

Skagit County Planning Commission
Workshops: MRO Removal (PL18-0404); Great Blue Herons (P-4)
September 24, 2019

Planning

Commissioners: Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Mark Lundsten
Annie Lohman
Amy Hughes
Josh Axthelm
Tammy Candler
Hollie Del Vecchio (absent)
Martha Rose

Staff: Hal Hart, Planning Director
Mike Cerbone, Senior Planner

Others: Josh Axthelm, Former Planning Commissioner
Marianne Manville-Ailles, Skagit Surveyors, Consultant for Applicant (PL18-0404)
Molly Doran, Skagit Land Trust Executive Director (P-4)
Anne Winkes, Skagit Land Trust Board Member (P-4)
Carolyn Gastellum, Skagit Land Trust Board Member (P-4)
Kirk Johnson, Skagit Land Trust, Skagit Land Trust (P-4)

Chair Tim Raschko: (gavel) Good evening, everybody, and welcome to the September 24th, 2019, meeting of the Skagit County Planning Commission. Everybody's had a chance to review the agenda, I'm sure. Are there any desired changes?

(silence)

Chair Raschko: Okay.

Vice Chair Kathy Mitchell: I'd like to make one. If – at the beginning of – before Public Remarks, if we could take a minute or two to thank Josh Axthelm for his service and have him say a word or two to us to this end, if that's amenable to everybody.

Chair Raschko: Well, do we need a motion to change the agenda?

Michael Cerbone: I don't think anybody's going to call you on it ___.

Chair Raschko: Okay, then let me recognize Josh. And first of all I'd like to thank you for your service and we hate to see you go. Do you have anything you'd like to say?

Josh Axthelm: I just want to say that I actually knew that I was off the Planning Commission a while before. That's why Tim kept asking, probably: Is there any announcements? I just had some

changes in life and I needed some time – more with my family, and it was difficult for me to leave so I didn't want to really cause much of a scene. I really enjoyed working with the Planning Commission. I really enjoyed working with all of you. It's so great to see so many great people that are – their community is important. I love it how we're so well-rounded. I mean, we've never agreed on everything and I think that's the way it's supposed to be. So I just have enjoyed it and I look forward to seeing you guys in the future.

Vice Chair Mitchell: I've got a quick question for you. I couldn't remember how many years you've served.

Mr. Axthelm: I honestly don't remember myself. I think it's been six? Eight? Something like that.

Vice Chair Mitchell: It's either close to eight or nine, something like that.

Mr. Axthelm: Yeah, it's been a while. But I enjoyed it and it was great so thank you very much.

Vice Chair Mitchell: Thank you so much. It's so good to see you.

(applause)

Chair Raschko: I guess we're in Public Remarks. Is there anybody else who would like to address the Commission?

(silence)

Chair Raschko: Okay. Before we move on, I'd just like to give a little preamble. I believe we were all, except for our new Commissioner – Woodmansee – in attendance at a seminar in Robert's Rules. And this – basic principles. And it would mostly apply if we were doing deliberations. I think they'd be very important. We're not doing any deliberations tonight but despite that I still think I'd like to try to begin adhering to some of these rules as we meet tonight. And first of all, I'd like for people to get permission to speak through the Chair. That way we don't have a lot of things going back and forth. And that would include staff, okay? And when we are deliberating, if a new subject comes up if you've already got a position on it, I think it'd be very welcomed to make a motion right off the bat. And if you already have a position on it it'd be really helpful if you'd actually type that motion up and bring it and then it could be put on the overhead projector and everybody could see exactly what it is. If a motion is made, I would appreciate it if staff had the wherewithal to on the laptop type it up and have it come up over the overhead projector, and that way we all know exactly what the motion is. And when the Chair has to repeat the motion before voting on it he can actually do it. Okay?

And finally, I think points of order would be encouraged if people feel that they're not being treated fairly or if somebody is out of line. So thank you.

So I'm going to move on. First we have a workshop on the Mineral Resource Overlay Removal, PL18-0404. So, Mike?

Mr. Cerbone: And Chair, if I may just provide an introduction?

Chair Raschko: Go ahead.

Mr. Cerbone: So similar to what we did at the last meeting, we have asked – Marianne Manville-Ailles is here to represent the applicant for this item and then Molly Doran will be in here for the next item. And, again, the intent for the forum is really for Marianne, in this instance, to communicate, you know, the request and, more specifically, provide you guys an opportunity to ask questions of the applicant directly. And so staff – I'm here. I can interject it on some points, but for the most part I'm probably not going to answer too many questions because what I want to do is give *you* the opportunity to communicate with the applicant. And I think when you're done with the applicant, if you have additional things you'd like me to research I will collect those and I will go back and research those and bring those back to you at the next meeting.

Marianne Manville-Ailles: So I'm Marianne Manville-Ailles and I'm with Skagit Surveyors, and I'm representing the applicant, Happy and Dave Mangat. And I don't know what-all information you received so I hope I'm not too redundant.

So the Mangats have a property where they – a number of years ago they did a nine-lot CaRD with a remainder piece that they intended to in the future come back and do an additional nine lots on the property. In between the time that they did the first plat and they were ready to do the second plat the zoning had been altered on the property and a Mineral Resource Overlay had been placed on a portion of their property and some of the surrounding property. And when that happened they were then no longer able to do the second subdivision because of the provisions of the County Code that preclude you from doing the CaRD development, the increased density bonus, in areas where there are Mineral Resource Overlay. So the Mangats ___ they don't have – they're not using it for Mineral Resource Overlay and it is the bulk of the area that is located within the designation of the Mineral Resource Overlay.

So they hired a geotechnical engineer that went out and dug holes all around through the Mineral Resource Overlay to determine whether or not it was a viable Mineral Resource Overlay for the County and important to preserve, and the geotechnical report came back and said no, it wasn't, that it was marginal at best. And so the Mangats have had a number of conversations with different County staff people about the options that they had for removing the designation, and that's how we end up here. In order for the – based on the geotechnical evaluation that was done, it appears that the Mineral Resource Overlay that is on their property and the surrounding is not a high priority and is marginal at best. And so they're requesting that that be removed from their property and the surrounding properties so that they can go ahead and then do their subdivision.

That's kind of it in a nutshell. If you have questions, I'm happy to answer them.

Chair Raschko: Any questions?

Commissioner Martha Rose: So how many acres is it?

Ms. Manville-Ailles: Their entire parcel?

Commissioner Rose: Well, the whole and then the part that – part got done and part wants to get done.

Ms. Manville-Ailles: Yeah, so they have – if you – and I see this and it's kind of hard to see it on the –

Chair Raschko: Can I try to help a little bit here?

Ms. Manville-Ailles: Sure.

Chair Raschko: I spent quite a bit of time looking at these maps trying to figure it out exactly and I printed out – one of the downloads was these three maps.

Ms. Manville-Ailles: Yeah, that's the one that I've got, too. That's easier to see.

Chair Raschko: And I had a question similar to hers. The only part that really prevents the landowner doing what they want to do is that that occurs within parcel 10, I believe.

Ms. Manville-Ailles: What precludes the applicant from doing what they want to do is that if you are located within a quarter-mile of a Mineral Resource Overlay you are not able to do a CaRD subdivision. That is what precludes them from being able to do this. So if you look at this – when we came before the Commissioners, this was the drawing that kind of spelled it out for everybody why this is such an issue. You see here is that Mineral Resource Overlay in the middle and then this is the quarter-mile buffer. So if you are within that quarter-mile buffer, you cannot do a CaRD subdivision. You cannot get the density bonuses that are allowed under that.

So the Mangats' property is this. As you can see, it is well within that buffer. So unless that all comes out then they do not have the ability to do the subdivision that they had planned for and that in the original subdivision was set aside for future development. Does that make sense?

Chair Raschko: Does that address your question?

Ms. Manville-Ailles: So I can tell you – and I have their subdivision – I can tell you how many acres that they have.

Commissioner Rose: I'm still absorbing this. I'm wondering why – I understand buffers around critical areas zones. Is the buffer around the mining – why is it there? Because presumably it's not for noise and stuff because you can still build houses there. You know, what is the reason why there's the buffer in the first place?

Ms. Manville-Ailles: They made a determination that the impacts – and "they" being the County – and this has been years ago; this was in the '90s when we were establishing all these different zones and the Mineral Resource zone was established. It was determined that there needed to be a quarter-mile buffer put on Mineral Resource lands so that the impacts from – so that – you know, it's like the right-to-farm and the right-to-forest – that they didn't want to have these subdivisions near enough to the Mineral Resource Overlay that they were going – you know, to active mining sites –

Commissioner Rose: Were there to complain?

Ms. Manville-Ailles: To active mining sites. That it was going to be – you know, that people were going to come in and then the mines were going to get – and the gravel pits is pretty much what it was. We're going to be – you know, would we get shut down because – as soon as you, you know, begin to urbanize that – it's the same as with farming and with forestry. So that was how that buffer got placed on there. But the problem with the Mineral Resource Overlay is that, you know, you can see trees and you can see farms above ground so you know where they are. We have a kind of idea where the mineral resource deposits are and sometimes we're right and sometimes we're wrong. And so it's harder with the mineral resource to get the lines drawn

perfectly. And in this case, based on the geotechnical information that has been provided, the lines *aren't* drawn perfectly.

Chair Raschko: Are you okay?

Commissioner Rose: Yeah.

Chair Raschko: So how – I mean, that doesn't make sense to me from the standpoint that lots 1 through 9 were approved.

Ms. Manville-Ailles: Well, that's because –

Chair Raschko: Oh, it's because the Mineral Resource Overlay came on *after* that.

Ms. Manville-Ailles: Because the Mineral Overlay came on *after* it was – yeah, *after* it was done.

Chair Raschko: I see.

Ms. Manville-Ailles: So that's what happened. It was added in afterwards. And so each of the lots – you know, 1 through 9 – are roughly one acre in size, and then lot 10, the area that's reserved for development, is 11 acres and then the open space is 27. So it's about 45 acres that the Mangats own or did own. I mean, I think a couple of those – the lots 1 through 9 may have been sold – *have* been sold to other people.

Commissioner Joe Woodmansee: Is the property that has the overlay, is it all owned by these people or are there other property owners that have that same –

Ms. Manville-Ailles: No, there are two other property owners. There're a couple other property owners. But if you take the part that the Mangats own out, it leaves just a couple little ragged edges that are left in it, and that was – the County natural resource person, John Cooper, looked at that and determined it would be even less viable with, you know, if you took out just their piece. And if you took out just their piece it doesn't fix their problem because they're still within the quarter-mile of the – that buffer, if you look at the buffer that's on there, it would go down but it would still cover all of their property. All their property, yeah.

Commissioner Woodmansee: So are the other owners on board with this request?

Ms. Manville-Ailles: You know, I can't tell you. I know that John did some research on that. I don't know for sure whether – what the outcome of that was. I can just tell you that when we had this discussion – was it last year, Hal? – before the Commissioners and John was there and he did say that it would be appropriate to remove it from the entire piece.

Commissioner Woodmansee: Sure. That makes sense to me.

Ms. Manville-Ailles: I think there is no – the big question – there is no active mining in any of this. There's a little bit of forestry in some of it and the rest of it is – the Mangats have theirs that they just have the subdivision on and they're not doing anything with, and I think there might be a little farm that is to the north and then the stuff to the east is forest.

Commissioner Woodmansee: Thank you.

Commissioner Mark Lundsten: So the Mangats subdivided through the CaRD process their first nine lots and then the County designated the area Mineral Overlay. So those are valid and they can use those – that subdivision will continue, those nine, but they can't do the other ones.

Ms. Manville-Ailles: Correct. And what they had done is they had reserved the space for the others and they had done the infrastructure in preparation of those others being subdivided. And I can't answer for you why they didn't do all 18 at the start but I suspect it had something to do with water.

Commissioner Lundsten: For whatever reason, they expected that the situation would remain the same. What caused the County to put this on – this new zoning on the property? What prompted that?

Ms. Manville-Ailles: I believe what happened was that there was a – it was part of a larger process where they were just going through and doing some broad-brush adjustments to the Comprehensive Plan, because it was in that period of time when there was a lot of that that was going on. And I think that – I think it was just that. It was a broad-brush approach and people didn't go in and look at all the moving pieces, didn't realize that they had this. Because actually the Mineral Resource was put on during the platting process while these lots were being platted before, between the time that they were submitted for preliminary and they received final. And when they received final the new zoning had been placed on the property. So I think it was a planning exercise and I just don't think that all of the – it's hard. Planning is hard. I mean, all of us can attest to that. And I just don't think all the moving pieces were identified through that process.

Commissioner Lundsten: Do you have years for when they got – I read through this but I don't recall what year they got the nine pieces done and what year the zoning was changed.

Ms. Manville-Ailles: I don't know off the top of my – yeah. I can tell you that it was sometime between 2006 and 2009, and the only reason I can tell you that is because of the two numbers that are on the plat. The plat number is PL06, which means it was turned in in 2006, and it was recorded in 2009, so it was sometime in that period.

Commissioner Lundsten: And then around 2009 or '10 the overlay was put on.

Ms. Manville-Ailles: No, it would be sometime just before 2009.

Commissioner Lundsten: Oh.

Ms. Manville-Ailles: That's what I'm telling you. They were in the middle of this process when this happened. That's why I'm saying it's a – it's curiouser and curiouser.

Commissioner Lundsten: So may I follow up on that, Tim?

Chair Raschko: Sure.

Commissioner Lundsten: So the County approved it even though it was in violation at the time of something they had just done. They just did that because they had grandfather rights?

Ms. Manville-Ailles: No, because when you turn in a subdivision, the subdivision vests to what is in place when you turn in a complete application. So a complete application was turned in in 2006.

Commissioner Lundsten: Okay. So that's what I meant when I said "grandfathered in." They made it under the bar to qualify for those – that CaRD process for that time.

Ms. Manville-Ailles: Yeah, they made into vesting. Right.

Commissioner Lundsten: And then through whatever machinations caused the County to shuffle the zoning, by the time they wanted to do the second half they couldn't.

Ms. Manville-Ailles: Correct.

Chair Raschko: Just a clarifying maybe: In their proposal description, the applicant says that the lot 10 subdivision was approved. It doesn't have a date. It says "sometime between the time the plat was completed and" now – the Comprehensive Plan map was revised.

Commissioner Rose: I have a couple of questions.

Chair Raschko: Yes.

Commissioner Rose: Did you say that the utilities were put in for the future?

Ms. Manville-Ailles: The road – primarily the road was put in. Obviously the water and the septic have not been put in. Those are the things that are there. But the road and power are all there. Because the way this works is, you know, these lots are all here so everything to serve them is there. So everything to serve them up here can also serve these down here.

Commissioner Rose: Right, the road serves both halves.

Ms. Manville-Ailles: Correct.

Commissioner Rose: And what is the source of the water?

Ms. Manville-Ailles: So the source of the water for the original nine lots was individual wells. And the source for the other half is also individual wells but they are – that was the intent. Obviously we are – this is not in the Skagit River basin. It's in the Samish. So it's not under the moratorium so they can still do it; however, there's discussion right now about how many additional lots they can do on the wells, and the Mangats are actively pursuing water rights to be able to serve – they have enough to do five additional lots so they're pursuing water rights for four, for the last four that are – to get to the nine.

Commissioner Rose: I have another question. So I don't know the area, but I'm going to ask this question. Do you think that there was any other reason besides wanting to preserve mineral land for putting this overlay on there? In other words, was the Mineral Overlay put there as a way to thwart new projects and more dense housing? No?

Ms. Manville-Ailles: I don't believe that that's so. I honestly believe that it was an exercise. There was some additional mapping. There was some new information that came out. There was discussions about the fact that, you know, that some of – especially with the Mineral Resource lands, that they weren't exactly right. I think there were some adjustments that were made to try to improve the situation. I think in some circumstances they *did* improve the situation. In other circumstances they created problems where none had existed before and this is an example of the latter. But I can tell you that there were some active mines that had not been designated as

Mineral Resource Overlay, and some of those were corrected to help, you know, with the – because those mines couldn't even expand on some of that. So I mean it was that kind of an adjustment that was done and, like I said, the information for being able to do, you know, the 10,000-foot level review of what is Mineral Resource Overlay, you have to – you know, the data that you have, the geological data – you know, the big – that 10,000-foot level geological data is not real specific. I mean, it's hard. It's sort of like if you remember the NWI's – the National Wetland Inventory maps – you know, they were a good indication of where things kind of were but, you know, they could be off like – you know those big hunks? They could be off, like, this much on a map. So it's that kind of a thing.

Commissioner Rose: Right. Sure. And without a CaRD – I'm sorry. I didn't ask you.

Chair Raschko: No, go ahead. Finish.

Commissioner Rose: Without a CaRD they could still build houses there.

Ms. Manville-Ailles: They can build on the nine that they have but they cannot do any additional development on the property.

Commissioner Rose: Without a CaRD.

Ms. Manville-Ailles: That's correct. They've already exceeded _____.

Commissioner Rose: I thought they could have five acres for each house or something.

Ms. Manville-Ailles: Well, they could but they've already got that with the nine that they _____.

Commissioner Rose: I see. And the CaRD just allows higher density.

Ms. Manville-Ailles: Yeah. Exactly.

Commissioner Rose: Yep, yep. Okay.

Chair Raschko: Amy?

Commissioner Amy Hughes: How close is their active mineral rights being looked at to these parcels?

Ms. Manville-Ailles: There's no active mining that's going on in this area.

Commissioner Hughes: In this whole round circle that we're looking at?

Ms. Manville-Ailles: None.

Commissioner Hughes: Any potential there?

Ms. Manville-Ailles: I mean, obviously – that's what the geotechnical study was, was done to determine. And they determined that it was marginal at best, that it wasn't –

Commissioner Annie Lohman: I guess I was impressed by what a weird shaped overlay – and especially after reading the geotechnical report and the other report. Like, how in the world did

they come up with kind of straight lines along what appears to be like a property line or a quarter-section line or something, and then another straight line, and then this really weird line?

Ms. Manville-Ailles: I suspect that that weird line looked weird all the way around. I mean, it was probably a real blob. But because when they got to the edge of where all those tiny little lots were, they didn't want to put all those tiny little lots with the Mineral Resource Overlay on them because obviously that is contrary to the whole point of the Mineral Resource Overlay. That was one of my arguments for why this should come out. I thought that it was improperly designated because I didn't think that – you know, one of the designation criteria is that you need to look at the lots that are surrounding the Mineral Resource Overlay, and if you've got a lot of small lots it's not an appropriate place to have that. And if you look, there are a lot of small-lot subdivisions, especially for in the county. I mean, we're talking a lot of – you know, 15 or 20 small, you know, acre or two-acre lots that are down on the south and on the west. And so that's why you have the straight lines and then the curvy lines, which are probably based off of some, you know, one of the – maybe a soil conservation map where all those lines are curved. And so I think that if it would have been curved but they intentionally didn't put them on there because the lots got smaller.

Commissioner Lohman: Well, I guess – excuse me, Mr. Chair.

Chair Raschko: Yes?

Commissioner Lohman: I guess kind of following you, when I saw that I thought well, it doesn't make sense anyway because while you might cut off from the overlay those dense lots, you still encompassed them with the buffer.

Ms. Manville-Ailles: Exactly.

Commissioner Lohman: So it didn't make sense at the front end because of that, and then – which explains the weird shape.

Ms. Manville-Ailles: Mm-hmm. Yep.

Commissioner Tammy Candler: Can I ask a question? So when you look at the map that's up on the screen and you look at the photo, I mean, these might be very small parcels but there aren't houses on those. And I – do you know what the zoning – I mean –

Ms. Manville-Ailles: This map – the aerial photo you're looking at – is from 2016 and you can see that – you can see down on the southwest you can see that the subdivision was going in. And then that's the thing: They were new subdivisions so –

Commissioner Candler: I'm sorry, I was – I think I didn't make sense. I'm talking about – I'm not talking about the houses that went in on Mangat Lane, the nine.

Ms. Manville-Ailles: And I'm not either. I'm talking – if you look down on that aerial, if you look down on the southwest corner you can see where Feather Lane and where all that new development is going. And maybe you can't.

Commissioner Candler: No, I can see it. My point is more this area. Yeah, your copy's better.

Ms. Manville-Ailles: Yeah, that's what I said. The color is better.

Commissioner Candler: I guess I'm trying to figure out, though, there's tiny parcels all over in here, according to what we were just looking at. Those aren't – are those all buildable lots?

Ms. Manville-Ailles: Mm-hmm. All these are, yeah. That's a new subdivision.

Commissioner Candler: I know those are. I'm talking about all of these others all around the area that we're talking about on Mangat Lane.

Ms. Manville-Ailles: These over here on the other side of Highway 9?

Mr. Cerbone: The zoning map is up on the screen.

Commissioner Candler: Okay.

Ms. Manville-Ailles: All those are lots, yeah. Now I could –

Commissioner Candler: That's across on the other side on Highway 9 but all around in this area there, they're not. Right?

Ms. Manville-Ailles: Well, the Mangats own all the way down and all the way over and clear over the little piece that kicks out, too. So the Mangats own a whole – they own 45 acres in there. And so all of the development rights that were on that piece were transferred up and that's what's up there in the nine – the other nine that they haven't been able to sell yet.

Commissioner Candler: So are the nine that they haven't built, are they going here?

Ms. Manville-Ailles: That's correct. Yeah.

Commissioner Candler: Okay.

Ms. Manville-Ailles: So that's why the whole big area is there because they took – the system works. The system works.

Commissioner Candler: Those are preserved because of the CaRD.

Ms. Manville-Ailles: _____ that area and put them all in one place.

Commissioner Candler: Interesting. Okay, thank you. That makes it more clear to me.

Chair Raschko: Has anybody else?

Commissioner Joe Woodmansee: So it would be fair to say that there was no geological work done here to create this?

Ms. Manville-Ailles: The overlay?

Commissioner Woodmansee: Yeah, overlay, as in on the ground.

Ms. Manville-Ailles: Right. Exactly. No, I think that was a very broad-brush approach based on probably, you know, soil conservation or USGS – you know, some of those kinds of mapping.

Commissioner Woodmansee: Sometimes those maps are wrong.

Ms. Manville-Ailles: Absolutely.

Commissioner Lohman: Mm-hmm.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay. Okay, well, thank you very much.

Ms. Manville-Ailles: Thank you.

Chair Raschko: So we turn now to an item for our agenda workshop, Great Blue Herons, P-4. Are you going to start this, Mike?

Mr. Cerbone: Yeah, similar to the last one. Molly Doran is here from the Skagit Land Trust. Molly, we had set the table up here so you can sit up there and I can – yep. I've got you all set. Yeah.

Molly Doran: Thanks. I'll sit over here.

Mr. Cerbone: And I'll let Molly go ahead and introduce herself.

Ms. Doran: Yeah, and I'll introduce the rest of my team here. Hi, I'm Molly Doran. I'm the executive director of Skagit Land Trust. And tonight I also have here with me two board members, Anne Winkes and Carolyn Gastellum, and a member of our public policy team, Kirk Johnson, who is – was here!

So tonight what I thought – and let me know if this works for you – is I would first go through a presentation, one about blue herons and the ordinance – critical area ordinance – that we would like to see put through, and then do questions at the end, just because I might be talking about something that's coming up later. If another way works for you, let me know.

Does that work okay? Okay.

So the heron conservation in Skagit County is what we're going to talk about first. So just some terms for you to get used to because I'll be talking about them a lot.

So a "heronry" is actually the nesting colony and the site for the herons. That's where they actually – they're colony nesters so they all come together, they congregate together in a heronry to nest.

"Staging" are areas where herons gather *before* they nest for about one to two weeks. Sometimes you'll see hundreds of them staging in farm fields or you'll see some pictures on railroad trains here. So they're getting ready to go up and nest. And "foraging" are areas where they eat their food.

So Skagit Land Trust is a land conservation organization and we do voluntary land conservation. So we work with willing landowners, we do conservation easements, we steward land throughout Skagit County. However, if an issue directly impacts our land or the conservation values that we

protect on the land then we selectively engage in public processes such as this critical area ordinance that we are recommending.

So it all began at March Point in 1994. And March Point is in the – on the slide – is the larger forest that you see there. And the Land Trust, the very first property that were ever donated was 3.5 acres given to us by the landowners of that land, Bud and Vera Kinney, at March Point. We think the heronry *might* have been there since the 1930s but we know for sure it was there in the 1950s, and you can see in this picture – this was before Highway 20 was even in – and that's a little bit off, but the heronry is kind of at the upper edge of where that yellow is. So it's been there a long time.

So it's now become the largest great blue heron nesting colony in the Salish Sea, and possibly in the western United States but for sure in the Salish Sea. So it's vitally important to Puget Sound and beyond.

You can see in this slide – this is – every year we go in and we do a heron nest count, and you'll see that – I think this last one – I can't read that correctly but I think there was over – does that say 700-and-something, Anne?

Anne Winkes: It was above 750.

Ms. Doran: Yeah, so a huge number of nests. Because, if you think, there's a pair of herons – a nesting heron each and each of those have two to three chicks, and that's a lot of birds in that concentrated area, that 3.5 acres. The reason it dropped in some of these years is not because the heron nests actually dropped, but we lost access to counting the heron nests. And so if you look at these last years, we have had more access so you kind of see a more realistic picture of how many nests there are.

So that's what it looks like in there. And we don't have people go in there. We don't even go in there when the herons are in the nests, but they nest in about every tree they can find within the colony.

So why is a place like March Point really good heron real estate? Again, it's that little yellow sort of square there. It's coastal forest. There's not a whole lot of that type of coastal forest right on the edge of shoreline that's as isolated as March Point is. And although you think, Huh, it's in the middle of an industrial area, it actually is very isolated. It's up a hill that no one can get to. It's very quiet in there. It is isolated also from cars, traffic, dogs, anybody walking through it. But probably the most important reason is that it's on the edge of Padilla Bay, which has a lot of eel grass and has a lot of critters that are in the eel grass that the herons feed on. It also has Fidalgo Bay and other bays around it, so it's really important for these mega-colonies that they're right beside their food source. So that's what it looks like if you're kind of flying at it over Padilla Bay. It's that high hill. And Highway 20 going into Anacortes would be on the left-hand side of that picture.

So March Point is obviously critical to maintaining heron populations in the Sound. There are a few other heronries in the county and the Land Trust has conservation interests in all the sizable ones. So there's one at Barney Lake and there's one on Samish Island – or there formerly was one on Samish Island. So we are sort of the – one of the reasons that we're involved in this is we own land or have conservation easements on all the important heronries in Skagit County, and actually, since March Point is the most important in the Salish Sea, we have a critical role in the Salish Sea heronries.

So one of the reasons when we started to think that more protection was needed was in 2002 – and some of you may remember this – the March Point heronry was threatened, and this was in part because the Land Trust had kept it really quiet. We didn't want people to go up there and so we hadn't been advertising the heronry. And the Port of Anacortes and the City of Anacortes and Skagit County were issuing permits for some property beside it and they really didn't understand what was next door. So the **Seafair** determination allowed site clearing and grading for a road, and they were going to start allowing an office building right next to the border of the heronry and some other industrial buildings down below. So the Skagit Land Trust and some other groups challenged that determination. Those were just some of the – copy from that time. And what came out of it once people realized what was there, is that the City of Anacortes required T. Bailey Inc. – who still exists there; they have another name at this point – to sign a memorandum of understanding with us with conditions that to this day tie into permitting of their buildings and construction for them and for any future landowner. And it outlines mitigation measures. And what that memorandum of understanding does is it employs seasonal and year-round buffers, timing of activities, ___ thresholds, et cetera, recommended biologists. And we meet with T. Bailey, go over them, talk about them. We just did this about three weeks ago for a paint building they're doing. And then generally they try to schedule activities in the off season – in the off *nesting* season – if they're really close to the heronry, as part of the MOU, and it's worked really well. They're a great neighbor and the heronry has been stable or growing.

So one of the other things that was part of the MOU was that we worked with them to protect more land – more of the forest around the heronry – and we actually now have a conservation easement with them on part of their land. We also – we purchased some property on the other side, so we've been trying to work to protect more of the land around that heronry because what you see of the forest is all that's left.

So mega-colonies like the one in March Point are used for many years by herons. As I said, that heronry has been there since the '50s, potentially the '30s, and then we have the other two heronries. And the herons stay in that area but they do move around the forest. So that's the outline of the heron nests over several years and so you can see they move around within that forest.

So we also have an interest in the Barney Lake heronry. That's a smaller heronry. It has, I think 20 to 30 nests. It's on the edge of Barney Lake on a land that we own. And we own all the bright green there and the center of the heronry's that yellow dot. The circle would go into actually the City of Mount Vernon, so as part of the buffer areas in the City of Mount Vernon.

And then there was a heronry on Samish Island. It had been there for at least a hundred years or almost a hundred years. It had 300 nests at one point. It was right on the neck of the island as you come on. We have a conservation easement on that property and we just purchased the land beside it. And that was the heronry that abandoned recently. I'll talk about that in a little bit.

So what's going on with herons in Skagit County? They're pretty common. You probably all see them all the time around. But things aren't always easy for them and their habitats are increasingly stressed and some are disappearing. So eagles are a big issue. Eagles prey on the baby chicks. If the heron adults get off their nests the eagles can come in and prey. And one of the things that is happening in this there's more human activity. The adults will come off the nests – they get scared off the nests and the eagles can come in and prey on them. And there's been a rebound of eagles in Skagit County, as we all know, so that's stressing them.

Citizen scientists help us understand heron behavior and the state of the foraging area of the county, so we look at that. Loss of coastal forest is another big issue for herons. And then we facilitate observations throughout the breeding and nesting seasons and we work with other groups including the Skagit Heron Foraging Study that we do in cooperation with the Wildlife Conservation Trust in Oregon State University that studies the foraging habitat – so where they eat – around Skagit County because it's very important that those areas are also – stay intact.

So this is a staging area. This is the railroad tracks right on March Point, and you can see how they're all lined up there. They're getting ready and then they will alight onto the nests pretty much in the same timeframe. And there'll be sometimes hundreds of them around that area.

And again, this is what it looks like. Type of tree – we do studies to look at what types of trees, and in March Point in particular. They don't seem all that particular about what trees in the Samish area and at Barney Lake. They're a little bit more particular about the tree types (at March Point).

They produce an incredible amount of guano. So one of the things we did is after we had the thing happen with T. Bailey and the SEPA determination we realized that we needed to educate people about the herons, but we couldn't actually allow people into the heronry because that would scare the herons. And so we worked with a Leadership Skagit team and we have a camera way up in a tree that looks at heron nests real time, and then that actually has historically got beamed over to Padilla Bay, a research center, and kids come in and can look at the herons. And we're now looking at another solution but we're trying to get people so that they can watch the herons in real time.

And so as I said, we do heron nests and map the colony border in the fall or winter after the herons are no longer there. We have a ton of community members involved in this. And then, importantly for you all to realize and for the County to realize, is this data is sent to Fish and Wildlife – Washington Fish and Wildlife – and they manage a heronry map because one of the questions we've gotten was, Well, how are we going to know where these heronries are? And they're managed – the maps are all managed by WDFW and we do this annual count and send them in.

So another reason that pushed us to really consider strengthening protection of the heronries was in 2017 the herons abandoned the Samish Island heronry midseason. So remember that heronry had been there a hundred years, up to 300 nests at one point. So the chicks were really – they were this small when the herons abandoned, so something significant had to have happened because no animal would ever abandon their chicks at this stage. So either the chicks were gone or something egregious happened, but they all left and nothing was found and they have not returned to this day.

So we've had a lot of questions from people about why, and no one really knows. It could be the increase in eagles but also the increase in human activities. They're allowing eagles to prey on the nests, especially with clearing going on on Samish Island. It allows the eagles to get in quicker to the nesting area. It could be loud, unusual noises at the wrong time. There was some metal being cut up in the area, a grating for a house that was being constructed. It could be abnormal, prolonged smoker vapors. That was a time of year that a vessel was off-gassing not too far from that area and it could have wafted over the chicks. Low flying drones, loss of buffer, or some combination. The fact is we really don't know. It's just a number of stressors that could have contributed to them abandoning.

But we do know that what the herons need are at least 10 acres of mixed forest easily assessable to those tidelands. And the March Point heronry is so large that it needs all the forest remaining.

They need a sanctuary where pets and humans and lights and action and pollution and noises from February to August, their nesting season, really aren't intruding on them. They need protection from predators, eagles being probably their largest one. There is a theory that having one eagle's nest in a heronry is good because that eagle keeps away all the other eagles, and that is actually the case at March Point. There is an eagle's nest right in the heronry, so it eats the chicks but it keeps away everybody else. And protection from frequent storm events. And we can't do anything about that one but the herons tend to select places that have fewer storm events.

So the nesting season is between February and August. That's when we're not in the heronry, and as we go forward with discussing, that's sort of _____. That's what the little chicks look like on the right.

And so let's talk about what current regulations exist for a heronry. So they are a Fish and Wildlife priority species and the WDFW does recommend that the Counties and Cities recommend colony-specific management plans that consider the colony size, location, isolation degree of habituation. So there is a – for instance – a heronry right next to the zoo in Vancouver. That heronry has always been there. The March Point herons could not tolerate that. They're totally different heronries. It all depends on if they're urban heronries or rural heronries or wilderness heronries.

Skagit County already lists great blue heron nesting sites in the code as an official habitat and species of local importance. And by the way, the type of herons found here are a subspecies found only in the Salish Sea. They don't migrate so they're a special type of heron. And this is what it says in the county Code right now: That they shall be protected on a case-by-case basis by means of a habitat management plan based on Washington State Priority Habitat Program. But that's all there is. There's no further guidance. And so that's good but nothing has ever been able to be sort of hung onto that because there isn't any guidance on what that looks like or how you would take action or what would actually be against the code. There's also lack of protection for these nesting sites.

So the March Point heronry is right – the jurisdiction straddles both County and the City of Anacortes, and on that map it might be hard to see but, by-and-large, about the northern part of that is in the City of Anacortes and the southern part of that is in Skagit County. And a lot of people that we talk to say, if I had known, I wouldn't have done x, y, z. I had no idea that I shouldn't, for instance, that I should dig my septic in September rather than July. You know, because there isn't any ordinance to tell them or there's no education. There's nothing for them to know.

One of the things – the City of Anacortes is going through a critical area update right now and one of the things that we are advocating for is for the March Point heronry, since it straddles both those jurisdictions, is that they have a full complement of buffers and similar buffers on all sides of the March Point heronry. Because otherwise you could have a weak buffer on one side and that could threaten – it would make the other side pretty useless because it could threaten the entire heronry.

So Anacortes has a little stronger or more specific currently in their code. It's also a priority species and is a habitat and species of local importance. But they require that anybody – currently; in their code currently, not even the updated – they require anybody that is building or doing any construction next to or adjacent to the March Point heronry to develop a management plan, and they base it on the one that exists with T. Bailey. So this is just an example of the buffers we have with T. Bailey. And, again, there's a management plan that we talk with them and the City all the time about permitting. So the Anacortes critical area ordinance is still in the work(s). Their language is probably going to reflect more strongly the Fish and Wildlife guidelines, and they have

a placeholder for that. They were planning to get their ordinance done this summer but I looked on their website and didn't see anything having gone through yet.

So what would a Fish and Wildlife best management strategy-based ordinance look like? We're suggesting it apply only to heronries with 20 nests or greater. So there are heronries around that have two, three, five nests. They might grow to 20 nests, but we're suggesting that at 20 they become a heronry of greater significance. Herons can return even after abandonment, so the restriction should be in place for 10 years. That's based on biology. The management plan should be based on both seasonal and year-round buffers, so when they're there and when they're not there. It should be colony-specific because the heronries are very different. And there should be a common sense balance between the needs of the herons and the needs of the landowner.

So the heronries we have in Skagit County are very different. On the left we have the March Point heronry right in the middle of an industrial area near Anacortes. On the right we have where the Barney Lake heronry is – obviously a very different situation. So having one code for both types of herons doesn't really make sense.

This is an example of a WDFW recommendation of establishing buffers __ circle. The little orange would be the year-around buffer and the yellow would be the seasonal buffer. And this is, I think, down in Olympia somewhere.

And how the scientists at WDFW recommend it is that you have a core zone which is right where the nesting colony is and the year-round buffer is. And it may – the goal is to maintain that in sort of the same condition it's in or as close as possible. And sometimes there are homes in those core zones, but you wouldn't build closer into, say, the nesting area. You wouldn't have new activities in there. You would try to keep that core area pretty level with where it is. And then outside of that you would have a seasonal buffer where people would restrict their activities during the nesting season, depending on noise and activity and what they're doing. But some of the things could take place, especially if it's on the outer edge, and sometimes they might just have to wait until the non-sensitive time of the year. And then on the very outer ring there's an extremely loud noise zone which would generally be for blasting, which at this point in time hasn't been an issue in these areas but imagining that some heavy construction was going on in March Point, the blasting would be allowed in the off season. There are buffer guidelines recommended by heron biologists at the Washington Department of Fish and Wildlife.

So the – just some questions. A core zone: It's intact forest. Ideally you wouldn't enter it. Ideally nothing has happened in there. It's not practical. On Samish Island, there are homes in the core zone – uh, March Point. T. Bailey's in the core zone. So you kind of deal with what you have there. And new activities should not add to the intensity of disturbance in that core zone because that's really where it's most fragile for the herons.

So here is an example at March Point. The core zone is the yellow line. The seasonal buffer is the green line, and the blasting is, I believe, the blue line. So you would have these zones going out.

And generally normal and routine activities occur in that core zone if they've always occurred. So T. Bailey operates year around. They drive their trucks, they do everything. But what they don't do is they're building a paint building. They're building that paint building outside of the core – outside of the breeding season. They wait. They're starting it right now, or they've started it. So they wouldn't build that during the nesting season because that's in the core zone. So we work with them just on a timing issue. They have ___ lighting; they face their doors away from the

heronry; they actually are – they have some paint blowers on top of the roof that they're dampening so that they don't make as much noise. Things like that.

And again, this is kind of things just as I explained with T. Bailey going on. We screen things from nests; we carryout projects such as you can still cut trees in even the core zone, but you would not do it in the main season. You would make sure that the heron trees are protected, that it was screened – all those sorts of things.

In the seasonal buffer it's a little – sort of the same things could happen but it's – the noises and the disturbance could be much less. And so screening's important and loud noises are important but, for instance, by the time you're in the middle of the March Point heronry, noises from T. Bailey that are way on the outer edge are actually pretty quiet. You can hear Highway 20 in the heronry, but it's just a dull white noise. So things on the outer edges get muffled, so more things can take place year-round in that seasonal buffer. But new things that are really disturbing – new lights, a lot of noise – would also have to be looked at in the seasonal buffer.

So there's more information. There's a website, and there are biologists that help Cities and Towns and Counties develop ordinances on things like heronries. There are codes existing. Seattle has heronry codes. Olympia has one. I don't know if it's been adopted. There was at least one other one being worked on. I think Whatcom County might be looking as well at one. We already conserve a great deal of the land in the recommended year-round buffers in particular, and we have reached out to many neighbors. For example, we have reached out to most of the neighbors in the March Point core zone. We have good relations, for instance, with T. Bailey. We reached out to every neighbor in the core zone in Samish Island and many of the people in the seasonal buffer and have had nothing but support for more protection of the heronries.

So that's March Point, Barney Lake, and Samish Island – all the core zones. And so we'd be very pleased to work with Skagit County to craft a management plan strategy for these heronries because the herons really are – I mean, they're emblematic of Skagit County. People love them. They're on many of our logos, many of ours signs of entrance to our cities. They're pretty beloved here and we do have *the* largest heronry in the Salish Sea, so we have an obligation to protect it.

So thank you very much and I would be happy to take questions, and if I can't answer it I'm sure one of my team here can.

Vice Chair Mitchell: I've got a couple questions. You had said early on – you talked about the memorandum of agreement that you had with that group. So the people challenged it in 2012. The memorandum came up. So they *did* build the building or *not* build the building?

Ms. Doran: They did not build that building. So they – T. Bailey has several buildings and they moved the office building down below. So it was going to be up on top by the heronry and there was going to be a road up to the top of the heronry. That's now actually under a conservation easement, that area. So one of the things they did was they moved their office site to another location and worked with us on noises and construction.

Vice Chair Mitchell: Okay. I've got two more quick questions for you and then probably more as we ___. You had described something early on. You said "citizen scientists" help you.

Ms. Doran: Yes.

Vice Chair Mitchell: Define "citizen scientist," please.

Ms. Doran: Could you define “citizen science,” Anne? Anne works with citizen science.

Ms. Winkes: So I have been one of the citizen science monitors at both Samish and March Point heronries since 2013. And “citizen science” volunteers are not necessarily scientists, but they are people who have an interest in doing the observations to collect the data that scientists who are overseeing the projects want collected.

Vice Chair Mitchell: So it’s really more of a monitoring? Is that what you’re saying?

Ms. Winkes: Yeah, yeah. So there is a heron expert biologist who oversees what the citizen science monitors for the heronries do for the Land Trust and we follow her directions, give her the data.

Vice Chair Mitchell: Thank you. I’ve got one more. In the graph you showed, you were asking for – according to the WDFW graph – can we go back to that one?

Ms. Doran: The graph on distances?

Vice Chair Mitchell: Yes, ma’am. Okay, that one. Yeah. So WDFW’s guidance. It says under “Seasonal Buffers, the last line, 1000 meters, 3280 feet for blasting and/or other zones.” I’ve got a two-part question for you. So blasting obviously is one loud noise. What other loud noises would equal that level?

Ms. Doran: So Anne has more information there. Blasting is the one that comes to mind. I mean, it’s like airplanes taking off might be of that level. But super loud. Things that are not typical in a neighborhood or even in our industrial areas. They’re very loud.

Ms. Winkes: Blasting is actually the only activity that WDFW identifies as an extremely loud noise. The other activities that they call any *unusually* loud noise are mostly construction activities and clearing activities. So that if you look at the number of decibels that come with jackhammers, with backhoes, with skill saws – all the things that are used with construction. They all are right around or above 92 decibels, and 92 decibels is what Department of Fish and Wildlife defines as “any unusually loud noise.”

Vice Chair Mitchell: Okay, so that would be at the 200-meter level then for those?

Ms. Winkes: Yes. Yes.

Vice Chair Mitchell: So the part B of that question is: For the WDFW guidance, I looked and read the 2012 report where they had it and they have in theirs for their recommendations at that last level 400 meters.

Ms. Doran: Yes, and Anne is quite the sleuth. She actually got in touch and said, Which is right, because we saw it in two different places? So I’ll let her answer that question.

Ms. Winkes: So I contacted Jeffrey **Axelrod**, who wrote the management plan and said there’s a discrepancy. Which one is the correct one? And he sent an email back saying that the one that is here is the correct one. There was a typo, apparently, when they did the larger management plan. This one is actually what is in their abbreviated short version of the plan.

Vice Chair Mitchell: Okay. Could you guys make sure we see that, please?

Ms. Doran: Yeah, be happy to do that.

Ms. Winkes: You want the short version – is what you want? The abbreviated? The email?

Vice Chair Mitchell: I want the confirmation, because any of the literature – because I've looked for as many charts as I could and everybody else's says something different than yours.

Ms. Doran: Very good picking up on that! That's great.

Chair Raschko: Okay.

Commissioner Rose: Fireworks.

Ms. Doran: Very interesting. The fireworks stands are right next to the March Point heronry so those birds have gotten used to fireworks. As they're born and the fireworks go off – I mean, right about the same time! But the fireworks are at a distance. No one's doing them in the heronry. There's fireworks on Samish Island, but they're not *in* the heronry. If – I don't think we – that's kind of a –

Commissioner Rose: Well, are they – in other words, which zone do they fall in? The 200-meter?

Ms. Doran: they would fall in the seasonal. I don't think there are fireworks in any of the year-round areas. There are many fireworks on Samish and at March Point in the seasonal.

Commissioner Rose: But they're not the 1000 – it's not the 1000-meter?

Ms. Doran: No, the 1000 is this really extremely –

Ms. Winkes: I think it's like dynamite blasting. Some fireworks are that loud. I agree. I can tell you it's interesting. What happens at March Point heronry is that we have stood outside the heronry and watched to see what happens when fireworks explode nearby. And typically what happens is a number of the herons will flush from their nests, they'll circle around, and come right back down again. And apparently the herons that live at March Point have heard so many fireworks over their 10 years of life that they are somewhat acclimatized to them. The other thing to know is that typically the first fledging, which is when the first chicks of the season leave the heronry, the very first ones that leave usually it occurs around the 4th of July. So some of the chicks are already leaving; they've achieved their full growth at that point. There's others that remain and they live with it.

Commissioner Rose: Yeah. Thank you.

Chair Raschko: Tammy?

Commissioner Candler: You mentioned that for the most part you've reached out to neighbors. Neighbors are really receptive to what you're trying to educate them, or whatever you're trying to do. From your perspective, what is it that makes this additional code language –

Ms. Doran: Important?

Commissioner Candler: Yeah. What makes it necessary?

Ms. Doran: Well, neighbors change, obviously. So otherwise we're enforcing – the Land Trust would be responsible for enforcing this on a voluntary basis throughout Skagit County with heronries, and if a new one popped up that we didn't know about there would be – you know, who would be responsible for educating people on that? And we'd also be responsible to do all the educating. But the other thing is that in between, you know, we've reached out to all the neighbors but things still did happen, and one of them actually was building a house and they were horrified. They said, I had no idea. They had just moved into the area. I absolutely would have scheduled my house construction at a different time but I had no idea. Nothing ticked me off. I got all my permits. I got all my codes and there was no way. So I don't think it's a Land Trust job to know this person's going to build a house and we have to reach out to them and tell them, This is, you know, actually not a great time. In another instance, there's no clearing/grubbing ordinance in Skagit County but there is one in Anacortes, and someone was clearing right up to the edge of the heronry, and without an ordinance there'd be no way to stop that or something to tick it off. And luckily in Anacortes there is an ordinance for clearing and grubbing.

Commissioner Candler: Yeah, it seems like there was some clearing not too long ago.

Ms. Doran: There was.

Commissioner Candler: Between Highway 20 and – what – you haven't mentioned that side.

Ms. Doran: That was stopped because of the eagle's nest. There's an ordinance that applies to eagles and because there's an eagle's nest right in the middle of the heronry that's why that one was stopped.

Commissioner Candler: Because you mentioned T. Bailey on the other side, but what – you haven't mentioned really what is going on over there on the other side. Is it cleared now? Is it not part of the heronry?

Ms. Doran: On the side that's not the T. Bailey side?

Commissioner Candler: Yeah.

Ms. Doran: So the side that's not the T. Bailey side is – actually most of it's across Highway 20. In the inter-core area, it is Highway 20 for the most part. There is a small forested area. That's where there's storage of some containers so there's not a lot going on there right now. And then on the northern side is the Whitmarsh Dump site on the other side over there.

Commissioner Candler: But the clearing – if I'm not mistaken – was sort of between those two points on the east side. Because I'm assuming there's an older –

Ms. Doran: it was right there. Yep.

Commissioner Candler: Is this in older photo? Some of that forest is gone now. Is that right?

Ms. Doran: That's an older photo. You're right.

Commissioner Candler: Okay.

Ms. Doran: That forest has been pushed back some.

Chair Raschko: Annie?

Commissioner Lohman: I have some questions about noise. I'm a farmer and we make noise periodically too. And I can attest to birds and herons getting acclimated to our habits and they almost become our pets and we adopt them. But how long does it take for them to become acclimated for the normal ambient noise for their area?

Ms. Doran: Yeah, that's a good question. So in an area where – so at Barney Lake, we actually farm that area and those herons are acclimated to haying and we hay it. So, you know, we don't tell the hay person – you know, the farmer – Hey, don't hay anywhere near the heronry, because the herons are used to haying. If it changed to an extremely loud noise like – I'm trying to think of what farming activity would be really loud – or if it was, say, forestry and it was chipping. That's a huge jump for birds, right? And so although – so maybe acclimatizing over time they might get used to things but it could also flush the nests and the eagles could come in. So I think it's that sudden change. And what Fish and Wildlife says is you want to try to keep things like how they are, because that's how they're used to it. And of course things are going to change over time, I mean, but at some time you reach that mass, which we think is what happened at Samish Island, and they can't tolerate it any longer.

Commissioner Lohman: So how do you – if I could follow up. I have, like, three or four follow-ups. Is that okay?

Chair Raschko: Yeah.

Commissioner Lohman: So how do you set when you start – how do you determine what the stasis is for the noise and how do you set – okay, this is an acceptable noise, or something might become an acceptable noise, especially if they move?

Ms. Doran: Or if they get used to it. So at March Point, because it's been so studied and because we worked with T. Bailey, we actually have done – they did – sound studies. So we actually know – and also Department of Transportation has done sound studies – so we know what the noises are, the decibel levels are in the heronry. It's amazing how fast it drops because of the topography and it's up on a hill with leaves. So we know those decibels for that. And you would build off of that, so you would kind of know, Well, here's the ambient noises right now. How do we keep things about that? And because there's only three right now in the county, it wouldn't be very hard to sort of set, What are the ambient noise levels like and how much could you tolerate up and down of those?

Commissioner Lohman: But what I'm getting at and the reason for this is you mentioned that Samish Island was recently abandoned. Well, they want to go somewhere else.

Ms. Doran: Right. They went to March Point. Right.

Commissioner Lohman: But maybe there's another spot that we don't know about yet

Ms. Doran: Yes.

Commissioner Lohman: – or an emergent spot that people are keeping quiet about it because we don't anybody else to know that they're there. I'm concerned about, okay, they came there under a certain circumstance that maybe the people that are there understand it and they're noisy

or they – but the birds are okay with it. So how do you flush out an arbitrary noise requirement that may be inappropriate because –

Ms. Doran: Right. It's different. Well, that's why – I think that's why –

Commissioner Lohman: I didn't say that very well.

Ms. Doran: No, I think I – I *hope* I get it. I think, one, that's why Fish and Wildlife recommends specific heron management plans. So the heron management plan beside T. Bailey, or at March Point, should be very different than the one at Barney Lake because very different noise levels and sound levels. If we were talking about the one in Vancouver, for instance, that's going to be very different. So that's why they want them to be specific, because it's quite difficult to put a blanket on. The other way that Fish and Wildlife recommends is you do urban/rural – I can't remember what the other one is.

Vice Chair Mitchell: Suburban.

Ms. Doran: Suburban, right. And so you could say this is what we consider urban. This is what we consider rural. That's another way to go. Or you could just say the heronries in Skagit County are generally suburban, so we're going to go with that. Whereas what Seattle did is they said, Our heronries are all urban. We're going to go with that. And then Fish and Wildlife does have decibel levels of where these birds are to get disturbed.

Commissioner Lohman: Well, what concerns me when you say that is it almost makes it feel like the urban guys get a pass, because there's a – sometimes there's a(n) expectation that rural is quiet.

Ms. Doran: Right.

Commissioner Lohman: And that's not necessarily true, depending on where –

Ms. Doran: Yeah, and it could be – again it could be – you know, we could do decibel – I mean, it's not that hard to do sound studies to know what the levels are. Yeah.

Commissioner Lohman: Right. And is there a difference between – for the birds – like, a continual noise or a duration versus a – like an impact kind of noise?

Ms. Doran: Yeah, so at – so Highway 20 goes underneath the March Point heronry and that is white noise to them. And if you stand up on top of it, it just sounds like a machine in the background. You don't hear individual cars beeping. There used to be – when the train goes by, it doesn't usually blow its horn there but, you know, it's far enough off and that's little pops in the distance. So we have had monitors look at – when we were working with T. Bailey, we had monitors look to see what sorts of things flushed the herons and there's a study about that. And a lot of the noises you'd think would flush the herons don't flush the herons. Like 20 doesn't flush the herons. But someone – what would be an example of something that flushes the herons that you might not think flushes the herons? Like someone going down the road blasting their horns or something.

Ms. Winkes: Well, things that Fish and Wildlife have described that they've – people have done studies of. One is, for example, the slamming of the tailgate on a dump truck apparently is a loud enough noise that that startles herons and probably people, too. I think really the real key to it is

to look at what is customarily happening where that heronry is. And, for example, if it were next to your farm and you plowed and you mowed and it was done, you know, throughout the harvesting season and they didn't care, then it doesn't matter. Those things can all be done.

Commissioner Lohman: I was impressed a couple years ago. I was combining spinach in late August – I don't remember the date exactly but it was in late August – and there were hundreds of herons out there. It was kind of near the Samish River. And it was amazing how close they let me get to them. They were not nesting. They were on the ground but I was impressed on how close I could get before they would move. But then they settled right back down again.

Ms. Doran: Right.

Commissioner Lohman: And, you know, a combine is a big behemoth and kind of a rumbling and throws a lot of dust.

Ms. Doran: Right. And, as you said, they weren't nesting. But there are some pretty good studies on what happens when they're nesting and what ___. But I agree with Anne. One of the things we want to get across is people can continue whatever they're doing in those year-round areas because the herons actually are there. They've stayed there. They like it. I mean, they're –

Ms. Winkes: I think it's important to recognize that these herons are *resident herons*. They aren't migratory herons that leave, go south, and then come back again. So they are quite accustomed to a lot of the noises of Skagit County. And in particular as they come back to the same heronry – they tend to come back to the same heronry to breed that they were hatched from. And so that is part of their acceptance of what life is at their heronry.

Chair Raschko: Anything else? Let's see. Martha, you're next.

Commissioner Rose: So I did build in a heron area in Seattle once, and it was not 20 nests, though. It was much smaller than that. But it wasn't such a long stretch of prohibited activity. In other words, I don't remember because it was a lot of years ago – but it was spring it was at. So in other words, they restricted earth moving during that period of time but they didn't restrict – you know, once you got – I think it was about a three-month window. So this window of restricted activity that you have is much longer.

Ms. Doran: Yes, for certain activities. But we haven't gotten an ordinance. You know, we haven't actually gotten it in code yet.

Commissioner Rose: Right. So what I found interesting is, like, there's no restriction on compressors, which make a lot of racket, and nail guns – stuff like that. Because we were – and if you – I guess, you know, I'm thinking about this and I'm putting myself thinking about, well, we are in an area where you could have easily 20 nests because there's more wide open spaces in the city. Maybe in some of the bigger parks they might have more nests. This was actually North Beach, which is close to Golden Gardens. And so – and the nests were, like, right there. They were, like, touching a small lot that we were building on. You see what I'm saying? So they were right there and they stayed there the whole time we were building. They were un – so maybe they were used to, like you were saying. But the only thing that concerns me about the proposal is the extended timeframe if it includes and could stifle home building, for example, because you don't want to have to wait until September to start your project. Do you see what I'm saying?

Ms. Doran: Yes. I do. And we do have the Seattle ordinance and I can't remember their timeframes. I do believe they're not just three months, but we could look.

Commissioner Rose: It might be longer, but I don't –

Ms. Doran: But again, certain activities can take – and it depends whether – it sounds like you were in the core zone. Certain activities in the core zone, most of which the Land Trust owns or has conservation easements, would – really shouldn't happen.

Commissioner Rose: Around here.

Ms. Doran: Around here in the time period. Things in the seasonal, it might be that you don't do your earth moving in certain times but, you know, you might do other things during, you know, the later part of the season. It all depends because the ordinance hasn't been created yet about what that looks like.

Commissioner Rose: Right. Right. So that timespan, though, that goes through July –

Ms. Doran: Yes, they nest from February through the middle of August. They're very sensitive in the beginning. But there are – if you're – again, if you're in the core zone where there're nests, we don't even send our staff in there until they're gone because we don't want to interfere with them fledging or doing whatever. We don't have heronries where people are living like you are – like right next to the nest. We don't have any in Skagit County like that. In all of the heronries there's a tree buffer at least around them. The one on Samish Island was closest. But there's two houses right on the edge of that inner nest that were downhill a bit and pretty quiet, but that's as close as they come in Skagit County.

Commissioner Rose: So I think what you're saying is this proposal would likely not impact people in the construction industry who were homebuilders. I mean, you had your example of the office next door that they made an adjustment. And those commercial projects are kind of a different animal anyway.

Ms. Doran: I would say for March Point it's going to be commercial activity, and most of that's currently in Anacortes and Anacortes already has adopted the buffers and the seasons. So people know that. They're going into that and they adjust their construction schedule to that so it's not a problem. But we would like to see some regulations that help on the County side. Samish Island, the heronry's abandoned right now so – it's only another seven years. That might not even have an ordinance on it. We would hope they will come back. We don't know. But we have a conservation easement or own the land on that inner circle for the most part so, again, it's not an issue. And the same with Barney Lake. We own the property that's pretty much the whole inner circle. Now you're right. There could be another heronry where there's 20. They're going to probably not – maybe they will, but they're probably not going to select a really urban area like Seattle. They're going to be somewhere that has coastal forest and food and they have more options than in Seattle, so that's probably not where they're going to choose. But, you know, we don't really know. But remember, this is from – since the 1950s there's only three so far.

Commissioner Rose: Right, and if it evolves – if, as time goes on, you end up with one that does decide they're going to adopt an urban area, then maybe the rules change.

Ms. Doran: Well, the urban restrictions are far – they're much shrunk down. They're very different than the suburban rules, yeah.

Commissioner Rose: Yeah, okay. Thank you.

Chair Raschko: Amy?

Commissioner Hughes: Can you update us what kind of conversations are happening for the September to January timeframe? Is there research from your group or the Wildlife Department on where they go and what they're doing?

Ms. Winkes: Oh, when we see them around the county in the days?

Commissioner Hughes: Yeah, yeah. What kind of things are going on?

Ms. Winkes: So what happens is that during the time of year, which is spring and summer, when there are lots of foraged fish in the eel beds that's where they do all their foraging. And their nests will never be more than six miles away from a forage area and most often they're no more than three miles away, which is one of the limiting factors as to where the heronries will develop. Once the season changes, spring, you know, there are lots of very low tides. It's a good time for a heron to be fishing. As the tides change and in the fall and the winter they move more into the fields, and so at that point they're not so much eating fish as they are eating little mammals. Voles are one of their favorite things to eat. And some of them in the ditches will be getting frogs. And when they roost and when it's not nesting season they're spread out. They tend to – if at night there might be 20 of them but they're very loosely associated. There might be one in one tree and then you go over five trees and there's another one, or they're totally isolated. It's only during the breeding and nesting season that they come together.

Commissioner Hughes: Okay.

Ms. Winkes: Does that answer?

Commissioner Hughes: Yeah. And then are we thinking in the future of any competition for food throughout the year that could be problematic?

Ms. Winkes: I think that if there were a huge explosion of cormorants, you know, there might be competition for forage fish, but for the most part there're not at this point at all.

Commissioner Hughes: So the population is appropriate for what they need right now.

Ms. Winkes: Oh, for what they need. Yes. Yes. If it weren't appropriate, they would leave. So one of the things to know about herons is that they're considered an indicator species, which means that if the herons are healthy it means that everything in their environment they depend on is healthy. So if they're staying here, having their nests in the same colonies, that means that Padilla Bay is healthy. It means that the eel beds right now are healthy enough to provide the number of forage fish that they need to feed to their young. And if that were to change – if less forage fish became available, if eel grass is dying – the herons are going to leave.

Commissioner Hughes: Okay. Thank you.

Chair Raschko: Okay, Kathy?

Vice Chair Mitchell: Okay. I appreciate the presentation. That gives us a really good overview. But I had been reading through what you were specifically requesting and I'd like you to go through

that in a little more detail. And in the information submitted – this is the general gist that I get for basic category. If you could elaborate for me and see if this is right. So you're asking for buffers to be created, both seasonal and non-seasonal. Let me list them and then let's go back to them.

Ms. Doran: Yes, okay.

Vice Chair Mitchell: Then maps, right?

Ms. Doran: Based on maps, yep.

Vice Chair Mitchell: All right. And then plans to be generated.

Ms. Doran: Oh, a heron management plan?

Vice Chair Mitchell: Yes.

Ms. Doran: That would be the ordinance, right.

Vice Chair Mitchell: Okay. Then I don't know how to phrase this: coordination for permits with the County. And then – because part of what this says, it says “We propose that when a landowner applies for a development or clearing permit, they would be notified by the County Planning staff if their property falls within the heron buffer area established under step 2 above. If so, their permit would need to comply with the great blue heron management plan” blah, blah, blah. So it looks like – so it's permit coordination, notification, and then the what-ifs for complying would lead to enforcement.

Ms. Doran: Right.

Vice Chair Mitchell: Okay, if you could elaborate on each of those pieces so we really get what you're after.

Ms. Doran: Okay. Because I don't write code it's going to be a little hard, and so we specifically didn't write code. We said this is what Fish and Wildlife recommends, is that the three heronries that the county – all three are in the county, right? Each of those would have a heron-specific management plan. Like, with March Point, that would be based on maps of where the nesting colony is and where the buffers would be. You know, that would show here's where the year-round buffer is, here's where the seasonal buffer is, and here's where the loud buffer is. And then the ordinance would discuss what types of activities need to be looked at before – like, if someone applies for, say, a building permit in the core zone, obviously that would trigger something to say, you know, you would need to mitigate and not do that seasonally and a little away from the heronry. Sort of what Martha was talking about, and Seattle has an example of that.

So the best would be if every heronry had a plan. The second best would be if the County selected, like I said, rural and said for the heronries in Skagit County – because the Cities all have their own ordinances – this is what's going to happen, and we would go with the rural recommendations from Fish and Wildlife. But we did not create the ordinance. We would expect that Planning would work with a biologist from Fish and Wildlife, or some other examples, and write the ordinance.

Vice Chair Mitchell: Okay. So what about the pieces for compliance enforcement? And then all that leads to the big questions which haven't been addressed either, which would be costs. Where do the costs come from for each stage? And how things are done? And if plans go into force,

maps go into force, permitting goes into force, enforcement goes into force, where does the money come from for each of those stages and who pays for those? And because it sounds like it would be in perpetuity.

Ms. Doran: As long as there are herons here, yeah. It would be – it would kind of be like the – there's an ordinance for lots of other different animals in the county – say, eagles or something. So, you know, as long as they're at risk or here then it would be around.

So I can only – again, because I don't write ordinances and I don't know the whole sequence and I don't know if Kirk can help me out here – but I can talk about what happens in Anacortes, if that would help.

So if – again, if someone wants to build in what they consider adjacent to the heronry there, whoever wants to do something there is informed by the City: You're in the heron management area. And then they work to create a plan to mitigate their activities that's based on the plan we worked out with T. Bailey. So they don't have to recreate the wheel. There's already a plan and it talks about: When are you going to build? What kind of activities are you going to have? Where are they going to be in this area? What kind of smells? It goes through the whole – things that the T. Bailey plan does. It is upon the applicant's dollar. They are the one that develop the plan. We don't develop the plan. We do look at the plan. The City asks us: Does this seem to meet the needs? But they submit it to the City.

Vice Chair Mitchell: Okay, but back up with the plan. So this is just the way Anacortes does –

Ms. Doran: Yeah.

Vice Chair Mitchell: So not counting Olympia or Whatcom or anybody else.

Ms. Doran: Yeah.

Vice Chair Mitchell: So the applicants would be doing – wait, I'm a little confused. The applicants would be doing the plans?

Ms. Doran: Yeah, they create a – they create a plan for their building.

Vice Chair Mitchell: Okay, but that has to match to the big plan.

Ms. Doran: Oh, no. There's a heron management plan that is created – that's the ordinance, is the heron management plan.

Vice Chair Mitchell: Okay.

Ms. Doran: Right? So they create a – help me out here what it's called. When they are going to do whatever project they are going to do, it has to match that plan. They talk about how they're going to meet all the criteria of that plan: timing, decibel levels, smells, lighting, whatever it is. And that's submitted to the City. And they're responsible for creating that plan. But the City often asks us: Does this seem to work in terms of disturbance of the heronry?

Vice Chair Mitchell: Okay. So parts of that – help me understand this one – so the overall plan – and so if a family came in with a permit they would have to make their plan match the big plan, right?

Ms. Doran: Mm-hmm.

Vice Chair Mitchell: Okay. But partly in our County code it already says –

Ms. Doran: “Make a plan.” But no one ever does, right?

Vice Chair Mitchell: Things would have to be – our County Policy says something about being site-specific, right?

Ms. Doran: Yes. Yes.

Vice Chair Mitchell: So would you be adhering to the site-specific thing?

Ms. Doran: We’re recommending that the ordinance *is* site-specific, and again, Seattle has a good example of this because they have several different heronries. So it says at the such-and-such ___ heronry, these are the areas outside of the nest that you have to actually do things at the blah-blah-blah heronry. So that’s how they make their sites specific. I don’t know how we would do it.

Vice Chair Mitchell: So we have three biggies that you’re concerned about. So we would have to have the March Point one, the Barney Lake one, and what was the third one?

Ms. Doran: The third one is – the Barney Lake one is less of an issue, and there could be a clump for “other suburban heronries,” because we own it all and the rest of it’s in the City. And so we don’t own everything –

Vice Chair Mitchell: Do you own all three of all three?

Ms. Doran: We own quite a bit of land – we own all the land that the heronry’s actually on on the Barney Lake one. We have conservation easements on the vast – I think 80% of the Samish Island one, or own the property – quite a bit of it. And then at March Point we own – that’s the most sensitive one, and we probably have protection of maybe a quarter of it to a third of it.

Vice Chair Mitchell: So back to the plans then – I’m trying to understand how the mechanics of all this works. So part of the 10-year plan would be having to do one for the Samish one because it was abandoned because the recommendations from the State have a 10-year coverage.

Ms. Doran: Yes. Mm-hmm.

Vice Chair Mitchell: So at the end of that 10 years, does that just disappear off the books, or does somebody insure it? You know, how does that work?

Ms. Doran: I don’t know. That’s Fish and Wildlife says that these regulations would stay in existence for 10 years from abandonment.

Vice Chair Mitchell: Okay. And so back to the whole thing – so we’re back to needing to do maps.

Ms. Doran: Right.

Vice Chair Mitchell: Permitting, compliance ____, and then – I guess still about the question about the enforcement and the cost. How is that going to work? So that might be a thing we need to know.

Ms. Doran: I think like any other critical area ordinance that a lot of the work would be done up front to make sure that it was done correctly. That would be the vast majority of it. But if, say, someone came in and started building a home in the heronry there would be – yeah, there could be an enforcement action if they did not get a permit for that in the right season. Right.

Vice Chair Mitchell: Okay.

Chair Raschko: Is that it?

Vice Chair Mitchell: I think so. It's a lot to mull. Thank you.

Chair Raschko: Joe?

Commissioner Woodmansee: Can you define "abandonment" as in when does the clock stop and start? So they're gone now. Is it one bird that comes back that starts the clock over? Or how do you –

Ms. Doran: That's a good question. They'd have to nest and generally we would watch that over time. But they all left, right? It's gone. And I actually was monitoring that heronry and nothing has come back. They potentially could come back, like, say, five nests, ten nests, and they would build up over time. But abandonment is they're gone. The birds are no longer there.

Commissioner Woodmansee: So if five birds came back and it was under the threshold of 20 that we talked about earlier, that would – the clock stopped.

Ms. Doran: That's true. Well, I haven't thought deep down that route ____. That's an interesting question about – that would kind of shift on both lines there, right?

Commissioner Woodmansee: Yeah, I'm not saying if it's bad or good but the property owners would want to know, Hey, what does "abandonment" really mean?

(sounds of agreement)

Chair Raschko: Martha?

Commissioner Rose: I was just going to respond to your questions about the process because I went through this small process and it wasn't that painful. Basically when you apply for the permit they say you're in the heron area and these are what you have to comply with. So what you do is you make all those notes on your plans that says exactly what they say you're supposed to do. And then of course in Seattle they have a pre-construction meeting that's required on the site. I don't know if they have that here. I don't think they do, but maybe they do. At any rate, it's at that meeting where those things are clarified, and you're not going to have that meeting in February if you're restricted from building between February and whatever. So that's one way that they're going to be able to enforce it is by making sure that, you know, you understand going in when the excavation – and then it's your building inspector that's the enforcer, because the building inspector goes out there on a regular basis.

Vice Chair Mitchell: Chair, I've got a question.

Chair Raschko: Sure.

Vice Chair Mitchell: To the air! If a building inspector would be the enforcing agent on something, what does enforcement look like?

Mr. Cerbone: So if a building inspector sees something occurring on this – Mike, assistant director of Skagit County – if a building inspector sees something occurring on the property that's not supposed to be occurring for the permit, they would do what's referred to as a "red tag." It'd be a Stop Work order. So they'd say, Stop work until we figure out what's going on. Enforcement can also take the form of a neighbor issuing a complaint to the County, and then the County has a compliance officer and the compliance officer would actually investigate that complaint. But building inspectors very regularly will red tag activity that is not supposed to be occurring or is not permitted to occur on the property.

Chair Raschko: Kathy?

Vice Chair Mitchell: But he's next.

Chair Raschko: Oh. Go ahead.

Commissioner Mark Lundsten: Just to follow up on that: How is the memorandum of understanding with T. Bailey enforced?

Ms. Doran: We have one between us and then their permit has all of those conditions on their permit and they check them off and then their permit is issued.

Commissioner Lundsten: So that is just what – like what Mike just explained.

Ms. Doran: Yeah, and the City – we might not always be the owner of all the land that the heronry's on, but because we are and we're next door the City does call us up and say, you know, Have you met with them and have you agreed on the timing to be specific enough? You know, so it's coordinated between all three of us and it's fine. But they could – in a lot of years we're not in it because it's just a check box of you've done this, this, this, this.

Commissioner Lundsten: And – yeah?

Ms. Doran: And it's pretty seamless now because we've been doing it for quite a lot of years.

Commissioner Lundsten: May I follow up?

Chair Raschko: Go ahead.

Commissioner Lundsten: And so really you're talking – what you've had is an experience with a memorandum of understanding; you've dealt with the City of Anacortes; you have conservation easements and ownership of property pretty well under control or sewn up – if I may – with the other heronries. And what you'd like us to do – correct me if I'm wrong – is to coordinate our decision or our recommendation to the Board of the Commissioners of Skagit County to match up with what you already have going with the City of Anacortes and T. Bailey, and to further that

make it all of a piece so that you have a sound management plan species-wide or area-wide for the species.

Ms. Doran: Based on – with distances or whatever that are heronry-specific but that has a – right now there is nothing to hang our hat on in Skagit County whereas there is in Anacortes. And because we don't write code we're asking that the code be written by the County but it would be based on Fish and Wildlife guidelines, as the City of Anacortes's is.

Commissioner Lundsten: Yes. Okay. Thank you.

Chair Raschko: Go ahead.

Vice Chair Mitchell: Okay, a follow-up question and I don't know, Molly, if this comes to you and Skagit Land Trust or, really, if this goes to the County, but this all marries together. So coming back to part of what we discussed about the different agreements between Anacortes, the memorandums of agreement, et cetera, so forth, so what you're proposing and asking for the County to do, I think the thing I'd still like to know and I've not heard yet is: What are the County responsibilities and what are the resource outlays for it, specifically the plans, the maps, the permits, the compliance issues, the manpower involved, and the costs in general? You know, that includes all the normal stuff that you guys have to do with what's included for writing code and following through with any plan, et cetera, so forth. Because if this were to go into place – right? – it would be for until the County decides to not do it – right?

Ms. Doran: Yeah, it'd be part of the code.

Vice Chair Mitchell: And since it would be code, it is not going to be a memorandum of understanding so it would be an entirely different animal, right?

Chair Raschko: Go ahead.

Mr. Cerbone: Mike, Skagit County again. So, yeah, if it was put into code it'd be operationalized. It'd be really no different than anything else we have in code. We do endeavor to collect enough money to cover the review of all of our applications. We do try and get cost recovery in terms of our land use reviews. So we would look at setting a fee that would account for that. Based on what Molly's described, you know, we would adopt specific standards that would be applied. Those could be applied generally, like she suggested: Picking one number and having that apply to all those. It could be developed in more detail than each site, given what is currently available on the site and what the parameters are. And to Commissioner Woodmansee's point, we can probably come up with a definition to cover the concern that he had earlier and we could put that into the code so that there was certainty about how that would be interpreted in the future.

Chair Raschko: Are you done?

Vice Chair Mitchell: Yeah, I'm done.

Commissioner Lohman: Are these nests permanent? Do they build their nest and they come back to *that* nest, or do they seasonally build a new nest? And then back to the abandonment thing, you said that that 10-year was based on – and I was writing as fast as I could but I couldn't hear the tail end of what you said. Who determined that 10-year –

Ms. Doran: A biologist – the Fish and Wildlife biologist.

Commissioner Lohman: Okay. And the nest?

Ms. Winkes: So the nest question: They do not come back to the same nest. The nests last about three to five years. Wind takes some of them down. When the herons come in and do their nest-building, they actually will take sticks out of one nest and build a new nest with it or reinforce an old nest with it. It seems that the older and more experienced herons go into the center of the heronry and use the nests that are there and either strengthen them or build a new one. The nests that are more around the perimeter are the younger heron and are less desirable. That's where the eagles will pick you off! Does that answer it?

Commissioner Lohman: Okay. Yeah. That's kind of the pecking order, isn't it?

Ms. Winkes: Exactly.

Chair Raschko: Tammy.

Commissioner Candler: For me it's more the question about – the abandonment is more about, I guess – say you're a property owner and you need a permit, and everyone knows that it's – Samish Island, let's say – I hope it doesn't happen but let's say it does end up abandoned. What does a person do to get a declaration that that has happened in order – you know what I mean? A declaration of abandonment or acknowledgement of that. I think it would be important to have a provision for that somewhere.

Ms. Doran: Yeah. So again Fish and Wildlife keeps that up. We feed data to Fish and Wildlife every year. So they hold the data. They hold the data for the mapping and they hold the data for abandonment and for nest counts. So, you know, I think it'd be a – it would be a fairly quick conversation with either us or – and, you know, also checked with Fish and Wildlife to say, Yes, okay, 10 years is up. It's abandoned. It's officially abandoned.

Commissioner Candler: Okay. And I have one other follow-up regarding Commissioner Rose's question. She mentioned air compressor and it wasn't really addressed further. She seemed to be assuming that an air compressor would not fall into that category. But I – that doesn't seem well-defined to me, so I'm not making that distinction.

Ms. Doran: Yeah, right. Again, when the code is written the decibel level is more important in some ways than the actual tool. And again, at T. Bailey, for instance, they – T. Bailey manufactures huge metal pipes, steel pipes, so they have machines that make a tremendous amount of noise. But they're far enough away from the heronry down the hill, facing the other way, that they carry on that activity all year-round whether the herons are there or not. But they don't do it at the base of the heronry with things that might be quieter. So it kind of – it's all situational based on those zones and so – and I don't really know how loud a compressor is. It would depend where it was being used and as part of construction. And so, in general, not constructing a house during the prime nesting season alleviates a lot of those issues because that's when the major noises are. But doing interior renovation, that could be fine. You know, that's usually not that noisy. Putting a roof on might be really disturbing, but mowing your lawn or doing agriculture might not. So, you know.

Commissioner Candler: Somewhere in your materials – it might have been the Board of County Commissioners presentation; I forget where I saw it – you mentioned as an example in that category chain saws. So, of course, as a county resident my concern would be, you know, wind blows a tree across my driveway and I need to get out. In that buffer I couldn't, like, remove a log

from my driveway, it looks like. And I know that that might be just – like, sound alarmist, but that is a concern for me.

Ms. Doran: And, again, I think –

Commissioner Candler: If that were a permitted activity six months of the year –

Ms. Doran: It would be based on *reasonable* accommodations. There are driveways in the year-round buffer of the Samish Island heronry. People drive up and down it. They mow their lawn. They have ride-upon lawn mowers. So a chainsaw cutting through a tree – something like that – but the difference would be getting a forest permit – you wouldn't need a permit probably to do that. But if someone was going to harvest a quarter of their forest that was on the edge of that year-round buffer, that might be a whole different situation than someone cutting up firewood or getting out or something like that – that need the permit. I think what we're saying is generally the things that you need a permit for are the things that could trigger the noise levels or the activity levels that _____.

Commissioner Candler: So the restrictions you're proposing are tied completely to permits. Is that what you're saying?

Ms. Doran: That's the only way, I think, they can be done.

Commissioner Candler: Okay.

Commissioner Lohman: Mr. Chair?

Chair Raschko: Go ahead then Kathy'll be next.

Commissioner Lohman: I hate to – I'm trying not to belabor this but when I hear decibels that – is it – I can think of a lot of things that would generate a lot of decibels, but maybe the pitch of the noise makes it acceptable to the bird versus if it was like a loud, upper range – like a shriek kind of noise, which, I think, you think of with blasting. Besides, with blasting you get, you know, like an earthquake kind of feel. So there's more than just the noise. There's like an earthquake kind of reaction. So I'm concerned if we just arbitrarily say a decibel, when maybe that isn't an accurate way to capture what we want to regulate.

Ms. Doran: Yeah. I think you do the best you can. I'm sure there are instances where we haven't thought of everything. But, again, I think if it's tied to a permit, generally those noises are attached to the permit. And you can kind of think through: Well, what are you going to do? And so, for instance, in the year-round buffer, again, the paint building that T. Bailey is doing they worked inside of that building all summer while the herons were nesting. All summer they had trucks going in and out. They did not work on the outside. They did not start their compressors on their roof or anything like that. So they kind of went through and figured, Well, what are the activities that are really going to be loud that we *can* do? Like, What parts of this building *can* we do in the nesting season and what parts can't we do? And that was the City – you know, they made a plan and that's what their permit was based on – that kind of thing.

Chair Raschko: Okay. Kathy?

Vice Chair Mitchell: Okay. So your presentation on November 5th, 2018, to the Board of County Commissioners for that workshop session you had discussed how the roads alongside – the birds

that had been nesting there were used to that, and that you got the memorandum of agreement for the building thing and that worked out fine as well. And you guys are already doing a lot of educational work. So my question is this: The educational work appears to already be working. Why lead the leap to the code?

Ms. Doran: Well, Samish Island I don't think it worked. I think –

Vice Chair Mitchell: But you guys admitted you didn't know what it was.

Ms. Doran: We don't, but especially a home going in. I mean, we didn't talk to that landowner. You know, we've talked to them *since*. But, again, as executive director of the Land Trust – and I've got some of my board here – I really don't think it's the role of a nonprofit to enforce regulations on private lands for a property I own but that we all share a resource that we have to protect. And that's what just doing education would ask us to do, would be to either do all the education and then if something went wrong – which it has twice now – there is nothing to hang our hat on. Nothing. And people could at this point on the county side clear trees right into the heronry and there is nothing could be done. We would have – whether we educated that person or not.

Vice Chair Mitchell: So in a nutshell, the educational things and then on permitting things – well, the educational, you've done what you can so far. You probably could do a lot more; we all could. The non-permitted functions, like whether somebody goes by and honks a horn or, you know, does – you know. We don't know what's going on. The, you know, fog horn thing if it's a foggy summer thing. You know, you never know what's going to go on. Those kinds of things we have no control over anyway. So the main reason for doing this is that you want to take the leap from the educational thing to something that gives you teeth. Is that correct?

Ms. Doran: Something that pre-educates landowners, especially in an area that's rapidly changing – an industrial area like Anacortes but also residential areas – that is in the code that triggers us. Because I think we would be able to capture 95% of it just through, Oh, I'm in the heron zone? This is what I have to do? Oh, okay. You know, we hope it isn't a huge impact to landowners so that we don't have to then go, Oh, my goodness. Someone just cut down – you know, someone's out there cutting down the forest right next to the heronry and it's, you know, June. So I think that it helps landowners be aware of what are the appropriate actions if you live in a heron area, a heronry area. And it also does allow the County, the City, whoever – the County, in this case – to go in and do red cards or whatever if someone is taking an inappropriate action. And it also – because we do have land in all the three heronries now, but we have no idea where the next heronry might be and then who's going to do the education if we're not there?

Vice Chair Mitchell: You guys aren't going anywhere.

Ms. Doran: Right, but –

Vice Chair Mitchell: I think we have all relied on you for a long time, yeah!

Ms. Doran: No, and one of the things we've told the Planning Department and the County, we'd be happy – you know, we're doing the nest count; we're sending them in; we're making sure that that information's provided to Fish and Wildlife, because we want to make it as easy as possible and as low-cost as possible for the County to have access to the scientific information – the mapping data, the annual counts, when things are abandoned, when things aren't abandoned, so that they don't have to go digging through to find all that stuff. And it's scientific and it's verified. And we're committed to doing that. That's something the board is committed to doing.

Vice Chair Mitchell: Thank you.

Chair Raschko: Mark.

Commissioner Lundsten: Is the term “indicator species” an official designation from Department of Fish and Wildlife or US Fish and Wildlife Service, or is that – I mean, you have various other designation here.

Ms. Winkes: I don’t know. I presume that it came from Fish and Wildlife but I honestly don’t know. I could probably find out.

Commissioner Lundsten: Okay. I know that in the fishing business there were endangered species and they had a number of thresholds that they would use for red-tagging a fleet in its operations, and we could be shut down if there were certain things. And there were all kind of levels and they all just sort of sat there and didn’t do anything and we were all very aware that it was like getting a speeding ticket or something, except much more severe, where they could shut down a business if we killed more than four short tailed albatrosses in the course of two fishing seasons across all the fleets. In the longline business they could all be stopped. And in my experience the bird ornithological community is very likely – in my opinion, seems to be the most dedicated of all environmental groups I’ve ever run across. So we learned to love the short tailed albatross too! Anyway, I’m digressing.

I wanted to know the import that you said this was an indicator species and that – so the disappearance of all of them at once from Samish Island is undoubtedly very alarming to you.

Ms. Doran: Yes, and to the island. _____.

Mr. Lundsten: To all – I mean, there’s a lot of species stuff going on right now and we have – we don’t – we have a lot of concerns in many places. But I wanted to just know if you had any lead on that or where that – and also just where the term came from.

Vice Chair Mitchell: Okay, I’ll do the first half of this and let Tim take over. I went through the links that your website had suggested to the Cornell people ID thing, and it designated the herons as low conservation concern. And they did describe that there’s a – there’s the great blue herons on the west side versus the white ones on the east side of the United States, but they have them under low conservation status.

Ms. Doran: And that’s for herons in general. I agree they’re still common. They’re not an uncommon species, but they are a species of concern. And heronries in particular are a species of concern and this heronry in particular is – you know, it’s highly unusual. It’s not just uncommon; it’s one of a kind. It’s *highly* unusual. So we’re talking about – if the March Point heronry wasn’t here and we just, you know, had heronries with three or four nests here and there, it might be different, but Skagit County is the center of the heron breeding area for the Salish Sea so it has just taken on a lot more importance.

Ms. Winkes: And I think there are some characteristics of these herons that are unique from herons looked at clear across the United States. So these herons nest only in mature trees that are taller – they have to be at least 50 feet tall. They don’t nest in their colonies lower than that. They have to be within that six miles of a very nourishing forage area. And that is not true of herons across the United States. If you look at inland herons, they will nest on the ground. They may not nest in colonies. They may nest in shrubs. But this subspecies is very particular to nesting

in the mature coastal forests next to good foraging. And what is happening is that as areas become more and more developed, as the population of Skagit County – and everywhere probably in Washington state – is increasing, those forests that they need to nest are going to become less available than they are now.

Vice Chair Mitchell: They do both freshwater and saltwater, correct?

Ms. Doran: They do. The Barney Lake one is a freshwater.

Vice Chair Mitchell: Do you have estimates then for – if you consider Washington state, British Columbia, the islands, parts of Oregon that would fit that bill, how many square miles, do you think, would be habitat?

Ms. Winkes: So the herons at March Point heronry, they are a subspecies that is found only between the Prince William Sound and the south end of – right when you get to the south end of Puget Sound, so you won't find them below Olympia. Now there are –

Vice Chair Mitchell: So not south of Olympia is what you're saying?

Ms. Winkes: Yeah. There are other herons that are found up and down the coast. Those are Pacific Coast herons. And this happens to be a subspecies that's right here that is found only in the Salish Sea.

Vice Chair Mitchell: Does that include the islands?

Ms. Winkes: Like the San Juan Islands? Yeah.

Vice Chair Mitchell: Would that include the islands up through British Columbia too?

Ms. Winkes: I don't know exactly where Prince William Sound is so I don't know how far –

Ms. Doran: It's in Alaska.

Ms. Winkes: It's in – is it that one? Okay, so then it would.

Ms. Doran: One of the things that I've always thought is it's so much easier to keep common species common than to deal with species when they're rare. I mean, it's so much more cost effective. And here in fairly small areas this would go a long way to helping keep common species common, and without, I don't think, that much extra effort on neighbors. And so that's one of the reasons I like it, is it helps contain the issue so they don't become uncommon which is a much more expensive proposition when animals and birds become uncommon.

Ms. Winkes: I think the other thing to recognize is that within the Salish Sea there were four mega-colonies. With the abandonment of Samish Island there are only three. And what has been found is that these herons are gathering more and more in larger and larger quantities. They're – the nest numbers in smaller colonies are diminishing. People theorize that it may be that it's more protective for large numbers to be together.

Vice Chair Mitchell: It sounded that way. You were quoted in one of the articles and it said something that they go pretty close by to where they were. So it's not like the herons are

disappearing, disappearing, dying off, gone – the adults. So they're moving to someplace else and you were projecting or suggesting that the Samish ones probably went to – the big ones –

Ms. Doran: Yes, the herons nests went up enough that we think the Samish ones.

Ms. Winkes: There were 100 more heron nests the year immediately following the abandonment at March Point.

Vice Chair Mitchell: Okay, so they're not *disappearing* disappearing, as in –

Ms. Doran: Oh, are they a stable population locally?

Ms. Winkes: I think they are. The question is: Where do they go if it happens again? So say that March Point, for some reason, abandoned. Where would they go?

Vice Chair Mitchell: Exactly. That's why –

Ms. Winkes: I don't think we know that.

Vice Chair Mitchell: You've got a lot of maps, though, that show areas all over the place. There's potential. Isn't there potential all along the coasts and inland too?

Ms. Winkes: Well, inland probably wouldn't work because they wouldn't be close enough to the kind of foraging that they need if they're going to have a large colony. What Fish and Wildlife says is that if you're looking at potential nesting areas they need to be at least 10 acres of mature, 50-foot-at-least forest that's within a couple of miles of foraging. And I don't know –

Ms. Doran: And the existing herons _____. So on Samish Island there's only one other forest that would work. No herons have gone there yet. March Point is. Maybe somewhere on the reservation. I really don't know where they would go. But that food source is so important. There's no other food source in Skagit County like where they are. They've found the best one. And so they're not going to move to areas that don't have a good food source.

Chair Raschko: Okay, I've got a question. You have in your cover letter – it says in the second paragraph, "The heron nesting areas have shown signs of stress and disturbance..." Is that a statement about the abandonment of the Samish Island thing or are there other instances of stress and disturbance? You know, ____.

Ms. Doran: Yeah, generally the Samish Island one. The March Point one has been pretty healthy – as long as we think that mega-colonies are healthy. You know, that's the other thing. Because if something goes wrong there –

Chair Raschko: Okay, but basically the ones in these other places aren't showing any signs of –

Ms. Doran: I think there's one that abandoned over by Washington Park.

Ms. Winkes: Those were very small, the ones that were in the Skyline area. There were a couple of colonies with three or four nests that had been there for a long time, never increased, and now are gone. There was a relatively large heronry on Camano Island that abandoned around 2016, and I don't know why.

Ms. Doran: And one outside of Bellingham that also abandoned.

Chair Raschko: Okay.

Vice Chair Mitchell: Do they know why up there?

Ms. Doran: No.

Chair Raschko: All right, thank you. Does anybody have anything new to ask?

Vice Chair Mitchell: This is good information.

Chair Raschko: Annie?

Commissioner Lohman: Molly? I probably didn't catch it, but how many nests make a heronry?

Ms. Doran: It depends, but we are suggesting for an ordinance 20 because that's a durable size. But there are heronries around with three, four nests.

Ms. Winkes: Fish and Wildlife defines a heronry as more than one nest.

Commissioner Lohman: But you're going to say 20, 20 or more.

Ms. Doran: Yeah, yeah, because the ones with two or three, they're not stable yet. You know, we don't even know if they're going to exist for a while.

Chair Raschko: So if you had a heronry with 23 herons – or nests, excuse me – and 15 of them flew away –

Ms. Doran: You'd be down below it.

Chair Raschko: So then would it be decommissioned or de-certified?

Ms. Doran: It would be underneath – yeah. I mean, and that has happened where they had quite a few and then they'd dropped below the 20-nest threshold.

Chair Raschko: And the regulations would go away.

Female voice: After ten years.

Ms. Doran: Well, that's – I think that would have to be worked through. Sort of: How do you define all that so it's very clear?

Chair Raschko: Okay. Well, we thank you very much.

Ms. Doran: Yeah, thank *you*. Thank you for doing so much really in-depth reading and great research! And, by the way, in December we usually have a tour of the March Point heronry because the herons are gone. And sometimes Anne does an educational thing. But it is fascinating to go up there. But if you would like an invitation, just let me know because you'd be welcome to come on that tour. And T. Bailey helps us out, so it's great.

Chair Raschko: Okay. Thank you. So have we a Department Update?

Hal Hart: I have to do it in two places because my eyesight's getting worse as I get older. Okay. So I just want to focus on one thing and that's to kind of bring you up to date. There's a lot going on here. There's an awful lot going on with housing these days. So I think the biggest thing that happened was at the housing – it started with the statewide housing conference where the _____ Center for Real Estate pointed out in a large business forum: What the heck is going on with Skagit County? in June. And so what they were seeing was a collapse in our vacancy rate from – last year it was a .9% across the county. This year, a year later, it's .4%. So that makes us – and you can see the July 7th – it was in the paper and what it said at that point was, Hey, we have the very worst vacancy rate of any county in Washington state.

So what are we doing about it, is the general, obvious thing to ask. So we have Comprehensive Plan policies, which I've been reviewing, and we have Countywide Planning Policies, which we've been reviewing. The Cities have specific policies as well. We've had some discussion here about roles, and we play a regional role in housing. And I think that's really important. To that point, the Commissioners have considered and they've now pretty unanimously approved using state sales tax to create another housing opportunity. Now what this means is they took that move but they still have to hold a public hearing to do that. I think that is still to come. And that was reported in the August newspapers, I think.

So I think that's where we are. According to Kayla Schott-Bresler, who was at the time – she was the housing assistance director for the Department. She was quoted in the newspaper of saying that could build – if we could capture that sales tax and keep it in the county, that could be used to build 240 additional housing units – which would start, you know, chipping away at some of the need for housing, especially in the affordable housing area arena and then probably in the homelessness housing arena. And so the numbers I was just looking at: We have about a thousand homeless people in a given day, according to the data. But that may be old data now. And we certainly have a significant need for housing. If you look at the income data, which I've also just been looking at, our largest city, which is Mount Vernon, is pretty low income. I think it was 44,000 for a household. So that's combined household income. And so what we look at is, Wow, how does that match up with the available rentals? And so what my own staff is saying – new staff we're bringing in to replace staff retiring. It's really difficult to find. And we bring them in at about 50,000 – you know, something like that would be like an average staff starting salary. And teachers may make more, but think of your teachers and your beginning policemen and anybody working, they're going to have a hard time in a rental market where you have a vacancy rate of .4%. And what you're going to see is those guys going into other places – Bellingham – because it's a larger market and they have, you know, more vacancies this time of year before college starts up there. And so last year I noticed that Kittitas County was the lowest, and that's another college town basically around and in the Ellensburg area that had a very low vacancy rate. One of the responses the University came up with there is to build more housing on campus. So it's kind of interesting. So if I look at what's going on on the campus, they're building more bed units because not enough housing is being built – apartments are being built, even in Ellensburg. So it is a statewide phenomenon, but it's hitting us really hard.

So other things –

Commissioner Lohman: But what is the vacancy rate in Mount Vernon, and Sedro-Woolley, Anacortes, La Conner, Conway area, or the other – basically the UGAs that are already – so when you say the .4 and the .9, is that just the county?

Mr. Hart: Countywide. That's both city and county.

Commissioner Lohman: That's the entirety?

Mr. Hart: That's the entirety.

Commissioner Lohman: Okay.

Mr. Hart: We will promise to dig down as we start looking at this issue. And this is an issue that's now on the radarscope of lots of people, and so I want to kind of bring you up to date. Since June, the Commissioners voted. I mentioned that. So we've met with our legislative team, including Senator Cantwell's office last week, Senator Murray's office, Representative Del Bene's office, and let them know the importance of housing to the region. And, you know, they really want to help, based on what we heard. That and flooding were two really key issues that they wanted to support us on. We also met with the City of Mount Vernon. Three of us went over – we're your team – to go over and talk to the City of Mount Vernon and kind of lay out some ideas for the future with the City of Mount Vernon. And I think this is really a question of challenges and opportunities, right? So the challenge is: Can we get everybody in the room together to really get the Cities together and the County to work collectively to move the dial on housing, and what would that look like? And I think you're going to have to use a lot of tools that are in your Comprehensive Plan. We're going to have to come up with some new tools and some new strategies. And it may ultimately require some change that you would see in a number of things. One change might be in our housing and an update of our housing element down the road. If we come out with new policies that don't exist within the housing element, it doesn't mean we can't do it but it would be better that if we're coming up with a new idea – and I've got one which I'll talk about a little bit tonight – then we should cover those ideas. Because we have some general ideas, like being innovative and being a leader. And so along those too I think we're going to be a leader in housing in the valley among the counties, and that's one of the key regional roles that you play and the Commissioners play, is to be a leader of housing policy because we're the regional government. And so we actually through our Community Development Department, which is in – isn't us. It's actually over in Health. But they play that leadership role very clearly. And so they're coming up with new ways to fund low to moderate income housing, to fund farmworker housing, looking for senior housing. And so there's whole categories of housing that we're going to need in the future. So any one of those is going to be really important.

So in addition to meeting with the City, we just today we met with the County lobbyist – all the department heads, the Commissioners, and there were citizens in the room. But we were meeting with our lobbyist, and it came up – the Growth Management Act came up. Hey, there's a process looking at rural areas for housing that's ongoing, and currently tonight they're actually having a meeting in the Spokane area and they're going around listening to counties and county governments as well as cities and saying, Hey, what more can we do about housing? And what can we do in rural areas? And so there'll be a – there's a large report that's out but, you know, more to come on that in the legislative season coming up. There may be some innovative things that get through that would be helpful to Skagit County for housing in the year ahead as well. The state agencies want to help us and so the obvious thing would be to apply for a community development block grant – CDBG – planning-only grant to work with the City to, you know, identify key neighborhoods maybe that we want to find places to put housing into. And so there's a whole number of things.

But I think one of the most innovative things that we've been talking about recently – and that's the Commissioners – and that has been to use the County-owned lands within the largest city of

the county and look at them in a new way, maybe going through a capital facilities planning process – which then would come to you at some point for an update – and look at those and say, Wow, you know, do we really have to have that parking lot or could we go vertical and use that parking lot in some innovative way where it addresses both economic development of opportunities on the first floor, it still addresses some parking needs, and then goes vertical a little bit more and addresses housing needs? And there's no policy yet that's been written per se that it's going to be market rate or non-market rate, or what is an urban – or, you know, what does an urban density look like? I think the City has those goals and objectives but we need to understand those.

And so where does the County own property? We own the fairgrounds, which is about 15 acres. That's one place to look. We would then – if we did anything there – and this is just kind of conjecture at the moment – but if we were to do anything there then we would have to find a new fairground. So that would come back through you guys too. So you asked a really important question the last time I was here and that was, What's our role? I'm going, Yeah, I don't know yet. But as I discover it – and you can throw stuff back at me – I think you should play a leadership role. Because you're providing your best shot about the region and you're there to give your opinion to the decision-makers. So you're in an advisory role and that's pretty important. So we want to tee it up so you can play that advisory role.

Commissioner Lohman: Is there more besides fair?

Mr. Hart: Yeah, I would say we would look at the downtown campus. It has a dominant role within the City of Mount Vernon of as a landowner, and what are we doing with that? What's our long term strategy for that campus? What's the current strategy for that campus? You know, if we're going to – and the last thing I'll say is what came up today was, Hey, could we have some help on revamping? It's going to be very expensive to take that old 1924 courthouse, and what if we're going to do a restoration on that? And so do you do a restoration or do you add stories to it? What do you do with that? And what's – so they have to work through a lot of really key issues in the capital facility planning. Once they do that, though, that should identify – and I say – challenges and opportunities. What are the opportunities? Let's be positive. What are these amazing opportunities with this downtown real estate? So that's why I brought in some outside voices. That's all they do. They specialize in those kinds of things. And they think this is a really important opportunity for this region. And so you could do housing down there. We could support the goals and objectives of the City of Mount Vernon, support our housing objectives. There's a lot of positive things that it could do, and we could play an innovative role. That's my two bits.

Vice Chair Mitchell: What is the downtown campus? What does that entail?

Mr. Hart: So I think that would be all the ownerships of County lands that we currently have. Mike may find the map that we created recently to talk to them.

Vice Chair Mitchell: I know we've got a County parking lot right down across from the Sheriff's place, but there's more than that?

Mr. Hart: Yeah.

Mr. Hart: We'll bring it up. And I think the other thing is to really – another really important opportunity is to know what the City is projecting to do on the old feed site there. Yeah, the Christianson property. So whatever they do there, we should be kind of working off one another on a really focused kind of win-win opportunity.

Mr. Cerbone: (pointing to map and making comments about various blocks)

Mr. Hart: So we were looking at within the city, what are their permissions for all those properties? So the zoning's probably the key thing that might have to be changed from a public zone to a residential, or something that would accommodate residential development as well, or mixed use. And we know that there's going to be County needs. Let me preface everything. We're first going to look at County needs, right? The Law and Justice Center has specific needs as we grow as a regional law and justice center. We've got to meet those needs first. And so that's how I would advise our Commissioners in approaching that. And I wanted to keep you in that loop as we start talking about implementing our Comprehensive Plan, and what are the challenges and opportunities ahead for us?

So there are other opportunities out there for sure in other communities, but I think these are big ones that could mean a large number of housing units if we look at it strategically and work with the development community in a way that's positive towards housing. Yes?

Vice Chair Mitchell: Do you know if Mount Vernon has any height restrictions?

Mr. Hart: I'm going to say my expert is next to me. He's been looking at it.

Mr. Cerbone: They don't necessarily have a set height restriction in their downtown. What was communicated to us by the City of Mount Vernon is their apparatus for fire is one of the limiting factors.

Mr. Hart: And when I was in the City of Woodinville, we – part of the limitation that they were looking at – they didn't want large buildings in downtown Woodinville at the time. About 10 to 12 years after that debate, we're at five stories and 85 feet. But we measured it at the time using the hook-and-ladder truck, for a better word, and raising it to each of those levels so that they could figure out if they could get somebody into that fifth or sixth floor. And so they went around town. We had the Planning Commission in one car, we had the Housing Advisory group in another car, and we were watching from every different angle in town, say(ing), Okay, whose view is obstructed by having that building? And what we learned was: Plant trees. Because as trees grow to 80, 85 feet and you have – and we said, Not only should we plant trees, we can put them in clusters. And it broke up any sort of large housing. And it was kind of a trick. And we worked with, you know, architects and lots of other folks. But that was how it got accepted by a community. That was really, you know, two, three stories and we had our first five-story building under construction at that point. But they didn't know if that – you know, that was a one-off at that point. And I think they've come to accept it a lot more. The quality really counts when you go and you're looking at design and putting a lot of people into an area.

Commissioner Lohman: Are you anticipating then passing the ownership of these kind of properties then over to the City? Or would the – how is that going to –

Mr. Hart: Yeah. Right now –

Commissioner Lohman: And then what's the replacement? Where are you going to go?

Mr. Hart: There's a lot of different ways you could do it. I would think that would be the best response at this point because it's so early. But I'm always one towards, Keep the land base. You never know what you're going to need later on. Right? And so you're leasing the air but you are

holding the chips for the long term because we represent everybody in the valley. And so maybe that's the way to do it. I don't know.

Commissioner Lohman: Well, I was thinking of trying to avoid tensions of jurisdictions.

Mr. Hart: Oh, well, we're within their jurisdiction. We'll meet their code. But I think – I do think this is a really good opportunity to work together for a common purpose and just have some really incredible win-wins. And to encourage new development in our downtowns is really a fundamental thing about housing and about growth management, and to keep it off of our ag lands and our mineral resource lands. You know, I was – again, part of mineral resource stuff that they were looking at in 1990 was the lot pattern out in the rural areas. And so that's always changing. But you want to minimize that so you can use those resources 100 years from now too.

Commissioner Candler: Are you asking for feedback right now or –

Mr. Hart: We can do anything you want. This is just the director's report, and feedback if 100% welcome at all times.

Commissioner Candler: Well, I mean – full disclosure. I occupy one of those buildings during my day job. I occupy one of those parking spaces during my day job. And so I do have a selfish perspective on some of this. But beyond that, you know, I think one of the things that makes our way of life in this county infinitely better than a place like Seattle is that we can drive where we want to go, we can park there, we can go in and spend a couple hours. We don't pay \$20 for that pleasure. I think getting rid of parking is getting rid of what makes our way of life really good, and maybe that's wrong and selfish but it, I think, is a consideration.

The other thing is that all of these buildings are occupied currently, I think, by County employees – right? – except there's some empty jail space there. What I'm getting at is that that is not empty space. That is space that would have to go elsewhere, right? So are we talking about doing something like we did with the jail where we just move it down and make a – I mean, to me that just sounds like urban sprawl of a different sort. You're trading one need for another need. And I don't know how that would be a good use of our resources. I mean, it would be – the cost of something like that would be astronomical. The jail, I don't even know what the final number was on the new job – one of those buildings that moved, plus additional space. Does anybody know? Billions? I don't know. If the County wanted to move basically the law and justice or court complex, it seems like that should have been thought of at that time. But – I don't know if you want to go down there on the map, but you can go down that road right down there straight down and you can see the footprint of that jail.

(various comments about the map details)

Mr. Cerbone: At any rate, it's a *big* footprint.

Commissioner Candler: But anyway, it's huge. And it could have been two stories but it's not. You know, I hear everybody talking about two stories – I guess I'm trying to figure out when this idea of building up instead of out is going to become a reality. And so for my two cents, I would say anything that be done to do that *and* preserve the parking is the direction that I think would be important. And the other aspect is that the courthouse you mentioned, in 1924 – not too long ago – there was a seismology study, very famous. There was a meeting. There is some historical value, I think, in the courthouse. It's certainly used, you know, daily. So I think there would be some competing concerns there as well for that. And the jail across the street, which is still being

used by the Sheriff's office and the district court, unfortunately that building is – if you look on the County website, the capital facilities site, the value of that building is astronomical compared to, like, the size because of the way that it had to be built with the pilings and all of these things. And so you've got a building that it just economically does not seem feasible to raze it and not use it for some version of its intended purpose. And so it's a little bit complicated in that area, I think.

Mr. Hart: Great feedback, and I would just say that I think we all identify parking as a primary thing – that we need a parking plan for the long term, and that if we ever were to consider this we would build that parking component into any building that would ever be considered there. That would just be – that's why you want to maintain control of property, because you're building that in saying, No, we're projecting this kind of growth rate and that means we're going to have more people visiting than we currently do in the future and so we have to park it. And so we would have – we'd have to do the parking analysis as part of that capital facilities plan for that area. And that's number one, so it's a great point. You just hit the nail on the head on that one as well as the historic preservation concept. And what does that entail? And that is probably one of the most expensive things to do, is preserve an old building. Right? And so there's lots of different ways and thoughts about doing that and we're going to hear a lot more about that in the future because it needs work. Yes?

Vice Chair Mitchell: Is it okay, Chair?

Chair Raschko: Sure. Yes.

Vice Chair Mitchell: I know this question is really out there and you guys are checking into this now. Do you have a feel for where the powers-that-be would like to see this come about? Twenty-five years? Fifty years-ish? Something?

Mr. Hart: Our team right here, we're just starting the first look at, Hey, what's the fastest we can move the dial? Right? And so we would look at it that way, because we have an immediate need. But planning is gosh- awfully slow, right? And that's number one. But there's probably low-hanging fruit there, so some of those sites might be easier to get permission than others. But I wouldn't want to start that without really addressing, like, the parking issue because there's dependencies. A lot that's over here makes other places function for the employees. And so you've got to make sure the employees are really well-served. You've got to make sure that growth is thought of. And then imagine the points that you're going to have to move when you work in a campus. Anybody who's ever looked at a high school campus or a school campus when they're building it, they're doing one thing and then have a temporary parking lot over here, and then – so you're doing all these moves to build the future plan out. And so we would have to look at that too. But all that's doable and I would never have thought – the reason I sit here and I'm positive about this is because I never would have thought that the suburban community that didn't want anything over one story would now have \$200 million worth of new development. And just this weekend they opened another, I think, like, 150 units and a new city block just came online this weekend. And it's just fun to watch what we did in 2007 to 11 in the planning stages, 2012 to 14 in the permitting stages, and just take off. And –

Commissioner Lohman: But you don't want –

Mr. Hart: Yeah, go ahead.

Commissioner Lohman: Sorry! We're not very compliant, are we, Mr. Chairman? But we don't want to kill our rural character here in Skagit by just stuffing more and more and more and more

and more. We've got to be careful that we don't kill what makes us unique and what makes us desirable, and all those aesthetics that you talk about that are invaluable. We don't want to kill it in our hurry to just open the doors – throw open the doors and just say, Everybody come.

Mr. Hart: Right. No, and I thought the city – it was really interesting. We were at the city and the one thing we heard at the city was, Oh, we don't want to be some other city, and they named the city. I won't do it here. But right? So everybody has who they don't want to be, but I always ask, Well, what do you envision this place to be and how can we make that vision happen? And so I think that's a dialog between the County, because the County could play that role to help realize Mount Vernon's vision of itself within the valley as our largest city. And yeah, I've heard what you have just said, Commissioner, and that would be the – that's not at all the outcome. I think we're trying to move the dial a little bit on housing as quickly as we can. We got into this over years of – and so it's going to take a while to get out of it.

But the other thing I'll say if that our team also deals with lots of folks that are trying to locate businesses here. And the kind of businesses are different than the kind of businesses we've had. And so they're, you know, research and development; they're new whiskey distilleries; there are manufacturing facilities, and a lot of them have now been priced out of that large area just to the south of us, and not so much for the land for the building, but for their own employees. Right? So these are pretty good paying jobs by the standards of Skagit County but not by the standards of a Kirkland or not the standards of a Redmond anymore. And so – because that's world class expensive and high right now. And so it was really interesting to sit in the same room an hour or two after we have these conversations and say, We want to be in your county. How quickly can we get here? And the other thing is the Ports are also looking – both the Port of Anacortes, who we met recently, and the Port of Skagit, who we meet with all the time. They're looking to bring the right kind of economic development here that will pay family wage jobs. And that's what they would, I think, say – the right kind.

I'm also on – now I'm representing on the SWIFT Center over in the city of Sedro-Woolley. And so we had a meeting last week and part of that is to look at agricultural research and development jobs. And so finding the right mix again, and how could we use that – how can we build on existing agricultural economic development? So that was my second meeting, and I'm always captivated by, How could we take, I think it's Denny Hall, or how could we take the largest hall there and rebuild that for high tech? And what is that – what does that public/private partnership look like? And so those firms have a lot of investment capital that we would be and are talking to. And what component of that would help us in agricultural R&D? So, you know, looking at next level agriculture – where it's going. So I think that's kind of consistent. But we still even in those cases need to have housing for those folks, and so maybe Sedro-Woolley will be the answer to their housing needs over there.

I did meet with the mayor of Sedro-Woolley at – he's on that board and he directed me to for the next urban village is to be in Sedro-Woolley. And so it's kind of interesting. There's an abandoned chicken farm that's in the middle of the city and that kind of area is kind of the place that they're talking about hire density. And so it's pretty exciting to have them, you know, talking about that, and pretty positive about that there. So they're going to be taking actions and that'll be very positive. It will change the character of Sedro-Woolley some, but it will also preserve agricultural lands that they're taking those densities the way that they're planning on taking them.

Chair Raschko: Okay.

Commissioner Woodmansee: One question or comment.

Chair Raschko: Go ahead.

Commissioner Woodmansee: The City of Mount Vernon is right now going through some code analysis and revision. Are they sharing that information with the County?

Mr. Cerbone: We haven't – what specific code?

Commissioner Woodmansee: Well, they're working on density levels in their zoning codes, and density bonuses as it relates to affordable housing and stuff like that.

Mr. Cerbone: Yeah, so Rebecca, who's the senior planner with the City of Mount Vernon, she's shared that with the GMA Tech group. She's also, you know, touched on it briefly when we met with her the other day. I think some of that work might be available on their website as well. I have not looked for it.

Commissioner Woodmansee: Just in disclosure, my son Paul is working on a task force with that or been involved in that some, so that's how I found out they were working on it. But I was just wondering if you guys knew that they were working on some stuff.

Mr. Cerbone: She's been very vocal about mentioning incentives to incentivize residential in the downtown. Yep.

Mr. Hart: So the final thing, if you will let me one last comment? All right, thank you. I'm sorry it's so late. And that is we will set up a regular meeting with them if approved by the Commissioners and their team over there, and we will research those kinds of things and I will certainly be bringing it to you through director dialogs or through – you know, looking for your opinion on stuff as we move forward.

Chair Raschko: Thank you.

Mr. Hart: You bet.

Chair Raschko: Anything else?

(silence)

Chair Raschko: Okay, Commissioners' Comments. We'll start with – which end should we start with? Joe?

Commissioner Woodmansee: Well, the only thing I would say is that housing is at a critical point in our county and it's something that needs addressed – all the way from redevelopment, whether it's downtown or other places, or new concepts. And, you know, it's something I enjoy looking at so I'm looking forward to spending some time on it.

Vice Chair Mitchell: No, thank you.

(a few unintelligible comments)

Chair Raschko: Well, thank you, everybody. I call the meeting adjourned (gavel).