

**Skagit County Board of Commissioners  
Public Hearing: 2019 CPA Docket  
January 29, 2019**

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

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

**Public Comment  
Commenters:**

**PL18-0404**  
Marianne Manville-Ailles, Skagit Surveyors

**PL18-0405**  
Bob Carmichael, Skagit Partners (Avalon Fully Contained Community)  
Ellen Bynum, Friends of Skagit County  
Randy Good  
Andrea Xaver  
Tom Glade, Evergreen Islands  
Ellen Gray  
Oscar Lagerlund  
Andrew Dykstra  
Ed Stauffer  
Brad Solomon

**P-1**  
Hal Rooks, Guemes Island Planning Advisory Committee  
Tom Glade, Evergreen Islands

**P-2**  
Nancy Fox  
Steve Orsini

**P-3**  
Devendra Maharaj, Verizon Wireless

**P-4**  
Molly Doran, Skagit Land Trust  
Meagan Maillet  
Mary Ruth Holder  
Carolyn Gastellum, Skagit Land Trust  
Lisa McShane  
Kirk Johnson  
Sue Ehler  
Ellen Gray

Chair Lisa Janicki: (gavel) Good morning. I'd like to call to order the Board of County Commissioners. We are here for a public hearing to consider testimony regarding the 2019 docket of our Comprehensive Plan Land Use/Zoning Map and Policy/Code Amendments. Our director Hal Hart is here with Stacie Pratschner, our long term planner. Go ahead, Hal.

Hal Hart: Thanks. Today – the Growth Management Act provides that each Comprehensive Land Use Plan and Development Regulation shall be subject to continuing review and evaluation. This is part of that process. Staff will give a short presentation on that and we'll go from there.

Unidentified Female Voice in the Audience: I have a question. I left my hearing aids home. Is there any way your microphones can be made to sound louder? Hopefully yes.

Another Unidentified Female Voice in the Audience: It is quite faint.

First Female Voice: Yes. It sounds like you don't have them on.

Chair Janicki: So I just got a thumbs up from our tech room back there that he said yes, he can do that. But I also have to ask everybody just to project. They balance the microphones for the use within this room for what they're also capturing on television.

First Female Voice: Thank you.

Chair Janicki: So you have to use your outdoor voice there, Stacie.

Stacie Pratschner: Excellent, Commissioner. That's the only voice I have! So good morning, Commissioners, members of staff and administration, and members of the community today. My name is Stacie Pratschner. I'm a senior planner with Planning and Services Development Department. Thank you, as always, for having me here today.

As has already been described, this is the hearing today to accept public testimony on which of this year's proposed Comprehensive Plan, Land Use Map, and Development Code Amendments merit inclusion in the 2019 docket.

Under the Washington State Growth Management Act the County may adopt a package of changes to the Comprehensive Plan and the Land Use Map once per year through the annual docketing process. Now the purpose of this docketing is to ascertain the cumulative effect of all of the various proposals on the community at-large. Annual amendments included in the docket are meant to address land use changes; amendments to the text, policies, and goals of the comprehensive Plan. They may also include text changes to the implementing Development Code.

Now today's hearing represents the initial step in the 2019 docketing process. Today, winter of 2019, we are holding the public hearing to accept testimony on which proposals merit inclusion in the docket. Scheduled for February 19<sup>th</sup>, the Board will hold its deliberations and possibly adopt and establish the docket via resolution. In the spring and summer of 2019, the Department will work with the Planning Commission in a workshop or workshops, and then hold a public hearing after the resolution is set by the Board on which of the docketed amendments to adopt. In the fall or winter – late winter – of 2019, the Board will again hold deliberations and then potentially adopt by ordinance the proposed amendments.

So this year's proposals for possible inclusion on the docket include six citizen-initiated amendments. Two of them are land use map amendments and four are text changes. There's also eight Department-initiated proposals. A month in advance of today's hearing the Department issued a staff report that analyzed each of the citizen-initiated proposals against the approximately 12 criteria in both the implementation element of the Comprehensive Plan and also in Chapter 14.08 of the Development Code, Legislative Actions. Based on these analyses, the Department has provided recommendations on which of the submitted petitions to either include, exclude, or defer from this year's docket.

The first amendment for the Board's consideration is the Mangat Estates amendment, which is a proposal to remove the Mineral Resource Overlay designation from a nine-acre parcel. And it's adjacent to Highway 9 and north of Sedro-Woolley. On the map on the PowerPoint you can see PL18-0404. That's the location of the proposed amendment. This GIS map shows a close-up of the subject approximately nine-acre parcel. This particular parcel, this lot, was created pursuant to the approval of the Mangat Estates subdivision, which received its final subdivision approval in the mid-2000s. The parcel at that time when the plat was recorded was set aside as a future development tract and could be eligible for up to 18 development rights.

Now in 2007 Skagit County did conduct a county regionwide review of that Mineral Resource Overlay and this area, along with some of the surrounding natural resource land, was included in that overlay. This MRO – this Mineral Resource Overlay – designation, it negates the possibility of a cluster subdivision on that lot and, hence, the development rights that were originally assigned to it. So the applicant has submitted, per the requirement in the Comprehensive Plan and the code, a geological report indicating that possibly no mineral resources of monetary significance exist on this particular lot, and they've requested that that MRO designation be removed.

Now between the issuance of the staff report last month and today's hearing, the Department is not in receipt of any public comments concerning this proposal. The Department does recommend that the Board consider including the Mangat Estates amendment in the 2019 docket.

The second amendment for the Board's consideration is the Avalon Fully Contained Community, which is located adjacent to I-5 and Butler Hill. Here again on the GIS map it's indicated by case number PL18-0405. And here's a close-up of the properties on an additional GIS map. This request is to re-designate approximately 70 parcels totaling approximately 1200 acres located north of Burlington from a mix of Rural Resource/Natural Resource Land – Agriculture, Rural Reserve, and also the Mineral Resource Overlay to rezone to support a mix of new residential, commercial, public, and open space land that would eventually support a new Fully Contained Community. The request has been reviewed by the Board in previous years. It's been deferred from two dockets and then excluded from last year's docket. The request also includes modifications – requested modifications to the Countywide Planning Policies to amend the 20-year population projections; amendments to the Comprehensive Plan; and then amendments to the implementing Development Code in order to precipitate the use of Fully Contained Communities.

The Growth Management Act Steering Committee is authorized by the 2002 Framework Agreement. Recently on their December 19<sup>th</sup> meeting, (they) adopted a work program for the Skagit Council of Governments – and they're a regional authority that works on the Countywide Planning Policies. This work program did not include the necessary changes to the Countywide Planning Policies to support this petition.

Between the issuance of this staff report and today's hearing, the Department is in receipt of written comments requesting that the Board exclude the amendment from the docket. The Department recommends that the Board consider excluding the Avalon amendment from this year's docket.

The Department, in addition to the two map amendments, is also in receipt of four text amendments. We've received a petition to amend sections of the critical areas ordinance to include standardized or prescriptive rainwater catchment system template – a template. Now this template would allow property owners on Guemes Island to build a rainwater catchment system without requiring an engineer's stamp.

Between issuance of the staff report and today's hearing, the Department is in receipt of written comments requesting that the Board include this amendment on the docket. The Department also recommends that the Board consider including this amendment.

Connected with this petition is a request for further edits to the critical areas ordinance that would require predrilling approval for all new wells on Guemes Island while also allowing for prescriptive rainwater catchment systems without first demonstrating why a public water well system may not be utilized. The Department also recommends including this petition on the docket.

There's a petition to prioritize the updates to the Wireless Facilities Code – and this is in Title 14, the County's Development Code – to achieve better organization, to achieve clarity, and also to address the installation of small cell technology. This is the new technology coming out that is typically co-located on existing utility poles or buildings. And this is in preparation for the release of 5G data.

The Department is not in receipt of any public comments concerning this request. The Department does recommend that per the petitioner's request, that this item be deferred from the docket onto the long range work program.

Lastly, the Department is in receipt of a request to amend sections of the critical areas ordinance to strengthen protections for great blue herons by mapping nesting habitats, creating buffer areas, and also requiring review for heron buffer areas prior to the issuance of development or critical area – or, pardon me, development or clearing permits.

The Department is in receipt of written comments that the Board include this amendment on the docket. The Department recommends that the Board also consider this amendment as well.

I'll go ahead and turn it over to the director right now, who is going to discuss some additional amendments to the Airport Environs Overlay code.

Mr. Hart: Right. Thank you, Stacie.

Ms. Pratschner: Thank you.

Mr. Hart: We recently received some comment from the Port and the Port is interested in making additional suggestions to amendments that were discussed earlier last year in 2018. With those new amendments, we think that the – kind of the fix would be that we would continue the hearing date two weeks further out. I believe I have that correct. That's what we discussed yesterday. Is that correct?

Ms. Pratschner: Yeah, yeah, we would – what we would recommend is going ahead and making an amendment to the staff report that was issued a month ago and then also extending out the comment period, and so the public has an opportunity to review the County's proposed edits to that Airport Environs Overlay as a continuation of what was done in 2018.

Mr. Hart: Thank you.

Ms. Pratschner: All right, on this last slide I have included information on how folks can comment on the docket. We accept written comments. There's also going to be the opportunity now to testify in person. Those can be submitted in person or also via email. We have a project website set up where folks can access the staff report that was issued in advance of this hearing. We'll put together all the written public comments into a single document so folks can view that as well. Additionally, all of the application materials for the citizens' petitions are also available to view on the website.

Thank you so much, Commissioners. I'd be happy to answer any questions prior to public testimony.

Chair Janicki: Commissioner Dahlstedt, any questions? Commissioner Wesen?

Commissioner Ron Wesen: On your two-week delay, do you want to have all these delayed before we make decision or just the airport?

Ms. Pratschner: Thank you for the question. The Department today is not asking for any decision from the Board. Of course the Board has the ability to make any decision they want, but we're not requesting that of the Board today. We're holding this public hearing so that public testimony can be made, and the public comment portion is scheduled to end this Thursday, so what the Department recommends is extending that out for two more weeks prior to deliberations so that folks have an opportunity to see the minor amendments we'd like to make to that Airport Environs Overlay.

Commissioner Wesen: So you're still recommending the 19<sup>th</sup> of February making a decision?

Ms. Pratschner: That would be our recommendation. That's not a hard and fast date. We do – yeah, we have a year to work on the docket.

Chair Janicki: And when will the Airport Environs information be available for public comment? Is that going to get posted then or –

Mr. Hart: Yes.

Ms. Pratschner: Our intention was to issue a revised staff report that would include that, and then to post that by the end of today, along with putting an additional notice in the newspaper.

Chair Janicki: Okay. All right, so – but our – so our public comment will be only in writing on the Airport Environs matters? That seems –

Mr. Hart: That would be what we're suggesting at this point.

Chair Janicki: Yeah, not seeing the scope of it, I mean –

Mr. Hart: It amounts to a couple of word changes that we would share with the Port – looking at boundary line changes, as an example.

Chair Janicki: Okay, well, so to be continued as far as that goes. But we will take public comment today on the docket proposals in front of us.

Ms. Pratschner: Thank you.

Chair Janicki: But we may tweak that schedule for the changes. It's a little late in the game to be adding stuff, it seems.

Ms. Pratschner: Yes.

Mr. Hart: Yes.

Chair Janicki: Okay. Just wanted to check that. So we have – is there another sign-up? Did I see someone signing in on yet another sheet in the back? We've got about 25 people who have signed up for comment. And so, you know, I appreciate that everyone has taken their time to be here today. We are scheduled until 11 o'clock so I'm going to keep these comments to a *two*-minute timer, but would ask that you turn in in writing your comments, especially now that we have an extended period. Staff is really good about being able to accumulate those comments in writing as well as the time that you have this morning.

So it would – this is just a proposal and if I hear large groans I may reconsider, but it helps in our note-taking – somebody wondered why I'm always on my computer while we're having, like, public comment periods and things. It's because I'm taking my notes right onto the screen. And it would be helpful to do these in order that the proposals are listed, just to group them. So even though that you've signed as – you know, you've signed up and we'll still make sure you get to speak. So I'm going to ask for those – the land use map amendments first and then go in order of these proposals, just so we can group our comments.

Ms. Pratschner: Commissioner, before we start public testimony, there are some folks who didn't have an opportunity to sign in on the sheet who would also like to speak, and so I just wanted to make sure that we could provide that opportunity as well.

Chair Janicki: Okay. So we're going to hold to a two-minute timer and we will – we'll keep it open at the end for people who have not signed up.

Ellen Bynum: What if you comment on more than one proposal?

Chair Janicki: I'm just trying to be sensitive that everybody in this room get a chance to speak, Ellen. That would be – pick your important one and please make sure it *is* in writing so that we can – you know, we *do* want to hear from you.

So the first item is PL18-0404. It's the Mangat Estate Mineral Overlay. If someone would like to talk to that one. So the process is to stand behind the podium. There's markings on the floor to give the best projection from those speakers. Speak up and state your name and address for the record, please.

Marianne Manville-Ailles: So I'm Marianne Manville-Ailles with Skagit Surveyors and Engineers and we represent the Mangats in their Comp Plan amendment request. And we thank the staff for the work that they've done on this and look forward to you docketing this.

I just wanted to add one thing really quickly with this. When the Mangats did the original Mangat Estates, it was intended to be a phased development. They actually did all of the improvements for the second phase of the plat, which is the additional lots, which now can't be developed because of the addition of the Mineral Resource Overlay. So they have expended quite a bit of time and money putting the infrastructure together, and it is really important. And now they have gone through and done the study that shows that the mineral – that the mineral is very negligible. In fact, they didn't find –

(sound of timer)

Ms. Manville-Ailles: – any on their property. So we would really appreciate you docketing this and then consider removing that Mineral Resource Overlay so that they can complete their plat. Thank you.

Chair Janicki: Perfect. Okay, anybody else on that Mangat overlay – MRO overlay?

(silence)

Chair Janicki: So the next one on the docket is PL18-0405, Skagit Partners, the Avalon course. And I have Bob Carmichael. Would you like to start?

Bob Carmichael: Thank you. Bob Carmichael for Skagit Partners. For many reasons, there is a housing crisis in Skagit County, western Washington, and much of the United States. And we have brought forward something that is potentially significant action you could take to help solve the problem. We think this could make things better for people in the community, better for Skagit County, in a lot of ways. We're asking that you start the process to learn more about what would make sense and what wouldn't make sense for Skagit County for housing with respect to an idea like a Fully Contained Community. You're free to reject it if you choose, but we need to start gathering the information to develop the building blocks to address this very serious problem.

(sound of timer)

Mr. Carmichael: The staff report made a recommendation for denial based on a false premise and it's a faulty conclusion. The premise is that because the Steering Committee did not budget consideration to this proposal for 2019 that they would have voted against it. The Steering Committee was never asked to budget consideration of our proposal in 2019. We didn't bring that forward for one very good reason: It doesn't need to go to the Steering Committee until 2020, because the first step would be an EIS which would take probably the better part of a year to complete if you chose to docket this at your decision in February. So it'd be 2020 that it would go to the Steering Committee. To say that it should be denied because the Steering Committee didn't vote on something for 2019 makes no sense –

(sound of timer)

Mr. Carmichael: – and it didn't get before them. We would ask if there's any doubt, take it to the Steering Committee. We've been talking to councils in La Conner, in Anacortes. We've gotten some good feedback.

Chair Janicki: Okay, thank you.

Mr. Carmichael: Thank you.

Chair Janicki: Thank you very much. Is there someone else who would like to speak on this – on the Avalon docketing? I see Ellen is moving from the back.

Ms. Bynum: Ellen Bynum, Friends of Skagit County, 110 North 1st, Mount Vernon. Thank you, Commissioners. We are speaking about a number of the different proposals but I'll just address the Avalon proposal.

Skagit County doesn't have a mechanism or a process for establishing a Fully Contained Community. Before you can bring in Comprehensive Plan amendments or development applications you have to have a process in place to do that. In Snohomish County they put in a process December 31<sup>st</sup> in 2005 and they removed it in 2009 because they decided that Fully Contained Communities didn't do what they were purported to do. King County's done the same. That's not to say that you couldn't have one, but it has to be pretty detailed.

I'm concerned that the Mineral Overlay designation is not being viewed as the most important thing that happens. In GMA we identified our natural resource lands first and then we established our –

(sound of timer)

Ms. Bynum: – cities and urban growth areas. So we're still interested in keeping our growth inside of our cities. There are lots of technical reasons from the Growth Management Hearings Board that I will cite in my written comments, but one of them is that you cannot permit preliminary designations of an FCC. That's – the Growth Management Hearings Board has ruled against it. And you cannot convert long term MRO. The minimum that the Board has recognized is 50 years. So if this was started in 2000, we shouldn't be looking at this until 2040, 2050 – something like that.

You also have to consider that there is – you can't do provisional vesting, so the fact that someone is coming forward and asking for this without the opportunity to have it open to other people who might want to do FCCs once you had a process. So I'd recommend not docketing it. I'd recommend that if the County wants to explore this that they do a work program, have public –

(sound of timer)

Ms. Bynum: – participation and all the process that we normally do when we amend Comp Plans.

Chair Janicki: Thank you.

Randy Good: My name is Randy Good, 35482 State Route 20, Sedro-Woolley. I encourage the County Commissioners to exclude this Avalon Fully Contained Community from the docket. During the 2018 proposed amendments process for the Avalon proposal, testimony was submitted from the Skagit County Agricultural Advisory Board addressing concerns of inadequate drainage planning and the prospect of a significant increase in stormwater runoff into a system already barely adequate. These concerns cover thousands of acres of prime farmland. In a 2019 Comp Plan proposal submitted July 21<sup>st</sup>, 2018, by Skagit Partners in response to Policy 2A-1.1(e), the applicant states the Avalon proposal would *not* impact nearby agriculture or timber production. Review reports of existing housing developments, drainage, and stormwater runoff onto agricultural farmlands before docketing is necessary for this proposal. Drainage and stormwater runoff facilities downstream will have to be improved to handle the additional flow. Otherwise, this proposal will have detrimental consequences to thousands of acres of farmland. Are these

expensive drainage problems being forced onto the farmers to solve? These drainage and stormwater concerns should be addressed before this proposal is docketed. Thank you.

Chair Janicki: Thank you. Come on up, Andrea. Just so – some people are very familiar with testifying here. I should have mentioned that the yellow light – the green light is the two minutes, the yellow light is the one – you have one minute remaining. So that's why it goes off in the middle of people talking. Go ahead.

Andrea Xaver: My name is Andrea Xaver and I am concerned about the Avalon proposal – Fully Contained Community. I worry that it would establish a precedent here in Skagit County. It talks about 8500 people but that could easily go up to twice that number. Who knows? What are the unintended consequences of something like this? You have stormwater runoff, drainage problems, pollution, more noise, more light, and horrific traffic, infrastructure problems maybe the County would have to take care of, impacts to farmland and habitat. And I wonder: This proposal, does it fit with the Growth Management Act? I don't think so. And neither does it fit with the Mineral Overlay designation. Why don't the Cities increase their densities by doing affordable housing and attractive apartment complexes, and keep the cities where they are? And also, if anybody's interested, you might look up – it looks like part of this proposal –

(sound of timer)

Ms. Xaver: – is impacted by the Darrington Devil's Mountain earthquake fault line, which can have impacts eight miles wide. Are there any safety concerns? Thanks.

Chair Janicki: Thank you.

Tom Glade: Good morning, Commissioners. I'm Tom Glade. I reside at 210 Mansfield Court in Anacortes, Washington. I'm here today representing Evergreen Islands and we are opposed to the Avon (sic) amendment. One of the primary reasons is is that the Puget Sound Regional Authority in the 2040 Vision Plan, its policy for rural lands states "The region will permanently sustain the ecological functions, resource value, lifestyle and character of rural lands for future generations by limiting the types and intensities of development in the rural areas." Their process MPPDP-23 states that "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 another concern is part of the RCWs that newly Fully Contained Communities may be approved outside of established –

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Mr. Glade: – urban growth areas only if a county reserves a portion of the 20-year population projection and offsets the urban growth area accordingly. We are concerned that this will harm the growth of Mount Vernon, Burlington, and Sedro-Woolley. And we're also concerned about the conservancy for the water. While Avon went to great efforts to justify their Fully Ccontained Communities would have enough water, there is no reference to climate change and there is no inclusion of amending the Skagit County Coordinated Water System Plan. Thank you for your time.

Chair Janicki: Thank you. So if there's anyone else on Avalon, please come on up and be on deck so that we can be as efficient as possible.

Ellen Gray: Good morning. My name is Ellen Gray. I'm at 1303 South 11<sup>th</sup> Street in Mount Vernon and I oppose adding the Avalon FCC on the docketing request. The request is premature and I defer to the speakers that have identified those issues before me. I also think that if – I recognize that there are some housing issues in Skagit County, as there are in northwest Washington, and I applaud Mr. Carmichael for identifying that; however, the intention to resolve some of those housing issues require a countywide planning process and also looking at opportunities within the existing urban growth boundaries to meet and raise those densities. We have a lot of larger UGAs. The land has not been built out yet. Our population projections are still – can be addressed to look at a lot of creative housing solutions: small lots, ADUs – accessory dwelling units.

(sound of timer)

Ms. Gray: So I urge the County to recognize that housing *is* an issue, but I think the Fully Contained Community process is extremely problematic. We've seen the money and time that Snohomish County went through, and I urge Skagit not to repeat that mistake. And so thank you for your past history of not putting this on the docket, and I urge you not to put it on the docket for 2019. Thank you.

Oscar Lagerlund: Oscar Lagerlund, 19501 Dahlstedt Road, Burlington, drainage commissioner for District 14, which channels the water coming off of practically everybody. We spent – between the County and whatever ditching district – spent way over a million dollars preparing for the same type of development that was proposed on Bayview, and it goes out Joe Leary Slough. We're looking at spending more money putting in a tidegate and being able to take care of water so it doesn't impact agriculture. And there's plenty of land on Bayview to do projects. And we just have – we got a better way of addressing that and getting water than we do up on Thomas Creek –

(sound of timer)

Mr. Lagerlund: – and below that draining all in Sedro-Woolley out and dumping it into the Samish River. And that dike's broke on us a couple of times. We don't have it. So I don't think you have to say there's a lack of place to go. I think this is not appropriate and I would recommend not docketing it. Thank you.

Andrew Dykstra: Andrew Dykstra, 19241 Gear Road, Burlington. We farm in the area there, as the Commissioners all well know. All the other comments here are very valid. But looking at the bigger picture, I see traffic. Farming along Cook Road right now is a complete disaster. Am I for this project or against it? I don't know. I can go either way. I just need to know what the facts are and if we're going to continue farming or if we're not going to continue farming where we are. We also have high speed rail that's going to be coming someplace. But traffic, to me, is the biggest thing and I have not seen traffic addressed anywhere in the proposal that I've read, or very little. I think it needs – I think you almost need a whole new overpass somewhere on Bow Hill. That's what you need connected to this development, connected to Sedro-Woolley. And I need you to look at the whole bigger picture. Thank you.

Chair Janicki: Thank you.

Ed Stauffer: Good morning, Commissioners. Ed Stauffer, Box 114, Bow. I'm looking at your consent agenda. There's a fact here that may have bearing on this proposal. Item 23 establishes a value through the Conservation Futures Fund as administered by the Skagit County Farmland Legacy Program to pay \$105,000 for one rural development right. If you multiply, say, 4000 is one of the current figures being bandied about. We're talking about development right homes in this

proposal somewhere in the neighborhood of \$420 million. Now you're moving around some pretty big things for a proposal which under our current law – under GMA and the Skagit County Comprehensive Plan – says must be vetted against all conditions –

(sound of timer)

Mr. Stauffer: – of our current plan. I don't know if it's been done. I do know that I believe this was from the 2018 July deadline for docket submittals. Since that time, apparently Planning Department staff has had access to these materials and been working on them. They published a notice of this meeting on January 7<sup>th</sup> – about two weeks ago. We've had maybe two weeks to look at this incomplete information, whatever it is or might be or might not be. We now have two days from now for the ending of our opportunity for public comment, and then it will be taken forward until we get another chance after it's been hashed over and decisions been made, and we're going to have to unring bells. I don't think that's right. I think you need to get people like Skagit Council of Governments, the tribes, Futurewise, the Puget Sound Partnership –

(sound of timer)

Mr. Stauffer: – and other agencies that are making decisions for our County's land use policies in the recent past to weigh in on this before the public has the slightest idea of what's going on with these proposals. Thank you.

Chair Janicki: Thank you, Mr. Stauffer. Is anybody – go ahead.

Brad Solomon: Brad Solomon, 1422 Digby Place, Mount Vernon. I just want to comment that I think that this proposal for development is completely out of character with Skagit County. One of the data points is that, I believe, under what they recommended that they are talking about 8500 residents in approximately two square miles. And if that's correct, we're looking at a population density of 4250 people per square mile. That is way beyond anything that is in Skagit County currently. In fact, in most of the area. Mount Vernon has a population density of, I think, about 2700 per square mile, for example. So that's it. I would obviously not want this on the docket. Thank you.

Chair Janicki: Okay. Is there anyone else who would like to speak to this proposal?

(silence)

Chair Janicki: All righty. Thank you for your comments. All right, we will move to the citizen-initiated amendments. P-1 is the Rainwater Catchment.

Hal Rooks: Good morning. My name is Hal Rooks. I'm a member of the Guemes Island Planning Advisory Committee. We're the ones in this P-1. My Guemes address is 5971 Upper Hollow Road. Our goal in proposing the code amendment P-1 is to encourage rainwater catchment as an economic source of potable water on Guemes Island. To do this we want to see catchment on Guemes as easily permitted by the County as drilled wells and as inexpensive as possible. This is currently not the case.

Very briefly, in the past there's been an issue of whether the Department of Ecology and the Swinomish Tribal Community might have a problem with catchment on Guemes. I spoke with the officials of both and said – they basically said if they were residents of Guemes they would want

catchment too and they don't have any problem with it. And, in fact, Guemes is explicitly exempted from the instream flow rule in WAC 173-503.

Back to catchment –

(sound of timer)

Mr. Rooks: – as a part of our researching this beginning in 2016, we went to San Juan County to Friday Harbor. They have been using catchment and then promoting it for about two decades. They like it. They have offered to share their experiences with Skagit County. Repeatedly we were told by both the San Juan people but also consultants who specialize in catchment this is basic plumbing. This is not rocket science. You don't need engineers to plan every single system. You can come up with a template, get it approved, and then let people go from there. That's what San Juan County does. Specific issues that we have concerns about is that the current way staff in this county permits catchment is to require an engineer from a list that they have prepared. These people are not specialists in catchment. And it adds about \$5000 to a permit per person. The second is that there is an issue –

(sound of timer)

Mr. Rooks: – about – time. Thank you.

Chair Janicki: Thank you. So someone else who'd like to speak to the Rainwater Catchment for Guemes?

Mr. Glade: Good morning again. Tom Glade from Evergreen Islands. Evergreen Islands strongly supports the Guemes Island Comp Plan amendment. We thank the Guemes Island Planning Advisory Committee's undaunted efforts over many years to protect the health and well-being of the residents of Guemes Island. Thank you.

Chair Janicki: Thank you, Mr. Glade. So after I told Ellen that she didn't get to talk twice until everybody spoke.... I just will ask you to kindly defer to your neighbors and we'll pick up second comments at the end. So on Rainwater Catchment? Then if there's no one else on the Rainwater Catchment item, we will move on to the Guemes Island proposal on Wells. Go ahead.

Nancy Fox: Thank you. I'm Nancy Fox, 7202 Channel View Drive on Guemes Island. And I'm going to briefly review our code proposal on well drilling, which you have in your list as P-2.

I want to be clear that this proposal focuses exclusively on Guemes Island because Guemes Island really is unique in the county. It is the *only* designated sole source aquifer in the county. It is also a seawater intrusion area and also a critical water recharge area. Our goal is to ensure that new wells do not undermine existing wells and thereby compromise senior water rights. For us this is not just an academic exercise. We've got over 20 years of history with well failures and here's the bottom line. If our aquifers become widely contaminated, water supply for the entire island –

(sound of timer)

Ms. Fox: – may be threatened. Our code amendments would do three things. They would require the County to review and approve all new wells on Guemes Island prior to drilling. They would require as part of that review that hydrogeologic impacts are carefully assessed and mitigated.

And they would clarify that rainwater catchment systems can be built on Guemes Island without drilling an expensive test well to first prove that well water is not feasible. Our analysis shows that these requirements are essentially in the code already and the problem is that the code is not being enforced. Admittedly, it's a very complicated set of overlapping regulations and it could be clarified. It could be stated more clearly and that's what we'd like to see happen. There's already a requirement for County review and approval before drilling of any new wells, but wells are being drilled – we know – on Guemes Island with no notice to the County. There's already a requirement for hydrogeologic –

(sound of timer)

Ms. Fox: – impact assessment for new wells, yet this review is simply not being done. Is that my end or is – yes, it is. Okay, well, then I guess that's it. Thank you very much.

Chair Janicki: Thank you. Other comments on P-2, the Wells on Guemes Island?

Steve Orsini: My name is Steve Orsini. I reside at 4971 Guemes Island Road on Guemes Island. And can I use that projector?

Chair Janicki: Yeah. If you lay something on it it will –

Mr. Orsini: Face-up, right?

Chair Janicki: Yep.

Mr. Orsini: Okay. I just want to emphasize that these code amendments are real world. These are the wells that have already failed on the north end of Guemes Island due to seawater intrusion. The reason to look at each new well going into this area is to prevent two things: One is this hydrogeologic reality, which means that if you lower the head height on the aquifer by one foot, seawater moves in at the edges 40 feet. Eighty percent of the wells are on the edges of the island so you're going to continue –

(sound of timer)

Mr. Orsini: – to have this problem of *serious* seawater intrusion if you continue with the same policies that you have now. That seawater intrusion not only costs a lot of money but it is possible after a period of time when each well can be drilled and it only looks at itself that the aquifer collapses. It just turns into a complete mix of seawater and fresh water, and then you've essentially ruined the aquifer. Aquifers take about 500 years to reconstitute if they're not pumped. So these are very serious recommendations and I hope that the Board can adopt both the seawater and the well-drilling code amendments. Thank you.

Chair Janicki: Thank you, Mr. Orsini. Any other speakers on the Guemes Island Well proposal, P-2?

(silence)

Chair Janicki: All right, seeing no movement in the audience, P-3 is the Small Cell Technology. Yes, sir?

Devendra Maharaj: Good morning. My names Devendra Maharaj with Verizon Wireless located in Bellevue. Thank you, Planning Commissioners and City staff for the opportunity to speak today. Verizon is very excited to be part of the 2019 Skagit County docket. We urge the County to work on the wireless code early this year to comply with the new FCC order which took effect on January 14<sup>th</sup>. Under this order, the deadline for putting aesthetic regulations in place is April 14<sup>th</sup>. Again, Verizon is excited to be working with the County to bring small cell technology to the area. Thank you very much.

Chair Janicki: Okay.

Ms. Pratschner: Excuse me, Commissioner. I have a request from our TV director to go full-screen on the PowerPoint. If I can get up and do that –

Chair Janicki: Please.

Ms. Pratschner: Thank you.

Chair Janicki: You don't have to ask me to fix stuff. We all appreciate it. Okay, so while she's adjusting, we are going to move to P-4, our Great Blue Heron proposal. Who would like to speak on that? Herons. Molly, are you coming up to speak on that? I will add your name to the list and it's being recorded in a number of different fashions. And if you would – if there's – if we can use the on-deck circle for the next speaker that will help.

Molly Doran: I'm Molly Doran, the executive director of Skagit Land Trust, and we made the proposal for an amendment to the critical areas to encourage having management plans for the great blue heron nesting areas. Skagit County has the largest heron nesting sites in all of Puget Sound and Skagit Land Trust happens to either own or have conservation easements on the three largest ones in the county. So we have put forth this proposal. It's online. People have read it. Fish and Wildlife recommends – WDFW recommends that there are buffers and management plans around heronries. We are working with the City of Anacortes right now on a similar ordinance. They are very excited about it. And we really recommend that the plan as we present it is considered in full because it will mesh, and especially in a place like the March Point Heronry, which goes over two jurisdictions. Having one type of plan in one place and one type of plan in another place would be very difficult. Herons don't really –

(sound of timer)

Ms. Doran: – see buffers. And so we encourage a docketing proposal as we submitted. Thank you.

Chair Janicki: Thank you.

Meagan Maillet: Hi, I'm Meagan Maillet, 17433 Bennett Road, Mount Vernon, Washington. Born and raised in Skagit Valley, I've had the opportunity to grow up next to herons. From driving from my – or from being driven to my first job picking strawberries and seeing them line along the agricultural ditches to running the Padilla Bay Shore Trail, it's been really easy to fall in love with this iconic species.

The herons – we see pictures of herons from the tulip fields to the Rainbow Bridge. They're on our logos, in pictures, on posters. Everyone loves great blue herons. And so I think it's easy to say they're not only a part of the ecosystem but they're a part of our community. And speaking of

our picturesque community, I've seen Skagit County in my lifetime grow. We have to develop to meet these needs but we can't run the risk of damaging the heron population while we do that. I'm here to ask you to please take Skagit Land Trust's recommendations and strengthen our critical areas ordinance, so that way –

(sound of timer)

Ms. Maillet: – current and future generations of Skagitonians can grow up with herons like I did. Thank you.

Chair Janicki: Thank you.

Mary Ruth Holder: Good morning, Commissioners. Mary Ruth Holder, 201 South 7<sup>th</sup> Street here in Mount Vernon. Thank you for this opportunity to make public comment on this important proposed amendment. I'm here in support of the amendment to the critical area ordinances submitted by the Skagit Land Trust that will strengthen the protections for great blue heron nesting habitat in Skagit County. As you know, the iconic great blue herons play a leading role in the natural heritage of Skagit's bays, estuaries, and wetlands. Their heronries of statewide and U.S. significance depend on Skagit's unique environment to thrive. Over the years, the Skagit Land Trust, their partners, and their citizen volunteer scientists have worked hard to protect and maintain the health of these heronries. But now, particularly when our county is growing and developing, the work of these folks is just not going to be enough, and the County's –

(sound of timer)

Ms. Holder: – help in strengthening its existing policies is needed. Although we don't know the particulars of why the herons abandoned the Samish Island heronry in 2017's nesting season, that sad occurrence just underscores the need to protect the heron habitat from unusual human activities – unusual to them – that we know disturb their nesting.

The proposed amendment to the critical area ordinance is needed to help protect heron nesting areas from encroachment and to establish year-round and seasonal buffers. This will help ensure that the heronries will continue to thrive in Skagit County for future generations of Skagitonians and visitors to our valleys to enjoy. I urge you to move forward to docket the proposal for the amendment to the critical area ordinances to protect Skagit County's iconic great blue heron colonies. Thank you for considering my comment this morning.

Chair Janicki: Thank you.

Carolyn Gastellum: Good morning. Carolyn Gastellum, 14451 Ashley Place, Anacortes. I'm speaking in support of Skagit Land Trust's proposed code amendments to protect great blue herons. I'm a member of the Skagit Land Trust ad hoc committee that has been working on these proposals.

Skagit Land Trust recommends that the County be informed by guidelines from the Washington Department of Fish and Wildlife, which are specific. They're research-based. They suggest buffers around the current nesting areas of 20 or more nests for both seasonal buffers and year-around buffers.

As you know, other counties and cities in our state have incorporated similar guidelines for great blue heron protections, but other places are not home to possibly the largest heronry on the west

coast. That honor is ours because of the March Point heronry. The abandonment of the second largest –

(sound of timer)

Ms. Gastellum: – heronry on Samish Island in June 2017 was a big wakeup call telling us we need to step up. We can't take the existence of these heronries for granted, and this is our golden opportunity to assure needed protections in our County code. As Molly said, we're working also with the City of Anacortes. It's a great opportunity for this coordinated code amendments for these protections.

On a more personal level, I feel elated when I see great blue herons looking for food in the tidelands or along the ditches or out in the fields, sometimes standing on kelp or on rocks along the shoreline. Sometimes they look ruffled or they look regal, they look grumpy or they look elegant. I see them flying to the March Point heronry with sticks and other debris in their beaks, getting ready for their new chicks. I was devastated when the chicks were abandoned in the nest at the Samish Island heronry. Thank you for your consideration of these proposed amendments to go forward with great blue herons so they'll flourish in Skagit County.

Chair Janicki: Thank you.

Lisa McShane: Commissioners, Lisa McShane. I live at 11291 Samish Island Road. Four years ago my husband and I purchased around 15 acres on Samish Island from Joanna Squires. Our forest includes the core of the Samish Island rookery and our entire property is within either the core or the buffer. To us, having the rookery on our property was part of the reason we bought it. It was a big bonus. So I'm here today to ask that you docket and move forward with the Skagit Land Trust proposal.

As a property owner, I completely support the seasonal restrictions. I think they will be helpful. As you've heard, many of us take such great pride in having a heron rookery on Samish Island and we were all so sad that the rookery was abandoned. It was a terrible thing to wake up and walk out into our yard on a Saturday morning and hear silence after hearing the –

(sound of timer)

Ms. McShane: – cacophony of the heron for months. So we want to give them every opportunity to return. And these restrictions, as a property owner, seem simple and seasonal to me – the stuff we already practice. We stay out of the core during the nesting season and we do our level best to keep other people out of the core. Having more information around, that would be helpful. We will be waiting until August now to do any – to use our chainsaw or to do anything other than come and go and use our lawnmower, which we don't do as often as we should. So I think for – I can't speak for the other neighbors, but just knowing and having seasonal restrictions in place seems like a reasonable compromise in exchange for encouraging the heron to return to Samish Island. Thank you so much.

Chair Janicki: Thank you.

Kirk Johnson: Good morning, Commissioners. My name is Kirk Johnson. I live in the city of Mount Vernon. And I'm also here to speak in support of the Land Trust's proposal to strengthen the Comprehensive Plan and the critical areas ordinance to provide greater protection for great blue heron breeding and nesting areas. And as other speakers have said, the herons are an

emblematic part of Skagit County's natural landscape and heritage, just like the eagles and swans, the acres of undeveloped and actively farmed farmland, the salmon that swim up our rivers, and the snowcapped and forested mountain peaks. My close encounters with herons include fishing on the banks of the Skagit River – and I might get too close to one that's feeding and they squawk up a storm and spread their huge wings, and it's just – it's really impressive.

The Land Trust proposal is based on the Washington Department of Fish and Wildlife's Great Blue Heron Management Recommendations, which provide specific science-based guidelines for protecting heronries, and the proposal would only apply to Skagit County's three know heron –

(sound of timer)

Mr. Johnson: – breeding and nesting areas with 20 or more nests. I've got written comments that I'll submit, but I just encourage the Board of County Commissioners to docket the proposals for further consideration. Thank you.

Chair Janicki: Thank you.

Sue Ehler: I'm not on the list but I –

Chair Janicki: Come on up.

Ms. Ehler: Okay. My name is Sue Ehler, 2310 Barron Place, Anacortes.

Chair Janicki: Could you just spell your last name?

Ms. Ehler: E, h, l, e, r.

Chair Janicki: Okay, thank you.

Ms. Ehler: 2310 Barron Place, Anacortes. And for the last five years I've had the chance to be part of the Skagit Heron Foraging Study, which is a citizens' science project under the guidance of \_\_\_\_\_ professional wildlife biologists with a special interest in great blue herons. We've been monitoring during each breeding season the foraging areas of Padilla Bay that seem to be priority for the herons that work best for them, as well as counting them. So in a way we've been watching the health of the population and any behavioral trends that are going on.

What I want to say is we think of the breeding season as a lump – you know, five, six months. But actually I look at it as an intricate dance with the environment that the herons do. And that breeding season is broken down into specific activities that have to happen in a certain sequence.

(sound of timer)

Chair Janicki: Oop, you've got one minute.

Ms. Ehler: I'm sorry. Okay. If that sequence doesn't happen in the order that it should and with the timing that is needed for it, the season's a wash. It doesn't work. And a lot of moving parts, and where this fits in here is if there are delays from disturbance, if there're not protections. If the season gets delayed and the young don't have time to fledge and learn how to forage, they die. So I believe there is a strong need for extra protections – or not *extra*: *new* protections further detailed. And there's a lot of biology that they have to deal with that don't give everybody what

they'd like; however, there's a lot of biology known that can help people get what they want, and the herons can also have what they need. So I encourage the Commission to consider the Land Trust's further recommendations for protections.

(sound of timer)

Ms. Ehler: Thank you.

Chair Janicki: Thank you. Yep, go ahead.

Ms. Gray: Hi, Ellen Gray, 1303 South 11<sup>th</sup> Street in Mount Vernon. I just want to support adding this Comp Plan change to the – or the ordinance change to the docket requests. I've had the opportunity the last couple weeks to take two out-of-town visitors and drive them around Skagit. And I've lived here for almost 20 years and I think I got a little complacent, and it was just lovely to take these out-of-town guests and have them so impressed with the magic of Skagit. And the herons are definitely part of that, and I think it's incumbent on the Commissioners to recognize the importance of putting these protections in place so that our magic can continue. And so thank you for doing that.

Chair Janicki: Thank you. So there are a few people who had signed up to speak who didn't speak. I just want to give you a last chance to – if you had intended to speak on any of these proposals. Allen, I'm looking at you because you're on the list. No? Okay. All right, anybody else – so whether you were on the list or not? Last thoughts?

(silence)

Chair Janicki: I have to say I really appreciate how well attended today's public hearing is. There are a lot of times where the work that's being done from this bench impacts people and nobody comes to talk about it or tell about it. So the fact that so many of you took your time today to share your thoughts, I really do appreciate that and appreciate that we could get this many people and this much information on camera and in front of us, you know, in the course of an hour.

So, Commissioners, did you have any other comments?

Commissioner Ken Dahlstedt: No, I appreciate all the input. You know, we work for you and we want to make sure that we take these things into account. And certainly those that send in emails or other information in writing, that's helpful too. And we want to make good decisions and we also at 11:30 have our Public Comment period which typically we have four times a month. I know there were some people that maybe suggested that the County isn't available or accessible, but all three Commissioners are here typically every time we have public comment and have opportunities to be heard. And if there's issues that you have that you want to speak individually with Commissioners, typically within a week or so people have been able to meet with us. So I think being accessible to people we work for is really important and we take pride in doing that, so thank you.

Commissioner Wesen: I'd also like to thank everybody for being here today. This is part of our process in Growth Management. Staff has gone through these proposals and they've included information on them, and they've recommended most of them being included in our docketing process. So I want to thank you.

And the other thing: Stacie will be leaving us here the end of this week, and I really want to thank her for the amount of time she put in the last year-and-a-half, two years here. She's done a very good job. So once again, thank you very much for being here.

(applause from audience)

Ms. Pratschner: Thank you so much, Commissioner.

Chair Janicki: We will always find a place for you at Skagit County. I'm saying it to your new employer – we want her back!

Ms. Pratschner: It's been such a pleasure and privilege to work with you as the Board to further your policy and legislative intent, to serve this beautiful community, to work with my amazing Planning Commission – who I see a member is here; yes, you! – and I see a member of them is here today. I'm about to get a little emotional so I think I'll just leave it at that. Thank you.

Chair Janicki: Okay. All righty. We will – so I did hear that we're going to update our written comment ending till two weeks, so is that, like, the 14<sup>th</sup>?

Ms. Pratschner: The 12<sup>th</sup>.

Chair Janicki: The 12<sup>th</sup> of February. And we will look at the Airport Environs Overlay changes and determine there could possibly another public hearing on that particular issue.

Ms. Pratschner: Yes. Thank you, Commissioner.

Chair Janicki: So we'll evaluate that. Linda, were you saying? Oh, Commissioners, excuse me. Ellen, is it relevant?

Ms. Gray: Can you just clarify – did you extend the written comment period for *all* the docket requests or just the airport?

Chair Janicki: I think we have to leave it open for everything. That would be my –

Ms. Pratschner: The Department would recommend that as well.

Chair Janicki: Yes. Since we're going to be considering this all as one docket. I'm sorry, I skipped a step of closing the public hearing. Let's get our process correct. Commissioners, can you help me out?

Commissioner Wesen: So I move that we close the public hearing on our docket. We still leave open the written comment, though.

Commissioner Dahlstedt: Second.

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

All Commissioners: Aye.

Chair Janicki: Motion carries. Linda, was there anything else that we needed to do? Okay. All right, with that, we are going to adjourn.... We stand adjourned (gavel).