

Skagit County Planning Commission
Public Hearings:
2024 Docket of Comprehensive Plan, Zoning Code, and Map Amendments
2025 – 2030 Annual Capital Facilities Plan Update
October 29, 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 (absent)

County Staff: Robby Eckroth, Senior Planner
Tara Satushek, Senior Planner

Public Hearing

Commenters: **2024 Docket Public Hearing**

Chris Eisses
Jon Sitkin
John Tuttle
Kirk Brownell
Linda Chambers (via Zoom)

CFP Update Public Hearing

(none)

Chair Tim Raschko: (gavel) Good evening. The October 29, 2024, meeting of the Skagit County Planning Commission is now in session. We are missing Commissioner Wright. Everybody else, I believe, is present.

So we have time tonight 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. And we have two of those, which is the Annual Docket and the Capital Facilities Plan, so those subjects are not to be used.

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. So is there anybody who would wish to speak to the Planning Commission tonight?

(silence)

Chair Raschko: Is there anybody Zooming in?

Tara Satushek: If you would like to provide public comment, please unmute yourself.

(silence)

Ms. Satushek: There doesn't appear to be anybody who's providing public comment at this time for the Public Remarks.

Chair Raschko: Okay, thank you. So that's – there'll be no Public Remarks tonight, which will take us to our first agenda item – is a Public Hearing on the 2024 Annual Comprehensive Plan Map and Development Code Amendments Docket.

The purpose of this hearing is to receive testimony on the 2024 Docket of Comprehensive Plan, Zoning Code, and Map Amendments. We have a sign-up sheet – which is now here – that lists those who wish to testify today. There'll be an opportunity at the end of the hearing for those who wish to testify but did not sign up. Comments are limited to three minutes so that everybody has a chance to speak. Written comments must be submitted to – excuse me. The written comment period will remain open until Thursday, October 31st, at 4:30 p.m. Written comments are encouraged and are not limited in length or on the number of issues that you wish to address. Written comments must be submitted to the Planning and Development Services Department, preferably to the email address which is on the screen – right there.

The Planning Commission is scheduled to meet on November 19th at 6 p.m. to make a recommendation to the Board of County Commissioners on the 2024 Docket. Thank you for taking time to participate. We'll start with a brief presentation by Mr. Eckroth.

Robby Eckroth: Thank you, Chair. My name is Robby Eckroth. I'm a Senior Planner here at Skagit County Planning and Development Services. I have a short presentation to give before we start the public hearing to summarize the docket petitions and to provide the next steps in the legislative process. You know, it's actually more of a list of the docket petitions, but I will provide a link to the website where you can find more information.

So just to summarize the process: The Comprehensive Plan Amendment process is an annual process where citizens and County staff can submit petitions to make changes to the Comprehensive Plan and the County development regulations. The annual docket process is a separate process from the 2025 Periodic Update that will be finished in June next year. So just to make sure everyone's clear, that has nothing to do with this presentation tonight.

As you can see on the screen, we are at the Planning Commission public hearing on Step 2, and the Planning Commission will be holding deliberations on November 19th where recommendations will be made to the Board of County Commissioners on each docket petition.

The Board of County Commissioners will be holding a work session on December 9th at 1:30 p.m. and will be taking possible action on each docket petition on December 16th at 2 p.m. The petitions and supporting documents, including the staff report, which provides more detail on each petition, can be found on the link at the website or at www.skagitcounty.net/2024cpa.

So in addition to today's public hearing, the public comment period is open and will close October 31st at 4:30 p.m. There are three options for commenting. You can mail, email, or comment today

by providing public testimony at the public hearing. And comments can also be dropped off in the basket by the door, if anyone happened to bring written comments.

If you would like to submit an email for a written comment, you can email pdscomments@co.skagit.wa.us. And please provide your full name and address for any submitted comments.

So we will hold an opportunity for testimony on each petition in order, starting with petition LR24-01, which is the Deception Pass Rezone to OSRSI. As the Chair mentioned, if you did not sign up to testify there will be an opportunity to speak after those who signed up, which includes members who are participating via Zoom.

So thank you, Commissioners, and to all of you who came today, and I'm available for any questions before or after the public hearing.

Chair Raschko: Are there any questions for Mr. Eckroth?

(silence)

Chair Raschko: Okay, he just stated that we'll do it in order of the docket items.

Mr. Eckroth: Yes, I'll put that back up.

Chair Raschko: I have two people signed up and I have no indication of which docket items they wish to speak, so why don't we just take those two and they can – no?

Mr. Eckroth: That sounds great. Yeah, yeah – sorry! That was not me shaking my head! It sounds awesome. Thank you, Commissioners.

Chair Raschko: All right. Thank you. So we have first Mr. Chris Eisses. Yes. And please state your name – and spell it – and your address before you begin.

Chris Eisses: Good evening, Commissioners. My name is Chris Eisses. My family and I reside at 11740 Sunrise Lane in Burlington, and I'm speaking about the Bayview Ridge Light Industrial Zone Buffer amendment.

Forgive me. I don't think I've ever spoken in front of a government body before. I did take a moment to write down my thoughts and I will kind of read them. I did time myself and I ran a little over three minutes. If I speak super fast I can get three minutes but it doesn't appear there's a long line of people waiting so please forgive me if I go slightly over.

Again, I live at 11740 Sunrise Lane in Burlington. The petitioner's property lies directly west of my home and abuts my property line. I did provide written comments to the Commission via an email in the open comment period. I hope you did get a chance to review those, but I did want to just summarize a couple of those comments today.

Number 1, I am not anti-development nor am I anti-growth. I am a realist. I do believe, however, though, that development on the petitioner's property will negatively impact the quality of life, the mental health, and the property valuation of myself and my neighbors. I believe the impact is not only on those that directly abut the property, but rather will harm hundreds of residents in the neighborhoods of Skagit Golf and Country Club, Bay Hill, Kabalo Heights, and Sunrise Lane.

These neighborhoods were developed in the 1980s, the '90s, and the early '2000s and remain many of the nicest, most well-established neighborhoods in the county today. These neighborhoods were established long before the creation of the Bayview Ridge Light Industrial zone. I believe it's safe to say that the original owners of my 1990 home did not anticipate large-scale industrial buildings 50 feet from their backyard. As such, a comparison of this unique property to other areas both in and outside of the county is irrelevant. The residents of these decades-old neighborhoods chose to live in rural Skagit County without semis and forklifts running around in their backyards.

I'd like to comment on the July 19th, 2023, letter from the petitioner to the Planning Department that outlines some of the reasons for their request. It was noted that they believe that the current buffers are overreaching and prohibitive for future development. Respectfully, a property's value is determined by many factors that may increase or decrease the value of that property. While they claim that the buffers devalue their land and turn off potential buyers or tenants, this is a blank slate piece of property that can and should accommodate any number of projects within current buffers or even within strengthened buffers and regulations *if* the price is right. Maybe an adjustment of their perceived *value* of the property would attract future owners and tenants to locate within the existing buffers or within strengthened buffers. With regard to –

(timer rings)

Mr. Eisses: – the valuation, the petitioner indicates ownership of approximately 135 acres zoned Bayview Ridge Light Industrial. They claim that existing buffers impact 33 of those 135 acres. They state that reducing the buffers, per their request, gives them an additional 26 acres of land at a developed land value of \$10 million, or roughly \$385,000 per acre. In 1990 –

Chair Raschko: Excuse me. How much more have you got?

Mr. Eisses: One minute.1½.

Chair Raschko: You got half a minute.

Mr. Eisses: Respectfully –

Chair Raschko: If you just quickly –

Mr. Eisses: Okay. I'm almost there. In 1990, the year my home was constructed on Sunrise Lane, the petitioner's property was an area of trees, vegetation, streams, and wildlife that the Assessor valued at 431,000 or 3200 per acre. At some point in the past, due to the creation of the Bayview Ridge Light Industrial area, the value of the petitioner's property significantly increased to the value of five million dollars today, or 38,000 per acre, per the Skagit County Assessor. And as noted, \$385,000 per acre developed by the Bayview Ridge Light Industrial area. It seems quite evident that the County has already granted –

(timer rings)

Mr. Eisses: – the petitioner quite a substantial financial gift in the *creation* of the Bayview Ridge Light Industrial area. Why is the County trying so hard to find a way –

Chair Raschko: Sir? _____.

Mr. Eisses: – an additional windfall – I’m almost there. I promise.

Chair Raschko: We got your point. Thank you.

Mr. Eisses: Am I cut off?

Chair Raschko: Yeah.

Mr. Eisses: Thank you.

Chair Raschko: Okay. And I apologize if I get this wrong: I believe it is Jon Sitkin?

Jon Sitkin: Sitkin.

Chair Raschko: Thank you.

Mr. Sitkin: Mr. Chairman, my name’s Jon Sitkin. I do represent John Bouslog, the petitioner in this action. He owns the property north of Peterson Road and there are about seven to eight homes on rural lots – two-acre lots or so – to the side of his property. To the north of this property is the Westland commercial operations and all in the RRv. We brought forward this petition asking for 50-foot buffers, which we felt was consistent with other urban areas both in Skagit County and elsewhere. In fact, when you look at the back of your staff report from this summer, in the Puget Sound area a 100-foot buffer, which is the compromise the staff worked on and, as I said in our letter, we’re in support of the compromise – is still the – by far, the largest buffer between industrial lands and any residential lands in the Puget Sound area. You add to that the – oh, also Pierce County is 100 feet; 50 feet in Kitsap; 35 – up to 35 in Whatcom; Snohomish is 50; Thurston is 50. And this is all in your staff report. You add to that the landscaping requirements that are required to be put into the setback or buffer area, you have – and summarized in this, as well – you have sight-obscuring three alternating rows of evergreen trees that must be planted for new vegetation 20-foot or less on center, minimum of six feet in height above the planting bed. Screening: a six-foot tall masonry block, textured concrete wall, or a wood fence or black-channel boundary fence must be located within that first 50 feet of that buffer setback. So not only is it a buffer of 100 feet, you have extensive landscaping and screening requirements that must be put in there. And again, this is the most onerous requirements in the Puget Sound area between industrial and residential property.

As to this being industrial, this has long been. I’ve been working on the Bayview Ridge property for Mr. Bouslog – **he (I?)** was on the original citizens advisory committee for about 30 years. This has *long* been an urban growth area. It was a residential area and the County changed this from a Bayview Ridge Residential area to a Bayview Ridge Light Industrial, largely because of the airport overlay that extends through this area, when they changed the policy position from residential to industrial. It wasn’t our asking to be industrial here. And it’s interesting that we have to bear the burden. Westland to the north can have manufacturing, commercial operations and not have that kind of buffer, but we have to be buffering 250 as it currently exists. The compromise is 100 feet from that type of operation. When you look at it – and it’s in your record – when you look at the maps along Sunrise Lane, nearly all the homes presently are about 250 feet from the boundary line. There’s one or two that are about 100 feet. And we’re still having 100-foot buffer from that property line boundary, screened extensively with vegetation and masonry walls or similar in that buffer area.

So we ask you to support –

(timer rings)

Mr. Sitkin: – the compromise and pass forward a positive recommendation. Thank you.

Chair Raschko: Thank *you*. Is there anybody else who did not sign up who would wish to speak? That gentleman in the gray shirt first, please, and then –

John Tuttle: Hi, my name is John Tuttle, 12297 Bayhill Drive. I'm simply here to say that be respective of some of all the comments that are coming through letter ___. I've lived in my community for about 13 years. I abut – I'll say the property that's being proposed, but I'm on the south side of Peterson Road. A lot of people originally weren't informed of what was being – going on. They knew development was going to be happening. I don't think anybody ever looked into the details of code changes or anything along those lines, as development on either side of Peterson Road happened. So I'm here to just let everybody know there's a lot of folks that have talked to me as we walked through a community or had HOA meetings or we've met as neighborhood associations I'll call "informal" to share a lot of our thoughts. So if you can, pay close attention to *all* the individual letters and emails that are coming in. They're probably pretty consistent in what their thoughts are. But we are very, very sure that everybody had an independent thought in that. So, if you could. Thank you.

Chair Raschko: Thank you. Yes, sir?

Kirk Brownell: My name is Kirk Brownell. I live in Sunrise Lane, Kabalo Heights development, which is just to the north of the petitioner's property. I did submit written comment as well. My last name is b, r, o, w, n, e, l, l, and I live at 11356 Michael Place.

So our property – the south edge of our property abuts this parcel. And it just seems to me that, as has been stated, the properties that are currently present are largely there because of the surrounding environs that are currently present, and to change that substantively would have changed the perspective of those constructing their homes in that area in the first place. And I think one of the really cool things about Skagit County is that we're not Pierce County or Snohomish County or King County that have – well, what used to be farmland is just a bunch of buildings.

And so I think it would be sad to have more of those things encroaching on current residential areas. And I have more in my written comments, but these go into the essence of what I wanted to share. And this just seems for the purpose of creating more value for an individual property owner at the expense of other property owners.

Chair Raschko: Thank you. Anybody else?

(silence)

Chair Raschko: Is there anybody on Zoom?

Ms. Satushek: Is there anybody on Zoom that would like to provide public comment? If so, please unmute yourself. It looks like we have a comment from Linda Chambers.

Linda Chambers: Yes, thank you. It's Linda Chambers. I live at 11684 Sunrise Lane in Burlington. My husband and I purchased our property in 1996 and the property to the west of us was zoned residential at that time. After many hours of hard work and saving we built our home in 1997 and

moved in in March of '98. Throughout our lives, my husband and I have strived to achieve the American Dream, investing all our efforts into our home and our property with our neighbors. Over the past 26 years, we have contributed 133,000 in taxes. While we embrace growth and understand growth, we believe and trust that the elected officials would also listen to us and protect all residents, not just a single individual.

We have noticed increased traffic on Peterson Road, making it challenging to know when it's safe to take walks, particularly with the rise of Amazon traffic. In many of the meetings we have had previously on the property to the west of us we were told no big trucks, no increased traffic. That has not been true and it is at the point where if we had a major emergency, I'm not sure how we would evacuate. This is where not having in writing comes back to hurt the established residents. It comes back to not being able to trust what we were promised. We are concerned about the added noise, lighting, traffic, and odors that will impact the Bayview Ridge area residents as it reads now. We see no need to change the buffer 20 less than 250 just to add dollars to one individual. We urge you to include explicit provisions in all documents that guide future construction projects before approving any amendments. We ask you to protect us. We ask you to take diligently those who have paid their hard-earned money and have taken care of our homes and our neighbors. I respectfully request that you consider all residents in this area and assess the broader impact from the hundreds of people living here. We understand growth, but it comes with a responsibility to others. Thank you very – for your time and service, and I appreciate Mr. Eckroths (sic), County Commissioners, and Skagit County Planning Commissioners that have taken the time to listen to us. Thank you.

Chair Raschko: Thank you. Is there anybody else on Zoom?

Ms. Satushek: Is there anyone else that wishes to speak on Zoom? If so, please unmute yourself.

(silence)

Ms. Satushek: It doesn't appear that there's –

Chair Raschko: There's not. Okay, I'd like to thank everybody who came to testify. And as was stated before, the written comment period is open until October 31st., if you wish to make written comments, and they can be as long as you wish. So thank you, and that will close our public hearing. Okay?

Please go ahead.

Commissioner Angela Day: May we ask a question of staff?

Mr. Eckroth: Yeah, absolutely.

Commissioner Day: Okay. Thank you. Can you tell us some of the history of creating the 250-foot buffer?

Mr. Eckroth: Yeah. So I believe it was done as part of the 2014 Bayview Ridge Subarea Plan. I know that it was done at that time. I'm not exactly sure what the reasoning was behind the 250-foot buffer and how that was chosen, though.

Commissioner Day: Okay. And may I ask another? Could you review for us the SEPA process for a code change like this or a Comprehensive Plan change? So I read through the SEPA

Checklist and I understand that this is not a project-specific proposal, so that makes it difficult to determine the environmental impacts. Can you tell us what environmental impacts, such as noise and lighting and traffic, were considered in the SEPA process and what would be considered later when a specific project is proposed?

Mr. Eckroth: Sure. So for the most part – for this petitioner particularly we are looking at noise as it only pertains – this amendment in particular only pertains to loading areas. So any buildings could still be up to 50 feet from a property line as code currently exists. Roads can go up to – I’m pretty sure – up to a property line. So based on our review – we did a cursory review of what noise impacts would be for an increased – or a *decreased* buffer for loading areas. However, every business is different. It’s hard for us to be able to predict exactly what type of business will be proposed on the property in the future, so staff is limited in what they can do for environmental review. We’ve received comments about how we haven’t looked at stormwater impacts, traffic, things like that. That’s done at the project stage when someone actually submits a proposal. So SEPA will be done again most likely as the threshold for SEPA, for projects in the industrial area is 12,000 square feet for industrial and commercial uses, and then 500 cubic yards for any land disturbance. So again, we did consider noise. We also looked at comparable jurisdictions when figuring out exactly how to write this amendment, but we’re somewhat limited in what we can do just because we don’t know exactly what’s going to come in the future.

Commissioner Day: Thank you. One more? So many of the commenters commented on Mr. Bouslog’s property in particular. But I took a look at the map and it appears that there are many more properties zoned Light Industrial that are owned by the Port of Skagit.

Mr. Eckroth: Correct.

Commissioner Day: Do you know approximately how many parcels or how many acres? I think it’s a much larger potential impact than just one piece of Light Industrial property there. Is that correct?

Mr. Eckroth: That is correct. I don’t know how many parcels off the top of my head; however, I do know that the Port of Skagit is going to be doing – well, they’re already starting the first phase of a binding site plan for an industrial park, which will have the highest potential impact to neighboring residences. And then they’re proposing two other phases, which I suspect will have less of an impact just because of the proximity to residential zones. But based on the way that they’ve designed Phase 1, they *do* have a 100-foot buffer that will have a trail through it that – they’ve already submitted this application. I can’t remember exactly off the top of my head where it’s at in the process. And I believe the plan is to have much lighter impact uses that are closer to the residents within that first binding site plan phase.

Commissioner Day: Okay. Thank you. Thank you.

Chair Raschko: Commissioner Hutchison?

Commissioner Jen Hutchison: Thank you. I guess my question is – I don’t know if you’ll be able to answer it, but we keep talking about how other cities or other areas have this 50-foot or 100-foot, but are they sitting in county rural spaces when we’re talking about these comparisons? Like, are we referencing other counties – and I’m assuming you are the county’s face – but are we more abutting a city area with industrial ___ – like, I’m just trying to understand where else this is being done. I mean, I know you’re telling me these are happening in other counties but I would just love to see some images of what they look like and if that really is in a rural populace.

Mr. Eckroth: Well, so the Bayview Ridge area is an urban growth area.

Commissioner Hutchison: Understood.

Mr. Eckroth: So, I mean, an example that comes to mind is Whatcom and Thurston, which we looked at, which I know that those are larger counties but they do have significant rural areas to them. Whether they have rural areas adjacent to some of those industrial areas I'm not sure off the top of my head. But when looking at comparable counties, we did – I mean, *most* industrial lands are going to be urban, with the exception of Limited Areas of More Intense Rural Development. And I know Whatcom County has some areas in their industrial lands – like Cherry Point, for instance, I think is *somewhat* comparable in some areas of the Cherry Point industrial area, which is not a city urban growth area. It's a non-municipal urban growth area like the Bayview Ridge urban growth area. They have a lot of heavier industrial uses in zoning there but they also have light industrial as well. So that's an example that comes to mind.

Commissioner Hutchison: Thank you.

Mr. Eckroth: Yeah.

Chair Raschko: Anybody else?

(silence)

Chair Raschko: Okay, thank you. We'll turn now to another public hearing on the 2025 to 2030 Annual Capital Facilities Update. Ms. Satushek?

Ms. Satushek: Good evening. My name is Tara Satushek, Senior Long Range Planner here at Skagit County Planning and Development Services. I am going to give a brief overview before the public hearing of the Capital Facilities Plan. This is similar to what was presented during the work session.

The Growth Management Act identifies public facilities and services as one of the planning goals that guide the development and adoption of comprehensive plans and development regulations. This planning goal requires that Skagit County ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time development is available for occupancy and use without decreasing current service levels below locally established minimum standards. Additionally, capital facilities plans help jurisdictions use limited funding efficiently to maximize their funding opportunities. By planning ahead to determine what a jurisdiction's needs are they can prioritize projects, coordinate projects, and apply successfully for loan and grant opportunities.

So what is the Capital Facilities Plan? It's required by the GMA, the Growth Management Act. Capital facilities are intended to support – identify and support infrastructure needed to support development. As mentioned earlier, Bayview Ridge is the only UGA – is the only County's (County's only) non-municipal urban growth area; therefore, the County is responsible for planning for capital facilities within the Bayview Ridge UGA.

So what the County does is we reach out to special purpose districts and internal departments to see what their projected funding and projects are going to be. Here are some examples of internal

changes from the previous update, which include projects that are mostly provided by grant funding.

And a summary of external changes: They're basically updated numbers based off of enrollment for schools; fire districts update their facility needs and potential funding sources, as well as Skagit County dike and drainage districts.

Staff recommendation is to approve the draft plan, because based on the projects' locations and levels of service described in the draft, every assessment of the Land Use Element of the Skagit County Comprehensive Plan is not required.

We are currently still taking comments. No comments have been received to-date. Public comment closes this Thursday at 4:30. If folks want to provide comments they are welcome to submit by email at pdscomments@co.skagit.wa.us or mail or hand-deliver to the Department at 1800 Continental Place in Mount Vernon, Washington.

The next step will be – after this public hearing – will be deliberations that are scheduled with the Planning Commission on November 19th and from there the Board will consider the proposal based off the deliberations from the Planning Commission on December 19th – excuse me, December 9th, to be concurrent with the budget option.

Chair Raschko: Are there any questions for staff?

(silence)

Chair Raschko: Okay. We'll let the public hearing begin. Do you wish to speak, sir? No. And is there anybody on Zoom?

Ms. Satushek: If you would like to provide public comment, if you are on Zoom, please unmute yourself.

(silence)

Ms. Satushek: No one is unmuting.

Chair Raschko: There is nobody. Okay, last chance.

(silence)

Chair Raschko: Nobody? Okay. The public hearing is hereby closed. And we'll now go to Planning Commissioner Comments and Announcements. Have you anything, Jen?

Commissioner Hutchison: I just want to thank the public for their comments this evening. It's nice to see some participation. It's unfortunate that they're in hardship with this, but I'm glad they came and had an opportunity to be heard.

Chair Raschko: Joe?

Commissioner Woodmansee: I don't have anything tonight.

Chair Raschko: Okay. Vince?

Commissioner Henley: I have nothing tonight.

Commissioner Hughes: Nothing.

Vice Chair Candler: Nothing.

Commissioner Kathy Mitchell: Nothing.

Commissioner Day: No, I don't have any additional comments other than to echo thanks to all those who participated in writing and testifying tonight. It's a really helpful part of the process and we appreciate the time you took to provide the comments. Thank you.

Chair Raschko: I would agree with you all heartily. I want to thank everybody again and have a good evening. We'll stand adjourned (gavel).