

**Skagit County Board of County Commissioners
Public Hearing: 2021 Proposed Comp Plan Amendments
May 3, 2021**

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

Amber Erps, Clerk of the Board

Planning Staff: Hal Hart, PDS Director
Michael Cerbone, PDS Assistant Director
Peter Gill, PDS Long Range Planning Manager

Public Hearing Commenters: Regarding PL19-0396:
Aaron Gustafson

Regarding PL19-0419:
Darcie Nielsen, representing Nielsen Brothers, Inc., Proponent

Regarding LR20-04:
Tim McHarg, representing Skagit Partners, Proponents
Andrew Dykstra
Margery Hite
William Gregory
Seth Suttles
Richard Boyer
Jesse Faxon Mills

Regarding LR20-08:
Mike Young

Regarding LR21-01:
Barbara Weide, representing the Weide Brothers
Darcie Nielsen, representing Nielsen Brothers, Inc.
Patrick Donnelly, Proponent

Regarding LR21-04:
Phil Shephard, representing Island Grown Farmers Cooperative,
Proponent

Regarding LR21-05:
Darcie Nielsen, representing Nielsen Brothers, Inc., Proponent

Chair Peter Browning: All right, good morning to the hearing, the public hearing, on the 2021 Docket Proposals. First I'd like to start with the Pledge of Allegiance, so if Amber, you can give us our flag. Go ahead and stand.

(recitation of The Pledge of Allegiance)

Chair Browning: Thank you. Thank you, Amber. Okay, so this is about a two-hour process. I want to remind everybody that this is the first step in the process. No decisions will be made today. Nothing except a good opportunity to get some good information. I'm going to start with a hearing – with a statement that kind of clarifies our reasons for being here. At that point, Peter Gill is going to take over and kind of manage the process. He's going to present and then call out the people who want to speak. We don't have a lot of speakers at this point so everybody will get three minutes. At the point at three minutes a bell will go off, you have a couple seconds to wind up, and if you continue we will mute the – mute your call.

So starting first, this is our statement:

In compliance with the State Guidance around COVID-19, this County is conducting this public hearing virtually.

As most of you know, we would do this in a hearing room otherwise.

The purpose of this hearing is to receive testimony on the inclusion of proposed Comprehensive Plan, map, or code amendments in the 2021 docket. The County has received 13 public petitions and suggestions of Comprehensive Plan policy, map, or code amendments, and another five amendments have been proposed by the County. Skagit County Code 14.08.040(3) requires the Board to hold a public hearing and written comment period to establish the annual docket. Planning and Development Services has a sign-up list for those who wish to testify and there will be an opportunity at the end of the hearing for those who wish to testify but did not sign up to speak. Please limit your comments to three minutes so that everyone will have a chance to speak. Before you testify, please unmute yourself; clearly state your name, spelling your last name, and your address. The written comment period will remain open until Wednesday, May 5th, at 4:30 p.m. Written comments are encouraged and not limited in length nor the number of issues that you may address. Written comments must be submitted to the Planning and Development Services Department, preferably to the email address on the screen. And the Board of County Commissioners is scheduled to meet on May 11th at 9:30 to decide which items to include in the 2021 docket. Thank you for taking the time to participate. We very much appreciate public involvement in our decision-making.

With that, our first up will be the Buchanan Acres Map Amendment and Rezone. And Peter Gill, it is your show.

(silence)

Amber Erps: You seem to be muted.

Peter Gill: Sorry about that. We do have just a few slides to run through prior to taking the public testimony. I just want to let folks know this is a three-step process. We introduced the petitions to the Board in March and the Department provided recommendations in April, April 15th. We heard

from the petitioners last week and those presentations are available to the public through Skagit21 TV, if you want to take a look at those for more details. We are now at the public hearing stage. That's the red box that's shown on the screen there, "Public Hearing." Following this, the Board will take action to adopt certain petitions, deny or defer others. And that is scheduled for March – or sorry, May 11th. So tune in then if you'd like.

So following that – that's the first step and that is largely administrative and we are not taking action specifically on the proposals. It is just to let us know whether we should be reviewing them further.

Once a petition is docketed, it then goes to the Planning Commission and it goes through a more rigorous review, including taking public testimony and public hearing. Following that, the Planning Commission deliberates on each of the docket items and provides a recommendation. And that recommendation, along with the Department's recommendation, goes to the Board of County Commissioners on whether they would like to take action on the specific proposal.

So that is the process and it is a three-step process. This is the first step of the process.

Commissioner Ron Wesen: Commissioner Browning?

Mr. Gill: And just for –

Commissioner Browning: Sorry, I was muted. The record – go ahead, Peter.

Mr. Gill: For the record I have just shown here that we did the advertising April 15th: Skagit Valley Herald Subscriber list. If the public is not on that subscriber list, please see our Planning and Development Services website and sign up. All the information is on our website there, Planning and Development Services, under Current Projects. You'll see the 2021 Comprehensive Plan Amendments. Again, the petitioner presentations were April 26th and 28th and you can find that on Skagit TV 21. The comment period closes May 5th, end of the day, 4:30. This is how you can make written comments.

Chair Browning: Great. Now Peter, you have the list of the people who want to testify, right, today?

Mr. Gill: I do. I do.

Chair Browning: Okay. And are you going to have them specific to each topic item?

Mr. Gill: Each docket item.

Chair Browning: Okay, great.

Mr. Gill: Yep, yep.

Chair Browning: Okay, great. All right.

Mr. Gill: And today the first petition for docketing –

Commissioner Wesen: Commissioner Browning, just a little first here. This is Commissioner Wesen. Just to remind everybody, this is a process that happens every year that people have to

submit their application by the last business day in July, and then the County Commissioners can decide what we want staff to work on next year, or the next 12, 14 months. So that's what this process is. Commissioner Janicki, she is gone due to some family issues this week but she will be watching this. But as mentioned, the Commissioners will not vote on this until the May 11th, and so we definitely are taking feedback from all the public. As Peter Gill mentioned, emails (are) coming in so the Commissioners will understand all that moving forward. But this is just to decide what the Planning Department will work on over the next 12, 18 months. So thank you for that.

Chair Browning: Thank you, Commissioner Wesen. I really appreciate that. That's the clarity on this is it's just part of the process, so I really appreciate that. Thank you.

Mr. Gill: Commissioner, the first petition on the list is PL19-0396 and that is Buchanan Acres Map Amendment and Rezone. And I did not hear from anyone that wanted to speak on this item in particular. But as we typically do in public hearings, we allow folks to weigh in at the hearing if they want to speak. And everyone would be given three minutes, as described by Commissioner Browning in the beginning. If you are on your telephone, you will need to unmute using star 6. If you're on your computer, there's a little green button that looks like a microphone and you would have to hit that.

Chair Browning: Seeing none – okay.

Unidentified male voice: Is this the time that you want the public to respond?

Chair Browning: For this one specifically, yes – the Buchanan Acres Map Amendment and Rezone. Is that –

Same unidentified male voice: Buchanan Acres?

Chair Browning: Yes.

Same unidentified male voice: This is just the planning process, correct?

Chair Browning: Yes.

Same unidentified male voice: Okay. We have had a meeting with the area HOA and there are grave concerns with road degradation on the private road, utilities, and water runoff. Is this the time that we talk about that stuff?

Mr. Gill: Sir? Sir, if you want to make a comment for the record in regards to the road situation, please state your name and your address.

Same unidentified male voice: Oh, my apologies.

Mr. Gill: ____ begin the testimony.

Aaron Gustafson: Okay, my apologies. My name is Aaron Gustafson. My residence is 22750 Chestnut Place, Mount Vernon, Washington 98273, and that is one of the homes within the Buchanan Acres.

Chair Browning: Okay, thank you. It's yours.

Mr. Gill: Go ahead, Aaron, with your comment.

Mr. Gustafson: Okay, so we have a small – maybe one-and-a-half-lane roadway, private roadway into Buchanan Acres and the roadway is not par for having heavy traffic drive on it. And we're worried about having commercial traffic come in and out. We're also very concerned on where their access is going to be for these 18 to 25 homes. The utilities – the power utilities are maxed out with the six homes that are here. We'd like that addressed. And then also the hillside runoff for drainage. There's a mass amount of water on this clay hillside that needs to be addressed.

And then preferences for the homes: It's a beautiful area. These homes were purchased with view lots and where they're building we'd like to have a siteline maximum put in so we don't lose our view of the islands.

Chair Browning: Peter?

Mr. Gill: Yes? Thank you, Aaron. We appreciate your comment. Did anyone else have anything else on Buchanan Acres?

(silence)

Mr. Gill: Okay. The next petition on the list for docketing is PL19-0419, Nielsen Brothers Map Amendment and Rezone. And we do have a speaker signed up. It is the proponent. Darcie Nielsen, if you want to go ahead and unmute yourself, please state your name and your address and you'll have three minutes.

Darcie Nielsen: Okay, thank you. Am I unmuted and can you hear me?

Mr. Gill: Yes.

Chair Browning: Yes.

Ms. Nielsen: My name's Darcie Nielsen. I work with Nielsen Brothers, Inc. I'm the sister of the brothers. Our office address is 100 Pine Street in Bellingham, Washington. The subject property that we own is on Highway 20, Skagit County, and I will be testifying on this particular matter. Of course we've had this petition before the Skagit County Planning Department since July of 2019 and so then, of course, significantly just delayed because of the pandemic. But the issues on the site are getting even more critical with the drainage issues that we would like to fix through having this rezone included on the docket.

As I have stated previously, I believe the property fully meets the policy requirements in 4A-1.1, and that this is not – cannot be considered resource land of long-term commercial significance. It has significant *non-farm* investments on the property. As I discussed before, it's adjacent to the 200-acre Hansen Creek Restoration Project, which effectively removes this area from long-term commercial significance of agricultural lands. As I also stated, this site in particular is appropriately and excellently located between the forestlands where we work and the lumber mills where we send the logs. And, of course, we have over 40 employees that live in Skagit County and work out of this site. And we really want to do a lot of major improvements to that site which we're not able to do now because of this zoning restriction.

So that's all we want to say. I will testify also on the following item as well, but for that item I'm finished.

Mr. Gill: Thank you very much. Did anyone else have a comment on this petition?
(silence)

Mr. Gill: I am hearing none so we will move on to the next petition. The next one on our list is LR20-02. This is Small Scale Business Zone Modification. And I did not get any requests for speaking on this particular item, but if there are members of the community that would like to speak, now would be a good time.

(silence)

Mr. Gill: Okay. We will keep moving down the list. The next item is LR20-04. This is the Fully Contained Community Proposal, and we did get some speakers that are looking to talk. The first one is Tim McHarg. Tim, please state your name, your address, and you'll have three minutes.

Tim McHarg: This is Tim McHarg. I'm a senior land use planner with Van Ness Feldman, which is located at 719 Second Avenue, Suite 1150, Seattle, Washington 98101. I am representing Skagit Partners for this petition, and I just wanted to clarify a few things for the record. We summarized this in our presentation last week but I wanted to clarify for the record that what we're proposing is essentially policy changes to the Countywide Planning Policies, the Comprehensive Plan, and the development regulations to establish policy framework for fully contained communities within Skagit County. We would also, as part of this, be establishing a population reserve – which ___ it's the Growth Management Act – is a prerequisite for establishing a fully contained community. We are *not* proposing a project-specific fully contained community as part of these amendments, but a project-specific fully contained community *could* be considered in the future once the community reserve population is established and the process for doing the fully contained community is established.

I understand that there are some concerns on the part of the public relative to this proposal, particularly as it relates to sprawl in the rural part of the county; however, as our analysis has shown and is summarized in our application, the current policy framework, which does not include fully contained communities, is actually resulting in a significant amount of sprawl in the rural area, to the order of almost 6000 additional people in the rural area than was forecasted for 2036. So those policies, in our view, are what need adjusting and a fully contained community is a master planned way to address that type of sprawl. A fully contained community would include a full level of infrastructure. It would include high density housing. It would be transit-oriented. It would include parks and commercial services and uses, as well as job-creating land uses. So we believe it is an appropriate tool for the County to consider to manage the existing sprawl that's occurring in the county.

The other issue that the current policies are causing is significant impacts to housing affordability in the county. Because the urban growth areas are not meeting their growth targets, that is creating a limited supply of housing, which is increasing prices quite significantly. A fully contained community, being master planned, would be able to address higher density housing and serve affordable housing, bringing additional affordable housing to the community.

That is essentially what I have to comment on, but if there are questions from either the Commissioners or the public or staff, I'm happy to be able to answer those.

(sound of timer)

Thank you for your time today.

Mr. Gill: Thank you. The next person on my list is Andrew Dykstra. Andrew, if you'd unmute your phone or your computer, you have three minutes.

Andrew Dykstra: Can you hear me?

Mr. Gill: Yeah.

Mr. Dykstra: Okay, my name is Andrew Dykstra. I reside at 192410, Burlington. The last name is spelled d-y-k-s-t-r-a. So I also have some written comments in there that I submitted earlier. I recently stated I am a little bit afraid of retribution from the County but, you know, some things are just not right and they need to be told. And I think every developer in Skagit County needs to know about these things that are happening here.

We farm from Burlington, from the edge of Burlington all the way up to Bow Hill. I have zero faith the County will actually enforce some of the stormwater runoff. I also have concerns about the traffic, but other people will address that. But as far as regarding the ___ runoff, I have zero faith that the County will enforce any of the rules, and the Department of Ecology I'm not sure about because they signed off on the other project. What I'm talking about is the Burlington Northern Railroad Bridge. The County was so proud that they were under budget. Actually the County blew the budget to pieces. They didn't spend any money on the stormwater runoff. I think every developer in the county should know this and they should be allowed to take their stormwater, go across two roads, and dump it onto somebody else's private property. I know we had a long – lots and lots of discussions about this. So I think as far as that ___ is concerned and I'm kind of ___ by the bill, because I'm not in agreement with all of the agriculture groups, but I think houses and dwellings should be up on the hillside and not on the farmland valley floor. But it's easier not to deal with it because – I mean, I'm actually in favor of putting the houses up on the hillside, okay? So but we need to deal with the runoff and we also need to deal with the credibility of the County. And that's all I've got unless you've got some questions.

Mr. Gill: Great. Thank you.

Mr. Dykstra: Sure.

Mr. Gill: The next one on the speaker's list is Margery Hite, if you want to unmute yourself.

Margery Hite: Thank you, Mr. Gill. I have unmuted. Can you hear me?

Mr. Gill: Yes, we can hear you. Thank you.

Ms. Hite: Okay. Thank you and good morning, Commissioners and staff and members of the public. My name is Margery Hite. I live at 15407 Colony Road in Bow. I submitted a comment letter and I'm here in opposition to docketing L20-04 at this time. And my chief objection is that this is not the right time to hear this issue. It's a *very* big proposal. It involves adding a new urban growth area for the county's rural residence to absorb. It is moving away from encouraging growth in the cities and towns, as has been the plan in the adopted Countywide Planning Policies. It's converting extensive amounts of rural property to intensive residential development, and it's basically changing Skagit County from a rural county to a suburban county. So discussing this and considering this is a *very* big issue and we should be looking at whether this is about choice, what the risks and costs are, and whether there are potential, unforeseen circumstances involving this.

I submit that this should be part of the update process where there's enough time and consultation involved. And since this actually is not consistent with the adopted County policies and goals, it's inappropriate to put it on the docket this year. I think there're really important reasons for that besides the technical ones. Skagit today is precious and unique. It is a flourishing agriculture, forestry, and fishing; it has natural beauty – envy of the world – oceans, valleys, mountains. And so of course the pressures for people wanting to live here are extreme. But we are a county of communities, not just houses. We have cities like Mount Vernon, Anacortes, Sedro-Woolley, Burlington – each a little different in character and each adding something special to the mix of what makes Skagit County. We have towns from La Conner to Concrete. We have Rural Villages. And we have rural lifestyles. They each bring a character and a personality, a look and a feel. The beating heart of a community is not just the buildings.

And growth is going to happen, but it needs to happen organically, not just thrown in a giant residential development in the countryside. The communities we have we've nurtured over time and they really do all have personalities and qualities. We should be taking our time with this. We should be looking at whether we can do infill. I think that the proponents are jumping to a conclusion. They're not giving the 20-year period time to work. I think we know – in Skagit County, we know how to grow things, and we should take our time. Thank you very much.

Mr. Gill: Thank you. Okay, that is the end of our speakers' list, but I did get a message that Bill Gregory would like to speak on this proposal as well. Bill, if you're on the phone you will need to star 6 to unmute, and please put your and address for the record.

William Gregory: Hi. My name is William Gregory. I live at 816 Thurmond Avenue in Sedro-Woolley, Washington 98284. I urge the Commissioners to reject the fully contained community proposition that they're looking at for Skagit County. SCC ___ against a whole reason to implement a growth management plan. They will destroy the very soul of our county at the expense of farmland and wooded areas. In addition, they'll bring unmanageable amounts of traffic to rural roads never designed for the volume of traffic that they will bring. They'll put a huge burden on our already overwhelmed law enforcement agencies, our courts, and our jail. They'll be a substantial drain on our stressed aquifers and on waste management resources. It'll turn us into just another Seattle bedroom community. I'm asking you to please reject fully contained communities. Thank you.

Mr. Gill: Thank you. Is there anyone else that would like to speak on this proposal?

Unidentified male voice: (garbled)

Mr. Gill: Yes, please state your name and address for the record.

Seth Suttles: Yes, my name is Seth Suttles. I live at 7157 Old Highway 99 North Road in Burlington, Washington. And I've been looking at this proposal and where you guys are planning on trying to build this fully contained community is literally right on top of my house and many other people's houses that I have been talking with up and down this road ever since I seen the proposal pop up yesterday in my email. And we are all against it here. We enjoy our peace and quiet and the farmlands around us. And just by plopping over 8,500-some new houses or people in this area is literally going to just bog down the roads that we try to use, and then at the same time we're wondering how you're supposed to get up there to put people in this area and destroy the farmlands that are around us.

So we are – I am completely, fully against this fully contained community being built on top of me and in my backyard, because I moved away from towns so I could get out in the country to raise my children and also have a better future, and having brand new people getting dropped in is just going to put it back into – might as well just move to a city where we live on top of each other. Thank you. That's all I really have to say. And I'm totally against this proposal.

Mr. Gill: Thank you. Is there anyone else that would like to speak? If you are on your phone you would have to do a star 6 to unmute.

Unidentified male voice: Can you hear me?

Mr. Gill: Yes.

Ms. Erps: Go ahead, Caller 2. When you are done we will move to Caller 6. Thank you.

Unidentified male voice: Am I Caller 2? Yes, I can hear you.

Mr. Gill: Yes, we can hear you. State your name, please.

Richard Boyer: Thank you. My name is Richard Boyer, b-o-w-y-e-r. I live at 310 South 9th Street in Mount Vernon and I'd like to address this situation also, this so-called community of Avalon. I think it's an oxymoron of epic proportions to say that plopping that down in the middle of farmland is going to stop sprawl. I just don't – I don't see it. And the problem is – to me – is that these communities or these revisions and changes as they are added to, the growth of the areas seldom, if ever, pay in impact fees the long-term costs that are passed on to all the other taxpayers in the form of additional maintenance on highways and roads and infrastructure, police forces and fire departments, and particularly in school districts. When they start adding all these people, and unless you are going to add some enormous impact fees to this thing the local citizens will end up picking up the bill for all the costs – the extended costs of this thing – 8, 9, 10 years down the road. Not only do we not need that, it is not fair to the people who live here to have to pay the cost for these new people coming in.

The other part that I want to say is this – as some of the other speakers have addressed – this is a rural county. It does not need to be a city of extended cities of 60 or 70 or 80,000 people. It doesn't work and it will ruin the character of this area, the very character that the citizens here enjoy and want to make part of their lives type thing.

To plunk in – my understanding it'd be 3500 new homes in this thing. That is not a small project. That is a huge addition of people to our roads, to our various other facilities. And I realize that the business people and the government are salivating over the idea of the taxes and additional people that will come into their businesses, but they are not the only ones who live here. There are a number of other people who come here for just what we have *now* and that is a rural environment that allows people the non-city amenities type thing. We don't have everything that we have in the big city. We're willing to put up with that to enjoy what we have here. And if you start plunking down major communities like this you will change the character of this place so much that it will not be what it is now and what we all treasure and value.

I am opposed to this project – I believe it's called "Avalon" or "Skagit Partners" – being on the dockets. I hope you keep it off. And consider some of my thoughts on some of the other projects that want to come in. We don't need development just for development's sake. Thank you very much.

Mr. Gill: Thank you, Mr. Boyer. Caller number 6 – you were talking earlier – if you want to unmute yourself.

Unidentified male voice: Yeah, can you hear me now?

Mr. Gill: Yes. Please state your name and your address.

Jesse Faxon Mills: Yeah, my name is Jesse Faxon Mills and my address is 20631 Prairie Road in Sedro-Woolley 98284. Yeah, I just want to voice my strong opposition to docketing this proposal. Yes, you know, housing costs are going up in this area but they are going up pretty much everywhere else too. We do need affordable housing but I do not believe by any means that that is the developer's objective here. I think their objective is clearly financial and it's also very doubtful that the homes in this community would *be* affordable to a median Skagit income.

The Countywide Planning Policies that were agreed to by the County and the local Towns here to protect farmland and control urban sprawl were put there, you know, for a very good reason. And the caller a little earlier said it well, just that – in saying that this is a unique area. You know, you can go to a lot of places around this country and see, you know, giant, sprawling, gated communities full of houses that look the same. This is unique and it's a farming area and it's a beautiful area with a two-lane highway, one of the most beautiful areas of freeway all the way up I-5, and I don't see that being the case if we allow this to go through. We can't allow the developers from Seattle or any other area to reconfigure *our* planning policies to fit *their* financial goals. If anybody's seen, you know, rush hour time, people getting off the Cook Road exit on I-5, it's a mess. The road's backed up into the freeway, creating almost unsafe conditions. This is going to make that issue the same up on Bow Hill, same on Cook Road. We've got many, many issues to address there before we start sprawling out like this. The proposed site of Avalon could have a population roughly the size of the town of Burlington but without the additional medical, education, and fire infrastructure.

So I am strongly opposed for many reasons and I think we really need to reconsider allowing developers to make the choices about – to fix *our* affordable housing problems. It's clearly *not* what they're interested in doing here. It's profit. And that's all.

Mr. Gill: Thank you, Jesse. Did anyone else wish to speak on this proposal?

(silence)

Mr. Gill: Okay. We are going to move to LR20-05, Public Notice Amendment for Mineral Resource Extraction Areas. We did not get anyone asking to speak on this petition. Does anyone else on the phone or on the computer wish to speak?

(silence)

Mr. Gill: Okay, I'm not seeing anyone, so we'll move on to the next one, LR20-06. This is Outbuildings in Rural Zones. Does anyone wish to speak on this petition? I'm looking for people unmuting but I don't see any, so I'm going to keep going.

The next one is LR20-07, and this is Accessory (sounds cuts off here). Does anyone wish to speak on this petition?

(silence)

Mr. Gill: Okay. LR20-08, and this is (sound is wonky and then disappears) Remember if you are on your phone you will use star 6 to unmute. Not hearing anyone or seeing anyone on this one –

Mike Young: My name's Mike Young.

Mr. Gill: Is there a Mike Young?

Mr. Young: Yes. Can you hear me?

Chair Browning: Yes.

Mr. Young: I'd like to comment on this LR20-08.

Mr. Gill: Please state your name and address. Yes, for the record.

Mr. Young: Mike Young, 59302 Marblegate Road, Marblemount, Washington. I wanted to comment on the MRO review on – particularly on parcel 45543. That's at 59252 Rockport Cascade Road. I live approximately a quarter-mile from this site at Marblegate, a community of 28 properties which was incorporated in 1973 as a nonprofit. There are nine full-time residents –

Mr. Gill: Mr. Young, I'm –

Mr. Young: Yes? Hello?

Mr. Gill: _____ trouble with your audio/video?

Chair Browning: We're hearing him okay, Peter. We're actually having more trouble with yours.

Mr. Gill: I'm having trouble hearing. Are you – it might help –

Mr. Young: Hello?

Mr. Gill: – if you turned off your video and then we just –

Mr. Young: Can you hear me now?

Chair Browning: Yes.

Mr. Young: So should I start over then?

Chair Browning: No, you're fine. Most of us heard you just fine.

Mr. Young: Oh, okay. So I was commenting on the MRO at – on the Rockport Cascade Road. I live approximately a quarter-mile from the site at Marblegate. It's a community of 28 properties incorporated in 1973. There are nine fulltime residents and other part-time and recreational users of this property. It's situated on the Rockport Cascade Road and between the Skagit River and the road. These properties are all adjacent to or near – within a half-mile – of this MRO site. I believe that when this was designated MRO there was not an in depth look at all the surrounding areas – the residences, this very pristine area on the Skagit River with all the tourist activity and the fishermen and the people that use this area, I think it's really too sensitive for an MRO and for a mine, especially the mining that they want to do is to take that whole mountain down and haul

it to the Columbia River basically. I believe this needs to be looked at a little bit closer. Thanks for your attention, and hopefully you'll look at this.

Mike Cerbone: Hi, this is Mike Cerbone from Planning and Development Services, Commissioner Browning. Peter's having some technical difficulty so I'm going to jump in and be Peter for a moment.

Chair Browning: Thank you, Mike.

Mr. Cerbone: Sure. So it looks like the next person we had was Barbara Weide.

Barbara Weide: Okay, can you hear me?

Mr. Cerbone: Yes, ma'am. Please state your name and address for the record.

Ms. Weide: My name is Barbara Weide. I live at 22776 Moser Road, Sedro-Woolley. I'm going – I am representing the Weide Brothers, who are owners of the quarry on Delvan Hill Road. I'm also married to one of the owners. The pit has been there – I just want to say that the pit has been there for 45 years, as Lisa Janicki stated last week. It also – she also stated that the MRO was removed in 2005 as an administrative error; therefore, placed back on in 2017 as a correction. DNR regulates – lists this pit as a pre-existing nonconforming pit which, again Lisa Janicki stated, permits were not required 45 years ago which is why there are no records for the permit for this pit. So therefore it wasn't under any limits for truck traffic.

The rock resources on the property are of long-term commercial significance and that's why it qualifies for the MRO designation. And regarding the load limits per week, it states that there's 10 loads a week. For us it's unreasonable for any pit to run a business. Quarries are an ebb and flow business. We make have truck traffic for a week or two and then no traffic for a few months. Nielsen Brothers are our major company using the rock. It uses this for road-building on their logging job spurs. To build these roads, they use about 40 to 140 loads of rock and to limit them to 10 loads a week would take them 4 to 14 weeks to complete the job. Anyone who is in the business of building roads knows this is unreasonable and (an) unfair limit. One of the truck drivers has stated due to a 45-degree turn halfway down the hill the trucks travel slower than the 35-mile-per-hour speed limit, and so they have no need to use their Jake brake.

We are requesting for this petition to be removed from the docket. The MRO was removed without notifying the property owners in 2005 and placed back on in 2017 to correct the error; therefore, no need for the neighbors to be notified of this correction.

I think that's it, so thank you for your time.

Mr. Cerbone: Thanks, Barbara. And I apologize. I think Barbara had actually signed up for the next one, which is LR21-01. Is there anybody else who is on the call that would like to speak on LR20-08, which is the Mineral Resource Overlay Review?

(silence)

Mr. Cerbone: I am not hearing anyone so we'll go ahead and we'll move on to LR21-01. And Barbara, if you'd like to put those comments into the record for this item, it'd be appreciated.

Ms. Weide: Oh, okay, so I need to start all over again?

Mr. Cerbone: Sorry, Barbara. Yep.

Ms. Weide: Oh, that's okay. Okay, so my name's Barbara Weide. I live at 22776 Moser Road, Sedro-Woolley, Washington. So this is for the LR21-01. I'm representing the Weide Brothers. There's four of them as owners of this property, and I am actually married to one of the owners.

The pit has been there for over 45 years, as Lisa Janicki stated last week. She also stated the MRO was removed in 2005 as an administrative error; therefore, placed back on as of 2017 as a correction. DNR regs list this pit as a pre-existing nonconforming pit which, again, Lisa Janicki stated permits were not required 45 years ago, which is why there is no records for a permit for this pit and, therefore, we were under no limits except for the 3 acres, I guess you'd say.

The rock resources on the property are of long-term commercial significance, and that's why it qualifies for the MRO designation. Regarding the truck limits per week, the County had limited us to 10 loads a week. We feel this is unreasonable for any pit to run as a business. Quarries are an ebb and flow business. We may have truck traffic for a week or two and then no traffic for a few months. Nielsen Brothers is our main company that uses our rock. They use this to build their logging spurs for their jobs. To build these roads, they need anywhere from 40 to 140 loads of rock. To limit them to 10 loads a week would take them 4 to 14 weeks to complete this job. Anyone who is in the business of building roads knows this is an unreasonable and unfair limit. One of the truck drivers had stated due to a 45-degree turn halfway down the hill, truck travel is slower than the 35-mile-per-hour speed limit on this road; thus, they have no need to use a Jake brake.

We are requesting for this petition to be removed from the docket. The MRO was removed without notifying the property owners in 2005 and placed back on in 2017 to correct the error; therefore, no need for the neighbors to be notified of this correction, and therefore we would request that this be removed from the docket.

Mr. Cerbone: Thank you, Barbara. Does anybody else want to provide testimony on LR21-01, the Delvan Hill Road Mineral Resource Overlay Reconsideration and Moratorium?

Unidentified female voice: Yes, I would like to.

Mr. Cerbone: Darcie, go ahead. Name and address for the record.

Ms. Nielsen: Great. Thank you so much. Darcie Nielsen with Nielsen Brothers, Inc. at 100 Pine Street up in Bellingham. Although we have our operations facility out (location is drowned out by a sneeze). I support the Planning Department's recommendation to exclude this petition from the document. As Barb stated, this property's been in resource-based uses for even over 40 years. It has very high quality rock resources that qualify it as a mineral resource land of long-term commercial significance. In accordance with the Growth Management Act, these are important lands to be protected. The petition also doesn't address the requirements of the Skagit County Code. The current mining operations are operating under the pre-existing use and the DNR requirements of 3 acres or less. Any expansion of the quarry, of course, would have to go through a special use permit which has extensive requirements under County Code. And the issues raised by the neighbors would be more accurately addressed in that kind of venue. As Barb stated, there's a high intensity of use coming out maybe on a weekly basis, and then no action – no activities for several months.

So I think the petition needs to be excluded from the docket and I appreciate your time today. Thank you.

Mr. Cerbone: Thank you, Darcie. Does anybody else want to provide testimony for LR21-01?

Patrick Donnelly: Yes. My name is Patrick Donnelly. I would like to comment.

Mr. Cerbone: Patrick, please go ahead. Name and address for the record.

Mr. Donnelly: Patrick Donnelly, d-o-n-n-e-l-l-y, 7650 Delvan Hill Road, Sedro-Woolley 98284. Wendy and I – Wendy Dahlstedt and I – we submitted a petition with the neighbors up here on Delvan Hill to limit the trucks and deal with this MRO that was put in place in 2017. We believe that the County and others created some errors in their whole application. The County in their Comprehensive Plan in their guides and goals set up in 2016 failed to meet any of the guidelines established for mineral rights (sic) overlay. We also have to consider some other issues on this area. First of all, the mine was taken out of compliance – it was out of compliance by the State Department of Natural Resources in 2017, 18 – somewhere in there – and they shut it down. That was with the Department of Natural Resources surface mine, and because the mine was out of compliance.

So I guess the question that I need to ask is: Since it's been stated that the mine has been producing rock for 25 years or so, our experience on the hill and my experience with ___ is that we may have seen one or two loads a year come out of there as far as rock quarry. We saw a lot of timber come out but not much rock.

Regarding the timber or the surface mine condition, that's a three acres or less. And according to the Department of Mining and Natural Resources it says that if those are used on a – or a forest service or a timber project that they're supposed to stay onsite and contiguous properties. Well, that isn't what occurred. In 2017, 18, when the County ended up running trucks, there were a hundred trucks a day at times coming off this hill – way too much for this traffic. I would also like to comment that there was a statement made by one of the drivers that said there was a 45-degree turn. Well, it's a 90-degree turn and it's really a tight little corner down there. The road speed limit says 35 but effectively this is a 20-mile-an-hour road at max. There are some very serious considerations to be taken into review since we need to address some other visual issues such as visibility for safety reasons on Delvan Hill Road, which most –

(sound of timer)

Mr. Donnelly: – of us feel is going to make – require a – I'm all done. I have 30 seconds. So we would like you to keep this on, a limit of 10 loads per week maximum, and enforced. Thank you.

Mr. Cerbone: Thank you, Patrick. Is there anybody else who would like to provide testimony on LR21-01?

(silence)

Mr. Cerbone: I'm not hearing so we will move on to the next item, which is LR21-02, and that's to Clarify CaRD Land Divisions and the "Reserve" Function. It was proposed by Friends of Skagit County. Do we have anybody? I don't have anybody signed up. Do we have anybody on the call that would like to testify on this item?

(silence)

Mr. Cerbone: I'm not seeing or hearing anybody. All right, then we will move on to LR21-03. This would Prohibit Mitigation Banks and Mitigation Service Areas in Skagit County. This was also proposed by the Friends of Skagit County. LR21-03. Nobody has signed up for it. Is there anybody on the call that would like to present testimony?

(silence)

Mr. Cerbone: I'm not hearing anybody or seeing anybody. Then I will go ahead and move onto the next item. The next item is LR21-04 and that is a proposed amendment to the code to allow for Agricultural Processing Facilities in the BR-Light Industrial. It was proposed by Island Grown Farmers' Cooperative. I do have one person signed up and that is Phil Shephard from Shephard Family Enterprises. Are you on the call today, Phil?

Phil Shephard: I am. Can you hear me?

Mr. Cerbone: I can. Please state your name and address for the record.

Mr. Shephard: Hi, my name is Phil Shephard, s-h-e-p-h-a-r-d, Friday Harbor, Washington, 514 Kee Road. I'm the Board President of Island Grown Farmers' Cooperative and we're a small cooperative of about 80 farms in Skagit County, Island County, San Juan County, and Whatcom County, Snohomish County. And we have been operating for about. We have a mobile slaughter unit and we've been renting a spot to process our meat from all these farms. We process livestock about, you know, 2500 to 3000 livestock per year, and we've got this proposal that we would like to allow a modification to agricultural processing that takes place in the Bayview Ridge Light Industrial zone. And we are – we're requesting the ability to process animals and then as long as they're done within the interior of the facility and that those occupy less than 5000 square feet of the processing facility. So that's the gist of it and we're, yeah, looking forward to seeing the process through.

Mr. Cerbone: All right. Thanks, Phil. Is there anybody else who'd like to provide testimony for LR21-04, Agricultural Processing Facilities in the BR—Light Industrial?

(silence)

Mr. Cerbone: I'm not seeing or hearing anyone, so we'll go ahead and we'll move on to the next item. This is the last petition, and that's LR21-05 and that's to Expand the Pre-Existing Natural Resource-Based Uses allowed within the Ag-NRL zone. The petitioner for this was the Nielsen Brothers and I have one person signed up to speak on behalf of this and that's Darcie Nielsen.

Ms. Nielsen: Thank you again. Three's a charm, I guess, at the end of the day here. Yes, this is the petition that we submitted last year around this time at the request of the Planning Department staff because we were also looking at the rezone. I would like to have this item retained on the docket – included – because I think this discussion around the rezone may also involve – if there's other amendments that might be possible to the code and this is a possibility for that. So again, I think the proposal is actually fairly clear. It just simply acknowledges that in some very limited cases there are existing resource-based uses that may occur in agricultural resource lands and that they should not be nonconforming and that they could be expanded or improved through an administrative special use permit.

So I think it's fairly clear. I think this discussion may come up in front of the Planning Commission as well, as they're discussing resource lands and resource-based uses that aren't necessarily

forest or agriculture or marine but they're within one of those particular zones. So I would like to see this proposal to remain on the docket, if possible. And that's again Darcie Nielsen with Nielsen Brothers at 100 Pine Street in Bellingham. Thank you.

Mr. Cerbone: Thank you, Darcie. Is there anybody else on the call who'd like to provide testimony on LR21-05?

(silence)

Mr. Cerbone: I'm not seeing or hearing anyone, so we'll move on to the County staff proposed amendments. The first one is C21-1, and that is the adoption of the 2020 Comprehensive Parks and Recreation Plan. I do not have anybody signed up to provide testimony for this. Does anybody on the call wish to provide testimony?

(silence)

Mr. Cerbone: I'm not seeing or hearing anybody so we'll move on to the next item and that is C21-2 and that is proposed amendments to the SEPA Determination Review and Timing. Does anybody wish to provide testimony on C21-2?

(silence)

Mr. Cerbone: I'm not seeing anybody, not hearing anybody. We'll go ahead and we'll move on to the next one. That is item C21-3. That is proposed amendments to the Zoning and Comprehensive Plan for the Hamilton Zoning designation. C21-2. Does anybody wish to provide testimony? C21-3. Sorry.

(silence)

Mr. Cerbone: Not seeing or hearing anybody, I will go ahead and move on to the next item, which is C21-4, and that is proposed amendment to Front Yard Setbacks in the Bayview area, C21-4. I do not have anybody signed up to testify. Does anybody on the call or the meeting wish to testify on C21-4?

(silence)

Mr. Cerbone: I am not seeing or hearing anybody so I will move on to the last item and that is C21-5, and those are proposed amendments to the development code regarding the Pre-Application and Pre-Development process in Skagit County. P21-5. I do not have anybody signed up to provide testimony. Does anybody on the call wish to provide testimony?

(silence)

Mr. Cerbone: I'm not seeing or hearing anybody so that would be the end.

Chair Browning: Well, thank you, Michael. Thank you very much. Thank you, Peter. Thank you, Hal for bringing together all this information. Commissioner Wesen, do you have any final thoughts for today?

Commissioner Wesen: I just want to make sure. I know there're some people came in and out and if they did not testify yet I want to make sure they have availability to do it. This is the first

time we really had a big docketing presentation on camera like this, and so if there's somebody who called in or is on now who didn't get a chance to speak, do they want to talk about anything?

(silence)

Commissioner Wesen: Well, I'm not hearing it. I really thank everybody for calling in or listening to what's going on. And once again, I want to make sure people realize we are going to – the Commissioners are going to vote on this on May 11th, and this is just to decide what we want our Planning Department and the Planning Commission to work on during the next 12, 18 months. So it's not deciding yes or no. Just because I vote one way on this doesn't mean – because you never know exactly what's going to come out at the end. And so there's a lot of discussion needs to be had on all these issues, and part of the process is open discussions of people and hearing back and forth so we can have a good discussion, a good community understanding of what the concerns are and what the reasons are. And are there ways to mitigate it? If there's not, then the Commissioners could always vote no on the process when it comes out the other end after the Planning Commission makes a recommendation. So, you know, that's what our country was founded on: a lot of discussion, a lot of debate back and forth. And a vote here is just to make a decision to talk about it in the future so we have more knowledge going forward.

So I want to thank everybody for being here. I want to thank Planning staff. But the other thing is the Commissioners need to make sure the staff has enough capacity to handle everything we give them, so we want to make they can do a thorough and thoughtful process, so we don't want to give them everything if they can't handle it. And so we want to listen to what staff thinks they can handle and what the public can move forward with. So once again, thank you for being involved. I appreciate all the time and effort from everybody on this.

Chair Browning: Thank you. And as Commissioner Wesen pointed out earlier, Commissioner Janicki is out of the area. She's in Alaska right now. As soon as she comes back she will review this recording and so she'll be fully updated. Again I really want to thank Planning and Development. I don't think anybody realizes how much work it takes just to get it to this point, and now the fun really begins. So it really is a lot of work and very, very well done. I appreciate it very much. And again we can't emphasize enough: good communication, very very – the power of good communication is essential. Our community will grow sensibly if we have thoughtful, respectful conversation about all of these issues, and I appreciate all the people who chose to speak today. It was really good to see this many voices and, again, very good and respectful conversation and points made.

So they've all been taken into consideration – they will all be taken into consideration and you will hear from us again about the 11th. But again, don't forget to send us more emails if you have any issue you feel was left unstated today. So thank you to the Skagit County group and we will call this meeting to an end. So Amber?

Commissioner Wesen: Did Michael have something? Michael had his hand up.

Chair Browning: I'm sorry. Michael?

Mr. Cerbone: Thank you, Commissioners. I just wanted to remind people that the written record is open until Wednesday the 5th at 4:30 p.m. So if folks wanted to provide written comment on any of the items that we heard testimony on today, they can still do that through our PDS website until 4:30 p.m. on Wednesday, May 5th.

Chair Browning: Okay, thank you, Michael. I thought you were just waving at us! My mistake! All right, thank you. Thank you very much and we will see you in a couple weeks – or a week. Thanks.