

**Skagit County Planning Commission  
Public Hearing: 2015-2020 Capital Facilities Plan and  
Transportation Improvement Program  
September 23, 2014**

**Commissioners:** Annie Lohman, Chair  
Josh Axthelm, Vice Chair  
Keith Greenwood  
Kathy Mitchell  
Kevin Meenaghan  
Tammy Candler  
Matt Mahaffie  
Dave Hughes (absent)  
Robert Temples (absent)

**Staff:** Dale Pernula, Planning Director  
Dan Fitting, Facilities Management Supervisor  
Forrest Jones, Public Works Transportation Manager  
Kirk Johnson, Senior Planner  
Ryan Walters, Civil Deputy Prosecuting Attorney

**Others:** Gabe Philips, Skagit Council of Governments

**Public  
Commenter:** Ed Stauffer

**Public Hearing  
Commenters:** Aileen Good  
Connie Munsey  
Randy Good  
Gary Hagland, Citizens Alliance for Property Rights, Skagit Chapter  
Ed Stauffer, Friends of Skagit County  
Brenda Cunningham, Skagit Land Trust  
Liz McNett Crawl  
Ed Lipsey  
Sylvia Matterand  
Ivan Bacus, Jr.

Chair Annie Lohman: (gavel) I call to order this special meeting of the Skagit County Planning Commission. It is September 23, 2014, and it's just a couple minutes after 6 p.m. I see that we don't have Robert Temples and Dave Hughes.

Dale Pernula: Correct.

Chair Lohman: And we do have a quorum. So if everybody could review the agenda and offer up any changes or corrections? Okay, seeing none, we'll move on to Public Remarks. And because we also have a public hearing scheduled, I'm going to read the rules for Public Remarks. This is a time on the agenda that's an opportunity for anyone to speak to the Planning Commission about any topic except items that are scheduled on the agenda for a public hearing that same day or items that have had a public hearing and are still under the Planning Commission deliberations. Public Remarks, which is not part of the formal public participation process for any development regulation or Comprehensive Plan amendment project is limited to three minutes per speaker and up to fifteen minutes total.

So you can speak to us on any topic except tonight's hearing subject, which is the Capital Facilities Plan and the Transportation Improvement Program. So anybody who would like to make Public Remarks, come on up. If you could give your name and your address.

Ed Stauffer: Good evening, Commissioners. Welcome to the board, Miss Mitchell. You're from District 1. Godspeed in your work. I recently completed my tenure as a member of the Transfer of Development Rights Committee. I'm here to report to you –

Chair Lohman: Can you give your name, please? Sorry.

Mr. Stauffer: Pardon?

Chair Lohman: Can you give your name?

Mr. Stauffer: Ed Stauffer. I live in Alger. We recently presented a report to the Board of County Commissioners and they elected to proceed to the ordinance-writing phase, so I imagine that'll probably be dumped on your plate around Christmastime. And I have some severe problems with it. It's in the testimony. I want to make myself available to you. I would even *request* that you create time for me to make a presentation on that issue early on so that you don't get surprised with a ten-minute window and acting on some information you may not have seen before. Thank you very much.

Chair Lohman: Okay, next? Anybody else for Public Remarks?

(silence)

Chair Lohman: Anybody else?

(silence)

Chair Lohman: Okay, seeing no one, we'll just move on on the agenda to the Public Hearing. This is the public hearing for the 2015 through 2020 Capital Facilities Plan and the Transportation Improvement Program. So I'm going to read an opening statement.

*The purpose of this public hearing is to receive testimony and written correspondence regarding a proposal to adopt the 2015-2020 Capital Facilities Plan and Transportation Improvement Plan. There's a sign-up 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. So you're all going to have an opportunity to speak.*

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

*Before you testify, please 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 right over there by Mr. Walters. The written comment period on each proposal is open until Thursday, September 25<sup>th</sup>, 4:30 p.m. Let me emphasize that written comments are preferred and are not limited in length or on the number of issues that you may raise.*

*Before we begin taking public comments, the staff will present a presentation about the proposal. And I'd like to thank you all for taking the time to participate.*

So, Dale?

Mr. Pernula: Two weeks ago we had some more lengthy presentations on these issues so we're going to do those more abbreviated tonight and I'll have about three presentations to make. The first one will be by Dan Fitting. He's the Skagit County – he's from the Skagit County Facilities Management.

Dan Fitting: Thank you. Dan Fitting, Skagit County Facilities Management. Yes, we gave a larger presentation two weeks ago, like Dale mentioned, regarding the capital facilities inventory and projects that we have listed in that Plan. I can speak to anything regarding facility inventory, projected projects, and things like that.

Mr. Pernula: Okay, I also have another presentation by Forrest Jones from Public Works on the TIP.

Forrest Jones: Hello. I'm Forrest Jones, Transportation Section Manager for Skagit County Public Works. I'm here to give a short presentation. This is something new to me – this process – so I thought I'd kind of – I thought maybe it might be new to some of the other people so I put together this little slide show and thought I would talk about the TIP.

So what is the Six-Year Transportation Improvement Program? We call that – for short, we call it the TIP. So when I say "TIP" that's what I mean. So basically the TIP is a planning tool for state- and federal-funded projects, as well as regionally significant transportation projects and programs. We use the TIP to help us schedule upcoming or future transportation projects and needed funding.

State law RCW 36.81.121: Counties are required to develop a perpetual advanced six-year plan for coordination of the transportation program. This program shall be consistent with the adopted Comprehensive Plan. Typically on the TIP the type of projects we put on there are new construction projects or improvement projects, and not maintenance activities. The types of projects we put on there are county road projects, ferry projects, bridge projects, and trail projects. Per state law, counties are required to adopt the TIP by December of this year – of whatever year you're in – and it has to be adopted before the budget is adopted.

What the TIP is not: The TIP is not a budget. While it's used to help plan the budget, it is used more as a tool to help us plan for future projects, for phases, and a way to seek necessary funding for these projects.

The 2015-2020 TIP that is being considered for adoption will have a total of 46 proposed projects. 14 of the projects are new projects, 32 are projects that are being carried over from the last year's TIP, and six projects are being removed. Of the 14 projects being proposed, seven are road construction projects and four of them include the Josh Wilson Road. Just because of the length of the cost we split that up into four phases. Two of the projects are overlay projects, Fir Island Road and La Conner-Whitney. There are two bridges that have been added: the Finney Creek Bridge deck rehabilitation and the Lower Finney Creek Bridge deck rehabilitation. Three of them are safety projects: the Cook Road advanced signal warning system; Dodge Valley Road guardrail; and Old Highway 99 illumination at the Skagit Speedway. Two are trail projects: the Cascade Trail overlay.

I quite often get asked, How are the projects prioritized on the TIP? Well, we don't really prioritize them. They're basically listed on there in alphabetical order. But we do when we're – when we are looking at projects we do kind of prioritize them. We look at safety first: Is there a lot of crashes on the road? Can we improve that? Can we make the road safer? Safety of the traveling public is Public Works' primary duties and focus. So we look at that.

We look at bridge safety. We go out every two years and inspect the bridges. We look at the load ratings: Can it handle trucks? Then we look at – the Comp Plan talks about level of service: Is it meeting level of service? And after that we start looking at grant funding: How do we fund these projects? So a lot of grant funding is specific to certain types of projects, like it might just be for bridges. It might just be for safety. It might just be for ferries. So we look at that stuff.

So here's a map, and I did put maps on the back there along with the Six-Year TIP. I know this map is kind of hard to read so I encourage you to look at the map back there. It just gives a list of – it kind of shows you where the projects on the TIP are at.

So one of the – there's a few projects I wanted to show you that are on the TIP that we're working on. One of them's the Burlington Northern overpass. This bridge was built in 1934. It's well past its prime. We have temporary shoring up on it. We recently received a ten million-dollar grant to repair the bridge or to replace the bridge. We are looking for additional funding for it to help with construction. This is just a rendering of what it might look like when it's done. Right now we're at 30% design and we hope to go to construction hopefully in 2016, 2017.

Bow Hill Road Stabilization and Reconstruction. Again, this is a road that we're having issues with the slope. You can kind of see the picture. I don't know if you can see it very well, but we're starting to lose the road a little bit. The base is sliding. So we did receive a grant for this for 2.2 million to repair and fix the road and stabilize the bank.

Centennial Trail, Big Rock to Clear Lake: This is kind of a picture of what it might look like. We did receive grant funding through the Transportation Alternative Program. It's a non-motorized grant. We received \$100,000 to start design on that. Again it's on the TIP because of that federal funding and it will help us seek other grant funding.

Dodge Valley Guard Rail: This is kind of – I wanted to put this up here to kind of show you guys the type of things we look at when I talk about safety. Every time there's a crash within Skagit County we receive the crash data. We input that data into our system and we come up with stuff

like this. We can compare that to all counties. Like the first one on there you can see "Percentage of fixed object crashes." In all counties within Washington state it's 44.4%. In Skagit County we're 10% higher than that, so we have 55.4% of all the crashes. So it just kind of goes along. You can read that. I don't want to read it for you.

What we did is – you know, a lot of times we'd concentrate on the busy roads – the Cook Roads or something like that. We wanted to look at some of the local access roads. This is Dodge Valley. I know this road is very important to the community out there. There's been some fatalities out there. Some people have been injured. So we looked at this data. We put this together. We submitted this for a grant. So we – it's, like I said, it's not funded but it allows us – being on the TIP, it allows us to look for grant money. So we'll hopefully find out here in the next couple months whether or not we get awarded this and we can put the guard rail on Dodge Valley.

Adoption Schedule: This is just kind of the adoption schedule we go through on this. August 14<sup>th</sup>. I released. Gabe back here from SCOG, he says, Get me the TIP. I need my projects. He has to do a state TIP for regional purposes for everybody around here. So I have to get that to Gabe on the 14<sup>th</sup> – or by the 15<sup>th</sup>. So I released the draft to the Planning Commission on the 27<sup>th</sup>. We held a public hearing – a public meeting on the 16<sup>th</sup> last week, and tonight we're here for the public hearing. On the 28<sup>th</sup> I'll go in front of the Board and probably give them the same presentation and talk to them about different projects and answer any questions they have. Then it will – then on a date to be determined we'll go up for adoption, probably most likely sometime in December.

That's all I have. I encourage everybody to go in the back, pick up a copy of the TIP. Like they were saying, if you have comments please make any comments. I'll compile all the comments and get them to the right people. Any questions?

Chair Lohman: I have a question. Are all your projects 100% grant-funded, or are they – is there a share kind of thing? Or is it specifically different for each project?

Mr. Jones: Not all of them – I don't want to say all of them. There are some that – some of the lower cost projects could be local funding. The majority of them that we put on the TIP, they're larger projects. They're federally- or state-funded. We apply for grant funds. And a lot of times there's local matches with those. So if we get a – like the TAP grant, for instance. That has a 13.5% match, so out of the 100,000 we get we have to match that with 13% local funds.

Keith Greenwood: May I ask a question?

Chair Lohman: Go ahead.

Mr. Greenwood: I'm going to say that when I look at the tables in the back I think that you've listed the funding sources – whether it's local or federal – by project.

Mr. Jones: I did. Yeah, you can look – if you get into it, it will – if you get into the meat and potatoes of it, it will tell you whether it's federal funds, state funds, local funds. And you'll see "PE," which means design; "CN," which means construction. You'll see status will be a "P" or an "S." "P" stands for proposed. "S" stands for secured funding. So that means we've gotten the grant or we've gotten the local funding and we secured that funding to move ahead with the project. Underneath there you'll see "Expenditure," "Expenditure schedule." I'll say first, second,

third, fourth, fifth, and sixth. Basically what “first” means is 2015, so we plan to expend those monies in 2015, the second year 2016, 2017, and so on and so on.

Kathy Mitchell: I’ve got a question.

Chair Lohman: Go ahead, Kathy.

Ms. Mitchell: For some of these projects, especially some of the big ones, how do you guys prepare and plan for the geologic or natural hazard mitigation before you undertake some of these things? Like the bridge seems huge, for example.

Mr. Jones: Yeah.

Ms. Mitchell: And culverts on the other end. But still, how do you guys prepare for that?

Mr. Jones: I’m not sure I understand what you’re asking.

Ms. Mitchell: Well, with erosion and slides and the slopes and things like that.

Mr. Jones: Okay, yeah. I mean we – any project of that magnitude, and even the road – just the basic reconstruction of the road – we go out and we will take core samples. A geological company will analyze those and tell us what it is, and that helps us design for that. On Cook Road, depending on the core samples that we take, they’ll say, Okay, you have to pound in your piles into the ground to stabilize the earth. We have to do environmental permitting and SEPA’s, NEPA’s, just to – we have our own permits here, floodplain permits – so we have to go through all that and make sure we meet all those requirements and meet all the laws.

Ms. Mitchell: Thank you.

Kevin Meenaghan: I have a question.

Chair Lohman: Go ahead.

Mr. Meenaghan: Forrest, on the first page of the TIP it says, “These new projects are being considered for inclusion in the Six-Year TIP.”

Mr. Jones: Correct.

Mr. Meenaghan: When does it kick from being considered to actual? And is there a decision-making process that goes into that?

Mr. Jones: Yeah, I mean, this is all part of it. We’re taking comments. You guys are asking questions. We’ll combine your recommendation to the Board, we’ll take all the comments that we receive tonight or until the 25<sup>th</sup>. We’ll compile those and make sure that the Board of County Commissioners receive those comments so they can make an informed decision. So they, at the time of adoption, they have the choice of revising it, throwing it out, or accepting it.

Mr. Meenaghan: So the first two pages here, which are all things being considered – you know, the Cascade Trail and Cook Road and –

Mr. Jones: Yeah.

Mr. Meenaghan: They could end up not in –

Mr. Jones: Correct.

Mr. Meenaghan: – your TIP, based on our recommendations, public comments, and what the Board says.

Mr. Jones: Correct.

Mr. Meenaghan: Okay. Does some of that depend on whether grant funding comes through or not?

Mr. Jones: Whether it stays on or not? I don't want to speak for the Board, but I would probably say no. Even if it's left on there and it's not funded, it's still a project that, you know, people would like to see done –

Mr. Meenaghan: Yep.

Mr. Jones: – or not done. You know, if they say, Well, the majority of people say they don't want it so they'll take it off.

Mr. Meenaghan: Okay. Thanks.

Chair Lohman: Any other questions from the Planning Commission?

Mr. Greenwood: I have one more. You talked about prioritization. Do you have these projects prioritized in any list that is serviceable and useful? Or are there too many factors to rank them?

Mr. Jones: Yeah, a lot of it's just there's so many factors. I mean, I would like to say yeah, we're going to do this, this, and this, based on this. But, like I said, we tend – you know, our primary objective in Public Works is to make sure everybody is traveling on safe roads. So that's kind of the first thing: Is the road safe? Can we improve it? This is how we're going to improve it. All that comes down to, like I said, level of service, livability – you know? Things like that.

Mr. Greenwood: How about a summary? Do you have a summary table which might show these projects listed, and then including those funding sources? That would help to evaluate, if you've put them together in that fashion. I know it's not presented that way here, but I'm assuming you have some spreadsheet that shows those. It just helps to show the projects taken off, the projects put on – allows for substitution more clearly based upon the funding sources, because sometimes they're all important but we have to decide which ones we're going to do and which ones we're not.

Mr. Jones: Yeah. Yeah, I guess that's what's difficult about prioritizing, because what's important to you may not be important to another person. I guess that's kind of what you're talking about, is what this is. It summarizes what the projects are. It gives you the cost. It tells you whether or not it –

Mr. Greenwood: Right.

Mr. Jones: Just a spreadsheet? I don't really have that. I mean I have a spreadsheet that shows all the grant funding we've applied for and hope to get.

Mr. Greenwood: I was just thinking from the standpoint of review, if you have the projects – you have all the data. If the projects were all together in one place you could see those and compare them so that you can make those decisions. When you look at them project by project you can say, Is this one done right? Okay, you go on to the next one and then – you're looking at them more alphabetically instead of priorities. That's all I was thinking.

Mr. Jones: Yeah. No, it's something to consider. Thank you.

Chair Lohman: Okay. Dale, do you need any more time?

Mr. Pernula: Yes, I have another presentation by Gabe Philips of SCOG.

Gabe Philips: Good evening. I'll be really brief. As Dale said, my name's Gabe Philips. I work for Skagit Council of Governments. It's a regional transportation planning organization. I wanted to mainly build on what Forrest said. We – SCOG maintains a Regional Transportation Improvement Program, so an RTIP. Eight of Skagit County's projects that are in this proposed TIP are included in the Regional TIP, and what makes a project go onto the Regional TIP is it's either federally funded with secured federal funding, or it's regionally significant. In most cases the projects are on our TIP because they have federal funds. And the reason that's required is FHWA – mainly FHWA, but other funding agencies will not allow a project to use the dollars that have been awarded to that project unless it's included on a regional TIP and also a statewide TIP. And that's to ensure that projects are being selected based on their regional priority, and that also the public has an opportunity to comment on them.

And so, as Forrest said, we've been developing our Regional TIP. It's also open for public review right now. It's available on our website, scog.net, and we will be accepting comments up until October 14<sup>th</sup>.

Then also another activity of SGOG is we are developing a Regional Non-Motorized Plan. Three of the projects identified in the proposed Skagit County TIP are also included in the Regional Non-Motorized Plan, and those are the two Cascade Trail projects and then the Centennial Trail project. There's not a draft available yet for the Plan, but we have been soliciting public input and we also have a project website for the Plan itself, which is skagitnonmotorized.org – all one word. The public can sign up to receive updates whenever we have updates to the Plan. And one thing we did want to mention: As a regional agency, our focus is, of course, to ensure all modes are considered in transportation. And sometimes that means different things in different scenarios. In an urban area, it's going to mean a lot more emphasis is given on pedestrians and bicyclists and so forth, and in rural areas it's a little more difficult. It doesn't make sense to build bike lanes or trails everywhere. So that means it's important to focus on key regional facilities in the rural area that connect the urban areas. And both the Centennial Trail and the Cascade Trail so far in the development of the Regional Plan have been identified as key facilities to focus on. So from Skagit Council of Governments' perspective, we would encourage the consideration of those non-motorized projects.

Any questions?

Ms. Mitchell: You just mentioned that they are key. What made them be key?

Mr. Philips: The fact that they're kind of an – so there's been several project lists that have been floating around that our Regional Plan has drawn the projects from, and those – the Centennial Trail as an extension from Snohomish County: It makes sense to continue that line up north and then it's been a popular route, I would say. I mean, there are people opposed to it, as well, and so something we're going to have to figure out as we develop the Plan. But those have been identified as the primary routes.

Ms. Mitchell: Are there some numbers for popularities? I mean, how do you measure that?

Mr. Philips: So the Regional Plan has prioritization criteria that have been developed, and it incorporates things like proximity to schools, proximity to high, non-motorized, mode-share census tracts – so that's geographic areas where there's lots of people that commute by bike or walk. And there's other criteria such as connectivity, where we have a consultant performing an analysis to see how certain projects connect different areas of the county. And particularly the Centennial Trail and the Cascade Trail have scored well in those areas because they would provide long distance connections between, you know, urban areas. Does that kind of answer your question?

The methodology and the ranking criteria are available on our website for review, and we take public comments about those as well.

Ms. Mitchell: Okay. Good.

Tammy Candler: I had a follow-up question about that. That sounds like a sort of criteria that you're using, but is that based on a usage study of any kind?

Mr. Philips: That's a difficult thing. So one thing that SCOG is doing right now, actually, is we're planning to do a non-motorized count, so we'll have volunteers out counting people traveling by bike or walking. Unfortunately we have never done that in the past. We don't have really good data to base usage off of, so that's one thing we'd like to develop going forward as we develop the Plan, and then in future calls for projects where we're looking to fund non-motorized projects we'd love to fund the projects that will get the most use. In Skagit County's case, we don't have a whole lot of data to base that on so that's one of our efforts we're doing right now, is obtaining the data so that going forward we can at least establish a baseline and then use that data to drive project ranking and selection in the future.

Ms. Candler: And I didn't understand what you were saying about it being connected somehow from Snohomish County. You're talking about the trail itself?

Mr. Philips: Yeah, that was a reference to the Centennial Trail in Snohomish County has extended from Snohomish and now it's all the way up to the Skagit County line.

Ms. Candler: Okay, but this one is talking about from Big Rock to Clear Lake.

Mr. Philips: Yeah, okay.

Ms. Candler: So that doesn't encounter Snohomish County so that's why I'm confused.

Mr. Philips: Okay, good question. That was confusing. So the Centennial rail line was a rail line that's been abandoned, and that's what the Centennial Trail in Snohomish County has used up to the Snohomish-Skagit County line. The reason that the County's looking at Big Lake to Clear

Lake – sorry, Big Rock to Clear Lake – is that's one of the – I think – one of the easiest or best places to start as far as right-of-way issues. If I'm not mistaken I believe that's the reason why that phase of the Centennial Trail is being done first in Skagit County.

Ms. Candler: I see. I understand.

Ms. Mitchell: You had mentioned something about there was a survey or something online. Is that available now or already been done or what?

Mr. Philips: So there was – we had an open house for the Regional Non-Motorized Plan back in April. One of the outcomes of that was – the idea was brought up that we could use public input as one of the ways to weight the project rankings – essentially make it one of the project ranking criteria. The idea was if we got a substantive response from the public we'd use that as actually part of the ranking. And that survey has been open. We just recently closed it, and we got very few responses. So our determination was that, well, it's probably not appropriate to use a survey with very limited responses as the project ranking. We'll use the results of that survey to inform the Plan itself, but we didn't feel it was appropriate to use it as part of the project ranking.

Ms. Mitchell: Will we be able to see what kind of answers you got from whatever sampling you got?

Mr. Philips: Yes, and that's something that's been on my desk to do for a little bit now, and I plan on doing that very soon. It will be on the project website very soon.

Chair Lohman: Before our deliberations?

Mr. Philips: My plan is to get it there this week.

Chair Lohman: Sorry – no pressure.

(laughter)

Chair Lohman: Any other questions from the Planning Commission?

(silence)

Chair Lohman: Okay.

Mr. Philips: Thank you.

Chair Lohman: Thank you. Dale, anymore?

Mr. Pernula: That's the last of the presentations but I wanted to let you know that the Public Works Director Dan Berentson is here to answer any questions that you may have, particularly regarding stormwater management. And that's the end of our presentations.

Chair Lohman: Okay. So then we'll just move into accepting public comments. So I want to remind you that you have three minutes and to please clearly state your name, spelling your last name, and give us your address, and we will be recording your comments. And Commissioner Greenwood will be the timer. And we are pretty generous with the time. We don't start until after

you've told us who you are. So do we have a list? Thank you. Okay, the first person will be Aileen Good, followed by Connie Munsey.

Aileen Good: Aileen Good, G-o-o-d, 35482 State Route 20, Sedro-Woolley, Washington. The two Cascade Trail projects must be eliminated from the Six-Year TIP. October 1992, County attorneys told the County Commissioners several ways to take railroad easement properties by adverse possession. One way was by quit claim deed, and the County could post signs that indicate the trail was County property and proceed as to that.

1993, Skagit County placed quit claim deed on the railroad corridor between Sedro-Woolley and Concrete. This trail has no master plan, no trail improvement plan, no public process, no environmental review ever done, no safety issues ever addressed. Almost all the homes and business along this Path of Corruption has dealt with one or more criminal offenses against their property with little or no help from the Sheriff Department.

Here's a small, short list of criminal and safety issues on the Cascade Trail: There's been attempted rape, theft, a suicide, an accident death by a motorbike, trespassing, vandalism, fires, complaint against farmers doing normal farmer activities, and even complaining against the landowners' watch dogs.

From my own personal experience, we had a male biker come into my mom's home and stole money right out in broad daylight. There was a leashed dog with a young child – an *unleashed* dog and a young child that entered a farm field. The field was filled with mother cows and a bull, and that can be pretty dangerous. And one other incident they went and came in and stole the flowers out of the flower bed.

Planning Commissioners, I ask you tonight to question the two Cascade Trail projects. And why are they on the TIP? Do the right thing. Stop this court-proven land theft of your neighbors. Skagit County has proven they will not financially protect the safety and welfare of their citizens. Commissioners, this trail does not have any plans whatsoever so please eliminate the Cascade Trail from this TIP. Thank you.

Chair Lohman: Okay, following Connie Munsey will be Randy Good.

Connie Munsey: Good evening, Commissioners. My name is Connie Munsey. I live at 2411 Skyline Way in Anacortes. My request is also that these two trails be either removed or at least postponed beyond 2016 on the TIP, and I've got two main reasons. First, Skagit County, particularly in this Cascade Trail eastern area, is still economically very depressed, and under these circumstances our government ought not to be wasting any of our time or money nor the money of people who have funded these grants, who are also taxpayers somewhere, on any project that is not absolutely necessary. This county needs more work, not more recreation.

Finally, a few months back, Madame Chairman, you mentioned to me that the County is very concerned about lawsuits. And considering we've got evidence that has already been uncovered from actual title searches, the property in question belongs to somebody else. It doesn't belong to the County. I think we might be looking at the mother of all lawsuits and we can't afford this. So please recommend to the Board of Commissioners that those two projects be dropped from the list. Thank you.

And that was short so I'd like to yield the rest of my time, if I can, to Randy. Thanks.

Chair Lohman: We don't do that – sorry. Randy? And following Randy Good will be Gary Hagland.

Randy Good: Randy Good, 35482 State Route 20, Sedro-Woolley. Please remove the two Cascade Trail projects from this Six-Year TIP for the following reasons: At the Six-Year TIP community meeting last Tuesday, it was mentioned that this TIP is a planning tool. But, in fact, this is the first, last and only opportunity for public participation or public input on these County transportation projects. Once a County project is included on this TIP, processes are put into motion to secure funding to implement, design and construction with no further input or involvement planned. An example is the Centennial Trail, which was included on the TIP last year and already has a funding source secured to start implementing design with no public input. Another was the paving project on the Cascade Trail, renamed by many “The Path of Corruption.” Just last year that was not even on a TIP list. So don't tell us that this is just a planning tool. Let's be honest. Including a project on the TIP moves the project forward to the implementation to-do project list.

Concerning the two Path of Corruption projects on this Six-Year TIP, Skagit County has no clear title to the Sedro-Woolley to Concrete corridor. Title research for three property owners indicate any attempt to apply rails-to-trails law to their property is ineffective because there is no longer a right-of-way to apply those laws upon. Other property owners have the same easement language on their property. Pacific Legal Foundation research concluded over 80% of this corridor are reversionary easements. Nationwide 40 class actions have been awarded compensation with another 60 more filed and pending. The U.S. District Court case mandates Skagit County to perform complete environmental review, SEPA, plus comply with all state and local land use plans, zoning ordinances, and public health and safety legislation on any activities on the Cascade Trail. That's never been done out there. The County already violated this court order on the 0.7-mile paving project just last year on the trail from Fruitdale Road west, failing to get any environmental permits. County citizens have to abide by the law. Why does the County feel above the law?

Who listed the trails project on the TIP? We were told it was listed by the Parks Department, but these two projects were never on the Parks Board agenda or in their minutes – never addressed at the Parks Board. So once again, no public input or public involvement – for projects of this magnitude, a requirement for any \_\_\_ to qualify for grants. Just last July, Parks Director stated in a *Skagit Valley Herald* article Parks had no plans for paving trail any further east from Fruitdale Road. The reinstatement of the railroad from Sedro-Woolley to Concrete you've heard me talk about, the feasibility study was completed in '06 to put the railroad back to Concrete for economic development and add over 100 jobs in Concrete.

Mr. Greenwood: Mr. Good, your time is up. Thank you.

Mr. Good: Could I just –

Chair Lohman: Can you summarize? Can you sum up?

Mr. Good: Yes.

Chair Lohman: Okay.

Mr. Good: Why spend millions of dollars to block the railroad and businesses from bringing jobs to Skagit County? There is no adopted comprehensive trail improvement plan on the Cascade

Trail. The only plan is for the reinstatement of the railroad. Years ago there used to be a Cascade Trail Maintenance Plan, but that's no ways near what would be called an improved plan. Please remove these two from the TIP. Thanks.

Chair Lohman: Thank you.

Mr. Good: And I have documentation I'll put in to the Planning Commission.

Chair Lohman: Okay. Thank you. Mr. Hagland, followed by Ed Stauffer.

Gary Hagland: Good evening, Commissioners. Gary Hagland. I live at 2211 37<sup>th</sup> Court, Anacortes. Tonight I'm speaking for the Skagit chapter of the Citizens Alliance for Property Rights.

I encourage the Planning Commission to recommend the removal – like the other speakers who have spoken tonight – of the two Cascade Trail projects from the Six-Year TIP. RCW 47.30.040, which is establishing paths and trails – factors to be considered – says “Before establishing paths and trails, the following factors” must “be considered: (1) Public safety; (2) The cost of such paths and trails as compared to the need or probable use;” and “(3) Inclusion of the trail in a plan for a comprehensive trail system adopted by a city or county in a state or federal trails plan.” Skagit County has no adopted comprehensive trail improvement plan to address or consider the factors outlined in RCW 47.30.040. How can the County spend tax dollars to pave these two Cascade Trail projects when not one of the RCW factors have been met or complied with?

Number 1, public safety: There's no plan to address theft of homes along the trail and criminal violations by trail users. As an example, within the last six months Sedro-Woolley police have filed reports of drug overdose, arson, sexual assault and rape, vagrant camping and trespass, and numerous nuisance calls on County Parks land associated with the Centennial Trail. Okay? There's no plan on how to get to problems on these secluded trails, and there's no plan or County effort to protect citizens from the Skagit River washing out portions of the Cascade Trail along with many homes and farmland and Highway 20. Regardless, apparently some County official wants the trail paved so asphalt can be scattered across farm fields in such an event.

Number 2, cost to pave compared to probable use: Approving the paving projects of the two segments of the Cascade Trail could make County leaders the laughing stock of the state with little use the trail gets – that's what I've heard – and the waste of tax dollars. It could become another bridge to nowhere. Another cost consideration is that the County Parks Department is hard pressed to take care of existing parks. How do they plan to take care of others?

Number 3, an adopted comprehensive trail plan: Again, the County does not have an adopted comprehensive trail plan, and let me piggyback on the idea that Concrete could benefit if a rail line was reestablished there. So please leave the trail in its existing condition because there is a real possibility. Prior to the economic downturn, there was a serious consideration being given to reestablishing it. The economically depressed Concrete area –

Chair Lohman: Can you summarize? Can you sum up?

Mr. Hagland: Okay. Has 100 years of minable limestone. The area will receive significant benefit if it's reestablished. And finally I want to say that Skagit County must abide by RCW

47.30.040, and I encourage the Planning Commissioners to strongly recommend the removal of the two Cascade Trail paving projects from this TIP. Thank you.

Chair Lohman: Okay. Following Ed Stauffer will be Brenda Cunningham, then Liz McNett Crowl.

Mr. Stauffer: My name is Ed Stauffer. I'm appearing tonight to speak to you in public testimony as President of Friends of Skagit County. Our Executive Director who can be reached at [friendsofskagitcounty.org](http://friendsofskagitcounty.org) on the website for an address with headquarters in Mount Vernon. Our Executive Director, Ms. Ellen Bynum, couldn't be here tonight. You should have by now received a letter of very pithy information, as you would usually expect from Ellen. She has asked me to make sure that you did receive her letter and that she's open to questions and would like me to emphasize a few points that the letter made in public testimony.

I read: "Thank you for the opportunity of Friends of Skagit County to comment on the Six Year Transportation Improvement Program... We ask that you remove three" of the projects from the list, those dealing with "Cascade and Centennial Trails and that you condition approval of the entire plan" upon the reception of the required "data from each project to show the demand for the project. We also ask that you require a plan to mitigate for farmland" in the plan "converted to other uses" by the projects that have this impact."

I would also include forestland and other land use element – dedicated land uses such as residential rural uses.

Further she wished me to address the idea that we do have a plan adopted under GMA in 1996 that requires the several elements in our Comprehensive Plan to be internally consistent and congruent with each other. A "transportation plan" – reading from the Act, paragraph six – "that implements, and is consistent with, the land use element..." The requirements "sub-elements of this section include forecasts for future need for 10 years and associated demands. We did not find these addressed in the TIP" proposal. This is a state law. This is a local law. It hasn't been done in this proposal. "Under the financing section there is a requirement for a multiyear financing plan based on the needs identified in the comprehensive plan. No such information available in this. What did they bring to us for public testimony? This data's not available and it's required. "The GMA requires counties to create a capital facilities plan element that includes a requirement to re-assess the land use element if" probable "funding falls short"...and "to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities..." are all "coordinated and consistent."

"To our knowledge, Skagit County Parks and Recreation has not produced any estimates of ...demand for use for at least a 10-year" program. This is required by law on any trail in Skagit County. "Nor is this demand information included in the Capital Facilities Plan."

"The 6 Year TIP does not address demand for any of the proposed projects. The Skagit/Island RTPO Policies do not appear to address demand in the guidance for determining projects for state and local funding..."

"We request...the Planning Commission remove the Centennial Trail project and Cascade Trail Asphalt Paving Project Phase 1 and 2 until such time as there is an accurate assessment of demand for at least 10-years for each project. There may be other projects in the plan..." that "do not contain the 'demand for use for at least 10-years' as well which the Commission may want to examine and" also "exclude."

And, of course, Ms. Bynum is particularly interested in my final point for her, in no net loss of agricultural land. And I also would add the other Land Use elements that would be impacted by a trails program. "Skagit County's policy of no net loss of farmland has not been considered in any of the proposed 6 Year TIP projects. There is no plan for estimating how much farmland will be converted to another use. Nor is there any plan for adding other available land to...Ag-NRL zoning or paying fees into the Conservation Futures fund for loss of productive" soil.

And finally, the requirement of law is any modification, addition, or deletion to our Skagit County Comprehensive Plan must be by the GMA RCWs thoroughly vetted on each item of our Comprehensive Plan, and this has none of them. Thank you.

Chair Lohman: Okay, Brenda Cunningham, then Liz McNett Crowl.

Brenda Cunningham: Hi. Thank you. My name is Brenda Cunningham, C-u-n-n-i-n-g-h-a-m. I live at 1220 South 11<sup>th</sup> Street in Mount Vernon. And tonight I'm wearing two hats. First, probably the most important hat I wear is I'm the current President of the Board of Skagit Land Trust, and I want to tell you about how much we hear from our membership about the importance of trails in our community. We have over 1000 household members and businesses, and overwhelmingly this is what really excites them about the work we do in protecting wild places in Skagit County. And it's that we are starting to provide them with safe places to take their kids on walks, to take bicycle trips off the main busy traffic areas between our cities. And we hear it again and again at events. I mean, we probably started our organization thinking we were going to be working solely on wildlife habitat, but to stay relevant with our community we're hearing from families left and right that what they really get excited about are projects like the Centennial Trail and improving the Cascade Trail.

Having said that, you may be aware that we pretty recently purchased another piece of property near Barney Lake in the Mount Vernon area from the Bell family, and one of the things people were most excited about with that project is its connection with the Centennial Trail. It's where there used to be a kind of run down house at the – across from the Big Rock Café where the rotary is. So we purchased that piece of property and took the house down, with the blessing of the former owners. And the Cascade Trail we're hoping will – that section of it will originate right there. So people are very excited about it and readily gave to that project, thinking about the potential for the Centennial Trail.

So families, safe places to go, especially as our urban areas develop, we've found that the trails are very important.

And then for my personal hat, I'm a casual bicyclist. I'm hardly a hard-core bicyclist. But this spring I had the opportunity to go with a few friends down and we started at Nakashima Barn and went south on the Centennial Trail, which is paved, to Snohomish. Had a great meal at a restaurant and came home. There were other people who started at the same time we did – a couple from Anacortes – looked like they did it very regularly. There were tons of people on that trail stopping along the way, benches, having lunch at restaurants, and I was just really impressed with what a facility that is and a gem. I'd love to be able to do that in Skagit County.

So thank you for the opportunity to comment.

Chair Lohman: Okay. Liz McNett Crowl, and then Ed Lipsey, and then following Ed will be Sylvia Matteredand.

Liz McNett Crowl: Liz McNett Crowl, M-c-capital N-e-t-t, space, capital C-r-o-w-l, 13797 Trumpeter Lane, Mount Vernon 98273. I'm here to voice my support for the non-motorized facilities that have been proposed in the Transportation Improvement Program. As a bicyclist and pedestrian, as well as a driver of a vehicle, I believe that a vibrant and complete transportation network must consider the needs of all users.

Many people would agree with me but suggest that these facilities should be limited to the urban areas of the county. The problem with this thinking is that the network would not be complete until we are able to travel safely between the urban areas. Those areas outside of the urban areas are within the County's transportation jurisdiction.

Planning for non-motorized travel can benefit our county in many ways. For individuals, the benefits include mobility, particularly for – this is important – for non-drivers, which include children, people with disabilities, and the elderly. Financial savings: Increased access to facilities for physical activity, leading to increased health and well-being. Fighting heart disease, stroke, hypertension, obesity, diabetes, colon cancer, osteoporosis, stress, and depression. Increased social interaction and enjoyment of the users. Community benefits for non-motorized transportation options include reduced traffic congestion; road and park facility savings; reduced motor vehicle air, water, and noise pollution; improved public health; more livable communities; increased community interaction, which can result in safer streets and roads; increased appeal and access for tourists and tourism; more efficient land use. It's important for planning documents such as these that you're reviewing tonight to support other planning activities so that there are consistencies between plans. These facilities are included in the newly adopted Parks and Recreation Comprehensive Plan element, and they are included in the draft Skagit County Non-Motorized Regional Transportation Plan. Our residents have repeatedly supported and requested trails and non-motorized facilities. This is demonstrated by local surveys, results of public comment during planning activities, and planning documents such as the Skagit County Open Space Plan and many local City and Town plans that request connections between urban centers, and non-motorized options for accessing destinations in rural portions of our county.

I urge you to adopt the Transportation Improvement Program that is presented to you, including these proposed non-motorized projects. Improved pedestrian and cycling conditions can benefit everybody in our community. Thank you.

Chair Lohman: Okay, Ed Lipsey and Sylvia Matterand after Ed.

Ed Lipsey: I'm Ed Lipsey, L-i-p-s-e-y. I'm 30816 Lyman-Hamilton Highway, Sedro-Woolley 98284. And I heard about this paving of this trail and I couldn't figure out who looked at it, because it's pretty obviously hasn't been looked at. I don't know if anybody here has looked at this area between, let's just say, Robinson Road and Lyman. If you've looked at it, you'll find out there won't be a trail very long. So I'm going to read what I've got right here and then I'll elaborate a little more on that as I go. So, anyway:

From the small bridge east of the Robinson Road, 300 – about 300-plus feet on the east side of there, the rock has – the rock that was placed there by the railroad – the big large rock – to protect it from the river, it's all gone. These pictures right here don't do all the justice of it. But in having looked at it, I just purchased a piece of property alongside this right this area, and due to my – well, I guess it – I haven't responded as a citizen to the Parks Department on what's there.

I've had it a year and I'm kind of responsible of the safety of that because it's washed out, and I never notified the Parks Department and which I will.

There's approximately 12 to 15 feet of bank there with small rock and that is – the bank drops off about 15 feet into the river at approximately – oh, I think it's 15, 16 feet at Concrete, the river is. At 28 feet, this trail disappears. And, anyway, if you walk down the trail there, if you step off of that trail one foot you're in the river. And the river makes a bend right there and it makes a bend right at the trail and it follows from – comes from the south and then it directs and it goes to the west. And it's washed out. All the big rock is on the bottom. There's no rock up there. It's sand, it's gravel. And within a foot, somebody's going to be in the river. And it's so swift right there your chances of survival – it's not going to happen. And I don't know why I – like I say, I apologize for not taking care of this problem. But in paving this, it means – what it means is more speed. And you're going to have speed on bicycles. You're going to have speed on motorbikes on there – motorcycles. And if a horse slips or anything like that, the river's got them.

So I would recommend that any of you here that would like a personal tour to look at this area, give me a call. I'll take you there. I'll show you. You'll see what I mean. And I'd like to see instead of this being paved I think we're going to be putting big rock on there or there won't be a trail there. It's that serious.

So, anyway, if we get another flood, I would say that it's gone and it's going to go wash through there. It's going to go to some homes, and it's going to go to Highway 20 is next. So, anyway, I do recommend that you look this area over real careful because it's not going to survive without the rock and without everything being taken care of. And there's more river. I've had over a mile and a half alongside this corridor and it's right through my back yard. I never had a problem with the railroad, but since that was made a trail the thieves have wiped my farm out because of it.

Mr. Greenwood: Mr. Lipsey, your time is up. Thank you.

Mr. Lipsey: Okay.

Chair Lohman: Okay, next person up is Sylvia Matterand, followed by Ivan Bacus, Jr.

Sylvia Matterand: Hello, I'm Sylvia Matterand, M-a-t-t-e-r-a-n-d, at 13294 State Route 9, Mount Vernon 98273. And I'm here to support the Centennial Trail expansion into Skagit County. Trails like this encourage more exercise, recreation, and tourism, and it can even be a safe alternative for people wanting to ditch their cars. So much better to bike or walk or ride your horse on a trail than along the side of a road, and I see that a lot along Highway 9.

I understand some of the trail will parallel Highway 9 and I want careful planning to help ensure trail users' and highways users' safety – and not the portion that we're talking about at this phase, but eventually when the trail is completed through the county. Because I have seen plans for it and I know that there are plans for trails in the county.

I live along Highway 9 and a portion of this trail will be next to some of our property, and I look forward to having some great recreational infrastructure so close to my home and readily available for my use and the use of others. Infrastructure like this can be such an asset for generations to come, and the portion you're looking at developing first, from Big Rock to Clear Lake, is really exciting to me. My father-in-law sold his portion of the railroad bed years ago to the County and I'm looking forward to seeing that being utilized for those purposes.

We talked about this when my daughter was still in school and when she was in high school. We talked about how if the trail had been there she would have been able to ride her horse to school. The biggest problem with that would have been, What would the horse do while she was in school? But more practically speaking, a lot of the children in our area would be able to walk and take their bicycles and not have to worry about storing a horse while they're in school. But I do want you to keep in mind that these trails are multiuse and that does include horse riding, which is one of the things that we do.

I also see it as being as asset for even children in our area being able to talk to their elementary schools or have access to them. During the summertime I see kids riding their bikes to the Clear Lake beach, and crossing the Highway 9 bridge with all that traffic is really dangerous and really scary. And once the trail is in its full completion, then a lot of those safety issues wouldn't be such a problem and more young people, old people, whatever age people who want to enjoy the Clear Lake beach would have better access.

I'm also hoping that this will encourage the Parks Department to complete the restroom at Clear Lake beach as promised, which will be a nice resting place for the trail users. I really see this project as a potential benefit to Clear Lake and the county. And having a great trail available like this encourages getting outside, exercising, and recreational tourism along with non-motorized transportation.

If there's a little more time, I got pretty excited looking at some of the projects on the TIP and I would like to throw in there that the bridge on Highway 9 over the Nookachamps near Big Rock really needs to be looked at. And I've always thought that that was simply a state issue, but since you've talked about so many other bridges that look like are state issues that bridge needs replacing or repair. And right now it's being utilized a lot for large vehicles that are bypassing I-5, and it's not safe in its current condition. It's too narrow. And those large vehicles that are using it take up all the space on the bridge, so I would really like to encourage you to look at that bridge and replacing it. If this is a six-year plan, that really should be taken care of within the next six years. Thank you.

Chair Lohman: Thank you. Ivan Bacus, and I think it's Rita Farris.

Rita Farris: I don't want to speak.

Chair Lohman: Okay.

Ivan Bacus: My name is Ivan Bacus, B-a-c-u-s. I live at 28134 Minkler Road, Sedro-Woolley. Anyway, I just shake my head in amazement at some of the stuff on – that you guys are talking about on this trail. Because I own, oh, probably pushing a mile-and-a-half of that right-of-way along through there at various places. We have had nothing but trouble with Wiseman Creek for the last 25 years. The railroad had trouble with it. They had to raise their trestles over the creek four times.

This is just almost one of those problems that just is over and over and over and it's perpetual. As you can see, there's a couple pictures here of the railroad – I mean, the trail there, and I think some of this might be on my ground. Anyway, here two years ago they couldn't – they had people out bicycling out around through the trail because the creek was running over the top of the trail. This is just – you can talk to anybody in the Parks Department that has anything to do with that upriver section here and they can tell you that this has been just nothing but a

nightmare for them. They can't keep bridges in. They can't keep that trail in place. And now you're talking about paving it which we were told here a few – you know, for a number of years – aw, there's no chance that we're going to ever try to pave this thing. And there's so little usage up through there. Like I said, I've got a lot frontage on that thing. I've had more trouble with the trail than the 50 years when the railroad was in there before that. We've just had nothing – you know, people come in and they feel free to wander off through your fields with the kids and the dogs, and the dogs chase your cows. And they come up in my brother's front yard to pick his flowers. The dog comes up and hikes his leg and pees on whatever he wants to. And, you know, this – another thing, too: When the County took over this, when they grabbed it from us, they agreed to do everything that the railroad was responsible for. And they haven't. One of the things the railroad was responsible for is fences. You ask them when the last time that \_\_\_ went out and built and built some fence. It was two or three Commissioners ago. Because he thought that they would get sued – the Upper Commissioner thought they would get sued if they didn't, which they should have but nobody can afford – I mean, I can't afford. I farm and I have, you know, a hell of a time just making a living off that thing. Going out and suing the County to get them to do something that they should have did in the first place... Most all the fences up through there are falling down or are just a matter of patchwork. They just absolute – our illustrious County Commissioner from the upriver, I asked her about, you know, about the fences. She just said, Well, we don't believe that the fences are ours to maintain. Well, it clearly said in the documents that they signed to take – to steal the trail from us that they were to maintain the fences. And a whole bunch of other things – bridges and, you know, culverts and all this other stuff. Well, they haven't.

But anyway, it's just – this trail has really been a pain in the butt. It just – like I said, it's no benefit to us. I mean, this woman, if she lives in town and everything else, that's fine. But, damn, I'm out there trying to make a living. And, you know, have this property – revert it back to us like it should have, it would have been a farm ground now. Because I farm. I farm about 3-400 acres. I've got – I'm down on cows now. I'm only down to about 90. But you guys are killing – I mean, they're killing farming around here. East of Sedro-Woolley there used to be 20 or 30 farms just out in the area that I'm at – you know, dairy farms. Now there's what? Three? Three. From Sedro-Woolley east there's only three dairy farms anymore.

I mean, I should have come up before. I didn't when you guys go to the open mic because you guys on your – your whole building structures. Do you realize how much you've cost – raised the cost of whole buildings just by this – whatever this new plan is? We don't have hurricanes here. What the hell do we need monstrous posts with four foot of concrete underneath it?

Mr. Greenwood: Mr. Bacus, just for the sake of fairness, your time is up, okay?

Mr. Bacus: Yeah, all right. Thank you. It's a bad idea, you guys.

Chair Lohman: Thank you. Okay, and is it Rita Farris? You said you didn't want to speak?

Ms. Farris: Yep.

Chair Lohman: Okay. Is there anybody else who did not sign up and would like to speak?

(silence)

Chair Lohman: Nobody?

Ms. Mitchell: Madame Chair? Can we ask some clarifying questions from a couple of people? Is that possible?

Chair Lohman: Yes.

Ms. Mitchell: Just a couple short questions: Mr. Gary Hagland, you had mentioned an RCW that you had stated. It went by fast. I know we didn't catch that number. If you could tell us what that RCW was?

Mr. Hagland: 47.30.040.

Ms. Mitchell: 47 –

Mr. Hagland: 47.30.040 and it's in the attachment that I included.

Ms. Mitchell: Okay, thank you. And I've got one other. Liz McNett – okay, I think I've got the right one. You'd mentioned something about surveys, open space surveys with comments and such. Did you turn in something where we know where to go to look to see those comments?

Ms. McNett Crowl: The Open Space Plan –

Chair Lohman: Here, come on up to the mic. Okay.

Ms. McNett Crowl: I will submit my comments in writing following tonight, but the Open Space Plan was approved a couple of years ago. Kirk, date?

Kirk Johnson: That was 2009.

Ms. McNett Crowl: 2009 – underwent a very large, public process. Over 30 organizations participated from throughout Skagit County, and within that document is significant amount about trails being part of open space where it is appropriate. And I would be the first to tell you that not all space – not all open space – is appropriate for trails, but where it is and when possible, public should have access.

Ms. Mitchell: Thank you.

Chair Lohman: Any other questions?

(silence)

Chair Lohman: Should I close the – okay.

Mr. Pernula: Yes.

Chair Lohman: So (gavel) I'm closing the public hearing on the Capital Facilities Plan and the TIP, which is the Transportation Improvement Plan. So moving along on our agenda then –

Mr. Pernula: Excuse me. You may wish to note that we're still accepting written comments on the Capital Facilities Plan and the TIP until Thursday at 4:30.

Chair Lohman: Right. Like we said at the very beginning of the hearing, you have until Thursday, September 25<sup>th</sup>, at 4:30 and there's no limit on how many pages or pictures or anything like that. So we encourage you to elaborate and bring your supporting materials.

Mr. Greenwood: And, for clarification, we're planning on deliberating when on this? Is that the next meeting?

Chair Lohman: I –

Mr. Greenwood: October?

Mr. Meenaghan: October 2<sup>nd</sup> – yeah, the next meeting.

Mr. Greenwood: October 2<sup>nd</sup> I think is the –

Josh Axthelm: Any of the comments you had tonight, make sure that you do present them in writing, as well, if you have additional things you wanted to say that you didn't get said at the microphone.

Chair Lohman: Right. Dale, I pulled up the Capital Facilities Plan webpage and it had the timeline, and it has us down on October 7<sup>th</sup> as deliberating on this. Is that still correct?

Mr. Pernula: That's correct.

Chair Lohman: Okay. And then after we're done with it then it goes to the Board of Commissioners. And I didn't see a date for that.

Mr. Pernula: It hasn't been scheduled.

Chair Lohman: Okay. So it's kind of depending on what we do and then it moves on. Okay? Permission to move along? Okay! Okay, now we're into item number 4 which is the Department Update.

Mr. Pernula: I just have a few things to report on, and I think I'll begin with the Transfer of Development Rights project, and I've asked Kirk Johnson to give an update on that project.

Mr. Johnson: So I just wanted to give you a status report on the Transfer of Development Rights project, which I haven't been before you to talk about for several months and some significant things have happened.

So the first page of this is kind of where we are in the process and the second page is some of the direction that the Board of County Commissioners gave to the Planning Department on September 16<sup>th</sup> in terms of moving forward with that project.

So we started looking at most recently a Transfer of Development Rights in 2011. I think you all or almost all of you have been here when I've talked in the past, and I know Kathy attended one of the TDR Advisory Committee meetings, so I won't do the summary of what transfer of development rights is. In 2012, the Board appointed a TDR Advisory Committee to provide input on key policy and technical issues, and to work with the Planning Department, and also provide their input to the Planning Commission and the Board of County Commissioners.

So the Department worked with the Advisory Committee for basically two years, from 2012 to 2014, holding a dozen committee meetings where we considered a wide variety of issues related to transfer of development rights. There was also research done by Planning and Development Services and with some assistance from a consultant, Forterra; a detailed market analysis of what would be the economics of a successful transfer of development rights program here; focus group meetings with potential program users, and three of you participated in three of the different focus group meetings; and periodic updates to advisory boards, the Planning Commission, the Board of County Commissioners and others.

In July of this year, the Department issued a report and you've received e-mails about that and links – Transfer of Development Rights Project Findings and Program Recommendations. If anyone doesn't recall getting an e-mail about that or if you'd like a hard copy of the report, I can provide it to you or a link to the report on the website.

So it analyzes the major issues surrounding TDR programs and summarizes the Committee's discussions on those issues. The report includes a recommendation from a majority of Committee members – that's 8 Committee members – that Skagit County *should* move forward with a combined TDR and density credit program – it's kind of a variation on transfer of development rights – and a recommendation from a minority of Committee members – that was 3 – that the County should *not* move forward with TDR at this time.

On August 6<sup>th</sup>, project staff and 5 of the TDR Committee members – they were all invited; 5 were able to attend – spoke to the Board about the recommendations report and majority and minority recommendations. And there were supporters of both recommendations who were there, and members of the general public also spoke.

And on September 16<sup>th</sup>, the Board met – the Board of County Commissioners – met to decide whether to move forward with the drafting of policies and code for a TDR and density credit program, or alternatively to suspend any further work at this time. And that decision point was established as we started the process to basically make sure that they had the ability to say, We think this is worth moving forward with into drafting policies and code, or, We looked at it in depth and we don't think it has benefits for Skagit County at this time.

At that meeting the Board decided that the County *should* move forward with further consideration of transfer of development rights – and that was all three Board members – and they directed Planning and Development Services to draft proposed TDR policies and code based generally on the Advisory Committee's majority recommendation, with the following additional for guidance, and some of this additional guidance is consistent or reemphasizes themes from the Advisory Committee:

- A program must be voluntary in nature. A voluntary program would not take away any property rights but instead would provide additional options to Natural Resource Landowners who want to conserve their land, and additional development opportunities to developers who participate in the program.
- Currently the County doesn't offer any options comparable with the Farmland Legacy Program that can assist forest landowners who want to conserve their land in doing so. A TDR density credit program would help to address this need, which appears to be – and this was borne out through participants in the forest focus group meeting and people who came and spoke to the Board – appears to be of particular interest to small, family forest landowners in the county.

- A voluntary conservation program would help to maintain the long-term viability of commercial forestry in Skagit County.
- The Commissioners noted that the County's Farmland Legacy Program has been very effective at protecting Agricultural-Natural Resource Lands. A TDR density credit program should be designed to complement and not harm Farmland Legacy.
- The Commissioners noted that the federal government has recently placed restrictions on federal conservation dollars that comprise a large percentage of the funds that are used by the Farmland Legacy Program, and these restrictions have made the program less attractive to many Ag-NRL landowners.
- The Commissioners feel that a TDR and density credit program created and controlled by Skagit County can help to generate additional local resources for farmland conservation over time.
- They indicated that there are still many details about TDR that need to be worked out and some concerns that still must be addressed. The best way to do so is to develop draft policies and code and consider them through the legislative process. This will include additional consultation with the County's Agriculture and Forest Advisory Boards; other farm, forest, and conservation organizations; the general public; the development community; City representatives; and, of course, the Skagit County Planning Commission.
- The Board said all of these goals are important but what's really important is that an initial TDR and density credit program must be simple to implement and simple to administer and use. Let's not, you know, reach for the world in starting this out. Let's put something in place fairly quickly that's fairly simple and see how that goes. The program can be expanded in the future as time, resources, and usage warrant.

So basically the path that we are on now is to work on developing draft policies and code based on the work of the Advisory Committee, the majority recommendation, the guidance from the County Commissioners. And as part of that process – I mean, certainly before there's a specific proposal that's fully vetted policies and code, I would plan to come to the Planning Commission and say here's the framework that we're looking at. This is kind of more fleshed out than the Advisory Committee recommendations but less detailed than actual policies and code would be – and have a discussion and a conversation about that and get your input early on in the process. And also do the same, as I said, with the Agriculture and Forest Advisory Boards and various City representatives and developer groups and the like. And then we will go back and draft a formal proposal for a TDR and density credit program and that would follow the normal legislative process like all other projects that come before you. It would be released for public review and comment. We'd undergo SEPA review – State Environmental Policy Act. There would be a public hearing before you, the Planning Commission. You would hold your deliberations. You would make a recommendation to the Board of County Commissioners and then the proposal would go to them for final action of one sort or another.

So that's kind of the overview in a nutshell. I included on the third page just two PowerPoint slides that summarize the majority recommendation, which the Commissioners for the most part said, you know, Go ahead and begin drafting policies and code that would generally implement this recommendation, with the additional guidance that I summarized just a minute ago.

So that's where we are, and I'd be happy to take any questions.

Mr. Greenwood: I have a question.

Chair Lohman: Go ahead.

Mr. Greenwood: In light of some of the recent Commissioner meetings – the Skagit Commissioner meetings I was listening to on Skagit 21 – I was kind of wondering how much this next phase will cost the County – I mean, time-wise. I'm sure that Dale's considered your time of value and we do too, and so for a program – and the Commissioners supported it so it's something to be done. But as far as budget goes I was wondering how it – how much you think it's going to cost the County to get to the next step of implementing something that we're not quite sure about its effectiveness or usefulness right now. We want something in place, and I like your last point there about start simple. I think that can help achieve it in a maybe cost-effective way. But, you know, I just saw people coming before the podium to the Commissioners talking about how their lives have changed over a few thousand dollars, you know, and recovery-type things, and then I wonder about some of the things we might be spending on and it just kind of brings a reality check to it.

Mr. Johnson: I don't have a project budget moving forward that I can, you know, provide a number to you right now. I can work with Dale on what the work plan is and maybe come back to you with that later.

Mr. Greenwood: I think that'd be helpful, Dale.

Mr. Pernula: The Board made it clear to me that even though they want to go forward with the project they want to make sure that it's a fairly simple project – program; that it's simple in its concept as well as what it's going to cost to maintain it, to keep it going forward. So it is not going to be a very broad program with lots of elements to it. It's probably going to be fairly well-focused to begin with, and that's what they were very clear about.

Mr. Greenwood: Good. I just know their process tends to be lengthy and costly and there's a lot of participation and so forth. It tends to take more time than we usually like to set aside.

Ms. Candler: I have a follow-up question to that. It sounded like, from reading the public comments, that this process is going to involve hiring private, outside consultants. Is that accurate?

Mr. Johnson: Well, we've been working with two consultants. One is Forterra, which is an organization that has helped the state put in place TDR policies and code for central Puget Sound counties and has worked with other counties like Kittitas and Snohomish to put in place TDR programs. And we also hired an economic consulting firm called Heartland that did the market analysis that looked at basically all the different economic elements of value of a development right on different natural resource lands and the value of additional unit of development potential in potential receiving areas, and then exchange rates that could be established to make transactions – market transactions – work. So, yeah, we've worked with two consulting firms so far. We would probably continue to work with them on a more limited basis moving forward, subject to the County Commissioners, you know, approving contracts. I think most of the consultant work so far has been covered by a state grant from the State Department of Commerce.

Ms. Candler: Would it be realistic to think that the consultants are going to – that we're going to use consultants in looking at the design of the receiving and sending areas?

Mr. Johnson: What we've tried to do on the process is rely on staff as much as possible because then you have the knowledge that's built into your staff and then, you know, we don't need to have a consultant come up and talk to *you* because I can, for the most part, handle the questions. Really I can't do complicated, complex economic analysis on additional units of development in Burlington's downtown area. It's beyond my skill set. And that's the kind of place where it might – well, where we asked the consultants to look at and provide us some numbers. So where it's more cost-effective to have staff do the work we'll have staff do the work, and where there's an expertise gap or where we can draw on Forterra's expertise because they worked with, you know, a half-dozen or a dozen different communities that have set up TDR programs in the past. You know, a lot of times you hear, Well, let's not reinvent the wheel so we don't want to go reinventing the wheel. On the other hand, we want to do something that works for Skagit County, not something that, you know, maybe worked for Kirkland or Kittitas County. So, you know, we look to and turn to consultants where we think it can provide benefit to the goals that we're trying to accomplish.

Chair Lohman: Kevin?

Mr. Meenaghan: Kirk, is the – you mentioned the final action. Is that an ordinance or like a Comp Plan update? What is it?

Mr. Johnson: So it would probably come forward as a set of policies and a set of implementing regulations, and the policies would be proposed to be added to the Comprehensive Plan, and the implementing regulations would be proposed to be added to the development code. And basically you would make a recorded motion to the County Commissioners on the proposal, which is the proposed policies and code, and if they chose to adopt the policies and code they would do that with an ordinance and that would result in changes – updates to the Comprehensive Plan and the development regulations.

Mr. Meenaghan: And your best guess on the timeline for this?

Mr. Johnson: You know we really haven't talked to them about – so we can amend the Comprehensive Plan once per year. That's under state law. So when policies and code are developed and ready to go, we have to look for a docket cycle that they can fit into and we haven't gotten that far in terms of talking to the County Commissioners. So that's their call.

Mr. Meenaghan: Okay.

Mr. Johnson: I'd like to aim to have policies and code drafted by the end of this fall. That's kind of my personal goal. But it all depends on what other tasks get assigned to me and the like.

Mr. Meenaghan: And then now my last question is, Do you have any feel – you know, as you've talked to people and get a lot of input from advisory committees and citizens – do you have any feel that any landowners or developers are really chomping at the bit to use this tool at all?

Mr. Johnson: Yeah, you know, I would really recommend if you haven't looked at it – and I'll resend the links – I recommend the Executive Summary, the majority recommendation, the minority recommendation, and then also the comment letters that Committee members submitted where they felt they wanted to add something – you know, say something they didn't feel was said or emphasize something. So there are letters from Charlie Boon, who's a realtor; the Skagit/Island County Builders Association; Skagit Land Trust. These are all organizations

represented on the Advisory Committee: City of Burlington; Paul Kriegel, who's on the Forest Advisory Board; Bruce Lisser, who's a surveyor and has worked closely with Mount Vernon and a developer who's used Mount Vernon's project; Skagitonians to Preserve Farmland; Ed Stauffer, who's a rural resident. And, you know, they provide different perspectives. Skagitonians, for instance, is advocating for this fairly strongly, saying, You know, we pushed for Farmland Legacy in the early to mid-90s and that's come to be and when it was proposed it was controversial and now it's well-embraced, and we think transfer of development rights is another important tool, particularly with some of the changes to the federal funding.

I had a call a couple weeks ago from a small forest landowner in, I think, in the Lyman/Hamilton area. He said a family trust owns about 140 acres of land that's largely forested. There are two brothers. He lives on the land and the other brother lives somewhere else, and he's always thought that the family would keep the land in natural resource production for the long term. And now the other brother, who's the co-manager of the trust, wants to sell off his half of the land. And the one who lives locally said, I would really love if there were a program like this where at least he would have the option of selling the development rights and take the proceeds from that, whereas I, as the other manager of the trust, could hold onto the 140 acres and keep that in resource management production.

There was another small forest landowner who's the president of the local chapter of the Washington Family Forestry Association. I think I may have that wrong. He said a lot of the smaller family forest landowners are getting up in age and they're looking at succession planning and handing the land down to their heirs and there are some taxes that are involved in that, and being able to sell off the development rights is a way that can help them to transfer the land and make it affordable for all the family members. So I would say, you know, we have Skagitonians, which is one of the premier land conservation groups in the county, and also individual comments from at least a half-dozen, I'd say, forest landowners. Ken Osborn, who's also on the Forest Advisory Board, came and spoke in favor of this saying, Yeah, there are certain circumstances where we would definitely look to use this.

Chair Lohman: Kirk, I have a question. So what kind of hopes – say you have a piece of property that you want to sell the development rights to. What kind of – how do you – what do you have to go through to prove that you have a development right? Does it have to be like a certified lot or certifiable lot? So that means it has to have water and all that other stuff. Is that what you'd have to have or would it have to be to that degree? Could it be to a lesser degree?

Mr. Johnson: So we talked about that with the Advisory Committee, and so the recommendation that's in the report is there's kind of two levels of review. If somebody comes in to build on their land, there's two levels of review and one is to make sure that it is a certified lot, that it's eligible for building purposes. And that's something that can be done by reviewing how the lot, the piece of property, came to be. And there is another phase of review that can often cost several thousand dollars. It might be testing the soil for septic viability or water availability or a lot of other things – critical areas. And what the proposal here is that the person who wanted to sell a development right wouldn't need to go through that level of review because in almost no circumstances is anyone ever unable to build on their property. There's something called the "Reasonable Use Doctrine," and so if you have a parcel of land that is eligible for development then that would be the test you'd have to meet in order to put that development right up for sale through a TDR program. You wouldn't have to spend, say, \$15,000 to show that you could actually, you know, build a house in order to maybe sell the development right for \$25,000, because that would really eat up a lot of the potential revenues from the sale.

So that's what's proposed and I think that's what we would bring forward to the Planning Commission and others – you know, slightly more developed than it is in here but short of specific policies and code, and say, This is what we're thinking and what do you think about that?

Chair Lohman: Kathy?

Ms. Mitchell: I hope I didn't miss this earlier, but are there inventories that have already been done so people know whether they do have the rights or not? For instance, I was thinking of something that Carol had said last year about people upriver thinking they'd be able to do something, but if they were in an area where they flooded and such like that that might not be appropriate. So have there been inventories?

Mr. Johnson: Oh, yeah, so I left out – so a part of that level of review – I mean, if you're in Industrial Forest land and you're outside of a fire district, basically you do not have an exercisable development right. If you're in Industrial Forest land, you have to be within a fire district and within 200 feet of a public road in order to be able to build. So if you're the Industrial Forest landowner at the top of Cultus Mountain or whatever, we know just from looking at the Comprehensive Plan and the regulations that you can't build there so you would not be eligible to sell that development right through TDR. If your property is entirely within the floodway where residential development is prohibited, you would not have a development right to sell through TDR. Beyond that, there're only a few cases where you can kind of – or, if you don't have a certified lot that's eligible for development purposes, you know? If you can't build a house on it, then you don't have a development right to sell. Other than that, we do not have inventories. I think several years ago, or ten years ago maybe, the County looked at the cost of going out and sort of, you know, basically certifying every potential lot in the county and it was, I think, a couple million dollars and so we don't do that. Basically, if somebody wants to do something on their property they come in and pay a \$50 fee, I think – I could be wrong on that – and we have a staff person who looks at all the information and says, Yes, you have a certified lot, or, No, you don't.

There are estimates of, you know, for instance, how many people are – or how many potential development rights are within the basins that are subject to the Skagit River Instream Flow Rule. And that's kind of an interesting case of how those properties or those development rights would be treated through a TDR program. But, no, it's not like a list. You can go into the Assessor's database and look up your parcel number and yes or no.

Ms. Mitchell: Another quick question. I'm not understanding too well: How about the tribal lands? Would they be able to tap into something like this or are they exempt because they're their own entities anyway? Would they be able to participate?

Mr. Johnson: I think if it's tribal trust then no, because we don't have land use jurisdiction. Ryan can correct me if I'm wrong here. If it's fee simple ownership and within the County's land use jurisdiction, I think a person would be able to participate.

Chair Lohman: Any other questions for Kirk? But *you're* going to be coming before us more as this rolls along.

Mr. Johnson: Yeah. Yeah, like I said, I think the first time would be with – you know, policies are fairly easy to read, so with a set of maybe draft policies but not, you know, plugged into the Comprehensive Plan, and then probably more, This is how the code would work. Because, I

don't know about you but I find code language really hard to read. And you can get stuck in the intricacies of code language and lose track of what you're trying to achieve. So I think we'd probably look at: Here's what we're trying to achieve; what do you think about that? And if that sounds like a good thing to try to achieve, then we'd take the next step and put it in as specific code language. That's my thinking.

Chair Lohman: And you said you were hoping that this fall – today is, like, the first day – so are you thinking November or –

Mr. Johnson: For coming back to you?

Chair Lohman: Yeah, because you said this fall you wanted to have policies and possible code.

Mr. Johnson: Yeah, that's my, you know, goal – my personal goal. And I'm sure I'll be talking more with Dale about that and developing a work program to get there and, again, seeing how other things will fit into that. We're gearing up on the 2016 Update. But I would like to think that by the end of this year we can have draft policies and code that have been discussed with you and the Ag Board and the Forest Board, and some vetting with, you know, the development community and the rural residents and the like. And then we can go to the County Commissioners and say, you know, How and when do you want to move this forward?

Chair Lohman: And just for clarification: The book you have there, that's the one you had us link to on our –

Mr. Johnson: Yeah.

Chair Lohman: You had it on the agenda. I can't remember how many pages – a lot, like 50 or 60 pages.

Mr. Johnson: Oh, more than that. It's like – 118 and then it includes a couple – it's about 120.

Chair Lohman: Okay, but that's the booklet that you had linked, right?

Mr. Johnson: Yeah, and it's on –

Chair Lohman: Because I put it on my computer but I did not print it so I didn't recognize that.

Mr. Johnson: Yeah, I – you know, if I'm going to read something substantial, I'd rather read a paper copy. So if any of you would like a hard copy –

Ms. Mitchell: I would like a hard copy.

Chair Lohman: Yeah.

Mr. Johnson: Okay.

Chair Lohman: Because, I mean, I was not going to \_\_\_\_.

Ms. Mitchell: It's hard online for that many pages.

Mr. Pernula: Kathy, Kevin –

Chair Lohman: Can you – how about let's give it to everybody?

Mr. Pernula: Okay.

Chair Lohman: The whole Planning Commission.

Mr. Pernula: All right.

Chair Lohman: If I could use executive privilege here.

Mr. Johnson: Sure. Sounds good.

Mr. Greenwood: Can I make just one last comment? There's been a lot of talk – and I heard Commissioner Wesen mention it as well – about some work he'd like to see done so that it's functional for forest landowners, and I was just wondering if the Forest Advisory Board or committee thinks that this is going to be something that they're going to – because it's not just for them, but I hear a lot of talk about forestry. And there are other issues that they brought before the Commissioners and they'd like to have staff working on, and I just wonder if this is a high priority for them or if they're just taking it because we'll get something out of it. I know that they've brought up the Rural Forestry Initiative and they'd like to see some language with that, and I just was wondering what their response might be to that.

Mr. Johnson: Let's see. I think I'll let Dale comment on Rural Forestry Initiative relative to this. I, at the Ag Advisory Board's request, I went a couple weeks ago and just kind of gave them an update. I need to do that with the Forest Advisory Board so I can talk to Kendra and see when the next meeting is. But maybe Dale can kind of give you an update on Rural Forestry.

Mr. Pernula: Rural Forestry Initiative. As you may know, a few years ago the staff embarked on it with various groups and it kind of got nowhere. The Board of County Commissioners has asked that it be on our work program. We've been delayed by a number of projects that have come along. We have not gotten anywhere this year on it, but we do intend to get to it just as soon as we can. Later in this presentation I was going to go over our work program for the Planning Commission the rest of this year, and your work load is pretty heavy for the rest of this year and next year is going to be perhaps even tighter, given the 2016 Comprehensive Plan Update. We will work it in as we can, but it's a big project being worked in within another big project.

Mr. Johnson: I guess if it's any consolation, I'm not the person who would be taking the lead on the Rural Forestry Initiative. Other people have, you know, more knowledge in those areas. So it's not like if I spend an hour on TDR it means I'm an hour less on Rural Forestry.

Mr. Greenwood: No, but you could relieve someone else!

Mr. Johnson: On that?

Mr. Greenwood: Perhaps. I mean – you know, I'm just –

Mr. Johnson: You know, we have areas of expertise –

Mr. Greenwood: That's up to you and Dale and the Commissioners to decide how best to use it, and I just wondered if that was something that they had considered and maybe given you some input on. I know they've been asking for it for some time, and Commissioner Dillon as well. So priorities are always fun to do.

Mr. Johnson: Yeah.

Chair Lohman: Well, could we – is it possible for us to get the Ag Advisory and the Forest Advisory committee – a report or something – a feedback from them or something?

Mr. Johnson: Yeah, I mean, there are the minutes from the Ag Advisory Board, but they didn't, you know, take a vote or submit a comment letter or anything like that so... I can forward the minutes to you from the meeting, but I'm not sure that it constitutes a statement of the Forest Advisory Board.

Chair Lohman: Well, maybe it's a little premature for now, but when we start getting into the – getting drafts and that sort of thing?

Mr. Johnson: Yeah.

Chair Lohman: If we could get the feedback from them, that would be great.

Mr. Johnson: Mm-hmm. Yeah, sounds like a good idea.

Chair Lohman: Okay, any more on Department Updates?

Mr. Pernula: Yeah, I've got a couple other things. Earlier in the meeting you were asking about future Planning Commission agendas. And if you go to the Planning Commission webpage, we have some tentative agendas right on the Planning Commission webpage. For example, what we have for October 7 – and this isn't too tentative because it's – what's going to happen is that we're going to have the deliberations on the 2015 to 2020 Capital Facilities Plan and the TIP, and then the public hearing on Bayview Ridge, the Airport Environs Overlay, and one other Comprehensive Plan amendment. Then on October 21<sup>st</sup> there will be a special meeting on the deliberations on Bayview Ridge, the AEO zones, et cetera. Then on November 4<sup>th</sup>, if we still need to, it would be continued deliberations on Bayview Ridge. It's a fairly major project so we thought maybe it would go for a couple of meetings.

So those are some of the items that are on your next few agendas, and we do have it for twice a month next month also – as well as this month.

And I guess as a follow-up to the public hearing tonight I have a couple questions for the Planning Commission. One is let us know if you have some questions that you would like us to answer prior to your deliberations, hopefully that we can answer within a week so we can get it to you a week in advance of the meeting. And also what staff would you like to have present? Tonight we had a number of people, and if there's anybody in particular you would like to have here we can arrange so they can be here and answer any questions that you may have during your deliberations.

Ms. Candler: I have a question about that. There was some discussion about a connection of the trails and whether or not – and one person mentioned that they had seen such a plan. Do you know anything about that, or could you look that up maybe?

Mr. Pernula: We can do some research on that and get back to you.

Ms. Candler: Thank you.

Mr. Pernula: And I guess your question is –

Ms. Candler: My question is –

Mr. Pernula: Is there a plan for Centennial Trail and linking the pieces? Is that what you're talking about or what?

Ms. Candler: Yeah, what is the long-term plan on trails beyond the two that – the three that are on the – the projects that are on the TIP? If there is any, and where that comes from.

Mr. Pernula: Okay.

Chair Lohman: And, Ryan, just for clarification, I thought that the Open Space Plan was *not* a trail plan. Is that correct?

Mr. Walters: I don't know. I mean, I would – just take a look at the plan. I don't know what it means to call it not a trails plan or a trails plan. I think it speaks for itself.

Mr. Johnson: So the Open Space Plan – it's called the Skagit County UGA Open Space Plan and it has kind of swaths of open space or potential open space and it also indicates possible trail corridors. And Josh is kind of an expert on it because it at one point said, trails or trail corridors, and it was backed off. But I think – and we can certainly provide this – I think it would show, you know, a potential Centennial Trail and the existing Cascade Trail in kind of the artistic way that the person did it without it being – it's not a trail plan. It's an open space plan that looks at a variety of different types of open space from working natural resource land which is in private ownership that is not open to the public to park land and kind of the whole spectrum.

There is within the Transportation Systems Plan, which was last updated in 2003, there's a Non-Motorized Transportation chapter so – and we can follow up with this. You know, the County does have a Non-Motorized Transportation Plan that's part of the Transportation Systems Plan. The Transportation Systems Plan is being updated right now as part of our gearing up for the 2016 Comprehensive Plan Update, and the Skagit Council of Governments – which Skagit County is a member of and the three Commissioners sit on the board of the Skagit Council of Governments – is working on a regional non-motorized plan. So it sounded like there was some suggestion that there is no regional, non-motorized plan and I don't think that that is correct.

Chair Lohman: If we have questions, how does that work with the hearing being open or closed? Do we have to submit our questions before the 25<sup>th</sup>, or how does that work? Or are we allowed to have questions from now and until we're finished with deliberations?

Mr. Walters: Yeah, if you have additional questions you should just ask them. You can ask them now. You can ask them later. But if you ask them later and we don't have staff here we may not be able to answer those questions.

Chair Lohman: Well, what staff members are you anticipating on having present?

Mr. Pernula: Whoever you think would be necessary for your deliberations. If there's some particular element that you would like to have covered, let us know and we'll make sure the person's there.

Mr. Walters: For example, we planned to have Jan Flagan here tonight, but she was ill so she couldn't attend. But she was stormwater and there were no stormwater comments so...

Mr. Greenwood: Well, let me give you some examples of some things that I had question on then in the report, just maybe – you know, I'm still struggling with the format. I know that it's easier to put together and track because it's electronic, but for comparison purposes it's very difficult to take these two – especially now that they're electronic – side by side and compare where we were and where we are, what we're proposing, what's been removed. You know, the only nice thing about it is it tables exact – the same – if I see something out of order, then I can highlight it. But there're some things that have been added and then in some complex tables like – I think you had a question last meeting about the WorkSource building. That was one of the few items that was added to the facilities inventory. I was wondering if the County did, in fact, sell the Mount Vernon Family Resource Center Annex, which was on the previous plan. I was wondering about some – in your capacity analysis for staffing, there were some changes in staffing. I'd still like to see more of a summary comparison table that shows – that includes – and I didn't get a very good answer. I wasn't satisfied last year on the 2013 projects because they're not included in planning and they're not included in inventory because they're in that limbo stage. And all the previous plans to that point used the table and they crossed out – or struck out so that you could still see them – those that were in the previous plan. So you have an ongoing table that shows an added column and a subtracted column with just strikeout. For evaluation purposes, it's really helpful to have those numbers either side – yeah, side by side. Otherwise, it just looks like a real smooth report but I can't evaluate it very well. So, like I say, I could give you an example of ones that were submitted in times past, but I'm sure you have those. So those are just some of the simple things that I'm looking at.

Mr. Walters: I think, although I'm not sure, that the projects – that in this year's document the projects that are proposed are – proposed for the – the projects that are in progress this year are, I think, listed in the inventory table, because I think that the idea this year was to try to address that concern by including them in the inventory table. Now I can't say for sure if that –

Mr. Greenwood: Okay, that would be really helpful.

Mr. Walters: – if that happened or not. Maybe.

Mr. Greenwood: I know the language was removed – the disclaimer that said that we don't include those.

Mr. Walters: Right.

Mr. Greenwood: So if they are included –

Mr. Walters: You can check with Linda Christensen as to whether they did, in fact, make it into the inventory table or not.

Mr. Greenwood: Okay. Those were just some of the questions I had so far, so I don't know if that was a particular person or staff person that you would need.

Chair Lohman: Kathy, go ahead.

Ms. Mitchell: Sorry. I thought you were done. Are you done?

Mr. Greenwood: I can be.

Chair Lohman: He can talk again.

Ms. Mitchell: I think I'm tagging on to what you had said, in a way. I was reading through to get ready for this and I looked at what the Planning Commission had recommended and I think you had made the motion, Keith, this is written from November 12, 2013, and that's when – remember when there was that Parks and Rec Plan and the Planning Commission made the recommendations? And I see page 3, 4, and 5 of those where there's recommendations made from this group, and then what? Where do you go next? Was that done and where can you read that?

Mr. Walters: Are you talking about –

Ms. Mitchell: Because I even went back to – for the 2012 Park Plan, I even looked at that and I couldn't – I went on the link that was on the page and it looked like it wasn't – when it was originally put out as a draft way back when.

Mr. Walters: Are we talking about the Parks Plan?

Ms. Mitchell: Yeah, because that all gets involved with what we're doing now if we're looking at the Centennial and the Cascade Trail and the other pieces that are on the TIP. Because there were some parts of that Park Plan, if it goes back to that, that this board had recommended. In other words, the board had recommended something to go to the Commissioners and I can see that but I don't know what's next, and it feels like it's a piece that goes with what we're working on now.

Mr. Walters: All right. So, first, let's call *this* the Commission then, the County Commissioners the Board – because that's the – it's the *Board* of County Commissioners. The Planning Commission makes a recommendation in all of these cases and they made a recommendation on the Parks Plan. But the Board can do whatever it is they want with the recommendation. So if you want to know what was adopted, you've got to look at the ordinance adopting the Parks Plan, and typically that will be found on the page on the website that is about the project. I don't know if it was on the Parks Plan page, because I think that's maintained by the Parks Department. But the ordinance adopting the Parks Plan should be found on the Comprehensive Plan page on the Planning Department's website. There's one page that lists all of the elements of the Comprehensive Plan – the Parks Plan is one of them – and so the ordinance that finally adopts any of these proposals should be found there. And if it's not, we can get it added.

Ms. Mitchell: And who would I talk to about – even following the right language to find the right pieces is a little bit tricky.

Mr. Walters: Well, whatever's adopted is going to be on the Comprehensive Plan page on the Planning Department website. And it's – if you go to the ordinance search, you will find all of the ordinances that the Board adopts, which is, you know, way more than you want. But you can also search by key word – descriptive word – and find the Parks Plan. But they should all be summarized on the Comprehensive Plan page. So you go there and find the ordinance, and

you'll find exactly what the Board adopted. And their ordinance text also typically has some introductory language that explains what it is they're doing, what recommendations they accepted or not. And it includes the Planning Commission's recorded motion, so all of that should be there together in their adopting ordinance. Does that answer?

Ms. Mitchell: I hope so. I'll go look again. It may be just because I don't know the right words to look for, but I'll check more links.

Mr. Greenwood: Just an observation, though, from my perspective: This is a lot easier to read than last year's. It's easier to evaluate than last year's, so I appreciate the changes that were made at our recommendations last year. So I think a lot of them were incorporated. You want to ask those questions now or you want to wait till deliberations?

Ms. Mitchell: Is Mr. Jones going to be back here next week? Is that the plan?

Mr. Pernula: We can have him. We can ask him to the meeting.

Mr. Candler: That would be helpful.

Chair Lohman: That would be helpful, yeah. And maybe Dan Fitting, being the – aren't you the Capital Facilities person? Okay. Anything else?

Mr. Pernula: That's all I have.

Chair Lohman: Okay. I'm anticipating that we'll probably – when we're deliberating we will deliberate on the TIP and then the Capital Facilities Plan and then the marriage of the two, because it's kind of almost like three pieces, correct? Right?

Mr. Walters: It's more like two pieces, but –

Chair Lohman: But we have to have an overall saying –

Mr. Walters: Yeah, so long as you end up with one recorded motion.

Chair Lohman: Right, which would be the incorporating and the whatever. But in order for us to have deliberations, we almost have to do it separate, correct?

Mr. Walters: You can do that –

Chair Lohman: I'm asking for guidance.

Mr. Walters: You can do that however you want, but you need to result in one recorded motion with one vote for the recorded motion.

Chair Lohman: Right, which would be the Capital Facilities Plan with the incorporated TIP, however it's –

Mr. Walters: Right. So in previous instances where you've had multiple components, like Comprehensive Plan amendments – multiple Comprehensive Plan amendments – but one recorded motion for the whole batch, you have had individual votes on the individual

Comprehensive Plan amendments, although I also advocated that you have one vote on the final thing at the end.

Chair Lohman: At the end. The final decision vote.

Mr. Walters: Yeah.

Chair Lohman: Right.

Mr. Walters: So you could take however many votes you want on your individual motions leading up to your final recorded motion. So, theoretically, if I'm following what you apparently want to do, you could have a vote on what you want to do with the Transportation Improvement Program. You could then have a vote on what you want to do with the CFP. You could have a vote on both of them together because that's your final recorded motion.

Chair Lohman: Mm-hmm.

Mr. Walters: Or you could just have a vote on individual components of the Transportation Improvement Program. Maybe you want to add or remove a project. You could have a vote and we could tally up just that vote on just that project. So however you want to construct that, but –

Chair Lohman: So why don't we leave this as – for the Commission to think about and we'll decide on when we get – or at deliberations how we want to proceed. Because as we are doing our homework more we might, you know, find things and then we can decide right at the top of the order what we want to do. Does that sound like a good plan?

Mr. Axthelm: Sure.

Mr. Greenwood: It does because we are going to need to make some specific recommendations.

Chair Lohman: Right.

Mr. Greenwood: And they would be specific to each one of those projects.

Chair Lohman: I was trying to figure out how to make it clear for staff.

Mr. Walters: I think it would be easiest – if you're looking for guidance – to start with a recorded motion that recommends approval of the Capital Facilities Plan.

Chair Lohman: Mm-hmm.

Mr. Walters: And then you get into editing it. So you've got your findings, and we'll prepare draft findings. Findings are just statements of fact related to the Plan. Then you can add or remove those, and then you can work on your recommendations because maybe your recommendations are not just approve the Capital Facilities Plan but approve it while changing this, changing that, removing this, adding that. So you'll go down that list that you can construct and, you know, we'll try to do that right here for you. So as you propose some modification we'll write that into your recommendations, and then at the end you take a vote on the whole thing. But if you want individual recorded votes on some particular item in that, we can write down the tally on any individual subsidiary motion of your overall recorded motion. But it's simplest if you

have recommendation to approve the Capital Facilities Plan and then include all your sub-recommendations on how you want the Board to change it before they adopt it.

Chair Lohman: Okay.

Mr. Meenaghan: I think your point, Annie, is we discuss CFP as one –

Chair Lohman: Right.

Mr. Meenaghan: – and then TIP, and then vote on the combination and the recommendations.

Chair Lohman: Right. So I think we should all think about \_\_\_\_\_. Okay, so moving on on our agenda, the Planning Commission Comments and Announcements. I do have one. Sorry to monopolize here. I saw you sent some e-mail a while back and it had to do with training for the open public meetings. Were you going to have more, and is it something online that we could just do individually?

Mr. Pernula: Sure. I have both. If there's local training that we can have – and I've already talked to the Department of Commerce about setting up a meeting on agricultural zoning, agricultural rural planning in this part of the state, and they're putting together a program that perhaps they can bring here in the spring for training. That, and online training we can forward to you at any time. Now you also mentioned that we're required to have a certain amount of training and record what training you go through, as well. I don't know – what is required? How much? Do you recall?

Mr. Walters: I'd have to look at the specifics, but there's a new state law, the Open Government Trainings Act, which requires at least Open Public Meetings Act training for the Planning Commission. It might also require records retention. I'm not sure that it does. But we've done that training for you in the past but it would be advisable to do that again and have Linda start documenting when you have received that training and when you receive the updates, and there's a schedule in the legislation of when you need to have refreshers. So we should be looking at getting that done soon. We can do an in-house training to accomplish it or we can do one of these outside trainings.

We have also been working on updating the Short Course Supplement Memo and that's about finished up so we could – once we have that finished up we could present that to you and maybe count that as your training on some future agenda that's light.

Chair Lohman: Because if you could have some alternative dates – because I know the date for that particular meeting was absolutely impossible. I think it was in August, wasn't it?

Mr. Walters: Was that just when \_\_\_ was offering it?

Mr. Pernula: It was like – yeah, it was probably in August or early September.

Chair Lohman: I meant to ask about it on the last meeting and I forgot. Okay, anything else?

Mr. Greenwood: I just had one comment. When I reviewed the last meeting there was quite a long presentation on stormwater discharge and some research work that was done. And, you know, I don't want to – I won't discount the work there, but just – I hope that people will recognize – those who view that – that there already is a lot of work being done on

management of stormwater. Releases, point source, nonpoint source – there's a lot of regulations in place. It's not like, you know, every pipe that's out there is coming up chocolate or brown and has divers down there and fish flipping over. So, I mean, you could look at the periodic table of elements and every one of those you could kill fish with. You could take a saltwater fish and give him too much salt. You know, you can give humans too much carbon dioxide and plants too much oxygen. So, I mean, I don't – just put it in perspective of – look at the current activities and developments. And they're incorporating best management practices and when people develop new best management practices, share them with the engineers so that they can be incorporated in new designs and retrofits if we need to make improvements to parking lot drainage or a variety of elements when there's renewal. So, you know, I've seen a lot of advertisements where people are wanting you to give money on TV and they'll show you the worst that they can, and just try and put a healthy perspective on it if you can.

Ms. Candler: I had the similar thought when I saw some of that. Everybody's going to look at those things and take something differently. But I do remember way back in school in the '60s when we saw a lot of those kinds of results then. It's not new information. I think people know that and that's why the environmental movement's come a long, long way with having healthier water and healthier soils. It's because a lot of this has already been done and being done well.

Mr. Greenwood: Right. Thanks.

Chair Lohman: Any other Planning Commission comments or announcements? Okay, is there a motion to adjourn?

Mr. Greenwood: I'll make it. Adjourn, please.

Ms. Mitchell: Second.

Chair Lohman: (gavel) Okay, we're adjourned.