

**Skagit County Board of County Commissioners
Deliberations and Possible Action:
2023 Comprehensive Plan Amendment Proposals
May 8, 2023**

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

PDS Staff: **Jack Moore, Planning Director
Jenn Rogers, Long Range Planner**

Chair Ron Wesen: (gavel) Good morning. I call this session of the Skagit County Commissioners to order. It's a little after ten o'clock. We're on May 8th, 2023. Please join me in a salute to our flag.

(Everyone recites the Pledge of Allegiance together.)

Chair Wesen: Jack?

Jack Moore: Good morning, Commissioners. Today we are going to do a presentation and possible deliberations on the 2023 docket, and before that I'd like to turn it over to our long range planner, Jenn Rogers.

Jenn Rogers: Thank you. Thank you, Commissioners. So I just have a few slides to go through the public comments that we received during the comment period, so I'll just review those really quickly here.

First, the – so the docketing process is our yearly Comprehensive Plan amendment process where citizens and County staff can suggest changes to our Development Code and Comprehensive Plan. As seen here on the screen, we're at a fourth step here, deliberating on which petitions will be included on the 2023 docket. We've had two work sessions so far, a public comment period, and a public hearing to hear comments on the petitions put forth this year. As a reminder, a decision to docket today does *not* constitute final action on the proposal. Docketing the proposal just means it'll go forward for Planning Commission review, SEPA evaluation, and additional public hearings and public comment periods. The Planning Commission will ultimately make a recommendation for each petition later this year and those recommendations will go back to the Board of County Commissioners for final adoption or denial, probably later at the end of 2023.

So all of the original docket applications, all of our previous memos, including today's memo, all of the public comments are included on our project webpage at the link on the screen. It's at skagitcounty.net/2023cpa.

So Skagit County Code requires the Department to provide a recommendation to the Board for which of the petitions should be included on the docket. And the Department evaluates petitions by the following criteria:

- Does the petition comply with the filing requirements?

- Can it be reasonably reviewed by staff in the work plan this year?
- Does the proposed amendment require any additional amendments, and is it consistent with the 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 of the proposal?
- And does the proposal lack any of the sufficient information for the Department to review?

So I'll go forward and briefly review the comments we received during the comment period. Nearly all the comments we received were about Fully Contained Communities, and then we received a few comments on two other petitions.

So we received 97 written comments, as well as several hundred petition signatures from individual Skagit. Three of those comments were in support of the proposal for Fully Contained Communities and 94 were against. There were also 14 commenters at the public hearing. Three of those commenters were in support and the rest were against the proposal.

So the comments in opposition focused on the potential for the loss of the rural way of life due to increased traffic, runoff, concerns on water use and infrastructure. And the commenters were also concerned about the potential for sprawl and would prefer to see growth happen in the cities.

The next petition with a couple of comments is C23-1, the Seawater Intrusion Area Well-Drilling Requirements. This petition would amend the critical areas code to require an application and supporting documentation to be submitted prior to any well being drilled in a sole source aquifer with documented seawater intrusion. So the only area in Skagit County that meets those requirements is Guemes Island. So we received three written comments, and Michael Brown with GIPAC testified in support of the petition at the hearing. So Skagit Land Trust and GIPAC are in support of the petition because it would increase review and consultation prior to a new well being drilled on Guemes Island. Friends of Skagit County wrote in opposition to the petition because they believe the requirements should be extended countywide and not just for a specific location.

The last petition which received multiple comments is C23-8, the Wind Turbine Use Amendment. And this petition is a continuation of work from the 2022 docket, and the staff will plan to work with the Planning Commission to fix an inconsistency in the code with regards to wind turbine use in Skagit County. So we received two written comments and three people testified at the hearing. The comments were all in opposition to docketing this petition because they stated wind turbines can be harmful to wildlife; are not efficient; and can have negative effects on neighbors due to noise and vibration. The commenters also stated there is not enough wind to support wind installations and they are not true green energy sources.

There is one testimony staff would like to respond to with regards to LR23-04, the Cummings Rural Intermediate Rezone. This petition would rezone one 10-acre parcel from Rural Reserve to Rural Intermediate. The parcel currently lies within a Mineral Resource Overlay and is ineligible for a CaRD development, which is relevant because they would like to split the parcel and build a second residence. Staff has recommended this petition be excluded from the docket because the Rural Intermediate zone is a LAMIRD designation, which means it is a Limited Area of More Intense Rural Development, and these areas are meant to contain growth which occurred in the rural area prior to the enactment of the Growth Management Act in 1990.

The petitioner argued during his testimony that Washington Administrative Code *does* allow for the County to expand LAMIRD designations by citing the WAC 365-196-425, which states “Once a logical outer boundary has been adopted for the LAMIRD designation, counties may consider changes to the boundary in subsequent amendments. When doing so, the county must use the same criteria used when originally designating the boundary and counties should avoid adding new, undeveloped parcels as infill, especially if doing so would add to the capacity of the LAMIRD.”

The GMA requires counties to establish LAMIRD boundaries based on the preservation of existing neighborhoods and communities using physical boundaries such as bodies of water, streets or highways or landforms, the prevention of normally irregular boundaries, and encouraging the ability to provide public facilities and services in a way that does not permit low density sprawl.

The applicant’s petition to rezone into a LAMIRD does not meet these criteria, based on the Department’s recommendation, and it would potentially allow for additional infill development, which the GMA encourages the County to not do.

So staff are asking the Board to take one of three actions available for each petition, and that is to either include, exclude, or defer the petition for a future docket or work program. So we’ve prepared a resolution for you to consider today.

And with that, my presentation is concluded unless you have any other questions.

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

Commissioner Peter Browning: No, but thank you.

Chair Wesen: Commissioner Janicki?

Commissioner Lisa Janicki: And I promised I wouldn’t ask any questions about – I’m confused. I thought the LAMIRD consideration was on the parcel along Highway 20 where the Shell station is and that additional part/packet – a parcel is there.

Ms. Rogers: There’s a couple of the rezones included that they’re trying to rezone into a LAMIRD designation. I just wanted to highlight that particular one because the petitioner himself testified at the hearing.

Commissioner Janicki: Okay, because that’s the one that’s out on South Fidalgo that’s in an MRO.

Ms. Rogers: That’s the MRO one, yes – the Mineral Resource Overlay.

Commissioner Janicki: So the LAMIRD language also applies to the parcel that’s in the MRO?

Ms. Rogers: Yes. They are also requesting to be rezoned into a LAMIRD designation.

Commissioner Janicki: Got it. Okay. Yep. Thank you.

Ms. Rogers: Mm-hmm.

Chair Wesen: Can you go back to your circle graph with all the different things there? This is really important that everybody really understands this is the process here. Because the last business day in July anybody can petition on anything, correct?

Ms. Rogers: Correct.

Chair Wesen: So we, as County Commissioners, don't get to say yes or no until they petition, so you as a property owner or other applicant have to petition to do that. And then you go through the different comments and so forth, and right now we're at the docketing stage and the docketing stage is when the three of us decide if we're going to do any more studies on it or not. So we don't expect to have any studies or anything done ahead of time. It's just after we decide to docket it that we okay staff and so forth to go ahead and do all the extra work on it. So that's why there's a lot of things that come forward that we do not have adequate information on because we haven't done any work to do it.

Ms. Rogers: Correct.

Chair Wesen: But that's just the way Growth Management works. I think everybody really needs to understand that. It's not we decide what comes forward; it's the petitioners decide what comes forward. So I just think people really need to understand that because it's really important how Growth Management is laid out here. So thank you for that.

Commissioner Janicki: Well, the other piece of that that I'm very mindful of is, What is the workload capacity of the Department? So, you know, probability of a successful outcome; a sense of urgency because there's something that is very timely; and what is the workload of the Department. Because without that prioritization that permitting software package is not going to get done.

Chair Wesen: And one of the things that's going on right now is we're having to comprehend some salary survey and so we're looking at bumping up a lot of our different salaries, but we understand that that will probably mean we'll have less staff going forward after this happens just because of the way – salaries are going to cost more so we're going to have less people to make things happen. So that's one thing we are very conscious of going forward.

Any other comments?

Commissioner Browning: No, no. That's very important, though, because I'm sure we all got a few emails this last week.

(laughter)

Chair Wesen: Do I have a motion from one of you?

Commissioner Browning: Yes, I move to establish the 2023 Docket of Proposed Comprehensive Plan, Policy, Code, and Map Amendments as indicated on Exhibit A of the resolution.

Chair Wesen: I will second that. It has been moved and seconded to establish the 2023 Docket of the ___ Comprehensive Plan, Policy, Code, and Map Amendments as indicated on Exhibit A of the resolution. Any more discussion?

Commissioner Janicki: So the one that gives me pause is actually the wind turbine. And I want to say that I know – and I paused twice on it because it's a Department request and I don't take those lightly. But when I look at the length of time, it has been more than 10 years since anyone's even *requested* a wind turbine. When I look at the amount of time the Planning Commission spent discussing wind turbines; when I look at the level of agitation that is created by saying that is a topic, I don't feel the sense of urgency to reconcile. I understand from the legal side that there's an inconsistency with what the definition – there's a definition with no underlying code. But I don't think that that is urgent enough to bring it forward to open up the level of – there are going to be a lot of really important things to be discussing in this county, and stirring the pot over wind turbines when there's been no one applying for those is – that gives me a little bit of heartburn. So that was the one. And it's not critical but I would really like to have that one removed from the move-forward list.

Chair Wesen: Commissioner Browning, any comments?

Commissioner Browning: No, I share, I have the same concerns. I don't see that it is worth – we have a tremendous amount of time invested. We've got a lot of very important issues that need to be addressed in this county and I –

Commissioner Janicki: So can we approve the list minus that C23-8?

Chair Wesen: Would you like to make a motion to amend by striking out C23-8? Is that what it is?

Commissioner Janicki: I just – Director Moore, does that give you greater heartburn by *not* having it reconciled? Can we leave it unreconciled? Or are there pending applications that I am just misspeaking? That could be happening too.

Mr. Moore: No, Commissioner, there are no pending applications right now. And no, it does not. It was just something – an irregularity in code that we had noticed and were, you know, just suggesting a resolution just to make it vividly clear to people so there wouldn't be misunderstanding. But I appreciate your comments and especially, you know, the comments that were made about just staff time and prioritization of work. So out of everything, you know, if this is the way it goes, the Department certainly could work with that.

Commissioner Janicki: Okay, then I will make – so is it a motion?

Chair Wesen: Amend the motion by striking C23-8.

Commissioner Janicki: Yes, that's my motion.

Chair Wesen: Do you second that?

Commissioner Browning: I would second that friendly amendment.

Chair Wesen: It's moved and seconded to amend the motion by striking the wind turbine use amendment, which is C23-8. Any more discussion on that amendment?

(silence)

Chair Wesen: All those in favor of that amendment, say "aye."

All Commissioners: Aye.

Chair Wesen: All those opposed?

(silence)

Chair Wesen: Motion passes (gavel). So now we have the amended motion. Any more discussion on the amended motion, which is everything included except that – as recommended by staff – except C23-8? Any more discussion on that?

(silence)

Chair Wesen: All those in favor of the amended motion, signify by saying “aye.” Aye.

Commissioners Janicki and Browning: Aye.

Chair Wesen: All those opposed?

(silence)

Chair Wesen: Motion passes (gavel). Anything else to come forth at this time?

Mr. Moore: No, Commissioners.

Chair Wesen: Thank you very much, Jenn, for all the work on this. Now you have something to do with your Planning Commission! So with that, you’ll probably have to write something up a little different so we can sign it. And we will be adjourning...so with that, we’re adjourned. Thank you.
(gavel)