

**Skagit County Board of County Commissioners
Public Hearing: 2018 CPA Docket (Second Hearing)
January 16, 2018**

Commissioners: **Ken Dahlstedt, Chair
Lisa Janicki
Ron Wesen**

Staff: **Ryan Walters, Assistant Planning Director
Stacie Pratschner, Senior Planner**

**Public Hearing
Commenters:** **Carol Ehlers
John Gold, Sierra Pacific Industries
Roger Robinson
Judith Aurelia Hadley
Howard Gulley
Art Fournier**

Chair Ken Dahlstedt: We are here today for Planning and Development Services and for a public hearing...Ryan?

Ryan Walters: Good morning, Commissioners. We are here this morning for a public hearing for testimony on the 2018 Comprehensive Plan Amendment docket. We already had one public hearing on the 2018 Comprehensive Plan Amendment docket, but since that public hearing, we, the Department, have identified some additional map changes that we think are appropriate in the OSRSI zone. That zone is called the Open Space of Statewide and Regional Importance – public Open Space of Statewide and Regional Importance – and Senior Planner Stacie Pratschner is going to give an overview of this item, C-19, that we would like to receive additional comment on before you set the docket. Stacie?

Stacie Pratschner: Yeah. Thank you, Assistant Director. I'm going to go up to the podium. I have a map ready, as well. All right. Good morning, Commissioners, and good morning to staff and also to members of our community that are here today. My name is Stacie Pratschner, Senior Planner for Planning and Development Services, the PDS Department. As always, thank you for having me.

The proposed additional County-initiated map amendment for inclusion on the 2018 docket, as the Assistant Director described, referred to as item C-19, would modify the designation of 37 privately-owned parcels totaling approximately 2800 acres that are currently in the public Open Space of Regional/Statewide Importance, or the OSRSI. These lots are within the boundaries of the Mount Baker-Snoqualmie National Forest, and our proposal is to amend these to the Industrial Forest-Natural Resource Land designation or another appropriate designation reflecting private ownership such as the Natural Resources Industrial, or NRI. This map amendment would also include an evaluation of the Mineral Resource Overlay criteria over the subject parcels. The Department has issued a letter to the property owners of the 37 parcels describing the amendment. That letter is included as Attachment 3 in the staff report.

Our development code, Title 14, states the purpose of the OSRSI zone is to provide designation for lands that are in public ownership and then dedicate them to public purpose such as recreation and scenic amenities. The 37 parcels identified, however – and thank you to the GIS team for their good work on this – are in private ownership right now, so the purpose of this amendment would be to designate those lands with an appropriate zoning that would allow private use and enjoyment of those properties. Therefore, per the criteria in the Comprehensive Plan and the development code, the Department does recommend that item C-19 be included in the 2018 docket for further analysis and discussion.

Thank you. I'd be happy to take any questions.

Chair Dahlstedt: Questions, Commissioner Janicki?

Commissioner Lisa Janicki: No questions at this point.

Chair Dahlstedt: Commissioner Wesen?

Commissioner Ron Wesen: You mentioned two different options. How or who decides what option that would be then?

Ms. Pratschner: Part of the further analysis of this docket item will be determining which designation is appropriate. When we're looking at rezoning or doing land use amendments, we have to determine appropriate zoning by looking at surrounding zoning as well, and making sure that we are not taking part in any kind of illegal spot zoning. And so further analysis will determine what specific zoning that would probably reflect that private ownership would be appropriate for those parcels. We're looking at either Industrial Forest at this point or the Natural Resources Industrial. Other options may come up if the item is docketed and we do further analysis.

Commissioner Wesen: Thank you.

Ms. Pratschner: Thank you.

Chair Dahlstedt: Thank you.

Ms. Pratschner: Thank you.

Mr. Walters: So this stage here is procedural. The question of setting items on the docket doesn't require you to make a judgment about whether or not you want to ultimately approve it. It just means that we would move forward for further analysis, public comment, public hearings before the Planning Commission, Planning Commission recommendation, and then eventually it would get back to you before the end of 2018. We're only allowed to do map and policy amendments once per year, so that's why we have you docket them altogether in one batch so that they can move forward. The code requires comment on the docket. That's why we are offering this additional public hearing and a written comment period. The written comment period ends Thursday, so we anticipate you won't want to discuss what you want to do with the docket in this meeting, but that you'll save that for next week after the comment period has closed. And so we will be setting on your agenda next – sometime next week to do that.

Chair Dahlstedt: Okay. This is a public hearing. Anyone wishing to speak in regards to this particular proposal that we have in front of us at this time, which is again this County-initiated

map amendment. We have four people that have signed up to speak. First we have Carol Ehlers. You'll have three minutes to speak.

Commissioner Wesen: So this is on the C-19, but all the rest of them also, right? Or –

Mr. Walters: Yes. We advertised that this public hearing is for the purposes of receiving comment on C-19 but we have indicated to people that it wouldn't be limited to C-19. It would be limited to all of the docket proposal items.

Commissioner Wesen: Okay.

Chair Dahlstedt: Is that clear? So if you have other comments in other portions of the docket. Carol?

Carol Ehlers: Carol Ehlers, West Fidalgo Island. I don't understand why you have two docketing hearings after your budget decision. Supposedly, it was the Department didn't have enough time to deal with the issue I brought up which would protect drinking water in those areas of the county which are not in the Skagit River basin – such as South Fidalgo Island – from chemical dumps. You haven't got time to do that but you have time to do this tedious work. This work clearly needs to be done. I'm not questioning the need for it to be done. I think it should be done in next year's docket.

I'm very grateful that you have carried over the Fidalgo subarea issues because back when we – when planning started in this county, they divided the county into different districts by floodplain, by floodplain, by uplands, and by islands. Back in 1990 when Growth Management came, we were told that on Fidalgo and Guemes we would lose our plans, we would lose the difference between an island surrounded by saltwater and a floodplain, a river basin – two river basins, actually. We were also told that any promise made to the public wasn't necessarily going to be honored by future people. But the geography and the geology of Fidalgo Island is so different from the floodplains that the Planning Commission confusion last May was the most frustrating, infuriating experience of my life because they clearly had no idea that there was a relationship between the land, the geology, the geography of it, the physical nature of it that was given to us by God and Mother Nature – however you want to describe it. It's there. It's different. It isn't a floodplain.

(sound of timer)

Ms. Ehlers: This is what was done before. It made a good deal of sense. I'll give it to you because I doubt if you have it. It's probably the kind of difference between what used to be done and what is done. But in my experience, if you fail to plan then you're planning to fail. You're planning to fail in terms of the chemical dumps in the various parts of the islands, including South Fidalgo, and I'm hoping you don't intend to fail because Rural Reserve is supposed to be a buffer between industrial lands – resource lands – and high density. We don't have it on Fidalgo. We don't have forests that are designated as just for forest. We don't have crop land. We have a fair amount of grazing land, but if you were going to use crop land –

(sound of timer)

Ms. Ehlers: – you'd have to do contour planning, and we already have a County official document that thinks that's happened. So please pay attention to South Fidalgo.

Chair Dahlstedt: Thanks, Carol. Okay, next we have John Gold.

John Gold: Commissioners, staff, thanks for the opportunity to be here today to provide some comments about the proposed C-19 amendment. For the record, my name is John Gold. I'm a forester with Sierra Pacific Industries located here in Burlington, and we own seven unique parcels that are subject to the proposed C-19 amendment – by my count, about 600 and some odd acres. And I wanted to offer support for considering this amendment and these map revisions, map updates. I want to point out that, as you probably know, we have a sawmill here in the county. It's the largest softwood sawmill in this county or adjoining counties. We provide 230 direct jobs at that mill and we depend on resource lands for the raw material to run that mill. We think employment is in the neighborhood of 2400 jobs related to the raw material supply. This correction in zoning from OSRI to Industrial Forest would match all of our surrounding properties that are managed in the same manner as these individual parcels. We think that likely there was an oversight in the past in designating our private properties which are in a current use tax program for long-term forest management, so we appreciate the opportunity to correct that and free any planning restrictions from those properties. Thank you very much.

Chair Dahlstedt: Thank you. Next we have Roger Robinson.

Roger Robinson: Good morning. I'm Roger Robinson. I live at Rosario Beach, and I'm here today to talk to you briefly about South Fidalgo's P-12 rezone proposal that's been in front of you. I don't want to hash over what we've done in the past, but I would like to tell you that about a week ago several of the people that originally put this thing together were sitting down discussing what the next steps will be for passage of P-12 this year, and we decided to take a little barometer test of Fidalgo Island residents. So we put together a small, little petition that basically people could or couldn't sign that said – asking you, the Commissioners, to docket P-12 and approve the proposed South Fidalgo Rural Residential zone this year in the 2018 Comprehensive Plan Amendments. It kind of came up at the last minute and it's not the greatest time of year to be ringing doorbells because of where people are this time of year sometimes. But in just one week, I wanted you to know that we gathered 215 signatures of people that are in favor of the South Fidalgo rezone. So I would like you to do two things if you could, please. One, docket it for further discussion; two, work with your Planning Commissioners this year so they approve P-12; and, three, for you to please pass P-12 this year.

I have the names here. I could give them to you at this time or I could just post them on the webpage and your Department can give them to you. You tell me what you'd like.

Chair Dahlstedt: Probably posting would be the best through the Department.

Mr. Robinson: Okay, great. Thanks a lot.

Chair Dahlstedt: Thank you.

Commissioner Wesen: Thank you.

Chair Dahlstedt: Judith Aurelia Hadley. Hopefully I got that right.

Judith Aurelia Hadley: Yes. My name is Judith Aurelia Hadley and I am here to talk about C-19. I am a retired forester, born and raised in western Washington. I've been working in the – worked in the field in 1972 and on. I own 40 acres and it's this little bit right down here, the parcels 8, 9, and 15 of the 40 acres at the very, very end, right up against the national forest

and surrounded by it. To the best of my knowledge and belief, it's always been Industrial Forest zoning but it's a map – it's a map graphics thing. It's a GIS thing. I don't think that there was ever a barrier to using my forestland in the way I choose, and I'm in agreement with Mr. Gold that we're going to go forward. Put it on the docket, please. Talk about it. Let's plan it. Talk about it, map it, get the accuracy, look at the Mineral Resource Overlay.

It does say in the County code that the correct and private – correct and appropriate designation on some private lands with extreme sensitivity *is* Open Space, but all of those are not blanketed in open space, to the best of my knowledge and belief – that it hasn't been since I have come to own that land.

So there're three really basic things that I want to bring up this morning because I don't think all of us have a background in forestry or land management in that landscape scale. And the first one is the geology of it, which we call the angle of repose. And that's – you can do an experiment at home with the sugar on the kitchen table. It makes a cone. And if you put enough water in it, it slumps. The angle of repose is a variable angle, somewhere between 30 and 40 degrees. It depends on the size of the particles, whether it's –

(sound of timer)

Ms. Hadley: – gravel or bigger chunks. But that's of interest. Second principle, carbon cycles. This is what we deal with in forestry. Trees, plants, all vegetables – carbohydrates – they take in water and hold it by means of the carbon molecules that are taken in from the air. Their huge holding capacity of moisture on the hillsides – keeping that in mind with that angle of repose.

And the third thing is people, because if we're managing natural resources on private land or in public lands right next door to them it's about people management. So including this on the docket for public review, public comment, knowing that we're an agriculture- and industrial forest-based county is a really appropriate step for right now and going through the whole year doing a planning process. How refreshing.

(sound of timer)

Ms. Hadley: So going forward, we need the best science available – integrative forestry using the current things – not 50 years ago, not 75 years ago practices but ones now.

(sound of timer)

Chair Dahlstedt: Okay, thank you very much.

Commissioner Wesen: Can I ask her a question? So your properties are on the map so they would be included?

Ms. Hadley: Yes, right here. That little red blob.

Commissioner Janicki: She's one of the listed owners on the side of the map.

Commissioner Wesen: Thank you. I wanted to be clear on that.

Ms. Hadley: Yes.

Chair Dahlstedt: Thank you. So no one else has signed up. Is there anyone else wishing to speak? We have a little bit of time. I said, Did anyone else wish to speak? We have a few more minutes. Go ahead. If you'd state your name and address for the record, and you've got three minutes.

Howard Gulley: Good morning. Howard Gulley, South Fidalgo Island on Tibbles Lane. And in regards to the petition you had for consideration for the rezoning, that does not speak for everybody in the South Fidalgo area, and most of us believe that the current planning system works just fine and we should continue that process the way it is – the way it should be. Thank you.

Chair Dahlstedt: Okay, thank you. Anyone else?

Unidentified voice in the audience: _____ project?

Commissioner Wesen: Yep, any of them.

Chair Dahlstedt: Yeah.

Art Fournier: Good morning. Today I'm here to speak –

Chair Dahlstedt: You are?

Mr. Fournier: Oh, yes. My name is Art Fournier. My address is 14785 Gibraltar Road. I'm here today to speak for my neighborhood that is the Gibraltar Road. First, I'd like to say that the – our neighborhood, our households of retired people over 55, they are not here because of the short notice of this – for this meeting. The people told me that they love the quietness and the stillness of the neighborhood, and they all – they are also concerned about their neighborhood prices of their housing that goes from 400,000 to the millions. So they're concerned about the taxes that they pay and about their voice on the Quaker Cove rezone matter.

The Quaker Cove Directors are agents of the Anacortes Christian Church; however, they are employees of the Quaker Cove Corporation. The Anacortes Christian Church and the newcomers have nothing invested in the neighborhood. They pay no taxes. The Quakers – the original Quakers – said that they abandoned the Quaker Cove from the early '70s to 2003 because of the gas shortage, the recession, and their financial scandal. The Quakers practice simplicity, austerity, and honesty. They were very diplomatic because they knew they were outsiders. They wanted to be accepted. They didn't want to offend the neighborhood.

This is the letter –

(sound of timer)

Mr. Fournier: – from the neighborhood that is signed by 21 people. It says:

“To the Skagit County Commissioners from Gibraltar Road Neighborhood with reference to the Quaker Cove Retreat Rezone. We, the undersigned, are opposed to the new Quaker Cove Retreat recent application for small recreation and tourist use. In the meantime, we're bringing to your attention the activities that have been taking place. These constitute uses beyond the pre-existing Church Family Retreat use as listed.

Number 1, east and south fields filled with RVs. Number 2, RV use of air conditioning equipment and generators. Number 3, generators used throughout the night. Number 4, driving..."

(sound of timer)

Mr. Fournier: "...in and out of fields crossing Gibraltar Road constantly even though a safety underground passage exists. Number 5, high occupancy and excessive number of outsiders has brought increased traffic to the level of a commercial venture. Number 6, daily use of the property facilities during spring and summer causes daily disturbance. Number 7, the activities that are offered to the public consist of screaming and yelling in three shifts a day beginning at 8:30 in the morning through 10:30 at night. Number 8, excessive number of people in the fields and surrounding areas at all times. Number 9, use of moon ride equipment for toddler babysitting days including weekends. Number 10, the change from a peaceful Church Retreat to daily rental use of the property has converted the Retreat into an income-producing real estate under charitable organization umbrellas. Number 11, most visitors have no regard for this property's dedication to be for worship in song and prayer. Band practices in cabins and movie screens outside are night summer activities. Number 13 and last, the Quaker Cove Retreat has been used as a motel and bed and breakfast. The dining hall is a restaurant. It's listed through the Internet."

Thank you.

Chair Dahlstedt: Okay, thank you. Anyone else? Last chance. Okay, seeing none, Commissioners?

Commissioner Janicki: I move to close the public hearing.

Commissioner Wesen: I'll second that.

Chair Dahlstedt: It's been moved and seconded to close the public hearing. All in favor, signify by saying "aye."

All Commissioners: Aye.

Chair Dahlstedt: Opposed, same sign.

(silence)

Chair Dahlstedt: The public (gavel) hearing is closed. Ryan?

Mr. Walters: All right, so we're continuing to accept written comments on the docket through Thursday, January 18th, at 4:30 p.m., so just a couple more days on that. If anyone has written comments right now, they can –

Chair Dahlstedt: Can everyone hear okay? No? Okay. Speak up, please, Ryan.

Mr. Walters: If anyone has written comments now, they can provide them here to us at the desk. We'll stamp them in and put them in the record for the docket. Okay?

And then next – I think it's Tuesday, the 23rd, we'll be back before you to discuss how it is you would like to proceed on the docket. And we'll set that time and we'll get you a memo including

all of the comments that we've received so far. We'll receive your direction and then we'll put together a docketing resolution that will then come forward to you at a later meeting, probably on your Consent Agenda.

Ms. Pratschner: We're scheduled for those deliberations and adoptions at 9:30 a.m. on January 23rd, here in the hearing room.

Mr. Walters: So that concludes this item.