

Skagit County Planning Commission
Public Hearing & Deliberations:
2012 – 2017 Capital Facilities Plan
Public Hearing:
Voluntary Stewardship Program (VSP)/Ag-CAO
November 1, 2011

Commissioners: Jason Easton, Chair
Mary McGoffin, Vice-Chair
Carol Ehlers
Annie Lohman
Matt Mahaffie
Elinor Nakis
Dave Hughes (absent)
Josh Axthelm (absent)

Staff: Gary Christensen, Planning Director
Carly Ruacho, Senior Planner/Project Manager
Brian Adams, Parks Director
Betsy Stevenson, Senior Planner/Project Manager

Public
Commenters: Peter Haase (VSP hearing)
Randy Good (VSP hearing)

Chairman Jason Easton: Good evening and welcome to the Skagit County Planning Commission. I'm Jason (gavel) Easton. I'm the Chair. I call this meeting to order. Tonight's agenda is in front of you, Commissioners. Is there any additions to the agenda at this time from Commission members?

(silence)

Chairman Easton: Seeing none, the Department has asked to add two items under General Business. One is the distribution of the Short Course book and the other is a short announcement about an upcoming class tomorrow in the Planning series.

Gary Christensen: Yes.

Chairman Easton: Thank you. So we'll touch on those items under General Items. Okay. So can I have consensus for the agenda?

Carol Ehlers: Mm-hmm.

Chair Easton: Seeing I have consensus, we'll move forward. Tonight's first order of business is the public hearing on the 2012 to 2017 Capital Facilities Plan. I will now read our opening statement.

The purpose of this public hearing is to receive testimony and written correspondence regarding the County's proposed 2012 through 2017 Capital Facilities Plan. There is a sign-up sheet at the back of the room for those who would like to testify. An opportunity will be given at the end of the hearing for those who wish to testify but did not sign up to speak.

Please limit your comments to three minutes so that everyone will have a chance to speak. Special interest groups, associations or others representing – or those representing others – are encouraged to designate one spokesperson for your group to allow greater participation and cross-representation.

Before you testify, clearly state your name, spelling your last name, and your address. A recording system – the television cameras – will record your comments. Written comments are also being accepted and can be placed in the box located at the staff table.

Before we take public comment, I'm going to ask the staff to make a brief statement about the proposal.

Thank you for taking the time to participate.

Director Christensen, do you want to start with this one or did you want to have Carly start this one?

Mr. Christensen: I'll just welcome everybody. Good evening. Gary Christensen, Director of Skagit County Planning and Development Services. Joining me this evening is Carly Ruacho, Senior Planner/Project Manager for the proposal which is before you and the purpose of this evening's public hearing. So, with that, we'll get right to the nuts and bolts and I'll have Carly introduce the proposal.

Carly Ruacho: Thank you, Gary. Just briefly – I know we've talked about this already but just in case people are tuning in I always, you know, try to be cognizant that sometimes people might not have any idea what we're talking about. So just quickly –

Chairman Easton: It's a good reminder, though.

Ms. Ruacho: Yeah! The Capital Facilities Plan is a technical extension of our Comprehensive Plan, specifically the Capital Facilities and Essential Public Facilities element. The Capital Facilities Plan is an inventory of the County facilities and certain

non-County facilities. It includes a forecast of future needs and projects, it includes a six-year financing plan and it is periodically updated, concurrent with the County budget process, which is why we're doing it here. This is a requirement of the Growth Management Act for counties to have a capital facilities plan that spans a six-year period. Our Comprehensive Plan has a twenty-year planning horizon, but for specific projects – and, specifically, the financing for those projects – we are required by state law to have a six-year plan.

So this plan that we're here tonight to take public comment on is the 2012 – 2017 plan. This year we went through and updated. For the year 2017, what we're doing is dropping off 2011, which we're ending, and adding projects out through 2017. So many County departments that are involved in our capital projects have given data to include in the plan. Some departments are represented here tonight, if you have specific questions. The Planning Department, although we don't really oversee any capital projects or have a component to the plan, we are kind of the repository and we process that. So I hope to be able to answer any questions that you might have, even if those departments aren't represented.

We do also, by law, have to include non-County facilities. Things like school districts, if they want to have us collect impact fees on their behalf, we do that during the time of permitting. And if they would like that to happen then they need to have *their* capital facilities plan incorporated with ours, and if they would like changes then they give us their new plans. And then we have dike district information, fire district information and that type of thing included in the plan, as well.

So it always looks like a lot of changes when we do these updates because things do change from year to year. We show those changes in strikethrough and underline so hopefully they're easy to see what changes from year to year.

And just so that you know, Jason, I did go back and check the sign-in sheet and we do not have anybody signed up to testify.

Chairman Easton: Okay.

Ms. Ruacho: So maybe we'll just turn it over to see if anybody wants to and, if not, we can move into deliberations. I have a couple specific things I can go over then.

Chairman Easton: Okay. Thanks. Thanks, Carly. Any questions of staff before I ask for public comment?

(silence)

Chairman Easton: Okay. Seeing none, is there anyone who wishes to comment publicly who didn't sign up? Obviously you didn't sign up, so is there anyone who would like to comment on the Capital Facilities Plan? Last call.

(silence)

Chairman Easton: All right. So at this time I'm going to close the public hearing and move us into deliberations. So the public hearing is now closed (gavel) on the Capital Facilities Plan. We'll now move into deliberations on the Capital Facilities Plan.

Before I get to your clarifications, I need to ask you a question.

Ms. Ruacho: Sure.

Chairman Easton: Do those clarifications best fit after we've had some chance to deliberate or do they best fit before deliberations?

Ms. Ruacho: Really either. They're just minor. Maybe one before and one after.

Chairman Easton: Okay, why don't you go ahead?

Ms. Ruacho: Okay.

Chairman Easton: Why don't you just go ahead and give them both to us then. You can do that.

Ms. Ruacho: Give them both – okay. I don't know – because there's so many numbers in the plan – I don't know if you noticed but right now the plan does not balance. So that's the plan that went out for public comment. Because, like I say, we are the repository of the information given from other departments. We have in the past done the calculations for all the other departments, but that was when we had a few more people to work on it. And, given the time that we have to work on it this time, there was some information provided that we just weren't able to work out the kinks in advance of needing to release it in order to keep with the budget cycle, which is what we need to do.

Chairman Easton: Sure.

Ms. Ruacho: So if you take a look at the project cost total and the revenue total, you'll see that we don't balance to a tune of \$10,000. We're under, so our project costs are under our revenue so that's good!

Chairman Easton: If you're going to not balance, being under is better than being over!

Ms. Ruacho: Yeah, yeah! So, you know, you might – I don't know if you could really go through and try to figure out how to balance it. That might be a little bit overwhelming. But if you want to include a finding, something to the effect of that we should, you know,

balance it before it's adopted, then we can work with the department that is having the issue with the –

Chairman Easton: Okay.

Ms. Ruacho: – the costs and revenue numbers to get that. I did attempt to get it before tonight but it wasn't forthcoming.

Chairman Easton: Okay.

Ms. Ruacho: So we'll just do the best we can with that. The second thing is I would recommend making some additions, and I can put them on the overhead after maybe I just talk about them really quick. Or maybe I could enlist Betsy to put them on the overhead for me, if she would be so kind.

The Parks Department added a couple of parks to their park list and we were absent the information on the location. So we now have that information, so I would recommend maybe a recommendation that would amend the plan to include the highlighted areas on the screen.

Ms. Ehlers: What page?

Ms. Ruacho: It starts on page 9 in the plan you have. There's one on page 9 called "Nichol's Bar Park." And so now we have that address information or location information of Robinson Road in Sedro-Woolley. And then on – let's see – on page – I think it's on – yeah, on your page 10, Samish Beach Access? We now have the address for that park. So just minor –

Chairman Easton: Okay.

Ms. Ruacho: – you know, detail there. But those are really the only two specific things that I have that have come up since we put it out for comment.

Chairman Easton: Commissioners, the Department sent you by e-mail – actually, I think all of you except for Carol may have received this – a draft recorded motion to try to help us get through the motion process on this particular one. By choosing not to receive e-mail – I see that hand and I'm going to –

Ms. Ruacho: I have some extra copies. Do you need a copy?

Chairman Easton: I'm going to comment to that hand. I have an electronic version in front of me so I don't need a copy, but it might be good to pass out what you've got. If you don't have enough for everybody, give one to Carol. Actually let's just put the other one – just bring it up on the screen.

Annie Lohman: On the screen, mm-hmm.

Chairman Easton: So it's – it would be a good place for us to start. So she'll pull it up on the screen. While we're waiting to do that, we'll hold on. I'd like to take this in the order of actually having a motion and then a discussion. But if there are simple questions that you need answered or questions that you would like answered before we go in that direction of staff, let's go ahead and deal with those. Are there any questions that you have of staff before we move to the deliberations, or further into the deliberations?

(silence)

Chairman Easton: Okay. And I just want to recognize that the Director of Parks is here. And did you want to take an opportunity to comment?

Brian Adams: (inaudible)

Chairman Easton: No, he's speaking without a microphone, which gets – always gets me in trouble! Unless I want you to?

Mr. Adams: Unless there's questions.

Chairman Easton: Okay. Well, I appreciate that you're here and if we have questions – so the Parks Department Director's here, too, if we have any questions. So, okay. Thanks for coming tonight, Mr. Adams.

So at this point what you have in front of you is the Whereases. So do you want to take a moment to review those?

Ms. Ruacho: I'll try to get it up on your screen electronically. It's configuring right now, so that's the best I can do!

Chairman Easton: A little brightness issue on my screen, but I can read it on my laptop.

Ms. Ruacho: Can you read it?

Ms. Lohman: Yeah.

Ms. Ruacho: I'll bring it up electronically as soon as it finishes configuring Microsoft_____.

Chairman Easton: This is a process that we have talked about – the Chairs and the Department have talked about – or the *Chair* and the Department have talked about in the past about how to maybe streamline a little bit the recorded motion process. So we're trying this out tonight sort of live in front of all of you. If you're on the e-mail – County e-mail – you'll get a chance to see these when they're done. They won't be

done on each of the topics. There would be some – I would think, Gary, there's going to be some where it's too soon for us to draft a draft until after we deliberate.

Mr. Christensen: Yeah. Typically in a recorded motion we can in advance do many of the recitals or the Whereases, which is kind of more procedural. But then when it comes to findings, conclusions of law, your reasons why – you know? – we might be able to in advance predict some but we might not always.

Chairman Easton: Yeah, and we don't want to get into the position where that's awkward for you predicting what we're thinking before we think it.

Mr. Christensen: Yeah.

Chairman Easton: So, Carol, do you have a question?

Ms. Ehlers: No. I have a comment.

Chairman Easton: Okay.

Ms. Ehlers: When you're doing something like this one, it's easier to have a proposed recorded motion.

Chairman Easton: Which we have now.

Ms. Ehlers: Because most of these things have already gone through a hearings process through another process.

Chairman Easton: Through another entity, yeah.

Ms. Ehlers: There's a six-year road plan, for example, and that's already had its hearing.

Chairman Easton: Sure.

Ms. Ehlers: Many of the individual things have had a hearing, in many cases. The Parks Department goes through a hearings process. The districts all go through a hearings process. And so what Carly and the Planning Department are actually doing is collating a very large collection of information and putting it into one place so that people can see it –

Chairman Easton: Excellent.

Ms. Ehlers: – as one entity: the capital part of the budget.

Chairman Easton: Okay.

Ms. Ehlers: It actually has far more public input than the operations part of the budget. And so in that case you can have a recorded motion. I would only comment, since somebody called in the past and raised questions in the past, that it should be remembered that each one of these capital projects must go through SEPA, a real –

Chairman Easton: The State Environmental Protection Act, for those who are watching at home who don't speak planning.

Ms. Ehlers: Thank you. That's always good. Must go through the SEPA process and it must be real and it must deal – there's a very long list of things that I took out of the law.

Chairman Easton: Mm-hmm.

Ms. Ehlers: It's Washington Administrative Code – again for those who aren't familiar – referred to as "WAC" – 197-11-44 has the list of things that have to be dealt with. And that should help all the people who have in the past raised basic questions about the consequence of doing some of these projects.

Chairman Easton: Okay. Thank you for that clarification and that comment.

Ms. Ruacho: And we could add that as a finding, you know, to your recorded motion, if you like, that just as a reminder –

Chairman Easton: The reference to the WAC.

Ms. Ruacho: – that each project needs to go through an individual SEPA process, per this WAC. You can certainly do that.

Chairman Easton: Okay.

Ms. Ehlers: I think it would help in the process of people learning.

Chairman Easton: I want to – we'll circle back to that – I want to deal with a motion on the – the parliamentarian in me would like to have a motion and – before we start doing findings. But why don't we make a note that we need to discuss during the findings portion the balance issue and the WAC? And now I'd like – the next thing I'd like someone to do is to make a motion for this particular issue. Mary?

Mary McGoffin: So I move that we recommend the recorded motion for our proposed 2012 – 2017 Capital Facilities Plan.

Ms. Ruacho: So you recommend the document?

Chairman Easton: The draft that we've had provided to us? Is that what you're recommending?

Ms. McGoffin: Mm-hmm.

Chairman Easton: Okay. So it's been moved. Is there a second?

Matt Mahaffie: Second.

Chairman Easton: It's been moved and seconded – moved by Mary and seconded by Josh –

Mr. Mahaffie: Matt.

Chairman Easton: Or Matt – sorry, Matt – that we approve the draft recorded motion that is before you on the screen. It has been electronically communicated to you earlier. Any discussion?

Ms. Ehlers: Is this the point to bring up –

Chairman Easton: No.

Ms. Ehlers: – additions?

Chairman Easton: No. We will do findings after we have an approved motion. If you want to make an amendment to the motion, it would be different than a finding.

Ms. Ehlers: I'm happy for this – my comment – to be in a finding.

Chairman Easton: Excellent. Any other comments?

(silence)

Ms. Ruacho: One point would be –

Chairman Easton: Oh, help me if I'm –

Ms. Ruacho: – if you want to make the park additions –

Chairman Easton: Those would need to be as an addendum – an amendment.

Ms. Ruacho: Or in the motion that – recommend adoption of the draft plan –

Chairman Easton: Okay.

Ms. Ruacho: – with revisions to –

Ms. Ehlers: With the correct addresses.

Ms. Ruacho: Park locations or something like that, because it is different than what went out.

Chairman Easton: I understand. That makes sense.

Ms. Ruacho: And the balances.

Chairman Easton: Would the maker of – excuse me a second, Annie – would the maker of the motion be agreeable to amend her motion to reflect the comments that Carly just made about the park addresses?

Ms. McGoffin: Yes. Do I need to restate those?

Ms. Ruacho: No.

Chairman Easton: Okay. And will the seconder agree?

Mr. Mahaffie: Yep.

Chairman Easton: Okay, so it's been moved and seconded now that this draft motion be passed with the additional amendment of adding the correct addresses for the parks that were referenced earlier. Is that clear enough, Carly?

Ms. Ruacho: Perfect.

Chairman Easton: Okay. Annie, did you have something to add?

Ms. Lohman: No. I was just going to say it would be the "corrected."

Chairman Easton: Instead of the "amended"? Okay. The "corrected" version, not the "amended" version. All right. And any further discussion?

Ms. Lohman: Well – no. Just keep going.

Chairman Easton: Mary?

Ms. McGoffin: I think it's just a typo. I don't normally catch these. But the second Whereas from the bottom, I think you mean the 2011 – 2017. It says "2016."

Ms. Lohman: Mm-hmm. Definitely.

Ms. Ruacho: Second recital. Okay, perfect. Yep, I'll make that change. Thank you.

Chairman Easton: So a clerical catch there? There's no need for a restating of the motion, in the Chair's opinion.

Ms. Ehlers: I hope not.

Chairman Easton: Thank you. I always appreciate when you support me in the chairmanship because that's not always the case, right? All right, so at this time – I just mean, you know – at this time, seeing no further discussion then I'll call for the question. All those in favor of the motion, signify by saying aye.

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

Chairman Easton: All those opposed, same sign.

(silence)

Chairman Easton: Any abstentions?

(silence)

Chairman Easton: All right. So let the record show that it passes one, two, three, four, five, six-zero. Findings of fact. We do those first and then we do reasons? I can't remember the order. I apologize. We're getting better at this but I'm not quite – do I have to have – we don't have to have reasons but we do need findings if we want to make them?

Mr. Christensen: Yes.

Chairman Easton: If we want to make findings, we need to make them. And if we do make findings, then we *can* give reasons.

Mr. Christensen: Yes.

Ms. Ruacho: Yes.

Chairman Easton: Thank you.

Ms. Ruacho: And you can give reasons just for the adoption.

Chairman Easton: Without findings.

Ms. Ruacho: Yeah.

Chairman Easton: All right. So the first issue that the Chair would like to take up is findings. So would someone like to speak to the findings? Commissioner Ehlers?

Ms. Ehlers: Thank you. I don't know how to phrase this. Oh, dear. Ryan isn't here. He's so good at rephrasing me.

Chairman Easton: We'll make sure we tell him that when he comes later!

Ms. Ehlers: Yes, by all means. The public should know that any capital project must go through and spell out the State Environmental Policy Act and then put SEPA in parentheses so that, again, we can start educating people who don't know what the name of the act is and the abbreviation for it.

Chairman Easton: I believe the Department has enough comment from us earlier about that that you could capture that in a couple lines and it would be in the draft version that you send me to – that you send to actually the whole Commission – to review. Then, if I don't get comments, I come in and sign it. If we get comments, we adjust it. So is that – do you feel like, Carly; you'll be the one who most likely writes this finding, right?

Ms. Ruacho: Yep.

Chairman Easton: Do you feel like you can capture what Carol's looking for there?

Ms. Ruacho: I believe so.

Chairman Easton: Excellent. Then we'll do that. Any other additional findings that the Department would like to draft on our behalf? We'd ask the Department to draft.

Ms. Lohman: Well, it was just –

Chairman Easton: Annie.

Ms. Lohman: Sorry. It was to make sure that it balanced and to work out that discrepancy with whichever –

Chairman Easton: So I'm a little concerned about how we phrase that one. Are you – I'm getting a nod from you that makes you kind of wonder –

Ms. Lohman: Are you basically saying you ran out of time before tonight to get it – to get all the parties together?

Ms. Ruacho: Before we needed to publish?

Ms. Lohman: Yeah.

Ms. Ruacho: And then was hopeful to receive the information by tonight. Again, it's a little bit difficult because we are not the department performing the work, so we're waiting for – to get the information.

Chairman Easton: And we recognize – I would say, as the Chair, I recognize that that's not – this isn't the Planning Department's – I want to be clear to those at home. It's not that the Planning Department didn't balance this proposal before they gave it to us. They were relying on – how many other departments? From how many other jurisdictions?

Ms. Lohman: Right.

Chairman Easton: To provide the plan. My question is – and maybe this will help with Annie's comment and then I'll go back to Annie – do you have a suggestion on how we phrase this in relationship to the balancing? Because I think the – do we have consensus that we'd all like this plan to balance?

Ms. Ehlers: No.

Chairman Easton: Oh! Well, with –

Ms. Lohman: I haven't finished.

Chairman Easton: Go ahead, Annie. I'm sorry. I thought I was going to help fix this but I just realized I didn't.

Ms. Lohman: My question is: Do you *have* to have it balanced and will it hold up the plan? Because –

Ms. Ruacho: No, we can't hold up the plan. We won't, I don't think, hold up the plan. So yours would be maybe a recommendation to balance the plan, if possible, by the – you know, before adoption?

Chairman Easton: So we would recommend to the Commissioners that they direct the Department to make – the Planning Department that they finish the process of trying to balance the plan –

Ms. Ruacho: Right.

Chairman Easton: – before the Commissioners approve the plan?

Ms. Ruacho: Right. It basically is just a –

Chairman Easton: If we don't take any –

Ms. Ruacho: – an acknowledgment that it doesn't balance and that you would prefer that it does, and recommend that we achieve that before we adopt it.

Chairman Easton: Right. But Carol doesn't even have – we don't even have consensus that Carol wants the plan to balance so we're going to have to get back to that in a second.

Ms. Ruacho: Right!

Mr. Christensen: One –

Chairman Easton: Gary?

Mr. Christensen: As part of your recommendation, I would encourage you to not only have the Department work with the other department whose work or whose information needs to be forthcoming, but that we work closely with the Commissioners' office. Because Budget & Finance –

Chairman Easton: Sure.

Mr. Christensen: – has means and ways of at times making things happen.

Chairman Easton: I don't want to spend a lot of time on a finding that we actually don't need to have, and so I'm going to circumvent the next couple of comments with this comment: If we didn't do a finding on this, are the Commissioners still going to ask you to finish fixing this problem?

Ms. Ruacho: Well, we likely won't – the only communication we'll have with them regarding this would be through your recorded motion.

Chairman Easton: But your staff report? I mean, in the past after we make recommendations, you will issue a staff report alongside it. Sometimes it's as simple as we agree with what the Planning Commission said.

Ms. Ruacho: Right.

Chairman Easton: In this case you might say, We would like to –

Ms. Ruacho: Sure.

Chairman Easton: Because I don't want to spend a bunch of time working on the wording of a finding if the Department's going to take care of it.

Ms. Ruacho: If you don't add a finding –

Chairman Easton: I know Carol still wants to talk about how this isn't important. I just want to try to move us along.

Ms. Ruacho: – then we would – we would indicate in our memo to the Board – our transmittal memo of your recorded motion – that we feel that there –

Chairman Easton: Needs to be clarification.

Ms. Ruacho: – is – yeah – a problem and there was no recommendation forthcoming from the Planning Commission.

Chairman Easton: Before I go to Carol, Annie, do you want to expand anymore on what you were saying?

Ms. Lohman: No. I don't want you to do anything that's going to hold up the progress of the plan.

Ms. Ruacho: We'll adopt it without balancing it, you know, if that's what we end up needing to do, because it balances to our favor – or it reflects revenue to our favor. It would be, I think, good if we could get it to balance, but we won't hold it up to do that. We'll adopt it concurrent with the budget.

Chairman Easton: Now Carol gets two minutes – *two minutes* – on why *not* balancing the Capital Facilities Plan makes sense to Carol Ehlers.

Ms. Ehlers: That is not what she is pointing at.

Chairman Easton: Oh.

Ms. Ehlers: What she is pointing at is that this plan covers Skagit County, which is one budget entity. It covers fire districts, dike districts, drainage districts and school districts, which are *not* in the County's budgetary process. They have to budget their own, and I know from my own fire district they are thrilled if there is more money in the budget than they need to spend.

Chairman Easton: Let's hope that all governments feel that way!

Ms. Ehlers: So as far as I'm concerned, a budget that has – and we do this where I'm a director. If we have more income than we have known outgo in a given year, we are delighted because it means we have a reserve fund.

Chairman Easton: I understand that. I think why we're – not that it's going to stop you – I don't think we're talking – I think we're talking about apples and oranges. It's the

department involved – which, by the way, we're being very nice to not name them. Agreed?

Mr. Christensen: Yes.

Chairman Easton: Agreed. We're being very kind to not name them. They didn't finish their work. They still – in their minds – still plan on spending that \$10,000 – is that right, Carly? Am I – is that a pretty fair capture on that?

Ms. Ruacho: I think there's a mathematical error.

Chairman Easton: Okay. And so although Carol's right, we would all be – I can't find anyone on this Commission who would say they don't want government to have reserve funds, can I? Good. So we can move on past that.

Ms. Ehlers: Mm-hmm.

Chairman Easton: If there's anyone on the Commission who feels like we need to work on wording of a finding, now knowing that staff intends to put this in their staff report, please say so now.

(silence)

Chairman Easton: All right. Are there any other findings you would like to make? Any other reasons for our approval that you would like to point out?

(silence)

Chairman Easton: Did I forget anything that needs to be covered? I'm looking at staff: Did I cover everything?

Ms. Ruacho: I think I have two findings listed already.

Chairman Easton: Okay. Read them back to me, please.

Ms. Ruacho: You bet. The proposed 2012 – 2017 CFP is consistent with GMA requirements for capital facilities planning, listed in RCW 36.70A; the Skagit County Comprehensive Plan; the Countywide Planning Policies; and supports the requirements of Skagit County Code 14.28 in Concurrency.

The second finding: The revisions to the CFP recommended by the Planning Commission do not represent a substantial change requiring further input. That was in anticipation that you would accept the park changes.

Chairman Easton: Mm-hmm.

Ms. Ruacho: So those were the two that are there. If you're happy with those, those will stay. I will –

Chairman Easton: Add.

Ms. Ruacho: – add the SEPA finding and then could, just from your discussion, add a recommendation about the balance or not.

Chairman Easton: Yeah, yeah. We're going to let the staff handle that one.

Ms. Ruacho: Okay.

Chairman Easton: Is that – are we agreed?

Ms. Ruacho: (inaudible)

Chairman Easton: All right, then this part of our business is concluded unless I've run someone over and they wanted to say something. All right. Capital Facilities portion of tonight's meeting is finished (gavel).

All right. So the next item on your agenda is the Voluntary Stewardship Program in relationship to critical areas, which is sometimes referred to as "Ruckelshaus." And we will open the public hearing. I'm going to have a *lengthy* statement. Excellent. Thank you.

So I call the public hearing for the Voluntary Stewardship Program to order (gavel). Now I'll read the opening statement.

The purpose of this public hearing is to receive testimony and written correspondence regarding the proposal to amend Skagit County Code Title 14 relating to the protection of critical areas in areas of agricultural activity.

There is a sign-up sheet at the back of the room for those who'd like to testify. An opportunity will be given at the end of the hearing for those that wish to testify but did not sign up.

What we are looking for is comments about four things, but you're not limited to those – to commenting on those things. But these are the four areas that we're suggesting:

Number 1. Whether the County should enroll in the Stewardship Program; if so, which watershed should we enroll – or watersheds should we enroll? Of those, which, if any, watershed should be nominated as a statewide

priority watershed, or watersheds? Any comments on the text of the proposed changes? We want to hear what you may like, what you may dislike and any proposed modifications.

Please limit your comments to three minutes so that everyone will have a chance to speak. Special interest groups, associations or those representing others are encouraged to designate one spokesperson for your group to allow greater participation and cross-representation.

Before you testify, clearly state your name, spell your last name, and please give us your address. A recording system will record your comments. Written comments are also being accepted and can be placed in the box located on the staff table.

Someone moved the box. Carly took the box.

In lieu of a box, they'll be placed next to Gary.

And before we take public comment, staff will make a brief presentation about the proposal.

Thank you for taking your time to participate.

There is also – we have the regrets of the Chair – I want to address this before staff goes – the Chair, Nels Lagerlund, contacted me just late this evening and he had an equipment breakdown. He was unable to be here tonight. But they have sent in the Ag Advisory Board and he's the Chair of that. And when we did our work session Nels was there. They *have* sent in their recommendations in a letter that will be a part of the comments that we receive from the Department prior to our deliberations. So. And Nels said he wanted me to send his regrets. And we told him that – I told him we understand that keeping the farm working is the most important thing and that we'll make sure that we read his letter, as we will with all the comments that come in.

So, with that, I'm going to turn this portion of the meeting over to Betsy Stevenson, Lead Planner from Skagit County Planning. Thank you, Betsy.

Betsy Stevenson: Thank you. I'm going to keep this very short because you've seen it before and heard it before. This staff report probably looks real similar to the one that you got in August before our work session. The only thing that I would say is on the last page there's some information there. Ryan and I and Gary did meet with the Ag Advisory Board on – I think – three occasions in September and October, and we also sent out several e-mail invitations to confer with all the different organizations listed there, and the tribes. So we're getting some response back from some of that. We had had some conference calls and meetings with various groups and organizations, so we are working through the process and the public participation piece of it that we're

supposed to be working on. So we are still moving forward in the consideration of enrolling. So unless you have specific questions, I wasn't going to go into any real detail at this point.

Chairman Easton: Okay. Thank you, Betsy, for the brevity, and I don't think we have any questions. We may have some for you after public testimony, but obviously we'll probably have our most – most of our questions for you during deliberations.

So at this time we have two folks that have signed up to speak. Is it "Haase"? "Peter Haase"? I'm sorry. Did I say that right, Peter?

Peter Haase: No.

Chairman Easton: I didn't. That's okay. You can correct me.

Mr. Haase: The story of my life.

Chairman Easton: Sorry! Tell me how to say it right.

Mr. Haase: My name is Peter Haase.

Chairman Easton: Haase. Thank you.

Mr. Haase: H-a-a-s-e, and I live in Bow on Benson Heights Road on the Joe Leary Slough in the midst of the largest livestock grazing operation in the county.

Chairman Easton: Could you give us – I appreciate that, but I need your mailing address.

Mr. Haase: 14951 Benson Heights Place, 98232.

Chairman Easton: Thank you.

Mr. Haase: I've spoken to you before. I've left a page of written comments, so I'm only going to highlight a couple of the thoughts that I have. I'm not taking a position personally about enrolling or not enrolling because I think that's your duty.

So the second question and the third question are kind of moot for me. But I would like to reiterate a couple things that I've said before. One is many of us have been in this business of trying to get our waters in this county and in this state in a better shape than they are. And they're in kind of bad shape and they have been for a long time.

And the program that's outlined in this voluntary program is essentially no different than what we've had in place for a long time. We've had committees. We've had plans for all our watersheds. We've had action items. We've had teams assigned. We've

monitored the bejesus out of them and we continue to do that. We have virtually no County enforcement or muscle that gets particularly fecal coliforms out of our waters in the agricultural areas, because those are largely caused by livestock being able to graze right next to ditches and streams and rivers and waterways. The fence can be as close as you can get it without falling in. And we have no way to stop that.

In the Samish we've been two years now in a lot of intense effort – probably over a million dollars spent on countless hours of staff all over the state, a lot of volunteer time, including mine. And we haven't made any progress. We have not had a big rain in the Samish watershed since May. The big rain in May was a disaster. There was crap all over the place. The beds were closed for most of the month. We're going to have another big rain and everybody's just got their fingers crossed that it'll work. But we don't have anything in place that we could put out there that said it *will* work. So I'm really leery of this program and I think it's just another big bureaucratic boondoggle.

I'm on a team right now that's doing intensive storm sampling in the Padilla Bay area. We sampled all last winter. We sampled over twenty sites eighteen different times. We're about ready to release that data. It's worse than the Samish ever was. It's a very small watershed. We have no idea how it's going to get cleaned up. This kind of program's been in place there for as long as I can remember and it hasn't got the job done.

In the Samish and in this area, too, the only thing that works is when the Department of Ecology field inspectors go out and find what they consider to be violations or practices that need to be changed and take steps to do that. And that's not part of this program. They're not a County entity, nor do they get any money that's put into these kind of programs. If we're going to get cleaned up in the future and we're enrolled in this, in my opinion the only way we're going to do it is by – again – calling in the Department of Ecology. It won't be the County, it won't be this program, and it won't be a voluntary effort at all. So I'm kind of concerned about that.

And I hope that, regardless of what you do, you'll at least try and put something in our County codes that keeps livestock – commercial livestock, hobby livestock – fenced back away from these streams. All you have to do is go drive around anywhere and you can see it. You can see the piles of manure sitting there. If you go in the rain, you can see it running right in. What do you think's happening? If it was a person standing there pooping or somebody's dog, all hell would break loose. But if it's somebody's llama – isn't that cute? And this doesn't fix that.

Chairman Easton: Okay. Thank you.

Mr. Haase: Thank you.

Chairman Easton: Thank you for your comments. Mr. Randy Good. Gary? _____. Go ahead, Randy.

Randy Good: Randy Good, 25512 Minkler Road, Sedro-Woolley. I guess one of the main concerns I have is that there's really been no information available to the public or our Ag Advisory Board dealing with disadvantages or the advantages of *not* enrolling. Whatcom County, Island County and Snohomish Counties have all opted out. As of today, November 2nd, I have not seen a copy of a report requested by the County Commissioners' resolution requesting staff to analyze costs, the staff needed, the funding, the benefit of joining. I haven't seen that.

Since the County is opting in, though, I think we need assurance that the County will provide a staff person with natural science degree, with experience in doing statistical data analysis, and fieldwork experience – very necessary. And this is all necessary to determine the baseline natural background. These are required duties under this Ruckelshaus Voluntary Program as stated by Ron Schultz.

It's called "Voluntary" but, really, is it? The Ruckelshaus Program will be regulation force enhancements up on the – in this new ordinance with no true field-tested science to back anything up that is required.

The reality of these voluntary projects and the effects to adjoining farmland: In my talk I'll hand in, I have some – I address a couple of different incidents or items or different projects that are going on. These voluntary conservation fish enhancement projects are clearly not farm-friendly. And not only are they taking large chunks of agricultural land out of production, but they're making it impossible to farm next to one.

It is very important that the County starts now in performing required steps to become compliant with the present critical areas ordinance. All of the steps are necessary anyway if the County joins or opts in under the Ruckelshaus Program. These steps should include: staff needs to start a statistical analysis of the data. The Supreme Court made it clear that the benchmarks must come from – established from existing data. And the County has a good supply of data.

Critical areas ordinance must be based on monitoring. The monitoring cannot be interpreted without a valid statistical analysis of the data in order to implement the adaptive management that is required for the corrections. The County lacks triggers and the – the County lacks triggers because only measurements have been taken and because these measurements have not been tested by analysis, leaving the data open to interpretation – open-ended for anyone's guess.

Best available science in WAC 365-195-900 through 925 requires analysis. Once the natural capabilities are known (the benchmarks) of the creek within a statistically high confidence level, we will know if harm is being done and when DOE levels are unobtainable.

Once a condition is determined using the statistical valid baseline, then determine if this is a natural background condition or if the condition might be improved by best management practices implemented from the farmer, the Conservation District or NRCS.

There was a meeting out at Edison not too – not recently dealing with the Samish fecal, and I think a lot of us were there, and I think the conclusions came that – contradicting what the previous speaker talked about. So I appreciate your time.

Chairman Easton: Thank you, Mr. Good. Is there anyone else who wishes to comment?

(silence)

Chairman Easton: All right. At this time we'll close the public hearing (gavel). As a matter of – Ryan or Betsy, I need one of you to come to the microphone, please. You can choose between the two of you. I don't have in front of me when the written comment period ends, so I just needed someone to comment to me about that. Maybe Gary can handle that. I apologize. I should have had that in front of me. Is that tonight? Was that today at 4:30? What was the legal notice?

Ms. Lohman: The 28th.

Ms. Ehlers: Or tonight.

Chairman Easton: It's (the) 28th, plus you can bring them in – written – in tonight. Okay. Thank you for the clarification. Is there anyone who's interested in adding anything? We don't want to deliberate because we're not in deliberations, but if you have a question that would help you with clarification before you go towards deliberations – sure. Elinor?

Ms. Nakis: I was wondering if the environmental checklist that I read through that the County has done for the Voluntary Stewardship Program, is that checklist going to be required of landowners to also fill out before they start a project?

Mr. Christensen: Only if their project would *not* be categorically exempt. And what I mean by that is if a project under SEPA is required to do a checklist, it will have to do its own checklist – yes – unless it is included in the WAC categorical exemption.

Chairman Easton: Any other questions?

Mr. Christensen: For example, you would not have to do one for a single-family residential dwelling, but you may have to, based on certain threshold levels, do it for a commercial building or for other types of land use approvals under County Code.

Ms. Nakis: Okay. And then the other question I had was, How does the Conservation Reserve Enhancement Program compare to the Voluntary Stewardship Program? They look like they're very similar.

Chairman Easton: That might be better answered by – I don't know. Do you want to take that one, or Betsy? You want Betsy to take it? Or Ryan?

Ms. Stevenson: I can start. The CREP program is kind of a leasing situation where people are paid to do plantings and buffers.

Ms. Nakis: Mm-hmm.

Ms. Stevenson: And then they're paid to keep those there for I think it's fifteen years. Correct me, Annie, if I'm wrong. The Voluntary Stewardship Program right now is put in by the legislature and it says, You need to get this watershed group together and you need to develop a work plan for your watersheds that you're designating, and then you need to figure out what your goals are and how you're going to reach those goals and have checkpoints along the way to make sure that you *are* meeting those goals.

So they're kind of very different, in my mind. We don't necessarily know for sure that something that would be done in CREP or one of the other programs that is out there, which does require plantings and buffers, is what will come out of the watershed process and the work plan that comes out of that.

So I think those are things that we need to consider in terms of the work plan that we come up with or the work plans, depending on the watersheds and how we decide to do that.

Ms. Nakis: Mm-hmm. Who pays for CREP?

Ms. Stevenson: It's NRCS, I think. That's my understanding.

Chairman Easton: NRCS is?

Ms. Stevenson: Natural Resource Conservation Service.

Chairman Easton: Thank you. Sorry. I didn't know what it was and plus I'm pretty sure that some people at home didn't know.

Ms. Stevenson: Sorry.

Ms. Ehlers: Is that not federal money?

Ms. Stevenson: Yes.

Ms. Ehlers: Well, once federal money is spent for something, can you destroy the CREP project that's been done before?

Ms. Stevenson: Destroy it. Meaning when your lease is up?

Ms. Ehlers: No. If there's a CREP program on land and somebody buys acreage to do something that's supposed to be environmentally practical and sensible or whatever term one would like to put to it, do they have the right to destroy that CREP program?

Ms. Stevenson: I don't think I understand.

Ms. Ehlers: I'd find out before the next five years is over.

Ms. Stevenson: Okay, we can talk about that because I don't understand your question necessarily.

Chairman Easton: Why don't – why don't Betsy and Carol get together and make sure that question's clarified after the meeting? And then you could bring us an answer when we do deliberations.

Ms. Stevenson: Okay.

Chairman Easton: And is there another question before deliberations, which are two weeks away?

Ms. Ehlers: Carol has a request.

Chairman Easton: Third person!

Ms. Ehlers: Is there something wrong with that?

Chairman Easton: No, I just thought it was cool.

Ms. Ehlers: Carol has a request on the language – the definition of “professional.” She would like something to be added somehow – what page is it on, where you list the definition of “professional”?

Ms. Stevenson: I think it's in the Definitions section. _____.

Ms. Ehlers: Oh, this is Ehlers Law – when you're looking for something you can't find it.

Ms. Stevenson: Page 2, bottom of the page – page 2. It went over to the top of page 3.

Ms. Ehlers: Top of page?

Ms. Stevenson: Bottom of page 2 and the top of page 3 in the code – proposed code changes.

Mr. Christensen: They're already defined. They're not – there's not a *proposed* definition; rather, it's one that already exists.

Ms. Stevenson: She wants to add –

Ms. Ehlers: That's correct. But we're dealing here with the combination of "qualified professionals," which are already identified in the critical areas ordinance – watercourses, wetlands, wildlife habitat, geotechnical and so on. We do not have a qualified professional regarding agricultural subjects. And later on in the ordinance, there's a reference to BMPs, best management practices. A qualified – an agricultural best management practice in one form of agriculture or another form of agriculture is not necessarily something that somebody with another degree would properly understand. And so I think you need to figure out a way of defining this additional professional which will be necessary for this particular project.

Chairman Easton: Okay. Is there anything else that you'd like to point out or ask for the staff to clarify before we reconvene for deliberations in two weeks?

Ms. Ehlers: May I comment that I *really* like the way this is proposed?

Chairman Easton: Of course you can.

Ms. Ehlers: I like the format, I like the editing, I like the comments. It saved hours of hunting for where this was moved from and to and why you did it.

Ms. Stevenson: I'd love to take credit; that was Ryan's.

Ms. Ehlers: Well, Ryan, thank you.

Chairman Easton: I want to clarify, too, one – sort of wrap this up with this clarification: If you have given written testimony or have testified here, I believe we welcome you to come back to – during deliberations. We may or may not call you up and ask you questions for clarification. And in light of that, given that Nels was unable to be here tonight in representing the Ag Board, Nels and I discussed tonight on the phone that he will try his best or send a representative from the Ag Board to help us answer questions about their letter if we have any, so – during our deliberations.

If there's nothing left to come before the Commission on this topic, at this time we'll move on to our General items.

Ms. Stevenson: Thank you.

Chairman Easton: Okay, thank you. Thank you, Betsy. Thank you, Ryan, Gary. At this point in your agenda we have three things to touch on: upcoming schedules, tomorrow's class – the Fall Planners Series – and the distribution of the Short Course books that are there for us.

Anticipating the next topic of upcoming schedule, both Dave and Josh contacted me and let me know that they weren't going to be able to be here and they let – I believe they let Patti know, too – which is our standing kind of policy, that if you can't make it you can't. Josh sent an e-mail that I want to reference real quick to me that speaks to the issue of why he couldn't be here, and he wanted me to share that with you all. Give me just a second. I'm sorry; I thought I had it up in front of me. Josh said he was unable to attend tonight's meeting because he has a grand opening for a project and, however, yesterday afternoon they had moved the grand opening and it caused a last-minute challenge. So he apologized for not being able to be here. He asked that he get a copy of the Planning Commission handouts that are passed out tonight and he asked that – he also – he will come by tomorrow, Gary, to pick up the Short Course on Local Planning reference guide.

Mr. Christensen: Right.

Chairman Easton: He also wanted to comment on the issue of upcoming schedule. And it says, "I appreciate the communication that's been taking place for adjusting the meeting times. And it has worked well for changing the times around as needed."

So at this point we want to discuss our upcoming schedule. Is there anybody who has – let me just go over it really quick so that you know what we're talking about. We are scheduled currently to meet on November 15th to do deliberations on this Volunteer Stewardship Program, the public hearing we just had. And we're also scheduled to do a work session on the County road standards – it's Public Works', I think, portion of the program?

Mr. Christensen: Yes.

Chairman Easton: And we'll take those in that order in the way that we're structured for the 15th in the meeting. And then on the 6th we're scheduled for a Shoreline Master Program update. And we are not scheduled to meet on the 13th. As of right now, our last scheduled meeting is on the 6th.

Are there any questions or concerns about the schedule?

(silence)

Chairman Easton: Any questions or concerns about the schedule?

Ms. Lohman: No.

Chairman Easton: Okay. Hearing –

Ms. Ehlers: We need to hear something – maybe hear a compliment.

Chairman Easton: Oh, Carol. I think – Carol, do you want to compliment the schedule?

Ms. Ehlers: Well, it's kind of nice to do it, isn't it?

Chairman Easton: Go ahead. You can compliment the schedule. It's okay.

Ms. Ehlers: I did.

Chairman Easton: Oh. Thank you. Accomplished. All right. And, with that, we'll take up the next issues, which are really simple. Before you, underneath your agenda, is the forum agenda for tomorrow's Northwest Planners Forum agenda. It's in Bellingham at the WADOT office and the agenda's in front of you. If you're interested in attending, talk to Mr. Christensen – if they have any questions?

Mr. Christensen: Yeah, these are quarterly. They rotate around as to where they're held. Sometimes they're held in Burlington and, if not, then likely in Bellingham. The Northwest Planners Forum involves both private and public planners from Snohomish, Skagit, Island, San Juan and Whatcom Counties, as well as just students and others who are interested in the profession and community planning generally. And the agendas change from quarter to quarter. And I think you received an e-mail on this maybe about a month ago alerting you to these forums, which are open to the public and you as well, as Planning Commission members. And you might find that one or more of them are of interest and, if so, you can contact the Department and perhaps carpool or you can just attend if you want to just catch one or attend for the whole day.

Chairman Easton: Okay. I just realized I've skipped a line in Josh's e-mail. It said, "I don't like to miss the Planning Commission meetings." I forgot to mention that. And, by the way, Dave Hughes took a two-week vacation after harvest and is having a great time on his horse somewhere in Winthrop right now, and he sends his regrets, too. His attendance record – he actually said to me, Carol, "I think is better than Carol's." And I thought I probably shouldn't say that to Carol, but it would be too fun *not* to say that. So you and Mr. Hughes can discuss that offline about who's been to more meetings.

Ms. Ehlers: Mr. Hughes –

Chairman Easton: I said offline!

Ms. Ehlers: No, Mr. Hughes and Ms. Ehlers have provided quorums for this group for many years.

Chairman Easton: Yes, ma'am.

Ms. Ehlers: It's one of the virtues the two of us share.

Chairman Easton: Amen. Amen. And with that, Gary, we can just hand those out as people leave.

Mr. Christensen: Yes.

Chairman Easton: Is there any other business to come before the Commission?

(silence)

Chairman Easton: Hearing none, this meeting is (gavel) adjourned.