forward. And there's even a few other things I could mention but I would concur with the other speakers that it's just – it's



too broad for me and I don't feel like that it's well – that it's ready, I guess. I don't want to be critical but I just don't think it's ready to go.

Chair Raschko: Okay. Commissioner Hughes?

Commissioner Hughes: My thoughts on this proposal was that technology is evolving with renewable energies all the time and we need to be open to all designs in the future. Competition is the only thing that's going to take us forward in this, and if we limit ourselves to one design then we've limited the way that we could expand in a competitive way. And finally, if the County is going to follow this, I feel we need a recycling program for when the equipment does need to be changed. We should be a leader in recycling, and so we should also incorporate that into what we do in recycling for the future. I guess if I beat around the bush, wind turbines should be able to be recycled. We shouldn't just put them in landfills.

Chair Raschko: Commissioner Knutzen?

Commissioner Knutzen: My initial reaction to this proposal was strongly in favor of it. I know technology has a long way to go but the way to improve on technology is to get your existing technology out in the field and then improve upon it. But listening to the other commissioners about the broadness of this proposal, I agree that it's probably too broad at this point. Okay.

Chair Raschko: Vince?

Commissioner Henley: I just wanted to point out, as the staff has pointed out in the past, that nothing in this proposal, if we turned it down, stops wind turbines from being approved by the staff. Okay? I mean, it's an allowed thing. All this does is kind of codify some of the limits and some of the more specifics of the wind turbine installations, okay? This put in a lot of definitions and a lot of restrictions and addressed things like setbacks and all the rest of that sort of thing, but it's not a yea or nay on a wind turbine. So if someone brought a proposal to the staff for a wind turbine, okay, as Jennifer said a few weeks ago, they will issue the permit. So be careful about what we're really voting on here. I like the concept of it being too broad. I think it is too broad and I think it's also too large of an installation. I think we should start with something smaller if we're going to do it at all. I would prefer to table the concept until a later date. And I could have made a tabling motion but that was – I don't think that's necessary. I think we can just go with regular order.

Chair Raschko: Okay. Well, I get a chance to – and I'd only say I agree with you on that. I think this thing'll come back all on its own without a tabling motion. With that, then, I'm going to call the question. All those in favor of the motion, say –

Commissioner Hughes: Could we rehear the motion, please?

Chair Raschko: The motion. Vince, you made the motion.

Commissioner Henley: The motion is is that the Skagit County Planning Commission should *not* approve, I should say – should reject, this C22-1 Wind Turbine Amendment to the code.

Chair Raschko: Okay?

Commissioner Hughes: I understand.

Chair Raschko: All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: And no abstentions?

(silence)

Chair Raschko: Okay.

Commissioner Henley: It’s unanimous!

Chair Raschko: So let’s turn to Findings of Fact and Reasons for Action. Who would like to start?

Commissioner Henley: I would say the first and foremost thing in my mind is is that the public, when given a chance to comment on this – all right? – was uniformly against it. I think that’s –

Chair Raschko: Okay.

Commissioner Mitchell: I can add something. It’s not necessarily right to that sentence but maybe after it. I think it’s the same thing. One of the things that struck me was that the Director had made an AOI in 2008 about this very generally. Again, that’s when these things were really coming to be around. The public didn’t have input on that at all. And then 2013 we went to the grant presentations and the public still didn’t get input on that. So this is really the first time the public had input on it and they overwhelmingly said with more information; this is not good the way it is.

Commissioner Hughes: Could you explain AOI?

Commissioner Mitchell: Oh, help me with that. It’s the –

Ms. Rogers: Administrative Official –

Commissioner Hughes: I think it should be written out.

Commissioner Mitchell: Thank you.

Chair Raschko: Anything else?

Commissioner Mitchell: I’ve got something.

Chair Raschko: Go ahead. Why don’t you go through whatever you have?

Commissioner Mitchell: One of the other things I thought was problematic – and Jenn, this is not your fault, okay? This is nothing against you! The industry guidelines that have been issued to governments to do this – it was eye-opening. And the disclaimers that went with. And they say right in there they’re giving us information on how to write ordinances and code and then the disclaimers. And I think that’s a bit disingenuous. It was industry-appealed on how to make things

easier to do the installations, and I understand why all that's done but the problem with that is – if I were in the medical industry, which I was at one time, it'd be the same thing as going to a surgeon and saying this is how you do surgery and I'm giving you the how-tos. This isn't – it should be local people interpreting their own thing. It's not a one-size-fits-all. Regions have different needs. And I'm stumbling through trying to find –

Commissioner Hutchison: We need to study it more.

Commissioner Mitchell: Yeah, we need to study it more. Our needs are different in Skagit County than they would be in Whatcom, Snohomish, Ohio, and other place, and the one-size-fits-all just doesn't seem to apply for us. We're not the same as other places. Thank you.

Chair Raschko: Go ahead, please.

Commissioner Hutchison: The proposal as it's written is a little too restrictive or limiting for functional uses that would be meaningful renewable energy resources to the community.

Chair Raschko: Does anybody have anything else they'd like to suggest?

Commissioner Mitchell: Yeah.

Chair Raschko: You do? Go ahead.

Commissioner Mitchell: Again I'm trying to formulate this. This was one of the more difficult ones to try to come up with things, so forgive me while I'm stumbling through this. The proposal to come out and say all zones – allow it in all zones – is just too much. I can think of very few things that are just flat out allowed in all zones in the county. They're structures manmade and things like that. And I realize that the height restrictions and setbacks make a difference, but then again all zones still may not be appropriate for these. And I think that's where the County really should look closely and find a better way to \_\_ places than just saying all allowed. I hope that's helpful.

Chair Raschko: Are you done?

Commissioner Mitchell: I think so. She interprets well.

Commissioner Henley: I've got one more. I think the proposal as stated – because we haven't quite covered it here – is for an installation of a system that is too large. I would like to start with the smaller systems so that we don't try to bite off a bigger chunk than we can really handle. I think I agree with Mark's comment about, you know, the way we prove technology is to get it out in the field where we can, you know, see what works and what doesn't work and so on, but I think you can do that just as easily with a 10 kilowatt wind installation as you can with a 30 kilowatt wind installation.

Chair Raschko: Okay. Thank you. Commissioner Mitchell has one more.

Commissioner Mitchell: And again I might need help with wording on this because I don't mean this to sound antagonistic, okay? The down sides to wind turbines are being downplayed. The effects on humans because of noise, resonance – and resonance can be more than just the fluctuation and motion; it's what goes through the ground, penetrates through walls, ground and everything else – can affect people and animals. And also the effects on wildlife. Those are real and just because somebody says, well, this sound doesn't bother me, doesn't mean it doesn't

bother other people, or the effects of those things. And I think that's one of the problems with downplaying or ignoring those observations and objections. Thank you.

Chair Raschko: All right. Let's start at the top now and just \_\_\_\_\_.

Ms. Rogers: The public, when given a chance to comment on the proposal, was uniformly against it.

(sounds of assent from Commissioners)

Ms. Rogers: The Director had made an Administrative Official Interpretation in 2008 about this use. The public did not have input on that decision. In 2013 the Department went to a grant study and the public did not have input on the study.

Chair Raschko: Is that okay?

(sounds of assent)

Chair Raschko: All right, C.

Ms. Rogers: The industry guidelines that have been issued to local governments have been eye-opening. They provide recommendations for code writing for wind turbines for local governments. The proposals for wind turbines should not be one-size-fits-all. The needs in Skagit County are different than Whatcom County and other places.

Chair Raschko: How does everybody feel about that one?

(sounds of agreement)

Chair Raschko: All right.

Ms. Rogers: The proposal as it's written is too restrictive for functional uses for meaningful renewable energy usage.

Chair Raschko: I kind of don't know what that's saying.

Commissioner Henley: Or what that means.

Chair Raschko: Can somebody explain what that –

Commissioner Henley: Whose comment was that?

Commissioner Hutchison: That was mine. I think it's just limiting. I think when you're looking at these large, singular units that are 30-kilowatt systems, you're not considering all of the options that should be available for what we're talking about here, which is residential property owners that might have an interest in spending their money freely and buying whatever equipment they want to make their own energy. We can't put a hundred-foot pole up in my neighborhood. It's not something we're going to do, so we need to look at what will be able to reach the sky in the wind which would consider my rooftop. And when we're talking about those unipoles, you're not going to give me three little units because I'm limited to one. I could have three little units for half the cost of one tall pole and be generating if not equivalent to what you guys are considering. So it's

just not complete enough. We need to do more research. It needs to be – if we're talking about in the future, it needs to be considerate of other forms of construction and types of more compact units that they don't have to be monopolized. There has to be – it *is* too restrictive for functional uses.

Commissioner Mitchell: Perhaps if you add the phrase that you just said and I thought was helpful, was that there needs to be more research.

Commissioner Hutchison: There absolutely needs to be more research for different zoning areas, specifically residential, smaller-sized, which would come back to \_\_\_ being the smaller kilowatt, too, which is appropriate. They're just – yeah.

Chair Raschko: Well –

Commissioner Henley: Could we say that there needs to be more research into the size *and* types – okay? Just insert that?

Commissioner Hutchison: Absolutely.

Commissioner Henley: I think that gives us more coverage for that phrase than –

Commissioner Hutchison: In appropriate locations. Like where you have the renewable energy usage in appropriate –

Ms. Rogers: Would you like me to delete this first sentence then and just have the second part, or have both?

Commissioner Hutchison: I would leave it but after “usage” right there before your period.

Commissioner Woodmansee: Maybe “broad” instead of “restrictive” is a better word.

Commissioner Henley: “Too broad” – yeah.

Chair Raschko: Well, that's the opposite of –

Commissioner Woodmansee: Yeah, I guess it is.

Commissioner Hutchison: It kind of is, so, yeah, it's too limited. How's that? “It's too limited” for functional uses, for appropriate residential community use. I don't know how – help me, help me.

Commissioner Woodmansee: Well, it's echoing the one-size-fits-all doesn't work.

Commissioner Hutchison: Correct.

Chair Raschko: Are you saying that it should cover things like solar panels and all that as well?

Commissioner Hutchison: No.

Chair Raschko: Okay, still on windmills. Okay.

Commissioner Hutchison: No, strictly wind but for smaller – like, everybody's so opposed to having these big, huge windmills in somebody's front yard in a neighborhood like mine, and obviously. Like, I can't even stand when the neighbors leave their boat out for a week They don't get it, right? But I still want, perhaps, the option to put wind on my roof. So, I mean, we just need to look at it differently. It's not researched well enough for –

Commissioner Henley: Well, one of the things we might consider here is that the way it's written we're talking about monopole towers basically.

Commissioner Hutchison: That's what I mean.

Commissioner Henley: And unfortunately, if you're going to put in a monopole tower you're going to have to have a site where you can get a crane in, and not all sites would be, you know, amenable to driving in there with a crane to put up a monopole. If you use a lattice type tower you can put up a lattice type tower with a \_\_\_ pole – all right? – and you don't have to get access to the site for any kind of equipment at all. And I know this because I built a number of towers so I can understand how that works. But with a monopole you don't have a choice. You can see this if you drive across the Midwest, like Kathy was saying. You can see how they assemble these towers in – you know, using very large cranes, and they basically pre-fab the thing in sections and bring it up and put it together that way. But that's where you've got a lot of prairie around you and have a lot of space to be able to do that. We don't have that here.

Chair Raschko: Okay. So where are we? E.

Ms. Rogers: So I provided a suggestion, if I may. The proposal is too focused on certain types of wind turbines without discussion of how other types of turbines could better fit residential zones in the county.

Commissioner Hutchison: Thank you.

Ms. Rogers: And we could – I could still add on this sentence here.

Commissioner Woodmansee: Well, it's really focused on a single type of wind turbines, isn't it? Monopole?

Ms. Rogers: Monopole design.

Commissioner Henley: Well, it's focused on a single kind of *tower*, but not necessarily the wind turbine. You could have various configurations of blades and so on. I mean, Jenn had one that was an Archimedes screw, basically, but it's a very small wind turbine.

Chair Raschko: Well, what we're basically trying to do is saying that we're recommending this not be approved by the County Commissioners because it's too restrictive. I don't know that we need to get all caught up about all of that.

Commissioner Henley: I would agree with that. I think you keep it at a high level \_\_\_\_\_. And, you know, we'll have fewer arguments!

Ms. Rogers: I took out the "too restrictive" comment, if that's okay with Commissioner Hutchison.

Commissioner Hutchison: Yes.

Ms. Rogers: Would you like me to read it one more time?

Unidentified Commissioner: Please.

Ms. Rogers: “The proposal is too focused on certain types of wind turbines without discussion of how other types of turbines could better fit residential zones in the county. There needs to be more research into the size and types of wind turbines allowed in Skagit County, as well as the zones where they are allowed.”

Commissioner Henley: That sounds good to me.

Chair Raschko: Excellent. Everybody? All right. E, please.

Ms. Rogers: “The proposal to allow wind turbines in all zones is too inclusive. There are few uses which are allowed in all zones in Skagit County.”

Chair Raschko: Okay.

Ms. Rogers: “The proposal as stated is for installation for wind that is too large.”

Commissioner Henley: Could we add wildlife in there? Oh, sorry – I’m looking at the next one.

Commissioner Mitchell: Yeah, we can add wildlife.

Commissioner Hughes: Are we on 7 or on F?

Chair Raschko: We’re on F.

Ms. Rogers: Are we okay with F? Would you like me to move on?

Commissioner Hughes: Read it again.

Ms. Rogers: “The proposal as stated for an installation for wind” – “The proposal as stated is for an installation for wind that is too large.”

Commissioner Hughes: Oh, okay.

Commissioner Henley: I think “wind energy systems.”

Ms. Rogers: “...for wind energy systems...”

Commissioner Henley: You’re not –

Ms. Rogers: – installing wind?

Commissioner Henley: There you go.

Commissioner Mitchell: We wish!

Commissioner Woodmansee: Can I make a comment?

Chair Raschko: Please.

Commissioner Woodmansee: On F, it doesn't *require* the large system but it *allows* too large of a system, I think is the point.

Chair Raschko: I agree with you on that.

Commissioner Henley: I think that's right.

Chair Raschko: And if you just said something like the proposal's maximum installation size is too large. Something like that.

Ms. Rogers: "The proposal as stated allows for a maximum installation size for wind energy systems that is too large."

Several Commissioners: Okay.

Chair Raschko: Let's go to G.

Ms. Rogers: "The downsides for wind turbines are not being thoroughly mitigated for. Noise and residents can have negative effects on humans and wildlife nearby."

Chair Raschko: Okay, is there *any* final thoughts?

(silence)

Chair Raschko: All right, we're going to vote on the Findings of Fact and Reasons for Action. All those in favor of approving the list, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And there are no abstentions so that passes. And we'll move on to C22-2, a Critical Areas Ordinance Correction. It's open for discussion.

Commissioner Mitchell: I'd like to make a motion.

Chair Raschko: Please do.

Commissioner Mitchell: I move that we accept the Critical Areas Ordinance Correction amendment.

Chair Raschko: Is there a second?

Commissioner Woodmansee: I'll second it.



Chair Raschko: It's been moved and seconded to approve C22-2, Critical Areas Ordinance Correction. Any discussion?

(silence)

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And abstaining?

(silence)

Chair Raschko: That is approved. And we'll go to Findings of Fact. Who wishes to start? Do you have anything, Jenn?

Ms. Rogers: The proposal is necessary for clarity of the code.

Commissioner Mitchell: That sounds great.

Chair Raschko: Okay. Does anybody wish to add to that?

Commissioner Henley: That was pretty rote, I think.

Chair Raschko: All right. All those in favor of the Findings of Fact and Reasons for Action, please say "aye."

Multiple Commissioners: Aye.

Chair Raschko: And opposed?

(silence)

Chair Raschko: Anybody abstained?

(silence)

Chair Raschko: Okay, that is approved. And we'll turn to C22-3, Guemes Island Overlay Side Setback Amendment. The floor's open for a motion or discussion.

Commissioner Mitchell: I have a motion.

Chair Raschko: You have a motion? Go ahead.

Commissioner Mitchell: I move that we approve C22-3, Guemes Island Overlay Side Setback Amendment.

Commissioner Hughes: I'll second.

Chair Raschko: Okay, it's been moved and seconded to approve C22-3. Is there any discussion of the motion?

Commissioner Mitchell: Yes, unless somebody else.... The six or so – it was six years ago – correct, Jenn? – when that envelope was put in.

Ms. Rogers: 2016.

Commissioner Mitchell: Okay. So there have been many years' worth now of experiment on that and it did not work. And the County does periodically review things and fixes them if they don't work. This is one of those. So I'd recommend that we approve the staff amendment.

Chair Raschko: Any other discussion?

(silence)

Chair Raschko: Did you have something, Commissioner? Nobody else? Please go ahead.

Commissioner Hutchison: I wasn't here five years ago when all this conversation happened initially. I imagine it was difficult to get through. I've done a lot of research *because* I wasn't here then, and I've done a lot of comparisons to very nearby communities. I'd say Anacortes has some slight restrictions that are a little bit more refined than this, and I found it really neat over in Oak Harbor actually. The height and slope of the property – the greater the slope, the taller you can be sort of thing, and that's a really neat perspective which wasn't presented to us in this. So I think I am definitely for the change, seeing that what they've been given has been very restrictive. And from some of the guests that have come and spoken to us in the public hearing they've made very good points to how that's just unreasonable. So I'm definitely for it. Thank you.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: I would add that in going through the testimony people made at the public hearing, it seemed like people wanted to maintain the status quo. Wait a minute. Let me make sure I don't get confused on this. The proposal is to change it.

Commissioner Henley: Yes.

Chair Raschko: The people not wanting to change, the main reason was to maintain rural character and basically the status quo. And I think that's offset by the number of people who had such restrictions on their ability to use their property that it was a financial burden.

Commissioner Henley: It did seem to me to be a bit of a NIMBYism problem, whereas the people that have been established there for a long time basically didn't want their viewshed to be changed. I think that was the main issue based on – we had a huge number of people here on the public hearing to go through all that, but it did have a sameness about it when we got through all the discussion.

Chair Raschko: Okay, thank you. Anybody else? Yes, Commissioner Woodmansee?

Commissioner Woodmansee: I think for me I support this amendment. The thing that it just doesn't – for me it doesn't pass, like, a fairness situation and fairness is really important in my opinion, especially in this type of a situation. I don't think that the argument that the setbacks is directly related to seawater intrusion in wells is a good argument either, and that was a big part of the argument against changing the amendment – approving the amendment. So for those two reasons, among others, I would support this amendment.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay, so we'll have a vote on – you want to restate the motion, please?

Ms. Rogers: I think Commissioner Mitchell made the motion. Would you like to repeat it?

Commissioner Mitchell: Sure. I move to approve C22-3, Guemes Island Overlay Side Setback Amendment.

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

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Those abstaining?

(silence)

Chair Raschko: So that passes. We'll turn to the Findings of Fact and Reasons for Action. Who'd like to start? Please, Commissioner Mitchell.

Commissioner Mitchell: Feel free to help wordsmith this, guys. The side setback requirements proved to be unnecessarily impractical and onerous for both homeowners and PDS staff after six years of implementation.

Ms. Rogers: Can you say it slower, please?

Commissioner Mitchell: Yeah. The side setback requirement has proven to be unnecessarily impractical and onerous for both homeowners and PDS staff after six years of implementation.

I've got another one.

Chair Raschko: Go ahead.

Commissioner Mitchell: Okay. The current building envelope disproportionately and negatively impacts – oh, I'm sorry – and negatively impacts narrow lots and older homes by minimizing improvements for second story livable space, restricting upstairs views, and reducing comparative home values.

Chair Raschko: Would it be “disproportionately” or “disproportionally”?

Commissioner Mitchell: I wrote “disproportionately,” but I don’t know which is better.

Chair Raschko: Or which is correct.

Commissioner Mitchell: Yeah, or which is correct.

Chair Raschko: I don’t either. Okay. We’ll leave that to – staff can work on that.

Commissioner Mitchell: Anybody know? Whichever one is fine, you know.

Ms. Rogers: It’s the same tense as negatively, so I think – or – grammar’s not my strong suit but it matches negatively.

Commissioner Mitchell: Okay. I’ve got another one.

Chair Raschko: Okay, go ahead.

Commissioner Mitchell: The proposal meets Skagit County’s consistency review with Skagit Code 14.08.

Ms. Rogers: Can you say that one more time?

Commissioner Mitchell: Yeah. The proposal meets Skagit County’s consistency review with Skagit County 14.08. The next one: The proposal is consistent with Comprehensive Plan Goal 2A-8, Work to Simplify the Permitting Process for Landowners and Developers –

Ms. Rogers: Say that one more time.

Commissioner Mitchell: Sure. Where are we? Okay. Work to simplify the permitting process for landowners and developers within the unincorporated portions of the Urban Growth Areas and to allow flexibility in the construction of their home without impacts to critical areas, viewsheds, and other scenic amenities.

Ms. Rogers: Okay, so I got to “...and to allow flexibility in the construction of their homes.”

Commissioner Mitchell: ...without impacts to critical areas, viewsheds, and other scenic amenities.

Ms. Rogers: And it was Comprehensive Plan Goal 2A-8, right?

Commissioner Mitchell: Yes, ma’am. The proposal is consistent with Policy 3A-3.3 –

Ms. Rogers: Comprehensive Plan Policy?

Commissioner Mitchell: Yeah. Policy 3A-3.3. Good. Standards and plans for structures, roads and utility systems, and other public services and facilities shall be consistent with rural densities and uses. Such facilities and services shall be designed – this may sound familiar because it’s yours – “Such facilities and services shall be designed, constructed, and provided to minimize the alteration of (the) landscape and the impacts to rural residents and community character, to

preserve natural systems, to protect critical areas, to protect important land features such as ridgelines, to retain historic and cultural structures/landscapes, and scenic amenities.

Chair Raschko: Have you anymore? Has anybody anymore? Please go ahead.

Commissioner Hutchison: Okay. The current height restrictions have forced residents to occupy living space in the floodplain. This proposal will provide property owners the flexibility to plan for and use decks, gardens, open yard space more freely with consideration of property obstacles, including boulders, trees, and mature growth onsite.

Chair Raschko: Anything else? I wonder, Commissioner Woodmansee, do we need to mention something about the saltwater intrusion not being –

Commissioner Woodmansee: – related?

Chair Raschko: Yeah.

Commissioner Woodmansee: I'm fine with that.

Chair Raschko: The change in the code won't affect the saltwater intrusion concerns.

Commissioner Woodmansee: Yeah, okay. I like that. Did you follow that, Jenn?

Chair Raschko: I've got nothing else. Does anybody else?

(silence)

Chair Raschko: Okay.

Commissioner Hutchison: Would you like to mention that rural character can still be maintained?

Chair Raschko: Can it?

Ms. Hutchison: I believe it's true. \_\_\_\_\_.

Chair Raschko: Okay. All right, so let's quickly review these things.

Ms. Rogers: The side setback requirements have proved to be unnecessarily impractical and onerous for homeowners and PDS staff after six years of implementation.

Chair Raschko: Is it really onerous for PDS staff?

Ms. Rogers: Yes.

Chair Raschko: Oh, okay.

(much laughter)

Chair Raschko: How about B?

Ms. Rogers: The current building envelope requirements disproportionately and negatively impact narrow lots and older homes by minimizing improvements for second story livable space, restricting upstairs views, and reducing comparative home values.

Chair Raschko: Everybody's fine with (that)?

Commissioner Henley: Sounds good.

Chair Raschko: C.

Ms. Rogers: The proposal meets Skagit County – consistency review with Skagit County Code 14.08.

Chair Raschko: That looks good.

Ms. Rogers: The proposal is consistent with Comprehensive Plan Goal 2A-8. Work to simplify the permitting process for landowners and developers in the unincorporated portions of the Urban Growth Areas, and to allow flexibility of the construction of their homes without impacts to critical areas, viewsheds, and other scenic amenities.

Chair Raschko: Okay.

Ms. Rogers: The proposal is consistent with Comprehensive Plan Policy 3A-3.3. Standards and plans for structures, roads and utility systems, and other public services and facilities shall be consistent with rural densities and uses. Such facilities and services shall be designed, constructed, and provided to minimize the alteration of the landscape and the impacts to rural residents and community character, to preserve natural systems, to protect critical areas, to protect important land features such as ridgelines, to retain historic and cultural structures/landscapes, and scenic amenities.

Chair Raschko: We're all good with that?

(silence)

Chair Raschko: Okay.

Ms. Rogers: The current height restrictions have forced residents to occupy living space in the floodplain. This proposal will provide property owners the flexibility to plan for and use decks, gardens, open space more freely with consideration for property obstacles such as boulders, trees, and mature growth onsite.

Chair Raschko: Okay.

Ms. Rogers: The change in the code will not have an impact on the seawater intrusion issues on Guemes Island.

Chair Raschko: All right, true enough.

Ms. Rogers: And rural character will still be maintained.

Chair Raschko: Okay, so we will now vote on the Findings of Facts and Reasons for Action. All those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Those opposed and who’s abstaining.

(silence)

Chair Raschko: So that passes. Thank you. So C22-4, Economic Development Plan Amendment. The floor’s open for a motion or discussion.

Commissioner Mitchell: I’d like to make a motion.

Chair Raschko: Please do so.

Commissioner Mitchell: I move that we approve C22-4, Economic Development Plan Amendment.

Chair Raschko: Would anybody like to second that?

Commissioner Hutchison: I’ll second.

Commissioner Henley: I second it.

Chair Raschko: Okay, it was seconded by Commissioner Hutchison first, so is there discussion of the motion?

(silence)

Chair Raschko: Okay, so hearing none, all those in favor of the motion, please say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: And those abstaining?

(silence)

Chair Raschko: So that passes. Now who would like to start with Findings of Fact and Reasons for Action, besides it’s a good idea to do this?

Commissioner Henley: I’m trying to think why.

Ms. Rogers: The proposal ensures that available state funds are provided to the necessary facilities in Skagit County which provides adequate economic growth – something like that.

(sounds of assent)

Chair Raschko: Okay. Sounds good. Are we provided to vote on the list of items? All those in favor of approving the Findings of Fact, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Those abstaining?

(silence)

Chair Raschko: Okay. Thank you, Jenn. Turn to C22-5, Saltwater Intrusion Areas Amendment. The floor’s open.

Commissioner Mitchell: I’d like to make a motion, Chair.

Chair Raschko: Please do so.

Commissioner Mitchell: I move to approve C22-5, Seawater Intrusion Areas Amendment.

Chair Raschko: Is there a second?

Commissioner Henley: I’ll second it.

Chair Raschko: It’s been seconded and approved, C22-5. Discussion? My understanding is all this does is allow the County to engage a contractor to do the testing.

Commissioner Henley: Yeah, eventually they’re going to have to run a pipeline to the island.

Chair Raschko: Okay, this is because of the fact that staff doesn’t necessarily have the properly trained people for it. Time to do it. So is there any further discussion?

(silence)

Chair Raschko: Okay, all those in favor of approving C22-5, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Are there any abstentions?

(silence)

Chair Raschko: Okay. Findings of Fact. I think I just said one.



Commissioner Mitchell: Yes, that was good.

Chair Raschko: Okay.

Ms. Rogers: Can you repeat what you said?

Commissioner Mitchell: It was really good!

Chair Raschko: The amendment would allow for the engagement of a contract hydrologist to use – and when's this? This is when looking at building permits.

Ms. Rogers: I think it's this.

Chair Raschko: – when such a resource isn't necessarily available on staff. Does that sound factual?

Commissioner Mitchell: Yeah.

Ms. Rogers: The proposal will ensure the County can engage with a contracted hydrogeologist to perform reviews of wells and documented seawater intrusion areas. The resources are not necessarily available on staff. Is that accurate for other staff as well?

Commissioner Henley: Sounds good.

Chair Raschko: It's great to me.

(inaudible voice)

Commissioner Mitchell: Could you say it again, please?

Unidentified Voice: If resources aren't available for staff. If they had a hydrogeologist they probably wouldn't use it.

Commissioner Mitchell: Thank you.

Chair Raschko: Does anybody want to add anything else?

(silence)

Chair Raschko: All right. I guess we don't have to review this. All those in favor of the Findings of Fact and Reasons for Action, say "aye," please.

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Nobody's opposed. Abstentions?

(silence)

Chair Raschko: None? Okay. I believe that –

Ms. Rogers: You usually do a vote on the entire document as well.

Chair Raschko: Okay. So you should now have an up-to-date version. Right? Okay. We will now vote to approve the recorded motion. All those in favor of the recorded motion, please say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: There are none. Abstentions?

(silence)

Chair Raschko: Okay. And that concludes our work on the docket. I want to thank everybody for all your hard work \_\_\_\_\_ your preparation for tonight. And I want to thank staff for all the work they did all year on the docket. Good job.

So we’re going to move on to an Agritourism Study Update.

Sarah Ruether: Good evening. I’m Sarah Ruether, a long range planning manager. This is the Agritourism Update. I’ll make it quick. It’s been a long night. Jenn did a great job of finishing up the docket she’s worked really hard on the past year, so thank you for that.

So the process, where we’re at right now we’re still in the discovery phase. We closed the survey – what was it? – Sunday night, and we had four smaller meetings; we had our big public forum that some people were here; and we’ll move to policy concepts hopefully in the winter and then later on to code and Comp Plan changes.

That’s the overview. And at the end of the – when the survey was closed, we had 653 participants, which is pretty good. As you can tell, I have a number of reviews and responses and comments. BERK is going to try to sort those into different categories and you’re going to get to see all of it, so this is just a big picture overview. And just to give you a teaser, this is the first question: 91% of those respondents live in Skagit County of the 636 people who responded to the survey. And 60% did not own or lease farmland; 30% owned farmland, and then there was 8% who own or lease farmland but are currently seeking opportunities to do so in Skagit County; and 3% lease farmland. So that’s just an overview of who took the survey.

One main goal of agritourism has been that agritourism activity should be an accessory use to the main agricultural use. The purpose of this goal is to ensure no loss of productive farmland at the expense of agritourism. So the question asked the applicant: Do you agree with this goal? And 84% agreed with this goal. I actually thought this is kind of an encouraging thing, you know. Agritourism has been somewhat controversial but I feel like big-picture-wise, at least, those who took the survey, of the 582 who answered this they agreed with that goal. So I saw that as a kind of positive thing.

So I’m not going to go into the rest of the survey because it’s going to get analyzed and you’re going to get more data than you want to know, and so I don’t want to have preconceived notions.

I'll give it to you complete and BERK'll come and give you that. I'll just do an overview of some of the outreach. And the Planning Commission members – they have attended some of these events, so they may be able to give you their own personal take on them. The ag leaders lunch was on November 12<sup>th</sup> and there were approximately 10 to 15 attendees. A lunch meeting. A big picture of the discussion. One of the big topics that came up is: How do we define agritourism and how can agriculture benefit? So that was one of the topics we discussed. It was also discussed: How do we define an accessory use and how do you maintain that that accessory use stays a subordinate use? That was kind of the discussion of the creep of – it starts out that way but then what if it becomes something else? So the discussion was: How do we prevent that?

We also had a discussion of timeframe, trying to take into consideration the needs of farmers for harvest and when the weather's – so that was another discussion. We had a discussion of actual impacts versus perceived impacts in terms of data of how much traffic is there. So that was another discussion. And then there was a desire for an agriculture education foundation. Actually that was from Terry, who was just here. And a desire for the public to learn about agriculture through agritourism. And an agriculture education foundation – I just Googled it. There are a bunch all over the country and they do things like doing STEM for kids on agriculture sites and help get – you know, a lot of times city kids, ways to learn about agriculture. It's kind of cool. So I actually thought that was kind of interesting way to look at it, because we're going to have to do both probably, policy and code changes. So policy is that visionary part of it so think about, like, if you could paint a picture of what you want agritourism to look like, what would be your ideal thing that you'd like to have. So Terry was actually – he was the one who was sitting in the audience – had that idea and he shared it at the ag leaders lunch.

The other meeting we had was at the Sedro-Woolley Senior Center. It was a morning meeting. And this meeting had approximately 10 to 12 attendees. There was a discussion of what tourism fits and how do you keep it accessory. There was a desire for consistency, safety, and enforcement of future activities – making sure that it's kind of an even playing field for all the partners. Discussion of whether weddings were agritourism and how can we limit the number of operators. Is there a way to make sure that it doesn't – the number of wedding operations don't get too big. There was also discussion of property rights: How do you tell someone what they can do with their property versus can't. That came up in a couple of the meetings. And the issue of spraying in farms is covered by the Right-to-Farm ordinance and how when these weddings go on, are those, like, issues understood. So that was also kind of discussed about the Right-to-Farm ordinance and how that affected things. And there was also a discussion about how to define "limits" and that we need a \_\_\_\_.

We also had a meeting at Maple Hall. This was an evening meeting. This had about 30 attendees and it was about – the discussion about what kinds of agritourism should be allowed and thinking about a return on investment. This particular gentleman thought big festivals had a better return on investment, but that's kind of a broad term – the return on investment. There was a discussion about farm-to-table restaurants and that they can showcase what's grown here. There was also discussion about that small farmers need support, and it was a discussion about not just agritourism, that agritourism can support them, but in a bigger sense. How do we support smaller farmers, the ones that have the smaller properties and how do these future code and policy regulations help small farmers? Ellen from Friends brought in a sample of a Maryland wholesale produce market. I don't know a lot about it. I kind of Googled this as well but it's kind of a depot for farmers to bring their produce and it was a big place where everyone can kind of have – it kind of seemed like a farmers market, Pike's Place kind of thing, so it was, you know, \_\_ visionary, big-picture, policy idea with that. So I thought it was kind of interesting way to think about, you know, how we can grow in the future.

There were also comments in favor of property rights and there was also comments about how the regulations need to be flexible as agritourism grows and evolves. And, you know, when you think about a business, your business is going to change and how do you make sure that these regulations don't allow for that change in evolving of the business, and is there a way to make sure that it's just about the impacts and not maybe the use if it's connected to agriculture. So that was kind of an interesting discussion. And there was also a discussion about working with generational farmers cooperatively. How can we work cooperatively and be good neighbors, essentially.

And lastly there was a town hall on December 6<sup>th</sup> that many of you attended. There was approximately 50 attendees. It's on TV21 so you actually can watch it. We will have a transcript. It hasn't been done yet but it will be done. And we had five panelists: Jessie Anderson, from Maplehurst Farm. She does weddings on her farm. And Terry Sapp, who's on the Skagit Agricultural Advisory Board – a member. He was just here. And Lea Roozen of Roozengaarde; Annie Lohman of Lohman Farms; and Andrea Xaver, who's a producer at Big Lake. So if you want more information on this, we'll have – you can get it verbatim.

And with that, do you have any comments or questions? We're still in, quote, "discovery," so this is a good time to bring up any – I'm sorry.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: On two slides ago, you said that somebody had comments in favor of property rights. In what respect? Do you remember what that was about?

Ms. Ruether: I think about, you know, it's – you know, it was a discussion about, like, I think it was a discussion about somebody who was next to a property owner who had big events and, you know, the externalities of that: the person who wants to do these big events and then the problem of the neighbor next door – that that affects them. So it was the – that discussion balances on, like, where does my rights to use my property how I see fit versus my right to what I perceive as your externality. So, you know, it's the issue of, like, how – you know, there's always a balance, right? Finding the balance between, you know, the freedom to let people choose their industry. And I think that was also kind of wrapped into that is the discussion about, like, how do you make sure that if your regulations regulate for the externalities' effects and not impinging on, like, the rights of people to do what they want on their property.

Chair Raschko: Go ahead, Vince.

Commissioner Henley: I can give you two things I think that they're concerned about in property rights. One of them are things like wildlife intrusion, like the elk, for example. And the second one is the water rights. That's always been a big problem with, you know, people with property rights because the water doesn't necessarily follow the property, and perhaps it should. Those are at least two that I happen to know that this particular group is concerned about.

Chair Raschko: Anybody else?

Commissioner Knutzen: I have a question for staff on – when you talk about definition of "agritourism," I take a narrow view. The Tulip Festival or out going through the tulip fields, that's agritourism. In the fall, the Festival of Family Farms. You're in a pumpkin field picking pumpkins. Bertelsen Winery proposal we looked at earlier. It's Small Scale Tourism and Recreation. It's not

agritourism. Wedding venues in the ag zone have nothing to do with ag tourism, in my opinion. I don't know where they're addressed in the code now. I know when you look at all the information here it talks about wedding venues in there. It needs to be addressed. I don't know if it really matters, and this is my question for staff. As long as it's in the code somewhere, does it matter if it's under agritourism or some other code section as long as we have regulations for it? Because I know it's a big issue in there. It's a hot button issue. Because I don't know how many wedding venues there are –

Ms. Ruether: Well, technically our code doesn't allow weddings. I think you could get a special event permit and use your flowers from your farm –

Commissioner Knutzen: And how many are –

Ms. Ruether: So as long as you have a tie, that's currently how you could get your special event permit.

Commissioner Knutzen: And there are – I know when I went to three of these and there's permanent wedding venues and the temporary wedding venues. I guess you can get permits for the temporary ones but even with the permanent ones – like Maplehurst was here, and that's a permanent – my understanding is a permanent wedding venue. And I don't know if it's legal or not, but I've been told that it's not legal what they're doing and I don't know that. We'll be addressing that, I'm sure. But is that in the ag tourism code now, what they're doing – permanent wedding venues? So is what they're doing illegal? I don't know!

Ms. Ruether: Does Brandon want to answer? He's the one who \_\_\_\_\_.

Commissioner Knutzen: If you want me to rescind that question –

(laughter)

Brandon Black: Okay.

Commissioner Knutzen: Remember, Brandon, we're being recorded.

Mr. Black: I know. We are. Good afternoon, Commissioners. Nice to be here with you today. Brandon Black. I'm the current planning supervisor for Planning and Development Services. Throughout the years, in regards to wedding venues and overall uses in the ag zone, there's been a lot of changes. There are wedding venues out there that were permitted. Maplehurst, for instance, I do not believe we have a special use permit on that but I believe I was told from a previous director that they are preexisting, nonconforming. It's an old-time family. I think it was the Smiths –

Commissioner Knutzen: You're right.

Mr. Black: That their use predates anything that we came up with to restrict it, but I do not know the history on Maplehurst first of all. The other ones, we have some that were permitted with special use permits throughout different variations of code at different times, similar to – I'm going to use this as an example – our seasonal roadside stands. We have many of those that were permitted throughout different code reiterations. Now there are size limits for square footages, for instance. Three hundred square feet or less you can do without a special use permit; 300 square feet to 2,000 square feet, administrative; and then up to 5,000 square feet, hearing examiner. So

the ag zone and the uses in the ag zone have gotten more and more limited over time. Currently wedding venues are not allowed in the ag zone. Temporary events are defined as any cultural, historical, or musical event held either indoor or outdoors. You can get a temporary event special use permit administratively approved in most, if not all, zones. I mean, aside from Industrial Forest or something in that nature. In the ag zone, it says that temporary events are only allowed if they are accessory to agricultural production. You can't have a wedding venue that's accessory to agricultural production. Kind of a joke I've used several times – I don't know if I've mentioned it to Mark as a potato farmer – but unless you have the wedding party working the spudline, I don't see how you're going to have a wedding party accessory to agricultural production.

(laughter)

Mr. Black: So I won't take more of your time here. It's just that over time we've seen some of the uses in the ag zone abused and so they've gotten stricter, and it's the same with the wedding venues. It's the same with the roadside stands and several other uses.

Commissioner Knutzen: So as far as new wedding venues starting up, you can categorically say that's illegal in ag zones.

Mr. Black: They are not allowed. They are illegal.

Commissioner Knutzen: Correct.

Mr. Black: Yes, and it's been that way for several years.

Commissioner Knutzen: But there may be some still starting.

Mr. Black: Yeah, and I should clarify that you can get married in the ag zone. You just can't have a wedding venue for commercial purposes as a business \_\_ in the ag zone. There's nothing restricting anybody in the county from having a wedding on their property. It's if it's for compensation, musical, cultural or, you know, some kind of event that you're going to keep having. There's also the provision in code that was pointed out to me several years ago by one of our attorneys that it is events, temporary events. So if you have a one-time event on your property for compensation, it's not a violation of the County code.

Commissioner Mitchell: Can you repeat that again?

Mr. Black: Temporary events. There's an "s" at the end of our definition for "temporary events." So if you wanted to – and I'll give you an example. If you wanted to rent out your property for somebody to have their wedding – somebody came to you and said, Beautiful site. I'd love to rent it out from you. You can do that one time because the definition is temporary events. We have several groups in the county – organizations, good organizations – that have events annually. Skagitonians to Preserve Farmland, you know, they have events and they will go to different farms. Or Conservation Futures: They recently had a – or Farmland Legacy, they recently had their 25-year – I *think* it was 25-year – annual event and they will go and rent out different venues. We get made aware of those oftentimes because there'll be a liquor license involved and the Liquor Control Board will send us – and I shouldn't be picking on just those groups. There's other groups that rent out different venues. And we will – if its not a permitted venue through an existing special use permit, we will – the County Planning Department writes a letter to them and to the Liquor Control Board telling them that yes, it's okay. They either have a permit or they do not but

they are allowed to have one event at this venue site without getting an approved special use permit.

Commissioner Knutzen: Are there code enforcement regulations in place that can stop these?

Mr. Black: There are. We're going to get deep in the woods on this one, though. With the zoning specifically, unless it's a life safety issue – like, if somebody's building a house without a permit that could risk somebody's life – zoning violations specifically are only enforced based on a written complaint, Request for Investigation.

Commissioner Knutzen: The reason I asked that one: I was living on Pulver Road about 10, maybe 15, years ago, just north of Chuckanut Drive. There was two businesses, one set up an RV repair place in a house. They used the garage for parts. They built a big tent – had a tent. And just south of that a fellow built a big garage and was refurbishing vintage rail cars. And they were not in compliance. Complaints were made. They were both shut down. And neither one of them is there in – they're both still in business but they had to move to commercial zones. So the code – someone enforced the code –

Mr. Black: Yes.

Commissioner Knutzen: – on that.

Mr. Black: We needed to – as I indicated, we have to operate for zoning violations off written complaints from the public. And I recall both of those.

Commissioner Knutzen: Yeah, I'm sure. So do I.

Commissioner Mitchell: Housekeeping type: Will this be put up on our meeting materials?

Ms. Ruether: Sure. Yeah.

Commissioner Mitchell: If you would, please.

Ms. Ruether: Sure.

Commissioner Mitchell: Thank you.

Chair Raschko: Okay, any other questions?

Commissioner Hughes: I have one. BERK did a survey prior to this. Do the two go hand-in-hand or are they separated?

Ms. Ruether: I mean, we can look at both of them. I haven't –

Commissioner Hughes: I was just wondering if this replaces the first one they did or if they're complementary.

Ms. Ruether: I think when you're doing public input you don't – one doesn't overshadow the other. I think that one had, like, 160 or – it had less than 200 responses and so this one has quite a few more.

Commissioner Hughes: Okay, so you were looking for more people on your second one.

Ms. Ruether: Yeah, that was the purpose of this.

Commissioner Hughes: Okay.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Thank you, Sarah. Okay, we'll turn now to the Director's Update. Mr. Moore?

Jack Moore: Good evening, Commission. My name is Jack Moore. I am the new assistant director with Planning and Development Services. I'm sure most of you know that Hal Hart has departed Skagit County to pursue other opportunities, and I just wanted to take this evening and the time during the report to introduce myself to you and offer that, you know, I can be available for anything you might need from the Department. This, of course, acknowledging the great efforts that Sarah, Jenn, and Brandon already bring and may well have most of it covered. But I do want to make sure that you know that I'm here to help support the Commission in anything you need. And if there's anything I can bring to you as far as the Department operation, I would be happy to do so.

So again, just a little introduction for me for anyone that – for those of you that don't know me. I am from Skagit County, raised in Clear Lake, and currently live in Sedro-Woolley with my family. I've been working in planning departments just over 26 years. I began actually working after an internship. Came to Skagit County in 1996 – Skagit County Planning and Development Services. Worked here for about nine years, left to go work in planning departments within Skagit County and other jurisdictions, including six years as a planning director. Came back to this department about – let's see, about 10 years ago now, 2012. So my role in the past 10 years has been the building official. That has been my title, although that's fairly broad here at Skagit County, so I've helped a number of the teams in the Department and with operations. So I was granted the opportunity to be the assistant planning director now so I'm very happy for that opportunity. And, again, just happy to be here with you and meet you all tonight, and (I) look forward to continue working with you. I'm happy to answer any questions you might have.

Chair Raschko: Anybody have anything?

Commissioner Woodmansee: I have one question. Does the assistant director role eliminate your role as building official?

Mr. Moore: It does. We're recruiting – well, yeah, for *me* it does. I will not be performing both duties. Each of those jobs does take considerable amount of time. We're currently recruiting for a replacement building official at the moment. So moving forward, I think the County is looking at the departmental structure and the possible – you know, the future recruitment and how to recruit for the director. So that's something that, you know, stay tuned for upcoming news on that.

Chair Raschko: Commissioner Mitchell.

Commissioner Mitchell: Terrible question for you, Jack. So you've been around, you've seen a lot of different places and things. What can you do or what can everybody do together to help make this better in the next few years? The planning in general.



Mr. Moore: The planning effort in the County or the Department or both or –

Commissioner Mitchell: Well, we could do both.

Mr. Moore: Okay. Well, from my perspective, I mean, we do things pretty well right now. I mean, as a community, as a group we – I think one of the good things about Skagit County and how the county government operates is we do tend to communicate very well. We have a lot of boards, committee, commissions. I know the Board of County Commissioners are very attentive to that. They listen. They do consider all of the community input. And I think us in the Planning Department, we're here to help promote that and help convey, help relay information to and from; help guide, offer suggestions; any legal questions – anything like that, as it comes to a law. And I think probably the biggest benefit is for the most part we tend to work together quite well in all our respective roles. You know, that's what I think our strong suits are. That said, you know, the world continues to move around us so we have to be on our toes. We have to stay on top of it. The changing laws, changing guidance from federal or state agencies. So I think that's something that the Department here could always work on and help keep you all apprised of what's happening, in addition to our elected officials. So I think that's something that we'll continue to strive for – to be here to serve you in that effort.

Commissioner Mitchell: Well, back in the old days – I don't know if it's this way now, because budgets always are rolling and usually get tight. A lot of times staff is having to look for grant money to help supplement things. Is that still having – do we still have to do that?

Mr. Moore: We do on occasion when grant funds are available for specific efforts There are a number of grant opportunities out there for various different functions or efforts that the County may undertake, whether it be community development grants – there are grants specific to certain disciplines, like FEMA grants. So, you know, I think we're always on the lookout for that. I don't know that – we don't have a specific grant writer on staff in the Planning Department, so I do believe that's likely underutilized. So it would be something to look at if we could dedicate a resource to pursuing grant opportunities to help us with some of these efforts.

Commissioner Mitchell: Well, you know how it is. It's always a Catch 22.

Mr. Moore: Mm-hmm.

Commissioner Mitchell: Sometimes you don't want the strings; sometimes you do.

Mr. Moore: They can be challenging. I've personally managed FEMA grants, a number of those, and you are not wrong. They come with quite a bit of extra steps and documentation. But then again, we're able to accomplish – sometimes accomplish things that we may not be able to accomplish on our own.

Commissioner Mitchell: Thank you.

Mr. Moore: So (we) definitely benefit there.

Chair Raschko: Okay. Well, thank you very much and we'll look forward to working with you.

Mr. Moore: Likewise. Thank you.

Chair Raschko: So we will now turn to our Planning Commissioner Comments and Announcements. Mark, have you got anything?

Commissioner Knutzen: No.

Chair Raschko: No?

Commissioner Knutzen: Sorry!

Commissioner Hutchison: Nothing tonight. Thanks, everybody.

Commissioner Woodmansee: Thanks to the staff for all the hard work on the stuff we worked on tonight. I couldn't help but sit here and watch Jenn type, thinking about how many red squiggly lines there would be if I was typing!

(laughter)

Commissioner Woodmansee: How *few* there were there when *she* was typing! I think she did a great job tonight going with the flow there. And I was also thinking if I needed to dictate a letter and get it written right, I'll call on Jenn!

(laughter)

Commissioner Woodmansee: Anyways, I wanted to isolate her just a little bit because she did a great job tonight, but thanks to all the staff for all your hard work.

Commissioner Henley: I'd also like to thank the staff for their hard work. I sort of feel we've come to some sort of a checkpoint, we've come to some sort of a conclusion. It feels like we're ending something right away. So I'm not sure how that came about but that's sort of the sense of accomplishment that I've had here with what we've done. So anyway, thanks to the staff. Thanks for your hard work and thanks for keeping us informed.

Commissioner Mitchell: I do have something though. I forgot to ask earlier. Would you please send us all out an email out when this stuff is going to go before the Board so we can follow what they do? And also get the transmittal. That's always helpful to see how we do things and what comes of them as part of the learning exercise. So thank you.

Mr. Rogers: Yes. Now that we have the recorded motion approved, I'll send the request for scheduling to the Board.

Commissioner Mitchell: Thank you.

Commissioner Hughes: Thank you, staff, and happy holidays to everyone. See you in a month, or a little less than a month, but the beginning of next year.

Chair Raschko: Thank you. Well, that's what I was going to say. I just wanted to wish everybody a merry Christmas and a happy new year, and enjoy the time with family and loved ones.

If there's nothing else, then we will stand adjourned (gavel).