

Skagit County Board of County Commissioners
Workshop – 2018 Docket: South Fidalgo Island Rezone Proposal (P-12)
July 24, 2018

Commissioners: **Ken Dahlstedt, Chair (absent)**
 Ron Wesen, Acting Chair
 Lisa Janicki

Staff: **Hal Hart, Planning Director**
 Stacie Pratschner, Senior Planner

Others: **Kathy Mitchell, Skagit County Planning Commissioner**
 Mark Lundsten, Skagit County Planning Commissioner
 Annie Lohman, Skagit County Planning Commissioner

Chair Ron Wesen: (gavel) Good morning. I'd like to call this session of the Skagit County Commissioners to order. It is Tuesday, July 24th, 2018, a little after 9:30 in the morning. Commissioner Dahlstedt is not going to be with us this morning so we are having a work session with Planning and Development Services. Hal?

Hal Hart: Good morning. My name is Hal Hart. I'm the Planning Director. This morning we're discussing the 2018 docket item, the South Fidalgo Island Rezone proposal. Stacie will give us a brief presentation and then we're here to listen, and Stacie will guide us from there.

Stacie Pratschner: All right. Thank you, Hal. Good morning, County Commissioners, also to administration and staff and members of the community here today. Thank you for having me. My name is Stacie Pratschner. I'm the Senior Planner with the long range planning team at Planning and Development Services.

This morning this workshop is concerning the proposed rezoning of the lands that are currently designated Rural Reserve on South Fidalgo Island to a new zone, the South Fidalgo Rural Residential zone. The stated purpose of the new zone when it was originally a citizen petition in 2017 was to help maintain the rural character of South Fidalgo by limiting density and also limiting the number of high intensity commercial uses. The new zone looks to accomplish this by limiting density through certain cluster subdivisions and then also limiting a number of special and Hearing Examiner special uses that are currently allowed in the Rural Reserve zone.

The map here shows the existing extent of the Rural Reserve zone. I would make a note that on the current land use part of the map, which is on the left side, that blue line there does not designate the extent of the Rural Reserve. You can see this light yellow color. The Rural Reserve extends east of Highway 20 just south of March's Point; however, the iteration of the rezone area is to not go east of that point. And there's also been an area carved out so that the existing cemetery and the Pioneer Trails RV Park would not be part of the rezone area.

The South Fidalgo rezone is also referred to as P-12. It's one of a number of code, policy, and map amendments that are currently under consideration for adoption pursuant to the yearly docket. Under the Washington state Growth Management Act, the County may adopt a package

of changes to the Comprehensive Plan and development regulations once per year through the docketing process. Now through that docketing – and that's a just a term for meaning we bundle all these amendments together – the goal is to ascertain the cumulative effects of the various proposals on the community. Annual amendments to the docket are meant to address major and minor land use changes, amendments to our Comprehensive Plan, and also minor text changes to the development code.

There is a history of County planning efforts that's specific to South Fidalgo Island, including some subarea planning that took place between 2005 and 2008. That subarea planning was in response to a Growth Management Hearings Board order to the County. Now that plan was ultimately not adopted and the current rezone proposal on the 2018 docket is the result of a *citizen*-initiated petition in 2017. The Planning Commission did not recommend adoption of the rezone; however, the Department *did* recommend its adoption to the Board. The Board then deferred that petition, made it a *County*-initiated amendment, and directed the Department to keep working on the proposal to make sure that the existing businesses and ongoing agriculture on South Fidalgo would not be negatively impacted by any changes.

At this point the Department is in receipt of both written and oral comments of concern from the South Fidalgo community about this proposal – about removing the ability to have density bonuses with those cluster – i.e., CaRD subdivisions – and also from removing a number of the commercial uses in the special and Hearings Examiner categories. The Board in late June was also in receipt of a request from the Samish Indian Nation to remove the lot coverage limit for all major public uses if the new zone is adopted.

The Department in advance of the public hearing with the Planning Commission has drafted four alternatives for the rezone efforts. Option 1 is the No Action Alternative – so nothing would be adopted and nothing would change out on South Fidalgo Island. There's also the Deferred Alternative, where the Board would ultimately adopt the code as it was presented in bulk as it was presented last year, except with the changes that were directed to staff to make sure that ongoing agriculture and certain existing businesses would not be impacted.

Option 3, the Development Code Alternative, is that we could further look at iterations of the code, possibly looking at retaining the allowance for density bonuses with CaRDs, or allowing some more of those Hearing and special use allowances that right now are proposed to be removed.

Planning 4 is the Planning Commission's Alternative. They certainly can direct staff and the Department to go back, keep working on the proposal, or do additional research before they make a recommendation to the Board on whether it should be adopted.

So that concludes my briefing this morning, and I'd be happy to answer any questions and get the discussion going from the Board. Thank you.

Chair Wesen: Commissioner Janicki?

Commissioner Lisa Janicki: The – can you expand on – you made a comment about the lot coverage limits and I didn't understand if there was a recommendation coming from staff specific to those lot limit coverages. And then how directly would that affect the concerns expressed by the Samish Indian Nation?

Ms. Pratschner: So the request that I referred to is an attachment in the packet and it is a letter from Samish Indian Nation requesting that the lot coverage limitations be removed from major

public uses. And the purpose of the request is that they would like to construct a cultural center on their property on South Fidalgo Island. Right now they're limited to a certain amount of square footage and lot coverage. This would remove that limitation. We would want to consider stormwater impacts. Because of the size of a project like this, they would be subject to the NPDES Phase II rules for stormwater. At this point I do not have a specific recommendation formulated on whether to move forward with proposing that we remove the lot coverage limits. But certainly stormwater is an element we want to consider, as well as traffic impacts. Director, do you have anything to add to that?

Mr. Hart: Not at this time.

Commissioner Janicki: So if there was no – if we were not to adopt the P-12, then is there a path for a project such as this cultural center to go through a Hearing Examiner or some process that they could actually build that anyway? I – you know, I'm just trying to figure out where the obstacles are –

Ms. Pratschner: Yes.

Commissioner Janicki: – either as it exists right now or in what I might do as a Commissioner up here and change the rules. So help me just see what those paths look like.

Ms. Pratschner: Sure. We could continue down a legislative path if the SFRR zone was not adopted. So that would be a modification to the existing Rural Reserve zone. But that would impact every Rural Reserve-zoned area in the county and not just specific to South Fidalgo. We could also explore administrative or quasi-judicial paths to allow them additional lot coverage. We can certainly work on exploring that path a little bit more.

Chair Wesen: But isn't the – the maximum size right now is 25,000 feet or something like that?

Ms. Pratschner: Yes, correct.

Chair Wesen: And so if it's – we just tell them no because currently if it's above that we don't allow it. Isn't that what the current situation is?

Ms. Pratschner: That is the current situation.

Commissioner Janicki: So it's a no right now.

Ms. Pratschner: It's a no right now.

Commissioner Janicki: Okay.

Chair Wesen: And if you go with the language of the major public uses, then that would allow the Hearing Examiner process to take place. Isn't that correct?

Ms. Pratschner: Yes, that's correct.

Chair Wesen: And so they could go through the whole Hearing Examiner process, public comment, public hearing (before) the Hearing Examiner, and then the Hearing Examiner would make some decision on it.

Ms. Pratschner: Yes. Yeah. Thank you, Commissioner, for stating that clarification. We would start with the legislative option, which is to amend the code, and then it becomes a Hearings Examiner use and so there's still that quasi-judicial process that they go through for approval.

Chair Wesen: You have any other questions?

Commissioner Janicki: Go ahead.

Chair Wesen: The one thing – I went back, I was reading all the issues – the golf course. One thing I read said the boundary was going to be on the east side of the golf course and the other thing said the map shows it on the west side of the golf course. I was curious if it's the language. I didn't talk to you ahead of time so I'm sorry.

Ms. Pratschner: No, that's quite all right.

Chair Wesen: I'm just curious. The thought about an open golf course is there. Should you include it in a Rural Reserve area or – which it currently is –

Ms. Pratschner: Right.

Chair Wesen: – or should you not? And I'm just – what's the plusses and minuses of doing it? I'm just curious. When I looked at that map, the language says it's on the west side of the golf course – or east side of the golf course, but on the map it shows it on the west side of the golf course.

Ms. Pratschner: On the west side. So that means right now the map is showing it included in the – oh, excuse me.

Chair Wesen: The map is showing it's *not* included.

Ms. Pratschner: *Not* included in that area.

Chair Wesen: And I'm saying it's a big open space. Why would you *not* include it, saving the big open space? I'm just asking.

Ms. Pratschner: Yes, certainly. And so in the iteration of the proposal that was submitted last year, golf courses were proposed to be removed from the allowances in the SFRR zone. So the reason to keep it out of that new SFRR – the stated purpose of the SFRR is to keep a more rural character within South Fidalgo. Golf courses typically support some commercial uses such as restaurants, stores; they generate traffic; et cetera. So that could be one reason to keep it out of the SFRR zone.

Chair Wesen: The other thing, we're going to grandfather everything that's pre-existing. We're not going to say you've got to tear it down and move it.

Ms. Pratschner: That's absolutely correct, Commissioner. Yeah. It would – in the current iteration of the code, it would become an existing nonconforming use.

Chair Wesen: And a couple other things that the Planning Commission when they looked at it – the issue with the water availability and so forth. Have we learned anything more on water? Do

we have any more information on existing wells that are – are there issues with them or do we know about –

Ms. Pratschner: Yeah, thank you. The Department went back and did research into some of the original subarea planning documents as well as going back into the documents during the 2017 work. We didn't identify any specific studies about the existing aquifer on South Fidalgo Island. There – the aquifer there is divided into two different categories, however. There's the Category 1 part, which is the shoreline areas of South Fidalgo, and that's mostly the Rural Intermediate. Category 1 is a designation partly as a result of Ecology's work that they did for us, and it puts some limits on some really high intensity uses. For example, you don't do landfills in a Category 1 area. The rest of South Fidalgo Island – that includes the areas that are currently zoned Rural Reserve – is considered a Category 2 area, according to our critical areas ordinance, so it doesn't have some of those as – some of those limitations that the Category 1 does.

So as far as the existing wells onsite, there certainly are wells out on South Fidalgo but quite a few people get water from the public water from the City of Anacortes, and there's Group A and Group B systems supported on the island.

Chair Wesen: And the other issue: Currently the South Fidalgo – the current Rural Reserve is requiring one house per 10 acres, correct?

Ms. Pratschner: That's correct. That's the base density.

Chair Wesen: I've got 17 acres. What can I do today?

Ms. Pratschner: Right. So if you were to apply for a CaRD subdivision with 17 acres – and that's the Conservation – the Conservation, i.e., clustering subdivision, where you take your available density and you can do lots smaller than the allowable base density lot size and then have an open space area left. You could be eligible for up to three lots because of the density bonus if you had 17 acres.

Chair Wesen: Today you could do that.

Ms. Pratschner: Right. Right. You still meet that base density of having at least 10 acres, but with the density bonuses in place you could get up to three. With the iteration of the South Fidalgo Rural Residential zone, you would only be eligible for the one lot because no density bonus.

Chair Wesen: Unless you're on piped water.

Ms. Pratschner: Unless you're on piped water. That's correct.

Chair Wesen: So if you brought piped water in from Highway 20, you could do that.

Ms. Pratschner: Yes, you could.

Chair Wesen: But generally on the flats here, PUD's charging roughly \$200 a foot to put a pipeline in.

Ms. Pratschner: Very expensive.

Chair Wesen: And you are asking us – do you have any other questions?

Commissioner Janicki: No. I just – well, maybe. You know, whenever there's a proposal that splits our Planning Commission from our staff it – you know, I'm always concerned that we're perhaps not asking all the right questions. And I know we've got Planning Commissioner members here. It's been a while since they have considered this. But it wasn't even a unanimous vote within the Planning Commission. So I know in your memo to us you've outlined the reasons that the Planning Commission gave in their motion, which is the water – the water situation is not known; lack of evidence that the current zoning is not working. I mean, go – I guess, help me understand where staff and Planning Commission – where are the points of disagreement that the staff would come forward and say we're still recommending this. Go forward in spite of what the Planning Commission work has produced.

Ms. Pratschner: Right. Right. Yeah, thank you, Commissioner. So the role of the Department and staff is to fulfill both the legislative and policy directives of the Board, and the role of the Planning Commission is in their authority to assist the Department in preparation and the execution of the Comprehensive Plan, and also to make recommendations to the Department for adoption of specific policies or amendments. So if there is a split between what staff believes is the appropriate recommendation for the Board and what the Planning Commission has determined is the appropriate recommendation for the Board, sometimes that can be based on different views on what the Comprehensive Plan – what it really – what its vision truly is for the community. I personally wasn't working here at the time when that – when some of those original discussions took place with the Planning Commission in 2017. But based on the memos – and I've included that as one of the attachments – my opinion on it is that the Department thought that the adoption of the new South Fidalgo Rural Residential zone was in compliance and helped further the goals and policies of the Comprehensive Plan.

Commissioner Janicki: Okay. We've got Planning Commission members here. Could we – could we hear from Planning –

Ms. Pratschner: I'll scoot out of the way.

Commissioner Janicki: Commissioner Wesen, is that –

Chair Wesen: Yeah, that's fine.

Commissioner Janicki: You're running this meeting. Are there Planning Commission members who would perhaps like to – Kathy, Annie, I know Mark, I – you'd have to step up to a microphone. It's a recorded session and so the audio's picked up through the microphones.

Planning Commissioner Kathy Mitchell: Thank you, Commissioners. My thoughts are more of questions.

Commissioner Janicki: Can you self-introduce?

Planning Commissioner Mitchell: Oh, I'm sorry. Kathy Mitchell, Planning Commission member for District 1. My thoughts are really more on questions at this point. From what the Planning Commission had passed back to the Board of County Commissioners, could you read the full list _____ in front of you and not in front of us, please?

Ms. Pratschner: I can also put it up on _____.

Planning Commissioner Mitchell: That'd be helpful. Thank you.

Commissioner Janicki: Okay. That would be great.

Planning Commissioner Mitchell: Because the things that come to my mind, from what I remember from what we had before – and this is where I'd like assistance from staff, if possible. I still don't see what the difference was from what the recommendations had been last year to what the changes are for this year. I don't see a clear –

Commissioner Janicki: Stacie, there's a button and that will zoom in a little closer to those bullet points. The bullet points are the Planning Commission's recommendations. Okay.

Ms. Pratschner: Is that a little easier for everyone to read?

Commissioner Janicki: You can just pull it down a little bit.

Ms. Pratschner: Okay.

Commissioner Janicki: Because I think we've cut off the – yeah, the water was the first bullet. Okay.

Planning Commissioner Mitchell: So from what I see there – so for the first one, for the lack of evidence that the current zoning is not working, what I didn't see back then – I can't speak for anybody else – but what I didn't see back then was that – how it was demonstrated that it was *not* working. And the difference then was what we were seeing were people saying what could be difference – you know, what could come along, what kind of proposals would come along, yet we were not seeing how things could be challenged or contested now where things couldn't be worked out under the current zoning.

The second thing was the current South Fidalgo allows for what's appropriate in the area – opposition to special use for permit applications. It's not unique to South Fidalgo. That was an important point. South Fidalgo is a gem. It's beautiful and there's a lot of wonderful things about it. But we were concerned back then that if we start increasing the patchwork effect of zoning across the county that that could be problematic. And that goes right back to show us what wasn't working.

And the fact that there was significant opposition against the proposal last year as well. From what I have seen so far coming through e-mails and submissions, it still looks like that situation's the same. One of the things I thought was a big point was the sensitivity to the property purchasers and users for what they had expected for over the years. And people had put in decades' and decades' worth of value and work, labor, and expectations into – for the zoning that they had then, and I don't see to this point either for the proposal – having seen a draft – how that addresses those concerns. You can't take away – it's hard – I can't see how you can take something away for a possibility without, you know, compensation, good substitutions, et cetera and so forth. And I haven't seen how that clearly states that yet.

And forgive me again. This is off the top of the cuff. I was not prepared to give any thoughts at all. So I thought that was a big deal about the expectations, especially for people allowing to have small businesses, whether they were, you know, small farms, other small businesses, and things that they can do. One of the things about rural character which seems so very important across the county and across the whole state is the fact that the rural character allows people a broad range of things to be able to do and expectations. And the more that it's narrowed without clear reasons on why then that makes a difference and it puts a big question in my mind: Why would

you be able to limit those things without clear demonstration of why this current zoning's not working? So you can see a pattern here.

And the other – the last thing was that the GMA instructs us to manage growth but not stop it. We were tired by the time we got to that point, and it probably could have been stated more eloquently. As a matter of fact, that's probably my fault right there. But that pretty much crystalizes the thought on that. GMA allows us for a lot of ways to use the properties, to a lot of ways we can use the rural character – urban or not. And it says to manage the growth, not to stop it. And from this standpoint at this point I still don't see how the proposal – it doesn't seem to be clear yet as to why it's needed. Why would we give up more reasons on how people can use their properties without solid reasons?

So that's just off the cuff at the moment, but those were the thoughts that were going through my mind.

Chair Wesen: Thank you.

Commissioner Janicki: Thank you.

Planning Commissioner Mitchell: Thank you.

Chair Wesen: Mark, do you want to say anything? You were not on the Planning Commission last year during this vote, so...

Planning Commissioner Mark Lundsten: Thank you. I'm Mark Lundsten. I'm a member of the Planning Commission. I was not on the Planning Commission last year. I was a – I did sign the petition to move forward with consideration of P-12, and the reason that – oh, and I live on 10 acres in South Fidalgo. I think P-12 is seen as a good idea by those who propose it because it's part of the legacy that goes back a long ways to the time when Deception Pass State Park was formed. And there was an effort to develop Pass Lake early on – put apartments around there. And the people who owned the land said, Well, the people of Anacortes have let us know that they don't want to do that, that they want to preserve this land. They like the parks, the public lands that we have. We don't want to put commercial development there. There was also an effort to put development around Heart Lake, another public land. That was part of Anacortes forestlands, not park of Deception Pass State Park. Not to mention the County park, which extends along the beach north of Deception Pass State Park, which also goes down to Whidbey. This is a lot of public land, a lot of natural areas. It spreads throughout the whole area of South Fidalgo. That's part of what makes it unique. Up by Chuckanut, it's the flats. It's farmland. It's different. Down where we are, it's not so dedicated farmland. It's small farms here and there. It works here and there. They're small businesses here and there, and there are little houses here and there. But it's mostly cliffs and rocks and forests. I can't walk to Pass Lake from my house. I live on the border of Deception Pass. It's a jungle. It's cliffs. So all we're trying to do, I think – and I didn't start this. Full disclosure: I put my name on the petition. I think it's a good idea. I think we ought to consider it at the Commission. But I don't know if it ought to be changed and how it should be changed. I don't want to get rid of farms where we are. I don't think anybody does. But I think we'd like to limit commercial development. That's the key. We want to limit big businesses that could come in and establish another large traffic, large – something that will congest the area, cause noise, cause more people coming in. It's a natural area predominantly, and what is now currently Rural Reserve, nearby these parks people are suggesting should just be – should *not* be allowed to have that kind of development.

So to me it's a very much a ground-up, from the population. It's a plan that has emerged from the people who want to see it from all around – from the area, from Anacortes, from people who use the parks, and from people who live there. Most people I know in the area are for it. There're a lot of people who are against it – very vocal – but I think there're a lot more who are for it, from my perspective from living there. And I think it does as Stacie said. From looking at the record I would agree with the assessment that this is a natural fulfillment of the Comprehensive Plan as mandated by the Growth Management Act. It's a way we preserve the rural character of this area. The rural character of South Fidalgo is predominantly a natural area. That's what it's been designed to do in much of the landscape. The P-12 area would be like a buffer and that's why it is being suggested.

Commissioner Janicki: Okay. And then, Annie, you were there and voted contrary to the rest of the Commission. Do – are – anything –

Planning Commissioner Annie Lohman: I didn't.

Commissioner Janicki: Oh, you didn't. Oh, maybe I misread that.

Chair Wesen: Yeah, she –

Planning Commissioner Lohman: I voted with the majority.

Commissioner Janicki: Okay. Okay. Well, I just wanted to make sure that we heard from our Commission members who are present. Because it is – you know, it really is a – I look at that – you know, my struggle with this from the very beginning was: What false restrictions am I putting on – particularly the agriculture community, but other property owners – that we're just not fully anticipating? So that and the fact that rural is a lot about home-based business and what you can do from your home without leaving. And, you know, the example that was given was growing of agriculture products. You could grow and the proposal to perhaps clean, wash, and market a fruit stand at your driveway is allowed, yet if you were to bring in your neighbor's pumpkins to augment your fruit stand because you only have apples it doesn't work, because it's coming from someplace else.

So, I mean, as simple as that, you know, to things that we have not yet fully anticipated versus some of the more egregious uses of land that were given as demonstrations of what we don't want to happen on Fidalgo Island, you know, were absolutely true. And so to me it's a real balancing act and this Commissioner is really trying to, you know, figure out how to go down that middle of what makes sense and, you know, what am I anticipating or not – anticipating could happen 10 or 20 years from now as technology changes, as uses change, and balancing that with the need for high density – you know, housing is in such short supply so the ability to densify housing is very attractive, and part of the Growth Management initiative is to keep the houses together so we can keep that open space. So I'm – that's why I look, you know, for, you know, good inputs on this because it's not – this is absolutely not a clear-cut issue for me.

Chair Wesen: I think it's important for people to realize that high density is one house per five acres is what we're talking about here. That's what – the change is what – is one house per five acres. And personally I don't think that's high density, is one house per five acres. Hal, did you have anything else to add or any comments?

Mr. Hart: No, I think you're hitting the nail on the head. And I appreciated the Planning Commissioner comments greatly to explore – and this concept of exploring what we could do to

limit a kind of business that may be inconsistent with rural character, if that is possible, Stacie. I think that that's the focus of the group and the question is to staff then: Given the existing zoning code, what – if we focused it down to those kinds of things that might be inconsistent with rural character, is there anything in the list that we might focus that to for the Commissioners?

Ms. Pratschner: Yeah, thank you, Director. So the list that was presented last year – and when I say "list" I mean that there was a, yeah, a draft code that was presented that proposed the removal of a number of those special and Hearings Examiner uses that are currently allowed in the Rural Reserve zone. So I think going back to Commissioner Janicki's comment about making sure that we're not impacting agriculture or home-based businesses is we should make sure that any of the uses that we're proposing to remove would not negatively impact agriculture. The number one thing I can think of is manure lagoons, for example. Those are an important part of agriculture animal husbandry.

Mr. Hart: Thank you.

Chair Wesen: Manure lagoons?

Ms. Pratschner: Yeah!

Commissioner Janicki: That one's for you there, Commissioner!

Ms. Pratschner: That one's for you!

Chair Wesen: I could give you a lot of information on manure lagoons. You talk to people in Sunnyside with manure lagoons and it's really an issue. Department of Ecology's looking at the new ___ permits in the state of Washington, and they used to measure the top of the two-foot clay liner as where you had to have two foot of water separation between the high water table, and now they're going to measure the bottom. So basically a lot of lagoons out in the delta area here they're in the high wintertime. We don't have a two-foot clearance so we're going to have to raise them, and so it's going to be \$500, 600,000 per lagoon to increase that for the new standards. Our farm has five of them. That's not going to happen. So we're not going to spend that kind of money because they're losing that kind of revenue and so forth. So I thought it was very intriguing that manure lagoons to be designed to the new NRCS standards would even be talked about because it's not even – they're not putting new ones in.

Ms. Pratschner: Right.

Chair Wesen: That's the issue.

Ms. Pratschner: Right. Thank you, Commissioner.

Chair Wesen: The new standards that they've put in is basically it's above ground and so forth, and steel containment and so forth. Manure lagoons, I don't think anybody needs to worry about building a manure lagoon on South Fidalgo because it's not economically viable to meet the standards to make it happen. So why are we arguing about something that's not even potentially going to happen? And so that's one of my comments.

Ms. Pratschner: Thank you.

Chair Wesen: Annie, did you want to comment at all? Okay.

Commissioner Janicki: On the Samish proposal, I absolutely support that. I don't know how we – you had suggested, you know, language. I don't know if it can be specific to that project or if it's more broad than that. Their request – the request that came from the Samish was to include draft language that lifts the limit – whatever – allows a larger coverage for public facilities. And the term “public facilities,” I wasn't sure if that covered it. But I do want to make sure that we get a path forward for that. And this is where I – you know, I hesitate then. What is the path if there are other things like this that we haven't anticipated that would have been dead-ended? We happen to have an opening here in the Comp Plan update process, but.... So can we address that project and can we address it more broadly so there's a path in case there's something like that we don't know about right now?

Ms. Pratschner: Yes, absolutely. We want to make sure that the Department presents a suite of options for the Planning Commission's consideration and, ultimately, recommendations so we can look at permit pathways and legislative pathways.

Chair Wesen: And I think that's important for people to understand, is if it isn't allowed to go forward when people come in to get a permit the answer's no and you have to leave. There isn't a way forward if you don't have potentially administrative special use or a Hearing Examiner. But if the answer's flat-out no, that means it's never going to happen there. And so one thing when you go to the Hearing Examiner, the Hearing Examiner and public comment and so forth can help a project take care of some of the issues the public comments on – sound, noise, lights, those kind of things. Those kind of issues can be adapted to make that project more acceptable to the neighbors and so forth.

Ms. Pratschner: Yeah, exactly. That's a great point. The code will have a series of performance standards that any development would need to meet. And the Hearings Examiner, at the recommendation of staff, can put conditions on noise and mitigation for traffic, screening, et cetera.

Chair Wesen: So are you wanting us to come yes or no on option 1, 2, 3, or 4?

Ms. Pratschner: No, that wasn't my intention today, Commissioner, but I did want to make sure that the Board was familiar with the sort of options that we will be discussing with the Planning Commission at the public hearing we'll be scheduling.

Chair Wesen: I really appreciate everybody coming in today and I really appreciate the work the Planning Commission does on this. I think part of the process of our government land use issues is to get input from the public and so we can massage the legislative to make it work for the best of the people. And one thing that our system is there for, we have public comment come forward but it looks pretty ugly. One of the things they say about making sausage and making laws is the same thing: You don't want to watch the process but the end result is what you want to look at. And it is ugly and I do appreciate all the comments everybody's made. And my job in my position, I believe, we need to look at: Is there a problem? How do we solve the problem that's there moving forward? And I have a hard time making a rule just because we think it may be a problem. I really like to see this was an issue; we need to stop that or fix it going forward. Because economics and so forth have a dramatic influence on what the property owner would do with their property. When we make rules on land use you won't see it tomorrow. You will see it maybe not this owner but another owner in the future. So it will take a long time for that to actually have a change on the ground. And I really appreciate everybody being involved but, you know, they've done a great job on South Fidalgo. It is a beautiful area and we've got a lot of State parks, County parks, the City

forestlands, and so forth there, so it's a very, very unique area. And I think it's really special for what it has there but the reason it's special is because our current zoning's been there.

Commissioner Janicki: You know what South Fidalgo's missing? I just have to tell you: cell coverage. I don't know why I can't get a cell phone call out of so many places on that island. So if there's a way we could mandate that!

Chair Wesen: We've had a couple cell towers come forward and we've turned them down because of ___!

Commissioner Janicki: Anyway, sorry I interrupted your –

Chair Wesen: But that's part of the issue on cell towers, because we've had some come through and they've been appealed and so forth because of our rules.

Commissioner Janicki: I just think of it as a public safety. Sometimes you're hiking in areas and you don't hit a cell signal and I just think if I fell and broke my ankle, you know, who's going to find me? But, could – Stacie, could you, as we talk about how important the public process in the sausage-making, kind of outline what the next steps are with the Planning Commission –

Ms. Pratschner: Yes.

Commissioner Janicki: – and highlight where the public comment can happen, and at what point it will come back to – an approximate timeline for when an actual decision will be made by this Board?

Ms. Pratschner: Certainly. Thank you. Thank you, Commissioner. So the next step will be the release of all of the code, map, and policy amendments that the Department's been working on over this past approximately year. Accompanying with that will be an environmental evaluation through a SEPA checklist. We also notify the Department of Commerce. And that's at the point where the public comment period is officially open. We keep that public comment period open for approximately one month. We do two notices in the newspaper, one a month out from the Planning Commission public hearing and then again approximately two weeks before the public hearing.

Commissioner Janicki: And about what – you think this will be, like, September, October, or when?

Ms. Pratschner: Yes. Thank you. Yeah, we're looking at September to do the public hearing with the Planning Commission, or possibly late August if the Planning Commission doesn't mind doing a meeting in late August. And so, yeah, that's a good timeline to be looking at. After we do a public hearing with the Planning Commission they then go to deliberations and produce a recorded motion, similar to the one that's the attachment in the packet, and then we will come back approximately two weeks afterwards to the Board and present those recommendations for potential adoption.

Commissioner Janicki: Okay.

Chair Wesen: Mailings to the public – is that going to happen?

Ms. Pratschner: Yes. Thank you, Commissioner. There will be mailings to the public and we're extending out that mailing list to almost every address on South Fidalgo Island.

Chair Wesen: And it's just going to say what? I mean – there's a hearing coming up?

Ms. Pratschner: Yes, the letter is going to include a map of the proposed rezone area. It'll give a brief description of the rezone. It'll list the opportunity for public comment and then also list where the hearing will be. We also like to provide links to our project website. Folks can just click on that link and that gives you access to probably more reports and checklists than you would want to read.

Chair Wesen: There's an awful lot of information there and it –

Ms. Pratschner: There is, there is.

Chair Wesen: A lot of stuff to look at. Any other questions, thoughts?

Commissioner Janicki: No. Thank you.

Mr. Hart: Not for me, other than today if someone wanted to speak. Can you describe that?

Ms. Pratschner: Oh, certainly. According to the Board of County Commissioners' schedule for today, there is open public comment period that starts at 11:30. Is that correct, Commissioners?

Commissioner Janicki: Oh, yeah. Almost every Tuesday we have an open public comment period.

Ms. Pratschner: Right and – yes, and at that point the public can comment or do discussion on whatever topic they would like.

Chair Wesen: Okay. Thank you very much for coming in. Once again I do want to appreciate the Planning commission coming in and all the information they've been able to deal with, and all the public that's been involved with this. And I really do appreciate the input because that's what helps make good legislation. And like Stacie mentioned, there are several different options. The Planning Commission, once they get the proposal and hear all the public comments, they can go through and change this word, that word, paragraphs – scratch this one out – and then they make a recommendation to the County Commissioners and we decide what we want to do with that information. So that is the process.

Commissioner Janicki: And Chairman Wooten, thank you for attending and sending in your communication. It was very timely – even though you stole Ryan Walters from us! I still like you.

Chair Wesen: And Ryan Walters is here too. Thank you very much for coming in. Also on the City Council of Anacortes. So anything else?

(silence)

Chair Wesen: So with that we'll be adjourning.... We're adjourned. Thank you (gavel).