

Skagit County Planning Commission
Public Hearing: Guemes Island Subarea Plan
Deliberations: 2010-2015 Capital Facilities Plan
August 10, 2010

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

Staff: Gary Christensen, Planning Director
Carly Ruacho, Senior Planner
Chad Armstrong, Planning Intern
Tim Holloran, County Administrator
Mike Elde, Equipment Rental & Revolving Fund
Division Manager
Brian Adams, Parks & Recreation Director
Ann Marie Gutwein, Public Works Programs
Manager
Kevin Renz, Public Works Solid Waste Division
Manager

Consultant: Mark Personius

Public Testifiers: Glen Veal
Robert Anderson
Joost Businger, GIPAC
Marianne Kooiman, GIPAC
David Wertheimer
Paul Beaudet
Allen Bush, Jr., GIPAC
Jeff Salmon
Roz Glasser, GIPAC
Steve Orsini
Sally Stapp
Tom Glade, Evergreen Islands
Carolyn McCulloch

Others: Stewart Mhyre, Sedro-Woolley School District

Chairman Jason Easton: I call the Skagit County Planning Commission to order (gavel). Good evening. There are – there's a sign-up sheet in the back – or actually it's now here in the front. If you wanted to speak, you can sign up. Is there anyone who still would like to sign up to speak who hasn't? All right. We'll also have an opening at the end for that opportunity.

The purpose of this public hearing tonight is to receive testimony and written correspondence regarding the Guemes Island Subarea Plan. But there's a couple of things also on our agenda so I just wanted to give you an idea of what the agenda looks like for the evening.

The public hearing, then we'll be deliberating – there'll be a break – then we'll be deliberating on the Capital Facilities Plan, and then we'll have our just general meeting and minutes and notes. There won't be deliberations tonight on the Guemes Subarea Plan. Those are scheduled for September 14th at six o'clock here at the – at this office.

Let me read this opening statement. There is a sign-up sheet at the back of the room for those who would like to testify. If you wish to testify and you'll be returning to the Guemes Island – Guemes Island tonight via the Skagit County ferry, please be sure to sign up on the Guemes Island sheet. There's another sheet that relates to the ferry. A late ferry will occur if needed to ensure that all individuals who have signed up or are here have a chance to testify in sufficient time so as to catch the last ferry of the evening to the island. And if you haven't done that, that's at the back of the room.

Due to the necessary accommodations for those riding a ferry this evening, those individuals signed in on the Guemes Island ferry sheet will be allowed to testify first. So in a few moments, I guess, we'll collect that sheet also and I'll be able to tell the –

Carly Ruacho: That's the one you have. We don't have anybody signed in on the non-Guemes sheet.

Chairman Easton: Excellent. Please limit your comments to three minute – to a three-minute period so that everyone will have a chance to speak. And when your three minutes is up we will let you know and we'll let you finish your thought.

Special interest groups, associations or those representing others are encouraged to designate a spokesperson for this group – for their group – to allow for greater participation and cross-representation, with the exception of GIPAC, which tonight any member of GIPAC is welcome to testify.

Before you testify clearly state your name, spell your last name, and give us your address. A recording system will record your comments. Written comments are

also being accepted and can be placed in the box located on the staff table near the front of the room.

Before we begin taking public comment staff will give a brief presentation about the proposal.

Thank you for your time and taking the time to participate. I want to add, just as a way of disclosure, to feel like we were doing our best job possible on this topic the whole Commission was invited to participate in a tour of the island with GIPAC representation and we did that. It's not in part of the public record per se, but it was a part of our preparing for this evening. Carol?

Carol Ehlers: In that case, how is it to be done that that which we were given becomes part of the public record?

Chairman Easton: My understanding –

Gary Christensen: We'll introduce it.

Chairman Easton: We'll – it'll be introduced tonight. Okay? And, with that, I'll turn this over to our Director – our esteemed Director – Gary Christensen.

Mr. Christensen: Thank you. Good evening. This is – I don't know if it's the end, but certainly part of the process in dealing with the Guemes Island Subarea Plan, which has been years in the making. We're certainly pleased to be able to hold this public hearing this evening, based on a draft subarea plan that, for the most part, was created by islanders.

So, with that, I want to thank everybody who's been involved for their patience, their time, their effort, commitment to the process. And we look forward to seeing this through and we are hopeful that the Board of County Commissioners, upon receiving a recommendation from the Planning Commission at the close of the public hearing and public comment on the plan, will consider those recommendations and take action before the end of the year.

So, with that, Carly, do you have anything or are we just going to turn it over to Mark?

Ms. Ruacho: We'll just turn it over to Mark.

Mr. Christensen: Okay, let me introduce Mark Personius, who is under contract with the Department and with Skagit County to assist with the review and processing of the subarea plan. Mark has been involved with other subarea planning efforts throughout the county. So with no further introduction, I'll turn it over to Mark Personius and he has some introductory comments and remarks to

provide the Planning Commission and those in attendance prior to us moving then to public comment. Mark?

Mark Personius: Thanks, Gary. Good evening, Commissioners and the public that's here. I'm just going to take about five minutes to give you a brief overview of the major highlights of the plan, the background to it, and then we'll get to the public hearing.

The plan was originally put together, as Gary said, by GIPAC, which stands for the Guemes Island Planning Advisory Committee. There's a group of islanders that was elected by island residents to put forward this planning process. They put together the draft plan after several years of efforts and ended in about 2007. Staff then took it and has – based on the document you'll see this evening that is out for public review that contains a lot of strike-throughs in line-in and line-out format. That line-in and line-out format is basically the full staff review of the document to update it, based on code changes, more recent data that we've gotten since 2007 to basically update this document.

As well, staff took a critical look at the proposed policies. There are more than one hundred of them spread across six different Elements in the plan. We've taken a look at those and very carefully – based on comments from the staff in the Planning Department, the Department of Public Works, the Department of Public Health and the ferry staff – taken a look at those policies. In many cases they were very prescriptive policies. They were that the County *shall* do this and *shall* do that in regard to certain issues. What we have done is we've kept the intent of those policies – this is, after all, a plan; it is a guiding document – and we wanted to keep the intent of all those policies, but we have in many cases changed *shalls* to *shoulds* to preserve the County's discretion in considering, one, public input, because there hadn't been a lot of public input to date so far on this, so that's a precautionary measure is to get the public input but also to preserve the County's discretion in its decision making about the options it will have, you will have, the Board will have about how to address a lot of the issues that are raised by the plan. And there are a lot of them.

The plan includes recommendations to prohibit – to continue the prohibition on density bonuses and CaRDs. It includes proposals to enhance site assessment requirements for new homes. It includes requirements to prohibit accessory dwelling units if there are certain levels of chlorides are exceeded in the wells. There's proposals to adopt an annual building cap on the island. There are proposals to adopt minimum standards for private reverse osmosis systems or new water systems on the island. There are proposals to enhance and continue enforcement of the County's seawater intrusion policy, as well as many others. I'm just hitting some of the highlights here, some of the really significant proposals that are included as a part of the plan. So we want to make sure that the public gets a chance to comment on that and we get as much information as possible.

Also included in the plan is a – one proposed land use change to the Comprehensive land use map. It is a 222 acres in an area north of Holiday Boulevard that's currently zoned Rural Intermediate, which allows one unit per 2-1/2 acres, and the proposal is to rezone that to Rural Reserve, which would only allow one unit per 10 acres. So that was not originally a part of the subarea plan so we want to make sure that – that we've notified all property owners of that proposal in this plan to make sure that we get full public input and full disclosure.

And I think that's as much as I want to say – just to kind of give you a brief overview on things and the public is aware of that. You will be – a public hearing tonight and then, as the Chairman said, the deliberation meeting with the Planning Commission will be on September 14th. They will not make any decisions tonight about this plan. Tonight is just to get public input on it and to hear your comments on it.

So if you don't have any questions –

Chairman Easton: Any questions?

Ms. Ehlers: I have several. We were given information on the 29th at that tour which included the AIA recommendations. And all of us have it. I brought an extra copy in for Gary so that the two that were not there that day could have it. That should be part of the public record.

Mr. Personius: They are. I believe that is a part of the Appendix which is a part of the public record.

Mr. Christensen: It will be made a part of the record.

Mr. Personius: Yeah.

Ms. Ehlers: Okay. And there was other information which they thought important to give us which should also be part of the record since they thought it was important.

Now as I have gone through this with my usual meticulous collection of post-its, in which pink represents a question about "shall" versus should," and yellow equals questions about Do you really mean this, and blue indicates that when you're writing history a sense of time is important; 2001 occurs before 2006. How do you want those comments brought in? Most of them are not the sort of thing that requires testimony.

Chairman Easton: It'd probably be best for deliber – my thought would be best for the night of deliberations. Because GIPAC –

Ms. Ehlers: Well, I thought of that but I don't want to take anybody by surprise.

Chairman Easton: Sure.

Ms. Ehlers: I mean, that's not right. It's not how we behave.

Mr. Christensen: I don't think you're – it's not necessary for you to go through each and every one of those this evening, Carol.

Ms. Ehlers: I didn't hope so.

Mr. Christensen: Certainly if you were to make those available to us we can make sure that copies or some kind of notation can be made available to fellow Planning Commission members so that they can review that and consider that prior to deliberations.

Ms. Ehlers: Okay.

Chairman Easton: Is that agreeable?

Ms. Ehlers: That's fine.

Chairman Easton: Okay.

Ms. Ehlers: I just wanted to raise the question early enough.

Chairman Easton: Right. And just as a point of interest, I did get a chance to take the tour. So eight of us did – out of the nine of us – did get to participate in the tour. So I think that's good. I'm glad that we did that, and thank you for hosting us.

With that, we'll go ahead then, Mark, and start, unless there's other questions from the Commission for Mark. Thank you, Mr. Personius.

All right, with that we'll start the speakers, and I'll remind you that your comments need to be limited to three minutes. You'll see me start to wave or speak alongside you if you cross that three-minute line and we want you to just wrap up your final thought there. And then also please state your name, spelling your last name, and then giving us your address. All right.

And the first person on the list to speak tonight is Mr. Glen Veal.

Glen Veal: Glen Veal, V-e-a-l, 4453 Eden's Road on Guemes Island. And I have some notes that I've taken. I'm going to submit some prepared notes later but I just wanted to come over tonight and first thank the Planning Commission for getting the subarea plan on its agenda. I want to thank Gary Christensen for

making sure that could happen. And going back to the original envisioning statements that were made over in the Fidalgo School back in who knows when.

And Guemes Islanders were always real excited about having a say in their future, as you know, and, in fact – what an understatement! So back when we first heard of all of this planning and community involvement we went about setting up the first GIPAC, which was the Guemes Island Planning Advisory Committee, and we wanted to submit a subarea plan because we knew that that was on the list of things to do. So we got busy on that and we elected a group and we set about doing it. In May of 1991 we brought it over and presented it and they said, Oh, that's good work but there's not time for that. So I guess it's time for that nineteen years later.

(laughter)

Mr. Veal: But we ought to thank some folks in the process, like Doctor Ehlers here who made sure that when we got the copy she didn't lose it so that we were on the agenda when it came time to work on it. So, with that said, I had a couple things, though, that I thought going forward that I think that the GIPAC of the future is my concern, my primary concern. And I know that this intent to be as most public in the process as possible – I've been engaged in that with the Commissioners and Public Works trying to develop a public forum process for ferry issues so that – I know it's important for everybody to be heard. I've worked had on that. And I think in order to do that going forward we need to establish credibility with this group, and in order to do that I believe that even though the intention of the wording says that the future GIPAC will be elected by Guemes Island property owners and residents, I know that's well-intentioned but it does mean that possibly two-thirds of the voters in this particular group could be absent and not residents at Guemes Island. And I'm particularly concerned about that.

I think that we should hold this new GIPAC group according to the same guidelines as any elected public official in Skagit County; in other words, elected by the elected voters of the district – of the precinct. And I think that's only fair to ask. And that's not to say that people who don't live there shouldn't have a voice. I think they should have a large voice and they should be heard and a process should be developed to make sure that voice is heard, but I don't think that confusing having a voice with having a vote should be done and that this should be changed right here. There should be an amendment that says that it's elected by the – in accordance with the –

Chairman Easton: About twenty seconds, sir.

Mr. Veal: Okay – mainly that's in accordance with the election rules governing all County elected public officials and representatives. I think that's to ensure credibility going forward.

I have a few more statements. I'll submit them in writing. Thank you.

Chairman Easton: Thank you, Mr. Veal. Mr. Robert Anderson?

Robert Anderson: Robert Anderson, A-n-d-e-r-s-o-n. I live at 6966 Holiday Boulevard, at the very beginning of Holiday. I have come up here since 1985 and a permanent resident since '99.

First I want to thank our Commissioners and the Planning Commission for it being a new day and listening to Guemes Island. We've fought a few battles in the past about Guemians not feeling listened to, and with the work that Sharon Dillon and Ron Wesen have instigated we've had a lot more reaction from the County and we understand you're planning a time to come over to the island and we're really grateful for that. We need to underscore that.

It goes without saying that the work of the GIPAC has been the work of a lot of very knowledgeable, professional people at a very high level of competence and professional background over many years. And probably they know the resources and needs and limits of a fragile ecosystem like Guemes Island probably better than almost anyone on this Commission, unless you happen to have lived there for ten or fifteen years.

They've also considered the report of the AIA meeting several years ago. They have made a number of recommendations which are reasonable; in other words, none of them are really out of line with current trends. They are only to protect against future accelerating trends which would decimate some of the support systems of the island, like its roads, its ferry, its aquifers and so on.

What I want to address mainly is the change of language from "shall" to "should." Because the issue for me is whether you are serious or whether you are not serious about preserving the ecosystem of Guemes Island. I'm very much aware of the pressures on the County to develop. Budgetary pressures, things – developers who can come in and say, you know, We can put this development in and you'll get so many tax dollars for the County and the County is running on the edge. That's a very attractive proposition. So I'm really worried about any kind of language which, as the speaker said, preserves the discretion of the County. I think it does more than preserve the discretion of the County. It opens the County to pressures where we – we come to the point where well, we know we *should* be doing this but we're not really mandated to do it so we can cut a few corners here if the budget won't allow it. All kinds of excuses can be made. So I'd like to see that language put back and reconsidered.

I want to give you a couple of examples of – if you'd like to come to my home sometime – any of you – I will take you to five sites within a mile of my home where the County has bowed to various pressures and simply not followed its

own regulations. One site, a steep slope within 200 feet of the shoreline, has been completely cleared of trees. A house has been permitted on it. One other place was allowed on a lot that's 300 square feet smaller than any of us around were allowed to build on, in spite of community protests in pointing out what your own regulations in the County were. And three sites that are right smack in the middle of the drainage from the hill down into Cook's Cove, one of which the drainage – which is a steep ravine – ends up right at the back door of the house, makes a sharp left turn around the house. The County permitted this. The lot next door is wetland. It's being sold for – it's up for sale for building. And the house across the street in that same drainage was filled with tons of ballast and a single-wide was placed on it – all of these things which are in complete contradiction to what I know of to be County codes.

Chairman Easton: You have thirty seconds.

Mr. Anderson: And so that does not reassure me that under pressure we won't give in to the "should" instead of the "shall." Okay? I would like this: If you're really serious about doing this kind of subarea plan for protecting a fragile ecosystem, which is what a subarea plan is specifically meant to do, then I'm saying put the language back in that puts teeth in it and restore the language.

Chairman Easton: And your time's up.

Mr. Anderson: I have one last quick question just to put to the agenda. I read somewhere or heard somewhere that on the maps of our area there are a number of protected wellheads, including the Holiday Hideaway wellheads, that do not appear on County maps. And I would like to know – because right now I'm working on one lot that's, I think, wetland. It runs right by our wellheads and the maps don't show the wellhead, and I think if there – those wellheads are not on your maps they really should be, because they are equivalent to wetlands. They're protected areas with certain setbacks.

Chairman Easton: Okay.

Mr. Anderson: So I'd like to just put that last point in to have it be a corrective in your map-making. Thank you.

Chairman Easton: Thank you. And our next speaker is Joost – is it Businger? I'm sure I'll be mispronouncing some of them later.

Joost Businger: I'm Joost Businger.

Chairman Easton: Businger. Thank you!

Mr. Businger: Or in Dutch it is Businger. But my last name is B-u-s-i-n-g-e-r and we live on 6500 Square Harbor Lane. I was the Chair of GIPAC for the last few

years and I would like to introduce a few of the members that – of GIPAC – that will make presentations here this evening. Out of the nine members only five will be here, and that's because it is summertime. Otherwise I think it is pretty good.

Already comments have been made that I don't have to do again – that the activity to come up with a subarea plan was already started about twenty years ago. That was already mentioned.

The Introduction of the present subarea plan shows how strong the – that is, the Introduction in the subarea plan that has been given – shows how strong the island community supports this effort. And there's a very strong community effort to protect the environment. And the revisions suggest that the County in general weakened the proposed subarea plan, and that we already have heard too, so I won't comment further on that. And we hope that the final product will be acceptable to the island community and the County, as well.

I have one technical comment that is in the revised proposed subarea plan. The Chapter 3 was introduced as a zoning amendment which should be just part of Chapter 2, which deals with the zoning area. And that was agreed on but it has not been changed yet.

And this original plan for the Holiday Hideaway Water Company offered to run a plant to provide the entire area with potable water. This was not there. Lack of water resources made this impossible and the zoning was never changed after that from RI to – what I want to make sure about is that the rugged terrain, the steep slopes, the lack of water resources makes this amendment reasonable, but, at the same time, we should emphasize that the owners of the properties, as they have been given, will have the right to build on their properties although they are smaller than the required zone. And so this fact that it is grandfathered in should be made clear to the owners; otherwise, they don't understand it.

Chairman Easton: About thirty seconds.

Mr. Businger: Okay. That's all I need. The members of GIPAC that will further make comments is **Allen Bush** will make comment on the Land Use Element. He's there. Marianne Kooiman, my wife, will make comments on the Natural Resource Conservation Element and Environment. Roz Glasser, if she's here – I haven't seen her – oh, there she is; she made it – will work on Shoreline and Transportation. And –

Chairman Easton: Thank you.

Mr. Businger: That's it.

Chairman Easton: And our next speaker is Marianne.

Marianne Kooiman: Would you like to hear the Land Use first?

Chairman Easton: I'm going to take them in order so I don't forget anybody, if that's all right with you.

Ms. Kooiman: Fine. I'm Marianne Kooiman, K-o-o-i-m-a-n. I live at 6500 Square Harbor Lane on Guemes Island. And a general comment is that we really preferred the 2007 organization of the document, the draft that we originally submitted, where the captions are placed below the figures and all the figures are full-scaled (and) placed at the end of each element.

For example, the text on figure 5.2, page 42, titled "Wetlands and Other Figures" is very difficult to read. And there's a heading, "Aquifer Recharge Areas," on page 44, which is directly below figure 5.4 on wetlands and hydric soils. But somebody asked me, actually, whether those aquifer recharge areas were equal to the wetlands on the figure. It's very misleading. So I'd really like the organization of the original draft.

If you go through the draft, you see that the seawater intrusion policy and, updated or not, the code is mentioned many times. Quantity and quality are of great importance for the island, so I want to say a few words about the status of updating the seawater intrusion policy.

In the beginning of this year I was asked to participate in the process of updating policy by the Health Department staff and the County hydrologist. The draft is coming along and it will soon be submitted to an attorney for an opinion whether it should be an updated policy or an ordinance. That's why you see both mentioned in the text. We don't know yet what it's going to be.

After that the process of seeking opinions of parties of interest will start. The goals of this process include to provide linkage and consistency with the Guemes Island Subarea Plan; to set better notification requirements for well drillers; to address alternate sources, like reverse osmosis and rainwater; to change requirements such as reporting of static water levels for residents; clarify relationship with State Department of Health that does not itself have a seawater intrusion policy.

This process is separate and parallel to that of the subarea planning process, and therefore the policies in this subarea draft frequently refer to the updated seawater intrusion policy-code, where the actual limits will be provided. So we'll have to wait a while to find out if they're going to be – I don't think I'll have time to read through everything here so I wanted to mention 1749, which may seem sort of trivial but it is really very important to me. And it is a little section that was probably introduced by the – one of the Skagit hydrogeologists. And toward this paragraph 4 – in case you're looking – lines 3 and 4, there's a sentence that says in a comparison study that our group on the island, Waterworks, which is a sub-

group of the Guemes Island Environmental Trust, where we compared chloride data from 1991 of the USGS study with 2007, the year the study was done. And what this said here is that “The data also indicate that groundwater in two areas on the island actually improved dramatically since the US study was conducted (Potlatch Beach #1 and the Alverson Tract well).” But it doesn’t say that those wells have been taken out of service, so they were no longer in use.

(laughter)

Ms. Kooiman: And so this sentence is very misleading and it really needs to be deleted because we are sure that the areas did not improve. If we would start to pump these wells again or drill other wells in the same area, I’m sure that they would be contaminated with seawater right away.

Chairman Easton: About thirty seconds.

Ms. Kooiman: Oh. Okay. Well, what is the choice here? I wanted to say one “shall” and “should” thing. In the graded vegetation management, mowing and grading “*shall continue to be used on the public right-of-way.*” That’s what I propose, or we propose. And on another “such as biological means *shall* be considered.” And the justification is that in 1990 the Environmental Trust wrote a report, “Roadside Vegetation Management for Guemes Island,” for the Skagit County Commissioners and obtained a five-year moratorium from the County, minimizing the use of herbicides to control the roadside vegetation. This policy provides the opportunity for the County to spray at crossings or on isolated noxious weed populations. We think it’s really appropriate to retain “shall” in this case because it has been done here now since 1990, and I don’t think it’s going to change.

Thank you.

Ms. Ehlers: May I ask?

Chairman Easton: Yeah.

Ms. Ehlers: There are – it is confusing in here as to whether there is an *interim* seawater intrusion document or policy, or whether there is an *actual* seawater intrusion policy.

Ms. Kooiman: I think it’s illegal to have an interim policy for more than one year.

Ms. Ehlers: Six months without a hearing.

Ms. Kooiman: Six months. And so I was actually told by a person at the Health Department that she could just take it off. And so if any interim remained in the document, that was an error. We tried to delete them all.

Chairman Easton: Okay.

Ms. Ehlers: Thank you.

Chairman Easton: And I'm going to suggest that you – are you going to turn your – what you have, what you're reading from – in?

Ms. Kooiman: Oh, yes.

Chairman Easton: Because that would be helpful for us, especially on the page number references and such.

Ms. Kooiman: Sure.

Chairman Easton: Okay, thank you. Mr. David Werthmer – or Werthemer?

David Wertheimer: Good evening. My name is David Wertheimer. That's W-e-r-t-h-e-i-m-e-r. I live at 4440 South Shore Drive on Guemes. And I also want to thank the Commissioners and the County for allowing the subarea planning process to move forward. I think it's been critically important and I want to speak very briefly as someone who is *not* part of GIPAC and was not part of the exhaustive process that the island went through. But what was very clear to me as an outsider looking in at this process was that the group worked extremely diligently to assemble a broad range of perspectives from the island and create and craft a real consensus around what the report, what the plan needed to say.

And in contrast with the opening speaker who referenced the changing in the language from "shall" to "should," I think that the intent of saying "shall" is not to say "should" but to say "shall."

(laughter)

Mr. Wertheimer: And it's sort of like, you know, getting up for the day and leaving your teeth in the glass jar by the bed and going through your whole day – the best you can do is gum something. You can't really sink your teeth into it. And so I think that the idea of the subarea plan from a very broad consensus of Guemes Islanders was not to create a plan that allows us to gum our way through the next ten, twenty or thirty years but really to be able to bite into what needs to happen on Guemes Island. And that's a broad, broad consensus of very, very diverse opinions on the island. So I do hope that – and I submitted some written comments that call out each of those specific policy recommendations that should be changed from "should" back to "shall."

And I just also want to say in closing that I also am concerned about the deletion of the reference to the ferry committee as a legitimate advisory body that has

been democratically elected by Guemes Island residents. That needs to represent the interests of the island and the concerns of residents in relation to dialogue with the County, and I would really hope that the sentence is reinserted that says that the County shall recognize the ferry committee by resolution, that describes its roles and delineates its responsibilities in working with the County to address ferry issues. The ferry committee has been a critical, critical tool in helping the island to dialogue effectively with Skagit County and to delete the reference to it in the subarea plan, again, I think, leaves those teeth in the jar by the bed.

Thanks very much.

(applause)

Chairman Easton: Okay, so I'm going to butcher this last name, I'm relatively confident.

Paul Beaudet: Bo-Day!

Chairman Easton: Come on up, sir.

Mr. Beaudet: Hello, my name is Paul Beaudet, B-e-a-u-d-e-t. I live at 4440 South Shore Drive on Guemes Island. I want to thank you all for the opportunity to provide comment and I love being able to get up and say I agree with everyone who stood before me from the island whole-heartedly. I think that represents the intent of the plan.

So I'm going to object to the revisions to the plan as they currently stand. I agree that the word "should" should be replaced with "shall" for a number of different policies because otherwise we have something that's no less restrictive than what's currently allowed under County guidelines.

And in the resolution in which the County approved the creation of GIPAC, the resolution said that citizens decide what they want to nurture and what they want to change at a level that they are knowledgeable about and comfortable relating to. I think the original draft plan *is* the plan that says, This is what we want to nurture and this is what we want to change.

So I truly believe that the "shalls" need to be reinserted, and in particular I want to focus on policies. And I've just numbered them and I'll – this will be in my letter: 4.1, restricting density in CaRD subdivisions; 4.2, shifting land-based agriculture development to Hearing Examiner special use; let's see – 6.9, prohibiting mining on or near the shoreline; Policy 6.16, requiring that shoreline development be designed to prevent or minimize the need for shoreline modifications; Policy 6.23, implementing shoreline development standards prohibiting large, blocking homes on shoreline lots. But most troubling to me are the following: 3.7, where "shall"

was replaced to “should” consider, which seems to me the weakest possible language that you could add. And that would prohibit accessory dwelling units in areas where saltwater intrusion and well capacity are problems. Policy 3.8 and Policy 3.9 where, again, the words “should consider” are included, limiting the total number of building permits and setting dimensional standards for Rural Intermediate and Rural Reserve lots; Policy 5.16, allowing the use of groundwater for non-residential uses in areas prone to saltwater intrusion. And, again, I would echo David’s comments about empowering the ferry committee to represent the interests of the island as ___ the ferry.

I think as revised the current plan completely undermines the intent of what the island came up with, and I applaud the folks at GIPAC who have worked so hard on it. I’d like to see their original language come back.

Thank you.

Chairman Easton: All right, so next I have two Allen Bushes so whichever one wants to go first...

(laughter)

Allen Bush, Jr.: This is Allen Bush – excuse me, Allen Bush, Jr., B-u-s-h, 6628 West Shore Drive. I am a member of GIPAC and I will be addressing the Land Use Element. And I’ll just whip through my list of modifications.

On page 27, Guemes Island Planning Advisory Committee unanimously endorses the proposed land use zoning map designation change; however, we are split as to whether or not to include it in the subarea plan itself. It was added as a separate chapter during County staff review and it may be better suited as a separate map amendment at a later time. This separation would allow for more specific public comment to the map amendment and not hinder the approval process for the subarea plan.

Page 30, Policy 3.4. Guemes Island Planning Advisory Committee proposes the following language for all three elements where a Conservation and Reserve Development, or a CaRD, is the subject of a policy: 3.4, 4.1 and 5.20. No density bonus shall be permitted within a CaRD subdivision on Guemes Island, in accordance with Skagit County Code 14.18.310(2). Justification for that is all three policies mentioned above have the same intent but somewhat different language. Guemes Island Planning Advisory Committee would like to insert the same language in each instance because a CaRD is the preferred type of development on Guemes, given that no density bonus would be permitted.

Page 30, Policy 3.5. The Guemes Island Planning Advisory Committee proposes that this policy be eliminated due to lack of substance.

Page 30, Policy 3.6. Guemes Island Planning Advisory Committee suggests the following change: Guemes Island is designated as a Category I Critical Recharge Area, as outlined in Skagit County Code 14.24.330. Initial review of projects on Guemes Island by the Skagit County Planning and Development Services Department *will* include staff from the Health Department and County staff hydrogeologist to evaluate likely impacts to groundwater quantity and quality. It is understood from the Health Department staff? “It is largely current practice to have both Health and a County staff hydrogeologist review all applications on Guemes Island.” As this is already a current practice, the approval of the Guemes Island Subarea Plan would have to be put on hold for an amendment to Skagit County Code mentioned above.

Page 31, Policy 3.7. Guemes Island Planning Advisory Committee proposes the following change: Accessory Dwelling Units (ADUs) shall be permitted on Guemes if the well capacity does not meet – *prohibited* if it does not meet current quantity requirements as specified in Skagit County Code 12.48, or the chloride concentration of the water source exceeds a limit as specified in the updated Seawater Intrusion Policy or Code. Justification: It is understood from the Health Department staff that a maximum chloride level must be defined; however, this type of detail should be rightfully located in the Seawater Intrusion Policy or Code which, to our understanding, is still being written, and that the quantity statement is optional since the current practice, as per Skagit County Code 12.48, Drinking Water Code. So it’s already in there.

Page 31, Policy 3.8. Guemes Island Planning Advisory Committee proposes the following change: Skagit County *shall* limit the total number of building permits for new residential dwellings for additions exceeding 25% of the existing square footage and accessory dwelling units to twenty per year. This limit is based on a maximum build-out in fifty years and should ensure that the rate of growth on the island conserves and protects groundwater resources and the County’s ability to maintain adequate capital facilities and ferry service commensurate with the rural character of the island. We justify this: In recent years we have seen a maximum of sixteen building permits issued annually. That’s the maximum in the last ten years. By setting a limit at twenty, there should be no sustainability issues in the near future.

Chairman Easton: About thirty seconds.

Mr. Bush: Page 31, Policy 3.9. Guemes Island Planning Advisory Committee proposes the following change: Skagit County *shall* implement the following dimensional standards for Rural Intermediate and Rural Reserve lots. The justification for that is more detailed planning for a subarea plan has to include the option of being *more* restrictive than the specifications in the Skagit County Code. As more and more small beach cabins are being replaced by large family homes, these larger homes present environmental risks to the shoreline and potential impacts to groundwater.

Again, I will submit this in writing. And if you have any questions, you can give me a call.

Chairman Easton: Yes. Thank you.

Mr. Bush: Thank you.

Chairman Easton: Mr. Allen Bush.

Allen Bush: I'm passing.

Chairman Easton: Mr. Jeff Salmon?

Jeff Salmon: Salmon – like the fish.

Chairman Easton: Like the fish.

Mr. Salmon: Jeffrey Salmon, S-a-l-m-o-n, like the fish. I'm a homeowner, I guess north of Holiday Boulevard, at 7259 Island Crest Lane and I'm one of the few owners of – I guess I'm the only owner of the area that's going to be rezoned. And I find that the owners on the road don't know about the meetings like this, or they're busy with work and they can't attend, and I believe that they're – the ones that I've spoken with – are quite similar with the feelings that I have. Typically questions come up like – this is dry land and it's going to – they compare it to wet land and so forth. But, you know, it's something that a pipe line with water in it would make it all go away.

And, you know, I think back that rumor that at one time we were talking about putting a pipe line across the channel – this was before my occupancy of Guemes – and that they were going to pipe water in across the channel and, if I'm not mistaken, without a vote, without asking any – you know, I really wasn't here at that time, but I understand that just a few people started a ruckus about it and the money was contracted.

I do know that the County is in need of tax revenue and I do know the state of the economy. And, yes, I am ex-military. And, yes, I see the ability of the building department and the Health Department to enforce what we have going on on Guemes. I just built a home. I had the inspections. I know that the code does not enforce – the house was not built to code. The well was not inspected by the Health Department, and the building department did not inspect the home for major beams and other safety issues that now I have to put back into the home. I also see people living on Guemes with no wells, no septic. I see no enforcement of the current law and I can't see why we're initiating *new* regulations when we can't enforce the old. I think it's terrible.

After twenty years in the military I really thought I could move somewhere and retire, and now with the way the trends are going and the lack of development I can see property taxes escalating, you know, going to the point that I won't be able to live on Guemes.

Chairman Easton: About thirty seconds.

Mr. Salmon: And so I'm very concerned. Also the well – the wells in the area on Island Crest are good. There's plenty of them on there the further up the road you go. And I think that Mark Sawyer, the well driller that made a statement in regards to the lack of water in the area, just came and serviced my well and said that I have a very good well. And I know the McCullochs up the road have a lot of two-digit numbers coming out of the wells. So I think the well drillers themselves aren't – there's ways – there's high tech ways to get septic and water in these areas, and they're just not being looked at.

Chairman Easton: I appreciate your testimony but your time's up.

Mr. Salmon: I appreciate it. Thank you.

Chairman Easton: You're welcome. Roz Glasser?

Roz Glasser: I'm Roz Glasser, G-I-a-s-s-e-r, 6132 South Shore Road, Guemes. I wanted to first thank you for your service as a group to the county, for coming to the island, for your interest in seeing – trying to see what we're talking about. And I know it's a lot to take in and we appreciate your efforts and we appreciate what you're trying to do here.

I wanted to speak to the Shoreline, Transportation and Implementation Elements of the plan. I'm vice-chair of GIPAC so I'd just like to speak about our concerns regarding some of the should/shall language.

In looking at the original resolution for Guemes Island Planning Advisory Committee to exist, it basically said that its intent was to ensure sensible growth and development, address local issues and protect unique resources. And we see that the revisions that have been made to the plan are really not in keeping with that concept at all.

As a planning body we did two surveys: a visual preference survey and a values survey, essentially to ask people what they wanted to see on the island and how they wanted the island to feel. They gave us a vision and we interpreted that into the plan, and we had a public meeting to verify that what we were doing was what people were asking us to do.

So we think that the changes from “shall” to “should” are really are not in keeping with that vision or are they keeping really with the resolution that initially established GIPAC.

As to the Shoreline Element, in the comments that I submitted to you I’ve put in some language regarding the legislative findings about the Shoreline Management Act, the revisions of 2003, and what they were intended to do, and that is to revamp the Act because it really wasn’t working all that well, particularly to help upland wildlife along the shoreline and nearshore areas where Chinook salmon – which are a threatened species – have a really good home around Guemes, and a lot of other fish and shellfish in their juvenile stage need those sorts of habitats. And so the State is very concerned about finding ways to protect those habitats.

And so the language that we included in the Shoreline Element of the plan reflects directly what the Shoreline Management Act update has been trying to ask local governments to do. And that language is pretty prescriptive in the sense that their – and I’ll quote from the legislative intent, that it’s trying to “Recognize and protect the statewide interests over local interests; to preserve the natural character of the shoreline; to result in long term over short term benefits; to protect the resources and ecology of the shoreline; increase public access to publicly owned areas of the shoreline; and increase recreational opportunities.” The implementation of this policy should ensure the public’s opportunity to enjoy the physical and aesthetic qualities of the natural shoreline of the state, and these policies “*shall* be preserved to the greatest extent” possible.

So the –

Chairman Easton: About thirty seconds.

Ms. Glasser: The State’s requirements are pretty straightforward.

I’ve identified a number of policies that we went through when you were on the tour and tried to provide some rationale as to why we feel the “shoulds” should be “shalls,” and just want you to be sure that you can see that we’re trying to maintain the rural character of the island, the small scale of houses, and protect the unique natural resources that exist there.

One policy we didn’t talk about at the tour was Policy .3 on page 112 in the Implementation section. We’d like that policy to be revised to state “GIPAC shall be given timely notice of land use actions, including land divisions and zoning change requests, and all Public Works projects on Guemes Island.” And we’d like to see this language because the island will hold a community meeting to elect a new GIPAC group to respond to the County on land use and transportation proposals, and –

Chairman Easton: Unfortunately –

Ms. Glasser: – it's essential that GIPAC know in sufficient time so that we can get public input on these responses and get them to the County.

Chairman Easton: Thank you, Roz.

Ms. Glasser: Thank you again for your time, and if you have any questions feel free to contact me.

Chairman Easton: Make sure – if you have another copy of this – make sure you put it in the box, too, so that it's a part of that record, or I'll put mine in there if you need – you have an extra one there? Okay.

Steve Orsini?

Steve Orsini: My name is Steve Orsini. I reside at 4971 Guemes Island Road, Anacortes, Washington 98221. First and foremost –

Chairman Easton: I need you to spell your last name.

Mr. Orsini: Oh, sorry. O-r-s-i-n-i.

Chairman Easton: Thank you.

Mr. Orsini: Just six letters. First and foremost I wish to thank the islanders, both foreign and domestic, who have labored to produce this subarea plan.

(laughter)

Mr. Orsini: This draft plan's treatment by Skagit County is best typified by the eviscerating substitution throughout of the verb "should" for "shall." Skagit County Planning and Development Services Department remains negligent in protecting the sole source aquifer resources on Guemes Island. This draft subarea plan continues this pattern of purposeful disregard for the health and water rights of the island's existing property owners.

I'm going to quote now from a '94 Washington Department of Ecology letter to the Skagit County Health Department. Quote:

The Antidegradation Policy as stated in the Water Quality Standard for Ground Waters, Washington Administrative Code 173-200-030, ensures the purity of the state's ground waters and protects the natural environment. Permitting saline intrusion into fresh water aquifers could be a violation of the

state's Antidegradation Policy, and can cause adverse water quality effects in existing wells.

For these reasons we would recommend limiting new well construction on the north end of the island. We would encourage no well site approval or plat approval for developments planning on using ground water from this part of the island, unless they have a valid permit from Ecology. We would also recommend the county discourage wells completed within unconsolidated materials near the coast island-wide.

...We see the ground water resources in the area as important and vulnerable to overdraft.

As Ecology predicted, wells on the north end began to fail. The first and most spectacular was Potlatch Beach Water Association. Their two wells failed in 1995 due to saltwater contamination and were condemned by the State Department of Ecology. A PUD was ultimately established and those people are serviced now by a seawater – a reverse osmosis system taking in seawater. Since the letter was written, a survey of well logs indicate that some thirty-eight wells have been drilled on the north end of the island since 1994.

The County does not track failed wells on Guemes. There is no relationship in this draft or in any practice of the County for determining the effect of new wells on existing wells.

Using the grossest criteria that the owners of failed wells have had to seek new wells inland or employ reverse osmosis on their wells, or build whole house catchment systems, eight other wells or water systems have failed on the northern end of Guemes Island since '94. This does not count wells that go dry on the north end during summers with low rainfall.

In the meantime, the County continues – I'm going to just skip that part because it's a little bit detailed.

In '97, the island achieved – as you know – sole source aquifer designation, making it a critical area as noted in the Skagit County Code.

Chairman Easton: About thirty seconds.

Mr. Orsini: Thank you. The concept of a long-range plan proposed on page 48, which states "Skagit County Public Health has begun the process to update the Seawater Intrusion Policy. The Skagit County Hydrogeologist has proposed long-range plans..."

This concept is about sixteen years too late. It postulates measurements in a future computer model. The above language must be struck and language similar to the '94 Department of Ecology letter inserted. The policy must follow until adequate authoritative study of the island's aquifer recharge areas is completed so that scientific knowledge, not plats from the 19th century, can inform water and pollution policies for the island. In the meantime, County building code must be changed for Guemes Island in identified seawater intrusion areas mandating that new homes employ whole house water catchment systems or reverse osmosis from the sea.

Chairman Easton: I appreciate your testimony.

Mr. Orsini: This County does not have the right to continue to degrade the sole source aquifer on Guemes Island. It is illegal to continue to perniciously take Guemes Islanders' water rights with no hint of compensation while simultaneously imperiling their health.

Thank you.

Chairman Easton: Do you have a question for Steve?

Ms. Ehlers: Steve?

Chairman Easton: She has a question.

Ms. Ehlers: Would you please give us, for the record, a copy of that 1994 letter?

Mr. Orsini: Yes.

Ms. Ehlers: Thank you.

Chairman Easton: Great.

Mr. Orsini: Other questions?

Chairman Easton: Nope, that's it. Thank you. Sally Stapp?

Sally Stapp: This will be really fast.

Chairman Easton: Okay.

Ms. Stapp: My name's Sally Stapp, S-t-a-p-p, and I'm referring to that page 49, the last sentence in the fourth paragraph. Rather than deleting this sentence, as Marianna suggested – the sentence says, "The data also indicate that groundwater in two areas on the island actually improved dramatically since the USGS study was conducted (Potlatch Beach #1 and Alverson Tract well)" – I

suggest that it would be more instructive to explain the data by stating it is important to note that those two wells have both been unused for at least five years – yeah? Think that’s true?

Ms. Kooiman: Just for six months.

Ms. Stapp: Only six months?

Ms. Kooiman: Mm-hmm.

Ms. Stapp: Huh. Well, I’ll find out and add that to my suggestion. Thank you.

Chairman Easton: Okay. Thank you.

Ms. Stapp: Can I hand it in like this?

Chairman Easton: Sure. You bet. You bet; any way is fine.

So at this time, all those who signed up on the Guemes Island sign-up sheets have spoke. Is there anyone who needs to ride the ferry home –

(laughter)

Chairman Easton: No, no! I mean I know you all need to ride the ferry home! I’m sorry – let me finish that sentence! I didn’t mean to put a semi-colon there – who needs to ride the ferry home who would still like to – who would like to testify who hasn’t, before I go to the non-Guemes list?

(silence)

Chairman Easton: Okay, because for a second there I thought, Wow, we’re going to be here for a while! All right, we’ll go to the next speaker then. Tom Glade?

Tom Glade: Good evening. My name is Tom Glade. I’m here this evening representing Evergreen Islands. My last name is G-l-a-d-e-. I reside at 210 Mansfield Court, Anacortes, Washington.

Mr. Chairman, I ask permission to distribute our letter to the Commission?

Chairman Easton: Granted.

Mr. Glade: The purpose of Evergreen Islands is to promote, protect and defend the unique ecosystems involving the saltwater islands of Skagit County and their environs, with particular emphasis on the quality of human interaction and impact on the environment.

In planning the future of Guemes Island, the single most dominant and overriding issue that is the fact that – is the fact that Guemes Island water supply depends primarily on the sole source aquifer. Another vital fact is that the aquifer recharge areas that feed the sole source aquifer are designated as Category I Critical Recharge Areas. A vital corollary is that the aquifers are fresh water lens aquifers, aquifers that get thinner as they get near the shorelines. A compounding issue is that most of the existing housing and most of the potential housing will be near the shorelines.

In the Land Use Element on the Fresh Water Lens, on page 18 and 19 is described: “Over-pumping areas, which are under the influence of seawater intrusion, will further degrade the aquifers and pull in more seawater. All of Guemes Island is subject to the County Seawater Intrusion Policy requirements of any new development.”

On the – further information in the plan as follows:

- 7 wells exceed 200 mg/L and are unfit for human consumption.
- 4 wells are between 100 and 200 mg/L (and) are above Ecology’s threshold.
- 40 wells are within 25 – or between 25 and 100.

These results indicate that the capacity of the Guemes Island aquifers to produce drinking water have not only been reached but they’ve been exceeded.

The plan further states that this contains – regarding Rural Intermediate – “This zone contains the greatest risk of adverse environmental effect upon critical areas because much of it is located near the – its shoreline.”

And the table on page 22 indicates that Guemes Island’s Rural Intermediate zones have the potential for another 943 homes.

Taking these facts into consideration:

- That the fresh water lens is thinnest at the shorelines.
- That the majority of the existing homes are close to the shorelines.
- That most of the potential homes will be close to the shorelines.
- And that increased utilization of the aquifers will negatively impact the availability of fresh water for homes, both existing and potential, that are close to the shorelines.

Based on these facts, a rough estimate could be: For every new home, the water quality for an existing home will be significantly degraded.

Chairman Easton: About thirty seconds, Tom.

Mr. Glade: Okay, thank you. Well, I'll skip to our recommendations. Evergreen Islands recommends – or compares with the recommendations made by Futurewise, and we recommend the following actions:

- Implement this plan as soon as possible, with the changes that Evergreen Islands, Futurewise and others have proposed.
- Include a moratorium on new development until the adoption and implementation of
 - The Saltwater Intrusion Plan update.
 - A full Impact Study focusing on the islands' Critical Area Recharge Areas.
 - And the County Shoreline Master Program update.

Thank you for the time.

Chairman Easton: Thank you, Tom.

Unidentified male voice from the audience: Mr. Chairman, is there a way to turn the volume up on the microphones? I've got my hearing aids on high and usually I can hear _____. _____ that'd be great. Thanks.

Chairman Easton: Sure. That request has been made of our staff – technical staff. Yes, I'm getting the sign that that is going to be taken care of. If the speakers could stand a little closer to the microphones, that would be helpful, too.

Mr. Christensen: I think it's probably really important that as you speak you lean forward into the mic. If you are back away from the mic it won't broadcast as well.

Chairman Easton: Did you have a question?

Ms. Ehlers: Yes, do we have anything from Futurewise?

Chairman Easton: No, not at this point. Not that I know of. They may have submitted something in writing. All right, Judith Horton.

Judith Horton: I pass.

Chairman Easton: Okay.

Ms. Ehlers: Can I raise that issue for a moment, please?

Chairman Easton: Sure.

Ms. Ehlers: Tom, we don't know that we have any letter from Futurewise, so we don't know what it is you're agreeing with.

Chairman Easton: If you're going to respond to that, I need you to come to the microphone, Tom. Sorry. Make sure everyone can hear you.

Mr. Glade: May I repeat my comments?

(laughter)

Chairman Easton: No, actually, but you could answer the question!

Mr. Glade: Futurewise sent a letter to Ms. Ruacho, asking her to send an acknowledgment that the staff had received their letter and that it would be available at this hearing. Thank you.

Chairman Easton: Okay, thank you.

Ms. Ruacho: That's not what the acknowledgment was. The acknowledgment was that the letter was received and it will be delivered to the Planning Commission with the rest of the public comments upon the conclusion of the public comment period, which ends on Friday.

So these comments that are coming in today in written format, plus any others that come in will be batched and mailed to you after close of business on Friday.

Chairman Easton: Bill and Carolyn, did either one of you want to speak?

Carolyn McCulloch: Not really. I have to –

Chairman Easton: Well –

(laughter)

Chairman Easton: I'm sorry, but your – we need you on the microphone if you want to ask us a question.

Ms. McCulloch: I have more questions.

Chairman Easton: You have more questions?

Ms. McCulloch: Yes.

Chairman Easton: Okay, so we need you to come to the –

Ms. McCulloch: Are you going to have a question and answer period or –

Chairman Easton: Not typically at a hearing do we take questions from the public. But who are they to?

Ms. McCulloch: My questions are addressed to Joost.

Chairman Easton: Oh, they're to the – to GIPAC?

Ms. McCulloch: There was nothing –

Chairman Easton: Look, I'm going to need you to go to the microphone because we're on television.

Ms. McCulloch: Sure. There's nothing in the document that I could see that addresses the property owners who are in this impacted zone.

Chairman Easton: You need to state your name and spell your last name.

Ms. McCulloch: Oh, I'm sorry. I'm Carolyn McCulloch, and it's M-c-c-u-l-l-o-c-h.

Chairman Easton: And your address?

Ms. McCulloch: Is 2253 Crane's Landing, and that's Green Bank, Washington, so we're non-resident owners and I haven't seen any of those, other than ourselves, here tonight and so I'm a little concerned about the tilt of – you know – of not having where we come from represented. And we are in the impacted zone.

Chairman Easton: I'll speak to that.

Ms. McCulloch: My question is – because Joost mentioned something about grandfathering, but there's nothing in any of the document anywhere that talks about what happens to those property owners who have these lovely 5-acre parcels, have invested lots of money in them, and have the hope and dream someday of developing those? But now it's going to be a 10-acre parcel. Does that mean they're shut down? That they have recreational-only property? And I heard of – and I mentioned this in the letter I sent – and I heard of one person who actually was a little physically ill when they heard about this proposal. We've owned our property since 1989 and we love it dearly and would really hate to see people like ourselves, who find that as a very nice retreat, being told Sorry, but you can't use it for anything but camping on. So...

Chairman Easton: Well, let's – there's two questions here that I think need to be answered. I'll answer the notification sort of question that's implied and then I think there's another question about what happens to a 5-acre when you're

down-zoned into a 10-acre zone. So I'll have you take that question, Mr. Chair – or Mr. Director.

Ms. McCulloch: Thank you.

Chairman Easton: As for the notification, notification was handled according to County policy through newspaper and the website so that both – you know, it's not – it's inactive; it's not pro-active, with the exception of this portion of the plan that deals with the zoning change. Those individual property owners were notified, and so were people who live within – is it 300? 300 feet, Carly, of the proposed change?

Ms. Ruacho: Just within the boundaries.

Chairman Easton: Within the boundaries, so those within the boundaries of the change would have been notified of tonight's meeting. So, for that. To your question about what happens to the 5 acres if now you're in a 10-acre zoning, I think it'd be best if the Director addressed that – if – unless you don't want to!

(laughter)

Mr. Christensen: Well, let me just say that with regard to land use regulations even though zoning may allow for a residence to be built, it doesn't necessarily mean that one *can* be. There are a number of things that you need to be able to demonstrate to obtain a building permit. One, for instance, is it needs to be a lot that was legally created. You also need to be able to demonstrate that you have adequate quantity and quality of water, and you need to be able to have some way in which to address your effluent, either through onsite septic system or through other means.

So when we review building permit applications there's a long list of items that we have to review to determine whether or not that lot has a development right, and whether or not a building can be located on that lot – meet certain dimensional requirements as well as environmental and public health requirements.

So it's a very complicated process to really provide, I think, an answer to your question. And it may not sound like a good answer, but it depends.

Ms. McCulloch: Well, my question, I guess is more –

Chairman Easton: You're going to have to go to the microphone. And this will be your last question because we need to move on.

Ms. McCulloch: Okay. I may not have been real clear but my question really is should you meet all those criteria, would you still not be allowed because of the

10-acre versus 5-acre restriction. And, you know, what if you meet all that criteria? Would you still be stopped because of the rezoning? Does that make sense?

Mr. Christensen: If you're 5 acres or larger, you'd have a development right.

Ms. Ruacho: If you're less than 5 acres, there's a process to go through a review. We couldn't answer right now whether that specific lot would be allowed or not. It's called a "reasonable use" process, and there's a notification process involved. You apply, you need to meet certain criteria. There's no way for us to know right now on an individual lot basis whether that lot would be eligible for development. If it's 5 acres or greater, you can go forward.

Ms. McCulloch: Even though it's going to be rezoned 10-acre minimum?

Ms. Ruacho: Right. We have a provision for existing lots – that if you're not 10 acres but you're at least 5 you can move forward. If you're less than 5 there's a process you go through to ask for a reasonable use exception.

Chairman Easton: Sir – sir, you've already – you actually exceeded your amount of time that we gave you to testify and I was gracious –

Mr. Salmon: But yes, but –

Chairman Easton: Let me finish.

Mr. Salmon: Yes. Sure.

Chairman Easton: And if you'd like to ask the Director a question afterwards he'll be available, and if you'd like to write more comments you have until Friday. So we'll leave it –

Mr. Salmon: Yes, I have plenty of comments.

Chairman Easton: We'll leave it with that.

Mr. Salmon: Yes, sir.

Chairman Easton: Let me just make a couple of – well, first, is there anyone else who wishes to speak who didn't speak already?

(silence)

Chairman Easton: Okay. So a couple of housekeeping things just as a way of how we do our business. The public record, so that what you can submit – it's at 4:30 Friday?

Mr. Christensen: 3:30 –

Chairman Easton: 3:30.

Mr. Christensen: 3:30 p.m. Friday –

Chairman Easton: – the 13th.

Mr. Christensen: Friday the 13th.

Chairman Easton: Friday the 13th, by 3:30 p.m., you can turn in more written responses. Those will be – and you have our assurance that those will be reviewed by us prior to our deliberations. Then GIPAC members are invited to – and the rest of the public are all invited to come to our deliberations on the 14th of September. It is our policy that we can ask GIPAC members questions. Our policy as a committee is that we do ask the citizen advisory group in the subarea plans that we do – we've done one in Alger and now in this one – we will – we may have questions for you at that time, not to re-testify but just to answer our questions to make sure that we're making deliberations.

At this time I want the Commissioners to consider if there's anything that they would like – while it's on their mind – to point out to staff that you need prior to deliberations or at deliberations. And I'll go first: Two things that I'm going to need for deliberations is, one, I need access to the hydrologist and, two, I need access to the Health Department. Because I have questions about things that relate to both of those. So at this time –

Mr. Anderson: Can we assume then if we testified here that we don't need to send a letter – that that will be transcribed?

Chairman Easton: Why don't you come to the microphone and repeat the question?

Mr. Anderson: Robert Anderson again. If we have testified here, will our remarks be transcribed as if we had sent you a letter, or do we need to send you a letter in addition to our oral remarks?

Chairman Easton: If you want your remarks to be captured in writing, I would strongly suggest, as the saying goes, not to make any assumptions and to put those in the box. We can watch the – we don't – we have the option to read transcripts and we have the option to re-watch this. This is captured online. And like one of our Commissioners is not here. She will be sitting in on the deliberations as she watches the video.

But if you – you know, my suggestion to you is –

Mr. Anderson: Your answer is it depends.

Chairman Easton: I would put it in writing.

Mr. Anderson: Thank you.

Chairman Easton: That's my suggestion. Carol has a couple – so we got the first of your requests from me.

Mr. Christensen: Yes.

Chairman Easton: Okay. And then Carol has some requests for what she needs prior to – this is for directly to staff.

Ms. Ehlers: I need two maps – two items for a map that I have not yet found that I know are crucial to the discussion. The first was brought up by Mr. Anderson and that is the wellhead protection areas for the public wells. There's an extensive one for both the Holiday Hideaway, which you will find on the Skagit County Aquifer map from 2008.

Ms. Ruacho: So do you want the aquifer map from 2008?

Ms. Ehlers: I want that section that shows where the wellhead protection area, which happens to be toward the north, and one of them at least is in this chapter 3 area.

Ms. Ruacho: So you want the northern section of the 2008 aquifer map that shows Guemes?

Ms. Ehlers: Yes.

Ms. Ruacho: Okay.

Chairman Easton: Anything else?

Ms. Ehlers: Yes, I have something else. We are doing a Capital Facilities Plan later. Gary brought up to the fire department the need for information on the Guemes Fire Department and it was not included. There is not very much about fire here, but there is an official County map in the Natural Hazard Mitigation Plan in the Fire section. There are three maps – Maps 4, 5 and 6 – which identify the high hazard areas for fire in Skagit County. There's low hazard, which is the majority of Guemes because it's alder forest. There is medium hazard, high hazard, and there's extreme high hazard. One of the two extreme high hazard places in Skagit County is the Holiday Hideaway area and the area identified as chapter 3, and I think we need to have that as part of the discussion, whether

that discussion takes place as part of this plan or whether it is decided to put it as a separate issue later.

Chairman Easton: Okay. Any other Commissioners while – you know, you have time between now and deliberations to ask for other things of staff, but while it was fresh on your mind I just wanted to give you the opportunity.

All right, with that, I'm going to close the public hearing. It's now closed (gavel). We will recess for four minutes. We'll be back here at 7:25 to consider this – the Capital Facilities Plan.

Ms. Ruacho: And just an announcement for –

Chairman Easton: But we have an announcement about the ferry.

Ms. Ruacho: it – just regarding the ferry, so –

Chairman Easton: You want to hear this announcement: It's about the ferry.

Ms. Ruacho: Since we're releasing at 7:30, the last ferry leaves the Anacortes ferry dock at 8:30, according to the information I have here. If you have any different information, speak up. But the information from the ferry manager is that the last scheduled ferry run leaves at 8:30 p.m. and so it does not appear that we're going to need a late ferry run. Okay.

(recess)

Chairman Easton: ... deliberations on the Capital Facilities Plan. With that, who on staff is taking the lead on this one? Or –

Ms. Ehlers: Carly. She's the one who did it.

Chairman Easton: Carly. Okay, Carly.

Ms. Ruacho: All right. You'll notice that we still have quite a few people left in the back here. That is because we have had – we have many staff – County staff – people here in case you have questions on the different components. The Planning Department takes the lead role in compiling all the information, but the information does come from many different County departments as it is a Countywide document. So I think at this point I would love if everyone can come to the podium, introduce themselves, tell them what department they're from so that you know who's here, and you can address any questions you might have.

Chairman Easton: Excellent.

Ms. Ruacho: Tim, do you want to start?

Tim Holloran: Sure.

Ms. Ruacho: Thank you.

Mr. Holloran: First off, Tim Holloran, Skagit County Administrator. I usually watch you through that window or on camera. I want to thank you for your services. I guess I'm here to answer questions for people who couldn't make it tonight.

Ms. Ruacho: In general government.

Mr. Holloran: In general government as well – as well as Facilities. So, thank you.

Chairman Easton: Great. Thank you, Tim.

Mike Elde: Good evening. I'm Mike Elde. I'm the Equipment Rental and Revolving Fund Coordinator and I'm here to answer any questions about any of the Public Works facilities, so the road operations, yards, fuel, all that kind of stuff.

Chairman Easton: Okay. Thank you, Mike.

Brian Adams: Good evening, Planning Commissioners. I'm Brian Adams. I'm with Parks, Recreation and that includes Fair. So any questions about parks, recreation and fair, I'll be answering those questions. Thank you.

Chairman Easton: It's a sacrifice for you to be here right now. We appreciate that.

Ann Marie Gutwein: I'm Ann Marie Gutwein. I work in the Public Works Department in Engineering, so if you have any questions about projects I can help you with that.

Ms. Ruacho: That's the section titled "Transportation" in the plan.

Kevin Renz: Good evening. Kevin Renz. I'm the Solid Waste Division Manager with Skagit County. I'm here to answer any questions you have relating to the transfer station or any of the solid waste facilities.

Chairman Easton: Great. That's everyone then?

Ms. Ruacho: That is everyone, I think, that's here to answer questions. We do have one person left. I'm not sure who they are, but...

Stewart Mhyre: I'm from the Sedro-Woolley School District.

Ms. Ruacho: That's right!

Chairman Easton: He testified earlier.

Ms. Ruacho: I knew I recognized you but I couldn't place you.

Chairman Easton: He testified during the hearing.

Ms. Ruacho: That's right. So he's just our individual who's interested in what happens tonight. That is so great that we have our individual, our interested citizen.

So we had our public hearing last month, as you'll recall, and we had our one interested party testify. And they testified in support of the document. You received immediately following that public hearing a packet from us which included a revised Capital Facilities Plan. So there was a Capital Facilities Plan put out – I apologize I don't have the dates in front of me, but earlier last month. And about two days before the public hearing we realized that there was some mathematical errors in some portions of the plan, so we went through it with a fine tooth comb and, as you can see, we did discover a few errors.

So you have the errata list, which we were able to fit on one page so that's good. There's a few more than we'd like, but it does fit on the one page. And you've got the errata list of the things that we changed since we released it for public comment. With just the one commentor in support of the plan, we don't feel the need to re-publicize this, but did just want to give you adequate time before your deliberations to compare the document originally put out for public comment and then the changes that were listed.

The other thing that we prepared for your deliberations – and, again, well in advance – was an analysis of the school district impact fees for the three districts that did turn in a new capital facilities plan. As we talked about earlier, those are difficult to see the changes because they submit only in hard copy each time, so it's not like the rest of the Capital Facilities Plan where things are identified in strike-through and underline (and) you can tell what's being deleted, what's being added. Sorry I paused. I just realized I'm supposed to call the ferry manager. I'm going to send Chad on that – on that mission – really quick just so she doesn't think we're having a – her phone number's right at the top there. Can you call her and tell her we don't need a late ferry run?

Sorry about that! Just my memory!

So you've got that information from us. And Sedro-Woolley was gracious enough to come to the meeting and kind of walk you through it themselves,

which was really great. And our information reflects what he testified to, so I was happy to see that. And so we've got the Conway School District and then the Mount Vernon School District there – that information kind of in the same vein as he had testified to, what has changed in their plan that would result in a change of impact fees. Generally there's more interest this time because the fees are going down, which if they were going up maybe people wouldn't question so much because they're used to that. But having them go down, it raises an eyebrow, so we wanted to make sure there was an explanation on that. So hopefully you found that to be helpful and explanatory.

And as you'll see in the document, I'm sure you've noticed that, you know, there's a significant amount of change this time. The document needed a significant amount of updating. We hope that when we come before you – and we hope it's around budget time before the end of the year – with the 2011-2016 plan that it will need less updating.

I do just want to remind you – I spoke to this before – but we really focused on the County-owned portions of the Capital Facilities Plan this go around. Because we do plan on doing two this year, we kind of broke it up into two parts: the County-owned and the school districts this time, and then the non-County-owned entities next time so as not to delay the process unnecessarily so that we can act in an efficient manner for the school districts. So that's why you'll see most of the changes in the County-owned sections and not very many changes in the non-County-owned sections. Those will have the majority of the updating this next go round.

So that's really all I have. I mean, certainly, we're here to answer any questions you might have. I know it's a bit different than most documents that you look at because it's more of a numbers game. But we do have all the different representatives here to answer anything that you might have and we are, hopefully, you know, fairly confident that after much review and much work – this really took a considerable amount of work to get this document to balance – that it is accurate at this point and precise to the information that was given to us.

Chairman Easton: So at this point, questions for staff and then we'll entertain a motion.

(silence)

Chairman Easton: Really?

Mary McGoffin: Oh, I have a couple questions.

Chairman Easton: Okay.

Ms. McGoffin: Go ahead, Elinor.

Elinor Nakis: Okay. I had a question on the Francis Road project. And the first time I heard about the project I read it in the *Skagit Valley Herald*, and I then I read a very thoughtful letter to the editor about it. Then I talked to some of the farmers that live out there. And everybody seemed to be of the same opinion – was that by improving those curves – changing them a bit – it wouldn't make the place safer to drive on, that it would be more dangerous because people would just be encouraged to speed a little bit faster than they already do on that road. So has anybody mentioned that in your department or during the planning?

Ms. Gutwein: The Francis Road project has gone through some – some extensive public – we haven't gotten *comment* but we have opportunities for people to comment. Every year we have a meeting about all the projects that we're going to have on our Six-Year Transportation Improvement Program. It's been on for some years. The Commissioners have recently re-looked at the preliminary plan that we had, considering the comments that we've gotten from the public and from farmers, and the plan hasn't been finalized yet for the road, but it has taken into consideration *their* concern about taking farm land out of production. And so that's being addressed.

One thing that's happening with that project is that there's an old farm road that one of the farmers wants us to take out so that he can farm the area. It hasn't been farmable.

Did you have any other specific questions about the project?

Ms. Nakis: Well, I was looking at the cost of it and I have a different idea for it!

(laughter)

Ms. Nakis: And so I just wanted to know how to get that information to you and if there was any leeway as far as – it's a done deal? You're going to ____ do this or is there opportunity for _____?

Ms. Gutwein: There – I think if you talk to the Commissioners there's always the opportunity for a different idea. But you should be aware that when we – when we build a road, it's built to County standards. And so the County standard for a road of that volume is 12-foot shoulders – or 12-foot lanes and 8-foot shoulders. And the reason we got the grants for that section of road is because there were so many crashes on it. People – a lot of run-off-the-road crashes. That has to do with the width of the lane as well as the lack of shoulders.

So if you're going along and you're losing control, if you have a wide shoulder you can quite often regain control of your vehicle, where if there's just a ditch there then you're in the ditch.

So we build them to the standard based on the state standard. And I think that – so the width of the road isn't something – it can vary with it – we could have 6-foot shoulders, maybe.

Ms. Nakis: Mm-hmm.

Ms. Gutwein: But another consideration is – on that road particularly, I've been driving on it when somebody is coming toward me and they cut across the curves and I have nowhere to go.

Ms. Nakis: Right.

Ms. Gutwein: If you have that shoulder, you have someplace to go. And also the deputies tell us that when they want to stop somebody for speeding they can't pull them over if it isn't safe. And if they can't get the car or the vehicle that they're stopping and their own vehicle off – safely off the road, they can't stop them. So that's another consideration.

Ms. Nakis: Okay, thank you.

Mr. Holloran: If I could so boldly speak on behalf of the Commissioners, they had the same questions. And so they asked the County engineers to revisit the project and to look at the different safety standards, which I think Ann Marie alluded to as the shoulder, the curves, the slope, et cetera. What part of the existing road base could be used and how can it be done more cost effectively?

The Commissioners have that information. I think they're looking at six or seven different options with prices as far as how much farm land – the prime motivator's not just taking what – how much farm land is taken out: It's how can we do this in a cost-effective manner. There's also the volume of cars that are on there.

So we can send that information to all of you. I think it's worthy for everyone to take a peek and we're open to any suggestions. It's not a done deal.

Ms. Nakis: Thank you.

Chairman Easton: Great. Thank you, Tim. Thank you, Ann Marie.

Ms. Ehlers: May I answer the other part of Elinor's question, because it came up in the last hearing?

Chairman Easton: Sure. Briefly, sure.

Ms. Ehlers: There's a Capital Facilities Plan, which is this one. There is the Six-Year Transportation Improvement Plan and that always occurs, because it's state law, in June or early July. There is always a meeting announced in the *Skagit*

Valley Herald, the legal paper of record, to meet with Ann Marie Gutwein and ask all the questions that you want on any single aspect of it. I did that with her in terms of the South Shore Road on Guemes. Then after that open house, if you will – which is poorly attended historically, very poorly attended; it's always offered in the evening – then there's a hearing at the County Commissioners. And so there is a much more open process for this.

Now the Planning Commission members always get copies of the Six-Year TIP before the evening meeting and we're supposed to go through that in terms of planning policies which we know and of planning problems which we know and all the issues which we know, and we are supposed to then tell Ann Marie. And she's been very, very good over the twenty years that I've done this in passing these comments on. So it's one aspect of County Public Works planning that is well-organized and stays that way, partly because state law mandates it.

Ms. McGoffin: I have something.

Chairman Easton: Okay. Mary has a question.

Ms. McGoffin: I just have a comment to the Public Works Department. It's hard for us to second guess an individual road because we haven't looked at it as carefully as you have. I think Elinor and I generally feel that maybe not all users are considered, that it's primarily automobiles that are considered when these, you know, things are designed.

Great, you're going to adjust that.

Ms. Gutwein: I don't ride my bike as much as I should. But I'm – we're – part of our mandate is to look at non-motorized transportation. And the thing that I really like about the 12-foot lanes and 8-foot shoulders is you have a place to ride your bike. I can't imagine riding a bike on Francis Road or – you know. But if there's an 8-foot shoulder I would do it.

Ms. McGoffin: So that could be maybe formalized in some way that that is a bike lane or, you know, signage or something so that people realize it's not just an extra lane for somebody to pass with a car. You know, I mean the – I guess that's what I'm hoping that Public Works will consider as adding to their – like you said, it's being mandated anyway, but I think the public really wants to see that, too.

Ms. Gutwein: Yeah, and SCOG and ACTF – Active Community Task Force – has a bike map that is available for people. I think they have them down at Skagit Station. And I don't believe that Francis Road is on that, but some of the – I hope not – but some of the roads that are west of the freeway are on it. We tried to put the ones on it that we thought were the safest. But – and, in fact, we applied for a grant to do some signage, some message boards like at Conway

and areas where people would enter the valley if they were riding a bike. And we wanted to put signs on – have routes, have them on the bike path and then have the routes on the roads. We didn't get the grant. It's almost like you have to have more problems with crashes than we have here. So we don't score very well on some of the grant applications that we tried for. But we'll keep trying!

Ms. Ehlers: There is, in that regard, when the state redid 20 – or part of 20 on Fidalgo – they put in a lot of drainage. And all too many of the drainage grates are not designed for bicycles. There's this 2-foot bicycle lane, which is far too little. A foot of it's taken up with this grate and the grate goes this way, which is the direction the bicycle wheels go, instead of across it.

Ms. Gutwein: And then quite often they're sunk in the asphalt – they're not at level – which they're trying to improve, I know, in Mount Vernon.

Ms. Ehlers: Yes, but this is a brand new highway and should have been done with more safety because it's a state bicycle route. So please pay attention to that kind of thing when you're actually constructing the roads.

Ms. Gutwein: Yes.

Chairman Easton: Any other questions for staff?

Ms. McGoffin: Yes.

Chairman Easton: Yes – Mary?

Ms. McGoffin: What does “special pathways” mean?

Mr. Adams: Brian Adams, Parks and Recreation. I think some of what Ann Marie was referring to – non-motorized transportation – these monies dovetail directly into that. Special pathways monies are monies that are dedicated for non-motorized transportation and they're monies that come from state gas taxes. We get about \$160,000.00 per year for those dollars. They've gone for a variety of projects, but they're dedicated for non-motorized transportation essentially.

Ms. McGoffin: How do you use them?

Mr. Adams: We use them – they've been used for everything from acquisition – they've got to be used – the definition of how they can be used is for trails that have a transportation purpose; linear trails score quite well. But they have to serve some type of transportation connecting neighborhoods, churches – for instance, the play fields at the – behind the college. That works quite well. There's churches that those paths connect to, the campus. They connect to neighborhoods. Those type of pathways is what we try to use those monies for.

Ms. McGoffin: Sorry, I've got one more.

Chairman Easton: That's fine. Don't apologize.

Ms. McGoffin: This one is about the – I don't know the new name for the jail – Community Justice Center – is that it? So could I ask you a question about that? There's a block of money set aside for that, but how do they really know what that's going to be? And is the design finalized?

Mr. Holloran: Once again, Tim Holloran. Good question. A while back the County went through a program for a criminal justice center and it was – I wouldn't call it the utopian design, but it was pretty inclusive. It had strong programming for recidivism where you had programming where if someone has substance abuse issues or mental health issues, they could see a counselor there and it would have entryways from the exteriors where also the person, when they're out, they can see the same counselors. And that's proved to be a successful model in other communities.

It also had courtrooms included in the facility. One of the biggest risks is when you transport inmates – or the expense *and* the risk – is transporting inmates across the street or up and down an elevator.

Our original estimates were \$200 million and we felt it was very, very high. And, you know, we started this process when the economy was pretty strong. So you see a \$60 million figure in there right now. What we plan on doing now is to sit down with each city council in each community to figure out how we can address the issue in a short-term fashion. We don't want to lose sight of our long-term plan of some sort, but we don't see the revenues there.

So we took – one of the mechanisms was a sales tax, 3/10 of 1%, for law and justice, of which the Cities would have 40% of those funds. So it's a partnership so the Cities would have to commit the 40% of those funds to make it work. So, again, it's a partnership with all the Cities. You see down in King County where the County didn't have any room and they told the Cities go do their own thing. That can't happen in Skagit County. There isn't enough numbers.

So we projected 3/10s of 1% for twenty-five years, and that's why you see the \$60 million. That's the projected number of what that would generate today, in the next few years.

Dave Hughes: Will the Cities agree to that?

Mr. Holloran: No. We're going to – we – now that we have a dollar figure, now we sit down with the Cities and say Okay, what's Plan B. What can we do in the interim? What can we do with the existing facility? What can we do for a minimum security facility, et cetera? So we need to look at cost effective options.

So all we have is a dollar amount and we're going to start that process this fall. We're contacting the Cities right now to see what ideas they have.

You know, you see the community programs. Up in Whatcom County they took some Port property and created a facility, minimum security facility. They're actually entertaining people that are medium security inmates up there, but it seems to be working. And their plan, ultimately, is to sell that property back for commercial purposes. So they have an interim. They have a – I think every community's facing the same kind of thing. We just don't have the money. The \$60 million is what 3/10s of 1% would generate. We're going to be working with the Cities on a plan.

Ms. Ehlers: Over how many years?

Mr. Holloran: Twenty-five years.

Ms. McGoffin: Have they bought that property or is there an option to buy it, or what's the status?

Mr. Holloran: No, we expressed an intent. Again, it's one of those – in order – the Christianson Seed property, which was the preferred site, there's an essential public facility process. The City of Mount Vernon has to approve. The County's not going to put themselves in a situation where they commit to a piece of property before we know that our City partner in Mount Vernon thinks it's a good idea. There's lots of ideas. I mean, it would be prime commercial property, et cetera. So, again, we wouldn't extend ourselves and put ourselves in that situation.

Ms. McGoffin: Okay.

Mr. Holloran: Similar to the Burlington School District.

Chairman Easton: Would the 3/10s be voted on by the people or –

Mr. Holloran: Yes.

Chairman Easton: or – would that be – okay.

Mr. Holloran: Yeah. It's not _____. It'd be voted on by the people so it'd be a ballot issue.

Chairman Easton: Okay. It'd be a countywide ballot issue?

Mr. Holloran: Mm-hmm.

Ms. McGoffin: You know, another partner would be the hospitals who deal with the mentally ill who keep coming through and –

Mr. Holloran: Yeah, there's a hint in the – there's a facility in Massachusetts that has a community – good partnership with a community hospital. And the fact that we have three public hospitals here I think there's lots of areas we can partner and do a triage. One of the concepts is to take and move the Sheriff's office out of the bottom floor of the facility and use that as more of a triage, more of a book and release minimum security. That would be more cost-effective. Again, I don't want to throw these ideas out, but these are some of the ideas that we're looking at. We have to. We just don't have the money.

Chairman Easton: So in theory, the \$60 million number is a placeholder for the next round of conversations about what to do?

Mr. Holloran: I think what it is is it'll address some short-term solutions.

Chairman Easton: Okay.

Mr. Holloran: Without abandoning the programming. Again, the programming is what cuts down on the recidivism – people coming back into jail.

Chairman Easton: Mm-hmm. Okay.

Mr. Holloran: Any other questions?

Ms. Nakis: So many – how many people would that house?

Mr. Holloran: It depends on the solutions we look at. Right now the jail was built for eighty-three inmates and we have over 200 people in it.

Ms. Nakis: I know. I've been in there.

Mr. Holloran: Yeah, so you've been in?

Ms. Nakis: Visiting.

Mr. Holloran: Yeah.

(laughter)

Chairman Easton: I'm glad you asked. I'm glad *you* asked! I mean, I wasn't –

Mr. Holloran: I've been in a couple of times! I guess what I'm saying, it depends on the options and we're trying to use a lot of alternative methods, as well. So I

don't want to take up all your time, but this is a huge issue for the County and I think it's a great question.

Chairman Easton: Okay.

Mr. Holloran: We don't have an answer to it.

Chairman Easton: Mary has one more. One more for Tim?

Ms. McGoffin: No, no. This one's for Kevin.

Ms. Ruacho: Now somebody has to come up with a question for Mike because he would be the only one left. So be thinking on a Public Works Operation Maintenance question, you guys.

Chairman Easton: Come on, Carol. I bet Carol – I bet Carol can.

(laughter)

Ms. McGoffin: So my question is they approved the new transfer station and – but that's not part of what we're doing here, right? The transfer station is a bond that's outside of the Capital Facility Plan? Or is it?

Unidentified male voice: It's always been in the Capital Facilities Plan.

Mr. Renz: Yeah, the transfer station project was identified as a project under the Capital Facilities Plan.

Ms. McGoffin: But there was outside money for that?

Same unidentified male voice: (inaudible)

Mr. Renz: ...low interest. It's an American Recovery and Reinvestment Act bonding that was allocated to the County. We have \$5,276,000.00 of recovery zone economic development bonds that were going to be used for construction. The rest of the balance of it is going to be through regular **ARA** bonds, and they're just kind of a specialized bonding. It's a taxable instrument rather than a non-taxable municipal bond that we typically issue, but it was capacity that was allocated to the County for capital projects.

Ms. McGoffin: Okay. I just – it's a big thing; I just didn't know how it was affecting the overall budget.

Mr. Renz: Right. The solid waste system itself is paying for the project. All of the costs for the bonds and the debt associated with the transfer station will be funded via tip fee revenue, so there's no impact on general fund or other funds of

the County. It's strictly the solid waste system that's paying for the costs associated with the construction.

Ms. McGoffin: Okay.

Mr. Renz: Thank you.

Ms. McGoffin: Thank you.

Chairman Easton: Do we have any other questions?

Ms. Ehlers: I'll think of one for Mike so he can –

Chairman Easton: I think she was joking.

Ms. Ehlers: No, I'll –

Ms. Ruacho: No, she's serious!

Ms. Ehlers: No, I –

Chairman Easton: No, I mean I thought you were joking, Carly.

Ms. Ruacho: No, no!

Ms. Ehlers: I could easily think of one, but while Mike's getting out to come –

(laughter)

Ms. Ehlers: – let me say this to Carly and the rest of you. This is the kind of process that we talked about in 1999 and 2000 where there was going to be actual information put together in an actual format like this in which the people who were responsible for it were going to come *before* the operations budget was done for the year, so that you talked about your capital and then you discussed the operations and figured out whether you could afford that capital, because if you can't afford the manpower you can't have the building.

And so may I say that this is the first in ten years that we've actually done what we planned to do ten years ago. And I want to compliment those of you involved in doing it because the public is so cynical – with good reason – and this is the kind of thing that once you get – once the public gets used to it, the fact that it actually happens. Now if you'll only do it again for the operations budget, the way it used to be done with Mike, we'll be all right.

Now one of the questions that we consistently have is: What's the difference between engineering and operations?

Mr. Elde: Well, operations – at least the way I can give that answer – is road operations is actually the folks out doing the maintenance on the roads, and engineering are the people who are planning major capital projects and small projects. Road operations, though, is actually the central, big outfit there on Highway 20 that houses all the trucks, graders, manpower that does all the road projects and the maintenance throughout the year. Right now they're heavily involved in the chip sealing you see throughout the county, snow removal, brush cutting, all that good stuff.

Ms. Ehlers: So if a person has a question about the chip sealing process, which I do, is it you that we go to or engineering?

Mr. Elde: You would – the most likely person you would ask is Cliff Butler, who's the Road Operations Manager.

Ms. Ehlers: Okay. Now, on one of the County roads where there's a hill and a steep and a slope that has always been considered a bit loosey-goosey, an owner is now doing what he has to do to keep public trespassing off and putting in a fence. So he's doing what he needs to do because an RCW says you can go anywhere on anyone's property unless there's a fence. In the process of doing that, he has cut down all the trees and brush that are holding the bottom of the toe of the slope. So is this a question – this happened this last week, so it's a very real question – is this a question you bring to John Cooper in Planning, to engineering, or to operations?

Mr. Elde: I –

Ms. Ehlers: Because there's nothing wrong with him putting in the fence. What's the problem is is by cutting all of the vegetation he is letting the toe of the slope run risk next winter – if it starts to rain the way it used to – of sliding over the road. And he probably has no idea.

Mr. Elde: I would say Planning because it's going to be an enforcement issue and operations can't do any enforcement. Would you agree?

Mr. Christensen: It depends how much is being cleared or cut. One question comes to mind is whether a forest practice application would be needed because of the amount of timber, perhaps, that's being cut.

Ms. Ehlers: It's just the toe of the slope.

Mr. Christensen: And there's no grading work being done? It's just brush clearing?

Ms. Ehlers: It's brush clearing, tree clearing, there's a drain pipe or two that seems to be coming down into the roadside ditch. So it's the kind of thing – there's nothing particularly illegal about it. It's just risky in terms of the road. There's a lot of these things which are not huge deals.

Mr. Elde: I know – I know that if it was going to affect the way the road works and the way the road was designed, a quick call to operations is going to get Cliff or whoever that district road supervisor is for that particular road district, it's going to get them to go out and look at it. And that, in turn, if there's an issue with enforcement then staff can talk to other staff and get things rolling. Usually – on a side note – usually it's not that property owner doing that; it's that property owner calling operations asking them to do that work for them!

(laughter)

Mr. Elde: So this – that would be a unique situation.

Chairman Easton: All right.

Mr. Christensen: Carol, maybe to add a bit to Mike's response is the Department's review is going to be primarily the result of Is there a permit or some type of application that's required. And not all activity on one's property requires a permit. There's been some talk about developing a clearing ordinance which may allow us to review projects in which there's going to be clearing on sites, but there currently is not one in place.

Now if the question is that a landowner is doing some work which is undermining the integrity of the County road system, then certainly Public Works is going to want to know. And Mike's right that a call in to Cliff to come out and take a look to assure that what's being done onsite isn't undermining or making the integrity of the road system less safe. And, if so, then there may need to be some kind of corrective actions or, you know, some improvements made. So certainly the County is interested in making sure that the function of that road is going to be maintained and operated and can be in a safe way.

Ms. Ehlers: That's a very practical answer to a practical question. Thank you.

Mr. Elde: Thanks for making me feel included.

(laughter)

Chairman Easton: Okay, now that Mike has been included, the Chair would entertain a motion concerning the CFP. Someone would need to make a motion to approve, I would assume.

Ms. Ehlers: Well, I'll move to approve the CFP as presented and revised in the latest edition.

Chairman Easton: Okay.

Jerry Jewett: I'll second the motion.

Chairman Easton: Carol has moved to approve the CFP in its current revised edition and it's been seconded by Jerry. All those in favor – oh, is there any discussion?

(silence)

Chairman Easton: Seeing none, all those in favor, signify by saying "aye."

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

Chairman Easton: All those opposed, say "nay."

(silence)

Chairman Easton: Any abstentions?

(silence)

Chairman Easton: It passes eight to zero. I even remembered to restate the motion. We have one item of miscellaneous business that I'm aware of. Mr. Director?

Mr. Christensen: Just one under, I guess, General Issues on the agenda. Just want the Planning Commission to know that your fellow Commissioner, Jerry, has elected and decided to retire from the Planning Commission at the close of his current term, which is later this fall. And with that in mind, the Department will be advertising a vacancy for District Number 2. That will be posted on skagitcounty.net this week, and a press release and so forth will go out to local media. So those of you that know folks out there who might be interested in serving on the Planning Commission can certainly go to skagitcounty.net to find out more about it. And the applications for County Commissioner review and consideration will be open through – I'm sorry; I don't know. I'm not seeing it. Yes, August 31st, so by the end of the month interested candidates can send a letter of interest, statement of qualifications to the Commissioners' office. And thereafter appointments will be made. Yes?

Ms. Ehlers: May I suggest that a link between your website announcement and the map which shows the exact territory of District 2 would be wise?

Mr. Christensen: So there's this announcement, and on page 2 for the rest of the story, as Paul Harvey would say, you'll find a map that shows the boundaries of District 2.

Ms. Ehlers: Good for you.

Mr. Christensen: Good set-up question, Carol.

Chairman Easton: Yes. With no other business to come to (the) floor, we are adjourned (gavel).