

Skagit County Board of County Commissioners
Review: 2023 Docket Petitions
March 28, 2023

Commissioners: **Commissioner Ron Wesen, Chair (District 1)**
 Commissioner Peter Browning (District 2)
 Commissioner Lisa Janicki (District 3)

PDS Staff: **Jack Moore, Planning Director**
 Sarah Ruether, Long Range Planning Manager
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Chair Ron Wesen: (gavel) Good morning. I'd like to call this session of the Skagit County Commissioners to order. It is just at 12 o'clock on March 28th, 2023. We are here with Planning and Development Services dealing with our 2023 Planning Docket. Jack, do you want to start it out?

Jack Moore: Thank you, Commissioners. I'd like to turn over this presentation on the 2023 Docket to our long range planner, Jenn Rogers.

Jenn Rogers: Thank you. Thank you, Commissioners. My name is Jenn Rogers and I'm a long range planner for Skagit County Planning and Development services. And we're here today to introduce the petitions that are under consideration for the 2023 docket.

So first I'll just go a little bit into what this process looks like every year. The Planning docket cycle is a yearly process whereby citizens and staff can submit petitions to make changes to the Skagit County Comprehensive Plan and Development Regulations. Citizen petitions are due by the last business day of July each year for review by the County Commissioners in the following year. The process begins with review by the Commissioners. There will be a public hearing and public comment period, and the petitioners will be provided the opportunity to speak on their application, and staff will provide recommendations to the Board for which petitions we think should be docketed. The Board will then vote to approve which petitions to put on the docket, and that inclusion does not guarantee the petition will be ultimately approved but it does allow the petition to move forward for additional analysis and consideration by the Planning Commission.

So the Planning Commission will then host multiple work sessions to review the petitions and host their own public hearing, and then they will provide recommendations to the Board on which petitions should be denied or approved. That recommendation is taken under consideration by the Board, and then you will take final actions on each petition.

So today staff will just be presenting summaries of each petition, and recommendations and additional analysis on each one will be provided for the next Board meeting on April 11th.

So we have provided the Board with a memo detailing the docketing process and a short summary of each petition. We received five citizen amendments. There are two petitions which have been deferred from previous docket cycles and there are 11 petitions from the County this year. 2023 Docket applications and relevant documentation including today's memo can be found at our project website at skagitcounty.net/2023cpa. And I'll go into each petition now and I'll wait after each slide for questions by the Board.

So our first citizen-initiated petition is LR23-01, Dunlap Rural Reserve Rezone, and is brought by James Dunlap. This petition requests to rezone approximately 21 acres just south of the La Conner city limits from Agriculture Natural Resource Lands to Rural Reserve. This rezone would potentially allow the petitioner to build additional residential houses through a CaRD development. And the petitioner states the zoning was incorrectly mapped at the time they were designated ag because the parcels are on an uphill slope and do not contain soils of commercial significance.

So you can see an aerial map here on the screen. There's a clear delineation of the farmable lands next to the upland areas, which are more wooded. The proposed rezone is drawn in red here and the parcels are outlined in a thin orange line. So you can see where that change would be made if it was approved. The petitioner is requesting the rezone to follow the toe of the hill, and there are examples of this type of zoning designation between ag and residential zones in other areas of the county as well.

Do you have any questions on this petition?

Chair Wesen: Commissioner Janicki, any questions?

Commissioner Lisa Janicki: I guess I'm just used to more even – I mean, lines like that!

Chair Wesen: The toe of the hill is what she said, right?

Commissioner Janicki: Yeah.

Ms. Rogers: This is what's been proposed by the *applicant*.

Commissioner Janicki: So you're saying it's been done in other places as having a zoning with such an irregular boundary?

Ms. Rogers: There are other examples of how it follows the toe of the hill. The one example I looked at was more round. The mapping designation could change slightly if we wanted to make it a little bit more regular. This isn't the final approval amendment

Commissioner Janicki: Sure.

Ms. Rogers: That could change in the future, but this is what's been proposed by the applicant.

Commissioner Janicki: Okay. I don't have any questions right now.

Chair Wesen: Commissioner Browning, any questions?

Commissioner Peter Browning: No, I'm okay.

Chair Wesen: And so this includes – the red line isn't connected altogether so...

Ms. Rogers: It goes all the way up to the city limits. That thick, gray line is the city limits with La Conner.

Chair Wesen: Okay. And the 21 acres is you need to have 20 to get the CaRD? Isn't that what the –

Ms. Rogers: You need a certain amount for how many homes that he would like to develop, yes.

Chair Wesen: Okay, thank you.

Ms. Rogers: LR23-02 is the Chavda Rural Center Rezone, brought by Kesh Chavda. This petition requests to rezone one 2.65-acre parcel at the junction of Highway 20 and La Conner-Whitney Road from Small Scale Business to Rural Center. This would allow the petitioner to use the property for other commercial purposes, like a small storage facility and owner-operator caretaker quarters. The parcel was recently rezoned from Rural Reserve to Small Scale Business in 2014 under a different owner because the location was unsuitable for residential purposes, given its proximity to Highway 20 and the neighboring Shell gas station.

So first here's a parcel map of the zoning designations. You can see the property is just along Highway 20 at the junction with La Conner-Whitney Road, and the parcel is located just east of a few parcels zoned Rural Business and then is mostly surrounded by agricultural lands.

So you've got one more aerial map here. The petitioner owns both of these parcels, so one just west of the parcel being requested to be rezoned. The one on the left includes a Shell gas station and a coffee stand, and the parcel in question is only accessible through the Shell gas station property. The petitioner purchased both properties with the intent to be able to develop the parcel on the right for a commercial purpose, but the current designation doesn't allow them to use the property for a small storage facility.

Are there any questions on this petition?

(silence)

Chair Wesen: No questions? Commissioner Browning?

Commissioner Browning: Nope.

Chair Wesen: You said they want to use it for a storage facility?

Ms. Rogers: That's what they're thinking – a small storage facility and owner-operator caretaker quarters, which would be allowed in this zone but not in the Small Scale Business zone.

Chair Wesen: Okay. Thank you.

Ms. Rogers: LR23-03 is brought by the Port of Skagit for a Bayview Ridge rezone. This petition request (is) to rezone one 7.5-acre parcel, which has a split zoning designation along Peterson Road just west of the residential development on the top of the hill. The property is owned by the Port of Skagit and the rezone would give them more flexibility and industrial uses for the parcel. When a parcel is zoned Bayview Ridge Light Industrial and it's right next to a parcel that is zoned Residential, there is quite a large buffer required for those industrial activities. So the split zoning even further hinders their ability for the Port to use the property in its entirety.

I'll show you a map here so you can see. So the parcel has that small area in green, which is zoned Bayview Ridge Residential, and the rest is Light Industrial. So this split designation was approved during the 2014 update to the subarea plan when the new airport regulations were released, and there were large zoning changes to the residential areas because they were no longer compatible with the Airport Environs Overlay safety zones.

Are there any questions?

Commissioner Janicki: So functionality – if this goes to Light Industrial, then most of that green area's going to be the buffer. If we don't switch the zoning, then the buffer is going to have to buffer that green area.

Ms. Rogers: Right, it'd be a double buffer essentially. And the buffers are fairly large, depending on what activity you're discussing, but anywhere from 100 to 250 feet.

Commissioner Janicki: Okay.

Chair Wesen: Any questions? Thank you.

Ms. Rogers: LR23-04 is the Cummings Rural Intermediate Rezone, brought by Theodore Cummings. This petition requests to rezone one 10-acre parcel on Olga Road, just south of Anacortes, from Rural Reserve to Rural Intermediate. If the rezone is approved, the petitioner would like to then split the parcel into two pieces to build a second residence for his son. The parcel is currently within a Mineral Resource Overlay so it is ineligible for a CaRD development. Here's a map here of the parcels. That part in yellow is the parcel that is in question for a rezone. And then you can see kind of the faint tan overlay. That is the Mineral Resource Overlay that restricts development in that area, and it *is* abutting up against another cluster of Rural Intermediate-zoned parcels.

Are there any questions?

Chair Wesen: Commissioner Janicki?

Commissioner Janicki: Orient me a little bit. There was a – or there *is* a gravel pit that we had been in consideration of, and some appeals on some water table measurements. I can't – I'm too – is it further south is the pit that we were looking at?

(silence)

Commissioner Janicki: See I don't know where I – I'm –

Ms. Rogers: I can bring up the map and zoom it out a little bit. Would that be helpful?

Commissioner Janicki: It would be helpful for *me*, but if it's not – if you guys know where it is that's fine. I'm trying to get a – if you can _____, that'd be great.

(sound of keyboarding)

Commissioner Janicki: Oh.

Ms. Rogers: Does that make more sense?

Commissioner Janicki: Mm-hmm.

Chair Wesen: So is there active mining going on there? Because part of that's in the Anacortes Forest Lands, too, on the –

Ms. Rogers: I'm not sure about the Forest Lands question. Do you know about the ongoing mining activity? I do know they're within the overlay currently.

Chair Wesen: Yeah, they're in the overlay and that's what I meant, yeah.

Ms. Rogers: They are within the overlay, yes.

Commissioner Janicki: Okay.

Chair Wesen: Any questions?

Commissioner Browning: No.

Chair Wesen: Thank you.

Ms. Rogers: LR23-05 is our Rural Business Use Amendment. This petition requests the Department to amend the Rural Business zone to allow for more diverse commercial uses. This zone is a LAMIRD designation for commercial development existing prior to June 1, 1997, when the Skagit County Comprehensive Plan was adopted. So it does limit those types of commercial activities based on where they're at. The petitioner owns the parcel along Highway 20, which is zoned Rural Business, and is pretty limited on what she can do there.

So I'll show you a map here. So she's right up against the Urban Reserve designation for the City of Burlington, just east of Peter Anderson Road on Highway 20. So right now there's one home there that's being used for real estate sales – estate selling.

So the petitioner would like to operate a new business, which might be more beneficial to the community, but the current designation was intended to allow for continuation of commercial activities operating at the time of designation. So there isn't very much flexibility for her to use the property in a different way.

Are there any questions?

Commissioner Janicki: And the LAMIRD designation is the reason for that?

Ms. Rogers: It's limited, yes. Because the intent was that it allowed ongoing commercial activities that wouldn't necessarily be allowed after the GMA, so they put a buffer around those areas and allowed the continuation of the activity but not an expansion or a new one.

Commissioner Janicki: It's just an interesting location because, I mean, being right off of Highway 20.

Ms. Rogers: It's very accessible from the highway.

Commissioner Janicki: Yep. You've got the businesses there. So the idea is that once those businesses go away, then there is no replacement businesses that can be –

Ms. Rogers: It's very limited, what we have in the code. You know, old car storage, some environmental mitigation projects. It's not very comprehensive – the list of uses that are allowed.

Commissioner Janicki: Hmm. And we defined that or state law defines those things?

Ms. Rogers: I believe – well, state law dictated us to designate these uses when we created our Comprehensive Plan in the late '90s, but I'm not sure how they detailed the uses that would be allowed other than continuing to allow the use that was already there.

Commissioner Janicki: I mean, is there a way to – I guess I don't know how specific those uses are, but is there a way to more generalize what is considered an existing use? I mean, it's the same owner. For a LAMIRD, for that LAMIRD designation on that site.

Mr. Moore: That's something we'll be looking into with this petition – to see what flexibility we may have within state code, or state law, and considering the specifics or lack thereof of the petition.

Commissioner Janicki: Yeah. I was thinking that there's an upholstery shop on that property, too. And anyway –

Ms. Rogers: I think it's gone through a few iterations right now. I drive by it everyday and it's an estate sale business.

Commissioner Janicki: Okay.

Chair Wesen: But also there're homes in that area too, right?

Ms. Rogers: It's right up against a neighborhood. So all of the purple there is Rural Intermediate, because that was already developed prior to the GMA as well for housing.

Chair Wesen: Any comments, Commissioner? Thank you.

Ms. Rogers: Okay. So LR20-04 and LR22-02 are the two deferred petitions brought by Bill Sygitowicz of Skagit Partners to change the Comprehensive Plan, Countywide Planning Policies, and Development Regulations to allow for a future fully contained community. Given how significant the changes would be to the code and policies, GMA legal issues, and significant public interest, the petitions were split and addressed incrementally, which started with amendments to the Comprehensive Plan in 2020 and 2021. So LR20-04 was deferred by the Board in December 2021 to allow for the Skagit County Growth Management Act Steering Committee the opportunity to consider creating a population reserve. And LR22-02 was submitted to the County in July of 2021 and was deferred last spring for the same reason, until the GMA Steering Committee could consider adding that item to their work plan.

So the code does require us to bring back petitions which have been deferred for consideration on the next year's docket so that's why we have placed it back here.

Are there any questions as of yet?

Chair Wesen: Commissioner Janicki?

Commissioner Janicki: No questions right now.

Chair Wesen: Commissioner Browning?

Commissioner Browning: And when does the GMA Steering Committee meet next?

Ms. Rogers: I'm not sure. They just met in March, I believe. Do you know when the next date is?

Mr. Moore: I do not.

Ms. Rogers: No.

Chair Wesen: But that's supposed to take place in the next year or so, right? The allocation? Isn't that correct?

Ms. Rogers: They did not get on their work plan for this year for SCOG to evaluate, but the population allocations will be coming out this year.

Chair Wesen: Well, once the allocations have come out then there has to be discussion back and forth on how who gets what.

Ms. Rogers: Yes. So once the population allocations come out then the Cities will do and the County will do their own land capacity analysis to see how much of that population has been allocated to them they can take in. And then, so say one jurisdiction isn't able to take in that much growth, and there can be a discussion of whether or not to reallocate that growth to a different jurisdiction or expand a UGA.

Commissioner Browning: So if this was approved, would all the housing there be considered part of the city housing or part of the County's allocation?

Ms. Rogers: This petition will only change it to potentially allow for the application of a fully contained community, so it wouldn't immediately start the process. We'd still have to apply for one.

Commissioner Browning: Yeah.

Ms. Rogers: But the intent is that the Countywide Planning Policies need to be changed first, before we move with the Comprehensive Plan and Development regulations. Otherwise they would be in conflict.

Commissioner Browning: Okay. Great. Thank you.

Chair Wesen: Thank you.

Ms. Rogers: So we'll move on to the County-initiated petitions now. The first is C23-1, Seawater Intrusion Area Well Drilling Requirements. This petition would require information to be submitted prior to a well being drilled in a sole source aquifer. This would include a site plan with location, depth, and land elevation of the proposed well, and the depth and chloride levels of surrounding wells and a drilling plan. There is only one area in the county that is a sole source aquifer also with seawater intrusion areas, and that is Guemes Island. The intent of this petition is to try and work with applicants prior to the well being dug, to ensure that the least amount of impact is had on the sole source aquifer.

Are there any questions?

Chair Wesen: No questions?

Ms. Rogers: C23-2 is a "Qualified Professional" definition. This petition would amend the definition of "qualified professionals" to ensure the requirements by Skagit County are consistent

with surrounding jurisdictions. The amendments would increase the years of experience required from two to four years and would refer the definition of “stormwater professional” to the Skagit County Stormwater Manual definition. Qualified professionals are used to perform technical analyses of proposed development, such as site assessments, and as such need to have the necessary qualification, experience, and education to provide the right expertise for a project. The Department believes our current requirements are not quite stringent enough for the Skagit County environment, and, as thus, propose increasing those qualifications.

Are there any questions?

Chair Wesen: Commissioner Janicki, anything?

Commissioner Janicki: So I was just thinking I want to make sure that we’re not putting property development people in a bind about finding – I mean, we had a similar issue – I guess we were talking about a hydrogeologist or something that said the County hydrogeologist and it was pointing to a specific person inhouse, so I guess maybe that is a little bit different. But we’re increasing the level of licensure –

Chair Wesen: It's not even a license, is it?

Ms. Rogers: Just years of experience. The licensure would still remain the same.

Commissioner Janicki: So is it going to be a preapproval list that’s posted on our website so that people know who to go to, who’s been cleared, like we do for environmental health? That’s for septic, maintenance or installation. It’s a preapproved list. I just say this so people won’t have to go out on a treasure hunt to try to figure that out.

Ms. Rogers: Do we have a list, Jack?

Mr. Moore: Yes, we do. We currently maintain a list of various consultants, primarily related to natural resources, and their area of expertise. So they submit their qualifications and years of experience in order to be added to that list.

Commissioner Janicki: Okay.

Chair Wesen: Commissioner Browning, any questions on that?

Commissioner Browning: No, none. No.

Chair Wesen: I just – on the two to four years, you’re just going to – I’m just wondering what the thought is there. Just because they have more experience they’re going to know more? They’ve seen some fail, so they learn more? I mean, I’m just trying to understand what are we trying to get at? Because they still have to have a license, right?

Ms. Rogers: Mm-hmm.

Chair Wesen: And I’m assuming a license requires them to get some education or something?

Mr. Moore. Yes. That is correct. So our natural resource team does primarily the work with a lot of these consultants. And there are varying levels of requirements in other jurisdictions, anywhere from two to four, and our team felt that it would be – they believe because of the type of land that

we're dealing with on a regular basis, they thought that a higher level – or on the upper end of that scale would be appropriate for Skagit County.

Chair Wesen: Are we going to require the same thing for our staff? Or do we?

Mr. Moore: Well...

Ms. Rogers: It depends on the position. But the tasks that these qualified professionals would be required to do are much more technical and require a lot more expertise to be performed. That's why we contract out with them and require this work to be done by them. So we just want to make sure it's done at the highest level.

Chair Wesen: I understand that part, but I just don't want somebody with two years or four years' experience with a license to be told they can't do something. But you're saying if it's that four years, then you don't think there'd be a conflict? I mean, there's always conflicts of stormwater because it costs money to do all these things, so I'm just – I want to listen to it. We'll have a better understanding.

Ms. Rogers: I can check on the requirements for the license itself versus if any of them would be lower than the overall experience we would require for work in Skagit County.

Chair Wesen: And if it is one individual or one firm we have a problem with, I mean, they're – I don't think this is a way to fix that. That's what I'm getting at.

Commissioner Browning: Yeah, I'd be more impressed by a list of successful projects rather than years. That's always bothered me that you could have four years with very little experience within those four years or you could have two years of very intensified working on great projects. And so what would you rather have? So I'm trying to think about it. I guess I share the same – what we're trying to get at. The quality of the work may not be determined by the number of years but just the experience.

Chair Wesen: And the other issue is every year rainy season's different. I mean, you get sometimes you get a little bit of rain and sometimes a lot of rain. Yeah. Those are my questions or thoughts.

Mr. Moore: Thank you.

Ms. Rogers: Thank you. C23-3, the OSRSI Allowed Uses. This would amend the Open Space of Regional and State Importance zone to allow trails as an outright use. OSRSI zones are typically public parks or areas of environmental and cultural importance such as the Deception Pass State Park, Bayview State Parks, and the Skagit Wildlife Refuge. Currently trails and trailheads are administrative special use and this petition would allow trails *outright* but keep trailheads as a special use. And this change is requested because trails are an example of low-impact development that doesn't necessarily require additional review by the Department, which would be required if it was still a special use, and it clearly fits within the character and the intent of the OSRSI zone.

Are there any questions?

Commissioner Janicki: So when I think of "outright" and "permitted," so "outright allowed use" would be – so there's not a permit required then for just a basic trail?

Ms. Rogers: Correct. That's _____.

Commissioner Janicki: Allowed.

Mr. Moore: It's possible that you may need a permit. It's allowed outright within the zone, but there may be review required, depending on the specifics of the proposal. For instance, you know, in any zoning designation there may be things that are allowed outright without a special use. But we'd have to review the language of that petition to see if –

Commissioner Janicki: So it rolls it back from being an administrative special use to just being a permitted use. It still requires a permit.

Mr. Moore: Correct. The primary goal was to pull it out of the special use requirement. And I actually will need to look and get back to you on whether it's going to land as a permitted allowed use or an exempt use. That would be the two designations we're going to need to see where it lands.

Commissioner Janicki: Okay.

Mr. Moore: Jenn, is it possible to look at the –

Ms. Rogers: Yeah, I can do that.

Mr. Moore: Do we have any further specifics on that particular petition?

Ms. Rogers: Let me just bring it up here.

Commissioner Janicki: I just think, I mean, not all trails are created equally and if you're just going in with a machete and clearing a dirt path it's different than if you're going in and building bridges and putting, you know, curbs up or gravel down or – you know how much I hate crushed rock.

Ms. Rogers: So the intent is that it would go into this permitted use section.

Mr. Moore: Okay, thank you.

Chair Wesen: Commissioner Browning?

Commissioner Browning: No, I'm okay.

Chair Wesen: And just to be clear, I mean, do they still have to do a critical areas assessment on this trail or not? Because I could be going over a creek, it could be over a wetlands.

Mr. Moore: Yes, as a permitted use it's still subject to review by the Department, if that's where it lands. And nature trails are allowed in buffers but anytime they would cross a creek then – or go within the critical area itself there, it would require potential mitigation and other things.

Chair Wesen: But the critical area review would be the whole length of the trail, potential trail, right?

Mr. Moore: Yes.

Chair Wesen: I mean, you've got to –

Mr. Moore: Yes. Yeah, the Department would review it.

Chair Wesen: I know there's an issue over in Anacortes on one of their trails that had some –

Commissioner Janicki: In the forest.

Chair Wesen: In the forest and also along the ferry dock there.

Ms. Rogers: So C23-4 is Master Planned Resort Designation. This petition would amend code language to refer to a Master Planned Resort as a zoning designation and not a special use, to remain consistent with the Comprehensive Plan. So right now in the code section which details special use permits it refers to Master Planned Resorts as if it is a special use, but the Comprehensive Plan states the Master Planned Resort is a zone, not a use. So this would fix the inconsistency in that code language section.

Chair Wesen: Commissioner Janicki? Commissioner Browning?

Commissioner Browning: Would it change the rules, the use of – rule use and things like that, or would it change anything other than just the designation?

Ms. Rogers: It just changes – there's just – the way that the code is written in that particular section is incorrect. It wouldn't change the requirements you would need for a Master Planned –

Commissioner Browning: Okay. Okay, fine then.

Chair Wesen: Thank you.

Ms. Rogers: C23-5 is our Fire Marshal Code Amendment. So this petition would remove the requirement for structures built outside of a fire district to have a foam applicator for firefighting hoses. Firefighting foam can have dangerous materials and residents aren't necessarily trained on how to use them, and the foam is also commonly recalled or can expire, leading to potential issues for residents if they're unaware of that recall or expiration. And water is now more the accepted standard for firefighting. So this change would make firefighting standards safer for those residents outside of a firefighting district.

Chair Wesen: Commissioner Janicki?

Commissioner Janicki: Great.

Chair Wesen: So is this for a homeowner or for the fire districts, volunteer fire districts?

Ms. Rogers: It'd be for the structure – the owner of the property that built a structure outside the fire district.

Chair Wesen: Thank you.

Ms. Rogers: C23-6 is a Temporary Manufactured Homes Title Notice Requirement. This petition would require residents applying for a temporary manufactured home to submit a title notice for the property. These homes are only allowed for family members who have a medical need or for

one farmworker family to live near the farm. The Department has requested this change to ensure that temporary manufactured homes are being removed when they are no longer being used for those purposes, and especially if the property is sold with the manufactured home still on it, the new homeowner doesn't use them for other purposes like a rental property.

Chair Wesen: Any questions?

Commissioner Janicki: So are we – so as this has happened in the past, we just don't have an inventory or a listing of how many temporary manufactured homes have been installed?

Ms. Rogers: I'd have to see if we could run a search for ___ special use permit for that. Is there any – Jack, do you have anything to add on that?

Mr. Moore: Sure. Yes, we could run a list and do that. Currently we don't have a program for following up or doing annual licensing for those. So we have run into a number of code compliance issues where the, you know, special use permit had certain limitations; that time had passed; the home was supposed to have been removed but it remained on the property as a rental for sometimes more than 10 years or more. And then on occasion in the code compliance world we found that either the same owner owned it or the property has changed hands. So then it's a bit more of a difficult conversation to bring it up and start working toward rectifying that inconsistency with the original special use permit. This would just help keep people informed.

Commissioner Janicki: Yeah, and I think it is – I like the concept, because then someone who has moved into a temporary home to care for an elder in the main property and then, you know, the older generation passes and then they want to subdivide the property and don't understand the limitations of what that original – yeah – the original deal, the original placement of that required. So whatever we can do to make that more clear I think is good.

Ms. Rogers: Okay.

Chair Wesen: Thank you.

Ms. Rogers: C23-7 is a Flow Sensitive Basin Rules. This petition would just update the flow sensitive basin regulations in the critical areas ordinance, which have been superseded by the Skagit and Stillaguamish Instream Flow Rules. So the current code language refers to withdrawal limits that were set based on the 2001 Skagit River Basin Instream Resource Protection Program Rule. In 2006, Ecology implemented the Skagit River and the Stillaguamish River Instream Flow Rules. So this petition would just remove the old language that is no longer applicable and refer applicants to the new Ecology rules for each basin, which is what staff are doing currently.

Commissioner Janicki: It's good to get caught up!

Commissioner Browning: Good.

Chari Wesen: Yep.

Ms. Rogers: C23-8 is our Wind Turbine Use Amendment. So this petition is a continuation of work done on a similar proposal for the 2022 docket. And the Department is planning to work with the Planning Commission to create regulations for wind structures, so that could include removing the definition for "net metering" for wind, and for setting up other rules, or removing it entirely. We

are going to go to the Planning Commission and see if we can develop a proposal with all of them together.

Commissioner Janicki: Okay.

Chair Wesen: So was this going to be a big wind farm?

Ms. Rogers: No. It'd be for individual reviews still.

Chair Wesen: ___ individual property owner.

Ms. Rogers: Yes.

Chair Wesen: Need to be clear on that.

Ms. Rogers: I will. Thank you.

Chair Wesen: Thank you.

Ms. Rogers: C23-9 is a Primitive Campground Definition Amendment. So this petition would amend the definition of "primitive campgrounds" to clarify that minimal amenities should be shared among campsites. The language would also refer residents to regulations for recreational vehicles to ensure primitive campgrounds are limited to two RVs maximum with only one of them being inhabited. The Department has encountered issues in the county with small primitive campgrounds adding individual site hookups for RVs, which is a much more substantial impact than the primitive campground definition is intended for.

Are there any questions?

Chair Wesen: Commissioner Janicki? Commissioner Browning?

Commissioner Browning: No.

Chair Wesen: So you said two mobile – travel trailers or whatever, but only inhabited? Is that what you said?

Ms. Rogers: That's what our current regulations for RVs state on a property. You can have two but only one can be inhabited.

Commissioner Browning: Okay.

Chair Wesen: Thank you.

Ms. Rogers: C23-10 is our Countywide Planning Policies Update. This petition would adopt changes to the Countywide Planning Policies recommended by the Growth Management Act Steering Committee. The new language directs the County to disband the Boundary Review Board by June 30th, 2025. The Boundary Review Board was established by the state to provide independent review of certain actions proposed by cities, towns, and special purpose districts – most commonly, annexations. State law permits counties the power to disband the Boundary Review Board when a county and the cities and towns have adopted comprehensive plans and consistent development regulations pursuant to the Growth Management Act. And the GMA

Steering Committee has determined that Skagit County *has* met those requirements for disbanding the Boundary Review Board and voted on new CPP language in December 2021. So this petition will not disband the Boundary Review Board just yet. It would just adopt the new language which directs the County to disband it. So the Department plans to work on that change during our periodic Comprehensive Plan Update.

Chair Wesen: Commissioner Janicki? Commissioner Browning?

Commissioner Browning: It just said we already have disbanded the Boundary Review Board.

Ms. Rogers: We haven't disbanded it quite yet.

Commissioner Browning: Oh, we're close. Okay, I was trying to remember if we had or if it was – we're just out there. Okay, good. Okay.

Ms. Rogers: This would adopt new language in the Countywide Planning Policies which directs us to disband it.

Commissioner Browning: All right, thank you.

Chair Wesen: And we're allowed to because of the things you've already done.

Ms. Rogers: Correct.

Commissioner Browning: Yeah.

Chair Wesen: Thank you.

Ms. Rogers: C23-11 is our last petition. It's a General Code Language Clean Up. So this would amend some of the stormwater and wireless facility language to reflect inconsistencies found by the code revisers during the updates in 2022. They're very small housekeeping fixes. For example, changing all the references to "personal wireless facilities" and replacing it with just "wireless facilities" to reflect the new changes that we made to that code section. And we'll have a table with each section that has a small fix to it in our staff report.

Commissioner Janicki: So this is a miscellaneous category.

Ms. Rogers: Yes.

Commissioner Janicki: It's good to have. Yeah. I appreciate the work to get some of these things just finally cleaned up.

Ms. Rogers: Cleaned up and made the same as all the other sections is important.

Commissioner Janicki: Right.

Commissioner Browning: Yep, that's great.

Chair Wesen: Yeah. Thank you very much. A lot of different things there. You think you can get all of that done during the year?

Ms. Rogers: Well, the next hearing we'll talk about which ones we think should be excluded from the docket or included. And, yes, we only put things on the docket that – for the County, at least – that we knew we'd be able to handle on their work plan.

Commissioner Janicki: So, Jenn, how does this fit into our Comp Plan, the big update. Are we – is it a 2025?

Ms. Rogers: The periodic update is due June 2025 so this will be our last – hopefully our last *docketed* set of changes before that comprehensive update. So we are only allowed to change it once per year so just depending on how long this docket takes to change. But the next one will be our periodic update most likely. Does that make sense?

Commissioner Janicki: And depending on what this legislature completes, or maybe it's already – well, I guess the Governor hasn't signed – but that we will have to have a section on climate change response within our Comp Plan.

Ms. Rogers: I believe so.

Commissioner Janicki: Will that be due by the 2025 cycle?

(silence)

Commissioner Janicki: Okay, we don't know yet.

(laughter)

Ms. Rogers: We will have more information on the periodic _____.

Commissioner Janicki: That was the bill going through and I actually don't know where it ended up about the – within the climate change and having to follow certain metrics –

Ms. Rogers: Yes.

Commissioner Janicki: – to define that and measure. Okay. And the request was that there would be funding for any of the counties that had to do that additional work, including Skagit. Skagit was one of the additional counties – that there's funding for that planning agreement.

Ms. Rogers: Okay, great.

Commissioner Janicki: Okay, great.

Chair Wesen: Anything else for us?

Ms. Rogers: This is the schedule here up on this last slide for the docketing process, so our next meeting will be on April 11th at 9:45. So that will be to go over – we'll have additional analysis and the recommendations from the Department on each petition. And there will be an open written comment period from April 6th to April 26th. A public hearing will be held on April 24th at 11 a.m., and then the Board is set to deliberate on a docketing resolution on May 8th at 10:30 a.m. And that's all I have.

Commissioner Janicki: I think I'm out of town on May 8th. I guess we can check that.

Commissioner Browning: And I'm assuming that none of these can be addressed through (an) administrative variance? They're all –

Ms. Rogers: In what? What do you mean?

Commissioner Browning: Some of the others, about just changing use of a property can't be done through – it has to be done through this process, not administrative variance.

Ms. Rogers: This is the way that we have set out to change development regulations, comprehensive plan – through the docket.

Commissioner Browning: Yeah. Okay.

Commissioner Janicki: Okay. Thank you.

Chair Wesen: Lots of information there and the public comment will be accepted in writing April 6th through the 26th, so they have 20 days. And all this information is on the website right now?

Ms. Rogers: Yes.

Chair Wesen: So the public can look at it and make some comments.

Commissioner Janicki: And are the – well, I guess when you post for a public – so the period opens before our next work session, so actually there's an opportunity for folks to opine on what things are going to be recommended to move forward or what things shouldn't be. They can impact that decision point.

Ms. Rogers: They can certainly take our additional analysis into consideration for their comments, but the comment period must be open for a certain amount of days before a public hearing so it will open a little bit before our second work session.

Commissioner Janicki: Okay. Great.

Chair Wesen: Anything else here?

Mr. Moore: No. Thank you, Commissioners.

Commissioner Janicki: Sarah, do you have anything else?

Sarah Ruether: You did such a homerun job!

Ms. Rogers: That's only because I got collaboration from everyone before I came in!

Commissioner Janicki: Okay. Thank you.

Chair Wesen: Okay, if there's nothing else, with that we're adjourned for the day. Thank you very much (gavel).