

Next Ord: 2003-22
Next Res: 1084-22

**CITY COUNCIL STUDY SESSION
AGENDA**

January 5, 2022

6:00 PM

**Sedro-Woolley Municipal Building
Council Chambers
325 Metcalf Street**

a. New Business

1. Mayor Pro Tem Appointed
2. Equitable Investment Resolution
3. Potential resolution in opposition to the proposed amendments to the County Comprehensive Plan that will allow Fully Contained Communities in Skagit County

Next Meeting(s) January 12th, 2021

Topic: Sedro-Woolley City Council Study Session
Time: 6:00 PM to 8:00 PM

Join Zoom Meeting

<https://zoom.us/j/9178585U179Powd=Vys0Y29XalZmOTRmem1BM2txVDIUQT09>

Meeting ID: 917 8685 0179

Passcode: 091845

OR One tap mobile

+12532158782,,91786850179#,,,,,0#,,091845# US (Tacoma)

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Meeting ID: 917 8685 0179

Passcode: 091845

- A. Election of Officers and Selection/Operation of Council Committees I. Election of Officers
Procedures for electing officers are as follows: Biennially, at the first meeting of the new Council, the members thereof shall choose a Mayor-pro-tempore. In addition to the powers conferred upon him/her as Mayor-pro-tempore, he/she shall continue to have all the rights, privileges and immunities of a member of the Council.
- B. II. Council Committees
- C. A. Annually, at the first meeting of the year, the Mayor shall appoint two councilmembers and a council chairperson to each standing committee of the Council, subject to confirmation by the city council. In making the appointments, the Mayor shall consider councilmembers' expressed interests and shall attempt to match councilmembers to their committees of choice.

See City Council Governance Handbook link at the bottom of the page:

https://www.ci.sedro-woolley.wa.us/governing_bodies/city_council/members.php

To: Sedro-Woolley City Council

From: Mayor Julia Johnson

Date: December 28, 2021

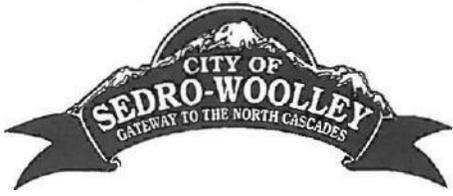
Re: Mayor Pro Temp

Issue: The election of the 2022 Mayor Pro Temp.

Background: Each City needs to have a Mayor Pro Temp, what acts in case the Mayor is unavailable to fill that role. In the past it has been the senior member of the Council but that is not required.

Recommendation: Motion to appoint _____ Mayor Pro Temp for the period from January 1, 2022 thru December 31, 2022.

CITY COUNCIL AGENDA
REGULAR MEETING



CITY OF SEDRO-WOOLLEY

Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Charlie Bush
City Administrator

MEMO TO: City Council
FROM: Charlie Bush
RE: Appointment of Mayor Pro Tem
DATE: January 5, 2021

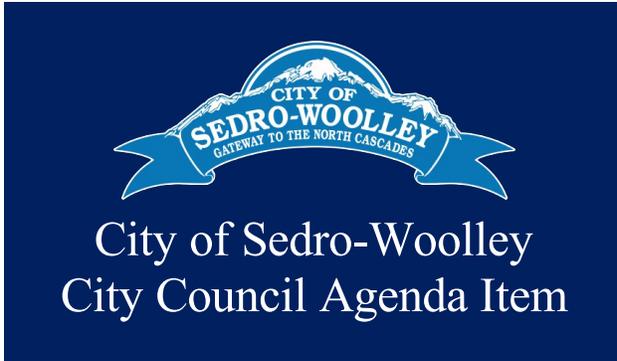
ISSUE: The Council is required to appoint a mayor pro tem.

BACKGROUND: RCW 35A.12.065 requires the Council to select a mayor pro tem biennially or periodically for a stated term of service.' The Council's last appointed mayor pro tem's term ended December 31, 2021, or until a successor is appointed (JoEllen Kesti). Councilmember Kesti is eligible for reappointment.

Because this is the beginning of a new biennial period, the Council must take action to appoint a mayor pro tem for 2022 and 2023 or such other term as the Council may desire. Any member of the council is eligible for this appointment.

RECOMMENDATION: Motion to appoint Councilmember _____ to serve as mayor pro tem from now until the end of 2023 or until a successor mayor pro tem is appointed.

I RCW 35A.12.065: Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor.



Agenda
Item No. _____
Date: January 5, 2022
Subject: Equitable Investment Resolution

FROM:

Charlie Bush, City Administrator

RECOMMENDED ACTION:

This is a first read. Staff recommends approval, if and when the Council is ready, of the attached resolution.

ISSUE:

Skagit County is requesting that the City of Sedro-Woolley consider a resolution calling on Seattle to commit to a regionally equitable salmon investment in the Skagit River. Should the City of Sedro-Woolley pass such a resolution?

BACKGROUND/SUMMARY INFORMATION:

Seattle is currently in negotiations to renew its license through the Federal Energy Regulatory Commission (FERC) to continue to operate its dams on the Skagit River. Its current license expires in 2025. Seattle City Light owns the Gorge Dam, Diablo Dam, and Ross Dam. As a part of negotiations, Seattle must work with area stakeholders such as the three Skagit Valley Indian Tribes, Skagit County government, state and federal regulators, and environmental nonprofits. According to media reports, Seattle City Light has significantly underinvested in salmon recovery compared with other regional hydropower operators. Seattle contends this is due to the age of licenses, as they are tied to older environmental laws, and cites the investments it has made. Additional investments by Seattle City Light would be supported financially by Seattle City Light customers. Skagit County passed a resolution in late October calling upon Seattle to invest more in Skagit River salmon recovery and is requesting that City of Sedro-Woolley consider a similar resolution.

Puget Sound Energy (PSE), owner of Baker Dam, when faced with dwindling numbers (99) of Baker River sockeye salmon returning to spawn in the mid-1980s, responded with \$170 million to improve conditions for fish. PSE completed its projects on the Baker River while working with the same Skagit River stakeholders as Seattle City Light, since the Baker River is a tributary to the Skagit. These actions helped to result in record returns of sockeye by 2015 (32,735). Investments by Puget Sound Energy were supported by PSE customers. PSE predominantly provides power in the Skagit Valley.

Passing a resolution would be a statement of solidarity with Skagit County and other jurisdictions that have taken similar positions. It would be in support of healthier salmon habitat and passage in the river, which supports the health of the ecosystem at large, including the ecosystem in and around the City of Sedro-Woolley. It would strengthen the negotiating positions of Skagit County and other stakeholders, regarding the new dam license, with Seattle City Light. A draft resolution is attached for your consideration.

FISCAL IMPACT, IF APPROPRIATE:

N/A

ATTACHMENTS:

1. Sedro-Woolley Equitable Investment Resolution
2. Media Coverage
3. Skagit County Resolution and Other Examples

RESOLUTION NO. _____

**A RESOLUTION URGING THE CITY OF SEATTLE
TO COMMIT TO A REGIONALLY EQUITABLE SALMON INVESTMENT IN THE SKAGIT**

WHEREAS, the City of Sedro-Woolley is a municipality located along the Skagit River, with its water supply, quality of life and economy directly impacted by the Skagit River and the viability of its anadromous species; and

WHEREAS, the Skagit River is the largest and most important river system for anadromous species in the U.S. Salish Sea, home to all five species of Pacific salmon as well as steelhead, bull trout, sea-run cutthroat, sturgeon and lamprey; and

WHEREAS, three Skagit anadromous species — chinook, steelhead and bull trout — are listed as threatened under the U.S. Endangered Species Act, while the recovery of the Southern Resident Killer Whale population, listed as endangered, relies on the recovery of Skagit anadromous species; and

WHEREAS, pursuant to the 1855 Treaty of Point Elliott, Skagit Treaty Tribes peaceably relinquished their claim to the Skagit Valley land base on condition that the nation as a whole would maintain sufficient levels of salmon and other anadromous species to afford tribal communities a productive culture — in perpetuity; and

WHEREAS, in the light of the foregoing, time is of the essence in our effort to restore a sustainable fisheries resource in the Skagit River; and

WHEREAS, pursuant to the 2005 Skagit Chinook Recovery Plan, certain Skagit Treaty Tribes seek the restoration of 2700 acres of Skagit Delta estuary habitat, only a portion of which has been accomplished due to the lack of capital investment in salmon recovery; and

WHEREAS, the City of Seattle owns three hydroelectric dams on the Skagit River, which are operated by Seattle's electrical utility, Seattle City Light (hereinafter, the "Skagit Project"), which blocks approximately 37% of the mainstem Skagit to fish passage¹ while concurrently causing significant downstream impacts to the fishery resource²; and

WHEREAS, federal and state agencies, Skagit Treaty Tribes, Skagit County government and others have identified fish passage at Seattle's three dams on the Skagit River as a priority strategy for the recovery of the Skagit fishery resource; and

WHEREAS, Seattle's Skagit Project is the largest Low Impact Hydropower Institute ("LIHI") certified hydroelectric project in the nation; and

WHEREAS, upstream and downstream fish passage are mandatory LIHI certification criteria, and there appears to be no valid exemption excusing the Skagit Project's lack of fish passage; and

1-NOAA Fisheries Comments on Pre-Application Document and Scoping Document 1 and Study Requests dated October 22, 2020, at PDF page 78 (on file with Federal Energy Regulatory Commission as Accession No. 202010225094).

2-U.S. Fish and Wildlife Service Comments and Study Requests, at PDF page 9, dated October 22, 2020 (on file with Federal Energy Regulatory Commission as Accession No. 20201026-5067).

WHEREAS, according to resource agencies, the cool, deep and glacier-fed lake systems upstream of the Skagit Project can provide a refuge for anadromous species in the face of climate change³; and

WHEREAS, Skagit Valley electrical power customers are predominately served by Puget Sound Energy, which installed successful fish passage at its two dams on the Skagit-tributary Baker River system; and

WHEREAS, Puget Sound Energy collaboratively agreed to the installation of fish passage at its Baker River hydroelectric project, without years of delay or tens of millions of dollars on adversarial studies aimed at avoiding the obligation to install fish passage; and

WHEREAS, the costs of Puget Sound Energy's salmon enhancement at its Baker River project, including a successful fish passage system, are being passed through to Skagit Valley electrical ratepayers; and

WHEREAS, the Treaty right and Endangered Species Act requirements are collective, national obligations, requiring all actors in the Skagit Basin to contribute their fair share to the fisheries resource; and

WHEREAS, accomplishing the Skagit Treaty Tribes' principal recovery objectives requires front-loaded capital investment in both fish passage and Delta estuary enhancement, as opposed to small annual grant payments that characterize Seattle City Light's anadromous enhancement in the Skagit under its current federal operating license.

NOW, THEREFORE, IT IS RESOLVED BY THE CITY OF SEDRO-WOLLEY:

1. The City of Sedro-Woolley calls on the City of Seattle to commit to a front-loaded, regionally equitable investment in fish passage and Delta estuary enhancement, with relative prioritization and allocation to be established by Skagit Treaty Tribes and resource agencies.
2. For the purposes of this Resolution, the term "regionally equitable investment" refers to the per megawatt rate of anadromous species investment by Puget Sound Energy at its Baker River hydroelectric project, adjusted for inflation.

RESOLVED by the Sedro-Woolley City Council and approved by the Mayor this _____day of January 2022.

ATTEST

Julia Johnson, Mayor

Debbie Burton, Finance Director

APPROVED AS TO FORM

Nikki Thompson, City Attorney

3-'Washington Department of Fish and Wildlife Comments and Study Requests dated October 26, 2020, PDF p.78 (on file with Federal Energy Regulatory Commission as Accession No. 20201026-5133).

Julia Johnson

From: Will W. Honea <willh@co.skagit.wa.us>
Sent: Thursday, November 11, 2021 12:01 PM
To: Julia Johnson
Subject: FW: equitable investment resolution
Attachments: Sedro Woolley Resolution re Equitable Investment 11112021 V2.docx

CAUTION: This email originated from outside of the City of Sedro-Woolley mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mayor Johnson,

I thought I would pass along some segments from KING 5 on the Seattle City Light issue, as well as an updated draft resolution. Is there interest on the part of the Council in looking at this? I would be happy to come talk about it, and Commissioner Browning can come too.

Thank you,

Will Honea

[Puget Sound Energy shows how salmon can prosper in a river blocked by hydroelectric dams | king5.com](#)

[Skagit County: Seattle City Light 'getting away with' investing little in salmon recovery | king5.com](#)

[Sauk-Suiattle Indian Tribe demands city stop using Chief Seattle on its logo | king5.com](#)

[Upper Skagit Indian Tribe: Seattle's Skagit River dams put treaty rights at risk \(msn.com\)](#)

INVESTIGATIONS

Puget Sound Energy shows how salmon can prosper in a river blocked by hydroelectric dams

Stakeholders say Seattle City Light could learn from another utility, Puget Sound Energy, on how to better admit impacts for their dams and find solutions.

Puget Sound Energy shows how salmon can prosper in a ri...

BREAKING NEWS [RADAR: Track rain over western Washington Read More »](#)

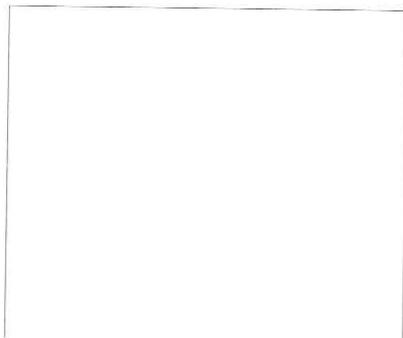
Author: Susannah Frame
Published: 6:56 PM PDT June 14, 2021
Updated: 7:36 PM PDT June 14, 2021



SEATTLE — In the mid-80s Baker River sockeye salmon were teetering on the brink of extinction with only 99 adults coming back to the river to spawn. That dismal number was a wakeup call to [Puget Sound Energy](#) (PSE), a private utility, that operates two dams on the river to generate electricity.

PSE began rethinking strategies for helping salmon that were blocked off from habitat they could use to spawn and grow. Eventually, through a dam relicensing process that involved collaboration with three Skagit Valley Indian tribes, Skagit County government, state and

federal regulators and environmental nonprofits, PSE agreed to a \$170 million investment to improve conditions for fish.



The [settlement agreement](#) that outlines the terms and conditions of PSE's current license was signed in 2004.

The agreement paid off. PSE installed what's called a "trap and haul" operation -- a sophisticated process of trucking fish above and below their dams that has helped the species make a comeback.

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"We've reached records on both adult returns and juvenile out migrations. [There are] numbers never seen before," said Arnie Aspelund, PSE senior resource scientist. Aspelund led the aquatics negotiations for PSE during the most recent relicensing of their dams. "It was a very collaborative process through and through. So the process has been very, very fulfilling."

From the low point of just 99 adult fish returning in 1985, the sockeye runs increased to a record 32,735 in 2015. According to the Washington Department of Fish and Wildlife (WDFW), 15,896 sockeye returned in 2020.

"We're pleased but the job's not done. We're committed to this," Aspelund said.

Because the Baker River is a tributary of the Skagit, many stakeholders compare PSE's fisheries operation to that of Seattle City Light's on the Skagit River where the public utility operates three dams. Seattle City Light is currently [negotiating a new license](#) with the same stakeholders involved in PSE's relicensing.

Related Articles

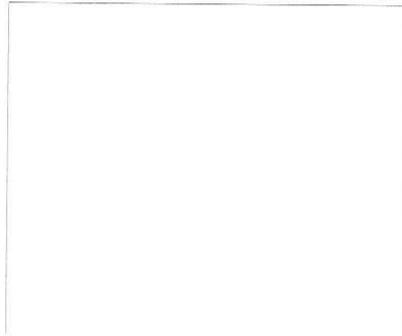
[Seattle City Light's Skagit River dam operations should improve to help feed starving whales, experts say](#)

[Skagit County: Seattle City Light 'getting away with' investing little in salmon recovery](#)

The [Upper Skagit Indian Tribe](#)'s lead negotiator in the PSE process said working with [Seattle City Light](#) has been a much different experience.

"It's been a lot more difficult [with City Light]," said Scott Schuyler of the Upper Skagit tribe. "I really feel like [PSE] accepted responsibility for what had occurred in the past and were willing

to step up to the plate and be open to new ideas...that work for the tribe and for the salmon. We don't think there's the same openness or willingness to accept responsibility for past harms [with Seattle]."



Hydroelectric harms include hurting fish by blocking off habitat and **degrading Native American ways of life**. With salmon runs in decline, including Chinook that are on the endangered species list, tribes such as the Upper Skagit cannot exercise their **treaty right** to fish in usual and accustomed ways. Reservoirs created by dams on the Skagit have flooded Upper Skagit ancestral lands and important spiritual sites.

"Most of the conversations with Seattle City Light center around assessing impacts, **denying impacts** or questioning impacts [from their dams] as opposed to looking for a path forward that works for everybody," Schuyler said.

The top executive for Seattle City Light has apologized to stakeholders for the first two years of rocky negotiations and vowed to continue with a new approach to find common ground.

"We've made a lot of changes and we are really committed to doing things differently than we were up until January of this year," said Debra Smith, CEO and general manager of Seattle City Light. "I'm glad for the Upper Skagit [Indian Tribe] that they had a good experience working with PSE on the Baker Project and I hope that a couple years from now they'll look back and they'll say 'boy it was a rough start, but we wound up really having a good process with Seattle City Light.'"

PSE built its first Baker Dam to generate electricity in 1925. Right off the bat the company worked to mitigate for the harm they brought to the ecosystem. The first efforts involved building fish ladders and aerial trams to haul sockeye, but nothing worked well enough to get the species back on its feet.

By working with stakeholders, PSE built a fish hatchery, restored shoreline spawning habitat and installed an upgraded, innovative fish passage system.

The company uses guide nets to move young fish from the two reservoirs into what are called floating surface collectors, the fish are then funneled into holding tanks and counted by hand before the juvenile fish are loaded into steel crates. After that, crews boat the box of fish to shore, then taxi them around the dam, and next the fish are spit into tanks for resting before sending them down a pipe back into the Baker River. Once safely around the dams, the young fish are free to swim down river and eventually out to sea. Adult fish are trapped and hauled around the dams as they come back to spawn years later.

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"It's a tremendous success story," said Ron Roberts, vice president of energy supply for PSE. Roberts said they agreed to invest \$170 million in fisheries because it aligned with the company's values.

"One of our big values is we do the right thing," said Roberts, "and to me Baker River is a great example of doing the right thing."

After years of sitting on the banks of the Baker River due to the low abundance of sockeye runs, for the Upper Skagit tribe the return of salmon means a return to practicing their treaty right to fish. This year it's the only river in the region producing enough sockeye to do so.

"It was huge for the tribe," Schuyler said. "This is the sole bright spot in Puget Sound and on the West Coast, I believe, where you have a little bit of harvestable fish and you can thank the utility working with the agencies and the tribes to develop this enhancement program."

"We align with the values we believe our customers adhere to – that salmon are a culture of the Northwest. They're an extremely important piece of tribal culture. It's everyone pulling in the same direction that delivers the kind of results that we're seeing," said Aspelund of PSE.

PSE provides electricity to 1.2 million customers in western Washington. The [license](#) to operate the Baker Hydroelectric Project is 50 years in length and expires in 2058. PSE executives estimate the investments on the Baker Project cost their customers an additional \$1 to their bills.

Seattle City Light's license on the Skagit expires in 2025. A new license could last between 30 and 50 years.

Skagit: River of Light and Loss Part 1





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INVESTIGATIONS

Skagit County: Seattle City Light 'getting away with' investing little in salmon recovery

Compared to other regional hydropower operators City Light is at the bottom of the list in money spent helping fish. The utility calls the comparison "unfair."

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Skagit County: Seattle City Light 'getting away with' investi...

Author: Susannah Frame
Published: 7:41 AM PDT May 14, 2021
Updated: 7:41 AM PDT May 14, 2021



Of the hydroelectric dam operators in the Pacific Northwest, so far [Seattle City Light](#) has contributed the least amount of money for salmon recovery, according to [federal data](#).

The [city operates](#) three dams on the Skagit River: Gorge, Diablo and Ross, which together generate approximately 20% of the electricity used by Seattle residents and businesses. Hydroelectric power is considered "green power," because no fossil fuels are burned, and no direct emissions are released into the atmosphere.

In 2002, [Chelan County Public Utility District](#) invested \$510 million to install fish passage around the [Rocky Reach Dam](#) on the Columbia River.

Skagit County's natural resources attorney, Will Honea, calculated the investments made by Northwest utilities per each project's megawatt capacity. His department concluded Seattle City Light has invested 37 times less than the regional average to help salmon recover.

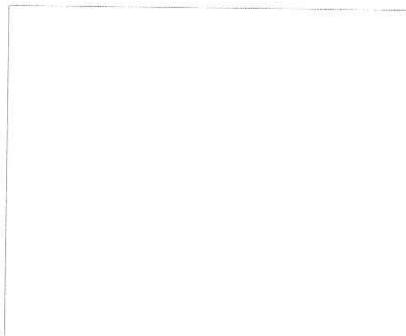
"It's outrageous," Honea said. "That's not environmental justice. We have to do this together. And Seattle is just not contributing at a reasonable level, and that seems fairly inconsistent with the moral authority they claim on environmental issues quite frequently."

'Unfair' and 'misleading' comparison

Seattle City Light executives said comparing their project to others in the region is "unfair" and "misleading." Representatives said their license is the oldest in the region and shouldn't be held up to newer licenses, because environmental laws are tougher now and would naturally require more investment.

"Some have compared Seattle City Light's 'fish investment costs' to other hydropower projects in terms of dollars spent per megawatt of generation. This is an inaccurate and misleading comparison since these projects operate under different environments and hence are not easily compared by a simple dollars-to-megawatt metric. The goal is to responsibly mitigate the effect of the hydropower project on the surrounding ecosystem and in this regard, each project is unique," wrote City Light Director of Communications Julie Moore in [an email](#) to KING 5.

Seattle is seeking a new license from FERC to operate its project for decades to come. The current license expires in 2025, but heated negotiations between the utility and stakeholders on the terms and conditions under a new contract have been underway for more than two years.



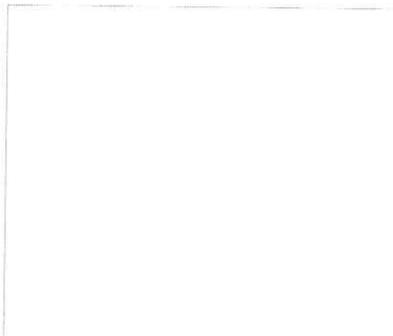
"I think a better comparison will be to look at what is our investment level post-relicense compared to others," said Debra Smith, general manager and CEO of Seattle City Light. "I don't think it's quite fair to compare a recently relicensed project with something that was relicensed, or last licensed, so many years ago."

Stakeholders said it is reasonable to look at and compare what other projects have been implemented in the region to help with salmon recovery, [Native American ways of life](#) and treaty rights. On the Skagit, Chinook salmon, steelhead and bull trout are now on the endangered species list, at risk of becoming extinct.

The utility [agreed to study](#) the possibility of fish passage under the new license over all three dams the day after KING 5 aired its [first story](#) in this series in February.

"[Seattle City Light] has only been interested in their status quo, the status quo of their bottom dollar," Shannahan said. "There's been no signal or offering of theirs to do what's right for fish."

Seattle City Light said it's "factually inaccurate" to say that the utility has spent \$12 million on fisheries mitigation and enhancement on the Skagit. They estimate the contribution to be \$30 million when factoring in potential lost revenue due to the way they adjust flows to protect spawning grounds, incubation and rearing downstream of the project.



"By prioritizing salmon over power production, FERC estimated City Light would lose \$23.7 million in 1990 dollars (\$51.4 million in 2020 dollars)," wrote Moore of City Light. "And again, the comparison of just two spending categories misses the fact that ecosystems are much more complex and interdependent. The work we do to diversify wildlife and improve forest health is also critical to fish restoration."

Seattle City Light General Manager Smith said the public utility is prepared to spend what's necessary to protect salmon under the new license.

"[We have] no interest in being on the cheap here. We want to do the right thing. We want to follow the science," Smith said. "And we'll be able to negotiate for the specific terms of the license in ways that are meaningful and responsive to the concerns of all the folks who count on the river and the watershed for their livelihood and their lifestyle."

In April, Seattle City Light [committed to](#) spending \$20 million on 33 studies to help inform the conditions under a new license. But 17 stakeholder organizations, including three Indian tribes, NOAA Fisheries, the National Park Service, Washington State Department of Fish and Wildlife and Skagit County government filed public documents this month criticizing the utility's continued approach.

"Absent basic scientific data, state and federal agencies cannot carry out their legal responsibilities to protect the Skagit River, recover salmon and orca, and ensure that the Tribe's treaty rights are meaningful and respected," Swinomish Indian Tribal Community Chair Steve Edwards wrote. "We do not understand why City Light has rejected calls for basic scientific data to inform the dam relicensing process."

"If the people living in Seattle understood how little they were contributing to salmon recovery efforts, they would be astounded. They would push to have this inequity corrected," said [Skagit County Commissioner](#) Lisa Janicki. "It's not too late. Seattle City Light can change their approach. They can fix their approach, but they have to step up and take responsibility. And this is the time to do it."



INVESTIGATIONS

Sauk-Suiattle Indian Tribe demands city stop using Chief Seattle on its logo

The Sauk-Suiattle Tribe said Chief Seattle would never accept salmon getting blocked from accessing their habitat, as Seattle's dams do on the Skagit River.

Sauk-Suiattle Indian Tribe demands city stop using Chief S...

Author: Susannah Frame
Published: 10:09 PM PDT September 28, 2021
Updated: 10:09 PM PDT September 28, 2021



SEATTLE — In an Aug. 6 [letter](#) to Mayor Durkan and members of the Seattle City Council, the [Sauk-Suiattle](#) Tribal Chairman wrote the city needs to commit to building infrastructure for salmon to get around Seattle's dams on the Skagit River, or stop using the image of Chief Seattle as the face of the city.



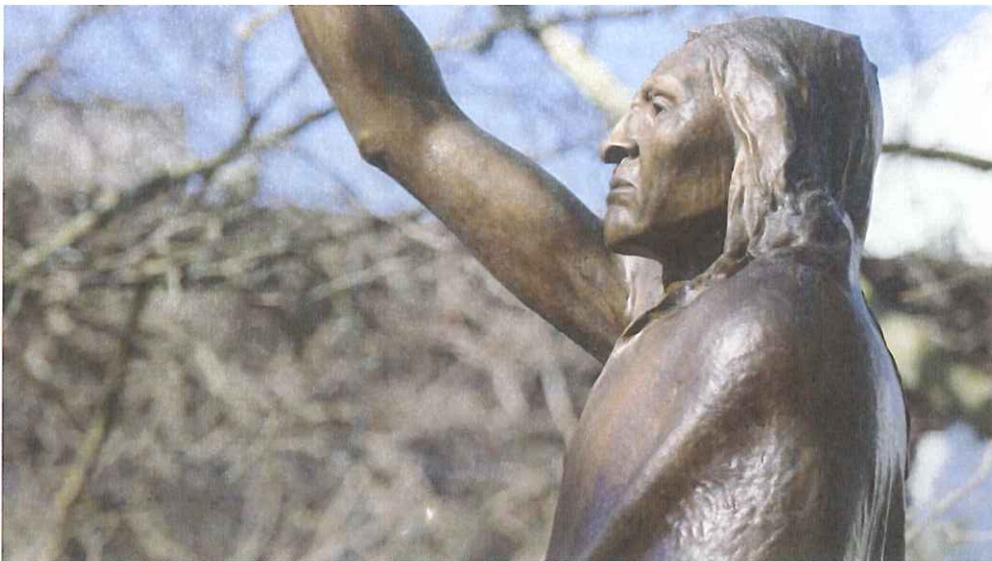
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However, no change was noticed in the eyeball's shape with the newest suction technology.

FEATURED BY 

To date, neither the mayor nor any member of the city council has responded to the tribe.

“Sealth, or Chief Seattle, was a person known for his integrity. He believed there was no separation between people and nature. In tribal culture, the bestowal of a name carries with it a duty to live up to that name,” Tribal Chairman Nino Maltos wrote. “City of Seattle, live up to the values of your namesake or cease bearing his image as the Great Seal of the City of Seattle.”



All three Skagit Valley Treaty Tribes and every natural resource agency in the region [have submitted public documents](#) saying the science shows Seattle’s hydroelectric dams on the Skagit River kill salmon by blocking off miles of habitat where the fish could spawn and grow. [Unlike most every other hydroelectric project in the region](#), Seattle’s dams do not include fish passage – technology to help salmon get around the dams.

RELATED: [Seattle’s Skagit River dams hurt salmon, orcas and Native American culture, agencies say](#)

In nearly three years of negotiating the terms and conditions of the dams’ relicensing, Seattle City Light officials have [not admitted](#) that their [dams impact](#) salmonid species, three of which are on the endangered species list: Chinook salmon, steelhead, and bull trout (char).

As part of the relicensing, in February, City Light [agreed to study](#) the possibility of adding fish passage over all three dams, but there is no commitment to do so.

RELATED: [Seattle City Light agrees to study fish passage over dams on Skagit River](#)

The Sauk-Suiattle Tribe said Chief Seattle would never accept salmon getting blocked from accessing their habitat. He **famously believed** the lands and wildlife of the Northwest are sacred, holy and should be treated like a family member.

“Chief Seattle was for all of nature. He treated animals, treated fish, treated trees just like people,” said Jack Fiander, attorney for the Sauk-Suiattle Tribe. “Chief Seattle would have never tolerated not having fish passage because he felt like fish are people too. (The letter) sent a message that (Seattle leadership) is being hypocritical.”



Instead of hearing back from any of the elected officials, Chairman Maltos received **a letter** from Debra Smith, the general manager and CEO of Seattle City Light.

“The City of Seattle recognizes that the Skagit River is home to the Sauk-Suiattle and within your traditional territory (as well as other Tribes and Canadian First Nations). With this in mind, Seattle deeply respects the unique interests and perspectives that the Tribe brings to the (federal) relicensing of the Skagit Project,” Smith wrote.

Smith said City Light is going above and beyond what is required of the utility in the relicensing process, including implementing 33 studies to assess the impacts the hydroelectric project has on the watershed and ecosystem.

RELATED: [Seattle City Light commits to studying impacts of removing Skagit River dams](#)

“The results of these studies will inform the decisions about whether, when and how fish passage will be required as a condition of the next license. The decisions about fish passage will be made based upon ecosystem needs and the best available science. We are committed to following the science. We are committed to following the fish. We are also committed to collaborating with our partners on this important and complex issue,” Smith wrote in the letter.

Chairman Maltos said getting no response from any of the elected leaders is insulting.

“It definitely didn’t sit right with us that we can’t even get a second of the mayor’s time. A phone call, an email, a letter, anything,” Maltos said. “In our eyes, we are the highest level of government to our tribe and our people and to not get the same respect. It’s unjust to us.”

City supports tribes in other states

The Tribe says the lack of response is especially disrespectful given the city’s longstanding support of tribes in other states.

This year, the [Seattle City Council](#) approved a joint statement [to support](#) the Midwestern-based Chippewa and Ojibwe Tribes' efforts to halt the construction of the Line 3 Pipeline.

In 2000, the Seattle City Council passed [Resolution 30230](#) that supported the partial removal of the lower Snake River dams. The city's action was, in part, to stand alongside tribes that would benefit from the restoration of endangered and threatened salmon runs on the Snake River. The tribes include the [Yakama Nation](#), the [Confederated Tribes](#) of the Umatilla Indian Reservation, and the [Nez Perce Tribe](#) of north-central Idaho.

In 2017, the Seattle City Council approved [a resolution](#) affirming the opposition to the Keystone XL Pipeline in support of the [Standing Rock Sioux Indian Tribe](#) of North and South Dakota.

Also in 2017, Seattle became the first major city to [cut financial ties](#) with Wells Fargo over the Dakota Access Pipeline. The city council voted to divest \$3 billion from the bank in an effort to support the tribe.

[In 2016](#), Seattle's then-Mayor Ed Murray and members of the City Council signed [a resolution](#) in support of the Standing Rock Sioux. The resolution opposed construction of the pipeline, which the tribe said threatened their treaty rights.

"...indigenous peoples like the Standing Rock Sioux Tribe possess the right to maintain and protect their culture, religion, practices and relationship with their 'traditionally owned or otherwise occupied and used land, territories (and) waters,'" wrote city officials in the resolution.

According to leadership of the Sauk-Suiattle, that's exactly what's happening in the Skagit Valley – the dams threaten their treaty rights to fish in "usual and accustomed grounds and stations," [as guaranteed](#) in the 1855 [Treaty of Point Elliott](#), which was signed by Chief Seattle.

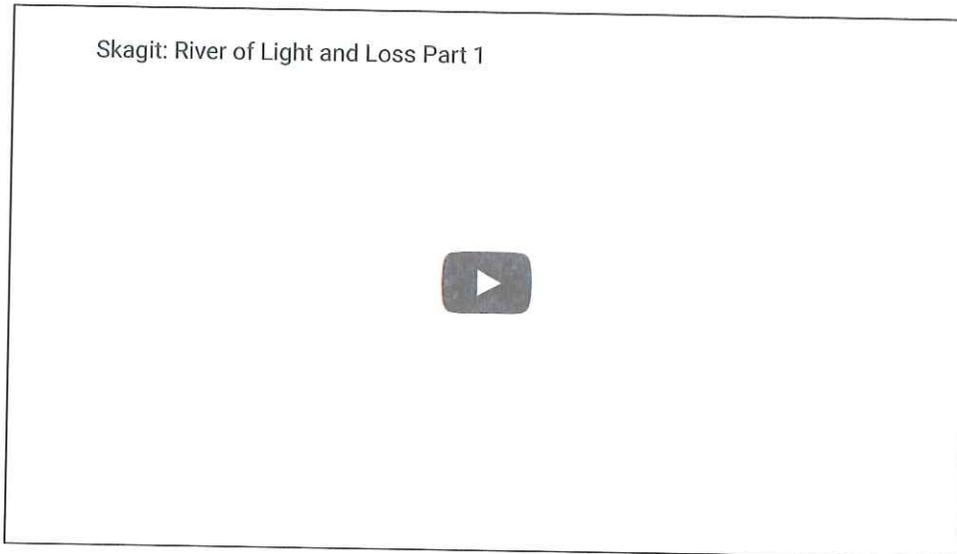


“When it’s easy, when it’s not in your backyard Seattle, you will support the Standing Rock people, you will call for the removal of Snake River dams,” attorney Fiander said. “But you have three dams in our territory that don’t have fish passage, while these fish are going extinct.”

Chairman Maltos and Fiander both said they’re appealing to City Light’s customers - the residents and businesses of Seattle – for support.

“The Sauk-Suiattle Tribe has very few resources. We’re out here in the North Cascades, we’re still in COVID, we have no casino. To the citizens of the city of Seattle who are interested in preserving salmon, don’t leave us out here to fight this alone,” Fiander said.

Neither the mayor nor members of the city council agreed to be interviewed for this report.



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INVESTIGATIONS

Upper Skagit Indian Tribe: Seattle's Skagit River dams put treaty rights at risk

Seattle City Light's hydroelectric dams on the Skagit River were built on the Upper Skagit's ancestral lands, but the tribe was never consulted about the project.



Upper Skagit Indian Tribe: Seattle's Skagit River dams put t...

Author: Susannah Frame
Published: 8:06 PM PDT April 6, 2021
Updated: 9:42 AM PDT April 7, 2021



SEATTLE — A small, rural Indian tribe based in Sedro-Woolley accuses the city of Seattle of degrading its culture, identity, and federally-protected treaty rights.

The [Upper Skagit Indian Tribe](#), according to historians, has inhabited the Skagit Valley along the Skagit River for 10,000 years. Members say 100 years ago, their way of life on the Skagit [Sedro-Woolley Council Packet](#)

was disrupted. That's when, without consulting the tribe, Seattle's publicly-owned utility, [Seattle City Light](#), built three dams in the middle of the Skagit River for the generation of electricity.



The project provides approximately 20-percent of the electricity for Seattle residents and businesses.

Lack of coordination about the city's operations on Upper Skagit ancestral lands created cost-effective hydropower for the citizens of Seattle. But it also created painful consequences for the tribe:

- Seattle City Light built its company-town of Newhalem on Upper Skagit ancestral burial grounds. That's where their sacred village of Da'wáylib was located.
- During construction, the city disturbed important cultural artifacts affiliated with the tribe that are remain in the custody of City Light. Utility leadership says they intend to return the items as soon as possible.
- The public utility's dams created three reservoirs that damaged and continue to block access to important cultural and spiritual sites that now sit underwater.
- The city diverts water out of a three-mile stretch of the Skagit that is considered the most sacred portion of the river to the tribe. The Upper Skagit calls that dewatered section their "Spirit Valley."
- The dams block nearly 40% of the river to salmon habitat, according to tribal, government and non-profit scientists from around the region. Salmon are sliding toward extinction on the Skagit, the only river that's home to all five species of Puget Sound salmon. Salmon are a key part of the Upper Skagit Indian Tribe's cultural identity, spirituality, and community connection.

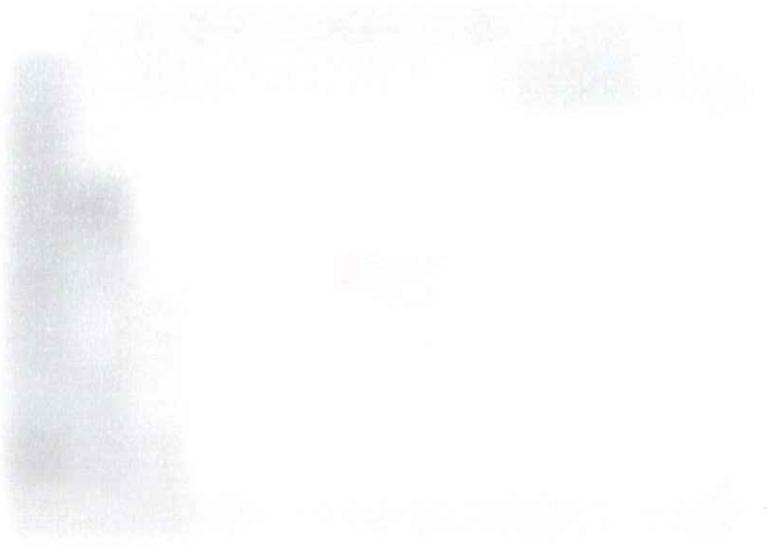
RELATED: [Seattle's Skagit River dams hurt salmon, orcas and Native American culture, agencies say](#)

"We have our elders that lived up in those areas and now that we have the bridges, the culverts, the dams, they're blocking the traditional ways of life. It's really sad," said tribal elder Marilyn Scott who sits on the Upper Skagit Indian [Tribal Council](#). "All of those things are impacting our way of life. It is really hard for our people to survive."



Larry Peterson, age 48, said his family has a proud history of passing down lessons of their fishing culture from generation to generation. As a child, he spent weeks fishing on the Skagit River, learning from uncles, grandparents, and cousins. With salmon in serious decline, he worries his children have lost out on those irreplaceable moments.

"We are a river tribe. I always tell (my kids), 'We are tied to this river by blood. Your ancestors have had a part of this river since the beginning of time,'" Peterson said. "That's what's being taken away from my children. The important times in an adolescent's life that they get to spend with their elders (on the river). It's really heartbreaking, you know."



Credit: KING 5

Fishing for salmon on the Skagit River isn't just a family tradition for the tribe. It's a federally-protected treaty right that dates back to 1855 when U.S. representatives and Puget Sound Indian chiefs signed the [Treaty of Point Elliott](#), in what is now the town of Mukilteo. The chiefs agreed to cede their ancestral lands to the federal government, peacefully, in exchange for one important right: the right to fish in their customary ways and places.

"The right of taking fish at usual and accustomed grounds and stations is further secured to said Indians," treaty authors wrote.

Scholars of the Treaty of Point Elliott said retaining fishing rights was the line in the sand for the Indian chiefs.

"That promise (of fishing rights) was carefully considered. The United States considered that it was worth it to get all that tribal land," said [Prof. Charles Wilkinson](#) of the University of

Colorado. Wilkinson is considered one of the foremost authorities on Indian law, history, and policy.

"In the U.S. Constitution, [it provides](#) that the laws and treaties of the U.S. should be the supreme law of the land," Wilkinson said. "So we end up with that promise being that their way of life would be continued. This was central to the tribe's existence. Salmon is, no question, one of the most prominent ways of life, food and religion."

With salmon in decline, the Upper Skagit Indian Tribe rarely gets to exercise their treaty rights. Two salmonid species, Chinook and steelhead, are on the [endangered species list](#). Runs of chum, pink and coho are declining in abundance as well on the Skagit, according to data from the Washington State Department of Fish and Wildlife ([WDFW](#)).

The Upper Skagit Indian Tribe and the WDFW [co-manage](#) the Skagit River and agree to specific times the tribe can fish and how many fish they can take, in an effort to limit impacts to the runs.

According to data from the Upper Skagit Natural Resources Department, the tribe has gone from a high of fishing 79 days total in 1980 to only six days in all of 2017. In 2018, 2019 and 2020, they fished nine days per year.



Credit: KING

"We are a salmon people and salmon mean more than just money, just food. It's a way of life for us," Peterson said. "And I can almost say it's gone."

Scientists from the Upper Skagit Indian Tribe, the [Sauk-Suiattle Tribe](#), the [Swinomish Tribe](#) and government regulatory agencies say Seattle's dams, which block off approximately 37% of the river, are a big part of the salmon problem. The agencies, including [NOAA Fisheries](#), [US Fish and Wildlife](#), the [National Park Service](#) and WDFW wrote in public documents that the dams adversely impact salmon by obstructing miles of habitat for fish to spawn and grow and by altering habitat through impeding the movement of sediment, gravels and woody debris below the dams. The scientists said availability of gravel is important for successful spawning and sediment delivery and transport are essential for improving juvenile rearing habitat.

[The only scientists on record](#) saying the dams aren't part of the dwindling salmon population problem work for Seattle City Light.

City Light's general manager and CEO Debra Smith said the utility is working hard to be better partners with the tribes and other stakeholders as they seek to have their dams relicensed by the [federal government](#).

"Going forward, our goal is to make sure that all the folks involved in the (relicensing) process with us, but particularly the tribes who do have treaty rights; that they feel listened to," Smith said. "Treaty rights are super important to us. That is at the heart of the city of Seattle."

That's exactly why Janelle Schuyler, age 20, said [she wrote](#) to Seattle Mayor Jenny Durkan two years ago. She knew the city had a reputation of supporting the rights of indigenous people. In her 2019 letter, she explained to the mayor how seeing the dried-up portion of the river below Gorge Dam, where Seattle City Light operations divert water through a power tunnel, caused her pain.

"I don't expect you to understand the hurt that I experience knowing the life-giving Skagit has been purposefully dewatered by the city of Seattle," Schuyler wrote. "I am asking you, Mayor Durkan, for your help after a century of inflicting continual harm on my people and all the creatures relying on a healthy, productive Skagit, for Seattle now to do the right thing ... I'm convinced it's not too late to save the Skagit."

Schuyler signed off by asking the mayor for an in-person meeting to "discuss options for saving the sacred Skagit."

"I ask this for my people. I ask this for the salmon. I ask this for the Orca. I ask this for our sacred Skagit," she wrote.

Schuyler said she never heard back from the mayor.

"As Native Americans, we already deal with a lot of systemic racism and oppression. This just shows that they don't really care because they are just ignoring our voices. It's just another

thing to add to the list. It makes me feel sad," Schuyler said.

The mayor's office did not respond to KING 5's interview request for this story.

Schuyler has also started a petition on [change.org](https://www.change.org) to encourage the city of Seattle to consider the removal of the Gorge Dam. The dam is located on what the tribe considers its "spirit boundary." As of April 6, 43,760 people had signed the petition.

The Upper Skagit Indian Tribe, through the relicensing process, has [officially requested](#) that Seattle City Light access the removal of the Gorge Dam to see if the utility could still meet their hydropower needs by utilizing the other two dams, Diablo and Ross.

Smith said they will not undertake that study.

"(It's) a really sensitive issue for (the tribe) and we understand that. I understand that," Smith said. "We've been pretty clear from the beginning that our plan has been to operate all three dams and so it doesn't seem to us like a good use of funds to spend almost a million dollars to study something that we intend to continue to use to generate power."

Janelle's father, tribal elder and Upper Skagit policy director, Scott Schuyler, said the tribe will continue to fight for the removal assessment for the health of the Skagit River and the honor of their ancestors.

"Our ancestors were robbed of the opportunity to weigh in on the construction of the dams 100 years ago, so now in 2021, we're speaking for them. Our ancestors are driving the effort to assess the removal of this dam and return the river to its natural state if possible," Schuyler said. "In the era of social justice (what's happening on the Skagit), is a huge injustice to the tribe and to our people."

The Treaty of Point Elliott, promising the retention of fishing rights, was signed by Schuyler's great, great, great grandfather, Chief Pateus. It was also signed by the most famous Pacific Northwest Indian chief of all: the city's namesake, Chief Seattle of the Duwamish and Suquamish tribes. His likeness is the face of the city of Seattle and the logo of Seattle City Light.

"There's a large amount of hypocrisy here that (the city) needs to come to terms with. 'You can talk the talk, but you are not walking the walk. You need to look in the mirror Seattle,'" Schuyler said.

Related Articles

[Seattle City Light told public their dam operations increased salmon runs as fish numbers declined](#)

[Tribes and government agencies accuse Seattle City Light of using 'flawed' science on Skagit River dams](#)

[Seattle City Light agrees to study fish passage over dams on Skagit River](#)



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FOR IMMEDIATE RELEASE
October 26, 2021

Contact:
Laura Han
360-416-1309

Board of County Commissioners pass resolution calling on City of Seattle to commit to a regionally equitable salmon investment in the Skagit.

Yesterday, the Skagit County Board of Commissioners unanimously passed [County Resolution No. R20210210](#) which asks Seattle City Light to commit to a regionally equitable salmon investment in the Skagit.

“For too long, the City of Seattle has allowed its dams to degrade the Skagit watershed without proper and effective mitigation investment,” said Commissioner Peter Browning. “It’s time the City of Seattle and its power users do right by the Skagit and commit to reasonable, equitable investment in fish passage and habitat restoration.”

The City of Seattle, through its municipal electric utility Seattle City Light, operates three hydroelectric dams on the Skagit River. Unlike virtually every other hydroelectric project in the Pacific Northwest, the Seattle City Light Skagit project does not provide any fish passage. In total, Seattle’s three dams block approximately 37 percent of the mainstream Skagit to fish passage, also creating significant downstream impacts.

Commissioner Lisa Janicki said, “We’re in a unique situation in the Skagit. In one watershed, we’ve got all five species of salmon on which endangered Orcas rely for food, three Endangered Species Act-listed anadromous species, and two separate hydroelectric projects. It’s imperative that we all work to protect the fisheries resources for the Skagit basin and for the Treaty Tribes- that’s all we’re asking Seattle to do.”

Skagit Treaty Tribes and state and federal resource agencies have identified fish passage as a priority recovery strategy. Skagit County is charged with protecting the watershed’s natural resources land base for fishing, farming, and forestry. Skagit County is actively supporting Skagit Treaty Tribes in their effort to secure fish passage from Seattle City Light.

Commissioner Ron Wesen said, “Over the lifetime of Seattle City Light’s previous FERC license, our fish numbers steadily declined. This is the only opportunity for the next 50 years to ask that Seattle contribute to our collective fisheries obligations in the Skagit, and we can’t wait any longer for Seattle to step up to a reasonable level of investment.”

For more information on this topic, please contact the Skagit County Commissioners’ office at 360-416-1300 or commissioners@co.skagit.wa.us

RESOLUTION NO. .

A RESOLUTION URGING THE CITY OF SEATTLE
TO COMMIT TO A REGIONALLY EQUITABLE SALMON INVESTMENT IN THE SKAGIT

WHEREAS, the Skagit River is the largest and most important river system for anadromous species in the U.S. Salish Sea, and is home to all five species of Pacific salmon as well as steelhead, bull trout, sea-run cutthroat, sturgeon and lamprey; and

WHEREAS, three Skagit anadromous species – chinook, steelhead and bull trout – are listed as threatened under the U.S. Endangered Species Act; and

WHEREAS, the recovery of the Southern Resident Killer Whale population, listed as endangered under the U.S. Endangered Species Act, relies on the recovery of Skagit anadromous species; and

WHEREAS, pursuant to the 1855 Treaty of Point Elliott, Skagit Treaty Tribes peaceably relinquished their claim to the Skagit Valley land base on condition that the nation as a whole would maintain sufficient levels of salmon and other anadromous species to afford tribal communities a productive culture oriented around salmon and other anadromous species – in perpetuity; and

WHEREAS, in the light of the foregoing, time is of the essence in our effort to restore a sustainable fisheries resource in the Skagit Basin; and

WHEREAS, the City of Seattle owns three hydroelectric dams on the Skagit River, which are operated by Seattle’s electrical utility, Seattle City Light (hereinafter, the “**Skagit Project**”), which blocks approximately 37% of the mainstem Skagit to fish passage,¹ while concurrently causing significant downstream impacts to the fishery resource²; and

WHEREAS, federal and state agencies, Skagit Treaty Tribes, Skagit County government and others have identified fish passage at Seattle’s three dams on the Skagit River as a priority strategy for the recovery of the Skagit fishery resource; and

WHEREAS, the 2005 Skagit Chinook Recovery Plan envisions the conversion of 2,700 acres of Skagit Delta farmland into habitat as the principal pathway toward Skagit Chinook recovery, only a portion of which has been completed; and

WHEREAS, Seattle’s Skagit Project is the largest Low Impact Hydropower Institute (“**LIHI**”) certified hydroelectric project in the nation; and

WHEREAS, upstream and downstream fish passage are mandatory LIHI certification criteria, and there appears to be no valid exemption excusing the Skagit Project’s lack of fish passage; and

¹ NOAA Fisheries Comments on Pre-Application Document and Scoping Document 1 and Study Requests dated October 22, 2020, at PDF page 78 (on file with Federal Energy Regulatory Commission as Accession No. 20201022-5094).

² U.S. Fish and Wildlife Service Comments and Study Requests, at PDF page 9, dated October 22, 2020 (on file with Federal Energy Regulatory Commission as Accession No. 20201026-5067).

WITNESS OUR HANDS AND SEAL OF OUR OFFICE THIS 25 day of October 2021.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



Lisa Janicki, Chair



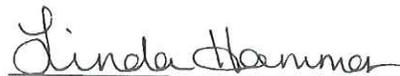
Peter Browning, Commissioner



Ron Wesen, Commissioner



ATTEST:



Linda Hammons, Clerk of the Board

Approved as to form:



Will Honea, Senior Deputy
Skagit County Prosecuting Attorney



THE SUQUAMISH TRIBE

Post Office Box 498
Suquamish, WA 98392-0498
Phone (360) 598-3311
Fax (360) 394-3686

October 8, 2023

Jenny Durkan
Mayor
City of Seattle
PO Box 94749
Seattle, WA 98124-4749

Honorable Mayor Durkan:

The Suquamish Tribe are signatories to the 1855 Treaty of Point Elliott and primarily reside on the Port Madison Indian Reservation and are best known for their ancestral leader, Chief Seattle, the namesake of the "Emerald City" and Chief Kitsap, the namesake of the County of Kitsap. In exchange for relinquishing our lands to the United States in the Treaty we reserved certain rights, including the right to fish, hunt and gather in our usual and accustomed places. Salmon runs, shellfish beds and underwater marine resources are key to our culture, subsistence and traditional economies.

We have been seriously engaged in the protection and restoration of our traditional ecosystems that support these marine and terrestrial resources for decades. We are in support of the various political and legal efforts to protect and restore salmon runs on rivers and streams of the Northwest from pollution, barriers, suburban sprawl and poor logging practices. All of this work is done to protect our fishing way of life that Governor Stevens promised the U.S. would protect for all of our future generations.

We are in support of efforts by our neighboring fishing tribes of the Skagit River system in their efforts to restore salmon runs on the Skagit. Our people have depended on these runs for their survival for thousands of years as they swim through our usual and accustomed marine fishing grounds. The Suquamish Tribe supports tribal efforts to secure fish passage at hydroelectric dams on the Skagit River to allow salmon to access upstream habitat.

Respectfully,

A handwritten signature in black ink, appearing to read "Leonard Forsman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Leonard Forsman
Chairman



RESOLUTION

T-003-22

WHEREAS, the Confederated Tribes and Bands of the Yakama Nation is a federally recognized Nation pursuant to the Treaty of 1855 (12 Stat. 951); and

WHEREAS, the Yakama Tribal Council is the governing body of the Confederated Tribes and Bands of the Yakama Nation by the authority delegated by the Resolution of February 1944 and Resolution T-38-56; and

WHEREAS, Article III of the Treaty of 1855 reserved our continued right to:

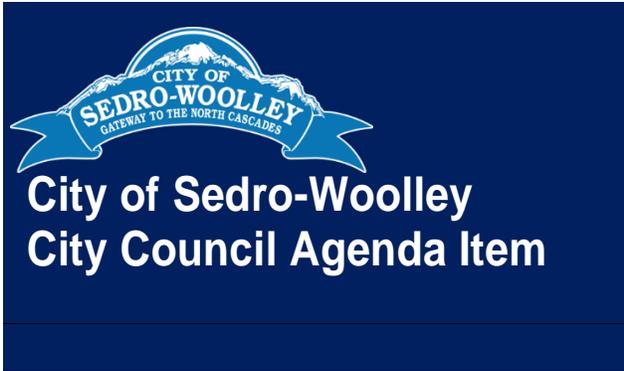
“The exclusive right of taking fish in all the streams, where running through or bordering said reservation, is further secured to said confederated tribes and bands of Indians, as also the right of taking fish at all usual and accustomed places, in common with citizens of the Territory, and of erecting temporary buildings for curing them; together with the privilege of hunting, gathering roots and berries, and pasturing their horses and cattle upon open and unclaimed land.”

; and

WHEREAS, the Yakama Nation’s reserved right to fish at all usual and accustomed places continues to be threatened by hydroelectric projects without fish passage throughout the Yakama Nation’s Treaty Territory; and

WHEREAS, the signatory Nations of the Treaty of Point Elliott in and around the Skagit River similarly reserved their right to fish at all usual and accustomed places throughout their respective territories, and those Nations are also facing the threat of continued damage to their Treaty-reserved fisheries as a result of hydroelectric projects without fish passage; and.

WHEREAS, the Yakama Tribal Council Fish & Wildlife Committee supports the signatory Nations of the Treaty of Point Elliott in their call for fish passage at hydroelectric dams that serve as barriers to viable habitat for our Treaty-reserved fisheries, and recommends that the Yakama Tribal Council support the same.



Agenda Item No. _____

Date: January 5, 2022

Subject: Fully Contained Communities
Proposal on County Comprehensive
Plan Docket

FROM: John Coleman, AICP, Planning Director

RECOMMENDED ACTION:

Discuss the impacts of Fully Contained Communities on the City of Sedro-Woolley and consider passing a resolution in opposition to the proposed amendments to the County Comprehensive Plan that will allow Fully Contained Communities in Skagit County.

ISSUE:

Should the Council pass Resolution NO. 1084-22 opposing the proposed amendments to the County Comprehensive Plan that will allow Fully Contained Communities in Skagit County?

BACKGROUND / SUMMARY INFORMATION:

In May of 2021 the Skagit County Commissioners unanimously voted to docket a comprehensive plan amendment asking that Fully Contained Communities (FCCs) be allowed in Skagit County. FCCs are developments (designed and constructed by private developers) comprised of homes with supporting commercial uses located outside cities in unincorporated, rural areas. FCCs are currently not allowed in Skagit County, and state law does not require FCCs be authorized.

The County is required to coordinate and cooperatively plan for long-term growth with the cities and towns. The County has not approached the cities or Skagit Council of Governments to discuss the proposal.

There is considerable opposition to the proposed amendments to the County Comprehensive Plan that would allow FCCs. La Conner has passed similar resolution to the attached proposed resolution and Mount Vernon is considering one on January 12. As of December 28, the City has received two unsolicited letters (attached) opposing the FCC proposal. When the County was considering whether to docket the proposal, they received roughly 700 comments on the proposal; the overwhelming majority opposed the proposal. Here is the link to the comments that the County received on the FCC proposal (https://www.skagitcounty.net/PlanningAndPermit/Documents/2021CPA/Comments_LR20-04%20Fully%20Contained%20Communities.pdf). Staff reviewed the first 251 pages of the document; besides the applicant, only two individuals supported docketing the proposal.

ATTACHMENTS:

1. Resolution NO. 1084-22 Expressing Concern and Opposition to the Potential Authorization or Support of Fully Contained Communities by or within Skagit County.
2. Comment letters received by Sedro-Woolley.

RESOLUTION NO. 1084-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY,
WASHINGTON, EXPRESSING CONCERN AND OPPOSITION TO THE POTENTIAL
AUTHORIZATION OR SUPPORT OF FULLY CONTAINED COMMUNITIES BY OR WITHIN
SKAGIT COUNTY**

WHEREAS, fully contained communities are a private housing development similar in size and density as a city. However, fully contained communities do not have a local or municipal government to provide police, fire, road repair, storm water drainage, parks, or any other urban services ordinarily provided and maintained by cities; and

WHEREAS, the Growth Management Act (GMA) Chapter 36.70A RCW, is a series of state laws initially adopted in 1990 with legislative findings stating (in part) “uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning”; and

WHEREAS, the below-listed GMA planning goals could be subverted if fully contained communities are authorized in Skagit County. As such, these goals are part of the foundation of the City’s opposition to fully contained communities:

“Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

Natural resource industries. 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 incompatible uses.

Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

Environment. Protect the environment and enhance the state's high quality of

life, including air and water quality, and the availability of water.

Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards”; and

WHEREAS, to ensure growth is coordinated and planned the GMA requires the adoption of countywide planning policies (CPPs) used to establish a framework within which comprehensive plans must be coordinated and consistent with those of other counties or cities having common borders or related regional issues; and

WHEREAS, the GMA requires the CPPs be consistent with the Comprehensive Plans of the county and cities for which they are adopted. Among other items, the CPPs are required to address policies for the promotion of contiguous and orderly development, the provision of urban services to such development, and joint county and city planning within urban growth areas; and

WHEREAS, as required by the GMA, Skagit County has adopted CPPs in cooperation with the cities located in Skagit County. The CPPs are policy statements establishing a countywide framework under which county and city comprehensive plans are developed and adopted pursuant to the GMA. This cooperative endeavor ensures that county and city comprehensive plans remain coordinated and consistent with each other; and

WHEREAS, on November 26, 2002, Skagit County and many of the cities and towns of Skagit County – including Sedro-Woolley - entered into a Framework Agreement (attached to this Resolution for reference) establishing the parameters for decision making related to the CPPs; and

WHEREAS, the Framework Agreement states “it is the intent of Skagit County and the cities to cooperate in efforts to provide visionary leadership on regional plans, policies and issues. It is the purpose of this Agreement to enhance the ability of the parties to improve the present health, safety, convenience and welfare of their citizens and to plan for the future development of the Cities and the County to the end that the governments achieve a county-wide pattern of community-building, land use, and conservation that reflects the environmental, economic, aesthetic, and social values of city and county residents”; and

WHEREAS, the Framework Agreement requires policy decisions (including the content of the CPP's) to be developed through the Steering Committee and that such decisions should be arrived at by consensus and if unanimous consent cannot be achieved decision made by a majority vote. When the issue involved a CPP, then a dispute resolution process set forth in the Agreement is used, and if the dispute resolution process fails, a binding population-weighted vote is taken; and

WHEREAS, County CPPs do not allow new FCCs. CPP 1.1 states, “Urban growth shall be allowed only within cities and towns, their designated Urban Growth Areas (“UGAs”) and

within any non-municipal urban growth areas already characterized by urban growth....”; and

WHEREAS, Skagit County Code (SCC) states, “A petition to modify a UGA boundary, or the Comprehensive Plan map within a UGA, may be filed only by the affected jurisdiction (city/town for municipal UGA, tribe for tribal UGA, Skagit County for the Bayview Ridge UGA)” [SCC 14.08.030(1)(b)]. Chapter 14.08 of the SCC contains detailed requirements and analysis when changes of urban density areas set forth in UGA’s are proposed; and

WHEREAS, for fully contained communities to be allowed in Skagit County, amendments to the County’s comprehensive plan are required. Fully contained communities must be designated as new urban growth areas per RCW 36.70A.350; and

WHEREAS, the GMA Steering Committee adopted the recommendations of their GMA Technical Advisory Committee summarized in the Skagit County Growth Projections, Summary of Methods and Results report dated July 2014 from BERK Consulting. Page 4 of this report states, in part:

“With the recommended population allocations, the Planners deliberately did not include urban growth allocations for future fully contained communities or non-municipal UGAs such as Bayview Ridge (other than a minor population allocation to Bayview Ridge reflecting existing buildable residential lots). Based on review of historical data and local knowledge, the Planners anticipate that new non-municipal UGAs or fully contained communities should not be necessary to accommodate future population growth within the 20-year planning period.

The Planners also expressed a desire to have policies put in place that recognize the unique quality of life and rural character of Skagit County and that planning efforts for further growth should reflect the desire to protect and preserve that character while promoting a robust economy that compliments the policy to preserve and protect Skagit County’s rich agricultural and resource heritage”; and

WHEREAS, the City relies upon, and made significant investment in, its Comprehensive Plan based on the foundational information contained in the Skagit County Growth Projections, Summary of Methods and Results report dated July 2014, by BERK Consulting; and

WHEREAS, the 2016 Comprehensive Plan updates by Skagit County (incorporated by cities and towns) demonstrate each respective jurisdiction has adequate land in their urban growth areas to individually and collectively meet the 20-year growth allocations. New fully contained communities are not necessary to accommodate the county’s projected 20-year population growth; and

WHEREAS, the Puget Sound Regional Council (a regional planning agency including all mayors, county executives, commissioners, and councilmembers of member jurisdictions developing policies and coordinating decisions about regional growth, transportation and economic planning within King, Pierce, Snohomish and Kitsap counties) endorsed Vision 2050, the region’s plan for growth whose objectives include to: "avoid new fully contained communities outside of the designated urban growth area because of their potential to create sprawl and undermine state and regional growth management goals"; and

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council does hereby adopt the above listed recitals as set forth fully herein.

Section 2. FINDINGS OF CITY COUNCIL. The City Council hereby finds that:

1. Urban growth located near or adjacent to urban areas like the City of Sedro-Woolley promotes concurrency by locating urban growth where adequate public facilities and services exist or can be provided in the most efficient way.
2. Skagit County needs to follow the applicable processes set forth in the Framework Agreement and development regulations.
3. Sedro-Woolley (as well as other cities and towns within Skagit County) continues to rely on its Comprehensive Plan and supporting analysis and data to make land use, transportation, capital facility and other related decisions. As such, the City could be harmed should the County unilaterally authorize fully contained communities resulting in the region-wide redirection of urban densities population allocations.

Section 3. GMA STEERING COMMITTEE ACTION NEEDED.

The City of Sedro-Woolley requests Skagit County submit all relevant amendments and/or additions to the CPPs to the GMA Steering Committee and that the GMA Technical Advisory Committee provide their technical assistance and guidance on these amendments as is usually sought. The City asks this process be completed before Skagit County commences with processing amendments to the County's Comprehensive Plan or development regulations.

Section 3. EFFECTIVE DATE. This Resolution shall take effect and be in force immediately upon its passage.

PASSED by majority vote of the members of the Sedro-Woolley City Council this ____ day of January, 2022, and signed in authentication of its passage this _____ day of January, 2022.

MAYOR JULIA JOHNSON

ATTEST:

CLERK

APPROVED AS TO FORM:

CITY ATTORNEY NIKKI THOMPSON

John Coleman

From: BARBARA J PATTEE <barbpattee@comcast.net>
Sent: Tuesday, December 21, 2021 1:06 PM
To: Ward1; Julia Johnson; John Coleman
Subject: FCCs

CAUTION: This email originated from outside of the City of Sedro-Woolley mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a resident of Sedro Woolley I am opposed to FCCs and the damage that would result from their development.

Respectfully,

Barbara Pattee

272 Cascade Palms Ct.

Sedro Woolley, WA 98284

John Coleman

From: Regina Wandler <regina.wandler@gmail.com>
Sent: Tuesday, December 28, 2021 10:38 AM
To: CouncilAtLarge; Ward4
Cc: Julia Johnson; John Coleman
Subject: Vote NO on FCC's

CAUTION: This email originated from outside of the City of Sedro-Woolley mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing as a resident of Sedro-Woolley (I live in Ward 4, on Talcott St) to ask that you oppose FCC's (Fully Contained Communities) in Skagit County. As essentially ungoverned and inadequately serviced towns or cities, FCCs have a documented history of leading to sprawl and degradation of rural landscapes. The best way to maintain Skagit County's unique attributes and avoid the sprawl and environmental deterioration experienced by other counties along the I-5 corridor, is for cities, towns, and the county to continue to work together and oppose FCCs. We should instead focus on increasing density and housing opportunities within our existing city boundaries. I love the special place that I live in, and FCC's threaten our rural landscape.

Thank you for listening to your constituents and voting NO on FCC's to protect the rural nature of our community.

Regina Wandler

William Gregory
816 Thurmond Lane
Sedro-Woolley, WA 98284

December 28, 2021

To: Mayor Julia Johnson

As I'm sure you are aware, the Skagit County Commissioners have docketed a proposal by developers to allow Fully Contained Communities (FCC's) in unincorporated parts of Skagit County. Regardless of the fact that the County and cities (including Sedro-Woolley) worked together to draw up growth management policies that specifically prohibit FCC's, they seem intent on ignoring this agreement. Why does the County appear to be trying to circumvent that collaborative process, and the role of cities in decision-making, by working unilaterally to change County policy? Because they are all basically pro-growth, at any cost to farms, forests and the rural lifestyle we enjoy here.

Do we need growth? Of course, and it will come one way or another. We can either be wise in how we plan for this growth, or just end up another bedroom community of the greater Seattle area. Here in Sedro-Woolley we are already experiencing roads that are much more heavily trafficked. The mega-communities the developers are planning will add a much greater demand on public roads and services, but without any responsibility to pay for them.

There are SO many other options for responsible growth open to us! FCCs will irretrievably change the Valley, constructing the equivalent of small cities on our rural lands, without supporting government or services. FCC's will replace farmland and forests with permanent sprawl.

I urge the city of Sedro-Woolley to pass a resolution directed at the county condemning their unilateral approach to growth that would recklessly forever degrade our productive farms, fields, forests and lifestyle.

Sincerely,

William Gregory

Ward 1

Sedro-Woolley, WA

These will ruin Skagit County - the County is great the way it is. I believe growth can/will happen as things are set up now, while we maintain a quality of life that is unique here. We don't want urban sprawl, we want to keep open fields, concentrate growth in our cities, not in our rural areas. Please, NO to FCCs. Thanks for your consideration, Jean Leib /Sedro Woolley