

Skagit County Planning Commission
Public Hearing/Deliberations: Flood Damage Prevention Ordinance
Public Hearing: 2011 Proposed Comprehensive Plan Amendments
Discussion: Skagit County Road Standards
May 1, 2012

Commissioners: Annie Lohman, Chair
Mary McGoffin, Vice Chair
Carol Ehlers
Jason Easton
Elinor Nakis
Dave Hughes
Josh Axthelm
Matt Mahaffie (absent)

Staff: Gary Christensen, Planning Director
Tim DeVries, Building Official & Floodplain Manager
Kirk Johnson, Senior Planner & Project Manager
Shane Whitney, Engineering Technician

Public Commenters: John Ravnik (Ritchie)
June Kite, Friends of Skagit County (Ritchie)
Marianne Manville-Ailles (Jensen/Peck)
Rebecca Peck (Jensen/Peck)
Peter Rasco (Jensen/Peck)
Peter Mullen (Jensen/Peck)
June Kite, Friends of Skagit County (Jensen/Peck)
LeAnne Holboy (Jensen/Peck)
Ayla Holboy (Jensen/Peck)
Stephanie Rasco (Jensen/Peck)
Phil Holboy (Jensen/Peck)
John Ravnik (Lake Erie Trucking/Wooding)
June Kite, Friends of Skagit County (Lake Erie Trucking/Wooding)
Tom Glade, Evergreen Islands (Lake Erie Trucking/Wooding)
[Sheila Pritchett (Lake Erie Trucking/Wooding) – did not speak; handed in her written comments]
David Pearson (Lake Erie Trucking/Wooding)
Brian Wetcher (Lake Erie Trucking/Wooding)
Marianne Manville-Ailles (all proposals – in general)

Chair Annie Lohman: (gavel) I'd like to call to order the Skagit County Planning Commission. It is Tuesday, May 1st, 2012. The first order of business is to review the agenda. Does anybody have any corrections to the agenda?

Carol Ehlers: I have a couple of announcements.

Chair Lohman: Can we save those for the end?

Ms. Ehlers: Mm-hmm.

Chair Lohman: Hearing no corrections, we'll move on. The purpose of this meeting is to receive testimony and written correspondence regarding the non-project legislative action to amend one section of the Skagit County flood damage prevention ordinance to require that mechanical duct work be constructed at least one foot above the base elevation or located as to prevent water from entering or accumulating within the ducts during conditions of flooding, rather than about base flood elevation, which is the current standard. The amendment is necessary for Skagit County to maintain its Community Rating System Level 4 under the National Flood Insurance Program.

So we are going to start with Planning staff providing a brief overview of the amended proposal, and then the public will be allowed to speak for three minutes and we'll move on from there. So, Tim?

Tim DeVries: Thank you, Madame Chair. For the benefit of those in attendance and those viewing, I'm going to provide a little bit of history that I know the Commission has heard before.

Skagit County is a member of the National Flood Insurance Program, and being such a member it provides flood insurance to the citizens of the county at rates that are greatly reduced from what would be available on the open market. Additionally we are participating in the Community Rating System which requires a higher level of standard within the floodplain. And within that Community Rating System you have a rating – you're assigned a rating starting at 10 being the lowest and 1 being the highest. We are currently at a Level 4 – one of the best in the country, actually – and it affords a discount on the flood insurance of 30%.

Every so often – about every five years or three years – we're audited to see if we are performing in accordance with the requirements of that level and that discount. In the most recent audit it was determined that while in the flood ordinance – flood damage prevention ordinance – that we require electrical and mechanical equipment to be elevated one foot above the flood level, that the mechanical duct work – the heating ducts and so on – were only required to be *above*, not one foot above. And one of the prerequisites of the Level 4 is that it be one foot above, and so we needed to amend the flood damage prevention ordinance to make that minor change.

We had a limited amount of time to accomplish that, so the Skagit County Board of Commissioners adopted an interim ordinance which approved that minor change and then also required a public hearing within sixty days, and so tonight we are before the Planning Commission for the Planning Commission's public hearing and also serving as the public hearing for the Board of Commissioners within sixty days. It's a dual-purpose public hearing, after which you can deliberate if you wish, if that is your desire.

I'll make one comment that sometimes comes up. This is an item that we are already regulating. We are already requiring those ducts to be located in those places. It's a technicality or a formal item to merely fix the flood damage prevention ordinance. But it affects only new construction and substantial improvements. It is not retroactive to anything that exists now or to minor repairs and additions.

That would complete my remarks.

Jason Easton: Madame Chair, question for staff?

Chair Lohman: Commissioner Easton?

Mr. Easton: Sir, I just want to clarify. I'm not sure I heard you say this. I know you've said this before. This only applies to new construction –

Mr. DeVries: And substantial –

Mr. Easton: – and significant remodel?

Mr. DeVries: – improvements. Yes.

Mr. Easton: Okay, thanks. I just want to make sure we're clear.

Mr. DeVries: Yes.

Chair Lohman: Any more questions for you?

Mr. Easton: No, not from me.

Chair Lohman: For staff? Okay, we invite the public to come to the mic and make comments, if you have any, on this proposal. And we are also accepting written comments. Seeing none, are there any more questions from the Planning Commission?

Mr. Easton: Madame Chair, is it your desire to deliberate?

Chair Lohman: If that is the will of the body I would think that we could.

Mr. Easton: Well, I would suggest that that seems appropriate. I just want to make one other comment. In our packet it shows that there was no written correspondence before May 1st, so we have all the materials that relate to this issue?

Mr. DeVries: We have not received written comment.

Mr. Easton: Prior to today?

Mr. DeVries: Right.

Mr. Easton: Okay.

Chair Lohman: Nothing. So everything we have is it.

Mr. DeVries: That's right.

Mr. Easton: Well, with that being said, I'd like to move that we accept the recommendations as presented.

Mary McGoffin: I second it.

Chair Lohman: It's been moved and seconded that we accept the recommendations as presented. Madame Ehlers?

Ms. Ehlers: I would like to have on the record that there was many years ago a flood committee composed of about twenty people with real expertise on the subject of flood in Skagit County, and they recommended this twenty years ago. I think it was about twenty years ago. So I would – my view (is) it's high time we did it. We used to have testimony at hearings when we were doing subdivisions in which people had water in their furnace ducts and it led to substantial costs, mold damage and other problems, in addition to whatever cost there was at construction. So I'm speaking in favor of it.

Chair Lohman: Any further comment?

(silence)

Chair Lohman: Okay, it's been moved and seconded that we accept the proposal as written. All those in favor, say "aye."

Ms. Ehlers, Mr. Easton, Elinor Nakis, Ms. McGoffin, Dave Hughes, Josh Axthelm and Chair Lohman: Aye.

Chair Lohman: All those opposed, same sign.

(silence)

Chair Lohman: Seeing no objections, it's been moved and seconded and approved to accept the motion as presented.

Mr. Easton: Thanks, Tim.

Chair Lohman: Okay, moving on then –

Mr. DeVries: Excuse me.

Chair Lohman: Did you have more?

Mr. DeVries: No.

Chair Lohman: Okay, moving on then, we will open the public hearing for the proposed amendments to the Comprehensive Plan. And the purpose of these public hearing is to receive testimony and written correspondence regarding several Comp Plan map and text amendments that are part of the 2011 Comprehensive Plan amendment docket. The amendment proposals on which separate hearings will be held tonight are – we're going to start – there's three citizen-initiated amendments and two County-initiated proposals, and so we're going to take each one individually so there'll be a bit of redundancy here.

The first one is the James Ritchie proposal to redesignate 5.5-acre parcel from Ag-Natural Resource Land to Rural Reserve. This is PL11-0239. The subject property is up on the screen.

Each hearing will be conducted as follows, based on the Planning Commission procedures. First we'll have – Planning Department staff will provide a brief overview of the amendment proposal, then the applicant or the applicant's representative will be allowed to comment on the amendment proposal. And I would urge you to limit your testimony to about ten minutes. And then the members of the public will have an opportunity to comment, and we ask that you limit your comments to three minutes so that everyone has a chance to speak. Special interest groups, associations or those representing others are encouraged to designate a spokesman for your group to allow greater participation and cross-representation. And then, at the Chair's discretion, the applicant will have a chance to respond to the public comments, and I would probably limit that to three minutes. And additional comments from the public will be recognized and we'll stick with the three minutes, and then the Chairman – which is me – will ask the Planning Commission members if they have questions of the applicants, citizens or staff.

If you wish to speak, please indicate so on the sign-up sheets at the back. Before you testify, clearly state your name, spelling your last name, and your address. A recording system will record your comments. Written comments are also being accepted this evening.

Staff will give a brief presentation about the proposal and then we will begin taking public comments on the first amendment proposal. And thank you for taking the time to participate.

Kirk Johnson: Thank you. My name is Kirk Johnson and I'm a Senior Planner with Planning and Development Services, and I'll be doing the staff comments on each amendment proposal.

So on each of these the Department's recommendations are based on our evaluation of the application materials, additional research that we've done, and evaluation of the amendment's consistency with the designation criteria in the Skagit County Comprehensive Plan, and also any relevant Skagit County Code provisions. So everybody's looking at the map here. Do I have the right amendment proposal up?

Mr. Easton: Yes.

Mr. Johnson: This would be Ritchie. Okay. And I guess after the hearings we can talk a little bit about what the next step for these amendment proposals is. So the first proposal is from James Ritchie and it's requesting to redesignate a 5.5-acre parcel from Ag-Natural Resource Land to Rural Reserve, and the parcel's located in the Skagit Beach Community plat adjacent to the Swinomish Channel. So there's a map of the property surrounded in red. It is currently in the Ag-NRL designation, along with the land to the east of it and the property owner would like that changed to Rural Reserve, which is the zoning of the Skagit Beach plat that it is a part of, and it's immediately to the west.

So here's an aerial photo of the same property, also outlined in red.

There's a lot of information contained in our report and recommendations. I'm just going to try to hit the key points so that you can move on to the public hearing.

So what we found in looking at this is that the parcel meets *some* of the Ag-NRL designation criteria but not all of them, and significantly not some ones that appear to be very essential. So it is 5 acres or larger – it's 5 ½ acres. It's located within the hundred-year floodplain and there are agricultural lands adjacent to it. The property *doesn't* meet perhaps the key criteria in which is that the mapped soil type is not one of those listed and accepted in the Comprehensive Plan in the Ag-NRL designation criteria as prime farmland soils. So we included an attachment in our report, which I'm going to rip out here. So we asked Skagit GIS to provide us what the soils designation for the property is – the map soil type for the property – and they came back and said – so the property is the area – let's see; let me get oriented here. So the area in the – that's what I was looking for – no pen here – the area within this dotted red line is the soil boundary for the xerorthents soil that's found there. So the vast majority of the property is within this xerorthents category. Only a small portion of it here is in the Skagit soils category. And xerorthents, as you have in an attachment, is described as soils that's

typically found in – typical in dredge materials and other sorts of things like that, so it is not a prime ag soil.

The applicant submitted a letter from an agronomist, I believe, who didn't speak specifically to the soil type but said that, in his opinion, it wasn't productive farmland soil. So that's a key issue. Also (is) the absence of ongoing agricultural activities on the property for a number of years and some critical areas constraints that would further limit the amount of the parcel that could be farmed if it were kept in Ag-NRL. And also its inclusion in the residential plat of Skagit Beach are all factors that, put together, we felt that it did not meet the Ag-NRL designation criteria. And it wouldn't open a wide loophole in those designation criteria for other parcels that may be small. We didn't find that the parcel size of 5 ½ acres or even the narrow width of it were by themselves disqualifying factors for Ag-NRL, but rather the soil; the fact that there hasn't been ongoing ag activity on the parcel; the fact that it's a part of the plat of Skagit Beach were really the deciding factors for the Department.

So in finding that it doesn't meet the major criteria for Ag-NRL designation, we concluded, as is required under Skagit County Code if you're looking to de-designate Natural Resource Land, that there was an error in the initial designation of the property as Ag-NRL.

So that is the overview that I wanted to provide. Madame Chair, do you recognize the question or do I recognize the question under parliamentary procedures?

Chair Lohman: Commissioner Ehlers, go ahead.

Ms. Ehlers: When was the plat of Skagit Beach established?

Mr. Johnson: I don't know that off the top of my head. It was in the '60s or '70s, I believe.

Ms. Ehlers: And does the Department have a list of such homeowners associations that – I believe this one restricts the kind of zoning it has in it from the text here.

Mr. Johnson: The kind of zoning or the kind of use?

Ms. Ehlers: Kind of use.

Mr. Johnson: Yeah.

Ms. Ehlers: Do you have a master list of these homeowners associations?

Mr. Johnson: Not that I'm aware of.

Ms. Ehlers: Thank you.

Chair Lohman: Any other questions of staff?

Ms. Nakis: Just have these homeowners been contacted of this request to change zoning?

Mr. Johnson: Yeah. So we're required under code to provide property notice to everyone within 300 feet of the proposed redesignation request. So if the homeowners are within 300 feet of the property, they received a notice in the mail.

Ms. Nakis: Okay. Thank you.

Mr. Johnson: As well as would have the owners of the Ag parcels to the east and south.

Ms. Nakis: Mm-hmm.

Chair Lohman: Okay. If somebody could bring me the sign-up list for the James Ritchie proposal, that would be real helpful. So now we will invite the applicant, James Ritchie, or his representative. Go ahead.

John Ravnik: Good evening. My name is John Ravnik. Last name is spelled R-a-v as in Victor-n-i-k. I'm a civil engineer with Ravnik and Associates, having the address of Post Office Box 361, Burlington, Washington 98233.

The staff has done a very good job in researching and preparing this Comp Plan amendment for the Ritchie parcel. There was some concerns originally when we were running this through the Board of County Commissioners before you received it that it may set a precedent. And the information provided then has greatly helped them in preparing the report they have for you tonight and their recommendation. There is a lot of information. I don't know if you'll have the opportunity to go through it. I will hit on a couple more highlights that I think are very, very relevant.

Yes, a soils agronomist – certified soils agronomist – was retained to inspect the property and it was identified as having a heavy clay content soils, clearly not suitable for farming.

Real quickly for Ms. Ehlers, the plat of Skagit Beach was done in 1972. And, surprisingly, on the plat of Skagit Beach it included this property. When the plat of Skagit Beach was created it had numerous lots and it also had tracts A through E. And in 1972 when Skagit County changed the zoning – because underlying the plat of Skagit Beach before it was platted it was zoned Agricultural also. In 1972 the entire plat of Skagit Beach was rezoned to Rural Reserve which fit accordingly with the fact that it was residentially platted property at that time.

The Ritchie property is a tract in the plat of Skagit Beach and by the covenants that it has along with that, this property can only be used for single-family residential development – so stated in the plat covenants. There is a way that the applicant could change that – is if he were to buy 60% of the lots in the plat of Skagit Beach and change the covenants. So the chances of that being changed on his behalf are pretty small. So he's kind of stuck with something that we think was simply innocently overlooked.

There's been concern about setting the precedent, and I'll read to you the definition of Agricultural-Natural Resource Lands. It means lands "which is primarily devoted to the commercial production of" – and it's got quite a few activities and uses – "and has long-term commercial significance." For at least the last ten to fifteen years it's documented even with just aerial photographs that there has not been any agricultural activities on the property. And as a matter of fact, when Mr. Ritchie bought the land he even put forth efforts to get a lot certification to get a septic system designed, to get a critical areas assessment done on it. He's gotten a building permit for a barn, which his daughter has a horse there. So he has put monies into its residential development or residential use. When he purchased it, it was outright permissible at that time to put a single-family residence on it. And it's only because of changes in codes that stipulate you must illustrate or show a three-year income of agricultural activities before you can put a house on the property. That has now come in after the fact.

So the property has no history of agricultural use; the applicant has put vested efforts and monies into promoting its residential use; the soils are not suitable; and the covenant's restricted only to a single-family residential use. So I agree with staff and I appreciate their work in preparing the application in the package that you have tonight. That's all. Thank you.

Chair Lohman: Commissioner?

Mr. Easton: Yeah, so, Mr. Ravnik, I just want to clarify that this won't bring any additional building rights then into play. This will be *one* single-family property, or will it add additional?

Mr. Ravnik: No, it'll be one.

Mr. Easton: Okay.

Chair Lohman: Go ahead, Dave.

Mr. Hughes: Where's the wetlands on there?

Mr. Ravnik: Okay, so for your benefit here, north is up in this view, and the wetlands are identified in this southerly portion right in here.

Mr. Hughes: Where then is the proposal – or you think he might want to build? What area of the property?

Mr. Ravnik: I haven't seen a residential site plan for him so I'm going to be speculating. The critical areas in his drain field were assigned, if I recall correctly, at the south end and his residential area would likely be up in this portion – in the wider portion. With his setbacks that he has in there – and I think at the narrowest point of the property it is about 100 – the narrowest piece is about 140 feet wide, so it would probably be in the wider portion at the north end, which would be near his barn if I – yeah, near his barn.

Mr. Hughes: Is the driveway that is on the east side of the south part of the property his property or is that the land – the ag land landowner's?

Mr. Ravnik: There is an access – a driveway access – at the very southern end –

Mr. Hughes: Yep.

Mr. Ravnik: – paralleling the easterly property land, and I'm going to say the south half of the property. There is a field road. That field road's not on his property.

Mr. Hughes: Not on *his* property.

Mr. Ravnik: No. There is a very shallow drainage ditch that parallels the vast majority of the entire east property line. That drainage ditch has been there for –

Mr. Hughes: On his property?

Mr. Ravnik: Yes, on the west side.

Mr. Hughes: It's on the west side of the driveway.

Mr. Ravnik: It's on the west side of the field road.

Mr. Hughes: Right.

Mr. Ravnik: Yep. Yeah, it's my understanding that his property line is very near to that ditch.

Mr. Hughes: And his access then would be?

Mr. Ravnik: At the south end. Either at the south end is where he's got access now, or possibly –

Mr. Hughes: It's off the road and – where it borders the road then. Right in there.

Mr. Ravnik: Yeah, it would have to be limited to this length right here – if that came through on your screen.

Mr. Hughes: Yeah.

Mr. Ravnik: Okay.

Chair Lohman: Any other questions?

(silence)

Chair Lohman: Okay. John, was there anybody else for the applicant or just you?

Mr. Ravnik: No, he's undergoing surgery the last couple of days so he's in recovery, so it's just me. Thank you.

Chair Lohman: Okay. We have one member of the public signed up to testify: June Kite. And please limit your comments to three minutes.

June Kite: June Kite. I live in the Conway area on Starbird Road and I'm talking for Friends of Skagit County. And on the Ritchie proposal I agree with the County's findings on the property, so my comments are in agreement with the County's recommendation for approval.

Chair Lohman: Are there any more members of the public who wish to testify on the Ritchie proposal?

(silence)

Chair Lohman: Okay. Hearing none, I move to close the hearing for the Ritchie proposal (gavel).

Mr. Johnson: Madame Chair?

Chair Lohman: Yes?

Mr. Johnson: We just wanted to point out that the written comment period remains open through the end of the week, 4:30 p.m. this Friday.

Mr. Easton: Oh.

Chair Lohman: Okay.

Mr. Easton: And, Madame Chair? Deliberations haven't been scheduled? Or were we – I guess with the open written comment period we can't deliberate tonight.

Chair Lohman: No, we weren't going to deliberate.

Mr. Johnson: No, not tonight. The hearing notice said that deliberations were planned for your June meeting, which I believe is June 5th.

Mr. Easton: Okay. Thanks.

Chair Lohman: Okay, so we'll move on to the second citizen-initiated Comp Plan amendment proposal. This will be the Jensen/Peck proposal to redesignate two parcels totaling approximately 11 acres from Rural Reserve to Rural Intermediate. This is property number PL11-0240. Again we will hear from Planning Department staff, then we'll hear from the applicant or the applicant's representative. And we suggest that you limit your comments to around ten minutes. Then we invite members of the public to speak and we limit your testimony to three minutes. Then, at our discretion, we will allow for rebuttal from the applicant, and then we will allow questions from the Planning Commission. So if you wish to speak, please sign up and give your name and address. So go ahead, Kirk.

Mr. Johnson: Okay, so this proposal, which we called "Jensen/Peck," seeks to rezone two contiguous parcels, 5.9 acres and 5 acres, from Rural Reserve to Rural Intermediate. So this is the Rural Reserve area here – the kind of cream color – and the more purpley is the Rural Intermediate. And they are found at the intersection of Bay View-Edison Road and Bay View Road. So the Jensen parcel already has a single-family residence on it. I believe that is this one – yep. And the Peck parcel does not. So if the redesignation goes through it will create a total of two additional rural development rights, one for each parcel.

So this one, again, there's a lot of information in the report. I won't try to go over all of that. If you've read and digested this you earn an honorary degree in LAMIRDology. So Rural Intermediate under the Growth Management Act and the Comprehensive Plan is considered a Limited Area of More Intensive Rural Development, and there're some pretty strict criteria in the Growth Management Act – which we've adopted into our Comprehensive Plan – for designating those areas and also drawing logical outer boundaries around them. And the core of the designation has to be an area that's more dense than you could allow now under the Growth Management Act that was there in more or less that condition by 1990 when the Growth Management Act was adopted. And so the Rural Intermediate area there with the generally 2 ½-acre zoning patterns – some parcels larger, some parcels smaller – the County found, as it was going through the designation process, that there was an existing area there that really didn't fit in the one per 10 or resource land categories. So then the County needed to draw logical outer boundaries around that and as the Growth Management Act and the Rural Intermediate designation criteria say, the logical outer boundaries need to be logical. They can be delineated – *should* be delineated predominantly by the built environment and they can include limited undeveloped lands, or undeveloped lands if limited. So basically the Growth Management Act doesn't want a jurisdiction, a county, finding an

area that had the 2 ½-acre zoning here and then saying, Well, we'll draw the logical outer boundary around it to double the size. That would be adding a lot of undeveloped land and that's not the point.

When I was talking about this – kind of the docketing recommendation – to the Commissioners, at which time we were recommending that this not be docketed, I kind of tried to summarize it to the Commissioners that it's sort of a balancing act between what was there in 1990 that was 2 ½ acres and then what are the logical boundaries.

So these two parcels in 1990 were one 10-acre parcel and they were divided into two roughly 5-acre parcels, I believe in 1997, as the County was going through the Comp Plan amendment process. At the time the County determined that Starvation Ridge Lane, which is the small – the gravel road or driveway up above, to the north of one of the parcels, was the logical boundary. And we've retaken a look at this – looked at Bay View Road as a major county road, a paved road; you've got the square intersection there – and agree at this point that that really does provide a more logical outer boundary, that the inclusion of those two 5-acre parcels, which will create two additional development rights, does not constitute low density sprawl, and so that this would fall within the allowable criteria or parameters for Rural Intermediate designation.

At the same time we want to caution that, you know, if these two are added and then the next year the person just to the east comes in and wants to be added, and then the person – you can see how that could accumulate over time. And so that's one of the reasons why there's a County-initiated proposal – that we'll get to later, after the citizen-initiated proposals – that would limit how often this type of amendment proposal could come in and would propose that it be required to participate in some way in a transfer of development rights program – if the County Commissioners decide to create such a program – where a lot of times you'll hear, This is a great place to build. It's out of the floodplain, it's got services, and by creating development potential here we're lessening the pressure on the farm land. I think, from the Department's perspective, if there's not some direct correlation between creating development rights here and eliminating development rights where you don't want them in the ag land or the floodplain, possibly through a transfer process which is voluntary for the ag land owner, then you really are creating more development rights rather than extinguishing them in one place and moving them to where they're more desirable. So a little bit of the theory behind the County-initiated proposal that we'll get to a little bit later. And those are all the overview comments that I had on this.

Mr. Hughes: Do you want questions now or later?

Mr. Johnson: I can take questions now.

Chair Lohman: Now.

Mr. Johnson: Or whatever the Chair –

Chair Lohman: Dave?

Mr. Hughes: Does the County ever – I know Public Works has or talking about – talked about doing a comprehensive study of the drainage of the whole hill there. You know, I was one of those guys that was on the bandwagon to build out of the floodplain, but a couple years ago we had 200 acres of potatoes planted down below and sometime in June I think we harvested 45 or 50. And until someone comes up with an idea of slowing the runoff – sure, we're adding two more building sites, but something needs to be done, whether it's here or any other hill ground in the county.

(several sounds of assent)

Chair Lohman: Commissioner Easton?

Mr. Easton: Yeah, so I found the way that we've arrived here challenging. It's a twisted road from the Department's pretty strong desire to not see this docketed to now recommending its approval with this sort of large paragraph or two large paragraph caveat of, Okay, we want you to – we're okay with you approving this if you approve something else that has a great impact on a lot of people in the county. I mean, so it sort of feels like to me – and I need some clarification from the Department how we end up in this sort of logic – it feels like we were handed a small project that's now sort of mushroomed into this, Okay, we'll go ahead and approve this but now we want this larger responsibility. And the fact that transfer of development rights is such a – it's a fancy term that literally doesn't exist at all in the way in which we do business right now. It sort of puts me in an awkward position. I mean, on theory when you look at this on the map it – this troubles me from an 80/20 point of view.

Mr. Johnson: Mm-hmm.

Mr. Easton: This is not – this doesn't feel comfortable – it doesn't feel comfortable to give two of these away because these guys are smart enough – I mean that respectfully – to come in and ask but their neighbors didn't, then lock the rest of the county down and say, We're not doing any more of these anymore. So why didn't the Department just recommend not to do this? I mean, was that considered, considering the fact that you guys had recommended not to docket?

Mr. Johnson: Sure, we considered it. I think we just took another look, took a look at the comments that the applicants submitted at docketing phase, looked at the fact that it's not one larger 10-acre parcel; it's two, you know, more like 5-acre parcels. Yeah, I'm not sure. I guess I would say that it's not my interpretation or intent that the recommendation is approve this if and only if you move forward the policy proposal. It's on the merits that are there now we're recommending approval, and then we're also asking you to consider this other proposal – which really the timing could take effect without the creation of a transfer of development rights program. But that aspect of the

policy proposal couldn't take effect unless and until there were a transfer of development rights program. So I don't know if that helps you at all. Gary, is any –

Gary Christensen: Yeah, I would support that comment and add to it. Certainly the Department's recommendation to reclassify these lands isn't contingent on your approving another County-initiated policy question. Simply, I think, what we wanted to point out was there is a land use policy question here for which we're trying to seek guidance and possibly resolutions that would apply in the future, but not today. There is a concern that if not defined or addressed that simply you could see more and more development in rural areas. And so consistent with briefings that we've had with the County Commissioners about how development is occurring in the county and how we might better guide it or direct it to areas where we would rather see it and extinguish development rights in areas where either people or businesses might be in harm's way or be incompatible with natural resource land management.

So we have looked at these two parcels based on their own merits but have also brought to your attention that there is a bigger land use policy issue for which we are wanting to introduce and go through a process of trying to better define that land use policy.

Chair Lohman: Any other questions?

Mr. Easton: Yes, I just – follow-up. Yes, please. So the sentence, "For these reasons the Department strongly supports adoption of the county-initiated policy C-1..." The way that that's worded here I guess I now feel more clarified from the County. It was a bit of a misunderstanding for me when I read through this the first time. You feel completely comfortable with approving – giving the recommendation for approval, assuming C-1 fails? So you'd still feel comfortable with this recommendation if C-1 doesn't pass?

Mr. Christensen: Yes. Yes.

Mr. Easton: Okay, because the way it was – the way I interpreted the way it was written, that caused some confusion for me. I still – I feel like I'm a little – I realize we're trying to cut down on the length of time that the staff makes the recommendations – or I mean their statements – but I appreciate you guys taking the time to clarify that. Thank you.

Chair Lohman: Well, I also had written in my notes, "Is this premature, or do we have the cart before the horse?" When you're talking about a TDR plan that we're still defining – it isn't in code yet. It's still – it's not vetted yet. So I'm glad to hear your answer there.

Mr. Johnson: Yeah, and if I could respond: We've been very clear in talking to people who are interested in the TDR program or maybe concerned about the TDR program

that the TDR study process will be just a study process and there will be a time when the County Commissioners will say, Based on this, we will either decide to move forward and consider a program here in Skagit County or not consider a program here in Skagit County. And they have that discretion. And so, yeah, there's no predetermined conclusion that there will be a TDR program, and that may be a valid point to raise in the context of this amendment proposal. Maybe it *is* putting the cart before the horse.

Mr. Christensen: I might also add, if I may, that there is presently no moratorium on making such requests to redesignate your property. And, as you know, a petition is a request for consideration. The County Commissioners ultimately decide what to docket and what not to docket. If, in fact, in the future there are a significant number of requests that come forward absent of a land use policy with regard to transfer of development rights and so forth, the Commissioners themselves may just basically take a timeout and say, We're not going to review any more until we do address the land use policy question or the transfer of development rights program.

So it's not premature in that the Commissioners have agreed to docket this, and so we bring this to you based on its own merits. But for your information there is a bigger, broader land use policy which we will get to in time.

Chair Lohman: Commissioner Ehlers?

Ms. Ehlers: I realize that this is part of the 2060 Envision process long-term – this TDR program. It – am I correct? – it seemed to me that what you have done here is use this application as an illustration of what might be done under that program, were it to exist.

Mr. Johnson: Under a TDR program?

Ms. Ehlers: Under the TDR program, were it to exist.

Mr. Johnson: Yeah, that's – sure. I mean, the TDR concept. I'll also say one of the three County Commissioners has said, I don't think we should grant any more development rights in the rural area unless it's a part of a TDR program where we're extinguishing development rights elsewhere. So it's not just coming from – the TDR is not *just* coming from Envision Skagit. We have one Commissioner who, you know, may be – I mean, this certainly went through my mind – if we felt there was a way to link this proposal with a TDR requirement, we might have recommended doing that. But there's not a way absent a program with a study coming up with commitments that have been made that it's not a foregone conclusion that there *will* be a program. There's no way to do that. But there is at least one Commissioner who said, you know, That would be my preference, is not to see any rural up-zones unless they're helping to move development rights out of places where we don't want that development.

Chair Lohman: Commissioner Ehlers?

Ms. Ehlers: With the budget consideration as it is and the taxes not coming in as they don't, I think it would be foolish to make anybody wait until a plan was done. My neighborhood's still waiting.

Mr. Easton: Sorry, I have –

Chair Lohman: Commissioner Easton.

Mr. Easton: – one more question. We're in the – often – in the position where your guys' recommendations about docketing are overruled by the Commissioners. At least if they have been in the past, I remember noting that. What I didn't notice in the letter was a reason from the Commissioners for why they disagreed with your guys' decision on docketing. Can either one of you comment on that?

Mr. Johnson: In the letters?

Mr. Easton: In your guys' recommendation there's no notes. I don't have any record of why – I didn't go back and watch the hearing so I apologize, but can you give me a synopsis of why the Commissioners decided to docket this anyway?

Mr. Christensen: I can't recall. That docketing hearing was last fall.

Mr. Easton: Okay. No problem. If I need to look it up, I will.

Mr. Christensen: Yeah.

Mr. Easton: Okay. Thanks.

Mr. Johnson: I would just assume they saw some merit in it being considered.

Mr. Easton: Okay. I was just wondering if there was more to it. Okay, thank you. That's all I have.

Chair Lohman: Okay, thank you. Okay, now we invite the applicant for the Jensen/Peck property.

Marianne Manville-Ailles: Good evening. My name's Marianne Manville-Ailles, M-a-n-v-i-l-l-e, hyphen, A-i-l-l-e-s. I'm with Skagit Surveyors & Engineers and I'm representing the applicants for this deal. And just before – I do have a written comment that I will turn in at the end, but I do want to just – just because we've been talking about the transfer of development rights and the linking this thing up – I just wanted to make clear to all of you guys that when we came in for this application there was no discussion on the table whatsoever about any kind of limitation on this. I mean, this was just an opportunity that was available to anybody in the county that had their property to come in for a Comp Plan amendment request, and so that's – you know, we took advantage

of that opportunity because this other thing wasn't there and so I ___ it. You know, it's one of those deals that it's kind of – it's, you know, Jason, you talked about it not being fair to the other people that, you know, that might come after. But it wouldn't be fair to these guys to link this to something that wasn't in place when they first started to consider this, too. So I would encourage you to look at this on its own merits because I really do think that it stands on them.

And, Jason, the reason that the Commissioners docketed it was because I did such an awesome job of presenting the facts to them!

Mr. Easton: I set you up for that answer, didn't I?

Ms. Manville-Ailles: I do want to thank the Planning Department for their recommendation of approval on this. We do, obviously, support that. But I do want to provide some clarification because I do know that there was quite a lot of information that was presented. There was a lot of information that was presented at the Commissioners' hearing and that is good and valuable information. I'm going to just hit the highlights on that, so if you haven't had an opportunity to look at that I would encourage it because I think that it does shed some light on things. But I will go through the highlights of our stuff.

I think that the primary – it is our primary contention that the 1996 designation of this property was – as Rural Reserve – was an error. Throughout the lengthy process of designation, up until a matter of just a couple weeks before the final map was approved, this property was included in the Rural Intermediate designation. The Rural Intermediate designation came clear down to Bay View Road and then at the very, you know, the eleventh hour and fifty-ninth minute it got moved up one parcel above. And at that time the property owners had sent some letters requesting/wondering why that had (been) done and there was never any really compelling evidence or rationale for why that was moved. And we believe that it was an error.

This current report that you have before you surmises that the reason – that it was – that the planners that were working with this at that time had thought that Starvation Ridge Lane and those small lots were a more appropriate boundary for the zoning than Bay View Road. But I would suggest that that's not possible, because Starvation Ridge Lane didn't exist until 2005 and it was done as part of that 2 ½-acre development that was approved as a short plat in 2005. And, in fact, in 1990 – in July of 1990 – the parcel to the north of these two parcels was one 18-acre parcel. In August of 1990, it was divided into three pieces: into a 10-acre piece, a 5-acre piece and a 3-acre piece. So I just – I think that clearly this was just an error. And I don't think, you know, there's any big Machiavellian reason why it happened. It just did. There was a lot of stuff that was going on.

In the first round – as you guys, those of several of you recall because you were there – in the first round of Comp Plan amendments there were hundreds of Comp Plan

amendments and there was like a triage kind of approach to dealing with them. And if you had not provided good, compelling reasons for your property to be looked at again, you fell out in the first round because there were just so many of those to look at. And that was what happened with this parcel. It just didn't get a really good hard look the first time. And so now we're back. What's – you know, it's fifteen years later and we're back and we're saying that, you know, Take a look at this. These are two smallish properties. They're – the Bay View Road is a good, natural divide. I mean, it's an arterial road. It was the historic division between what was the 10-acre zoning prior and the 1-acre zoning. It's the historic boundary for that. The property is, you know, it is out of the floodplain, it is not farmland, it's – you know, it's – they already have services there – PUD water is there. The Jensen piece has a second approved sewer – or septic – on it. They have a second approved driveway to it. It has no critical areas. You know, from my perspective in doing land divisions and looking at property – not very much lately, but – this is in a unique position; it's uniquely developable. That's what I would term it because there's – you know, it's so unusual that properties are – you don't find properties like this often anymore. So it does suit itself for the infill that is part of that LAMIRD process that the GMA had indicated – had set up.

And then the other thing that I think that we need to look at – and this is one of the things that we discussed with the Commissioners and I think this might be part of the reason why they saw fit to docket this – is that if you look at the mapping changes and the code changes that have happened from 1996 to today, the number of potential lots that can be created in the rural areas of Skagit County have been significantly reduced. And I'm just – I have a few examples that I put on there. You know the closure of Carpenter Creek and Fisher Creek basins and the eminent closure of Nookachamps basin? Those have had huge impacts in the amount of lots that – the potential lots that could be developed. The changes to the flood prevention ordinance that came about as the result of the NMFS and FEMA BiOp – that has also had impacts. And those are recent ones. When the critical areas ordinance was revised, that had impacts on the number of lots that could be created.

When the last round of mapping went through and when they increased the areas of mineral resource overlay – every place that mineral resource overlay is adjacent to Rural Reserve, the density bonuses on the Rural Reserve within a quarter-mile go away. So very little change in – you know, if you move that boundary over a very little – has a large impact on, you know, on adjacent properties. And also we're, you know, we're in the process of a – you guys are working on the Shoreline Master Program, too, which will likely have impacts on it.

So with all of those changes the number of lots in the rural area have been – have *already* been significantly reduced. So if we look at those as TDRs for these two lots, it's many, many, many, many orders of magnitude more lots reduced than the two development rights that you would be gaining on this.

So just to summarize on this: The Bay View Road is the logical outer boundary and it's been in place since well before July 1990. As I said, the property is uniquely developable. It has services and infrastructure available, and it is absent of obstacles and constraints. The changes in the mapping and the regulations have significantly reduced the number of potential lots that are available in the county, and approving this request would result in justified infill, which is what the LAMIRD is all about. So we would request that you support the Planning Department's recommendation and approve this request.

Chair Lohman: Okay.

Ms. Ehlers: I have two questions for her.

Chair Lohman: Commissioner Ehlers.

Ms. Ehlers: This map, of course, the top of it is north. Which way does the slope go?

Ms. Manville-Ailles: This is flat.

Ms. Ehlers: This is flat.

Ms. Manville-Ailles: Fairly flat.

Mr. Hughes: It goes to the ag land.

Ms. Manville-Ailles: It goes toward the ag land. Okay.

Ms. Ehlers: So it goes to the left, to the west.

Ms. Manville-Ailles: Yeah, this way.

Ms. Ehlers: Is this land in the drainage utility?

Ms. Manville-Ailles: It is not.

Ms. Ehlers: Is it in a drainage district?

Rebecca Peck: It's in a diking district, I think.

Mr. Hughes: It's in one or the other.

Ms. Ehlers: It's got to be in one or the other.

(several inaudible voices in the audience)

Ms. Ehlers: And is it in a drainage district or the drainage utility? That's on your tax bill.

Ms. Peck: District, we think.

Mr. Christensen: I've been informed it's in a drainage district.

Ms. Ehlers: Okay.

Mr. Hughes: That out there is dike, drainage and irrigation district.

Mr. Easton: They're all one?

Mr. Hughes: It's all one.

Ms. Ehlers: Including the upland above it?

Mr. Hughes: That's news to me.

Ms. Peck: No, but we've been paying the dike district.

Unidentified male voice in the audience: There's a drainage district fee on our tax form.

Mr. Hughes: The county – I think they're in the county. Drainage.

Ms. Ehlers: When we set up the drainage utility –

Mr. Hughes: Utility.

Ms. Ehlers: – everybody that was in a drainage district was not put into the drainage utility, so you should be paying into one or the other. You have to be. If you aren't –

Ms. Peck: The drainage district, not the dike.

Ms. Ehlers: Okay. Then that's –

Mr. Hughes: Drainage utility.

Chair Lohman: Your second question, Carol?

Ms. Ehlers: I'll think about it.

Chair Lohman: I have a – just a point of clarification. If you could show the topographical map, the picture. That ag land, Dave, it's down below. Significant – what's deceptive in the picture is the whole thing looks flat and it isn't. I mean, there's a significant elevation difference between that ag land and the property you're talking

about. So there is a line between those properties. It's not like it's going to creep onto the ag land, because of the nature of the land.

Ms. Manville-Ailles: In addition to the fact that it's got the two roads between it as well.

Chair Lohman: Right. But it's not a case of the road is the division. It's really the elevation that creates the boundary.

Ms. Manville-Ailles: Yeah, and unfortunately we don't have the luxury in the GMA of talking about natural features. We only get to talk about built things, so, I mean, that – I totally agree with you on that but that's not the way – that's not one of the criteria that they considered with the LAMIRDs. You weren't allowed to look at, like, natural things. You had to look at built things, things that were built in July of 1990.

Ms. Ehlers: GMA managed that you – required that you look at some things. You have to look at geohazard areas.

Ms. Manville-Ailles: But not for the LAMIRDs – not for the outer boundaries for the LAMIRDs. I mean, it was clear that it had to be built stuff. Kirk, can you remember the exact language? I can't. About what it says?

Mr. Johnson: Well, I'm just looking – “The county shall establish the logical outer boundary and shall address” and then there are a number of criteria. It does say “physical boundaries such as bodies of water, streets and highways, and land forms and contours.” But I think the logical outer boundary does need to be delineated predominantly by the built –

Ms. Manville-Ailles: The built environment.

Mr. Johnson: – environment. But it does appear that you can consider natural things like land forms and contours as a part of it, too.

Ms. Manville-Ailles: Yeah.

Chair Lohman: Commissioner Easton?

Mr. Easton: Could you roll the map back down please? So if the argument is that it's logical boundary issues that were mistakenly mishandled in '96 or '97, if that holds water for me then where's the logical boundary to the west supposed to be? Is it really Frans Ridge Lane or – I mean, I recognize you only have to –

Ms. Manville-Ailles: You mean to the east?

Mr. Easton: Oh, to the east – excuse me – that you’re only asking for these two parcels, but if a boundary was mistaken where would *you* suggest the logical boundary to the east should be?

Ms. Manville-Ailles: I don’t know. I mean, I’m going to talk about that a little bit when we get to the next – to the County-initiated thing. I have a – you know, I am not convinced that the boundary shouldn’t be – should not be further – should not have been put further over, but that was not my call to make. I mean, I think that there was – you have to understand that when this was – when this mapping was being done this was a huge, huge project and this was not the only area of the county that was being looked at.

Mr. Easton: Sure.

Ms. Manville-Ailles: So, I mean, I think that, you know, we could pick apart every boundary on – every zoning boundary in the county probably and, you know, now fifteen years later – twenty years later – and come up with different things. And that’s why we have the process. That’s why we have the process so that we can come back in now and we can take a look at it. Should the next property over be in? Maybe. But they – but, you know, the way the process is set up now, you know, you have to come in and you have to ask for it.

Mr. Easton: Can you comment to whether the proponents have asked their other neighbors to the east if they wanted to be a part of this proposal? Did you guys try to join in with any other property owners besides – I recognize there’s two folks now, but to the east those folks that are naturally down Bay View Road, did you reach out to them at all?

(no audible response)

Mr. Easton: Okay, thanks. That’s all I have.

Ms. Ehlers: There is a precedent on that question. Up on the – when we were doing this massive rezoning there was a group of people up on the Sauk River who are friends, but they didn’t know the person with the parcel in the middle. So they didn’t contact the person with the parcel in the middle to see if they wanted to join with them in the rezone. And the County attorney would not allow us to rezone that person who hadn’t requested even though they were completely surrounded by people who *had* requested who *did* get the rezone and his parcel was identical to all the rest of the parcels. Now that’s an example of how the process was then done.

Ms. Manville-Ailles: And that’s not uncommon. I mean, I have seen that happen in cities, too.

Chair Lohman: Okay, was there anybody that signed up from the public that wished to speak?

(inaudible voice in the audience)

Chair Lohman: Okay. Well, come on up. You're the applicant? If you could state your name and your address – all that good stuff.

Rebecca Peck: Hi. Rebecca Peck, P.O. Box 191, Bow, Washington. And I wanted to thank the Planning Department for looking at it and doing the research and coming to the conclusion of recommending it.

I want to say some history. To answer *your* question, Bay View Road – that side road – was the old boundary so all of those lots would have been in there. It was the only boundary, first created in 1960 when they first made a boundary. And it wasn't until, as Marianne said, about three weeks before the final signing of the GMA that that moved. My husband and I worked throughout the whole process. We were in people's living rooms. We were at the big meetings. We did all that. We wanted 2 ½-acre zoning, not 1 acre; otherwise we would have already subdivided it. We were assured, the maps assured us, blah-blah-blah. It changed.

Did we reach out to the neighbors to the east to ask them to join us now? No, but all the neighbors that we potentially would impact by building and having a structure where they're not used to seeing it out of their living room windows have known about this for twenty years. They've known that the intention was to try to get the lots, and, in fact, they know how ideally things might be placed to not block as much as possible. We didn't want Bridgeview Way, where those 1-acres are three parcels over – we did not want to do that to our property. So we didn't. And then in the meantime the mapping error or whatever error it was that moved it at the last second and it wasn't addressed happened. But that's why the line zigzags – because the old road, Bay View Road, was the old line. So I wanted to clarify that. And the parcel to the north was 18 acres. There was no Starvation Ridge Road. There was no road there until 2005.

Any questions?

Mr. Easton: I just want a clarification. Did you mean to tell us that you have communicated to your neighbors where your houses would be located to try to block their views as much as possible?

Ms. Peck: To *not* block their views.

Mr. Easton: No, I mean – I'm sorry. That's what I meant! I didn't mean that you planned to block their views!

(laughter)

Ms. Peck: Yeah.

Mr. Easton: So you have communicated with your neighbors about that? Okay. Thanks.

Chair Lohman: Okay, now we invite the members of the public who wish to comment. The first person on the list looks like Peter Rasco. Please limit your comments to three minutes and a reminder to give your name, spell your name, and your address. You don't have to spell your address.

Peter Rasco: Good. Thank you. My name is Peter Rasco, R-a-s-c-o, and I live at 11908 Frans Ridge Lane, Mount Vernon, Washington. I'm in the parcel that is immediately to the – I guess it would be to the –

Mr. Easton: If you put your finger on the map, we can see your finger.

Mr. Rasco: Oh, that'd be easier, wouldn't it? I'm right here – this parcel right here.

Mr. Easton: The purple one?

Mr. Rasco: The purple one. I'm here to comment against the application to change the zoning of the Jensen/Peck parcels. During your consideration of the application, I'd request that you take into consideration a couple of the following items.

Incremental low density sprawl. I purchased that parcel and the house on it in 2005. Since then there's been seven houses-slash-trailers built or installed right around me. And I'd be happy to point out the details but it's pretty much right in my vicinity. And my worry is if we add another three to four houses – because we're looking at having four specific parcels in the two 5-acre spots – that'll be quite a few houses.

And my other, you know, worry that goes beyond, and you've been talking about it with your – I guess it's the TDR term – is that my worry is it's going to go right up Bay View Road. There're several parcels that are for sale now. I think ultimately, you know, there's a high potential that if there's not direction in place that they could be split into smaller parcels and developed.

It appears that changing the zoning from Rural Reserve to Rural Intermediate on these two parcels is outward expansion rather than infill. And I'm just looking at it geographically. I think that Starvation Ridge Lane and Frans Ridge Lane are a good physical boundary for the Rural Intermediate zoning.

The other issue that's large to me is the preservation of the rural character of Bay View Road, I'll call it "community." It's a loose community. With the addition of the seven new houses that I mentioned earlier, Bay View Road is an area slowly changing from a more rural character to, I'll say, a more suburban character. And, you know, basically

where you've got landscaping and you've got no livestock, no poultry, no grass pasture is rural and it's slowly changing from the – I guess that'd be the north to a more suburban environment. I would say that three or four more houses put on those two parcels would collide with some of the parcels across, which *are* being used directly for agriculture and for cattle. And I am just terrified about it crawling up Bay View Road. I think everybody obviously is driven by their economic interests, and if that prevails that, I think, would happen.

I'm also worried about water quality impact. And, again, back –

Chair Lohman: Time.

Mr. Rasco: – to the seven houses and then you add – how much time? All right. Well, thank you very much for taking your time to listen to me.

Chair Lohman: Okay, the next person is Peter Mullen, and then June Kite after him.

Mr. Axthelm: I have a question. Did you have more comments that you –

Mr. Rasco: I'm actually going to put – write written comments and submit them by Friday.

Mr. Axthelm: Perfect. Thank you.

Peter Mullen: Peter Mullen, M-u-l-l-e-n, 13561 Bay View Road, Mount Vernon, Washington. My wife and I own about 20 acres in the Bay View Road area. My family came here in 2004 to enjoy what we saw as the rural lifestyle there and we've enjoyed that ever since.

Right now I'm building my home about 200 yards away from the area in question. And because of a reliance on alternative technologies for this house, primarily wind and solar, I spent a couple years looking at each parcel in the area and trying to figure out how development on that parcel would affect, you know, my access to the wind and solar, and ultimately we went ahead with it.

I don't think that these two parcels can affect that, even if they do go to 2.5; however, I share a concern with the Department about the – they said "potential" – risk for continued and incremental expansion. And I'm here to say I don't think that's a *potential* risk. It's a certain risk. Homeowners like me who have larger parcels, if they see the rural lifestyle going away it's not too hard to imagine that they might bail and get as much as they can out of their property (and) go to someplace else. In my case that would be going from three residences on 20 acres to maybe eight.

So I just want the Commission to consider what this might mean down the road. I think we can expect it to continue and homeowners like me will have a hard time understanding why they can't do the same thing. Thank you.

Ms. McGoffin: I have a question.

Chair Lohman: Commissioner McGoffin.

Ms. McGoffin: Can you show us on this map where you are?

Mr. Mullen: Mm-hmm.

Ms. McGoffin: Are you on there?

Mr. Mullen: We're right here with a new residence. That's a 10-acre parcel. Conceivably four more could go there at some point. And we're also up the road on two 5-acre parcels right here just at the edge of the map. Conceivably a couple could go on each one of those, too, if it's allowed to continue to the east to Farm-to-Market, which is another natural boundary.

Ms. McGoffin: Okay. Thank you.

Chair Lohman: June Kite. Marianne, you already spoke, right?

Ms. Manville-Ailles: Yeah, I spoke. _____.

Chair Lohman: And then it looks like LeAnne Holboy after June.

Ms. Kite: June Kite again, and speaking for Friends of Skagit. The County's comments introduced both the Rural Intermediate zone and adjacent to that is the Rural Village of Bay View, which is further north, above that way. And then, of course, the LAMIRDs, and the LAMIRDs were determined by the outer boundaries based on the built development of 1990.

One of the questions that I have is, How many of the lots are developed currently or how many are undeveloped in the Rural Intermediate? The Department was very concerned about the potential risk for continued incremental expansions and have talked to the County-initiated amendments for the Rural Intermediate, and they quote, "...under the Rural Study Areas policies in the Plan Implementation and Monitoring Element, some"... "density may be appropriate"... "but only after completion of" a "necessary community plan." My question is, Has anybody implemented a community study, a community plan for this Rural Intermediate area?

The County-initiated amendment also addresses the Rural Village and uses the same – "...expansions will only be considered through" the "state-mandated" or "proposed as

part of a community subarea plan.” And that supports the existing language for both the Rural Intermediate and the Rural Village. The LAMIRD is well-defined in this illustration and there is very concern about the potential – and some consider not only potential but the very real risk of expansion of the boundaries. I’d like to propose that the County initiate community plans, both in the Bayview Rural Village and the Bayview Rural Intermediate areas. Thank you.

Chair Lohman: Okay, LeAnne Holboy and then Ila – or Ayla?

Ayla Holboy: Ayla.

Chair Lohman: Ayla Holboy, and then the last person on the list is Stephanie Rasco.

LeAnne Holboy: Okay, LeAnne Holboy, 13464 Bay View Road. Last name is H-o-l-b-o-y. Everything I refer to – every provision I refer to – I got from chapter 3 of the Skagit County Comprehensive Plan on Rural Elements. Understand that this is my – the life of our community. I’ve prepared a statement and I may go over three minutes, but it’s our life.

Our goal is quite simple. The County adopted the Skagit County Comprehensive Plan (SCCP) in 1997. We are in agreement with the designations in that plan. Our goal is to change nothing. Jensen/Peck’s goal is to request a change to that plan which would increase the density in a Rural Reserve-designated area, thereby changing the rural characteristics of that particular area. We hope that you will consider our points as carefully as you did the Jensen/Peck proposal before you make your final recommendations.

Our arguments will validate and reinforce the SCCP, while Jensen/Peck arguments seek to alter something that was already – that has already been established and in place since 1997.

Some historical background: One of the goals of the SCCP is to preserve historical and cultural structures and landscapes to retain open spaces. The parcel under consideration consisted of 10.89 acres from as far back as 1925 and likely larger prior to that year. Under the policy section of the SCCP, it states, “Areas may be considered for designation as Rural Intermediate (RI)” 2.25 acres – or “2.5 acres by identifying clearly contained logical boundaries that are delineated predominantly” – we’ve heard this before – “by the built environment existing July 1, 1990.” Clearly this piece of property did not fall into the RI designation at that time nor at 5 acres does it fall into that designation now.

Surrounding properties or the predominantly built environment that exists even today is of properties over 2.5 acres. This property is surrounded by farms, most of which are historical, that date back to the late 1800s. Our farm was built in 1892 and many of the other properties soon followed or already existed. Sorry – I’m so nervous.

Many of the farms in the area are still inhabited by family members of the original homesteaders. The farms to the immediate south and north of the Jensen property fall into that unique category. Clearly the SCCP goal to preserve historical and cultural structures and landscapes was fully achieved by the original designation created for this unique area.

Rural character and boundaries: Despite the historical background and the predominantly built environment of the property in dispute other variables must also be considered in this decision-making process, including the rural character. And how can we define that, right? There's a lot of gray area. Well, to find the answer I just had to refer to the SCCP. Rural character is defined under the GMA mandate of the SCCP as "areas that have open space, natural landscapes in which vegetation –

Chair Lohman: Time.

Ms. Holboy: – is predominant and it provides visual landscapes that are traditionally found in rural areas and communities."

Chair Lohman: Excuse me. Can you conclude and then I invite you to submit it in writing for sure.

Ms. Holboy: Okay, I need to show you: This is the farm directly east of the property – 5 acres. This is to the south – or it's the north of the property. Again, a farm that's been established for – since the turn of the century. Cows. Here we go. Here's the farm directly to the south. This is the farm directly to the south. This is our farm. This is the Peck – this is Jensen's parcel. You can see he has cows on his property. And here's what happens: Every piece of acreage or division that's 2.5, this is what we get. That's what we get. And we get this. Now and then we get this lovely picture. Farming? This is the Peck/Jensen parcel and this is a 2.5-ers. This is Bridgewater.

(several unintelligible comments from the audience)

Ms. Holboy: I just – you have to see what is happening. Okay, okay – closing.

Chair Lohman: But you can submit all of that into the record, including the pictures.

Ms. Holboy: Okay, I have to ____, see? Okay, in closing: The GMA and SCCP were charged with creating and implementing a viable growth development plan, an extremely difficult task to accomplish, especially since it is not possible for everyone to be happy. Through much ____ consideration and compromise the plan was created and implemented. The Pecks stated that having the acreage subdivided from 10 acres to 5 would allow them to build their planned home. Mr. Jensen purchased the property knowing full well that he purchased 5 acres and that he could not subdivide it. Now both owners want to change the rules for a second time. That leaves the rest of us wondering why their needs are more important.

Mr. Easton: Point of order.

Chair Lohman: Thank you.

Mr. Easton: Madame Chair?

Chair Lohman: I'm sorry.

Mr. Easton: I have a question for the testimony – for her testimony, though. Can you pull that back down a little bit for me so I could see the top part? Keep coming down a little more. Bridgeport Way.

Ms. Holboy: Bridgewater Ridge.

Mr. Easton: Bridgewater Way. When was that built? Because there was testimony earlier it was 2000 and – it was recent. I'm sorry – Starvation Ridge.

Ms. Holboy: Starvation Ridge. This is Starvation Ridge.

Mr. Easton: I'm sorry – Starvation was the newer one?

Ms. Holboy: This is Starvation which, by the way –

Mr. Easton: Okay.

Ms. Holboy: I need to make the point. It stops sprawl because it's a dead end. Okay? Bay View Road doesn't stop sprawl.

Mr. Easton: I appreciate that. Thank you.

Ms. Holboy: Okay.

Ms. McGoffin: Could you show me where you are, if you are on this?

Ms. Holboy: We're right here.

Chair Lohman: Can you put your finger there? The skinny one?

Ms. Holboy: Yeah.

Mr. Easton: Okay. Thank you.

Chair Lohman: I'm sorry to have to cut you off.

Mr. Easton: Leave that map on there for us, would you?

Ms. Holboy: Oh.

Mr. Easton: I think there's more people who want to talk to us.

Chair Lohman: So Ayla Holboy.

Mr. Easton: If you submit those pictures, make sure you note on there the direction they're facing. That would be helpful.

Ms. Holboy: Okay.

Ms. Ehlers: I have a question on that.

Chair Lohman: Carol.

Ms. Ehlers: One of the distressing things about the requirements for turning things in at this and other hearings is that it must be in black and white, which means, for example, you cannot turn in a piece of a zoning map which is only available in color. She has photographs she wants to turn in.

Mr. Easton: Is that right? We can't get stuff –

Ms. Ehlers: No, it said it had to be black and white. And I think she has illustrated a point and the zoning map is *only* in color, so I wish that the Department would consider the issue.

Mr. Christensen: Let me just state an exception to the rule – that we will allow color copies to be submitted on any of those matters which are before you this evening in which there is a public written comment period through the end of the week.

Mr. Easton: Excellent.

Ms. Holboy: Thank you. Thank you.

Ms. Ehlers: And if you would, consider that for next year's Comp Plan amendments.

Mr. Christensen: Yes, we will. Thank you for bringing that to our attention.

Ms. Ehlers: I've been trying to fix it for eight years.

(laughter)

Ms. Ayla Holboy: Hi, my name is Ayla Holboy. That's H-o-l-b-o-y, and I live at 13464 Bay View Road and I've lived there since 1989 when I was born. I have several points

I'd like to make regarding the Peck and Jensen properties and I'm nervous so my voice is going to shake.

Question number 3 of the section 3 portion of the map questionnaire asks, "What geographical areas may be affected? What other issues do you anticipate as a result of this proposal?" Mr. Jensen's response is, "No significant impacts would result from the addition of two additional homes in an already residential area with utilities available."

I find two inaccuracies in this statement. First, Mr. Jensen repeatedly refers to two additional homes throughout the questionnaire, which is a misleading statement. There is one small house on the Jensen parcel near the road currently being rented out and Mr. Jensen's trailer that he is living in further back on the property. There's no structure on the Peck parcel. This means that as the rules are now, Mr. Jensen is allowed to either live in the small house on his roughly 5 acres or build a new house on his property and remove the original house.

The Pecks are also allowed to build a house on their roughly 5 acres, as the rules are now. Without making any changes to the parcels, we will potentially see two new homes built. With the passing of Mr. Jensen's and the Peck's request, we will see three new homes built and likely a fourth if the original small structure is removed.

Secondly, Mr. Jensen was later asked in the questionnaire: What measures have you taken to solicit public review or inform the public of this proposal? Mr. Jensen's response is, "No measures have been taken to date." So I am curious how Mr. Jensen came to the conclusion that there would be no geographical areas affected without requesting a review from the public. As a lifelong member of the Bay View Road community, I know that the addition of three new homes and likely a fourth would destroy a bucolic view enjoyed by the community and tourists alike.

Question number 7 in the same questionnaire refers to the resources, including fire and schools. Included in Mr. Jensen's response is the statement: "The Burlington-Edison School District is also able to serve two more homes." Once again Mr. Jensen refers to two additional homes instead of three. Three new families have the capability of producing anywhere from three to fifteen – or from zero to fifteen – children, possibly more. Given the location, these children would attend Bay View Elementary, part of the Burlington-Edison School District. When I graduated from Bay View Elementary in 2004 there was one portable classroom and a small forest behind the school with old growth cedar trees where we would play at recess. Today those trees have been cut down, with eight portable classrooms in their place. This works out to about one additional portable per year at Bay View. I am once again curious where Mr. Jensen got his information that the Burlington-Edison School District had room to serve at least three more additional families.

Lastly I would like to address the cow pasture that currently makes up most of Mr. Jensen's roughly 5-acre parcel. Mr. Jensen has at least seven beef cows and I

imagine his family alone consumes the meat or that he sells it to make some profit. I applaud this type of lifestyle, find it fitting to our Rural Reserve area, and encourage self-sufficient and local grass-fed beef farming. My concern has to do with the ever expanding allowance –

Chair Lohman: Time. Sorry. I hate being the time keeper! So we encourage you to submit your written comments, please, because you have some very good testimony and we will read them.

Ms. Ayla Holboy: Okay. Thank you.

Unidentified male voice in the audience: Did you include in the notice of this public hearing that comments would be limited to three minutes?

Ms. McGoffin: It's kind of standard.

(several comments from audience members speaking at the same time)

Chair Lohman: The next person is Stephanie Rasco.

Stephanie Rasco: Hello. I'm Stephanie Rasco. It's R-a-s-c-o. I live at 11908 Frans Ridge Lane. My husband Peter and I own 2.89 acres on the northern side of the Peck family's 5-acre parcel. We have lived here for nearly seven years. We chose this property with our single-storey rambler and small acreage because we wanted to raise our three sons in a rural and wholesome setting. We had a view of Padilla Bay – the cattle, the goats, the sheep, the barns, the fields – and a row of beautiful tall trees. We joined the lifestyle and now raise chickens, turkeys, and keep a vegetable garden for food. Since our move here, things have changed. A monster-sized home was built directly in front of our view of the bay, the barn, the goats, the fields, and the beautiful tall trees were removed. The home has 3,790 square feet of living space and has an attached four-bay garage. Locally it is known as "The Lodge." Two people live there.

After theirs, another home went up. While not as massive or intrusive, it is interesting to note that no one actually lives there so we naturally assume it's a vacation home.

Behind us on the northeast side two large homes are currently under construction. Other than that our immediate neighbors live in original farmhouses or in houses that were built to fit in with the historical farm look, or were built with a less invasive low profile.

The Peck family has every right to build on their property. We've always known that and it is a fact that we accept. What is unacceptable is the possibility of three homes being built. Over and over again the application misleadingly refers to the building of *only* two more homes and the zero impact they would have on this area. The reality is that where there is nothing on the Peck property now there will be two new homes, and

where there is one home on the Jensen property now there will be another new home. The reality is is when these properties sell there could be potentially an additional three monster-sized homes, not two, that will swallow up our small acreage, devalue it, and obliterate our chosen lifestyle in the fabric of this Bay View Road community.

The current look of the new homes directly surrounding us proves that people who buy these 2 ½-acre lots are piggybacking off the beauty of this rural and wholesome setting at our expense. Please do not make any changes to the current designation. Choose to preserve the transition zone that has already been established. I invite you to drive Bay View Road and Frans Ridge Lane to see exactly what I'm referring to. Imagine three more monsters on the Jensen/Peck parcels and look across the road to see the barns, the farmhouses, the fields, the cattle. I am hopeful that you, too, will see these opposing scenes as illogical, incompatible and in no way a picture of preservation of historical or rural character. Thank you for listening to my statement.

Chair Lohman: Thank you. Is there anybody else who wishes to speak?

(silence)

Chair Lohman: Nobody? You, sir? You can –

Phil Holboy: _____. My name's Phil Holboy.

Chair Lohman: Wait.

Mr. Holboy: My name's Phil Holboy, H-o-l-b-o-y. I live at 13464 Bay View Road. I just want to highlight the current transition. You look up at Bridgeview you've got the 1-acre parcels. As you come down you get into the 2 ½-acre parcels, then you get to the Peck/Jensen 5-acre parcels, which then naturally leads to the larger parcels on the south side. It's an effective transition. It works for us. If you bring the Rural Intermediate to Bay View Road, besides the sprawl that you're going to ask for – you will get – you will destroy the rural and historical character of this area. My family's already said it. There's nothing more I can add to that. I ask that you deny this proposal. Thank you.

Chair Lohman: At this time the applicant has the opportunity to rebut any of the statements. Okay, we're going to limit you to three minutes.

Ms. Peck: Rebecca Peck again. I just to make sure that we disentangle a lot of these issues that have been brought up that have to do with the County proposal on stopping the sprawl sort of thing. We're not asking for anything that's changing in the GMA. We're asking to use a rule that is allowed in the GMA, very purposely created for situations to be reviewed and looked at. And I keep feeling that we're getting caught up in a larger discussion. Someone's going to be the last one at some point, maybe twenty years from now, fifty years from now – maybe next year. This TDR whatever-it-is stuff is

going to happen. This sort of thing has happened in the past and it's been passed by you guys, recommended to be developed per the current GMA rules. I just don't want us because we weren't smart enough to do it last year and now we're caught up in this County thing. I want this proposal to be looked at cleanly. Thank you.

Mr. Easton: I have a question. I just want to clarify. This is the first time since this happened to you that you've applied, right?

Ms. Peck: Right.

Mr. Easton: Okay. _____.

Ms. Peck: The only time and bad timing on my part.

Mr. Easton: Well, that's not what I was trying to say.

Ms. Peck: Right.

Mr. Easton: I just wanted to clarify. Okay, thanks.

Chair Lohman: Any other questions from the Commissioners?

(silence)

Chair Lohman: Okay, we will be accepting written comments. Kirk, it's to Friday at 4:30?

Mr. Christensen: Madame Chair?

Mr. Easton: You want to close that hearing?

Chair Lohman: So (gavel) I close the hearing on the Jensen/Peck property.

Ms. LeAnne Holboy: I have a question. Is it okay to leave what we've brought? So can I leave my pictures and my statements?

Chair Lohman: Yes.

Mr. Easton: And they'll get us copies.

Ms. LeAnne Holboy: Okay.

Chair Lohman: Yes. Absolutely.

Ms. LeAnne Holboy: Thank you.

Mr. Christensen: Madame Chair? I wish to make a clarification. Earlier as part of this hearing which you just held there was a question as to whether or not the subject property was within a drainage district. I did have an opportunity while there was some testimony to go online and check, and it does not appear that this subject property is part of Drainage District Number 12.

Mr. Hughes: It's probably in the utility bill.

Mr. Christensen: It's probably in the drainage utility – yes.

Mr. Hughes: I think it is.

Mr. Christensen: But it wouldn't be in Drainage District Number 12 –

Mr. Hughes: No, it's not.

Mr. Christensen: – which is primarily those lands which would be west of the farmland, the low land, the Ag-NRL land.

Mr. Easton: It'd still be in the drainage utility then?

Mr. Christensen: I believe so. The other matter that I wanted to address is Commissioner Hughes asked if there had been any drainage study done in this area. And several years ago Skagit County Public Works Department hired a consultant to do the Bayview Watershed Stormwater Management Plan, which does have a detailed study principally or primarily with the Bayview Ridge Subarea Plan area, but it did look at some of the areas beyond. There was some consultation with adjoining drainage districts and there were some capital facility plans and some improvements that were part of that Stormwater Management Plan. So you may find some answers to some questions that you might have with regard to surface drainage and water quality in that particular report. And we could certainly make that available to you. I think it's also available online.

Chair Lohman: Carol?

Ms. Ehlers: Should we – should the Commissioners have questions having looked at this report, how – think of how you would have us be able to talk to surface water management.

Mr. Christensen: So what we can do is – as has been alluded to this evening, there is a – the written comment period is open through the end of this week. You are tentatively scheduled to deliberate on these matters at your regular scheduled monthly meeting in June, and we can certainly have more information for your deliberations with regard to that Stormwater Management Plan and/or have staff from Public Works in attendance to answer any questions that you might have, as well.

Chair Lohman: That would be a great idea.

Mr. Easton: Madame Chair?

Chair Lohman: Commissioner Easton.

Mr. Easton: Yeah, I'd like to request that the Department prepare some – either just a portion of you guys' time during deliberations to clarify for me what the – how the drainage utility would affect this issue. So is there any direct correlation to how, when we consider this – because obviously to me if I'm going to get anywhere near adding anybody new in this area already with the drainage issues it's got, I need a little better understanding of what's being done in that area. It's not so much – I guess now that we have clarification it's not 12, but at least what the drainage utility is like. That would be helpful.

Mr. Christensen: All right. We'll do that.

Chair Lohman: Carol?

Ms. Ehlers: From long experience in helping to establish the drainage utility and that discussion on Bay View, one of the things somebody should look at is the nature of the ditches that are going down Bay View Road since it is going downhill, and this creates a velocity impacted by whatever rain goes in there – the road itself is probably the largest impervious surface; at least this has been the experience elsewhere in the county – and it has a tendency when it's going downhill to increase its velocity, of course, which means that it might override whatever is down at the bottom of the slope here on Bay View-Edison Road and go off into the Ag-NRL. Now I don't know whether this is part of the area that Chuck Bennett said that he did a drainage installation on or not, because I don't know how this piece of property relates to what Chuck Bennett did. But he did something several years ago that was said to be – by all parties – remarkably effective. So that is something I think you should bring up because having more water than you can handle is no joke.

Chair Lohman: Okay. Elinor.

Ms. Nakis: I couldn't find this in my notes and I just want to know again. When was this property – the 10 acres – when was it divided? Or the 11 acres?

Ms. Peck: '97. During the six-month window of opportunity after the GMA was implemented.

Ms. Nakis: Okay, so at the time it was – it started out as 11 acres when that GMA map was drawn.

Ms. Peck: Right, and up until a few weeks before the Commissioners signed it all the maps at the Bay View Road, the side road, has the historical _____.

Ms. Nakis: Okay. When I look at this – I'm a quilter, so when I – and I'm also a forester and so I laid out a lot of timber sales – so when I look at this I look at a pattern, and I don't really think that this was by accident that this was done. I think that there is definitely a pattern here that shows me that whoever made this decision did it on purpose.

Mr. Easton: We should probably save this for deliberations. Point of order.

Ms. Ehlers: Point of order: We shouldn't be deliberating until we've seen everything.

Chair Lohman: Yeah, I have to agree. Sorry.

Ms. Nakis: Well, I just expressed an opinion.

Ms. Ehlers: That's okay.

Mr. Easton: Save it for deliberations.

Ms. Ehlers: I don't think we should go beyond.

Chair Lohman: The next order of business is the public hearing on the Lake Erie Trucking proposal – Bill Wooding proposal. And, Commissioner Ehlers, did you –

Ms. Ehlers: I have been told just this evening that one of the environmental groups has asked that I recuse myself and so I shall do so.

Mr. Easton: Point of clarification, Madame Chair. Outside parties can request a recusion, but can we understand why she's been asked to be recused? I mean, because I'm – I've never had anybody other than a Commissioner *choose* to take themselves out since I've been on here in five years. So I haven't seen an outside party do that. So maybe staff or you could clarify how that works.

Chair Lohman: I'm under the opinion that it can be one of us or it could be a member of the public.

Mr. Easton: And did the public – did they give us a reason why they've asked Carol to –

Chair Lohman: I'm going to defer to Gary.

Mr. Easton: Enlighten us, oh Director.

Mr. Christensen: Okay.

Chair Lohman: Let's give him a moment to ___.

Ms. Ehlers: Perhaps I could give a historical perspective. Twenty years ago I was asked to recuse myself from Seaview IV. And my understanding is that it's a request and once it's made you do it.

Mr. Christensen: So we have received some correspondence from a number of individuals, one of which is from an Evergreen Islands that was addressed to the Planning Commission Chair Tuesday. It arrived early this morning. And to paraphrase and not read it all –

Mr. Easton: Sure.

Mr. Christensen: – there was some objection to Ms. Ehlers' testimony before the County Commissioners. I believe that was probably when they were considering the docketing, in which Ms. Ehlers spoke in favor of the proposal. So they've asked that as a matter of an appearance of fairness that Commissioner Ehlers step down or recuse herself from this matter. I did have an opportunity to talk to legal counsel about the protocols and procedures about this. This is a matter for the Planning Commissioner who has been asked to step down. It is their decision.

Mr. Easton: Okay. That's the clarification.

Mr. Christensen: It is not the Planning Commission's decision but rather the member who has been asked to step down or be recused.

Mr. Easton: So she could have chose not to.

Mr. Christensen: That's correct.

Mr. Easton: Okay, that's the clarification I wanted because the way it came out I thought they could put out anybody without asking.

Chair Lohman: But anybody can ask.

Mr. Easton: You can ask but you have to choose to leave. Okay.

Ms. Ehlers: There's only one thing that I say, and I said it to the Commissioners. You do not lose your right because you are a member of the Planning Commission.

Mr. Easton: Amen.

Chair Lohman: Okay, the purpose of this public hearing is to receive testimony and written correspondence regarding a citizen-initiated Comp Plan, the Lake Erie Trucking-slash-Bill Wooding proposal, which is to redesignate approximately 35-acre parcel from

Rural Resource-Natural Resource Land to Rural Reserve. It's property number PL11-0250.

And, again, we will hear from the Department staff to provide an overview, then we'll hear from the applicant or the applicant's representative, and we'd ask that you limit your testimony to ten minutes. Then members of the public will have an opportunity to comment, and we ask that you limit your comments to three minutes. And then there will be an opportunity for the applicant to submit a – or respond to the public comments, and then there will be questions from the Planning Commission.

If you wish to speak, there're sign-up sheets and we ask that you give your name – spelling your last name – and your address. Kirk?

Mr. Johnson: Okay. Thank you. So, as you mentioned, it's a 35-acre parcel on Fidalgo Island currently designated Rural Resource-Natural Resource Land. The proposal is to go to Rural Reserve. It's located along the east side of Rosario Road and just south of Marine View Drive.

So, again, there's a lot of information here. I'll summarize the main conclusions that we came to after looking at the designation criteria. And again, that's really what we're doing, is we're comparing what's known about the property with the Rural Resource-Natural Resource Land designation criteria and seeing if it appears to match that designation.

So one of the key starting criteria is that all parcels approximately 40 acres or greater – so this parcel is 35 acres in size so it's close but it doesn't meet the 40-acre-sized threshold; as far as I'm concerned, that's not a knock-out blow – that contain one or both of prime upland farmland soils – reading down here: "... or Washington State Department of Revenue – private forest land grades (PFLG) 1 – 3."

So we've had again some analysis from the soil types from Mapping/GIS, Natural Resource Conservation Service, and it appears that about 56% of the property contains soils that are rated at PFLG 3, which is a certain rating of how well the soil will grow and support trees, and that the remainder is categorized as PFLG 4, which isn't within that 1 – 3 category that's used to designate Rural Resource-Natural Resource Land.

The Department's geologist, John Cooper, did go onsite and looked at the soils, looked at the timber and in his professional opinion, as is included in an appendix here, the two soils look equally productive – that the PFLG 4 soils look as productive as the PFLG 3 soils. So they do appear to be supporting timber production.

So, again, you know, you could say, well, a majority – 56% – is the PFLG 3, and also that the remainder appears to be as productive as that, so that's kind of our conclusion there.

The next criterion: The subject parcel is part of a block of lands designated Rural Resource that is approximately – oh, I'm sorry – that the property be included in a contiguous block of 160 acres or greater to be designated as Rural Resource. And what we found is that this and the adjacent property to the north is about 90 total acres in size, so it doesn't meet that 160, and also it is not adjacent to another Natural Resource Land or block of Natural Resource Land that together is 160 acres in size. So it doesn't meet that kind of requirement of a large block of resource land.

So kind of summing it all up, the parcel meets some of the designation criteria but doesn't meet others, particularly the parcel size. And so when you consider all of the criteria as a whole and does it more meet them or more does not meet them, we found that it does not meet them. There is a policy that is kind of a grab bag or catchall: Parcels that do not meet any of the criteria described above may be designated as Rural Resource to provide logical boundaries. Certainly parcels that meet some or all of the criteria described above may be excluded to provide logical boundaries and to avoid conflicts with existing land uses.

So even looking at that one we didn't feel that this is really a large block of contiguous Natural Resource Land. There is the Mineral Resource – the gravel pit to the north of that with a Mineral Resource Overlay and we were thinking that perhaps one of the reasons that this was designated Rural Resource when it was, back in the mid-'90s, was because of that adjacent gravel pit. It's also possible, although I can't confirm this, that it wasn't known whether there were mineral resources underneath the subject property or not. Since then – in the 2005 update of the Comprehensive Plan – we did a countywide survey to try to identify where there are mineral resource deposits and this parcel was not one of those areas that was found to be included within the Mineral Resource Overlay.

So all things considered, we felt that it did not meet the designation criteria and that there are protections with the Mineral Resource Overlay requiring a quarter-mile setback, that it may have been serving as a buffer to higher density development. But even if this were to change to Rural Reserve, still any density bonus provided through a CaRD would have to be set back by a quarter-mile or more, and so it provides some protections from both from and to the gravel pit that's there.

So I did want to say one other thing. It's discussed in the memo – potential drainage concerns. There was somebody who testified or who spoke to the County Commissioners – and it was Carol Ehlers – during the docketing. And it appeared to – she appeared to imply that if this land were changed to Rural Reserve then any kind of activity that occurred on it – a forest management or development activity – would fall under stricter County drainage scrutiny than activities that would occur on the land as a Rural Resource land, which would be reviewed by DNR – certain forest practice activities. And that is – if that was really the intent of what she was saying, it was misleading. Whether the property's in a resource land designation or the Rural Reserve designation, if forest management activities are conducted on it without submittal of a

conversion permit, then the County would not review that for drainage impacts. There would be a replanting requirement if – regardless of the designation – if it stays in Rural Resource or it goes to Rural Reserve. If the property owner submitted a conversion permit then that would fall under County drainage review and there would not be a replanting requirement. So I just wanted to clarify that it's not really the zoning that determines who reviews development or forest activities on the property.

Madame Chair?

Chair Lohman: Any questions of staff? Commissioner?

Mr. Hughes: If, for example, it went into a CaRD, obviously then there's going to be 28, 29 acres of open space or whatever. Would that have to be maintained forestry, or what's the –

Mr. Johnson: I'll – yeah – take a stab at that and Gary can add in. I think there are several different open space designations that could apply and forestry would be one of them, but it wouldn't –

Mr. Christensen: If it's a Natural Resource Lands, then the open space would have to be managed as a resource land so it would be retained as such. You don't – your options are limited when you do a CaRD within a Natural Resource Land. You have other open space designations that you can choose when the parent parcel is not a Natural Resource Land.

Mr. Hughes: But if it goes to Rural Reserve in a CaRD.

Mr. Christensen: Right.

Mr. Hughes: You'll still have 27.

Mr. Christensen: Then you have – you couldn't choose to manage it as a Natural Resource Land.

Mr. Johnson: You *could*.

Mr. Christensen: You *could*; you wouldn't be required. Or you can choose one of several other open space designations.

Chair Lohman: Any other questions from Commissioners?

(silence)

Chair Lohman: Okay. Thanks, Kirk. Now we invite the applicant or the representative of.

Mr. Ravnik: Good evening. John Ravnik, Ravnik & Associates. Ravnik is spelled R-a-v as in 'victor' n-i-k. Mailing address is Post Office Box 361, Burlington, Washington. I'm here this evening on behalf of Mr. Wooding and his Comprehensive Plan (amendment).

There's quite a few topics to discuss in this one – little tidbits here and little tidbits there. I'll try to start at the top and I'll be clear and try to be quick as we go through this. We're going to talk about utilities, we're going to talk about drainage, we're going to talk about density, we're going to talk about the Fidalgo Plan, we're going to talk about what does it take to be a Rural Resource, we're going to talk about profit, we're going to talk about rules.

People are contending that Mr. Wooding bought a piece of poorly zoned land only to make the proposition that, Hey, I can change the zoning and _____. When Mr. Wooding bought the land you could put 140 dwelling units on that property because it was zoned Residential.

Mr. Easton: What year was that?

Mr. Ravnik: Prior to 1995. So if there's been _____, it hasn't been on his watch. So he's got 35 acres of land. He owns the adjacent gravel pit to the north, which is in a Mineral Resource Overlay area, and it's limited. And I'd like to share an exhibit with you, and we'll take a look at – all right, the cross-hatched area at the north, up here where my pen is, that's the Mineral Resource Overlay. That's the area where one can do gravel mining activities. And in the aerial photograph that Kirk has shown previously – and I can put it back up – that's the area where the activity's been occurring.

It is correct that if you do a CaRD you're going to have to stay at least a quarter of a mile away from the edges of the Mineral Resource Overlay gravel activity area. So on this map what I've done is I've scaled in this one-quarter mile dimension to give you an idea of, Where can I not develop if I do a CaRD?

So on this the area of development is limited. Today he could do between – he could do it for three lots, I believe, according to the County's interpretation of one lot per 40 or they said you could get three lots using a CaRD. I don't know exactly how, but that's fine. Or if you did a Rural Reserve and broke it up into 10s you could potentially get seven, a maximum of seven. So we're not looking at a big extent of residential improvement, considering the fact that at one point in time really not that far ago it was actually slated to be the northerly expansion of the Seaview residential development. And this map – how do you adjust the zoning on this?

Mr. Johnson: There's a –

Mr. Christensen: In and out.

Mr. Johnson: Yeah.

Mr. Ravnik: This shaded area in here is the Seaview residential development. The red lines on that map are things that I've doodled on here just while I was sitting here this evening. That's the approximate boundary of the property. And at one point in time that residential development was to consume all of that area. So its potential now is a mere fragment of what it could have been at one point in time.

So let's go to the qualifications of Rural Resource. Taking a look at Rural Resource, is it good for mining? Is it good for agriculture? Is it good for forestry? Well, I do not have a Mineral Resource Overlay so I can't do mining. I don't have prime agricultural soils, so I can't do agriculture. And in regards to forestry I would agree that the – I believe it's the westerly 55% of the property constitutes a soil that can support what are called "Private Forest Land Grading" Class 3. Class 1 is very, very good; Class 2 is good to moderate; Class 3 is average; Class 4, Class 5 lesser standards. So half the property meets have the qualification, having a Class 3 – all right?

In the report from the geologist, John Cooper, he makes a statement, and maybe he has a level of information that's different than what's in the Comprehensive Plan. He speaks to these soils as being prime farmland soil, or "prime upland soil." And it was in the report but I'm not going to waste your time trying to find that. But "prime upland soils" are already defined by Skagit County, because we already know that they are made of – the site is comprised of Catla soils and Keystone. And if I go through the categories of "prime upland soils," which is table 4.2, there is no Keystone and there is no Catla. So herein lies the rules. We've got to play by the rules that we have. Here's a gentleman that has a piece of property that historically could have had upwards of 140 residential developments on it. Half of his property can support the minimally acceptable grade of trees. It doesn't have any mining attributes. It doesn't have any farming attributes. Okay? So it's titled "Rural Resource," but I don't know why. It's not 40 – it's not approximately 40 acres. It's not associated with 160-acre Rural Resource land. It's logical that when Mr. Wooding purchased his property Skagit County said, You know what? Bill Wooding owns the adjacent gravel pit. That's a Rural Resource area. Maybe someday possibly.... Well, that hasn't happened and so he has been left with a 35-acre morphodite that he can't do anything with, unless he wants to put one or two houses on it. He has no intention of logging it. He keeps land in his family's estate for a long time. He sees it may possibly be someday for his kids.

Utility needs: I have a project right now and it's very unfortunate because Skagit County cannot dictate DNR land clearing activities for the impacts that drainage causes to offset properties. And Ms. Ehlers – bless her heart – brought that up in front of the Commissioners. And in my situation, Skagit County's hands are tied. I've got a gentleman who has significantly cleared his property. He's deposited silt into fish-bearing streams. He's increased the quantity of water flowing upon the adjacent downstream property owners. Skagit County won't do anything – or *can't* do anything. That same applies to this logging activity that one could do here. That's not the intent. Seven homes with an appropriate drainage plan in concert with the South Fidalgo drainage plan and in working with Skagit County Public Works can be done positively

without impacts. We already have public water out there. We've already got good road access. We're not taxed on our road capacities. We've got everything that needs to be provided for a reasonable development.

Now the South Fidalgo Comprehensive Plan, which surprisingly is now called "The Final Draft South Fidalgo Island Comprehensive Plan" – and I don't know how one gets to be "final draft" but that's what it is, and it's been that way since January of 2006. And we have legitimate comments from the ___ property owners that are saying, Wait for the plan to get finished. Now I would defer to staff, rather than on their phones – when's that plan going to finished and why should this property owner be upheld – or withheld? It's already been accepted as the "Final Draft South Fidalgo Island Comprehensive Plan." And interestingly enough, that plan goes into a lot of detail and looks at the projection of development and growth on Fidalgo Island. They see an additional 700 to 900 residential units by the year 2025. These seven units would quantify about .5% – ½ of 1%.

Am I out of time?

Chair Lohman: Almost.

Mr. Ravnik: Okay. And then the Citizens Advisory Committee for the South Fidalgo Plan? They actually made a recommendation that you should upzone from the Rural Resource to the Rural Intermediate because so much of the island is constricted by slopes and wetlands and areas where development shouldn't occur to simply accommodate some growth and provide nice lots for people you need to go to the Rural Intermediate – which wasn't supported; it wasn't acted upon. But that was the intent when that was done.

I can stop there.

Chair Lohman: You had five seconds to spare!

Mr. Ravnik: Like I said, there's a lot of things in here. There's nothing that actually rears its head and says, Absolutely not. And there are so many other factors that support that the application is reasonable and consistent with code and follows the rules.

Chair Lohman: John, are you submitting all of that into the record?

Mr. Ravnik: You already have it in your packets.

Chair Lohman: Okay. Good.

Mr. Ravnik: Absolutely. Thank you. Questions?

Chair Lohman: Questions? Elinor?

Ms. McGoffin: I just have one question on that map. What is the hatch marks on the top line?

Mr. Hughes: Mineral Resource Overlay.

Ms. McGoffin: Is that Mineral Resource?

Mr. Easton: That's the Mineral Resource Overlay.

Mr. Ravnik: Yeah, that hatched area on the top there? Yeah. Up in here?

Ms. McGoffin: Yeah.

Mr. Ravnik: That is the Mineral Resource Overlay – MRO.

Ms. McGoffin: All right.

Mr. Ravnik: Yeah, it's consistent with that map there also. Thank you, Jason.

Mr. Easton: You're welcome.

Chair Lohman: Okay, now we invite the members of the public to make comments and we ask that you limit your comments to three minutes. First up is June Kite, followed by Tom Glade, and then Sheila – I'm not sure. It looks like it starts with a P.

Ms. Kite: June Kite again, for Friends of Skagit County. The parcel in question is located on the east side of Rosario Road, is forested and undeveloped, and as was mentioned, a CaRD would – or Comp Plan policies encourages a CaRD as a preferred on Rural Resource lands, and if a CaRD were developed it would continue with an open space forest management status. The west side of the Rosario Road is Rural Intermediate and overlooks Bowman's Bay. Drainage problems are a big concern, as the neighborhood and the County drainage utility can attest to. And I was on the Citizens Advisory Committee in developing the County drainage utility. The first couple of years the majority of the drainage utility funds was spent on this area to correct a horrendous erosion problem from the development that was described adjacent to the south.

Any soil disturbance, whether it be forest practices or residential development, must be monitored utilizing the critical areas ordinance. Forested areas are your first line of defense to rapid surface water runoff in storm events. And there is concern about the safety of the Rosario Road itself. If it should have a – the drainage runs in the ditch at the side of the road and it is of concern if that road should fail that the area would lose its fire protection access.

And there has been question about the status of the South Fidalgo Subarea Plan. It is of interest to know how many parcels have existing development and how many are undeveloped properties. And I understand that there are many – there are examples of undeveloped property simply due to the erosion that has occurred in that area west of the road.

Chairman Lohman: Time. Please make a conclusion.

Ms. Kite: I just wanted to make a comment. With the Envision 2060 in the forefront of the news and the stated intent of the united government agencies to have 90% of the new population located in the cities, it is a question of how Planning tends to accomplish this. I'll let it go at that.

With TDR programs there's a big concern about this whole discussion.

Thank you. I will turn in my comments.

Chair Lohman: Okay. Next up is Tom Glade and then Sheila Puchtet?

Sheila Pritchett: Pritchett.

Chair Lohman: Pritchett.

Tom Glade: Good evening. My name is Tom Glade, G-l-a-d-e. I reside at 210 Mansfield Court, Anacortes, and I am here this evening representing Evergreen Islands. Three minutes isn't much to do anything so I will go through a series of cartoons and sound bites. So I will start right off.

So the first one is this one. In 2000, Evergreen Islands appealed the Fidalgo Subarea Plan because the Growth Management Act mandated that population growth occur primarily in urban areas. As a result of our appeal, the Western Washington Growth Management Hearing Board included the following order in this final decision. Number "(3) Set a specific timetable for, and firm commitment to, the timely completion of the Fidalgo Sub-Area Plan. This plan must be completed and found to be compliant before the CaRD urban reserve development or any other increase in density are allowed to occur on the Island. The specific timetable and scope of work must be developed and supplied to us within 90 days."

As a result of that order the County formed a citizens advisory committee and hired a consultant, Berryman & Henigar, to assist the County with developing the Fidalgo Subarea Plan. Commissioner Don Munks appointed seven South Fidalgo residents/landowners to a citizens advisory committee. Mr. Wooding and myself were members of that citizens advisory committee.

We worked for two years on that plan and Berryman & Henigar worked up a really nice, professional subarea plan. But at the last moment on the twelfth hour the five members of the CAC joined together to make a motion to change the zoning back to Rural Intermediate, to one per 2 ½. I opposed it. I made a motion that if they were going to go that way that we survey the Fidalgo Island residents and ask them what their opinions of going back to 2 ½ acres limits, and they refused to second the motion. Mr. Bill Turner, now the City Council member for the City of Anacortes, if he had been there he would have seconded my motion and at least we would have gotten a discussion on it.

And the next meeting, the minutes here are – that – yes?

(inaudible comments from the audience)

Chair Lohman: Sir, your time is up but we ask that you submit all your exhibits into the record.

Mr. Glade: You know, it's really not enough time to have a meaningful discussion on this. I mean, this is really important. The people of South Fidalgo really care about their island and this Fidalgo Subarea Plan caused a lot of hard feelings that still exist on our island about the lack of completion of this subarea plan.

Mr. Easton: I have a question for Tom.

Mr. Glade: Yes?

Chair Lohman: Go ahead.

Mr. Easton: Tom, would this be the first time – if this was approved – would this be the first time that any additional lots have been added since your lawsuit with the – your hearing in front of the Hearings Board?

Mr. Glade: That's a hard question to answer.

Mr. Easton: Well, the question I have is that the way that the language is written, it – the first exhibit you showed us – it noted that any "additional lot development" – I think was the phrase –

Mr. Glade: Right.

Mr. Easton: That, you know, that was – this plan was supposed to be completed before then. Do you know if this would be the first time that – has there – because I can't think of anything significant that's been done to change –

Mr. Glade: Well, it –

Mr. Easton: – zoning. I mean, we haven't had a Comp Plan amendment – maybe the Department can answer that. Would this be the first time that we've added – what would be the equivalent of adding buildable lots to the inventory on the south end?

Mr. Christensen: Yeah, I'd want to go back and look at the record but I do not recall us doing any up-zoning on Fidalgo Island, with the exception of maybe some modifications around the urban growth areas.

Mr. Easton: Okay.

Mr. Christensen: But rural areas or South Fidalgo Island, I do not recall any up-zones or changes in the designations.

Mr. Easton: Right. It would be the time that I'd have a Fidalgo Island question and my Fidalgo Island expert's not in the room, wouldn't it?

Mr. Glade: One thing, if you *do* read the plan as it was written it says there are enough available lots to meet the growth requirements without increasing lots.

Mr. Easton: I understand that point. Thank you, Tom.

Mr. Glade: Yes.

Mr. Easton: That's all I have.

Chair Lohman: Okay.

Mr. Easton: And there's – and a question for staff.

Chair Lohman: Go ahead.

Mr. Easton: There's currently in the work plan – it's not even in the work plan, right?

Mr. Christensen: That's correct.

Mr. Easton: And there's no funds to – I mean, there's no –

Mr. Christensen: Yeah. If your question is regarding South Fidalgo –

Mr. Easton: Yeah – sorry.

Mr. Christensen: – Island Subarea Plan – what's the status of that – it is not in this year's current work program, which has been adopted by the Board of County Commissioners, nor are there any other subarea plans currently being worked on. As to when we might get back to that –

Mr. Easton: It's up to the Commissioners.

Mr. Christensen: – it's difficult to say. It's all a matter of resources, whether it's staffing levels and/or financial resources to be able to undertake and complete that process.

Mr. Easton: Okay.

Mr. Christensen: But that's a decision for the County Commissioners to make.

Mr. Easton: Okay. Thank you.

Chair Lohman: Mary's got a question.

Ms. McGoffin: So I would like to request that the last speaker direct us to where we could read the plan as it's written at this point.

Mr. Easton: Just have the Department attach a draft, the final draft.

Mr. Glade: It used to be on the website but I looked and it's no longer on the website.

Mr. Easton: You just have the Department – can we have the Department attach a final draft?

Mr. Christensen: We'll provide that to you in advance of your deliberations.

Ms. McGoffin: Okay. Thanks.

Chair Lohman: Okay. And then followed by David Pearson and, John Ravnik, did you have more to say? Or is that just – you're on the list again. Were you going to comment as a private citizen?

Mr. Ravnik: No, I was not.

Chair Lohman: Okay. Go ahead.

Ms. Pritchett: I don't think I could possibly comment in less than three minutes, so I'm going to submit mine in writing.

Chair Lohman: Okay, then after Mr. Pearson, Maggie Sullivan, and then Bill Wetcher.

David Pearson: Good evening. My name's David Pearson, 6389 Deer Lane in Anacortes. Way back in the early – about '04 – I was appointed by the County Commissioners to the Technical Committee to support the Fidalgo Plan. That rambled on for quite a while and until Commissioner Dillon was elected and then the plan was suspended there was a draft plan. It was not final. It was not accepted. It was full of all

kinds of problems. The Technical Committee pointed out those problems in its report. Subsequent to that plan being suspended I was elected as a charter member of the South Fidalgo Community Council.

There's a serious problem on Fidalgo Island about drainage, especially along that coastline. We know from Seaview that there've been tremendous problems. We know from the Public Works Department there are incredible problems. We shouldn't proceed into a situation where we allow a development of that magnitude without a significant look at the problems that we may run into, and mitigation or plans set in place to take care of those problems. Otherwise they fall on the taxpayers and the Public Works Department and that just is a horrendous thing to do without due consideration.

We have to look at what happens to nearby properties. The Planning Department – bless their hearts – they can't look at everything. That's why we need a plan. The plan that was originally envisioned ran into problems because there were severe disagreements that resulted in not only Dillon being elected but Mr. Munks leaving. We don't want to get into that kind of fight again, but we do have to do a plan that looks at the whole island.

A couple of things were said here tonight. They talked about 900 houses that would be required. The forecast that came to us from the state was 375 houses. There're about 1300 lots on that island. There was no pressure. The public didn't want it. It was against the law, or the Growth Management Act. That plan was terrible and there shouldn't be any reference to it as any kind of a symbol of what we should do. We need to do a real plan that has real results and means something.

I personally think that the zoning for Mr. Wooding is probably reasonable and probably would happen. I do believe a CaRD sited right and left a lot of forest land could work. I don't see any immediate problem with it. But we let one in we'll be deluged with them. We simply have to know where that island stands first. Thank you.

Mr. Easton: I have a question for you.

Mr. Pearson: Certainly.

Chair Lohman: Go ahead.

Mr. Easton: Does the South Fidalgo – your charter membership – is it still intact? Is the South Fidalgo group still working?

Mr. Pearson: The South Fidalgo group doesn't have the resources to do what needs to be done in a plan. It's available to support whatever plan effort would be done. It's probably in recess at the moment to be reconstituted when it's needed.

Mr. Easton: Okay.

Mr. Pearson: And we'll support whatever planning effort the Planning Department decides to move forward on.

Mr. Easton: Okay.

Chair Lohman: I have a question for you. So technically then, is the plan out of compliance?

Mr. Pearson: The plan was never approved. The plan was in a draft. The Commissioners said there was enough disruption in the plan, enough disagreement that they just suspended it. So it's – technically it doesn't exist in any form.

Mr. Easton: Do you know how much money was spent on the consultant? Tom might know. I don't know.

Mr. Pearson: A big number. I don't remember.

Mr. Glade: ____, plus another consultant.

Mr. Pearson: We had two consultants. One was brought in to settle the fires down from the first ____. So it was really nasty out there on that island. It will be again if we don't get things done right.

Mr. Easton: It's why Dave never leaves the mainland!

Mr. Christensen: I don't know what the total sum was in terms of expenditures for professional services to assist with the effort. There were two consultants and it was tens of thousands of dollars.

Mr. Easton: Okay.

Mr. Pearson: It wouldn't surprise me if it was a quarter-million. It was a lot of money.

Mr. Christensen: Yeah, and _____. But the subarea plan was never adopted by the Board of County – it never came before you. It was never adopted by the Board of County Commissioners. There was, as has been alluded to tonight, a real concern about drainage. And there was basically a community agreement – and the Commissioners agreed, as well – to conduct a drainage study on Fidalgo Island, which Public Works was the project lead on that, and I believe that that study's been completed. And so there was to be no further subarea planning work until that drainage study was done. The drainage study is done but now there's no resources in which to pick up the subarea plan and complete it.

Mr. Pearson: One more comment about the drainage study? The drainage study primarily focused on existing drainage problems and what order and what magnitude of

dollars would be required to solve them. It really didn't look at areas that were not yet developed or would be developed in the future.

Mr. Easton: But if there are problems that you mentioned in Seaview they would be in this report then, because Seaview's obviously established. Can we get a copy of the drainage report in our packet?

Chair Lohman: Yeah.

Mr. Christensen: Yes.

Mr. Easton: That would be good.

Mr. Pearson: Any other questions?

(silence)

Mr. Pearson: Thank you very much.

Chair Lohman: Thank you. Maggie Sullivan, and then Bill Wechter.

Mr. Easton: It doesn't look like Maggie's here anymore.

Chair Lohman: Bill Wechter?

Mr. Wetcher: I'm Mr. Wetcher.

Chair Lohman: Okay – sorry!

Mr. Wetcher: My name's Brian Wetcher. I live at 814 26th Street in the city of Anacortes. I'm a member of the Anacortes Community Forestlands Advisory Board. And in full disclosure, I'm also a member of the board of Evergreen Islands. Also in full disclosure, I've often been the generous recipient of Mr. Wooding's beneficence as a client of his using that very same quarry that you have on your maps.

One quarry question that I would ask for you that is related to this property is: How soon will that quarry be needing to be re-established by the Bureau of Mines? I think he's pretty well near his bottom table there, and how will that property be converted, for instance, if this property is converted? I'm sure that's sort of a non-issue here tonight, but that's something to consider for the future.

I'd also like to point out that this property contributes to the aquifer for not only the small impoundment that was on the original **Mayer** property that you see directly adjacent to it to the east/southeast. It also contributes to the overall aquifer for Lake Erie, which is to the northeast, downhill from it. And to the southeast it contributes to the aquifer for what

is known as the “eye of the island,” a private lake – Trafton Lake – which is quite an impoundment which is considerably lower than this aquifer on the other side of the hill.

We have a tremendous history, not only through the Public Works reports on the Seaview predicament and the entire area of that drainage pattern, but also a great oral history. If you look back through probably twenty years of Seaview being there you can look at a tremendous amount of reports from the Public Utility District about the drainage problems and hazards that that has created, particularly for the County roadway and the downstream recipients in the bay and the eutrophication of that shallow bay area along that coastline, which is *not* Bowman’s Bay. It is slightly north of there in the bight, which already has a tremendous amount of eutrophication impact from the drain fields of that very heavily developed coastal area that is all pointing downhill at the bay.

As a member of the forest board for the City of Anacortes, I’m really concerned about the redesignation of this property within our general neighborhood, because we have similar in holdings directly off of Heart Lake Road, directly contiguous with forest lands which *would* fit into these general rezones for CaRDing. I cannot imagine that this does not violate at least the spirit, if not the letter, of the original intent of the South Fidalgo Plan.

So I would hope that you would look at having the South Fidalgo Plan in place before you continue on with these kinds of rezones. I hope Bill can do what he wants with his property eventually, but I would say that this is a matter of policy that needs to be settled rather than a particular project. Thank you.

Chair Lohman: Is there anybody else who would like to speak?

(silence)

Chair Lohman: Any other questions from the Commissioners?

(silence)

Chair Lohman: Seeing none (gavel), I close the hearing on the Wooding – Bill Wooding – property. We’re going to move on to the two County-initiated policy amendment proposals.

Mr. Easton: Hey, Kirk? Ask – maybe stick your head out there and ask Carol to come back in?

Mr. Johnson: (inaudible)

Mr. Easton: Oh.

Mr. Christensen: Go ahead. I’ll ____.

Chair Lohman: I'll wait a moment for Carol. There she is. Okay, we're moving on to the County-initiated policy amendments. The first one is the "Policy amendment proposal to further refine rezone requirements for Rural Intermediate and Rural Village land use designations." Go ahead, Kirk.

Mr. Johnson: Okay. So I'll try to briefly and coherently summarize this proposal. So it would amend the Rural Intermediate designation criteria to add that a "Proposed Rural Intermediate" – and I'm reading from the Attachment D, page 22 of the staff report – "Proposed Rural Intermediate zone expansions will only be considered through a periodic state-mandated GMA Comprehensive Plan Update process or when proposed as part of a community subarea plan." Let me just check something real quick.

So what we are trying to do there is – as the Planning Commission was talking about the Jensen and Peck proposals, some discussion came up: Well, what about adjacent properties? What about looking at the whole area? What about the equity and fairness? Do you get in? Does someone else not get in? And really, as we've done with UGA amendments in the last, say, five years, we worked with the Cities, we talked with the County Commissioners. The process really wasn't working from a comprehensive planning perspective because you'd have an individual amendment come in and we would look at it piecemeal, and then another one would come in and we'd look at it piecemeal. And we got together with the Cities and said, Really, if you're going to look at the UGA boundary you ought to look at the whole thing comprehensively at one time. And we think the same applies here. The Rural Intermediate designation is intended to be long-term. It doesn't mean that we got it right the first time. But because it's based on this – what was there in 1990 – it's not something that's intended to grow and change over time. Once you do get it right, it's really – unless GMA changes – it's something that's fixed. It's not intended to accommodate more growth over time through ongoing expansion.

So when – and this – I'm talking about this separately from the Jensen and Peck proposal. Those are separate – just trying to explain here. We do feel – and because there is so much potential for, Well, we let that one in. What about that one? What about that one? – that really these ought to be looked at in a more comprehensive manner. The subarea planning process is one way to do that, but those aren't on the work program right now. The Commissioners set the work program. That has – is a big function of the budget. Budgets are very tight. We're not sure when we'll go back to doing subarea plans. We do know that we have to do periodic updates of our Comprehensive Plan. It used to be a seven-year requirement. Now it's not specified as seven years, but it's –

Mr. Easton: (inaudible)

Mr. Johnson: Yeah, it *is* something that does have to happen periodically, and so that would be another opportunity. So if we heard interest or if there was a proposed – if someone came in, if this were put into place, and said, I'd like to expand the Rural

Intermediate, you know, here, we would say, Well, we'll docket that for either a subarea plan of your area or the next GMA Update. And so it would provide for a more comprehensive look. I guess the downside would be, you know, somebody who felt like there was a real injustice if they might have to wait seven years until the next GMA Update. So something to be considered.

Mr. Christensen: Kirk, if I may?

Mr. Johnson: Yeah.

Mr. Christensen: I don't want to interrupt you, but I think part of the policy question here is that we also want to be looking at kind of the cumulative effect. So it's – you may have a property owner who wants to make a request for a different designation, and, quite frankly, it might be an easy argument to make for their neighbor – or not. And so what we don't want to do is be limited to making a land use decision just simply based on one property owner's request. What we'd rather do is, as Kirk said, take a comprehensive look – look at some surrounding properties and see if those boundaries have been correctly drawn. If we did get it right – maybe we didn't – but maybe it is something more than just an individual property and maybe something bigger or smaller.

Ms. Ehlers: Annie?

Chair Lohman: Carol.

Ms. Ehlers: But remember the illustration I gave earlier this evening and don't ever do what we did last time again, where a whole group of people around a piece of territory that is identical to theirs get together, make a request, and the person in the middle is provided no access because the County refused to tell this person that the proposal was all the way around him. And I've always – obviously, I have thought that was one of the more unjust things that we have done. I don't like that as a precedence (sic).

Mr. Johnson: Okay, then the second provision here for Rural Intermediate expansions says, "Any proposed Rural Intermediate zone expansion and commensurate increase in residential development rights must consider and evaluate the use of transfer of development rights, conservation easements or other mechanisms to facilitate density transfer..." et cetera, et cetera, et cetera, "...as a means to protect the county's long term rural character, productive natural resource lands, and environmental quality, and to mitigate LAMIRD expansion."

So it's basically saying, as a policy statement these – I mean, they really could only be done if they were consistent with GMA; otherwise, they potentially could be appealed and found not viable. And this does in part come from the Envision recommendations. If we really are trying to protect the ag lands, the floodplain – which so often are one and the same – and we're making the argument that some of these uplands areas are

better places to develop, especially when we can figure out the drainage issues, it doesn't necessarily mean by allowing development there you're extinguishing development where you don't want it. And so these rural up-zones would contribute to the solution of extinguishing development rights in areas where the policy makers – the County Commissioners – have said that's not desirable. And it wouldn't – probably wouldn't be a one-to-one transfer. That just wouldn't – the economic incentive wouldn't be there to make that work but it would be some contribution to that broader mission. So that's what's proposed for Rural Intermediate.

And then for Rural Village, already Rural Village boundary expansions can only be considered through – amended through – a community plan or the GMA Update process, and here we're just changing the seven-year to "periodic state-mandated" GMA Update "process," and then also putting in the same provision that would have to consider a TDR or conservation easement or some other mechanism.

So that's what that proposal does for Rural Intermediate and Rural Village expansion proposals.

Mr. Easton: Madame Chair?

Chair Lohman: Go ahead, Jason.

Mr. Easton: Yeah, so this is probably something you'll have to research but, you know, I don't recall doing a lot of these as we've done the Comp Plan amendments over the last five years or so. I'm a little concerned that – I'm very concerned. I'd like to know how many we have, just on the – just that would apply to this change. I'm not talking about all of our Comp Plan amendments but just to the change that would be affected by this. Part of when people realize that they were wrong in the way things were happened is when they go to apply, and we can't really control whether they applied a year after GMA or if they apply tomorrow. So I'm a little sensitive to the fact that most people won't – may not realize that they have an issue with this until it's – you know, I'm not believing that it has to be necessarily so tied tight to that date, but the other question I have is with no – with it not being on the work plan, with there no real – with all the things that aren't on the work plan that could end up on the work plan before TDRs, regardless of the fact that 2060 has made a big case for TDRs, but with no agency feeling like they're funded to the point that they could take the lead on it and no jurisdiction around us really blazing a trail – I guess to some degree Burlington is a little; I mean, not to downplay what Margaret and those guys are doing – I need to hear a better case from the Department about why you're recommending this when you basically all kind of know that TDRs are not around the corner. I mean, I think it's a fair – it's an honest evaluation that TDRs aren't – an existing TDR program is not around the corner, and with that not the case – would you still be making this recommendation if TDRs weren't included as one of the – you know – one of the criteria?

Mr. Johnson: The specific recommendation that it be linked to TDR or conservation easement, not the timing one?

Mr. Easton: Yeah. Yeah, I mean if you took the TDRs off the table, is this still the recommendation that you feel is necessary to push through right now?

Mr. Johnson: I think the TDR concept was the prime –

Mr. Easton: Driver?

Mr. Johnson: – driving force, and I think this idea of conservation easements or other mechanisms kind of worked its way in there.

Mr. Easton: So do you guys have some sort of sense that we're looking at an avalanche? I mean, assume for a minute – granted, it's dangerous – that we approve – let's say we approve Jensen and Peck. It's not going to be the first time we approve something similar to this because I mean I do know we worked on some stuff out in the east end of the county that was – you know, it looked like a map – basically a mapping error, right?

Mr. Christensen: Right.

Mr. Easton: Correcting a mapping error. And we didn't see an onslaught of these this last time around, so is there something that you guys are – a sense that you have that these are laying out there and ready to come at us if we take this approach? I know I'm riding the line from deliberations and questions, Madame Chair. That'll be the last one.

Mr. Christensen: The fact of the matter is is that it requires County Commissioner action to get any of these Comp Plan amendments before you.

Mr. Easton: Docketed.

Mr. Christensen: So they have to docket, so there *is* a decision that they must make to hear any request.

Mr. Easton: It's a pretty massive gatekeeper policy.

Mr. Christensen: Yeah. Yeah. So and, as we know, Comprehensive Plan amendments – map amendments – it's not a very easy process to go through. It's very onerous. You're limited in terms of when you can do it and it does cost some money.

Mr. Easton: Right.

Mr. Christensen: If you're docketed then you're going to be out some money, but then again your petition will be heard. I think this does two things, these proposed policy

amendments. One is where you might be restricted to a Rural Intermediate or a Rural Village change only by going through a community plan or a subarea plan, those may – we may not do another one of those again. But we do know that we will be required periodically to do Comprehensive Plan Updates, based on state requirements.

Mr. Easton: Right.

Mr. Christensen: So what we wanted to do was say we don't know how often we're going to be doing a community plan or a subarea plan, or whether we'll even do them again, but we do want to have a mechanism in there in which you can do some alterations to either Rural Intermediate or Rural Village.

Mr. Easton: So with no subarea plan potentially and no TDR program at least in the foreseeable future from what we can see from a funding point of view or ___ point of view, we're basically saying what you could apply for once a year; get through the docketing procedure – the timing of it – the docketing procedure; then get it to us; us believe that it's GMA-compliant; send it back to the Commissioners – who, by the way, just because they docket it doesn't mean they approve them historically – send it back to them. Now we're going to tell those people who can only do that once a year, We're sorry, you're out of luck; you can only do that once every *ten* years? Is that – is that – it's kind of where we're at, right?

Chair Lohman: Mm-hmm.

Mr. Easton: Okay. Well, I don't want to take it any further – sorry.

Mr. Hughes: We're deliberating.

Mr. Easton: Yes, I agree.

Chair Lohman: Yeah, let's cut it off.

Mr. Hughes: I could talk more than you.

Mr. Easton: Yeah, you *could* talk more than me!

Mr. Christensen: You are correct in –

Mr. Hughes: Not more than Carol.

Mr. Christensen: We do know – and Kirk can maybe allude to this better than I – but we don't know whether or not a TDR program will be viable here in Skagit County. There's a lot of interest in it. We have received a state grant to study it. So there is more assurance that we will be doing something about it in terms of work and effort because there is a grant, there is a scope of work, there is a timeline, there will be some

resources dedicated to it. We don't know what that outcome might be. We don't know if it's favorable, whether it's economically viable or not. But at least what I can tell you is that we will be looking into it and we will do so this year. The grant that we have requires work and effort this year and some timelines to be satisfied. Now Kirk can explain more about that than I.

Mr. Easton: Okay.

Chair Lohman: Carol, go ahead, and then I'll go after you.

Ms. Ehlers: When I looked at this and I saw the reference to the conservation easements, a bunch of us put a conservation easement on a substantial piece of land near a LAMIRD – in a LAMIRD. We haven't found that anyone in the County or their consultants can figure out how to recognize it. We only did it twenty-two years ago and it's been enormously frustrating, because I was one of those who initiated it. Until the County can figure out how to recognize and keep a record of conservation easements the same way you keep a record of water systems, but you don't keep a record of any other homeowners association which obligates land, then some of this has grave difficulties.

We had two things tonight that dealt with homeowners associations: a water system and a rogue homeowners association. The County couldn't recognize it because they didn't have the records to go look. The same thing applies to conservation easements. It applies to drainage maintenance, it applies to open space.

Now I don't know what you're going to do, Gary, when there's a new Director in a week or two, but I hope that one of the things that gets done is a list of these – and a growing list, a starting of a list – not the complete thing but the starting of it. Because it seems to me that if you have land that's in a long ago legally required by the County district, based on a geographical area, that that's one of the things that you must take into consideration in making certain of these decisions because the County mandated these legal entities be established. The County mandated what the criteria for all of it was. The County cannot then turn around and say, Sorry.

Mr. Christensen: Let me address that question. If it is regarding CC&Rs, or Conditions, Covenants and Restrictions –

Ms. Ehlers: Not CC&Rs.

Mr. Christensen: – or homeowner associations –

Ms. Ehlers: I'm not talking about that. I'm talking about legally mandated for water, for roads, for drainage, for open spaces. CC&Rs deal with what kind of a house you can build, with how big it is and that kind of stuff.

Mr. Christensen: Mandated? Maybe we need to take this, you know, off-record. But I need to, I guess, better understand what your questions and issues are because the County, with regard to land divisions or permit approvals, can impose conditions. With regard to homeowner associations, they can also impose conditions upon their membership for which the County has no authority over.

Ms. Ehlers: I'm not talking about that. I'm talking about something like Seaview IV where the County mandated there be a homeowners association with a legal obligation to take care of the drainage –

Mr. Christensen: Okay.

Ms. Ehlers: – and the legal responsibility that the County would enforce had they not done it. The same thing applies to water systems up in the east county, which we have ignored their rights and their legal obligations. I've been – ever since that questionnaire of seventeen items came up this spring I've been thinking of that.

Mr. Easton: Point of order.

Mr. Christensen: I would be happy to discuss that further with you another time.

Ms. Ehlers: That's all right.

Chair Lohman: I have a question for you.

Ms. Ehlers: There are elements here.

Chair Lohman: It's a different tact and at the risk of being on the edge of deliberations, I think.

Mr. Christensen: Yeah.

Chair Lohman: We just did the FEMA, the flood control zone and because of the FEMA lawsuit. How many of those building lots are going to be extinguished naturally by that, is a question, and so I guess I'm asking about natural attrition because of things outside the County's control. Are you kind of researching that or kind of keeping a tickler file on that sort of activity? So why would you want somebody to buy something that isn't potentially going to be there anyway? And the other question is more of a larger policy question for me – is, Why would you condition in the Comp Plan things that don't have – they're not tangibles yet? We don't have a TDR. You just said that we may not ever do another subarea plan. Folks just testified about a subarea plan that was a final draft in 2006, I believe. Well, that's already six years out. And I've been watching the yoyo with Bayview Ridge. And so it's almost like those are broken before they even get off. And so maybe what we need to do is step back from that and not require something that – because in the Comp Plan there's a suggestion that you're going to have the

corresponding piece in the zoning code somewhere, and I don't see that happening in the foreseeable future. So I'm questioning whether that's a good precedent to have a wish. Sorry. I'll stop and I'll save it for deliberations but it's a question.

Mr. Christensen: Good question.

Ms. Ehlers: And we will all think about it. Thank you.

Mr. Johnson: Yeah, good question.

Ms. Nakis: So just –

Chair Lohman: Go ahead.

Mr. Easton: Probably should look at it.

Mr. Johnson: Yeah.

Ms. Nakis: ___ comment. Maybe there could be a policy change in that you don't start new projects or new mandates until you finish the ones you have, right? Because you know this –

Mr. Easton: Point of order.

Ms. Nakis: – you know there're some people in this audience who are quite frustrated and upset that they spent a lot of their own personal, volunteer time on something that never got finished.

Mr. Easton: Point of order. I suggest you make that suggestion to the Commissioners. I think it's healthy, but...

Ms. Nakis: Well, I'm just suggesting it to the world.

Mr. Johnson: So if I could say fifteen seconds worth. So amendment C-2 is just some housekeeping/scriveners' errors correcting – taking out the reference to 7-year Updates, which are no longer.

I'm happy to step down and let the members of the public who are still here and wanting to speak to this do so.

Chair Lohman: Okay. Is there anybody from the public who would like to comment? Come on up to the mic. Reintroduce yourself.

Ms. Manville-Ailles: I'm Marianne Manville-Ailles from Skagit Surveyors & Engineers, 806 Metcalf, Sedro-Woolley.

And, interestingly enough, you guys have hit on a lot of my issues and concerns about this, primarily the first thing that I had on my list of things that I would love to see is the answer to the question: How many of these Rural Intermediate and Rural Village changes have happened in the last fifteen years? I venture to say that you could put them on both your hands quite easily. Contrast that with how many lots have been reduced in the county because of changes that – not just changes; you know, I heard you guys say changes that were beyond the County's control – things like the FEMA, things like the DNR's closures. Those – I mean, those are also important but also things that have happened as a result of changes in the County rules over the fifteen years.

I think where the comprehensive look needs to start – I mean and the planner in me is just screaming at the – where we need to start is we need to start, you know, with a comprehensive look at what *has* changed and where we *have* had reductions and what that looks like so that we have an idea on that, and not penalize the property owners who – as it has been rightly pointed out – don't realize that they have an issue until they're ready to do something. And they come in and they truly discover that they were designated in error and now they have no recourse, except for once every ten years *maybe* they'll get fit into the Comprehensive Plan updates. Now we know every ten years Comprehensive Plan updates are a big deal. They're a big deal to do. And so your one little thing is very easy – it can become lost in that vast important changes that have happened because now we have state rules that are changed and we have federal rules that are changed and we have all these things that have to happen in the Comp Plan. I'm really concerned that what we're saying to people is, You're screwed.

And so I would really urge you to take a look, you know, at not throwing the baby out with the bath water. I mean, I don't think that we have had an avalanche of these things. I know. You see, tonight you saw the three that were here before you? The people that got docketed weren't just the Joe off the street that came. They hired John Ravnik. They hired Skagit Surveyors to come in, and they spent a lot of money. I can tell you. They spent a lot of money with us, they spent a lot of money with John having that put together professionally to come in front of you, just to be able to get the chance to come here to talk to you. So this is not something that everybody is going to be able to do, or everybody's going to be able to be motivated to do. We haven't seen a lot of them. I don't think we're going to see a lot more.

So I would really encourage you to take all that into consideration before you take some Draconian measure that is going to preclude people from – I mean, we see it all the time. You guys in the Planning Department, they can tell you. We make rules, we have the best of intention, we make rules and then we realize we've got ourselves into a box that we can't get ourselves out off. And we have situations that come up that we really would like to be able to do something about, and we can't. So I just encourage you to just really, really consider that. Thank you.

Chair Lohman: Anybody else? Mr. Glade, I have your name down.

Mr. Glade: I'm not sure if the C-3 amendment is being covered tonight. Or is it – is it ___?

Mr. Easton: No, we just have C-1 and C-2, right?

Mr. Johnson: Right.

Chair Lohman: And I never introduced the housekeeping one officially.

Mr. Easton: We only have one public hearing open, I think, is why.

Chair Lohman: Right.

Mr. Johnson: Yeah. There is a third County-initiated amendment that is related to Bay View Ridge that was not put out for SEPA review at the same time as these and not put out for public hearing at the same time because it's waiting on some other work to happen on Bay View Ridge. And so it may rejoin this docket before the County Commissioners take final action and it may not be timely to do that, but it's not a part of your –

Mr. Christensen: – tonight's public hearing.

Mr. Johnson: Yeah.

Mr. Easton: It's not part of the public hearings?

Mr. Glade: It's – this is an example from what's happening in Anacortes, and I think it'd be just good information for your general knowledge. So if you'd spare me three minutes I'd appreciate going over this.

Chair Lohman: Okay, could you reintroduce yourself for the –

Mr. Glade: I'm Tom Glade, G-l-a-d-e. I reside at 210 Mansfield Court, Anacortes, Washington, and I'm here this evening representing Evergreen Islands.

The RCW requires that every county, city and town, which is _____ the nearest airport, is operated for the benefit of the general public, whether publically owned or privately owned public use shall –

Mr. Easton: Point of order.

Mr. Christensen: Yeah.

Mr. Easton: I think this doesn't – it shouldn't be regarded during this part of the public hearing, and I would recommend that he save his comments for the public comment period on our agenda.

Chair Lohman: Yeah, I agree.

Mr. Easton: Since it's not germane to the public hearing.

Mr. Glade: Okay.

Chair Lohman: Sorry. I misunderstood what you trying to say to us.

Mr. Easton: I still want to hear it. I just want to make sure we keep our –

Mr. Glade: Right.

Mr. Easton: – stuff pointed in the right direction.

Chair Lohman: Okay, on the topics of the public hearing are there any other comments from the public?

(silence)

Chair Lohman: Any other comments from the Commissioners?

(silence)

Chair Lohman: Okay, I officially (gavel) close the public hearing on the County-proposed policy for increasing Rural Village and Rural Intermediate. So now the last thing would be the public hearing on the housekeeping amendments, which would correct scriveners' errors. Does anybody have any comments on that?

Ms. Ehlers: You mean the one that changes –

Mr. Easton: 7 years to – instead of 7-year update – the one in C-2? It's on page 16?

Ms. Ehlers: That's not the –

Chair Lohman: Page 24.

Ms. Ehlers: You have other scriveners' errors.

Chair Lohman: It's changing –

Mr. Easton: Tom?

Chair Lohman: – references to RCWs.

Mr. Easton: Don't leave. We're going to come right back to you in just a minute.

Mr. Glade: Pardon?

Mr. Easton: We were going to come back to you in just a minute.

Chair Lohman: This is the scriveners' error.

Mr. Christensen: Yes, we'll be –

Ms. Manville-Ailles: They just wanted to close the hearing. There's a public comment period.

Mr. Glade: Oh, okay.

Mr. Easton: There's a public comment period in just a minute.

Mr. Glade: I didn't understand. Okay. Thank you.

Mr. Easton: Yeah.

Chair Lohman: Yeah. So, Carol, it's on page 24 and 25 in your packet.

Ms. Ehlers: Yes, and it – to change 306 –

Mr. Christensen: We're making –

Ms. Ehlers: – to 36 should not necessarily be a big deal.

Chair Lohman: No.

Mr. Easton: It's more about the comprehensive ____.

Chair Lohman: So, seeing no objections, I'm going to close (gavel) the public hearing on doing the housekeeping amendments to correct scriveners' errors.

Okay, moving on in our agenda we have a discussion on County Road Standards. Finally you're up.

Mr. Christensen: Three hours later!

Mr. Hughes: You know we're supposed to be done at nine o'clock.

(several people speaking at the same time)

Shane Whitney: Well, good evening, Commissioners. I'm Shane Whitney with Skagit County Public Works. I'm an Engineering Technician in our Development Review group.

Periodically we need to update our road standards manual and our utility policy, which governs what work can be performed within County rights-of-way and the standards to which those are done. So we are currently in the process. We're getting started on our most current revision. As it stands right now the last time documents were updated was in 2000 and so, of course, with the change in technologies and standards, we're a little behind the curve. So we're in the real preliminary stages of this and, as such, we wanted to let the Commission know where we're at as we're coming along.

Some of the items that we are looking at doing is currently our road standards manual and our utility policy are two separate documents. They really should be merged into one document, so that's one of the items we're looking at.

A lot of times questions come up: What's our standard for monuments and the cases that are contained in those within the right-of-way? We're going to come up with – create a standard drawing for those. Then, of course, update what different things with – a lot of stuff with the breakaway signs for within the clear zones. So we're going to probably just have Washington State Department of Transportation standards but we need to have a standard in our manual that developers can readily look at and say, I hope this is what you like.

Some other little items: Updating the load rating standard for bridges. We currently in our road standards for design we have our rural standards and then an urban standard. And based on certain developments that (have) come in over the last ten years, we think it's pretty imperative now to come up with a suburban road standard for when we get into – especially developments such as like Nookachamps Hills and items like that. When it – some of the items in there are built to a rural standard road, but it's not. It's a suburban setting.

One of the other things: We want to incorporate some low impact development designs standard options for road construction. Everything's – many things are moving to these low impact development techniques so we want to put in our manual stuff that we feel is engineered – is feasible with a good engineering background so it can be quick and easy to do.

And then, of course, we need to review and revise all the citations where it references RCW, WAC and Skagit County Code – make sure those are all up to the current.

And then the last thing that comes along with that is we will revise and clarify the different types of right-of-way permits, and then we may even need to – to be more fitting with stuff – is add, maybe even create a new type of right-of-way permit.

So the biggest thing with this is we're here. We're letting you know we are in the process of creating new manuals. And as we come to you in the future to give you an example and give you a draft document, and then give you the opportunity to comment and see what other changes you may want to see in that.

Yes?

Ms. Ehlers: "Utility." Do you mean drainage utility or –

Mr. Whitney: Utilities are power, water, sewer, gas.

Ms. Ehlers: Then how do you propose to relate the road standards and the drainage utility?

Mr. Whitney: That's – they're not even – it's not the same thing. When I say "utilities" it's when you construct utilities within the right-of-way. So if you're going to put a gas line in there this is the amount of cover you need in it, this is where it needs to be located within the right-of-way. That's what it means by "utilities."

Ms. Ehlers: I thought I understood that part. I'm raising the issue that when roads are built, particularly when they're rebuilt and made more modern, they are wider, more impervious, and they tend to drain more effectively into the small private roads which often are not very well regulated in the first place. And as someone who lives out on Fidalgo, which is loaded with these private roads because it's never been required that they be anything different, it's a significant problem. And I would request that you be more careful to relate the drainage utility requirements to the road standards. It's particularly troublesome when a road drains across another one and erodes it to the point that it's not traversable. There's a place in the middle of the island I have in mind.

Ms. McGoffin: Point of order. Can we bring this up when we discuss ___?

Mr. Easton: It's a report.

Ms. Ehlers: Road standards affect us significantly.

Mr. Easton: It's a report.

Ms. Ehlers: And he said what our opinion was and I'm giving it.

Mr. Easton: The Chair needs to rule on the point of order.

Chair Lohman: Okay.

Chair Lohman: I have to agree.

Mr. Easton: Is it well taken?

Ms. Ehlers: I've made my point.

Chair Lohman: Mary, do you want to comment?

Ms. McGoffin: Have you looked at the Complete Streets idea of adding non-motorized routes when you do street development? I mean, is that something you're familiar with?

Mr. Whitney: Yes, I am. I am familiar with that. It's been brought up and, yeah, not – this is more of like a standard. These are the way that these items are going to be built. As part of that, though, we will have a more defined standard. Say a development comes in. We determine they need to provide a separated pedestrian access. Should the volume of houses and non-motorized traffic be in with that then, yeah, then that type of standards – you know, this is what the base needs to be made of; this much separation. That's about as much as this will look into that.

Chair Lohman: I have a question. Do you have a completion date?

Mr. Whitney: Staffing is kind of an issue, but this is something I've started on but now my time is a little more freed up these days. What I'm hoping to do is get to the point where I have a completed draft document – sometime this summer, late in the summer – hopefully get back a draft document to the Commission in the early fall. Because my greatest hope is to try to have a completed document to the Board by the first of the year.

Chair Lohman: Any other questions?

Mr. Hughes: Yeah, I have a comment. I don't know if this would come under there or not, but do your spray people have to have a license? And the only reason I ask that – if I sprayed like they do I'd have lost my license a long time ago and I'd probably be in jail. And with all the rain we've had in the last two weeks I'm afraid that what they've done this year, not only did they intrude into the fields, that it's going to wash in yards if not more. I've lived with this for a long time and it's – believe me, I'm a sprayer and, like I say, I'd be in jail if I were to do what they're doing. Just go down to Fir Island and look. It's horrendous.

Mr. Whitney: No. All this manual will be on is how to build – it's all about engineering standards for roads and rights-of-way.

Mr. Hughes: I just – okay. Maybe you could pass that on.

Mr. Whitney: I will let our Public Works Director know that.

Mr. Easton: I recommend that you talk to him. He's very approachable and I think it'd be good for you to talk to him about it.

Chair Lohman: Any other questions?

Ms. Ehlers: I agree.

Ms. Nakis: Or turn them in!

Chair Lohman: Okay, thank you very much. Okay, the next item on the agenda is Miscellaneous.

Mr. Christensen: Okay. Shane, thanks for being patient and sticking around for three hours and fifteen minutes. Miscellaneous: I just – if you are signed up on e-mail list serve you would have gotten this. This is regarding the Skagit River General Investigation Open House on May 7th, which will be next Monday in this building in this room, I believe.

(several people speaking at the same time)

Chair Lohman: Was there anything else?

Mr. Easton: I have something else under Miscellaneous.

Chair Lohman: All right – Jason.

Mr. Easton: I'd like to request the Commissioners' agreement to ask the Chair to send the Board of Commissioners a letter to address the issue of the ninth member. It's been almost a year. And I know for a fact that just six months ago when they put it out for the second call they had five qualified – five people, and – I was told by the Commissioners – very qualified.

So I'd just like an update in writing from the Commissioners so staff doesn't have to be put in this awkward position of trying to relay what's going on, especially with the changes they're having with the staff. It'd be probably very clear to come straight from the Commissioners' office. But, Annie, if you could send a letter on our behalf, if the rest of us agree, to just inquire about what's going on with the ninth member. Because, you know, it's important that we're balanced.

Chair Lohman: Okay, I have to ask the body the question. So do you want to review the letter or just –

Mr. Easton: No, I trust you.

Chair Lohman: – trust me to write the letter?

Mr. Easton: I trust you to write the letter.

Ms. Nakis: I do, too.

Chair Lohman: Do we want to formalize that or do we want to leave it informal?

Mr. Easton: I think it should be coming from us. I mean, you're doing it on our behalf.

Chair Lohman: I mean the suggestion. Are you moving?

Mr. Easton: Yeah, I'm going to make this as a motion that it comes on our behalf. So I move that the Chair draft a letter to the County Commissioners requesting an update on the information on the addition of our ninth member.

Ms. McGoffin: I second it.

Chair Lohman: It's been moved and seconded that the Chair of the Planning Commission write a letter to the Board of County Commissioners inquiring about the ninth Planning Commission member. All those in favor, say "aye."

Ms. Nakis, Ms. Ehlers, Chair Lohman, Mr. Hughes, Mr. Easton, Ms. McGoffin and Mr. Axthelm: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: And I went right from the motion to the – no discussion!

Mr. Easton: It's okay.

Chair Lohman: Did anybody want to discuss it?

Mr. Easton: I was going to waive my right to discuss it any more anyway. So I'm good.

Chair Lohman: Okay. Any other Miscellaneous business?

Mr. Hughes: She learned that from you!

Mr. Johnson: I have a question for you but I'm – well, it'll be very quick.

Chair Lohman: I didn't mean to –

Mr. Johnson: Madame Chair?

Chair Lohman: Go ahead, Kirk.

Mr. Johnson: So all of the Comp Plan amendment application materials and the docketing materials and the public comments are on the website, but we haven't provided those materials to you in hard copy. So I guess I would like a show of hand of anyone who would like hard copy materials of the whole shebang for each of the proposals. Okay, looks like just Carol.

Mr. Easton: You can get to that right off the Planning Commission page, right? Yeah.

Chair Lohman: Okay?

Mr. Johnson: Okay.

Mr. Hughes: Is there any – since we're – for the good of the Department, is there any reason that the County website this meeting wasn't updated till – was it Monday morning? It was "to be announced" or "to be" or whatever that – I looked Thursday or Friday to see if we had a meeting this month because I'm not on the County e-mail and I hadn't received any letter or telephone call.

Mr. Christensen: Our Administrative Assistant didn't get to it.

Mr. Hughes: Okay.

Mr. Easton: Madame Chair?

Mr. Christensen: That person was transferred to Public Works the first of the year.

Mr. Hughes: Yeah, I know that.

Chair Lohman: Commissioner Easton?

Mr. Easton: Just an announcement. Thursday, May 10th, there'll be a reception – a meet & greet – here at 4:30 in the lobby for the new Planning Director.

Ms. Ehlers: 4:30?

Mr. Easton: Uh-huh.

Mr. Axthelm: When was that?

Mr. Easton: Thursday, May 10th, at 4:30. It's – I think it's open house-styled. Yeah, it starts at 4:30. It doesn't when it ends. So, yeah, 4:30.

Chair Lohman: I have a question. Gary, at the beginning of the meeting you alluded to some letters or e-mails that were addressed to the Chairman of the Planning Commission.

Mr. Easton: That was the one from Evergreen Islands.

Chairman Lohman: But I never saw it.

Mr. Christensen: Yeah, those will be compiled as part of the written record, which is –

Chair Lohman: Okay.

Mr. Christensen: – open until the end of this week, and you'll get copies of all of those.

Chair Lohman: So when do those go on? Because I looked at the website, too, and I looked like a couple hours before the meeting.

Mr. Christensen: Yeah, we didn't post those on the website or provide those to you this evening because the comment period is still open. Your deliberations haven't started.

Chair Lohman: Okay.

Mr. Christensen: But we will transmit all the written correspondence to you when the public comment period closes and in advance of your deliberations.

Mr. Hughes: Could you make sure that comes to me in hard copy?

Mr. Christensen: Okay.

Mr. Hughes: Just the letters.

Mr. Christensen: Okay.

Mr. Hughes: Everything else I can do myself.

Chair Lohman: Okay. Any more Miscellaneous business? Carol?

Ms. Ehlers: The one I brought up to begin with. Gary, I gave you the piece of paper. Do you folks remember last summer when Matt and I kept insisting that the Samish River was not part of the Skagit basin in terms of some of those fish?

Mr. Easton: Right.

Ms. Ehlers: Well, I found the newspaper article. It's 2005. It's a lawsuit that occurred elsewhere and it specifies in the article that the Samish is taken out. I gave a copy to

Gary and I gave a copy to Tim this evening. So neither Matt nor I were imagining things. We just couldn't give a citation. But it does give something substantial for anyone in the Samish Valley to take a good look at what that lawsuit was.

Mr. Christensen: Madame Chair, if I can respond? Before we speculate about that lawsuit, which came to your attention via a newspaper article, I'll provide that to legal counsel, let them do some legal research. There certainly have been many lawsuits, many new laws since 2005 which may supersede or apply.

Ms. Ehlers: That's one of the difficulties with all these people passing lawsuits that you don't know exist.

Chair Lohman: Okay. We're moving on on the agenda. Public comment. Is there anybody from the public who would like to comment? Mr. Glade.

Mr. Glade: I appreciate you hanging around to hear these comments. I'm hoping that this will help us not repeat mistakes that were made in Anacortes.

Chair Lohman: Mr. Glade, I need to point out that it's not a hearing, so that while you're allowed to speak that it won't become incorporated into the record.

Mr. Glade: That's fine.

Chair Lohman: Okay.

Mr. Glade: I just want to speak to you. First it was this RCW. It says that "...shall, through its Comprehensive Plan and development regulations, discourage the siting of incompatible uses adjacent to such general aviation airport." And so in Anacortes we probably have the most impacted airport in the state. And to just get you to understand why it's impacted, this is a diagram of the safety zones that are at each end of the runway. And so this zone here is – Zone 4 is one dwelling unit for 5 acres. As you get closer, there's zero dwelling units and only – less than twenty-five people should be allowed in that area. And then it gets down to, you know, zero dwelling units and then only zero to five people within that area. And so most of it is one per 5 acres in this whole blob here. So if we look at Anacortes and how *not* to do things –

Mr. Easton: Anthill!

Mr. Glade: Yeah. So, you know, you can see that there are lots of homes right here at the foot of the runway within the thing, and then within the one dwelling unit per 5 acres, you know, there's tons of homes in there. And so the problem with Anacortes is that this has caused lots of problems with legal actions between the City, between the Port, between the neighbors, between the pilots association, and it's been ongoing for years. And it's settled down. There was a move to expand the runway and that really blew up then and then now it's sort of – and it seemed to slow down further with the economy,

that there's not a lot of development going on out there or pressure to develop the airport.

So if we look at the data that I think the CAL DOT is the ___ that funded this study to determine these safety zones. And so this is a collection of crash data that show that most of the crashes are occurring right along the runway as people come in. This is by far where the most crashes are, and I've been following it. If you look at a crash, it's usually really close to the airport where people crash. And in my experience in Anacortes there's been one crash right about here. There was an airplane that lost power and came all the way across here, sputtering, and then it finally turned here and landed about, say, here, and then there was another one landed about right there. So that's what they call the "off-airport incidents." There are some on-airport incidents that have occurred, but these are the ones that **concerned that they do it.**

So if we look at Bay View and we see this same diagram laid out for the Skagit airport – it's on the Comprehensive Plan; this came off the Comprehensive Plan map – we're already seeing high densities down in these – you know – these areas here where there's – and so if you look at the Anacortes experience and SeaTac's experience with trying to expand their aircrafts, there's been lots of losses, lots of money wasted – people fighting expansion of the airports.

And so, you know, it would be great if the County could plan and not allow these real high density homes in these aircraft zones, and to keep it industrial and to lower density developments.

So that's all I really wanted to say tonight, is that we should learn from mistakes of Anacortes at least, and plan for our future airport. So thank you for your time this evening.

Ms. Ehlers: Where were you, Tom, when I desperately needed you? Because I raised that argument again and again and again in the Bay View Ridge, and everybody waved a hand and said it wouldn't happen.

Chair Lohman: Okay, I need a motion to adjourn.

Mr. Easton: I move to adjourn.

Ms. McGoffin: Second.

(many people speaking at the same time)

Mr. Axthelm: Are you adjourning?

Ms. McGoffin: Yes.

Chair Lohman: Yes.

Mr. Christensen: Adjourn.

(gavel)