

Skagit County Planning Commission
Deliberations/Possible Action: Guemes Island Subarea Plan
September 14, 2010

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| <u>Commissioners:</u> | Jason Easton, Chair Carol Ehlers Elinor Nakis Mary McGoffin, Vice Chair Jerry Jewett Matt Mahaffie Dave Hughes (absent) Annie Lohman (absent) Kristen Ohlson-Kiehn (absent) |
| <u>Staff:</u> | Jill Dvorkin, Deputy Prosecuting Attorney Carly Ruacho, Senior Planner Gary Stoyka, County Hydrogeologist Lorna Parent, Environmental Public Health Specialist Corinne Story, Environmental Public Health Manager Rachel Beck, Interim Ferry Operations Manager |
| <u>GIPAC:</u> | Roz Glasser Allen Bush, Jr. |
| <u>Consultant:</u> | Mark Personius |

Chairman Jason Easton: All right, we call this meeting of the Skagit County Planning Commission to order (gavel). Before you, Commissioners, tonight is an agenda that is titled "Draft Agenda." Would you please take a look at that? You've been sent this prior to the meeting. I hope you had a chance to review it. We're taking a look at the agenda. Is there any discussion or concerns about the way the agenda's laid out for tonight?

Carol Ehlers: I have a question.

Chairman Easton: Go ahead.

Ms. Ehlers: We have staff response to things divided up, which makes sense. Why cannot we do topic by topic so that what staff says doesn't get lost between the time they say it and we finally get around to that topic?

Chairman Easton: So you'd like to question each individual department after their staff – their response to comments before – instead of doing it in two sections?

Ms. Ehlers: I think I'd rather take each chapter of the document and have staff respond to the comments on that chapter, and then have us bring up issues on that chapter then go on to another chapter.

Chairman Easton: Well, in discussions with staff prior it's not the Chair's opinion that – it's not my opinion – that there's going to necessarily be issues that relate chapter by chapter for each of these different departments. They're each going to be given a five- to seven-minute window to share what it is that they feel is important to us. If during your questions you want to take them back to a specific chapter, you'll have plenty of time to do that. That's why we allowed for a thirty-five-minute period of questioning – or thirty-minute period.

Ms. Ehlers: Okay. I just didn't want them to think that when they're done, they're done.

Chairman Easton: No, no. No, actually I've asked that they stay.

Ms. Ehlers: Good. Thank you.

Chairman Easton: I know they might all have plans later tonight but they get to stay, so that's the plan. Are there any other questions about this?

(silence)

Chairman Easton: All right, then. Can I – I'll entertain a motion to approve the agenda.

(silence)

Chairman Easton: I need a motion to approve.

Elinor Nakis: I'll second it.

Mary McGoffin: I move – I move that we approve the agenda.

Chairman Easton: Okay.

Ms. Nakis: I second it.

Chairman Easton: It's been moved and seconded that we approve the agenda. All those in favor, say aye.

Jerry Jewett, Ms. McGoffin, Ms. Ehlers, Matt Mahaffie, Ms. Nakis and Chairman Easton: Aye.

Chairman Easton: All right. With that, I have an opening statement that I need to read. Actually I have two. The following are paraphrased excerpts of Article IX of the Planning Commission Bylaws:

Each Planning Commission member has a responsibility to uphold and work within the law and to respect the responsibilities of others to do the same. Planning Commission members must refrain from any conditions which create suspicion or misinterpretation, appearance of partiality, impropriety, conflict of interest, or pre-judgment over any proceedings.

Planning Commission members shall recuse themselves from acting on any proposal with which they may have a personal business relationship relating directly or indirectly to that proposal.

The full text of Article IX is attached on the reverse side of this document that I have and the Planning Commission members must please indicate by a show of hands if you have reviewed the section in its entirety.

This would be the section that you've seen before but if anybody wants to look at it it's the General Ethics and Rules of Conduct section of our bylaws. Does anyone need to review it?

(silence)

All right, so is there anyone – by a show of hands – who needs to recuse themselves from tonight's actions? Seeing none, I'll read our second section.

Pursuant to the Planning Commission Bylaws Appendix A, the Simplified Rules of Procedure, the following statement is required for quasi-jurisdictional matters.

And due to the fact that Holiday Hideaway may be considered a quasi-jurisdictional matter, it's the Chair's opinion that we need to read through this and answer the following questions. So:

Do any members have a personal interest in any property included in tonight's deliberations? (silence)

Okay.

Is there any member that cannot hear and consider these proposals in a fair and objective manner?
(silence)

All right.

If any Planning Commissioner has had any outside communications with opponents or proponents of the amendments to be heard tonight, please state the substance for the record.

Ms. Ehlers: Does this mean that if you've ever heard a discussion on the subject in the last twenty years you're supposed to shut up?

Chairman Easton: No, that would not be my opinion nor – Jill?

Jill Dvorkin: No.

Chairman Easton: All right.

Ms. Ehlers: Well, it needed – it needs clarifying.

Chairman Easton: Okay. I think the best way to clarify it – in my mind the way I clarify this – and, Jill, correct me if I'm wrong – is since the hearing, have you had private conversations concerning the Plan with proponents or opponents for the Plan?

Ms. Dvorkin: That's correct. I think it's an ex parte context, so during the pendency of the deliberations or, you know, since you've been working on this.

Chairman Easton: Okay.

Ms. Dvorkin: As a Planning Commission member.

Ms. Ehlers: That is a much clearer statement. I suggest the next time we do the bylaws that we put it that way.

Chairman Easton: All right.

Does anyone object to anyone's participation in the Planning – of the Planning Commission members? If so, state a reason for your objections. So do any of you object from your fellow Commission members participating? (silence)

All right, great. Well, we have these things out of the way. Then we can move on to the agenda. The next item on the agenda is the staff response to comments and we'll start with the Planning Department staff

Carly Ruacho: Thanks, Jason. Carly Ruacho, Planning and Development Services. I'm just kind of maybe here instead of Gary tonight. He wasn't able to join us so hopefully I can facilitate you down your agenda and reach the objective tonight, which would be a vote on the Guemes Island Subarea Plan. I will probably just turn it over to Mark Personius for comments regarding the Plan. I do have a couple of maps, and I don't know when you want to talk about it but we went through the maps and looked to see if any of them needed updating since the origination of the Plan, and we have a few here that we would recommend that you would replace like-for-like just to get the corrected information. So I have those and I can show you, or we can go through that maybe when you get toward your motion. At the end I thought would be a good location, but if you have any other time that you would prefer, we can certainly look at it then.

I'll just quickly introduce who's here tonight that came at your request for your deliberations. Beside me here, Jill Dvorkin, as you all probably know, Civil Prosecuting Attorney that assists the Planning Department on planning matters – with the Prosecutor's office but works closely with Planning. So she's here. She'll give a brief presentation on her – what we refer to in the Department as her "Should/Shall Memo," and that we provided to you a couple of weeks ago.

We have Mark Personius here who's been the consultant on the Plan all along. And he'll give the substantive remarks on the response to comments.

We have several folks from Environmental Health and – although Gary Stoyka, I think, officially works for Public Works, or at least he sits there! He's here. Pardon me if I get your title wrong: County Hydrogeologist, I think?

Gary Stoyka: Close enough.

Ms. Ruacho: Close enough! Some sort of scientific water term. And Corinne Story is also here from Environmental Health, and Lorna Parent, and they'll be presenting.

And then Rachel Beck, from Guemes Ferry is also here, as far as staff. And then we do have GIPAC members in the front also available for your questions on the agenda: Roz Glasser and Allen Bush, Jr. So I think that gets us through everybody in the room. And then I'm sure they'll delve more into their areas of expertise when we get there. But at this point, I'll turn it over to Mark Personius to lead us off.

Mark Personius: Thanks, Carly. Good evening, Commissioners. I'll be very brief. I just want to hit a couple of points for you. We have some updated maps

for you that we'll get through, I think, when we get into the substantive issue discussion about build-out and things of that nature. But I just wanted to kind of give you a theme. I think we want to reserve most of the time for the Public Health staff, the Public Works staff and the ferry staff we have not been able to really talk to before. And they are very huge issues on the island on those subjects so I want to reserve as much time as we can for them.

What I just wanted to say is – to kind of put this in a framework – is if you recall when we were reviewing the Alger Subarea Plan, that was a community that was looking to increase economic development opportunities, to kind of maximize their development potential of what they could do, and to attract *more* growth. What we have with the Guemes Island Subarea Plan is the other end of that spectrum. It's a community that cares, obviously, very deeply about their island, but they have priorities that are more on the preservation of rural character, environmental protection measures. So you'll see very different kinds of policies here, very different kinds of things that they would like to do with their community versus Alger, which, to my mind, is wonderful because it speaks to the diversity of this county. And there are very different neighborhoods and very different communities in the county and that's the purpose of subarea planning, is really to be able to go in and look with a microscope at a smaller level – smaller geographic level – and determine what the values are for those individual areas.

So I don't have a lot else to say right now about that. If we have questions as we go along, we'll be happy to answer those.

The document we put forward for you on the summary of the – summary of the public comments. There were a 100 and, I think, 2 or 3 pages of public comments. It's always interesting when there are more pages of public comments than there are pages of the plan. What we tried to do to kind of – is to condense those down so that they're a little bit more digestible and readable. So we put those into about five or six different major categories from – mostly they – I think the majority of them are going to relate to groundwater, aquifer protection, wells, seawater intrusion, reverse osmosis, those kinds of things. There's a good section of comments from the Ferry Committee and from GIPAC on ferry operations, which Rachel will address, and Lorna and her folks will address a lot of the groundwater stuff. And if there are particular issues when we get into land use and the proposed rezone, Carly and I can both talk about that. And then Jill will be here to talk about her analysis on the "should versus shall" question, as well as some legal perspective on it. So if you have any questions of me now, please ask. Otherwise I'll reserve my time.

Ms. McGoffin: I just have one question.

Mr. Personius: One? Okay.

Ms. McGoffin: The issue of rezone: Is that really pertinent to this policy discussion? Wouldn't a rezone come up as a Comp Plan amendment at another time?

Mr. Personius: This being a subarea plan, there are – the window is available to change land use designations on the official County map and this is one venue that you can do that by. There are others, but this is a venue since it was unique to Guemes Island that we wanted to get that done and get the local comment on it. So that – it *is* a proposed Comprehensive Plan Land Use Map-slash-zone change.

Chairman Easton: Okay, but it doesn't – I don't want to misunderstand your comments – it is not the only place where this could be done. If the Commission was to choose – and the Commissioners were to choose – to not do this at this time it could be done as a regular Comp Plan amendment?

Mr. Personius: It certainly could.

Chairman Easton: Okay.

Mr. Personius: Yep.

Ms. McGoffin: Okay.

Chairman Easton: All right. I think there'll be some more discussion about that later. I expect there will be. At this time, let's – thank you, Mark – let's hear from Lorna and Health.

Ms. Ehlers: May I ask that you all speak a little louder than you have been? It's difficult to easily hear what you're saying.

Chairman Easton: Okay.

Ms. Ehlers: And that might be true for the audience, also.

Chairman Easton: Go ahead.

Lorna Parent: Okay. I'm Lorna Hickox-Parent. I've been with the Health Department with 1984. I deal primarily with drinking water and my title is Environmental Health Specialist. I'm here with Corinne Story, who's an Environmental Health Manager, and with Gary Stoyka, who is the County Hydrogeologist. Can you hear okay? Okay.

We have just a brief presentation. The important thing to know is that the seawater intrusion policy was fully implemented January 1, 1995. It can be found online at skagitcounty.net/drinking water, and it continues to operate and be

effective today. It covers all of Skagit County, not just Guemes Island. The Skagit County Health Department, along with our hydrogeologist, want you to know that we want to protect the aquifers of our county.

The drinking water program is a poorly funded program and our programs at the Health Department are prioritized by public health need and grant monies. We have the desire but not always the resources.

So, as Carol said earlier, why does the seawater intrusion policy have the word "interim" on it? In the beginning when we were creating the policy we were working with Rice University out of Texas. Apparently somebody had a connection, had a relative living on Guemes Island, and that's where that connection came from. They had made promises to get study and results to us quickly. There were many delays, one delay after another, and after all was said and done and we got the results back there was no need to open and change the policy as we had written it. And so we left it alone. There was no need to open it back up again, and the fact that it was working okay made it a low priority for us.

So next question: Why does the seawater – what about the 1994 letter from the State Department of Ecology, which I believe that you're familiar with and you were given and it was spoke of in your last meeting? So please note the timing on that letter. The letter is like mid-1994. In 1993 and 1994 we were working on the seawater intrusion policy. Department of Ecology had a person on our committee. Our committee had a lot of folks on it. It had Marianne Kooiman, Glen Veal, Nancy Vogel – three people from Guemes Island. We had well drillers, we had the development community, we had hydrogeologists, we had the State Department of Health, we had Skagit County PUD, and we had County representation. There were a lot of people on this committee.

The policy, as you could imagine, is a consensus document. When you have that many people on a committee, it always is a consensus document. The letter that we received was written by different people than the person who was on our committee with us. The letter does not mention Ecology's involvement on our committee and the letter also doesn't even mention that part of our policy actually looks like the policy they had at the same time. The letter does express valid concerns, and the County hoped to address those concerns by adopting the seawater intrusion policy, by developing the critical area ordinance – the aquifer recharge section, which happened many years later in '96 – and subjecting new homes and land divisions to policy requirements.

The next question: Has the policy worked on Guemes Island? Like all good policies or codes it was a good first step. Each building permit application is individually reviewed by Health, with the assistance of our hydrogeologist. Land divisions are required to complete hydrogeological assessments.

Are there improvements that need to be made to the policy? Yes. After fifteen years of using it, we are aware of gaps and we are in the process of updating it and filling in those gaps. We might even put that policy into code if we are advised to.

Does the County track water quality data on all wells? At the time the policy was created we had hoped that we would have a comprehensive water database. We completed Phase 1, which included water well information. The water quality portion was designed but never created. Data exists on paper, on microfiche, and in multiple Excel datasheets. The lack of complete data is related to the lack of a database. Marianne Kooiman has continued to monitor certain wells on Guemes Island. We have provided test kits and a monitoring probe for her use and she has provided data to us.

My next question: What is the status of the wellhead protection program on Guemes Island? For the subarea plan we created a map showing how properties are tied to water systems, and you can find that in the document, Figure 5-7 on page 47. That's a brand new map so I fully expect it to have problems because it'll be the first time that it's gone out. But if you compare this map with official Critical Area Ordinance Wellhead Protection Map you can see that only two Group A water systems are represented on that map. Creating wellhead protection areas for all Skagit County public water systems is on our to-do list.

So I'm going to end with: Again, Health Department, along with our hydrogeologist, want to protect the island and Guemes Island aquifer. The drinking water program is *not* a well funded program and, as you know, times as they are, all of our work in the Health Department is prioritized by public health need and matching our revenue with the required work. We have the desire but we often lack the resources.

So I also did mention the U.S.G.S. study and so here's a copy of it. It also can be found at [skagitcounty.net-forward slash-drinkingwater](http://skagitcounty.net-forward/slash-drinkingwater).

Chairman Easton: Okay. Great. I'm sure we'll have some questions for you in a little bit.

Ms. Parent: Okay.

Chairman Easton: Thank you. Ferry.

Rachel Beck: Good evening, Commissioners. My name is Rachel Beck. I am the Interim Guemes Island Ferry Operations Manager. Overall I have to say that I'm very impressed with the Guemes Island Subarea Plan as it pertains to the Guemes Island ferry within the Transportation Element. It is apparent that all those involved in the development of the Plan cherish the rural character of this

beautiful place and are very committed to protect the nature resources and the wildlife habitat there.

In regards to the ferry portion of the Transportation Element, I am especially impressed with the utilization of data to really capture how ferry issues affect growth management at our rural transportation facility. When it comes to "shall" versus "should" in the ferry portion of the Subarea Plan, I am pleased to say that I have no issues. The subject of "shall" versus "should" is actually not addressed very many times in the ferry portion of the Subarea Plan – in the strikeout copy of that Plan dated May 13, 2010. I noticed in the ferry system portion of the Plan that most of the section was dedicated to outlining the history of the ferry as it pertains to where we are today in ferry operations.

One "shall" that is included in the ferry portion of the Plan states that "Skagit County Public Works shall use the public forum process to gather advisory input on the County's work plan for the Guemes Island ferry operation." And I'm okay with this language as long as it is understood that we will continue to collect advisory input via the public forum process if that is the process that has been established. So, in other words, if that resolution were to change, of course it would be understood that, per the new resolution, we would follow that.

In fact, on Sunday, September the 12th, Public Works held the second annual public forum on Guemes Island for the purpose of soliciting advisory input on the 2010 County Work Plan. The 2010 County Work Plan includes topics of interest such as ticket fare structure, fare recovery model, cost containment, the sailing schedule, a ferry operations master plan, as well as ADA accessibility issues confronting our passenger-only service.

One of the big issues addressed in both the County Work Plan and the Subarea Plan is the need to establish levels of service for the Guemes Island ferry operations. Levels of service for Guemes Island ferry operations is especially important because Public Works staff understands that plans for future growth will be closely tied to maintaining LOS standards.

A level of service implementation, Public Works feels, should be data-driven and should focus on asset utilization while considering ridership, vehicle capacity, crossing times, congestion, wait times, sailing schedule, customer service, reliability, staffing and costs. The LOS measures will be an important indicator of the service customers are receiving, as well as how utilized the system is, which is especially important for our rural transportation systems.

Finally, a process should be put in place for reviewing these standards with affected local and regional planning agencies. Some of the factors that will need to be taken into consideration in developing level of service standards for the Guemes Island ferry will be customer experience, asset utilization, demand management, operational strategies and pricing strategies. And some of the

benefits of implementing level of service standards for the Guemes Island ferry will be greater system consistency, simplification, a definition of “customer service,” identifying asset utilization, identifying peak congestion and providing framework for implementing strategies.

Public Works is confident that through the development of level of service standards we can get closer to achieving what we’re looking to achieve with both the Subarea Plan and the County’s Work Plan.

Thank you.

Chairman Easton: Thank you.

Ms. Ruacho: Thanks, Rachel. I think we’ll just call you “Ferry” from now on! “Ferry,” and then Rachel pops out.

(laughter)

Chairman Easton: I apologize, Rachel. I didn’t recall your name!

Ms. Ruacho: I like that!

Chairman Easton: Thank you, Carly.

Ms. Dvorkin: I was prepared to go by “Legal.”

Ms. Ruacho: Yeah, “Legal”!

(laughter)

Chairman Easton: Thank you, Rachel, once again for letting me call you Ferry and now calling you Rachel. Jill?

Ms. Ruacho: Last but not least, Jill.

Ms. Dvorkin: Thank you. Thank you, Commissioners, for inviting me here tonight. As Carly mentioned, I’m a Prosecuting Attorney with the County and I advise the Planning Department and the County generally on land use issues. It’s been quite some time since I’ve been at a Planning Commission meeting so it’s nice to see you all.

At the request of the Commission, I drafted a short memo that has been provided to you in advance of this meeting. Does everyone have copies of this memo? I do have a few extra copies if any members of the public or others would like a copy.

The memo is very brief in its scope, or narrow in its scope, and it addresses the Planning Department's recommended changes to GIPAC's version of the draft Guemes Subarea Plan that converts several of the "shall"s to "shoulds." As I understand, this has been the subject of many citizen concerns and Planning Commission concerns.

I'll very briefly summarize the contents of this memo. It's really straightforward and they're concepts that I understand the Planning Commission is well aware of, but I'll just briefly go through it.

First, I discussed the basic difference between the Comprehensive Plan and development regulations. Both the Growth Management Act and Washington courts have identified comprehensive plans as a jurisdiction's policy guidance or blueprint, so to speak, for creating development regulations and setting planning priorities. Development regulations, in turn, are the ordinances that implement the comprehensive plan. The two must be consistent under the Act.

Second, I described briefly the function of subarea plans. Pursuant to the Growth Management Act, a jurisdiction may adopt subarea plans as long as they are consistent with the overall comprehensive plan. A subarea plan is intended to address issues specific to the subarea, with a format and contents that are generally similar to the countywide comprehensive plan. The draft Guemes Island Subarea Plan mirrors the Countywide Comprehensive Plan in addressing different planning elements, such as transportation, land use and environment, and provides policies for each element specific to Guemes Island.

Third, I discussed the work plan that was developed by GIPAC and adopted by the Board of County Commissioners regarding the Guemes Island Subarea Plan. It identifies six tasks. The first five of those tasks culminate in the adoption of the Subarea Plan, which is perhaps what will happen tonight. The last task, Task 6, is adopting implementing regulations based on the policies that are in the Subarea Plan. That's the next step after tonight.

Finally, I provided a summary of what I understand to be the Department's rationale in amending several of the "shall"s to "shoulds." In short, the Department believed it made sense to preserve flexibility in how to implement some of the Plan policies. For example, some may require developing a regulatory scheme through new development regulations, while others may be addressed largely through the Shoreline Master Program update, while still others may already exist in current regulations or through Department policies.

Further, I understand the Department felt that the prescriptive nature of the draft Subarea Plan was contrary to the function of a subarea plan, which is, as I said before, more of a guide – guidelines – or blueprint for later adoption than of development regulations.

Again, this wasn't a technical legal memo or opinion – more just kind of an informational piece. You know, I'm happy to answer any questions you may have, but it's really just intended as kind of a rationale for why those changes were proposed.

Chairman Easton: Okay. Thank you, Jill. And Jill's going to stay so that if we do get into a specific should/shall discussion we'll have the opportunity to have her wisdom as we go through it.

Ms. Ehlers: I have a conceptual issue to raise with her when we get that – around to that issue.

Chairman Easton: Well, you know, now would be a fine time for us to start the questions for staff. Look at that – we're right on schedule. So if you want to start with a conceptual question for Jill...

Ms. Ehlers: Yes. You're new to the County and some of us have been around watching how the County actually operates for many years. When we started Growth Management, the then-Planning Director, Scott Kirkpatrick, told us that anything that we thought was absolutely crucial be done – not necessarily *how* it be done, but that it *be* done – that we should put in "shall." If we thought it was a good idea that could get around to it someday, maybe if somebody had the money or the time or the interest to deal with it, we should say "should."

And so I have some recommendations. I listened carefully to the May 25th presentation of Carly and Gary to the County Commissioners because Gary told me I ought to, and the issues which Mark brought up to them and which they felt crucial as areas for their discretion are the seawater intrusion, the new building cap, the water meter and the ferry LOS. And those do seem to me to be discretionary issues.

The issues on which I have heartburn and which I know many of the Guemes Islanders have heartburn from past experience are not among that collection. And what we have found, what we found on Fidalgo, was that even when it was "shall" in a policy it took one hell of a fight to get them to do it. Even when it was practical. The drainage plan for Fidalgo was practical, essential for every facet of planning but it took how many years, Dave – fifteen? – to get them to actually do it, and an uproar, shouting match at Brodniak. And, Jill, you have no way of knowing this. So that is where I come from on some of the recommendations I have. And do you see then where this perhaps differs from what you had heard about?

Ms. Dvorkin: Certainly I appreciate the historical perspective and I understand the concern, because certainly that's – you know, obviously these issues are at the heart of GIPAC's very primary concerns about their, you know, living environment. And ultimately it is a policy decision whether to include "shall" or

"should," and from the Prosecuting Attorney's office we're not here to provide an opinion in terms of what direction you take, just generally kind of –

Ms. Ehlers: Thank you.

Ms. Dvorkin: – how they got there.

Ms. Ehlers: Okay. That's crucial. At the same time I should also mention that everything that you have written in these comments go to – and the Commissioners talked about – are environmental and water-based. And all of those are crucial, but underlying every single thing of this is a basic economic issue that if you destroy the water you have to put in a water system. And when the discussion came about that it was only going to cost a million dollars to put the water underneath the Guemes Channel – and apparently that million was found, which nobody knew – we worked out that it was going to be six million more just for pipe lines down the roads and not concerning the connection from the road to the house, nor the tanks that you have to put in, nor the chlorinator you have to put in, nor the pump stations you have to put in. So six million, plus the million, is the beginning of the discussion of the water system, and I'm speaking from the standpoint of a Board member on a public water system. So this is the kind of infrastructure horror that has caused many of us in parts of the county to be very wary. And it's not usually talked about by the County because it isn't the County's cost. So that's another issue regarding "should" and "shall." But I'm glad that you're free to let us discuss the issue.

Chairman Easton: Yes. And that was – it was important to me – and I was part of the team that decided to invite Jill – that it's clear – and I want to be very clear as the Chair – "should" and "shall" are up for discussion; "should" and "shall" can be changed by this – I believe you have the ability within the way that we're structured to change them. If you choose – if we choose to by a major – in this case, by a vote of five to one because of the way our bylaws read – or by consensus – by no means did my asking by me asking for the memo to be drafted was that to imply that we had no ability to change any "shoulds" or "shall." It was just a matter of making sure that we had legal on record and had a chance ahead of time to prepare us for what their arguments were about why the Plan has ended up where it's at. And as Jill said more eloquently than me, it's not about the Prosecuting Attorney setting policy; it was more about us having an understanding of which part, from a legal point of view, applies. All right?

So are there any –

Ms. Dvorkin: And now you – oh.

Chairman Easton: Go ahead, Jill.

Ms. Dvorkin: Let me just say it, too. It's not that it's not without risk to the County is certain "shall" are chosen versus "shoulds." I did not go through each and every policy. As I think Mark and Carly would agree that some "shall" would bear some, you know, increased risks on the County and that's something that the Commissioners will determine whether they're willing to accept.

Chairman Easton: And before it gets there – while it's here – the reason I wanted you here for later in the time and as we deliberate is I'm going to ask what risk we're adding if we do take on a "should" or "shall" change. So that was for my –

Ms. Dvorkin: Okay, and just a caveat: I have not spent the time that the Planning staff has on this. I've been kind of asked into the issue later, so it will have to be very general advice.

Chairman Easton: Right. That's all I'm looking for.

Ms. Dvorkin: If you needed me to go back and look into an issue, I could do that.

Chairman Easton: Most likely all we'll need is general advice, or all I'll be asking for is general advice.

Ms. Ehlers: You know, Jason, in that regard staff could help on those.

Chairman Easton: Sure.

Ms. Ehlers: Could help Jill on that a lot.

Chairman Easton: Let's go to Jerry.

Ms. Jewett: Well, when we do pass whatever we pass, it's still just a recommendation to the County Commissioners. And the County Commissioners, if we pass a bunch of "shall," can still change it back to "shoulds."

Chairman Easton: To a bunch of "shoulds." Right. Good point.

Mr. Jewett: So sometimes it appears to me they're passing the buck and want us to be the bad guy.

Ms. Ehlers: They're supposed to remand back if they disagree with us, and let us have a discussion about it.

Chairman Easton: Well, let's move to the point where – Are there any other questions for legal before we get into – before we start any questions to other parts of staff?

Ms. Nakis: I had a question.

Chairman Easton: Sure.

Ms. Nakis: I just noticed that – well, I noticed earlier – that if – down at the bottom of the “should” versus the “shall” it speaks of if it was written as “shall” then it would require an amendment to the Subarea Plan if it was to be changed. But that wouldn’t be the same for a “should”? Or did I misread that?

Ms. Ruacho: I think what she’s saying there is, you know, we wanted the discretion – and that’s why we recommended “should” – for the tools to achieve the goals of the Subarea Plan. So if – for instance, let’s use the building cap to control growth. If that is recommended by you to be a “shall” and if it carries forward through the Commissioners, as Jerry indicated, to be a “shall” and that’s implemented that way that is, therefore, our only available tool to control the growth on Guemes. That’s what has been decided in the Plan and, therefore, that is what the development regulations will say. If we wanted to enact different development regulations – a method other than a building cap – we would be causing and inconsistency with the Plan. So we couldn’t just merely change the regulations, which is an easier process; it can occur more frequently than a change to the Comprehensive Plan because this will be a technical extension to the Comprehensive Plan and held, therefore, to the once-a-year amendment process that we’re held to. Code amendments we can run whenever we’d like as many as we’d like throughout the year. It’s a lesser process, quicker, and we’re not tied to a timeframe. So if we over time felt like the building cap was not an effective tool, this Plan right now ties us to the actual cap – and I’m not – I’m just using this as an example.

Chairman Easton: I understand.

Ms. Ruacho: I’m not saying we disagree with the cap. It ties us to the cap as the tool, it ties us to the number of seventeen – or twenty – and that just ties our hands as far as development regulations. When it gets so prescriptive in the Plan, the development regulations must only repeat what the Plan says. It couldn’t deviate. Maybe another tool – you know, some latest and greatest planning tool – we might, you know, discover it and think, you know, Hey, this would be a great application for Guemes Island to achieve the goals in the Plan. And if it said “should” consider using a cap, that would leave it open to us changing our code to not use a cap but instead just this other so long as it achieves the goal set forth.

So that’s an example of what she was saying there. If it’s very prescriptive, the only thing we can do in the development regulations is repeat the language verbatim. If it says “a general goal,” we can have development regulations that

are broader and allows us to change them over time if the ones we're using are not effective.

Chairman Easton: Okay.

Ms. Nakis: All right. Thank you.

Chairman Easton: All right, a question for legal?

Ms. Ehlers: Yeah. There's at least one, maybe two, policies in here that say "should" but if you look in County code recently done, like the critical areas ordinance, it's very clear that, by god, it's "shall." So why do you have a policy that says "should" when the entire staff of the County has said it shall be "shall"?

Chairman Easton: Okay, I'm going to jump in here and say that would probably fit better for when we get to those in the Plan. You can propose to make that change, cite the fact that it came from the critical areas ordinance, make a case to the rest of us, and if you get five votes or a consensus then we'll move forward. I think, out of respect for what Jill said earlier about not going through the Plan on a specific – because that's not what I asked her memo to be about – a specific revision, I think that would be easier.

Ms. Ehlers: I wasn't going to do that now. What I was – I was giving her a time to think about it before we get there.

Chairman Easton: I see. All right, well, there's your time to think about it.

Ms. Dvorkin: Thank you.

Chairman Easton: You're welcome. Questions for legal?

(silence)

Chairman Easton: All right. Questions for Rachel? Any questions about ferries – level of service, those kinds of things? You might want to come up to the microphone. Elinor?

Ms. Nakis: I guess I have a question. I don't know who it goes to really, but I just want to know –

Chairman Easton: We'll figure it out.

Ms. Nakis: – through everything I read it looks like it's been thirty years since it was proposed that a level of service be done for the ferry. And instead of, like, writing in there that, Well, you know, that's something that we need to do, who starts the ball rolling? Who just says, Okay, let's start this committee, let's get

this done, and sets a timeline and timeframe? Is that – would that be you or would that be someone in the County?

Ms. Beck: That's a good question. I have been with the Guemes Island ferry for four years. I moved to Skagit Valley four years ago. My knowledge of everything that has happened at the Guemes Island ferry comes from four years of experience, but also from committees like GIPAC and like the Ferry Committee who have kept excellent track of what has happened at the ferry over the fifty years that we've been running it.

Now as far as how long it's been since the first mention of level of service standards, I might have to refer to one of these committee members to help me out with that because I wasn't here thirty years ago. But I will tell you that the County Commissioners and Public Works staff has come to a point in ferry operations where we feel the need to resolve some of these issues that have been outstanding for some time. And it's going to be me that's going to get the ball rolling on this and I'm going to have a lot of support. So I don't want you to think that it's *only* going to be me because I'm going to need a lot of help. Am I – have I ever done this before? No. Am I a professional level of service standards setter? No. However, I am very committed to getting the ball rolling on this. Because if you think about it, the Plan – the Subarea Plan that GIPAC has made – and the policies and procedures, and the needs of operations, as far as Skagit County Public Works is concerned, are not that far apart.

Ms. Nakis: No?

Ms. Beck: It seems to me that if we had some type of a guideline that we could go by it would help with growth management needs, but it would also help with the operational needs of the ferry. Because the last thing that we want is to be running too much service, to be offering too many runs. Obviously that is at a cost to us. And it affects the growth management of the island because it allows for more growth.

So I think that if we could develop guidelines together and really put them into action, it's going to make a big difference for subarea plans and for Public Works in operating the ferry.

Chairman Easton: Okay.

Ms. Nakis: All right, thank you for coming up.

Ms. Beck: You're welcome.

Chairman Easton: Stay right there.

Ms. Beck: Okay!

Chairman Easton: Go ahead, Carol.

Ms. Ehlers: There are several questions I have, some of which I don't know that we need to vote on.

Chairman Easton: So the ones you think we're going to need to vote on, save for later. The ones you think you can get answered now that aren't for votes, let's do now.

Ms. Ehlers: Okay. It would be useful if, in the chronology of the extended ferry hours, if it were actually chronological. I don't think we need to vote on the desire to make it that way. I don't think anyone would object if we saw a sentence that was rearranged according to the time, would we?

Chairman Easton: Is there any objection to that?

Ms. Nakis: Not at all.

Ms. Ruacho: Do you have a specific, Carol?

Chairman Easton: Specific question – or specific sentence?

Ms. Ehlers: Pages – on the print copy, because I've discovered there's a difference between the e-mail copy and the print copy – in the print copy, pages 86 to 88 is where the chronology is. It goes back and forth in terms of time.

Ms. Ruacho: The Ferry Fares section or Ferry Hours?

Ms. Ehlers: Ferry Hours section.

Ms. Ruacho: Ferry Hours section – okay.

Ms. Ehlers: And it's an editing job.

Ms. Ruacho: So you want, and the Commission concurs, to rewrite this section.

Ms. Ehlers: If it's a chronology it needs to be in chronological order.

Ms. Nakis: Right.

Ms. Ruacho: Okay.

Chairman Easton: Yeah, by the way, due to the – I forgot to mention this earlier – due to the complicated matter that we have at hand, we're not doing live editing

tonight of the actual motion and the findings. So we'll have a – you'll have a chance to review those before I sign them.

Ms. Ehlers: Good. There are two dates, one on page 9 and one on page 80, about when the County bought the ferry. It's either 1962 or 1965. If nobody knows, you could say "early 1960s" and everyone would be happy.

Chairman Easton: Is that by consensus? All right, so be it.

Ms. Ehlers: Okay. Then there is something which really badly needs to be added for your planning, as well as anyone else. It comes in the Congestion category and I have numerous pages for it. It's the question of truck traffic. There are – especially in the days when there was construction going on actively, you would arrange to meet somebody for lunch at noon and they would show up at one or one-thirty because trucks – delivery trucks of one sort or another – had had precedence on the ferry and the cars couldn't come across. And that's the way it operates, but truck traffic I could not find a mention of anywhere in the document when it comes to Ferry.

Chairman Easton: Is that –

Ms. Ehlers: There are page 78, page 79, page 84 and page 85 is where I noticed that truck traffic could be added to this. And a sentence or so in there about the role of truck traffic in congestion would help you plan, as well as the Guemes ferry and anyone else.

Ms. Beck: If I may?

Chairman Easton: Yeah.

Ms. Beck: I would like to comment on that. Guemes Island ferry operations policy is that we are – we operate on a first-come, first-served basis. And there is – the only person who would get precedence over you would be the person in front of you. Now a lot of times there are a lot of trucks in line and especially during the times of peak construction on the island. And, in fact, it is the case most of the time that we can only fit a few of these trucks and we actually take more cars than we do trucks because we can only put trucks in the two middle lanes but we can put cars anywhere. So a lot of times it happens that the trucks wait while the cars are able to load the ferry around them.

Now I'm not saying that there are not times when the trucks cause heavy congestion because of the way that they – or the times – that they all come down at once. But I can guarantee you that the Guemes Island ferry's on a first-come, first-served basis.

Ms. Ehlers: I know that and I appreciate that. But when you're talking about this issue in a plan you need to mention it.

Ms. Beck: Okay.

Ms. Ehlers: That's all I'm asking for.

Ms. Beck: No problem.

Chairman Easton: So you believe that what needs to be mentioned is that it's first-come, first-served.

Ms. Ehlers: That there *is* truck traffic, that it's first-come, first-served, that the truck traffic sometimes creates congestion. It's a simple statement.

Chairman Easton: Just the fact that the truck traffic sometimes creates congestion is what you think needs to be added to the Plan?

Ms. Ehlers: Mm-hmm.

Chairman Easton: Because the Plan seems clear to me to state about the first-come, first-served side of it.

Ms. Ehlers: Yes, it does but the truck – the concept of trucks: There's all kinds of lists – good lists – but trucks aren't included in it.

Chairman Easton: Okay.

Ms. Ehlers: And Rachel needs the protection. Anyone involved in this issue needs the protection of as complete a document as we can give them.

Chairman Easton: Okay. So is – so is it the consensus, then, of the Commission to add a statement to the effect that truck traffic needs to be considered in relationship to congestion?

Ms. McGoffin: It doesn't seem necessary to me. It seems kind of obvious. The way you load a ferry is a combination of large trucks, small cars, and we leave that to your discretion. I mean –

Ms. Ehlers: Mary, on page 78, if you go look, there's all kinds of lists of various kinds of things that go on the ferry. All I'm saying is that trucks should be added to a long list.

Ms. McGoffin: Okay. Add it.

Ms. Ehlers: That's all I'm saying.

Chairman Easton: All right, then on – then let's say this then. The consensus is that on page 78 that trucks are added to the lengthy list.

Ms. Ehlers: On 79, 84 and 85.

Ms. Ruacho: I need more specific here to make sure I'm getting it in the right spot. What is your list?

Ms. Ehlers: Can I give it to you after the meeting?

Ms. Ruacho: I'd rather have the Commission –

Ms. Ehlers: Okay, page 78 –

Ms. Ruacho: – you know, agree just so we can all look.

Ms. Ehlers: All right –

Chairman Easton: Can the Commission agree to have her give it to you after the meeting or do you want –

Ms. Ruacho: Do you want it in all four places?

Ms. Ehlers: Well, it's appropriate.

Ms. Ruacho: I just – I need the – I need the exact language and where you want it placed.

Chairman Easton: Why don't you propose the exact language and where you want it placed, page by page?

Ms. Ehlers: Give me time to read it.

Chairman Easton: When you – later. Why don't you plan on coming back to it?

Ms. Ehlers: Okay.

Chairman Easton: That would give you time, then, as other conversation is going on.

Ms. Ehlers: Yeah.

Chairman Easton: Okay. We'll come back to it.

Ms. Ruacho: Perfect.

Ms. Ehlers: When do we mention the issue that is often talked about in the Plan but never addressed about the ferry transit service, the relationship of the ferry to SKAT on the mainland, during the outages particularly? Because I think I've solved part of that problem for you.

Ms. Beck: Well, then, may I hear your solution?

Ms. Ehlers: I thought you might like that! Someone had the imaginative idea – you can find it here in the big Skagit Transit document of November 2, 2009, which is the latest – something called “49-Plus.” It’s a Dial-a-Ride bus route that has – I don’t know how to show this.

Chairman Easton: Can you zoom in on it or do you want her to take it to the – we’ll take it to the podium. Thank you, Carly.

Ms. Ehlers: Take that, take that and, above all, take that. That’s the gem.

Ms. Ruacho: That’s the one. Okay.

Ms. Ehlers: That’s the real gem. There’s only one copy of that that I can find anywhere and that’s at the Senior Center on the front door.

Chairman Easton: So what are we looking at, Carol?

Ms. Ehlers: 49-Plus is a Skagit Dial-a-Ride service which, according to the official book – the white one, if you’ll hold that one up, Carly; that one – that black line is described as “fixed route service,” which in my mind from many years of buses means you go follow the arrows from 10th and Q to 12th Street, down M Street past the hospital, down to 32nd, and then north on Commercial. Only what there actually is is a colored area around this map – and that’s in the green document and that’s in the original one. And if you have to have Dial-a-Ride – that is, you have to be taken from the front door of your house to the front door of any public building – they will take you. But if you’re mobile, then you – you see within that colored area? That means that Dial-a-Ride will come anywhere into that area. Then if you put the spotted map up with the stars on it –

Ms. Ruacho: The previous map?

Chairman Easton: Yeah.

Ms. Ehlers: Mm-hmm. All those stars are bus stops, with a schedule on it that you can’t really read. But if you live anywhere near one of those bus stops and you can get to that bus stop and you call the Dial-a-Ride number beforehand, a bus will come there and you tell the Dial-a-Ride people where you want to go. It

goes to the hospital, it goes to the Senior Center, the swimming pool, the post office. You see how the route – and then it comes back to the Guemes ferry.

And this is the point at which I wanted to speak to Rachel because a lot of people aren't physically able to go from the Guemes ferry dock up to the top of the hill at the west end of Kiwanis Park. And so what is needed – and I understood from somebody has been quasi-planned – is a way for that SKAT bus to be able to go down into the hole by the ferry – and however it's done is, of course, up to whoever does it – so that people who with – have wheelchairs and walkers and heart trouble, and people who are going to the hospital for one kind of rehabilitation treatment or another, can actually be picked up and taken. That would be a huge advantage during the outage.

Chairman Easton: So we need to find a place to add this. First we need to find to know if it's by consensus and then we need to find a place to add this.

Ms. Ehlers: I have two sites where it's included – it's referred to in the Plan.

Chairman Easton: So – okay.

Ms. Ehlers: Thank you. It's referred to as "Ferry Transit Service" on pages 85 to 86, and then there's another reference at the very bottom of the page on 99.

Chairman Easton: Okay, and how would you propose to word the addition of this?

Ms. Ehlers: Ferry Transit Service – 49-Plus? That gives a specific route number so that people could –

Chairman Easton: Reference it?

Ms. Ehlers: – reference it.

Chairman Easton: So does the Commission have consensus, then, to – at those two spots – to add the line that Carol just proposed?

Ms. Nakis: I would make sure that it says "Skagit Transit" so that it's –

Chairman Easton: Clear.

Ms. Nakis: – more clear.

Ms. Ehlers: That's a good idea.

Chairman Easton: Okay.

Ms. McGoffin: Or refer to the pamphlet.

Chairman Easton: Can you refer to the – can we refer to the pamphlet?

Ms. Ehlers: This green pamphlet I have only found at the Island Hospital at SHIBA.

Ms. McGoffin: Well, let's make it an attachment.

Chairman Easton: Yeah, why don't we – Carly? Let's attach –

Ms. Ehlers: If we could attach this map with the diamonds, that would be even more useful.

Chairman Easton: We'll attach both.

Ms. Ehlers: Okay.

Chairman Easton: Let's attach both and have the line that was with the clarification. One more time, that was the Skagit Route – Skagit Transit Route 49-Plus.

Ms. Ruacho: So, Carol, are you looking at page 85?

Ms. Ehlers: 85, 86....

Mr. Jewett: 85, 86.

Ms. Ruacho: Okay, so tell me where in that Ferry Transit Service.

Ms. Ehlers: Ferry Transit Service starts at the bottom.

Ms. Ruacho: Mm-hmm.

Ms. Ehlers: Oh, add it wherever you think it makes sense.

Ms. Ruacho: You just want a sentence that says, "Ferry Transit Service 49-Plus."

Chairman Easton: Skagit. Skagit –

Ms. Ehlers: And then you – I would put it at the end and say, "On the mainland there is a bus route, 49-Plus, provided by SKAT." Does that work?

Chairman Easton: Mm-hmm, yeah, that works for me.

Ms. Ehlers: Okay. And then on page 99 –

Chairman Easton: Let's wait and let her get it all written down first.

Ms. Ehlers: And then 99 – are you ready?

Ms. Ruacho: Mm-hmm.

Ms. Ehlers: The paragraph that says, “Connections with other Transportation Modes,” the second sentence says, “It should be possible for a person to walk or bike and then take a bus and connect to the ferry dock.” Those two sentences need to be rewritten so that it “is” possible instead of “should be” and however –

(bells ring)

Mr. Mahaffie: Shut up! Sorry.

Chairman Easton: Not Carol!

(laughter)

Chairman Easton: Those of you at home –

Ms. Ruacho: Debbie, he didn't mean Carol!

Chairman Easton: It's his – it was his *phone*.

(laughter)

Ms. Ehlers: I'm competing with a cell phone.

Mr. Mahaffie: It's a brand new phone. I apologize. I haven't –

Chairman Easton: It's all right, it's all right.

Ms. Ehlers: Okay.

Ms. Ruacho: How about “It should be possible for a person to walk or bike and then take a bus to connect to the ferry dock, as Skagit Transit provides bus service”?

Ms. Nakis: Yes.

Chairman Easton: Perfect. Are we all agreed?

Ms. McGoffin: Yes.

Chairman Easton: Yes, we are. All right.

Ms. Nakis: My concern about stating the bus route is that bus route numbers change, so....

Ms. Ehlers: These have been pretty consistent over the years. 410 has gone to – once they had admitted – once they admitted Fidalgo and Anacortes were in the county, it's been the same number.

Chairman Easton: Carol. Carol, Carol, Carol!

Ms. Ehlers: Well, they didn't!

Chairman Easton: Okay. We recognize the county as a whole, all of its boundaries. Are there any more questions for Rachel? Any more questions for Rachel?

Ms. Ehlers: No, the other questions have to do with roads and that's not your domain.

Ms. Beck: Well, we are a road, but...

Chairman Easton: All right. We have some scheduling challenges so we're going to rearrange the agenda with your blessing just slightly, and that is if there are any questions for GIPAC they have a ferry to catch at 7:30 – they need to leave here by 7:30 – so I want to make sure. We'll come back to Health, I promise. Thanks for your patience.

Carol, during the – just during this time I just want to – not Carol – I'm sorry – all of you: I just want to – if there are questions that are specifically for GIPAC we have a standing policy that outside of the public hearing that the citizens advisory committees – and we did this with Alger – correct me if I'm wrong – right, Mark? – we did this with Alger where we brought back the CA the criticisms (sic) advisory group, and if we have questions during our deliberations it's within our ability to do that, even though we're not in a public hearing. So in your research or in – particularly because we're – this has been a plan that's been on their plate for a long time. We're thankful to have Roz and Allen here tonight. So if there're any questions for them or clarifications that you need from them before we move on to asking Health questions?

(silence)

Chairman Easton: All right.

Ms. Ehlers: Well, there is –

Chairman Easton: Oh, okay, there is one! Which makes you feel wanted.

(laughter)

Chairman Easton: Go ahead.

Ms. Ehlers: Well, yes, there is a role in that but that's not what I was thinking of it. What's the most important thing?

Roz Glasser: (inaudible)

Chairman Easton: Yeah, you're going to have to go to the microphone. I'm going to need you to be a little more specific, Carol.

Ms. Ehlers: Well –

Chairman Easton: In relationship to your deliberations. That's kind of the parameters here.

Ms. Ehlers: In the collection of “shall”s to “should”s, which one gave you the most heartburn?

Ms. Glasser: Well, you kind of need to go back to, you know, my particular role versus the whole group’s, and I don’t have a sense about the whole group’s. When we received the version of the document that came from the County we sat down and said, Okay, what are the things that we really, really think need to be “shall”s? And those were the issues that we spoke to in the various presentations that we made.

Ms. Ehlers: Okay.

Ms. Glasser: I know that, you know, the building cap is certainly a very strong one, a very important one. The architectural scale issue, design issue, particularly on shorelines, is a very important one and it ties to rural character and the historical values of the island. I’ll let Allen address the issues that may relate to the ferry since he’s on the Ferry Committee and he also was still working with the land use issues. So to me those were two very important ones, aside from or in addition to the questions that deal with the hydrogeology and the importance of not having additional dwelling units that really couldn’t operate within the limitations of the water resources, particularly shoreline areas. That’s a real important area.

Ms. Ehlers: Before you go, the way that policy regarding the height, particularly, was phrased was across Rural Intermediate, and that would strike me as being one of the areas in which Carly and the others might have difficulty if it’s phrased

“Rural Intermediate” – imply that that was the whole county. Whereas you’ve just specified that it’s more a shoreline issue, where I think there already are height limits. Or supposed to be.

Ms. Glasser: I believe the height limit is something like 30 feet. Is that accurate?

Ms. Ruacho: Mm-hmm.

Ms. Glasser: And that’s three stories. So the buildings that you saw on your tour are two stories and they’re still blocking views and, you know, on a cumulative basis would really interfere with that interchange between the shoreline and views from the roads.

Ms. Ehlers: So is this a view issue or a lot coverage issue?

Ms. Glasser: Part of it’s view. Part of it is shoreline habitat because you have this conflicting situation of – particularly if you look at west shore – but a lot of shoreline lots were platted very narrow. That’s a constant in those shoreline areas. In some of the situations the road happens to also be very close and splits lots so you end up with a very small lot on one side of the road that’s on the shoreline, and the rest of the lot is way in the boonies so that the scale of the structure to the lot is completely off.

Chairman Easton: Okay, let’s let Allen comment.

Ms. Ehlers: That’s good.

Chairman Easton: Thank you. Thank you, Roz.

Allen Bush, Jr.: I’ll answer your first question, Carol. In that broad sense what is that thing you should take away, and I think that’s balance – social, environmental and economic. With regard to Guemes Island rural character is that sort of balance between service and not service and that whole sort of philosophy of why we live there, and the type of people or residents that Guemes Island attracts. It’s that sort of entrepreneurial, self-help kind of person.

With regard to “shoulds” and “shall,” we’re the committed ones. I’m a second generation Planning Advisory person. My father started in ’89 or ’90. When a plan comes back from the County and it’s less committed than we are I think it sort of takes away from all the time and effort we put into it. And so that’s why I think you have enough comments on the books to reflect that “should” to “shall” issue.

With regard to the ferry transportation, it seems, again, commitment. There has been a ferry committee; again, I’m second generation ferry committee man. And we are seeming to deal with this revolving door. I think we’ve seen nine or ten

Public Works Directors in that time, and Ferry Manager after Ferry Manager. When we didn't have a Ferry Manager, I've seen – I used to park cars on the alley when I was a little kid, so safety, all that sort of thing. The issues don't go away and they exist, and as this revolving door opens and closes you need to re-educate those involved. And I think that's why we have a (sic) active group that is committed. And, again, a balance is necessary and we don't need to revisit anything. We need to keep it simple, as Rachel pointed out in her ideas there. Keep it simple and solve the problem so it's perpetual in the fact that we don't have to revisit each and every time we hire someone new or someone new comes with a new idea. It's the facts and figures and the data is there to rely on.

Chairman Easton: Allen, I have a question for you.

Mr. Bush: Sure.

Chairman Easton: In the – have you reviewed the memo from the Jill concerning the "shoulds" and "shalls" and the – did you get a chance to see that?

Mr. Bush: No, I haven't.

Chairman Easton: Let me read part of it to you.

Mr. Bush: Okay.

Chairman Easton: "Upon adoption of the subarea plan" – which was Task 5 of the resolution that was passed in 2005 about the Guemes Island Subarea Plan – "Upon adoption of the subarea plan, the work plan contemplates Task 6 as the – quote – 'drafting implementing regulations based on policies.'" So, "In summary, the work plan created by GIPAC and adopted by Skagit County envisions first the formation of a subarea plan that provides policy direction specific to Guemes Island," and that would be "followed by" an "adoption of implementing development regulations."

The length of time with which you all's been dealing with this is commendable. I mean, GIPAC's commitment, you know, it needs to be said, you know, and I'm not nearly high enough up in the food chain to be saying it; it should be said even higher up than me, but as one member of this Commission you guys' – it's just laudable how hard you worked on this Plan. What I'm learning as I've studied it is this is not the end of getting to that point. And to get some of those things actually done in a way that they cannot be undone, it's going to have to be in an additional piece of work, or pieces of work, that follow the lines of implementing the development regulations. As a member of GIPAC, this "should" and "shall" conversation that we're going to have here after you've – probably after you've left to catch your ferry – will – it will leave some things undone that haven't been finished. And so my question to you is: Does GIPAC continue to exist in your mind to see through that these become regulations and not just a plan?

Mr. Bush: Yes, that was the idea of – and we talked about that in our development of the Subarea Plan that there would be an entity or a body, whatever the –

Chairman Easton: To take this to regulation level?

Mr. Bush: Yeah. Whatever you or the County Commissioners decide as a sort of, you know, group of people, whether it's appointed or elected or however it's going to come about, but that body then would then, you know, measure and monitor as this Plan goes ahead, and amend and adapt and –

Chairman Easton: I'm a little concerned from GIPAC's – and, Roz, if you want to address this, too, that would be great – that we're not misinterpreted either by GIPAC or by the islanders that if certain "shoulds" versus "shalls" play out, it is not a statement that these things shouldn't be enforced. It's a statement by this Commissioner – it's going to be a statement of This is not the place or the time where I can make this a "shall." I can't make a policy because I'm not dealing with a policy document. I'm dealing with a planning document. And we do some quasi-jurisdictional work and we have some – part of this Plan is quasi-jurisdictional that we're looking at and that's a very "should" – I mean, a downzone is a definite – you know, it's pretty definite! – regardless of what we end up deciding about it. But I want you to understand the question that I have is: It's real important that you take this in light of what we've been told from legal, because that's weighing heavily on the way in which I – so I appreciate what you had to say. Roz, did you want to add something?

Ms. Glasser: Yeah, I just wanted to clarify that we see the implementation step as in the County. That's the ball in the County's hand and we, you know, obviously want to be a part of that. We have not seen ourselves as writing the code.

Chairman Easton: Well, yeah, and I don't mean to imply that you're writing code. But I'm also – I don't have the plethora of experience yet on this Commission that others do. But I have been here long enough to know that if citizens advisory groups don't squeak, there'll be no greasing of the importance – the grease will not be applied towards actually getting regulations to a regulations point of view. My concern is that if we follow what – if we follow some of what legal's given us as advice and the "shoulds" and "shalls" stay – for some reason they end up staying similar, very similar to the County's version of the Plan, that this doesn't become the end for you guys. This becomes the place for you to rally to make sure that you get your regulations. You may not get your regulations out of this Plan, but it's important to me to have on the record the question to you all, as representing GIPAC and, in essence, representing the island here tonight, that that's clear. You've got to carry the ball forward, pushing the Commissioners, prodding, encouraging the Commissioners – they'll watch these tapes so they'll

love this part! – that this is going to have to be going to a regulation point of view.
All right?

Ms. Glasser: Yes.

Chairman Easton: Any other questions for GIPAC? We're running out of their time.

Ms. Ehlers: Well, no, that's a – there's a follow-up comment –

Chairman Easton: Go ahead.

Ms. Ehlers: – that's particularly important because I haven't seen much that came out of the Alger Plan.

Ms. Ruacho: We adopted the codes, Carol.

Chairman Easton: We adopted the codes for the Alger Plan.

Ms. Ehlers: Okay, that's good.

Chairman Easton: All right. Okay, well, thanks. Go catch that level of service-oriented ferry! No, I'm just kidding.

Mr. Bush: Thank you.

Chairman Easton: Thank you, guys. Thanks for all your hard work and thank the rest of GIPAC for us, would you please? Thank you.

All right, let's talk about water. Let's talk about seawater. Let's talk about Health. We have about ten or fifteen minutes for this section, so I need you all to bring your comments to a point real quickly and let's get these answered. It doesn't mean it will be the last time we talk to Health. We may talk to Health as we go through individual pieces of the Plan, but let's go ahead and get started. Who's got a question – a general question – for Health?

Ms. Nakis: I do.

Chairman Easton: Elinor.

Ms. Nakis: So if you have a well and that it has been in the past affected by seawater intrusion, yet it hasn't been used for a while, and it's fully recharged on its own through other main service water – water that's not quite as low as the seawater, right? – and you test that well, it will look really good, won't it? Most likely?

Mr. Stoyka: You mean if it's fully recovered?

Ms. Nakis: Yes.

Mr. Stoyka: Yeah, yeah.

Ms. Nakis: So is that a true indication of the health of the wells on the island if you test two wells that are no longer used?

Mr. Stoyka: Well, it would just be an indication of what the conditions are like at that location at that time.

Ms. Parent: Are you talking about the Potlatch wells or the Alverson wells?

Ms. Nakis: Mm-hmm.

Ms. Ehlers: Because there was a question raised about them.

Mr. Stoyka: Right, right.

Ms. Parent: That's really the question.

Ms. Nakis: It just was public comment and –

Mr. Stoyka: Right.

Ms. Nakis: – one of those letters asked those to be removed or not used.

Ms. Parent: Yes. Yes. That's yours.

Mr. Stoyka: I mean, we think that that's – I mean, it's important data to have, to know that it has recovered. So I think it's validated to show. But it also – I understand that it could be misinterpreted or misconstrued that, Boy, I could go put a well there now and no problem.

Ms. Nakis: Right.

Mr. Stoyka: Well, it's likely that, depending on if you resume the pumping at the same levels you were before, well, you're going to end up in the same spot again.

So I understand the concern with that, that we wouldn't want to encourage a similar amount of pumping in an area that had just finally recovered.

Ms. Nakis: So could that be put in to the Plan, or could that be noted just as –

Ms. Parent: So you're saying just add another sentence or two that explains that further?

Ms. Nakis: Right. Right. Just to make it clearer.

Mr. Stoyka: Sure. Sure.

Ms. Ehlers: Yes.

Ms. Nakis: That'd be great.

Chairman Easton: Okay, then we need to pick a place to do that.

Ms. Ehlers: Well, where it says it – page 49.

Chairman Easton: Page 49?

Ms. Ehlers: Mm-hmm.

Chairman Easton: Anybody want to propose a – well, let's get to page 49 here.

Ms. Ehlers: It's page 49, one, two, three, fourth paragraph. It's the first County red paragraph and it's the last sentence.

Ms. Parent: So when we printed ours out, our paging turned out differently than yours.

Chairman Easton: Differently? Okay, Carly'll get it.

Ms. Ehlers: It's right after Figure 5.7.

Ms. Ruacho: Yeah, it's right on mine. It's 49 on mine.

Chairman Easton: 49 on yours? Okay. So proposed – Elinor, do you want to propose some language?

Ms. Nakis: No, I like this guy's – Gary's – comments!

Chairman Easton: Gary, do you want to propose some language to add as a sentence here?

Mr. Stoyka: I had something in the comments. I don't have the excerpt right here, but we could say just something to the effect that the County recog- – you know, I've got it in the comments – response to comments something.

Ms. Ehlers: Well, then add what the comment response says and I'll be happy. I trust you to do that.

Ms. Nakis: "An unused well would probably show improvements."

Chairman Easton: Is it number 17 on the –

Ms. Nakis: Yes.

Mr. Stoyka: Yes.

Chairman Easton: What if we just propose to add that language?

Ms. Parent: So you're saying, "We consider this data to be good data to add to the complicated picture of seawater intrusion, as it represents the most current conditions and shows how corrective action..." I mean, that sentence?

Chairman Easton: Mm-hmm.

Ms. Ehlers: Mm-hmm.

Chairman Easton: All the way through to "seawater intrusion."

Ms. Ehlers: Mm-hmm.

Ms. Parent: The first sentence?

Chairman Easton: Yeah, so – yeah, you don't need to pick up the second and third sentence but just add that first sentence. Would everyone be agreeable to that?

(several sounds of assent)

Mr. Jewett: Yeah, but that implies that you could go ahead and pump out of that and not have any problem.

Mr. Stoyka: You could possibly add then the last sentence to that policy.

Chairman Easton: The County will use discretion when permitting the data – this data – to the public or when using it to permit – in permitting decisions.

Ms. Ehlers: Ooh, I like that.

Chairman Easton: You like that, Jerry? Use the last sentence also? Because I think that would clarify how it's used.

Ms. Nakis: What I have in my notes is “an unused well would probably show improvement.” Could that be – I mean, just something simple.

Chairman Easton: I like that last sentence. I think it covers what you’re saying, Elinor. If you add, “The County will use discretion when presenting this data to the public or when using it for permit decisions.” Which would take into account that if you pump – that would take into account that if you’re pumping water from a dead well.

Mr. Stoyka: Right.

Ms. Ehlers: Yes, I particularly –

Chairman Easton: So we’re agreed – then we’re in consensus then for both sentence one and sentence three under number 17? Carly, does that make sense?

Ms. Ruacho: Yep.

Mr. Jewett: One and two.

Chairman Easton: Well, we’re skipping two.

Ms. Ruacho: Well, I mean, if – to address Jerry’s concern I don’t think they’re addressed by number – by sentence number three, but, I mean, I can ask Gary to rework it so it doesn’t say we understand the comments. You know, but just to say something about – I mean, the nature of that sentence is justify the initiation of new withdrawals.

Chairman Easton: Okay.

Ms. Ruacho: So a sentence about that it *shouldn’t* be used to justify the initiation of new withdrawals.

Mr. Jewett: Well, that’s what the second sentence says.

Ms. Ruacho: Yeah, but in a way that makes sense for a planning document, not for response comments.

Mr. Jewett: Yeah.

Ms. Ruacho: But I’m sure Gary can, you know, do that.

Chairman Easton: Yeah, let’s do that. So we’ll do all of it and we’ll adjust that middle sentence – have Gary adjust the middle sentence then.

Mr. Stoyka: Okay.

Chairman Easton: Is that consensus?

(sounds of assent)

Chairman Easton: Okay, great. Look at that: We're doing work. Okay, questions for Health? We've got about ten minutes left for this section here.

Ms. Ehlers: Well, I have a question.

Chairman Easton: General question.

Ms. Ehlers: Someone said that on page 47 there was a map that showed wellhead protection area and that isn't what I have on 47. What I have is a "Areas where well drillers apply to the Health Department before drilling." And I would like –

Chairman Easton: Do you want to find that map?

Ms. Ehlers: This map that Lorna gave us that has the wellhead protection areas on it for the Group A, I would like that to be included in this Plan for the benefit of anyone who uses it for any particular reason.

Chairman Easton: All right, how about this: We come to consensus that this is added to the Plan at a place where Health – where the Health Department seems to feel it's appropriate. Agreed?

(sounds of assent)

Ms. Parent: And this other one is being removed because we haven't used this map.

Chairman Easton: Okay.

Ms. Ruacho: Yeah, that's proposed to be stricken. Let me just put one on the overhead, though. The one that you were given was not intended to be put in the Plan; it's for information only, which talks about the Group As. Let me give you the one that was prepared by the Health Department.

Chairman Easton: Okay. About which one?

Ms. Ruacho: This is the map that the Health Department provided. If we want to put one in the Plan, it doesn't include all the Group As, but it's more of an actual map to scale. _____ a title and an attribute section and a date and all that, but the one that you have was strictly Carol's request for the corner of a certain map, a

2008 aquifer map. I can't remember what specifically she requested, but that is the copy of that. So this is a more formal map that was prepared. It doesn't have all the Group As but it does have the wellhead protection zones.

Ms. Ehlers: And –

Chairman Easton: Do you object to that, Carol?

Ms. Ehlers: Not at all because the one you're showing is the one Lorna gave me that caused me to want it.

Ms. Ruacho: Correct. Okay.

Chairman Easton: Perfect.

Ms. Parent: And so you have on the other map all of the water systems.

Chairman Easton: For us as a reference.

Ms. Parent: For Group A and B. No, in the document you have all the water systems on Figure 5.7.

Chairman Easton: Figure 5.7?

Ms. Ruacho: Yeah, a different figure that shows all the water systems.

Ms. Parent: It shows all the water systems – Group A, the Group B – so you can compare the two.

Chairman Easton: Excellent. Then we agree then. Without objection, we agree that this will be the map that will be inserted in a place that the Health Department and Planning feel is best fitting in the document, right?

Several voices: Yes.

Chairman Easton: Okay, good.

Ms. Ehlers: And I should add that one of the reasons that I – in principle, I think you should always have major wellhead protection areas on any map we work with so that we protect them, because we have a history of not protecting sufficiently.

Chairman Easton: So noted.

Ms. Ehlers: But, in addition, part of our discussion in chapter 3 deals with the area that is underneath these wellhead protection areas. And, therefore, it is

directly relevant because if you permit subdivisions in wellhead protection areas – I can testify from the experience of my water system – eventually that well – you don't dare take the risk anymore of using that water. And that is a huge financial issue.

Ms. Parent: All land divisions have to do hydrogeological justification and so that has to do with density, as to what kinds of issues that are involved. But that would be part of that assessment.

Chairman Easton: Thank you. Other questions? Any other questions for Health?

Ms. Ehlers: I would like to commend the people in Health and on Guemes Island, especially Marianne Kooiman.

Ms. Parent: Yes.

Chairman Easton: Yeah.

Ms. Ehlers: Because when I told her in the early '90s about a state law which said that every saltwater island had to have a water plan and that Fidalgo Island had done it under the leadership of Anacortes and created the Fidalgo-Anacortes Interlocal Agreement document, which is law, I told her about that. She got busy. She coordinated with everybody that's important, did the work, got people to cooperate, did it on a scientific basis, and that is such an impressive example of local leadership and volunteer that I think it ought to be commended and commended.

Chairman Easton: You know –

Ms. Parent: I definitely second it because if it weren't for her there wouldn't be a seawater intrusion policy, I don't believe there would be – she would be – sole source aquifer through EPA. And the U.S.G.S. study, she's the one that kind of went on the ground and found a way to get that done, because she had to find an agency that had kind of a loophole so that the matching that was required for U.S.G.S. didn't have to come up. She had come to the Health Department and asked us if we had 100,000 as matching, you know. She did a lot of things and continues.

Chairman Easton: That's excellent.

Ms. Ehlers: And then to get the AIA to come for a three-day charrette –

Chairman Easton: Yeah.

Ms. Ehlers: – that included dozens of people? I haven't seen anything like it or read about anything like it anywhere.

Chairman Easton: Okay, noted.

Ms. Ehlers: That's why I don't have any questions.

Chairman Easton: That's outstanding. All right.

Ms. Parent: So we're done?

Chairman Easton: You're done. You're done for now.

Several voices: Don't leave.

Chairman Easton: You're done for now. Each department needs to stay, with the exception of possibly Rachel. I know for sure – I know that for sure we're going to be dealing with some specific – specifics – in relationship to both Planning, Legal and Health. Does anyone as they're looking forward now – we're going to start transitioning here – does anyone know of a specific item within the comments or within the Plan that you're going to want to address that you're going to need help from Rachel on?

Ms. Ehlers: I just wish someone were here from Roads.

Chairman Easton: Man, I almost – we almost got them all here.

Ms. Ehlers: That's okay.

Chairman Easton: Okay, so you're free to go. You're welcome to go if you'd like. You can stay if you like.

Ms. Beck: I can stay.

Chairman Easton: It's up to you.

Ms. Beck: I can stay.

Chairman Easton: Okay. I appreciate your willingness to stay.

Ms. Ruacho: Look at that dedication. Ferry, you're a fine, fine employee!

(laughter)

Chairman Easton: That's dedication. Make a note of that! I mean, we're on TV. You can be, like, I'm leaving. I'm so out of here!

Ms. Ruacho: Yeah!

Chairman Easton: Probably a good thing you didn't just do that. All right, here's how I have envisioned the next section of our lives: The Motion/Amendment/Discussion section. I've envisioned that we actually get to a point by 8:30 that we adjourn. So in relationship to that, we have fifty-five minutes. In relationship to that, here's how I propose that we go forward; you tell me if there's any heartburn over it.

I propose that someone makes a motion and then it's seconded that we approve the Plan. Then we go into discussion on the Plan. During discussion on the Plan, amendments to the Plan are then made. As we go through each amendment some will be by consensus, some may need to go to the point of a vote. Again, if you don't receive more than five votes then it wouldn't be considered a recommendation from the Commission. It would just be noted in the transcript.

Then a discussion over the whole – so a discussion on each of the amendments as we go. One person proposes the amendment. If the amendment doesn't get a second it dies. If it does get a second we discuss the amendment, we vote – we come to a consensus or we vote on it. Then after all the amendments are done – and to me there'll be amendments of two types, two fashions: One, amendments that come from how you've derived things off of the Comments list. You may bring in an amendment from that direction – you can bring it from any direction you want – but you may bring it from that direction or you may bring one that's just a stand-alone addition to the Plan, that's not present, like we've just done some earlier. Okay?

Anybody have any concerns about going about it in that fashion? Does that make sense?

Ms. Ehlers: As long as we start in the beginning and work through.

Chairman Easton: You want to start at the beginning of the Plan? Yes.

Ms. Ehlers: Well, yes, because I don't – I don't – I can't imagine that it would be easy for Carly or anyone else to keep track if we go back and forth and back and forth. That's incoherent.

Chairman Easton: Okay. I agree we will start the beginning of the Plan the first run through. We may need to come back because some people's notes – at least my notes are tied – some of my notes – are tied to the comments. So we may need to come back through and grab those, but we can jump around at the end when we do that. All right? All right.

So with that in mind, let's open up the Plan. So from a – just from a technical point of view, I need a motion – I'll entertain a motion now to approve the Plan or to – well, I guess you could move to disapprove the Plan, but...

Ms. Ehlers: Do you want it with chapter 3 or without?

Chairman Easton: Chapter 3?

Ms. Ehlers: That is the –

Ms. Ruacho: The zone change.

Ms. Ehlers: The zoning change.

Chairman Easton: All right. That's a good question. Why don't we get that part of this discussion out of the way? Let's talk about that. I'm going to make a motion – and I'm going to explain it right now – I'm going to make a motion to the effect that we strip chapter 3 out and put this through as a Comp Plan amendment. I don't feel like this has gotten enough public vetting. To downzone this section of Guemes Island and to throw it into the middle of this Plan seems – they just don't feel like they go together to me very well. I know technically they do. I'm not disagreeing with your technical point of view, Mark. But from a personal analysis point of view, this doesn't feel like it fits right here right now. So I believe it needs to be done as a separate Comp Plan amendment with the same kind of vetting that a separate Comp Plan amendment would go through.

But I'm going to make that in the form of a motion. I move that we take chapter 3 out and recommend to the County that it come forward again as a Comp Plan amendment.

Ms. Ehlers: This year or next? I mean, it's from 2005.

Chairman Easton: Can it be done this year?

Ms. Ruacho: No, nor next year.

Chairman Easton: It can't be done this year *nor* next year?

Ms. Ruacho: Unless we batch it again like we did. We took every step required to process a Comprehensive Plan amendment with this Comprehensive Plan amendment. No step was missed.

Ms. Ehlers: That's right.

Chairman Easton: I agree.

Ms. Ruacho: All the individuals were notified, all the proper notice SEPA – everything that would be done again if you wanted it run again. Everything that would be done then has been done already.

Chairman Easton: So tell me why it can't be – why it couldn't be in this year's batch. Because they're already batched?

Ms. Ruacho: There was no Comp Plan amendments submitted by the deadline, which was the last business day of July, and as they weren't received there won't be a docket prepared so, therefore, no action will be taken next year on individual Comp Plan amendments.

Ms. Ehlers: Can we make it a separate motion?

Chairman Easton: Yeah, can we pull it out and make a separate – take a separate vote on it? Outside of the Plan?

Ms. Ruacho: Absolutely.

Ms. Ehlers: I'd like that.

Chairman Easton: I'll withdraw my motion – which never got a second anyway – and I move that we take chapter 3 out of the Plan and vote on it as a stand-alone item so that the Commissioners can see our vote on it separately. So how do you want to word it?

Ms. Ruacho: It would – just to clarify – it would still be in the Plan, but you would vote on it separately. You're recommendation might be, depending on how the motion and vote goes, that it come out of the Plan because maybe you're voting to reject it. But if the vote is to approve it and it moves forward, it would still be part of the Plan. It just depends on how your vote goes.

Chairman Easton: Okay, so are we clear on what the motion is then?

Ms. Ehlers: Yeah.

Ms. Ruacho: You just want to vote on it separately.

Chairman Easton: Yeah, we want to vote on it separately.

Ms. Ruacho: Sure.

Chairman Easton: Is there a second to that motion?

Ms. Ehlers: I'll second.

Chairman Easton: Okay, so I've moved and Carol seconded that we would vote on a motion to view chapter 3 as a stand-alone.

Ms. McGoffin: Sure.

Chairman Easton: Okay?

Ms. McGoffin: Okay, sure.

Chairman Easton: Any discussion on this topic? Mary?

Ms. McGoffin: Carly, is it possible to put this document up on the board?

Ms. Ruacho: The map?

Ms. McGoffin: No, this whole thing so we can go through it together?

Mr. Jewett: Page-by-page.

Ms. Ruacho: Oh, yeah, you bet.

Ms. McGoffin: Because otherwise nobody knows what we're talking about.

Ms. Ruacho: Mark, are you ____?

Chairman Easton: Mark _____. That'd be perfect. So you're going to clip chapter 3?

Mr. Personius: Chapter 3.

Ms. Ruacho: Hey, Jason? Would you be amenable to, like, a three-minute?

Chairman Easton: You want to take a break right now?

Ms. Ruacho: I didn't actually say the word, but just like really quick?

Chairman Easton: Oh. Can we vote on – can we put this one – let me put this one to bed and then we'll do it.

Ms. Ruacho: Okay.

Chairman Easton: Discussion while Mark's flipping to chapter 3.

Ms. McGoffin: Not just chapter 3.

Mr. Personius: Are you talking about the proposed land use –

Chairman Easton: That's what we're talking about right now. I just want him to put that one up right now.

Ms. McGoffin: Sure.

Mr. Personius: – zoning map designation change, right?

Chairman Easton: Yeah.

Mr. Personius: That's the section we're looking at?

Ms. Ehlers: Mm-hmm.

Chairman Easton: No, I agree. I think it's a great idea, Mary, to have it up there page-by-page as we go through it. But since we're jumping to chapter 3, let's start there.

All right, any discussion on the motion?

(silence)

Chairman Easton: Really?

Ms. Ehlers: Well, it's sensible.

Chairman Easton: All right. Matt?

Mr. Mahaffie: I have a comment.

Ms. Ehlers: We're just voting on the motion to vote separately.

Mr. Mahaffie: Oh, great. No problem.

Chairman Easton: So the motion to vote separately would be the first motion. The second motion would be how we vote on it.

Ms. Ehlers: No, I'd like to vote on it after we finish the Plan because this is – much of this is within the context of the Plan.

Chairman Easton: All right, let me finish this discussion and then we'll head to that one. All right. All those in favor of voting on this as a separate motion, signify by saying "aye."

Ms. Ehlers, Mr. Jewett, Ms. McGoffin, Ms. Nakis, Chairman Easton and Mr. Mahaffie: Aye.

Chairman Easton: All those opposed?

(silence)

Chairman Easton: Any abstentions?

(silence)

Chairman Easton: All right, so we've agreed to vote on it separately. It is my opinion, as the maker of the first motion, that we go ahead and take care of this now but I'm willing to wait until later if you want to go through the Plan page-by-page. So is there any other input on when you want to do this timing-wise?

Mr. Mahaffie: I agree with ____.

Chairman Easton: Just go ahead and do it now? Anyone else?

Ms. Ehlers: Okay.

Chairman Easton: All right, I move that we – well, I don't need a motion now. We're just voting on it.

Ms. Ehlers: Yeah.

Ms. Ruacho: You need a motion on this – do you mean on the –

Chairman Easton: Oh, I need a motion about whether we're approving it or –

Ms. Ehlers: No, on a Comp Plan amendment.

Chairman Easton: On the Comp Plan amendment.

Ms. Ehlers: You move to approve or you move to not approve.

Chairman Easton: Okay.

Ms. Ruacho: So you're talking about CPA05-21?

Chairman Easton: CPA05-21. Write that down.

Ms. Ruacho: The land use change. That's what we're talking about, right?

Chairman Easton: Yes, that is what we are talking about – CPA05-21, the land use change.

Mr. Personius: Technically it's going to be a part of chapter 3, but it's not chapter 3 in its entirety.

Chairman Easton: Parts of chapter 3.

Ms. Ehlers: Yes.

Chairman Easton: Anybody want to make a motion?

Mr. Jewett: Okay, specifically what pages?

Ms. Ruacho: Well, it's the map. Could you put the map up there, Mark? If I'm clear on what you're discussing, right now you are preparing to vote on whether or not the proposed land use redesignation that we've titled CPA05-21 should either be approved or denied.

Chairman Easton: Correct. That's the map right there.

Ms. Ruacho: Yeah, which is a large area.

Mr. Personius: There are a series of maps.

Ms. Ruacho: Generally it's a large area of Rural Intermediate-zoned land that is proposed to go to Rural Reserve.

Chairman Easton: Right.

Mr. Personius: Yeah.

Ms. Ehlers: There's a third map that you need to see as part of that and that's that wellhead protection map.

Ms. Ruacho: And I believe you all have that up on the dais there. You all have a copy so you could take that –

Chairman Easton: And it overlays actually.

Ms. Ruacho: – and you can see clearly how the two southern wellhead protection zones do affect the subject area.

Ms. Ehlers: Yes.

Chairman Easton: Okay. Is there a motion?

Ms. Ehlers: I would like to discuss it – I'll bring this up – I would like to discuss this as part of the Plan because this is embedded in chapter 3, which brings up other issues that I think we need to look at at least.

Chairman Easton: So you've thoroughly confused me then. You just voted in favor of dealing with it separately but now you're – now you're –

Ms. Ehlers: No, I agreed about us voting for it separately.

Chairman Easton: Okay.

Ms. McGoffin: But she wants it in order.

Ms. Ehlers: But I want it in the context.

Chairman Easton: You want to do it in order.

Ms. Ehlers: I want it in context.

Chairman Easton: So you want to do it as we go through the Plan?

Ms. Ehlers: That would be fine.

Chairman Easton: Okay. Is there any objection doing it as we go through the Plan?

Mr. Jewett: No.

Ms. McGoffin: Okay.

Chairman Easton: I'll be agreeable to that.

Ms. McGoffin: Take it from the top.

Chairman Easton: We'll take it from the top then. But it's agreed that we – we have agreed then that we will vote on this one as a – as separate.

Ms. Nakis: I would like to make a motion to –

Chairman Easton: Okay.

Ms. Nakis: – accept the Guemes Island Subarea Plan.

Chairman Easton: And I'm going to call for a recess. A three-minute recess and we'll come back to that motion when we return (gavel). We stand recessed for

three minutes and we'll be back at roughly fifty – yeah, ten till. Oh, I'm sorry – yeah, ten till. Sorry.

(recess)

Chairman Easton: (gavel) I'll call us back into order. This is the Guemes Island deliberations for the Guemes Island Subarea Plan, for those of you who are joining us at home. And we were just about to make a motion concerning the Plan. Elinor.

Ms. Nakis: I would like to make a motion that we approve the Guemes Island Subarea Plan.

Ms. McGoffin: I second it.

Chairman Easton: And now for discussion – open for discussion. We'll start with discussing the first chapter.

Ms. Ehlers: I have a map I would like added.

Chairman Easton: Go ahead.

Ms. Ehlers: And that's the map that Carly showed us just before all this started, the one that had the mount on it – the new Trust lands. Because you're the only one that has a copy of that.

Ms. Ruacho: I showed it tonight?

Ms. Ehlers: Mm-hmm. Very, very, very beginning. Well, you or Mark.

Mr. Personius: Oh!

Ms. Ruacho: Mark?

Mr. Personius: Oh, *that* map!

Ms. Ruacho: Hmm, am I losing my mind?

Mr. Personius: Carly's like *what*? Let's see.

Ms. Ehlers: Because that answers a whole bunch of questions that – it fills in.

Ms. Ruacho: I think that map is already in the Plan, isn't it?

Mr. Personius: No, that's a new map.

Ms. Ruacho: A new map.

Mr. Personius: Okay...

Chairman Easton: Shall we come back to it after you find it, sir?

Mr. Personius: That might be a good idea.

Chairman Easton: All right. We'll come back to that one, Carol.

Ms. Ehlers: Okay.

Chairman Easton: Let's look at page 1 of the Plan.

Ms. Ehlers: One of the – and I'm not trying to delay anything, but there's a nice, official definition of "rural" here on page 15. Those of us who live in the rural define it in practice somewhat differently. We have limited government costs in that the government provides roads in part, sometimes, because many of the roads are private. The government provides after-the-fact police protection. We provide our own water, our own septic, our own fire service, our own library. In the case of Guemes, they have their own community center, their own church. So it is a very self-sufficient concept. You have – legally – you have no sewer; in practice you may or may not, depending upon the conditions at a water line.

Chairman Easton: Okay, is there something that you want to add to the Plan or – I'm confused. I'm really confused, so I need you to come to the point here for me.

Ms. Ehlers: Well, this is the concept of rural that they are coming from.

Chairman Easton: Yeah.

Ms. Ehlers: Psychologically, historically, as much as it is the law. You see, laws are – plans include the laws. Plans also include community character.

Chairman Easton: So is there an addition to – I'm going to come back around to it again. Is there a different definition that you want added or did – are you happy with the definition of "rural character" that's here on page 15?

Ms. Ehlers: I'm happy with the *legal* definition of it.

Chairman Easton: Yes.

Ms. Ehlers: But I wanted to bring the other up so in case anyone here did not understand "rural" in practice.

Chairman Easton: So you just wanted to bring it up; you didn't want it added to the Plan.

Ms. Ehlers: I don't see a good place to add it.

Chairman Easton: Okay –

Ms. Ehlers: But I thought it was a concept for us.

Chairman Easton: Thank you. Then we'll move to – is there someone who has a specific –

Ms. Nakis: Start from page 1, I think, is what he wanted to do.

Chairman Easton: Yeah, we're looking at page – we're starting at page 1, or which is actually page 15. Thank you.

Ms. Ruacho: No, there's – the act – if you want to start at the Introduction, it's page 7.

Chairman Easton: Okay. Is there anyone that needs to change anything in the Introduction, or propose us to change anything in the Introduction? We're going to move through this kind of quickly, so everybody's kind of on the same page. Speak up as I go.

So move on to page 15. All right? What's the first comment that you have, Carol? That you want added or –

Ms. Ehlers: The map.

Chairman Easton: The map. Okay, we're going to get that. Mark's working on that.

Mr. Personius: I found the map!

Ms. Ruacho: Mark has found the map!

Chairman Easton: Mark found the map! Is that the map in question?

Ms. Ehlers: Mm-hmm.

Mr. Personius: This is the map in question.

Chairman Easton: All right.

Ms. Ehlers: I would like this map either added to – follow – let's see, to be 2.2, or if it's appropriate to combine this map and the one that's already here, which is a map of Guemes Island Open Space.

Chairman Easton: Carly, your opinion? Do you want to combine it or put it in? It doesn't matter to me.

Ms. Ehlers: I think everything on the Guemes Island Open Space map looks like it's also on this other one and, indeed, the one that's Figure 2.2 is better. But on the new map you have the Trust land for the mount, which is not on the Plan map. The mount is too recent.

Chairman Easton: Correct. You know what? I'm going to propose that we do this as an addition instead of as a combination, just in case there is a difference between the two.

Ms. Ehlers: Okay. Suits me.

Chairman Easton: All right, is there a consensus on the addition of the map and as an addition to be noted as 2.2?

Ms. Nakis: I agree.

Ms. Ruacho: So we'll have the current 2.2 map and then we'll have this one following it.

Chairman Easton: Yes. Yeah, so 2.3.

Mr. Personius: Well –

Ms. Ruacho: Or 2.2(a).

Mr. Jewett: 2.1 –

Mr. Personius: May I?

Chairman Easton: Mr. Consultant.

Mr. Personius: This map was put together as a part of updating the build-out analysis that GIPAC had done back in 2005. We updated it to 2010 numbers and Skagit County GIS prepared this map, which I also asked them to add all the conservation easements onto it. That's why the mountain's on here. It's not in the earlier draft because it was some years ago. So what this map shows is more than open space. What you see in the dark are the different kinds of easements – conservation easements – that have been granted or Trust lands.

Chairman Easton: Sure.

Mr. Personius: And then the white areas are essentially the vacant, undeveloped areas and the kind of yellow-tan areas are the fully developed parcels.

Chairman Easton: Okay.

Mr. Personius: Under current zoning. So it was intended for your discussion about if we talked about building cap and building potential and things like that. So it would probably come later in the Land Use Element – we'll find a place for it.

Ms. Ehlers: Well, wherever it comes –

Chairman Easton: So you would prefer that it's later in the Land Use Element?

Mr. Personius: I think so, yeah.

Ms. Ehlers: Okay.

Chairman Easton: Can we leave it to his – to Mark's discretion?

Ms. Ehlers: Mm-hmm.

Chairman Easton: All right, so be it. The map'll be in there wherever Mark feels it's –

Mr. Personius: You know I love discretion.

Chairman Easton: Yes, we – you're a consultant!

Ms. Ehlers: Now there is an issue that was raised that I think this is the place to talk about. One of the comments wanted the maps as they were in the original document at the end of the chapter. But it seems to me – and that would be better were it a paper document because then you could keep your finger in the section where the maps were. But if it's a computer document, which I think is what it's going to live most of its life as, you do want it the way Mark has done it so that you have the text and you have a hope of finding the map.

Chairman Easton: Agreed. Let's –

Ms. Ehlers: So let's have that as our rationale why we keep what Mark has done.

Chairman Easton: Sure. Agreed. Okay.

Ms. Ruacho: Thank you, Mark.

Chairman Easton: Thank you, Mark.

Mr. Personius: Thank you, Carly.

Chairman Easton: Next page – page 16. Any comments for page 16? Page 17.

Ms. McGoffin: Mark? Mark, do you want to put the documents –

Chairman Easton: Oh, Mark, can you put them back on the table – or on the screen for us, please?

Mr. Personius: Yeah.

Chairman Easton: Okay, 18.

Ms. Ruacho: Do you want him to flip through every page of the document or do you want just to put up the pages –

Chairman Easton: No, we're going to – what I'm going to do is I'm going to just start asking people for page numbers where they have comments next.

Ms. Ruacho: Yeah, otherwise this could make ____!

Chairman Easton: Yes, and great television, too, by the way!

(laughter)

Ms. Ruacho: Brian gives it the vigorous thumbs up!

Chairman Easton: Two o'clock in the morning and Jason says, "Page 27"!

(laughter)

Chairman Easton: "28"!

Mr. Personius: Could we have a break so I could buff my nails?

(laughter)

Chairman Easton: No! All right, who has a comment in the next few pages?

Ms. Ehlers: Page 23.

Chairman Easton: Let's go to page 23.

Ms. Ehlers: Is an excellent map for demonstrating the difficulty of putting a water line in to all of those buildings.

Chairman Easton: Okay, did you want to add something?

Ms. Ehlers: No, I wanted to draw it to everyone's attention as to why it's an expensive issue.

Chairman Easton: Okay, drawn to our attention.

Ms. Ehlers: And I would like a reference to that in the motion. Somewhere that whatever – not the motion, but the –

Ms. Ruacho: Recorded motion.

Ms. Ehlers: – recorded motion –

Chairman Easton: Yeah.

Ms. Ehlers: – as to part of our rationale as to why we are backing some of the things we are backing. The extraordinary expense of installing a water line, as demonstrated, to trying to provide it to all of these buildings spread out as they are over as many miles as they are, and we don't have a topographic map in here that's worth much. We should. Because that would illustrate why the pumps would be a horrendous cost.

Chairman Easton: Okay.

Ms. Ehlers: And so –

Chairman Easton: Carly, you made a note of that for a finding?

Ms. Ruacho: For a finding. You bet.

Ms. Ehlers: Yes, please do because I think that's crucial.

Chairman Easton: Anyone dis- – no disagreement? All right, we're moving on.

Ms. Nakis: No, I agree.

Chairman Easton: The next page that someone has a comment on. Is this working for you?

Ms. McGoffin: (inaudible)

Chairman Easton: We'll come back through if you have things that we miss.

Ms. McGoffin: All right.

Chairman Easton: This will be our first time through. The second time through people are going to want to look at their comments possibly – the comment page – and we may jump around, so don't feel like this is your only chance to go through the Plan.

Next – the next page for me is page 27. Pull it down to the top for me.

Mr. Personius: There?

Chairman Easton: The other way.

Mr. Personius: Okay.

Chairman Easton: Down.

Mr. Personius: Okay.

Chairman Easton: My concern here is has there been enough – this goes to the Rural Reserve zoning and the Rural Reserve district. Has there been enough public vetting? And I had concerns about this. Those were addressed, though, by breaking this out as something we're going to vote on separately so I feel comfortable with moving forward.

Mr. Personius: Just to be clear, this section is not talking about CPA05-21. This is the original GIPAC draft that was just kind of talking about in general the different zones on the island and their capability for growth and the potential threat to rural character.

Chairman Easton: Ah, my mistake.

Mr. Personius: So you're – this is still –

Chairman Easton: Okay.

Ms. Ehlers: Yes.

Chairman Easton: Page 30.

Ms. Ehlers: Um –

Chairman Easton: Or, you had something before that?

Ms. Ehlers: Well, the issue of Open Space Education –

Chairman Easton: What page is that on?

Ms. Ehlers: That's on the bottom of 27, 28. There're two policies here which are good, and they're both essentially "shoulds" and that's the way they should stay, but there's a huge lack of understanding throughout the entire county on the subject of open space and on the subject of functions and hazards associated with critical areas and hazards, in general, other than flood. So that's only an editorial comment to Carly, encouraging whatever the Department can encourage somebody else to do, like Beach Watchers, which is already doing it. There was a Beach Watchers program on Guemes a year ago, for example, in January that was first rate – one of the best I've ever been to.

Chairman Easton: Okay. Let's go to page 30. CaRDs. This is an example of where "shall" stays in the language. "There shall be no density bonuses for CaRD developments."

Mr. Personius: That is current policy so that's consistent with the current policy – no problem with it.

Chairman Easton: With the exception that this does change a little bit, doesn't it? Because there is density bonuses in some CaRD developments in the county.

Mr. Personius: There are – technically there are ways that you could do it if the water source – and Public Health can correct me if I misinterpret this – but, as I understand it, CaRDs are prohibited unless the water source is from either outside the island or from a different source, an alternative ground water source.

Chairman Easton: Right. So the difference being that this is on Guemes. This is a policy now that it just applies as it's written for on Guemes Island?

Mr. Personius: It applies to wherever there's a sole source 1 aquifer, which the only one in the county is on Guemes Island.

Chairman Easton: Yep, we got there; we just came in from opposite directions.

Mr. Personius: Yep.

Chairman Easton: Okay, and that's where the interim seawater intrusion –

Ms. Ehlers: And that's where it's been for a long time.

Mr. Personius: Right, right.

Ms. Ehlers: So there's nothing new there.

Chairman Easton: Okay. Thanks for the clarification.

Mr. Personius: There is a comment in the public comments – a separate one – about ADUs that gets into the prohibition of ADUs. Same thing: There are currently limitations on them based on the amount of chlorides in the well that are associated with it. There is another separate proposal – not from GIPAC; from a GIPAC member individually – to ban ADUs in their entirety on the island.

Chairman Easton: Right.

Ms. Ehlers: That comes later.

Chairman Easton: That comes later. I think it's on page 58.

Ms. Ehlers: I would like – on page 30, before you vanish from it, in Policy 3.6. “Guemes Island is designated as a Category I Critical Resource Area – Recharge Area.” It’s Aquifer I in the critical areas ordinance and I commend you for adding the reference. “...therefore all applications for single-family residential building permits, including Accessory Dwelling Units and Accessory Buildings as well as residential short plats, shall comply with the Site Assessment Requirements,” et cetera. Why don’t you require the same thing from any special use permit? Special use permits can be enormously more significant in their water usage than a house.

Ms. Ruacho: If the special use permit requires the placement of a building, it would fall into this category. But, say, the special use permit is to operate a business, an architectural office, out of someone’s home then that’s not appropriate because there is no additional structure. But any building permit – there is only very limited commercial zoning allowed on the island, so this applies to the rest of the island where it’s residential development. A special use permit – like I say, if another building needed to be constructed for the special use permit it would fall under this, but if it was going to occur in an existing building we don’t have site assessment requirements for that.

Chairman Easton: All right.

Ms. Ehlers: Well, what I’m getting to eventually is a “should” which permits upland aquaculture, and anything with upland aquaculture, which apparently is now a permitted use and they want a conditional use, it wouldn’t have to go through this. And that makes no sense at all.

Chairman Easton: So what are you proposing to change then? You’re proposing to add –

Ms. Ehlers: The words “special use.”

Chairman Easton: All right, is there a second to that motion?

(silence)

Chairman Easton: It dies for a lack of a second.

Ms. Ehlers: Okay. I want you all to understand that the nightmare that occurs on these places is a special use spot zone, which is what it amounts to, which uses far more of the resource than anyone else around it does and takes away the resource from those who are otherwise around it already there, and ends up – and I'll give an example. In the Fisher-Carpenter Creek, which now is going to be limited, I understand, and you have to put in pipe lines and there's all kinds of restrictions you're putting into it, there was a special use for an expansion of the motel that, I understand, took all the extra water. Now that may or may not be right; that's not a question I'm raising. But apparently, from what everyone has told me, the issue of that motel's using all of the extra water available in that basin was not an issue that was considered.

Chairman Easton: Okay. So are you restating your case again to add this?

Ms. Ehlers: Mm-hmm.

Chairman Easton: Okay. Is there anyone who wants to change their vote – to second the amendment?

(silence)

Chairman Easton: Okay, so it dies for a lack of a second.

Ms. Ehlers: Why not?

Chairman Easton: It doesn't – they're not required to give a reason.

Ms. Ehlers: Well, you've just given away the store.

Chairman Easton: We're moving on. Page 31, or whoever has the next page. The next page that I have a question on is on page 58, but I don't know if someone has something before that.

Ms. Ruacho: Before you move too much further past this one, maybe this is a good time at least for me to jump in on just this one issue.

Chairman Easton: Okay.

Ms. Ruacho: If nobody takes objection – let me find my note here – for chapter 3 – let's see if I can articulately talk about this. Somehow – I'm not really sure how this happened, but – and we talked about it before we released it but somehow we neglected to fix it, although we thought we did. There's one too many chapters in the Plan. And chapter 3, which got added, and I think it's just a formatting thing that happened – it's all auto-formatted – when what you see on your Table of Contents “Proposed Land Use/Zoning Map Designation Change,” that should have just been one item under the Land Use Element. And then the Policies, you see the Policy Recommendations were stricken and moved to the bottom because for consistency's sake all –

Chairman Easton: What page are you on?

Ms. Ruacho: It's the third page. It's page little i.

Chairman Easton: Oh, okay.

Ms. Ruacho: It's the Table of Contents. I'm just explaining what –

Chairman Easton: Go ahead.

Ms. Ruacho: It's actually – it starts applying on page 29. But so that what is now titled number 3, meaning chapter 3, really should not have had a number associated with it at all and it should have been just one of the sub-categories under the Land Use Element. So on page 29 it began – because it grabs its information from the Table of Contents – it began numbering page 29 thereafter “chapter 3.” And so the figures or the policies on the next page, page 30, at the end of page 29 and page 30 it starts, and they start being policy for chapter 3. Those are *not* policies for chapter 3; they're policies for chapter 2, the Land Use Policies.

Chairman Easton: Okay. That's fine.

Ms. Ruacho: So just make sure there's no objection. I apologize that it'll cause confusion for the Plans that you guys made notes on, that if it was Policy 3.6 in your Plan it'll now be 2-point-something.

Chairman Easton: But that won't be the case until we see the new version.

Ms. Ruacho: Right. So with your –

Chairman Easton: It won't affect us for tonight.

Ms. Ruacho: No. And just with your blessing, as one thing that changes from this draft to the next draft I'd like to eliminate chapter 3. It was just in error. And

so the Plan would shift by one chapter and everything would be renumbered after chapter 2.

Chairman Easton: That's – any objection?

(silence)

Chairman Easton: Okay. Great. All right, so, like I said, the next page I wanted to look at was 58, but –

Ms. Ehlers: Well, did we look __?

Chairman Easton: – but is there somebody who has something between now and 58 that they would like to look at?

Ms. Ehlers: Well, shouldn't we take a look at the Policy Recommendations for land use in general, on page 29, 30?

Chairman Easton: If someone has something to propose a change – if someone has a change to propose.

Ms. Ehlers: Well, we did one of them and you didn't agree with me. Okay.

Mr. Mahaffie: I do.

Chairman Easton: Okay, go ahead.

Mr. Mahaffie: This would be page – for some reason my numbering's different. I have page 30, but I think it's 31 for you.

Ms. Ehlers: What's the policy number?

Ms. Ruacho: What's your policy number?

Chairman Easton: What's the policy?

Mr. Mahaffie: Policy 3.9.

Chairman Easton: Okay.

Ms. Ehlers: That's page 31.

Mr. Mahaffie: Page 31 for you. I'm having some serious heartburn with both conditions of that, the 30% side-yard setback and the sloping building height. I don't think that's very conceivable if you have a 300-foot side-yard setback.

Chairman Easton: Oh, because of the size of the lot?

Mr. Mahaffie: Yeah.

Chairman Easton: What do you propose?

Mr. Mahaffie: Multiple – I don't think it's well thought out in a realistic, real world manner. It's going to come up again with me in the Shorelines Element.

Chairman Easton: So "...side-yard setbacks should total 30 percent of the average width of the lot with an eight-foot minimum setback and a 30-foot maximum setback"?

Ms. Nakis: I think that was a mist- – doesn't yours say "300 feet"?

Mr. Mahaffie: Well, it's conceivable.

Ms. Ehlers: Mine says "30."

Chairman Easton: It's conceivable – he's basing it on the size of a potential lot.

Mr. Mahaffie: It doesn't make sense – yes.

Ms. Ruacho: It has a maximum of 30, the way they wrote it in. They've capped it at 30. So the way they wrote it –

Mr. Mahaffie: Oh, okay. I misinterpreted.

Ms. Ruacho: – it's eight-foot minimum, 30 percent average, but a maximum of 30 feet if it starts getting big.

Mr. Mahaffie: Okay, I was reading it backwards.

Chairman Easton: So if your lot's too big – if your lot's bigger than what that would be, then you could stop at 30 feet.

Ms. Ruacho: You stop at 30. Never go beyond 30, even if –

Chairman Easton: So we're not looking at 300-foot side-yards.

Ms. Ruacho: No.

Mr. Mahaffie: I – I was reading it wrong. I apologize, although I still have a problem with it.

Ms. Ruacho: Sure.

Ms. Ehlers: It's not clearly written for someone who doesn't know what they're talk – what they're dealing with. You remember my comment that Rural Intermediate is normally 2-1/2 acres, but out there it's teeny-tiny? And they're dealing with the teeny-tiny and that's how they think of Rural Intermediate is teeny-tiny. And so this is part of the difficulty of writing laws for a zone that has such enormous differences in reality.

Chairman Easton: So do either one of you propose a change here?

Mr. Mahaffie: Can I make one further comment?

Chairman Easton: Sure.

Mr. Mahaffie: As far as actual, practical building, when you build something, a ten-foot height that leaves you with an interior ceiling height of maybe six feet. It's – it's not really logical from a building standpoint.

Chairman Easton: So you're saying that on that ten-foot height limit at the side-yard side – so the end of the slope of it is –

Mr. Mahaffie: Yeah. And especially –

Chairman Easton: He's going to – he or she's going to end up with less than six feet or seven feet.

Mr. Mahaffie: Yeah, especially when you get down to the lower areas. A lot of this – the shoreline is floodplain, where your finished floor is going to be three to four feet above grade. It's really – makes it hard to conceive a building envelope in a three dimensional –

Chairman Easton: So do you propose a change in the footage then? Or is it just a comment?

Ms. McGoffin: You could leave it at 30.

Mr. Mahaffie: To me square is –

Chairman Easton: Take out the ten-foot height limit?

Mr. Mahaffie: And the 45 percent slope.

Chairman Easton: I want you to make that an amendment and see if someone seconds it.

Mr. Mahaffie: (I) make a motion here to amend that to removing the slope and height limit.

Ms. Ehlers: No, the ten-foot height limit.

Mr. Mahaffie: The ten-foot height limit and leaving it as 30 feet.

Chairman Easton: So no height limit and no slope limit.

Ms. Ehlers: Well, yes, a height limit.

Ms. Ruacho: No *ten*-foot height limit.

Chairman Easton: No *ten*-foot height limit – excuse me. I'll second that. I'll second that for discussion purposes. Who – any discussion on this?

Ms. Ehlers: And I would leave it "should."

Ms. Nakis: So "...the maximum building height should be 30 feet" at the side-yard with no side-yard setback and no sloping?

Ms. Ehlers: Well, that *is* a problem. I've noticed in the – in the legal notices a large number of mostly Guemes, sometimes Lake Cavanaugh, virtual elimination of the side-yard. And that has some real fire hazard issues.

Ms. Nakis: No, that's not eliminating the side-yard. It's eliminating the height of the building at the side-yard. So you still have _____ side-yard.

Chairman Easton: It's eliminating the limit.

Ms. Ehlers: Okay.

Chairman Easton: It's eliminating the limit. Then someone could, in theory, build their side-yard at 30 feet – the side of the building could be at 30 feet high.

Mr. Mahaffie: It could be square. There's not really any logic here as to where this came from that I could find.

Ms. Ehlers: Mm-hmm. The logic comes from something. I have two lots next to me where there's this huge, big, square, rectangular McMansion on a little, itty-bitty lot with a three-foot side setback and no – the building code that mandated fire resistant siding wasn't paid attention to and it's in an area that's got a lot of conifers, and it isn't fire-safe.

Chairman Easton: I'm going to call the question, unless there's more discussion.

Ms. Ruacho: And if it helps at all –

Chairman Easton: Yeah?

Ms. Ruacho: There's a schematic that represents this language on – it's Figure 6.6, page 73.

Ms. Ehlers: Page 73?

Chairman Easton: Can you throw that up?

Mr. Personius: These are the same standards that are in the Shoreline Element.

Ms. Ruacho: Yeah.

Mr. Personius: These came from the AIA, the Architects' workshop, on the island with the islanders. So – and, again, it – it's –

Chairman Easton: It doesn't mean we can't reach in there. It's just a caveat that we need to be aware that that's where we're reaching into?

Mr. Personius: Yes. Yep, yep.

Chairman Easton: Okay.

Mr. Personius: I mean, they worked on these – I don't know – they worked on them. Carol's right that one of the issues was you've got a lot of narrow lots and cabins converting to big permanent homes, so a one-bedroom cabin becomes a four- or five-bedroom home and all of a sudden you're eating up the lot.

Mr. Jewett: (inaudible)

Ms. Ruacho: Can you put that figure up there, Mark? 6.6.

Mr. Jewett: I don't think the side should be 3 feet.

Mr. Personius: What page?

Chairman Easton: Page 73.

Ms. Ruacho: 73.

Chairman Easton: Can you push that down a little bit?

Ms. Ruacho: Any interjection to – you know, that doesn't indicate our support one way or another. Just trying to help folks understand.

Chairman Easton: No, I understand.

Ms. Ruacho: Matt was saying, you know, it would make the – you know, where the building couldn't be square or what have you. I think what they're doing – this is the lot here and they're talking about these, you know, side-yard setbacks, and this would be the new, more interior side-yard setback. So with this slope what happens then is your square where you could have the 30-foot height limit becomes much more narrow. So you still can have a 30-foot square building; it just is much more interior on the lot. You could shape it differently in that this is the 30-foot limit so you could have a rectangle 30 feet high in that area. So there still are areas where you could build a square or rectangle, 30-foot high all the way around structure; it's just where it's located on the lot that is changed by this policy.

Chairman Easton: Okay. I'm going to call –

Ms. Ehlers: Well, and I know what caused me some heartburn on it. It's the word "sloping." It implies that it can't be – the 30 feet is more than one story and if you have a slope it implies you have to have a sloping roof, to me. But you could have a one-story side and then a two-story middle and a one-story other side, which is a very common building style.

Ms. McGoffin: I think what the architects were trying to do there is not put you in the shadow of your neighbor by making it square to the setbacks.

Mr. Personius: Good point.

Mr. Mahaffie: My concern is it's the ten feet. When you add floodplain to it, it makes it – you're making the side-yard – to get a livable space, you're going to have to go in a lot farther than the actual setback. And some of these narrow lots would make it virtually unbuildable to build a house that you could live in if it's narrow enough. And there are lots out there that narrow.

Mr. Jewett: Well, I don't think they ought to be putting up a square box, either, and block completely the view of anything in back of it.

Chairman Easton: All right, I'm going to call the question. All those in – we've got to keep moving – all those in favor of Matt's amendment, signify by saying "aye."

Mr. Mahaffie: Aye.

Chairman Easton: And all those opposed?

Mr. Jewett, Chairman Easton, Ms. Ehlers, Ms. Nakis and Ms. McGoffin: Aye

Ms. Ruacho: Can I get that clarified?

Chairman Easton: Or “nay.” Yeah, Matt voted yes.

Ms. Ehlers: If somebody could –

Chairman Easton: Carol, did you vote?

Ms. Ehlers: Yes, I said – I said no.

Chairman Easton: Carol votes no.

Ms. Ehlers: Carol recommends that somebody find a word to replace “sloping.” Because I think that gives an incorrect image of what it is you’re forced to do.

Ms. Ruacho: “Angled.” “Angled back”?

Chairman Easton: Would you prefer “angled back”?

Ms. Ehlers: Well, you could – well, or something else. You could say “should be 30-foot with a one-story side – one story next to the side-yard. You might know how to write law; I don’t.

Chairman Easton: All right, let’s move to the – are we ready to move to the –

Ms. Nakis: Well, I think that it does help to have this illustration. It would be nice if they were right together. And maybe they will be with editing and what-not when all the red ____.

Chairman Easton: Is it possible to put this in twice? Because we’re like forty pages away from each other right now.

Ms. Ruacho: Yeah, I could re-insert this.

Chairman Easton: Yeah, re-insert this and add it next to this inside the – is everybody agreeable to that?

Ms. Ehlers: Oh, yes.

Ms. Nakis: Absolutely.

Mr. Jewett: Yeah.

Chairman Easton: Yeah, let’s move – let’s leave it there and put it in near the –

Ms. Ehlers: But do make it clear it doesn't have to be a sloping roof, because I've seen a – we have a plat in our neighborhood where somebody used language like this and –

Chairman Easton: No, your point's well taken. We –

Ms. Ehlers: – and the County raised hell with anyone who wanted to do anything with that lot simply because of the way the language was written.

Chairman Easton: Are we agreed that it could be – that we could note that it doesn't have to be a sloping roof?

Ms. Ehlers: Yes.

Chairman Easton: Okay. Can you note that?

Ms. Ehlers: Carly?

Chairman Easton: I know you can.

Ms. Ruacho: Okay.

Chairman Easton: I know you can. I believe in you.

Ms. Ruacho: You believe in me? Thank you.

Ms. Nakis: Or write it in such a fashion that people will understand the 45% sloping. I think that it actually is pretty clear if you combine it with this illustration. So, I mean, I'm good.

Chairman Easton: Okay, we're moving on.

Ms. Ruacho: Yeah, but if the sloping is, you know, is parallel with the ground it's setbacks we're talking about that go this way. We're not talking about anything going this way, like a roof. We're talking about lying on the ground like this.

Chairman Easton: Okay.

Ms. Nakis: No, we actually are talking about –

Ms. Ruacho: Well, it's the square.

Ms. Nakis: – a line that goes up and slopes this way. So –

Ms. Ruacho: Well, I don't think –

Ms. Nakis: – as you move it, yeah.

Ms. Ruacho: It's your building envelope that we're talking about, you know, where you can be 30 feet high.

Ms. Nakis: And just like Mark illustrated.

Ms. McGoffin: Is it right?

Chairman Easton: Yeah.

Ms. Ruacho: Yeah.

Mr. Jewett: Well, if you're going straight up 30 feet you shouldn't be able to be 8 feet from your property line.

Ms. Nakis: That's right, and this illustration really shows that.

Ms. Ruacho: Right.

Chairman Easton: Because you can't.

Ms. Nakis: As long as they're together I'm good. I'm good with it.

Ms. Ruacho: We could add – we could add a –

Mr. Personius: We'll add this back into that section.

Chairman Easton: Yes, we're going to do that.

Ms. Nakis: That'll be great.

Chairman Easton: That's for sure. Okay, that sounds good.

Ms. Ehlers: Actually, you can have a 30-foot right next to the property line if you design it right. It's not too awful.

Chairman Easton: I promise: We're moving on.

Ms. Ruacho: Okay.

Chairman Easton: All right, what's next? What's next, Carol?

Ms. Ehlers: The next thing we have is this –

Ms. Ruacho: Can I get a point of order while she looks to that? Did you want this motion, although it died? Do you want it reflected anywhere in the transcripts?

Chairman Easton: To the Commissioners? You mean reflected in, like, as a finding?

Ms. Ruacho: As a recorded motion – in your recorded motion, do you want to show that it failed or do you want it –

Chairman Easton: Only if Matt does.

Ms. Ruacho: No? Okay.

Chairman Easton: I appreciate – I mean, I get the question now. Carol?

Ms. Ehlers: Policy 3 – are we in the Policy – 3 Policies? I guess we are. 3.8, the Total Number of Building Permits.

Mr. Jewett: What page?

Chairman Easton: What page?

Ms. Ehlers: 31. One of the main issues the County disagreed with GIPAC on, except that what the County forgot is that if – if there has never been even in the boom area of building more than sixteen permits a year, if you permit twenty permits twenty years, that's 400 buildings, and multiply it times two-and-a-half, that gives 1000 people additional. That means that they have within the this cap agreed to doubling the population of the island in twenty years. That fits what everyone predicts for the population growth in the world and I don't see why the County should need to have heartburn over a group's willingness to double their population in twenty years and continue increasing it at the same rate.

Chairman Easton: Okay, so for the sake of time then you're proposing that we switch this back to "shall limit"?

Ms. Ehlers: Mm-hmm.

Chairman Easton: Is there a second?

Mr. Jewett: I'll second it.

Chairman Easton: It's been seconded. Discussion? Any further discussion?

Ms. Ehlers: I –

Chairman Easton: You've already – you've already given quite a bit of your thoughts. Is there anybody else who wants to add anything besides Carol?

Mr. Mahaffie: Yeah. I'm just – I'm not disagreeing with it. I'm worried that it's going to create an atmosphere of fear – that you'll have everybody in January coming down and getting a building permit whether they intend to build or not. You can renew them. Good for three years and renew it after that. Somebody that comes along in April and –

Chairman Easton: We have seen that stuff before.

Mr. Mahaffie: – wants to have – want to build something, gets their construction loan that your house has to be done in nine months. That's the way they work – nine, twelve, whatever – balloon payment at the end – goes to get their permit, plans in hand, can't get their permit. You know, I just kind of don't think it's – the number's never been reached. And like I said, I don't disagree with it, but –

Chairman Easton: Okay.

Ms. Ehlers: So you think it should stay "should"?

Mr. Mahaffie: I think it should stay "should," yes.

Chairman Easton: Okay, and –

Mr. Mahaffie: Not that I – like I said – not that I disagree. I just think it could create more problems than –

Chairman Easton: Okay. Mary?

Ms. McGoffin: I agree with Matt. It should stay "should." I think it's a necessary prohibition for the landowners. And the market's going to play out anyway.

Chairman Easton: Anyone else? I'll call the question. Those in favor of the motion, which I'll restate the motion. The motion was to change the phrasing in Policy 3.8 to "shall limit" instead of "should consider limiting." That was the only change that you proposed, right? Okay. Because there's other additional language, but you didn't say anything about that.

Ms. Ehlers: No, that's their reason for doing it and that's reasonable.

Chairman Easton: Okay. All those in favor of the motion, say "aye."

Mr. Jewett and Ms. Ehlers: Aye.

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

Ms. Nakis and Chairman Easton: Nay.

Chairman Easton: Ah, we better count this one.

Mr. Jewett: Four to two.

Chairman Easton: Four to two?

Ms. Ehlers: Four to two.

Chairman Easton: I didn't hear a couple people vote, but did – you voted no and you voted no?

Ms. McGoffin: I just want to leave it a "should."

Chairman Easton: You want to leave it a "should." Okay.

Ms. Ruacho: So two in support; the mover and the seconder voted for.

Chairman Easton: Right. I do want this one noted.

Ms. Ehlers: Yeah, I think this is important to note.

Chairman Easton: Yeah, I agree. Next item. Is it time to vote on this?

Mr. Personius: Yeah, it's the next page.

Chairman Easton: All right. The Chair will entertain motions concerning the Hideaway – what will be referred to as zero – CPA05-21. We had already previously agreed that we could vote on this as a stand-alone separate from the rest of the Plan.

Ms. Ehlers: Mm-hmm. I will move to accept the recommendation of Mr. Businger for CPA05-21 to reduce the zoning – "downzone," I think, is the correct term – in the area so marked on map – Figure 3.2, the area which is north of the existing development of Holiday Hideaway built-out.

Chairman Easton: Is there a second to the motion?

Ms. Nakis: I'll second the motion.

Chairman Easton: Okay. So it's been moved and seconded that CPA05-21 be passed through as proposed by Mr. Businger concerning the area in the map that is noted also as CPA05-21.

Ms. Ehlers: Now there are – there is evidence on this issue elsewhere in the Plan.

Chairman Easton: True.

Ms. Ehlers: The first evidence is the map we just added of the wellhead protection areas for Holiday Hideaway, which I called Lorna and she can confirm this, that originally Holiday Hideaway was permitted long before Growth Management and in the Coordinated Water System Plan it's identified as having 135 water connections. They have done their wellhead protection area professionally, the way it's supposed to be done. They are now authorized for 267 wellhead – well connections, which would make it essentially 25 to 30% of the connections on the island. How this relates to the down-zoned area, I don't know. That's why I'm glad Lorna is here.

One of the things that is in its favor of keeping it as it is is that the wellhead protection area may well provide enough water connections for it. One thing in favor of down-zoning it, particularly west of that road that's – that divides it from north to south is that that is the area that is underneath the wellhead protection area. And one of the things which my water system found and they all find is that if you have septic systems over your wellhead protection area you have no idea really how the aquifer recharges below it. You have no idea what's in the septic systems. And one of the difficulties of water quality testing is that if you take the quality test at ten o'clock in the morning you have no guarantee that at 10:15 it's the same water quality.

Chairman Easton: Okay.

Ms. Ehlers: So that's in its favor. Mr. Businger told us that the area under discussion was steep and difficult to build on. We didn't go out there. I don't have a topographic map. But I have seen other maps and I know that's where the fire hazard is highest, one of the two highest fire hazard areas in Skagit County. That is why I am voting – I am moving –

Chairman Easton: Okay.

Ms. Ehlers: – to approve this.

Chairman Easton: Okay. Is there anyone who wants to speak against the motion?

Mr. Mahaffie: I'll speak against it.

Chairman Easton: Go ahead, Matt.

Mr. Mahaffie: As far as Table 3.1, Units Allowed – you know, a negative number? Personally I'm questioning the accuracy of that, whether the lots there that are existing now, whether they would get lot certification later on. I think the number is going to be higher than just the lots lost to short plat.

Ms. Ehlers: Higher in the number denied?

Mr. Mahaffie: The number denied for building would be higher than the sixteen attributed to loss of short plat – that people aren't going to get their lot certification. In particular, (in) one of the comment letters, two conjoining lots – if they gave one away they are likely going to be – I mean, correct me if I'm wrong – denied lot certification if they try and build later. The County will conjoin them. So I think that's a little misleading on this table.

Chairman Easton: Okay. Anyone else want to speak to the motion? Elinor or someone else?

Ms. Ruacho: Can I clarify from a policy perspective just real quick?

Chairman Easton: Sure.

Ms. Ruacho: Although I understand what Matt's saying, there are parcels listed on here that say "Current New Units Allowed" that say "1." That number may, indeed, be zero on some of them. But this policy or this changing the zoning doesn't change that fact. So if you leave the zoning as is, they may not be allowed a building permit now. They might not be lot cert. If you change the zoning, they again might not be allowed a building permit. The fact doesn't change. Lot cert is the basis. If they're going to be denied under that, they're going to be denied under the new one.

So Matt's right in that this number may be higher as far as the units that are actually not able to be built there, that we're going – assuming – that every lot has a development right. That's an assumption we made here. That's probably not practically realistic. But that is the same answer on either zone. Just to clarify.

Chairman Easton: Okay.

Ms. Ehlers: Mm-hmm.

Mr. Mahaffie: Can I ask you a question then? Is that comment letter, was that correct (that) if they have two substandard lots, both below 5 acres but above the 2-1/2 now required in Rural Intermediate, since they're under mutual ownership now, if it is down-zoned and they give one to each sibling, are they going to still have a building right for each one? My understanding was that if it's under mutual ownership that you're going to lose that. Is that correct?

Ms. Ruacho: So they're 2-1/2 now.

Mr. Mahaffie: Or greater, but less than 5.

Ms. Ruacho: That's really not a lot of information to go on, but let's say they're 2-1/2 now; it goes to Rural Reserve; that person would be one of the people that are listed here in the minus 14 development rights. We are – you know, in putting this forward this is, you know, definitely a zoning change that would reduce the number of homes allowed in this area by 14. That would be one of the 14. They would no longer be able to have two homes on that land.

Chairman Easton: Okay.

Ms. Nakis: So these rights are not grandfathered in? Their development rights they currently have are not grandfathered in?

Ms. Ruacho: They are not grandfathered in, no.

Mr. Jewett: Well, one of the things, you know, in considering all this thing –

Ms. Nakis: I think that it's important to –

Chairman Easton: Just a second.

Mr. Jewett: – the document puts a limit of – what? – a thousand new residences in the next fifty years? Somebody's going to lose their development rights anyway because there's probably more acreage on that island than that _____. You know, it doesn't give you a guarantee. If you think it does, ask the American Indians.

Chairman Easton: Let Elinor finish hers.

Ms. Nakis: No, I know that it doesn't give you any guarantee, and even though it's folks that have the conjoined ownership of the 5 acres, I think it's important to have their rights grandfathered in at the time – before this is put into –

Chairman Easton: Down-zoned?

Ms. Nakis: Yeah, before the down-sizing takes effect, right? So for new – so I guess for my peace of mind I would say if you sell this property – okay, if you sell this property this zoning goes into effect.

Ms. Ruacho: We don't regulate at the time of sale.

Ms. Nakis: If you have already – pardon me?

Ms. Ruacho: Our department just – that's outside our purview. We regulate at the time of development. So we do not regulate at the time of purchase. What – you know, many people – like I said, these people were directly notified. Many people who this would affect have contacted the Department and they're aware of actions that they need to take if they want to solidify their development rights. There are actions that people can take and they've known that since the Plan was released. When they saw that there was a proposal to down-zone their property, many of them called and said, What does this mean for me and what can I do to protect, you know, what I want to do? Some people are fine with it. Some people have called and said, I don't want any more development; I'm fine with this. Some people have called and said, This is my plan. How do I protect that plan? And we've gone through that with them. So there are steps they can take but it won't be in this. They need to take steps. We won't be grandfathering them in.

Chairman Easton: Okay.

Ms. Ruacho: If they don't take the steps they need to take, they will lose their right.

Ms. Ehlers: But you did tell them what steps to take?

Ms. Ruacho: Of course.

Chairman Easton: Okay.

Ms. Ruacho: If they called. Yes.

Chairman Easton: All right. We'll call the question. Those in favor of the amendment to bring in CPA05-21 as a down-zone, signify by saying "aye."

Mr. Jewett, Ms. Ehlers, Ms. Nakis and Ms. McGoffin: Aye.

Chairman Easton: Those opposed? Aye.

Mr. Mahaffie: Aye.

Ms. Ehlers: Well, that kills it.

Chairman Easton: Four to two, with Matt and I voting "no." Again, this one needs to be noted to the Commissioners.

Ms. Ruacho: Okay.

Ms. Ehlers: And you need to note – I think this is a particularly important issue for you to include in the findings a fairly complete set of data as to why it was proposed and where the objections were. People didn’t – apparently – didn’t believe that the folks who were notified had enough chance to – or put it in your own words – but don’t seem to believe that the people who were notified had enough chance to protect themselves.

Chairman Easton: Oh, I never said that.

Ms. Ehlers: Oh, okay. I don’t want to put words in your mouth.

Chairman Easton: I don’t want – yeah, let’s not include that in the finding, at least from my point of view.

Ms. Ehlers: So why are you against it?

Chairman Easton: I voted “no” because I don’t believe that this is the appropriate time to down-zone this area.

Ms. Ehlers: When would you do it?

Chairman Easton: I – we’re not – we don’t have – if we had time right now I would go into a lot of other things, but we don’t really have time to go into it. This is – I don’t believe this is an appropriate time to down-zone this area.

Ms. Ehlers: Okay.

Ms. Ruacho: So then, just for clarification: Some of you might not have been on the Commission when things like this happen, so I just want to clarify it so there’s no –

Chairman Easton: Confusion.

Ms. Ruacho: Yeah, you know, expectations not met. When you take action but are not able to reach a majority vote, that still moves forward to the Commissioners and what that does is they are able to take action either way without it coming back, without any further work from the Planning Commission. So if they choose to move forward with it, they are able to do that at that point. If they choose not to move forward, they’re able to take either one. So I just want – I don’t want anybody to be caught by surprise what can happen when ____.

Chairman Easton: And it’s not simple majority, which we probably already clarified to most of you, but it’s actually the majority of the whole body, which is five votes.

Ms. Ruacho: It always has to be five.

Chairman Easton: It always has to be five votes.

Ms. Ruacho: Even if there's only five present.

Chairman Easton: It really makes that – you think this meeting's interesting, you should go to that meeting! All right. Carol, do you have another page in the near future?

Ms. Ehlers: No, because we already discussed the next page.

Chairman Easton: Okay. I mean like in the next fifteen or twenty pages do you have something coming up? Does anybody have something in the next, say, five or ten pages? We're on page 30 – what are we on? I can't see the page number.

Mr. Personius: That concluded the Land Use Element, so we're on to the Natural Resource Conservation Element, chapter 4, page 37.

Chairman Easton: Okay. Anyone with – let's just do this: Does anyone have anything in chapter 4?

Ms. Ehlers: I'm looking.

Chairman Easton: Okay.

Ms. Ehlers: We already dealt with page 49 in chapter 4.

Ms. Ruacho: Chapter 4 is only four pages. There's hope there.

Ms. Ehlers: Oh, yes. On page 56, Policy 5.7. There's my illustration, my example for what I raised with Jill. "Removal of vegetation in landslide hazard, erosion hazard and costal bluff hazard areas *should* be minimized"? The critical areas ordinance says "shall." We had a bitter battle when the County demanded that they –

Chairman Easton: I second your motion.

(laughter)

Ms. Ehlers: – they should plant with six –

Mr. Personius: Carol, you'll see in the comments sheet that staff concurs.

Chairman Easton: Staff concurs, I believe, don't they?

Mr. Personius: Yeah.

Ms. Ehlers: Good, then I assume the motion's been seconded?

Chairman Easton: I second the motion. Consensus?

Several voices: Consensus.

Chairman Easton: So be it. This shall read "shall." And let it be said we changed at least one so here we keep moving forward. Here we go.

Ms. Ruacho: And I'll have you know we left one in.

Chairman Easton: Okay. You left one in! That's right; I forgot. All right.

Ms. Ehlers: There's an aquaculture one somewhere. Can somebody help me find it?

Chairman Easton: While you're looking for aquaculture, can we go to page – unless someone has something else in the 50s or 60s, I've got something in the 70s. Let's look at the ADUs.

Mr. Personius: What page?

Chairman Easton: 78.

Mr. Personius: 70?

Chairman Easton: 78. Maybe I wrote my notes down wrong on this one. Mark, can you pull that down a little bit?

Mr. Personius: This is – no, we're in the Transportation.

Chairman Easton: I'm on the wrong page. Disregard.

Mr. Personius: Okay.

Chairman Easton: Well, that was the last of mine. Do you have any?

Ms. Ehlers: You're talking about transportation already?

Chairman Easton: No, I just said that's the last of mine. I accidentally wrote down the wrong page number for the one I wanted to look at.

Ms. Ruacho: Do you want to talk about ADUs?

Chairman Easton: No, I think – what page is ADUs on?

Mr. Personius: 76.

Chairman Easton: Let's try that.

Mr. Personius: Let me look at that and see if that – 6.30. There.

Chairman Easton: Yeah, this one gave me a – yeah, yeah, we'll talk about this. Let's talk about ADUs. I'm going to let you keep looking, Carol. "Accessory dwellings shall" – or it's how it read before; now it reads "should not be permitted if the water source exceeds 25ppm chlorides..." To me, of all the places where a "shall" would make sense this is another one of those ones. Putting an ADU on the waterfront by itself is tricky. Putting an ADU on the waterfront when you have chlorides seems like a problem. I'm not really sure what kind of alternate situation we could come up with. But you had no objection to this changing to – Health, you had no objection on this? I'm surprised you didn't support the GIPAC on this one.

Corinne Story: You know, actually I think that we –

Chairman Easton: You'd better go to the microphone or I'll get in trouble.

Ms. Story: It seems to me that on the "shall" versus "should" issue what our statement was was that we referred that to –

Chairman Easton: Legal?

Ms. Story: – to Planning, yeah.

Chairman Easton: Oh, Planning.

Ms. Story: Yeah, that essentially for the most part they were things that we implemented in policy anyway, so we would be – likely be supportive of a "shall."

Chairman Easton: You would be supportive of the "shall"? Okay.

Ms. Ruacho: Yeah, that's how I took their comments. It's number 3 on the response to comments.

Chairman Easton: Yeah.

Ms. Ruacho: So they have no objection to "shall."

Ms. Story: Right.

Ms. Ehlers: Well, that's particularly true since they are pushing all of the official pipe line water systems to identify any ADU they have, and if you have a connection policy they want you to have a separate connection for that. So that means, in effect, a concept of a separate well.

Chairman Easton: I make a motion to change this back to "shall."

Mr. Jewett: I second it.

Chairman Easton: Any further discussion?

(silence)

Chairman Easton: All those in favor, signify by saying "aye."

Mr. Jewett, Ms. Ehlers, Ms. Nakis, Ms. McGoffin, Mr. Mahaffie and Chairman Easton: Aye.

Chairman Easton: Any opposed?

(silence)

Chairman Easton: Passes unanimously.

Ms. Ruacho: Do you want to show that as a vote or just like the rest is consensus?

Chairman Easton: Consensus is fine. I wasn't – I should have asked for consensus, but...

Ms. Ruacho: You're getting delirious.

Chairman Easton: Yeah. Dave always used to tell me that the time between nine and ten was the crazy time to be the Chair.

Ms. Ehlers: It's equally crazy to be on it!

Chairman Easton: We're getting there. All right, did you guys find your aquifer?

Ms. Ehlers: I haven't found my aquaculture but I have found –

Mr. Personius: Carol, page 74, Policy 6.7.

Ms. Ehlers: There we are.

Chairman Easton: All righty.

Ms. Ehlers: "Commercial aquaculture" – shall versus should – "should not be permitted on any environment of Guemes Island because of its potential to significantly degrade ecological functions over the long term." Ecological functions? The water, the available (sic) of water. So I want commercial aquaculture – I move "Commercial aquaculture shall..." because of the intense use of water in any one of those.

Ms. Nakis: I second that motion.

Chairman Easton: It's been moved and seconded to change Policy 6.7 under "Specific Shoreline Uses and Activity Policies Aquaculture" from – it currently reads "should" and change it to "shall."

Mr. Mahaffie: Can I ask –

Chairman Easton: Any discussion?

Mr. Jewett: How far out from the shoreline?

Chairman Easton: How far out from the shoreline?

Mr. Mahaffie: We're in the Shoreline. Should this maybe be back in Land Use?

Chairman Easton: We're in Shoreline and he's wondering if this should be in Land Use.

Mr. Mahaffie: You're thinking more upland areas, too, if you're using fresh water. Correct?

Chairman Easton: Wouldn't this cover both shorelines and upland?

Ms. Ehlers: It covers both, and Guemes and Fidalgo had a very lengthy, expensive discussion with Skagit County over the subject of aquaculture, which is where I – I was the researcher on that project.

Chairman Easton: Well, without objection of the – if I may – if the seconder and the motion maker would not object to having this policy – once it's voted on – read in both this – be placed here and also added under Land Use. Would you be agreeable to that?

Ms. Ehlers: Oh, yes.

Chairman Easton: That addresses your concern, Matt?

Mr. Mahaffie: I just thought it'd be a little clearer, that's all.

Chairman Easton: Yeah. So and an appropriate place? Well, let's vote on the motion first and then I'll tell you – I'll direct staff about where we want to put it. All right, all those in favor, signify by saying "aye."

Ms. Nakis, Ms. Ehlers, Chairman Easton, Mr. Jewett, Ms. McGoffin and Mr. Mahaffie: Aye.

Chairman Easton: All those opposed?

(silence)

Chairman Easton: Passes unanimously, so put it as a "shall."

Ms. Ruacho: And consensus is okay?

Chairman Easton: Consensus is fine, and also consensus to repeat the policy in the Land Use Element where you think is appropriate.

Ms. Nakis: And that takes care of your other –

Ms. Ehlers: Oh, the other one.

Ms. Ruacho: I don't know how you guys feel about this policy, but my interpretation of this sentence is on Guemes Island, in any environment. On Guemes Island.

Chairman Easton: That's why you can take the exact same language and put that exact same language in the Land Use Element.

Ms. Ruacho: So would you guys maybe want to – just so there's no future confusion, if you mean not be permitted on Guemes Island, I think it should say that.

Chairman Easton: Doesn't it say –

Ms. Nakis: I think "of" is better.

Ms. Ehlers: I don't care which way you have it as long it's clear that it's on the island.

Ms. Nakis: And also around the island. So "of Guemes" is the environment around the island.

Chairman Easton: See, "of" would –

Ms. Ruacho: "On or around"?

Chairman Easton: "On and around" would communicate to me that you're not doing this in the tidelands.

Ms. Ruacho: I just – I – and I'm just saying this because I fear what – I don't know how future folks will interpret that. It is not 100% clear to me that that is a prohibition.

Chairman Easton: How can we make this 100% clear that to you, as the person who reads the code to other people – or not the code – well, this isn't code but this is policy – that this policy's strong enough then? Because that's our intent. Our intent – I mean, I would assume – our intent was that we not have this happen on Guemes Island, and, in my opinion that would include the tidelands.

Mr. Personius: This is the Shoreline Element and these are under the category of "Specific Shoreline Use and Activity Policies." There are shoreline use regulations that are – will be codified – are codified and will be codified when the SMP update is done.

Chairman Easton: Right.

Mr. Personius: Then they'll be integrated into the – into the development code.

Ms. Ehlers: Okay. Well, if we're going to have it in two places –

Mr. Personius: Yeah.

Ms. Ehlers: – then we say here "any environment *around* Guemes Island" and in the other place you say, "any environment *on* Guemes Island."

Mr. Personius: Well, yeah, so, I mean by the – the Shoreline Management Act would define anything as a shoreline use, as this is specifically crafted for, would apply – anything on the water and then anything 200 feet –

Ms. Ruacho: Landward.

Mr. Personius: – up landward of the high water mark.

Ms. Ehlers: Yes.

Mr. Jewett: 200 feet up?

Mr. Personius: If you wanted to – I think what you're wanting – what you want to do is also make this apply to the non-shoreline zones –

Ms. Ehlers: I do.

Mr. Personius: – beyond 200 feet.

Chairman Easton: Which is why I want to add it to the Land Use Element.

Mr. Personius: Right. I understand.

Ms. Ehlers: And so that's why you use a different preposition.

Mr. Jewett: Well, I still think you need a distance certain.

Ms. Ruacho: I think you're – the way I understand it is the whole island.

Ms. Ehlers: Right.

Chairman Easton: Yeah. Yeah, the whole island.

Mr. Jewett: Okay, then _____.

Mr. Personius: Including the water that's regulated by the Shoreline Management Plan.

Ms. Ehlers: No, shoreline is –

Chairman Easton: No, including the water that's regulated by the Shoreline Management Plan.

Mr. Personius: Yeah.

Ms. Ehlers: Yeah.

Chairman Easton: That would include –

Mr. Jewett: That's 200 feet.

Chairman Easton: That would include 200 feet. But what it leaves you open to is that if the Shoreline Management Plan changes the 200 feet to 300 feet, that you don't have to go in and change this Plan again. If you write in 200 feet now it becomes – they would contradict each other if there was a change in the Shoreline Management Plan down the road.

Mr. Personius: Yeah, I mean, you know, and the SMP update is coming along here very shortly – and will be for some years.

Ms. Ehlers: Well, and the trouble is we watched with the last Shoreline update.

Chairman Easton: Okay, we're not going into the trouble.

Ms. Ehlers: It took them a year for –

Chairman Easton: We're not going I into the trouble! I promise we're not going into the trouble; we're moving on.

Ms. Ehlers: Okay.

Chairman Easton: All right, we're clear.

Ms. Ehlers: I have – 6.9.

Chairman Easton: 6.9.

Ms. Ehlers: I have the same issue, only this is a Shoreline Management issue only. “Mining and associated activities shall not be permitted within” the Shoreline Management “jurisdiction on Guemes Island.”

Chairman Easton: Which is 200 feet from the high water mark, right?

Mr. Personius: Correct.

Chairman Easton: So we don't want – we're not sure if we should let people mine within 200 feet of the water?!

Ms. Ehlers: Well, wait a minute. If you can't repair South Shore Road, if you can't touch a cliff to repair a road that goes to 3 or 400 people already existing, you certainly shouldn't mine another cliff elsewhere on the island.

Chairman Easton: Wow.

Ms. Ehlers: There's no consistency. If we say you should mine then the County should have no legal problem whatsoever repairing that road.

Chairman Easton: That road makes this even more interesting.

Mr. Personius: Well, again, this is why in our staff comments we defer to the “should” option here because of the SMP coming up. There's a lot of unique issues, unique shoreline issues. There are going to be exceptions. There are going to be things that are going to have to be very carefully evaluated and very carefully crafted. And so I don't want this Element or this Subarea Plan to usurp that process. I don't want it divided.

Ms. Ehlers: This Subarea Plan can easily be changed at the point the County *finally* gets to the Shoreline Management Plan. I was appointed in 1988 to do that plan, which was to be done in a year or two. When we did Young Island, the County worked with Department of Ecology, got the whole thing done, everything was sweet, it came to us, there was no objection by anybody, and it still took another branch of the DOE a full year to agree with what the first branch of the DOE had signed off on.

Chairman Easton: Okay, we – okay –

Ms. Ehlers: I don't want something done in the meantime before this Shoreline Plan finally comes out.

Chairman Easton: Make your motion.

Ms. Ehlers: So I move that "Mining and associated activities should not – *shall* not be permitted within the Shoreline Management Act jurisdiction..."

Chairman Easton: "...on Guemes Island."

Ms. Ehlers: That's very limited.

Chairman Easton: On Guemes Island. Is there a second to the motion?

Ms. Nakis: I'll second that.

Chairman Easton: Is there any further discussion?

(silence)

Chairman Easton: So my only concern is that Mark's comment that we are on the line here, he believes, of directing the Shoreline Management Act from here, as opposed to participating with it. Is that – did I understand you correctly?

Mr. Personius: So what's upcoming is the mandated SMP update –

Chairman Easton: Right.

Mr. Personius: – countywide, which will include Guemes Island. And there are very strict new guidelines that are much tougher, much more restrictive in many cases about bulkheads and about shoreline modifications. There are going to be requirements for shoreline restoration – all sorts of things. So my whole point with this whole Element is that we don't want anything – and I've talked to Betsy Stevenson at the County, who's heading up that SMP effort. She agrees, she concurs, she does not want this Element to get in the way, create some legal inconsistency with what they want to do with the SMP.

Chairman Easton: Okay, well, here's where I'm at. I'm voting "yes" and you're going to have to make your case to the Commissioners –

Mr. Personius: That's fine.

Chairman Easton: – that we're – no, I'm just saying you and Betsy can make the case to the Commissioners that we're wrong, but I just can't picture mining within 200 feet of the water. I mean, it's just...

Ms. Ehlers: When the Indians blackmailed the County and said you couldn't put a house –

Chairman Easton: Oh, come on. Please.

Ms. Ehlers: – within 200 feet of the water, how can you mine?

Chairman Easton: Okay, I'm going to call for the question. All those in favor of the change, signify by saying "aye."

Mr. Jewett, Chairman Easton, Ms. McGoffin, Mr. Mahaffie, Ms. Ehlers and Ms. Nakis: Aye.

Chairman Easton: All those opposed?

(silence)

Chairman Easton: Passes unanimously.

Ms. Ehlers: Thank you.

Chairman Easton: What do we have? Anybody? Carly, do me a favor while we're still in this process while Carol and others are going through their stuff. Go through the comment letter(s) and find anything that you guys concurred with a comment that we need to change. I want to make sure we don't forget those tonight.

Ms. Ehlers: That's a good idea.

Chairman Easton: Because that's what I want to do next. I want to take the ones where staff concurred with the commenter and I want to discuss those and make sure that we catch those before the end of the night. I'm not trying to rush you, Carol. I'm just –

Ms. Ehlers: I know. I'm up on page 90.

Chairman Easton: Ooh, we're making progress.

Ms. Ehlers: So if anyone has something before page 90.

Chairman Easton: No, I'm good.

Ms. Ehlers: Okay. Page 90 is –

Chairman Easton: Can you pull that back a little bit?

Ms. Ehlers: Can you turn it right-side up? Okay, that's better.

Chairman Easton: Thanks, Mark.

Ms. Ehlers: South Shore Road that goes east from the ferry along the cliff, that's the one that's eroding away.

Ms. Ruacho: I have a new map.

Mr. Personius: We have a new map, right?

Chairman Easton: Bingo! New map!

Ms. Ehlers: Good. I was hoping you have a new map because this one's wrong.

Ms. Ruacho: Got it.

Chairman Easton: Got it! All right, so that's all we need to do there is inject the new map?

Ms. Ruacho: Yep, got the map.

Ms. Ehlers: So you now have –

Chairman Easton: By consensus: new map. Insert new map.

Ms. Ruacho: Insert new map.

Chairman Easton: All right.

Ms. Ehlers: Excellent.

Chairman Easton: Moving on.

Ms. Ruacho: Besides page 90, there's also page 46 and 48 – new maps.

Chairman Easton: New maps for 46 and 48 by consensus.

Ms. Ehlers: Okay.

Ms. Ruacho: They look exactly the same; it's just updated information.

Chairman Easton: Excellent.

Ms. Ehlers: Well, they've changed the designation for that road which makes a huge difference in a number of things.

Ms. Ruacho: Look at all that red, Carol!

Ms. Ehlers: Mm-hmm.

Chairman Easton: Good.

Ms. Ehlers: Ann Marie showed it to me and I said, Oh!

Ms. Ruacho: Carol's happy.

Chairman Easton: Carol's happy.

Ms. Ehlers: Carol's happy. There's a creek called Cayou Creek. It's referred to on the top of page 97 and some other places, but it's not possible to find it on a map. So if you could find a map that has a nice place to put it – it doesn't make any difference to me which one. It – I think it goes across Eden's Road. We went down in a deep dip there.

Mr. Personius: We crossed that on the tour, yeah.

Ms. Ehlers: Okay. And – I mean, I think. And they're going to fill that in so that it doesn't flood in the winter. And I think it then goes under West Shore Road. I mean, I think – I've looked at this so much – I think I know where it is, but I think it's reasonable to have it on a map.

Chairman Easton: So find it on a map.

Ms. Ehlers: Just put it on any map. I don't care.

Ms. Ruacho: In the Plan? I would – I would like to –

Chairman Easton: Yes?

Ms. Ruacho: – object to that. Many of these maps – almost all – came from GIPAC. They're not in a program that we have. The recreation of Carol's road

map took a Public Works person almost an entire day, you know, to redo. So – because we don't have – it's not like we can just take any of these maps and add a creek, you know? They're not GIS maps.

Chairman Easton: Yeah, okay. Can't be done.

Ms. Ruacho: So unless it's crucial.

Ms. Ehlers: Okay.

Chairman Easton: Okay.

Ms. Ruacho: I mean I'm sure it appears on maps of the world, just not in this Plan, you know.

Chairman Easton: Okay.

Ms. Ehlers: Okay.

Chairman Easton: Maps of the world – that's good! That was a good one!

(laughter)

Ms. Ehlers: Well, I found so many wonderful maps from GIS.

Chairman Easton: You made a list of those ones we've got to go through that staff concurred with?

Ms. Ehlers: I have one on 107.

Chairman Easton: Out of the comments? Do you have one on 107?

Ms. Ehlers: Mm-hmm.

Chairman Easton: Go for it.

Ms. Ehlers: On page 107, Policy 7.9. It has to do with the ferry. "The County" – they say "should"; I wish to move "shall" – "improve accessibility for elderly and disabled passengers when normal ferry service is unavailable."

Chairman Easton: Let's make Jill feel like she's welcome here. You know, more involved.

Ms. Ruacho: I distracted her with the list.

Chairman Easton: Oh. Okay, 7.9. It's on the screen right now on page –

Ms. Ehlers: 107.

Chairman Easton: – 107. “The County should improve accessibility for elderly and disabled passengers when normal ferry service is unavailable.” Is there – do you have any heartburn with making that a “shall”? Because there’s nothing prescriptive about how they do it.

Ms. Ehlers: But it is – there’s nothing prescriptive on how, but the ADA rules require you to do it.

Chairman Easton: Do you see any concern with that one?

Ms. Dvorkin: I don’t see a concern in making that recommendation to the Board. I can think about it a little bit more, but I don’t see a concern.

Chairman Easton: Yeah, because you could take another shot at it before it goes to the Board.

Ms. Dvorkin: Carol may be right that there is a current ADA requirement that it would just, you know, meld with that.

Chairman Easton: Okay. Make it a motion, then.

Ms. Ehlers: I move that we change the “should” to a “shall” in Policy 7.9 regarding ADA requirements.

Chairman Easton: Is there a second?

Mr. Jewett: I’ll second it.

Ms. Dvorkin: Would you like to link it to ADA requirements? Say they shall?

Ms. Ehlers: Yes, I would, and I would like to connect it to story after story from people on Guemes.

Ms. Ruacho: I was thinking we should hear from Rachel on this, just going, Dang it, she’s not here!

Ms. Ehlers: There she is.

Ms. Ruacho: Ferry! What do you think?

Chairman Easton: Thank you, Ruacho. Unbelievable!

Ms. Ehlers: Bravo for staying!

Chairman Easton: See! I knew there was a reason you stayed!

Ms. Beck: It was all worth it.

Chairman Easton: It was worth it! Oh, you haven't seen the last hour of the greatness! We'll see what you say then!

Ms. Beck: I just have a comment on Policy 7.9., "shall" versus "should," in that this policy is specifically referring to when normal ferry service is unavailable. And what happens when normal ferry service is unavailable is that we go out to bid through a contract process to procure another company and another company's vessel to provide us with our passenger-only service. And because we are limited to the different companies that bid on these contracts, we are limited to using what they give us to use. And so I think that in an effort to preserve discretion – not only for us but also for the operator of the passenger-only boat – I think this should stay as a "should." If this was referring to the ferry as our ferry that we own and we operate then I could see how it would go to a "shall," but because we have other entities involved here it's hard to put policy on them.

Ms. Ehlers: Well, then –

Ms. McGoffin: I have a comment, though, for that, too. It may happen that there is no boat that could provide ADA and you end up with no service because you're going to the private sector to find backup. So I would prefer to give you the discretion in those extraordinary circumstances where you're trying to find a backup boat to not be held to an ADA standard.

Ms. Beck: Thank you.

Ms. Ehlers: Well, we could leave out the second clause and say "...for elderly and disabled passengers," and just leave it just period.

Ms. Beck: And my comment to that would be then we're not addressing when ferry service is unavailable at all and I think –

Chairman Easton: That's what this policy is saying.

Ms. Beck: – that's what this policy is referring to. There are issues surrounding the passenger-only ferry and there are things that the County can do to assist ADA folks with mobility issues to use these services. And I think by taking out "when the normal ferry service is unavailable" then you take away what GIPAC is trying to accomplish with this policy.

Chairman Easton: Well, you've convinced me that it needs to stay "should."

Ms. Ehlers: Okay, I'll agree. But it's sad when you hear about people that fall and stumble and –

Chairman Easton: Okay, here we go.

Ms. Ehlers: – their groceries fall. I mean, it's not.

Ms. Beck: And that's why we *should* address it.

Chairman Easton: That's why we *should* address it! You're right.

Ms. Beck: Thank you.

Chairman Easton: Good. Nicely put. Okay.

Ms. Ehlers: There *is* an issue to raise but it's a road issue and it's broader than just Guemes.

Chairman Easton: Let's try to narrow it to Guemes.

Ms. Ehlers: Okay. Guemes has two policies, 7.18 and 7.19, in which the County has changed – this is on page 108 – where the County has changed a "shall" to "should," and I think that's probably the way it should be. But there's another policy – I'll find it in a minute – where the County permits a road cut, but there is – on a private road – but there is nothing in County policy, apparently, to require that the road be restored to its original condition.

Chairman Easton: And that's part of this Plan?

Ms. Ehlers: It's in here. It's a statement more than it is a policy.

Chairman Easton: Okay, well, why don't we find it and if it's in there we should take a look at it.

Ms. McGoffin: It's 7.19.

Chairman Easton: 7.19? "Prior to commencing with construction activities on a communal private road..." Is that it?

Ms. Ehlers: That's – no, it's a good policy for "should."

Ms. McGoffin: "... to ensure that the road will be restored to the same or better condition...."

Chairman Easton: Yeah, it says to restore it to the same or better condition, Carol.

Ms. Ehlers: Yes, but there's another one where it doesn't.

Chairman Easton: Oh, okay. Well, let's find that one.

Ms. Ehlers: Because what I have noticed is that the County permits utilities to cut roads and cut drainage and then doesn't make sure it's ____.

Chairman Easton: So while you're looking for that, we're going to go over here to Carly because we're trying to multitask our way out of this meeting here.

Ms. Ruacho: I think maybe a better way, because this is quite lengthy for me to go through and see what you addressed and what you didn't –

Chairman Easton: Yeah.

Ms. Ruacho: – is as people were going through, I'm assuming people made notes. Was there anything where you disagreed with a staff response? If not, maybe you just wholly say, If staff agreed we agree, too.

Chairman Easton: Great idea.

Ms. Ehlers: Oh.

Chairman Easton: Did you find it?

Ms. Ehlers: Matt's found it for me.

Chairman Easton: Great. Where are we?

Ms. Ehlers: Page 97. It's not a policy; it's a statement and I've seen it all too often on public roads, too.

Chairman Easton: Page 97?

Ms. Ehlers: 97. The topic is private roads.

Chairman Easton: Could you put that up for us, young man? Dear fellow?

Mr. Personius: Kind soul, where are you?

Chairman Easton: 97.

Ms. Ehlers: Page 97, "Private Roads."

Ms. Ruacho: "Private Roads."

Ms. Ehlers: It's down lower – there you are. The whole paragraph is an excellent description of a huge problem in Skagit County.

Chairman Easton: You just don't like the last sentence?

Ms. Ehlers: And the last sentence says – ends, "However, permits do not require the restoration of roads to their former condition." and I think they should. But there's no policy here for me to –

Chairman Easton: Why don't we just strike that language where it says – just strike the last sentence?

Ms. Ehlers: Well, it's fact.

Chairman Easton: Well, I don't think we have the chance to reach in here and change the policy of the road folks, do we? I mean, can we – do you want to write a policy that says they have to restore them back to the – their former condition?

Ms. Ehlers: No, but, see, one of the basic problems is it's a huge fire problem, and it's ubiquitous.

Chairman Easton: Let's just do it as a finding.

Ms. Ehlers: Ah! As a finding. "Permits should require the restoration of roads to their former condition."

Chairman Easton: Excellent.

Ms. Ehlers: And I would add "private and public," because public isn't always enforced either.

Chairman Easton: Okay. Carly, do you need her to repeat that?

Ms. Ruacho: Nope.

Chairman Easton: Got it.

Ms. Ehlers: Good.

Chairman Easton: All right, moving forward.

Ms. Nakis: Thank you. That was good.

Chairman Easton: Good job.

Ms. Ehlers: The fence: They raised the question of a fence.

Chairman Easton: Ah, yes.

Ms. Ehlers: It's page 107, Policy 7.15. And it would seem to me that this should already be County law. It's a shall/should. "The County" – I'm going to move – "The County shall enforce requirements to place private fences within property lines –

Chairman Easton: 7.15?

Ms. Ehlers: "...and not on public rights-of-way."

Ms. Ruacho: Yeah, it said – again, you know, it's like we said before that the burdens that it places on the County to have a policy like that – we don't –

Chairman Easton: Yeah, how do you enforce that one?

Ms. Ruacho: Yeah, fences under six feet don't require a permit. So it's not a permitting issue. It's not like we're permitting these in the right-of-way. People build them. We *will* enforce on them if there is a case that is brought to our attention. Just like all enforcement, it's complaint-driven. There could be a thousand fences in the right-of-way out there that didn't require a permit and no one's complained about. Having a policy that says, "shall enforce": What does that mean exactly? Do we need to drive around and measure and make sure? You know, I –

Chairman Easton: Okay, you made your point.

Ms. Ehlers: You made your point.

Ms. Ruacho: All right.

Ms. McGoffin: I've got one.

Chairman Easton: Mary's got one.

Ms. McGoffin: Okay, Carly, number 39 on the comment sheet.

Ms. Ruacho: Yes?

Ms. McGoffin: Policy 5.7: They're asking to reinstate the original "shall" to require minimizing vegetation removal from geologically hazardous areas. Did we already do this one?

Ms. Ehlers: We just did that.

Mr. Personius: We did that – yeah.

Ms. Ruacho: Yeah, we did this.

Ms. Ehlers: Unanimously.

Ms. McGoffin: Okay. I was sleeping.

Ms. Ruacho: Yep, we shalled it.

Chairman Easton: We shalled it.

Ms. Ehlers: We have a new verb!

Chairman Easton: It's good – we shalled it. Yeah. All right, anything else left to shall? You got it all? I don't want to give you too much time to think about it!

(laughter)

Chairman Easton: I said that out loud. I'm sorry!

Mr. Personius: Mr. Chair, I do have one additional map that GIS –

Chairman Easton: Look at that. Isn't that pretty?

Mr. Personius: – GIS prepared for us. This is a build-out map.

Chairman Easton: By consensus and add it to the Plan where appropriate.

Mr. Personius: Okay. So what we're looking at is the actual number of potential units per lot. So it'll kind of fit them in here and I'll show you what they look like.

Chairman Easton: Okay.

Mr. Personius: All right.

Ms. Nakis: This is not what it is. It's what it could possibly be done.

Mr. Personius: Theoretically could be, yes.

Ms. Nakis: Okay.

Chairman Easton: Okay.

Mr. Personius: This does not include lot – consider lot certification or any of that stuff, either.

Ms. Nakis: Right.

Chairman Easton: All right, here's what we're going to do next. Carly got a great suggestion. In the – in your comments where staff made comments that said, Concurs with the commenter, or staff agreed with the commenter, we have gone through and fixed some of those. We didn't fix all of them that are on that list. Does anyone have an objection with any of the ones that staff said – you take your time to look through these – the comments – if you want. But any of the ones where staff said they concur, because I'd like to take – the staff memo? It was in an e-mail. It looks like –

Mr. Mahaffie: I must have missed it.

Chairman Easton: No, it looks like this. It looks like this – do you want to take a look at it?

Mr. Mahaffie: Yeah, I'd love to.

Chairman Easton: The idea being staff has agreed with the commenters about a change and I'd like to see if you're open to the idea of voting for all those changes in a block. Or would you like to go through them one-by-one?

Ms. McGoffin: Go for a block.

Ms. Nakis: Yes, block.

Chairman Easton: Block, block. Jerry?

Mr. Jewett: Well, like on item 2 where the Health Department had no objection?

Chairman Easton: Yeah, that kind of stuff.

Mr. Jewett: And we would follow the commenters'? Yeah.

Chairman Easton: So wherever staff had no objection we go with the commenter's comment, and if we've already changed it, obviously – we changed some of them; we just didn't change all of them because we didn't go through them point-by-point. We went through the Plan point-by-point instead of the

comments, which I think was more efficient. So do we have consensus to agree to that?

Ms. Ehlers: Mm-hmm.

Ms. Nakis: Yes.

Chairman Easton: Matt? I'm kind of rushing you. Sorry, Matt. You keep going.

Mr. Mahaffie: (inaudible)

Chairman Easton: Does that make sense?

Mr. Mahaffie: Yeah.

Chairman Easton: So by consensus, then, anyplace where staff concurred with the commenter. Now.

Ms. Nakis: And the items we took care of before this process got started.

Chairman Easton: And the items that we took care of before this process started by unanimous –

Ms. Ruacho: Consensus.

Chairman Easton: – consensus – by consensus are – have been noted.

Ms. Ruacho: Yep.

Chairman Easton: So, you got anything else you want to add?

Ms. Ehlers: There is one thing that at this point in this pile of paper I have lost its location.

Chairman Easton: Okay, we'll help you find it.

Ms. Ehlers: GIPAC has been identified by the County as the group to organize this and work on it and develop it and the County has worked well with them. GIPAC seems to be concerned about whether they will continue to exist as far as the County is concerned. And considering that the County has a long history of abandoning groups like that, how can we make sure that they aren't, at least until the laws are passed?

Chairman Easton: Yeah, hmm. Well, here's what I think. I think it needs to be a finding, because I've been thinking about this one. I think it needs to be one of

our findings that we strongly – we strongly believe that GIPAC should live – continue to live until the – till step 6 is done.

Ms. Ehlers: At least until step 6 is done.

Chairman Easton: Yeah, at least until step 6 is done. So we recommend to the Commissioners, as a finding, that GIPAC exist. And I think that that's something staff could get behind. I would hope.

Ms. Ruacho: Yeah, but, I mean you heard from Roz that that's a County task. You know, that their –

Chairman Easton: They've got to ____ and _____. They can't do it themselves.

Ms. Ruacho: – their desire to be involved – they're the ones who drafted the work plan that showed step 6 separate and listed it separate. They never envisioned that to be their task.

Ms. Ehlers: No.

Ms. Ruacho: Of course they will comment. I mean, when we put it out for public comment they're going to be back here. It's going to be very near and dear to them.

Chairman Easton: No, it's – the Commissioners need to hear, Carly – the Commissioners need to hear from us that we want –

Ms. Ruacho: As a finding.

Chairman Easton: – as a finding – that we want GIPAC to continue to exist.

Ms. Ehlers: And that we want them to be a partner in the process. I mean, I do, at least. I want them to be a partner in the process so that no one in staff is left having to do something essentially by themselves and then see if someone else agrees after they have worked on it, but to have somebody that they can work with and discuss things and see how this would be – how this language would be received or what the difficulties are with that language.

Ms. Ruacho: Got it.

Ms. Ehlers: So that there is a group to work with instead of a vacuum.

Chairman Easton: Got it.

Ms. McGoffin: One last thing.

Chairman Easton: One last thing.

Ms. McGoffin: This is just a finding, too – an opinion on my part. It appears the Health Department has things they would like to do on Guemes Island. The citizens do. There's a shortage of funds and I don't know how to remedy that situation, but it seems like – in other areas I'm levied for diking issues that are pertinent to my land. It seems like there could be something arranged for those people in that area that comes back to them in the form of support for – like a Guemes Island water management plan. Something specific for them through their tax system.

Chairman Easton: So how about this for a finding: The Commission finds – and I'm asking you if you guys agree with this; just take Mary's idea and try to put it into a different package – the Commission finds, as one of its findings, that Guemes Island needs a sustainable plan for maintaining its Health Department issues in relationship to water. The County needs to investigate how to sustain a plan to deal with that, and that may be a clean water utility, that may be – there's lots of may-bes, right?

Ms. Story: Yeah, there would be. There's –

Chairman Easton: Well, you're not at the microphone so we'll just nod – just nod at you. Okay?

Ms. Ruacho: Yep – got it.

Chairman Easton: All right.

Ms. Nakis: So – I have two things.

Chairman Easton: Go ahead.

Ms. Nakis: I don't know if this would be a finding. I would like to make a suggestion to the County Commissioners that we expedite the adoption of the Plan because it's been twenty years since it was started, right? It would be really nice to be done.

Ms. Ruacho: It'll be adopted by the end of the year.

Chairman Easton: It'll be done by the end of the year.

Ms. Nakis: Okay. And then also expedite the ferry LOS plan – planning whatever – committee.

Ms. Ruacho: Development or something? Expedite ferry level of service development?

Chairman Easton: I can agree to that.

Ms. Nakis: Plan, yes.

Ms. Ehlers: Well, may I add that Rachel needs a group just as badly as you do. She needs an ongoing group to bounce things back and forth.

Ms. Ruacho: She has a group.

Ms. Beck: Oh, yeah!

(laughter)

Chairman Easton: You have the Ferry Advisory Committee.

Ms. Ruacho: She *loves* her group.

Chairman Easton: Her Ferry Advisory group!

Ms. Ehlers: She has a group which has had to fight tooth and nail to even exist, so –

Ms. Ruacho: They do currently and that will be the group that will do – now, Jason, before you pack your bags, my notes don't reflect a final vote.

Chairman Easton: Yeah, I know. I'm going to do one later.

Ms. Ruacho: Okay. And did someone second it?

Chairman Easton: The original?

Ms. Ruacho: Yeah.

Mr. Jewett: Yeah.

Chairman Easton: Yeah, Jerry did.

Ms. Ruacho: Jerry? Okay.

Chairman Easton: All right, anything else? Good! I didn't give you much time to respond to that, did I?

(laughter)

Chairman Easton: So on the question of approval of the Guemes Island Subarea Plan, all those in favor, signify by saying "aye."

Ms. Ehlers, Ms. McGoffin, Mr. Jewett, Chairman Easton, Mr. Mahaffie and Ms. Nakis: Aye

Chairman Easton: All those opposed?

(silence)

Chairman Easton: Any abstentions?

(silence)

Ms. Ehlers: Aaaaaah!

Chairman Easton: Let the record show it passed six-zero. I appreciate your indulgence, you guys, in going overtime.

Ms. Ehlers: And I appreciate that after eighteen years something has passed.

Chairman Easton: Amen. All right, let's move on to General Business really quick. What's our general business?

Ms. Ruacho: Well, we had mileage and I neglected to bring your forms.

Chairman Easton: Oh. Okay, you going to mail them to us?

Ms. Ruacho: Carol doesn't do it. Jerry, do you do it? No. So I can e-mail them.

Chairman Easton: E-mail them to us. Perfect.

Ms. Ruacho: Mileage?

Chairman Easton: Mileage?

Ms. Ehlers: I don't do it.

Ms. Ruacho: You don't do it.

Chairman Easton: Okay.

Ms. Ruacho: So I'll just e-mail them to the e-mail people.

Chairman Easton: Okay. Our next meeting is the first week of October, correct?

Ms. Ruacho: It's scheduled for the first week of October. I don't know that we'll have anything ready for you for that meeting.

Chairman Easton: What's next?

Ms. Ruacho: Probably Miscellaneous Code Amendments and then 2011-2016 CFP.

Ms. Ehlers: The who?

Chairman Easton: The CFP.

Ms. Ruacho: The next CFP?

Ms. Ehlers: Ah.

Ms. Ruacho: So you guys are professionals at that now since you just did the 2010-2015 one.

Chairman Easton: Well, my – hey, my thanks to the staff for coming tonight and doing a great job. Great job. Thank you, Carly. Thank you, Mark.

Ms. Ehlers: Carly, you should explain, I think, something that I've heard and we know – that all the Comp Plan amendment things are forwarded to the Commissioners in one batch, in one package.

Ms. Ruacho: Right. We can only act on Comp Plan amendments once a year, so we act usually – it's been Christmas Eve – that's been our annual Christmas Eve fun – but now we have furloughs so –

Chairman Easton: You're not working.

Ms. Ruacho: – it'll be before Christmas Eve.

Chairman Easton: It'll still be Christmas Eve probably.

Ms. Ruacho: So, yeah, probably December 23rd. We have to batch them. We wait till the very last in case anything were to crop up that the County would need to take emergent action on. We wait till the very last business day available and then we act on everything we have.

Chairman Easton: Okay.

Ms. Ehlers: And the Plan is considered a Comp Plan amendment, too, and so it gets combined.

Chairman Easton: Yes.

Ms. Nakis: Ah, okay.

Ms. Ruacho: Yes. So that's why we can't expedite, yeah.

Ms. Nakis: Right, okay.

Ms. Ruacho: It would take up our only chance.

Chairman Easton: We don't want to take our only chance.

Ms. Nakis: No.

Ms. Ruacho: And then if something else needs it we wouldn't have the option.

Ms. Nakis: Okay.

Chairman Easton: All right, we adjourn. We're adjourned (gavel).