

**Skagit County Planning Commission
Public Hearing: 2019 CPA Docket
January 21, 2020**

Planning

Commissioners:

Tim Raschko, Chair
Kathy Mitchell, Vice Chair
Mark Lundsten
Annie Lohman
Amy Hughes
Joe Woodmansee
Tammy Candler
Martha Rose

Staff:

Hal Hart, Planning Director
Mike Cerbone, Assistant Planning Director

Public Hearing

Commenters:

P-1:

Hal Rooks, Guemes Island Planning Advisory Committee (GIPAC)
Gary Curtis
Sally Stapp

P-2:

Edith Walden, GIPAC
Michael Brown, GIPAC
Patty Rose, GIPAC
David Ashbach
Lowell Ashbach
Steve Orsini
Tom Glade, Evergreen Islands

P-4:

Nancy Robblee
Anne Middleton
Carolyn Gastellum, Skagit Land Trust
Kathy Thornburgh, Skagit Land Trust
Steve Johnson, Skagit Land Trust
Anne Winkes, Skagit Land Trust
Molly Doran, Skagit Land Trust
Tim Manns, Skagit Audubon Society
Dan McShane
Wim Houppermans, Evergreen Islands
Ellen Gray

PL18-0404:

Dan McShane, Geologist for Proponent
Marianne Manville-Ailles, Skagit Surveyors (Engineer for Proponent)

C-1 through C-8:
Marlene Finley, Evergreen Islands
Tara Satushek, Swinomish Indian Tribal Community

Chair Tim Raschko: (gavel) Good evening. The January 21, 2020, meeting of the Skagit County Planning Commission is now in session. Are there any changes to the agenda?

Vice Chair Kathy Mitchell: I've got one to suggest.

Chair Raschko: And what would that be?

Vice Chair Mitchell: I think that numbers 3 and 4 should be flipped. I think the Planning Commissioner Comments and Announcements should be at the end and the Director Update beforehand.

Chair Raschko: Has there been a second?

Vice Chair Mitchell: No.

Commissioner Tammy Candler: I'll second.

Chair Raschko: Okay. It's been moved and seconded. Is there discussion?

(silence)

Chair Raschko: I think it's a good idea. All those in favor, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: Opposed?

(silence)

Chair Raschko: Okay. So we'll make that change. So we'll go to the purpose of tonight's meeting, which is a public hearing. The purpose of the 2019 Docket public hearing is to receive testimony and written correspondence regarding this year's proposals to amend the Comprehensive Plan, the Land Use Zoning Map, and the Development Code.

The order of the public hearing is as follows: First it will be P-1, which is Rainwater Catchment. That's a citizen-initiated proposal to amend sections of the development code that regulate rainwater catchment in areas subject to seawater intrusion.

The second will be P-2. It's regarding wells on Guemes Island – a citizen-initiated proposal to require predrilling approval for new wells on Guemes Island.

Third, we'll have P-4, Great Blue Herons. This is a citizen-initiated proposal to develop additional regulations to protect great blue heron nesting colonies.

Fourth would be PL18-0404. It's the Mineral Resource Overlay Designation Removal. This is a citizen-initiated proposal to remove an existing mineral resource overlay.

Finally, number 5, C-1 through C-8 are all County-initiated proposals to amend the Comprehensive Plan and Development Code.

So everybody will have an opportunity to speak, we hope. The doors are locked at 9:30 so we're going to try to do this in the most efficient way that we can. We're asking people to limit comments to three minutes. There is a timer. You can see it here. When it turns yellow, it means you have one minute to go. When it turns red, we're going to kindly ask you to finish and let the next person take the podium. In order to make it go a little more smoothly, I'll call out the first person's name. If they will take the podium. I will call the second person's name, and if they would stand by a respectable distance away they could take it next, and we'll call the third person, et cetera.

Special interest groups or associations or those representing others are encouraged to designate a single person for the group. That'll allow greater participation and cross-representation.

Before you testify, you need to clearly state your name and spell your last name, and your address. There's a recording system and it'll record your comments. Okay?

So also, in order to be more efficient as well as to show respect for everybody, we're going to ask that there be no applause or no reactions of any kind, whether you are in agreement or not in agreement with a particular speaker. Just show respect for everybody and hopefully we can all get out of here before the evening ends.

Written comments are also being accepted, and they can be placed in the box located at the table at the back of the room. The written comment period on each proposal is open until Friday, January 24th, at 4:30 p.m. Written comments can be as long as you want. They're not limited in length or they're not limited in the number of issues that you want to cover.

Okay, so before we begin staff is going to give a short presentation about the proposals.

Mike Cerbone: Good evening, Planning Commission, administration and staff, and members of the community in attendance. My name is Mike Cerbone. I'm the assistant director for the Planning and Development Services Department. Thanks for having me here today.

As the Chair said, this is a public hearing to determine which proposed Comprehensive Plan, Land Use Map, and Development Code text amendments merit inclusion in the 2019 docket. The Department's presentation this evening will include the regulatory background for the docket, a description of the amendments, address the public comments we've received so far on the proposals, and provide the Department's recommendations. The staff report's available online if you want more detail on any of that.

Regulatory background under the Growth Management Act: The County may adopt a package of changes to the Comprehensive Plan and Development Regulations once per year through a docketing process. The purpose of docketing is to ascertain the cumulative effects of various proposals on the community. Annual amendments included in the docket are meant to address both citizen- and County-initiated land use changes, amendments to the text of the Comprehensive Plan, and amendments to the Development Code.

Prior to the public hearing, the Department held two public hearings and deliberations with the Board of County Commissioners to decide which proposals merited inclusion in this year's docket. The docket was set by the Board via resolution in 2019 and the results are the proposals and recommendations that are the subject of this evening's hearing. The staff report was provided in

advance of the evening's hearings, providing findings of fact concerning Department compliance with both State and local regulations, as well as the State Environmental Policy Act review and public noticing requirements. Each of the proposed policy, text, and map amendments have been analyzed against applicable criteria in the Development Code, and recommendations accompany that analysis.

So I will briefly go over each one of the proposals. So we have four citizen-initiated proposals here. I'm seeing a typo here where I'm missing P-4, which deals with Great Blue Herons, but I do deal with that in the presentation. And then we have eight County-initiated amendments.

So the first one was P-1, Rainwater Catchment. The petitioner was the Guemes Island Planning Advisory Committee. They requested amending sections of the seawater intrusion area, which is part of our critical areas ordinance, 14.24.380, to include provisions for a prescriptive rainwater catchment system. We received four comment(s) in support of the proposal. Staff's recommendation was to deny the proposal and instead seek to develop a guidance document that would accomplish many of the outcomes that were requested by the petitioner.

P-2, Wells on Guemes Island. Petitioner again was GIPAC. The proposal amends sections of the aquifer recharge area – again 14.24, which is part of our critical areas ordinance – to require predrilling approval for all new wells on Guemes Island. We did receive four comments in support of this prior. And, again, staff's recommendation on this was also to deny the request. The reason being is that legal counsel is of the opinion that we cannot regulate all wells prior to being put in.

P-4 is the Great Blue Herons. Petitioner was the Skagit Land Trust. The proposal was to amend sections of the critical areas ordinance – again, 14.24 – to strengthen protections for great blue herons by mapping nesting habitats, creating buffer areas, and requiring review for heron buffer areas during development and clearing permit process. We received four letters in support of the proposal by the petitioner, the Skagit Land Trust, and we received one letter – I called it "in opposition," but it more raised specific questions that they thought should be addressed before any decision was made. Staff's recommendation is a little different than that requested by the petitioner. The petitioner's recommendation is Option 4 in the staff report. Staff's recommendation was Option 3, which sought to provide a thousand-foot buffer around the known nesting areas and provide additional regulations.

PL18-0404 is the Mineral Resource Overlay Designation Removal. The petitioner is Skagit Surveyors and Engineers for Mangat Estates. The proposal is to remove the mineral resource overlay designation. The area, as you can see, is roughly north of Highway 20 and east of Highway 9, and the staff recommendation is to deny the removal of the mineral resource overlay. Staff thought that the investigations onsite did not justify the removal of the entire mineral resource overlay.

We have two property owners that we received letters from that objected to the removal of the MRO as of about two o'clock this afternoon.

So C-1 through C-8 are staff-initiated amendments. The first one is amendments to the Guemes Island Ferry and the amendments are to the Comprehensive Plan, and the intent is to amend the Comprehensive Plan to reflect the current cost and revenue for the replacement of the Guemes Island Ferry. Staff recommends approval.

C-2 is Drainage District Coordination. The proposal was to collaborate with the drainage districts to develop code language authorizing the review and comment of development applications within

their jurisdiction. This is intended to implement a Comprehensive Plan policy amendment that occurred last year. And staff is actually recommending deferring this. We are currently in the process of updating the stormwater code and so we thought it was more appropriate to do it holistically all at once, and so we're proposing to defer this item at this time.

C-3 deals with binding site plans, and the proposal was to delete the following language: "Binding site plans shall be required for any commercial or industrial development that involves 2 or more leases or transfers of ownership which do not undergo a short plat or subdivision procedure." In essence, staff is recommending removal of the language that would require a binding site plan process in order to be able to lease to two people or more on a single property or project.

C-4 is Trails in the OSRSI. The proposal is to modify code sections to reflect that trails are an outright permitted use in the OSRSI and keep trailheads as an administrative special use. Presently in the code, trails are identified as an outright permitted use and are *also* identified as an administrative special use, and so staff is recommending removing the administrative special use so that it is just an outright permitted use.

C-5 is Habitat Restoration. The proposal is to correct an issue. Historically, or in the past, the County had adopted a requirement for habitat restoration to be reviewed as a hearings examiner special use permit in the Agricultural-Natural Resource Lands zone. When we adopted that requirement we took away the ability to be able to interpret habitat restoration to occur in the other zones within the county, and staff's recommendation is to have habitat restoration called out as an outright permitted use in all of the other zones except for the Ag-NRL zone. We did receive a comment from the Skagit County Agriculture (sic) Advisory Board, and they requested that the Rural Intermediate and Rural Resource have habitat restoration also classified as hearing examiner special uses.

C-6 deals with the adoption of the International Fire Code, and it is to update requirements for vehicle access roads to be consistent with the International Fire Code Appendix D. The specific amendment in there aside from changing some of the language and verbiage is to remove the 70-foot minimum cul-de-sac standard, which doesn't allow for adequate room for fire apparatus to be able to turn around.

C-7 deals with building permits for signs and it proposes to modify language that requires building permits for signs that are 32 feet or greater than 6 feet in height. And really what we're seeking to do with this amendment is make it more clear so when you open the code you understand when a building permit is required for a sign and when a building permit is not required for a sign.

And C-8 deals with the Airport Environs Overlay. And that was – petitioner was Skagit County Planning and Development Services but it was in coordination with the Port of Skagit, and they were requesting edits to the Airport Environs Overlay to reflect collaboration between the Port of Skagit and the County in determining height restrictions within that Airport Environs Overlay and also to authorize the Port to review boundary line adjustments within that AEO.

And with that, that summarizes what the proposals are, what the recommendations are. If there's any questions, I'd be more than happy to answer.

Chair Raschko: Are there any questions for staff?

(silence)

Chair Raschko: Okay, thank you very much.

Mr. Cerbone: Thank you.

Chair Raschko: So we will now open the public hearing. We'll address P-1, Rainwater Catchment. The first speaker will be Hal Rooks, and Gary Curtis will be next.

Hal Rooks: Good evening, Commissioner, Planning Department officials, and members of the public. My name is Hal Rooks and I'm the chair of the Guemes Island Planning Advisory Committee, which has sponsored code amendments P-1 and P-2 as you heard, and they're here before us this evening. My Guemes address is 5971 Upper Hollow Lane, and I'm going to address P-1.

GIPAC's most important goal with code amendment P-1 was to make rainwater catchment a welcome and viable alternative to drilling wells on Guemes. Based on lengthy conversations with the County's Planning and Development Services Department, we believe the PDS recommendations for P-1 largely accomplish our goals. We certainly didn't get everything we wanted but we believe we've gotten what is achievable at this time. I believe it is misleading to focus on the PDS recommendation of denial of P-1. They are recommending the denial of a specific part of the code amendment which would have required them to adopt a catchment template within 60 days and to amend the code to include the template. We had put these issues into our proposed code amendment in 2018 out of frustration that PDS had not moved on our 2016 code amendment for catchment, and we wanted to put specific benchmarks into the process to focus them on the issue. I believe we have accomplished that goal. I'm going to focus on what we have achieved rather than what we didn't. According to what we've read and been told, accomplishments include: PDS will issue a guidance document rather than a template for rainwater catchment systems on Guemes Island, along with administrative official interpretations, which we understand have the same practical effect as code and would include the following: There will be no requirement to drill a well first in order to qualify for a permit application to install a rainwater catchment system on Guemes.

(sound of timer)

Mr. Rooks: There will be no required minimum number of gallons per day a household must produce with a catchment system. There will be a requirement for a covenant to be filed that declares that the alternative water source on the property produces less than 350 gallons per day if the system is so designed that way. There will also be a requirement that there must be storage for at least a 90-day supply of water, according to whatever rate the system is designed to produce. There will be a requirement the rainwater catchment design must have an engineer's approval stamp but allows homeowners to select their own engineer without having to choose from a list of County-approved engineers.

These accomplishments are not yet set into writing so we would appreciate Planning Commission support and direction of our understanding of what PDS proposes to implement. Thank you.

Chair Raschko: Thank you. Okay, Gary Curtis and then next will be Sally Stapp.

Gary Curtis: My name is Gary Curtis, residing at 4792 West Shore Road on Guemes Island. And I'm an emeritus member of the GIPAC, Guemes Island Planning Advisory Committee. At present I own two 5-acre properties on the island. They both provide excellent water, and I hope that continues. Sixty years ago I graduated in engineering from a small college in eastern Washington

and moved to southern California. Within a couple of years, the firm I worked for was commissioned to design a large tower. It was to be occupied in only 13 months. A 30-foot-deep foundation had to be designed and large steel columns produced in Chicago, fabricated, and shipped to Seattle, then a five-story building constructed 500 feet in the air. The Space Needle opened a month early. A few years later, working and living in Long Beach, California, I served on the hearing board for the city building department where we developed the first process for coping with the seismic hazards and old buildings in California. It took a while to enforce, but at this time there are no unreinforced buildings in the city.

Twelve years ago I put this experience to work for the Guemes Island Community Hall so that it too could withstand an earthquake. I am not accustomed to large time gaps between a good idea and execution. Twenty-five years ago I purchased the property on Guemes Island and built my home there. Since undergrowing that house, I'm now starting over but smaller.

Fourteen years ago the AIA provided a grant and conducted a sustainable design assessment of Guemes Island, bringing professional architects and engineers from all over the U.S. The community enthusiastically supported this effort, filling the parking lot solid for a week of conferences. That directly led to the current subarea plan and advisory committee that the County has approved and endorsed. I've served with this effort for all 14 years. I have witnessed the dedication, commitment, and amount of work that the members of this committee is truly unbelievable. Their work product should be of high value to the County. It would have taken substantial County effort and staff to produce such benefit. The current items P-1 and P-2 are intended to protect the water resources, provide sustainable development opportunity while maintaining property rights, not to mention protecting the many millions of dollars of property value. In my opinion, it is shameful that the County has been so obstructive to this effort. Thank you.

Chair Raschko: And Sally Stapp, and she will be followed by Heidi Rooks.

Sally Stapp: Hi. Thanks for taking comments on Guemes Island's proposed amendments. My name is Sally Stapp. I collect rainwater for nonpotable uses at 5191 Lewis Lane, North Beach, Guemes Island.

A photo of me watering my garden appeared on the front page of a recent *Skagit Valley Herald* article about Guemes water issues, and I just want to go on record that I was not watering my lawn. I was watering my raspberries. It was in July. I think the caption said "watering her lawn." *Never* – I would *never* water my lawn.

I bought my acre of unimproved land in 1973. My granddad had a house starting in 1913. Two years after that my neighbor to the north had a well drilled. The driller agreed to bring his equipment next door to drill my well next. The idea of rain catchment wasn't a thing then. That same year, a 12-foot by 16-foot shed was moved up to my lot from the beach. I applied for and got a permit for a toolshed. About the same time, Marianna Kooiman procured a truckload of 55-gallon pickle barrels to help islanders collect rain. I had a garden before I had a structure, so I bought a number of barrels to collect rainwater from my roof because I now had a roof. Today I have – I still have those eight rain barrels. They are full, and that's about 440 gallons.

When we built our proper house in 2008 we installed underground –

(sound of timer)

Ms. Stapp: – tanks to capture 7000 gallons of rainwater. Also, being a lifetime friend and across-the-street neighbor of Stephen Orsini, I bought a 2500-gallon aboveground tank to capture overflow from his rain-barns for 2500-gallon tanks.

The good news I want to share tonight is about rain falling on my acre of land. An inch of rain falling on an acre produces 27,000 gallons of water. This year since January 1st my rain gauge has measured four inches. If we could collect all of that I would have had 110 gallons of water. Guemes Island –

(sound of timer)

Ms. Stapp: – covers 5500 acres.

Chair Raschko: Thank you. The time's up.

Ms. Stapp: 148-million gallons of water. Thank you.

Chair Raschko: Is Heidi Rooks – yes? Oh, you're not going to. Okay, that is everybody that has signed up to speak on P-1. Is there anybody else who would like to?

(silence)

Chair Raschko: No? Okay. We'll move on then to P-2, Wells on Guemes Island. We have Edith Walden first, and she'll be followed by Michael Brown.

Edith Walden: Good evening, Commissioners. My name is Edith Walden. I'm a board member of the Guemes Island Planning Advisory Committee, GIPAC. I live at 6203 South Shore Road on Guemes Island.

Almost 26 years ago the Department of Ecology advised Skagit County to curtail well-drilling on Guemes Island because of potential violation of the State's anti-degradation policy. At least 250 wells have been drilled on Guemes Island since 1995. Property owners have experienced numerous well failures due to seawater intrusion, impacting more than 64 residents. Continuing growth and development are placing increasing demands on the island's aquifers. The Growth Management Act mandates that aquifers used for potable water be protected from seawater degradation, as do numerous sections of the Washington Administrative Code, the Revised Code of Washington, the Skagit County Comprehensive Plan. We document these code requirements in more thorough written comments which we hope you will study carefully before making your decision on P-2.

As you know, all of Guemes Island is designated a sole source aquifer, a critical area, an aquifer recharge area, seawater intrusion area, and a sensitive area. These designations legally require the protection of the quality and quantity of groundwater. A new well in a seawater intrusion area requires a thorough hydrogeological analysis that must be submitted to the County prior to drilling. This is to prevent further seawater intrusion and the degradation of senior water rights in neighboring wells. Currently a well that is not being drilled as part of an application for a development permit is *not* being given a critical areas review as is *required* in sole source aquifer areas. We were stunned when we learned that the County's Planning and Development Services staff recommendation was to deny the adoption of P-2, citing that County legal counsel does not believe it is lawful to regulate all new wells on Guemes Island. Three weeks ago GIPAC requested to see the legal ruling so we could prepare testimony to support our code research that has led

us to an opposing conclusion. PDS was not able to obtain the material for us and a public records request resulted in the very recent release of four fully redacted pages such as the one on our overlay here, with a claim of privileged work product. We are thus stymied in our ability to respond adequately other than to repeat our belief that P-2 is a request to enforce *existing code* in order to protect the aquifers of Guemes Island, and to insist that all new wells on Guemes Island need a thorough critical reviews area prior to drilling. We hope you will support our request and approve P-2. Thank you.

Chair Raschko: Thank you. Michael Brown? And I apologize if I get a name wrong. I think it's Patty Rose would be next.

Michael Brown: Hello, my name is Michael Brown. I live at 4366 Clark Point Road on Guemes Island. I am currently on the board of GIPAC, the Guemes Island Planning and Advisory Committee and I have served on that committee for five years. When we first moved to Guemes Island in 2002 there was a large map on a billboard down by the ferry showing where there was already seawater intrusion, especially in the northeast corner of our island. The sign reminded all islanders to be extra careful of their water consumption and a highlight of the concerns for our aquifer. As I am sure you are aware, the 1994 U.S.G.S. study of the Guemes aquifer led the Washington State Department of Ecology to recommend to the County that no new wells should be drilled in areas of known seawater intrusion. The island as a whole and GIPAC in particular have been working diligently to protect our sole source aquifer. Islanders here do not wash their cars or water their lawns, knowing the importance of marshalling this important resource. I strongly recommend the Planning committee adopt P-1 and P-2 code amendments, which take the important first steps in helping Guemes Island protect our aquifer. Thank you.

Chair Raschko: Okay, Patty Rose. And next would be David Ashbach.

Patty Rose: My name is Patty Rose. We own a home at 4829 Guemes Island Road on North Beach and I also am a GIPAC member. My testimony is about our personal experience with island water supply.

Thank you for your focus on Guemes Island water issues this evening and for your steps to enable rainwater catchment systems. We appreciate it. We bought property with an existing well with some saltwater intrusion, and built a small house in 2009. I wish the rainwater catchment measures had been in place when we bought our land on Guemes. We could have had a better water system that is better for us and the environment. As it is, we conserve water, filter a small amount of drinking water at our kitchen tap, haul city water in five-gallon jugs. We have constructed a rainwater catchment system for our garden and a cistern. We have installed a much larger tank for our well water and reduced our pumping rate to one gallon per minute. We're holding our own, trying to put less stress on the aquifer, but we've spent over \$30,000 and at the end of the day we still have seawater intrusion. I see rainwater catchment as the left hand in protecting the aquifer, a sustainable way for some islanders to get clean drinking water. That's just great, but the right hand must be acknowledged as well. Continued drilling in sensitive locations can further damage the aquifer. In spite of our expensive efforts to protect the water supply, I know of new wells on North Beach which may be used by large –

(sound of timer)

Ms. Rose: – numbers of people going forward. What will they do to our well, which is already compromised, and what might additional wells do? We need to be wise and careful about drilling wells in this threatened and critical area and Skagit County can help us. I hope you will take the

next important step to protect our aquifer. Please pass code amendment P-2 to review and study proposed wells on Guemes before drilling. Thank you.

Chair Raschko: Okay, David Ashbach, followed by Lowell Ashbach.

David Ashbach: David Ashbach – and I’m talking on P-2 because I don’t know much about the water catchment that they’re proposing – 5462 Guemes Island Road is my property. I live in Anacortes but I go there.

In September of ’18 I got a call from my neighbor. A Class A well system was being drilled on my property. No permits, no nothing. I called Department of Ecology. They said they owned the property. They didn’t. I do, and my wife. Holiday Hideaway has a big system. Everything went through permits, public notice. Howard Pellett’s system west of me – all through public notice. This new well that this East North Beach Water Association drilled is deeper, 30 feet closer to saltwater, and when I built my house I had to get my sewer lines and everything 100 feet away from the well circle that’s in this short plat.

That new well, they’re not using yet that I know of. I check it every week. The valve’s still off. It’s all hooked up and ready to use. They go in – I now have – this well will be drawn down. If they use the old well here, which they’re using, it draws down this one. It’s only 30 feet away. The drawn-down test, they said, in three hours drew it down eight feet – the new well. I’m not sure they even did that. But now it’s within 75 feet of four contaminants that I couldn’t have in the well circle that’s there. And the County seems to be not wanting to get involved, but when this water company sued me they got involved. They came to the court and testified on their behalf and they lost. They were told all permits –

(sound of timer)

Mr. Ashbach: – have to be in line before. They didn’t do it and that’s when we ended up in front of the Shorelines Hearings Board in Olympia. They told them the same thing. So you need to at least keep the rules that we have and make them enforce the rules. And that’s it. Thank you.

Chair Raschko: Okay, thank you. Lowell Ashbach, and Steve Orsini.

Lowell Ashbach: Yes, I’ll speak a little. I’m Lowell Bud Ashbach. I live at 5538 Guemes Island Road. And I’m going to leave this short plat with the Commission here. My wife and I started this short plat and it got approved by the County in October 1994, and this is what my brother was talking about. This is the existing public Group A Class water well that served – was put in by my parents in about 1960 to serve 20 recreational properties down the beach. Now when I had this approved by the County, County officials made sure that John Leonard, my engineer, put in certain terms, and each well requires a 100-foot protection zone. It’s spelled right in here. Skagit County requires that. It also indicated in this short plat nine here, “water of sufficient quality for normal domestic purposes is not assured under this short plat.” In 2014, the water district here that had that existing well sued my brother inside of this short plat that my wife and I – they wanted more water than three gallons a minute and they wanted more than 1500 gallons of storage for the luxuriant beachfront houses that had developed in 50 or 60 years. That was a protracted legal battle. The water district spent over 300,000 trying to knock us over. And the court said, You have an easement of three gallons a minute with 1500 gallons of storage. They lost that case. Then they sneaked in – and this is what my brother was talking about – they punched another well in here in violation of the requirements that the County had put in my short plat.

(sound of timer)

Mr. Ashbach: So they put it here, so there's not a 100-foot protection radius. And although it's hooked up, they're not using it, I'm assuming because they don't have the requisite protection radius for a Group A public water well. And I want – along with my brother; I don't want to speak for him – I want the County to enforce the codes that were inserted into my short plat. I don't want somebody coming in like they did punching a Group A well without permit, without notice to us ahead of time. I want to leave this with you. Thank you.

Chair Raschko: Okay, Steve Orsini and then Tom Glade.

Steve Orsini: My name is Steve Orsini, spelled o, r, s, i, n, i. I reside at 4971 Guemes Island Road. These comments are personal observations and are neither endorsed nor opposed by the Guemes Island Planning Advisory Committee. I grew up on Guemes Island at 4971. My immediate family and I have lived on this North Beach property fulltime since 1988. For over 50 years the well on this property supplied us with potable fresh water without fail. In 1995, the U.S.G.S. – that's the United States Geological Survey – published its baseline study of the island's fresh water in its hydrogeology and quality of groundwater on Guemes Island. The study concluded that large areas of the island are susceptible to seawater intrusion. When in the period from 1994 to '98 seven new wells were drilled inland within half-a-mile of our well, it was not surprising that our well became fully polluted by seawater with chlorides above the maximum contaminant level of 250 milligrams per liter. During this time eight other wells along North Beach failed, as did two wells servicing 19 homes in the Potlatch 2 development on West Beach.

The U.S.G.S. study showed that when you add more wells that reduce the head height of the island's aquifers one foot, seawater elevates 40 feet in the water table. As the new wells ruin the older wells, they effectively transfer the senior water rights to the new junior water right wells. The senior rights owners are not compensated for their loss of potable water nor for the cost to develop a new source of fresh water. The way the Skagit County Code is currently implemented, there is no evaluation of the impact of a new well on existing wells, particularly a critical area like Guemes Island. This is not just short-sighted, but very unfair to well-dependent neighbors –

(sound of timer)

Mr. Orsini: – and it is proven to degrade the island's sole source aquifer. Guemes Island Planning Advisory Committee has proposed two carefully crafted code amendments, P-1 and P-2, to address this real problem. For its part, P-2 offers a reasonable, effective remedy for the real problems the County faces. It simply cannot be the case that the County is helpless to address a problem that continues to degrade the sole source aquifer on the critical area that is Guemes Island. Thank you.

Chair Raschko: Thank you. Tom Glade.

Tom Glade: Good evening. My name is Tom Glade. I reside at 210 Mansfield Court in Anacortes, Washington. I'm speaking this evening on behalf of Evergreen Islands, and Evergreen Islands fully supports – as we have in the past, and I don't know how many times more – but we will support the efforts of that community to protect their livelihoods and their health and their financial things.

Mr. Orsini has his mother. Even though you normally don't get a water right when you drill a well, they did. And when you drill and well and you're the first one there, you have senior rights, and

anybody else that comes in there after and is tapping into the same water, they have junior rights. And so Mr. Orsini should have senior rights over everybody on the island. But someone else came in and tapped a well and sucked the water out of the aquifer so that he had to resort on getting rainwater catchment to provide water _____. What the County has done there has let other people come in and in actuality steal his water rights. And so this – I don't know how long this thing can go on. The County should not allow this to go any further than it has in these few years. San Juan County has addressed this problem successfully. Why can't Skagit County do it?

Chair Raschko: Thank you. Is there anybody else who would like to speak on P-2?

(silence)

Chair Raschko: Okay. So we'll move on then to P-4, Great Blue Herons. The first person is Nancy Robblee, followed by Anne Middleton.

Nancy Robblee: Good evening. I'm Nancy Robblee, r, o, b, b, l, e, e. I live at 21072 Mann Road, Mount Vernon, Washington, and I love watching herons. They are just amazing animals and so delicate and perfect for what they love to do, which is to fish for food and raise their families. To successfully raise young, great blue herons need forest habitat in which to build their nest and to have productive foraging areas for food. Skagit County's herons typically build their nests high in very tall firs, alders, cedars, maples. Some of the trees will have one to two nests. Others will have 20 nests. And the herons build their nests either in a horizontal plane or they build upright almost like apartment living. A tree needs to be mature and at least 56 feet high to work for the herons. Department of Fish and Wildlife says that forest stands that are appropriate for nesting herons should be at least ten acres of mature coastal forest. Such stands provide nest sites, buffering from wind and extreme weather, and screening from human activities. As Skagit County becomes more developed, this type of forest becomes rare, harder to find. Fish and Wildlife says that adequate heron nesting habitat can't be just a mature coastal forest. It needs to be within –

(sound of timer)

Ms. Robblee: – two miles of adequate foraging areas. And the subspecies of heron that live here like eelgrass foraging areas. Padilla Bay eelgrass beds, which are close to March Point, can't – they are near March Point and now-abandoned Samish Island heronry. Padilla Bay is internationally known nursery for storage and foraging fish. Its eelgrass beds provide fish needed for adult herons and for their young. When the babies are born, they weigh two ounces and two months later when they leave the nest they are up to five pounds. So a lot of food needed. Mature coastal forest stands with nearby eelgrass beds –

(sound of timer)

Ms. Robblee: – are increasingly scarce in Skagit County.

Chair Raschko: I'm sorry.

Ms. Robblee: If great blue herons –

Chair Raschko: Your time's up. Thank you.

Ms. Robblee: – are to continue to be around us, they need protection.

Chair Raschko: Okay. Anne Middleton, please, and next would be Carolyn Gastellum.

Anne Middleton: I'm Anne Middleton. I live at 12694 Josh Wilson Road in Bayview. My husband Jack and I served as Skagit Land Trust stewards for several years on the conservation easement for the Samish Island heronry. Washington Department of Fish and Wildlife's management recommendations stress that some heron colonies require a relatively wide, year-round buffer – that people as far as 820 feet away can cause heron to flush and in some instances abandon their nests. Newly hatched heron chicks cannot regulate their own body temperatures; they weigh just two ounces and have only a few fluffs of feathers on their nearly naked bodies. For chicks to survive, an adult heron must remain at the nest with the chicks for the first three weeks after hatching to provide warmth to the chicks as well as protection from predators like bald eagles, who will eat the exposed eggs and chicks. Historically, March Point heron are particularly sensitive to the presence of humans in the forest. Over the years, March Point stewards and heron observers have witnessed firsthand the chaos that results if humans approach the heronry. It takes only a few steps into the heronry and disturbed heron squawk loudly and fly from their nests, leaving their chicks vulnerable to predators and hypothermia. Washington Department of Fish and Wildlife recognizes the importance –

(sound of timer)

Ms. Middleton: – of shielding sensitive heron from humans, stating, “When birds in an urban area exhibit behavior indicative of a low tolerance to people, assign the 300-meter” – that's 984 feet – “year-round buffer regardless of setting.” I urge you to follow the recommendations of both Skagit Land Trust and your Planning staff. Assign the widest possible year-round buffer to March Point so its super sensitive to human herons will be protected. Thank you.

Chair Raschko: Thank you. Carolyn Gastellum? And Kathy Thornburgh next.

Carolyn Gastellum: Carolyn Gastellum, that's g, a, s, t, e, l, l, u, m, 14451 Ashley Place, Anacortes. I'm a board member for Skagit Land Trust. I can't imagine Skagit Valley without great blue herons. Whether they look elegant or grumpy, standing still as a sculpture, or stalking a meal, these birds truly are iconic in our area and need the best possible protection so they will continue to thrive. It wasn't that long ago that Skagit County's own logo displayed a great blue heron on it, to show you the significance of these birds.

The previous speaker gave an excellent example of the value of local knowledge. The sensitivity of the March Point herons to humans coming too close was unexpected because the March Point heronry is located in a busy urban area. Cars zoom by on Highway 20, fireworks explode around the 4th of July, neighboring T. Bailey's heavy manufacturing is noisy. The heronry, however, is located on a forested hilltop high above all human bustle. Humans rarely enter the heronry. There is no construction within the heronry or surrounding forest. The sounds of passing vehicles are muted by the trees and the hilltop location, creating a white noise effect. It is amazingly and surprisingly quiet. If you've ever been in the March Point heronry you know what I'm talking about. The unexpected sensitivity to humans of the March Point herons and the relative isolation of their heronry in an urban area illustrate the value of local knowledge and why local knowledge is recognized as an important part of best available science. Every year Skagit Land Trust adds more information to the database of local knowledge. This knowledge has been gathered over many years of stewarding the March Point and Samish Island heronries. Citizen scientists under the guidance of renowned heron biologist Ann Essinger have been observing and documenting herons' behavior throughout the breeding and nesting seasons. This work is ongoing. The Trust database has provided Washington Department of Fish and Wildlife with nest count numbers and

heronry location coordinates for mapping. Skagit Land Trust has based its P-4 Option 2 amendment on both local knowledge and best available science. I urge adoption of this amendment into the County critical areas ordinance. Thank you.

Chair Raschko: Okay, Kathy, and then Steve Johnson.

Kathy Thornburgh: I'm Kathy Thornburgh. That's t, h, o, r, n, b, u, r, g, h, at 3601 Carol Place, Mount Vernon. I'm a Skagit Land Trust board member and a biologist and I love great blue herons. The Washington Department of Fish and Wildlife recommends that all colonies, regardless of size, be protected, but emphasizes that the highest priority be given to colonies with at least 20 nests. The Land Trust option and the County staff's option separate heronries needing protection under the critical areas ordinance into two categories: heronries with 20 or more nests and heronries with 200 or more nests, called mega-colonies by biologists. The Land Trust experience in stewarding and monitoring the mega-colony at March Point has made it clear that mega-colonies face unique challenges. Heron colonies are increasing in size as suitable nesting habitat becomes scarcer throughout our area. The mega-colony size at March Point makes it truly exceptional. It's the largest colony in the Salish Sea with over 700 nests, and its size preserves genetic diversity for a subspecies of great blue heron found only in the Salish Sea. Large colonies provide greater protection for the nesting herons within them, but their size makes them more vulnerable to disturbance. Early termination of even one breeding attempt in a large colony can result in a significant loss of offspring. This is a problem here in Skagit County where most of the breeding population is at March Point. Both our option and the County staff's option recognize that mega-colonies differ not only in size from smaller colonies but they need the greatest possible protection. Both options give mega-colonies a specific year-around buffer regardless of the degree of development of the surrounding area where they are located. The March Point heronry is currently the only active mega-colony in Skagit County. Given the documented sensitivity of its herons to humans and its hilltop location that allows no room for expansion –

(sound of timer)

Ms. Thornburgh: – it must be assigned the widest year-around buffer possible, which is either at 984 feet, per WDFW, or a thousand feet for Options 2 and 3. Thank you.

Chair Raschko: Okay, Steve Johnson, then Anne Winkes.

Steve Johnson: Okay, my name is Steve Johnson. I guess I'll spell that even though it's the most common name in America: j, o, h, n, s, o, n. I live at 211 5th Street in Anacortes, and, like Kathy, I'm a Skagit Land Trust board member. And I am here tonight because I love and respect the great blue heron just like I think a lot of you do when you get a chance to observe them.

The Skagit Land Trust conserves wildlife habitat for the benefit of our community and as a legacy for future generations. Our mission and the goals of the County's land use plans are mutually supportive. As the Planning staff points out – report points out, Skagit Land Trust's P-4 amendment proposal reinforces the County's Comprehensive Plan's direction to protect, conserve, restore, acquire, replace, and enhance critical areas. In this way, P-4 is consistent with Washington State's Growth Management Act. The Planning staff further says that P-4 does this in a way that preserves the integrity of the Comprehensive Plan while ensuring the Plan's systemic execution. Your staff also finds that P-4 is supported by the Capital Facilities Plan. In addition, by fostering the preservation, protection, and restoration of wildlife habitat, P-4 is consistent with Skagit County's Shoreline Management Master Plan. And finally, P-4 is consistent with Goal 10

of the Countywide Planning Policies, which states the importance of enhancing habitat areas within the county.

Now the Skagit Land Trust has conserved most of the land occupied by our county's three largest heronries either through direct acquisition or through conservation easements, and this has assisted the County in fulfilling the direction of its Comprehensive Plan. The trust has also worked on education. It educates the public –

(sound of timer)

Mr. Johnson: – in many ways about great blue herons. We've done presentations to our members, to other members of the community, as well as to the schools. And while education is important, it is not sufficient to give herons the protection they need. Skagit Land Trust will continue to educate the public and continue to acquire land for heron nesting habitat, as well as lands on which heronries are already located, but now we are asking the County for help. Skagit County's the only regulatory agency that can address disturbance of herons during the breeding and nesting season because the County Planning Department is the only entity that issues permits for most development and construction activities. Only the County has the authority to halt any legal development or construction activities. So together we can protect Skagit County's great blue heron population. Please help us do so by adopting P-4 into the County's critical areas ordinance. Thank you.

Chair Raschko: Okay, thank you. Anne Winkes and then Molly Doran.

Anne Winkes: I'm Anne Winkes, w, i, n, k, e, s. I live at 18562 Main Street in Conway. I am a Skagit Land Trust board member. I, along with other citizen science volunteers, monitor the heronries at Samish Island and on March Point.

County Planning staff recommends that you consider four options for Skagit Land Trust's P-4 proposal that amends the critical areas ordinance to better protect heronries from development and construction activities. Skagit Land Trust does not support Option 1, the take-no-action option. Current Skagit County Code language, which would remain in place if Option 1 is adopted, says that heronries should be protected based on WDFW's 2012 management recommendations for great blue herons; however, it does not indicate what constitutes a heronry or what lands are affected. It provides no guidance for landowners on how to create a habitat management plan. It provides no systematic way for Planning Department staff to understand or enforce the code. In fact, we cannot think of a time when this code has been enforced. Actions that negatively impact our County's heronries take place because neither the landowner nor the County is aware of what is supposed to happen to protect them.

Option 2, our proposed code language, is informed by WDFW's recommendations and details best practices. It makes it easy to understand what lands are affected and what a landowner should do. It spells out the size of the heronry that should be protected and the year-round and seasonal buffers that should apply. It details common sense measures that allow landowners to develop their property without disturbing nesting herons. Since every heronry is different, WDFW also recommends heronry-specific –

(sound of timer)

Ms. Winkes: – management plans. Our Option 2 considers the uniqueness of Skagit County's mega-colonies, in particular the huge colony at March Point. We advocate assigning March Point

the maximum year-around buffer in recognition of its tremendously important value in maintaining the Salish Sea's heron population and its great vulnerability to human disturbance. This aligns with WDFW guidance. March Point heronry falls partly under the County's jurisdiction and partly under that of the City of Anacortes. Importantly, our Option 2 helps align County regulations with those of the City of Anacortes concerning the March Point heronry. Thank you.

Chair Raschko: Thank you. Okay, Molly Doran, followed by Tim Manns.

Molly Doran: Good evening. I'm Molly Doran. I'm the executive director of Skagit Land Trust and our address is 1020 South Third in Mount Vernon.

Currently there are three heronries in the county that would fall under P-4, our proposed amendment to the critical area ordinance. Skagit Land Trust has land in or around each of those heronries but we are not the only landowner. In fact, there are other landowners here in the audience tonight.

Our specific code language, Option 2, identifies restricted activities, particularly during the nesting season, but they don't preclude landowners from developing or using their properties. In fact, our code language identifies mitigation options directly based on WDFW guidance. They allow a landowner to develop parts of their property when specified considerations are followed. For example, if there is no other location on a particular property that is outside of the year-around buffer where the proposed development could occur, construction projects should be sited as far as reasonably possible from nests. They should be located where the nest will receive the greatest visual screening possible from all project disturbance. This is WDFW guidance. Our Option 2 provides more detailed guidance than either Option 1, the do-nothing option or keep the code the same, or the Planning Department staff Option 3. We feel this degree of detail provides important clarity for landowners making plans for their land. It will also help the staff issuing permits. More detail makes it more likely that everyone understands the parameters and less likely that permitting errors and/or conflicts occur.

We appreciate the Planning staff's willingness to work collaboratively with us in refining our proposal so it is written as proposed code. As the County's permitting agent for development and construction activities, they are the *only* agency that can regulate and enforce these activities so that they can abide by the County's critical area ordinances. We recognize that the staff's Option 3 contains an important notification and regulatory component lacking in our option. Option 3, the staff option, establishes a 1000-foot area around known colony nesting sites that would be –

(sound of timer)

Ms. Doran: – used to notify landowners and regulate development. It would require development permit applicants to submit a critical area site assessment and habitat plan consistent with WDFW recommendations and best available science. It requires notification of conservation organizations that manage heronries. These are excellent additions.

With the loss of coastal nesting habitat and urbanization, heron nesting areas are showing signs of stress. Skagit Land Trust is concerned that without articulated, clear guidance this charismatic and much-loved bird could face an uncertain future. We feel that the strongest protection for Skagit County's great blue herons would be codes that contain our Option 2 amendment language plus the staff's Option 3 regulatory and notification language. With this level of ordinance, landowners and heronries can be compatible neighbors living side by side in the Skagit. Thank you.

Chair Raschko: Thank you. Tim Manns, and then Dan McShane.

Marianne Manville-Ailles: We're going to switch – Dan _____.

Tim Manns: Tim Manns. The spelling of my name is m, a, n, n, s. I live at 1218 South 13th Street in Mount Vernon.

Commissioners, I'm here on behalf of the 270-member families of Skagit Audubon Society. We urge your support for Skagit Land Trust's proposed change to our County's critical areas ordinance to better protect great blue heron nesting areas. Skagit Audubon's members include a wide range of county residents. We are teachers, scientists, truck drivers, public servants, foresters, shipyard workers, business owners, students, nurses, attorneys, farmers, and more. Our politics are all over the map but we're united in caring about wildlife, particularly birds, and we all support protecting the habitat which wildlife needs. Our interest in birds is an important part of our quality of life here and springs also from a firm belief that development should accommodate the needs of wildlife as well as those of people. You all know that Skagit County is an especially important place for great blue herons, a species as iconic and numerous here as trumpeter swans and bald eagles. Why so many herons? The biologically rich bays of Skagit County; the fields and ditches where there are voles and mice to be had; and the fortunate and essential fact that there are still forests suitable for this bird's communal nesting.

A few years ago the sudden abandonment of the multi-hundred-nest heronry on Samish Island was a wakeup call. If we just take for granted that the conditions herons need will always be here, we will lose them. Imagine if the March Point heronry, the largest around Puget Sound and likely the second largest in the west, were to suddenly be abandoned and we had done nothing to prevent it. No one wants this to happen on their watch.

Skagit Land Trust has provided a true community service by stepping up and going through the complex process of developing a proposed change to the critical areas ordinance to help this iconic species remain a major presence in –

(sound of timer)

Mr. Manns: – Skagit County. We know that Planning staff has been very helpful working with the Trust; however, Skagit Audubon prefers the P-4 alternative developed by the Land Trust to the good but not likely as effective alternative put forward by Planning staff. We feel that the greater detail in the Trust proposal provides a level of specificity which will better ensure protection of the heronries and will also give landowners clearer guidance. The membership of Skagit Audubon urges your support for the Trust's P-4 alternative. Thank you.

Chair Raschko: Thank you. Dan McShane, and I apologize for them having difficulty reading the last name. Is that William Tuppermans? Okay. What is your name, sir?

Wim Houppermans: Wim Houppermans.

Chair Raschko: Okay. Thank you.

(laughter)

Dan McShane: Dan McShane. I live at 11129 (sic) Samish Island Road, and the abandoned heron rookery is on our property. It was very distressing when the rookery was abandoned. And

as a property owner that certainly would be affected by the buffers that are being proposed in the P-4, I looked over them and I am very, very comfortable with them and very supportive of them. I just would like to let you know as a property owner that would be affected by the buffers, I'm in favor of these buffers and protections.

Chair Raschko: Thank you.

Mr. Houppermans: My name is Wim Houppermans. I live at 3412 K Avenue in Anacortes. My first name is spelled w, i, m. My last name h, o, u, p, p, e, r, m, a, n, s. I'm a board member of Evergreen Islands and I'll speak tonight on behalf of our board and our members.

About 17 years ago Evergreen Islands was a party involved in the process that created protection of the March Point heronry. Since then we are very pleased with the work that the Skagit Land Trust has done to protect these herons, and I'm here tonight to support – to ask for the support for their P-4 proposal. That's it. Thank you.

Chair Raschko: Thank you. That's all we have signed up for P-4. Is there anybody else? Okay.

Ellen Gray: Hi, my name is Ellen Gray. I live at 1303 South 11th Street in Mount Vernon, Washington, and I would just like to lend my support to the P-4 option. I also would urge the Planning Commission to also include the notification requirements that were under the staff option. And I think together that could strengthen the protection and the clarity around the buffers for the blue heron. Thank you.

Chair Raschko: Thank you. Anybody else on P-4?

(silence)

Chair Raschko: Just a reminder that anybody can put their notes or whatever they wish in the box at the back as testimony as well. So we'll turn now to docket item PL18-0404, which is the Mineral Resource Overlay Designation Removal. We have two people signed up. We have Marianne Manville-Ailles – I hope I said that right – followed by Dan McShane.

Marianne Manville-Ailles: But we're going to switch. Dan's going to go first.

Chair Raschko: Dan's going to go first. All right.

Mr. McShane: So my name's Dan McShane. I'm a geologist, an engineering geologist, and I did the investigation of the geologic units at the MRO a little over a year ago. And the MRO, as I understand it was designated – was because of two geologic units. One was alluvial fans and the second unit was glacial marine drift, which is somewhat surprising that that would be included because glacial marine drift tends to be very clayey deposit. ___ the first page that discusses that. If you go to your second page this is what was typically found in the test pits that were excavated, several of the test pits to a depth of as deep as we could go, which was 16 feet of clay all the way to the bottom. Another picture showing the blocks of clay.

So the glacial marine drift is really not an acceptable aggregate material. It's extremely unlikely it would ever be mined for gravel. The alluvial fan deposits are derived from the mountainside above. They were not as extensive as the geologic map indicated, and that material consists of phyllite and semi-schist. It might not mean anything to you but it's terrible material. You would never mine it for aggregate material.

And regardless of that, what I did do is – I think this might clarify. The color photograph toward the back that shows where the test pits were excavated kind of gives you a sense of the extent of where we did the test pits. We did not test every area. One reason is that if you look at that mineral overlay boundary in the aerial photograph, there's a yellow highlight –

(sound of timer)

Mr. McShane: – that runs down the middle. That are three high voltage transmission lines, two by Bonneville Power, another by another company, and then underneath the ground there there's also a large volume, high capacity natural gas transmission line. All of those would preclude mining. Each tower that's out there to move would cost somewhere on the order of \$100,000, per some information I got from Seattle City Light. You would not be able to excavate very deep even *if* the material was good. I was not comfortable taking a backhoe underneath it. And the back of the presentation or what I gave you is specific easement language that I highlighted regarding the easement's use by the Bonneville Power administration of the United States government restricting it to agricultural only. So –

(sound of timer)

Mr. McShane: – the idea of getting mining under there would be really difficult. So thank you.

Chair Raschko: Thank you. Marianne Manville-Ailles. I hope I said that right.

Ms. Manville-Ailles: Good evening. I'm Marianne Manville-Ailles with Skagit Surveyors and we are representing the Mangats. And Skagit Surveyors' address (is) 606 Fairhaven in Burlington.

So I just want to remind you of what the context of why we're here tonight. The property was platted in 2008. Nine lots were created with one area left to preserve the development rights for nine additional lots. In 2018 the Mangats came to the Planning Department to plat the other nine lots. They were told they couldn't do that because the zoning had changed and that now it restricted the development on their property. The Comprehensive Plan amendment was not something that the Mangats thought up on their own and came in and asked for. This was the process in the path that staff indicated to them was the way to resolve their issues. So this is not something that they just came up with on their own. Staff indicated that this was the way to go. They needed to get a geologist to do a report and show that whether it was adequate for providing the mineral resources and then we would move forward. The Mangats did that. We had numerous discussions with staff, including the natural resources people here. Nobody ever had an issue with the report that Dan had prepared. We were never told that it wasn't adequate. We were never asked to provide any additional information. We met with the Board of County Commissioners to vet this project. There were no questions that were asked about it. Everybody agreed that this was an appropriate course of action. We were never asked to modify any of our proposals. Never heard a single issue with this until December of this year when we were – when it was recommended to deny our request in the staff report. We weren't even given the courtesy of being called to say, Hey, look, we're thinking about this, in advance so that we could prepare additional materials.

So we find ourselves two years later in this with this recommendation for denial, and I can tell you we're very, very frustrated. When you met before and you had your last meeting on this you were asked if the property owners were notified before the Mineral Resource Overlay was put on them. No, they were not. Skagit County doesn't do that, as you all are aware. When Comprehensive Plan amendments are made they don't individually notice people. They never have. It's never

happened since they started this process in the 1990s and it's been a continual source of criticism by many, many people.

So how is the Mineral Resource Overlay designated? Dan discussed that a little bit. It seems like it was a pretty slap-dash way of just randomly pulling a couple of different designations and slapping them on the map.

So you asked how many lots would be lost if this – and I guess there was a comment – I watched the video and saw that you said that you would only lose two lots. It could be as much as four or five lots. And that may be the entire profit for these people in this deal.

I want to encourage you to look at the application because we did talk about this being designated in error. We talked about a number of different factors for why this should not be within the Mineral Resource Overlay, and the staff only focused on the geological. I specifically encourage you to look at the land use, the surrounding land uses. The Comp Plan policies say that they should be – that it should not conflict with additional land uses. If you just do the –

(sound of timer)

Ms. Manville-Ailles: – on iMap, within 1000 feet you will find there're 122 lots, 60 of them one acre or smaller.

Chair Raschko: I'm sorry. Time's up. Thank you.

Ms. Manville-Ailles: And I just want to ask that the letters that came in –

Chair Raschko: Would anybody else like to speak to –

Ms. Manville-Ailles: – in opposition, if we could be provided with those letters and –

Chair Raschko: (gavel) Would anybody else like to speak to PL18-0404?

(silence)

Chair Raschko: No? All right. Thank you. If not, we will then turn to docket item C-1 through C-8. We have some people signed up to speak. First would be Marlene Finley, followed by Tara – and I apologize. I believe it's s, a, t, u, s, h, e –

Tara Satushek: Satushek.

Chair Raschko: Satushek. Thank you.

Marlene Finley: Good evening, everyone. My name's Marlene Finley. That's f, i, n, l, e, y. I live at 1410 Kellogg Place in Anacortes and I'm here tonight representing Evergreen Islands. I wanted to talk with you about C-4, the proposed modification regarding Trails in the Public Open Space of Regional and Statewide Importance, otherwise known as the OSRSI zone. County staff's recommending that trails be considered an outright permitted uses within the OSRSI rather than administrative special uses for which a permit is required. Evergreen Islands opposes this change because it would eliminate the requirement for public notice and impact disclosures for new trail construction. Trails are more than uses. Trails are fundamentally infrastructure. While trails are important within the OSRSI for public access, trail construction, trail uses, and trail management

causes impacts. Public notice of trail location, details of trail design and construction, as well as disclosure of impacts should continue to be required. Please keep in mind we're talking about areas of *regional and statewide importance*. These are extra special areas in our county. The current Skagit County Comprehensive Plan requires a review of proposals on a site-specific basis, and we believe this should continue. The County Parks and Recreation staff are very collaborative. They solicit input, they involve the public, they listen to many interests early in the process. If this were always the case, we would not need regulations, but as we all know, the players can change and the public could be left out of the process. Please reject staff-recommended C-4 modification and keep new trail construction as an administrative special use. Thank you.

(sound of timer)

Chair Raschko: Thank you. Tara Satushek.

Ms. Satushek: Good evening. My name is Tara Satushek. I'm a planner with the Swinomish Indian Tribal Community and I'm here to provide comments on two of the policy amendments. We will work to submit written comments to the record by the 24th. Thank you.

Regarding policy code amendment C-4, Trails in the OSRSI: This amendment would allow for new trails in the OSRSI zone, which is quite extensive. As a permitted use, it would no longer require an administrative special use permit. The Swinomish Tribe strongly supports new trails for the county's health and well-being but want to be sure that any new proposed trails and their trailheads does not adversely affect either environmentally sensitive areas or cultural resources. Although the trails and trailheads may require a grading permit and this may flag areas of environmentally sensitive or in cultural resources areas of concern, it does not provide a sufficient amount of notice or process where the County would ensure that these resources are adequately protected. The Tribe would like to see a process for new trails and trailheads that engages tribal cultural resource and environmental staff in the earliest possible phase. The required notice and opportunity to comment to ensure that tribal cultural resources and sensitive areas are adequately protected. The Tribe requests that this tribal notification be required in both the permitted use as well as the grading permit as an extra safeguard.

Regarding policy code amendment C-5, Habitat Restoration: We support this move to make a habitat restoration a more simple process in the majority of zoning districts with this proposed amendment; however, what we've realized in looking at this particular proposal is the outcome would be that habitat restoration will continue to be a hearing examiner special use permit in the Agricultural-Natural Resource Lands zone, whereas it will be a permitted use in the rest of the zoning districts. The Tribe would ultimately like to see the habitat restoration not have to be so difficult in any zoning district, particularly given the amount of salmon streams in the Ag-NRL zone, a land use zone that includes –

(sound of timer)

Ms. Satushek: – many miles of the Lower Skagit Basin with salmon streams like the Nookachamps Creek, home to Chinook and steelhead.

So again, we want to express our support for this amendment but state for the record that this – that a more simple permitting process should ultimately extend to the Ag-NRL zone, as well as to ensure that our imperiled salmon, as well as the Orca whales, (who) depend on them, can recover. Thank you.

Chair Raschko: Thank you. We have nobody else signed up to speak to C-1 through C-8. Is there anybody who wishes to do so?

(silence)

Chair Raschko: Okay, I believe that completes the list and so we will close the public hearing. Thank you, everybody, for coming and for your testimony.

So we'll turn to the Director Update.

Hal Hart: Good evening. Hal Hart. Just some brief remarks this evening, and the point is always to bring you an update that shows you how we're implementing the Comprehensive Plan. And today we've got several of them, so let me just see if I can –

Mr. Cerbone: Hal, if I might? If you can just bring up my screen –

Mr. Hart: Yeah, that'll work.

Mr. Cerbone: That has _____.

Mr. Hart: All right, go ahead. Do you want to advance? So news from the Commissioners' office. Continued work on long-term housing objectives, coordinating with the City of Mount Vernon weekly now. We're also continuing to work on the Fair relocation effort, and the idea being that potentially at some point there would be housing where the fairgrounds currently exist.

Community Development and Health are working with Catholic Housing. There's a project that's just moving forward now. They've received funding for that so there's funding from the County and funding from Mount Vernon. It moves forward and it's creating 72 units along College Way adjacent to the current graveyard there. That's the breakdown of where the funding is coming from.

And the next thing there is ongoing discussion with new developers interested in developing in the city and in the county. Growth Management is encouraging housing to go into the cities and away from cultural areas, away from salmon, salmonid streams if possible, and it's avoiding a lot of those other things. So where would you go? So the first thing the Cities would look at is first in the existing built-up area, so College Way. If you look around College Way, there's lots of property within College Way that's now empty. And so this would be 72 units in this one case.

Let's go to the next one. This is an update that I'm bringing to you today. This is – I just drove out there before the meeting and this is the 72 units by BYK. This is privately financed. The other one was publicly financed from a variety of locations, and it's just interesting: This is going to be mixed use. So we haven't seen that type too much around here and so that's new.

Just go to the next slide. So, again, that's the infill. That's the first site that I went out to. There's some old buildings out there. But the good point of that housing is it's within walking distance of a lot of services and it's also within walking distance of the college. So infill is good, especially in the commercial area. There's a lot of – in this particular commercial area there's lots of land that is vacant and so filling in those with housing does a number of great things. It protects ag areas because of the demand. So just these two proposals alone – so a considerable number of new housing units to come into the community. One in Burlington and one in Mount Vernon, okay?

There's a couple legislative things. This is the crazy part of the year. And as you know, when Growth Management got passed in the early '90s, at that time there were about 100 to 110 ideas each year that were coming into amend the law, but today it's a lot fewer but there're some really significant ones. And I don't – I'm not taking a position or anything. I'm just – it's really interesting what is coming forward. Here's just a couple examples. One is changing Growth Management – adding salmon recovery as a new goal. Another one would be updating the timing of the Comprehensive Plan and Shoreline updates going out – looking out to 2030 and making sure that as we adopt Comprehensive Plan updates that the Shoreline updates are better coordinated in the future. That would definitely be helpful. That last one does have the support of the County association. But there's lots more of those. I just brought you a small sample, but the list is very, very large this year and it's larger than it has been in the past. So thank you.

Vice Chair Mitchell: Hal?

Mr. Hart: Yes?

Vice Chair Mitchell: It's really nice seeing these things. Is it possible –

Mr. Hart: I can send you a more complete list of –

Vice Chair Mitchell: Yeah, a more complete list but also I think what might be helpful if you're okay with it is to when you do PowerPoint slides like this, can we get this posted on our Planning Commission webpage so we can refer to them in the future – to go back and look again?

Mr. Hart: Certainly. Yes.

Vice Chair Mitchell: That'd be helpful.

Mr. Hart: Okay.

Vice Chair Mitchell: Thank you.

Mr. Hart: Thank you very much. Any other questions?

Chair Raschko: Any other comments or questions?

(silence)

Chair Raschko: Great. Thank you. Okay, Planning Commissioner Comments and Announcements. Martha, any?

Commissioner Martha Rose: Nothing.

All Other Commissioners: No.

Chair Raschko: That's great. Well, thank you, everybody. I appreciate you coming out tonight. We'll stand adjourned (gavel).