

Skagit County Board of County Commissioners
Public Hearing: 2023 Comprehensive Plan Amendment Proposals
April 24, 2023

Commissioners: Commissioner Ron Wesen, Chair (District 1)
Commissioner Peter Browning (District 2)
Commissioner Lisa Janicki (District 3)
Linda Hammons, Clerk of the Board

PDS Staff: Jack Moore, Planning Director
Sarah Ruether, Long Range Planning Manager
Jenn Rogers, Long Range Planner

Petitioners: Kesh Chavda, LR23-02
Heather Rogerson, LR23-03
Pat Cummings, LR23-04
Craig Krueger and Bill Sygitowicz, LR20-04 & LR22-02

Public Commenters: Margery Hite (LR20-04 & LR22-02)
Michael Brown, Guemes Island Planning Advisory Committee (C23-1)
Marlene Finley, Evergreen Islands (LR20-04 & LR22-02)
Andrea Doll (LR20-04 & LR22-02)
Sarah Pedersen (LR20-04 & LR22-02)
Val Mullen (C23-8)
Lorilee Gates (C23-8)
Brad Barton (LR20-04 & LR22-02)
Angela Napoliello-Ivory (LR20-04 & LR22-02)
Tim Manns, Skagit Audubon Society (LR20-04 & LR22-02)
Linnea McCord (C23-8)
Suzanne Rohner (C23-8; LR20-04 & LR22-02)
John Milas (general)
Lacie Soler (LR20-04 & LR22-02)
Nora Kammer, Skagit River System Cooperative (on behalf of Sauk-Suiattle and Swinomish Tribes) via Zoom (LR20-04 & LR22-02)
Connie Funk (LR20-04 & LR22-02)
Scott Cameron, Consultant to Skagit Partners, via Zoom (LR20-04 & LR22-02)

Chair Ron Wesen: (gavel) Good morning. I call this session of the Skagit County Commissioners to order. It is April 24th, 2023, a little after 11 o'clock in the morning, and please join me in a salute to our flag.

(Everyone recites the Pledge of Allegiance.)

Chair Wesen: Got a full house, which is very good. I'll start with an opening statement.

(several voices saying they cannot hear Commissioner Wesen)

Chair Wesen: The opening statement: The purpose of this hearing is to receive testimony on the petition(s) received to consider including, deferring, or excluding in the 2023 docket for the proposed Comprehensive Plan, Map, or Code Amendments. The County has received seven public petition(s) and suggestions for Comprehensive Plan Policy, Map, and Code Amendments. Another 11 amendments have been proposed by the County. Skagit County Code 14.08.040 requires the Board to hold a public hearing and written comment period to establish the annual docket. We have a sign-in list for those wishing to – a sign-up list for those wishing to – my computer's doing all my stuff here.

There will be an opportunity for a hearing for those who wish to testify and do not sign up to speak. Please limit your comments to three minutes so that everyone will have a chance to speak. Before you testify, please clearly state your name, spelling your last name, and the town or city where you reside. The written comment period will remain open until Thursday, April 27th, at 4:30 p.m. Written comments are encouraged and are not limited in length or on the number of issues that you may address. Written comments must be submitted to the Planning and Development Services Department, preferably in the email address on the screen.

The Board of County Commissioners is scheduled to meet May 8th at 10:30 to decide which items to include in the 2023 docket. Thank you for taking time to participate. We'll begin the hearing and start the presentations from the petitioners. Jenn, go ahead.

Jenn Rogers: Thank you, Commissioners, and good morning. I just have a few slides to run through before we start the public hearing. Again, my name is Jenn Rogers and I'm a long range planner here at Skagit County.

So first this Comprehensive Plan Amendments process is yearly, whereby citizens and County staff can suggest changes to the Comprehensive Plan or Development Regulations. As you can see on the screen here, we're at our third step in the docketing process, which is a public hearing held by the Board of County Commissioners as well as a public comment period. We have had two work sessions so far, one to introduce and explain the petitions on March 28th. The second work session was held on April 11th, which went over recommendations for each petition by the Department. And you are more than welcome – you can see those recordings of those videos on our Commissioners' website as well.

After today's public hearing, there will be another meeting on May 8th for the Board to deliberate and potentially take action on each petition for docketing. As a reminder, a decision to docket a petition by the Board does not constitute final action. It just means that that petition will move forward for additional analysis by staff, a SEPA evaluation, and the public – excuse me; the Planning Commission will also review each petition and hold their own work sessions and public hearing before providing a recommendation back to the Board. So once the Planning Commission has gone through that process, which will be this summer and fall, they will provide a recommendation for final approval back to the Board, and then the Board of County Commissioners will hold more meetings and deliberations on final action for each petition.

You can see all of the original petitions and any other memos and documents that we have provided to the Board on our project website at the website here on the screen, so skagitcounty.net/2023cpa.

Skagit County Code does require the Department to provide a recommendation for each petition as to which one(s) should be included on the docket, and there are specific criteria, which are listed in our code, by which we make our decision. So those include:

- The petition must comply with the filing requirements;
- The petition must be reasonably reviewed by staff this year;
- The proposed amendment would not require additional amendments and is consistent with the current County goals and policies.
- Would the proposed amendment be more appropriately addressed through an ongoing or planned work program? Is there a legal or procedural flaw which would prevent implementation?
- And does the proposal lack sufficient information for review by the Department?

The public comment period is still open so those comments will be accepted through this Thursday, April 27th, at 4:30 p.m. You may mail in your comments, email them to pdscomments@co.skagit.wa.us, or you may provide testimony during today's hearing. Please make sure that when you provide testimony today or if you send in written testimony to provide your full name and address for inclusion on the final comment period.

So for today's hearing we will start with presentations from the petitioners themselves and then we will move on to citizen comments. So we will introduce each petition and the speakers who wish to comment on that petition may come forward to provide comment. Just remember that your comments must be limited to three minutes and to start your testimony by spelling your name and your address.

Thank you, Commissioners.

Chair Wesen: Thank you. So the first one, Dunlap Reserve – Rural Reserve Rezone. James Dunlap?

Ms. Rogers: So he is not speaking today. We do have a separate speakers list with the petitioners that have volunteered.

Chair Wesen: Okay. Petition LR23-02, Chavda Rural Center Rezone. Kesh, go ahead and – you want to speak?

Unidentified person in the audience: We cannot hear you very well, Commissioners, and so if you can solve that we would appreciate it.

(sounds of agreement from the audience)

Kesh Chavda: Can you hear me now?

(sounds of assent from the audience)

Mr. Chavda: Yeah? Good. Okay. My name is Kesh Chavda from KDL Designs and I'm representing my clients who own the piece of property. The property you're probably all very familiar with over on Highway 20 and La Conner Road–La Conner-Whitney Road right here. So the purpose of the proposal is to really change the zoning of the existing plot of land right here, which is in SSB, Small Scale Business zoning, to an RC – Rural Center zone. And the idea is to – where the existing – the existing zoning currently is used for a small fence construction

company, and if you drive by there you'll see all their stuff just by the back of the gas station there. And that's – you can see that right there, this area here. And if I take an overview of that, it's this piece of land right here. So what we are proposing is to develop the area behind the gas station here. The zoning does actually allow for a –

(sound of warning timer)

Mr. Chavda: – an owner and staff residence right at the back here – the existing zone. The new zoning that we're proposing, the RC zoning, we would like to put up a small storage unit that would run across the back along here with redoing some of the landscaping here and some trees that would extend further out, so none of this is viewable from the main highway there.

Now the change in the zoning from the SSB to RC would provide a range of benefits. We're going to encourage responsible and sustainable development that is compatible with the natural –

(sound of timer)

Mr. Chavda: – surroundings in this area here.

(sound of timer)

Chair Wesen: Could you wrap it up? Great.

Mr. Chavda: Yeah, okay. And we'll preserve the wildlife and the habitat of the area. So really just really quickly concluding here. I guess that's it.

Linda Hammons: Three minutes. Sorry.

Commissioner Lisa Janicki: Presenters get five.

Ms. Hammons: Oh, I'm so sorry. He's got two more minutes.

Commissioner Janicki: Sorry. That was a reset on the clock.

Mr. Chavda: Oh. Oh, okay.

Commissioner Janicki: Presenters get five minutes and commenters get three.

Mr. Chavda: Yeah, I kind of prepared this for about five minutes.

Commissioner Janicki: Yeah, yeah.

Mr. Chavda: So we would extend the road further out where the existing road goes into the gas station there to the back here. It would go further out and the back end would have the resident's home – and the staff home, rather – and then this area would have your storage units. You know, with the high density development going on in and around the areas here, I think storage is going to be something that's going to be needed. A lot of the smaller farming companies and businesses in the area will also need commercial grade fuel, so the gas station is going to have additional pumps at the back which will supply farm equipment fuels – biodegradable fuels. That's it.

Chair Wesen: Thank you. Any questions?

(silence)

Chair Wesen: The next one then. The next one is petition LR23-03, Bayview Ridge Light Industrial Rezone. Heather Rogers (sic), from the Port of Skagit.

Heather Rogerson: Good morning, Commissioners. Thank you very much. My name is Heather Rogerson. I'm director of planning and development for the Port of Skagit County. And the Port of Skagit is requesting currently a Comprehensive Plan zoning map amendment to rezone approximately one acre of land from Bayview Ridge Residential to Bayview Ridge Light Industrial.

The subject parcel is shown here in blue. You can see it's abutting Peterson Road on Bayview Ridge. The parcel in question in total is outlined in blue. It's about 7½ acres in total. Over six acres is currently zoned Bayview Ridge Light Industrial and then the one acre that you see outlined in orange is zoned Bayview Ridge Residential.

There are a number of ways that the Port's request complies, is consistent with, and furthers the goals and policies of Skagit County, one of which is that this request is consistent in terms of it does not introduce new, incompatible land uses in the area. So the area surrounding the existing one acre of residential-zoned property is Light Industrial to the north, the west, and the south. There is residential zoning on the west side of this one-acre portion of the parcel, but Skagit County Code already provides for a required buffer area between residential lands and industrial lands in order to limit the impacts of industrial operations onto neighboring residential properties.

Chair Wesen: The residential's on the east side, correct?

Ms. Rogerson: Sorry, east side. Thank you! West side is industrial Thank you! Thank you!

The second reason this is in compliance with Skagit County policies is Skagit County has a policy in place right now to protect for the long term viability of Skagit Regional Airport through compatible zoning. You can see that the subject parcel is located within Airport Environs Overlay Zone 6 for Skagit Regional Airport. And WSDOT Aviation has recognized that permitted uses within industrial zones are generally more compatible with airport operations than are those uses allowed in residential zones.

Finally, Skagit County also has a goal to have in place more ready-to-build industrial lands for the county, particularly on Bayview Ridge. You can see here outlined in orange the one-acre portion of a parcel that would, if this amendment is approved, be developed as industrial property as part of a 40-acre binding site plan that the Port is referring to "Watershed Business Park." This would provide opportunity for expansion and retention of existing industrial businesses within the county as well as locating of new industries that would bring good-paying jobs to our community.

With that, I thank you for your consideration. I'm happy to answer any questions you might have.

Chair Wesen: Commissioner Browning, any questions?

Commissioner Peter Browning: I have none. Thank you.

Chair Wesen: Commissioner Janicki?

Commissioner Janicki: No questions, thank you.

Ms. Rogerson: Thank you.

Chair Wesen: The next one is petition LR23-04, Cummings Rural Intermediate Rezone. Pat Cummings?

Pat Cummings: Does the timer start *after* I learn how to do this?

(laughter)

Mr. Cummings: Also I was told I'd have five to ten minutes, so I've got 8.4 minutes here and I'm going to have to figure that one out. Thank you.

Good morning. Thank you very much. So basically I'm here to contest the two issues as to why they did not want to include it in the docket on your April 11th work deal. The first one is the claim that GMA does not permit counties to allow for expansion of a LAMIRD – did I pronounce that correctly? – to include a new infill development, and the petitioner hasn't provided evidence that the boundary of the LAMIRD was drawn incorrectly at the time. The second one is the property lies within a Mineral Resource Overlay. Petitioner's intent to split the parcel into two to build a new residential unit would *not* be approved even if the rezone *were* approved because they would not be able to cluster.

So let's go with the LAMIRD. I had to look this one up. So we've got WAC 365-196-425, section E. "Once a logical outer boundary has been adopted, counties may consider changes to the boundary in subsequent amendments." That means you have the authority to change that LAMIRD boundary. So I don't understand how they can argue that in this process you don't have the authority or this can't be changed. And that's for this process to continue. That's why I'm requesting this to be placed on the docket – to go through this process. Because according to this WAC, the Commissioners have the authority through an amendment to change that zoning. Am I wrong on that?

The other thing we've got going here that I thought I ought to ask myself is the technical aspects of this. To meet the technical aspect, we have to ask, Would new growth be consistent with existing growth patterns in the area, and is a request to change the zoning adding new undeveloped parcels of infill? The best example I have is to go onto what was the 40 acres that bounded north of me in 1996 when the zoning was placed. So the largest yellow square there is Campbell's 40 acres, which was divided into a 4.2-acre, which borders my triangular piece, and then the other was natural resource land for the quarry. That being said, this is what that 4-point acres turned into. In theory, that picture is from 12, 14 years ago. What we have now, what borders me now, is the reality of life. I have six clustered units living there. This is the actual influence. This is the pressure that's being brought. This is why I'm requesting I should only have one property to divide it into two. The property being, as far as a Mineral Resource Overlay, should have no consequence to this whatsoever. We are asking to rezone to Rural Intermediate from Rural Reserve. We are not asking to place a CaRD. We are not asking to do cluster housing. We want to go to 2½-acre zoning so that I can have the ability to try and attempt to short-plot a piece off, which would *not* be – which would be a single-family residence. MRO does not prevent that. MRO does not prevent anyone who has 10 five-acre pieces in that LAMIRD from attempting to short-plot for single-family housing. It won't allow a CaRD. I understand that. So the end result is I think that both of those should be regarded as not affecting this, that this should be placed on the docket and we should move forward through the process. Thank you very much.

Chair Wesen: Thank you. Commissioner Janicki, any questions?

Commissioners Janicki: No questions right now.

Chair Wesen: Commissioner Browning?

Commissioner Browning: No questions, thank you.

Mr. Cummings: Thank you.

Chair Wesen: Thank you. The next one, petition 20-04 and LR22-02, Fully Contained Communities. Bill Sygitowicz?

Mr. Cummings: Does it say “eject” on it?

Ms. Rogers: (inaudible)

Mr. Cummings: Just pull it? There we go – escape. Now I can take it out?

Ms. Rogers: _____ if you want to do it the proper way.

Mr. Cummings: I’m going to do it the proper way.

Ms. Rogers: There you go.

Mr. Cummings: Thank you very much.

Ms. Rogers: You’re welcome.

Craig Krueger: Good morning. I’ll try to speak as loudly as the last speaker because that was great. My name is – good morning. My name is Craig Krueger, k,r,u,e,g,e,r. I’m senior planner with Core Design. Our office is in Bothell. I live in Snohomish. I’m submitting a letter in support of the docket request by Skagit Partners LLC for the proposed revisions to the Comprehensive Plan policies and the County’s development regulations for Fully Contained Communities in Skagit County. As you know, the docket requests did not focus on any specific development applications at this time. They only deal with the very preliminary start of creating *opportunities* for FCCs in the future. My letter refers to legislation passed by the State in 1991 allowing new, fully contained communities to be constructed in the state of Washington if they can meet a series of nine criteria, including:

- a mix of uses is provided to offer jobs, housing, and services to the residents;
- affordable housing is provided within the new community for a broad range of income levels;
- environmental protection has been addressed and provided for;
- and, importantly, provision is made to mitigate impacts on designated agricultural land, forestlands, and mineral resource lands.

If we look at the existing urban growth areas in the county, whether incorporated or unincorporated, there are existing urban growth areas that are very restricted in buildable area by neighboring agricultural lands, forestlands, floodplains, steep topography, and expensive infrastructure extensions. These urban growth areas may not be able to meet the future housing needs of the county given the potential population growth and employment growth of the area.

My letter refers to the growth monitoring report as was prepared by SCOG, which looked at the population in housing growth for the last four years and found that the rate of housing and population growth in the urban areas versus the rural area is not conforming to the County's goal of 80% growth in the urban areas and only 20% in the rural areas. And both the population and housing growth rates for the larger cities were clearly less than the smaller cities.

My letter includes a reference also to the 2017 Skagit County Housing Action Plan, which was also released by SCOG. Within Strategy Number 1 of this report, to facilitate development of market rate and subsidized affordable housing, the report states "Much of the sizable and vacant land is in unincorporated UGAs, particularly for a few cities. Often the lack of an orderly annexation process, infrastructure, and/or appropriate zoning will limit the ability of these areas to develop at urban densities. My letter also shares my personal experience with Cascadia, which is now called Tehaleh, a fully contained community in Pierce County which was approved in 1999 after eight years of planning and county review. The point here is that it took many years for the neighborhoods in Tehaleh to be planned, approved, developed, and built for the families to live, work, learn, and play.

The docket items before you today, if approved on May 8th, will allow the City staff, the Planning Commission, and the Growth Management Act Steering Committee to review the proposed modifications. The Planning Commission and the Steering Committee will review the proposed amendments prior to sending their recommendations to you. At this point, neither SCOG nor the Steering Committee have submitted comments. At the second workshop session on April 11th, the Board members seemed to feel like these requests could not be added to the docket at this time. You indicated that the County was awaiting the population and housing allocations from SCOG and awaiting information regarding allocations for the various income levels. In my mind this level of detail will be needed when and if an actual FCC application is submitted to the County in the future. By then the detailed growth and housing allocations will certainly change from what they are today. It would seem best for the County to at least take a small step towards considering code changes –

(bell rings)

Mr. Krueger: – to allow FCCs. It's a Growth Management tool that could assist the County in addressing the housing needs and affordability for both residents and employees in the county. I hope that you'll review my letter and take it into consideration when making your decision on May 8th. Thank you.

We were also under the understanding that we had 10 minutes to make a presentation, so Bill Sygitowicz would also like to add some comments.

Chair Wesen: Okay, Bill. Because you've got two petitions is what you're saying here?

Bill Sygitowicz: Thank you and I'll keep it brief. About 20 years ago I was approached by a community leader, Mike Crawford, about doing something on a piece of property that seemed to be at the end of its natural life, i.e., a couple gravel pits. Mike, if you don't know, was actively involved in the community. A couple things he was successful in was McIntyre Hall at the college, Boys and Girls Club that's very active here in Skagit County. He was certainly a valued community leader with his vision, understanding, and commitment. His involvement in 2004 created a change in the Comp Plan that allowed inclusion in your policy for a fully contained community. And before you today are the necessary changes that will allow Skagit County to reach beyond traditional housing solutions. I ask you, along with the support of many builders and other leaders, to docket

our application. It's not about a specific project simply and steps that are required to allow you to think outside the box.

Let's talk about housing. A SCOG report published shows the housing availability and growth in all the Pacific Northwest counties. Skagit County has less than 50% of the next lowest one in providing housing. Also an EDASC report that shows about 50,000 people working in Skagit County. It also shows that 22,000 of those get their paycheck in Skagit County, take it to another county to live and spend and enjoy; i.e., Skagit County's missing out on a huge economic input by not providing enough housing.

This rural mandate, or the rural element from GMA – a lot of people talk about GMA as a bad thing but it's pretty good planning – but it specifically says there are no specific GMA goals for growth and development in the rural areas. But it said rural development *shall* be allowed with certain things. It also goes on to say Comprehensive Plan provisions for location of rural development shall be in a manner consistent with protected natural resources lands, aquatic reserves, et cetera. It's interesting that it also provides rural area characteristics in the Goal A (b) – Part (b) it says “providing for a variety of housing densities and opportunity, assuring economic prosperity for rural areas.” And finally, Goal A, number 2, it says: “Provide for a variety of residential densities and businesses that maintain rural character, respect farming and forestry, buffer natural resource lands, retain open space, minimize the demand and costs for public infrastructure and improvements,” but specifically “provide for future urban growth area annexation and allow rural property owners reasonable economic opportunities for their land.”

So why has our proposal been kicked down the road? Simply politics. Mayors, many of which are no longer in office, have said build it in my town and I'll support it. All of a sudden – we said Well, we don't perhaps –

(sound of timer)

Mr. Sygitowicz: – we're looking at a non-project so we can't really get to that. Or other city planners have said, quote, “We're planners. If your proposal was a good one, we'd have already planner for it.” You can't keep your head in the sand at all times. And leadership roles does agree with one thing, that housing – or lack of – is a huge problem. We're offering a solution but it requires you to docket these changes, allowing for in-depth future discussion about housing. Put our proposal in your toolbox for work that you need to do. Thank you.

Chair Wesen: Thank you. Commissioner Browning, any comments?

Commissioner Browning: I have none. Thank you.

Chair Wesen: Commissioner Janicki?

Commissioner Janicki: No comments.

Chair Wesen: Thank you. The next one, Margery Hite. Is that right? Margery? Yep.

Margery Hite: My name is Margery Hite. That's spelled h, i, t, e. I live in Bow. I'm here to speak against and for excluding the FCC petitions from the docket.

When LR20-04 was first placed on the docket, a loose confederation of individuals and organizations constituted ourselves into a group called “Right Growth, Right Place,” specifically to keep FCCs from being established in our county. We began speaking to members of the

community and gathering signatures of those opposed to FCCs. What we discovered was that opposition to FCCs is not partisan, not Republican or Democratic, not country versus city, not older generation versus younger generation, not blue collar versus white collar. We spoke with people who had Bernie Sanders signs in their yard and people who had Donald Trump signs. *No one* wanted FCCs in Skagit.

Something like 95% of the people signed our petitions opposing FCCs – over 2,000 signatures and we could get more for the record. Here they are.

(applause)

Ms. Hite: We have also prepared a comment letter, which I think you received this morning, and I'm not going to go over all of it but I just want to highlight some of the points we make. The first one is the technical legal one, which staff has already identified. You cannot put changes to the Countywide Planning Policies on the docket. It's not one of the listed things that can be placed on the docket under 14.08.040. And as the proponents tacitly admit, you can't do these changes without changing the Countywide Planning Policies. So simply in terms of the ordinance, the proposed changes cannot be legally implemented through this process and therefore should be excluded.

Another point, which is more to the substance of FCCs, is that the proposed amendments do not provide any specifics on where and how the FCCs will be located. Rather, they leave that to a *development agreement*, which will inevitably be prepared by the *developers*. They do not even expressly exclude farmland from being converted by the developers. Putting such important information in a separately negotiated document keeps the public in the dark until it's too late for meaningful criticism. We know that any FCC will increase stormwater runoff, flooding into other houses, fields, rivers, and forests. We're going to have construction runoff and many of the farmers have talked about how that's happened and caused their fields to flood. It will have long-term impervial surfaces that will make for more runoff. It will create a traffic nightmare as a result of thousands of new residences and drivers. It will create demands for police, fire, public utilities and schools at *urban* levels of service with no city to provide them. And if things go wrong, now or in the future –

(sound of timer)

Ms. Hite: – who will pay for it? The County will have permitted it so developers will be off the hook. Why should County taxpayers be paying – at risk for paying damages for construction of a private development?

Chair Wesen: Thank you very much.

Ms. Hite: Yes, that's my end, and I will just say that FCCs should not be under consideration. We can do better.

Chair Wesen: Thank you.

(applause)

Chair Wesen: Okay, we're going to go through everybody first who's in person and then we'll go to Zoom. So we have Norma Kammer is going to be on Zoom. We'll get you after the people who signed up in person. So who's first on the list there?

Commissioner Browning: Ron Conte, and I'll tell you then Pat Cummings. He's already talked so next will be Michael Brown. Ron Conte first, Michael Brown on standby. And when I call the names, please have the second person ready to go so we can keep this going. We're way over time so...where's Ron? Are you here?

(silence)

Commissioner Browning: Ron's not here. Okay, move on. Michael Brown? Ron? Okay. Michael Brown, please –

Michael Brown: Thank you, Commissioners. My name is Michael Brown, 4366 Clark Point Road, Anacortes, but I live in Guemes Island. Before I address what I want to say here today, I want to give a shout-out to former Board members and Board presidents of the Guemes Island Planning Advisory Committee. We are the elected representatives of the island to ensure that the subarea plan on Guemes Island is implemented and the island resources and rural character are protected.

Hal Rooks and Nancy Fox – Nancy Fox in particular – worked tirelessly to work towards well drilling and the protection of our aquifer since 2011, and she currently is battling some very severe health issues. It means a lot to us on GIPAC to have her see this through. It's really important. And the same with Hal Rooks. He dedicated a lot of time and effort and he passed it on to our current board members. With that being said:

Dear Commissioners: The History of the Guemes Island Planning Advisory Committee's work to protect the island's sole source aquifer dates to its inception in 2011, but efforts by islanders predate that by at least 15 years. We have known that seawater intrusion has been a problem that has only been made worse by the increase of well drilling in known areas of intrusion. GIPAC submitted in 2018 a proposed code amendment, P-2, and in 2021 a similar amendment, both of which were denied; however, good faith discussions with staff and Commissioners continued and we are happy to see that the new staff-directed petition, C23-1, being proposed by the County. We feel –

(sound of warning timer)

Mr. Brown: – that this helps to clarify the requirements for pre-inspection of well sites before well drilling on Guemes, which is a critical area in a seawater intrusion area. As always, GIPAC looks forward to working with staff to help identify additional things the County can do to ensure safe water availability on an island with a finite resource. We thank the Commissioners for their willingness to look at this issue with a fresh set of eyes. Thank you.

Chair Browning: Thank you, Michael. Marlene Finley and followed by Allen Bush.

Marlene Finley: Hello. My name's Marlene Finley, spelled f, i, n, l, e, y. I live in Anacortes and I'm the vice president of Evergreen Islands, which I'm representing today. Please exclude FCCs from the Comp Plan docket. Decades of City and County policies have prohibited the FCCs because they equate to urban sprawl and are a bad way to address growth. New housing should be concentrated in our existing cities and towns where public services are available. This is basic land use planning. Can the County afford to provide urban services to rural satellite subdivisions? And who will pay for this over the years? FCCs are not what Skagit County needs – not for the

economy, not for the environment, not for our communities. Just say no and please vote to exclude FCCs from the docket on May 8th. Thank you.
(applause)

Commissioner Browning: Thank you, Marlene. Allen Bush and followed by Andrea Doll.

Allen Bush: I'll pass.

Commissioner Browning: Okay. Okay, Andrea Doll. Thank you. I'm sorry, Allen. I didn't hear you. And then after Andrea, Patrick Donnelly.

Ms. Rogers: Commissioner Browning? Patrick is going to pass this time.

Commissioner Browning: Okay. Thank you. Thank you, Patrick.

Chair Wesen: Go ahead.

Andrea Doll: My name is Andrea Doll, d, o, l, l, from Anacortes. And I'm here as a citizen, just as a resident. I don't represent a group. I'm here just because I woke up this morning and thought I'm really worried about this. I understand that there's going to be huge growth. I understand that. I understand there's thousands of people that want to move here and I understand you have to find a way to do that. But I want to know: What is your vision? *Your* vision, as our representatives for safeguarding our valley. I don't know what that vision is and I don't know what our assurances are. How do we know that the things that really matter to us and we really care about are going to be protected? And it's in your hands, and so I came here today to say I want to know what your vision is, and how are these things going to be protected? Thank you.

Chair Wesen: Thank you.

(applause)

Commissioner Browning: Thank you, Andrea. Sarah Pedersen, followed by Val Mullen.

Sarah Pedersen: Sarah Pedersen, Anacortes. Pedersen is p, e, d, e, r, s, e, n. What else am I supposed to say about myself? 703 Saint Mary's Drive, Anacortes, Washington.

So I wrote a letter about this last time around and it feels like the zombie event. Last time I wrote I mentioned that I had read through the 800 pages of comment and that there were 750 contrary comments, four comments that were pro-FCC docketing. Three of those four had direct economic benefit as a result of that. I don't understand why it was docketed after all of that and I wonder about this little cradle of democracy we have here because I feel as though it isn't just the fact that we have organized bodies showing up. It's that there's very consistent resistance strongly, as has been mentioned, across many categories other than specific beneficiaries of economic development of particular kinds. We need more housing. This is not NIMBY. This is put it in my back yard. I want the housing density in my back yard, and our cities are working hard on that and we can see the progress every day. We have much more higher density in recent years than many previous years. We're making progress on these issues. So I would support the work of our individual cities and the work of the legislature, which is focusing on how we can do high density without spreading into our so-invaluable rural lands. Thank you.

(applause)

Commissioner Browning: Thank you. Val Mullen, and then Lorilee Cody, or is that Gati? G, a, t – I'm sorry. I couldn't read it. Lorilee, do you know who you are? Okay, good! Okay, good. Thank you.

Val Mullen: Val Mullen, m, u, l, l, e, n, from Sedro-Woolley. I'm here to talk about the wind turbine proposal – the amendment – and oppose it. And I have a series of pictures, some of which I took myself, just to illustrate my issues with wind turbines. They are not clean energy or green energy compared to what we hear. The manufacturer of the seal components and the concrete anchoring pad releases carbon pollution through the burning of coal. This is a picture of a wind turbine on Minkler Road close to where I live. I've never seen it function and I kind of wonder how difficult will this be to dismantle. Are the homeowners supposed to dismantle this at their own expense?

Wind turbine magnets require rare earth elements. The mining in China turns farmland into uninhabitable wasteland. The processing also produces this terrible toxic lake of acids, heavy metals, carcinogens, and radioactivity that is three times background level. The turbine blades cannot be recycled. They end up in landfills, illustrated by this Casper, Wyoming, landfill. Wind turbines may leak oil and lubricants, creating environmental and fire hazards. They may fracture when they get older. They're expensive. They may lower property values by 23%. They kill 10 to 20 times more bats and birds than were expected. In a beautiful environment like Skagit Valley – this is overlooking our farm, the Prevedel Farm., looking to the east of Skagit County. Put a windmill in there (and) it becomes an eyesore. I suggest you oppose wind turbine amendment in Skagit County. Thank you.

(sound of timer)

(applause)

Commissioner Browning: Thank you, Val. Lorilee, then Brad Barton.

Lorilee Gates: Thanks. Lorilee Gates, Mount Vernon. I appreciate actually going after Val because she gave you some good visualizations of what wind turbines look like and how detrimental they can be to the landscape of a rural area. But what I wanted to bring to the attention of constituents, and I'm really glad there's a lot of you here this morning – I think that the folks in the Commission and the Planning Commission already know about this, but I'm not sure a lot of constituents know about a major scientific and engineering two-year study that was undertaken in Skagit Valley in 2013. It was a – it's quite easy to find on the internet. It's an Upper Skagit Wind Feasibility Assessment and this is a very useful report because it was sponsored by the United States Department of Energy, and it was a two-year scientific and engineering study trying to determine the feasibility of a community scale wind system in Skagit County in the Bow Hill areas. Basically the long and short of it is the executive summary is that the wind doesn't blow here. Okay? And that's the reason why you don't see a lot of windmills here. This is an issue and the Commission has noted this before. This is a potential solution to a problem that doesn't exist. There is no demand for wind turbines in this county because there ain't no wind. It's plain and simple. The issue arising here was simply an administrative interpretation issued by a director in 2008. The recommendation here from a legal perspective or just a straightforward practical perspective: It's just an administrative interpretation. No one interfered with the code, no amendment was made to the code, no amendment needs to be made to the code. The Commission should just rescind the interpretation. Problem solved. We haven't heard any conversation from the Commission about how do we deal with the administrative interpretation. Can it simply be rescinded?

(sound of timer)

Ms. Gates: And I think constituents would like to see *that* coming forward, as opposed to trying to come up with convoluted amendments to figure out how to make this work or ban it. Thank you.

(applause)

Commissioner Browning: Brad Barton? Thank you, Lorilee. After Brad will be Angela Napolio – Nopea – I’m sorry. Her last name is Ivory. Angela Ivory and a beautiful name in between. So you’ll be after Brad here. Go ahead, Brad.

Brad Barton: Good morning. My name’s Brad Barton and I’m a long-time Skagit County resident and I live by the area that I think a lot of folks are assuming that’s where a fully planned community may end up. But I would like to remind the Commissioners that this is purely a non-project action that would speak to the *potential* of a site going in that area. But that decision needs to be tabled once the science and the studies that people allude to – whether, from a scientific standpoint, those type of communities can be placed in an area. Again, I would encourage the Commissioners to look at that and also encourage the Commissioners to docket this so you *can* go to the next step to see if that project can or cannot meet the specific criteria that the folks are bringing up. Thank you.

Chair Wesen: Thank you.

Commissioner Browning: Thank you, Brad. Angela – with the beautiful middle name – N. Ivory. Hyphen Ivory. And after that will be Tim Mann – Manns.

Angela Napolio-Ivory: Angela Napolio Ivory, n, a, p, o, l, i, e, l, l, o hyphen Ivory, 910 Alpine View Drive here in Mount Vernon.

I have two things. The first is kind of easy. You know, I tried for at least an hour last night to look up the definitions of Rural Reserve and Rural Center and I couldn’t find it. And I guess I have to keep looking but, you know, I wanted to be able to know what was being discussed today and understand it, and you people talk in alphabet soup. And I said this to the school board last week. I said, If you want to encourage participation you have to say that, let me think, GML is a growth management –

Chair Wesen: GMA.

Ms. Napolio-Ivory: GMA. The second thing I wanted to say is that I moved here 2½ years ago from New Jersey, the southern part, and over the course of my adult life I worked – I was on a zoning board in one municipality, a planning board in another. Today those two boards are together in New Jersey. But while I was on a planning board in Winslow Township we had to address planned urban development. Sounds a lot like FCCs. I agree with Andrea. We need to provide housing. But my concern with FCCs is – the concern from Winslow Township is they gave the township land to build a school but nothing else. And if you’re bringing in all of that new homeowners then you need to consider the school district, how these students are going to be housed – you know, do we need more schools, do we need to enlarge the schools? And those are things that have to be considered as part of the plan. The gentleman who spoke about the points for FCC did not speak about we’ll give you a school when it’s needed. And so you need to

consider that, that not just who's going to pave the roads but how are the children are going to be educated. Thank you.

(applause)

Commissioner Browning: Thank you. Tim Manns. After that, Linnea McCord.

Tim Manns: Good morning, Commissioners. My name is Tim Manns, m, a, n, n, s. I live in Mount Vernon. I'm representing the Skagit Audubon Society's 473 members as our group's conservation chair. We agree with Planning and Development Services' recommendation to drop amendment suggestions LR20-04 and LR22-02 from further consideration as they don't comply with the long-agreed procedures for changing Countywide Planning Policies. It does against reason to continue deferring these items to future years.

As is abundantly clear, the issue of so-called fully contained communities is a rare one uniting diverse organizations and individuals across Skagit County. This is because we're united in wanting to preserve the rural character of this county where we live. We all have our particular reasons, but we're together in opposing FCCs. Skagit Audubon members share the interests of many in protecting the natural resource base of our county's economy with agriculture and forestry at its heart. This is key to maintaining rural character. Part of what motivates Audubon members in this regard is that rural character supports the ability of wildlife – birds and other creatures – to continue to exist and thrive here. Protected areas of habitat are essential for wildlife. Farmlands and working forests are important for them too. Protecting birds, other wildlife, and the habitat they require is our organization's reason for being and is at the heart of why our members choose to live, work, and volunteer here. FCCs would necessarily convert farmland and/or forestlands and protected habitat to pavement and buildings.

As residents of this community, we, of course, have interests and concerns in addition to Audubon's mission. We're concerned about the insufficient supply of housing, its high cost, the growing number of people lacking a place to live and other basics needed for a life of safety, sufficiency, and dignity. FCCs are not the answer to the housing crisis. They're neither designed nor intended to provide affordable housing and will only degrade Skagit County's resource base. The cities and towns in their UGAs have plenty of space for what's needed. We note that recent passage of HB1110, the Middle Housing bill, is an important step towards meeting housing needs within the present towns and cities and without taking resource lands or habitat. Thank you.

(applause)

Commissioner Browning: Thank you, Tim. Linnea McCord, with Suzanne Rohner on deck.

Linnea McCord: My name is Linnea McCord. I live at 6478 Bayview Street in Anacortes. And I believe this may be the fifth time we've been here and the Planning Commission voted against this. Wind turbines should never be installed in Skagit County. They're noisy and hazardous. The proposed noise range of 50 to 60 decibels is about the sound of the normal conversation. While that may not sound very loud, here's what happened in Ohio, as reported by the National Wind Watch on January 22nd, 2022. Ted Hartke, president of Hartke Engineering and Surveying, Inc., drove from Illinois to Ohio to talk to those gathered at a church to talk about whether wind turbines were a good idea. He said he was initially in favor of them until they were finally turned on. Those wind turbines went up in January 2013 and Hartke said it became immediately clear that those turbines should never have been installed because they are way too noisy. The company that installed them said that the windmill locations would experience turbine levels less than 40

decibels outdoors, which should have been sufficiently low enough to minimize or eliminate any potential for sleep interference or interfere with outdoor speech. In 2009, health effects studies said widespread noise complaints began at 33.5 decibels, and between January and May of 2013 the turbines had to be turned off 51 times to allow people enough quiet time to sleep. Hartke stated that the noise was so bad that his daughter, then six years old, asked if she could sleep with headphones on to block the noise. That didn't work. The Hartkes moved their bed, their daughter's bed, their son's bed into the living room, the innermost room in the house. They tried to drown out the noise, but to no avail. In December 2013, Hartke abandoned his home to go to somewhere where the quality of life was better. In addition, in 2018 the World Health Organization recognized wind turbine noise as a health hazard. The wind industry has denied or ignored evidence directly linking –

(sound of warning timer)

Ms. McCord: – wind turbines and sleep disruption leading to negative human and animal impacts worldwide. The burden of environmental noise with wind turbines is not episodic or random. For the most part, its effects are constant and unrelenting. This is an undeniable health pressure of enormous magnitude. They should never be installed here. Thank you for your time.

(applause)

Chair Wesen: We originally were scheduled just to go for an hour, and so we're at the hour but we cancelled a meeting and so we'll go for another hour. So one o'clock we'll go till.

Suzanne Rohner: Okay. Thank you for this opportunity. My name is Suzanne Rohner, r, o, h, n, e, r. I live in Anacortes. A comment on the wind turbines: The only time they can be realistically considered to be green energy is during their actual useful life, but the environmental cost of building, installing, and disposing of these units far outweigh any green benefit they may have.

And then on the FCCs: I went online this morning and I found some staggering statistics. My big concern with these is what happens to our farmland? And I found out that Bill Gates owns 270,000 acres of farmland; Jeff Bezos, 420,000 acres; Mark Zuckerberg, 150,000 in Hawaii; Oprah Winfrey, 1,000 in Hawaii. And I don't think their politics agree with mine. Canada has 13 million acres of our farmland. Netherlands, 4.9 million; Italy, 2.7 million; UK, 2.5 million; Germany, 2.3 million; Portugal 1.5 million; France, 1.3 million; Denmark, 850,000; Luxemburg, 802,000; and Ireland, 760,000 acres of United States farmland. What in the world's going on? How does that happen? Who lets that happen? I found that on Forbes Business, in case you think I might be pulling that out of my rear.

But, anyway, we can't lose any more farmland. It absolutely cannot happen. We have to feed people. And thank you.

(applause)

Commissioner Browning: All right, John Milas and then Lacie Soler on deck.

John Milas: John Milas. I live in Mount Vernon, Washington. I just want to make some general comments on governance. So first a rhetorical question: Can the Commissioners name all five rights that are protected by the First Amendment? And if not, why? Also, those rights are realigned in our state constitution and I pulled it up here. Article I – the very first. "All political power is inherent in the people, and the" government derives that power from "consent of the governed,

and” it is “established to protect and maintain” their “individual rights.” So really the only comment that I wanted to make was I wanted to make sure that the Commissioners reflect upon what their seat here really is in representing the people and their individual rights. This is not a democracy. This is a constitutional republic. We don’t elect officials and then they make decisions for us. They do decisions *at our direction*. If you couldn’t answer that question, a basic question on the very first amendment of the United States, I will leave here five copies of the Constitution. If you want more, you can contact me easily. Thank you.

(applause)

Commissioner Browning: Thank you, John. Lacie Soler.

Lacie Soler: Hello. I’m Lacie Soler. It’s s, o, l, e, r, and I’m in Mount Vernon. I wanted to just make a little comment on the FCCs. I am just a resident of Skagit County, nobody special, but when the FCC idea was proposed even I could see what was potentially wrong with that proposal. And so I just wanted to share a little bit.

The idea that we need to approve going forward with FCCs or allowing FCCs or considering FCCs before we received all the details on how they would change our county and the burden they would place on the residents is like politicians saying they need to pass a bill in order to find out what is in it. How has that gone for our country? I would argue not well. That is simply a sneaky way not to address real concerns that real people have. Economic prosperity isn’t the only concern we have as a county. The changes in our county if FCCs are allowed would be drastic and permanent. As we see the food systems in our country and the world being strained and stretched, it is more important than ever to protect and safeguard our farmland that provides food not just for our county but for our state and other states as well. When farmland is changed into housing, it never returns to farmland again. This is one of the reasons I am against FCCs in Skagit County.

Also a suggestion for the Commissioners: As you work *for* the people, which we appreciate, but it also would be good if public hearings are held when the majority of people could come rather than right in the middle of the day, as most good, hard-working citizens are working at that time. So that’s a comment.

(applause)

Commissioner Browning: That’s it for our list.

Chair Wesen: So we have one on Zoom. Are you still there, Nora?

Ms. Rogers: (unintelligible)

Chair Wesen: Okay. Nora, are you there?

Ms. Rogers: Nora’s there, but – oh, there she is.

Commissioner Janicki: There’s a delay in connecting.

Chair Wesen: Go ahead, Nora.

Nora Kammer: (inaudible)

Chair Wesen: We can't hear you.

Commissioner Janicki: I doubt it's her fault.

Ms. Hammons: She's speaking but we can't hear her.

Chair Wesen: Are you speaking?

Commissioner Janicki: Just a second. She's back up. Brian, is this part of a delay on our end?
No.

Ms. Kammer: How about now, Commissioners?

Chair Wesen: Yes, good. Go ahead.

Ms. Kammer: Okay. All right. Good morning. Nora k, a, m, m, e, r, with Skagit River System Cooperative, speaking on behalf of the Sauk-Suiattle and Swinomish Tribes. We request the Board exclude this petition on the planning docket in regard to the Fully Contained Communities. We continue to have –

(sound disappears)

Ms. Kammer: ... planning must yet be completed by the County and the other Cities and jurisdictions in the area that stand to be affected – and, of course, the GMA Steering Committee. We continue to advocate that any process to consider FCCs here at the County or where the Commissioners are involved is as transparent and inclusive as possible, considering the scale of impact that may be realized. SRSC's primary concerns relate to the natural resources, water quality, water supply, water quantity, stormwater runoff, and setbacks from critical areas. An FCC development must not contribute to the degradation of the environment and fish habitat, and must incorporate meaningful planning measures that can effectively avoid impacts. We request that the Board exclude these petitions in the planning docket. Thanks very much.

Chair Wesen: Thank you.

(applause)

Chair Wesen: Go ahead. Is there anybody else hear who would like to comment? Go ahead and make your way up to the podium.

Connie Funk: Hello, my name is Connie Funk. Thank you, Commissioners, for allowing me to speak and adding me. I would just like to say if this is in closing that there are two ironically spectacular works of art in this room, both of them painted by local resident Richard Gilkey. And though I cannot speak for Richard because he's passed from this good life, I would ask that you take a close look now and as you leave this room because they speak so much more than words that I can share on the rural, agricultural land that we love so much here in Skagit County. So thank you, Richard. I feel the energy of your soul in this room now.

Chair Wesen: Thank you.

(applause)

Chair Wesen: One more on Zoom.

Scott Cameron: My name is Scott Cameron, c, a, m, e, r, o, n. I am a resident of Kirkland, Washington. I'm also a consultant with Skagit Partners and I'd like to address Fully Contained Community applications for review.

I have been involved with several master planned communities in the state of Washington, most recently the Lake Pointe Community in southeast King County that is being built on a fully reclaimed stone gravel pit, not on any farmlands. It will provide over 1500 housing units. FCCs are not urban sprawl. They are managed. They are reviewed. Going into all of the tax bases, all the services – schools, police, emergency services – these are things that have to be considered and *are* considered as part of this. It is the responsibility, in my opinion, of the County to at least review this to *prevent* sprawl. I am not for sprawl and never have been.

The other big important thing that we all are looking at these days is affordable housing. Mr. Krueger mentioned Tehaleh in Pierce County. If you look into the guidelines and the developer agreement that they are required to use, 10% of their housing has to be affordable, and that goes all the way down to 50% of income. These are important components of all communities, and then the Cities cannot provide this and they *are* actually out of compliance in doing both market rate and affordable housing. So I think it's the responsibility of the County to at least look at this – have something as part of their ability to manage growth.

And the last think I'll leave you with is look at the housing that is lacking for our military service people that are on Whidbey. They are coming all the way into Mount Vernon and we need to provide additional opportunities for them to have affordable housing. Thank you.

Chair Wesen: Thank you. Is there anybody else here who would like to comment?

(silence)

Chair Wesen: Anybody else online?

Ms. Hammons: There are others online but I'm not sure if they want to comment.

Chair Wesen: Commissioner Browning, do you have any comments?

Commissioner Browning: Well, I appreciate this many people coming out with strong feelings and really care about our community. So thank you all for joining. I really – this is exactly what – as it was pointed out by the gentleman, this is the democratic process, how we make sure that we all – all of our voices are heard. And I very much appreciate that so, again, thank you for showing up.

(applause)

Chair Wesen: Commissioner Janicki?

Commissioner Janicki: I had some thoughts. I think it's important to know that the Fully Contained Communities – I have to agree with Margery Hite. It's out of order in the sense that we're doing this before the Countywide Planning Policies, and we can't get around that. The GMA Steering Committee, which is composed of the cities – city mayors – and the three Commissioners, have had this discussion and the GMA Steering Committee is not interested in redoing the Countywide

Planning Policies in order to accommodate FCCs. So I guess maybe to kind of – it's better that you know where I stand. I just don't think that this is the right thing at the right time. We are severely short of housing. I worry about it all the time. There are new planning requirements – sorry for the acronyms. Growth Management Advisory Steering Committee is the GMASC. And there are new GMA Comp Plan requirements that we all are going to have to engage with. The Department did a presentation just last week on how House Bill 1220 tells us that we *have* to be able to plan for where permanent support of housing goes – like Martha's Place, which is opening this week, where there's case management 24/7 there. The 30, 50, and 80% AMI – Area Median Income units can be located, and a whole list. I think the list of bills – I'm looking to Sarah, our long range planning director – that there are – our Comp Plan process is going to be incredibly robust and it includes planning for all of those things. But the timing for this FCC is just out of order, and I will – I am going to support the Department's recommendation on that. Just so that those things –

(applause)

Commissioner Janicki: Well, partially so that maybe there'll be fewer emails coming into the general Commissioners' email box! Because there're some things that are really important still to hear about. But for me it's not that one. I can't speak for my other two, but that's where I stand.

Chair Wesen: I really appreciate everybody coming in and learning the local government land use policy process. As Commissioner Janicki mentioned, the GMA Steering Committee is going to be meeting the next year, and one of the things, the allocation of the population based on the housing units and so forth that we are going to be required to do, the Cities and the County are going to have to look at where the population and the increase is and how we're going to allocate those out. And it's up to the GMA Steering Committee to come up with how that allocation's going to take place. The Fully Contained Communities is definitely an option, but it has to be approved by the GMA Steering Committee and we have not been able to get them to agree with that. And so that's what this whole process is going to be. I have to agree with Commissioner Janicki. At this time I don't think it's right for Skagit County, but with our going through the GMA Steering Committee and the different changes we have to do with the Comp Plan Update, I think at some point in the future we have to look at it at some point, but not – this time is not going to be the right time to do it because we have to go through the GMA Steering Committee and get approval from them.

And some of the issues that were brought up – they need to understand that when you do this you – first it has to get on the docket, and that's when all the studies are done. That's when all the information is gathered. Right now it's just some information – this is what the proposal is. But just because you could docket it doesn't mean it's going to finish up at the end. You have to do all the studies, all the research, traffic studies, schools – all that has to be done before you come out to the end. And so we haven't had a chance for them to actually come up with a proposal. There're ideas, but nothing has been studied and looked at thoroughly to come up with the different options here. So that's my thought of what's going on at this time. So I really, once again, thank you all for being here. I appreciate all the time and effort.

Anything else at this time?

(silence)

Chair Wesen: So with that, we are going to adjourn.... With that, we're adjourned. Thank you (gavel).