

**Skagit County Planning Commission
Work Session: 2023 Docket
May 9, 2023**

Planning

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

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

Acting Chair Tammy Candler: (gavel) I'd like to call to order this Skagit County Planning Commission meeting of Tuesday, May 9th, at 6 p.m. The first thing we need to take care of is roll call. I'll just call roll. Tim Raschko is not present. He is out today. Tammy Candler, Vice Chair, present. Amy Hughes?

Commissioner Amy Hughes: Yes.

Chair Candler: Mark Knutzen?

Commissioner Mark Knutzen: Here.

Chair Candler: Vince Henley, I do not see, and I believe he mentioned at the last meeting he wouldn't be here. Kathy Mitchell?

Commissioner Kathy Mitchell: Here.

Chair Candler: Martha Rose?

Commissioner Martha Rose: Here.

Chair Candler: Jennifer Hutchison?

Commissioner Jennifer Hutchison: Here.

Chair Candler: And Joe Woodmansee?

Commissioner Joe Woodmansee: Here.

Chair Candler: Moving on, do we have a motion to approve the minutes?

Commissioner Hutchison: I so move.

Commissioner Knutzen: Second.

Chair Candler: It's been moved and seconded to approve the minutes. Is there discussion?

(silence)

Chair Candler: All in favor?

Multiple Commissioners: Aye.

Chair Candler: Any opposed?

(silence)

Chair Candler: Motion carries. The minutes are approved. Moving on to the next agenda item, Public Remarks. This time on the agenda is an opportunity for anyone to speak to the Planning Commission about any topic except items scheduled on the agenda for a public hearing the same day or items that have had a public hearing and are still under Planning Commission deliberation. Public Remarks, which is not part of the formal public participation process for any development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total. I don't see anyone in the room that appears to want to make remarks. Is there anyone – are we doing a Zoom tonight? Is there anyone on Zoom that would like to speak?

Jenn Rogers: If you'd like to speak, please unmute your mic and indicate that you would like to provide remarks.

(silence)

Ms. Rogers: No one is unmuting their mic as of this point.

Chair Candler: Thank you. Hearing from no one, we will move on to the fourth item, which is the 2023 Docket Work Session. And I don't know which – it looks like Jenn Rogers is going to be speaking.

Ms. Rogers: And I'll just wait a moment for the Zoom to come back over to the presentation.

(pause)

Ms. Rogers: Okay, great. So thank you, Commissioners. Like you mentioned, today we are here to introduce the petitions that have been included on the 2023 docket. And again, my name is Jenn Rogers and I'm a long range planner for Planning and Development Services.

So the Planning docket cycle is a yearly process where citizens and County staff can suggest changes to the Skagit County Comprehensive Plan or development regulations. Yesterday the Board of County Commissioners approved a resolution to establish the 2023 docket and it includes two citizen-initiated petitions and 10 petitions brought forward by County staff. So today we'll just review summaries of those petitions and answer any questions you might have and take any feedback from you for future analysis on these petitions.

So if anyone is interested in looking at the original applications, they are included on our project website at the link on the screen, skagitcounty.net/2023cpa, and that includes the applications, all of the staff reports and memos that we provided to the Board during the docketing process, and the public comments received on those petitions during the first public comment period.

So last week I provided you all with the staff report that we sent to the Board when we provided recommendations for docketing on each petition. Yesterday the Board voted on a docketing resolution, so I can let you know which petitions that are included in your memo in front of you that were actually excluded from the docket. So those would be LR23-02, Chavda Rural Center Rezone; LR23-04, Cummings Rural Intermediate Rezone, LR23-05, Rural Business Use Amendment; LR20-04 and LR22-02, Fully Contained Communities; and C23-8, a Wind Turbine Use Amendment. So all of those petitions are *not* included on the 2023 docket and will not move forward for consideration by the Planning Commission. Are there any questions on that thus far?

Chair Candler: I did not catch all those, but it looks like there's a hand – Commissioner Woodmansee, you had a question?

Commissioner Woodmansee: Yeah, I have one question. Yeah. How many of these were citizen and how many were staff?

Ms. Rogers: All of the ones that start with "LR" are citizen-initiated, and if it starts with "C" then it's County-initiated.

Commissioner Woodmansee: Okay.

Ms. Rogers: Are there any other questions before I move on to the petitions?

Chair Candler: I saw another hand. Commissioner Knutzen?

Commissioner Knutzen: I noticed the citizen petitions, the Board of County Commissioners followed that recommendation?

Ms. Rogers: Yes.

Commissioner Knutzen: But on the Department amendments, there's one that's C-23, the Wind Turbine, they didn't.

Ms. Rogers: They did not.

Commissioner Knutzen: Correct. Is there any reason that you can state publicly why they include or exclude?

Ms. Rogers: They decided given the amount of public feedback on that petition that it wasn't the best use of staff time moving forward, especially with how many petitions are on the docket for this year.

Commissioner Knutzen: Mm-hmm. The windmill one in particular?

Ms. Rogers: Yes.

Commissioner Knutzen: Okay. Okay, thank you.

Commissioner Mitchell: Anybody else?

Chair Candler: I got caught up but thank you. I think we can move on.

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

So you can see on the map on the screen there's a clear delineation of the farmable lands next to the upland areas, which are wooded. So the proposed rezone is drawn here in red and the parcels themselves are outlined in that thin orange-yellow color. So the petitioner's requesting that the rezone follow the toe of the hill and there are other examples in the county where this type of zoning designation between Ag and Residential following that toe of the hill is used. The zone surrounding the parcels include the Town of La Conner just north, with Agricultural lands and Open Space of Regional or State Importance-zoned properties to the south. So the time the County designated resource lands, properties were zoned Agriculture based on soils of commercial significance and existing farming activity. And Washington State Code does allow for natural resource lands to be redesignated for a variety of reasons, including an error in designation or new information has been presented on natural resource lands related to the designation criteria.

Are there any questions on this petition?

Chair Candler: Commissioner Hutchison?

Commissioner Hutchison: Oh, thank you, Chair. I wonder if developing this area – do we know what the CaRD would entail as far as how many structures they plan to develop here and what kind of impact that might have on the farmland below?

Ms. Rogers: So I believe it's just one home that they want to add, so they'll reconfigure the parcels a little bit afterwards, but all of that process would go through its own review process after the rezone. So it's not dependent on each other. It's just what they're hoping to do afterwards.

Commissioner Hutchison: Thank you.

Chair Candler: Commissioner Hughes?

Commissioner Hughes: Did you say there'd be four parcels on the hill after this?

Ms. Rogers: I'd have to check to see how many parcels they would *hope to* include. I believe it's four right now. There are multiple owners.

Commissioner Hughes: So the two yellow boxes that we already see that's been developed –

Ms. Rogers: There are two homes there, yes.

Commissioner Hughes: Okay, those are existing.

Ms. Rogers: Yes.

Commissioner Hughes: So there'd be four more.

Ms. Rogers: No, I believe it's just one more –

Commissioner Hughes: Just one more.

Ms. Rogers: – that they're hoping to add through a CaRD process. So we'd have to do a little bit of reconfiguring with the parcel lines.

Commissioner Woodmansee: Chair?

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: In the Rural Reserve zoning, I believe it's one per 10?

Ms. Rogers: Correct.

Commissioner Woodmansee: And then you can do a CaRD and end up with two.

Ms. Rogers: And get a density bonus, yes.

Commissioner Woodmansee: So you could have a total of four on this 21 acres.

Ms. Rogers: Correct, up to four. Yes, I believe that's right.

Commissioner Woodmansee: That's what the new zone would allow typically, a maximum of four on the 21 acres with a CaRD – as I understand it!

Chair Candler: Anybody else – questions?

Commissioner Hughes: A further question. I guess that further confused me. And maybe I just read everything else and I need to go back to the first one. But they have two existing homes. They're looking for one more on the toe of the hill. But with a CaRD and the amount of NRL grounds, they could have more.

Commissioner Woodmansee: One more. A total of four.

Commissioner Hughes: A total of four.

Ms. Rogers: Mm-hmm. I believe that's right. Jack, am I –

Jack Moore: I believe so. I could verify that.

Commissioner Woodmansee: There's two that are existing. And because it's 20 acres there could be one per 10 and then there could be one additional per 10 if they did a short CaRD.

Commissioner Hughes: Okay.

Commissioner Woodmansee: And that would be the max.

Commissioner Hughes: And so will there be a question of when that decision whether one or the CaRD, or will that come back at a later time to allow the CaRD to go through? How would the process go?

Ms. Rogers: If the rezone is approved, then they would apply for the CaRD development with our department. That would be a separate process. That wouldn't necessarily go through the Planning Commission.

Commissioner Hughes: Oh, okay.

Ms. Rogers: So it goes through its own review process and they still have to apply for all the necessary permits to, you know, put a new home in. They have to do the review process and make sure that impact would still fit with the other uses in the area.

Commissioner Hughes: Okay, but for now the –

Ms. Rogers: For now it's just a rezone.

Commissioner Hughes: A rezone for one more house.

Ms. Rogers: That's what they're hoping for, but that doesn't automatically grant them that ability. It just –

Commissioner Woodmansee: What they're asking for now is just a rezone. That's it. No other house, just a rezone.

Commissioner Hughes: Okay. Okay. Thank you.

Chair Candler: I have a question.

Ms. Rogers: Yes?

Chair Candler: Is the – I don't know if north is up in this picture, but is the northern boundary the city limits then or would the –

Ms. Rogers: Yes, they are right along the city limits.

Chair Candler: Okay. Anybody else?

Commissioner Knutzen: I do have a comment. You notice on the color screen there on the upper lefthand corner, they've actually outlined around that green area? And what that is is that is – if you look at the soils map, that is the same as the farm ground down below. So they've actually cut that out, so they are true to the soil type there.

Ms. Rogers: Correct. That's –

Commissioner Knutzen: What they do – I mean, it looks like here if you didn't know the field you'd say, Well, why doesn't that red line just go straight across the tops? But they've outlined around that green area. That's what – if anybody had been to the Pioneer Picnic that's where people park. That's the overflow parking. And it's all barn ground so they've actually – to me, that's credibility with the petitioners because they haven't tried to sneak something in. They've actually

gone and – if you look at a soils map the red line follows the soil map, and that's the rocky outcroppings which La Conner is. It's a big rock. Anyway....

Ms. Rogers: They want to keep as much of the farmable lands in that designation.

Commissioner Knutzen: Yeah, they're true to the zone and I agree with them 100%. It was miss-zoned at the time and nobody caught it, nobody thought about it, and now they want to address it.

Chair Candler: Is the property across the – what looks like a driveway – from that different soil, do you think?

Commissioner Knutzen: There's a road there, Conner Way.

Ms. Rogers: There's some better pictures where you can kind of see the hill in their application. If you go – that's on our project webpage – if you go to their application, they provided a lot of photos and I'm sure when they come and do their presentation I can have them highlight that, too.

Chair Candler: Okay, thank you. Anything else?

(silence)

Chair Candler: All right, not at this time.

Ms. Rogers: And there's actually another map. So here you can see the difference between the zoning designations here. They are red like in the city limits on the north there.

Mr. Moore: And Chair? To answer that previous question, Rural Reserve CaRD land division would be two per 10, so that was correct. So four per 20.

Ms. Rogers: So LR23-03 is the Port of Skagit Bayview Ridge Rezone. It is brought by the Port of Skagit. The petition is requesting to rezone one parcel, which has a split zoning designation, along Peterson Road just west of the residential development on the top of the hill up there. The property is owned by the Port of Skagit and it's located within the Bayview Ridge Subarea Plan. The rezone would allow more flexibility and industrial uses for the parcel. When a parcel is zoned Bayview Ridge Light Industrial and it buffers up against a property that is Bayview Ridge Residential, there is quite a large buffer that is required for any industrial activities on that parcel. So by having that split zoning designation they're further buffering their allowed uses on that parcel, so rezoning the parcel so it's all Bayview Ridge Industrial would certainly help their efforts to make sure that that property can be used for industrial purposes.

So you can see on the map here where the parcel has a small area in green, right up here on the right corner up there. So the yellow part is all Bayview Ridge Industrial. That green section is Bayview Ridge Residential and the blue next to it is all Bayview Ridge Residential.

So this whole area that is listed as Bayview Ridge Light Industrial used to be zoned for residential. Prior to the 2014 Bayview Ridge Subarea Plan Update, which a few of you did work on not that long ago, the Washington State Department of Transportation released new regulations which increased the size of flight path overlay safety zones. And the new safety zones meant that there were large areas zoned for housing in the Subarea Plan which were no longer compatible with

residential uses. So the Port of Skagit formally requested the County amend the Subarea Plan to reflect the new Airport Environs Overlay maps and safety zones. And the updated Subarea Plan adopted in November 2014 changed approximately 110 acres of residential zones to Bayview Ridge Light Industrial.

So this was the map that was one of the attachments for the update, and you can see here ___ real small up here, that's where that parcel is. It's right abutting against all that area that was already developed as residential. So when the new maps were approved, just this one parcel was left with a small split-zone designation, so they are applying for a rezone to make that all Bayview Ridge Light Industrial.

Are there any questions on this petition?

Chair Candler: Go ahead.

Commissioner Knutzen: I'm just curious as to why it wasn't rezoned that to begin with?

Ms. Rogers: You know, I've looked through a lot of the documents for that update. It was also around the time we did quite a large update to the Bayview Ridge Subarea Plans. There was a lot of other changes that were happening at the same time. So I'm not sure how this split zone was ultimately included and why it might have been included. I've looked at transcripts, the old memos, documents, proposals. I haven't been able to find a reason why it was left that way.

Commissioner Knutzen: It does like the 7.54 acres is – on this map it looks like it's two different parcel numbers. But if I'm not mistaken, it was under the same ownership. Yeah. Oh no, it's not 87 and 94. It's all part of parcel P21003.

Ms. Rogers: Correct. So that part that is zoned residential, that part in green – is part of parcel 21003 so that –

Commissioner Knutzen: Well, why on earth would you carve 7.54 acres out of a parcel?

Ms. Rogers: I do not have a good answer for you on that.

Commissioner Knutzen: There is no good answer for that probably. Thank you.

Ms. Rogers: Are there any other questions?

Chair Candler: I have a question. Part of this public process will involve mailing to these parcels. Do you know how far that will go?

Ms. Rogers: Three hundred feet.

Chair Candler: Three hundred feet. So –

Ms. Rogers: I haven't done the list yet to see how many parcels will be included, but it'll probably be quite a few given how dense that neighborhood is right there.

Chair Candler: Right. Okay, thank you. Anybody else have a question?

(silence)

Chair Candler: Okay. Thank you.

Ms. Rogers: Okay, so we'll move on to the County-initiated petitions. The first one is C23-1, the 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 with documented seawater intrusion. So the only area in the county that meets both those requirements would be Guemes Island. So the information required would include a site plan with location, depth, and land elevation of the proposed well, and the depth and chloride levels of surrounding wells, as well as a drilling plan. So this would all be required to be submitted to the County prior to drilling a new well on Guemes Island. Currently there is only County review of a well if a person applies for a development permit attached to the use of a well in that area. So with the proposed change, now applicants would need to submit the required materials for review prior to drilling a well regardless of if there's a development permit application attached to it. And the intent of this petition is to try to work with applicants prior to the well being dug to ensure that there is the least amount of impact on the sole source aquifer.

Are there any questions on this petition?

Chair Candler: I have a question. How is the designation of sole source aquifer made? Like, who makes that determination? Is that a County review?

Ms. Rogers: Isn't that a ___ designation? Or is it Ecology?

Sarah Ruether: It's based on the hydrology.

Ms. Rogers: We have mapping of it.

Ms. Ruether: Yeah.

(several people speaking)

Ms. Ruether: Probably Ecology. ____ if you meet criteria for, you know, contaminants. Sometimes for zoning they don't – I know in cities – when I worked for Woodinville, Lake Leota had an aquifer that drained so I think it's based on – a hydrologist would probably be able to tell you, so I assume whether it was Ecology or some kind of scientific determination of why it was determined to be that.

Ms. Rogers: Looks like Jack might be able to look it up.

Mr. Moore: So I'm seeing some federal regulations for sole source aquifers from the EPA and then also some mapping from the state. I was hoping to find something more definitive.

Chair Candler: Okay, thank you. Do you have something?

Commissioner Mitchell: The Guemes Island people had a report done. I forgot if it was 1995 or '91 – something like that that they said that's what it was and then got the okay with Ecology.

Ms. Rogers: And I think that also had to do with the seawater intrusion as well as their experience at the time. This is something that GIPAC is in support of.

Chair Candler: Well, (do) you have any other questions? Commissioner Woodmansee?

Commissioner Woodmansee: So do we have already a process in place to go through this analysis?

Ms. Rogers: These application materials would be – it's the same application materials that you would have to provide if you were going to use a well in this area attached to a development permit. So it's the same system. It's just now that you're required to do it regardless of if there's development attached to it.

Commissioner Woodmansee: So previously to this, you could drill a well and not go through this process if it wasn't attached to a development permit, right?

Ms. Rogers: Not through the County. You still need a well-drilling permit from Ecology.

Commissioner Woodmansee: So do we envision that we would have the DOE say yes, you can drill a well and then the County say no, you can't drill a well?

Ms. Rogers: The purpose is to have a discussion with the person who is drilling the well to hopefully find a path for them that is the least amount of impact on surrounding wells and on the aquifer. You want to add anything to that, Jack?

Mr. Moore: Sure. Yeah, it really won't change very much in a practical sense. So even those people who go direct to Ecology – the well-drillers – Ecology then immediately contacts the County and engages in a discussion between the two jurisdictions on the well – or, you know, pluses and minuses and if it should be approved. Really it's just informing the applicant or the well-drillers that they really – it would just benefit them to start with the County first as opposed to going to Ecology and then having it bounce back.

Commissioner Woodmansee: So if they now – prior to this, like right now, if they go to Ecology, Ecology bounces it to the County?

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: And say the County doesn't respond. Department of Ecology issues the well permit. They drill their well. Now they've got an approved DOE well, right?

Mr. Moore: Yes, but that doesn't guarantee use for development necessarily.

Commissioner Woodmansee: And why would that be?

Mr. Moore: I don't know the details of it, so I'm sorry. I don't that I – if there's any information I can get you I'm happy to get back to you on that.

Commissioner Woodmansee: Sure. Well, the reason I'm asking is because well-drilling and the people's ability to drill wells on their property is a pretty big issue, especially in parts of Skagit County. And so if the DOE approves a well and the well tests okay to be used, I'm hoping that the County wouldn't then not approve the building permit because – for whatever reason – based on water. I mean, maybe there's something else that disqualifies it, but...

Mr. Moore: Yeah, I'm not sure that that would happen but, I mean, it has happened in the past in other areas of the county where you could get a DOE well but if you don't put it into use then you

may or may not be able to use it in the future. So I'm not saying that would happen with the Guemes Island scenario, but it has happened in other areas of the county.

Commissioner Woodmansee: Yeah. So you see my concern is that somebody has their property. They're developing in stages. I bought a piece of property. I got my well drilled. I can only afford to do that. Now I can't afford to do anything for four more years because I spent \$40,000 building my well. Then the next thing you know, somebody says, well, you haven't used it so you can't use your well – when it was a permitted well in the first place.

Mr. Moore: Agreed, which is why it would be a benefit to the customer to talk to the County first and figure out the way to properly get it approved, properly put it into use, and to retain their rights. So, you know, personally it's hard to see the downside to doing it this way. It's more just to keep the customer better informed.

Commissioner Woodmansee: My questions are just a word of caution to the process that I would discourage the County from making it harder. Like, if the DOE will approve a well, I would hope the County wouldn't put anything into place that would stop that well from being able to be used if the DOE will approve it for use. Nobody's going to drill a well if they won't approve it for use, right? So you see where I'm going?

Mr. Moore: Yes. And there's no – the County has no thought to being further – placing further restrictions on well drilling right now. You know, I will say that there's been some discussion from the Guemes Island Planning Advisory Committee over, you know, this issue – extensive discussion over the years. They have different – you know, various thoughts on how to protect the aquifer out there. But right now I have no indication that the County is even considering such a thing.

Commissioner Woodmansee: So would the County be consulting the GIPAC if these applications come in?

Mr. Moore: No, we don't do individual consulting on development applications. No. They provide comments and feedback for generally legislative actions.

Commissioner Woodmansee: What would happen if somebody submitted something to the County – this is kind of my thing, right? I'm drilling into this a little bit – but what would happen if somebody submitted to the County and the County said, Nope, we won't let you drill a well there but the DOE said, yes, you can? I mean, it's the extreme, right?

Mr. Moore: Yes, I'm not sure what – are we a scenario where that would occur?

Commissioner Woodmansee: *Could* it happen, though?

Mr. Moore: I don't know. Yeah. I can't think of a scenario in which that would occur.

Commissioner Woodmansee: Yeah. I just – that's why I'm drilling into the thing, because I want to make sure that – this is really a courtesy review then? And the DOE is still a regulator that determines whether you can drill a well or not, correct?

Mr. Moore: Yes. Yes.

Commissioner Woodmansee: In theory, the County will always defer to the DOE?

Mr. Moore: For the authorization to drill a well, yes. So what you build on the property or your full buildout, your full development of the property, that's more the County thing. So –

Commissioner Woodmansee: So can you give me an instance where somebody would own a piece of property in the county, have an approved well by DOE, and the County would say, we're not going to recognize that you can build a house to go with that well?

Mr. Moore: The only example I could give you is people that have drilled wells in, you know, areas where there were lawsuits on low-flow areas and basins that now you can't put that groundwater into use because it wasn't put into use prior to the lawsuit.

Commissioner Woodmansee: But that's the DOE saying that. That's not the County saying that, correct? As a result of the lawsuit, that's the DOE saying that.

Mr. Moore: Yes, yes.

Commissioner Woodmansee: I mean, Skagit County's been fighting for people to be able to use their water.

Mr. Moore: Yes. But DOE has issued permits to drill wells. They've drilled the wells. They have a DOE tag on the well. But they didn't put it into use. So now they can't use it to build – to do further development.

Commissioner Woodmansee: Sure. Yeah. So the moral of the story is drill your well. Turn the faucet on and don't turn it off, right?

Mr. Moore: A hundred percent, yeah. Yep. Even if you have to do a very minor development. People have done that to retain their development rights. They'll build a small building and plumb it.

Commissioner Woodmansee: Yeah. Anyways, all right. It's kind of in my world, so....

Mr. Moore: Yeah, those are the kind of things that we'd be happy to talk to people about. So if they, for whatever reason – say, Ecology wasn't as communicative with the County, if they went to Ecology and for any reason that they – the DOE – didn't consult with us, we wouldn't be able to offer those kind of solutions to people. So it would be better for us to be able to talk to them first about it.

Commissioner Woodmansee: So that brings up one more question for me. Somebody submits to the County – we pass this new deal; somebody submits to the County. What if the County doesn't get back to them for seven months? That's not unheard of, especially for water.

Mr. Moore: Well, I *hope* that wouldn't be the case. I'm not sure what examples you might have there. I mean, they get ahold of us and we engage in conversations and emails and phone discussions with Ecology, if there are any concerns or questions about where wells are being placed.

Commissioner Woodmansee: So is this actually an application or is it just an informal – ___ an application?

Ms. Rogers: It's the same information that you would have to provide for a development permit if you were going to use a well with it.

Commissioner Woodmansee: What if you don't know what you're going to develop? So are we saying that you can't drill a well unless you *have* a development plan?

Ms. Rogers: No.

Mr. Moore: No, that's not at all what the code says. Really there's only – you know, there's a couple of ways you could define a well. I mean, it could be for nondevelopment purposes or it could be for development purposes. You don't have to have it nailed down to a specific, exact thing you're going to build.

Commissioner Woodmansee: Gotcha. I had some property that was pretty involved in the low flow thing that cost me a *lot* of money because I couldn't drill wells. So for very first-hand experience in this area.

Mr. Moore: Okay. Got it.

Commissioner Woodmansee: It's important to me that people are allowed to drill wells if the state says they can drill the well and that the County would recognize that the well's viable for – short of being contaminated or something, is a viable well. All right. Sorry to drag it out, but...I'm good.

Chair Candler: And I agree. I think this is an interesting issue that's going to get flushed out a lot – probably one of the issues we will discuss. Any other questions about this one?

(silence)

Chair Candler: Okay.

Ms. Rogers: C23-2 is the Qualified Professional Definition petition. This petition would amend the definition of "qualified professionals" to ensure that requirements are consistent with some surrounding jurisdictions. So the proposed amendments would increase the overall years of experience required from two to four years, and would refer the definition of a "stormwater professional" to the Skagit County Stormwater Manual. Qualified professionals are used to perform technical analysis of proposed development, such as site assessments, and as such need to have the necessary qualifications, experience, and education to provide the right expertise for a project. The Department believes that our current requirements are not stringent enough for the Skagit County environment and thus has proposed increasing those qualifications. Requiring the right amount of experience is also vital to ensuring that the professional can complete reports and other work necessary that is accurate and thorough. If reports are not complete or accurate, the Department has to request revisions, which creates more work for the Department, slows down the permitting process, and can also increase costs for the applicant if the professional decides to pass down the extra costs down to them for additional work.

Are there any questions on this petition?

Chair Candler: Anyone?

(silence)

Ms. Rogers: Okay, 3?

Chair Candler: Just give me a minute in case somebody's contemplating.

Ms. Rogers: This is also a great time if you want more information to let us know and we'll make sure to include it in the future (in) the next staff report.

Chair Candler: Okay, I'm not seeing any burning questions.

Ms. Rogers: Okay, C23-3 is the OSRSI Allowed Uses petition. This petition would amend the Open Space of Regional and State Importance zone to allow trails to be just a permitted use. The OSRSI zones are typically public parks or areas of environmental and cultural importance, such as Deception Pass State Park, Bayview State Parks, and the Skagit Wildlife Refuge, just for a few examples. Currently trails and trailheads are listed as both an administrative special use and a permitted use. So this petition would allow trails to continue to be a permitted use but remove it in the administrative special use section. It would keep *trailheads* as an administrative special use. So this change is requested for a few reasons, but first, trails are an example of low-impact development that fits clearly within the character in the zone of OSRSI properties. Also, if there's a use listed under two different types of review, the applicant can currently choose which review they would like to go under, so most of the time they're going to choose less review anyway. We don't want there to be a conflict in the code so we are requesting that this use stay in the permitted use section and remove language for just trails in the administrative special use section. So again, *trailheads* would stay in special use permit; *trails* would be under permitted use in this zone.

So this petition was submitted for the 2019 docket, if you remember. The Planning Commission ultimately recommended that the Board increase the review process for trails and trailheads to a hearing examiner special use at the time. The biggest issue, from my understanding reading the transcripts, is that the Commission did not want to eliminate noticing for the development of trails. And the Board of County Commissioners ultimately decided to remand the issue back down to staff for further evaluation and then bring it back forward to the Planning Commission in the future.

So almost all of the land zoned OSRSI are owned by federal, state, and local agencies like DNR, County Parks & Rec, and WDFW, so increasing the review process for these projects can often hold up the development of trails in parks that are already established, especially for areas that are already designated for recreation and preservation. They can also lead to issues with funding if the permitting process is taking too long. So the Parks Department is very supportive of this change and the Parks Board will be submitting some testimony for the proposal during the public comment period that you'll be able to review. And also even with trails as a permitted use, applicants will still need to have a critical areas review done, and it can be subject to a grading permit, depending on how much work they're doing for that trail. So grading permits can also trigger a SEPA evaluation, which would include noticing to nearby property owners and interested parties who would like to comment on the development.

Are there any questions on this petition?

Chair Candler: Anyone? Commissioner Knutzen.

Commissioner Knutzen: You mentioned it's Public Health property. The one thing that comes to mind that *might* concern me, Rails to Trails, the old railroad right-of-way that went from Sedro-Woolley up to Concrete. I think it's publicly-held now. I know farmers that own ground on both sides. It's a narrow strip and there's been concern about public intrusion on that. Would this allow

usage that wouldn't have to be permitted? Do you know?

Ms. Rogers: If they were proposing a trail on private property, they would still have to receive permission from that property owner.

Commissioner Knutzen: And I think the property is not private property. It's public property but it's only – I don't know – a 20, 30-foot easement. It's the old railroad grade. You guys are familiar with this probably. And there's people that would wander off the trail onto the private property and the property owners wanted to make sure that there was permitting required so they knew what was going on. I just don't know if this would have any effect on that and I don't know if anybody knows.

Ms. Rogers: Jack, do you have any comments on that?

Mr. Moore: I'm very familiar with the Rails to Trails there in Sedro-Woolley. And I see this as being a very different scenario, what's on the docket today. It's in OSRSI land, which, as Jenn pointed out, is generally publicly-held land already. So it's not, you know, conversion from, you know, Rails to Trails type conversion. It's not what it would address. And even that, your question was, Is there permitting? So this wouldn't dictate whether any kind of a permit is necessarily required. It's just, Is it a permitted use in the zone? So similar to where a, you know, house might be a permitted use in a particular zone, but you still may have to go through a review if you meet – you know, if you don't meet an exemption. So this is not changing the exemptions or anything like that. It wouldn't change whether a trail needed a permit or not. It's just whether it is a permitted use within the zone or a special use within the zone.

Ms. Rogers: And again, we'll have maps showing – so that you can see all the zones that are – all the areas that are zoned OSRSI.

Commissioner Knutzen: Okay.

Ms. Rogers: And it's all, you know, parks, forestland, those types of areas in the county that are already established as recreation or preservation.

Commissioner Knutzen: Okay, thank you.

Chair Candler: Commissioner Hughes?

Commissioner Hughes: Just to review: This came before us once before. Has this been amended at all from the one that was seen before, or is it – just puts it – the same request?

Ms. Rogers: It's the – yes, it's the same request and we would still keep it as a permitted use. It's listed right now under permitted uses and administrative special use so we're trying to clear up that conflict.

Commissioner Hughes: Okay. And then does this look into trails that have the potential of becoming overcrowded because of proximity to growth areas? That seemed to have been an issue regarding trails on public lands before, was that an area that has parking for eight cars all of a sudden starts having 30 cars. Or the trails just are constant people up and down. Does this have anything to do with growth issues or is it just the permitting? Or where in that would that conversation happen?

Ms. Rogers: I'm not sure about the growth, but – yeah?

Mr. Moore: I might be able to help there. So the parking areas are considered trailheads. So those are still special use so any kind of expansion or modification of the trailhead would require – even if it had a special use before – would require a modification of that special use or a new one if it was enough different than the previous approval. So at least for the trailheads, where the largest focus of activity and people are, those would not – there would be no change with this amendment.

Commissioner Hughes: So would the – I am thinking Blanchard. That's north end and that's the one that gets so much traffic. Does this affect a situation like that?

Mr. Moore: I don't believe so, unless the parking area needs to be changed or amenities at the trailhead would have to be added. Like, if a bathroom was added or additional parking or other, you know, amenities at the trailhead. So then this would not change any of that. Those kind of improvements would still need a special use permit. So as far as the exact number of people walking on the trail, that wouldn't be addressed. I mean, if new trails were put in and they didn't meet a particular exemption, there still would be review or permitting review or, you know, potential for that. So the exact usage of the trail might get – you know, it may still be reviewed under a permit but it would just be a permitted use. As Jenn mentioned, right now there's just a conflict in code. It's listed in two separate sections of our code right now. It's listed as a permitted use already, but it's also listed in the section with trailheads as a special use. I don't know if I'm answering your question.

Commissioner Hughes: Okay, and I understand kind of what the thought process was was to give as much public comment as possible.

Mr. Moore: Mm-hmm.

Commissioner Hughes: I'm also thinking of driving along Highway 2 over Stevens Pass and all the parking available on the side of the road, and then you go into a little trail and then maybe an overcrowded situation needing facilities and such. So I'm just – all these unintended consequences of opening up processes, it seems like having those discussions early might be valuable. That's just where my mind was going on this one.

Mr. Moore: Got it.

Ms. Rogers: And that'll be some information that the Parks Chair might be able to answer. So I've been talking with him about this proposal so I might be able to see if he can come in and talk about it because he goes through this process frequently.

Chair Candler: We have a couple other people, Commissioner Mitchell and Commissioner Woodmansee.

Commissioner Mitchell: So has anything changed at all from 2019 to now, other than –

Ms. Rogers: From the proposal?

Commissioner Mitchell: Yeah, other than to redo?

Ms. Rogers: Other than that I'm a different person proposing it.

(laughter)

Chair Candler: Is that it? Commissioner Woodmansee had something?

Commissioner Woodmansee: So if there's an existing trail system being in use, this isn't really going to affect that, correct? Because it's already there.

Mr. Moore: Correct.

Commissioner Woodmansee: So if you wanted to do a new trail, I would assume you would have to have a trailhead.

Ms. Rogers: Unless it was connected off of an existing trail.

Commissioner Woodmansee: I guess you could, internal to the public land, right? But if it's internal to the public land, I guess it could be of minimal impact. But I guess you could have a private property owner own a piece of property up against – you know, way away from the trailhead, and somebody could want to expand the trail system right up against their property line. And it's not a trailhead and so now it's not – there's not quite the scrutiny on it as there would be with a trailhead? I guess that would be the one downside. My initial thought was it's already all public property and it's – for the most part, I guess. I remember our conversation also talked about that there shouldn't be able to be – let's say you have a development and you're required to provide trail access and you own the land and now you're getting stuck with something you didn't really want, and so it needed to be a process for it. But I think for the most part the notion would be that trails could pretty much go anywhere on this type of property if the topography would allow it and stuff like that. I guess you would kind of expect that over time.

Ms. Rogers: And it does say in our Comprehensive Plan that the intent of this zone is to have public access.

Commissioner Woodmansee: Sure.

Ms. Rogers: So if you have a property that abuts up against OSRSI-zoned property, that property is public access.

Commissioner Woodmansee: There's some warning there.

Ms. Rogers: Yeah. Sure.

Chair Candler: And it sounds like being able to choose, as is the situation right now, it probably literally would change almost nothing.

Ms. Rogers: My understanding is that if you have the choice then they're probably going to choose the lower review process.

Chair Candler: And if we didn't want the lower review process on the trails, it seems like that's not the current petition so we would have to – I'm not suggesting we *want* to do this, but *if* we wanted to do that what we would have to do is we would have to recommend the Board of County Commissioners in some future docket proposal – that they consider that instead, or something. I don't know.

Ms. Rogers: You could propose an amendment to the current petition.

Chair Candler: Okay. That's what I was wondering. Commissioner Knutzen?

Commissioner Knutzen: Now an administrative special use is required. If you apply for that, are neighboring landowners notified within 300 feet of where the trail's going to be, or some specific distance?

Ms. Rogers: Correct. That's right. Right, Jack?

Mr. Moore: Yes. If a trailhead is being constructed, yes.

Commissioner Knutzen: Well, what about a trail, just a trail?

Mr. Moore: Right now it's listed as a permitted use –

Commissioner Knutzen: Okay.

Mr. Moore: – and an administrative special use.

Ms. Rogers: So not necessarily.

Mr. Moore: So not necessarily at this point.

Commissioner Knutzen: Because my concern is what Joe mentioned there, that if I'm a neighbor and they're going to build a trail next to my property, I want to know about it just to be prepared for possible intrusion on that property. And if this isn't going to be required now, that's a concern.

Commissioner Woodmansee: I think that's why it didn't move on with us before.

Commissioner Knutzen: Yeah.

Commissioner Mitchell: That was one of the big reasons.

Commissioner Knutzen: Okay.

Chair Candler: Anybody else? Anything else?

(silence)

Chair Candler: Okay. Sounds like we're good.

Ms. Rogers: Okay. C23-4 is the Master Planned Resort Designation. This petition would amend code language to refer to Master Planned Resorts as a zoning designation and not a special use, to remain consistent with the Comprehensive Plan. So Master Planned Resorts are defined by the state and by the County as self-contained and fully integrated planned unit developments in a setting of significant natural amenities with a primary focus on destination resort facilities consisting of short term visitor accommodations associated with a range of developed onsite indoor or outdoor recreation facilities. So examples in Washington state of these would be Crystal Mountain Resort, Skamania Lodge, Sun Mountain Resort. And in Skagit County we just have one, which is Clark's Cabins in Marblemount.

So currently in the code sections for special use permits, there's language which refers to Master Planned Resorts as a special use, and it's not a use. It's a zoning designation and that is how it is listed in the Comprehensive Plan and in the Growth Management Act. So this petition would simply fix that language to remain consistent with those two overarching documents.

Chair Candler: I have a question. Does that mean that anytime somebody had this idea and they came up with this idea that they want a Master Planned Resort they would petition – starting here, just like this – for a rezone?

Ms. Rogers: Correct. And it's a very lengthy application process, what you have to submit for a Master Planned Resort.

Chair Candler: Much more than a special use right now?

Ms. Rogers: Correct. And those requirements are listed in the Comprehensive Plan and the code already.

Chair Candler: If I understand you correctly, it wouldn't change what the person has to do because it's already being listed that way?

Ms. Rogers: Right. It's in its own section. This is just a mistake in the reference in the special use permit language.

Chair Candler: Okay. Any other questions?

Commissioner Knutzen: Did you say we have *one* area now in Skagit County?

Ms. Rogers: We have one. Clark's Cabins in Marblemount is a Master Planned Resort.

Commissioner Knutzen: Oh, okay. Okay.

Chair Candler: Any other questions?

(silence)

Ms. Rogers: C23-5 is the Fire Marshal Code Amendment. 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 always necessarily trained on how to use them correctly. And the foam is commonly recalled and can expire, leading to potential issues for residents if they're not aware of the recall or expiration. So water is more the accepted standard now for firefighting, and this change would make firefighting safer for those residents who are outside of a fire district. So that's why the Fire Marshal here at Skagit County is proposing this code change.

Are there any questions on that petition?

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: Yeah. I think it'd be handy. It said, and this was about the A-triple Fs for the foams, and those are a problem. But Class A foam is fine. That's more like laundry soap/detergent type thing and it does the same thing real effectively. So I'm a little bit puzzled as

to why they would not allow that blanketly, because taking away the nozzle and the adapter that does that would prohibit it from using that kind of foam, which *is* effective and safe and all that kind of business. So I don't understand the disconnect there. So if you can ask the why, that might be helpful.

Ms. Rogers: Sure. Jack, do you have anything to add? Or I can reach out to Bonnie.

Mr. Moore: Yeah, I think Bonnie could give a lot more detail to that. But it's not that you wouldn't be allowed to install that if you so chose. It just wouldn't be the minimum requirement.

Commissioner Mitchell: Okay. So they could still do it voluntarily.

Mr. Moore: Oh, absolutely.

Commissioner Mitchell: Okay.

Mr. Moore: Absolutely.

Chair Candler: I have something if no one else does. Is the Department planning to have somebody from – Bonnie or someone else from that arena talk to us about this, or no?

Ms. Rogers: We can if you'd like them to.

Chair Candler: Would you like that? Does the Commission want that as a whole?

Commissioner Mitchell: I think it might be help – well, there's been an ongoing debate for a long, long time on water versus foam, and I've seen how effective foam is for a whole lot of reasons, and I have a hard time convincing on when you've got something that does work and us safe and effective why they would say water is preferential and preferable.

Ms. Rogers: They are changing those requirements in other areas too – with hangars, right?

Mr. Moore: Yeah, that's another example. Foam in the firefighting industry is falling out of favor after a number of years of using it and different instances in where it's creating potential further problems on top of – you know, more so than it's helping. So hangars, as Jenn mentioned, is another one. So the fire industry has been working with the FAA and they've come up with changing the NFPA requirements for sprinkler systems, fire suppression systems in hangars. So it was required – or at least actually still today the requirement is for foam in those applications. But what the industry had found is they'll get chemicals – chemical fires or petroleum fires and the foam will sort of smother it mostly but it'll still be active or ready to flash as soon as you break the foam seal, like if a firefighter's walking through the building to try to respond – in a response. So there're just some issues with how foam works in buildings that they've come to find out with experience. And then the cleanup? Well, that did damage to the building and the cleanup is substantial. So it's – even in the higher risk uses like hangars, aircraft hangars, they're actually – I've looked at the model, the new model code, the new NFPA standard has removed it as a requirement. So it just seems like in a lot of the different areas they're getting away from that.

Commissioner Mitchell: Okay. So do you think it would be helpful to have the updated information on the difference between the different foams? Because the A Triple F is understood; the other parts for some of it, yes and no. It'd be one of those things: Why would you negate toolboxes in different places that could be used? What might be appropriate? Looks like the airport hangar for

their situation could be very different than, you know, a homeowner out here someplace else. So anyway, whatever they have for the most current information would be helpful.

Mr. Moore: Okay. We can ask if they'll provide that.

Commissioner Knutzen: I would be most interested in learning about the different types of foams because we see the older foams, the unintended consequences, the rubber chemicals, the groundwater contamination from 30, 40, 50 years ago. We've seen that in the agricultural industry. DDT has been banned since 1972. Over in Okanogan County they just – the Department of Ecology shut down some pot farms that have been on orchard grounds because DDT shows up. Zero is smaller than it used to be. You can detect parts per billion now. It's always been there but we – you know, you could measure down to parts per thousand but you couldn't detect it. It was always there, you just couldn't detect it. And the same with the foams, and I know nothing about different types of foams. It would be good information for me.

Commissioner Mitchell: Mm-hmm, I think that would be helpful. It's the same kind of thing as – well, not exactly the same. Remember when the arsenic levels changed some years ago on what the levels were for what was acceptable and unacceptable? Heaven help us, we had higher doses of it! But it helps for current understanding. And I can imagine that there might be some people that would comment on this and say yes, no, one-size-fits-all again kind of thing. But, you know, anything that you can do for background information, that'll be helpful there, okay?

Mr. Moore: Certainly.

Ms. Rogers: Of course.

Chair Candler: Anything else from anybody?

(silence)

Chair Candler: Okay.

Ms. Rogers: C23-6 is the Temporary Manufactured Homes Title Notice Requirement. And as the title indicates, this means that if you are going to apply for a temporary manufactured home we are asking to add a new requirement for a title notice as well. Temporary manufactured homes are only allowed for family members who have a medical need, or for one farmworker family to live near the farm.

So the Department has requested this change to ensure that temporary manufactured homes are being removed when they are no longer being used. And if the property is sold and the temporary manufactured home is still on the property, the new homeowner knows that it needs to be removed if it's not being used for its proper purposes and they do not use them for other purposes like a rental property.

Are there any questions on this petition?

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Can a manufactured home be an ADA unit?

Ms. Rogers: An ADU?

Commissioner Woodmansee: An ADU – sorry!

Ms. Rogers: Oh, yes. And I think that's something that they talked about now that we've upped the size allowances that that could fit that.

Commissioner Woodmansee: So is it possible that this title thing could encumber the title – those notices – and therein could be eliminated and the use be converted from the temporary status to a permanent accessory dwelling unit? If it met the requirements.

Mr. Moore: Yeah, it sure could. Yeah, there's a couple ways that you could retain the home if it could be converted to another allowed use, like an ADU. You know, previously – as you may know – the difficulty with the ADU code is the square footage.

Commissioner Woodmansee: Right.

Mr. Moore: You couldn't get too many doublewides anymore that would fit a 900. Now that it's 12 there're a lot more available and the industry's changed and making smaller units. So yeah, you could either change it to an ADU – we've had other people come in and do modifications to their previous special use for another medically dependent relative or something like that. So there are things that could be done at the end of its initial, you know, intent.

Commissioner Woodmansee: And if we – so if somebody came in under the concept of I need to do a temporary unit, but it met all of the qualifications that it could meet the ADU category, would we still make them go through the temporary process?

Mr. Moore: No, they would choose.

Commissioner Woodmansee: No, no, no – but why would you – I mean –

Mr. Moore: They wouldn't. They wouldn't choose to go through it.

Commissioner Woodmansee: Yeah, at that point, wouldn't we as the County say, hey, you don't have to do this temporary thing because you meet the requirements of this ADU? And, you know, it's obviously a big problem. I mean, units are a problem. We don't have enough. So if there's a way to marry the two, like have this check point in the process – oh, you're applying for this but what you're trying to do actually meets the qualification that it can be a permanent ADU. So let's not mess with this; let's just – here's your permit process for your ADU. We're going to get to the same result and you're not going to have this thing that could, you know, be a problem for you later.

Ms. Rogers: I think this was a bigger issue before when the ADU size was only 900 square feet and now going forward it's – I think it'll be more of a thing if you maybe already have an ADU and now you also want another unit for medical purposes or a farmworker family. Then that could be the case.

Commissioner Woodmansee: Sure.

Chair Candler: Commissioner Knutzen?

Commissioner Knutzen: If you put it in as a special use temporary and you wanted to go to an ADU, you would need to, I assume, get a building permit, which is not required under the temporary. All you need is a special use permit, not a building permit.

Mr. Moore: Actually you need both. The special use permit allows for the *use* on the property and then the building permit is for the physical installation and the infrastructure that's being installed.

Commissioner Knutzen: So if you're just putting in a temporary, you *do* need a building permit also – *and* a special use permit?

Mr. Moore: Oh, yes.

Commissioner Knutzen: If it's just temporary.

Mr. Moore: Yes.

Commissioner Knutzen: So a temporary one is actually harder than an ADU.

Mr. Moore: Yeah, far more expensive and harder, so no one would ever do it if they had an option.

Commissioner Knutzen: Because you need a building permit *and* a special use permit.

Mr. Moore: Yes.

Commissioner Knutzen: But you're not limited to 1200 square feet if you do that.

Mr. Moore: Right. That's correct.

Commissioner Knutzen: Thank you.

Commissioner Woodmansee: Really the new ADU rules are going to probably bring this to a pretty minimal – unless it's an additional unit.

Ms. Rogers: Right. We more just had an issue with older ones that have been installed and never removed.

Mr. Moore: Yeah. That's the bigger issue is if four of those people who have chosen to go the special use route and had a, you know, like a medical dependency that they needed to accommodate by putting in another home, sometimes that need goes away in a couple of years. And then we've seen them – I don't know; I've seen them – probably the longest one I've seen is about 15 years past when they were supposed to have been removed, and they were just using it as a rental or an Airbnb rental.

Commissioner Woodmansee: So if that unit met today's accessory dwelling unit qualification, would we still pursue you have to remove it?

Mr. Moore: No.

Commissioner Woodmansee: Yeah.

Mr. Moore: No, they'd just need to get it to some category of dwelling that could be approved.

Commissioner Woodmansee: So how – do we actually have a process for that?

Mr. Moore: Sure.

Commissioner Woodmansee: What would it be?

Mr. Moore: Yeah. So we have a different – “administrative building permits,” we call them. So it doesn't come with, you know, construction inspections and everything else because those are already completed. We do those sometimes, for various examples. One would be someone comes in for a small dwelling, you know, that they know they're eventually wanting to convert to an ADU when they get on the property and then build a bigger house later. So that primary dwelling is converted to an accessory dwelling unit via an administrative building permit, we call it. So it's just changing the paperwork, changing the note – you know, putting the title notice on the property, and out the door it goes. We don't go back and do any other development review or inspections.

Commissioner Woodmansee: Is there a title notice for an ADU?

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: I didn't realize that.

Mr. Moore: Yeah.

Commissioner Woodmansee: So I guess administratively, if it meets the boxes – checks all the boxes for an ADU and it was a temporary, that should be a pretty simple thing, huh?

Mr. Moore: Mm-hmm. Yeah, it'd be very similar to the process that we see right now.

Commissioner Woodmansee: Right. Basically just a recategorization.

Mr. Moore: Yeah. I'd say *most* of the time when people have reached the end of their original special use permit – the original need for it – I've seen them convert those. There seems to be no shortage of, you know, family members who might need some additional assistance.

Commissioner Woodmansee: Right!

Mr. Moore: So that's what I've seen *most* people do in those situations. But I guess now that the ADU code has changed, as you point out, that that could be an option for them as well.

Commissioner Woodmansee: I would think we would steer them that way if they actually fit the box.

Mr. Moore: Mm-hmm, mm-hmm. If it met the 1200 ____.

Chair Candler: Anything further? Any questions?

(silence)

Chair Candler: Okay.

Ms. Rogers: C23-7 is the Flow Sensitive Basin Rules petition, and this would 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 Stillaguamish Instream Flow Rules. So the petition would remove the old language and refer the new – refer applicants to the new Ecology rules for each basin, which is what staff already do right now. So it's not *changing* any requirements. It's just removing old language in our code that is no longer relevant. So this would not change anything for any applicants that come in, other than make it more clear for them.

Chair Candler: Questions?

(silence)

Chair Candler: Okay, thank you.

Ms. Rogers: C23-9 is the Primitive Campground Definition amendment. This petition would amend the definition of "primitive campgrounds" to clarify minimal amenities to be shared amongst campsites. So the language would also refer residents to regulations for recreational vehicles, which are already in our code in a different section, to ensure primitive campgrounds are limited to two RVs maximum with only one RV actually being inhabited. And those RVs are only allowed to be occupied 180 days per year.

So the Department has encountered issues in the county with small, primitive campgrounds adding individual site hookups for multiple RVs, which has a much more substantial impact than the primitive campground definitions it intended for. So we are proposing this update to the definition to clarify that this should not be allowed.

Are there any questions?

Commissioner Rose: Would that be applied to existing situations that are not in compliance?

Ms. Rogers: Jack?

Mr. Moore: Yes.

Commissioner Rose: Thank you.

Mr. Moore: Unless they were permitted previously somehow.

Commissioner Rose: But we know that there's – these situations exist everywhere, yeah.

Mr. Moore: Right.

Commissioner Rose: Okay, thank you.

Commissioner Mitchell: On the scale of things, is this a common problem, not so common? Are there a lot of them?

Ms. Rogers: There are enough that we would like to make a clarification to the definition.

Commissioner Mitchell: Thank you!

Chair Candler: Anything further?

Commissioner Knutzen: Good answer.

Commissioner Woodmansee: Do you have to get a permit to do a permanent campground?

Ms. Rogers: I think it depends on the zone that you're in.

Commissioner Woodmansee: I never heard of the term before, to be honest with you.

Ms. Rogers: We have three different levels of campgrounds. So primitive is the smallest amount or the lowest impact campground you could have on your property.

Commissioner Woodmansee: Yeah. And the other two are obviously permitted things because they're developments and –

Ms. Rogers: You could have more – yeah, correct. They have more additions there – amenities.

Commissioner Woodmansee: Infrastructure _____ and stuff like that.

Mr. Moore: It would certainly depend on the actual proposal for buildout, you know. So while it might be a primitive campground, it may be an allowed use in some zones. It just depends on what you build. If you have a 20-foot wide road running back 1000 feet, well, there may be grading permits and stormwater, you know, things that you would need to have permitted and reviewed. But it's possible, you know, if you have some existing – I don't even know what scenario – parking area where you just walk in through the trees and put up a hammock. There may be no permitting for something of that limited impact.

Commissioner Woodmansee: So if a person has 20 acres and they want to put an RV on their 20 acres, and they just go park it on their 20 acres, what we're saying is you can't have a second one and occupy it.

Ms. Rogers: Well, you could have two RVs on your property. Only one could be occupied at the time.

Commissioner Woodmansee: And is that, like, a primitive – considered a primitive campground?

Mr. Moore: No. No, that language in what Jenn just mentioned is the exact code in any, you know, residential zone, the idea being that you get to own your own camper and then you can have guests over visiting and they could stay in their camper while they're visiting you.

Commissioner Woodmansee: Yeah.

Mr. Moore: So we have pondered this proposal, you know, to establish – should we establish separate thresholds for primitive campgrounds? But we thought it would be just as easy to – if this was allowed in a residential zone in more proximity to other people, why not just use the same threshold? It would help to reduce, you know, the impacts.

Commissioner Woodmansee: I'm having, like, a hard time even picturing a primitive campground that's got one unit on it and it's called a campground.

Mr. Moore: Well, it's – tent camping. The intent is that you don't have an individual hookup for each of these sites, that it's shared, it's very low impact, so you don't have, you know, multiple hookups, multiple RVs on this property that would elevate it to the next level of campground.

Commissioner Woodmansee: So do we have primitive campgrounds that were permitted? Like, people came in and applied for a permit for a permanent campground? Or not?

Mr. Moore: We likely have more unpermitted primitive campgrounds than we do permitted ones!

Commissioner Woodmansee: Are they campgrounds or are they just places where people parked and tried to live because they didn't have somewhere to live?

Mr. Moore: No, they're campgrounds. They'll run them commercially.

Commissioner Woodmansee: Okay.

Mr. Moore: And even some of the state parks have sections of primitive campsites.

Commissioner Woodmansee: I see.

Mr. Moore: And what – I mean, roughly all they will be is a little path into a square piece of sand, you know, or a square, cleaned off, leveled out piece of dirt that you put a tent on. So there's not – there's usually no water or electricity or anything to these primitive campsites. It's primarily tent camping.

Commissioner Woodmansee: But if it's primitive, it can only have one unit, right – occupied?

Ms. Rogers: One unit occupied, correct. One RV occupied. You've got tents.

Commissioner Woodmansee: Yeah. Yeah, so could have 10 RVs but you could only occupy one?

Ms. Rogers: Two RVs per property.

Commissioner Woodmansee: Okay. All right.

Ms. Rogers: That's why we're referring it.

Commissioner Woodmansee: Yeah. Could you have 10 tents?

Ms. Rogers: As long as you're sharing amenities.

Commissioner Woodmansee: Yeah, so they're all using the one RV's hookup?

Ms. Rogers: Or they're – I think there's other amenities you can put in.

Commissioner Woodmansee: Yeah.

Mr. Moore: Yeah, I mean you could have a shared, you know, water pump or water spigot to go over and get your water and things like that.

Commissioner Woodmansee: Yeah.

Mr. Moore: So there would be amenities available but not necessarily each campsite.

Commissioner Woodmansee: So does a designation go for when you go – okay, you're charging for this campsite or you're just using your property. If you're just using your property that's not a primitive campground. If you're charging for a campsite, now you're a campground. Is that – make sense?

Mr. Moore: Sure.

Commissioner Woodmansee: I'm really struggling _____ what he's saying.

Mr. Moore: I know! We struggled with this too and we thought about not having any, you know, because typical primitive campgrounds, as a lot of us have experienced, don't have any RVs at all. That's the most common. So we thought about just doing that, but then we thought, well, we already have limitations for residential zones so maybe we just use the same limitation to keep it consistent. So, you know, the residential zone limitation that we're using is not intended to be a campground and we don't call it a campground and there's no way it's ever going to be looked at as a campground. But someone who actually is running a business for a campground and advertising, we just needed to have some guideline because we do have – we've had more than one code compliance case recently where someone has just installed a large shared septic system, installed several 50-amp hookups, RV hookups, dumps, and had been using those for either short or longer term RVs.

Commissioner Woodmansee: So that would just be an unpermitted developed campground, wouldn't it?

Mr. Moore: That's the way we were looking at it, but the code was a little bit vague and we would hope to make it more clear just so we could point to it and say, you know, this is not the intent in a Rural Intermediate zone or a Rural Reserve zone.

Commissioner Woodmansee: Sure.

Ms. Rogers: And I can try to better define and clarify at what point do you become a primitive campground versus I'm-just-camping-on-my-property.

Commissioner Woodmansee: Yeah.

Ms. Rogers: Where is that line?

Chair Candler: Commissioner Hughes had something.

Commissioner Hughes: Well, my question was just follow-up on that. Should that be written in the code? Because all of a sudden I had the same moment of, Oh, this is for commercial purposes. But should it clarify better for readers that that's what this is? Just a thought.

Mr. Moore: It could.

Ms. Rogers: We could, but then that's the thing is that if you're not charging, does that still count as a campground? I think that's a good _____.

Mr. Moore: It's a gray area. Are you having your friends over or do you have a website that advertises ____?

Commissioner Knutzen: To me, I want to – I agree with Amy on that. Commercial. When I first saw this, I thought, well, I've got six acres and sometimes I have two or three kids come with their RVs. Does that mean I'm – and they just camp in the back. I don't charge them. They wouldn't pay me anyway, even if did! And that, to me, shouldn't be covered. We talk about agritourism but we're commercial – was a key word. And I see that – that's what Amy just said. Commercial should be a key component of this, in my opinion. Somebody that has a big family that just has friends come by for a few days and they're gone after a week, that's one thing. But if it's a commercial outfit that's getting money.... Wedding venues: If it's a family wedding, you're not – you _____. And if it's commercial, you do. Same way for this.

Chair Candler: Commissioner Mitchell?

Commissioner Mitchell: But I sense a reluctance on the gray area part of it. So if people were to insist – highly recommend, you know, the commercial aspect of it in general because it seems to make sense, does that still leave you guys with an open hole somewhere that's been a problem, or not?

Mr. Moore: I don't think so. I mean, I think we could definitely pursue that as we move into the deliberations on this and consideration. We could definitely define it better. I don't see any problem with that. Really what we're trying to do is just avoid having permanent, you know, RV campground facility out in a place that's not permitted – you know, in a residential area.

Commissioner Rose: So I have a question. A while back – and I wasn't here then – but it's my understanding that there are some platted lots that were sold to individuals, say along the river, as campsites. And then over the years people built permanent structures on these campsites without permits and without proper septic and – how does that fit into this conversation? Those examples? Because those were originally created to be primitive campsites, but they were individually owned, is my understanding. They were sold but there might have been a plat. So how does that – does this address that situation?

Mr. Moore: No. That would be a separate issue.

Commissioner Rose: A separate issue, okay. Thank you.

Mr. Moore: Yeah. Cape Horn and Shangri-La: Those are a couple good examples that were developed with the intent of it being recreational property. Janicki Cove and places like that. But we've seen creep over the decades where we'll see more and more things get installed.

Commissioner Rose: Right. That's another issue –

Mr. Moore: It's a different issue, yes.

Commissioner Rose: – next year.

Mr. Moore: Yeah, maybe so. Yeah.

(laughter)

Mr. Moore: It's a tough one!

Commissioner Rose: Yeah. Thank you.

Mr. Moore: Yeah.

Ms. Rogers: Any other questions?

Chair Candler: Not at this moment. I was just trying to figure out if this right here lists the definition of "campground" and that *is* the definition, or if the definition is elsewhere in 14.04?

Ms. Rogers: It's in 14.04. I think I put it in the memo, right?

Chair Candler: And this *is* the definition?

Ms. Rogers: That's the current definition, I believe, is what I put in there.

Chair Candler: That's the current definition. Okay. Okay.

Ms. Rogers: And if you ever think of any other questions on your own that you forgot to ask, you're more than welcome to email me so I make sure I include that in future meetings.

Commissioner Woodmansee: I do have one question.

Ms. Rogers: Yes?

Commissioner Woodmansee: the new definition limits the number, right?

Ms. Rogers: Of RVs.

Commissioner Woodmansee: Of RVs, right? So was it just no – was that silent in the code before?

Ms. Rogers: So we have limitations for RVs in a different section so what we did is we updated the definition. We're going to say, "...and you must abide by Skagit County Code section" whatever, which includes RV limitations.

Commissioner Woodmansee: I see.

Ms. Rogers: Anything else?

Chair Candler: Okay.

Ms. Rogers: Almost done. C23-10 is the 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 would direct 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. So the GMA Steering Committee has determined that Skagit County has met the requirements for disbanding the Boundary Review Board and voted on the new Countywide Planning Policy language in December 2021. So this petition would not disband the Boundary Review Board yet. It just directs the County to disband the Boundary Review Board by June 30th, 2025. So the department will plan to update the language on that during our periodic Comprehensive Plan Update, which is due by June 30th, 2025.

Are there any questions on this?

Commissioner Mitchell: I have a question for you but it's so complicated I'll have to ask you about it later.

Ms. Rogers: Okay!

Commissioner Knutzen: Thank you.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Does this board function today?

Ms. Rogers: Yes.

Commissioner Woodmansee: And it has activities. It does. And it has a meaningful function?

Ms. Rogers: Yes. It's still operational as of right now.

Commissioner Woodmansee: Is it in conflict with the agreements that the plans have been created and put in place with it?

Ms. Rogers: It's not necessarily in conflict. It's more of an oversight board for these decisions. So Jack, do you have any –

Mr. Moore: Mm.

Ms. Rogers: The annexations will still move forward based on the cities' and towns' process. It's just now they don't have to do this extra step of being approved by the Boundary Review Board.

Commissioner Woodmansee: So is it fair to say that you could apply for an annexation and the Boundary Review Board could have denied it previously, and now with that gone if the city and the county – it's still down to the city and the county to agreeing to the boundary change, right? Were they a recommending board? I should know more about this but I don't.

Mr. Moore: My understanding is that their function – so I did go through some annexations where the Boundary Review Board was involved – this is a few years back – and they were more of an extra set of eyes to make sure that everything was covered, that the entities did things consistent with law, and kind of a final check, I would say. I mean, that was, so I guess in theory, they could say, You missed a step and this isn't consistent with law. Then you would have a chance to remedy that. So I – personal experience, I didn't – you know, it was just another step in the process I did.

Commissioner Woodmansee: So now if we make a mistake it's just going to come out in the wash later. I'm not advocating one way or the other. I'm just trying to understand the process.

Ms. Rogers: I think if you want to appeal an annexation now, you go through the courts rather than – right? After that happens?

Mr. Moore: Yeah, you could. You could. So if someone thinks that something was done incorrectly, yes, they definitely could do that.

Commissioner Mitchell: Okay, the basic question – this might help Joe a little bit, but directed to both of you. I don't know who can answer this. One of the prime examples of one of the worst examples when the Boundary Review Board was needed and used in two counties at the same time is when the Metropolitan Park District thing was proposed. Remember the 60-square mile loop around part of Skagit and Whatcom? And the two Boundary Review Board entities were key in that. Now they didn't sell the thing in the end; the lawsuit did. But it was key for going through those kinds of things. Heaven forbid if somebody were to do the same thing now and say, Hey, we're going to abuse the language that allowed that to happen when they changed the law in 2001. And that's not what the state intended and not what the legislators intended. If the Boundary Board is to be now deemed to be disbanded, who would make those kinds of decisions? There were lists that long of junior taxing districts, cities, county people, everything else that were involved and impacted that were involved in something like that. If the Boundary Review Board was disbanded, who would deal with something like that? I don't expect an answer right now, but seriously –

Ms. Rogers: My understanding is that you'd have to go through a legal process to appeal instead of going to the Boundary Review Board _____.

Commissioner Mitchell: So a district court or somewhere.

Ms. Rogers: Mm-hmm.

Ms. Ruether: And for, like, a UGA expansion, you'd still have to go through the Board of County Commissioners. This is just for annexations. So those two are separate.

Commissioner Mitchell: Okay. Okay. Interesting.

Ms. Rogers: And again, this won't disband it yet. So in two years we will probably have this discussion again when we go through our changes to the Comprehensive Plan in 2025.

Commissioner Mitchell: This is a done deal anyway for this state. It's been decided.

Commissioner Woodmansee: It sounds like it, yeah. I have a question about annexation, and I *really* should know the answer to this one but I don't. If you apply for annexation, the deciding entity that determines whether they'll accept it or not – is it the city that you're applying annexation to? Or can the county say, no, we don't agree with this? Or do they both have to say yes?

Mr. Moore: Annex – the date –

Commissioner Woodmansee: You're already in the Growth boundary by then, right?

Mr. Moore: Yeah, right. Yeah, so yeah, if you're talking just the annexation – because that's a much simpler, shorter, streamlined process than establishing an Urban Growth Area – if you're just talking annexation it's the majority of the property owners and the city.

Commissioner Woodmansee: So if a majority of the property owners want to get annexed, can the city still decline it?

Mr. Moore: Mm-hmm.

Commissioner Woodmansee: So it's really up to the city.

Mr. Moore: Yes.

Commissioner Woodmansee: If a *minority* of the property owners wanted to get annexed, can the city accept it?

Mr. Moore: Not generally, but there's a couple different ways to measure a petition as meeting the threshold. I know it was – oh, I'm going off memory: We did one between the city and the county when I was the planning director at Sedro-Woolley and we had the majority of the landowners by far so we didn't need to look at the other options.

Commissioner Woodmansee: Gotcha.

Mr. Moore: But I know there's at least a couple different ways to meet the minimum criteria to petition for annexation.

Commissioner Woodmansee: If you're going to change the boundary, the Growth boundary, that's a cooperative thing between the two that gets negotiated, right?

Mr. Moore: Yes. No, that's a *much* bigger issue and a *much* more intensive process. We have to look at the Countywide Planning Policies to find out if – you know, having done the buildable lands analysis to see if more area needs to be taken in, based on population projections. Look at, you know, services or potential services that can be provided to the area. How realistic is that? Working with the utility companies. You know, there's a whole lot more to it and when you establish it.

Commissioner Knutzen: That would involve the state also, wouldn't it?

Mr. Moore: Oh yeah. It goes out – notices – you know, you have to notice everyone. You're running SEPA. Yeah, everyone's involved in that.

Commissioner Woodmansee: I should have known those things but I'm a little rusty on it.

Chair Candler: Anyone else?

(silence)

Chair Candler: Okay.

Ms. Rogers: And the last one is just our housekeeping item. So this is C23-11, the General Code Language Clean Up. This just amends some of the stormwater and wireless facility language that

the code revisers found after their updates last year. There're just a couple of inconsistencies in the language in other sections. So, for example, we need to change all the references to "personal wireless facilities" and change that to just "wireless facilities" to reflect the new verbiage in the amended wireless code section. So I put a table in the staff report which lists out the sections in the code so you can see how small these changes really are. They are just housekeeping.

Are there any other questions on this petition?

Chair Candler: Anyone have anything about that? While people are contemplating that, I just want to go back very briefly if we can to the 23-9, Primitive Campground definition in light of the discussion we had over here about adding commercial language. I did look up in 14.04. In addition to the three levels of infrastructure that you've listed here there is a general "campground" definition. So the only reason I even mention that is just because of the discussion about that. If people wanted to make a change, there is that other definition to look at.

Okay, anybody have any questions on the 23-11?

(silence)

Chair Candler: Okay. Any other comments from the Department on the work session?

Ms. Rogers: Just a little summary on the next steps. So we'll reach out to the two petitioners to have them come to a Planning Commission meeting so they can give presentations on their proposals, and allows you to have time to talk to them about what they'd like to do with their petition. So we'll plan for that this summer, and then we'll also have future work sessions once we have a staff report to go over Department recommendations for each petition and a public hearing. So we're hoping for late summer/early fall for those things because we are hoping to finish this docket by the end of 2023 this year – with the Board, too.

So again, all of the petitions and supporting documents are on our project webpage which is at the link on the screen, skagitcounty.net/2023cpa. And that is all I have for you.

Chair Candler: Okay. Thank you very much. Item number 4 concluding, we'll move on to the Director's Update.

Mr. Moore: So a couple of items I'll share. One, some of our staff went down and conducted a field visit down in Arlington of a battery energy storage system, since we have a couple of applications for those within Skagit County. Trying to gather more information – firsthand information. So there were representatives from a number of other jurisdictions there, as well as the state, and then the folks from Arlington to talk about their system that's installed there now.

So both our building official, deputy fire marshal, and our current planning manager were part of that and they said they – they reported back they gleaned quite a bit of useful information when we're doing our review and permitting about what will be necessary for safety and placement and considerations that we need to keep in mind when we're reviewing these. So that was very helpful.

Share something a bit out of the ordinary: I met with the Governor's Office of Regulatory Innovation and Assistance and the Whale Sanctuary Project to discuss possible Orca relocation to Skagit County. You may have seen this in the news here and there recently. So we are talking to them about that possibility. More to come, it sounds, on that. They were looking at both – I think San Juan and Skagit were the two places they were considering. So just in conversations with

them right now. So it'll be an interesting, out-of-the-ordinary type of project if it does ends up coming to Skagit County. So obviously shorelines permitting will be the primary, but the Governor's office is going to help us with the coordination. That's what they do, is coordinate between various federal, state, and local agencies on permitting. So they're going to help get that coordinated between everyone. So that's interesting. Yes?

Commissioner Mitchell: I apologize if this sounds like a stupid question, but did you say relocate Orcas here into Skagit?

Mr. Moore: Yes, *an* Orca.

Commissioner Mitchell: *An* Orca.

Mr. Moore: One single Orca, yes.

Chair Candler: In captivity.

Commissioner Mitchell: That's fascinating.

Mr. Moore: Yes. The Orca was originally caught here as a juvenile in the early '70s. It's currently housed in a basically shut down aquarium section in Florida and so they're looking at relocating it back up here.

Commissioner Mitchell: Interesting. Thank you.

Mr. Moore: So, yeah, just something a little out of the ordinary for us but interesting, so I'll definitely keep you posted if there are any updates on that.

Commissioner Hutchison: I have a question on the batteries. These are *huge* projects, right? They're storage units. Is there any guidance yet as far as establishing distance from buildings? Do you have some recommendation already in mind for what that might look like?

Mr. Moore: Yes, there is. So there are different standards and codes out there already that are for battery energy storage systems that haven't been, you know, adopted yet in the state code, but we are already reviewing those, the draft codes that are out there and the standards that have been published. So we're looking at those right now – distances from buildings, merits of fire suppression versus not, blast doors out the top of the cabinets – you know, just various things that will help to keep the property in the surrounding area and the first responders safe if they were to have an event there or a fire. The approach right at the moment is basically you just stay back. You vacate the area and just let it burn. But the way they're designed is to help limit the possibility of jumping from cabinet to cabinet, so it's – they're designed in such a way to try to limit any large-scale failure. So you might have an individual unit failure, but supposedly with the separation distances and the way they're designed it should help prevent that from becoming bigger.

Commissioner Hutchison: Do you think the benefits of these tools are greater than the risk?

Mr. Moore: That would be an opinion on my part that bears no relevance on whether they're coming!

Commissioner Hutchison: Fair enough.

Mr. Moore: So we're told they're coming. They are a necessity at a large scale level for the utility infrastructure. So whether it be a – you know, a 10 to 20-year patch until they get infrastructure improved or if it's a long term solution, I don't know. So I think there's a lot of questions at this point on that.

Commissioner Mitchell: Can you explain the why?

Mr. Moore: Sure. Briefly, the demand for electricity is outpacing the development of electric infrastructure. And there is basically underutilized power at night when the demand is down. So there's power out there, the lines are live, it's not being fully utilized at night. So they have found a way – you know, this would be one way to capture some of that, store it, and then re-release it back into the grid during the higher demand times, and more at a local level. So if you, you know, have a smattering of these throughout the county, they could help feed back into the grid locally and not have to transmit all the way across the mainlines, and then distribute through the normal paths. So it's basically better using the power that's being generated right now at the high demand times during the day. So that's PSE's main interest in doing it. The individual companies they're partnering with, well, they're going to be able to buy power at, you know, low prices in the evening and sell it back to the grid at a higher price when it's high demand.

Commissioner Mitchell: Does this necessitate County code?

Mr. Moore: There would be County review, but it's already something that could be done under County code. I mean, we have major utilities considered, major regional utilities considered in the code. So we recently issued an administrative interpretation that says the ones that are currently being – the scale of the ones that are currently being proposed are a major utility, so those will fit into the code and could be done under a special use potentially. So that's at stake right now, so we're anticipating, you know, likely applications coming soon to review.

Chair Candler: Anyone else about that?

Commissioner Woodmansee: How large would a battery storage facility be?

Mr. Moore: It's variable. It could be as little as, you know, the one on Samish Island that's a one single unit, the size of a commercial generator. On that you can have a whole installation of those cabinets that could be 10 by 10 by 40 cabinets that are how many ever you want, you know? So it could be small, it could be large. It's kind of a modular type of system. It's not one unit that's scaled up or scaled down. It's just a number of units. So how many do you need at this location, how many do you need at this location?

Commissioner Woodmansee: So what's the life expectancy of something like that?

Commissioner Hutchison: I heard 20 years.

Mr. Moore: Twenty years, yes. That's what we're being told.

Commissioner Woodmansee: And what do you do with the batteries after that?

Mr. Moore: They're going to have to be recycled or disposed of properly and that's going to be put in any decision that we make here – that there has to be a –

Commissioner Woodmansee: How will you dispose of those properly?

Mr. Moore: I don't know.

Commissioner Woodmansee: I'm just curious.

Mr. Moore: Yep. Don't know.

Chair Candler: Commissioner Hughes?

Commissioner Hughes: You always get a _____ here! Are we going to have to figure out zones that these are appropriate in?

Mr. Moore: Yes.

Chair Candler: Anyone else on batteries? I have an Orca question.

Mr. Moore: Oh, wait. May I – just to clarify to make sure I answered the proper question. When you say “we,” the County as a whole?

Commissioner Hughes: Yes. Yeah, yeah, I'm thinking.

Mr. Moore: Yes, yes. Okay.

Commissioner Hughes: I was going to say “Planning Department” but I didn't want to just _____.

Mr. Moore: Okay, yeah. No, I want to make sure. I don't anticipate this is something that would – you know, this development application would come back before the Planning Commission in any way, so I just wanted to make sure that you weren't asking that.

Commissioner Hughes: Okay, *now* I'm confused again.

Mr. Moore: Mm-hmm?

Commissioner Hughes: It's happening quickly tonight. There should be certain zones that these battery facilities need to be at. They just can't be in any zone.

Mr. Moore: Correct.

Commissioner Hughes: And so those zones will be identified through the process.

Mr. Moore: Those zones are already identified in existing County code.

Commissioner Hughes: Oh, okay.

Mr. Moore: Yes. Yeah. That's why – so the County will be reviewing it, going through the public hearing process for a special use permit for a major, regional utility, and making sure they meet all the criteria that's in existing County code.

Commissioner Hughes: Okay.

Chair Candler: Okay, my Orca question: The Orca population – resident population – is well documented now, but I don't know if that was happening in the early '70s. And if you don't know

the answer, that's fine, but just know that I would *love* to know the answer to this when you're talking to people, because I think you know people now.

Mr. Moore: I do! I know some pretty high level people that this is their life!

Chair Candler: Okay, so I really want to know whether or not they know this, whether this Orca came from J, K, or L pod. Do you know? Do you happen to know?

Mr. Moore: I don't. I should know that because I'm sure they mentioned it. But what they did tell me – okay, and this may be helpful to you because my knowledge of Orca pods is fairly limited. So the whale was captured as a juvenile out near Deception Pass, somewhere near Deception Pass, and its mother is still out here right now.

Commissioner Mitchell: Oh.

Chair Candler: If they know that, they know which pod it is.

Mr. Moore: Yeah, they know all of that. I'm sorry. I don't know right now.

Chair Candler: And I don't need to know which; I just wanted to know if they knew who she actually was.

Mr. Moore: They actually do. They know exactly which whale it was and which pod it came from and her mother's 102 right now. This Orca's 70, I think, or so, if I recall correctly. So they're, you know, optimistically hoping they might start communicating or something.

Chair Candler: Well, I'm assuming they've got to find a way to get her in the vicinity.

Mr. Moore: Yeah.

Chair Candler: But anyway, okay. Anything else from the Director's Update?

Mr. Moore: Nope, that's all. Thanks.

Commissioner Woodmansee: I have a question. Recently the governor signed some stuff about multiple – like, fourplexes and duplexes and zoning requirements – new state law stuff. Is there anything in how – and it was related to cities, I believe. Is there any impact from that new legislation that's going to impact Skagit County, other than maybe more units will get built in the cities than previously? Or is it kind of a non-factor as far as *our* units are concerned that we may get?

Mr. Moore: I don't believe that'll have any impact on Skagit County. I've looked at that bill and I believe it'll primarily affect the cities, the incorporated areas.

Commissioner Woodmansee: Yeah, yeah.

Mr. Moore: So that is my understanding.

Commissioner Woodmansee: Thank you.

Chair Candler: Anything further?

(silence)

Chair Candler: Okay, moving on to Planning Commissioner Comments and Announcements. I guess let's start at this end. Commissioner Rose?

Commissioner Rose: I don't have any comments. Thank you.

Chair Candler: Okay. Commissioner Mitchell?

Commissioner Mitchell: Pass, thank you.

Chair Candler: Commissioner Hutchison?

Commissioner Hutchison: Thanks for a great presentation, Jenn.

Commissioner Knutzen: Just a question: Do you know what the agenda in two weeks is going to be? Do you have a tentative agenda yet or is that too far away?

(some inaudible remarks)

Commissioner Knutzen: I won't hold you to it. I'm just curious.

Ms. Ruether: We're meeting with the Ag Advisory Board tomorrow night so they want to do a big overview of what's permitted and what's not permitted so we're working with them on trying to make it more understandable. So I don't – if that's feeling like it's solid enough, we'll bring it in two weeks. If it's not, we won't. We are working with them currently on that.

Commissioner Knutzen: Right. Okay. Yeah, okay. That's it.

Ms. Rogers: And Commissioner Candler: So Lolita's from the L pod.

Ms. Ruether: We have the name!

Ms. Rogers: Well, that was the name that the aquarium gave her, so that's not her local name.

Mr. Moore: Her local name is Toki. Tokitae, but Toki for short. That's the name they were using when I met with them.

Commissioner Mitchell: Thank you.

Commissioner Knutzen: Okay, that's all.

Commissioner Hughes: Nothing.

Chair Candler: Commissioner Woodmansee?

Commissioner Woodmansee: Well, since we've talked about batteries quite a bit, I did learn this week, and I don't know if anybody else saw it, but Tesla's going to be putting in a manufacturing plant or assembly plant in Arlington, which is pretty close to home.

Commissioner Hutchison: For the roofing systems?

Commissioner Woodmansee: *Tesla*. No, for cars.

Commissioner Knutzen: They don't build small plants either, do they?

Commissioner Woodmansee: No. Anyways, just a little piece of information. I mean, it could impact us and it'll create a lot of jobs. I think it's their first thing going in in the Pacific Northwest, if I remember right.

Commissioner Knutzen: Do you have any more details on it? When, where?

Commissioner Woodmansee: If you Google it –

Commissioner Knutzen: Oh, okay. It'll come up?

Commissioner Woodmansee: Yeah, they just signed a lease. They just signed a new lease recently.

Ms. Rogers: _____ Business Park. That's where it's going to be.

Commissioner Woodmansee: Yeah.

Chair Candler: Okay, so my comment is I want to thank – this poor gentleman back here from the IT Department has been hanging with us for an hour and 45 minutes now. He was able to help some of us with the email situation before the meeting. I don't know if people still – I think he must be hanging because people still need him. I just wanted to let people know he's here.

And I don't have anything further, so, with that, we are adjourned (gavel).