

Skagit County Planning Commission
Public Hearing: UGA Open Space Plan
March 17, 2009

Commissioners: **Bill Stiles, Chairman**
 Jason Easton
 Carol Ehlers
 Mary McGoffin
 Kristen Ohlson-Kiehn
 Annie Lohman
 Dave Hughes
 Matt Mahaffie
 Jerry Jewett

Staff: **Gary Christensen, Planning Director**
 Jeroldine Hallberg, Senior Planner

Public Hearing
Speakers:

Mike Hulbert, Agriculture Advisory Board
Josh Axthelm, Dike and Britt Road Landowners Association
Liz McNett Crowl
Ron Norlie
Sheila Pritchett
David Pearson, South Fidalgo Community Council
Randy Good
Ellen Bynum, Friends of Skagit County
Kari Odden
Richard H. Smith
Anita Roozen
Charles Bennett, Dike District 12
Ron Peterson
April Axthelm

Chairman Bill Stiles: (gavel) I'll call this meeting of the Skagit County Planning Commission to order. Tonight we have a public hearing on the UGA Open Space Plan. Before we get started on that I'd like to – we had talked about extending the written comment period on this matter through, say, Friday. I would entertain a motion to extend the written comment period through close of business on Friday. Any discussion?

Jason Easton: So moved.

Carol Ehlers (?): Second.

Chairman Stiles: I have a motion and a second. Is there any discussion?

Gary Christensen: If I may, just a point of clarification: So the close of business on Friday would be – I believe that's March 20th – close of business would be 4:30 p.m., and to be delivered to Skagit County Planning and Development Services located on College Way.

Mr. Easton: Can those be written or faxed? I mean, hand-delivered or faxed?

Mr. Christensen: They can be written or faxed. We will not accept e-mails. Thank you.

Mr. Easton: Same regular rules apply – 8-1/2 by 11 and all the other rules that apply to written comment.

Mr. Christensen: Thank you.

Chairman Stiles: Any discussion? All those in favor, say aye.

Ms. Ehlers, Mary McGoffin, Jerry Jewett, Dave Hughes, Mr. Easton, Annie Lohman, Chairman Stiles, Ms. Ohlson-Kiehn and Matt Mahaffie: Aye.

Chairman Stiles: Those opposed?

(silence)

Chairman Stiles: Motion carries. We'll extend the comment period through Friday. I have an opening statement to read before the public hearing. It says:

Good evening. My name is Bill Stiles and I'm the Chair of the Skagit County Planning Commission. Thank you for taking the time to make your views known.

The purpose of this public hearing is to receive testimony and written correspondence regarding the proposed UGA Open Space Concept Plan. The Planning Commission will take your comments under consideration and deliberate at a future meeting. We will schedule that meeting at the end of this hearing.

There is a sign-up sheet at the back of the room for those who would like to testify. An opportunity will be given at the end of the hearing for those that wish to testify but do not sign up to speak. Written comments are also being accepted tonight and can be placed in the box located on the staff table near the front of the room – over there.

Before we begin taking public comments, the Planning Commission will consider whether to extend the written comment deadline. And we've just done that.

Next up will be a brief summary of the proposal from staff.

And we're now ready to open the floor to the public. So are you going to go first? Okay.

Jeroldine Hallberg: Right.

Chairman Stiles: So we'll hear the staff report.

Ms. Hallberg: And there're some people in the back of the room. You might want to point out that there're some chairs in the front if they'd like to sit down. Plenty of room up front; there always is.

A few issues, a few points about why we're doing this plan and, more particularly, why we're doing it now: This particular plan, the UGA Open Space Plan, is a directive from the County's own policies. This was adopted in the '05 Update in response to a settlement agreement with Friends. Actually – correcting myself – it was discussed earlier in the text and then actually adopted as a policy. And that policy reads, just for those of you –

Unidentified male voice: Excuse me. Can she identify herself please?

Chairman Stiles: I'm sorry.

Ms. Hallberg: Oh, sure. My name is Jeroldine Hallberg. I'm a Senior Planner with Skagit County Planning and I'm the staff contact for the Open Space Plan.

Unidentified male voice: Thank you.

Ms. Hallberg: Did you get that? Okay. And my name and spelling is on the documents at the back of the room.

So the Plan that we're – the policy that we're implementing by considering this Plan is numbered 2B-1.3. By December of 2007, Skagit County will develop a program to identify and prioritize open space corridors and greenbelts within and between UGAs that include lands useful for recreation, wildlife habitat, trails, and connection of critical areas. The program will include a list identifying and prioritizing open space and greenbelt lands desirable for public acquisition. Any potential acquisition that may be proposed by such a program will not include any condemnation actions but instead will be achieved by voluntary donation, CaRD subdivision or mutually agreeable sale.

This Plan also implements the Countywide Planning Policies which were adopted by agreement with all of the Cities plus the County in implementing the Growth Management Act. And you'll find that the language is very similar. It says "Open space corridors within and between urban growth areas shall be identified. These areas shall include lands useful for recreation, fish and wildlife habitat, trails and connection of critical areas." And, again, that language responds or it echoes very closely the language in the state law for the Growth Management Act.

So that's a way of explaining how this plan relates to compliance with the Growth Management Act. What makes it more real is to think about the work that is being done now with Alternative Futures. That work is looking at how Skagit County would look fifty years from now when we have in the neighborhood of 120,000 more people here. So if you look at your neighbor and imagine two more people in addition to you and your neighbor, that's what it'll look like in the not-so-distant future. We'll have many more people here.

The goal of the County's planning policies is that most of those people will live in the cities. So our task is to figure out how to make cities more attractive and preserve our rural areas that we value so very much.

A couple things that an open space plan does is to help shape the urban form. So you're making the difference, you're showing on the ground what the difference is between the cities and the rural areas. It can separate incompatible uses.

We're going to jump right now to – one of the advantages that's in the press a lot lately is healthy lifestyles. How do we get our kids walking more so they're not obese, they're not getting diabetes at a very young age? So healthy lifestyles is very directly linked to how much open space is available to youngsters.

How did we do this? First of all, it's a joint project. It's not strictly just the County. This is a project that was done in conjunction with all of the cities in the county. We approached Skagit Council of Governments about a funding opportunity that was available and they, with several of the cities, went to the state and said We would like to work on this jointly. It's an inter-jurisdictional project. And the state awarded us \$75,000 to work on the plan. A small part of it went to defining open spaces for the Hamilton UGA. Many of you are familiar with that project which aims to get people out of harm's way in the floodway.

Generally there are a lot more UGAs than you might think at firsthand. People think – when they think UGAs or cities, they think Anacortes, Burlington, Mount Vernon, Sedro-Woolley, but –

Mr. Easton: Maybe for the benefit of those who don't speak Planning, could you just remind people what an urban growth area is?

Ms. Hallberg: Sure. An urban area – yes, forgive me for using Planning-speak. Thank you! Urban Growth Area/Cities. And by “UGAs” in this case, we include the incorporated place and then also the area that they anticipate growing into as their population grows. So it’s their expansion area outside of the incorporated line.

I mentioned that this was a cooperative project with the cities, so I’d like to show you exactly how this worked, and I’ll take two examples: the first one is Concrete, and then I’ll move to Mount Vernon.

So in Concrete, this page that’s on the screen now is the Concrete – it’s from the Concrete Comprehensive Plan. It shows their trails within the city. With the lights on it’s a little bit fuzzy, but they’re showing bike and trails – bike paths and trails. And they go mostly east and west, and some along Lorenzen Creek. Now the City also owns some property that is outside its boundaries down here in this general area, and it also values the recreation area that surrounds Lake Shannon, which is created, of course, by Baker Dam, and that’s kind of up here.

So when we drew the very conceptual lines for the open space lines for the Open Space Plan, this is what it looks like. So the ground lines show existing and proposed trails and the green areas are a combination of riparian areas around the river and a quarter that goes up to Lake Shannon. What was added in this map in addition – and this was added as we received early public comment on the draft plan – we show the gray thin lines that show the resource lands and, in the case of Concrete, it’s primarily forestry lands. We have two categories of forestry lands shown there. There are also some ag lands along the river. Those are smaller areas, in the case of Concrete.

This is how we did it for the city of Mount Vernon – in the two maps that are on the left and I’ve got bigger versions and there’re some bigger versions of the green and brown maps that are on the back table, as well. What we took was two maps from their adopted plan – the first one was called “conservancies,” and those are primarily open areas, less intense areas – and to that we added their multipurpose trail map. So one of the features that’s not visible on the final one is a map that shows a trail on the UGA side of Hickox Road. That would serve as a separator between the city area – the more densely developed city area – and the ag land that’s south of that off of Hickox Road.

So this is what we ended up with for the UGA Concept Map for Mount Vernon. You can see on here again the same colors were used to indicate trail areas. And, again, in Mount Vernon we’re showing resource lands in the light – the thin lines. In this case there’s ag lands in the southwest, the northeast, and then there are also forestry lands to the southeast.

I don't have the before and after for Sedro-Woolley, but some of you might be from that area. And you can see that area up on the right. You've got the Northern State Recreation Area. And we're showing conceptually a number of trails here, both existing and anticipated. One is the Cascade Trail, then on the lower left we've got the completion of that trail showing, which would be Cascades to the coast. We also show the Centennial Trail coming from Snohomish County from the south and that, as it goes north, has a variety – a number of different routes it could be on and so this map shows one potential route. It also shows broad green areas in the riparian area, and Northern State, as I mentioned before. It's a very, you know, mixed type of open space.

The City so far has made quite a commitment to improving Brickyard Creek and that'll be an important part of its urban growth area as it continues to develop.

Ms. Ehlers: Where is that?

Chairman Stiles: Sedro-Woolley.

Ms. Ehlers: Okay.

Ms. Hallberg: Is that clear?

Ms. Ehlers: Yes. Thank you. Now if you would explain to the public what those little green arrows are –

Ms. Hallberg: Yeah, those are continuations and views that you have from those corridors. For example, if you look at the arrows north of Northern State Recreation Area, the views of the forest lands – the train there goes steeply uphill because it's along Hansen Creek; it goes up to Lyman Hill – and those views provided by the Industrial Forest land are important for visual relief. That's one type of open space. It's what would be categorized as "passive open space." I tried – we had a question from the Planning Commission at our work session on the 3rd about trying to define these types of open space, and I have to say open space planning is from Parks' planning and landscape architecture and it's one of those soft disciplines, so I found trails listed under both "active" and "passive." But I'm still trying to come up with more ___ and definitions for all of the terms that we use.

Likewise, the Burlington Open Space Plan takes off from a plan that was developed a number of years ago when the City worked with a group of graduate students to try to define its urban space and how to contain the city and add open space features.

And last but not least – I promised Bill I'd keep this short – this is the very last one – is Anacortes. And you all know that Anacortes is very blessed with a wonderful open space system. They have more per capita open space there

than just about any other city we can think of. And that's primarily in the large area of the Anacortes Community Forest Lands. I'll outline that but I think most of you know where that is.

So what was identified as a priority here as I met with some community groups was to complete that link – like a pedestrian link – that goes east out of Anacortes so people could get by foot or by bike along that Highway 20 area. So that was identified as an important goal to accomplish there.

So if you don't have any other – any questions for me – yes?

Chairman Stiles: I've got a question.

Ms. Hallberg: Yes.

Chairman Stiles: I think it would be helpful if you could kind of define what you mean when you say "open space." I think there's a distinction between – when you say "open space," people seem to think that that might be public open space for the public. Maybe explain the difference.

Ms. Hallberg: Okay. I'll use Anacortes as an example. On this map the green area is the open space, not trails, so the other type of open space – mostly passive, sometimes it could include an active feature like a playground. Here there are multiple categories. Starting at the south you've got Deception Pass State Park, and moving north there is Anacortes Community Forest Lands. That's managed as forestry for its habitat values, rather than harvesting, and for recreation. Then moving east we have some features that were based on the landscape. We've got values from the view of the sound, of the bay – Padilla Bay – particularly that arrow that's sticking out here that indicates that the view of the water is an important feature here.

Likewise the view that goes south along the Swinomish Channel area is an – provides an important visual relief, so that's more open space as you would look at it, rather than as you would use it.

In this case there are two other arrows that go down to Similk Bay, and those of you who are familiar with that know that there are wetlands down there that – as you approach the bay area, and those provide important passive kind of green areas. And underlying them are a number of other features – you know, functional wetlands – and there's also active land uses. There's an industrial use there and so forth. But overall the landscape provides that visual relief of passive open space.

Does that help?

Ms. Ehlers: That helps a lot, but it also – this map illustrates something else that needs to be – if you have something to say, it would help. The majority of land – the majority of views here are free to anyone who wishes to look. The majority of land on that island that's on this path is indeed owned by a public agency, except the two lakes. And those two lake districts are not public; they are subject to a good deal of trespassing anecdotes, which they can tell you. But there is no reference in here to anyone talking to lake management district organization. They are controlled, as I understand it, by the Public Works Department. And so it illustrates for me part of the difficulty of private versus public because in the majority of it it's clearly a place where you can go. But I – if you have anything to tell us now – or if you want to wait till deliberations – about those two lakes, it would be helpful.

Ms. Hallberg: Right, and I understand that was your comment, Carol, and I don't have all the details for you. But that sounds like something that you'd like to see added to this Plan and we'll certainly pursue that.

Ms. Ehlers: Well, my suggestion at the study session and what I turned in in writing is that something like this that *is* open space but should not be on the Open Space Plan because of the obligations attached to it. It could be an Appendix B

Ms. Hallberg: Okay.

Ms. Ehlers: And which is – when you complete it – a wonderful tool for dealing with all kinds of issues that are coming up sooner and later, in terms of Skagit County and protection of open space in its broadest terminology.

Ms. Hallberg: Okay.

Chairman Stiles: Any questions of Jeroldine? I guess not. Then I guess we're now ready to open up the floor to the public.

Ms. Hallberg: I need a minute to close up here.

Chairman Stiles: And for the folks in the back, there's seats available up here in the front. There's quite a few seats, if you want to come on up.

Did we have a sign-up list?

Mr. Christensen: Jeroldine, is there a sign-up list?

Ms. Hallberg: Yes, it's in the back.

Chairman Stiles: Okay, because of the number of people here we're going to limit comments to three minutes so that everyone will have a chance to speak.

Special interest groups, associations or those representing others are encouraged to designate a spokesperson for your group to allow greater participation. When you testify, please come to the microphone, clearly state your name, spell your last name, and tell us your address. A recording system will record your comments. And thank you again for taking the time to participate.

And first on the list is Mike Hulbert.

Mike Hulbert: Mike Hulbert, H-u-l-b-e-r-t, 23104 Highway 534, Mount Vernon, Washington. I'm vice-chair of the Ag Advisory Board and I've been asked on their behalf to come and give you our – give you some bullet points or some points that we've gotten in our discussions over this.

This project was in response to a directive from the Growth Management Hearing Board to Skagit County to develop an approach to prevent the physical mergers of UGAs – between Mount Vernon, Burlington and Sedro-Woolley, presumably – and to include greenbelt and open space areas within UGAs.

This proposal neglects to address either issue. And at a time when we are facing world economic depression, it proposes tax increase for recreational and habitat projects well outside the scope of the directive.

Skagit County ranks in the upper percentile of open space in the United States, with close to 60% of the lands permanently set aside in reserves. Skagit County does not lack open space here but does lack a formal strategy to prevent urban areas from merging into I-5 mini mega-metropolises. Skagit also lacks open space planning standards for new development within UGAs to assure that greenbelts and open space areas are retained for commercial and residential areas, as required by the Growth Management Act.

Should this recreational funding proposal pass – or fail to pass – muster with the Planning Commission and/or the Board of County Commissioners, and a tax increase is not approved by the public, Skagit will still be out of compliance.

The solution to compliance is straightforward:

Develop a standard that says, "Urban Growth Areas shall not be closer than X feet or miles from another UGA."

Develop a standard that says, "New development within a UGA shall include greenbelts or open space buffers towards the rural side of the UGA and contained within the UGA."

In addition, the County could develop a standard for open space and recreational facilities based upon residential densities that require it be –

that is required to be provided with a new development within UGA that will be consistent with the city it is attached to.

The Ag Advisory Board submitted comments to the Planning Department on August of 2008 suggesting these same solutions. They are not included in the changes made to the Plan. We hope the Planning Commission will take our simple suggestions more seriously.

I'd like to make a few other comments. I work in the agricultural business. Since 9/11 food safety is a major issue. We need to document people around our fields, wildlife in our fields. We sell our food all over the world. It is imperative that we can certify safe food and be able to sell it all over the globe.

Other references that you may want to look at are the new GIS map that shows riparian mapping study that the County has done. The Legacy Board has been purchasing several development rights; they have a map that shows that. And the County may have a conservation easement because there's a lot of conservation easements on a lot of these Ag-Natural Resource properties.

Again I'd like to thank you for your time.

Chairman Stiles: Thank you, Mr. Hulbert.

Mr. Easton: I have a question.

Chairman Stiles: Jason.

Mr. Easton: As vice-chair, did you ever receive any response from the Planning Department about why your comments weren't – in relationship to your comments in August?

Mr. Hulbert: You know and I'll have to apologize. There was a subcommittee that met with several members of the Planning. I was not a member of that subcommittee. I know we appreciate the ability to give them comments.

Mr. Easton: I'm going to suggest that if that's a question you'd like to clarify, you have till Friday to get us written comment that we would consider before our deliberations.

Mr. Hulbert: I appreciate that and I tend to definitely bring a comment letter.

Mr. Easton: I appreciate that. Thank you.

Chairman Stiles: Thank you. Any more questions?

Ms. Ehlers: Yes. If you think that GIS riparian study map should be an Appendix B, why don't you tell us in writing?

Mr. Hulbert: I'll do that. Thank you.

Chairman Stiles: Thank you, Mr. Hulbert.

Mr. Hulbert: Thank you.

Chairman Stiles: Next on the list is Josh Axthelm.

Josh Axthelm: My name is Josh Axthelm and my last name is A-x-t-h-e-l-m and I live on 17166 Dike Road in Mount Vernon. And I am here representing myself and also on behalf of a group of landowners out in the Dike Road and Britt Slough area, south Mount Vernon, and that's the subject area I'd like to address today.

And as a matter of formality, we're calling ourselves the "Dike and Britt Road Landowners Association." And what I would like to do is have everybody who is in that area please stand up today if you signed a petition. Thank you very much.

I have some comments or a letter. Did you receive a letter? All of you received a letter – it got circulated today. We actually found out late notice that this hearing was going on. I'm sure it had it on the website, but a lot of us hadn't received the information on it.

Ms. Ehlers: Have you given it to them?

Mr. Axthelm: Yes, I circulated it to the County Commissioners.

Ms. Ehlers: When?

Mr. Axthelm: Today.

Ms. Ehlers: We wouldn't have gotten it.

Mr. Easton: Did you also give it to the Planning Department?

Mr. Axthelm: Yes, I did.

Mr. Easton: Then we'll get it. I don't think it's in our packet but –

Chairman Stiles: You can submit written comments through Friday and they'll compile them and we'll get them before our deliberations.

Mr. Axthelm: Okay. I do have copies for each of you, if you'd like one.

Chairman Stiles: You should go through the staff.

Mr. Axthelm: Okay. A few of the comments I refer to is also the City of Mount Vernon but does link to what I have to say – or about the County's Open Space Plan.

The City of Mount Vernon, in the latest amendment to the Comprehensive Plan dated 2008, has referred to the Dike and the land between the Dike and Skagit River and the Britt Slough in South Mount Vernon's proposed Open Space/Public Access Trails. And I have an attached map from the City of Mount Vernon. She showed it earlier. Jeroldine showed it earlier – the three maps on the wall.

Skagit County has made proposals and land use changes in the new Urban Growth Area Open Space Plan, which we've seen. This proposal calls for open space between the dike and Skagit River and along the Britt Slough, and use of the dike as a public pathway. Addition of the land on the river side of the dike and on both sides of the dike of Britt Slough into the urban growth area, including the land on the river side of the dike and on both sides of Britt Slough, both currently zoned Agricultural-Natural Resource Lands, also in the Open Space designation.

Our comments to these designations in the proposed Skagit County Urban Growth Area Space Plan – Open Space Plan – and the Mount Vernon City Comprehensive Plan are as follows:

Number 1. The land between the dike road and the river, including the dike itself, is well outside the city of Mount Vernon and, in our opinion, is not legally part of the urban growth area of Mount Vernon, although it refers to that.

We understand that the city wishes to plan for the future but proper procedure needs to be followed and property owners have legal property rights. Proper notification to the property owners was not given and the boundary was changed or proposed as such. All references to the land in question needs to be removed from the Mount Vernon City Comprehensive Plan. And if you see the map, it – the map that was up previously – the pathways and the open space goes well outside Mount Vernon city limits and outside the urban growth area. And in the Comprehensive Plan to Mount Vernon, that states that it is in the urban growth area.

The second item is the reference to the dike, between the dike and the river and the Britt Slough is public access. Open space and public pathways should be removed out of the Open Space Plan. A public trail system and public parks would be very desirable to city residents; however, these designations are reserved for public corridors and public-owned lands. The land referred to is privately owned. The dike and Britt Slough are owned by the adjacent landowner

with an easement to specific entities for maintenance only. It is not a public access easement. Referring to the dike and Britt Slough has already affected the current landowners. Many of the properties have No Trespassing signs posted. Some gates on top of the dike block passage and is legally allowed and is the landowner's right. Increasing the public – increasingly the public has ignored the signs and climbed over the fences onto private land. Comments have been heard by those using the dike that do not understand and respect that it is not public property. Likewise, the landowner is liable for injury when people start climbing the fences and go through private land.

Number 3. The reference to the land between the dike and the Skagit River and the land on either side of Britt Slough as "Open Space" needs to be reviewed. The current designation of the land is Agriculture-Natural Resource Land. Ag-NRL protects the current land – or the land and its current uses. Additionally designating the land under Open Space may add additional restrictions and possible expenses through taxing. Currently the land in most cases is being used for hay and for minor recreational use by the current landowners. Open Space allows for this use, but it puts public area and public access under the umbrella. This designation will increase the confusion by the general public that this land is available for their use, which it is not.

The Dike Road Landowners Association has retained an attorney to provide future representation, if needs be, on our behalf. Please hold to your responsibility to protect private landowner rights.

And I have a signed list that I submitted. It's about eighty different landowners in the general area of Britt and Dike Road that have signed this document.

I'd like to make a comment on my behalf also that I believe that when you put – I spend a lot of time in Boise, Idaho, which has a very nice system of pathways. But going about the proper procedure of getting that land is essential. And also when you go in to put pathways in, you have a lot of crime issues and you have issues of public access. My question is Who's going to maintain that land or maintain those pathways? Who's going to pay for it? Are we going to have additional taxes because of the open space and because of the pathways? You know, it creates a lot of crime issues and, you know, are we going to have the money to put additional police forces to police those pathways? And knowing from Boise, Idaho, that is essential. They had to put the police forces on those pathways.

So I would definitely say that we need to consider all the issues when you're taking open space, and especially taking away private land. Thank you.

Chairman Stiles: Any questions of Mr. Axthelm?

Mr. Easton: Mary?

Ms. McGoffin: So a lot of the open space is in private land and not meant to be trespassed on. That's how I understand it. So my question would be if the public did not have access to it, would you – how would your group feel about restrictions on building on it or doing anything in a built manner? I mean, what if it only meant that there was restrictions on what *you* could do? Like let's say you had to leave it in Open Space and you couldn't build on it: Would you be okay with that?

Mr. Axthelm: We already have restrictions ____. It's already that way.

(much talking and laughter)

Mr. Axthelm: It's on the river side of the dike. You know, there are some buildings that are there.

Mr. Easton: No. Let's not misinterpret Mary's question to be disrespectful.

Ms. McGoffin: My point is that for people who aren't going to go on your land – let's say for them it's just the passive view of an open space. That might be all it ever ends up being. Let's say if you're living on the city side and you want to look across the river, and you just want to look across, like, an unobstructed view. That might be all that your land contributes, let's say.

Mr. Axthelm: I understand that, but the pathway by which the public can view that land, which is my yard, because I have land that's on both sides of the dike. I own the dike. That is an easement not for public use. The dike all the way from town is not a public dike. It is private land. And there is a misunderstanding by the general public that it is for public use. Now a lot of people have opened up their fences. There are few fences left there. But it is still private land and we are concerned about opening it to the general public versus just people that we know. Does that make sense?

Chairman Stiles: Jason.

Mr. Easton: Mr. Axthelm, could you – you being the spokesperson for your group that's here tonight. Your attorney's not present and not speaking: Is that true? On the list of people to –

Mr. Axthelm: Not at this time.

Mr. Easton: Okay. It would be helpful if you're going to claim that this Plan won't be acceptable to the Growth Hearings Board – in relationship to the Growth Hearings Board decision that's part of why we're here today, in addition to what the Comp Plan calls for – if you could provide us with some comment along those lines. We wouldn't expect the Department to do that, given that they all

participated in writing this and their participation obviously in writing this. So if that's something you want to get on the record beyond just your comment, it would be helpful in my deliberations if that was something that I could review.

Mr. Axthelm: Okay.

Mr. Easton: I need comments from your attorney to the effect that you don't believe that this is in compliance with – you've said you don't believe this is in compliance with the Growth Hearings Board.

Mr. Axthelm: With the urban growth area – what you're calling it out is in the urban growth area; however, it is not in the urban growth area.

Mr. Easton: And I don't want to extend your testimony because we have a certain amount of time limit. I'm just saying that if you want us to review those type of comments, that would be helpful. If you're going to make them in your statement, then having them in some other form for us would be helpful – for me – between now and deliberations.

Mr. Axthelm: Okay. The comment for the attorney is if it – if needs be. We do not have an attorney present at this time.

Mr. Easton: I'm just making that as a suggestion.

Chairman Stiles: Carol.

Ms. Ehlers: I have a question for you and some of the other people I think are here talking about levees. In Appendix B, there is a collection of entities, public and private, who have open space. Not all of it is available for public access. Levees and dikes are similar kinds of open space. They exist, they will not be built on, there won't be houses on them, you won't have factories and things of that sort because they have a specific function in life and a specific legal obligation. Would you and the others who have these levees – and each of you should say – mind having the levees put in Appendix B where they are identifiable as Open Space but not part of this trails plan?

Mr. Axthelm: In speaking for myself, yes, I can see that, because what you're doing is you're pulling it out of a public access.

Ms. Ehlers: Well, if you would – some of you who agree or disagree – would say so by Friday in writing it would be helpful.

Chairman Stiles: Any questions?

Kristen Ohlson-Kiehn: I'm just trying to understand the whole business. This is obviously a really complicated issue _____, but I'm just wondering if

your group has looked at – given that there is this increase in population in the future, and you're having challenges with public trying to access your private property now, do you know of any – have you thought about or do you know of any mechanisms to manage for what might become future sort of increased challenges due to that population growth? I'm just – what I'm sort of thinking is in a way there's this funding mechanism to do a lot of different types of things in these areas, and I'm just wondering if this might be a potential funding mechanism for helping you manage for those people who are trying to access your property.

Mr. Axthelm: That's part of our concern because the land out there is Agricultural-Natural Resource Land. The properties are not splittable. It has a very rural feel. We have large properties and large parcels of farmland, so the density, according to now and according to how the County feels, cannot become more dense, because you cannot add more parcels to it. You can only build on existing parcels. So as far as our concern, we like that identity and the rural nature of our land.

Ms. Ohlson-Kiehn: Right.

Mr. Axthelm: If in opening up the dikes for public access then turns that and pulls the public and allows the public to enter, and so you understand this is our defense mechanism. Because we have control over that and we would like to retain control.

Ms. Ohlson-Kiehn: Okay, so that's what I'm just trying to understand, is that you *do* feel like you have adequate control now. Because what I'm just wondering is in the future, they're going to be more users. There's more public out there and there's going to be more people recreating in areas they shouldn't be because of private property. So I'm just wondering if – how you can control for that, given that you're having trouble now. Population's only going to increase.

Mr. Axthelm: And that's part of the issue, is that when you show it on the Comprehensive Plan as Open Space – or, excuse me, on the Open Space Plan – as Open Space and public access, then the public thinks that they have access to it. What we want to do is make sure that they understand this is not public land; this is private land. And although in some day it may be desirable to open up spaces, but at this point in time because it is farm land out there and has – it is not splittable; it's all large parcels. It's just not desirable at this time.

Ms. Ohlson-Kiehn: Thank you.

Mr. Axthelm: Thank you.

Chairman Stiles: Thank you. Next on the list, Liz McNett Crowl.

Liz McNett Crowl: My name is Liz McNett Crowl, M-c-N-e-t-t C-r-o-w-l, 13797 Trumpeter Lane, Mount Vernon. I am here tonight to urge you to support the Open Space Plan that the County has prepared. I participated in the process and really want to commend the County staff for working with all of the community groups that are cited in the Plan. It was an extraordinary effort on their behalf to reach out to agriculture, fisheries, the public, property owners, and to invite them to be part of the process that created the Plan that you are considering tonight. So hats off to the County for such a great job.

I also am a trail advocate, and as I've participated in the process and other hearings related to this, it is my understanding that the brown lines that the consultant and the County have included in the Plan are conceptual trails – that it is not a trail plan; it is an open space plan – and that it would be appropriate for there to be a County trail plan – a master trail plan – that would address specifically where trails are located and what the strategies are for building those trails and connecting those trails. But I do think that you can see by looking at the survey that was conducted as part of the Open Space process and going back and looking at previous surveys that have been done with Parks and Rec, both for the County and in some of the local cities, that you'll see repeatedly that, besides the public wanting a swimming pool in Skagit County, that trails, parks and public access bubble up to the top repeatedly.

So I think that the challenge of the Open Space Plan is to balance access and rights of public and private. And I think that can be done. I think that we have not had a good experience of involving private property owners in a process to gain public access, and I think that there are a lot of tools available to the County as we move forward with adopting the Plan and beginning to implement it that would facilitate being able to provide property owners with – money? I don't know. I think you'd have to talk to the private property owners to really find out what it is that they would like, and that would definitely say we don't want to be taking property away from anybody, that when possible we should try to provide public access, because that's what the public who took the surveys tells us is important to them.

I am a health advocate, and I would tell you that the data in the last several years repeatedly tells us that access to open spaces, access to trails, connectivity of trails, green spaces all help to promote health in the citizens that live in that area. Given that we have an inactivity epidemic and an obesity epidemic in the United States, in Washington state, and in Skagit County, it's important for us to be looking at opportunities for the citizens to be able to use facilities for recreation as well as transportation. And I think that in the future the transportation piece will become more important. The Governor has given a mandate to the Washington State Department of Transportation to shift the mode from the automobile to walking and biking by a significant amount over the next several years. And that one of the ways we might do that is by looking at connecting

trails for transportation purposes, as well, and that would bring up some potential funding possibilities.

Also know that there's also documentation that trails provide economic stimulus and that we have legislation that helps to provide law enforcement and remove liabilities from personal property owners once they give an easement for public access.

So, in conclusion, I just want to say that I support the Open Spaces Plan and urge you to do so too. Thank you.

Chairman Stiles: Thank you. Jason.

Mr. Easton: When you said you participated in the Plan, could you be a little more – just really quickly – could you be a little more specific?

Ms. Crowl: Absolutely. I am the facilitator of the Skagit County Active Community Task Force, which is a non-motorized advisory committee to the Skagit Council of Governments and the Regional Transportation Planning Organization. I am the Coordinator of the Skagit County Healthy Communities Project and through that I am working with the Mount Vernon Urban Trails Committee. I also work with Bob Vaux at Skagit County Parks on the Skagit County Trails Coalition, which is working on creating a master bike plan and a master trail plan for Skagit County as part of the Parks Comprehensive Plan update.

Mr. Easton: Thanks.

Chairman Stiles: Thank you. Ron Norlie.

Ron Norlie: I'm Ron Norlie. Yeah, I'm not a resident on Dike Road but I am familiar with everybody on Dike Road.

Chairman Stiles: Excuse me. Could you spell your name and give us your address?

Mr. Norlie: R-o-n-a-l-d S. Norlie, N-o-r-l-i-e. And, yeah, I'm opposed to the trail on the Dike Road because of our security and privacy of the residents on there. And I've seen a lot of crime and dog attacks and things like that that go on – people going through there. And I have witnessed a lot of bad things out there. And so that's all I've got to say, is I think it's a crime that it's a proposition and I don't think this a good deal for the security and privacy of the residents on that road. Thank you.

Chairman Stiles: Any questions? Thank you. Sheila Pritchett.

Sheila Pritchett: My name is Sheila Pritchett. My last name is P, as in Paul, r-i-t-c-h-e-t-t. I live at 6389 Deer Lane in Anacortes. I have submitted written comments, but I want to thank you for the opportunity to speak tonight. My two written documents that I submitted – one was on the Plan as of June 20, 2008, when I was first involved in it, and the other document contains my comments after the presentation made at the hearing here on March 3rd. You can read them later; I'm not going to read them to you.

But I want to make three major points, first of which is a lack of precise definition of terms in the Plan. This opens the door for various interpretations and, thus, potential confusion and conflict. Even the term "open space" is not precisely defined, as we've heard here tonight. There's different ideas on what open space is. Is this Plan going to propose a new type of specific open space that is just for recreation and open to the public? Or will all current open space designations, whether they're agriculture or forest or critical areas, now be open to public access and recreational uses?

Second point is the advisory committee that's established by this Plan needs to have strict standards regulating how they disperse the money. If the objective is to provide recreational open space along the borders of the urban areas, it should not be used for trails and day use facilities in or across the rural areas. This dilutes the mandate from the GMA as referenced in the Plan and misleads the rural residents who, because of the name of the Plan – UGA Open Space – didn't realize that this Plan is going to impact them and their communities. And they really haven't had a chance to speak on this.

The third point is the Plan needs to address not just the open space that's acquired but the impact on surrounding properties and property owners, especially if the open space is for public access and recreational uses. If my neighbor, who hasn't built on his lot yet, decides to put it in Open Space and have a trail on it and people come and they walk their dogs, and even though the sign says – like in the Community Forestland where I live – "Dogs must be on leash," most of the time they're not. Well, I have livestock and I don't want a trail on my neighbor's property with dogs running loose chasing my livestock, and I'm sure that there are a lot of other people that have similar concerns.

I appreciate the opportunity to speak to you tonight. I just wish the announcement of this meeting were more widely publicized. Why are the Planning Commission meetings only in the *Skagit Valley Herald* and not in other local newspapers? Thank you.

Chairman Stiles: Questions? Thank you. David Pearson.

David Pearson: My name is David Pearson. I live at 6389 Deer Lane in Anacortes. I've been involved with the Growth Management Act for some time. I've been on the Technical Advisory Committee for the South Fidalgo Plan since

2003, so I've read the Growth Management Act several times. In late 2007 I became a new member of the South Fidalgo Community Council and I'm currently serving as its Treasurer, and they've asked me to speak for them tonight.

I'm submitting some written material – it's in the box over there – and so I'll just summarize a couple of items. One of the things I did is – I'd like to comment specifically about the Plan document itself – one of the things I did is I decided to go into Chapters 1 and 2 of the Plan and do a tally. And I found the word "within" referencing the UGA twenty-four times. I found the word "adjacent" referenced nineteen times. I found the word "between" referenced three times, and at those three times it says, "between urbanizing areas and the rural landscape"; "between the most urban and rural areas"; and, in Section 2.5, "between cities and urbanizing areas." It doesn't sound very rural to me.

There's also a reference in the Frequently Asked Questions several times, including the fact that the past efforts to preserve open space land have been relatively successful in the rural areas, but there's been a real shortfall in the urban areas, perhaps because of the higher cost of urban land. So this Plan – reading those first two chapters – seems very focused on "within" and "adjacent" to the UGA, not rural. But then what happens is we've got a surprise at the beginning of Chapter 3. _____ this picture. And, you know, it's pretty subtle that all of a sudden in Chapter 3 the "between" definition has been changed to "between UGAs," not "between urban and rural," and I think the Plan has subtly been changed. If it weren't for this picture, I might not have caught it. I urge you to read the first couple of pages of Chapter 3. You'll see "between UGAs" starts popping up.

So I asked myself Well, why do you suppose they're doing that? Why did they change it? Well, I came up with a couple of reasons. One is the GMA is a powerful driver. If they can somehow extend the scope and focus of this requirement to include rural pathways between the UGAs, it gets a certain amount of credibility as a GMA driver. The second thing is, there's money involved here. If we can somehow get Plan money out into the rural areas, that's a good thing and I would compliment the people in the Planning Department for discovering that there might be money available to do something that's not specifically responsive to the GMA.

The third thing is, by talking specifically about trails in this Plan, the Trails Component gets elevated to a status that's not comparable to the other open space categories which this plan is supposed to address. In the Plan in the FAQs the first one is Farms, the second one is Forests, the third one is Habitat, the fourth one is Critical Areas, and the fifth one is Trails. But by putting trails in this Plan, suddenly Trails is in front of everybody's attention.

I think the only solution to this problem is to look critically at the difference between Chapters 1 and 2 and the difference – and the definitions in Chapter 3 and 4. We have two plans here that have been merged together at this interface. I think we either have to revise 1 and 2 or revise 3 and 4 and make them at least comparable in the definitions of the terms. And maybe, as one speaker's already suggested, we need a separate trails plan for the rural areas that's distinct from this requirement, because this requirement is urban and adjacent. Thank you.

Chairman Stiles: Questions?

Mr. Pearson: Questions? No.

Chairman Stiles: Thank you very much.

Mr. Pearson: Thank you.

Chairman Stiles: Randy Good.

Randy Good: My name is Randy Good, G-o-o-d, 25512 Minkler Road, Sedro-Woolley. First of all, I'd just like to – I'll put it into the record. I'm going to put in a copy of the survey that was sent out on – let's see, that's June '07, and it's called "The Skagit County Open Space and Trails Plan Survey." And on the very front page down at the bottom there's language that says "Skagit Countywide UGA Open Space and Trail Opportunities and Finances." Then, if you open it up, "Skagit Countywide UGA Open Space and Trails Plans." I think the Commission members just need to compare to what's in your – what you've been presented here in the final plan.

At the first public meeting, which was held down at the Mount Vernon train depot, the Planning Department official thanked a pro-trail group and Parks Department officials for helping put this draft trails plan together. From the start, GMA requirements for this Plan were never addressed. Final draft is still the identical trail plan.

GMA – I won't – there's some comments; I won't cover them all – GMA requires the County to develop standards that will protect permanent open space and greenbelts contained within the UGA from expanding into rural areas. GMA requires the County to identify already existing permanent open spaces. I repeat: permanent. GMA does not require public access and does not require interconnections between UGAs. Let me repeat that: GMA does not require public access and does not require interconnection between UGAs. This proposed Open Space *Trails* Plan only encourages and promotes growth and development in rural agricultural areas outside of UGAs with connective trails. I have – part of my hand-in will be RCW 9A.52.010, burglary and trespassing. And I cover some of the adverse effects of interconnecting UGAs through rural

and agricultural lands by trails. And you've already heard a little concern already here tonight. Biosecurity is one of the main ones.

On Page 14 – 3.3 of the proposed Plan – Hamilton Urban Growth Area states, quote: “Existing town will be designated open space and provide public access to the river.” End quote. This area contains many acres of valuable private farmland that must be preserved for agriculture. Concern is that efforts are being made to reroute the Skagit River down through Alder Creek, which will actually ruin our ag land for production of agriculture products.

We do not support a self-governing park district to generate more taxes for this trail proposal. We already have a Skagit County Non-Motorized Plan and many of the towns already have their own trail plans.

60% of the county's land is already in permanent open space and not taxed. We must utilize what we already have.

We encourage the Planning Commission to reject this Plan as written. Encourage your support of the Skagit County Agriculture Advisory Board's comments: Develop a standard that says – very simple – “New development within a UGA shall include a greenbelt or open space buffer toward the rural side of the UGA, but contained within the UGA.” And develop a standard that says, “Urban growth areas shall not be closer” by a number of feet or miles or whatever “from another UGA.”

And thank you for your time. And I'll submit a copy of the RCW 9A.52.010 for burglary and trespassing and then I'll make sure you get a copy. I'll turn this in. And I'm also a member of the Skagit County Agriculture Advisory Board, one of the subcommittee members, and our – we did get a presentation of this proposed Plan. We expressed some concerns along with some other advisory boards. We were never responded to or nobody ever responded back to those concerns.

Thank you. Any questions? Carol?

Ms. Ehlers: I have a question to you or anyone else from the whichever group is the correct term – the Ag Advisory Board, the Farmland Legacy Program or et cetera. You have bought development rights on a number of thousands of acres of land which, in a sense, makes it open space forever, as I understand it. There is no map in Appendix B of these acres. There's no map anywhere else. Would you object to having those acres that have been already legally set aside on such a matter?

Mr. Good: Carol, I'm not on the – I was one of the founding members of that board, but I am no longer on that board. And, as far as I know, nobody from this – the Planning Department – presented a proposal or any plan or even came to

talk to the Legacy Board. So I can't really speak for them, but I do know that they never even, you know, talked to them.

Chairman Stiles: Questions? Thank you, Randy.

Mr. Good: Yeah.

Mr. Easton: Point of clarification to staff: If the copy that he gives you of the survey does not transmit well, please add a copy for us. I know for legal reasons it needs to be submitted, but please make sure that we have a clean – a copy that would be easily read by electronically.

Mr. Good: Jason, it's –

Mr. Christensen: I think it's Appendix D.

Mr. Easton: Okay. That's where I thought I had seen. Okay, great. Thank you.

Chairman Stiles: Ellen Bynum.

Ellen Bynum: Good evening. Ellen Bynum. I am the Director of Friends of Skagit County. It's 110 North First in Mount Vernon, though I live in La Conner.

Thank you for the opportunity to comment. I'm not going to repeat what a number of other people have said. I do feel that for the background of the audience and for some of you new members, you need to know that one of the appeals that Friends has filed – and there have been some thirty over the last fifteen years as we monitored land use and growth management – had the question of open space and greenbelts in it. And for my own clarification and because I wasn't participating at the time, I went back and read what the Final Decision and Order did say about open space. And that was issued on February the 6th, 2001. I think this was a consolidation of perhaps – I want to say fifty to eighty different issues that were brought in six or seven cases and then they were consolidated together and then there was an answer given on each topic.

The other thing is that it was a – as I understand it – it was a stipulated order, which means that it is not available on the Western Washington Growth Management Hearings Board decision website. We have it. We don't have all the pieces of paper but we – I have the Order, if you would like a copy of the Order.

But essentially the Order stated that – and there were other arguments that went along with coming to this conclusion, and the Board considered this in the context of an appeal of many other issues about rural preservation, about agriculture protection, about conservation and reserve development, about development in marine industrial – Rural Marine Industrial areas, et cetera. So

the Final Decision and Order said – in its discussion, they noted that – the Board noted, “This generalized discussion in the Comprehensive Plan, plus the city maps” and then in parentheses “(that do not show greenbelts in unincorporated UGAs)” – close parentheses – “and County parks plan maps” – parentheses – “(which do not show open space corridors between UGAs)” – close parentheses – do not adequately meet the requirements of RCW 36.70A...” blah blah blah.

And then the order was “Within 180 days, adopt maps or some other clear mechanism to identify greenbelts and open space areas within UGAs and open space corridors within and between UGAs.”

So that was what was asked for. I have some amount of empathy for the Planning Department’s ability to have addressed this in a timely manner. 180 days is not now and the Planning Department sought funds to be able to come up with this solution.

Now this is sort of a pattern that we see and it’s not a criticism per se of the Planning Department because they have limited staff and they have other things that they do and they do permitting et cetera, et cetera. But one of the things that we don’t do very well in Skagit is that we don’t allow community planning. We don’t go out to communities – we’re beginning to do it; we’re beginning to do subarea plans and that sort of thing – but we don’t do community planning when we get responses that are required from Board rulings. And perhaps that’s something the Planning Commission wants to consider. When you get a Board ruling – when you get a ruling and you’re going to have to do some planning on it, maybe you want to take it back down to the community level before you ever go out and find the planning money or the mechanism.

Now I want to talk a little bit about the Plan itself. If the Board had said, Oh, we’d like you to do an open space plan or We’d like you to do a trails plan, I think that the process of doing that should also be at the community level. That’s not to say that the process that was used was bad or different or that it can’t be done that way, but I’m just thinking if taxpayers are going to pay for this program, then they ought to tell you what they want. They’re the experts. And I’m not talking about a committee. I’m talking about you doing the planning at the local level. Now this requires us to figure out how we’re going to pay for that because it costs money to do it, but you only pay for it once. And I get out of a job of appealing any of the things that aren’t good! I like it, you know! Now let’s be pro-active on some of this.

Okay, so I have some – I had two or three board members and members of Friends review the Plan itself. There was concern about the scope of the Plan relative to what was identified as what was needed. And that was the choice of the Planning Department and/or whoever came up with the idea to do it and to go to CTED and get the money and to broaden the scope, et cetera.

A plain reading of the Final Decision and Order suggests that the County was to identify existing or – in the process of the seven-year annual renewal in the planning process updates – proposed greenbelts and open space areas within the UGAs. And then Carly and I have been going around and around about “within and between”: What does that mean? What does “between” mean?

But you have to go back to the original meaning of what greenbelts were used for in town planning. And they were essentially – in English town planning, they are used for public recreation, but they were originally put there so there was protection from the urban areas from the livestock or the ongoing activities that were in the rural areas. And we in the west think that we do pretty good town planning, but we actually don't because we have sprawl. And I'd say Oregon probably did a pretty good job of it, but they had 700 law suits to clarify their – their – in the first ten years, Carol. So, you know, our law's not as clear and not as strong as that so we've got a lot – and we're twenty-eight years behind them – so, you know, we're not going to ever have that clear, clear line.

Okay. There was concern over funding and the program planning. The Farmland Legacy Program makes use of the Conservation Futures tax. That has a ceiling on it. We didn't think it was appropriate – it was in – that it was inappropriate to poach funding from an existing tax that was put in place to sustain Skagit's rural economy. The Farmland Legacy Program is the key to maintaining Skagit's economy. Agricultural activities – which, by the way, is the largest economic driver still in the county. It's not tourism, it's not tulips, it's not bicycling; it's agriculture. And it's on 8% of the land, and if we don't keep that 8% of the land base, we're not going to have any economy. We are going to be Lynnwood real quick.

So that was a concern that the Conservation Futures money be continued to be used for the Farmland Legacy Program, and also that, you know, we're in a recession. I mean, I don't know if you guys know it, but, you know, I'm going to have to work until I'm ninety. So we think that it is not a good time to issue – run bonds issues or to think about additional taxes. We think that the Plan might be held for future re-examination. We might separate out the trails or do some other planning. We may have to have more ag land than we have now, and that means we're going to have to revisit Rural Reserve zoning and possibly reinstitute a secondary agriculture zoning that's for ag production. I don't know. I know that this is going to be something that will come up. And the other issue that came up was that FEMA and the U.S. Geological Survey are both doing reports on flooding, and at most of the areas proposed to be used for open space per se are in floodways, and whatever they say is probably going to take precedence over anything that we want to do at the local level.

Point of information: Less than 1% of the land in Skagit County is in *taxed* open space. That's not – that's individual people. You know, people say, Oh, well, you know, a lot of people have it in open space. Not agriculture and not forestry

open space, but taxed for senior purposes or whatever else. It's a tiny, tiny percentage. So basically we have 40% of the land base that we can draw on to run the County. The County's budget is – I don't know – 48 million or something, and, you know, it's not that much money.

So we would be happy to talk about additional ways to look at planning at the community level on controversial issues.

So that's my summary and I will give it to you in writing.

Chairman Stiles: Questions?

Mr. Easton: Two really quick. In two words or less, Friends is opposed to the Plan?

Ms. Bynum: We are opposed to it in its current form.

Mr. Easton: Current form. And the second question I have for you is more of a comment. You mentioned that you could get us all of what you've been able to find about the 2001 Order, and I would like to see that.

Ms. Bynum: Okay.

Ms. Ehlers: So would I.

Ms. Bynum: Sure. Sure, I can get you copies of that. You bet.

Chairman Stiles: Any other questions? Thank you.

Ms. Bynum: Yeah.

Chairman Stiles: Kari Odden.

Kari Odden: Hi. Thanks for including the public in the process tonight. My name is Kari Odden. The last name is O-d-d-e-n. I live at 3021 Cherokee Lane in Mount Vernon. And I'd like to express my support for the Open Space Plan. And I guess as I looked at it what struck me overall – and I'm not an expert in the legalese issues or anything else – but what I saw was kind of some thoughtfulness on the part of Skagit County in taking a look at overall what the county is and what it looks like and how we can do some interconnectedness within the county within the open spaces. And I'm not just talking about trails and human accessing. To me it's important the wildlife aspect. I like to bird. I know a lot of people in my area that like to bird and people come here for that. And it's not just about that. But there's other wildlife and there's other ecological processes that, as I looked at the maps, they seem to include some of that as well – you know, including open space in some of the wetlands. And that's not

about public access, either; it's looking at ecological processes as well as wildlife. And we know that those things aren't necessarily represented here in human bodies tonight because they're not speaking for themselves. But I think that the Open Plan seems to include them, from what I see of it, and that's really encouraging.

I'm a mom. I'm a stay-at-home mom. I've got two young boys. I've got a kindergartner and a second-grader at Little Mountain and we're an active family, so I do like to be out and outside. I hear what people are saying tonight about private property and I hope that whatever process the County goes through with this will certainly respect them and their land and those things. At the same time I would like to say that while there's a lot of concern about vandalism and other legal issues, I guess I think that in our communities people drive from place to place to place to place and we don't have enough spaces – enough open spaces – to be, you know, in community together. And I think that with more community, there might be some more connections going on and that's – it can often be a good way to get to know your neighbors and to help watch out for each other when you've got more people out there.

My husband and I just spent the week-end in Vancouver with our two boys and we parked our car for the whole week-end, and it was great. We walked everywhere and we spent a couple hundred dollars going to places and going to restaurants, and we were able to not drive and we were able to really be out and just connecting with the whole area that we were in, and it was a wonderful experience. And we have, I think, some of those chances to do that here in Skagit County.

(inaudible comment from audience)

Ms. Odden: That was in the city, yes. There're certainly opportunities for that. What else was I going to say? It's kind of changed since I came. So I would like to see trails. Another thing that interests me: I'm really active in with the schools and with the Healthy Schools Team at Little Mountain, and, looking at the maps tonight, it seems like if there're some places where the schools can have access to, say, Little Mountain, or just some of the open spaces, you know, if they're going to be included in the Plan, I think that could be an important thing as well, because there's a lack at the schools for access to areas where the kids can be outside and the kids can be learning in more of a science environment, and that can be really cool, too. Any maybe that's something that could segue in. I'm not sure.

But overall I'd like to express my support and appreciation for the process and what's going on and I hope that you'll support it. Thanks.

Chairman Stiles: Questions? Thank you. That's the extent of our list. Anyone else who would like to speak, please come forward and, as I said before, state your name and spell your last name and your address.

Richard H. Smith: I'm Richard H. Smith, spelled just like it sounds. I'm a local farmer. I live at 17381 Britt Road. And some of my concerns are that if the cities or the counties publicize these areas it – being from the farming community, there's complications. I go back to the time probably fifteen years ago and I was spraying some potatoes right along the headland on the Dike Road and I looked up the road and here's a young lady riding a bicycle. And I stopped the sprayer as soon as I could and as she went by me she put her hand over her face and mouth. She could smell the chemicals. And I felt bad about it, but these are some of the issues that you face in the ag community.

And what I'm concerned about is the county or the city publicizing these things. It's one thing with the local people; we can live with them. But if you bring outsiders in – say the Tulip Festival, for one thing. It was a small thing to begin with but it's growing to be tremendous. And I enjoy walking the dikes myself and I do occasionally. But there's concern, especially when you start opening up to the outside.

Thank you, and any questions?

Chairman Stiles: No, sir. Thank you. Anyone else like to –

Anita Roozen: My name's Anita Roozen. It's R-o-o-z-e-n. And I live at 17345 Dike Road. And I've heard a lot of people talk about their own concerns but, you know what? I'm a mother of five kids and I really don't want anybody other than my neighbors on my dike. I know that there was a time when we had to go take garbage off the other side of our dike where we live that somebody dumped their couch at. So my concern is is that if we open it up to the public – you know, I've got – my kids age from nine to eighteen. I have a daughter. I don't want people that I don't know on my property, and we have run people off our property that we didn't know.

So my biggest concern is in today's world you just can't have people you don't know walking around on your property. So I'd hate to see something happen to any one of our kids, our grandkids, my kids, and I want my kids to be able to go out and throw their baseball and I'm not going to have to worry that some crazy guy's going to come and take them. And my boys are active. We do sports, they do basketball, they do lots of stuff, so we get lots of exercise, but I don't want an open trail on my property because I want our kids to be safe. So thank you for your time. Any questions?

Chairman Stiles: Thank you.

Charles Bennett: Charles Bennett, Skagit County Dike District 12, 1317 South Anacortes Street, Dike Commissioner. I won't beat a dead horse with all the reasons that, you know, we don't need trails on dikes. You know, we've got enough to do writing our flood control stuff. We don't need to be out there trying to baby-sit everybody. And I could tell you plenty of stories, once of which happened just last month, where we had a person riding an ATV at about fifty miles an hour just about ran over one of our property owners and her children.

So, anyway, one thing I will bring up tonight is a – in this very matter – is a resolution that the Board of Commissioners signed, dated 1/29/2002, Resolution R20020036, Adopting Map and Text Relating to Open Spaces and Greenbelts. Page 2 talks "Whereas the Board of County Commissioners makes the following finding..." Under Item 3(b): "Because corridors and greenbelts have an implied meaning of public access and because dikes are not open for public access, dikes do not qualify as open space corridors and greenbelts."

So I don't know if you've seen this resolution or have a copy of it, but I'll leave it over here for you.

Chairman Stiles: Any questions? Jason.

Mr. Easton: Mr. Bennett, given your experience – and your lengthy experience – with the dikes, I *do* need to hear a few more stories about where the danger's at from a safety point of view. Because to consider this Plan from the place of a Commissioner, I need to have a better understanding of what somebody who's in the official capacity you're in is running into. Because, I mean, I appreciate the rest of everyone else's testimony, but you have a different title and a different set of responsibilities.

Mr. Bennett: Well, I mean, for maintaining the structural integrity part, we've caught people digging on the riverwards side of our levee – digging holes, kids digging holes – people looking for mushrooms and stuff, digging holes in our dike. We've had a couple of our neighbors on Bennett Road across from my place, people from outside the area bring their dogs in and one neighbor was attacked by a Doberman and a Rottweiler while the guy just stood up on top of the dike and laughed at the guy. You know, and the guy's down in his yard on his property and, you know, this kind of thing going on. We've had – when was it? – in December we had a guy who was drunk and disorderly and had a fight with his girlfriend so he went out and took his four-wheel drive and proceeded to tear up our dike down in the Avon bend by the Anacortes Water Treatment Plant. And I got called out – I just got to bed like at one-thirty that morning – and got called out by 9-1-1 at two o'clock and spent a half-an-hour with the deputies while this guy's down there. He ended up sticking his truck and breaking the truck down there and they had to have it towed out, but he spent the better part of an hour driving up and down the slopes of our dike tearing up the vegetation

and, you know, all that kind of stuff. So we had him arrested and filed charges against him.

So, I mean – and it's – I can see, you know, these people that support this thing – yeah, they'd like trails – but it's easy for them to say, Oh, well, let's go – you know, this is a nice area; let's go put it on *this* person's property. So how would they like it if – you know, are they offering up *their* property to put a trail on? How do they feel about, you know, if they're living in the city, of somebody putting a trail in their back yard?

Mr. Easton: I don't want you to misunderstand my question to mean you get three more minutes to testify.

Mr. Bennett: I know, but I just – I know, but I just – I want to bring that point up too. It's easy to always, you know, put one of these things on somebody else's property, but are you willing to offer yours up, you know, for – say, hey, I like it so it was such a good idea you can come put it on my property.

Mr. Easton: And really briefly, can you tell me how much is – *currently* – how much is garbage a problem for *your* dike district? Really briefly.

Mr. Bennett: Garbage is quite a problem, especially in the Burlington area there. Another problem we have right by the railroad bridge is we have a what they call a "riparian" area, which is a bunch of trees, and we've had homeless and several registered sex offenders living in tents in the brush there right next to the Skagit River Park. So we've been working with Burlington P.D. to, you know, try and keep that area policed.

Mr. Easton: Thank you.

Chairman Stiles: Any questions? Kristen.

Ms. Ohlson-Kiehn: So how – given that you have all this negligence that's happening now with the current population – how is that district planning to deal with eventually increased use, right? I mean, given that the population's going to increase, how are you going to manage that negligence and public use on the dikes?

Mr. Bennett: I could make a comment, but I'll keep that to myself. Yeah, the redneck way!

Mr. Easton: I think that you just made the comment!

Mr. Bennett: Yes. But, I mean, you know, hopefully we don't have to get down to the point of where we're having to, you know, hire security guards because, I mean, right now we have everything posted, you know, and there are those

people that, you know, that don't care what the sign says anywhere. You know, the lady said, Well, we've got another hundred-and-something thousand people coming. As a fourth generation person growing up here, I think we've got too damn many people here already, is the biggest problem. So, unfortunately, I guess there's nothing we can do about that.

But, you know, unfortunately again, people in this day and age are not brought up with a more respectful attitude and, you know, like I say, when they get an area they think they can just go through and do whatever they want, even if it's posted.

Chairman Stiles: Thank you. Anyone else like to speak?

Ron Peterson: My name's Ron Peterson, P-e-t-e-r-s-o-n, 16450 Dike Road. I've heard quite a few comments about malicious damage and how you're going to resolve it – how we're going to resolve it – as the population increases. In our particular cases where a lot of this trails is coming about down on the Dike Road, the *property owner* is going to have to pick up garbage. Instead of picking it up every week, you're going to have to pick it up twice a week. Instead of people coming down from town and you say, Well, you're on private property and they say, "Well, we came down on the dike. It's open space, so all of this belongs to us. And they're down there falling our trees. We had a neighbor that decided to take a trailer down to the river and fish steelhead last year. Left it down there for about a week. Tires slashed, windows busted out – went to the dump. Because people coming from town have the perception that this is their property. It's public property – they can do anything they want.

So to answer your question, it all falls back on the property owners. We bought it, we maintain it, we try and keep it to where it looks decent. You look at Rails for Trails, one of my favorite topics. If you look at – and it was brought up tonight on the theft end of it. But the minute that got implemented, the property owners trying to keep their property – which the trail wasn't their property – trying to keep their own property looking halfway decent – they're out there picking up garbage every damn day. Excuse my language. But the theft on the Rails for Trails is skyrocketing. You have more and more people: Oh, look at this. Come back later on and tap it.

It isn't like everybody that ___ – I'm listening to this and it's – it isn't like everybody's saying that the people that are on trails and walking are bad. They're good. Everybody has good intentions. But you have that five percent, that ten percent or fifteen – whatever it is – that spoil it for everyone. As you get your population increases, that five or ten percent increases right along with it. But it's the property owner that's going to have to deal with it. If the city has property, they have to deal with it. Otherwise you've just got garbage everywhere. Thank you.

Chairman Stiles: Thank you.

April Axthelm: I'm April Axthelm, spelled A-x-t-h-e-l-m. I live at 17160 Dike Road. And you guys have been doing this long enough that you know that once a plan is adopted, whether it's the Comp Plan or what, it becomes the measure by which everything else is allowed by the cities or the counties, okay? So it's not just a – it's not just – you're not just looking at something here that's not going to affect people in the future. While *you* may have a certain intent, the people who will replace you will look at that Plan and say, Well, these – for example – Well, these trails have been on these dikes in this Plan for years, so you landowners knew this was coming. And all of a sudden we're going to find ourselves, as landowners, back here again five years – seven, eight, nine, ten years from now, trying to fight these trails coming on our property. And what we're going to be told is Hey, this has been in the plan forever. You guys knew this. You didn't do anything about it.

Well, tonight we're here to officially complain and to request respectfully that those be removed. We don't want to have to fight this fight again down the road and that is exactly what will happen. And you've been around long enough to know that that's what will happen. And that's all I have to say. Yes?

Mr. Easton: Bill? April –

Ms. Axthelm: Yes?

Mr. Easton: I understand exactly what you're talking about in relationship to interpretation down the road and – I've been on the Commission, like, three years and I've seen a number of things that were assumed by certain plans. The question that I have is – for all of those who have opposed for different reasons – from you to Ellen and everyone else in the room – you know, between now and Friday if you can come up with some solutions to within – that are within the Plan that's in front of us, that would be helpful in what we're not hearing in your testimony. So here's my question for you.

Ms. Axthelm: Okay.

Mr. Easton: Is how we fix this plan – what's *your* suggestion about how to fix the plan we have?

Ms. Axthelm: Well, I thought someone else here earlier had a very good – made a very good statement, and that was the percentage of land that's already in open space within the county, there's a huge percentage already. The other thing is remove the trails from off the maps, okay? Also, one of the issues that we're having – at least for me – is if this is designated Open Space, there are certain criteria that come along with that designation, okay? If you're currently

zoned Ag and then this Plan is put in place and it's zoned Open Space, how's that going to affect the agriculture uses of that land, and at what point does that change for the landowner? For example, if they don't – if they don't do ag for two years and they're Open Space, all of a sudden do they lose the right to do that? You know, so there are a lot of unanswered questions. I just – the dike goes right down the middle of my property. It goes right past – you know, right through my back yard. And it's just – for me – it's a bad plan. For the landowners on Dike Road, it's a bad plan. And while I'm sorry I don't have a whole lot of suggestions for you, I guess my one would be Take us out of it.

Mr. Easton: Okay. Thank you.

Ms. Axthelm: Thank you.

Chairman Stiles: Anyone else like to speak?

Ms. Bynum: Can I make one comment?

Chairman Stiles: Yes. Keep it brief.

Ms. Bynum: Brief. Ellen Bynum. I would like to add that for those that do not know, Skagit County is self-insured – is that accurate to say? – which means that in terms of catastrophic liability, we have a plan to pay into it. But the people that are paying into that plan, it's not an insurance company: It's the taxpayers. So if we have, say, a major flood that happens to be caused by something that we plan, we pay for it – twice. We pay to do it and then we pay to get everybody out of the mess they're in. That's not uncommon, and I don't know enough about it to speak to the issue but I think that that's something that perhaps as a Commission you may want to discuss. I don't know.

Mr. Easton: Thank you.

Chairman Stiles: Anyone else like to speak? This is your last chance before we close the public hearing. We're not going to deliberate on it tonight. If you want to speak, now is a good time.

Mr. Easton: Bill, before we close the public hearing, do we decide when we're going to deliberate or do we discuss –

Chairman Stiles: We do that after we close the public hearing.

Mr. Easton: After the public hearing.

Ms. Ehlers: Remember: If you go home and you suddenly think of a suggestion you think would help, put it in writing and give it to the Planning Department by Friday night.

Chairman Stiles: Okay, last call: Anyone else like to speak? Go ahead. You spoke once before, so please keep it brief.

Mr. Pearson: I will. David Pearson again. I want the Commission to be cognizant of the fact that the rural areas have a lot less police presence than urban areas, and if we create police problems it takes a lot of time to resolve them. All of South Fidalgo Island has one sheriff and that's a big problem for us for police protection if this thing gets approved and we end up with what one person in the group here called "We don't need no citified parks on South Fidalgo Island." Thank you.

Chairman Stiles: Anyone else? You've also spoken, so please be brief.

Mr. Peterson: Yeah, just one quick note – Ron Peterson again. When you make a decision or a deliberation on what the next process is going to be, how do we find out? Is it going to be word to mouth two days before?

Chairman Stiles: We make a recommendation to the Skagit County – to the Commissioners.

Mr. Peterson: Okay.

Chairman Stiles: They will set it on their agenda and they will adopt or change or whatever we recommend to them. It goes before them. It's their decision. We make a recommendation.

Mr. Peterson: Will we find out what the recommendation is prior to the going to the Commissioners?

Chairman Stiles: It should be on the County website. I don't know that they – they don't usually publish those in the paper or anything.

Mr. Peterson: Right.

Chairman Stiles: So check with staff on exactly –

Mr. Peterson: I plan on it. I took tonight off from work just to be here for this joyous occasion.

Mr. Easton: Well, we're going to meet again to deliberate and, when we do, you'll be able to hear what our deliberations are and the decision we make then also.

Chairman Stiles: We take no further testimony, but we'll deliberate. We'll set a time right now. Anyone else? Seeing none, this public hearing is closed (gavel).

We will now set a date to deliberate on these.

Mr. Easton: Mr. Chair, I suggest March 31st for deliberations – Tuesday, the 31st.

Chairman Stiles: Now we talked about that. Since we – I talked with Jeroldine a little bit about that – and since we extended the written comment period till Friday, does that give you enough time to do a staff report and put all the public stuff together?

Mr. Christensen: I don't believe it does. If I might make a suggestion: We certainly heard a lot of testimony tonight that has raised a number of issues which will require some research, analysis and consultation with legal counsel. There may very well be things that you would like the Department to research and provide to you, as well. We also don't know what kind of comments, concerns and issues, or simply the volume of comments that we might receive by the end of the week.

Mr. Easton: Sure.

Mr. Christensen: With that, what I'd like to suggest is that your next meeting, I believe, is scheduled for April 7th, in which that's primarily a business meeting, but by then the Department will have a better understanding of what some of the issues are. We can certainly have copies of all the written correspondence made available to you, if not then before then, and that we perhaps on that date, given the sheer volume of comments and the issues that we have perhaps identified in a preliminary fashion that we're better able to determine when, in fact, we should meet to deliberate – in all likelihood, some time in April then.

Mr. Easton: Could we schedule it for the 21st of April?

Mr. Christensen: Of April?

Ms. Lohman (McGoffin?): No, Mr. Chair. Hey, down here. I would respectfully request that we don't do it on April 21st. I personally will be gone, and it's unavoidable.

Mr. Easton: Sure.

Ms. Lohman (McGoffin?): But I would also – my question before you got that far was When will we be given the additional comments? We got some of the comments. Whether or not they've been analyzed, when would be the soonest that we could start reading those?

Mr. Christensen: As you decided this evening, the comment period will be open until Friday, 4:30 p.m. What we will then do the following week is collate all the

comments; we will create a table of contents; they'll be sequentially numbered; and they will in all likelihood be made available to you next week then. So, with that, I think it would maybe be best for all of us to simply begin reviewing the comments and that when we next reconvene on the 7th we check our calendars and find then a date and time that will work for all. As you know, we are only scheduled to meet the first Tuesday of each month, so some other date of the month is really a special meeting. We're going to need to be able to check calendars and check on availability to make sure that on some other date other than the first Tuesday of the month that you all can be here to be able to participate in the deliberations, in which you will then form a recommendation which will be transmitted to the Board of County Commissioners.

Mr. Easton: But our bylaws clearly state, Gary, that we can call for a special meeting if a majority of us vote in favor. If it's a scheduling issue and we're looking at a potential date of, like, the 28th of April, let's say, we *could* make a motion to that effect, according to our bylaws, to have you to investigate, correct?

Chairman Stiles: I think his suggestion to defer the decision on the exact date until our meeting on April 7th is a good one. I'd entertain a motion to table our scheduling of our deliberations till our meeting on April 7th.

Ms. Ehlers: I'll make that motion.

Dave Hughes: Second.

Chairman Stiles: I hear a motion and a second. Any discussion? Jason.

Mr. Easton: I respectfully will vote – I will vote opposed to this motion for the fact that the public is here and have asked for some understanding of when we will meet. I think the 28th is plenty of time. I think in general the Commissioners should come prepared with our calendars in mind as we come to these meetings, knowing we're going to have to set deliberations. So I'll be voting opposed to this motion.

Ms. Ehlers: Well, there is a – the Planning Department has already taken notice – you gave us a choice of dates a couple weeks ago for a meeting in April. The 14th was one day. The 28th, I think, or 29th. I don't remember the exact dates. I do not know what people told the person who was asking those questions, so that should be a basis for our decision.

Now there is an issue which I was going to bring up on the 7th of April, but there's an element of it now. I don't think there's a separate section in the website for the Planning Commission. Somewhere on the Skagit County website there ought to be a dedicated spot that people who are here and people who are not here could find out in this kind of a process when the hearing is and then when it's decided to have deliberations so that they could not have to be present at a

given point but still could know what it is that's coming up. So this makes a good time to suggest that. Where would you put it?

Mr. Christensen: For those of us that have computer access, Carol –

Mr. Easton: Ouch.

Mr. Christensen: -- one would be able to, at skagitcounty.net, go to the Department's website under the Department and there is, on the left-hand column "Planning Commission," and which you can click on that and find who the members are and also those schedules which are upcoming, and, typically, the topics for those. Now to inform the public and those interested parties about your deliberations on this matter, we will have those posted on our website. We will run a notice and make sure that that information is available in advance of the date you decide to deliberate.

Ms. Ehlers: Bingo! I knew I could get something! Thank you.

Chairman Stiles: Any further discussion? There's a motion on the table. Hearing no further discussion, all those in favor of the motion, say aye.

Mr. Mahaffie, Chairman Stiles, Ms. Ehlers, Ms. McGoffin, Ms. Lohman, Mr. Jewett, Mr. Hughes and Ms. Ohlson-Kiehn: Aye.

Chairman Stiles: Those opposed.

Mr. Easton: Aye.

Chairman Stiles: The motion carries. We will table our –

Mr. Christensen: Just for the record, it'd probably be good to know who voted in favor and who was opposed, because you don't know that by just verbal votes.

Chairman Stiles: There were eight in favor and Jason was opposed.

Mr. Christensen: Thank you.

Chairman Stiles: We will –

Mr. Easton: I have one other issue about this.

Chairman Stiles: We will defer our scheduling of our deliberations until our meeting on April 7th, at which time we will make our decision. It'll appear on the website as to when we'll do the deliberations. Jason.

Mr. Easton: In addition to the regular package of things you'll prepare for us by the 7th, could you please – whatever – if it's at all possible, have a transcript for us? Because the depth of which and the quality of which we receive testimony would be really helpful for us to be able to review prior to our deliberations.

Mr. Christensen: I agree, and what we could do is simply pass that request on to the Civil Division of the Prosecuting Attorney's office. So that is not a function that my department's budget pays for, but I certainly understand your request and I agree.

Mr. Easton: Even if that means we're putting this transcript in front of some other transcripts that we don't have yet, this Commissioner would really appreciate having that prior to deliberations.

Mr. Christensen: The protocol and procedure for this year is that the Civil Division will not be providing transcripts unless *they* approve.

Mr. Easton: So can we – since it's not in your department, how do we communicate how important that is to us as Planning Commissioners, then, to the Civil Division? Would that be through the Commissioners or through you?

Mr. Christensen: I'll certainly convey that to them and certainly agree that that's something that you would like, we would like; hopefully, they will agree to provide it.

Mr. Easton: Could you let us know if they don't agree to provide it in time for the 7th by e-mail, or hard copy to Carol, please? Thank you.

Ms. Ehlers: And, Gary, I can think of a very good argument for you to use. In the legal record for any hearing, the transcript *is* the legal record. And since this is a hearing on the Growth Hearings Board issue that you will have to go back to the Hearings Board on, to have a transcript of what was said precisely, particularly those suggestions of alternative ways of thinking of some of the issues, I think you need it and the County needs it, and I could even say it would save us money in the long run.

I don't like the idea of 700 suits in order to deal with something. That's a fairly startling number of cases.

Chairman Stiles: Okay, our next item on the agenda is General Business, and I'll let people clear out of here first.

(several minutes of people talking at the same time)

Chairman Stiles: Okay, do we have any other business? Do you guys have anything?

Mr. Easton: I have one question, but...

Chairman Stiles: Well, I think there was one thing we just – we were asking people if they had updates or changes to the bylaws for our next meeting to kind of get on them ahead of time.

Mr. Easton: I have some. Who's collecting those?

Ms. Ehlers: I gave my copy to Gary. I was going to give a copy to the county Commissioners, but I assume that –

Mr. Easton: I'd like to see a copy of yours.

Ms. Ehlers: Well, I'm assuming that Gary will give all of you my copy.

Mr. Easton: Excellent.

(people continuing to talk at the same time)

Chairman Stiles: Okay, I think what we're talking about is if you have any suggested changes for the bylaws to get those to Gary and he'll distribute them to everybody else before the meeting so we know kind of what we're thinking about. You can e-mail them to Gary and he'll e-mail them or –

Mr. Easton: Can we move to adjourn?

Chairman Stiles: Does anybody have anything else – any other business? Hearing none, this meeting is adjourned (gavel).