

**Skagit County Board of County Commissioners
Deliberations/Possible Action: 2018 CPA Docket
October 29, 2018**

Commissioners: **Ken Dahlstedt, Chair
Ron Wesen, Chair
Lisa Janicki**

Staff: **Hal Hart, Planning Director
Stacie Pratschner, Senior Planner**

Chair Ken Dahlstedt: (gavel) We'll call the Board of County Commissioners back into order. It is Monday, October 29th, 2018. It's 2:30. We are here today for Planning and Development Services and a discussion of 2018 Comprehensive Plan Amendments Docket. Stacie, are you –

Hal Hart: Yeah.

Stacie Pratschner: Yes. Thank you, Commissioner. Good afternoon to the Board of County Commissioners, to members of staff here today and administration, members of the community also in attendance. My name is Stacie Pratschner, Senior Planner with Planning and Development Services. Thank you for having me here today.

These are the deliberations for the Board to consider and potentially take action on the proposed Comprehensive Plan, land use map, and development code text amendments that constitute the 2018 docket. Under the Washington State Growth Management Act, the County may adopt a package of changes to the Comp Plan and development regulations once per year through a docketing process. The purpose of docketing is to ascertain the cumulative effect on the community of the various proposals. Annual amendments included in the docket are meant to address land use changes, amendments to the text of the Comprehensive Plan, and also text changes to the development code.

This year's docketed proposals for possible action include a modification to – pardon me – item C-1, a modification to Comprehensive Plan Policy 4A-5.6. The purpose of this modification is to strengthen the collaboration between the County and the drainage districts prior to the issuance of development permits.

There are a number of text amendments that have been proposed by the Department for Skagit County Code Title 14. There are two County-initiated map amendments this year. C-19 would be an amendment to modify the zoning of a number of parcels currently in the OSRSI designation to the IF-NRL designation. Also P-12, the South Fidalgo Rural Residential land use map amendment, which was deferred from the 2017 docket.

There are two citizen-initiated code amendments on the docket this year, the first being Quaker Cove, which would permit existing campgrounds in the Rural Intermediate zone, and then the request for Samish Bay Cheese for food service, specifically restaurants, as an accessory use to ongoing agriculture.

The approximately year-long docketing process consists broadly of three steps. The first is a setting of the docket by the Board. This was accomplished late last year and also earlier this year through two public hearings and then two sets of deliberations. This was then followed by a workshop with the Board of County Commissioners specifically focused on P-12.

The second broad step is the review of those amendments by the Planning Commission and their recommendations to the Board. This constitutes the most recent public hearing and also the recent deliberations held on October 16th.

Ultimately there's the disposition of the 2018 docket by the Board of County Commissioners and today's deliberations constitute that part of the review.

The Department has issued in advance of today's deliberations the signed recorded motion from the Planning Commission, which includes findings of fact and also recommendations for the amendments on this year's docket. The accompanying staff report describes the Department's concurrence with the Planning Commission's recommendations with additional analysis on how best to implement the intent of Comprehensive Plan Policy 4A-5.6, and also a proposed work program and timeline for a study of agritourism in Skagit County, per the recommendation for item P-2.

Skagit County Code authorizes the Board to consider the following actions in order to dispose the annual docket – the docket, excuse me: The Board may adopt the docketed proposals; adopt the docketed proposals with modifications; decline to adopt any of the proposals; or defer action on any of the docketed proposals.

There's some additional contact and also places where folks can get additional information on this year's docket. Thank you, and I'd be happy to answer any questions from the Board.

Chair Dahlstedt: Commissioner Wesen?

Commissioner Ron Wesen: So the Planning Commission met and your recommendations are the same as the Planning Commission then?

Ms. Pratschner: Yes, we are in concurrence with the Planning Commission's recommendation, but with a modification to the Comprehensive Plan Policy 4A-5.6. So in that case the Department is recommending the adoption of the language that was proposed by the Department in August when we did public hearing with the Planning Commission. But the language that's been proposed by the Planning Commission we would like to see rolled into an actual development regulation through the 2019 docket so that we can work to implement the policy.

Commissioner Wesen: So that's on the drainage consultant.

Ms. Pratschner: Correct.

Commissioner Wesen: So when the consulting – what do you envision that consulting would be with the drainage district?

Ms. Pratschner: We envision writing up a section of code and then implementing something similar that we have with the Port of Skagit right now in chapter 14.16. The Port of Skagit is forwarded development proposals and has a certain timeline for review of those development proposals. Those development proposals include larger projects like subdivisions and commercial

projects. So imagine mirroring that language and working with the drainage districts to develop that language through the docket.

Commissioner Wesen: One of the words of caution is most of the drainage districts are all part-time people and so they may not be able to get back with you as quick as you may want. And the other thing, I'm also a drainage district commissioner and one of the issues, because of our subtidal delta area here when we get saturated soils in the wintertime and you get rain, it doesn't matter if it's on ground, grass, or trees, or whatever. It's just soaked and so it has to flow off somewhere, and so the volume isn't going to change if there's development or if there's not development just because the ground is already saturated and the water will flow to the lowest point. And so we need to make sure we keep that in mind. I think it's important to coordinate with the drainage districts but also understand what their capability is on – there hasn't been a lot of studies on how much flow will go through their system and so forth. And I know the County has worked really closely with some of the drainage districts to help improve their infrastructure and so forth, so the County is willing to do that, but we can't go to the 110 percent capacity because we just aren't able to get there.

Ms. Pratschner: Thank you.

Chair Dahlstedt: Commissioner Janicki?

Commissioner Lisa Janicki: Stacie, thank you for the presentation. And, you know, these are important. I mean, each of these amendments is important, you know, to somebody. So and in – for the – I thought maybe if you could just touch base on the agritourism one again – that P-2?

Ms. Pratschner: Yes.

Commissioner Janicki: And since your Planning Commission and staff are in concurrence, what's that – what is that recommendation?

Ms. Pratschner: Yes, thank you, Commissioner. So for item P-2 – I'm just going to go ahead and have it listed up there; there we go, P-2, the request from Samish Bay Cheese – the Department presented a series of options on how the Planning Commission could approach making a recommendation to the Board. And Option 3 was a recommendation that was really generated talking to other members in the ag community about doing a comprehensive agritourism study. So that study wouldn't just include looking at one use – in this case the limited food service or a restaurant. We would be studying all kinds of uses that could be identified as agritourism – wedding venues, temporary events – and determining through this process where that fits in with Skagit County agriculture.

So what has been presented in the staff report – I'll go ahead and put it on the projectors. The Department has proposed a one-and-a-half to two-year work program to first identify stakeholders; to study agritourism and to develop concepts; to develop amendments to code and the Comprehensive Plan; and then to go through the adoption process. So we are in concurrence with the Planning Commission's recommendation to engage in this more detailed study.

Commissioner Janicki: So the – you know, this concept has generated conversations throughout the county not even formally submitted here. But, you know, definitely for me it's that balance of we have small farmers who want to be able to augment income flow so they truly have a business, a farming business that's sustainable, versus we don't want to use up any more ag land and, you know, creating nonusable areas, you know, and the concept that our agricultural groups have

come out in opposition to this. I never like to see something that's going to take me two years to work through, but –

Ms. Pratschner: I agree.

Commissioner Janicki: Or wait. Let me think about that. That's a year-and-a-half, right?

Ms. Pratschner: Year-and-a-half.

Commissioner Janicki: Two years to work through. But I think it's important to have the conversation now because it's popping up in so many different ways that our small farmers need a way to be able to stay in the business of farming, and yet we want our land there to be farmable.

Ms. Pratschner: Right.

Commissioner Janicki: I thought this was a good solution.

Ms. Pratschner: Thank you.

Chair Dahlstedt: So on this, the recommended motion you brought before us on page 3, it covers the specific actions or inactions.

Ms. Pratschner: Are you referring to the summary and table, Commissioner?

Chair Dahlstedt: Yeah. No, I just want to make sure so that as we're – that there's no confusion. So the only – and this was all approved by the Planning Commission?

Ms. Pratschner: These are – yes, these are the recommendations from the Planning Commission. This table is a synopsis of what is contained in the draft ordinance.

Chair Dahlstedt: So the approvals. And then for P-2 and P-12, those would *not* be approved for docketing.

Ms. Pratschner: Correct. Well, P-2 – I can see where that's a little confusing – P-2 would be approved as Option 3, for us to move forward with an agritourism study. P-12 Option 1 is the no-action alternative, so do not adopt.

Chair Dahlstedt: Okay. I just want to make sure everybody's clear.

Commissioner Janicki: Yeah, that's good to clarify that.

Ms. Pratschner: Thank you.

Chair Dahlstedt: Commissioner Wesen, any other questions/comments?

Commissioner Wesen: On your breakdown on the 18-month study on the agtourism, one of the things you definitely hear from some of the people out in the ag area is the enforcement of some of the unauthorized uses.

Ms. Pratschner: Yes.

Commissioner Wesen: And that's one of the things that we've always had a hard time enforcing our regulations and so forth just because of the ability to have the Prosecutor's office move forward on some of these issues. And so that will all be discussed in this also?

Ms. Pratschner: Yes. So that is also a discussion that came up during the Planning Commission deliberations, and also this discussion comes up with the Ag Advisory Board as well about the matter of enforcement. And so we would be looking at that through this agritourism study.

Commissioner Wesen: And right now I think some of the ag community wants to have more things and some of the ag community says we've got too many cars driving around anyway; we don't want any *more* cars driving around. So those are the different sides, and one of my concerns are that you spend 18 months coming at it and you still have a split. So what do you do then?

Ms. Pratschner: Right. Our goal would be to facilitate those meetings and discussions with stakeholders, to possibly reach out to partners in the community who could help us to facilitate those discussions, and to hopefully reach consensus. But I understand your concern that we spend a lot of time –

Commissioner Wesen: The other thing is definition of a stakeholder. And it gets pretty broad and so –

Ms. Pratschner: Very broad.

Commissioner Wesen: – that's one of the – it's a nice word but it's basically anybody who shows up is what a stakeholder is, right?

Ms. Pratschner: I didn't want to list anyone because I knew I would leave someone out!

Commissioner Wesen: I know. See I think it's important we look at it. We've been doing things here in Skagit County. We ought to – we've got the great Tulip Festival that goes on and so forth, so there are different programs going on. And we've had individuals come in without purchasing property, or have purchased property, and they want to do certain things and then they are very frustrated when they aren't allowed to do it. But I think that it may be a conflict after 18 months, too. I don't think it'll be a unanimous decision but hopefully I'll be surprised.

Chair Dahlstedt: Have you had some unanimous decisions from land use concerns, Commissioners?

(laughter from Board)

Chair Dahlstedt: I just wondered.

(laughter from audience)

Chair Dahlstedt: And being it's Halloween time, a group of stakeholders at a werewolf convention could be dangerous!

Commissioner Wesen: It could be.

Commissioner Janicki: Could I ask a question on a different one?

Chair Dahlstedt: Certainly. Ask all the questions you'd like.

Commissioner Janicki: Can we touch on P-12?

Ms. Pratschner: Yes.

Commissioner Janicki: So the recommendation is a no-action on P-12, so not accepting that. But where does that leave the Samish Indian Tribe's request for the increased square footage on their – at their facility? You said it would be dealt with outside of P-12. What does that mean?

Ms. Pratschner: Right. Right, yeah. You are referring to the Planning Commission's recorded motion, and they made a recommendation to look at Samish Nation's request outside of the process for P-12.

Chair Dahlstedt: As a specific individual project.

Commissioner Janicki: I love that you can interpret my question into something that actually – that is the same document that I'm looking at! Thank you.

Ms. Pratschner: I learn every day. So for the Samish Indian Nation, we could consider putting their request on the 2019 docket as separate from P-12 if P-12 – if the Board chooses not to adopt the new zone on South Fidalgo. We could look at amendments to the existing zone they're in – the Rural Reserve – to take a comprehensive look at the kind of lot coverage limitations that there are existing to major public uses. That is one option. The Samish Indian Nation can continue to look at options for the design of their building, but we do understand from their letter that they are in need of that additional square footage in order to construct the cultural center that they would like to build. So we could also – separate from the docket, because this would be a development code amendment – we could make the request a long range work program item that runs separately from the docket. That would speed – possibly that would speed up the process.

Commissioner Janicki: Okay. I just want to know that there was some path. I'm supportive of their request and I think there was – you know, there is support for that. We're just wanting to know what they have to go through so it's clear.

Ms. Pratschner: Yes. Thank you.

Chair Dahlstedt: Commissioner Wesen, any other thoughts?

Commissioner Wesen: On the other thing on P-12, the – any idea – I know you haven't been here very long. When was the last time we changed the zoning out in the South Fidalgo area?

Ms. Pratschner: If you look back at the subarea planning process that went on up until 2008, I believe, there was – at that time the proposal was to take South Fidalgo to something more like the Rural Intermediate zone. The entire island would look more like Rural Intermediate. But there were no zoning changes enacted at that time since that particular committee was dissolved. So prior to that the most recent zoning efforts were probably from when we were first establishing the Comprehensive Plan in 1997. The Rural Intermediate is a kind of LAMIRD so it would have been applied at that time, recognizing that extra development, and then the Rural Reserve for the other places.

Commissioner Wesen: So almost 20 years.

Ms. Pratschner: Almost 20 years.

Commissioner Wesen: So it's been quite a while the current zoning has been in place, and I think a lot of people really like what we have out in South Fidalgo. And so that's one of the reasons I am not persuaded that we need to change it, and so I would follow the Planning Commission recommendations on that. The property owners who purchased their property before that 20 years ago and going forward, they've all bought property with expectations of what the current zoning is going forward and they wanted to keep it the same. The other issue was the one concern about CaRDs, and can you go over what CaRDs are and how they can be used?

Ms. Pratschner: Yes, thank you. CaRDs are a type of subdivision/land division. They're a type of cluster development. And so what that means is that a parcel has a certain amount of acreage and a property owner has a certain amount of density that they can get from that acreage. So what the CaRD – what the clustering allows you to do is do smaller lot sizes that are clustered on one part of the property and then that leaves a larger open space area. And this is recognized in all kinds of counties in rural areas as being a good tool for retaining rural character. Within Skagit County that leftover open space can serve a number of functions. It can be working farmland, it can be working timber management. If it's particularly encumbered with critical areas, there can be a protective easement that's put over it. But the key is is that all the development rights of that open space tract, there are no development rights with that except in the case of some of the urban growth areas.

Commissioner Wesen: So currently now there's one house per 10 acres but if they do a CaRD they can have two houses for 10 acres.

Ms. Pratschner: That's correct. That's the density bonus.

Commissioner Wesen: And if – if they have 15 acres they can do three houses.

Ms. Pratschner: Correct.

Commissioner Wesen: And so the only discussion was on if that additional with the use of CaRD had to be on public water or without public water.

Ms. Pratschner: Right.

Commissioner Wesen: And Skagit County, we have a lot of the county we're not even able to get building permits with a well just because of the instream flow rules and so forth.

Ms. Pratschner: Over 400 folks are not able to –

Commissioner Wesen: And in South Fidalgo there is a pipeline along Highway 20 and a lot of the homes along the east side of the island do have piped water to them.

So those are my reasons. I think we should – no action, keep it the way it has been for the last 20 years. And I really – we have a lot of property owners out there. It's a divided issue. I was out there many times this summer just looking at the different signs and talking to different people about it and so I think what we have has been working. And the one issue is, Is there a compelling reason to change the zoning? And I haven't heard or seen a compelling reason why we need to change the zoning – any health concerns or anything else.

Ms. Pratschner: Thank you.

Chair Dahlstedt: Anything else, Commissioner Janicki?

Commissioner Janicki: I don't think so.

Chair Dahlstedt: Well, I appreciate all the hard work. I think there's opportunities when the Planning Commission heard these things for people to be heard on what their issues were moving forward, and I think they've done a good job and we have a Comprehensive Plan docket before us. Commissioners?

Commissioner Wesen: One other question. Quaker Cove?

Ms. Pratschner: Yes.

Commissioner Wesen: Can you – we've had some camps in the area across the county and some of them weren't identified years ago, and so what would this motion do for Quaker Cove?

Ms. Pratschner: Right. So this motion for Quaker Cove would be to amend the language in the Rural Intermediate zoning designation so that existing campgrounds are permitted as an administrative special use. And so what that does is not only for Quaker Cove but also for two existing campgrounds on Samish Island it takes them from being nonconforming to a conforming status. And so we've designed the code amendment so that it encompasses the number of existing beds that are currently on the campground on Samish. It allows for the growth of Quaker Cove as they proceed – making the campgrounds an administrative special use, the opportunity now to actually permit these things. It also allows the application of performance standards to any growth and development that happen at these campgrounds, whether that's mitigation for traffic impacts, required screening, or, as was correctly mentioned by one of our Planning Commissioners, needed health updates such as to septic systems.

Commissioner Wesen: So if this passed, then they came in, they get a building permit on a particular structure, then their notices will be going out to the neighbors and so forth? And so can you go over that a little bit?

Ms. Pratschner: That's correct. Yes, the land use approval through the administrative special use permit does require public noticing to neighbors that are within the vicinity of the proposed development, and also allows not just for notice but a comment period. These comments can help inform the conditions that go onto the building permit.

Commissioner Wesen: And those could be such things as the hours of operation, the number of car parking spots, lighting, and all kinds of different issues that the neighbors bring up where they have a concern on, and then the Administrator can use those to help put some restrictions on the operations of the facility.

Ms. Pratschner: Yes, Commissioner. The code provides that authority to the Administrative Official.

Commissioner Wesen: But the notice would go out to the neighbors when those things – a building permit came in from that facility.

Ms. Pratschner: For the land use permit, yes.

Commissioner Wesen: And on the building permit, not?

Ms. Pratschner: So for the – when the land use approval comes in, that is normally referenced, but then a building permit would come in so the two go together.

Commissioner Wesen: Yeah. Yeah.

Ms. Pratschner: Thank you. I didn't mean to be unclear on that.

Chair Dahlstedt: So maybe just a point of clarification on the CaRDs. The reason the CaRDs were put into place here was when the Growth Management Act came into place there were people that in good faith had bought property that had two-and-a-half-acre zoning, five-acre zoning, and a lot of that was taken away. And so the alternative was kind of a compromise that people *could* be able to utilize the CaRD and recover *some* of the value of their property that had been taken away. That's how it got started, so that's why it's in place and I think it would be unfair to take that away from people. The water's going to be a difficult challenge as it is for people, and I think that – I think we're heading in the right direction. I think Planning Commission did a good job hearing all the testimony, and I'm very comfortable on P-12 where we're at with that, and I appreciate all the work the Planning Commission did on that. And I think it was a six to one vote on that particular issue, P-12?

Ms. Pratschner: Yes, that's correct. Two absent and then six to one.

Chair Dahlstedt: So great. Okay, Commissioners?

Commissioner Janicki: Well, and I also appreciate the number of the public who put forward comments. I mean, there are just hundreds and hundreds of pages of materials that, you know, the Planning Commission had to work through, staff has worked through, you know, to help inform the decision-making here. So in the world of transparent process, I – you know, I just applaud all those who took the time and bothered to, you know, submit and help give us good information. So – all right.

Commissioner Wesen: So I move to approve an ordinance to adopt the 2018 Comprehensive Plan amendment docket.

Commissioner Janicki: Second.

Chair Dahlstedt: It's been moved and seconded to approve the Comprehensive Plan amendments for 2018 docket. All in favor, signify by saying "aye."

All Commissioners: Aye.

Chair Dahlstedt: Opposed, same sign. Motion carries (gavel).

Anything else, Hal?

Mr. Hart: No, that's it.

Chair Dahlstedt: Okay. Well, I appreciate all the hard work and I'm glad on this ag that we're going to do some analysis because I think that we've got a long history of Commissioners here for over a hundred years that support agriculture and it's really a priority, and if you don't

communicate with people – but I think, as Commissioner Wesen said, one of the challenges for us is there's not 100% agreement on what ag would like to see. So I think hopefully have an analysis and try to get the ag community to come together is really helpful for us if we can do that.

Thank you all for being here...With that, we stand adjourned (gavel).