

**Skagit County Board of County Commissioners
Public Hearing: Proposed Petitions for 2024 Docket
April 23, 2024**

Commissioners: **Commissioner Ron Wesen, Chair (District 1)**
 Commissioner Peter Browning, Chair (District 2)
 Commissioner Lisa Janicki (District 3)

Staff: **Jack Moore, Planning and Development Services Director**
 Robby Eckroth, Long Range Planner
 Linda Hammons, Clerk of the Board

Petitioners: **John Bouslog (LR24-02)**
 Heather Rogerson, Port of Skagit (LR24-04)

Public Hearing
Commenters: **Randy Good, Friends of Skagit County (C24-2)**
 Patrick Donnelly (C24-1)

Chair Peter Browning: (gavel) All right, welcome back to the Board of Skagit County Commissioners. It's Tuesday, the 23rd, 2024. We're here – it's 10:15 in the morning – we're here with Planning and Development Services and Jack Moore.

Jack Moore: Thank you, Commissioners. Good morning. For today's presentation on the 2024 Docket, I'd like to turn it over to our Long Range Planner, Robby Eckroth.

Robby Eckroth: Thank you, Commissioners. I believe there's an opening statement, if you want to start with that, and I can move into the presentation.

Chair Browning: There is no base statement. I do have to apologize. You guys had to follow with probably one of the cutest things we've had in here for a while. It's always a tough act to follow, but we will work at it.

All right. The purpose of this hearing is to receive testimony on the petitions received to consider including deferring or excluding in the 2024 Docket of Proposed Comprehensive Plan Map or Code Amendments. The code has received four public petitions and suggestions for Comprehensive Plan policy, map, or code amendments. Another four amendments have been proposed *by* the County.

Skagit County Code 15.08.040(3) requires the Board to hold a public hearing and written comment period to establish the annual docket. We have a sign-up list for those who wish to testify today. There will be an opportunity at the end of the hearing for those who wish to testify but did not sign up to speak. Please limit your comments to three minutes so that everyone will have a chance to speak. Before you testify, please clearly state your name, spelling your last name, and the town or city in which you reside – where you reside. The written comment period will remain open until Thursday, April 25th, at 4:30 p.m. Written comments are encouraged and not limited in length or in the number of issues you may address. Written comments must be

submitted to the Planning and Development Services Department and preferably to the email address onscreen. The Board of County Commissioners is scheduled to meet on May 13th at 1:45 p.m. to decide which items to include in the 2024 docket. Thank you for the time – taking the time to participate. We will begin the hearing and start with a presentation from staff and then presentations from the petitioners.

Thank you, Robby.

Commissioner Ron Wesen: One thing, on the Skagit County Code it's 14.08.040. I think you said "15" but it's 14.

Chair Browning: Oh, I'm sorry. I had dyslexia.

Commissioner Wesen: That's okay.

Mr. Eckroth: Thank you, Commissioners. My name is Robby Eckroth. I am a Senior Long Range Planner with Planning and Development Services. I have a short presentation to give before we start the public hearing.

The Comprehensive Plan Amendment process is an annual process where citizens and staff can submit petitions to make changes to the Comprehensive Plan and development regulations. As you can see on the screen, we are on the third step of the docketing process, which is a public hearing held by the Board of County Commissioners as well as the public comment period. We have had one work session on March 26th to introduce the petitions and the Department to provide recommendations on each petition. The video recording on that work session is available on the Board of County Commissioners' website.

After today's public hearing, there will be another meeting on May 13th at 1:45 p.m. for the Board to deliberate and potentially take action on each petition for docketing. And just a reminder: A decision to docket a petition by the Board does not constitute final action. It just means that the petition will get additional analysis from the Planning Commission and Department staff. The Planning Commission will hold their own work sessions and public hearing before providing a recommendation to the Board.

Once the Planning Commission has gone through that process, which will be this fall, they will provide a recommendation on each petition back to the Board, and then the Board of County Commissioners will hold more meetings and deliberations before taking action on each petition. And the original petitions and any other memos and documents that the Department has provided to the Board can be found on the project website, which is linked on this screen.

So the Skagit County Code requires the Department to make a recommendation to the Board on which petitions should be included on the docket, based on the criteria listed on the slide. So the criteria is the petition must comply with the filing requirements; the petition must be reasonably reviewed within a year; the proposed amendment must not require additional amendments and must be consistent with the existing goals and policies as they stand today; staff must analyze whether the petition would be more appropriately addressed through a future ongoing work program; the petition cannot have a legal or procedural flaw that would prevent implementation; and then staff must also analyze whether the proposal lacks sufficient information for review.

So the public comment period's still open and will close Thursday, April 25th, 2024, at 4:30 p.m. There are three options. You can mail, email, or attend this public hearing today and provide

comment. If you choose to mail, you can mail to 1800 Continental Place, Mount Vernon, Washington, and you can email comments to pdscomments@co.skagitcounty.wa.us (sic). When you comment, please provide your full name and address to be included in the comment period.

So for today's hearing, we will start with the presentations from the petitioners themselves and we will then move to the public comments. We have provided a list of the petitioners that have volunteered to speak to the Commissioners. We will introduce each petition and the speakers who wish to comment on a petition may come forward to provide comment. And please remember comments are limited to three minutes, and please start your testimony by spelling your name and your address.

Thank you, Commissioners. I'm also available to answer any questions.

Chair Browning: So again, the proposals first by the citizens and then the County proposals second.

Mr. Eckroth: Right, right. And then we have – I provide you a list of the petitioners who want to speak first.

Chair Browning: Yeah, but that's after. Okay. Perfect. All right. Thank you.

Mr. Eckroth: So I believe first on the list was John Bouslog, who wanted to give a presentation. Is that correct? If you wouldn't mind coming up (and) give that presentation. I have the letter from Jon Sitkin up here and some of the exhibits that he provided.

(inaudible conversation between petitioner John Bouslog and Mr. Eckroth)

John Bouslog: Good morning, Commissioners. My name is John Bouslog. I live at 11190 Bayview-Edison Road, which is technically Mount Vernon. My last name is spelled b,o,u,s,l,o,g.

I wanted to start by thanking the Planning Department and Commissioner Janicki for recommending that this be docketed on our petition. Mr. Sitkin has written a letter on my behalf. I'm not going to read that to you but I would like to go over a map and a couple aerial photos that show what's on the ground and why we're submitting the petition to do the text amendment.

If you could go to the map with the green buffer zone on it. This code was adopted back in 2014 when the UGA final plan was adopted. Our property at that time was changed from Residential to Industrial and that was acceptable to us, and there's problems that we see in the code that create issues. At the time, Dale Pernula was the Planning Director and Dale came up with the idea that we needed to have a 250-foot truck buffer turning area/maneuvering area – that he didn't want any of that happening within 250 feet of the Light Industrial and Residential property lines. So on this map, the green area starts all the way at the south, and I had my engineer map 250 feet and calculate the acres that would be impacted by this buffer zone. At the time I went to Dale and I said, You know, what's your reasoning on 250 feet? He said, Well, that's where I think it needs to be and that's what it's going to be. So I let that go and didn't realize the impact on the property until I had my engineer do the mapping. So this 250-foot truck buffer is problematic because, number one, when I bring it up to potential buyers they turn away and say, you know, Why would we buy something with that kind of restriction? You know, the code is vague. It says "trucks" so I assume that's 18-wheelers, but, you know, is it 18-wheelers? Is it –

(first sound of timer)

Mr. Bouslog: – box trucks, one-ton, two trucks? Is it step-vans? Delivery vans? Is it pickups? You know, “trucks” covers all those different things.

So anyway, you can see the property. Peterson Road is in the center of the map with the orange line, and then there’s the fire station up Peterson Road. So the north side of Peterson is what I own. The south side of Peterson is what the Port –

(second sound of timer)

Mr. Bouslog: – of Skagit owns. And what we’ve recommended is, you know, south of Peterson Road is owned by the Port, as I said. And they’re abutting high density Residential, BR-R. The property on the north side of Peterson is abutting RR-B. So if you go to the first aerial photo – and my petition doesn’t include the property south of Peterson. The Port can deal with that. So this is the highlighted area of our property showing the UGA boundary on the east side and north side of our property. Sunrise Lane is an area that was in the UGA but it was removed in 2014 and the County considered Sunrise Lane fully developed. Since that property is now RRv, there are no lots left there that can be developed. If you looked at the map on the side of the truck buffer, those are large lots. Those lots are 600 feet deep from Sunrise Lane to our property line.

Chair Browning: John, you have to wrap it up here. We’ve got – your three minutes are all done.

Mr. Bouslog: I’m done?

Chair Browning: Yeah.

Mr. Bouslog: Okay. Well, anyway, what’s on the ground doesn’t, you know, show what the code should be. My main concern us Westland Whiskey Storage, which has built three rack storage houses for their whiskey. And that I feel like shouldn’t have to be buffered because it’s more of an industrial use. It’s an ag storage use. And, you know, it’s created a different use than what the zoning allows. Any ag use can be used in RRv.

Chair Browning: Thank you.

Mr. Bouslog: That was half of it.

Mr. Eckroth: I believe next on the list is Heather Rogerson with the Port of Skagit.

Heather Rogerson: Good morning, Commissioners.

Commissioners: Good morning.

Ms. Rogerson: I am Heather Rogerson, Director of Planning and Development for the Port of Skagit. I also get to wear my other hat today, which is Aviation Director for the Port. I am here today to request that the Commission docket for consideration the Port’s petition for updates to the Airport Environs Overlay code.

The Port of Skagit owns and operates Skagit Regional Airport, located on Bayview Ridge in Skagit County. And I love a historic aerial and thought you might enjoy it too. The airport currently hosts approximately 33,000 annual operations. That’s forecasted to grow to approximately 50,000 annual operations in the next 20 years. And there is significant economic impact with this facility.

Based on a 2022 economic impact analysis completed by BST and Associates, the airport supports over 200 direct jobs and over \$40 million in business revenue. Not listed here but worth mentioning is since 2010 the airport has received over \$42 million in funding from the FAA and WSDOT Aviation for design and construction of infrastructure improvements to this facility. And those dollars come to our community and they represent the importance of this facility that's recognized by those agencies and by all of us collectively.

The Port of Skagit and Skagit County have a long history of working together to protect the airport and its long-term viability for continued use as an airport. What you see here is the Airport Environs Overlay map. The properties within this Overlay are subject to the Airport Environs Overlay code and its requirements in Skagit County Code 14.16.210.

The Port of Skagit is requesting three substantive updates to the code. The first would require any purchasers of property located within the Airport Environs Overlay to record a statement acknowledging that the property is within the AEO, subject to the AEO code, and may experience impacts from overflight operations.

Secondly, we'd like to update the requirements related to exhaust plumes to be in conformance with current –

(first sound of timer)

Ms. Rogerson: – FAA guidance, and also update the code to include requirements prohibiting new electronic interference that may impact air navigation.

So all of the requests that are made today are consistent with WSDOT Aviation Guidance, FAA Circular Guidance, and the County's own policy for long-term protection and continued operation of Skagit Regional Airport as an air transportation facility.

(second sound of timer)

Ms. Rogerson: Happy to answer any questions you may have. Thank you for your consideration.

Chair Browning: And our Planning and Development people have everything they need to know about the electronic interference piece of this.

Ms. Rogerson: I believe so, yep. And we can continue working through the FAA advisory as well.

Chair Browning: Great. You had a question?

Commissioner Wesen: On that overlay, has it changed over the years or – so it's just everything in the whole, outside dotted line there, right? Or starred line or whatever it is?

Ms. Rogerson: Correct. The overlay boundary has changed over the years. And specifically there was a large update that was done to the code in 2014 that directly reflected updates that WSDOT Aviation made to their Land Use Compatibility Guidance. So the boundary's changed there. As the code is written right now, there is not a requirement for changes to the map to actually go through the Comprehensive Plan process. And so that's a piece that we'll be working on with staff to make a slight modification to this map as well, because we're planning for an eventual future shift of our crosswind runway – will the mouse work on this? Runway 0422 in its current location should ultimately, in the very long-term future, shift 90 feet inwards towards the intersection –

towards the triangle here. And with that 90 feet, this entire section would shift along with it, just that 90 feet. So we want to be protecting for long-term planning needs at Skagit Regional Airport.

Commissioner Wesen: And at some point you may extend the runway in the northwest corner? Would that change the map also at some point, I'd assume?

Ms. Rogerson: Correct. So we are planning for a long-term potential extension of the primary flight line, yes. Which, Commissioner, thank you for being part of our Airport Advisory Committee! I appreciate it – for a master planning process. So this is 1129, our primary flightline, and we are planning for an eventual 1500-foot extension here. The map boundaries as reflected in this drawing actually account for that future extension and so there would be no need to amend the boundaries for that.

Commissioner Wesen: Thank you.

Ms. Rogerson: Thank *you*. I appreciate it.

Chair Browning: Thank you, Heather.

Mr. Eckroth: All right. Are we ready to open up for public comment?

Chair Browning: We are.

Mr. Eckroth: Great.

Commissioner Wesen: So that's all you had from the public to explain, or that's all –

Mr. Eckroth: Yes, the other two petitioners chose not to speak.

Chair Browning: Okay, perfect.

Mr. Eckroth: Yep.

Chair Browning: Great. All right, so we now have time for public comment. We have six people on. We've got plenty of time for the allowable three minutes. The first beep is at two minutes. The second beep is at three minutes. Please be – have your – complete as quickly as you can after that second beep. And let's go ahead and start with Randy Good.

Randy Good: Good morning. Randy Good. My address is 35482 State Route 20, Sedro-Woolley, and I'm President of Friends of Skagit County, speaking on behalf of them today. And I wanted to make my comments dealing with the C24-2 Fences section up there.

We oppose the proposed fencing height requirements as there are historical barbed wire fences installed on Skagit County agricultural lands and rural lands which are more than five feet high. The proposed change does not specify that existing fencing is exempt from the five-foot height limit. We recommend adding Ag-NRL lands to the exempt zones to allow both historical fencing to remain and for new fencing to be the height to accommodate farmland, livestock, crops, horses, and residential protections. Large animal corrals require 70-foot height with barbed wire to keep animals contained. Fences need to be eight feet in height with barbed wire on the top to provide protection from elk intrusion damages which are occurring inside UGAs. Thanks.

Chair Browning: Thank you, Randy. Patrick Donnelly?

Patrick Donnelly: Hi. Good afternoon, my name is Patrick Donnelly, 7650 Delvan Hill Road. I'm here to object *strongly* against C24-1, County Planning Policies Update.

I guess I have a question. The question is: It's *Planning Policies Update*. This has nothing to do with updating your planning policies. This is eliminating Growth Management Boundary Review Board. That's what this is about. Do any of you really know what the Boundary Review Board's position is? Please explain, if you do. But I'm afraid you really don't because you believe that it's just a matter to creating problems for your staff to make certain that the proper boundaries are established in the Growth Management Act and all of the dots – if you would, Robby, could you show me that? You have a diagram that tells you all about the process, that everything steps through the process. Without the Boundary Review Board or other controls – and those controls being the regulations of the Department of Natural Resources, the regulations on ADA. All of those other criteria are left out in your discussion of a boundary review board. No, folks. This is something that is very important to the growth and the stability of this county. You know, I believe that this *could* affect – potentially could affect your funding sources for certain areas that you want to proceed to, such as – we could probably go through a whole list of them. We might have things like the dike and irrigation districts. You know, they need some help. They need to be addressed in this whole thing. But eliminating the Boundary Review Board is going to solve that problem? In one certain aspect, it may. It's just not going to give you, the general public, the opportunity to make a comment –

(first sound of timer)

Mr. Donnelly: – or if you miss that comment. And I see that Mr. Good is here, and a lot of other citizens are here and I appreciate that. But, you know, we just need to face up to the reality that, folks in the Planning Department and in the County, you're going to have to do something to allow us, the citizens, and whatever that takes. You need to give us the opportunity to make our statements. This –

(second sound of timer)

Mr. Donnelly: Elimination of this is our only – it's our only tool as citizens that's given to us by the legislature of this state to at least make a complaint or an argument. Now I agree it's a very difficult argument and it's very tough and if you don't have 30 or 40 or 50,000 dollars you're not going to be able to fight the problem. But, County, you need to really address this. Number one, the whole County Planning Policies Update. This is to eliminate my voice, your voice as citizens, to make a comment against some boundary that you want to change. No. This should be eliminated and we shouldn't even be addressing our time on this. I'm sorry. Thank you so much.

Chair Browning: Thank you, Patrick. John, you're listed again. Do you want to just – you're finished, so your –

Mr. Bouslog: I'm listening –

Chair Browning: You're listening. You're just listed on here so you are – I just want to make sure that both you and Heather – okay, good. That's perfect. Just thank you. Just want to make sure you didn't want to have another comment. Next, Kristin.

Kristin Stoner: No.

Chair Browning: No? You're fine? Okay. Diana? Dianne?

Dianne Creighton: No.

Chair Browning: Okay. Great.

Commissioner Lisa Janicki: Anybody online?

Chair Browning: Do we have anybody online?

Linda Hammons: Felicia from Home Trust of Skagit is on the line.

Chair Browning: Felicia from Home Trust of Skagit, would you like to speak? If so, please unmute and join us.

(silence)

Chair Browning: It appears not. Felicia?

(silence)

Chair Browning: Okay. With that, we've come to the end of our list. We have certainly had an opportunity to talk about the docket proposals. We went through the process and Robby, if you want to do the process one more time so everybody knows where we are.

Mr. Eckroth: Sure. Yeah, so just to repeat again: So we're in the third step of the process. This is just the process for the public to let the Board know if they think something should be put on the docket for this year or not. So when the Board has deliberations in May, if they choose to put something on the docket that's not a decision on whether to approve something that's on the docket or not. It's just to allow the Planning Department staff and the Planning Commission to have an opportunity to provide further analysis and recommendations to the Board of County Commissioners. So there will be an additional public hearing in the fall before the Planning Commission and the Board will be hearing the docket even later in the fall after the Planning Commission finishes their review.

Chair Browning: Great. All right, anything more from Tara or Jack?

Commissioner Janicki: Maybe we should close the public hearing?

Chair Browning: Close the public hearing?

Commissioner Janicki: If there's no other comment, I'll move to close the public hearing.

Commissioner Wesen: I'll second that.

Chair Browning: It's been moved and seconded. All in favor, say "aye."

Commissioners Wesen and Janicki: Aye.

Chair Browning: Opposed?

(silence)

Chair Browning: Okay (gavel).

Commissioner Wesen: And just a reminder: The written comments are accepted until Thursday, April 25th, at 4:30.

Mr. Eckroth: Correct. And again, they can be mailed, emailed, and today was an opportunity to provide testimony as well. So there's still two more days. If you didn't provide testimony but wanted to comment, then you can mail to 1800 Continental Place, Mount Vernon – this building here – or email to pdscomments@co.skaqit.wa.us. And if you have any questions, I'm available after the hearing as well.

Chair Browning: Great. Thank you, Randy, Patrick, John, Heather. Thank you very much for participating. And with that, if there's nothing else, we will adjourn...all right. Thank you all (gavel).