

Skagit County Planning Commission
Case Law Update
Work Session: 2025-2030 Capital Facilities Plan Update
Public Hearing and Deliberations: SCC 14.16.400(4)(h) Amendment
Deliberations: Countywide Planning Policy Amendments
October 8, 2024

Planning

Commissioners: Kathy Mitchell, District 1
Vince Henley, District 1
Angela Day, District 1
Amy Hughes, District 2
Tim Raschko, Chair, District 2
Joe Woodmansee, District 2
Tammy Candler, Vice Chair, District 3
Jen Hutchison, District 3
Kiera Wright, District 3

County Staff: Robby Eckroth, Senior Planner
Tara Satushek, Senior Planner
Will Honea, Assistant Prosecuting Attorney

Public Commenters: Larry Jensen
Rylee Fleury
Tina Champeaux
Darryl Fussell

Public Hearing

Speakers: Rylee Fleury
Jessica Nguyen
Larry Jensen
Tina Champeaux
Mikala Staples Hughes
Todd Ferguson

Chair Tim Raschko: (gavel) Good evening and welcome to the September – the October 8th, 2024, meeting of the Skagit County Planning Commission. I believe we have everybody. Okay. And I'd appreciate a motion to approve the minutes of September 24.

Commissioner Amy Hughes: So moved.

Commissioner Kathy Mitchell: Second.

Chair Raschko: It's moved and seconded to approve the minutes of September 24th. Is there any discussion of the minutes?

(silence)

Chair Raschko: All those in favor, please say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Okay, so the minutes are approved. Tonight we have time for 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. And we ask you to please, if you speak, before you begin state your name – spell your last name – and your address, and please limit to three minutes. So is there anybody who wishes to address the Planning Commission tonight?

Larry Jensen: Yes. I'll try to be clear so _____. I wanted to talk about ag tourism. Is that possible or not possible?

Chair Raschko: That is possible.

Mr. Jensen: That's possible.

Chair Raschko: Yes.

Mr. Jensen: Okay. And was there going to be some information about the finding of the – can I wait till *after* I hear that information or I need to do it now? Now. Okay, thank you. I'll do it now.

Mr. Jensen: Okay, my name is Larry Jensen, last name spelled j, e, n, s, e, n. I live in Mount Vernon, Washington, 15356 Produce Lane, Mount Vernon, and I've spoken before on the topic of ag tourism. And I'm a farmer. I'm 70 years old. I've been farming in Skagit Valley all my life. And I know there's been several different points of view about agritourism. I can just tell you, as a farmer, people are having difficulties, especially small and medium size farms, trying to make a living. So I'm advocating that you allow people to use their buildings and their farms to promote agriculture in Skagit County and build a bridge between the urban public and the farm community. And the best way to do that is with ag tourism. So if and when this happens, I would also ask that you make one set of rules for all people whether that it's a beginning farmer who's starting today or it's a farmer who's been in business like myself for a very long time – over 50 years. That you do not make special rules for people who have been in business for a while and different rules for people who want to start business. That's my stated purpose. Thank you very much.

Chair Raschko: Thank you. And the other gentleman, please go ahead.

Rylee Fleury: My name is Rylee Fleury, last name spelled f, l, e, u, r, y. I live at 17246 Maple Lane in La Conner. I have kind of a similar theme as Mr. Jensen to say. It's my opinion that Skagit County needs to spend more time preserving farmers and less time regulating these farmers and their land. Whatever privileges are allowed to older farms, you need to be allowing to *all* farms, whether new or old or small or large. We need to have equal treatment under the law. We can't have a different set of rules for different people. And we need to incentivize all farmers. Skagit

County is a farming county. We need to incentivize them *staying*. We've lost over 3700 farmers in Washington State. Skagit County needs to be the beacon where farmers can thrive.

You may recall from the Declaration of Independence it says "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness." I believe that this County has stood in the way of many farmers pursuing this life, liberty, and pursuit of happiness, and we need to step out of the way and let them run their farms and use their land as they see fit. Thank you.

Chair Raschko: Thank you. Is there anybody else? Yes, please go ahead.

Tina Champeaux: Tina Champeaux, c, h, a, m, p, e, a, u, x, 1641 State Route 9, Sedro-Woolley. I really wasn't prepared because I just came from a really long meeting and I didn't know I could speak tonight. But I do want to say that I support what Mr. Jensen and what Rylee has said about agritourism. The farmers, as far as I'm concerned, are overregulated. They're overtaxed. Basically I think the County micromanages them. So how do you make a profit in farming if every time you turn around you're having some kind of restriction or it's costing you more money? We need to have farms that not only are productive in agriculture but also they have to have some kind of a(n) ag-related agritourism to help subsidize their farming. Their building site maintenance – they have to make a profit to keep their business open and their families fed, and right now there's just too much angst about the agritourism. We need to really open that up so that the farmers can survive.

The other thing is the battery farms. I'm really irritated about this. I know that probably there's very little you can do because it's a state issue and it's happening nationally. But when they put the ___ farm on windmills, battery storage, it's really infuriating to people who have been raised in farming. And right now we've got the best project over in Sedro-Woolley. This –

Chair Raschko: Excuse me.

Ms. Champeaux: Yes?

Chair Raschko: One thing, you're not allowed to speak of something that's under deliberation tonight.

Ms. Champeaux: Oh, it is?

Chair Raschko: Yes, it is.

Ms. Champeaux: Which one's under deliberation?

Chair Raschko: The battery.

Ms. Champeaux: Oh, I was told I could, I thought.

Vice Chair Tammy Candler: We have – can I – may I?

Chair Raschko: Go ahead, please.

Vice Chair Candler: We have a public hearing on that tonight and you have an ability to speak to that at that time, if you'll sign up for the public hearing.

Ms. Champeaux: Oh, okay. I misunderstood because that's what – I was told that I could speak on the batteries.

Vice Chair Candler: You can tonight when we start the public hearing shortly.

Chair Raschko: Yeah, that'll be a later time tonight.

Ms. Champeaux: Okay, thank you. Thank you.

Chair Raschko: Is there anybody else who would like to speak? Yes, sir?

Darryl Fussell: My name's Darryl Fussell. I'm from Clear Lake. I'm a retired CEO of a tech company. I farmed here starting in 1970 and I worked on the largest flower farm in the world and it wasn't Washington Bulb Company.

I would like to say this: Farming in this community is the life blood of this community. The regulations that we've seen happen in the last 30 years in this county is absolutely asinine. And that's the best word that I can use. If we're going to violate the supreme rule of the land, which is the Constitution, the federal statutes and the state law – RCWs – where there's something on the books called the Right to Farm Act, that's very clear on what the farmer can do. This Planning Commission seems to think that they can usurp these three milestones and pillars in our rule of law and they can come up with something new and arbitrarily favor their friends, favor their acquaintances, their socialites. And then we have brand new people coming into the farming industry called young people. If they want to farm, they have to first of all be penalized with a permit. Then they've got to be penalized with this – another asinine rule. Unless you've been in business for five years, you can't do what these people have done for the last 30, 40, or 50 years. It's wrong and you need to reassess your position and stop.

Chair Raschko: Thank you. I would only make one comment. If I have been favoring friends and other people I would like for you to say who they are.

(silence)

Chair Raschko: Okay, thanks. Anybody else wish to speak to the Commission?

(silence)

Chair Raschko: Is there anybody online?

Robby Eckroth: If anyone's on Zoom and would like to speak in regards to a matter that is not going to be discussed on today's agenda, please unmute yourself and go to "speak" or raise your hand.

Chair Raschko: Okay. Well, that'll close Public Remarks. Next we'll have Mr. Will Honea give us a case law update in regarding *King County v. Friends of Sammamish Valley*, a Washington Supreme Court opinion regarding agritourism.

Will Honea: Good evening, Commissioners. Will Honea, Skagit County Prosecuting Attorney's Office. I'm not sure how I got nominated for this honor. I think Jason D'Avignon probably could have done a better job, but here I am. You got me instead.

I was asked to just provide a few comments about this *King County v. Friends of Sammamish Valley* Supreme Court decision that was recently handed down. You know, and I want to sympathize with the folks that actually were talking here. You know, it is extremely difficult to make payments to keep existing on the land without alternative sources of income. And, you know, we've got an overarching thing here that we're dealing with, which is that Skagit farmland is extremely cheap because of our elimination of its development value for zoning. It's, you know, 15,000 an acre on average. You'd pay a heck of a lot more than that for industrial land.

So what that leads to is tremendous pressure from all sorts of business ideas – battery storage, solar panels, all sorts of things, as well as ideas for events, venues. And so there's this tremendous pressure because we've made the land cheap and the only thing that's the bulwark against that is our code. So we as a community get to decide what that code looks like and what the limitations are. And it starts here. So you're doing important work.

You know, what I'm talking about with the Washington Supreme Court decision is the Growth Management Act and how the Washington Supreme Court interprets it. Now I don't always agree with the Washington Supreme Court; however, our system of laws has put them in charge of the interpretation of state law and we are a political subdivision of the state. And to the extent we intend to remain as such, we are bound by those laws. So I'm not expressing personal agreement or disagreement with anything – you know, what I'm saying here or about to tell you, but rather, what my reading of the Supreme Court case is and how it might impact your deliberations and thoughts about the ag tourism ordinance that's forthcoming and, I think actually, writ large our obligation to protect farmland for farming.

So the case here is a challenge to a King County ordinance and it set up a framework to regulate wineries, distilleries, and breweries in ag and rural areas. Now they hadn't had a lot of them cropping up; you know, they're originally tasting rooms and that sort of thing, or remote tasting rooms. You know, they're on the fringe of Seattle so there's a ton of tourism available, and so these tasting rooms kind of just grow into big party venues over the years.

So what happened – cutting to the chase – is the Supreme Court held that this King County ordinance, which I think legitimized, essentially, the existing venues and allowed for quite a bit of this. The Supreme Court held the ordinance violated both the Growth Management Act and SEPA, State Environmental Policy Act, and invalidated portions of the ordinance. By the way, I'm not going to go on a real deep dive tonight. I don't want to take up all evening boring you with this stuff. And I didn't prepare a big memo either, but if there *are* questions that come up, you know, this is intended to be a high level overview – if there are questions that come up, our office is happy to generate a memorandum answering legal questions at your request. You can transmit that through the Planning folks and let them know, and we're happy to do that. So I'm not going to try to answer everything. This is high level.

So, yeah, so putting it really directly, the Supreme Court invalidated King County's ordinance on grounds that it was allowing a bunch of non-agricultural activity on agricultural land. And they held that it didn't comply with the GMA. I'm putting it in simple terms here. There's a bunch of different grounds. But, you know, what it means in short is as the Planning Commission considers what agritourism activities are allowable, the law requires, this Supreme Court decision requires that we show whatever is going to be allowed under this new code doesn't degrade the agricultural land base. You know, I want to read you a couple quotes. You know, it's a very long decision, very – you know, a lot of complex arguments and things going on, a very complex procedural history. There's a lot in this decision about – by the way, granting a lot more deference to the

Growth Management Hearings Board at the expense of local government. The decision was kind of – the more – I guess you might call it “progressive” justices all voted for this and the more conservative ones voted against it. And I think the ones that were conservative articulated their opinions in the, you know, the dissent. The idea that this is degrading local land use authority in favor of a state-appointed board. But nevertheless, the ruling is the ruling, and the ruling is highly protective of ag land.

So I’m going to read you a couple quotes. This is from the majority opinion. This is not the dissent I just referenced.

Quote: “Counties have broad discretion to develop plans and development regulations suited to unique local circumstances, but such discretion does not allow a proposed action to convert agricultural land to uses that do not support agricultural land preservation. The Growth Management Act does not allow” – quote – ‘innovative’ – unquote – techniques that convert prime agricultural soil to unrelated uses.”

Another quote that I think really sort of summarizes the Supreme Court’s reasoning. Quote: “Agricultural land that is specifically designated must be maintained and enhanced for potential future use under the Growth Management Act even if the land is not being used for agricultural production currently. The Growth Management Act requirement ensures the land is preserved for future agricultural use.”

So, you know, the idea – they also really underscore the idea that accessory use means accessory use. It’s for real. And this is – by the way, that obligation of accessory use – the idea that the activity has to be supportive of/part of the actual agricultural operation. That’s actually a state law requirement of the GMA or RCW 36.70A.177(3)(a), specifically – quote – “Accessory uses shall be located, designed, and operated so as not to interfere with and to support the continuation of the overall agricultural use of the property and neighboring properties, and shall comply with requirements of this chapter.”

So I think in your deliberations around this, you know, the accessory use needs to be part of and attended to the agricultural activity. That is – and if we adopt an ordinance that goes beyond that it risks challenge.

Another concept that the court’s decision brought out was the idea that, you know, the use allowed has to be in some way – and this follows from the idea of accessory use – that it’s got to be proportional to the actual agricultural activity. So, you know, a sickly 10-foot by 10-foot plot of hops is not, you know, not really the basis for a 300-seat tasting room, you see. And we could think of some specific examples of large operations in the valley that have – might have a larger, you know, ag tourism-associated activities. There needs to be a relationship there, is what the Supreme Court was saying.

So SEPA is also a big part – the GMA grounds where you’re not protecting ag land; this isn’t cutting it. There’s also a significant portion of this that – you know, the Court invalidated the ordinance partly on grounds of its treatment of SEPA. So this is the environmental review required when the government does something. It’s the ubiquitous law. The federal government has NEPA. You have to do environmental review whenever the federal government does something. State governments and their subdivisions such as us are required under state law, SEPA, to do environmental review anytime there’s an action. Now King County argued no SEPA was required in the adoption of this ordinance because it was a non-project action. It wasn’t – we’re not actually building something here. We’re not actually permitting or authorizing something. It’s just an

ordinance. The Supreme Court didn't go along with this and it held that the ordinance violated SEPA because the County was, you know, essentially relying on existing laws to provide environmental protection. And, you know, the ordinance itself didn't require any kind of, you know, mitigation for the impacts and it didn't look into – essentially – the impacts the new ordinance would have if everything allowed were built out to its maximum potential – to its full buildout, if you will.

So the point here for us is we are going to have to look at that analysis in adopting this ordinance. Now this is not – you know, this is an organizational thing. It's not the Planning Commission's responsibility to do SEPA. This is associated with the action that the Board takes in adopting the ordinance. But you should understand in your deliberations that, you know, an analysis of how what's being allowed is going to impact agricultural land protection and agricultural activity. It needs to be part of the thought process. We can't just push it off and say, Well, we'll cross that bridge when somebody comes in for a permit. We can't do that, according to the Supreme Court's decision. So, again, it's not the Planning Commission's burden but it really needs to be part of the thought process.

You know, one of the problems the Supreme Court had with the King County ordinance here is it was essentially sanctifying – you know, allowing everything currently in existence to be considered as the baseline for the SEPA analysis. So whatever's there now, even if it's not lawful, is part of the environmental baseline. And so, you know, even what's currently happening isn't entirely legal it's what's there now and we're not considering it. This is a *new* impact.

We don't quite have the same problem they did in King County. They just – the new ordinance just essentially blessed off on more or less everything that was going on. We, you know, obviously have a little different situation here and we handled it a little differently, I think, with an eye towards that problem, actually. You know, when we set out trying to resolve this, we adopted the moratorium and that deals with existing businesses (and) is a code enforcement matter. But there's a – you know, and we've offered folks until next June to get their materials in and negotiate a compliance agreement. If they don't do that, they'll be treated as new business under the new ordinance that you're working on. You know, we're talking, you know, some are probably going to enter voluntary compliance agreements around their existing activities. Some won't, you know. But what that does is give us a cutoff by which we can analyze the impact at a cumulative level. It probably – a way that would be treated is an assumption that they can do whatever's allowed under the new ordinance.

So discretion afforded to – and it's a relatively small number of businesses. We're not talking about a legislative act validating something across – broadly legislatively across an entire county.

That's probably enough. If you have any questions, I might be able to answer them. They probably are going to involve us writing something up if they're of any detail.

Chair Raschko: Are there any questions? Yes, Commissioner Day?

Commissioner Angela Day: Thank you very much, Mr. Honea, for your presentation. I read the decision and I noticed that the decision included two questions: Did the ordinance violate the GMA and did it violate SEPA?

Mr. Honea: Right.

Commissioner Day: And which you've just gone through and very helpfully explained. I didn't see that it specifically answered the question about GMA. I did read that, you know, their concern over the accessory uses was that the ordinance didn't define the size, scale, and intensity of accessory uses that were allowed. But when it came down to the end, it said the planning agency – the Planning Department – which was generally granted deference, did not accurately determine the SEPA impacts, the non-project impacts of the ordinance; therefore, it violated GMA, because the SEPA was not complied with. But I never did see necessarily where it said accessory uses are not allowed on ag land.

Mr. Honea: No, it – no, accessory uses are allowed. What it says is simply – and you're right in the sense that what the Supreme Court was saying – well, you know, you have to consider the impacts, you know, for this to pass GMA muster, and you didn't consider the impact. So those two things were definitely linked. Yeah. And as far as accessory use goes, those *are* allowed on ag land but the definition of it, the Supreme Court made clear, is – you know, it's not a broad and expansive definition. It's really got to be about supporting the agricultural activity.

Commissioner Day: And so moving forward, the guidance that we take from this decision is that any ordinance that we enact has to consider the SEPA, the environmental impacts of the ordinance and the likely projects that will come from that. And also if we define the size, intensity, and scale of any accessory uses allowed that we should not be in any legal trouble that would stem from this decision. Is that accurate?

Mr. Honea: Right. Well, you know, I don't know. I hope so. We have to think about what this is going to do to farming writ large in the valley. And whatever's allowed has to really well and truly be accessory to the agricultural use existing on the land. That's how I'd frame it.

Commissioner Day: Yeah, yeah.

Mr. Honea: You know, there are – the Planning Department's done a lot of work to try to frame this, get it started, in any rate, in a way that, you know, falls within that. But I think that what this decision stands for is, again, that we're not going to be allowed to get away with an expansive definition of "accessory." It's going to be a more constrained thing. Ag land is for ag land. You know, implicit in what – like the quote that I read: Even if it's not being used for farming, it still has to be protected. You know, implicit in this is farmland is for farming and there are other zoning categories for these other things. You know, so I think that's the guidance that the Supreme Court's giving us.

Commissioner Day: Thank you.

Chair Raschko: Anything else?

Vice Chair Candler: Yeah. So I read part of the decision. I haven't made it all the way through but I certainly read the synopsis and the summaries and some opinions about it, and I've heard what you said. I don't know if you are in a position to answer this question. I heard your disclaimer loud and clear. It seems to me that other than maybe making a little bit better articulation of the SEPA piece, what we did recommend when we did deliberate would not fall afoul of this. Are you able to make an opinion on that or –

Mr. Honea: I can't. I think that'd be a little – you know, without a little more thoughtful analysis around it. I mean, we're not to the point that it's coming before the Board, you know. Affording some high level guidance, I think if there were specific questions about it, we would, you know,

be willing to work on this with Planning staff and address questions, but it's a little rough for me stand here and –

Vice Chair Candler: I understand you don't want to do that _____, but I think at some point we're going to have to – that's the essence of what we're going to have to boil it down, right?

Mr. Honea: Yes.

Vice Chair Candler: My thinking is that we did not expand it such that we would run afoul of this. But I guess there'll be more to come. Thank you.

Mr. Honea: Yeah. Thank you.

Chair Raschko: Commissioner Woodmansee?

Commissioner Joe Woodmansee: So my take on it is that the Supreme Court has a very, very narrow interpretation of the situation.

Mr. Honea: Yeah, I think that's a fair assessment.

Commissioner Woodmansee: If you just read it for the true meaning of the words, it's pretty much a *carte blanche no* – unless it's *truly* related to agriculture.

Mr. Honea: Yeah, the agriculture and the use of the land for agriculture. I mean, you know, that can allow quite a lot ultimately if it's – again – in proportion to the operation, as the Supreme Court would tell us. So, you know, it's not necessarily restrictive on – you know, it's completely restrictive in terms of scale, but the relation to the agricultural activity is the thing.

Commissioner Woodmansee: So how do you determine scale and proportionality?

Mr. Honea: Well, that's a good question. Hopefully it won't take a lawsuit to find out, but, I mean, the – you know, the –

Commissioner Woodmansee: I mean, it has to be subordinate to?

Mr. Honea: Yeah.

Commissioner Woodmansee: So fairly small scale.

Mr. Honea: Relatively small scale. I mean, again, implicit in this is large scale event venues, there are other zoning categories. I mean, that's what this decision's telling us.

Commissioner Woodmansee: Thanks.

Commissioner Day: May I ask one more question?

Chair Raschko: Commissioner Day?

Commissioner Day: Thank you. Regarding the scale and intensity, I was in Snohomish County last weekend, where I lived previously, and I've watched the ag community as they've kind of transformed, you know, near an urban center as a pumpkin farm – I think this speaks to your

question, Commissioner Woodmansee – and they sell pumpkins but they also had, like, a big amusement slide, and they had other, like, carnival rides. They were selling pumpkins, but they were also doing other things to attract people to their farm. And it's hard to know exactly, but I bet there were a thousand cars there. And they've had to hire traffic cops and reroute traffic near Highway 9 for this farm. So how does an ordinance actually limit or define how many people can come to an event and how you would define coming to buy pumpkins versus riding on the slide? Like, how can an ordinance even do that?

Mr. Honea: Well, I mean, the situation you're describing is somebody has a field full of product and they put it up for sale and a bunch of people showed up. I mean, I don't think that offends anything.

Commissioner Day: Maybe not.

Mr. Honea: It's when you start getting into other activities that are driving the train, when you start converting land to do that. Right? You know, yeah, I mean, it sounds like they have a good business model to me!

Commissioner Day: I mean, I'm happy for them for sure! It's just hard to, I guess, define what one person's, you know, success in ag-related business is another person's vision of an event venue that's not ag-related. It seems like it's a very hard task to develop an ordinance that defines those things.

Mr. Honea: Yeah. It's the scale and proportionality is going to be critical to this. I mean, that is - you have the hard job here. I mean, I've talked to a lot of people about what they think – you know, in the valley about what they think ought to be allowed by way of agritourism, and I think I've got – I talked to 500 people; I've got 500 opinions. So, you know, this Supreme Court decision is – it's guidance. Some people might like it. Some people might not like it. But it does seem to make pretty clear that, you know, it's – the scale is not going to be giant and the proportionality to the actual operation is – Is this really an accessory use? You know, and rules that hew to that concept, you know, are what will survive legal challenge.

Chair Raschko: Have you any more questions or discussion?

(silence)

Chair Raschko: Can I just say something about your comment? Two weeks ago I drove by that farm and I was shocked. But one thing I think would be interesting would be look at the zoning of that particular piece where all that was happening. Because as I recall, it was right on the edge of the valley and starting to rise up and off. Was it zoned ag, do you know?

Commissioner Day: Yeah, and it's – there are several doing this. The particular one in my thought was in the middle of the valley. And I guess to your point, you know, we all have a different vision of what agriculture can be. But I think the comments tonight speak to the fact that, you know, it needs to be something that can be easily understood and followed. You know, the regulation needs to be clear to farmers, and I think it's that part where it's not understandable and it's not well defined that is partly what creates a big problem. But, yes, that is ag land – the one that I'm speaking of.

Chair Raschko: Well, we were both amazed.

Commissioner Day: Yes.

Chair Raschko: Okay, Commissioner Hutchison?

Commissioner Jen Hutchison: Thank you. I think that scenario begs the question as to, When does an event actually – an event turn into tourism? Right? Like you're saying that's a successful farmer selling pumpkins and having some activities for the family while they're there. But are they really trying to get people in from out of county to come buy those pumpkins or is that for their locals, for their harvest? Is that – hmm, so many questions.

Chair Raschko: Yeah. Is there anything else?

Commissioner Vince Henley: Me.

Chair Raschko: Commissioner Henley.

Commissioner Henley: Quick question: You mentioned the concept of auxiliary use and proportionality several times. Did the Supreme Court give any guidance at all about what that should mean?

Mr. Honea: Yes, its true – accessory uses truly must be, you know, related to the agricultural activity. And again, you know, this is tied to the analysis of the impacts overall, but it's also, as I mentioned, you know, about a proportional scale. And again, I'm just picking an absurd example. I've got a 10-by-10 square foot plot of struggling hops here and this, of course, justifies my 400-seat tasting room and my brewery. You know, that's an extreme example. You know, where that scale – level of scale – lands is – you know, it's a judgment call grounded in experience, and that's why we have so many experienced Planning Commissioners sitting up here to help us with that.

You know, I mean, that really is it. It's a judgment call grounded in experience. There's some legal guidelines but they're not specific. There's no _____.

Commissioner Henley: Won't they be settled in the court once again and be revisited?

Mr. Honea: Well, I hope not. I hope we can all peaceably come to a good conclusion as a community and move forward. But we'll see what happens.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay. Well, thank you, Mr. Honea.

Mr. Honea: Thank you. Have a good evening.

Chair Raschko: We now have the 2025 to 2030 Capital Facilities Plan Work Session. Ms. Satushek? Did I say that right?

Tara Satushek: Satushek.

Chair Raschko: Okay.

Ms. Satushek: I apologize. It'll take me a minute to get this. I was having some technical issues earlier with my USB drive.

(short delay)

Ms. Satushek: So good evening. This will be – my name is Tara Satushek. I'm Senior Long Range Planner with the Planning and Development Services. This is a work session to provide a(n) overview of the Six-Year Update from 2025 to 2030 for the Capital Facilities Plan.

So what is the purpose of the Capital Facilities Plan? The Growth Management Act requires under RCW 36.70A lists public facilities and services as one of the planning goals and defines what is listed on the slides. A capital facility plan can help local jurisdictions use its limited funding wisely and efficiently to maximize funding opportunities. By planning ahead to determine what a jurisdiction's needs are, they can prioritize projects, coordinate related projects, and apply successfully for loan and grant opportunities.

What is a capital facilities plan? It is a required element of the GMA. The capital facilities plan addresses capital facilities planning within unincorporated areas of Skagit County outside of cities' urban growth areas. Bayview Ridge UGA is the only County – is the County's only non-municipal urban growth area; therefore, the County is responsible for planning the capital facilities within the Bayview Ridge area.

Impact fees cannot be charged if the projects are not identified in the CFP or the C – excuse me, the Capital Facilities Plan or the Capital Improvement Plan. While Skagit County does not levy its own impact fees, it collects them for certain other jurisdictions when permits are issued within their boundaries.

So the GMA lists specifically what the Capital Facilities Plan is supposed to include. It includes a list of inventories – excuse me, an inventory of existing facilities, their locations, and their capacities; estimate future needs in proposed locations and in proposed capacities based off of future needs of population and growth. This includes a six-year plan that will identify how these capital facilities will be financed, such as maintaining or acquiring new properties.

So the Comprehensive Plan Policy 10A-1.1 defines a capital facility as such in our Skagit County Comprehensive Plan. It's a publicly-owned structure, improvement, or asset that meets all of the following criteria:

- Related to providing facilities/services that are related to development;
- Exists now or may be needed during the current GMA 20-year planning period, which we're currently in the process of updating;
- And it requires the expenditure of public funds over and above the annual maintenance and operational costs of \$10,000 or more, and has a life expectancy of 10 years or more.

So during this process we reached out to County departments, special purpose districts to see what changes that they had so we could update the Capital Facilities Plan. And a few of the notable ones to point out for internal changes that are going to be – that are listed in the draft is the Clean – excuse me. Edison Clean Water District received a Department of Health grant through EPA to fund its upgrade – excuse me, to fund an upgrade to the UV system that has been obtained, and design and construction is anticipated for later this year and in 2025.

Public Health is continuing their work and they secured a Community Development Block Grant for 2025 improvements to the Concrete Community Center enhancing the kitchen, restrooms, HVAC, and adding an electric generator for year-around emergency shelter support.

Public Works Solid Waste Division is planning to upgrade wiring in its Transfer Station in 2025.

And Public Health has secured multiple grants for a little over 22,000-square-foot Crisis Stabilization Center at the County's Star Center in Sedro-Woolley, set to be completed next year in 2025. This will feature three units with 16 beds each for mental health crisis stabilization, withdrawal management/detox, and inpatient/co-occurring treatment.

The responses we received from the special purpose districts generally include annually updated enrollment numbers and capacity, and these numbers come from the school districts themselves and also through the OSPI office.

The fire districts and diking and drainage and irrigation districts also provided an update of their numbers of future and existing needs. One notable change is that there was an establishment of a Skagit County Regional Fire Authority, which merged Fire Districts 10 and 19 into a Regional Fire Authority. District 10 runs from Hamilton to Rockport State Park, with stations in Grassmere, Birdsvie, and District 19's continues northeast of Whatcom County, the Whatcom County line, and south nearly to the Snohomish County line, with stations in Rockport and Marblemount.

Based on the projects' locations and levels of service described in the Capital Facilities Plan, a reassessment of the Land Use Element of the Skagit County Comprehensive Plan is not required.

The redline draft is available online on the Capital Facilities Plan website here. There is a public hearing that will be held on October 29th on the draft Plan and updates, which will show the changes with the red lines. Deliberations are scheduled for November 19th, 2024, of this year, and Board consideration of the documents concurrent with the budget adoption is anticipated December 9th.

The public comment will start on this Thursday, October 10th, and go until Thursday, October 31st, at 4:30 p.m. There are two ways to provide comments. Email's preferred but you can also do a written comment. Email comments can be submitted through the address listed here at pdscomments@co.skagit.wa.us, with subject line "Comments on the 2025-2030 CFP Updates." And paper comments can also be mailed or hand-delivered to the address here, 1800 Continental Place, noting the 2025-2030 CFP Update.

That is the overview of where we're at with the Capital Facilities Plan draft.

Chair Raschko: Have we questions or comments for staff?

(silence)

Chair Raschko: Okay. Well, thank you very much. Turn next to a Public Hearing on SCC 14.16.400(4)(h). The purpose of this public hearing is to receive testimony and written correspondence regarding proposed code amendment SCC 14.16.400(4)(h) regarding major electrical utility developments on Ag-NRL-zoned land.

The purpose of the proposal is to amend Skagit County Code 14.16.400(4)(h) to exclude electrical generation and/or storage as utility developments that can apply for a Hearing Examiner Special Use Permit in the Agricultural Natural Resources Lands.

The proposed amendment is as follows:

(h) Major utility developments, excluding those involving the generation and/or storage of electricity, where there is no other viable parcel or non-agricultural-designated land to serve the affected area. Analysis of alternatives to the development of the utility and the natural resource land must be provided.

So there's a sign-up sheet at the back and the room for those who wish to testify. An opportunity will be given at the end of the hearing for anybody who was unable to sign up but would still wish to speak. And please limit your comments to three minutes. I'd like to adhere to that because it is not fair for somebody to be allowed to go on and on when others have cut theirs short prior.

Before you testify, clearly state your name – spelling your last name – and your address. A recording system will record your comments.

So before we begin, staff will give a brief presentation. Please go ahead.

Ms. Satushek: Hello. I'll reintroduce myself in case anybody hopped onto Zoom meeting. My name is Tara Satushek, Senior Long Range Planner with Skagit County Planning and Development Services.

This is a brief presentation summarizing what has been provided in previous staff reports and work sessions provided the Planning Commission on September 10th. This presentation will also provide a summary of comments received during the comment period from September 12th to October 8th.

So here is the proposed code amendments for Skagit County Code 14.16.400(4)(h), which would add the language “not including those involving the generation and/or storage of electricity” for major utility developments as a Hearing Examiner Special Use.

The proposed amendment to exclude on Agricultural Natural Resource Land electrical generation and/or storage facilities from major utility developments permitted with a Hearing Examiner Special Use Permit. Skagit County has long maintained a strong policy of protecting agricultural land for agricultural uses and this proposal furthers that policy by not allowing major utility developments for the generation and/or storage of electrical power on agricultural land.

The code amendment will effectively prohibit electrical major utility developments on Ag-NRL-zoned land. This will help prevent the unnecessary conversion of agricultural land. This proposed amendment would not affect the permitting of minor utility developments, which would require an Administrative Special Use Permit, nor would it affect or prohibit net metering systems as allowed by code.

So currently this is what the Skagit County Unified Development Code lists as utility developments, breaking them into three categories – minor, major, and major regional utility.

The Department has also issued three Administrative Official Interpretations clarifying major utility developments and how energy, storage, and generation facilities would fit in that context. Each AOI has concluded that the contemplated development would be defined as a major utility

development. Those were regarding battery storage, energy storage systems, and solar electricity generation facilities.

Since the last work session in September, the Board of County Commissioners adopted an interim ordinance declaring an emergency and adopting a moratorium on the acceptance of permit applications for major utility development projects involving electrical energy generation or storage on Skagit County Ag-NRL lands. This moratorium lasts for six months but may be extended by the Board if necessary.

The ordinance identified:

Skagit County has reasonable fear that access to Skagit County Ag-NRL lands for industrial electrical energy generation and storage activity will interfere with and jeopardize their long-term protection of Skagit County's farmland and farm economy.

The Skagit County Planning Commission is currently considering permanent regulations relating to electrical energy generation and storage on land zoned Ag-NRL, and the Board is concerned that the prospect of new development regulations may precipitate a rush to initiate new uses and activities inconsistent with the intent expressed herein, as well as the public peace, health, and safety.

The Board of County Commissioners will be holding a post-adoption public hearing on the moratorium on October 21st, 1:30 p.m., here in this room. It will be a hybrid meeting and the event's details will – if you go to skagitcounty.net/departments/countyc commissioners the Zoom login information will be there.

So any development regulation amendment must be consistent with community visions, goals, statements and objectives, and policy directives of the Comprehensive Plan as required by Skagit County Code 14.08. The proposal was reviewed under – I'm sorry, where am I? – in the policy directives of the Comprehensive Plan, and the proposal preserves the integrity of the Comprehensive Plan and ensures its systemic execution. It also requires consistency with the requirements of the Growth Management Act Countywide Planning Policies. Review to this amendment is determined to be consistent with these requirements. This analysis was provided in the September 3rd staff report and was presented at the September 10th work session.

The public comment period for this proposed amendment was from September 12th to October 4th. Comments were received on the proposed code changes by email at the pdscomments@co.skagit.wa.us. A total of seven comments have been submitted. The comments received are summarized in this meeting's staff report and the comments are also included in Attachment 2 of your staff report.

So six of the comments received were in support of adopting the proposed amendment expressing opposition to allowing battery storage and other industrial developments on Ag-NRL lands, emphasizing the importance of preserving this land. One comment opposing the proposed amendment requested clarity on definitions related to electrical utility developments and expressed concern about the impact restricting electric generation and storage in Ag-NRL zones in regards to climate goals and utility operations.

Based off of the research and analysis that was done, the Department recommends adoption of the proposal.

So that is my quick summary overview of – before the public hearing, but if there's any further questions to help clarify?

Chair Raschko: Are there any questions? Commissioner Day.

Commissioner Day: Thank you very much for your presentation and for the staff memo. It's great – very helpful.

I guess I'm wondering where – especially given the comments by Puget Sound Energy – where are such facilities allowed? In what zones in Skagit County? Are there other places where they can be placed currently?

Ms. Satushek: Currently that is my understanding. Right now the code amendment is to stop the rush or the concern about the Ag-NRL lands being used for this, because according to the code, it shows that it can. But as far as – I discussed this with Director Moore, that this will be part of the Department's work moving forward, as to identify zones in areas where these are best suited. Unless there's anything Mr. Moore would like to add.

Jack Moore: No, that is the intent, is to just protect the Ag-NRL land right now, since that is the highest demand at the moment for several inquiries to the Department. And then moving forward, our current codes on energy facilities were drafted some time ago and didn't anticipate this type of demand for these types of energy facilities. So it would – we believe it would be best to take another look at our code and make it more clear. We believe that might be helpful. Not sure, but we speculate that that might be helpful, even for those projects where the applicant chooses to go through the state energy facility site evaluation process. Thereby that entity and that department can look at Skagit County's code and hopefully draw some suggestions from it in their decision-making. We've been led to believe that that is something they do, and not having a clear landing zone for these facilities leaves them to decide with less input than we otherwise might provide. So that is our idea moving forward, is to take a fresh look at the County code and where these energy facilities – where we would prefer them to be.

Commissioner Day: May I follow up? Thank you for that. I think maybe I wasn't clear about my question. So currently there's a use matrix that shows where a major utility facility is allowed, I presume. So, for example, would such a facility currently be allowed in, like, only in commercial or industrial zones, or where does the use matrix currently allow a major utility development?

Mr. Moore: I would have to get back to you with a complete summary. We don't have a matrix yet.

Commissioner Day: Okay. Okay!

Mr. Moore: Our – well, not to get too deep but we are looking at a consultant that's helped us with recent code revisions come up with a matrix for our zoning code. Right now we have to go into each individual zoning designation and look through the allowed uses and special uses. So there are a couple of commercial zones, I know, that allow for them. But to get a complete list, I would have to scan the code and pick out each individual zoning designation –

Commissioner Day: I see.

Mr. Moore: – that would be allowed. And I'm happy to do that. We will get that and get that to the Commission.

Commissioner Day: Thank you.

Chair Raschko: Commissioner Hutchison, please.

Commissioner Hutchison: Thank you. Commissioner Day, we had the exact same question. I'm sure everybody here did. I just – I've asked this before and I just want to clarify just to make sure I heard the right answer the last time: This would only restrict generation and storage? And it would not interfere with the transfer or transport of, say, overhead lines or underground pipelines? This will not interfere with that type of –

Ms. Satushek: That is my understanding of how this code is written, unless there's something I'm missing. But that is – yes, the storage and generation. The battery energy storage systems and solar farms, most of the concern is just the conversion of agricultural land out of its use.

Commissioner Hutchison: Okay. Thank you.

Chair Raschko: Commissioner Wright?

Commissioner Kiera Wright: Thank you. You said, Director Moore, "demand." Is there demand in our county for all this extra storage for electricity? Is there something going on?

Mr. Moore: Yes. To both, I think, of what you asked. One, there is a bit of a demand for additional energy within the county in certain areas. And then two, what created the rush on inquiries is Puget Sound Energy put out a request for proposals to private entities to come up with locations and business proposals on these type of systems to help augment PSE's energy system in their grid. So PSE put it out, initiated this, and quite a few companies responded. A number of those made inquiries in Skagit County. A number of those have been contacting property owners throughout Skagit County suggesting a partnership. So, yes, recently there has been quite a focus on Skagit County, and especially the Ag-NRL zone.

Commissioner Wright: Thank you.

Chair Raschko: Commissioner Henley?

Commissioner Henley: As I understand the way these systems work, there really isn't any guarantee that energy would be available at a peak period, at any particular given peak period. Is that not correct?

Mr. Moore: Are you referring to battery energy storage systems?

Commissioner Henley: Battery storage system, yes.

Mr. Moore: Well, they're variable, based on the business model and how they operate, but they collect and recharge the batteries at low demand times and lower price points and then reintroduce it to the grid at higher demand times.

Commissioner Henley: I understand that, but the whole purpose of having a VSS would be so that you could manage your peaks better as opposed to, you know, *not* being able to manage the peaks when demand is the highest. Is that –

Mr. Moore: If I understand you correctly, yes.

Commissioner Henley: Okay. All right. I'm not sure I see an advantage here, so...

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: Is it fair to say that the locations are driven by current infrastructure that PSE has? So is there a correlation to current PSE infrastructure and some of these locations that are being looked at? That's my question.

Ms. Satushek: Yes. Location is a consideration because they need to be within a certain distance of a substation. But it doesn't need to be in Ag-NRL land. For example, there's one currently in Bayview Ridge that's under review where it's – that's an appropriate use for that as an industrial area. But yes, you are correct. It has to be within a certain location of energy substations.

Chair Raschko: Anymore?

(silence)

Chair Raschko: Okay, thank you. Tara, is there another sign-up list? This is the one I have.

Ms. Satushek: Yes. There's additional – there's one back – I can bring it up.

Chair Raschko: Okay. I'd appreciate it. Thank you. Yes, sir?

Unidentified Male Voice: You asked me a question. Would you allow me to address just you?

Chair Raschko: Not at this point in time. Later. We're in the middle of a hearing at this point.

Thank you. Okay, first we have Mikala Staple Hughes. I hope I said that right. Oh, online. Okay. Please go ahead.

Vice Chair Candler: We can't hear you.

Chair Raschko: You have to unmute.

(silence)

Mr. Eckroth: It appears that she is unmuted.

(silence)

Mr. Eckroth: Also, someone commented that people on Zoom can hear her so it might be an audio issue on our end.

Chair Raschko: Okay. While we solve that, why don't we go on to the next person? We can come back to Ms. Hughes. So Ms. Tina Champeaux?

Ms. Champeaux: Could I have one of these guys go and then I go after?

Chair Raschko: That'd be fine. Rylee Fleury?

Mr. Fleury: Thank you. As stated before, my name is Rylee Fleury. Last name spelled f, l, e, u, r, y. Address, 17246 Maple Lane, La Conner. My comment – I pretty much used my comment earlier in terms of the ag tourism and farmland use, but in terms of the battery energy storage systems, it's my belief that – so I know this is under review, right? But I think more needs to be investigated into how safe these facilities are. Obviously we don't want them on ag land. But if we're moving them to industrial land those safety factors are still something that need to be considered. So I'm pretty unfamiliar with this one that is going in in Bayview. What measures have been taken to address those safety measures? Thank you.

Chair Raschko: Thank you. Jessica Nguyen?

Jessica Nguyen: My name is Jessica Nguyen. I live at 19526 East Hickox Road in Mount Vernon. I didn't think I'd be here again, especially on battery storage. But I just wanted to comment. I know it's very specific in its goal to limit a major application of alternative energy generation or storage. I did want to talk about a practical application of it in regards to farming. I think sometimes this topic has been really heavily weighted one way and not in context to the practical application. I would definitely fall in the minor application but I'm a small operation compared to the much larger operations that are in Skagit County. I have looked at this topic for myself personally for a farm. And my property, it's an old farm. The buildings are 70 to 100 years old. And my energy costs are very expensive. It's my third highest expense on my farming profit and loss. It's an input. It's something you're constantly looking at that can be controlled potentially – right? – with alternative energy uses. And when I looked at this, it's a very expensive thing to do and I can't put it on any of the old buildings. It has to go on the land. So if I put it on the land, can I raise it? Can I still use that dirt? Can I put animals into there to graze, right? I'm going down the rabbit hole. This is what I've been doing for the last year.

I'm a small operation. It's 50 acres. I can imagine that there'd be a practical application to farms that are 1000 acres in our area. And if there is a way for them to efficiently attack an input cost towards a benefit to farming, there might be a place for it. And I think when we have an issue like this with the battery storage, not the appropriate place. We don't necessarily want it on ag land. But we're having a code change that's a knee jerk reaction to where there could be a benefit to the community – that we're looking at this and not necessarily looking at this. And it sounds like there's change coming so I'm hopeful. I just wanted to put some context onto how it *can* benefit Ag-Natural Resource Land and not just be one-sided.

Chair Raschko: Thank you. Larry Jensen.

Mr. Jensen: Larry Jensen, from Mount Vernon, Washington. Last name j, e, n, s, e, n. So this is a little bit of a complex issue because I think there's a bigger problem at the front end of this. Some of these – the storage facility, as I understand it and I'm certainly welcome to be corrected on this, is being generated as a result of alleged solar power and other generation, not just power generated from hydroelectric purposes. So I think a lot of this sort of thing could be solved if we actually just let the marketplace determine how we're going to generate power. We have this green energy deal that's coming from the Inslee administration, who's basically saying, We don't want anything that's gas. So we're removing the gas stoves, we're removing gas usage of a local, individual level, and we're trying to put everything into electrical usage; therefore, demanding that

we have this huge supply of electricity upon demand for electric cars and all sorts of things – electric trucks. So I would guess I would be careful about how we go about doing this. I would speak against it.

The other thing I heard a comment about the proximity. If we're going to start saying about proximity, this proximity isn't close to electrical lines and therefore it is a good thing to have it on ag land. Then I would argue, Well, then why isn't a winery on ag land a good thing if it's close to the proximity of a large population? So if you're going to start making exemptions for one, I think you should also be thinking about that for the other. And I really don't think a battery storage facility would be better than a winery. A winery, because it's close to the city and a power generation because it's close to the lines. I would speak against this proposal and it's because I think there are better sources of energy that can be accessed on demand, and this battery storage is not a good idea.

Thank you again.

Chair Raschko: Thank you. Ms. Champeaux?

Ms. Champeaux: Tina Champeaux, c, h, a, m, p, e, a, u, x. 1641 State Route 9, Sedro-Woolley.

First I'd like to really thank the Board of Commissioners for putting a moratorium on this because I think it's like a good step in the right direction to start with.

So I live in Sedro-Woolley and we've got this issue with the battery storage facility on 14 – I think it's 14 acres of ag land on Hansen Creek that floods. It's zoned ag. There's been millions of dollars spent on the creek to restore the salmon. It's just a bad idea all the way around and people are really upset. They formed groups and they are protesting this. One of the things that they are really afraid of is the safety issues and there *are* safety issues. They're talking like the schools are not that far away. If one of these fires started, how could they evacuate all the children? It's in a residential area. It's just a bad idea. I'm really opposed to anything being on farmland.

And then Vince said something about the use of the electricity that's stored. My understanding, and I can be corrected, but I believe what I was told is that yes, they store the energy, and then the question arrived: Well, does that energy go to Skagit County? Well, it's whoever needs that energy first. So I'm not real positive that all of the energy would stay in Skagit County if there was a need somewhere else.

I'm not for any type of battery farm, and that's another issue. They're not farms. The wind farms are not farms. And right now aside from Skagit County, over in Horse Heaven, they're putting this enormous wind farm on 60,000 acres of ag land. That should incense anybody. So I don't want our county – the landscape that's always been agriculture and this has always been an agricultural county and I think we need to preserve that. And I don't want to see the landscape change.

Those are just a few of the thoughts I have, so I won't bore you with anymore. Thank you.

Chair Raschko: Thank you. Is Ms. Hughes available online?

Mikala Staples Hughes: Yes. Can you hear me now?

Chair Raschko: We can. Thanks.

Ms. Hughes: (garbled and muffled) _____ here in Mount Vernon. _____. I'm here today to urge you all to amend SCC 14.16.400(4)(h) to explicitly exclude electrical generation or storage facility from being permitted on agricultural lands through Hearing Examiner Special Use Permit.

As you all know, Skagit County soil ranks in the top 2% worldwide and is important to Washington's greater agricultural economy. Converting this irreplaceable land into industrial sites would result in permanent loss and have devastating consequences for our local food system. Incompatible use threatens decades of strategic preparation efforts, fast-tracking a path to disaster. Skagit Valley farmland, protected by some of the strongest building regulations in the nation, has been critical to maintain the last high-value agricultural economy in the Puget Sound; however, these protections have also made the land cheap and attracted outside interests with no intention of ever farming. As said before and affirmed by the Supreme Court recently, allowing any incompatible use sets a dangerous precedent. Battery storage facilities completely contradict the state's Growth Management Act, which mandates the preservation of agricultural lands with long term commercial significance. Allowing such facilities on agricultural land undermines farming viability and displaces critical farm operations. The inherent risks that are posed by lithium battery storage facilities are significant. Globally these facilities have been linked to fires, explosions, and ___ chemical pollution. When these fires occur they are notoriously difficult to control and often will burn for days, releasing harmful fumes. This has threatened not only nearby agricultural operations but also the health and safety of nearby residents and wildlife.

This is a particularly bad idea for Skagit County, as much of our farmland is located within the floodplain. The risks associated with placing battery storage facilities on agricultural land are compounded by potential flooding, which could lead to catastrophic tax consequences for both the facilities and surrounding ecosystem. While much of this pressure comes from state level initiatives, renewable energy development must not come at the expense of sound environmental stewardship, farmland preservation, and good common sense.

Thank you for the opportunity to speak to you today, and I trust that you will carefully consider the remarks that have been shared. Thanks for your time.

Chair Raschko: Thank you. Is there anybody else in there who would like to speak? Please go ahead, sir.

Todd Ferguson: My name's Todd Ferguson, f, e, r, g, u, s, o, n. I live at 18119 McLean Road in Mount Vernon.

I didn't think I was going to stand up here tonight, but I just wanted to make a few comments. The whole battery storage issue is in complete flux right now with a lot of new technologies coming out completely away from lithium solid state type things. Lithium is possibly the worst polluting material that we can pull out of the earth, so I would recommend anything that has to do with lithium storage batteries be completely scrapped and say, No way.

The other thing I'd like to say about PSE is through political reasons and ideological views, they have closed power plants without anything in the works to replace them. I know somebody that worked for Puget Power. He said, Get used to brownouts, especially coming up this winter, where there'll be areas where they'll recommend you don't turn down, or you turn down – has anyone noticed there're emails coming from PSE about, Oh, you're on this scale and you're on this scale, or Oh, you're a bad person. You use too much energy. That's because they don't have enough to go around because politically they closed power plants. Very good, coal-burning power plants

– not in this state – and natural gas-burning power plants. Extremely efficient. So I just would be against possibly any idea that they come up with, because I don't trust them. Thank you.

Chair Raschko: Thank you. Anybody else in the room?

(silence)

Chair Raschko: Is there anybody else on Zoom who would like to speak?

Mr. Eckroth: If you're on Zoom and you'd like to speak, please unmute.

(silence)

Mr. Eckroth: It doesn't appear anyone's unmuting.

Chair Raschko: Is there anyone?

Mr. Eckroth: No, it does not appear that anyone's unmuting.

Chair Raschko: Okay. Well, I want to thank everybody who came tonight and spoke to the Planning Commission. I will then thus close the public hearing. So I believe we next have to go into deliberations on the same subject. So let us begin, and the floor is open. Commissioner Hutchison?

Commissioner Hutchison: Thank you. I appreciate the comments, and to Jessica's comment about her own personal property I believe this completely excludes anything that's considered net metering, so I don't think that that closes all the doors for you on that particular property. But as far as moving forward, I support our amendment as it's proposed verbatim. I think the biggest reason for that is because of the outcry from the community, the pleas against the wind farms. All of you remember we had – I want to say easily 70 people in this room, and I was ticking and ticking and ticking. So many people were just avidly against solar farms, wind farms, and that sort of generation, and I feel that there's a lot more still to be learned about battery storage before we jump in too quickly with our piece of that. Although it's needed, according to PSE. And some of the changes that are happening in code I definite agree with the amendment, as it's written, to prevent those from happening on Ag-NRL lands today.

Chair Raschko: Thank you. Do you care to make a motion in that regard?

Commissioner Hutchison: Well, perhaps we should hear a few – if there's more –

Commissioner Mitchell: Point of order. We need to have a motion ____ to open up deliberations.

Commissioner Hutchison: I would be glad to make that motion to go ahead and approve the amendment as it's written.

Chair Raschko: So it's been moved to recommend approval.

Commissioner Mitchell: Second.

Chair Raschko: It's moved and seconded to recommend approval. Is there discussion at this point?

Commissioner Hughes: Are we still on deliberations?

Chair Raschko: We are.

Commissioner Hughes: Is that what we're waiting for? Okay. I would like to add one more part to this. Part of code is that it will protect the safety and welfare of the public. We need to point out that a lot of communities in Skagit County are protected by volunteer fire departments. These are people who give their time voluntarily 24/7, and they go out to whatever call they're paged at. In researching this battery storage I found a site called ERRI Battery Storage Fire Safety Road Map. And to quote them, "Owners of energy storage need to be sure that they can deploy systems safely. Over a recent 18-month period ending in early 2020, over two dozen large-scale battery energy storage sites around the world had experienced failures that resulted in destructive fires." Also it needs to be deployed in a way that ensures the safety of the public, operators, and the environment. These type of facilities need to go into a zone that's more industrial-based, with professional firefighting background, and to ask our volunteer firefighters to take this on is inexcusable. So I support this amendment.

Chair Raschko: Thank you. Anybody else? Commissioner Day?

Commissioner Day: Thank you for that information. That's very helpful and I appreciate those comments. I appreciate all the people who have come out tonight. It's really important to our democracy that citizens participate. And it's a big time commitment and I'm very grateful to all of you who came tonight and testified on Zoom and also wrote comments. That's how it's supposed to work and I appreciate it.

I think part of our job as a volunteer planning commission is to respond to issues that come before us and challenges, but also to look past and through them to imagine what those future challenges might look like. And I think that I support this amendment to prohibit electrical generation and storage on ag land. But it also makes me think, you know, where will the next challenge come from? What do we want this to look like? And some of the comprehensive planning policies cite protecting farmland, but they also cite protecting timberland. And so in thinking about the public safety issues and the issues you just raised with volunteer fire departments, it seems to me that the next easiest place for someone to pick to put this kind of storage would be in a forestry zone. Again, these are inexpensive lands, pick those if they're close to a transmission line.

So in reviewing our Skagit County Code, which I did as Director Moore said, I looked at each specific zoning and saw that all three forestry zones allow for major utility developments. The three forestry zones are Industrial Forest – those are mostly in the eastern side of the county. It's a very substantial amount of acreage. There's also Secondary Forest and Rural Resource Forest. Those are much smaller and those are more likely to be on the fringe of urban areas. So I think those also are likely to be future targets for these types of developments, and also for many of the same reasons that people have opposed them on ag land – including me – I think that those should also be considered. So I would like to move to amend the current motion to also include the two zones, Secondary Forest – SF-NRL - and also Rural Resource Natural Resource Land, which is RRC-NRL.

Chair Raschko: Okay, there's a motion to amend as stated. Did anybody get that down? Or do you have it written?

Commissioner Day: I do.

Chair Raschko: Good. That's very handy.

Commissioner Day: Would you like me to say it again or hand it to you? I imagine we need a second.

Chair Raschko: Boy, I hate to say it, but what is the process here?

Vice Chair Candler: I don't know.

Chair Raschko: We have a motion on the table and a motion to amend the motion. Is there a second?

Commissioner Wright: Yes. I second the amendment to the motion.

Chair Raschko: Okay. Is there discussion of the motion to amend?

Commissioner Hutchison: It might be helpful to review that information a little bit more thoroughly before we make motions to change what we've already been reviewing. I would like to take a deeper dive into that. I do – I'm in full agreement that the forestry lands do need preservation as well, but I'm not familiar with all three of those categories that you just listed and have not prepared to be able to vote on it.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I agree with that. I don't think staff's ready for that either. There would have to be the things looked at. It's not that this isn't perfectly worthy and valid. That's a bit to bite off right now without checking with legal and everything else. So for that instance, I'll pass the floor to the next person.

Chair Raschko: Commissioner Candler?

Vice Chair Candler: I think – I could be wrong, but my thinking on it is that that is not what's in front of us for a motion tonight. It's not what we've had a public hearing on and it's not what we're deliberating on. So I think it would be perfectly valid for us to say in our recommendation that we would like the Board of County Commissioners to look at that and to bring that in front of us. I think that's probably where we should leave that at this point, and actually act on the current stuff that's in front of us – with the idea that if you want to add that to the recommendations we can discuss it.

Commissioner Henley: Technically you can't change a motion without permission of the second anyway. So you've got a case here where you've got two active motions on the floor but you can't really have two. You can only have one.

Commissioner Day: So I appreciate that. I believe that when you make an amendment you have to vote up or down the amendment – is the way that the Robert's Rules of Order go. Or, I suppose, I could withdraw my proposed amendment and we could include that in recommendations that the County Board of Commissioners consider that. And if that's how the Planning Commission would like to handle that, that would be fine with me. I just feel that it is our duty to look beyond current technology, current proposals that might be coming before the County in the immediate future, and to look into the future. And I think it's important to make that recommendation in whatever form the Planning Commission sees as appropriate.

Chair Raschko: Okay, so what is your pleasure? Are you going to withdraw your motion?

Commissioner Day: I will withdraw the motion. Thank you.

Chair Raschko: Thank you. The motion is withdrawn. Thank you. Although I think it does bear merit to have that in the recommendations. So we'll continue with the discussions of the motion currently before us. Is there anything more?

Commissioner Henley: I call for the question.

Chair Raschko: Just before you did, Commissioner Woodmansee?

Commissioner Woodmansee: So I support this amendment or the proposal tonight, and I can imagine if you're in North Carolina up in the hills and you had one of these storage facilities up there and you'll be battling that situation at the same time you're battling what you are now. So placement, knowledge – I just think it's a – that it's – well, this one's got two, right? Ag land, which is pretty important, and floodplain – and near important waters. And all the devastation that's been happening – I realize we're not in hurricane country but it still rains a lot here sometimes.

Commissioner Henley: We *are* in earthquake country.

Commissioner Woodmansee: But all of that devastation, when you add this into it, I mean, it's almost like these facilities need to be in a, you know, Fort Knox kind of facility to be truly safe. So I *do* support that.

Chair Raschko: Thank you. So all those in favor of the motion, please say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Those opposed?

(silence)

Chair Raschko: Okay, abstentions?

(silence)

Chair Raschko: So that passes. Thank you.

Chair Raschko: Okay, we'll move now to Countywide Planning Policy Amendments Deliberations, and I have –

Vice Chair Candler: Do we need to do a recorded motion?

Chair Raschko: Oh, we do need to do a recorded motion, do we not?

Ms. Satushek: I do have a recorded motion here on the computer. I apologize. I'm not the best typist but I will – it was the draft recorded motion that was provided to the Planning Commissioners. I don't think it's in your packet. I apologize. It was emailed out.

Vice Chair Candler: Okay, are you putting it up on the screen?

Ms. Satushek: Correct.

Vice Chair Candler: Can I ask that she scroll through this so that we can take a look?

Ms. Satushek: Yes. Okay. So the top contains the history of the proposal. I can read it. "On October..." – oh.

(several Commissioners and staff speaking inaudibly)

Vice Chair Candler: Can you scroll down a little bit further? I want to see our recommendation right here. Thank you. Stop.

Commissioner Mitchell: For the benefit, Tara, could you read those things for us out loud?

Ms. Satushek: Yes. Thank you.

Recommendations, Findings of Fact, and Reason for Action. Proposed Code Amendment to SCC 14.16.400(8)(h) regarding Major Electrical Utility Developments.

The Planning Commission recommends to the Board of County Commissioners to approve the amendment to SCC 14.16.400(4)(h) regarding major electrical utility developments on Ag-NRL-zoned land. To exclude on Ag-NRL-zoned lands electrical generation and/or storage facilities from the major utility developments permitted with a Hearing Examiner Special Use Permit.

Chair Raschko: Keep going. So why don't we go through these Findings of Fact and Reasons for Action one at a time? And number 1 is:

The clear policy of Skagit County is to preserve lands zoned Agricultural-Natural Resource Lands for agricultural uses by prohibiting and otherwise discouraging nonagricultural uses on Ag-NRL land.

I think it'd be nice if we just had a consensus on whether – everybody's fine with that. Number 2:

Skagit County's natural resource lands, including agricultural lands, are a cornerstone of the community's economy, culture, and history, and as such, farmland protection and enhancement is of paramount importance to Skagit County and its citizens.

Have we consensus on that? Good, thanks. Number 3:

Skagit County's prime agricultural soil is a critical and irreplaceable natural resource that we are duty-bound to protect for future generations, and protecting the Skagit for Commercially viable agriculture is squarely in the public interest.

Have we any problems with that? Very good. Number 4:

Protection of Skagit County farmland from competing uses is also required by state law, see RCW 36.70A.020(8) and RCW 36.70A.177, and the seriousness of the

law in protecting agricultural land was recently articulated by the Washington Supreme Court in King County v. Friends of Sammamish Valley (2024).

We're all good with that? Okay.

This value the community places on our agricultural land and its long-term conversion (sic) is reflected in the Skagit County Comprehensive Plan's goals and policies and is also reflected in the strict zoning regulations contained in Skagit County Code 14.16.400.

Everybody good? Okay. Do I really need to read these or can we read them and then just say we agree or not?

Commissioner Mitchell: Not everybody can see them.

Commissioner Day: I've read them.

Chair Raschko:

The protection of Skagit County's agricultural land base has required generations of sacrifice by which Skagit landowners have intentionally forgone the business opportunity and wealth that intensive development has produced in other Puget Sound counties. This has kept Skagit farmland prices relatively low compared to the market price of lands zoned for industrial, commercial, and residential use. Consequently, a broad range of industrial, commercial, and residential developers and business interests have even greater incentive to use Skagit farmland for project proposals.

Do we agree with that?

(sounds of agreement)

Chair Raschko: We all agree.

Recently, there has been a significant interest in utilizing Ag-NRL land for major utility developments for the generation and/or storage of energy.

All good?

Several Commissioners: Good.

Chair Raschko:

The use of utilizing Ag-NRL land for major utility developments for the generation and/or storage of energy is contrary to long-standing County policy and the GMA, which are reflected in the County's comprehensive plan and development regulations.

All right? Okay.

Skagit County has reasonable fear that the use of Skagit County Ag-NRL lands for industrial electrical energy generation and storage activity will interfere with and jeopardize our long-term protection of Skagit County's farmland and farming economy.

And finally –

The Planning Commission requests that the Skagit County Board of Commissioners look at Industrial Forestry, Secondary Forestry, and Rural Residential (sic) Forest –

Ms. Satushek: I apologize. I was trying to capture –

Vice Chair Candler: No, it's good.

Ms. Satushek: I can start adding on to that, if you would like.

Commissioner Day: Yeah, thank you for trying to capture that. I think it's – let's see, I wrote that down for the Chair. I believe it's Rural *Resource* NRL land, not Rural Residential. It's RRc-NRL.

Ms. Satushek: RRc-NRL.

Commissioner Day: And Secondary Forest, which is SF-NRL. I'm not sure that we need to include Industrial Forest. But depending on what other Commissioners think, I suppose we could leave that in for consideration. Yes.

Vice Chair Candler: Am I right to assume that it should say the Planning Commission requests that the Skagit County Board of Commissioners look at similar protections for –

Commissioner Day: Would we say "requests" or would we say "suggests"?

(several Commissioners speaking inaudibly)

Commissioner Mitchell: Tara, is "Rural Resources" singular rather than plural in the code?

Ms. Satushek: You are correct. Thank you.

Commissioner Woodmansee: Chair, may I ask a question?

Chair Raschko: You may.

Commissioner Woodmansee: I just want to get a clarification. Did we get told earlier that the County is going to look at *all* zones as it relates to the setback ___, that that is on the horizon? So it's not just *these* zones. It's across the board – all the zones in Skagit County – whether this would be an appropriate permitted use or not? I just want to know what we were told earlier. It doesn't necessarily relate to this.

Mr. Moore: Just taking a wider look at all zones throughout the county to attempt to decide, you know, where would be the appropriate location for energy facilities. So while the topic of the evening is, you know, where we want to protect – you know, overtly want to protect, and

specifically – a wider look at our code and trying to figure out where we *would* encourage these to be placed is something that we intend to work on in the future.

Commissioner Woodmansee: Would it be fair to say that that would include these zones when you review – I mean, it's going to be a comprehensive review in all zones.

Mr. Moore: Yes, it'll be a comprehensive review of all zones and, of course, we'll take into account any limitations that the Board of County Commissioners have already put in place.

Commissioner Woodmansee: Correct. I just wanted to get a point of clarification there.

Chair Raschko: Commissioner Day?

Commissioner Day: In an earlier staff memo there was findings of consistency with certain Countywide Policies, and I'm just wondering, Does the Planning Commission generally use those also in their rationale for the recommendations to the Board of Commissioners? Because the Countywide Planning Policies that were included in a prior staff memo all mentioned agriculture, forestry, aquaculture, mineral resource lands, which is what made me think that we would – it would make sense to also want to protect other natural resource lands. It sounds to me like the PDS is going to undertake a review of where these types of facilities might be desirable but I think our task this evening is, as Director Moore said, where we want to protect. And it seems to me that all of the NRL-designated lands, based on these Countywide Policies, which I have here, we could include in our Findings of Fact, if that would be helpful. Or I could give them to you, Mr. Chair.

Chair Raschko: Okay, so you're suggesting that we –

Commissioner Day: You could just provide the CPP numbers or read them for Commissioners. I'm not sure.

Chair Raschko: Why don't you go ahead and make the suggestion?

Commissioner Day: Does the Commission normally include Countywide Planning Policies as Findings of Fact?

(several Commissioners speaking at the same time)

Vice Chair Candler: Sometimes we do, but you might see here she put "examples of such," and I think that's kind of a good way to approach it because we don't have to have everything. It doesn't *have* to be encompassing but it does demonstrate that, for example, we're looking at these policies. So I think that does kind of cover what your concern would be?

Commissioner Day: Thank you. I heard her say that. I am a big fan of specificity, but if you all feel comfortable with that.... I guess I was just particularly drawn to the fact that we do have a commitment in our Countywide Planning Policies to protect all natural resource lands.

Commissioner Mitchell: Chair, can I make a suggestion?

Chair Raschko: Go ahead.

Commissioner Mitchell: If Commissioner Day feels very strongly about it, you can go ahead and tee it up and read it and ask people to co-sign or not co-sign.

Commissioner Day:

Countywide Planning Policy 5.8. Agriculture, forestry, aquatic resources, and mineral extraction shall be encouraged both within and outside of designated resource lands.

Countywide Planning Policy 5.11. Skagit County shall conserve agriculture, aquaculture, forest and mineral resources for productive use by designating natural resource lands and aquatic resources areas where the principal use shall be and the preferred land uses will be long-term commercial resource management.

Countywide Planning Policy 8 –

Tara, I can give these to you. They were from one of your staff memos.

Unidentified Voice: They're already there.

Commissioner Mitchell: That's there already.

Commissioner Day:

Countywide Planning Policy 8. Maintain and enhance natural resource-based industries, including productive timber, agricultural and fisheries industries; encourage the conservation of productive forestlands and productive agricultural lands; and discourage noncompatible uses.

Commissioner Hutchison: Thank you for sharing that. She has all of those policies referenced in one of these.

Commissioner Day: Excellent.

Commissioner Hutchison: Good to hear them out loud.

Chair Raschko: Okay. So are we done with that?

Ms. Satushek: I just wanted to verify if I captured correctly the number 10: "The Planning Commission requests that Skagit County Board of Commissioners look at similar protections for Secondary Forests (SF-NRL)-zoned lands and Rural Resource (RRc-NRL)-zoned land."

Vice Chair Candler: I did hear someone down that way say that they prefer the word "consider" rather than "look at."

Commissioner Day: "Consider" rather than "request"?

Vice Chair Candler: At the end of the sentence where it says "look."

(inaudible voices)

Vice Chair Candler: My other question is, Is this – my other question is, Does this incorporate well, like floodplains, for example? Those aren't zoned – those could be any kind of zoning, I suppose, so it's going to be harder but I certainly think that's also a consideration.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: I must be – is this really a Finding of Fact or is it a request?

Vice Chair Candler: It's a Finding of Fact *and* Reason for Action, though.

Commissioner Woodmansee: Okay. I just want to make sure it's in the right place in the thing here.

Vice Chair Candler: You put them together, right?

Commissioner Mitchell: Mm-hmm

Ms. Satushek: Yes. Let me just verify. Yes, correct: Findings of Fact and Reasons for Action.

Vice Chair Candler: It could be a fact *or* a reason.

Commissioner Woodmansee: Okay.

Vice Chair Candler: Oh, are you saying because we're making a recommendation?

Commissioner Woodmansee: Yeah, and –

Vice Chair Candler: You want a separate category that says –

Commissioner Woodmansee: Well, this isn't a *fact* of our reasoning, but it says "and Reasons for Action."

Commissioner Henley: It does say both in the opening paragraph.

Vice Chair Candler: But I think he's saying it's neither a Finding of Fact nor a Reason for Action. It's basically a suggestion for further action.

Commissioner Woodmansee: Right. Right, it's like an additional thing, right?

Chair Raschko: Would that not have been part of the motion?

Commissioner Henley: I think it's covered.

Commissioner Woodmansee: I don't care where it lands. I just wanted to make sure we didn't put something in there that wasn't really a Finding of Fact.

Commissioner Henley: That's about as bold as it gets right there.

Vice Chair Candler: We've done it before. I mean, that doesn't make it right. That doesn't make it technically correct, but this is not unusual.

(several Commissioners making incomprehensible comments)

Vice Chair Candler: I don't know if it's possible to put in this documents a separate section for further recommendations. I don't see why it wouldn't be.

Commissioner Henley: I think it's fine all put together as assembled.

Chair Raschko: Commissioner Wright?

Commissioner Wright: My response to – thank you – the floodplain, we want to narrow where this piece could go potentially. Should we not add that in here as well as the language to recommend considering non-floodplain zones so we are narrowing the potential sites so they're not ____ in the future? So we've identified these extra ones and all the other ones in the County code, and maybe the floodplain should be considered as well.

Chair Raschko: I think this was initiated as addressing a particular problem that had arisen and now, from what I understand, staff is supposed to now examine all the different zones and find what appropriate things should be done to provide similar protections. Am I right on that?

Mr. Moore: That's correct, and if there are – when that effort is undertaken, it will be brought back before the Planning Commission for further consideration and recommendation. That said, it does not hurt to just communicate to the Commissioners – Board of County Commissioners – at this time your initial concerns. That may help them to, you know, understand or help them to prioritize the work for the Department.

Chair Raschko: My suggestion would be to do that in a general sense rather than go through every zone we have in the county. Are there other opinions? Commissioner?

Vice Chair Candler: I concur.

Commissioner Henley: I think we're done.

Chair Raschko: Are we done with number 10?

Vice Chair Candler: Honestly, my preference would be to add "any flood areas in the county" – "and any flood areas in the county" at the end of that sentence, but I get your point as well. We could go on forever with this.

Chair Raschko: Are there any opinions –

Commissioner Wright: We could add it later . I mean, it's like if we add it now, it's like _____. Like Director Moore said, we can at least address it and put an idea – " There's a spotlight on that component" versus – and then when we do a use matrix later on, the same.

Commissioner Hutchison: It could be written as "and give careful consideration to floodplains."

Commissioner Day: I definitely agree with the thought. I guess my difficulty in thinking about how to make a recommendation is the uses are dictated by zoning and there are multiple zones in

which floodplains might occur. So I feel like it's more difficult to make a recommendation at this time that says "floodplains" because it could cross a number of different zones. It might be better done as a development regulation at some point by PDS that could come before us. Not to say that I think it's a good idea; I'm just not sure how to make a recommendation around it that would be usable by PDS. Perhaps there's a way.

Chair Raschko: So that brings us back to, Are we satisfied with number 10?

Several Commissioners: Yes.

Chair Raschko: Anything else? Are there any more things that need to be added?

Commissioner Henley: No.

Chair Raschko: Fine. All right. So can you scroll down, please? No, the other way. Up! I'm sorry. No, keep going all the way to the top. Okay, that's great. Okay – nope! Down a little bit! Okay, there, there.

All those in favor of approving the Findings of Fact and Reasons for Action, please say aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Any abstentions?

(silence)

Chair Raschko: Okay. So that's approved. Thank you. So I believe we're done with Item 6 on our agenda, which will take us to Item 7, the Countywide Planning Policy Amendments Deliberations. Mr. Eckroth, please. And thank you, Tara.

Ms. Satushek: Thank you.

Mr. Eckroth: All right. Thank you, Commissioners. My name is Robby Eckroth. I'm a Senior Planner with Skagit County Planning and Development Services. Tonight the Planning Commission will be deliberating and making a recommendation on the 2024 Countywide Planning Policy Amendments. So before we hold deliberations, I have a presentation that will go over the one comment that was received during the public comment period. And we'll briefly summarize the amendments and I'll also address some questions that was (sic) raised by Commissioner Day.

A Countywide Planning Policy is a written policy statement or statements used for establishing a countywide framework from which County and City comprehensive plans are developed and adopted. Countywide Planning Policies ensure that City and County comprehensive plans are consistent, as required by the Growth Management Act. And the proposed changes and supporting documents can be found here on this slide.

The Skagit County Council of Governments Technical Advisory Committee drafted Countywide Planning Policy Amendments to be considered by the Skagit Council of Governments Steering Committee. The proposed amendments are being made to bring the Countywide Planning Policies into consistency with state law changes pertaining to housing, climate, greenhouse gas emission reduction, and climate resiliency.

So the proposed updates to the Countywide Planning Policies regarding Housing address recent legislative changes such as House Bill 1220, which requires that every jurisdiction in Skagit County plan for affordable housing. The amendments would add policy language into significantly increasing housing production within existing urban growth areas, primarily the city limits, to have good access to transit, jobs, and services.

The amendments also add policy language addressing the siting of publicly funded or subsidized housing, including permanent support of housing, transitional housing, shelters, and housing for populations with special needs, and has language addressing coordination with publicly funded housing authorities.

So part of the Countywide Planning Policy updates also include the population, housing, and employment allocations that the County and Cities have to plan for, which are provided by the Washington State Office of Financial Management. Back in December, the Skagit Council of Governments Steering Committee voted to approve the initial 2045 allocations, which included 146 units in the zero to 50% area median income band that were allocated to rural Skagit County. Based on the Washington State Department of Commerce guidance, the zero to 50 area median income ban can only be accommodated by larger multifamily developments, which in most cases aren't allowed in rural areas as they require urban services and don't match the rural character of the area. The Growth Management Act does not allow the county to extend urban services into rural areas, particularly sewer service, and requires that rural character of rural areas be preserved.

So earlier this year the Washington State Department of Commerce provided the County with new guidance that makes it clear that the zero to 50 area median income allocations cannot be allocated in rural areas. So this slide shows the most recent change to the housing allocations, which move the zero to 50 area median income units to the Cities in exchange for the same number of units that are above 120% area median income. And I just want to note this change was brought to the Skagit Council of Governments following the work session that we had earlier and public hearing. So that's why this is new information that's coming to you now.

So Commissioner Day asked about growth allocations in urban growth areas. So the growth allocations within UGAs are going to be accommodated within the city limits. That is what the Cities have all decided to do. And then they plan to annex unincorporated urban growth areas as needed to accommodate their growth allocations.

There was also a question about the Swinomish urban growth area. So Skagit County is not responsible for any planning associated within these areas; however, the Swinomish Tribe would like to still have the growth allocations to plan for and will decide how to use them as part of their own planning processes, as they are currently working on their own comprehensive plan update. And the Skagit Council of Governments will continue to use the population and employment as part of its transportation planning.

So thank you for bringing that to our attention.

So the proposed updates to the Climate Element also include recent state legislative changes from House Bill 1181. House Bill 1181 adopted a new goal in the Growth Management Act, a climate planning element. So House Bill 1181 adopted a new goal in the Growth Management Act, Goal 14, that requires counties planning under the Growth Management Act to create a climate planning element in their comprehensive plans. This Growth Management goal requires that comprehensive plans, development regulations, and regional policies, plans, and strategies adapt to and mitigate to the effects of a changing climate, support reductions in greenhouse gas emissions and per capita vehicle miles travelled. The proposed revisions presented to the Countywide Planning Policies address these new legislative requirements under the Growth Management Act.

So Skagit County held a public comment period from August 22nd to September 12th, and the Planning Commission held a public hearing on September 10th. The Cities have also been holding their own public comment periods and public hearings to provide feedback to the Skagit Council of Governments and the Board of County Commissioners.

We received one public comment during the comment period and received no public testimony. The one public comment that was received was from Futurewise, which commented on the following:

Futurewise recommended that proposed policy 4.2 be rewritten so that affordable housing targets are not allocated to areas outside of urban growth areas. The Skagit Council Technical Advisory Committee actually addressed at least part of this comment by allocating that zero to 50 area median income allocation back to the Cities; however, based on the revised allocation, Skagit County will still be planning to accommodate some of the units above the 50% area median income band.

Futurewise supports Policy 1.11. The Climate Impact Analysis will help ensure that the Comprehensive Plan and development regulations remain in compliance with the Growth Management Act. I included those specific sections here on the slide. They also strongly support the policies under Goal 14 – or under Section 14, which is Climate Change and Resiliency, which is a new section added to the Countywide Planning Policies.

So next steps: The Planning Commission tonight will be holding deliberations. In December, the Skagit Council of Governments Growth Management Act Steering Committee makes a recommendation to the Board of County Commissioners, and then sometime in 2025 the Board of County Commissioners will take possible action to either adopt or deny the Countywide Planning Policy changes. Just to make clear, the Board of County Commissioners cannot change a Countywide Planning Policy amendment that's proposed by the Skagit Council of Governments Steering Committee. Once it gets to them, they can only approve or deny it, per the 2002 Skagit Council of Governments Framework that was adopted.

So thank you, Commissioners. I'm available for any questions. And once a vote is made – or with a recommendation, I do have prepared Findings of Fact and a recorded motion.

Chair Raschko: Commissioner Candler?

Vice Chair Candler: I have a question about the scope of this, and I know I probably should know this but I'm just struggling with this. All of these things, are these countywide or are these – these are countywide, not just the UGA. Am I reading this right?

Mr. Eckroth: Yes. And the primary intent of the document is to ensure consistency, so it makes sure that the Counties and Cities are planning together from a Countywide perspective. So it includes all areas of the county. I do believe you raised concern before about the natural resource lands, which I have a prepared response if you weren't able to watch the last Planning Commission meeting.

Vice Chair Candler: Go ahead if you wanted to add something you want to add.

Mr. Eckroth: Yeah. So because it's for consistency's sake, our Comprehensive Plan addresses anything related to natural resource lands in depth, as it is. All of those areas are within the county. And since the Countywide Planning Policies are mostly to ensure consistency, that's why you don't see any policies going into depth about agricultural lands in particular. Also when we were making these amendments we were specifically focused on meeting the new legislative requirements. We can continue to amend the Countywide Planning Policies but for this session we were mostly just trying to incorporate the new housing and climate laws.

Vice Chair Candler: And so, you know, you were here last – I think you were here last time when we were talking about the fact that some of these things may be a little bit better suited to some of the more urban counties. I know you can't tell the future, but I'm trying to figure out how this is actually going to look and be implemented. I don't know what this means and I'm struggling with it.

Mr. Eckroth: Sure. Are you asking about housing in particular?

Vice Chair Candler: No, I'm asking about transportation in particular.

Mr. Eckroth: Okay. So right now our current land use patterns probably don't support great public transportation in particular, but once the Cities, if they infill in the future – and they will have to create zoning to essentially allow infill – I think the intent is that those areas will be able to be served by transit better as there will be more planning along those transit lines. I know that's not really the way that our cities are set up, but I know that that's the – talking to the planning directors and talking about some of these new legislative requirements, I know that's the direction that they're discussing going.

Vice Chair Candler: So you're talking about interconnectivity between cities?

Mr. Eckroth: Right, right.

Vice Chair Candler: Which is great. I think anybody would support that. My concern is what effect does it have, if any, on County funds that can be spent to maintain roads that *aren't* part of that process. Is it going – is it going to affect us? I don't know. We have a – because we're the county, primarily not in the cities, you know, what are the ramifications of saying that our Countywide Policy is to support that and not in a hierarchical order of putting what the majority of county residents are using for transportation to get to work or to town or get their groceries – whatever! – to the bottom of a list based on a value judgment basically – is what we talked about at the last meeting.

Mr. Eckroth: Sure.

Vice Chair Candler: And so I understand that we can all do better. You know, the footprint needs to stay small. I understand the reasoning for this and I support it in some terms, but I'm concerned

about the unintended effects, I guess, of saying our policy is going to be this. And it – as some Commissioners have mentioned – might not fit *our* county that well right now.

Mr. Eckroth: Sure.

Vice Chair Candler: Do you have any thoughts about that?

Mr. Eckroth: I can understand your concerns. I do think that most of these changes are going to occur within the cities and the cities are going to have to grasp how they're going to handle these new legislative requirements. While the Countywide Planning Policies are to ensure consistency between the County and all the Cities and there's some new language that pertains to really things that you're going to see in the urban growth areas, I don't necessarily think that all of it's going to affect rural Skagit County, especially as far as transportation improvements go.

Vice Chair Candler: You don't see it diverting funds away from our road crews – things like that?

Mr. Eckroth: Not from these Countywide Planning Policies. I don't believe so. When we start talking about Comprehensive Plan amendment policies, there could be some implications. We'd have to look at specifics, but, no, I don't believe the Countywide Planning Policies would do that in this instance.

Vice Chair Candler: But aren't they designed to be consistent? One flows from the other?

Mr. Eckroth: Correct.

Vice Chair Candler: Okay. Thanks.

Commissioner Wright: I have a quick question that we speak to _____ annexed land. What kind of protections are there for the zoning of that land? It was before the Swinomish one.

Mr. Eckroth: So right now, the Cities – they have their city limits and then they also have an unincorporated urban growth area. And those areas are already established. Cities can request through the Comprehensive Plan periodic update to expand those urban growth areas, but if they choose to annex any area around there they have to be from those unincorporated urban growth areas.

Commissioner Wright: What's the zoning of that area?

Mr. Eckroth: Mostly Urban Reserve Residential. There's a few other zones as well, but that's primarily what you'll see. There're some other zones too, like the Anacortes Urban Development zone, and Mount Vernon has a similar zone where the Cities get to establish zoning to those areas. You don't see the Cities really develop a lot of our unincorporated urban growth areas – or the *County* develop a lot of those unincorporated urban growth areas under urban standard because the Cities often don't extend sewer service and a lot of the zones don't allow for urban levels. And they're mostly a reserve zone to be held for later annexation.

Chair Raschko: Commissioner Hutchison.

Commissioner Hutchison: And when those come for annexation, do they present before our Commission? Do we –

Mr. Eckroth: They go before the Boundary Review Board and the Boundary Review Board makes a recommendation. And, I believe, once they've demonstrated that they meet certain requirements, the Council of that City makes the decision.

Commissioner Hutchison: And haven't we just dissolved the Boundary Review Board?

Mr. Eckroth: We have not.

Commissioner Hutchison: Okay.

Mr. Eckroth: That's up for consideration through this docket.

Commissioner Hutchison: Thank you.

Mr. Eckroth: Yep.

Chair Raschko: Okay, thank you.

Mr. Eckroth: Thank you.

Chair Raschko: So we will open our deliberations, and the floor is open. Commissioner Day?

Commissioner Day: I move that the Skagit County Planning Commission respectfully recommends to the Board of County Commissioners that they adopt the proposed changes to the Countywide Planning Policies and regional growth allocations.

Chair Raschko: Is there a second?

Unidentified Female Commissioner: (unintelligible)

Chair Raschko: It's been moved and seconded. It's open for discussion. Commissioner Day?

Commissioner Day: I'll speak to my motion. Thank you. I have struggled with some of the same things that Commissioner Candler has in terms of transportation in a rural community and some of the requirements. And I'm not sure – were you here last time, Commissioner Candler, when the consultant, Mr. Cuomo, spoke to us about – okay. I really didn't get the sense that there's going to be any benefit to rural residents; therefore, probably not a lot of requirements that will be imposed on rural residents that this – like Mr. Eckroth just mentioned, these are going to be mostly targeted towards the Cities and the Cities will be responsible for making these improvements, you know, to trails and things. I mean, I guess in an ideal world, you know, somebody would live in a city and walk to work. I don't think it works that way, but, you know, I think these planning policies try to make those improvements that – I mean, who can argue with trails? But I do agree with you. When you look through the Capital Facilities Plan and the road projects, they're mostly all allocated, as far as I can see, towards fish passage, ditches, and stormwater. So there doesn't seem to be a lot of money allocated for transportation, which I think goes to your question. But I also think, and I think Mr. Eckroth agreed, that these policies do give way eventually to an impact fee for transportation. And so I think – I guess I would like some feedback about whether or not that is – if I'm reading that correctly.

Mr. Eckroth: Yeah, I believe we went over that at the last meeting. I believe concurrency is specifically mentioned, so if a developer is going to develop a piece of property, for instance, with

multifamily then the Cities, if they decide to charge concurrency fees, could request that the development pay into a fund to offset the impacts and do certain improvements to maintain a certain level of service in that area.

Commissioner Day: Thank you.

Chair Raschko: Okay, Commissioner Henley and then Commissioner Hutchison.

Commissioner Henley: I've noticed on the recorded motion that former Commissioner Rose is still listed there and she probably should be taken off.

Mr. Eckroth: We can amend that once we get into that. Thank you for catching that.

Commissioner Henley: Yeah.

Mr. Eckroth: We'll add Commissioner Wright's name to it.

Commissioner Henley: It's just a typo. I'm sure of it.

Chair Raschko: Commissioner Hutchison?

Commissioner Hutchison: I have read through the redlines multiple times. I had many questions and discouraging thoughts, and some of those have been asked and answered; a lot of it's come out in work sessions. I do believe there's a burden to the builders that is obvious, but I don't think we're at a point where we're able to make any changes to that. The question marks that I still write, and I wonder with curiosity the intentions of the words that are here. And then I review it and I read it again. It is very clear that each and every word is very intentionally deliberate and it was carefully thought. This is a lot of hours of work from a lot of different committees. I'm not able to sit in on SCOG sessions. I don't know how your pathways have gotten you to here. But aside from that burden to the builders that you've *just* answered and responded to, I don't have any more questions about it. I'll leave that there.

Chair Raschko: Commissioner Woodmansee?

Commissioner Woodmansee: So my reservations with this whole document relates to the burden to the public when they try to buy that house that the builder's building. Because in the end, builders don't pay impact fees. They don't pay concurrency costs. The public pays for it. And so in the end, I don't really support anything in this day and age that causes housing to be more expensive. And so that's where my – knowing how difficult it is to build, virtually pretty much impossible to build affordable housing, I don't see anything but bad news coming out of these future policies as it relates to affordable housing. And it's one of the biggest areas in our country and in our area: need. I don't think I can stop it, but that's my big concern, is that in the long run these new policies, which are being mandated to us, are eventually going to make a house cost more money. And it's inevitable it's going to happen. I've been in business for 40-something years and every single they pass a new law it doesn't make it more cost-effective; it makes it cost more. And this is the beginning of another round of that. And so I guess that's my comment.

Chair Raschko: Thank you. Commissioner Mitchell?

Commissioner Mitchell: I concur with everything that Commissioner Woodmansee had said, and some of the others. Quite frankly, I understand that the state has passed this and mandated these

laws in language and everything else doesn't mean I have to agree with it, and I don't. Not a bit of it. And I think what they're trying to pass down to do with this kind of thing is going to cause problems for people. They're going to try to tell – it's pretty clear in there that they're going to tell people where and how much they can drive and when they can go. This is a rural county, for Pete's sake! That's a problem. When the state somewhere up there – somebody's trying to do good somewhere – comes down and says one size fits all again; therefore, the County and the Cities and everybody all have to play the same game, same language across the board, it's not a one-size-fits-all. This is a rural county. We've got people that have to work, live, drive; farmers, foresters, miners, everybody else in between that has to do these things. And this kind of thing, I realize that they're probably going to do it anyway but I was pleased to see that at least the Board of the County Commissioners has the ability to say no for what the Steering Committee had put forward. I'm not dissing the work that they did. I understand what the law says. I understand what the mandates say. I understand what's tasked with them, but I do think it was all folly. And I don't mind going on record and saying so, and, therefore, I'm going to have to vote no on this regardless.

Chair Raschko: Commissioner Wright.

Commissioner Wright: Thank you. I did the quick math and it looks like over our 20 years that we are planning for, the 17,450 new homes or beds ___ is going to bring over 872 people/persons/beds to our county every year. And I'm looking at the drain on our hospitals and schools and police and fire and infrastructure. I'm hoping that there's some compatible support for that burden to the public, that we already have a desert for childcare. We have a slow response time due to the high calls for firefighters and police responses that we have to have some other kind of balance to support all of this, because otherwise I think the density is going to just decimate our current beautiful, lovely neighborhoods that do not want to thrive with multifamily apartment that are not the American dream.

Chair Raschko: Thank you. I'm going to take a turn now. I've really struggled with this thing since we've begun and this afternoon it occurred to me that this reminds me of the complaints my wife, a retired schoolteacher, had about the legislature passing unfunded mandates onto the schools and then they struggle like hell to try to figure out how to fulfill them, and they even end up having to go out and ask the public for donations and sell cookies and all this other stuff. And quite frankly I think that whoever wrote these updates I think did a splendid job. What they did was took what the state mandated and they were able to weave it into this thing in what would appear to be a perhaps not too innocuous way. But the struggle I have, you know, isn't with the County. It's with the state. And I don't know what you do. You could have some well-meaning legislature sit there and mandate these things, and they don't have to deal with them. You know? *We* get to. But we can't do anything about it because it's mandated by the state now so we've got to figure out how to take this stuff and figure out how to make it work, and a lot of it – to me – appears to be self-defeating for one thing. Okay. You've got to build all this infrastructure next to a development and the developer has to pay for the cost, and yet we have to provide affordable housing for every person there is. And I'm reading through it and come to find a point where, How are you going to fund all of this housing for those lowest income classes? You're going to rely on charities and government grants. I mean, it's – the whole thing to me just – I don't know. I don't even want to deal with it.

But like I say, my argument isn't here with the County. It's with the state. And I just wish something could be done to undo things more on the state level and get back to something I think would be more reasonable.

Commissioner Henley: Just to support your concern, we had a discussion several sessions ago where we talked about the concept of providing housing for *all* economic – sort of – how would I put it? – economic bands. But it's impossible. You can't do that. I've never seen anyone ever who's managed to come up with an algorithm that fits *all* economic segments. It doesn't work.

Chair Raschko: Well, just to finish my thought – I appreciate that – but to finish my thought, I was looking through this and I think I know something. This was put together in a way you might say that really won't cause any harm and – but then to allow it to go through, I think to vote for it for me would be to concede that what the legislature has done is correct and that I agree with it, and I just can't do that. So who's next? Commissioner Candler?

Vice Chair Candler: I think you stated it very well. I think that – and I'm glad that my fellow Commissioners are giving the state, you know, a lot of respect that this is all done, you know, from coming from a place of good. And I agree with that to a certain extent, but, you know, that's not always necessarily true. The government has a lot of ways of forcing things upon us that we don't want. They could make gas so expensive with the idea that we need to live closer to our jobs and force people into cities. I mean, that's not outside of the realm of what people talk about and what people think about. I increasingly feel like I'm living in the Twilight Zone – things like this make me feel like I'm living in the Twilight Zone with an increasing frequency. For example, tonight we had a gentleman testify that lithium is the, you know, devil – or toxins, right? And that was while we were looking at why we would not want to put a battery storage facility in our county on ag land. And then we're looking at also demonizing gas emissions, which, you know, it's not gas. It's diesel mostly for running farm equipment. But driving into town, buying fence posts – all of the stuff that farming needs are demonized to a degree too. You know, electric vehicles use lithium – I mean, it's like these – we had – one of the Commissioners mentioned the vast number of people in this room the night we talked about windmills. And so I think reasonable minds might differ on what we should be doing in terms of the future of energy. And I don't know that this fits Skagit County the way that it looks, and I know that we can do better. I'm not in any way saying that I don't – I just want to give up and I'm going to be a dinosaur. But I sort of am, because I can't vote for this either.

Chair Raschko: Commissioner Hutchison?

Commissioner Hutchison: I sure appreciate the conversation happening here. Because I did struggle the several times that I read through this and wrapped my brain around every word. Your noting, How are we supposed to pay for affordable housing if we're going to charge the builder so much to have infrastructure? But it's noted in here that basically outside money's going to come in. I think it's specifically noted as "regional funding mechanisms." So they've built it in that we'll be accepting outside funding to help. And it's noted, I think very clearly, that they're going to demonize fuels – fossil fuels.

Commissioner Mitchell: Yep.

Commissioner Hutchison: Very intentional. This is all very intentional. And is it the tail wagging the dog? I mean, how do we stop the state? This is – I mean, if I had a question left, How do we protect ourselves from Commerce's new code? I mean, I don't think that that's why I'm proposing this is well done considering everything that had to be squashed into it. Based on Commerce's guidance and instruction and – I don't know if we have another option. Is there another option?

Chair Raschko: Are you done?

Commissioner Hutchison: I am done.

Chair Raschko: Thank you. Commissioner Mitchell?

Commissioner Mitchell: Well, the one last thing I was going to say. I never went home so angry in my life when I saw the upside-down pyramid for our county. Putting road and transportation use *with cars at the bottom of it*, telling us that we had to do multimodal, changing language, meaning something that should never be meant, turning everything upside down and saying that this is going to be the new model and you're going to like it, with grant money. And there's grant money coming.

That's not a real world. They can mandate and pass whatever they do at the state level, but that doesn't mean that it's going to work. It's just like trying to make everything electric right now. That is not going to work. We have to have all different kinds of things for different situations. Take a look at what just happened with Hurricane – was it Helena or Helene?

Several Commissioners: Helene.

Commissioner Mitchell: Right. So we need to have different fuel sources, different transportation sources. And I can also say – if you guys will bear with me for just a moment longer – why this makes me so angry. I've been a state safety officer, accredited, out there with the fire department on the sides of the roads when we're trying to deal with things with electric vehicles on fire, with the safety of our people going back and forth. And that too when they want to throw this upside down pyramid at us telling us that the cars and the transportations in a rural county really don't matter. That's not where we're focusing things. We're going to focus something else with grant money coming in on how you're going to do this. Well, the whole purpose for the roads and the interstate system and the transportation system is to get from Point A to Point B with vehicles, with trucks, buses, all those kinds of things. It's not saying that one is better than the other; therefore, we're going to ignore these people down here at the bottom and give special grant money up here, take different, extra right-of-ways. Roads are dangerous. That's the whole point. Roads are dangerous. That's why there's the lines the way they are. That's why there's the side of the road. That's why if people are parked in the fog line, you see a State Trooper come out and get people off those roads as fast as possible out of that danger zone. And everything that they're proposing with this kind of stuff upends what really needs to be done, and that is good, safe, reliable, affordable transportation for people going from Point A (to) Point B in a safe manner. This completely upends that by saying we're going to bring in grant money and these are the new laws and regulations. So thank you for the bearing with.

Chair Raschko: Thank you. Commissioner Henley.

Commissioner Henley: I'm a cook and I'm *not* going to give up my gas kitchen range ever. So, you know, I can certainly understand _____. We need *all* forms of energy. All of these things come down to the use of energy in some fashion, whether it's getting from Point A to Point B or cooking your steak. All right? The fact of the matter is is that we need all various and sundry forms of energy, not just one set of energy that is deemed – without proof, all right? – to be some sort of a savior of the planet. I don't think the planet cares, quite frankly, but that's the way it goes.

Chair Raschko: Okay, why don't we – Commissioner Day?

Commissioner Day: Thank you. Coming back to the proposal –

Chair Raschko: Thank you.

Commissioner Day: I support it because I respect the process behind it – the Council of Governments and the staff and the consultants. And I think as others of you have said, they've done a good job with the mandates that have come down. And that's why I support it. But I also agree with all of you who have the sentiments and the regrets that I do that, just as we were talking earlier about deference being given to planning departments in the court case. I feel like there is very little deference given to local elected officials, like our Board of County Commissioners. When we make this recommendation, if that's what we end up doing tonight, their hands are almost just as tied as we feel ours are. And I think this is – we could vote it down, this particular Countywide Policies, but it doesn't fix anything, you know. The thing that fixes something is voting and it's the problem at the state legislature that is giving these mandates that is usurping the power of local governments. And it's a big problem. And this has been a struggle ever since, you know, we all argued over the Declaration of Independence. Should we have a strong federal government that tells everybody what to do or should we have little local governments that are given the authority to make decisions for their own community? And we ended up somewhere in between. But it's slowly being eroded. And the only way to address it is by everybody getting out there and voting. And that's the only way I see it. And I think that voting down this particular set of work and Countywide Planning Policies doesn't – it doesn't get us anywhere. And so I think, given the amount of time and information that's been given to us as a commission and the amount of work and the local intergovernmental workings that have gone into this, I think this is the best we can do right now.

Mr. Eckroth: Commissioners, do you mind if I add something to that? I just want to remind you all that the County Planning – or the Planning Commission will have the opportunity to look at specific policies within our Comprehensive Plan. This effectively guides our policies to an extent. But there will be more opportunity to discuss some of the specifics of the policies that relate to these when we have public hearings and deliberations on recommendations for the Comprehensive Plan.

Chair Raschko: Okay. I'd just like to respond a little to Commissioner Day. I think one thing that we really need that won't happen is for – I think it's only – what? – seven or eight counties that have to comply with this? The largest populations?

Mr. Eckroth: Just for the greenhouse gas emission reduction. All counties that plan under Growth Management have to plan for affordable housing and climate resiliency.

Commissioner Day: And how many counties is that again?

Mr. Eckroth: I do not know off the top of my head. I do know there's 11 counties that have to comply with the greenhouse gas emission reduction requirement, though.

Chair Raschko: I think what your recommendation is, go out and vote. And I heartily agree with that. But I think another thing that would be rather neat is with – most of the counties rejected this the same way I'd like to reject this and have it all thrown back in their face.

Vice Chair Candler: That is also voting, in my opinion.

Chair Raschko: Okay. So are there any more discussion points? Commissioner Wright?

Commissioner Wright: As I mentioned last meeting about grants, grants are taxpayer money still. It's still a burden to all of us to fund all of this. I get and I hear the passion and I love it, but I also think that there's still – if we don't stop and push back, we're never going to get an opportunity to right the wrongs. And I think the taxpayers are the ones who are hurting so much right now, and if we keep passing things that we know were done with due diligence and this kind of our hands are tied, but his goes back to the people we are representing, and they can't afford this. They can't even afford what we're trying to give them and they can't move forward with these grants. They go for all the things, so I think really we need to think intentionally about the impacts to the people.

Chair Raschko: Commissioner Mitchell?

Commissioner Mitchell: I appreciate that comment. I've got one more thing, last thing to say. I think everybody should and will and always do vote and say what they think. That's why we're here. That's why we were asked, every single one of us, and we can be all over the place for any given topic at every given time, given more information. But what I do know is that there are times where you can say no and I do think this is one of those. I realize it's tilting at the state but I've got to do it because I can't roll over and just say yes, especially when I know they're wrong.

Chair Raschko: Anything else?

(silence)

Chair Raschko: All right. All those in favor of the motion, please raise your hand.

Opposed, please raise your hand.

Abstentions?

We have one abstention. Okay. So the motion has failed. The floor is still open.

Vice Chair Candler: I move that the Planning Commission recommend that the Board of County Commissioners does *not* adopt this Countywide Planning Policy Amendment.

Commissioner Mitchell: Second.

Chair Raschko: It's moved and seconded to recommend the Board of Commissioners not to approve the policy. Discussion?

(silence)

Chair Raschko: All right. All those in favor, please raise your hand.

Opposed?

And abstentions?

Okay. So that passes. And having done so, we now need Recommendations and Findings of Fact.

Vice Chair Candler: Commissioner Hughes is not absent.

Mr. Eckroth: Sorry. I meant abstain. Thank you.

Chair Raschko: We have a prepared list, but I don't know how appropriate it is to the – the motion just passed.

Commissioner Henley: We'll see. I'm going to recommend the Commissioners reject the list.

Chair Raschko: Pardon me?

Commissioner Henley: I would recommend that the Commissioners reject the list.

Chair Raschko: Well, the list doesn't even come into play.

Commissioner Henley: Yeah, I know.

Chair Raschko: We can make a new list. Perhaps you care to start, having made the motion?

Vice Chair Candler: Sure. Sure. I do think that enough of us have acknowledged the amazing work that has been done on this document, and we should maybe say something about that. But I think what it boils down to is we believe that the mandates imposed upon us by the state are not a good fit for Skagit County.

Chair Raschko: Is that more general than you want? The Growth Management? I would say the updates the Growth Management brought on by the recent legislation – something to that effect.

Vice Chair Candler: The updates?

Commissioner Hughes: The Countywide Planning Policy Amendments is what we're working on.

Vice Chair Candler: Yeah, Countywide Policy.

Commissioner Woodmansee: I think you might have had it right the first time.

(laughter)

Vice Chair Candler: State mandates?

Commissioner Woodmansee: Growth Management.

Chair Raschko: Do we really want to bash the entire Growth Management Act?

Commissioner Woodmansee: No, no, I –

Chair Raschko: Or just the most recent additions to it?

Commissioner Woodmansee: I was not serious when I said that.

Commissioner Day: Would it be helpful to say specifically which mandates? Are you speaking of, like, transportation or housing or –

Chair Raschko: Perhaps name the two laws recently passed that updated the Growth Management Act?

Commissioner Mitchell: Robby, was it climate resilience is one and transportation was within that?

Mr. Eckroth: A lot of the multimodal service requirements are within House Bill 1181, which are – I believe there might be some other House bills as well that made some changes related to multimodal level of service. I don't know what those are off the top of my head, though.

Vice Chair Candler: For a number 2: We are concerned about the rising costs of living to include housing and fuel that will be exacerbated by this – by these changes.

Commissioner Mitchell: How about a third one: With the outside grant funding coming in to do this to us it's – when that kind of thing happens, the carrot's stuck out there and the local governments that need money grab the carrots. They grab the grant money to do whatever, and there are strings that are tied. That's one of the problems with this grant money situation here.

Chair Raschko: So can you say that a little more succinctly?

Commissioner Mitchell: Not yet. I'm trying to _____.

Vice Chair Candler: Outside grant funding incentivizes costs that may not be – that may have –

Commissioner Woodmansee: Would that be “incentivize policies that may not be best fit for Skagit County”?

Commissioner Mitchell: That's good.

Commissioner Day: I would note that last time we heard from the Public Works Department that they received approximately – what was it? – five dollars and 20 cents for every dollar of County funds spent. We already receive a significant amount of grant money.

Commissioner Mitchell: Right, but that's a different situation.

Vice Chair Candler: And we're grateful to a certain degree, but we do want to be able to direct somewhat where those go, right? Like, isn't that why we're here? I think we were going to say “incentivize policies that may not prioritize the projects that are – you know, that –

Commissioner Mitchell: – that Skagit County needs.

Vice Chair Candler: – are more widely used. Widely used – that's good.

Commissioner Day: Do you want to say something regarding – I can't read it very well, but the state mandates not providing sufficient deference to local control/

(agreement from several Commissioners)

Commissioner Hughes: Or maybe not. To follow it up with the differences between rural and urban? Define it better.

?

Vice Chair Candler: Would you state that one more time so that he can take it? “The state mandates do not provide enough deference to local control.” Is that what you said?

Commissioner Hughes: So the local control was the first part, but my point is that the point of the differences between rural and urban was brought up.

Commissioner Day: That would be a separate finding, right? Is that what you’re saying?

Commissioner Hughes: However, I think they need to be both stated. From listening.

Commissioner Henley: You can also say something like the state mandates are appropriate for a rural community, as opposed to an urban one.

Vice Chair Candler: Or vice-versa.

Commissioner Henley: Or say the other way around – sorry. It’s late.

Vice Chair Candler: And Skagit County works very hard to preserve its farmland and rural character.

Commissioner Hughes: How about Rural Resource Lands?

Vice Chair Candler: Rural Resource *Land*.

Commissioner Mitchell: Rural Resource *Lands*, because that would encompass all kinds. Right.

Mr. Eckroth: I believe the terminology in the Comprehensive Plan and code is Natural Resource Lands.

Commissioner Woodmansee: So it seems to me –

Commissioner Hutchison: I believe some of the discussion was around just having our rights and, you know, keeping options. I mean, there’re some points in here that open new options but we don’t need that written to be able to get some e-bike racks downtown. So how do we touch on citizen rights and preservation of community? How do we get that –

Commissioner Woodmansee: So where I was going with? Like a healthy community would have multiple options for energy and fuels and all that. So, like, you – because we’re – you know, I mean, we know where we’re headed, right? Electric, electric, electric, electric, no gas, eventually no diesel, and –

Commissioner Mitchell: Fifteen-minute cities.

Vice Chair Candler: Blackouts and brownouts.

Commissioner Woodmansee: Yeah, and they’re forcing us. They’ve already passed all these codes that are forcing – okay, so they passed all these codes. You have to insulate your house this way and then the very next year they changed it again.

Commissioner Mitchell: Yep.

Commissioner Woodmansee: I think three years in a row they actually changed it again. And then they said you can't use these efficient appliances. And with the power demand that they're claiming is here and coming they've taken all that so-called savings in the insulation side of things and you're going to pay twice as much for your power bill.

Chair Raschko: Okay, guys, can you put that into a –

Commissioner Woodmansee: So a variety of energy sources helps a community to be healthy.

Commissioner Mitchell: And resilient. They like the word "resilient."

Commissioner Woodmansee: Kathy can fix it best. Do you see what I'm trying to say?

Vice Chair Candler: I also think you were kind of saying that technology for future energy sources is in flux. Isn't that what you were getting at with the high efficiency stuff is no longer –

Commissioner Woodmansee: Well, like a gas high efficient furnace is on its way out.

Vice Chair Candler: Right.

Commissioner Henley: We keep ignoring the most obvious solution to the energy problem and that's nuclear. We don't want to touch that.

Vice Chair Candler: A healthy community would maintain a variety of energy sources.

Commissioner Woodmansee: That's what I'm trying to say.

Commissioner Henley: *Multiple* energy sources is what we need.

Commissioner Mitchell: To remain resilient under all conditions.

Chair Raschko: Okay, let's try to get a main basic idea written down here and then –

Commissioner Woodmansee: I'm fine with what you just said if it's _____ I'm concerned.

Mr. Eckroth: Are there Countywide Planning Policies that specifically mention energy? I'm just – I just want to make sure that we're staying on topic.

Commissioner Wright: Well, the climate resiliency speaks to energy concerns, correct? I mean, we're here negating something to prove something else. And you're taking away what we have to fix something – I mean –

Mr. Eckroth: Not within the Countywide Planning Policies, though.

Commissioner Hutchison: It says (in) 14(1)(c), the final sentence: "...or other appropriate measures that can be shown to reduce VMT." And so when I think of what other appropriate measures might reduce VMT, it could be increased charges to fuel or reduced access to it. I mean, there's an implication there that it's out of our control. There's citizen choice reductions in the future in the language that is so carefully prepared here.

Commissioner Mitchell: Yes, it's like we have no choice.

Vice Chair Candler: So “Healthy communities maintain a variety of energy source options to” – something about resiliency. What did you say?

Commissioner Mitchell: “... to be... “

Commissioner Woodmansee: “... to maintain results...”?

Commissioner Mitchell: Thank you.

Vice Chair Candler: Okay, so then we need to change “Healthy communities pursue a variety of energy source options to maintain resiliency.”

Commissioner Woodmansee: Yeah.

Commissioner Henley: At least have it built into the infrastructure.

Vice Chair Candler: I’m also concerned – and I don’t know, maybe it’s just me, and we don’t have to put it in here, but I feel like the technology *is* in flux and if we’re just going to do the latest greatest thing just to have it not be the latest greatest in a couple weeks, what are we doing?

Commissioner Mitchell: Yeah, we’ve done that too many times.

Commissioner Wright: Can we add a 6 that we also preserve our established neighborhoods? We have some very historical neighborhoods that are being impacted by these apartment complexes that are multifamily. _____ that this growth changes the density of our cities.

Vice Chair Candler: But we’re county, so I’m not sure if we want to –

Commissioner Wright: Well, no, but Skagit County works very hard with our natural resources lands. I mean, don’t we want to include our cities as established neighborhoods? Or is that too –

Vice Chair Candler: That’s a good question. Do we? What do we –

Commissioner Wright: I mean, because the housing impacts cities, correct?

Vice Chair Candler: I guess that’s a Countywide Policy. Does that include cities? Yeah, okay. Sorry.

Commissioner Mitchell: Well, one of the things is it says “Findings of Fact.” I think we should say “Findings of Fact and Reasons of Actions at the top for the header. Thank you.

Chair Raschko: Did you have something else?

Commissioner Mitchell: Yeah, and I just forgot it.

Vice Chair Candler: Did you want an actual fact and not just a bunch of –

Commissioner Mitchell: Reasons?

Vice Chair Candler: I don’t know.

Commissioner Henley: Good enough.

Vice Chair Candler: Good enough.

Chair Raschko: You think this is good enough? Maybe it was only me, but I just want to reiterate that my gripe is more with the state than with the County.

Vice Chair Candler: Do we want to say it? I'm sorry.

Chair Raschko: I wouldn't mind if this thing reflected that in some way, but I'd leave it up to everybody else. I won't insist on it.

Commissioner Knight: Number 4 says that.

Commissioner Mitchell: Well, we apply state mandates twice up there.

Chair Raschko: Number 4 is pretty good.

Commissioner Mitchell: Four and 5.

Commissioner Day: Did you guys include something about the process undertaken by the Skagit Council of Governments?

Vice Chair Candler: We should. We should do that. That's how it should start. "The process undertaken by the Council of Governments..."

Commissioner Day: That we respect that?

Vice Chair Candler: "... resulted in a product that was very well done; however..."

Chair Raschko: Well, given the circumstances!

Vice Chair Candler: "...however, the Cities – however ..."

Commissioner Hughes: What about if it just goes to number 2?

Vice Chair Candler: Yeah. "The mandates are not a good fit." And then we can get rid of –

Commissioner Mitchell: And we can just say "well done." *Very well done's* not necessary.

Vice Chair Candler: But that still didn't address your issue at all. That's why I was trying to get with after the "however." Like "however, we don't think that" – "we don't like that all of this control is being taken away."

Commissioner Mitchell: How about "It was well done, given the mandates," or "given the task"?

Vice Chair Candler: "...given the task."

Commissioner Henley: Or you could say something like "The Council of Government resulted in a product that doesn't meet the long-term goals of Skagit County."

Vice Chair Candler: But we want to give them some kudos, not necessarily to disparage ___ in the first place.

Commissioner Day: Did you incorporate Amy's thought about urban versus rural? Perhaps this is where you could put that although the process was good, the end result is something that might be more appropriate for an urban area, not a rural area like Skagit County. Is that what you want to say?

Vice Chair Candler: I think we got that in 6.

Commissioner Hutchison: I'm not sure how much we want to declare that this is appropriate for *anyone* when it's talking about state mandates. So what we really meant to say is we're protecting citizens, you know? _____.

Vice Chair Candler: Or government overreach.

Chair Raschko: Okay, is there anything else that we need to do after this?

Commissioner Mitchell: I think this tells the story.

Commissioner Henley: It looks good.

Chair Raschko: Okay, we need to vote to accept the Findings of Fact and Reasons for Action. So all those in favor, please raise your hand.

Those opposed?

Abstentions?

Okay, so those are approved. And I think we're done – with that. That takes us to Planning Commissioner Comments and Announcements.

Commissioner Hutchison: I wasn't present at last meeting, but I did get to watch the presentations and the full meeting. So I just have one question, actually. It was about transportation. I believe – and, gosh, it's 11.5 in 8a. Forgive me for not having – I was just taking notes watching. It was talking about the technology subsection in the transportation context. And my question – something about SCOG recommending regional intelligence systems that are to include traveler info. Something about regional intelligence systems that are to include traveler info as a major component. I would love to understand that better at a future meeting, so could you guys kind of help gather some more information? It was something in writing, 8a-11.5 Technology subsection on the transportation –

Mr. Eckroth: Are you talking about the draft transportation policies from the last meeting?

Commissioner Hutchison: Yes.

Mr. Eckroth: Okay.

Commissioner Hutchison: It's a delayed response to last meeting. I know I wasn't there. So I just – I wanted to follow up while I had this moment. So in a future meeting you guys may be able to share a little bit more with me about what that means.

Mr. Eckroth: Do you mind sending us an email with that specific policy number?

Commissioner Hutchison: I would love to do that. I will be sure to do that.

Mr. Eckroth: Thank you, Commissioner.

Commissioner Hutchison: Thank you. I have nothing else.

(inaudible comments from Commissioners)

Commissioner Woodmansee: I have nothing further.

Commissioner Henley: I don't have anything.

Vice Chair Candler: I don't have anything.

Chair Raschko: You done?

Vice Chair Candler: I guess, yeah. Thanks.

Commissioner Mitchell: Oh, I've got something. I always like to commend people for speaking their minds. It's very difficult when you're running against something that's contrary to what is written and what everybody else says supposedly or what everybody else thinks. It's always very, very difficult to do that. Jack and staff have always been very kind to us, allowing us to have the grace to be able to do this and find good ways to wordsmith, and I appreciate everybody helping with wordsmithing something that difficult. Thank you.

Commissioner Day: I just want to say thank you to the staff for all the work that you've put in. I think you've done a really good job with everything that you've had to weave together. And I also just want to say thank you to my fellow Commissioners. I know that we don't always agree with each other but I respect all of you very much and I think this Commission should be an example for the rest of our country – that we should all respect each other even if we don't agree. And so I appreciate your dialogue tonight.

Commissioner Hughes: Enough said! Thank you.

Chair Raschko: I just want to say I really appreciate all the work that a lot of people put into this thing and I really do think it was well done. I'll just say again my beef's with the state. And I really thought you did a great job – or *somebody* did a great job of fitting all those things in here in a way that might seem innocuous. So anyway, I appreciate you and I appreciate my fellow Commissioners. Thank you for your comment. And I appreciate all the people who came in here to speak tonight. So thank you very much and we'll all be adjourned (gavel).