

**Skagit County Planning Commission  
Public Hearing: Capital Facilities Plan 2014-2019  
Presentation: Bayview Ridge Subarea Plan  
October 15, 2013**

**Commissioners:** Annie Lohman, Chair  
Josh Axthelm, Vice Chair (absent)  
Kevin Meenaghan  
Jason Easton  
Keith Greenwood  
Dave Hughes  
Elinor Nakis  
Robert Temples  
Matt Mahaffie

**Staff:** Dale Pernula, Planning Director  
Ryan Walters, Civil Deputy Prosecuting Attorney  
Kaci Radcliffe, Sustainability & Facilities Coordinator  
Betsy Stevenson, Senior Planner  
Jan Flagan, Surface Water Manager (Public Works)  
Kirk Johnson, Senior Planner

**Public Commenters:** Carol Ehlers  
Ed Stauffer  
Ellen Bynum, Friends of Skagit County  
Jon Sitkin, Attorney for Developer John Bouslog  
Bill Knutzen

**Public Hearing Commenters:** Carol Ehlers,  
Cheryl Palmer  
Randy Good  
Ed Stauffer  
Mark Venn (passed)

Chair Annie Lohman: ....this meeting of the Skagit County Planning Commission. It is October 15<sup>th</sup> and it is 6 p.m. We have a pretty full agenda with a public hearing and then we're going – after the public hearing we're going to be having a presentation on Bayview Ridge. So is there – before we begin, are there any changes to the agenda or any additions?

(silence)

Chair Lohman: Seeing none, we'll move on to Public Remarks. This is where the public may speak for up to three minutes. Carol? And Keith is going to be the official timekeeper.

Carol Ehlers: Where's the microphone? It isn't going to do to have a microphone here if you're going to use something over there. I'm Carol Ehlers. I hope we're not going to spend our life and the rest of our time being more worried about how many seconds somebody uses than what they say.

I have given you all information from the Northwest Council on Aging, which information I got at a hearing about ten days ago. It's very difficult in this county to obtain any kind of census information, and so I was delighted to find in the middle of that document census information from 2010, which has the population increase in this county and it makes it clear that the population increase that we have been thinking about was – you can't see it here, but it happened between 2000 and 2006. After 2006 there was hardly anyone that moved into the county because of the difficulty. That's why so many plats couldn't be developed and built on, and had we been given the census data when we made those decisions it would have been a lot easier, faster and cleaner.

Now what I've given you here is something which is not typical for the United States. According to this, more than 23% of the people in this county are sixty or older. That is what is expected in the rest of the United States somewhere between 2090 and 2095, so we are way ahead. What I don't have in there – I found it in another – two other sources – is that in this county 48,000-plus of us live outside a city. We have no mayor. We have no city council. The only thing we have are the nine of you. You are the only representatives of 48,000 people in this county, and it's something we've never talked about. We didn't have it before, but now that you know it you need to understand that rural residents are different from city residents in what they have to deal with and how they have to deal with it. And the 48,000 of us need representation. Someone at a hearing the other day in Anacortes pointed out that a commissioner of any sort can only represent people they've listened to or talked with. Thank you.

Chair Lohman: Anybody else?

Ed Stauffer: Good evening, Commissioners. Ed Stauffer. I live in West Alger. Welcome to the panel, Kevin. You're from District 1, I take it? I'm in your district. You'll be hearing from me.

Kevin Meenaghan: All right, great. I look forward to it. Thanks.

Mr. Stauffer: I read this to the Board of County Commissioners last week. I want to read this now to you. It's the Preamble to the Constitution of the State of Washington.

*We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this Constitution.*

Article 1, Declaration of Rights

Section 1 Political Power.

*All political power is inherent in the people, and governments derive their just powers from this consent of the governed, and are established to protect and maintain individual rights.*

I gave you last time I spoke to you the “of the people, by the people, for the people” comparison. You are of the people – citizen representatives of *us* in rural Skagit County. I want you to always ask at least two questions on every proposal that's brought before you: Whose idea was this? Did this idea come from the people or did it come from a grant? Is it local or did it come from an outside source? Of what value is the proposal to the people of Skagit County? It's your job to know what's being solicited for proposal, what's being worked on, and what's being proposed for ordinance. Thank you.

Chair Lohman: Thank you, Ed. Anybody else? Last call. Okay, so we'll just move on to the public hearing. This will be a public hearing on the Capital Facilities Plan Update, and the purpose –

Ryan Walters: Kaci – sorry – Kaci Radcliffe has the staff presentation on that.

Chair Lohman: Do you want to do that before our statement or after?

Mr. Walters: Whatever you want.

Chair Lohman: Why don't we do the opening statement and then staff report? Okay, so the purpose of this public hearing is to receive testimony and written correspondence regarding the Skagit County 2014-2019 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 that wish to testify but did not sign up to speak. Please limit your spoken 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 spokesman 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 will record your comments. Written comments are

also being accepted and can be placed in the box located on the staff table near the front of the room, right over here where Dale and Ryan are.

The written comment period will remain open through Thursday, October 17, 2013, at 4:30 p.m. So let me repeat: The written comment period will remain open through Thursday, October 17<sup>th</sup>, to 4:30 p.m.

Before we begin taking public comments, staff will give a brief presentation about the proposal. Thank you for taking time to participate.

And there's a website, or an address that you can e-mail us comments up on the screen. Kaci, you're on.

Kaci Radcliffe: Hi, everyone. I'm going to summarize this real quick. Hi, everyone. Kaci Radcliffe. I am the Sustainability and Facilities Coordinator for Skagit County. I just want to provide a quick overview of the document and the context of why we are here for a public hearing.

So, capital facilities planning is basically a tool for planning for future infrastructure and development in Skagit County, and it is in support of the Comprehensive Plan Land Use Element. It meets our GMA planning goal, which is to ensure that public facilities and services to support development are adequate to serve development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

So the Capital Facilities Plan has three components that are identified. This is an inventory of existing facilities, which indicates location and capacity. It includes a forecast of future needs, including those location and capacities for a twenty-year forecast and then a six-year financing plan. Those are grouped into two major categories: County-owned capital facilities, non-County-owned capital facilities.

And this year's update has some revisions that we wanted to present. First you can see that the format has changed significantly. We made it more usable for online reading – a full screen for your computer. Also you'll see that I can easily scroll through sections and jump through elements to look more thoroughly through the document or a specific subject matter, and then the top can move through the document a little more quickly. We also – probably one of the most significant changes is that we went through and provided some clarity on the definition of a capital facility to assess the planning of this in a more usable tool format.

So a capital facility – after looking at various plans across lots of jurisdictions, talking with our Department staff, we have narrowed that down to mean any publicly-owned structure, improvement or asset that meets the following criteria:

Is related to providing one of these services, and these are listed above in the document – so streets, roads, highways, sidewalks, road and lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and rec facilities, schools, and can include fire, law enforcement, public health, education, recreation, which are listed in the non-County section under Special Purpose Districts.

So the criteria for those services includes existing now or may be needed in the GMA twenty-year planning period; requires the expenditure of public funds over and above annual operating and maintenance expenses; costs \$10,000 or more; and has a life expectancy of ten years or more. And one exception of that is that transportation and vehicles and equipment are included in other reports.

So we went through and for County facilities improved the general inventory, not only the formatting of that but we grouped those into categories by general government; community services; law and justice; parks, trails and recreation; solid waste; stormwater; and transportation. These are similar to those seen in previous updates of the Plan, but as you move through we've broken those sections out into a more easily readable format.

And then lastly we have non-County facilities. Again, Special Purpose Districts like dike and drainage. We also have listed and provided maps so it's more easy to recognize where those districts are actually located, and then improved the inventory listings of those so the values are the same across the inventory in districts and a little easier to scroll through and find specific districts, if you're looking for those. And we've done the same for stormwater, sewer, fire.

So those are the significant revisions provided in the document and we are recommending approval with the Planning Commission.

Chair Lohman: Okay, any more from staff? Okay.

Jason Easton: I just want to commend the staff on the update format and the ease that I've had in using it. It's a great improvement. So thank you, Kaci, and to whoever else helped you with that.

Chair Lohman: Thank you, Betsy.

Betsy Stevenson: Sure.

Chairman Lohman: Okay, first on the sign-up list is Carol Ehlers, followed by Cheryl Palmer, then Randy Good, and Mark Venn. I'll repeat it again.

Keith Greenwood: Carol, you had twenty-two seconds left over from your first time around, so maybe we'll be a little gracious there. It was nice of you!

Ms. Ehlers: What happened to that mic again? The one that was there.

Unidentified male voice: We have one mic down tonight. I apologize for that. I'll move this one over here to you.

Ms. Ehlers: Thank you. And now while you're here, you can help me turn this thing into a picture instead of – well, something so that people can see from here to there. I suppose I could move it but I don't want anyone to be dizzy.

Same unidentified male voice: I think they'll be fine.

Ms. Ehlers: Okay. This evening I'm Carol Ehlers, President of an organization called – a corporation called Friends of Sensible Drainage, formed about twenty-four years ago in order to protect a large number of houses on West Fidalgo Island from the water that traditionally came out of the middle of the island and off the roads on the island into the subdivisions. Before there was a drainage utility, the County did not have the legal right to deal with water outside the road right-of-way and so it was willy-nilly and god-help-you.

A miracle occurred in 1990, as far as we were concerned, and as of September the County was legally required to pay attention to geologically hazardous areas. That was September. In November, on Veterans' Day and Thanksgiving weekend we had more rain in that month than we sometimes got in a half-a-year. And it flooded, and the land slit, and Jones Canyon – that's right here – blew out. You'll see picture's in Betsy's Shoreline document later. Dodson Canyon blew out. West Canyon blew out. \_\_\_ Canyon blew out. And it was inches of water that flowed down the road through culverts into septic fields that had been mandated right below the culvert. I mean, it was an environmental disaster. It was a physical disaster. Land was destroyed. The County lost the lawsuits after it. And we formed – there was a group called "Concerned Citizens of South Burrows Bay," and that's where I get to this inventory. The Burrows Bay inventory in the Utilities section is not the Burrows Bay project. It's the *South Burrows Bay* project, and I have part of the drawings in your packet. The South Burrows Bay packet in this inventory is described as Biz Point. That is down here. And that was indeed a focus of a mess because the land drains that way, the land drains that way, the land drained that way, so you can imagine what it was like – very similar to what it was like on Bay View that Jess Knudsen took pictures of and turned into a Planning Commission hearing a little while later.

This is Rosario Road and this is the extent of the drainage system. Now I have in your packet exhibit – I've been using Figure 8 from the DEIS from 1989. This is Figure 6-2 from the South Fidalgo drainage project, and these basins here are the ones that drain onto Rosario and then onto Biz Point.

Mr. Greenwood: Carol, that's three minutes so if you can wrap it up that'd be –

Ms. Ehlers: (shouting) If I'm going to do this in three minutes and we're talking about property that's millions of dollars – come on!

Mr. Greenwood: Everybody has three minutes.

Ms. Ehlers: That's what I was talking about when I said you represent us.

(Several people in the audience offer to give Ms. Ehlers their speaking time.)

Mr. Greenwood: How would you like to handle that, Annie?

Chair Lohman: What are the wishes of the –

Ms. Ehlers: Look, we're talking –

Dave Hughes: We've done that in the past.

Chair Lohman: Okay, but speed up. Can you speed up, Carol?

Ms. Ehlers: I'll speed up since over the years you have never seen any of this because we couldn't give it to you. Okay, come on.

This is the South Burrows Bay drainage area. It's called South Burrows Bay drainage; it needs to be titled that. We went to court for the right to call it South Burrows Bay and include Rosario Road and Biz Point Road, and so I would like that changed. You have the space in the inventory.

I would also like to show you something that is not on the inventory, although it was part of a plat approval requirement by the Planning Commission. It's called the Lake Chiquita Bypass. It's up here. And the Lake Chiquita Bypass is on Alexander Beach which is on the shoreline. Above Alexander Beach is a very steep Jurassic rock that's 500 feet high and it drains down straight onto Alexander Beach. You'll see in your packet the legal things that the Planning Commission required the Lake Chiquita Bypass to be built. You see the reference to when the hearing was held for the Lake Chiquita Bypass to be established. You'll see in there from the South Fidalgo Stormwater Manual that was produced after an outpour of a couple hundred people screaming at the County regarding drainage. And according to that document, a Skagit County – all of this is Skagit County document – and according to that document the Lake Chiquita Bypass was supposed to be maintained and kept.

Now it was built. It worked. But it's the roadside ditch that has failed completely. It's got water in it that – if you want drainage to be built it has to be built so that it's flat so that the back-truck can clean it – the broom. The Lake Chiquita Bypass is a trough, so the County back-truck can't get into it. So the dirt blows

into it; the seeds blow into it; it's got water in it all the time so the plants grow. The County cannot poison the plants because the water's in there. The plants get nice, strong roots and they grow through the concrete and it goes down into the houses, down into the land below, and it pollutes the lake, it pollutes the shoreline because it collects not only the normal rainwater but house water, septic water, yard-side pesticides, and everything else. What we need (a) is to have the Lake Chiquita Bypass on this inventory so that we don't spend another twenty-three years asking that something be recognized that the County mandated to be installed and expected to maintain. It's not Jan's fault. She wasn't here at the time. And I brought Cheryl who can tell you what happens when it hasn't been maintained.

Now when you're dealing with something absolutely crucial for economic survival of houses and banks, when properties have already gone into foreclosure because the County didn't do what it was supposed to do when it was supposed to do it, you don't cut people off at three minutes. Thank you folks for donating.

(applause)

Chair Lohman: The next person on the list is Cheryl Palmer, followed by Randy Good.

Cheryl Palmer: Hi. My name is Cheryl Palmer, P-a-l-m-e-r. I live at 3993 Chiquita Lane. In 1990, '91 – '91 – we looked at that property, which at that time the address was 1161 Marine Drive and they changed the numbering at a later time. But I noticed when we were looking at the home, which I liked very much, that the price was very low and it made me wonder why – for that location. So I thought, Well, the best thing I can do is to ask the neighbors if anything has happened recently. So I talked with Ernie Armstrong, who is my direct neighbor – we share a property line – and he said that he had just finished working through the County for the bypass. His huge trees had come down. His drainage area had been destroyed. His yard had gone into Lake Chiquita and, fortunate for us, it carved right down our property line and our property was not destroyed but his was completely gone. The County had to bring in large rocks, rebuild the drainage field, but still Lake Chiquita basically had tons and tons of yard dirt in what is a saltwater spot that is filled at every tidal exchange with fresh saltwater. But ever since then we've really had our hands full trying to maintain that Lake Chiquita because there was so much dirt in it.

So I beseech you to please consider making sure that that bypass is on the list for maintenance and to be completely aware that it is absolutely paradise unless there's a disaster. And when there's a disaster, it's really going to really make a huge impact. So we appreciate all that the County has done and we just ask you to please make sure that it's maintained and communicate with the people there because we support what your efforts are. Thank you.

Chair Lohman: Thank *you*. Randy Good, and then Mark Venn.

Randy Good: My name is Randy Good, 35482 State Route 20, Sedro-Woolley. Language has been added to this Capital Facilities Plan not on one but on two different pages, pages 10 and 31 – the copies are attached – by Ryan Walters, in my opinion to cover up his erroneous statements made June 4<sup>th</sup> to the County Commissioners.

A little background on that: They were considering a paving project on the path of corruption Cascade Trail. Skagit County Comp Plan Policy 8A-6.3 requires all non-motorized projects included on the Six-Year TIP in order to be funded. I displayed and read this policy to the Commissioners on the TV screen June 4<sup>th</sup> prior to the vote and also days earlier in a meeting with Dillon. Walters advised the Commissioners, claiming paving project was a recreation, not a transportation, project so it was not necessary to include it on the Six-Year TIP, as stated in the June 4<sup>th</sup> Commissioners' minutes attached. Oops, did Walters fail to read and abide by the following laws and County policies?

1. RCW 47.30.030, Facilities for Non-Motorized Traffic, Expenditures of Available Funds, which stipulates money that they did use from Fund 102, Special Paths, is for non-motorized uses only.
2. Skagit County Transportation Systems Plan – Transportation Inventory from 2003. Cascade Trail identified as transportation facility that Dahlstedt promoted, signed in '03, to be identified as transportation facility.
3. A memorandum from Kirk Johnson, January '04, stating Cascade Trail is existing transportation facility and that the non-motorized project must be included on the Six-Year TIP. And, I guess – oops – Walters – oops, again in my opinion, did not think about the consequences his erroneous advice would cause to the *budget*, leading to double-dipping lines, one as a recreation project and the other as a transportation project.

With these erroneous statements, in my opinion, Dillon and Dahlstedt voted two to one to break county and state law with full knowledge that this paving project was a non-motorized project, not a recreation project. In my opinion, documentation attached clearly shows County officials covered up an intentional breaking of the law. Non-motorized projects must be listed on Six-Year TIP as Comp Plan now requires. We encourage the Planning Commission to remove the added languages on page 10 and 31 dealing with what appears to be Walters' cover-up of his erroneous advice. We also encourage the Planning Commission to really question Walters' ability to be the Planning Commission's legal advisory here. There are seven documents attached to support my comments. Randy and Aileen Good.

I have a copy for the record and a copy for Annie.

Mr. Easton: Before you step away, can I ask a question?

Chair Lohman: Sure.

Mr. Easton: Do you include in your documents the highlighted sections that you wish to have taken out?

Mr. Good: Yes. Yes.

Mr. Easton: Thank you.

Chair Lohman: Randy, do you have, like, just one copy for the Planning Commission.

Mr. Good: I just realized – I was going to then. I figured you guys put it on the e-mail so, you know.

Mr. Easton: We'll get them.

Chair Lohman: Okay.

Mr. Good: But I just wanted Annie to have – the Chair to have one.

Chair Lohman: Thank you. Okay, the next person is Mark Venn. And then he was the last one who officially signed up, but if anybody else would like to, when Mark is finished then you can come after him.

Mark Venn: In the essence of moving this meeting forward, I have no comments.

Chair Lohman: Okay. So, in that case, anybody else?

Ed Stauffer: Ed Stauffer again, West Alger. Very briefly, how in the world with this three-minute opportunity at a meeting, the second thing I wanted you always to do is not deliberate an issue that's brought before you without preparation ahead of time. No more of this last minute turning in of complex documents. You have to understand that the people don't get a chance to review those at all, and then we get one minute off the record. How are we supposed to communicate to you? Tell me when the opportunities are. Is this it?

Mr. Easton: Well, I mean, the public comment period's open until Thursday at –

Chair Lohman: 4:30.

Mr. Easton: It was already announced by the Chair. For this issue.

Mr. Stauffer: So two shots.

Mr. Easton: The public hearing, from the point of view of what the public can input. Written input is allowed up till 4:30 on Thursday. We're not scheduled to deliberate tonight.

Chair Lohman: No.

Mr. Easton: And I don't think that there's anyone even – I have not been \_\_\_\_\_.

Mr. Stauffer: I haven't been providing written input on anything I have to say.

Mr. Easton: I understand that. I just wanted to clarify the part about deliberations. We don't intend to deliberate.

Mr. Stauffer: I want you to have an opportunity to hear from us. I don't feel now that you do.

Ms. Ehlers: May I raise a question of procedure? Not tonight.

Chair Lohman: You need to come to the microphone, Carol. Is there anybody else that would like to speak on the Capital Facilities Update?

Ms. Ehlers: Betsy rescued you last week. I went online to see what it said under the Planning Commission agenda. There was a nice black box which said "Special Meeting, October 15<sup>th</sup>, 6 p.m., 1800 Continental Place." That was it. There was no link to anything. It didn't say there was a hearing and a meeting. Down below it there were a series of legal notices from the 26<sup>th</sup> of September. I didn't find this as one of those legal notices. The next day I was at a program here. Betsy was there and I told her about it. She said, That's not the way it's supposed to be, and of course she's correct. That isn't the way it's supposed to be. So she went and corrected it. But while Ed is raising the issue of public opportunity, any of these things – if you have any documentation at all – and I for one have feet-worth – you can't do something succinct in a short period of time. You can go on and on and on and on in a short number of days to prepare for something, but if you want something succinct here you have to give us enough time to boil it down to make it succinct. And then when you have something that involves a lot of people, you have to give them a chance to get together. And that is a procedural matter that you've been working on all year but it's not quite there. And the County Commissioners got rid of the 21 days so you've got some more work on that to do, please.

Chair Lohman: Okay, so that closes the oral part of the public hearing but, like it's been said, the written comments will be accepted until 4:30 on October 17, 2013.

Mr. Easton: Madame Chair, before we dispose of this I have some questions for staff and a potential motion for the Committee – for the Commission. Can you speak to the – can the Director or the legal counsel speak to the issue of notice? Are we in compliance? Was the website – was there a mistake with the website? My concern being did we give people enough time to prepare for the meeting ahead of time and should we consider a potential extension, which we have in the past, on written comment?

Mr. Walters: I think Betsy can speak to the issue of the agenda. I think Carol spoke to Betsy on – what, Wednesday? – and it was posted immediately after. The agenda is not the notice. The legal notice is published in the paper. It was published more than two weeks ago. And it also went out to the listserv and you received a copy so, no, you're fully in compliance with the legal notice.

The other thing I would say is that Jan Flagan from the drainage utility is here. Carol and I had a chance to talk about the drainage issue a couple days ago and she suggested that, I think, Jan would be useful, so she's here if you have any questions for Jan about drainage. And then I have some remarks on the trail issue, whenever you'd like.

Mr. Easton: So let's look –

Chair Lohman: Let's start with Jan then. We'll ask questions of Jan.

Mr. Easton: Yeah, I'll come back with \_\_\_\_\_ time.

Chair Lohman: Because I have a question on drainage for Jan. Could you just introduce yourself?

Jan Flagan: Yes, I'm Jan Flagan, Surface Water Manager for Skagit County Public Works.

Chair Lohman: Okay, my question is on drainage also, because I noticed I didn't see the McElroy project and I saw several elements of the Edison Slough project, but they're listed several times so you have to kind of almost add them all up. Is there a reason for that?

Ms. Flagan: Yeah, the McElroy project – you're talking about the self-regulating tide gate?

Chair Lohman: Mm-hmm.

Ms. Flagan: That was done – construction of that project was done at the same time as the Edison Slough self-regulating tide gate. But it was a different funding

source. It was grant funded so it was not part of the drainage utility facility inventory.

Mr. Easton: So funding actually impacts whether it's listed as an actual facility?

Ms. Flagan: Well, yes and no. The projects that are in the drainage – the facilities that are listed in the CFP are funded drainage utility projects. Those are the facilities that are shown as drainage facilities. Now we have some other facilities that were done before the drainage utility and we're in the process of converting those to drainage utility facilities. For example, pump stations and several tide gates in other locations. But that Capital Facilities Plan and the proposed projects for drainage are strictly those that are drainage utility-funded.

Chair Lohman: Is that caveat written there in the Plan?

Ms. Flagan: I believe so.

Chair Lohman: Because wouldn't there be some kind of maintenance obligation even if you did have grant funding for some of these facilities?

Ms. Flagan: Well, the drainage utility does maintenance and does, you know, small maintenance projects on private property and stuff outside of drainage utility-funded facilities, right? So we could do maintenance on the McElroy tide gate or on a culvert that was installed with grant funding under the roadway. In fact, I'm not sure if the McElroy tide gate might be part of the road inventory. I don't know on that.

Mr. Walters: Madame Chair? The test for what qualifies as a capital facility is described in the definition, I think, that Kaci put on the screen, and the important distinction is that it must be publicly owned. Things that aren't publicly owned won't appear in this Capital Facilities Plan.

Chair Lohman: Well, I think it meets the definition.

Mr. Walters: I don't know about the substance. I'm just providing information on the definition.

Ms. Flagan: For example, there's a major tide gate and project on Fisher Slough that was funded by other agencies, and that is not part of the drainage utility facilities inventory.

Mr. Easton: Are there ongoing maintenance requirements or are we in – not the requirements, but has the County entered into a maintenance agreement on Fisher Slough?

Ms. Flagan: No official maintenance agreement, but the County drainage utility is available for maintaining facilities in any drainage utility area, okay?

Mr. Easton: Regardless of ownership?

Ms. Flagan: Right. Yes.

Mr. Meenaghan: But is it funded?

Ms. Flagan: Yes, it is funded. And as Carol said, you know, before the drainage utility was established the only source of funding for stormwater facilities was the road fund, and so that limited drainage projects to those only within the County road right-of-way. And the drainage utility, after much public hearing and a lengthy process, was established and properties are assessed. And they pay an annual assessment into the drainage utility. There are exemptions from the drainage utility. For example, drainage districts, incorporated cities, tribal lands, commercial forest lands – those type of things do not pay into the drainage utility and the drainage utility does not serve those properties; however, we work closely with drainage districts – Roger's here, I know – and we do cooperative projects with the drainage districts that benefit both the drainage district and the County drainage utility.

Ms. Easton: So I'm not sure if this is for you or for Kaci. The basins that were referenced earlier that were – in Carol's testimony – that were either not added or were mismarked, is there any objection from the Department about adding those and, if so, why or can before our deliber – and if you're not prepared to answer that today, if you could review Carol's testimony and prepare some response for us before our deliberations, in time for us to review it *before* our deliberations, so preferably a week before we deliberate so that we might consider that testimony. Is that something you want to address today or later?

Ms. Radcliffe: \_\_\_\_\_ compare it against the definition \_\_\_\_ that we include in the Plan.

Mr. Easton: And in addition to that, the Lake Chiquita question?

Ms. Radcliffe: Mm-hmm.

Mr. Easton: And the maintenance of Lake Chiquita? I mean, I won't speak for the whole Commission, but I'm not going to deliberate on that issue until I'm prepared and I wouldn't be prepared without a – I mean, I've heard the proponent; I want to hear the staff's report.

Chair Lohman: And maybe research a little bit on if the funding criteria is what keeps it on or off the list, because that seems kind of odd to me. Because it becomes the County's responsibility even if you had a grant.

Ms. Flagan: Well, you know, we have a lot of plats and developments that incorporate drainage facilities and the County has strict requirements for those developments to maintain those facilities. And that's part of the plat or the developer responsibility. That's not the drainage utility. The drainage utility was established to handle drainage issues outside of County road right-of-way for citizens. It was not – it's not intended to relieve development of the responsibility for their facilities. Some counties *do* take on private facilities, but Skagit County does not. And those counties often charge an individual fee, too.

Mr. Pernula: My understanding is that these facilities may have been required by the County but it was prior to the formation of the utility, so it might be falling through the cracks and I'm not sure how you would handle it. Although it's required by the developer, we didn't require the mechanism to maintain it of any type – a homeowners association or something.

Ms. Flagan: Usually in plat development there is some requirement for O & M. And I realize that there're some weaknesses in that approach. But if you want to talk Lake Chiquita, you know, I did quite a bit of research – that was well before my time with the County – and it was a development. The developer went broke and they had a responsibility to complete the system. And I found a lot of correspondence and – legal correspondence that said that they were responsible for construction of that system, the Lake Chiquita Bypass system.

Ms. Ehlers: And they did.

Ms. Flagan: And they did. But we do have a way – and I talked to Carol about this. She specified some concerns along the County road. Well, that is one thing that we have a program. If a citizen has a drainage issue or problem, they contact us; we go out; we look at it; we see if we can come up with a solution. If it looks like it's a quick fix, like clean a ditch or a culvert, we go ahead and do it. If it's, you know, part of a bigger problem or requires more extensive facility, we may develop a project or take a regional look at the thing, and that's precisely why we did the South Fidalgo – was we were looking at areas of drainage concerns to see if we could come up with regional solutions. And the projects that Carol included in her handout are on our plan to address. So we have, in the six-year look ahead, a plan to address all the projects that were identified in the South Fidalgo Stormwater Plan.

Ms. Ehlers: Good.

Chair Lohman: Okay. Any other from the Planning Commissioners?

Elinor Nakis: Yeah, I do have a question. Right now do these people pay into the drainage utility?

Ms. Flagan: Yes.

Ms. Ehlers: Oh, yes.

Ms. Nakis: So they all do pay for a service that maybe they're not getting?

Ms. Flagan: Well, you know, everybody in the county – with the exception of \_\_\_ et cetera – pay into the drainage utility, and it's a moderate rate. And what we – you know, not everybody gets a service, but everybody kind of helps contribute to the problem. And what was decided was that people wanted a way to address drainage issues in Skagit County, and that's what the drainage utility is. It's kind of like a kitty that people provide input to and then we spend that money on correcting problems. You might not have a problem but your neighbor might.

Ms. Nakis: Right, right.

Chair Lohman: Okay.

Ms. Nakis: And the original problem with the dirt and slush and all the – that came into Chiquita Lake, what was that caused by again?

Ms. Flagan: I'm not sure what caused that but there was quite a bit of documentation on the input of sediment and the water quality of Lake Chiquita early on.

Chair Lohman: Carol – Carol?

Ms. Ehlers: What you had was a flood of water because of the extreme conditions that flooded over the road from above – from the 400 feet above – over the road, down the hundred feet to what was below, taking out rocks and dirt that was there from the road construction in the past and naturally there. It damaged houses. The water in Lake – in the Alexander Beach was more than knee-deep so it involved septic fields. It was an environmental mess as well as a financial mess. And as one of the two ringleaders of the creation of the drainage utility – Jess Knudsen was the other one, because he showed pictures four inches deep going down Peterson Road, and I realized if the farmers had a problem and we had a problem we might get somewhere. It was supposed to be, in effect, retroactive for the kinds of problems that County road water had done to areas which the County had never had the legal right to deal with.

Ms. Nakis: Ah – okay.

Ms. Ehlers: And until the utility, the County never had that legal right, which is part of why they were so cooperative in doing it. So some of this is retroactive. I just don't want it waiting up twenty-five years.

Ms. Nakis: Thank you.

Chair Lohman: Okay, any other questions from Commissioners for Jan?

Mr. Easton: Not for Jan.

Mr. Greenwood: Can I ask a question? Keith Greenwood. If you have – what goes into your inventory are those items that the County has responsibility for will go into the capital facilities inventory. If the County doesn't have responsibility for it, other than cooperative environmental protection, am I correct that they do not go into the inventory?

Ms. Flagan: Well, yeah –

Mr. Greenwood: They might get service, but they might not go into the inventory.

Ms. Flagan: That inventory is assets that were funded by the drainage utility and the drainage utility has ownership and maintenance responsibilities for it; however, like I said, we do have the ability to help with projects – or facilities – that were constructed by others. So we don't have maintenance responsibility. We don't have ownership of those facilities. In fact, we still need private property owner agreement to let us, you know, do whatever work on those facilities.

Mr. Greenwood: So the drainage facilities that the County's responsible for then are those in coordination or in association with County-owned facilities, like the transportation network, like the roads. So anything drainage associated with a County road would be one that the County has sole responsibility for, right?

Ms. Flagan: Well, yes. The drainage under the County road within the County road right-of-way is part of the inventory or assets of the road.

Mr. Greenwood: Right.

Ms. Flagan: So it's not a drainage utility asset. It's a road asset, and they have immobility. They have, you know, all these things documented. I'm not sure if I'm answering the question you're asking!

Mr. Greenwood: I think it's a little clearer for me. Thank you.

Chair Lohman: Thank you, Jan.

Ms. Flagan: Okay.

Chair Lohman: Okay – Ryan?

Mr. Walters: So to follow up on that just a bit, you're right. That is the distinction. If it's a wholly private facility it's not included in the Capital Facilities Plan and it wouldn't be proper to include it in the Capital Facilities Plan.

Mr. Greenwood: Right.

Mr. Walters: There are thousands of private drainage facilities across the county and none of those are included. There are public drainage facilities that aren't owned by the County. There are the drainage district facilities, because the Capital Facilities Plan for the County has to include facilities owned by other districts – school districts, fire districts, drainage districts – so all of that is contained in that second part of the Plan. But across all of those the distinction is: Are they public?

Mr. Easton: We have a decorum issue. I'm concerned. We're asking questions. If we have a question of someone in the public, historically that's how we would handle it, so I want the Chair to know that I'm concerned that we're sort of devolving back into a public hearing. So if we want to reopen the public hearing I guess that's one thing.

But I have a question about deliberations and the public comment period. Did we have a pre-assigned date before deliberations and is that the November 15<sup>th</sup> meeting? Or is it the November 5<sup>th</sup> meeting?

Mr. Pernula: I sent out a memo with your packet this time and I suggested that you deliberate on it on November 5<sup>th</sup>.

Mr. Easton: Okay.

Mr. Pernula: It could be some other time, but if it goes with November 12<sup>th</sup>, for example, it might conflict with the deliberations on all the other Comprehensive Plan Amendments. If it goes too much beyond that it might not be done this year.

Mr. Easton: It would be a schedule challenge. Right. Well, I'm comfortable with what you suggested in the memo because I'm going to make a motion to extend the public comment period. But I wanted to have an idea of – I just needed to be reminded of when we had somewhat scheduled the deliberations. So I move that we extend the public comment period on the Capital Facilities Plan to a week from Thursday, so the following Thursday which would be the 24<sup>th</sup> at 4:30 p.m. – that all comments be in by the 24<sup>th</sup> at 4:30 p.m. I make that as a motion.

Ms. Nakis: I'll second it.

Mr. Easton: Can I speak to the – go ahead.

Chair Lohman: It's been moved and seconded to extend the public comment period to Thursday, October 24<sup>th</sup> at 4:30 p.m. Dale?

Mr. Pernula: That's strictly the written comments only – no additional oral testimony.

Mr. Easton: No, that would just be – because there's no meeting scheduled so, I mean, it would just be for written comments.

Can I speak to the motion? Just if there's any sense that the public wants more time to respond and we have the ability to do that and still get – and I believe the staff would still have enough time in that three-week period to turn around a response to get to us in time to help to respond so that we're prepared for deliberations. That seems reasonable, unless there's any concern from the Department about the timeline for turning around a staff report. It's a relatively small amount of testimony. That's why I believe it's appropriate.

Chair Lohman: Okay – discussion? Robert?

Robert Temples: I really kind of like that idea. I'd also back it up with we had requested – it was requested in the meeting – for some additional information be clarified on that report. Remember that? That's what I thought I heard.

Mr. Easton: Right. You're talking about the stuff I said to Kaci earlier?

Mr. Temples: Yeah. And if that's going to be happening, to me that also kind of gives a lot of credence to saying let's give a little bit more public review time because, in essence, a new document or new information is being also generated.

Chair Lohman: (unintelligible)

Mr. Walters: Madame Chair?

Chair Lohman: Yes?

Mr. Walters: The one thing I'd say about that is that there would not be a legal notice in the paper notifying anyone of the extension because legal notices go out on Tuesday. Tuesday's already passed, so in order to accomplish it you'd have to send it out next Tuesday. It would be printed Thursday.

Chair Lohman: It can't go out tomorrow?

Mr. Walters: No. Legal notices go out Tuesday to be printed Thursday so next Tuesday would be – it could go out to be printed next Thursday, which is the day you're closing the public comment period.

Mr. Easton: Is that because of the paper?

Mr. Walters: That's because of the paper.

Mr. Easton: So they have a deadline for when notices can be put in and they only allot for those to be put in on Thursdays?

Mr. Walters: That's the day that the County publishes legal notices and the people expect to see County notices.

Mr. Easton: The County has in the past done an ad, as opposed to a legal notice, on an issue. The Planning Department has.

Mr. Walters: There are many other possibilities. I would think an e-mail listserv notice would be –

Mr. Easton: So I would propose that three things happen in relationship to this, and I'll add this as a friendly amendment to my own motion. The website would be updated to indicate that the period would be open until then, till the 24<sup>th</sup> at 4:30; the listserv for the Planning Department – I think it's – is it the Planning *Commission* listserv?

Mr. Walters: Planning Department

Mr. Easton: Planning Department listserv publishes a notice; and that the County take out a small ad to recognize this extension. That's my recommendation to add to the – so then we're covered. We've given people a chance to comment and now they should have plenty of – there's more than one way to find it. I make that as an amendment.

Chair Lohman: I'm not sure that you need to actually add it as an amendment. I think it's just a task.

Mr. Easton: Direction to staff?

Chair Lohman: Because the motion is to extend the public comment to October 24<sup>th</sup> at 4:30. So is there any more discussion on the motion?

Mr. Meenaghan: So by that extension, we can still have a document from which to deliberate on the 5<sup>th</sup>. Is that correct?

Chair Lohman: Mm-hmm.

Mr. Meenaghan: And we can have it early enough that we can look at it before deliberating on the 5<sup>th</sup>, okay?

Mr. Greenwood: Is that – what if there's substantial changes to this report between now and then? Is that possible?

Mr. Easton: We can always delay our deliberations.

Mr. Greenwood: Because that would be required because then you'd have to re-notice it, I would assume, if you had substantial changes to the –

Mr. Walters: You have the document now. You have the public release draft. And if you recommend changes those recommendations will go to the Board. The Board can decide whether to accept those recommendations with a bunch of changes, if you want to make changes. If the Board wants to accept those, the *Board* will have to hold a public hearing or open a written comment period on it. So you don't have to worry about that part of it. You take the proposal in front of you and make recommendations from that, and you can make whatever recommendations for whatever changes you want. But you don't have to worry about holding another public hearing. The next body will do that.

Mr. Easton: And we don't determine the threshold of where that happens. That's determined by the Board and the – because there're some things that we can recommend that they don't have to have a public hearing – minor changes – but the determination line of where it becomes it needs to be revisited by a hearing is up to them and their legal counsel, right?

Mr. Walters: That's right.

Chair Lohman: Okay.

Mr. Walters: But also the – sorry – the Board is going to have another public hearing anyway because the Board has a public hearing on the budget and the CFP is typically adopted with the budget. So there will be another public hearing regardless because they haven't had one for the budget yet.

Mr. Easton: But for the benefit of the newer members, that's rare. I mean, usually we're the last public hearing before –

Mr. Walters: That's right.

Mr. Easton: – before the Commissioners deliberate. So unless – so this is a case when it's in the budget, but that's not – that's very rare. We're usually the last public hearing before something gets passed.

Chair Lohman: But this is an attempt, too, to have a list of all the facilities under the County's auspices, in a way, so we do want to have it right. We want to have it inclusive, so, you know, but I can see why we have to have a date in time where you adopt it and work on it because otherwise it would never be finished. So shall we vote? Call the question? All those in favor, say aye.

Mr. Easton, Ms. Nakis, Mr. Temples, Chair Lohman, Mr. Hughes, Mr. Meenaghan, Matt Mahaffie and Mr. Greenwood: Aye.

Chair Lohman: All those opposed, say nay.

(silence)

Chair Lohman: Looks like everybody voted aye.

So moving on on our agenda, we have a presentation on Bayview Ridge.

Mr. Walters: Madame Chair, before you move on I would like to address the trail issue.

Chair Lohman: Okay.

Mr. Walters: There are two important documents at issue here. There's the Transportation Improvement Program and there's the Capital Facilities Plan. This Capital Facilities Plan incorporates by reference the Transportation Improvement Program. So the CFP includes everything that's in the TIP.

The TIP is governed by a different statute than the CFP. The TIP is supposed to be coordinated with the Comprehensive Plan but it's not necessarily *part* of the Comprehensive Plan. Because it does a lot of the same planning, this CFP simply tries to incorporate it so that all of that planning is not duplicated in a different document. The Public Works Department typically prepares the TIP and there is a statute that describes what is supposed to be in the TIP. Now there has been some discussion about what trails need to be in the TIP. Public Works might tell you that they just put roads in the TIP, but that's not strictly right if you follow the statute. It suggests that non-motorized transit – and in another location it doesn't use the word "transit" but it says "transportation – should be included.

Now this one project came up – the Cascade Trail – and the question was, Should that be included in the TIP or the CFP? Well, it was included in the CFP.

The CFP is a more difficult document to get a project into, in fact, than the TIP. CFP is part of the Comprehensive Plan; it can only be amended once per year. The TIP – T-I-P – can be adopted whenever the County wants and it can be amended after public hearing whenever the County wants.

So the Cascade Trail project was in the CFP, wasn't in the TIP. Under the statute, non-motorized transportation projects are supposed to be in the TIP. The question is, Is the Cascade Trail a non-motorized transportation project or is it a recreational trail? That distinction is up for somebody else to decide. But my advice to the Board was if it's purely a recreational trail maybe it's not a transportation project, maybe it's not a non-motorized transportation project. The statute doesn't say "trail." It says "non-motorized transportation." It's a little bit splitting hairs, especially, as I indicated to the Board, when the project is already in the CFP. Public hearings are held on both. I think the Board determined they didn't see a difference. Distinction, yes. Difference, no.

Now this document makes reference to that question because the Board wanted to see that resolved. And it might get resolved in some other way. You could make a recommendation for that section in the CFP to read differently. But what it tried to distinguish was a purely recreational trail from a non-motorized transportation project. And if one goes in one document, one could go in the other document instead. It certainly doesn't matter to *me*, and I'm not sure that it really matters to the Board either. The Board is simply interested in doing whatever is the correct thing. And I'm not really sure why it matters to the public either because, again, there's a public hearing on both and the projects are maybe hard to distinguish between one or the other. I assume that they have highlighted for you the appropriate section where that is called out, and it's possible that we may have some more information on that that we could provide to you before the end of the comment period, because the County Administrator was talking about trying to maybe integrate better the TIP with the CFP. If you look at your CFP, it calls out a specific version of the TIP to be included. That's the March version, I think it is. And it obviously would be better if the TIP for next year were included in the CFP, but Public Works hasn't prepared that yet. So I think the County Administrator is likely to direct the Public Works Department to prepare that maybe next year simultaneous with the CFP so that you see the latest version as it moves forward. And then maybe you would, in fact, be the body that holds the hearing on the TIP. I don't know. But further integration of the two, I think, is a goal that the Board has because it doesn't make a lot of sense to have separation.

Chair Lohman: But if you're going to have a reference to, you ought to have a link to the TIP, because I spent well over an hour looking for the TIP and I couldn't find it.

Mr. Walters: I don't, in fact, think it is very easy to find on the Public Works website.

Chair Lohman: It's not easy to find.

Mr. Walters: But I did think that in one place, at least, where it's referenced there was a link.

Chair Lohman: But even using a search, you can find really old ones but they're really not the TIP. They're references maybe in somebody's minutes or to an ordinance or to a resolution. But to find the actual TIP, I did not find it and I'm pretty computer savvy. So I was going to talk to you about that, but since it came up now I'm going to say that for regular folk to look for the TIP online it's almost impossible to find it.

So was that all, Ryan?

Mr. Walters: Yes.

Chair Lohman: Okay, we're going to move on. Sorry, Randy. We're going to move on to the presentation on Bayview Ridge, Item number 4 on the agenda.

Ms. Nakis: Excuse me. Could I ask a question?

Chair Lohman: Oh, sure. Sorry, Elinor.

Ms. Nakis: Randy Good, do you know where the TIP can be found? You must have read it.

Mr. Good: It's on the Public Works website but you have to dig pretty hard.

Ms. Nakis: Oh, okay.

Mr. Good: One other comment – I think the – you know, the documentation that I presented will justify my comments and contradict what he's saying here tonight. So just concentrate on the documenta – I believe in documentation so – you know, and then today – I feel like Carol now – I just come from a meeting – an Open Space Concept Plan, they called it. We get over there and Ryan Walters put in a letter yesterday afternoon and I just got it this morning from Dale and that letter actually said that the County was going through this open space, that it's been adopted, that the next step was to implement it. Well, we get there today and we find out that no, it's not going to be implemented. It's got to go through a process. It's still a concept plan. So thank you.

Ms. Nakis: Okay, thank you.

Chair Lohman: Okay, moving on. Everybody ready to move on?

Mr. Greenwood: I'm sorry. I hate to not let you move on. I was just wondering, procedurally is it – what would be the best way to get input on this document to the staff so that they could incorporate or perhaps at least review comments that we might have, or critique? Is that going to take place during deliberation time or what? I know we have a document, that we're supposed to make a recommendation based upon that document. But I think some things might be for clarification for a review by the public. I think there're some deficiencies in the report.

Chair Lohman: I would imagine that happens during our deliberations. Right? Am I wrong?

Mr. Easton: Well, I would agree that most of that would happen during deliberations unless you need a clarification prior to – I mean you – all of us in some time or another have communicated with staff about clarifications about things as they're going through the process. I mean, unless it's something that you feel like needs to be sent to all of us, maybe it's something they want to include with their staff report – historically most of our changes are done at the deliberation level and we don't usually take the period between – I mean, I can't remember a time we take the period between the hearing and the deliberations to actually impact what's being reviewed because there's public participation issues with that. I mean, a staff report will have to be – will need to be out in a timely manner so that we can review it and \_\_\_\_\_ our history is that it's posted or available to the public so they can review it prior to our deliberations also. Historically we can recall those who testified in the public, if we have questions or clarifications so that if something that Randy communicated in writing isn't – just use Randy as – pick on Randy for a second – I need a clarification about something Randy testified about or when I read his written documents it doesn't make sense to me, I can recall – any one Commissioner can recall the person, ask them a question during the deliberations, you know, and they can answer that question and we move on. I mean, we try not to abuse that situation, but – so I think most of what you're looking for is going to be accomplished in deliberation.

Mr. Greenwood: Okay. Okay. I just – the statement was made that the Capital Facilities Plan – the changes were primarily readability, user-friendliness, computer, but I think there're some other changes within the numbers, and I didn't hear any explanation from staff on what changes were actually made to this plan versus the last plan. And I was looking at the previous plans and I see where you're going from one year to the next and there's a lot of strikeouts, there's a lot of changes made. And I thought it'd be nice to have a summary of the changes, actually, rather than just the format.

Mr. Easton: Then this would be the right time –

Mr. Greenwood: I was kind of looking for that.

Mr. Easton: Functionally this would be the right time to ask for that, like I asked for that clarification about those basins. You can ask Kaci for that, or ask Dale.

Mr. Greenwood: Is there a short list of changes – primary changes – in the content in the document?

Ms. Radcliffe: So are you asking for a comparison of, let's say, an inventory of the last document versus –

Mr. Greenwood: Yes.

Ms. Radcliffe: So we request inventory updates from staff. They provide them back to us. So we could request a breakdown of those changes. Response time on that would vary. And I think just looking at the documents side by side you can see those changes, and I don't know if you would be looking at an explanation of the changes for the update. Basically we provide what was in it – the last Capital Facilities – ask them to review it, make any changes needed to, again, parallel the budget process that they are all going through – the departments.

Mr. Greenwood: It's much more difficult to have it be parallel when it's not a strikethrough type. When you completely change the format it's much more difficult to line them up side by side, and that was my difficulty with it. There's a – I thought – a pretty helpful table in the last document format that showed financing for capital facilities by revenue source. I mean, I think that would be a real helpful table to have in this one as well. But the whole section on revenue funding – “Revenue Capital Analysis” – is – I don't even think it's a full page. So those are the kind of areas I was kind of looking for. It's, like, three-quarters of a page. So I think an assessment of where the money's coming from, what's supposed to be allocated to different projects, what we have as far as the inventory – is the inventory going up or going down? There's a gap in the data pertaining to 2003 projects. We describe projects up to that point and then we leave them out because they're not part of the future. So there's a few holes, I think, in the data from a perspective of being able to plan and track how we're doing. I'd like to see some summaries on some of the tables, summary numbers. Maybe an explanation on the population projections – how they've changed. Did we use a different model? Are we using the same model? So just a few things that I think in the project – it's easier to look at, but when you're going from one format to another it's pretty important to know what those highlighted – (to) highlight what some of those changes are.

Mr. Walters: If you could submit that list of questions –

Mr. Greenwood: Would you like me – I could do that in writing – that’s – put it in the –

Mr. Easton: Be more thorough.

Mr. Greenwood: – written record. I’d be happy to do that. Thank you.

Chair Lohman: Okay, anything else?

(silence)

Chair Lohman: Okay, moving on. Item number 4, Presentation on Bayview Ridge.

Mr. Pernula: Okay, as you know, a public hearing will be held on Bayview Ridge on the Subarea Plan only on November 5<sup>th</sup>. There are a number of documents that I sent to you and you have hard copies: the Bayview Ridge Subarea Plan, the associated maps, and a fiscal impact analysis. What we’d like to do is do a walk-through of the Subarea Plan so that we can show you what the major changes are from the currently adopted Bayview Ridge Subarea Plan. And I think you all have a copy – a hard copy – of the document with you? Okay.

Mr. Walters: So if you’ve seen the adopted version of the Subarea Plan you’ll have seen all the graphics and all of the things that are in the Subarea Plan, and those graphics aren’t in this version. The Department had from the consultant who prepared the 2008 version only the Adobe in-design files so that all got converted to Word and left the pictures out. The document is 20 gigs – or 20 mgs, as it is. So the pictures are largely not included. There are a couple of them in there. The tables are in there and then the maps are available at those separate links, and you all have the hard copy maps.

So if you page through the document, the point of – obviously – of converting the document back into Word is that you can show a strike and an underline and there are a lot of changes in here that are simply grammatical issues – for instance, “City” is capitalized here on page 1. And anywhere there’s a graphic in the original plan there are brackets that say “graphic here.” All of those graphics are random pictures of airplanes and houses and things. I thought it would be useful just to tab you through the document, going over any of the changes and answering any questions. I don’t think there’s anything significant here.

Mr. Greenwood: Ryan, did you say that there’s a version that has those graphics in it?

Mr. Walters: That's right.

Mr. Greenwood: Okay. And we could –

Mr. Walters: If you're on the Bayview Ridge website at skagitcounty.net/bayviewridge, under "Subarea Plan" you have the public release draft that we're looking at – the October 3<sup>rd</sup> – and then at the bottom there's the Subarea Plan adopted July 29, 2008.

Mr. Greenwood: Okay.

Mr. Walters: So that link there takes you to the same document but without the strikethrough – the original version with the pictures and all that.

Chair Lohman: It's very large so you have the option of \_\_\_\_\_.

Mr. Greenwood: I like it. I like this. This is very helpful to skip through the pictures, but I'd like to at least look once at the pictures. Sometimes those pictures tell the wrong story.

Mr. Walters: And, in fact, you could recommend changes to any of those – I don't really anticipate this, but you could recommend changes to any of the pictures.

Mr. Greenwood: Send your own pictures?

Mr. Walters: I actually assume – I don't really know – but I assume that those pictures were inserted after the fact anyway, because typically what you do is you adopt a Word version ordinance and then somebody pretties it up later.

Mr. Easton: It'll be a new level of interesting if we start submitting pictures throughout our 78-page plan!

Mr. Walters: Yeah. So here on the right you can see some of the level of detail here. I mean, "such as" didn't have a space so that got corrected. Here's a new policy: Provide for flexible zoning provisions. So if we go back up to the header here, "The Subarea Plan aims to..." – this is fleshed out later under a heading that actually says "Policies," but there is a lot of narrative in this Plan, really much more than I think is desirable, and all of that narrative should be consistent with all the rest of the document. So the narrative itself isn't policy; the policies are each labeled "policy," with a number. But all of that narrative needs to be made consistent so staff have gone through and made all of those edits. And the one addition here – "Provide for flexible zoning provisions that are able to respond to growing employment demand while meeting community objectives" – that reflects a policy that you'll see later on.

Some other edits here – “a connected system of trails”; the Community Center used to say “hub of local service provision.” Now it says “small-scale, pedestrian-friendly, mixed use village.” Just a lot of edits like these. I trust you’ll stop me if you have questions. And this is supposed to be just an overview. You’re not deliberating at this point because you haven’t had your public hearing or completed your comment period yet.

That is an editing mark that shouldn’t have been in the document so we struck that.

Community Center. This is, again, just narrative that describes what Chapter 4 is about.

There are many references to the solid waste “handling” facility. That is properly called the Transfer Station, so each of those was corrected.

Because the document was originally adopted in – well, actually quite a while ago but last adopted in 2008, there are some additions that have been made to bring it up to date, including more information about the process. So there’s some text here about what happened in late 2011 with establishing a partnership committee to do development regulations for the Subarea Plan and Makers Architecture and Design’s development.

On the right-hand side there is some additional documentation about some of the map changes that this Subarea Plan – that this edition of the Subarea Plan would make.

So moving on: City – capital City.

We’ll scroll down here to where these policies or where this narrative began. So this summarizes just some of the changes that are reflected later on in Policies, so you can read through that – and it continues at the top here.

Mr. Greenwood: Can I ask a question?

Mr. Walters: Yes.

Mr. Greenwood: Am I correct in assuming then that since we’ve been talking about Bayview Ridge one point that came up was some updated code or requirements of the FAA and you’ve incorporated those into this version?

Mr. Pernula: We have not incorporated those into this version. We sent this version to the FAA. They reviewed it and responded, and that response is online. And I can go over what that response was. The primary one was that much of the area, including all of Zone 6, which is a lot of the Bayview Ridge

area, they're recommending not have an elementary or a high school within that location. But we haven't changed the Plan yet. That could come as a recommendation from the Planning Commission. There were also some other guideline changes from the – see, this was written under a prior guidelines that were written by the Washington DOT, but it was rewritten in 2011 and that's when they made the recommendation that schools not be permitted in Zone 6. Another one was for residential uses. They had permitted densities greater than fifteen dwelling units per acre, but then under lower densities that would include this area, it had an "L," which means "limited." I'm not sure exactly what that means, but they were recommending higher densities within this Zone 6 near the airport – not lower.

Mr. Walters: They also recommended some other things that are more appropriately treated in development regulations. For instance, they didn't want shiny solar panels because they might blind pilots. So that level of detail we typically wouldn't address in a subarea plan but could address through development regulations.

Mr. Greenwood: But we could at least address their items, I think. Maybe you replied to them already with that.

Mr. Pernula: I will provide you a copy of the letter. It's a mandatory consultation with them, but they don't have hard requirements. They don't say that we have to abide by all of these, but they are recommendations that we should take seriously.

Mr. Walters: Well, and there was a meeting. Maybe that should be pointed out that they came – WSDOT Aviation came and sat down with us and –

Mr. Easton: Okay, so we're like mixing our federal and state metaphors or branches of government or \_\_\_\_\_.

Mr. Walters: To clarify, yeah, it was Washington.

Mr. Easton: He's talking about FAA. You're talking about WSDOT Aviation.

Mr. Pernula: Excuse me – it's Washington DOT.

Mr. Easton: Okay.

Mr. Pernula: Not FAA.

Mr. Easton: I just wanted to make sure. So there's only one, which is the state agency that's weighed in. We're not dealing with the feds on this one?

Mr. Pernula: That's correct.

Mr. Greenwood: I was just thinking that one of the primary goals that's stated repeatedly here is to make sure that the airport environs were maintained, if you will, or at least their effectiveness of maintaining it – being able to run the airport. So even if it's a suggestion I would think we would take it seriously.

Mr. Walters: Well, they also made a suggestion that we not have a solid waste handling facility in the subarea.

Mr. Easton: But we do.

Mr. Walters: We have a brand new one.

Mr. Easton: Even better.

Mr. Walters: So there a couple things like that that they suggested but we did talk to them at the meeting about each and every one of those things that they made suggestions about, and I think we indicated that the solar panel issue was no problem. The solid waste handling facility was a non-starter. And also the Port that runs the airport was there at the meeting and the Port communicated that they have not had any kind of wildlife impacts related to the solid waste handling facility \_\_\_\_.

Mr. Easton: Was this a recorded meeting?

Mr. Walters: Yes. There's a transcript on the website.

Mr. Pernula: There's a transcript. I can send you the transcript.

Mr. Easton: Yeah, maybe a link to the – send us a link to the transcript.

Mr. Pernula: I'll send you a link to the transcript as well as the written communication – the final, close-out letter.

Mr. Easton: That would be good. And, I mean, I'm aware of why the – and I don't know where you're going to fit this in, but there should be some portion after this presentation, just a brief explanation of – because, I mean, between talking to a Commissioner and – a Board of County Commissioners – and reading the paper, I have a basic understanding of why the PUD is being postponed, but I think on the record in public with the rest of the Planning Commission – because we were walking in one direction and doing two of these there should be some things said about why we're now only walking in the direction of doing one of these. So if one of you can work that into your presentation tonight that would be helpful, not just for us but for the public.

Mr. Pernula: I can respond in part to it, and that's that we're working with the Burlington-Edison School District to look at locations for elementary schools because they believe that they will need one. There is at least one potential site in the Bayview Ridge area that is not within Zone 6. It's certainly a potential site, and it hasn't been selected but it's something that is being considered. But we'd would like to get a little bit deeper into it and get some issues relative to the schools resolved before we take the PUD regulations and development standards forward, which would take away the current prohibition of development beyond four lots.

Mr. Easton: For the public clarification, by taking it forward Dale means a public hearing in calendar year probably 2014 and the rest of the process – put it out for public comment and then a public hearing, deliberations by us and onward, recommendations and all.

Mr. Pernula: That's correct. We did want to do the Subarea Plan *this* year because if we don't do it *this* year it'll be – we won't be able to do it in January or February. It'll be with all of those that are docketed for 2013 and would delay it for up to a year. But if we go through and review the Subarea Plan, then the PUD regulations and the development standards, as well as the prohibition of larger developments, could occur in January, February – whenever.

Mr. Easton: I appreciate that clarification. I think that's helpful.

Chair Lohman: But, Ryan, all of these changes that you're walking us through, they're all listed on Addendum number 3, correct?

Mr. Walters: Well, no. I mean, Addendum number 3 is a couple pages; the Plan is 75 pages.

Chair Lohman: But – right – but –

Mr. Walters: Yeah, they're attempted to be summarized in that SEPA.

Chair Lohman: Okay.

Mr. Easton: Those are the substantive ones. That doesn't have a list of the typos.

Mr. Walters: Right, right.

Chair Lohman: Or the cap – I mean, the scrivener's changing.

Mr. Walters: Right. On the Bayview Ridge website, all of that airport compatibility stuff is grouped in a section here called "Airport Compatibility."

There really are a lot of documents here on the [skagitcounty.net/bayviewridge](http://skagitcounty.net/bayviewridge) page, and if there's anything missing I'm sure that that can be put up.

So now we hit Chapter 1, page 8 of 78. There're some edits here. There are several mentions of the Skagit Golf and *County* Club that get corrected to *Country* Club. The Bayview Business Park, not the Bayview Business *and Industrial* Park – just a lot of edits like that.

Mr. Greenwood: So if you left that as Skagit County Club, does that mean we get membership because we're County?

Mr. Walters: It hasn't happened so far.

Mr. Greenwood: Okay.

Mr. Walters: The Port likes to be called the Port of Skagit rather than the Port of Skagit County, so we tried to correct all instances of that, although I see one here that we missed.

Mr. Greenwood: On that last page when you're talking about Skagit Regional Airport Land Use Compatibility Study, that section –

Mr. Walters: This one – yeah.

Mr. Greenwood: I noted it says in the middle: "Skagit County has adopted development ordinances related to height and noise." We actually have those in place?

Mr. Walters: That's right. The County has adopted an overlay zone, so we have all our traditional zones and then there is an additional zone that overlays the other zones. That's called the Airport Environs Overlay and you can find that in 14.16.

Mr. Greenwood: I hadn't seen that.

Mr. Walters: That's what that's referring to.

Mr. Greenwood: Okay, so that incorporates and adequately addresses the noise issue, the issues pertaining to people being irritated by noise.

Mr. Walters: I'm not sure that's really completely the objective. I think the primary objective of the Airport Environs Overlay is to provide airport protection.

Chair Lohman: Mm-hmm.

Mr. Greenwood: From the residents making noise? I don't think so.

(laughter)

Mr. Walters: No. No. I think the Port can probably speak to that more, but they characterized it as airport protection and it's not from residents attacking the airport with pitchforks but it's to provide appropriate setbacks from safety zones, runway zones – that kind of thing. And if you look at the map you can see how those are structured, and that's all based on an engineer's work on where planes land and all of that.

Mr. Greenwood: I think that's a safety thing but I guess I'm more familiar with a parcel that I'm pretty close to down on Whidbey Island where it wasn't – the Navy has had to buy up some land in order to maintain its own operations and they still get sued over it because it's a noise issue. So whatever plans we do, I hope we don't box our own airport into that type of issue.

Mr. Walters: Well, and it might be that maybe the Planning Commission would benefit from hearing from the Port of Skagit on that, because they do operate the airport.

Mr. Easton: So historically in my seven years here while I've only been a part of this amazing long-term adventure, the Port hasn't always been here when we've had questions that would be helpful for the Port – or helpful for us to get clarified from the Port. So I'd like to give them plenty of notice and nicely worded – calligraphy, if you want; make it a pretty invitation – but please let Patty at the Port know that we'd like someone here for the hearing, and if they can't be at both then just send her to deliberations, but for sure deliberations. So we'd like someone here for the hearing and deliberations because that's where, in the past, where most of the questions have come up for the Port has been when we went to deliberate on something. In my experience, I felt like I needed more input from them than even at the public hearing. So if we could *please* ask the Port to attend. This is so directly related to them, and there's just times when you guys aren't going to be able to answer that question.

Chair Lohman: Robert?

Mr. Temples: I just noticed here that Reid Middleton was the one who prepared the analysis for a lot of this. I have worked with them for many, many years and I have seen a lot of their engineering results in regards to airport work and such. It's basically kind of taken out of the FAA manual plus all their engineering requirements, and it's pretty well established information. But if what you are hearing from the Commissioners it's maybe they submit something to us or a little bit something more, I guess am I hearing the background of this Overlay that Reid Middleton probably prepared. Could we get anything like that?

Mr. Walters: The Airport Land Use Compatibility Study that's referenced there in that paragraph is also on the website in that Airport Compatibility section. So here's the May 2000 Airport Land Use Compatibility Study and then there's also a February 1999 WSDOT manual, and then there's their updated manual.

Mr. Temples: Okay.

Mr. Walters: So all of that should be available there.

Mr. Temples: All right.

Mr. Walters: I also think I'm not speaking out of school when I say that I think the Port would say that they are very satisfied currently with the airport protection overlay zone.

Ms. Nakis: So I notice when I go down to Whidbey Island that they have a really good comprehensive overlay of all the noise levels that you can expect in different areas of that island. So I know real estate agents will have to show you that and say, Well, this property is good because it sits here and it's not under this flight area; it's relatively quiet. I mean, do they have a study that says what the noise levels are around the Bayview Ridge area? Do you know? I mean, is that something we could ask for?

Mr. Walters: There may be. The Port probably could provide you with some of that information. I do think that Whidbey is experiencing quite a bit different situation.

Ms. Nakis: Oh, absolutely. Yeah, and for a lot longer.

Mr. Walters: Yeah.

Mr. Easton: Could you go back to the table of contents for a second, or the front page of this site? One concern I had when I was reviewing this is that when we took the riding tour we had – was it Kate from the –

Mr. Walters: Sara.

Mr. Easton: Sara. Excuse me – Sara from the Port with us, and a number of the things that she referenced seemed more recent than some of the dates on some of the things that are here. Like their – particularly in relationship to their goal of getting to the point of the 7 – non-commercial 737 traffic, potentially some of the conversations about large Lear jets – larger – you know, some of these larger – things that are going to affect the overall size of the airport – not just the runway but the facilities. And so that's an additional reason why I'm a little – I'm not really confident that we have the latest from the Port in relationship to this. I'd be

glad if they'd just show up and tell us if they're happy and then take some questions. That would be awesome. But I'd rather be in a position where this – we're up against some timelines on this deliberation that are different than normal that are – make it even tighter and make it more important that we – we really would like to make this work in the calendar year. I mean, we *have* to, and that's going to be more difficult if we don't have our questions answered at deliberations.

Mr. Walters: And you have, here on the site, their latest adopted master plan. That is September 2007. I think they do a ten-year update, so they will be doing a new one. This one they did in 2005 but for whatever reason it took a couple years to get through the FAA.

Mr. Easton: So maybe it's just perception and maybe I'm the only one who got this perception from them?

Mr. Walters: No, no, no. You're right.

Mr. Easton: It sure seemed like she was talking about things that had been decided post-2007, and maybe that's just the way she packaged it. But I just want to make sure that we're on the same page on that.

Mr. Walters: I think that that reflects what they're planning post-this master plan.

Mr. Easton: And if we can get clarification that it's – that's what it is – it's planning and not boot-on-the-ground reality, that's going to help us. I mean, obviously it wasn't – it was a great – for what it was the purpose for why she gave us the tour and helped us out – the lay of the land, all that kind of stuff and relationship, really important. But lord know what the last thing this situation needs is another delay based on information not flowing back and forth between people – between entities. So that's the only reason I want to be on the record about that.

Mr. Walters: There are quite a few numbers that are updated throughout the document. The Port of Skagit County owns 1970 acres instead of 1838, and they had input into all of those acreage figures so all of those are edited. PACCAR grew in size. "County" to "Country" Club. And then several edits were made to change present to past tense. The 2008 residential population is – was.

Mr. Greenwood: On the next page at the top you have "Avoid certain critical types of land use." Is there a list of those? It gives a few examples. Is there an inclusive list of those certain types?

Mr. Walters: Well, those are the – that paragraph there is a summary – is the narrative summary of that policy.

Mr. Greenwood: Okay.

Mr. Walters: But I think the list that you would be looking for would be in the Airport Environs Overlay code.

Mr. Greenwood: And we wouldn't duplicate that here?

Mr. Walters: There's a lot of discussion of the airport and there is a table that gives you a lot of metrics from the Airport Environs Overlay. But the development regulation is the regulation that has the effect of the law in terms of permit applications.

Mr. Greenwood: Because we're just talking about land uses. We're not talking about the details of solar panels and things like that. I think it's more: farms are okay, schools are not; hospitals are not okay; fifteen houses per acre is okay in their mind. That might not be what we want but so long as we're within those thresholds it'd be helpful. I mean, if we're proposing – they say they don't think schools is an appropriate thing to put in a particular zone and we say it is, we should be pretty clear about that. I mean, we already have.

Mr. Walters: Well, some notes on that, and there is some additional narrative in the existing 2008 Plan that gets at this topic: The earlier recommendations from WSDOT, prior to their 2011 manual, were that you not locate a school at Bayview Ridge.

Mr. Greenwood: Right.

Mr. Walters: And the Planning Commission back in 2006 or so did recommend that a school not be allowed at Bayview Ridge. The Board of County Commissioners back then reversed that and did allow a school within the zone, and there's narrative in the Plan that describes why. It's because schools are important to create in a community and that kind of thing. They're only allowed in Airport Zone 6. There are five other zones and Airport Zone 6 is a really large area. If you look at it on the map – well, we could bring up the map here – it stretches almost to River Bend and all the way out to the bay.

Mr. Greenwood: Yeah, it covers most of the ridge.

Mr. Walters: So that's the map of the Overlay Zone. These zones in here – this sort of triangle and this one – those are all designated by number. It's this big zone, this really large expanse that is Airport Zone 6. And the existing school at Bayview Ridge – the Bay View Elementary – is inside Airport Zone 6. So it's a really large area. It covers almost the entire UGA. The UGA boundary is this dotted blue line along here. So that was just a decision made back in 2008. Now this draft Subarea Plan revision does not make any changes to those

policies. You could recommend that the County change those policies, but this Plan doesn't do that. This Plan doesn't make any – this revision doesn't make any changes that require an immediate development regulation either, because no immediate development regulations are being proposed with this. And as a general matter, the County should be updating its development regulations at the same time it's updating its Comprehensive Plan. So I don't know – I assume we don't want to get into that now.

Mr. Greenwood: Yeah, I don't want to get too far off. I was just thinking that if we've decided to make an exception for just one thing – that being a school – you know, if the decision's been made – that's the problem with these things taking so long. I know that new information comes along the way and maybe a decision could be made differently, but did we make exceptions for hospitals, too? Because maybe they're important for communities. And after a while we start to stick these things in and maybe we have unintended consequences.

Mr. Walters: And I don't think we have made exceptions for hospitals. Those aren't allowed uses within the zone. But, yeah, all of these decisions have been made. I mean, the entire Plan was adopted –

Mr. Greenwood: Right.

Mr. Walters: – in 2008. It's all done. But we're suggesting changes now –

Mr. Greenwood: Right.

Mr. Walters: – because the County desires to change some of those decisions. So other decisions can be changed, too.

Moving right along, this is the recommended safety compatibility criteria for the runway protection zones and the other airport zones. You can take a look at that – no changes are proposed there. Other various edits here. Just one point of clarification – it's not a change, but all along the way here you'll see two different numbers for Bayview Ridge. There's a number for the subarea which is 4,011, and then there's a number for the UGA, which is 3944 or something like that. The reason for that is because, if you look at this map, this line of parcels here is not included in the UGA. It was taken out at some point, but it was included in the original boundaries of the subarea. I think it would have been just as valid at some point to constrain the subarea to be exactly the same boundaries of the UGA. It almost doesn't really matter. But those few acres, those 70-some acres are outside the UGA. That's why there is those two differing numbers.

We deleted the line about "This rail line is currently underutilized," simply because that's a characterization that didn't really seem to be necessary and certainly arguable.

The Plan includes a lot of discussion of projects that are going to occur: fiber optic lines are going to be installed; fiber optic lines *were* installed. So those things were changed to past tense.

A little parenthetical here to note that these population figures are the population figures that are adopted in the 2007 Countywide Planning Policies. So that's why they're there.

So very few edits through here. Some additional text here. "Limited commercial uses" will be added to help serve the area. Resident and employment population: That's referring to the Community Center zone. It's not a change in policy. It's just some additional text. Our consultant maybe got a little eager with some additional narrative here.

Scrolling down here, this is still just narrative but it's important maybe to review because it provides a good summary.

The big change to the Subarea Plan is the map change, and we can bring up here from the website the land use plan map, figure 7. This map would be replaced. If you see – these are – this list here is updated maps but none of these are changed except the land use plan and the road system maps. So if you look at the land use plan map, this red area here is BR-R and BR-CC, BR-URv. But that – URv is the Urban Reserve area – but that area, all of that red hatched area would go to BR-LI, which is the Light Industrial zone. That is, I suppose, the biggest change associated with this Subarea Plan revision. It would take 110 acres that's currently slated for Residential and make it into Light Industrial. That's the area nearest the airport and provides, I guess, more of a buffer between the airport and the Residential zonage. Now we'll come back to this a couple of times because this is probably –

Mr. Easton: Is there a way to see that with the Port boundaries at the same time?

Mr. Walters: Well, we don't have an interactive mapping tool that I think can do it, but we can bring up –

Mr. Easton: It's figure 3.

Mr. Walters: This is the airport consultation meeting packet. It has a number of these maps easily accessible with bookmarks along the side. For instance, one tool it has here is this is existing zoning map that you see on the screen and here's the proposed map. So if you switch between them quickly you can see how things are changing. It's almost like it's animated, isn't it?

Mr. Easton: It looks like a kaleidoscope, actually.

Mr. Walters: And then there's a lot of information about the airport here and we do have a map.

(several Commissioners speaking at the same time)

Mr. Walters: This is a map of the airport that is very slowly loading here.

Mr. Easton: Okay, thanks.

Mr. Walters: It'll probably be done by the time it \_\_\_\_\_. So the big change is the resize of Light Industrial to add that 110 acres. That 110 doesn't come exclusively from BR-R. As you saw, some of it comes from the URv zone and some of it comes from the Community Center zone. The original Community Center zone was 40 acres and it included a site for a school and a site for apartments. But the Department and the Port's and the landowners' new thinking is those don't all need to be in the Community Center zone. The Parks Department would prefer instead of one large – I think it was – 25-acre park to have two smaller community parks, a 25-acre park being more of a destination which might be undesirable for the residents up there. And the school – you have already changed the development regulations to allow a school throughout the entire subarea, so it doesn't need to have a dedicated space inside the Community Center zone. The entire UGA – the residential area of the UGA is not that big, so pretty much anywhere you put it in there you're going to be able to walk to it or easily access it. And then there's also the question of whether it's allowed at all ultimately. So that reflects why the BR-CC zone got smaller.

The other important change with the map – we'll look at it here again – is the – is previously the BR-CC zone was shown on the south side of Peterson Road, and the discussions between the Department, Port and landowners were that it makes more sense for it to be straddling the road so that you have commercial uses on both sides rather than having BR-CC just be on the south side. There were existing Subarea Plan policies that talk about Peterson Road because it has all of this residential development down here already. This is the Bay Hill development that you saw on the tour. Because it has all that residential development down there and is slated to have all this residential development up here, it makes more sense for Peterson Road to be the entrance road to the community rather than a truck route. Now that's an existing policy in the existing

Plan that it be more of a residential street, but it is also a federally designated truck route today. The Plan, I think, has some changes to the adopted policies which say that it should be closed to through traffic, through truck traffic. That is somewhat difficult to accomplish and may not be desirable, and also it hasn't been done. So I think that – we'll come across that. That has been stricken. But it's still included policies that make that more of a residential type – residential and commercial type street.

So then there are a lot of additional edits here that reflect some of the changing thinking: a core of commercial along Peterson Road, ground floor retail – but allowing residential above. Here is again more narrative – and I really think this is not desirable, but there is just really a lot of repeated narrative about what the policies say, all of which has to be updated. And then there's a lot of text – well, here it may be a little bit difficult to see how it's changed, but if you follow along the edits you can see why that was inserted there. This is, again, just narrative. It's the policies that – all this should be consistent – but it's the policies that are the meat.

Here's some more – that was all description about where the BR-CC and BR-URv is going. Here's description about BR-LI. And then there's some narrative about some flex area within the BR-R zone that would allow future residential to be converted to BR-LI. The idea there is if there's demand for additional Light Industrial acreage to make it easy to accomplish that; however, there are a lot of constraints in rezoning BR-R to BR-LI. The County, through the Countywide Planning Policies, has allocated certain number of acreage of Light Industrial to various UGAs. And I think it's in maybe the SEPA addendum or maybe the staff report that describes how all the math was done to come up with even the 110 acres that the proposal includes for redesignation to Light Industrial. And there isn't anymore. There's no more that can be converted to Light Industrial up there because industrial is allocated. Now when we do the 2016 Comprehensive Plan Update, maybe there will be a different allocation. If the Countywide Planning Policies are updated, maybe Bayview Ridge gets more Light Industrial. But this Plan includes as much Light Industrial as can be put up there at this time.

So there's some more text about trails. The PUD ordinance that we're not considering right now – but eventually – would try to integrate the existing Port trail network into the rest of the community and any Light Industrial area up there. So there's some text about the trails.

And here's the reference to that 78 acres of parcels in the upper left corner that I described before, so this is just some changes that make it clear that it's Rural Reserve because it's inside the subarea but outside the urban growth area.

This is one of the major tables that gets changed here. There's an entirely new column that is added because the original table had number of developed acres; number of developable acres; and then total acres, but the two didn't necessarily sum because there wasn't this third column, undevelopable acres. And undevelopable acres are acres that are already dedicated as streets or wetlands – that kind of thing. So those are typically estimates, but it gives you some idea of how much acreage is up there and in what zones and what can be built on.

So all these edits show where the 110 acres of Light Industrial came from and then all the totals have to be updated, so that's this column and this row across.

Mr. Greenwood: So if I did the math, these'll add up this time, right?

Mr. Walters: I can't testify to that but I assume so. You should let us know if it doesn't!

Ms. Nakis: No, they're not. The Community Center is not adding up. That line isn't.

Mr. Walters: The Community Center is 2.5 plus 4.5 plus – that's a dash.

Ms. Nakis: It looks like .5 because it's in –

Mr. Walters: Oh, because the 4 already has a horizontal line through it – yeah. But that's 4.5 so that adds up to 7.

Mr. Easton: Just stay tuned for more public access math on channel 21.

Mr. Walters: Just some additional text here and deletion of text here. You'll have to follow all of that through. I'm not sure that it's – a lot of these edits the consultant did and maybe they matter, maybe they don't. They probably more accurately reflect what would be in the PUD ordinance. There're a lot of bullets here about street design, block design and connectivity. That's – those are all called out in the PUD ordinance. There's a lot of regulations in the PUD ordinance about street design, about block design, about the trail network, about how you put together your streets so that they're in a grid and they don't all end in cul-de-sacs that you can't get out of. All of that doesn't necessarily have to be in the Plan but it also informs the reader why it is things are the way they are.

So all of this is phrased and design standards are proposed because the PUD ordinance is not before you right now for adoption immediately. So there's just a lot of text about those design standards and you can read through that.

Here we are starting to get to some policies and we'll go down the first column first. So in your Subarea Plan you do have goals, objectives and policies. They are a hierarchy so policies are supposed to fit within the objectives, the objectives within the goals. Policy 2A-1.2 is the first one that gets any changes to it, and they are numbered consistent with the chapter that they're in and that kind of thing. I will highlight ones that have significant substance to them. So you can read through those. We deleted this text here, I think, about construction of a school will require special siting criteria. I guess I'm not sure why that is deleted, but I think there's more information later on in the Plan.

Mr. Greenwood: I have a question.

Mr. Walters: And then there's also the question of whether you allow the school at all.

Mr. Greenwood: My question is pertaining to Policy 2A – well, it's Objective 2A-2. It looks like we had it –

Mr. Walters: Objective 2A – this one.

Mr. Greenwood: Yeah.

Mr. Walters: Yeah.

Mr. Greenwood: It looks like we added Policy 2A-2.2, but even combined – those two policies – will they achieve that objective? It looks like a pretty strong objective with very weak support for it. But for some reason, someone felt they needed to add at least something to it. “To provide and maintain adequate infrastructure and an adequate level of urban services to accommodate proposed development.”

Mr. Walters: Yes.

Mr. Greenwood: It says “joint use,” – “encouragement of joint facility use.” That's not a real solid plan, it doesn't look like.

Mr. Walters: And yet if I read this right, that's all there was in the 2008 version.

Mr. Greenwood: So we're going to say we're going to add some streets and a few trails. It still looks a little weak but if that's the entire infrastructure is just transportation then I think it's a little weak.

Mr. Walters: Well, I guess maybe an important point is that the goals and the objectives are statements of policy by themselves. We don't have to drill all the way down to the policy to find out what it is we're supposed to be addressing in the development regulations.

Mr. Greenwood: Well, the reason I'm looking at it at that level is because when we say “encourage” that says something. We have to have a way to encourage. If we say “discourage,” there's a way you discourage things and we don't want to just leave it in the hands of a department to decide what's encouragement and what's discouragement. Just some of those vague things can get taken out of context. “Provide” means something. That means we're going to actually do something and we are responsible to make sure that that is available.

Mr. Walters: Yeah, and, for instance, on Policy 2A-2.2 – that's the streets and trails for new development – that *is* addressed in the PUD ordinance and there is

essentially no development up there until a PUD ordinance is adopted because there's a \_\_\_\_\_ is a de facto moratorium on subdivision up there, so there's no development until that PUD ordinance lifts that de facto moratorium. But the PUD ordinance provides all kinds of standards and requirements for providing the street and trail network. So it does attempt to implement that policy and, in fact, that's why the policy is added – because it informs why it's there in the PUD ordinance. And this all stems, I think, from the Board of Commissioners' direction that any community up there be livable, walkable, trails being an important component of that.

Mr. Pernula: Keith, the way I see it as your concern that on some of these policies it only says “encourage” and it's not as strong as the others. I'm kind of reading those that say “encourage” isn't always where it's just the County involved. It might be some other political entity and we can't require them to do certain things but we should encourage their joint use and so on.

Mr. Greenwood: Right, but something that seems pretty simple like “encourage cost-sharing arrangements in drainage districts,” that means we're into negotiations or we're hoping to negotiate something that'll be equitable. Something that says – the next one – “provide adequate enforcement,” we're actually making a statement that we're going to provide adequate enforcement for maintenance and inspection services for storm drainage facilities, which is kind of what several people have talked about today which was, Okay, how are you going to enforce that? How are you going to provide that? By what means?

Mr. Walters: Well, and I guess an important point about that is that Bayview Ridge is within our NPDES area – the National Pollution Discharge Elimination System permit area – so as we move forward with implementing that permit we'll be using the 2012 Western Washington Drainage Manual and there are a lot of permit conditions separate from the manual as well. And those will require County enforcement of drainage facilities. So that won't be addressed, I suppose, necessarily directly through Bayview Ridge specific development regulations, but it will be addressed and not really at our option or not.

Ms. Ehlers: But he has to – the developers have to pay for it and that raises that whole question.

Mr. Walters: So let's keep going. In fact, it's right here: Ecology's 2012 Stormwater Management Manual is called out, and there's a policy here that says that but it's also not really optional because we already have County code that requires use of the 2012 manual and we have a permit that requires us to have County code to use the manual.

The next one is impervious area standards that allow flexibility based on the amount of onsite density. Those are in the PUD ordinance, so if development is

turned on up there there will be additional impervious area standards to address drainage issues up there. And that gets at some of the – I think – ongoing concerns about drainage in the Bayview Ridge subarea. Does that –

Mr. Greenwood: It helps. I just think it's – you know, drainage is a big issue and drainage off a hill onto some land downhill is important to be addressed and it has to be solid enough to have a little bit of safeguards in it, I guess.

Mr. Walters: And I think everyone who's looked at the 2012 manual believes that that will be addressed through that manual, because it has – the 2005 manual, as well, has – which we're already implementing – has a lot of additional standards that you have to meet. I think – Jan is no longer here, but Jan would be able to speak to that more fluently, but I think the general provision is that you have to control the water on your property and you can't allow water to flow off your property in volumes greater than what flowed off before the development, and you have to control for water quality, too. So it's a significant task for you to meet if you're doing development.

Moving right along, it looks like on the next page we have just some minor edits. "Insure" should be "ensure." "Ensure" is an assurance.

There is a provision in the PUD ordinance that would require new subdivision applications to have public involvement early in the planning process. There's a neighborhood meeting that you might have heard about when you got the presentation on that back in April. So there's a policy here that mentions this public involvement opportunity. It strikes the note about the master plan because a subdivision always comes with a plan, but it does require the public involvement component.

Going back up to the top of the next column – let's see – Policy 2.5 is about the streetscapes, so just some additional, nice-to-have text: functional, safe, attractive, and minimize environmental impacts, and all of those types of things are proposed to be addressed in the PUD ordinance.

It shouldn't be "assure" either. It still should be "ensure," so that fixes that.

This one here, 2.9: The PUD ordinance has block frontage standards for the Community Center zone. I don't know if you recall that from the April 6<sup>th</sup> – or May 6<sup>th</sup> – well, May presentation, but there are illustrations and schematics in the PUD ordinance that establish these block frontage standards to make sure that the Community Center zone, when it's developed, is a functional piece of a livable and walkable community.

And then there's more about trails.

It strikes a footnote about a court case because that's not – really no longer relevant, having all been resolved.

More about subdivision standards that promote walkability. More about standards for permitted housing types. If you recall, the PUD ordinance has a whole bunch of different permitted housing types including cottage housing – that kind of thing – and multi-family. And there's design standards for multi-family here in this next policy, and then a policy about fences and retaining walls so that fences don't go up that also impede that very general goal of livable.

Moving on to Chapter 3: more edits simply about making it more current, changing the names. We deleted the acreage count here simply because it says, "As of 2008, the" – there's a blank space here for acre and then there's just a note here – it's not really necessary – to quote what the acreage of the airport was in 2008 and, moreover, we have it in several other places in the document. Just a minor effort to try to ratchet down the amount of duplication in here.

Under Port of Skagit County Ownership, there is an updated table. I don't know if anyone knows why these figures are different, but these are the latest figures that the Port of Skagit provided.

I don't see any edits on those pages.

"Approximate" to "approximately."

The aviation-related zone is not called BR-AVR; it's just called AVR, so we tried to correct that. BR-LI didn't have a hyphen. Port of Skagit Business Park. And then an update to add that 110 acres to this figure here. Additional edits to the figures. Hopefully they are all consistent throughout the document. A little note that critical areas assessments are key to figuring out how much of the acreage is actually developable.

Down here I think there was a space missing – (we) added a space and included the Port of Skagit in this policy about \_\_\_\_.

Mr. Easton: In the essence of time, Ryan, maybe we don't need to point those out anymore.

(laughter)

Mr. Easton: As a suggestion.

Mr. Walters: We can skip over some of the smaller ones and I can go a *lot* faster – with your permission.

All right. I think here probably also the same type of thing. Maybe this one is worthy of note: The PUD regs would allow adjustments to the BR-CC zone through a PUD application. So the BR-CC zone here is on the map. BR-CC, though, could be moved through a PUD application, so if a property owner owned all the BR-CC zone, he could shift it within the policies the plan presents in the context of a PUD application.

Chair Lohman: So it's not anchored there.

Mr. Walters: It's not anchored there, but I think we'll come across a policy that does indicate some standards for where the BR-CC zone is supposed to be.

Chair Lohman: And it isn't a clubhouse.

Mr. Walters: It is – yes. That has come up repeatedly. The Community Center zone is named "Community Center," but it does not represent a physical building. It is a zone. Maybe it shouldn't have been named that but it is.

Some mention about parking and then we're down here to the policies. Pedestrian-friendly village. Deleted some of this streetscape continuity, but it's back up here in some different text. Block frontage standards. Wide sidewalks. Centralized plaza space along Peterson Road. There's a new policy that's not numbered here but would be eventually to allow cottage housing and duplexes/townhomes, and allow the ground floor of Peterson Road frontage to *only* be commercial.

For Housing, some of the various updates that we can skip. I think we can probably skip that. You can read through those edits. More duplicate narrative. And then we get down to the policies. So the policies under Chapter 5 – more design standards about permitted housing types.

Density bonuses are allowed at Bayview Ridge in a couple of ways. You see that the existing policy allowed that residential density in the Residential zone to go from four to six units per acre. Every time you see BR-R referenced, it's always referred to as "four to six" units per acre, because it has a minimum of four units per acre and a maximum of six units per acre. But that's all average. In order to go from four to six you have to get a density bonus in a couple of different methods. One is the purchase of Farmland Legacy credits through the Farmland Legacy Program. Now we have a Farmland Legacy Program but we do not have a Farmland Legacy *credits* program. We don't have a way for you to buy density credits through Farmland Legacy. If this goes forward, hopefully we develop that so that that is available if residential is turned on through the PUD ordinance, but we don't have that in place yet. The PUD ordinance makes reference to other ways to get your density up from four to six if that Farmland Legacy credit program isn't in place. So you might recall from the previous

presentation there's a way to get the fifth credit through affordable housing or environmental certification. The sixth credit you can also get through affordable housing or environmental certification, but if the Farmland Legacy Program is available, you have to get that first fifth credit through the Farmland Legacy Program. So it provides some additional options and provides an option if the Farmland Legacy credit program isn't there.

I think that we can skip over. Policy 5A makes it more clear that the Planned Unit Development ordinance, if adopted, would be required. If you want to do development up there, you would have to do Planned Unit Development. You would not be allowed just regular subdivisions. And, again, you're not allowed regular subdivisions today because we have that development regulation that prohibits anything with more than four lots.

And then the rest of this text underneath here is just more about livable, walkable; integration of open space; et cetera.

Ms. Nakis: It seems like a lot of duplication.

Chair Lohman: Yeah.

Mr. Walters: Yes.

Ms. Nakis: An incredible amount –

Mr. Walters: It makes it fun.

Ms. Nakis: – that could be eliminated.

Chair Lohman: Yeah, I'm thinking that, too.

Mr. Easton: Are we paying the consultant by the word? I mean, I just – for the love of God I just – I don't understand how it can be this redundant!

Mr. Walters: To be fair, the original plan had tons of duplication as well, so it's all in keeping with the original, but –

Mr. Easton: I guess I meant the original consultant – I don't know!

Chair Lohman: But isn't some of the detail – shouldn't it be in the PUD and not here?

Mr. Walters: Well, there's much greater and different levels of detail in the PUD.

Chair Lohman: Well, yeah, and we saw that in the proposed draft PUD, but it almost seems like this is almost a combo – a combination document, in a way, in certain areas.

Mr. Walters: With the level of detail that's in the Subarea Plan?

Chair Lohman: Yeah.

Mr. Walters: Yeah. Yeah, that's a – I think – a legitimate concern. You know, how much detail is appropriate for a subarea plan versus the development regulations. I think definitely the development regulations – the PUD regs – are much more detailed.

Mr. Easton: As they should be.

Mr. Walters: I think maybe the bigger issue is just the amount of duplication, but there just – there's already a lot of duplication in the Plan.

Chapter 6, Transportation. Public Works took a look at this and they don't like the word "accidents." They much prefer "traffic collisions," so that got changed in several places. They had a couple of date changes.

Here is an important section for narrative. The intersection of Higgins Airport Way and SR20: That all has changed since the 2008. It used to not be signalized; now it's signalized. I think SR20 was not four lanes at the time. So all of that got changed to make it more current and up-to-date. Here is some of the existing narrative – now this isn't the policy, but here's the narrative about Peterson Road. "The Peterson Road access to the UGA should be developed as a primary residential gateway into the community." That stays in this proposal. "Traffic-calming design should be used such as a boulevard" or other measures; however, this section changes: through truck traffic should be diverted to Highway 20. That's the original text. Now it says – or *now* it says should be diverted to Highway 20. The original text was "should not be allowed," but that is stricken so that through truck traffic would be allowed. It would just be discouraged by traffic-calming devices and the fact that it really would appear to eventually be a residential street rather than a through truck traffic street. And it also notes that Josh Wilson Road is another access to Interstate 5.

One of the – I'll bring up the transportation map now – one of the other big changes and one of the *only* other changes to the maps is the original map had a connection between Josh Wilson all the way down to Ovenell. But there is a traffic study that you can find on the website there that indicates that the connection between Peterson and Ovenell would not really be useful for improving traffic flow. So that 2011 traffic study recommended that that not be pursued so that's not in the Subarea Plan revision now. This connection still is

identified, though, because that would help take some traffic off of Peterson, and if you look at the revised land use map the land use – the LI area is right here so that would help serve the Light Industrial area. Also FedEx is right here, I think, so depending on how other connections get made, that might help that.

Mr. Pernula: I think that road would also serve a couple other functions. One is that at the neighborhood meetings we've been having a lot of the people who live in that area are indicating that with increased rail traffic they're having – the trucks and them – they're having more and more difficulty getting on to Highway 20. This would allow an additional outlet. And also it could be – if we get more development on Peterson – it could be another way that farm equipment could get through the area.

Chair Lohman: So what would trigger that road to be built? Because it seems to me like it's such an important connector, because it's been identified in earlier plans. So what would be the trigger to get that thing to happen at the beginning of the projects?

Mr. Walters: Well, there is not a trigger identified in the Plan. As development were to come online, that development would have to be evaluated under SEPA and mitigation could be obtained from the developer for those roads. Now the economic analysis that came out, which is on the website, doesn't really have any information about that, but Public Works is preparing some additional information so that you'll have more about how much that road might cost; how it might be paid for; how much could be attributed to development and paid for by development. Some of it certainly – you would think – would serve some of the existing needs up there – FedEx, et cetera. So probably not 100% would be paid for by development. So I assume that – I think that's supposed to be the beginning of next month, so you should have that information before –

Mr. Pernula: You should have it before the public hearing, well before the public hearing.

Mr. Walters: Yeah. Well, maybe not *well* before it, but –

Mr. Pernula: Before, yeah.

Chair Lohman: Because a good half of that road's length is in the Urban Reserve zone.

Mr. Walters: Right.

Chair Lohman: Which kind of makes you ask the question then: What – you know, so. Anyway, I'm concerned about having access, that additional access off the –

Mr. Easton: There's another problem. I'm not sure if at the community meetings it came up, but if there're already issues about the railroad traffic there's pending applications to double the railroad traffic in theory along that spur. So this could be even more of an issue with Tesoro – I mean with Shell coming online doing the same thing Tesoro's doing with those trains and the length of those trains and the fact that those trains don't close – they don't cross – they don't get to go across the Swin very easily – the channel very easily. I mean, there's sort of an oddball thing called water there so it kind of slows the traffic on that spur down, which is going to make this more or a challenge if that process goes through. And most people believe – I mean, a lot of people observing how Tesoro got theirs through – a lot of people believe Shell's is going to come through, too.

So to me this is more about – so the newspaper puts their plant on Anderson-La Venture and then we all pay to put in Anderson-La Venture as a connector. So did the developer help pay for Anderson-La Venture? Did the Herald help pay for it? I mean, so like how do we – how – where does that judgment between SCOG and the County and the developers kind of come down in deciding who came first and who's going to benefit the most? There's no doubt (if) you put this road in tomorrow you could – we could all go out there and count FedEx trucks for fun in the morning. Even more fun than counting oil tankers. But it's going to happen and it's not just going to benefit those that are new there. It's going to benefit the whole region.

Chair Lohman: Well, and you're encouraging all that light industrial and you want more light industrial, as, you know, we've all said we wanted, so you need to –

Mr. Easton: – be able to get the stuff out of there!

Chair Lohman: – get them off the ridge, and there is something on the north side of the ridge. It isn't all just to the south and to the east of the ridge.

Mr. Easton: There's a huge secondary benefit to me to see this become a high priority for the Commissioners and for SCOG eventually and all the players as it relates – and the private developers – as it relates to traffic, and that is if you

build a road you do better with drainage, too. I mean, that just – I mean, they go – they kind of go hand in hand and so some of these drainage issues are going to get addressed because you're building a road.

Mr. Hughes: It just runs down the road faster!

(laughter)

Mr. Easton: I meant the other type of drainage – move the stuff to the side of the road!

Mr. Greenwood: Well, that gets me back to the objective that had a policy stating that we will provide for a well-connected network of streets and trails to serve new development. So if we just put it on a map and say, When you decide to develop it then we'll put it in, that's not – I struggle a little bit with that being providing. Planning maybe, but not necessarily providing. And I don't think FedEx would want to have to pay for all of it.

Chair Lohman: Well, and they're not the only game in town.

Mr. Easton: There's no way you could – I mean, they're already a built-out environment. Collecting from them's going to be –

Mr. Walters: There's not a –

Mr. Easton: There's not a venue to – there's not an availability to do that.

Mr. Greenwood: Plus they might be just happy with the current environment, but if we propose additional development and density then we're kind of putting the screws to them to go another route, unless we provide it.

Mr. Easton: Light industrial doesn't change traffic – I mean doesn't eliminate traffic; it changes the type and the timing of traffic.

Mr. Walters: You mean adding the 110 acres of LI?

Mr. Easton: Yeah. I mean, it doesn't – it – it doesn't address the traffic issue by itself. And I think that there's – I mean, I have some heartburn about, How do we move forward on two – you know – on two issues without – all these years invested about two sections of this, transportation and drainage.

Mr. Greenwood: I think we're responsible for it. That's just where I'm coming from in that –

Mr. Easton: It's a pipe dream to think it's all going to be put off on private developers. That's just not reality.

Mr. Walters: Well, this particular connection here. I mean, first of all inside subdivisions the developers will develop any of the roads.

Mr. Easton: Agreed.

Mr. Walters: This road is outside a subdivision. The County will construct this road. If this road is constructed, you can pretty much say that the County is going to construct it or the County will at least have a really significant part in it. There's right-of-way to be obtained. There are a lot of different issues associated

with that, so you would think – I fully expect that the County would construct the road. But that doesn't mean you can't get contributions from development as it occurs. You can do impact fees, you can do SEPA mitigation. So there are quite a few different mechanisms. It *is* up to the County; it's up to the Public Works Department; it's up to the Planning Department and some of the other pieces of the County to get their ducks in a row and get those mechanisms in place to fund it. But there *are* a couple of different mechanisms that they can use – some together – and they can make it happen. And also we do not currently have as part of the economic analysis any estimate on what the back of the envelope estimate of the costs of that road is. So is it a lot? Is it not very much?

Mr. Temples: It's probably a lot.

Mr. Easton: It'll be the first County road to come in for not very much!

Mr. Walters: Right. So we'll find out and then we'll have some idea of what we're talking about. But it's got to be on capital facilities plans –

Mr. Easton: You just literally laid out a plan where basically you're almost daring the developers in general to say, Build out before we – if you build it out before we get our ducks in a row about impact fees, you win and the rest of the county's going to pay for you to have a road there. I mean –

Mr. Walters: Well, I don't think that's that much of a concern. You don't vest to impact fees so impact fees can be levied later on than adoption of this plan or adoption of the PUD ordinance. Impact fees are paid at the time of development so we've got that.

Mr. Easton: Well, that's my point. I mean, if they develop in the next eighteen months and Public Works doesn't have this stuff in place, what makes that any different than FedEx?

Mr. Walters: Well, I think the answer to that is Public Works *has* to get this stuff in place. I mean, there are all these different ways.

Mr. Easton: I understand that in theory.

Mr. Walters: There are latecomer agreements. I mean, there're a lot of different mechanisms to make it happen.

Chair Lohman: But there's an awful lot of pinch points off the ridge when you start really looking at it, and I really felt it when I was flagging a fourteen-foot swather, which is a piece of farm equipment, which is actually closer to sixteen. You really feel those pinch points coming over the ridge and you can't take Ovenell Road, the wiggly part of Ovenell Road. You can take Ovenell Road to

Higgins Airport but then you can't get over to Farm to Market when you're on the north side of Josh Wilson because it gets screwball, and there's actually a pinch point on Josh Wilson kind of before you start that climb. There's a tight spot through there. And Avon-Allen Road is scarier and I'll get out to try to go below the ridge. So you need a way to get off the ridge besides Higgins and Peterson, and that was just my point.

Mr. Walters: Are you saying the future connector –

Chair Lohman: I'm saying that that future connection is very important.

Mr. Walters: Yeah.

Ms. Nakis: And it should probably be sooner than later, and shouldn't be expected to be paid by developers.

Chair Lohman: I'm saying it could probably help *now*.

Ms. Nakis: Mm-hmm.

Mr. Walters: Okay.

Chair Lohman: And it would probably help some of that residential concern with all the truck traffic going through their residences.

Ms. Nakis: And the train traffic.

Mr. Walters: So moving on – there's some additional text on roads here. Small corrections; small corrections; some changes in the airport numbers – the runway numbers changed. And the Port suggested we include this note that 346 aviation-related jobs come from the airport, not just 70. That comes from some study.

So continuing through here, I think those changes are self-explanatory. These numbers all got updated. And here is more about SR20 changes.

The 2013-2018 Transportation Improvement Program does include a right-turn lane on Farm to Market Road. I think that's under construction right now.

Mr. Hughes: It's done.

Chair Lohman: It *is* done.

Mr. Walters: And then also the left-turn on Josh Wilson at Higgins Airport Way.

Chair Lohman: Done.

Mr. Walters: I think that's done now too, right?

Chair Lohman: Yep.

Mr. Walters: I don't think it was done on your tour, but now?

Chair Lohman: It's done now.

Mr. Walters: Okay, so here are the policies. You'll notice "with through truck traffic disallowed" is stricken, so it still talks about "traffic-calming" but doesn't prohibit through truck traffic on Peterson.

Mr. Greenwood: Can I ask an ignorance question here? "Traffic-calming design": What does that mean?

Mr. Walters: There're lots of –

Mr. Greenwood: Speed bumps?

Mr. Walters: – traffic-calm – not speed bumps. I don't think those are \_\_\_\_\_.

Mr. Greenwood: Trees down the middle?

Mr. Walters: Trees down the middle, bump-outs for crosswalks – that kind of thing. Various ways of narrowing the roadway because people drive slower on narrow roads – that kind of thing.

Mr. Greenwood: So it makes it narrower than sixteen feet, right?

Mr. Walters: We changed all instances of "SCAT" to "Skagit Transit" because they don't like being called "SCAT" anymore.

Moving through a little faster here, we're in Chapter 12.

Chair Lohman: Just so you know that your page layout is slightly different than ours, so sometimes we've got to kind of –

Mr. Easton: Yeah, somehow the one that we got printed off you can't read the page number very well. They're in black \_\_\_\_ number.

Mr. Walters: That's probably because they are strikethrough themselves.

Mr. Easton: Yeah. So I don't know if that's the version that's out for the public to comment on, but you're going to get some complaints about that.

Mr. Walters: This version you can \_\_\_\_\_. I can't tell you why this one's clear and yours is not, except that it's related to the strikethrough.

Chair Lohman: You know, some of us get carsick – just letting you know.

Mr. Easton: Fair warning.

Mr. Walters: All right, so still moving through – I think we're in Chapter 7. Not 12 – 7. In Parks. A lot of discussion about how the 40-acre Community Center zone is smaller, the 25-acre park is smaller, and a lot of change in narrative about that.

Mr. Easton: Why do we have staffing for law enforcement in this document?

Mr. Walters: Level of service. This chapter here we're talking about, Capital Facilities – what kinds of capital facilities will be provided – if you look through your Capital Facilities Plan that you just took up, it mentions that Bayview Ridge is addressed is addressed exclusively in the Bayview Ridge Subarea Plan. And the reason for that is Bayview Ridge is an urban area, the only real urban area that the County's planning for, so it's all addressed there in the Subarea Plan with a seemingly different level of detail than is in the countywide Capital Facilities Plan. But law enforcement is a public service and you're supposed to provide for public services to the new development. Law enforcement has a level of service that's defined by how many officers per population.

Mr. Easton: Okay.

Mr. Walters: So I don't think any of that changed in here, but that's why that kind of stuff is in here.

Mr. Temples: It's just like having a jurisdiction taking over another jurisdiction. You know, like in – what do you call that? Any kind of annexation. Yeah, same thing – you've got to provide all the levels of services to the new area that you provide to your own area, which is usually increased fire protection, law protection, sewer, water, all the electricity. Everything is now provided by – so that's the level of service.

Mr. Walters: And if you look in the Capital Facilities Plan, there's a chart close to the front that details what all of the adopted levels of service are and where those are found in the various Comp Plan policies and that kind of thing. And it compares rural and urban. You can see that the urban level of service is different than the rural level of service. The number of officers per population for

rural is different than in urban. More people in urban: higher expectation for level of service; they're all close together so it's easier to provide that level of service. That's why there are the differing levels. And fire – that fire level of service is provided for in the Countywide Planning Policies, so there're different levels that come from different policies and code provisions.

Mr. Temples: Who dictates the level of service?

Mr. Walters: We choose these levels of services. The County does.

Mr. Temples: Well, the reason ask is like Carol brought up a good point tonight where if, in fact, a lot of the population's coming into or is a part of this community now is quite elderly, well, then things like medic services and fire services and things even to the rural areas have got to be pretty doggone critical.

Mr. Walters: And especially medical service is an extremely complicated area.

Mr. Temples: Mm-hmm. I don't know.

Mr. Walters: And how it dovetails with fire. But, yeah, if you look through that table, none of those levels of service are new. They're all previously adopted. But it provides citations to where they have been adopted, and the expectation is that we meet those levels of service.

Mr. Temples: Yeah, but I wonder if it's just meeting it for the average citizen or whether it – I'd just be curious to know how they set their level of service.

Unidentified male voice in the audience: I could tell \_\_\_\_\_ most of them use the National Fire Protection Standard which \_\_\_\_\_ the average response time. So you might say eight to ten minutes for a partial \_\_\_\_\_ district, or it could be six minutes – four to six minutes – for \_\_\_\_\_. That's the local community decides what that level of service is but the fire district will tell you what they would do and what they plan for on an operational basis. It's generally you're going to see something in the range of anywhere from four to eight minutes for an urban area, and \_\_\_\_\_ four to six minutes \_\_\_\_\_ 90% of the time or 80% of the time has a response time \_\_\_\_\_. That's where most fire districts plan their level of service.

Mr. Walters: And here's the chart I was referring to, and you'll see this one is very similar. The fire suppression level of service is coming from the Washington State whatever that is – RB – Ratings Bureau, or I don't know what. But assumedly it's based on the national standard, or at least the state standard for fire service. And that's called out. "CP" stands for Comprehensive Plan and "CPP" stands for Countywide Planning Policies. So you can see those references.

So I promise that we are fairly close here. This is the rest of the Capital Facilities chapter and it describes, as you're familiar with the other Capital Facilities Plan, you know, what the other fire districts that are up there are doing. There is one main fire district but then there are two others. And it provides some information, except for Fire District 12, which didn't send us any updated information so we have nothing from them. But they're a very small area up there. Projected enrollment for schools, and we have some information on water, and I think we have no changes to any of the policies in that chapter.

Chapter 8 is Utilities, and I don't think that there are very – or maybe any – substantive changes. Verizon changed to Frontier, et cetera. And no changes to any of the policies.

The Parks chapter, Chapter 9: Our consultant noticed that it was mainly parks and open space, so he renamed the chapter Parks and Open Space, and more discussion of the things we already mentioned – parks are also talked about in Capital Facilities. So their design criteria in the PUD ordinance, that's mentioned here. More about trails, more about the three different sizes of parks. And there are a couple of changes in the policies – I don't think anything really major, but you can look through and see exactly what those are.

Chapter 10, Natural Environment: I think Betsy looked at this and I don't think that there are any really significant changes here. There's just a couple of things she edited to make it more accurate and up-to-date. There are both fish-bearing and non-fish-bearing streams within the subarea, and no – “affect” to “effect” – there're no changes in the policies. Well, there're a couple – “water fowl” to “waterfowl” – basically no changes in the policies.

Essential Public Facilities: There are very few – “assure” to “ensure.” There's really nothing, no changes of any substance in Essential Public Facilities chapter.

And that is the end of the document. So you've got your summaries and the summaries call out the major changes. It's that 110 acres; it's the resizing of the Community Center zone; it's that flex area to where you can add Light Industrial later. Those are really the big things. That's the subject of the public hearing. There is a postcard that went out and all those other regular notices that Planning does. And the postcard notes, I think, that the PUD ordinance is not up yet and it's the PUD ordinance that turns on residential development. Assumedly it'll be next year after the Subarea Plan is done.

Chair Lohman: I had a question. Throughout the Plan you talk about parks and having pocket parks and various open spaces – public open space – that you're going to require the developers, as they phase in, to do. So are those going to be turned over to the County for Parks and Rec to manage or what's going to

happen with those? Are those going to be like closed community – you know, limited access? Or what are you doing with all these little pocket parks?

Mr. Walters: I think the concept is there are three different kinds of parks: There's the very small neighborhood parks – pocket parks; there's the larger neighborhood; and then there's the community parks. And the PUD ordinance has more detail on acreage requirements for each of those. There's a level of service and the PUD ordinance calls out those acres. I think that it's the community parks that get turned over to the Parks Department for management, and the other parks would be managed by homeowners associations. It'd be up to the developer to figure out how to manage that, but they'd be required as a condition of the development but they wouldn't become necessarily public. It's just that largest component – the community park – that would become public and managed by Parks.

Mr. Easton: So I know that throughout this evening a couple people – at least one person – had their hand raised to comment. I know that that's not normal in these work sessions so I don't know how you want to handle it.

Chair Lohman: Well, they need to come to the mic if they have something burning they need to share on the Plan. So if you have something you need to tell us about the Plan, you need to come to the mic so that you can be recorded.

Ellen Bynum: I have a question. Ellen Bynum, Friends of Skagit County. Could you, Ryan, explain how the bonus credits would be coming from the Farmland Legacy Program? Because as I understand, the Farmland Legacy Program is a purchase of development rights program paid for by taxation, right? And the credits – there're so credits associated with it. You're taking a development right from a farm and you're giving it to the municipality of the County to hold in perpetuity. You're not able to resell those or trade those. So \_\_\_\_\_?

Mr. Walters: That's all correct. The Farmland Legacy Program as currently structured is simply a program, has a pot of money that comes from tax collections – a special conservation futures tax. They buy the development rights off a willing seller's piece of farmland, and then that piece of farmland can never be developed residentially. That's what the Farmland Legacy Program is. The existing adopted Subarea Plan does have this text about how if you want to go from four to six units per acre, or from four to five – if you want any of those additional over the minimum of four units on average per acre you have to obtain it through some kind of density credit program. It specifically calls out the Farmland Legacy Program as one of those mechanisms, but that's – there is no program currently in place. That's why, as I described, the PUD ordinance provides for two other options – the housing certification and affordable housing – in order to obtain that if there is no Farmland Legacy credit program. Now I

think the idea is that it would be something like Burlington's program, and maybe Kirk can talk about that.

Ms. Bynum: Could I just suggest that you rename it? You know, that you name it Density Bonus or some mechanism to create a bonus density and not attach it to that program, because it's quite confusing for people.

Mr. Greenwood: Like Transfer of Development Rights. It's –

(several Commissioners talking at the same time)

Ms. Bynum: Well, that is another way to do it. I mean, you know, there are other mechanisms – density bonus credits, TDRs. There's probably some other ones, like the two that you mentioned.

Mr. Easton: It's a good suggestion to consider.

Chair Lohman: Yeah.

Kirk Johnson: So if I could add just a little bit. There is a current program in Burlington called the Burlington Agricultural Heritage Density Credit Program. Basically there are certain zones in Burlington where a developer can add additional density by purchasing density credits and there's a fee schedule for that that the City has determined. And for each density credit that is sold Burlington takes that money and gives it to the Farmland Legacy Program to add to their pot of funds that then they can use to purchase residential development rights off of Ag-NRL lands. So it's like a few years ago there was Bob Helton, whom some of you may know, made a contribution, I think, to the Farmland Legacy Program. He wrote them a check and then they were able to use that as matching funds to purchase Ag-NRL development rights. So the idea is this would work similarly to the Burlington program where any revenue that was generated from selling density credits would go into the pot of funds that Farmland Legacy can use to buy development rights off of ag land.

Ms. Bynum: But a point of clarification: Bob Helton did that as a tax deductible contribution not in any form or way related to any kind of development he was doing.

Mr. Johnson: Right. I was just using the example that Farmland Legacy –

Ms. Bynum: Yeah.

Mr. Johnson: There's tax resources, there are grants, there's different sources of money that comes to the program. It's actually a way that you can do something like TDR and you can help and strengthen the Farmland Legacy Program rather

than the opposite of what some suggest, is that any sort of density credit thing is going to undermine Farmland Legacy.

Ms. Nakis: So could you just call it Density Credit Program?

Mr. Johnson: Sure.

Ms. Bynum: Yeah, I'd prefer not to have Farmland Legacy attached to the name of it, if you could strike it from the proposal. I just think it's too confusing. It misrepresents the *program*; it doesn't maybe misrepresent what you're trying to do, but I think that Farmland Legacy has a citizens committee that, you know, guides it and I would think that they would want to know, you know, whether that's acceptable to them.

Mr. Easton: May I suggest that you remind us by bringing your suggestion and your public comment too during the hearing? I mean, we just had a lot of moving parts.

Ms. Bynum: True.

Mr. Walters: And you can look at –

Mr. Easton: Or a lot of stale minds, one of the two.

Mr. Walters: You can look at the text, because I don't think it actually names the program because the program doesn't exist, but it just makes reference to it.

Ms. Bynum: At least \_\_\_\_\_.

Mr. Walters: Yeah.

Ms. Bynum: Thanks.

Chair Lohman: Okay.

Mr. Easton: There're some more coming.

Chair Lohman: Come on up here.

Ms. Ehlers: As part of the public participation program, a group of citizens suggested small meetings. While they were suggesting them, Dale was holding two of them on Bayview Ridge. Anyone who went to the big public meeting and signed in was sent a listserv notice, and that's how I got it. The transportation meeting was one of the – to me – the most stunning in its positive idea of anything economic I have ever attended in this county. Sharon Dillon was there.

Ron Wesen was there. Henry Hash was there and said nothing. The County Engineer talked about some intersections. There were two gray-haired men who had more data about the relationship of railroads and traffic obstructions than I've ever heard before, in terms of transportation. There was a man who has built airports who compared the potential for the Skagit Airport to the one in Hillsboro in Portland. He pointed out that after 9/11 it was very difficult for an airport to have commercial, which is the term they used on the bus tour which means commercial, regular passenger traffic. If you have that, you have grave difficulties with cargo. If you have none of that, then it's almost an open sesame for cargo traffic and could be a potential for everything from south of Bellingham, where the airport's having trouble because it has these passenger lines, to Everett, depending on what Paine Field decides to do.

It's astonishing. It's exactly what Don Wick has been looking for ever since he started EDASC. Because the illustration given was that Sakuma and the other berry people, once they got enough fuel, could send it – their berries – direct to Japan. Just think of how much that market would increase.

Bill Knutzen: That's not true, Carol.

Ms. Ehlers: That's not true?

Mr. Knutzen: No. \_\_\_\_\_. I can answer any questions you want, but that's simply not true.

Ms. Ehlers: They said these jets that they're using can go that distance if they have the fuel.

Mr. Knutzen: They can go with fuel or cargo but not both.

Ms. Ehlers: Well, you see, that's the kind of thing that you need – I'm sorry you didn't come to that meeting.

Mr. Knutzen: That's what I'm telling you right now. I was an airline pilot for twenty-seven years and in the military before that, and some of the information you're putting out is incorrect.

Ms. Ehlers: Well, you see, the trouble is –

Mr. Easton: Maybe we can get off this and then have a sidebar on it.

Chair Lohman: Okay, Carol, can you have a sidebar on that? And, sir, did you have something?

Ms. Ehlers: You only go from the meeting that you're at and there's all too many meetings at which some people learn some things and some learn another, but I do know that the railroad issue has not been brought up and it has its difficulties, which can be dealt with, but if you ignore it completely – and the SCOG has ignored it completely because their document was written before the railroad lines became active east and west – you just have to deal with it.

Chair Lohman: Thank you, Carol.

Jon Sitkin: Hi, Commissioners. Jon Sitkin and I work with John Bouslog, and I've seen a number of you over the last fifteen years with regard to Bayview Ridge, and I've been involved and monitored since the genesis. And this has been around longer than Job's patience, I think. But I wanted to allow yourself to ask me any questions from a developer's perspective on approach to a couple of items. You can do it now or during your deliberations. We'll probably be given a few minutes to speak and at the public hearing we'll have the opportunity to give *all* the information we'd like to communicate to you. You wish the opportunity that you could have a dialogue at some times with the decision-makers, and I open ourselves to that with you.

But a few observations through your deliberations and your discussions tonight: Commissioner Greenwood, I would say a lot of your questions, as Ryan was pointing out, as you came to your near-the-end comment that the PUD ordinance has a lot of the details, so when you talk about encourage or providing, that really leads to the implementation ordinance, which would be the PUD and the development regulations. You'll find that detail there and this sets the framework for those PUD regulations and development standards that you'll find in that PUD ordinance. So they're decoupled here to move the changes forward and allow the movement of the 110 acres or so of Industrial forward. So there's been a decoupling, if you will. But in understanding the residential it's important to read that in companion with the PUD ordinance so you understand how those come to pass.

You know the parks question, Commissioner Lohman – should be Chairwoman Lohman? A lot of that is a maintenance question: Who's going to bear the cost of maintenance of the parks? And I think, you know, from our perspective, it's a dialogue point, and when we come forward with the development does the Parks Department want to undertake the maintenance of that park that size, or is it something you want to leave to the homeowners association and put the obligation for maintenance into the covenants and restrictions that would be required and reviewed prior to approval of a subdivision or planned unit development?

So there's a lot of detail that would come about when we finally have a development and we would be able to immerse ourselves in some of that and the

economics, including the transportation. The developer would have to do a transportation study and a traffic impacts study, looking not only at what their own development would be but the existing conditions. And so what would their contribution be? And if you think the northern connection is something that should be addressed now before any development comes forward, I would encourage you to encourage Public Works to look at that on their six-year traffic plan. And that's where the County tees these things up for being addressing looking at \_\_\_\_\_. Development comes forward, whether it's for a small commercial development in the Community Center, whether it's a larger part of the PUD residential development, whether it's an industrial component. It's going to do a traffic study. It'll review it under SEPA. While impact fees may not be present, you can capture mitigation through the SEPA review. And as \_\_\_\_\_ pointed out, there's a lot of other mechanisms and tools in the toolbox – to use an over-worn term – whether you do an LID, whether you use latecomer agreements, whether you do road improvement districts, there's a lot of different legal mechanisms to try to have a group come together and be encouraged to jointly develop infrastructure. But the developer's going to have to look at a traffic study, look at their impacts and find a fair and appropriate contribution for their own impact. But they don't have to remedy existing deficiencies.

Mr. Easton: I have a question. So there really were four players at the table in this sort of unique arrangement to work through the PUD when it started about a year-and-a-half ago: the Port, the County, the major developers were invited to the table and then the School District had some role in playing this out. We've heard from some of those entities about this delay. Is the – you know – I mean, obviously you work for one of the larger developers so maybe you can speak to: Where's the development community on the idea of the PUD being delayed, and is this – you know, is it a three-month delay, is this a three-year delay?

Mr. Sitkin: We'd like to have it three months or less and I think it can be. I think the question that is outstanding that the County wanted to have addressed was, What does Zone 6 look like and what potential sites – Zone 6 as it is today – and what the potential sites are for schools and what does that mean? And that's going to have some engagement with the School District. The County is a unique situation in the sense that the County doesn't do operational planning for the School District and should not. You don't do it was water districts. You don't do it for fire districts.

Mr. Easton: Of course not.

Mr. Sitkin: But you do want to assure that there's available sites within the School District boundaries that they could provide for their school application, whether it's on Bayview or elsewhere, and they can do their operational planning. So I think the County wanted to take the time to look at that question in light of the comments from WSDOT and understand WSDOT makes a recommendation

and it's another half-hour of my discussion up here with you what the – Dave is saying no – of what the WSDOT guidelines are and where they stem from, and the Cal Trans study and what really is a risk analysis question and all of that, and why that led to being your current code allowing schools with a special use permit in Zone 6. Not an outright permit as it is currently – I think it's proposed to be permitted; it's currently allowed to be a special permitted use.

So we don't have a problem with it decoupling because it allows the LI to move forward, and that was an interest that we had. It does defer. We have more time to do this PUD ordinance which we've all been waiting and working on diligently to try to find common ground, and I think we've reached it there in that PUD ordinance. But I think we can try to resolve the school question in some fashion.

Mr. Easton: Thank you.

Ms. Nakis: So do you have concerns about the amount of rail traffic that we're experiencing?

Mr. Sitkin: I sat back and whispered to my client and I said, Finishing up too to get Tesoro and Shell to contribute to that \_\_\_\_ down the road.

Ms. Nakis: But they don't have to do that because they own the right-of-way.

Mr. Sitkin: It could be assertive. The County could be assertive as to Shell's development and their permits.

Mr. Easton: \_\_\_\_ Shell's is still in the process.

Mr. Hughes: Well, they doubled the speed limit out there. It only takes 2.3 seconds per car now.

Mr. Sitkin: Yeah, I –

Mr. Easton: Until they get to the bridge.

Mr. Sitkin: In another half-hour on the topic of aviation I know a little bit about trains \_\_\_\_\_ some projects that involve large trains. Not here, but there's a lot of things in the short line – it's a short line; they're not a main line – that they can do to manage their speeds. And the development that they would likely probably take forward, whether it's raising from Class II or Class III – I think that's what Dave's speaking to, is automated crossings and increasing their speeds to try to manage their time at crossing. How that plays out, I haven't done a study \_\_\_\_.

Ms. Nakis: But that all stops when they get to the bridge.

Mr. Sitkin: There're larger issues there amongst trains, but –

Mr. Easton: Especially a rotating bridge.

Chair Lohman: Okay, anything else from the Commissioners?

Mr. Easton: I just have one quick question for Dale. Did WSDOT on the aviation side of things, did they make any comments about expanding the existing school?

Mr. Pernula: They said that – their comments were that they could expand the existing school, even though it's in Zone 6.

Mr. Easton: So they wouldn't let you – they would recommend that you not build it there today but they'd be okay with you expanding it there today.

Mr. Pernula: That's what they said.

Mr. Sitkin: Or building a new one next door.

Mr. Easton: Oh.

Mr. Sitkin: And I believe those – some of those – comments came after the consultation.

Mr. Hughes: Off the record.

Mr. Easton: So we'll see some of these questions along these lines in the transcript you're going to send us?

Mr. Pernula: I'll send it all to – I don't know that *that* question was answered, but that's what the individual did tell a number of people after the meeting.

Mr. Easton: That's what the School – is that the impression the School District is under? Maybe Jon can confirm that.

Mr. Pernula: They have heard that as well. Yes.

Mr. Sitkin: I'll speak to hearsay, but at least two independent people heard Mr. Timmerman after the meeting that they would – Why don't you expand the school at that site? That would be okay. In two widely different people in different positions and two different conversations, Mr. Timmerman said that and the comment was that that creates a credibility gap for WSDOT. But that's part of why the County wants to look at *each* solution.

Mr. Easton: He said it creates a – he said it?

Mr. Sitkin: No, he didn't. Other people did.

Mr. Easton: Oh, other people would say it. Okay. I was like, Wow!

Chair Lohman: Now we're getting into a he said/she said.

Mr. Easton: Okay, thank you. I appreciate the clarification. That's all I have.

Mr. Knutzen: Could I add something to that, by the way? I –

Chair Lohman: Up here.

Mr. Knutzen: What Jon said is correct.

Chair Lohman: Wait until you can – and then say who you are.

Mr. Knutzen: Here's the history of the school –

Mr. Easton: You've got to tell us who you are.

Mr. Knutzen: Bill Knutzen, property owner. The school issue has never – a school has never been authorized, according to Reid Middleton, since the beginning. Now the Planning Commission came out in, I think, 19 – Dave, you may remember this – it came out in 2006 or something like that and was asked to rule on a school in the area. The Planning Commission did not come out with a resolution at that point. The County Commissioners – two of them are still on the Board – in 2008 signed a resolution authorizing a school in the area 6, and that's the first time that a school was ever authorized, according to our documents.

Mr. Easton: Even though Bay View Elementary has been there since –

Mr. Knutzen: That's correct. Now then, the count that Washington State Department of Transportation studied on siting around the airport was essentially copied after the Cal Trans study. California Transportation started the whole thing and that's what got us into trouble in the first place. Cal Trans has never restricted a school in area 6. WSDOT does. Cal Trans study right now – the latest one, 2013 issue – indicates that you're allowed to build your school in area 6 is limited; however, any time you build a school in the area within two miles of the airport – of any airport – you have to have Cal Trans' authorization. I can give you exact information on that, but that's essentially what it is. And I would guess – I have no – I'm an airline pilot. I would have no problem with a school being in that area because I know, and the Cal Trans study has finally admitted, that there are less than three deaths per year over the entire U.S. from airplanes

falling to the ground and hitting someone on the ground; however, it's pretty obvious to me now that we're never going to see a school in area 6, other than adding something on to Bay View School. I would guess that that's probably the only option.

Mr. Easton: Thanks.

Chair Lohman: Anything else on Bayview Ridge? Keith? Ed? We've got a couple more things on our agenda, too.

Mr. Stauffer: This will be very quick. Ed Stauffer again. I've worked in seventeen jurisdictions as a builder – west of the Mississippi. Never have I seen a jurisdiction that was not able to develop its own development regulations. I want you to consider: Why would it possibly be necessary to do the ideological move of acquiring a residential development right from a rural property in order to sell it to a developer to go from four to six dwelling units per acre? When our federal reserve prints money it will to fund \_\_\_\_, and when our County Commissioners at your suggestion could pass one of a thousand resolutions and ordinances they pass every year to sell the extra two bonus rights outright without a fake certificate.

Chair Lohman: Okay. Dale, you're up. Item number 5, Department Update, and could you please go over what our future agenda and the calendar also in that update?

Mr. Pernula: Okay. Okay, I have a couple of things to go over. First of all, on the calendar on November 5 I added on the memorandum that it would be subject to approval by the Commission. You've held the public hearing tonight on the Capital Facilities Plan and you've extended the time for some written comments, but I will have it on the agenda on November 5 for deliberation and action on the Capital Facilities Plan. Also that night we will have the public hearing on the Comprehensive Plan Amendments. There are several of those. The only one that was docketed that won't be on the agenda is the Anacortes UGA amendment. But there will be the Bayview Ridge Subarea Plan; the Parks and Recreation Plan; a rezone of a parcel north of La Conner; and the rezone of a water tank at Del Mar on South Fidalgo Island. So those four items will be – there will be a public hearing on them. Then on November 12 will be deliberation and action on the Comprehensive Plan Amendments, unless you have some problems with those dates.

Ms. Nakis: You said November 12<sup>th</sup>?

Mr. Easton: For the 5<sup>th</sup> and the 12<sup>th</sup>.

Ms. Nakis: Okay.

Mr. Meenaghan: So on the 5<sup>th</sup> we're doing a public hearing on the Subarea Plan we just talked about.

Mr. Pernula: Yes.

Mr. Meenaghan: When does that come for deliberation?

Mr. Pernula: On the 12<sup>th</sup>.

Mr. Meenaghan: Okay, so –

Mr. Pernula: So you held the hearing on the Capital Facilities tonight and then the deliberation will be on November 5<sup>th</sup>.

Mr. Meenaghan: Right.

Mr. Pernula: Then after that we'll have the hearing on those Comprehensive Plan Amendments –

Mr. Meenaghan: Okay.

Mr. Pernula: – with deliberation on the 12<sup>th</sup>.

Mr. Meenaghan: Okay.

Mr. Easton: The only suggestion I have is that you invert it. I mean, if the public's coming for a public hearing, I think the hearing should be first and the deliberations should be after.

Chair Lohman: Yeah, I agree.

Mr. Easton: It's just respectful of their time.

Mr. Pernula: Gotcha. I will reverse it.

Chair Lohman: And then November 12<sup>th</sup> can you repeat that again? Deliberations –

Mr. Pernula: November 12<sup>th</sup> will be the deliberation and action on the Comprehensive Plan Amendments, including Bayview Ridge.

Mr. Easton: And then Anacortes removed – did they withdraw?

Mr. Pernula: They haven't. They told me that in November they'll give me an answer. There's no way we can take action on it this year because we need

quite a bit of additional information. So they will either withdraw it or if they want to have it continued to next year we could consider whether or not we wish to continue it on the next year's docket.

Mr. Easton: But a hearing in 2013's not going to happen?

Mr. Pernula: It's not going to happen.

Mr. Easton: Okay.

Chair Lohman: Okay, then looking forward towards December?

Mr. Pernula: December, (I) don't have anything yet. There might be some things that we could talk about just in workshop format or something like that, but the difficulty with having a hearing in December is that it's difficult to get into the Commissioners after that. But if we have some item that we need to talk about – maybe the Shoreline Master Program or something – and if it's ready to go in December, maybe we could have a meeting. I'll talk – we'll know later in the month about that.

Chair Lohman: Because the reason why we're here on the 15<sup>th</sup> is because there wasn't anything – right? – for on our regular meeting day.

Mr. Pernula: That's correct.

Chair Lohman: And so I would *really* like us to try to stay on our regular day, if we can.

Mr. Pernula: Okay.

Chair Lohman: If that's the will of the rest of the body.

Mr. Easton: Especially in December. I don't think – trying to go out for a special meeting in December would be a challenge to get a quorum potentially.

Chair Lohman: Well, and it's my personal pet peeve that if we bounce around on the calendar because it – I mean, we all have busy lives and other things too. But that being said, you know, if there isn't anything to have a meeting for I have a hard time having one just so we can look at each other.

Mr. Easton: We are pro-you cancelling meetings, Madame Chair, if there's nothing to have a meeting for.

Mr. Pernula: Okay. If we're ready with something on the 5<sup>th</sup>, I will talk to you about scheduling a meeting on the first meeting date in December, whenever that is. If not, we won't schedule one later in the month.

Chair Lohman: Okay.

Mr. Pernula: Okay?

Chair Lohman: Okay.

Mr. Pernula: Okay, a couple of other items: On November 5<sup>th</sup> at 11 a.m., Carol Ehlers will be presented by the Board of County Commissioners a certificate of commendation for all her years on the Planning Commission and all the work that she's put into the Planning Commission, and I think if any of you can attend that, you're certainly encouraged to do so. I really want to attend myself but I will be out of the country on that date so I will not be able to attend, and I've talked to Carol about that already. But I think that's a good thing for her. She's done a lot of work. And that's November 5<sup>th</sup> at 11.

One other thing: I have Betsy Stevenson here and I'd like her to talk a little bit about the Shoreline Master Program.

Ms. Stevenson: I guess when I'm not hearing you ask questions about it so I came tonight so you wouldn't. But I just wanted to let you know I don't think there's any way we can have something ready for you by the first part of December, but what we're gearing toward now is to have another draft of the document to you by the end of December, give you whatever amount of time you think you're going to need and then come back and have a couple study – have a few study sessions with you to try to go through it again, and then get it prepared and ready for Notice of Availability and get it out for the public participation process and start the local adoption process. So that's kind of where we are.

Mr. Easton: Thinking adoption May/June?

Ms. Stevenson: However long it takes.

Mr. Easton: 2012, 2018, 2040?

Ms. Stevenson: It won't be 2012. I can guarantee that!

Mr. Easton: Well, that's nice.

Ms. Stevenson: However long it's going to take is how long it's going to take.

Mr. Easton: Okay.

Ms. Stevenson: I want to give you guys enough time. I want to give the public enough time. It's a whole different document and a big change in terms of style and things like that, so I want to make sure that people have a chance to go through it and understand it and put their comments together to make them worthwhile, both to the commenters and to you and everyone who's reviewing it. So I –

Mr. Easton: Will the CAC be involved?

Ms. Stevenson: The Advisory Committee?

Mr. Easton: I mean the Advisory Committee.

Ms. Stevenson: They will probably get it at the same time you do. I will leave it up to them whether they want to meet to talk about it or if there's things like that. We haven't been meeting actively over – since you guys started kind of looking through it.

Mr. Easton: Okay.

Ms. Stevenson: But I do need to schedule a couple meetings and I've got some Doodle polls out there with Ecology and some of the Advisory Committee members to kind of go through their comments again and fine-tune that a little bit before you get it at the end of December hopefully.

Chair Lohman: Okay, moving on to Item 6, Planning Commissioner Comments. Anything from the Planning Commissioners?

(silence)

Chair Lohman: Okay, I need a motion to adjourn.

Mr. Easton: I move to adjourn.

Chair Lohman: Okay (gavel). We're adjourned.