

Skagit County Planning Commission
Discussion: Recorded Motion 2008 CPAs & Sanfi Acres;
Bylaws Review
December 1, 2009

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

Staff: **Ryan Walters, Deputy Pros. Attorney**
 Gary Christensen, Planning Director
 Carly Ruacho, Senior Planner

Chairman Jason Easton: Good evening. I call the Skagit County (gavel) Planning Commission to order. (It's) December 1st. Commissioners, you have the agenda in front of you. With your – without objection, I'd like to change the agenda slightly and change the order and move the bylaws review in front of the recorded motion so that counsel can attend another meeting. The purpose of this is to finish up some edits that got a little jumbled in the electronic world and then _____. And then to also at the end we'll have a short discussion about electronic or calling in, phoning in, for – potentially – for members to do. And if we do that – we agree to do that – we will include that in the – for those who can't attend the meeting – in the bylaws, and the counsel is prepared to discuss that.

So, with that, we'll turn it over to you, sir.

Ryan Walters: All right. So, yes, first of all apologies for the fact that we have to do this again, but the first time we had the wrong version of the document. It was missing quite a few edits and some of the edits were substantive enough that I wasn't prepared to recommend that version to the Board of County Commissioners for approval.

So we're back here with some additional edits, and if you approve these edits or something substantially similar to them, then I'll recommend it to the Board and the Board will pass it in a week or two weeks.

I also did incorporate into this version of the document the changes that you made on the last version of the document the last time we met. So those should

already be incorporated; however, some of the underlining here are, I think, some of Annie's edits. So let's see. The blue is me, the purple is Annie and whatever this color is is the Planning Commission – what you did at your last meeting. So the blue edits are probably the ones we would like to review most carefully.

Carol Ehlers: For clarification, are we looking at the bylaws that you sent out to us on the 5th of November?

Mr. Walters: Yes.

Ms. Ehlers: Okay. Just want to make sure I'm looking at the correct set.

Mr. Walters: Also if you have your own set, either on a computer or on paper in front of you, Word automatically and randomly assigns colors so they are not consistent between documents.

Chairman Easton: And, Ryan, there's – the changes – you didn't make any changes of things that we changed; you just made changes to the things that you had edited? Is that right?

Mr. Walters: Or the original.

Chairman Easton: Or the original. So the bylaw changes that –

Mr. Walters: That you made last time.

Chairman Easton: – that we made last time have not been changed by counsel?

Mr. Walters: Right. They're in this document still.

Chairman Easton: Annie?

Annie Lohman: A question then: On the ones that you mailed out, I have green. Is green purple?

Mr. Walters: Maybe.

Chairman Easton: It looks like green's blue.

Mr. Walters: I don't know. I didn't mail out the document, but also everybody who opened it will get different colors because Word randomly assigns colors.

Ms. Lohman: Okay!

Chairman Easton: Blame that on Microsoft. With that, we've got to – let's move on.

Ms. Ehlers: I understand that "H" is Annie?

Ms. Lohman: HP.

Chairman Easton: The HP ones are Annie's.

Ms. Ehlers: Well, I don't have any HPs. I have an H.

Ms. Lohman: Well, you have to put your cursor on it to see that.

Chairman Easton: Commissioners, the underlines that you need to follow are on the screen. Adjust your eyes to the ones you have written in front of you to match what you see on the screen. Disregard the colors. Let's move forward.

Ms. Ehlers: Everybody assumes that people have perfect eyesight.

Chairman Easton: You should all be looking at the screen, and if you have notes we'll do our best to make sure that they get – we get – this explanation from Ryan. Go ahead, Ryan.

Mr. Walters: All right, so as we move through there may be things that we covered last time, but I think they should be pretty straightforward and quick. For instance, I updated the references to Skagit County Code here. These are the same references; they're just different numbers now. So those are corrected. This purple here is an Annie edit. You deleted this last time so it's still gone.

Ms. Ehlers: Okay.

Mr. Walters: And then the blue edits here are my edits. I think it's likely these were edited last time. Purple is an Annie addition.

Ms. Ehlers: Wait a minute. You're going – you're jumping.

Mr. Walters: The Article renumbering I wouldn't worry about. That's a formatting change mainly.

Chairman Easton: Ryan, make a note of this that if we do – when we get to the last part of the discussion tonight, it would come in Article III, at the end of Article III, about attendance.

Mr. Walters: Okay. There was some discussion last time about the written ballot issue, so we ended up deleting that. But everyone's still aware that votes need to be taken at a public meeting and not in secret.

Duties of the Chair are spelled out here. These are mainly Annie's edits.

Ms. Ehlers: They're actually spelled out much more on page 5 when it comes to subcommittees.

Mr. Walters: On page 5.

Ms. Ehlers: Well, page 5 in the print version. Article VI.

Mary McGoffin: Let's just stay in order for right now.

Chairman Easton: Yeah. Ryan, stay in order please.

Mr. Walters: Yeah, there're – those would not be the complete list of duties of the Chair but duties of the Chair with respect to committees.

Article IV also has a few notes about the Secretary. We changed the language here, first to update Planning and Permit Center to Planning and Development Services. Also, to just make it simpler, it's just the Director is responsible and his designee will take the notes if the Director's not there.

Annie deleted most of these and reconstituted them, so I think that we can see that there're just a couple edits in blue here. Instead of "ensure" we have "create." And we don't have to obtain the services of a court reporter to create a transcript. It just says create a transcript.

Ms. Ehlers: Does "f" cover the issue that we have raised a number of times recently that we wish to see the findings before they go to the Commissioners?

Mr. Walters: Let's see. It does include draft recorded motions.

Chairman Easton: Do you want us to add the phrase "and findings"?

Ms. Ehlers: I think so. Four people have raised the issue lately.

Chairman Easton: Well, the one with "with findings" is the staff reports. She's talking about the draft recorded motion so it may be –

Ms. Lohman: That's "g," item "g."

Mr. Walters: There you go.

Chairman Easton: Thank you, Annie.

Ms. Ehlers: Okay, there it is. Good.

Mr. Walters: All right, so moving on – the rest, I'll remind you – those purple – are the ones Annie added.

“Rules of Procedure” is simply a title change. We deleted this text last time, this orange text, “binding written opinion” text.

I made a couple of changes here to the Quorum requirements section. We changed “Appearance of Fairness Act” to “Doctrine,” and then inserted “pursuant to RCW 42.36.900.” It was somewhat stylistic but I like to, when we are quoting or referring to state law, say that we’re referring to state law. Otherwise we pretend it’s some provision that we made up and if we made it up we’re free to change it, but we’re not because it’s a state law.

Ms. Ehlers: There’s another virtue for that. Should state law change –

Mr. Walters: We can refer back to it and update the text.

Ms. Ehlers: Yes, without spending a lot of staff time.

Mr. Walters: Yeah, I think it’s pretty important to make the bylaws and the code self-documenting in this way.

We deleted the “Minutes” section. I think Annie did that. It’s already covered in the duties of Secretary.

“Each member is entitled to cast one vote.” I deleted the section on “...a written ballot shall be cast” for election of officers, again to avoid the situation that we had before where we were electing officers without it being public.

Chairman Easton: If I recall right, after this came up the first time we actually go back and do some of the public meetings sort of research about voting procedures? I mean, because we were still trying to – you know, we were asking the question about whether or not we had to vote publically – actually declare who we voted for?

Mr. Walters: And the idea that you came up with was to write it down, sign your name and hand it to the Secretary to keep.

Chairman Easton: Does that need to be in the bylaws?

Mr. Walters: I wouldn’t recommend that you follow that procedure. I didn’t find any particular research on point there, but –

Chairman Easton: So of all the other commissions around the state that have to do this, do they just all stand here and go “I vote for Dave”?

Ms. Ehlers: Like we did the other day?

Mr. Walters: The Board of County Commissioners elects their officers that way.

Chairman Easton: Okay. All right.

Mr. Walters: Yeah. And I included a line – a separate line – that “Pursuant to the Washington State Open Public Meetings Act, all votes must be public,” and also included the words “roll call” here because we do need to know exactly who voted how.

Under “Regular Meetings” (I) changed the address. Oh, but those are Annie’s edits. Annie did most of the work on this.

Chairman Easton: Good job.

Mr. Walters: And then just more or less stylistically, “with approval of the Commission,” instead of “a motion and second” because it’s really not just a motion and second. It’s the motion, second and the vote. So little tweaks.

“Special and Emergency Meetings.” There was a lot of text in here but I’m not sure that it’s important to have it in the bylaws since it’s really referring to the RCW. So, again, I refer to the RCW and just provide a brief introduction so that you know you have the option. If you want to know how you exercise the option, you look at the RCW.

Ms. Ehlers: I have a question. There’s a bit of confusion. Regular meetings are usually thought of as the first Tuesday in the month, as we’ve set it up. But the Planning Department regularly calls meetings at other times, which I’ve always had the impression that they were special meetings.

Mr. Walters: Yes, I think they *would* be special meetings because they’re not regular meetings.

Ms. Ehlers: Well, in that case we ought to give them that privilege here in Section 5.

Mr. Walters: Yeah, you could include it.

Chairman Easton: Why don’t you just include “The presiding officer or Director of Planning”?

Ms. Ehlers: Well, or add “...a presiding officer or a majority of members or the Director of Planning may.”

Mr. Walters: Do you want to say “Secretary”?

Ms. Lohman: Ryan – may I ask him a question, Mr. Chair?

Chairman Easton: Sure. Of course.

Mr. Walters: The other alternative –

Ms. Lohman: Isn’t it – before you start typing – isn’t it actually, though, *our* Chair that convenes us?

Mr. Walters: Yeah, the other alternative, as I was going to say, is –

Ms. Lohman: You know, you guys get together with Gary but it’s actually the Chair that –

Mr. Walters: Right. Gary –

Ms. Ehlers: Not in my history.

Mr. Walters: – Gary or Carly or Patti or whoever wants to set a meeting on a certain day, basically they are doing it with the consent of the Chair.

Ms. Lohman: Because we are the elected – or the appointed – panel, not Gary.

Mr. Walters: Right.

Ms. Ehlers: That’s not the way it used to be handled when I was Chairman.

Chairman Easton: So in theory, then, before being scheduled I’m supposed to be contacted?

Ms. Ehlers: Well, no.

Chairman Easton: Is that what you’re trying to say, Ryan?

Mr. Walters: You – under –

Chairman Easton: Or I would have to agree to that meeting?

Mr. Walters: As it is written here.

Chairman Easton: Okay, so, we’re on page 5 of 14 so I want to keep us moving, but I don’t have any objection to the Department leading on when they schedule us to meet.

Ms. Ehlers: I would hope not!

Chairman Easton: Because I just – I don't think that that's a concern. If there's someone who has a concern with that, why don't you say so now and we'll keep moving forward here. Are you concerned about that?

Ms. Ehlers: I don't know how the Department could get it done if they *didn't* plan it.

Ms. Lohman: Well, I think they plan it in conjunction with the Planning Commission. I don't think it's –

Chairman Easton: I think we're getting into semantics. I have no issue, as Chair, and I don't believe any of those two former Chairs on the Commission.

Ms. Lohman: I mean you could weigh these bylaws down that they become so tortuous that –

Chairman Easton: Well, they're a lot less tortuous than they used to be. I'm thankful for that. But I don't see a problem with – you know. So is there anybody who objects to the idea of adding this phrase? Okay, so there's no objection so we're going to move forward.

Mr. Walters: All right, I changed the word "notice" to "agenda." "Any regular" – or no, I guess I did not. Sorry; that was Annie. "Any regular meeting, special meeting, or public hearing may be adjourned to a specified time and place." Just adds the words "public hearing."

"Public hearings may be continued in the same manner as adjournments." Just shorter – shorter is better.

Committees. "To ensure compliance with the Open Public Meetings Act, no committee may include a quorum of the Planning Commission." That's pretty important because if you have a quorum you have a meeting. If you have a meeting you need to have an open public meeting. If you have to have an open public meeting you have to have notice, in which case you might as well just have a meeting of the whole Planning Commission. So I recommend that one.

And then Annie deleted all this stuff keeping you ethical, but we have other stuff that keeps you ethical.

Chairman Easton: I'm sure the public appreciates you pointing that out! She's eliminated all the ethics!

Mr. Walters: Under "Quasi-Judicial" – under the former "Appearance of Fairness Act" section, I added – I changed the heading there to "Quasi-Judicial Actions"

because the Appearance of Fairness Act only applies to quasi-judicial actions. It does not apply to legislative actions, legislative actions being approval of comprehensive plans; quasi-judicial actions, including rezones.

So for quasi-judicial actions you are bound to comply with the Appearance of Fairness Doctrine articulated in RCW 42.36. Now I think that there were a few differences in the text here, as compared to the RCW, so, again, I deleted those references. If you want to know about the Appearance of Fairness Doctrine, which you should, you should look it up in 42.36. It's pretty straightforward. It's not really legalese.

And then there's a couple other notes in here to correct some of these issues. "If a member of the Commission" – wait a minute. That's Annie again. I'm not sure why I keep making that mistake. Okay, so the blue text, again pursuant to 42.36, "...during the pendency of a quasi-judicial proceeding, members should avoid ex parte communications about the proposal." It's in the state law but it's probably important enough to highlight here. And it's the introduction to this sentence. Because it's not just that if you *had* an ex parte communication; it's you should avoid them in the first place.

"The member shall make a public announcement of the content of the communication," which is consistent with the RCW and different from the original.

Chairman Easton: So then it goes on to say "...at each hearing and provide an opportunity for parties to rebut the substance of the communication." If a member of the Commission objects – so Dave announces his ex parte communication but he intends – but still believes he's in compliance, wants to stay – you know, wants to continue to participate – and a member of the Commission objects or a member of the public objects, it's been sort of our practice that that was a – was something that we did that actually would be part of the decision that was made.

Mr. Walters: Right. As it reads here, "...the member shall place the substance of the written or oral communication on the record at each hearing and provide an opportunity for parties to rebut the substance of the communication, and allow persons to challenge his or her participation in the hearing," which assumedly would mean anybody in the audience could stand up and say, "I challenge," and – bam! – you're gone.

Chairman Easton: Okay, so that explains the rebut. So I'm just wondering if the "at each hearing and provide an opportunity" for rebuttal is just redundant then.

Mr. Walters: "...provide an opportunity...to rebut the substance of the communication."

Chairman Easton: Since “All Actions” stuff under Section 2 covers all that. That’s fine. We can leave it in. Let’s move on.

Mr. Walters: Well, Section 2 is slightly different in that it applies to members who, in their own opinion, have a pecuniary interest in a matter. Now it previously read – this was moved down from up above and because it was edited in Word 2003 there’s no indication that it was moved. But this section with some edits existed before. It used to just say “interests.” Now assumedly all of you are interested in some way in most of the things that occur here or you’d be finding something else to do with your Tuesday nights. So I added “pecuniary.”

Ms. Ehlers: I think that’s very sensible.

Chairman Easton: Okay. That’s enough on that.

Kristen Ohlson-Kiehn: Sorry, I have a question on the paragraph before. So we’re saying that if you have to disclose something, all you have to do is disclose it - something that someone has said to you – and then if that person is present, they can rebut –

Ms. Ehlers: No.

Ms. Ohlson-Kiehn: – the information that you’re conveying?

Mr. Walters: No, not the person that said to you, but the parties. The parties are the ones with interests in what is going to occur at the Commission. So the parties can rebut.

Ms. Ohlson-Kiehn: Okay, so what happens once they rebut? Okay, so just the parties – it’s not anyone, so just the parties – so what happens when they rebut what you’ve just communicated? What happens next?

Mr. Walters: That’s it.

Ms. Ohlson-Kiehn: So there’s no –

Mr. Walters: So you’re not eliminated from voting simply because you had an ex parte communication.

Chairman Easton: You just have to disclose it. They can counter – counter what happened.

Ms. Ohlson-Kiehn: Okay, but doesn’t it seem significantly different than before? Or no?

Mr. Walters: Yes, it is significantly different from before.

Ms. Ohlson-Kiehn: Well, so why are we making that decision to make it significantly different?

Mr. Walters: I made that change because, one, I didn't think it made sense the way it was written, and, two, it wasn't consistent with the Open Public Meetings Act. But it doesn't *have* to be. It can go beyond the Open Public Meetings Act.

Ms. Ohlson-Kiehn: Okay.

Mr. Walters: So you *could* change it back to the way it was.

Ms. Ohlson-Kiehn: Oh, I see. But it's more consistent the way it's written now with the Open Public Meetings Act.

Mr. Walters: Right.

Ms. Ohlson-Kiehn: Okay.

Mr. Walters: Because as indicated before, anybody could stand up and challenge. It just says "challenge." It doesn't say "challenge with explanation," "challenge with a vote," "challenge –

Ms. Ohlson-Kiehn: Okay.

Mr. Walters: It just says –

Ms. Ohlson-Kiehn: So then because my understanding –

Mr. Walters: J'accuse!

Ms. Ohlson-Kiehn: – my understanding was that then if somebody challenged you that it would be the Chair that would be arbitrating whether or not you could continue to participate as a Planning Commission member. Is that not –

Mr. Walters: That's one way to handle that, but that's not how it was written.

Ms. Ohlson-Kiehn: Okay. And is that not part of the Open Public Meetings Act? The idea that the Chair is arbitrating that whole dynamic?

Mr. Walters: Say that again.

Ms. Ohlson-Kiehn: Well, where did the idea that the Chair would arbitrate the rebuttal – the challenge – from the whoever to the Planning Commission member? Where did that come from? Is that just something we made up in our own bylaws or is that –

Mr. Walters: I don't think it was in the bylaws. Was it in the bylaws?

Gary Christensen: I don't recall.

Chairman Easton: I don't recall ever reading that.

Ms. Ehlers: I think some of this is from the Appearance of Fairness Doctrine because of what happened in Skagit County in 1967 or '68.

Mr. Walters: Well, let's see if we –

Chairman Easton: But adding that would be going – what you said you *could* do – just to go beyond that if you added that. So I mean it's – it's possible.

Ms. Ehlers: Well, in the original case that started the Appearance of Fairness and this whole question of challenging, the County Commissioners started a hearing on the Guemes aluminum smelter. After some minutes – twenty or so minutes – at the hearing, the Commissioners took the applicants into a back room, talked to them for a half-hour or so, came back in and voted for the smelter to be permitted. On that grounds it was successfully challenged and stopped.

Chairman Easton: Thank you for that background. Ryan?

Ms. Ohlson-Kiehn: Okay, I get it. So you can still – according to the Public Meetings Act, it looks like you can still participate as long as that's on the record. Then if somebody wants to challenge it at some point they can.

Ms. Ehlers: And the County can take the risk of somebody suing to stop whatever it is you've decided, which is why we've always been cautious.

Chairman Easton: But let's just remember the context and then get back on to that.

Ms. Ohlson-Kiehn: Okay.

Chairman Easton: The context is *you're a recommending body*.

Ms. Ohlson-Kiehn: Right.

Chairman Easton: We're not making – we don't make final decisions, so before they go to the Growth Hearings Board they're going to have to go through the Commissioners. So let's not get bogged down.

Ms. Lohman: Well, can I just make one? Maybe it'll tie it all together. These are not necessarily separate points. They are all about conflict of interest in a quasi-

judicial action. So you have to kind of read the whole thing. It's – in one of the earlier drafts, it was headed "Conflict of Interest and Appearance of Fairness for Quasi-Judicial Actions." So that's the context that it's in.

Ms. Ohlson-Kiehn: Okay.

Chairman Easton: Okay.

Carly Ruacho: I think as it's written – Ryan, correct me if I'm wrong – I think an important distinction from what Kristen said is that the Chair doesn't get to arbitrate. If someone challenges – if you have disclosed that you have an interest but you feel you can participate – if someone challenges it, that's it. You're out. There is no arbitration.

Chairman Easton: Which is why the Chairs in the past and myself have asked Commissioners if they chose to challenge, staff or the public.

Ms. Ruacho: Right.

Ms. Ehlers: Exactly.

Elinor Nakis: Now I have a question. I was actually called before the first meeting that I came to by one of my neighbors who said, you know, I want to talk to you about this issue that's coming in front of the Board and just give you my opinion and give you the history of what I know. And so is that something that I need – is that what you're talking about?

Ms. Ehlers: Mm-hmm.

Ms. Nakis: That needs to be disclosed? Even if they're really not – they're not the people that are asking for these things to be done. They're just interested parties.

Chairman Easton: If we're having a hearing about a specific project, yes. If they called you to talk to you about the Comp Plan update, you know, we're not going to – we're not going to all spend all of our time talking about who talked to us about the Comp Plan. But if it's a project-specific – I mean that was another phrase for it, but – there's actually the parties coming before us, yeah. Whether they're a party or not, you should just disclose it.

Ms. Nakis: Okay. Okay.

Ms. Ehlers: I was always told that any one of us and anyone in the Commissioners or anywhere could teach process as much as anyone had questions on it, but that substance was a no-no. And since much of the time I

have found people really were kind of desperate for process, when they would call I'd say, "I can talk about process," and that clarified it all.

Chairman Easton: Okay. Ryan, let's move on.

Ms. Nakis: Thanks.

Mr. Walters: So I don't hear you asking for a change.

Ms. Lohman: Correct.

Mr. Walters: So the next paragraph after the one about pecuniary interest is the one if you – "If a member of the Commission or his/her immediate family has a pecuniary interest." Hmm, I wonder if this was supposed to be deleted? This is very similar to the last one and it's the old text.

Ms. Ruacho: No. I mean, are in the last paragraph of Section 2?

Mr. Walters: Yeah.

Ms. Ruacho: So the first one is that you feel it would prejudice and you step down. The second paragraph is you have a pecuniary interest but you don't feel it would prejudice and then it leads to a challenge.

Mr. Walters: Right, leads to a challenge. And because this is a pecuniary interest, the challenge is the only step required here. But maybe you want it to be different.

Chairman Easton: Nope.

Ms. Ehlers: Well, let me ask a question.

Mr. Walters: Because this is a case where you actually have pecuniary interest.

Ms. Ehlers: There was a situation a couple of years ago when we were doing a Mineral Resource Overlay. It was part of the Comp Plan, but it was a specific site spot and it dealt with a water system in east county. I don't know anybody, I have no pecuniary interest. I didn't call and tell them that they were about to be screwed because I didn't think it was ethical. But according to this, since I have no pecuniary interest in it at all, I *could* call these people and say, Look, you guys are really in trouble. And I'm not sure that that should be allowed. That's why I didn't.

Mr. Walters: Well, yeah, I guess – first of all, that's slightly different because this deals with incoming communications, although it does have – the earlier section talks about avoiding ex parte communications.

Ms. Ehlers: And, you see, quasi-judicial –

Mr. Walters: But a Mineral Resource Overlay –

Ms. Ehlers: It's going to destroy their water system wellhead protection area.

Chairman Easton: It's both. I mean, it's both –

Mr. Walters: So the question, then, is you would like some provision that would prevent you from –

Ms. Ehlers: I only want clarity.

Mr. Walters: Okay, whether you would be able to –

Ms. Ehlers: Whether I see this – if I see something like this in the future or anyone else of us sees it in the future, what are we to do?

Mr. Walters: So you would be instructed by the bylaws, as well as state law, to avoid ex parte communications.

Ms. Ehlers: That's why I didn't.

Ms. Ohlson-Kiehn: If somebody asks, you wouldn't be able to do it.

Chairman Easton: Okay. All right, take us to Section VIII, sir.

Mr. Walters: All right, Section VIII, Amendments. There was a lot of language about reviewing the bylaws at least once every three years during or prior to a regular meeting. Some of this text was problematic: "during or prior to a regular meeting." If it's prior to a regular meeting, does that mean it's at another regular meeting prior to the first regular meeting? If so –

Chairman Easton: Really – really, can't – Ryan, you can take the shorter version on these.

Mr. Walters: So the new version says you'll do it every once in a while. And I think maybe we talked about this at a very early meeting –

Ms. Ehlers: We did.

Ms. Lohman: We did.

Mr. Walters: – and you provide the draft ahead of time – before – so you can't – it's almost like a to-read rule where you can't adopt it at the meeting that you've –

Ms. Ehlers: Yes, that's one of the basic things in Robert's.

Chairman Easton: Okay, so I have one question about – at the top of the next page. I thought we didn't have the power to approve our own bylaw changes, that we can only recommend those and the Commissioners have to approve them.

Mr. Walters: That's right.

Chairman Easton: Did I misunderstand that?

Ms. Lohman: You needed to turn the page; it says that. It's on page 8 at the top.

Ms. Ehlers: The next sentence deals with that.

Chairman Easton: But that says any changes – it said – that's what I'm saying: It doesn't reference the County Commissioners.

Ms. Lohman: It does – the very last line.

Chairman Easton: Oh, wait.

Ms. Lohman: Page 8, the very last line.

Chairman Easton: Oh, the *black* line. Okay, I misunderstood.

Mr. Walters: Here's the final version.

Chairman Easton: Ah, gotcha. Thank you.

Mr. Walters: "Any changes ... require a majority ... and approval by the Board of County Commissioners."

Chairman Easton: Perfect.

Mr. Walters: And then the final line, these changes repeal all the previous versions.

Chairman Easton: Okay.

Ms. Ehlers: Okay.

Mr. Walters: And then we did not change any of these Simplified Rules of Procedure.

Chairman Easton: The Appendix is all intact.

Mr. Walters: Now you had another item?

Ms. Ehlers: You have an appendix?

Chairman Easton: We have a discussion that we need to have and then we'll potentially have something you need to draft for us.

Ms. Ehlers: No, we have an appendix issue. It's – unless you've clarified it.

Chairman Easton: Okay, which page?

Ms. Ehlers: If you turn in the Appendix, the Simplified Rules of Procedure, you get to page 2 and it's number 1(g), which is at the top of page 2, and you refer (to) "procedures outlined in the Bylaws, Article VII." You need to correct that.

Mr. Christensen: Correct the reference?

Ms. Ehlers: Correct the reference.

Chairman Easton: Yeah, back to the bylaws.

Mr. Walters: Okay.

Ms. Lohman: And you need to change the Chair name on the signature page.

Ms. Ehlers: Mm-hmm. Now there's something else that I've mentioned before but it – I'm not sure it's in here yet. According to this process, before deliberation the Planning Commission shall not – "should not begin deliberations on matters before them until the Chair calls for a motion."

Mr. Walters: Where are we reading?

Ms. Ehlers: Process. Page 3, (2) "Process."

Mr. Walters: Okay.

Ms. Ehlers: Now we have more than once had a large topic within which there was a specific subject that we needed to decide upon. And if you require a motion first then you've already directed how that topic is to be considered at all and you've left out sometimes a big section of it.

Later in the deliberations section, in 3, "Other Meeting Guidelines," the first one: "When a topic is first introduced or a main motion is made..." And all of this is very sensible. This is the way we've actually operated most of the time. We

have a topic, we discuss it, and then once we have narrowed the dimensions of that topic then there's a motion.

Ms. Lohman: But, Carol, the Robert's requires a motion to even have the discussion.

Ms. Ehlers: Robert's no longer deliberates.

Chairman Easton: And under the new – and let me be clear; let me be very clear: After the unanimous election of me as your Chair, I'm going to follow this pattern and not the general discussion, boil it down, then have a motion, not have any discussion, then vote on it. This is the policy that I'm going to follow.

Ms. Ehlers: So you're going to have a motion.

Chairman Easton: Yes.

Ms. Ehlers: That means somebody walks in the room, says "I move to agree to such and such" –

Chairman Easton: Yes.

Ms. Ehlers: Somebody seconds it and that's the end. We don't talk about it.

Chairman Easton: No, we start discussion.

Ms. Ehlers: Oh, no, we don't. That's not what we've done three or four times in the last year.

Chairman Easton: Okay, I just want to be really clear.

Ms. Ehlers: And I want to be clear.

Chairman Easton: **That** in the future that I believe –

Ms. Ehlers: I don't want to be railroaded the way I have seen – have been railroaded once in a while here and then I watched in graduate school. That is a very dangerous thing.

Chairman Easton: Okay, I don't believe that this – okay, I don't believe that this process would allow for you to be railroaded.

Ms. Ehlers: Oh, yes, it does. I've read Robert's too often.

Chairman Easton: Well, I'm going to put it to the wisdom of the Commission. Is this an area where you want to weigh in and change, or do you want to follow

these as they're described? Because up until today – up until just now – I didn't realize there was any disagreement about how to follow that.

Ms. Ehlers: We've discussed this. I've brought this up at the three previous discussions of the bylaws.

Chairman Easton: Okay, I'm asking the rest of the Commissioners to weigh in.

Ms. Ehlers: And you've been here.

Ms. Lohman: Mr. Chair?

Chairman Easton: Yeah? Annie.

Ms. Lohman: All motions have the ability to be amended. You can't make a negative motion, but you can amend the motion and then you vote on the amendment and it moves on. But you don't vote after the motion is made. You have a motion and a second and then you have a discussion and then a question is called and that is the vote.

Chairman Easton: That's –

Ms. Ehlers: And you can call the question immediately after the motion is seconded. That has been done. Here.

Chairman Easton: I want to hear from the other Commissioners. Kristen.

Ms. Ohlson-Kiehn: I guess I don't have a problem with the structure that you wanted to follow that's laid out in the bylaws. But I would like to say that it *would* be nice if we could, as it's mentioned, come up with a way to _____ a little bit more.

Ms. Ehlers: Thank you.

Chairman Easton: Sorry, I missed that last part. You'd like to see us –

Ms. Lohman: You missed the important part.

Chairman Easton: I know. That's why I wanted you to repeat it.

Ms. Ohlson-Kiehn: I think – I don't want to change this.

Chairman Easton: Okay.

Ms. Ohlson-Kiehn: And I'm okay with what you're proposing, but I do feel like when we're talking – when we're deliberating – that we do need to have more discussion.

Chairman Easton: Yeah. I mean I think –

Ms. Ohlson-Kiehn: Because we're just sort of – we haven't quite _____ yet.

Chairman Easton: It's not my intention – it's not my intention as I chair the meeting to cut off reasonable discussion – you know, length of discussion – about an issue and call for the question. And as the Chair, I would *object* to someone calling for the question before discussion. So – I mean, and – Ryan?

Mr. Walters: You can call for the question, but whether you vote or not requires a vote.

Chairman Easton: Correct. You have to have a majority to even call – to actually call the question. Just because somebody says "Call for the question" doesn't mean I have to call for it as the Chair. Right?

Mr. Walters: Right.

Chairman Easton: I need to have a majority of the Commission agree to call for the question, which should protect us from –

Ms. Ohlson-Kiehn: Yeah.

Chairman Easton: – the concerns of your concern and Carol's concern that we would either a) railroad, or b) not have enough time to discuss.

Ms. Ohlson-Kiehn: But my concern isn't those rules. I like those rules and I like learning more about what the flexibility is. I'm just sort of saying as a general thought to the discussion that we should –

Chairman Easton: – have time to discuss. Yes.

Ms. Ohlson-Kiehn: – add a little more about things.

Chairman Easton: I agree. Are you feeling like we're not chatting enough?

Ms. Ohlson-Kiehn: I do feel like we're not chatting enough.

Chairman Easton: Okay. Well, I'll keep that in mind.

Ms. Ohlson-Kiehn: But I don't think it's your fault. I don't think it's a fault thing. I just think it's like a comfort level.

Chairman Easton: Okay. That's fine.

Ms. Lohman: The beauty of it, though, is it keeps you on task.

Chairman Easton: I agree.

Ms. Lohman: Without getting sidetracked.

Chairman Easton: Does anyone else want to speak to this issue? All right, then we need to move forward. Oh – Elinor?

Ms. Nakis: Well, I guess I would just say that that first motion would be the motion to have a discussion.

Chairman Easton: Well, it's going to be a motion on whatever the issue is and then we'll discuss it.

Ms. Ehlers: That's never been what we've done.

Mr. Walters: And here's your section: "Motion to End Debate and Vote or Call the Question" – either is the appropriate title – "Applies only to the motion on the floor." It's not debatable. It requires a vote. Okay, it's in there, even in this abbreviated version.

Ms. Ehlers: Mm-hmm.

Mr. Walters: All right, so I have to go pretty quickly. The question that you were asking before is whether –

Chairman Easton: Yeah, let's have a really brief conversation amongst – I mean, we're going to – what time do you have to leave?

Mr. Walters: Seven.

Chairman Easton: So there we go; there's the parameters on our debate. The question has come from Annie and over the years from others about the potential to participate basically what I'll call "electronically," so that we don't add verbiage that says it has to be by the phone or whatever, because eventually you could skype into the meeting, or something like that. So do we want to allow for folks – members of the Commission – to participate via electronically either during public hearings and/or deliberations or information sessions? Because at this point we have no – not yet; I'm not going to vote to accept the amended minutes until after we might – we might amend them one more time, so I don't want to vote on that yet. So what's the Commission's thoughts about this? I asked you to ahead of

time to think about this, so hopefully you've put some thought into it. What do you think? Anyone want to chime in?

Ms. McGoffin: Well, I think we need to verify that that person is, in fact, who they say they are somehow because we don't know for sure when we can't see them. So there'd be the one issue of security, I guess. Is actually one of our Commissioners on the other end of the line?

Chairman Easton: So we could all have a secret question.

Ms. McGoffin: A password!

Chairman Easton: Who was your favorite pet? Okay, so we'll – that can be addressed, I think.

Ms. Ehlers: What does the word "at" mean, Ryan? A vote *at* the meeting?

Mr. Walters: I'm not sure I would attach too much significance to it. I don't think that I would say that because of the word "at" you would – yeah, that it would preclude –

Chairman Easton: There are neighboring governing bodies that do allow for this. The Port commissions – I believe both the Port commissions do. I mean, I just – as a reference.

Mr. Walters: Yeah. We have a couple of options here. One is to write it into the bylaws. Another is to have –

Chairman Easton: Before we let you go that way, we need to decide whether we even want to do it. So that's what I'm trying to get done in seven minutes or less.

Ms. McGoffin: Well, I just want to say I think it'd be more efficient to be able to have nine votes because that prevents, you know, a three and three or, you know, something being held up for the public because we didn't have enough people to vote on it. So I could see the advantage of having nine votes.

Chairman Easton: I really think we'd benefit better as an organization if we're sending findings and not just sending transcripts. Carol?

Ms. Ehlers: I can see that advantage, but we tried this at the water system board I was on about two months ago and the audience was enormously upset because they could not guarantee that it was the person calling – we did it by cell phone and it was on speaker phone – and the audience could not hear the way they wanted to, which is something you could deal with here. The audience was uncomfortable procedurally with the fact that we did it. We did it for exactly the kind of reason that Mary mentions, but what I have found with this group – this

board I'm on – is they don't show up enough and you don't really want a planning commission in which four people regularly show up and five people call in. And we're all busy. So I think it might be better to continue what we have done until – especially with the County, if it's going to give up its fancy recording equipment.

Chairman Easton: Does anyone else want to speak before I entertain a motion, or even if I am going to entertain a motion? Matt?

Matt Mahaffie: I would be personally uncomfortable with just voice. I mean, if it was a webcam, if they could see and they could be seen I'd be much more comfortable than just voice. I don't like talking to a voice out of the air.

Chairman Easton: Well, and I forgot to add there is the ability while we're being telecast, assuming that we continue to be telecast, that you can watch – that person could watch the hearing online so they would see the presentations that staff make and the proponents and such.

Ms. Ehlers: I've been party –

Chairman Easton: Well, we really need to move forward because we told Ryan we would.

Ms. Ehlers: I've been party to discussions where everybody was on video so you could see everyone but not everybody was in the same room. That worked very well, but it requires the kinds of facilities that I don't think we have yet.

Chairman Easton: Okay. Is there –

Mr. Walters: With all the money in our tech budget, I think we can make it happen.

Chairman Easton: Kristen, am I rushing discussion again? Sorry – just was too ironic! So does anyone want to make a motion to add this to the bylaws? If we do, we'll work on the wording with you.

Mr. Walters: No, actually I'm suggesting you *not* add it to the bylaws and you just request the County Commissioners add it to the Skagit County Code, Title 14, General Provisions.

Chairman Easton: Really?

Mr. Walters: Yeah. That way there's no question about –

Chairman Easton: That sounds simple...

Mr. Walters: No, no! That would be simple for a couple of reasons. One, I could work on the verbiage so that we're not drafting it here. Two, it would be in the code, it wouldn't be a development regulation so it wouldn't have to –

Chairman Easton: Okay, you're getting ahead of me again! ____, so let me find out if we want to do it and then that would be the way we'd do it.

Mr. Walters: Okay.

Chairman Easton: All right. Do you want to do it?

(silence)

Chairman Easton: Okay, so that's done. Thank you, Ryan. I'll entertain a motion now on the amended version of the minutes – or the bylaws.

Mr. Christensen: I have a question.

Chairman Easton: Yeah?

Mr. Christensen: There's one, I think, additional reference that needs to be changed in the Appendix, page 3, subsection 2 "Process," c "Voting," ii. I think that needs to be Article V, Section 3 – where it's referring to voting.

Mr. Walters: How about we say "roll call or voice vote"?

Ms. Ehlers: That makes more sense.

Chairman Easton: But –

Mr. Walters: Good catch.

Chairman Easton: So the Chair will entertain a motion to approve the bylaws as amended – or *recommend*, excuse me. The Chair will approve.

Ms. Lohman: The Chair can't make a motion.

Chairman Easton: The Chair would ask for a motion to recommend these changes to our bylaws to the County Commissioners.

Jerry Jewett: I'll so move.

Ms. Lohman: I'll second.

Chairman Easton: It's been moved and seconded to recommend these changes to the County Commissioners. Is there any discussion?

(silence)

Chairman Easton: Sure? All those in favor?

Mr. Jewett, Ms. McGoffin, Chairman Easton, Ms. Ohlson-Kiehn, Mr. Mahaffie, Ms. Nakis, Dave Hughes and Ms. Lohman: Aye.

Chairman Easton: All those opposed?

Ms. Ehlers: I'm going to abstain.

Chairman Easton: Any abstentions? All right, let the record show we had eight for and one abstained. Commissioner Ehlers abstained – just so you make something in the transcript.

All right, with that –

Ms. Ehlers: One of the things that we have begged for in the past is some explanation – brief – as to why we've done it, and I did it because I really want –

Chairman Easton: Oh, you want to explain why you abstained?

Ms. Ehlers: Yes, I think that's the fair thing to do.

Chairman Easton: That's fine. If you – I mean, in the future if any of you want to explain your abstentions go ahead, as long as they're brief.

Ms. Ehlers: Yes. I like discussions of topics and then precise motions.

Chairman Easton: Okay, so noted. All right, thank you, Ryan.

All right. Staff, I think at this point then we will go ahead and move – and the Commission will move on to the Recorded Motion Review of the 2008 Comprehensive Plan Amendments. You have – you were e-mailed a copy of this or sent it and you also have one in front of you. And, Commissioners, I'll just remind you this is a draft. This is our document. We need to own this when we're done with it. This is not staff's document that we have just asked them to draft these. So we have editorial – this is where we're going to editorialize these a little bit, and if there's not anything we need to do to adjust any of them so be it, but if there are some things we need to do we'll go from there. Carly?

Ms. Ruacho: Just before I move up there, this was supposed to be in your packet on the dais and we had a little miscommunication so it didn't get in there. So I'll just pass this down and you can take a look.

Chairman Easton: Okay.

Ms. Ruacho: It's pretty self-explanatory.

Ms. Ehlers: The version you sent us in the mail is the same one that's on the table?

Ms. Ruacho: In the version I sent you, there was an inadvertent left margin on the third recital. There was a period to be deleted on the inside of the quotes before the word "and," so I went ahead and accepted that change for this one so there's no line margin.

Ms. Ehlers: I wouldn't consider questioning that!

Chairman Easton: Okay, we've got to – can we start with this? Will you just pass this out?

Ms. Ruacho: You bet.

Chairman Easton: So this brings more questions to mind for me then – solutions. In the past when communication outside of the public – outside the comment period – was received – or at times we actually had mail sent directly, I think, to us or to the Department for us, then you forwarded it to us but you forwarded it with a note that said don't read this, or you might not want to read this, you're not supposed to read this. Is – how are we supposed to interpret the fact that this isn't in the comment period? If we flip this page and use it in reference to the findings, are we going to be violating the Open – you know, violating the rules in relationship to open records on this?

Mr. Christensen: Well, that's a legal question that I don't know if I can answer, but I would simply advise that what the Department has done is – as we always have – is when we get mail which is addressed to you we provide it to you.

Chairman Easton: Right.

Mr. Christensen: And so we are transmitting correspondence which we received regarding a matter which is before you this evening which is not part of the public comment period or as such. And so we are simply just conveying that to you. Now if you – it's really up to you then to decide how or if you might use this, and so it is really a Planning Commission's decision.

Chairman Easton: All right. Well, then that's the first decision that we need to make, and in my opinion – I'll get to you in just a second, Carol – I'm not sure I'd clarify this being any different than ex parte communication.

Ms. Ehlers: Mm-hmm.

Chairman Easton: I don't know how to look at it any differently than that. I recognize that the proponent wants to make comments about the findings and, in my – in my – my opinion is they have two forums they can do that in: One is in front of the Commissioners, because this will go to the Commissioners, and if in the future they think – if any proponent thinks that we're going to pass or not pass and they want to recommend findings to us, they should do it in the comment period prior to the comment period being closed.

So unless there's someone who objects with that decision, I'm comfortable to just make it as the – if you feel comfortable making it as a commission – or I'll just make it as a chair, but I don't want to dance too close to this line. I would really – it's an area that I don't feel comfortable with.

Ms. Ehlers: I want to back you. When we had the kennel hearing, how many of us were part of that kennel process? Four of us. We asked for information about what these ___ kennels were. We got – the Humane Society sent us information that we had asked for and you denied it to us. That's why the kennel process failed at the Planning Commission level. We really didn't know what we were doing. So it seems to me if it was legal counsel's opinion that you could not give it to us and we could not read it until after we left, that that is precedent for anything else.

Chairman Easton: Being one of the six who voted for this, I don't want to do anything that makes this harder to actually get done. And so, you know, I'm not trying to point out how people voted. I mean, the point of the process is to not let the process get in the way of getting the point done. And, to me, that's the bigger issue here, and if the proponent feels like the Commissioners are missing something in the way in which the findings happen, they'll have every – they'll have an opportunity to do that in front of the Commissioners.

All right, so with that, we'll just dispatch this. Why don't you just pass these back down? That way there's just no confusion about how we handled it.

Ms. Ehlers: And then give them to us as we leave.

Chairman Easton: After we've made our final decision?

Ms. Ehlers: Oh, yeah.

Chairman Easton: Sure.

Ms. Ehlers: Well, that's what happened the last time.

Chairman Easton: All right. So, with that, I'll turn this back over to the staff. Thanks for thinking it.

Ms. Ruacho: Okay, so this time is a little different than what Ryan went through, because what he had for you was proposed amendments.

Chairman Easton: Right.

Ms. Ruacho: What I have for you is the draft as you received it – as Carol pointed out, without the left-hand margin line on the third recital. (I'm) just waiting to hear from you. If there are any edits you'd like to make we can do that in real time and then Jason can sign it as we leave. So it's really – I'll turn it to you and act as your secretary as you desire.

Ms. Ehlers: I'm happy.

Chairman Easton: Any other Commissioner comments?

Mr. Christensen: Let it be known for Debbie who is doing the transcript, that Carol is happy.

(laughter)

Chairman Easton: I'm not going to say anything about that...

Ms. Ehlers: And brief!

Chairman Easton: I have an issue with Number 3 under Stiles. I'm not comfortable with the phrase "If the Planning Commission followed the law per se, the recommendation would be to deny this request." I'm not comfortable admitting that I'm not following the law on this in my findings.

Ms. McGoffin: I agree.

Chairman Easton: I would prefer that we strike both the last two sentences on 3, point 3, under Stiles.

Ms. Ehlers: I could go for that.

Ms. McGoffin: Yeah, I agree.

Chairman Easton: Do you agree? Is there agreement?

Ms. Ruacho: And just point of –

Ms. Ohlson-Kiehn: Isn't that what you said at the meeting?

Ms. Ruacho: – point of fact –

Chairman Easton: No, someone else said that.

Ms. Ruacho: Right.

Chairman Easton: It was said.

Ms. Ruacho: Attached to the motion. So in the transcript – you all have been provided a copy of the transcripts if you want to look. But just so there's no confusion that we just kind of threw that in there, we –

Chairman Easton: That was attached to the motion?

Ms. Ruacho: That was attached to the motion.

Ms. Ehlers: Not by the motioner.

Ms. Ruacho: By the motioner.

Ms. Lohman: By the motioner, yes.

Ms. Ruacho: And the transcripts do confirm.

Ms. Ehlers: Jerry, did you attach that?

Mr. Jewett: I made that comment when I asked you when I first got on the Commission, and I said –

Chairman Easton: Did you intend for that to be part of the motion?

Mr. Jewett: And I said in this case I thought the law was wrong and we needed to tell them so.

Chairman Easton: So it was your intention for that to be part of the motion?

Mr. Jewett: Yeah, it should.

Chairman Easton: Do the rest of the Commission recall voting for that? Because – Matt? Mary?

Ms. McGoffin: I thought it was part of the discussion.

Ms. Ohlson-Kiehn: I recall that you said ___ to the motion.

Chairman Easton: I don't remember it being part of the motion. I'm not comfortable with –

Ms. Ohlson-Kiehn: I thought it was –

Ms. McGoffin/Lohman: We've got the transcript.

Mr. Jewett: I don't know about –

Chairman Easton: I know it was said, I just don't –

Mr. Jewett: I don't know if it was part of the motion or not.

Mr. Christensen: Page 33 of the transcript.

Chairman Easton: I'm not disagreeing with what he said. I'm just –

Ms. Ehlers: Did Jerry put that in – did you make it as part of the motion or did you make it as part of why you were – afterwards – why you *had* made the motion?

Chairman Easton: I thought it was a justification.

Mr. Jewett: – part of why I was making the motion.

Chairman Easton: And so it was your reasoning for the motion, not the motion?

Mr. Jewett: Yes.

Ms. McGoffin: On page 33 on the transcript it shows our discussion about that. And it doesn't say that it's part of his motion.

Ms. Lohman: “The motion is to approve...” – up at the top – “Is there a second? There is a second.”

Ms. McGoffin: It's moved and seconded and then discussed.

Ms. Lohman: But this is discussion material, not the motion.

Chairman Easton: Yeah, right.

Ms. Lohman: The motion is very simple.

Chairman Easton: Staff is saying that the motion included Jerry's explanation.

Ms. Ruacho: You'd have to go up above where you call – where you paraphrase his motion.

Ms. Ehlers: Well, and he says “probably.” And then he goes on to say it isn’t good for anything except more commercial. I mean –

Ms. Ruacho: That’s also reflected in the recorded motion.

Ms. Ehlers: It is?

Ms. Ruacho: Yeah, and I’m not saying, you know, one way or another what you want to do. I’m just saying I wanted to make it clearer that that wasn’t inserted by the Planning Department.

Chairman Easton: Okay, and I never meant to say that. I know it was part of the discussion. I don’t want it part of the recorded motion. I’m asking for the Commissioners’ input, and I guess I am the Chair so I’m not sure I can make this as a motion but I would like that removed from the – I have no problem with it being an explanation that was used, but we don’t use all of our explanations in the recorded motion. It doesn’t seem to fit there to me.

Ms. Ehlers: May I suggest that, instead of the last two sentences, eliminating the middle one and starting the last one with “Common sense must be applied,” because that was the point of the whole discussion?

Chairman Easton: Sure, I’m okay with that. So does the majority of the Commission support that change that Carol just described?

(sounds of assent)

Chairman Easton: Any objections? Okay, so the Commission agreed to that change.

Ms. Ruacho: So you see number 3 on your screen. If you would just take a look to make sure that reflects what you would like to say.

Chairman Easton: Perfect. I’m loving this live editing. This is good.

Ms. Ehlers: Yes.

Chairman Easton: And then could the Commission take a look at number 10? I’m not sure it’s a part of the record for this actual decision – the last sentence: “The Planning Commission is disappointed that a comprehensive RFS review has not been done to date.” I mean, I recognize that these go to the Commissioners, but I kind of wanted to keep – I kind of want these to be specific to the project. Granted, I know that I was – I think I was the one who pointed that out, but it doesn’t seem to me like a finding. I don’t mind the rest of it. You know, I just think it’s a little bit over the top. Any disagreement?

Ms. Ehlers: I didn't mind it as a finding because I thought it explained further why it is we decided that we would change our mind from what we'd done in the past.

Chairman Easton: Okay. Okay. And given that this has been voted on before, that makes sense. All right, that's all I had. I'm comfortable with the rest of them. So does anybody else have any – yeah, Carly?

Ms. Ruacho: So your decision was to leave in number 10?

Chairman Easton: Yeah, we'll leave 10 in as it reads.

So reviewing the rest of the – yeah?

Ms. Ruacho: I had one recommendation that I thought of after I put this together for you, which was out of the four you recommended a change on one, which is Stiles. It would be my recommendation that we would attach a map that would show the area that is to go from and to.

Chairman Easton: That's going to go from and – the actual area that's going to go from and to in the zoning change?

Ms. Ruacho: Right. I would recommend –

Chairman Easton: Yeah, I think that's a great idea.

Ms. Ruacho: – inserting “See Attachment 1” and then attaching a map to your recorded motion so it's very clear, you know. In the future if parcel numbers change, boundary line adjustments occur, what have you, someone can go back and –

Chairman Easton: That seems like a good rule of thumb in general.

Ms. Ruacho: Right.

Chairman Easton: And so I would – I'd say ____.

Ms. Ehlers: Yes, I think that's excellent.

Chairman Easton: All right, so is there any other finding that the Commission wants to discuss? And then, as it's noted on Sanfi, it doesn't note that we asked that the – oh, there it is. (inaudible) So that'll be an attachment also.

Ms. Ehlers: Yes, I think that's –

Chairman Easton: So you might call that Attachment 2 – the map – since __ you called the transcript Attachment 1.

Ms. Ruacho: Where? What page are you on?

Chairman Easton: Page 5. You called the transcript Attachment 1, so you might want to change that when you put the attachments on it.

Ms. Ruacho: Gotcha. Perfect.

Ms. McGoffin: You know, on Stiles on number 5, it says, “The subject property is not a good candidate for Agricultural activities.” Correct me if I’m wrong, but it’s not zoned Agricultural anyway.

Chairman Easton: That’s Rural Reserve.

Ms. Ruacho: It’s Rural Reserve.

Ms. McGoffin: So it doesn’t have – it never did have to be a good candidate for Agricultural activities.

Ms. Ehlers: Oh, yes, it did. In the very earliest decisions – this is something Dave brought up at length – very earliest decisions were all based on the fact that that had been Agriculturally zoned, and this is what makes it a significant change in some ways. So I see what you’re dealing with, but –

Ms. McGoffin: All right.

Mr. Jewett: It might keep Friends of Skagit County from challenging it.

Ms. McGoffin: I mean it –

Mr. Jewett: Well?

Ms. Ehlers: Oh, yes, this *is* protective against that.

Ms. McGoffin: Okay. I don’t know; it just seemed funny to me, but okay.

Chairman Easton: Given its – in my opinion, I looked at that one, too – given its proximity to other land that’s considered – that’s farmable – it’s farming – it being farmed, and given the sensitivity in the region to what we do with farm land and the consistent voice of this Commission about that, I think it makes sense.

Are there any other discussions? All right, we need a motion to approve the findings.

Ms. Ehlers: As amended?

Chairman Easton: As amended.

Ms. Ehlers: So moved.

Chairman Easton: Is there a second?

Mr. Jewett: I'll second it.

Chairman Easton: It's been moved and seconded to approve the motion – or approve the findings as amended. All those in favor?

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

Chairman Easton: All those opposed?

(silence)

Chairman Easton: Any abstentions?

(silence)

Chairman Easton: Okay.

Ms. Ruacho: All eight?

Chairman Easton: All eight – actually, nine.

Ms. Ruacho: Or nine.

Chairman Easton: Oh, wait. Elinor probably shouldn't – well, should – yeah, that's a good question – should Elinor or Annie vote, given that they weren't – they didn't – they weren't actually here during the deliberations?

Ms. Lohman: I was here for all the hearings and I watched the deliberations on tape.

Chairman Easton: You know, just for the sake of being – if it's okay with you – just for the sake of being absolutely sure, let's just go 7-0. Is that okay with you?

Ms. Nakis: Okay.

Chairman Easton: Okay.

Ms. Ruacho: 7-0, 2 abstentions.

Chairman Easton: 7-0, 2 abstentions. Thanks for understanding. I just – that's okay with you? Is it?

Ms. Lohman: No. It seems kind of weird that –

Chairman Easton: No? Well, we *just* decided – we *just* decided that you can't participate in deliberations without being at deliberations, so that puts me kind of in a bind.

Ms. Lohman: Fine.

Chairman Easton: All right. Everybody okay with that? I'm sorry, Annie.

All right, your Quarterly Mileage is in front of you, and thanks to the staff that made it a little easier on us. They actually gave us the dates so that we don't have to try to remember them.

Ms. Ruacho: Not necessarily the dates *you* were here.

Chairman Easton: But the dates that you *could* have been here.

Ms. Ruacho: *Could* have been, so check your calendars. And then also we do have a couple still coming in not using the MapQuest. Our County Auditor will not accept any other mileage other than MapQuest, regardless of what it says on your odometer, so if we could really get you to MapQuest it out from your house to here, whatever it says. We have to amend them each time if we're not getting that.

Chairman Easton: Okay.

Ms. Ruacho: So just – you do it one time and then you know forever.

Chairman Easton: When we go into the social hour, if any of you don't – haven't had a chance to MapQuest it I have my computer here. We can MapQuest it really quickly for you and get you that number.

Ms. McGoffin: Oh, good.

Ms. Ehlers: I'd like to say something so that it's on the record in case Gary ever needs it. I'm one of those that wants paper copies. So I haven't been taking mileage because it seems to me that you have a limited budget and if I don't take mileage then it's easier for your budget to deal with the fact I want the paper copies. But I wanted it on the record as to why I wasn't doing something. It's not that I don't like getting the money. It's that I think you need to have a trade-off between one and the other.

Mr. Christensen: Okay. Thank you.

Chairman Easton: Elinor?

Ms. Nakis: Yeah, I would like to say that that's how I feel, too, so – because I would like paper copies as well.

Chairman Easton: Okay, that brings up a good note. So we're going to add Elinor to the Dave and Carol list of –

Mr. Hughes: No, I'm on –

Ms. Ruacho: Dave's on the e-list.

Chairman Easton: Oh, Dave went back to the e-list. Is that the Jerry and Carol?

Ms. Ruacho: It's Jerry and Carol.

Chairman Easton: Jerry and Carol and Elinor get everything on paper.

Ms. Ruacho: Yep.

Chairman Easton: So be it.

Ms. Nakis: But I did have one other question when this just came up about who could vote on this.

Chairman Easton: Yeah, on the motion – on the findings?

Ms. Nakis: Now if – so that, to me, means that if you were not at any of the deliberations of course you shouldn't vote.

Chairman Easton: Right.

Ms. Nakis: But if you were at a percentage of them – 70% or 90% or all but one –

Chairman Easton: We're plowing new ground here a little bit because we never voted on – since I've been on the Commission we've never voted on findings. And part of what we've done in trying to be even better at our communication after we had this very enjoyable meeting with the County Commissioners about how we communicate – and with staff – is to make this process more transparent. So we are plowing a little bit of new ground in voting on findings, and I did allow for folks who recused themselves, like Matt and Mary, to vote on the overall package of the findings, even though they didn't participate in one of those. In your two cases, you abstained from the whole meeting, or weren't at

the whole meeting, and so it felt more appropriate. We have – like I said, this is the first time that I'm aware of that we've ever voted on findings. We're just trying to do a better job of making sure that we all – that it's not just the Chair who decides whether the findings look accurate or not. Because in the past the Chair would get them, they'd sign them, we'd send them on.

Ms. Ehlers: I think that's very commendable change.

Chairman Easton: Well, I appreciate staff's open mind.

Ms. Ruacho: And then – but just to clarify that this – you know, having them in a meeting like this is not always going to be the practice. This was done because these were very complex and, you know, there was lots of nuances, it was a lot to kind of see at one time and then communicate with the Chair. But if it's something where we can prepare your findings ahead of time, you can see them in a meeting, either talk about them there or communicate with the Chair and it's not going to be overly burdensome. This one could have been, you know –

Chairman Easton: It's my desire to actually include these in deliberations when at all possible. In this case it didn't make sense to do those prior to deliberations or to capture with four different public hearings those live. When we're doing some of them maybe on an individual basis that'll be easier. By no means do I expect us to go through every finding on a CAO update in a live action and review. But when it comes to quasi-jurisdictional, project-sensitive rezoning situations where appeals and all those kinds of things become a factor, and particularly in this – you know, this may be a little non-pc to say – but particularly when we disagree with staff it's really important that we have a hand in writing our own findings or – because they need to come from us so to make sure they capture what we want. Does that make sense, Elinor?

Ms. Nakis: Well, no, not exactly.

Chairman Easton: Okay.

Ms. Nakis: I mean, for the most part it does, but I was at the last meeting, the November 17th meeting, where those decisions were made.

Chairman Easton: Yes.

Ms. Nakis: I abstained from voting but I was at that meeting and I had done all my reading and what-not and, you know, that I was given on those issues.

Chairman Easton: But out of an appearance of fairness, I made the decision that night with the Director –

Ms. Nakis: Oh, no, I totally understand –

Chairman Easton: That because you weren't at the public hearing that it wouldn't be – it would be – there would be some sort of cloud for the public, possibly – that it wouldn't be fair potentially for you to rule since you weren't at the public hearing.

Ms. Nakis: Right. But for these findings tonight that we were –

Chairman Easton: But these are findings that came out of our deliberations that come out of our public hearings, so I still feel comfortable with that decision.

Ms. Nakis: Oh, I see. Okay, okay, I understand. So it's the whole –

Chairman Easton: Process.

Ms. Nakis: So it's all of those meetings. That's what I wanted – that's what I want to get a better grasp of. Like, so for example, I don't know if Annie was at every single meeting –

Ms. Lohman: Yep.

Ms. Nakis: – but because she missed –

Chairman Easton: She missed deliberations.

Ms. Nakis: – November 17th missing – meeting – that she needed to abstain from this vote.

Chairman Easton: It's the Chair's opinion that if you miss deliberations or you abstain from deliberations because you missed the public hearing that you're not going to vote on the findings.

Ms. Nakis: Should that be in the bylaws?

Chairman Easton: Well, not this new version!

(laughter)

Chairman Easton: Table that for 2011!

Mr. Jewett: In the past, though, on public hearings if a member was missing and they came to the meeting on deliberations and they had read the transcript –

Chairman Easton: – they could participate. So here's what I forgot to clarify. She wasn't on the Commission at the time of the public hearing, and that makes it more complicated.

But Annie was and she watched the transcript on TV.

Chairman Easton: She watched the deliberations on TV.

Mr. Jewett: Yeah.

Chairman Easton: The deliberations.

Mr. Jewett: The deliberations.

Chairman Easton: To me, deliberations and findings go hand in hand.

Mr. Jewett: I don't see the difference between the public hearing and reading the transcript, and the deliberations.

Chairman Easton: Because findings are the recording of the decisions that were made. Annie didn't participate in the decision that was made. So to vote on that wouldn't – doesn't seem appropriate. I'll do what the will of the rest of the Commission is, but that's my take as Chair. Again, I don't want to overkill. Kristen?

Ms. Ohlson-Kiehn: I guess I sort of see what you're saying. I mean because, to me, the findings and the assumptions behind the argument that you're making when you make that decision in the deliberations, and so...

Chairman Easton: See, like, if you're not there and then you voted against them, we never heard your version in deliberations, you know.

Ms. Ohlson-Kiehn: Right.

Chairman Easton: I mean, I guess if you voted against them that would seem awkward to me because we didn't know why you – you weren't there when we wrote them so how can you, you know, disagree with them? Those came out of that meeting.

Ms. Ohlson-Kiehn: Mm-hmm.

Chairman Easton: If Elinor was a member of the Planning Commission – and I forgot to add this to my earlier clarification about Elinor – if she would have been a member of the Planning Commission, missed the public hearing, read the transcript, our history says that you would participate in deliberations; that would be fine. But we just made that final decision that you can't deliberate if you're not here. That applies to the situation with Annie and, to me, naturally extends to the findings. But –

Ms. Ehlers: I agree.

Chairman Easton: – now anybody who misses a public hearing can watch it on TV or read the transcript and come to deliberations and rule.

Ms. Ruacho: And it wasn't, with Elinor –

Chairman Easton: If they're a member of the Planning Commission –

Ms. Ruacho: Yeah, it wasn't just the public hearing.

Chairman Easton: Come on in, everybody! Just come on down! Watch it on TV and come make a decision with us!

Ms. Ruacho: In Elinor's case, it wasn't just the public hearing that she missed.

Mr. Hughes: She wasn't a member.

Ms. Ruacho: She wasn't a member, which is an important point, but there were – there was also **leading** documentation that we sent you. We reviewed the record and there was documents that Elinor was missing.

Chairman Easton: Significant amount of documents that were missing, and all of that was considered before the Chair made the decision on the night of to ask Elinor to abstain.

Ms. Ruacho: Right. Right.

Chairman Easton: All right.

(laughter)

Chairman Easton: All right, so you – back to your mileage! So hand your mileage in before we leave tonight. And before I sort of adjourn us we have one more thing. Carol asked if she could make a brief announcement.

Ms. Ehlers: There was a legal notice in the *Skagit Valley Herald* by the Skagit Council of Governments about a public open house and workshop on Thursday, the 3rd of December, for the 2010-2035 Regional Transportation Plan Update. This will – this open house will likely be the only opportunity the Planning Commission has for seeing what the Skagit Council of Governments thinks the road system ought to be. And since we all represent different parts of the county, we might have – as I have in the past – some information or heartburn, like when they wanted to put the entire freight traffic in Fidalgo Island through all of the residential zones on the island on very narrow roads, which they planned to blow up and widen. That was something that we needed to comment on.

In the past there has been an effort on the part of this group to widen every road in the agricultural lands, as well as others, which would of course destroy the entire drainage system.

Chairman Easton: You've sort of extended the opportunity to make an announcement! Madame Commissioner, we're going to let you –

Ms. Ehlers: It's at Skagit Station from one to four –

Chairman Easton: Excellent.

Ms. Ehlers: – on December 3rd.

Chairman Easton: Thank you. At this time, I'm not going to adjourn the meeting because after we just went through our bylaws I remembered that if we all went to the same restaurant or we all go to the same place we're still at a meeting. And since this was noticed as a public meeting, we can go into the lobby and enjoy some holiday treats, with the kindness of the staff and Carly preparing for us, but we won't adjourn; we will just temporarily – we will re-adjourn out in the lobby and then at the end – at the time we drop below a quorum I will adjourn the meeting.

All right, with that, we thank the folks at home.

(Business meeting and recording end here.)