

**From:** [sadie b](#)  
**To:** [Comp Plan Update](#); [DL - Council](#)  
**Subject:** Capital Facilities Draft Comment  
**Date:** Friday, November 1, 2019 4:24:51 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To all responsible people and entities involved in the Comp Plan:

Here is my comment on the Capital Facilities 91 page draft. I ask that this comment be submitted to the record whether it is too late for the deadline or not - it took a few weeks and a lot of thought and effort to write it.

First off, please define what LOS means (Level of Service) means very early in the document; don't make people read pages and pages to find out what it means. I read the tables and charts and some descriptions but NOT the whole 91 pages and I don't think most of the Public will read it either.

This that was sent to me in an email is of concern because it is not properly explained

- Proposed development will cause **Category B** facilities to not meet LOS standards: **County may issue permit and now knows that it will need to consider increasing Category B facilities to continue to meet standards.** What, exactly, does this mean in terms of permitting? More regulated environmentally, or less regulated?

There is no short or simple way for me to comment, and much of this has been said numerous times by me and others. I use bold-type for scanning purposes but I hope my comment will be read and the gist perceived. I hope they get the gist of the important points. I'm not going to refer to page numbers in my comment, since the intro stops me in my tracks based on premises that head us in the wrong direction.

**The gist of my comment is:**

**WE NEED MORE TIME to decipher this, and we need to know more about the impacts - positive and negative, of these categorizations. Please extend the deadline and explain yourselves and what you mean to the public in a way that we understand it.**

To unpack it more:

The **Category A explanations** laid out by Sophia Cassam are somewhat of a comfort to me, so long as there is *absolute assurance that no more water or sewer hookups will be given if we can't support them; and we are now close to capacity. Given that we need to factor-in potential emergency situations.*, that can quickly push us over.

I don't think this categorization goes far enough to protect our waters.

**My suggestions/requests:**

**1) clearer explanations with the "why" and what of the categorization explained to our citizens, as outlined above and below, so you'll get more informed comment responses.**

**2) going much further with defining and enacting protections of our watersheds in UGAs especially, in both Categories A and B for Capital Facilities, and;**

**3) immediate moratoriums on any NEW water or sewer hookups until ALL of the pending permits are completely factored-in to any "current" analysis, and the conditions below are met before the County goes full-steam ahead with ANY more new permits causing potential and irreversible damage to our ecosystems and way of life; this includes growing our Capital Facilities when WATER is the issue.** Since most of the Capital Facilities mentioned impact UGAs the most, and that's where the local year-round population WAS expected to live before the glut of vacation rental permits, it is essential that you recognize us and hear our concerns!

**a) all pending permits need to be accounted for first, including:**

\*where are they currently in their process? How soon til build? ETC

\*how much more of a storm water, sewage, and water-use load they will they be on our watersheds and aquifers?

\*what capacity are we at now, in terms of our waters (water, sewer, and stormwater systems already in place AND planned) - and what level of full capacity will we be once all these pending permits are up and running? F that analysis hasn't been done, it needs to be completed before any new permits are given.

\* how much water reserve is being factored-in for large emergencies? What percentage of our already almost capacity use? (see below)

\* how many of these pending permits require Tribal interface, archaeological supervision, and how many are out of compliance with this requirement? What's being done by the County about that?

**b) All storm water projects need to be completed and operable** for existing and the (many) pending **permitted** developments - and a reassessment of where we're at regarding capacity. (Non permitted developments are covered later; and apparently, there are many of those too!) **AND all stormwater projects should be completed, and any in process or not started yet should be required to aim for restoration, not "mitigation" of damaged ecosystems.**

*Under Best Management practices (BMP), mitigation is the LAST resort. BMP advises to "do no harm" and if that's not possible, complete restoration is the most desired outcome for ecosystems and quality of life for All.*

**c) Code enforcement and meaningful cumulative fines** for any repeat violators without permits or who disobey protective regulations, AND who have not contacted Tribes to have an archaeologist oversee any excavation or grading - no

matter how much money they have or how much they threaten to sue the county. *There are many un-permitted developments going on in our UGA. All these repeat violators only get a hand-slap. The county is LOSING INCOME OPPORTUNITIES to fight these bullies in court!*

**d) a completed carrying-capacity analysis by an independent non-biased entity such as a University.** *We need Carrying Capacity analyses on how many people we ACTUALLY can support if services stop to these islands in emergency situations and there is a food shortage, for instance.)* This should have been done BEFORE the developable lands assessment and needs to be done before *any* further development permits are allowed.

**e) Please state in the document specifically what defining factors are being used to determine "support" - of our waters especially - and if contingencies are factored - and if so, what contingencies?** See potential emergency situations, below.

**Also, these need to be addressed in any Capital Facilities Plan or other Permitting assessments:**

**f) Has Council made a case with the Growth Management authorities for our limited water and land situation and our RURAL character, as we have continually requested for years that they do?**

**g) Has Council contacted the Tribes** who had this land before it was stolen, sat down at the table with tribal leaders, and asked for their guidance in a sincere, respectful, and listening way?

**h) Since Eastsound Sewer and Water systems in the Eastsound UGA are at over 90% capacity now in summer, we need to assess where we'll be at when all existing permitted (and illegally and non-permitted developments, of which there are plenty) are up-and-running and using the water and sewer system in ALL of our UGAs. (see b above)**

Has this projected analysis and assessment been done on the Pending (not future) permits?

ETC ETC ETC

**Category B comment:**

**IF** Category B would, or *could*, be used in any way to allow *more* permits, since LOS wouldn't mandate any forced growth (**OR restrictions and protections against it**) on Cat. B Capital Facilities, then my comment and suggestion is **to start over and scrap that idea entirely! Category B needs county and State DOE environmental oversight; just as Category A should also have these safeguards.**

**I'm against Ports (and Fire and Rescue) being moved to category B, IF it means**

that the County will give the Ports whatever they want in their quests to expand in UGAs.

**Our county's regulations should be THE safeguard and protection** standing between FAA-driven and growth-addicted development-happy Port commissioners who want to push maximum buildout, and our citizens' desire for protection of our rural character and quiet simple way of life. **Do not give our local and state powers away without our approval or consent!**

I feel that our County decision-makers continue a high-risk gamble of all of our futures. Unlimited growth and permitting, in this time of increasing climate- and human-caused disasters and emergencies - and expecting them NOT to happen here, is dangerous and blind. **We don't have the water to play casino-roulette. Water is our most essential and limited resource.**

**EVERYONE SHOULD READ THIS ARTICLE: This is a discussion we need to have!!!**

[Who Owns Our Water? — ecoRI News](#)

I request that our County do something truly revolutionary: honor the Treaties with First Nations who were on this land originally, and invite their leadership to the table concerning all aspects of the Comp Plan - especially Land Use issues.

Emergencies (most needing lots of WATER) and potential lives at risk:

**What would happen IF If we had one or more large-scale emergencies, such as:**

~ **one or more wildfires engulfing much of our major towns, or anyplace else if the wind is right; (fires generate their own high winds). Eastsound, especially, is a WIND TUNNEL.** Many of our capital facilities are in the UGAs where almost ALL of our resources are bundled.

~ **a fuel spill or explosion** -(many above-ground bulk storage tanks are situated near high-density housing and businesses and are in the flight path too) . Any

resulting long-term pollution of our ground water in a major spill event or undetected leak in the lines.

~ **a plane crash into the high-density housing in the flight path**, potentially causing a multiple-fatality fire, explosion, or both ( I live right under the planes taking off and landing. there are COUNTLESS close calls where planes are *barely clearing* our building - this with wingtip increases expected to up to 79' in the works at Port of Orcas when the runway is separated (already the funding is promised for it). We've appealed to the commissioner.s why are planes still flying RIGHT OVER us in the first place?

~ **Stormwater and other pollutants intruding into our ground(drinking) water and nearshore sensitive habitats**

~ **forest and biodiversity loss is already marching along** ("deforestation leads to desertification") and loss of palustrine wetlands is killing off fish and amphibians, and other beneficiaries such as mosquito-eating bats and songbirds - they need the forest habitat.

~ **flooding** - there are hardly any trees left in our contiguous-wetland watershed to hold back waters roaring down clearcut-hills surrounding our watershed basin.

~ We're due for a richter-scale 8 or greater **earthquake in soil liquefaction zones**.

~**tsunami risk** if the quake is subduction and in one of our many "local" fault lines.

**if any or multiples of these happened, we would be quickly maxed-out and water-less virtually overnight!**

*Is this the right place for a UGA in the first place? (NO!)*

**And, even MORE questions arise concerning land use and Capital Facilities:** (I like to be thorough )  The public needs to understand what is driving County decisions without our education by the county so we can give proper input.

~Who or what specifically defines and mandates LOS (Level of Service) in Activity Areas? Council? Growth Management Act? We want to see names, and at least provide us links to the guiding regulations.

~ If it's the GMA, what have our elected County officials done to make the case that we are *rural* islands and nothing here should become "urbanized?"

~ Why UGAs and not LAMIRDs? Did this or any previous Council or Planning Commission even try to lessen the impacts of urbanization or gentrification?

~ **The GMA says that Counties can decide how to interpret the Act-** apparently, there are exceptions and leeways for rural communities. **Have we taken every avenue** to request these exceptions or re-categorize our "Activity Centers" to reflect our *RURAL* character?

## ~ If not, why not?

~ If it's someone in the County, who is responsible, to whom do we address our concerns? How many are there? I am looking for their names and contact info.

I am even more confused and concerned than I was, despite whatever well-intentioned reasoning is making all of our regulations separate from our Vision, confounding the Public, and writing up everything into "tables and charts" **without any real explanation on what drives these decisions; the WHY of them - which people need in order to have the incentive to protect these precious islands.**

My other grave concern, regarding Orcas Island, is that since the Eastsound SubArea Plan was re-written in 2015 to get rid of the "need" to apply for Conditional Use permits in our UGA, and only EAs are necessary even in Critical Areas, no contiguous wetlands need be protected, thanks to "site specific" wetland delineation which superceded the more protective Army Corp wetland classification. We can thank former Council members for that travesty, and the rich "property rights" pushers who pressured them with threats of lawsuits. As a consequence, there have been no SEPA environmental assessments "needed" in our UGA (where the most important Critical Areas on Orcas lie in our watershed and drinking water; **I can't speak for the other two UGAs but since they are "waterfront" UGAs on downhill slopes, I can imagine they too are impacted by the No SEPA required no matter how big the development rule - or does this just apply to Eastsound UGA?**). For all these reasons I'm concerned about this Capital Facilities draft; the language is mushy and nebulous.

## How does the County plan to rectify this - and what are they waiting for?

I am copying Council on this because in my 38 years of living here and over 25+ years of our dealing with the Comp Plan Vision never being reflected or honored in the regulations, we seem to keep getting further and further away from adhering to any semblance of what we wanted to protect that was precious about these islands - and that, IMO, is an insult to the people who took countless hours and months/years of their time to make a vision that was fair and equitable to all, and it's a travesty for our young people and future generations to come; should we be so fortunate, to even have future generations based on climate change scientific predictions.

Certain Comp Plan elements were not honored at all. A few select elements like economic growth (via tourism) and development/land use have, Pac-Man style, gobbled up any quality-of-life that we were trying to protect in a balanced way. I am deeply saddened and disturbed, though not surprised, at this continuing damaging trend. We have been asking to see reversals for decades.

Thank you for your time and for being willing to read all of this, and to explain to me the category A and B confusion. **The disturbing part is NOT what is or isn't in**

**each category - it is what will be done permit-wise WITHIN each category, and again I state that in both categories, it will not be protective enough of our vital ecosystems, watersheds, forests, and marine environments in and surrounding Eastsound UGA and key in the other UGAs in the San Juans as well.**

I'm speaking from over 30 years of frustration at the County's blindness and refusal to really look, while aiming platitudes and stall-tactics at an increasingly disillusioned Public. It's the dismay I feel at the continued disrespect of the Will of the Commons to pander to Special Interests or a small minority of litigation-threatening well-monied few calling the shots for the rest of us, while my friends and fellow working class community members are forced off island or to live in their cars. Enough!

I know this is long - but at least it's not a hundred page document, like this appendix to Capital Facilities. I hope the right people take the time to read our comments and not just dismiss them, but actually do something about them.

Sincerely,

Brenda Bailey (aka Sadie)  
Eastsound, WA