

**Skagit County Planning Commission  
Public Hearing: 2013 Comprehensive Plan Amendments  
Deliberations: Capital Facilities Plan 2015-2020 Update  
October 7, 2014**

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

**Staff:**      **Dale Pernula, Planning Director**  
**Kirk Johnson, Senior Planner**  
**Ryan Walters, Civil Deputy Prosecuting Attorney**  
**Dan Berenton, Public Works Director**

**Public Remarks**

**Commenters:**      **Doctor Hugh Jonson**

**Public Hearing**

**Commenters:**      **Bill Knutzen, Knutzen LP**  
**Kim Lien**  
**Lisa Soneda**  
**Tom Moser, Attorney for the Knutzen family**  
**Tim Rosenhan**  
**Jon Sitkin, Attorney for John Bouslog, Bouslog Investments L.L.C., and JBK Investments L.L.C.**  
**Carol Ehlers**  
**Patrick Fraser**  
**Larry Jensen, on behalf of father Ray Jensen and himself**  
**Bruce Lisser, Knutzen family and himself**  
**Roger Knutzen, Knutzen LP**  
**Gordon Henderson**  
**Ellen Bynum, Friends of Skagit County**

**Chair Annie Lohman:** (gavel) I call to order the meeting of the Skagit County Planning Commission. It is October 7<sup>th</sup>, 2014, and it's a couple seconds after six p.m., and it looks like we have a quorum. The only person missing is Dave Hughes. So if you could review the agenda, offer up any corrections or additions. Okay, seeing none we'll move to the second order of business, which is Public Remarks. And I'll just read the description of what Public Remarks are because I see a lot of new faces.

This is the 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 and items that have had a public hearing and are still under 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 15 minutes total. So there's an "X" that marks the spot, so when you come up stand right in front of the monitor, and if you could give your name and your address that would be very helpful.

So anybody who would like to do Public Remarks? Go around the little desk. There you go.

Hugh Jonson: I'm Doctor Johnson, Hugh Johnson. I am the Vietnam Veterans of America – the past President of Vietnam Veterans of America – and I'm here to address an issue of one of our wounded warriors who is having some serious difficulties with the Planning Commission's representatives doing code enforcement. Mr. Bruce Johnston – Johnson – his name's Johnson and mine is – there's no "h" – J-o-n-s-o-n, the Swedish kind.

At any rate, Mr. Johnson is one of our wounded warriors. He lives at 5587 State Route 20 in Anacortes, and this is a real horror story. In 2007, the neighbor's tree fell down and took out Mr. Johnson's home three days before Christmas. Then through a wonderful problem with the insurance company and the lienholder, Mr. Johnson didn't get the insurance company monies to rebuild his home. And the years of litigation that went on, the only ones that profited from that were the legal representatives. So at this time Mr. Johnson has a property that he's trying to recover from and the only way he can recover and get resources is to sell the cars that he has that are the ones they like to restore. I'm not going to call them "exotic cars" because they're not. They're restoration cars.

To make matters worse, in April his shop burned down. Mr. Moore – Jack Moore, your enforcement officer – demanded cleanup, but there has to be a permit. It took quite a while to get a permit from the Fire Marshal – there we go. By the time they almost get the permit from the Fire Marshal, Oso happens. Lots of delays. Fortunately the Health Department did help with some dumpsters and they got that signed off. Now we have a Ms. Perkins from your enforcement department appearing on the scene. Ms. Perkins states that we have a complaint of 60 cars and buses on the property.

Josh Axthelm: You have 30 seconds.

Dr. Jonson: Well, we have three visits by Ms. Perkins, all of which no writings, no correct statements, incorrect things. This matter needs to be addressed. If this Commission cannot address it, then we'll have to address it downtown.

Chair Lohman: I don't believe it is a Planning Commission –

Dr. Jonson: I can't hear you.

Chair Lohman: I don't believe it is a Planning Commission item.

Dr. Jonson: They're your representatives, Madame Chairman. They are the County employees that work for you.

Dale Pernula: Maybe I can respond to that.

Chair Lohman: Yes, if you could, Dale.

Mr. Pernula: Both Jack Moore and Sandy Perkins are in my department and they enforce codes. I'm in the chain of command. I work for the Board of County Commissioners. I am assigned to this Planning Commission as well as have other duties including code enforcement. This is – I hear a lot about various complaints and enforcement issues but I'm not very familiar with this one.

Dr. Jonson: I'm sorry, sir. I'm having a little trouble with your last name. I'm not –

Mr. Pernula: Pernula, P-e-r-n-u-l-a.

Dr. Jonson: Pernula. I was a little afraid to attempt it. We need some help to help our wounded warriors, not harass them and beat them up. So I'm asking this Commission, I'm asking you, sir, to direct some help to get these things fixed so we don't have to go through the other processes.

Chair Lohman: Thank you for bringing it to our attention. Anybody else for Public Remarks?

(silence)

Chair Lohman: Nobody? Last call.

Unidentified male voice from the audience: Is that Bayview stuff?

Chair Lohman: No. This is outside of the hearing or the deliberations. Okay, seeing none, we will close Public Remarks and move on to the Public Hearing on the 2013 Comprehensive Plan Amendments.

The Planning Commission will take public testimony on the topics and each speaker will have three minutes. The public hearing will be divided into two parts for separate comments. The first one will be the proposed amendment submitted by Kim Yong Ho, and it is PL13-0302 and it's a map amendment proposal. And it's to re-designate and rezone P21180, an approximately 2.65-acre acre parcel on SR20 and La Conner-Whitney Road from Rural Reserve to Small Scale Business by Kim Yong Ho, who is the applicant.

And the second item is to amend the Bayview Ridge Subarea Plan and the Bayview Ridge development regulations and the Airport Environs Overlay.

There is a sign-up sheet at the back of the room for those who'd like to testify, and an opportunity will be given at the end of the hearing for those who wish to testify but did not sign up to speak. And, again, you'll be limited to three minutes so everyone has a chance to speak. Special interest groups, associations, or those representing others are encouraged to designate one spokesperson for your group to allow greater participation and cross-representation.

So before you testify, clearly state your name, spelling your last name and giving your address. And a recording system will record your comments. And as I said for Public Remarks, there's an "X" that marks the spot for where you can stand.

Written comments are also being accepted and can be placed in the box located on the staff table near the front of the room. I don't see the box, but you can put them on the table. Okay, there it is at the back of the room. The written comment period for each proposal is open until Thursday, October 9<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. E-mail comments must be sent to the e-mail address [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us).

Before we begin taking public comments, the staff will give a brief presentation about the proposal. And I want to thank all of you for taking the time to participate. So, Dale?

Mr. Pernula: Okay, the first presentation will be by Kirk Johnson.

Kirk Johnson: Good evening, Planning Commissioners. Let's see – if the TV-21 folks could put the overhead projector on I'd appreciate it. So as the – I just have some very brief comments – as the Chair mentioned, this is a proposed rezone from Rural Reserve to Small Scale Business and the property or the parcel is this one identified here. It's about – a little larger than 2 ½ acres and it's currently Rural Reserve and it's a vacant parcel, as you may be able to see from here. It's the area in the red and it's at Highway 20 and La Conner-Whitney Road, a very busy intersection with an existing Shell Gas Station, the Farmhouse Inn, and several industrial uses across Highway 20 to the north.

So the applicant is seeking a Small Scale Business designation, which is one of the Rural Commercial designations that are available in the Comprehensive Plan. Unlike some of the other Rural Commercial designations, we are able to have new Small Scale Business uses in the rural area, which is not the case with, for instance, Rural Business, which is what the Shell Station and the Farmhouse Inn are designated. Those were existing back in 1997 when we established the Comprehensive Plan and so the best fit for them was Rural Business. This is a proposed new use. It doesn't have existing Commercial zoning, and so in talking with the applicant they felt that Small Scale Business was most suitable for the property and did allow a new designation there.

Small Scale Business is not a general commercial zone. It doesn't allow, say, retail services for the travelling public or the surrounding rural population. It's more focused on commercial or industrial uses involving the provision of services or the fabrication or production of goods, primarily for clients and markets outside of the rural area.

So in terms of a Department recommendation, given the location, the adjacent uses, the fact that it's probably not a real desirable piece of property for a residence, which is the primary intended use in Rural Reserve, the Department feels it makes sense to be re-designated as Small Scale Business, with the understanding that that has certain opportunities and limitations that go along with it.

So I'd be happy to answer any questions; otherwise, turn it over to the public hearing.

Robert Temples: Kirk, what is the nature of this business that you're talking about?

Mr. Johnson: Of the proposed business?

Mr. Temples: Yes, sir.

Mr. Johnson: Well, it was fairly general in the application proposal. So as we wrote in the staff report, "From the application materials, it appears that the applicant may be thinking of developing general commercial retail uses (store, mini-mart, service station) intended to serve the traveling public on" Highway "20."

And they wrote "After (an) approval...the owner would like to explore developing the parcel to provide small scale business...to the surrounding commuting communities and highway pass-by motorists. This land use concept is compatible with the surrounding neighboring commercial parcels."

So, as we've commented, those particular types of uses would be inconsistent with the purpose and intent of the designation and zone as described in the Small Scale Business policies and zoning regulations. So while it makes sense as a location for small scale business, it may be that what the applicant is thinking of doing there wouldn't match with what's allowed under the zoning code. And so if it were approved and if he were to come in to say, I'd like to develop my property, we would need to have another discussion with him about what *would* be allowed under the zoning code in that particular designation and what *would not*.

Mr. Temples: So at this point in time, it sounds a little gray.

Mr. Johnson: Yeah.

Mr. Temples: Okay.

Chair Lohman: What would another option be?

Mr. Johnson: For a designation?

Chair Lohman: Yeah, if you – what if you wanted to kind of expand a gas station, just as a wild hair idea? What would that zoning need to be?

Mr. Johnson: So rural businesses – these are all derived from the Growth Management Act, and were put in place back in 1998 when the County had an invalidity ruling against it, where basically there could be no Rural Commercial or Industrial development because the County's first effort to implement the Growth Management Act with Rural Commercial was basically to say everything that was allowed before GMA in the rural area is allowed after GMA on the same zoning. And we were taken to the Hearings Board and the Hearings Board said that's a serious violation of the Growth Management Act – halt.

So one of the things that we put in place was the Rural Business designation, which was intended to acknowledge existing uses that were there by 1997 that could continue to operate and would have modest expansion potential. But that's limited to, I think, 50% at the maximum. And so, really, the existing gas station, there would be limited expansion opportunities for it. And the Rural Business designation isn't really suitable there because Rural Business isn't intended for new uses. It's intended to recognize and acknowledge existing uses and allow them to continue and change uses, but not to grow dramatically.

So there really aren't very many – when we were considering the Rural Commercial policies and zoning, I believe the Department proposed for consideration of this area as a Rural Center. And

an example of a Rural Center is where the Rhododendron Café is. I'm not thinking of the crossroads there.

Kathy Mitchell: Bow Hill and Chuckanut.

Mr. Johnson: Yeah. And that would have allowed some more flexibility here. But I believe it was the Planning Commission that didn't feel that this was a desirable spot for a Rural Center. So, really, there are only a few designations where there can be new ones in the rural area. There're Natural Resource Industrial, so that might be some kind of agricultural processing facility; Small Scale Recreation and Tourism, so that might be a resort or some kind of active recreational use. And then Small Scale Business, which allows, as I said, commercial and industrial uses involving the provision of services or fabrication or production of goods, primarily for markets outside of the rural area. So back when we were developing this and talking with some folks at the Department of Commerce, apparently that provision of GMA that this is based on was created to recognize uses like K2 Skis, which at that time was on Vashon Island, and they were not making skis and then selling them, you know, at the front counter to people who happened by. They were making them for national distribution. And so it was a niche in GMA to allow businesses that provide job opportunities for rural residents but are not your typical retail-type use, which generally would have to be located in a Rural Village or a Rural Center or a Rural Freeway Service area, which that would have been another possibility for this but for whatever reasons – I don't recall – the decision was made not to designate this area as Rural Freeway Service.

Keith Greenwood: Can I ask a question?

Chair Lohman: Mm-hmm.

Mr. Greenwood: Kirk, based upon the drawings and all the things that are submitted in the application, do you have the sense that the landowner or the proponent is aware of those restrictions under this proposed zoning change?

Mr. Johnson: It's hard to say. The landowner was represented by a – the landowner is Korean and was represented by a land use consultant who in the meantime became very ill and is no longer representing the landowner. So I made it very clear to the representative – a consultant – what the constraints of – both the opportunities and constraints of Small Scale Business are. I said, Please make sure that the owner understands that. And then the owner was provided a copy of this report, which explains that, and then I gave him a call late last week and got a call back, or got a message back the other day saying unfortunately he was unable to attend the hearing but he's been paying, he said, commercial property taxes on the property since the Shell station went in in 1997. I think it was – at least then – owned by the same person and he wants it as a commercial use. So I can't really tell you what he actually understands in terms of what the zoning will allow. I think the Department's reasoning was: It's vacant; it's hemmed in; it's not a good location for a residence; it probably makes sense as a commercial use. Probably the best one that we have the option of creating there is the Small Scale Business. It's probably not large enough for Natural Resource Industrial. It's probably not – really it's not a real scenic location for Small Scale Recreation and Tourism. And so it's a piece of property that could probably be used. Somebody could probably find something that was consistent with Small Scale Business that could work there, but it's not going to be as perhaps simple as putting up a Starbucks or an espresso stand and a mini-mart and a gas station.

Mr. Greenwood: Thank you.

Tammy Candler: I have a question.

Chair Lohman: Go ahead.

Ms. Candler: Kirk, do you happen to know if the ingress or egress is going to be out to the west there to La Conner-Whitney?

Mr. Johnson: Yeah, I believe there's an easement through the Shell property, so it would be to La Conner-Whitney Road. And if this were – well, we did SEPA review. We noticed state agencies, didn't receive anything from Department of Transportation, but if the owner were to come in for a – you know, with a specific project then certainly there'd be review by state D.O.T., as well as the Public Works Department.

Chair Lohman: Okay. Okay, anybody wishing to testify on –

Unidentified male voice in the audience: I'd like to ask something on that. If they put in a store, are they going to allow them to sell drugs in there?

Chair Lohman: Sir –

Same unidentified male voice: While the state is \_\_\_\_\_ and I don't think there's anything \_\_\_\_\_. \_\_\_\_\_

Chair Lohman: You need to go to the microphone.

Same unidentified male voice: No, I just mentioned it.

Chair Lohman: Anybody here to testify on the map amendment submitted by Kim Yong Ho?

(silence)

Chair Lohman: Nobody? Okay, so we'll move on to the second proposal which is to amend the Bayview Ridge Subarea Plan. So, Dale?

Mr. Pernula: Okay, as many of you may know, this has a very long, intricate history, but I'm going to go through this very quickly. If you've visited the webpage and all the subsidiary pages, you can see that there's been an awful lot of information that's been generated and is available online.

First of all beginning: Why Bayview Ridge? It was identified by the County in the 1990s as a suitable area for urban, residential and industrial development; it's out of the floodplain; it's not prime farm land; it's close to the airport; it has quality infrastructure of roads and sewers available. The Cities at that time resisted additional residential growth and so Bayview Ridge got an allocation.

Some of the historical background: Post-Growth Management Act of 1990, rural densities were lowered. We had a lot of zones, for example that had 1-acre or 2 ½-acre lots, but those were increased locally to 10-acre lots or 1 dwelling unit per 5 acres with a CaRD. In 1997, the Skagit County Comprehensive Plan identified Bayview Ridge as an urban growth area. The *Abenroth* case was filed in 1997, the same year, which, among other things, challenged aspects of

Bayview Ridge. On January 23, 1998, the Western Washington Growth Management Hearing Board ruled that the portion of the Bayview Ridge outside the ownership of the Port was invalid. In 2006, a Bayview Ridge Subarea Plan was adopted. In 2007, *Skagit County Growthwatch* case was filed and was coordinated with the *Abenroth* case. And based on that, the 2008 Subarea Plan – the Subarea Plan was amended in 2008. Then in 2009 Skagit County entered a settlement agreement with Growthwatch petitioners, and as of right now, the County has met all provisions of the settlement agreement with the exception of adopting a planned unit development ordinance. That ordinance has been prepared but it was not adopted last year with the adoption of the Bayview Ridge Subarea Plan.

This is a copy of the 2008 adopted zoning map. That was the amended Subarea Plan. And then last year a new Subarea Plan was adopted and what happened (was) the Commissioners shelved the proposed PUD code that was focused on residential development to take action later. They changed 110 acres of undeveloped residential zoning – Bayview Ridge Residential – nearest the airport to Light Industrial – BR-LI. The Community Center zone – BR-CC – was downsized to about 3 acres. And the intent was to facilitate a business park-style development and lead to job creation. This is a copy of what was adopted in December of 2013.

So after that, we received a couple of letters, one from the Burlington-Edison School District saying that they no longer wanted to hold up development at Bayview Ridge, but they also indicated that they were not going to be building a school at Bayview Ridge.

The second letter was from the Port of Skagit, which – I'll read a little bit from the letter – says: The Port of Skagit – "On behalf of the Port of Skagit Commission, please find enclosed Resolution Number 14-01. This is a resolution endorsing airport protection measures, encouraging Skagit County to consider areas of the Bayview Ridge UGA for additional industrial development" – and expressing continued support for an urban growth area surrounding Skagit Regional Airport. And there's a 6-page resolution attached to that and I'll read a couple of the resolutions that were included with the – in the resolution.

Item number 2 says "The Port Commission is committed to public safety and endorses the safety zone dimensions recommended by the Department of Transportation in the 'Airports and Compatible Land Use Guidebook,' and therefore urges Skagit County to complete an update of the AEO to adopt the most current WSDOT-recommended safety overlay zone dimensions and to amend the language of the code to, number 1, bring it current with FAA and WSDOT guidance on airport compatibility issues, and 2, to provide the necessary protection of the airport to ensure its future vitality."

Then the item number 3 says "The Port Commission respectfully suggests that Skagit County review land use within Bayview Ridge, and, where appropriate, adopt additional industrial land use designations for land in the UGA between Skagit Regional Airport and existing urban density residential development on Bayview Ridge.

So following up on that, we took a look at the slopes that were on Bayview Ridge, and you can see the steeper slopes are shown in the northeast portion of the area. What we wanted to do is find out, What of those lands that are currently zoned Residential would lend themselves for additional industrial growth? That would be the flatter areas on top of the hill.

So this is the proposal that we derived from that analysis. What we did is we took some parcel – I'll go into that. This is what we're proposing. But first of all, we replaced Residential to Light

Industrial in the areas that are designated. We de-designated Light Industrial in the northwest quadrant and also down to the southeast and moved those to the northeast as shown. Those are the areas that are flatter. And we removed what is shown as Rural Reserve – that's the sloped area to the northeast – from the urban growth area.

A summary of the proposed changes included:

- Remove unused Residential zoning and swapped to Light Industrial. That's 172 acres.
- We downsized the urban growth area by 235 acres.
- We're proposed to establish development standards, improve traffic management, and require trails and parks.
- The proposed development regulations create a new AVR-L zone which, in addition to aviation-related uses, would allow up to a minimum – or, excuse me, a maximum – of 20 acres of Light Industrial uses in the entire zone.

When we were taking the land that was owned by the Port, de-designating it Light Industrial, and moving it to private land to the northeast they discovered that there was some land that they still wished to develop as Light Industrial, so they retain the ability within that area to develop an additional 20 acres of Port property as Light Industrial. But it still allowed us to move the rest of that to that private property.

We also would allow small retail uses along Peterson Road in Light Industrial zone; establish street and sidewalk standards in the LI zone; establish a minimum distance for truck loading facilities in the LI zone from Residential zones; limit the height of buildings in the LI zone in the proximity of Residential zones to 35 feet; establish minimum and maximum densities for development in the remaining BR-R zone; require increased buffers from what was required before between the BR-R and the BR-Light Industrial zone; and restrict industrial activities near the BR-R, including some uses, noise, and light pollution.

Another thing that we're changing are some of the AEO – or Airport Environs Overly – provisions of the code. In 2011 WSDOT updated its Guidebook for land use planning near airports. Skagit Regional Airport will eventually extend its main runway. As a result, existing airport protection zones will change in size and shape. Because of the restrictions in airport zones 4 and 6, most of the subarea will not be able to accommodate the new Residential development at urban densities that was previously planned, with the exception of an area or areas that could be infilled with Residential. This is a copy of a map depicting in the gold lines or brown lines the existing AEO zones. And in the red or purple color, those are the new boundaries. You can see that they are expanding.

The proposed AEO changes – and these are some details:

- Policies that weren't really policies are relabeled as "background" and background statements are divided from actual policy text.
- Airport safety zones are retitled "airport compatibility zones" or "ACZ" for accuracy.
- Minor or incidental uses are exempted.
- The exemption for temporary structures is removed.

- New schools are prohibited in the ACZ 6 and throughout the AEO. Now specifically we do allow expansion of Bayview Elementary School.
- The table of zone-specific restrictions is moved into the appropriate place in the code text and restructured to only be additional zone-specific restrictions.
- Requirements to install airport navigation markers are removed as unnecessary.
- New sections added to regulate exhaust plumes were required stormwater management consistent with the WSDOT Airport Stormwater Guidance Manual and require any solar panels to be constructed with anti-reflective coatings to prevent glare.
- A new requirement to allow ten days for Port of Skagit to comment on development applications.
- And it consolidates separate requirements for aviation easements, title notices, and waivers to a single subsection.
- We have example documents that require recording that will be included as attachments to the ordinance.
- Developmental zones now require some aviation easement.
- The complete text of the title notice is removed from the code. That notice and the other forms will be included as attachments in the ordinance.
- And each of the AEO maps is updated, including the boundary of the overlay and compatibility zones.

And that's the end of the presentation.

Chair Lohman: Any questions from the Commission?

(silence)

Chair Lohman: Nobody? Okay.

Same unidentified male voice: I'd like to speak on this.

Chair Lohman: Hold on. If somebody could bring up the sign-up sheet...

Ms. Mitchell: Chairman, I have a quick question.

Chair Lohman: Go ahead.

Ms. Mitchell: Dale, can we see the PowerPoint that you did later so we can review what you told us, please?

Mr. Pernula: I'll leave it up and you can ask for any slide you wish.

Ms. Mitchell: Thank you.

Chair Lohman: Okay, we'll move right into the public hearing. I have the sign –

Same unidentified male voice: Can I speak?

Chair Lohman: I will – did you sign up on the sheet?

Same unidentified male voice: No, I didn't.

Chair Lohman: Okay, when everybody is all finished, sir, we will give you an opportunity. Okay? So I'll try to call a couple names and give you a warning that you're on the ready line. So the first two are Bill Knutzen and Kim Lien, followed by Lisa Soneda.

Bill Knutzen: My name's Bill Knutzen. I live at 11790 Avon Allen Road, and I'm speaking on behalf of the Knutzen Limited Partnership.

The Knutzen property is the only large parcel – 60 acres – zoned Bayview Ridge Residential that has been deleted from the Bayview Ridge UGA. It is surrounded by residential on three sides and farm land on the north. It is ideal view property. About one-quarter of the property is outside the airport environs zone 6. The remainder – about 45 acres – is inside zone 6. It is all located inside the present UGA boundary.

Our parents, Jess and Barbara Knutzen, started our involvement in developing this land in the 1950s by developing lots on this parcel adjoining the north side of Peterson Road. In the mid-'90s, my parents set up a limited partnership to separate the hill ground from the rest of the farm so that it could later be developed as residential view property. The limited partnership was later transferred to the four children. Our parents and our youngest sister have since passed away. Roger's family now farms – operates the farm which has been in the family since 1891. My sister Barbara is now in a senior center in Kent. When our sister Dorothy passed away, her two daughters reserved her shares.

I spent my entire career as a pilot, 11 years in the Air Force and then 27 years as an airline pilot. I'm now retired and since retirement have spent countless hours helping to make the Bayview Ridge UGA a success. We almost made it.

In 1997, my father, Roger, and I went to Seattle to talk with the then-Washington State Department of Transportation Aviation Division Manager of Planning, Theresa Smith. Our purpose was to inquire as to what residential development WSDOT would recommend to prevent encroachment of Skagit Regional Airport. After the first Subarea Plan was submitted for WSDOT's review, Skagit County received a letter from Ms. Smith praising our 2000 Subarea Plan as a model example of exceptional planning. What has changed since that time? Very little. The Growth Management Act was in place, Cal Trans Aviation Study remained the same. Skagit Regional Master Plan indicated four to six homes per acre in zone 6 as compatible. And the accident rate has remained about the same with 1.8 fatalities per year of people on the ground being hit by aircraft in the entire United States. We received another letter in 2003. Both will be in my written comments.

There are many documents written on planning near airports. I have studied all that I have been able to find. They all seem to say much the same thing about planning near airports. Number one: Each airport has a different set of conditions, and –

Josh Axthelm: You have seven seconds.

Mr. Knutzen: – as a result, no plan fits all circumstances. Residential development in zone 6 should be low density – less than nine units per acre, or the FAA says four dwelling units per acre – as opposed to high density. The airport owners or operators and the local City or County planners bear the ultimate responsibility for responsible planning.

Now as to the WSDOT Aviation's Guidebook of January 2011: As a career pilot I consider it a poorly copied document. Unfortunately our Planning Department considered it as regulatory as opposed to an advisory document.

Mr. Axthelm: Your time is up.

Chair Lohman: Okay, next person, Kim Lien, then Lisa Soneda, and then Tom Moser.

Kim Lien: Hello. My name's Kim Lien, 7026 144<sup>th</sup> Street Southeast, Snohomish, Washington. I'm speaking out a statement on behalf of my sister and I, Michelle Sting, of Camano Island, Washington. We are both public school teachers in the local area. Our mother Dorothy Knutzen was Roger and Bill's sister. And we are also Knutzen Limited Partner owners. And we just wanted to share that we are in support of the statements that Roger and Bill will be sharing tonight and that we would kindly request that the Knutzen property remain in the Bayview Ridge urban growth area and zoned Bayview Ridge Residential. And thank you for your time tonight.

Chair Lohman: Thank you. So Lisa Soneda, Tom Moser, then Tim Rosenhan.

Lisa Soneda: Does this work?

Several Commissioners: Yes.

Ms. Soneda: Hi, I'm Lisa Soneda. I'm at 12079 Bayhill Drive. I've watched the proceedings about the future of Bayview Ridge over the years. I did not – I was not opposed to the homes but I understand they're not going to happen anymore. I understand that the Port is going to increase their industrial land up there and I accept it; however, the good news is we have a Community zone in place here that includes, among other things, a park. And I'm urging the County to consider keeping that zone in place and use it for a community park. I've been told that that was just for the new people who were coming, but I hope you will consider the hundreds of families who have lived there for decades without a community park for their families. The community sent out a flyer recently that listed all the parks that they have. On the left is parks without playgrounds. On the right is parks with playgrounds and the distance they are from the hundreds of families that live up there. The closest County park serving us is 6.2 miles away.

I have real concern that if the County rezones the area Light Industrial it will impact the quality of life for the longtime residences up there. I also have concerns that once the County rezones that area it will not be able to prevent businesses such as large-scale marijuana groves, which are now legal, and up to 30,000 square feet or large-scale factories up to 30,000 square feet that once the County rezones this area it will be difficult for the County to deny a permit if one is requested.

There's no shortage of industrial land up there. It's just a few – I'm talking about the BR-CC area. This summer I doorbelled to about 150 homes in our area. I had a lot of support for a park, increased trails that would lead up to the County trails. There's wonderful trails up there but there's no way for any of the families to get up there safely. And I've also – also a lot of people commented that it'd be nice to have a public pool up there. So I'm just urging the County to consider keeping that Community zone area in the BR-CC and set it aside for a future public park. Thank you.

Chair Lohman: Thank you very much. Okay, Tom Moser, then Tim Rosenhan, and Jon Sitkin.

Tom Moser: My name is Tom Moser. I'm the attorney for the Knutzen family. My office is at 1204 Cleveland Avenue in Mount Vernon. I represent the family that has had this property for over 115 years. They support aviation and the general concept of protecting the Bayview airport, but these are people who think long-term and have paid taxes long-term. My point is that the proposal you have before you is a short-term way of thinking.

We are here to oppose the proposal to remove their property from the UGA. For over 17 years, Skagit County has spent untold sums of taxpayer money in an effort to create the existing Bayview Ridge UGA. There've been appeals on that effort and countless hours of staff and attorney time spent on those appeals and protecting the planning and the public policy decisions to create the UGA.

That finally came to an end in 2009 and that represents 12 years of litigation to ensure that the planning vision for the UGA became a reality. The list of parties involved in that effort both for and against are too numerous to list, but the Port certainly was a party that was a player in that process and knew what was going on, mainly because the airport and the Port property's in the center of the UGA.

The UGA was created but the missing element was this PUD ordinance, as Mr. Pernula has told you. For reasons we cannot fully explain, the PUD ordinance does not exist and it was the element necessary for my clients to create residential development on their property. That failure to adopt a PUD ordinance became a *de facto* moratorium imposed by the County on residential development. The term "*de facto* moratorium" are not my words; they're Mr. Pernula's words and I think they're accurate.

We're here today because new guidelines were adopted by the Department of Transportation which, in turn, were adopted by the Port of Skagit. Please understand this is a *guideline* change that came *after* years and years of planning work done in conjunction with the Port in creating the UGA. The County Planning Department and Mr. Pernula then went to the Board of Commissioners and suggested this guidelines should be the cause for reversing the planning work done over the past two decades. The proposal was to do a number of things, including remove my clients' 60 acres from the UGA.

I suggest to you this is the opposite of comprehensive planning. The very purpose of comprehensive planning is to provide stability through setting visions, goals, and priorities so we all know what's expected for the development of our community. The Comprehensive Plan states – and I will quote from page 1 – "The primary purpose of" the Comprehensive Plan "is to help the public and elected officials define objectives, set priorities, and seek solutions to long-term issues. The Comprehensive Plan provides a sense of direction, a broad overview of where a community is...and where it is going." The very concept of long-term and defined objectives is violated when a guideline – not a law, not a rule, not an order – is promulgated in Olympia and we respond after 20 years of planning in a forward-looking direction.

Mr. Axthelm: Your time is up.

Mr. Moser: Now we're going to change it after the fact. I've been working in land use for over 38 years in Skagit County and surrounding communities. In the days before Growth Management

Act, a zoning map and comprehensive plan were merely thought of as a document that needed to be amended when a developer came to town.

Mr. Axthelm: I'm sorry but your time is up.

Mr. Moser: All right.

Chair Lohman: Can you just conclude?

Mr. Moser: The point we're trying – thank you – the point we're trying to make is that nowadays the Comprehensive Plan is something we should all be looking forward to. You folks spent a lot of time and the County spent a lot of money. Now somebody else is changing a guideline. That's the reverse of comprehensive planning. That's short-term thinking. We'd ask that you deny this application and say, You know, we've done it. Let's stick with it. Let's move forward. Thank you.

Chair Lohman: Thank you.

Mr. Axthelm: Thank you.

Chair Lohman: Okay, Tim Rosenhan, Jon Sitkin, and then Carol Ehlers.

Tim Rosenhan: My name is Tim Rosenhan. I reside at 10479 Wallen Road on Samish Island. I was a Marine Corps pilot. I grew up around here, went into airport planning and spent a career doing airport planning in the Pacific Northwest. For a brief period of time I was the airport manager at Skagit Regional Airport in the 1980s.

I testified in earlier hearings against the proposed residential development because of my experience in aviation planning, which showed me that there's often conflicts between land use and airport operations. That's certainly been evident at SeaTac International Airport with a third runway. It's been evident in Mukilteo around Paine Field – closer, at the outlying field at Coupeville with Naval operations – there's been lawsuits on Naval operations there from the neighboring residential. And then, of course, most people are familiar with the land use conflicts at the Anacortes Airport.

So why be concerned about the airport? The airport – Skagit Regional Airport is designated as an essential transportation facility. It generates, according to WSDOT, \$57 million a year of economic benefit to the local community. And I simply want to state that I've looked at the previous Subarea Plan, which I thought was not fully recognizing the impacts and land use conflicts around the airport, and the one currently being proposed, and I can say that from my knowledge of airport planning that the Planning Department has done a good job of putting land uses around the airport that are compatible not only to the current state standards, which authorized rural density housing but not urban density housing underneath the flight zones. But it's also just common sense based on the other land use conflicts that we've seen around the Puget Sound region.

Chair Lohman: Okay. Thank you. Jon Sitkin, Carol Ehlers, and I think it's Randy Suthers – Sathers. I can't quite read the writing.

Jon Sitkin: Thank you. Before I begin can I have someone turn this overhead on and I'll pass out –

Chair Lohman: It's ready to go.

Mr. Sitkin: It's ready to go. Let me pass out a letter I have. I want to take – we raise – first I'd like to appreciate – my name's Jon Sitkin, 1500 Railroad Avenue. I've been before the Commission for 16 years dealing with Bayview Ridge on behalf of John Bouslog and his family, and I've known some of you and I've seen people's terms come and go while they're on the Planning Commission.

I appreciate Bill Knutzen's comments, Mr. Moser's comments, Mr. Rosenhan's comments. We think that residential was an appropriate use and compatible with the guidelines then and now. We recognize the proposal that's before for converting most – almost all my client's property to BR-LI, and we're not going to oppose that. I do want to speak to some of the suggested development standards for Bayview Ridge Light Industrial that are proposed or different than what's in the existing regulations, and I'm going to – there're six of them in my letter and I'm going to try to touch on two or three of these.

The first one is the buffering between industrial land use, and I have a short handout I'll give to you in a little bit that summarizes those. The first one is in addition to the setback and the landscape buffers – we have no concern with that – there's a 250-foot setback for the truck maneuvering and loading area, and I want to talk briefly about the law of unintended consequences. We understand that that's trying to put a – separate the maneuvering area light and noise from an adjacent residential use, and that 250-foot setback for loading and maneuvering in the truck loading maneuvering areas is only from residential properties. As an aside, I want you to know Skagit County \_\_ competes with its lands an inventory with Whatcom and Skagit regionally. Those counties have nothing of that magnitude. They're about 50 feet max in their setbacks.

But the law of unintended consequences: So this here is what would happen. You would have the 30-foot setback as currently built – the 50-foot setback, then you could have a building and your truck area – the doors for the maneuvering area – could not be located closer. That's going to drive the building to be a large building and eliminate the opportunity for smaller buildings in that area, we believe. The alternative layouts that could happen with some minor adjustments to the language – a smaller building, say here – as long as the building provides the envelope and screening for barrier – the buffer – for the noise or light from the truck maneuvering area. That building can provide that screening. In a lot of different scenarios it can allow smaller and smaller uses. You can think of some offices that are up there now that may have truck and maneuvering, like the new Fisher Brothers, I think, that's up there. They could locate something like this, put their truck doors on this side, but have the building there. That building would provide that buffer and screening.

So we're – the language we're asking, for example, to change: Keep the 250-foot setback for truck and maneuvering less the building is constructed that provides that barrier. The barrier can act like a screening wall and provide that buffer to noise and light from an adjacent residential use.

Mr. Axthelm: Your time's up. If you could summarize...

Mr. Sitkin: My time's up that quick? You must have counted some of the setup time.

Mr. Axthelm: No. Actually, after you finished talking and you started your –

Mr. Sitkin: The two other points – just to wrap up – that I'd like to make is there's existing – we would like you to prohibit solid waste handling facilities in the Light Industrial zone. That's appropriate for Heavy Industrial. We don't believe solid waste handling or transfer facilities are appropriate in Light Industrial. There're some uses up there now that have crepted into that area. We don't think that's appropriate. You'll see in the letter we also address eliminating the limitation on size of utility appliance for maintenance to eight inches. There's already 12-inch lines up in Bayview Ridge in the urban growth area.

Thank you, Commissioners.

Chair Lohman: Thank you.

Mr. Sitkin: We ask you to pass this with our revisions.

Chair Lohman: And you've submitted this?

Mr. Sitkin: I've submitted this letter and I'll submit the summary.

Chair Lohman: Thank you very much. Okay, Carol Ehlers, Randy-something, and Deb Sathers.

Carol Ehlers: Carol Ehlers, west Fidalgo Island. What Mr. Sitkin is suggesting is exactly what the text was many years ago when we first drafted it. The need is to have a building between the residential and the noise. It doesn't have to be a big building but it has to be there. I learned that in graduate school when there was one that didn't have a building and you couldn't sleep.

The second thing I'm glad for is the Bayview School is going to be able to be expanded. That is what was agreed to in 1991 when it was first proposed. There were to be two schools up there. That's where it was to be done because it was clearly out of any kind of aviation patterns of any sensible pilot, and you can't plan on the other kind. So that is what we intended from the beginning.

Bayview problems don't go back to 1990. It goes back to 1960 when the County was first allowed to plan. And when I came here in '61 to teach at the college, all I heard was what you did up at Bayview – how you thought through what Bayview should be. And the two essential things about Bayview was it was out of the floodplain and it was till, hard pan. It wasn't good crop land but excellent for building on. Now it's taken us a long time to get here, but sometimes it takes a long time to do something that's complicated and not obvious. Obvious should have been the junction of roads that was planned in 1959 – Josh Wilson, Farm to Market, and State Route 20. They have been intended as major industrial roads, heavy truck roads, from the beginning of any kind of planning here. I'm told that Josh Wilson was built by the Navy to connect to the airport to 99. I know that Farm to Market has always been *the* north-south route across Skagit County west of I-5. Now there's a change in circumstances. A miracle has occurred and the County is no longer going to put levees across all the roads immediately south of State Route 20. So that puts Bayview where it should be: in the middle between two valleys, two productive areas, with the airport in the middle, access to everything, on real powerful roads

if they're only built. Farm to Market needs some more work. So does the light at Higgins on State Route 20.

Now the one thing that isn't mentioned here goes back to the issue – I've raised it meetings before – the natural hazards that exist in the county. And the natural hazard that's up at Bayview is drainage. It's a high-till layer. How many of you here in this room were here in 1990, November, when it rained and rained and rained and it was two floods down in the valley, and on Fidalgo it slid on all sides and at Bayview Jess Knutzen showed us pictures in the Planning Commission of water going down Peterson Road four to five inches deep.

Mr. Axthelm: Carol, your time's up. If you could summarize, please.

Ms. Ehlers: Okay. That's what created the drainage utility. The County doesn't pay enough attention to drainage. It sets one owner up against another. With homeowners associations they don't do properly in consistent basis. You guys don't want to be manipulated one against the other, and you down at the bottom, Mr. Knutzen, do not want to be the one that gets all the uncontrolled water coming down from the development up above. So work together.

And my last point: I think it's wrong to include everybody and keep one family out.

Chair Lohman: Okay. Did Randy – okay, how about Deb? Okay, the next person then is Patrick Fraser, followed by Larry Jensen, and Bruce Lisser.

Patrick Fraser: My name is Patrick Fraser. We have the – we're the good guys; we're on the north end! – but we have the farm up there. It's about 55 acres on the northeast corner that you were planning to go Light Industrial. We have – I'm on View Ridge Drive and we have the farm next to it. Do you see where it's at? I can't – oh, I guess it can't do that. It has the – on the Josh Wilson Road – the BR-LI. Josh Wilson Road – top – anyhow, in the north we have the farm up there. And all of a sudden they want to – due to my health, probably in the next couple years we'll be dividing the farm up amongst the kids and stuff. And I don't think we want it Light Industrial up there. I don't think the neighbors want it. We have – just a real quick thing. How the County's worked up there, we have four one-acre lots, two 2.5-acre out-lots, we have two five-acre lots, we have a ten-acre lot for housing – Residential and stuff. Ten acres for one house is just a waste of land, you know, and I would like to see it continued kind of like Residential up there. I don't want it Light Industrial. We can't compete with getting tenants in there against the County. The County's roads and stuff are paid for by the taxpayers. I don't think you're going to come in and put roads for us up there, are you? You know.

Anyhow, I'm kind of against the – I think the people up there – you know, there's like ten or 11 houses up there against the farm and I don't think they really want to develop too much – I mean, Light Industrial. I'm for the Knutzens building. It is a big rock pile up there. When rocks go up, I'm going to be really rich, you know! But I hope that you can do something with your land there. That's a beautiful place – you know, the stuff up there. And somebody made the comment about, Oh, let's use the flat land for – you know, flat land for Light Industrial or something. I mean, where did that come from? The flat land? What's – you know, if you need more – the County – the Port up there, it doesn't need more land – does it? – for development? Does it need more land? I mean, I went through it today and I see lots of vacant land. You know, to lock it up now this early – you know, we're the people that own it. You know, I wouldn't mind some of it, some of our property, being in Light Industrial, but not all of it. We have the woods out there and then the acreage. We run – have been running – it started in the 1940s in

the family – not my family; I married into it – and I retired about 20 years ago and started doing the farm up there, and just with cattle and stuff. But due to my health – the cattle are gone, but we still do hay and things like that. But, like I say, it's getting close to the end of the thing. The families probably want to divide it up somehow, so probably, you know, if nothing else, ten-acre lots and divide it up amongst the family or something like that. How's my time?

Mr. Axthelm: That's it. Time's up.

Mr. Fraser: Okay. Anyhow I don't like just throwing it in Light Industrial. Maybe I can get something in and talk to you guys a little more about it. Just be flexible with the people that have it, have the land. So, okay.

Chair Lohman: Thank you very much. Okay, Larry Jensen, followed by Bruce Lisser, and then Roger Knutzen.

Larry Jensen: Okay, I've got to find the big X here. Okay, I'm Larry Jensen, J-e-n-s-e-n, and I'm speaking on behalf of my father Ray Jensen and myself. We have property just west of the Knutzen property and actually west of – oh, gosh – the other small development that was put in a number of years ago. My father retired about 16 years ago or so at age 65, and it was his idea at that time. The land was zoned I think it was one home per dwelling site, or one dwelling site per acre. And about the same time the County then enacted this plan for the Growth Management and trying to facilitate a bigger, better plan, so there was basically a moratorium put on it. And since then he's been really unable to do anything because of various overlays, including the current one, which is a sewer overlay. And you can't really develop your property either one home per ten or one per five if you have a sewer connection requirement.

So I'd just like to hit the bullet points because I know you've heard a lot of this before. But from our standpoint, here's kind of what we think.

- The plan was formulated over 16 – over approximately 16 years with intent to go forward.
- The Commissioners repeatedly voted to fund the investigation through studies and staff time, spending untold amounts of money.
- The parties whose lands have been subject to the plan have been tied up in limbo with regulations, making it almost impossible to do any sales of their resource and thereby affecting their livelihoods.
- The properties have access currently to the major utilities. The City of Burlington has brought out the – basically – the sewer line to the base of the hill, which was going to take across the Knutzen property and eventually around to ours. So that's in place. There's a major water line down Wilson Road and there's adequate power. So you have all of that in place.
- The property is close to major roads, both Highway 20 and Interstate 5.
- The property is above the floodplain.
- The property offers great views, and it's a desired area for the public because you have Mount Baker and other beautiful sights of the farm land below.
- I know ourselves, we offered a site to the school outside the environs, and they turned it down. And that offer was without a price. It was basically they could price it at the time they used it, and we were leaving that open in case they decided they wanted that option, and they basically said no. So they had that option.

- Let's see. This basically keeps the homes out of the floodplain.
- And I believe – and, Dale, you can correct me if I'm wrong – but it's not a safety issue because one of the proposals under the DOT is to have a very high density – is that 15 dwelling units per acre? – and under the County proposal it's four, I believe – four to six. So how can anything come up about this whole safety issue if one of the options that the DOT proposes is as many as 15?
- And there have – I'm in agreement there should be, you know, adequate concern about flood issues or water drainage, but I know there have been some improvements. Obviously we'd like to make sure those are dealt with if the plan goes forward.

So my proposal or my plea is that they go forward with the plan without these new amendments (and) that the Jensen property and the Knutzen properties are included in the urban growth area.

Mr. Axthelm: Thank you.

Chair Lohman: Thank you very much.

Mr. Jensen: Any questions for me?

Chair Lohman: Not at this time.

Mr. Jensen: Okay, thank you.

Chair Lohman: Okay, Bruce Lisser, then Roger Knutzen, and that's the end of the people who have signed up. So hold that thought, sir.

Bruce Lisser: Can you go to the first slide, please? My name is Bruce Lisser and I'm at 320 Milwaukee Street in Mount Vernon. I'm a land surveyor/land use consultant. I'm here both with the Knutzens but also just here about good planning. And the slide's not up.

But I think what's important was if you remember Mr. Pernula's first slide was: Why Bayview Ridge? Why Bayview Ridge is even more important now than it was 17 years ago. We have a real problem with respect to appropriate places to put residential housing in this county. Burlington is limited in how their ability to add to the mix, as is La Conner. And it's just a very difficult thing to think about taking a UGA that was spent 17 years on of intelligent, hard-working planning to create a boundary and then eliminate all the Residential virtually – because if you take a look at the Residential that is remaining, most of it is the Country Club that is already fully developed. There's a very small portion in the southeast quadrant that is undeveloped. So you're basically saying, We want the business but don't bother living in our county. We don't want you to live here. What's the problem with having appropriate residences by where you work? It's got the infrastructure, it has the sewer, it's inappropriate for farming, it's – if you put Rural Reserve housing development up there, everyone has mentioned the quality of the hard pan. Well, septic doesn't work too well in hard pan and you cannot use sewer outside of the UGA. It's not allowed. So I really urge you to not change the UGA boundary. If you want to manipulate the zoning within that UGA boundary, to manipulate and end up with a net density of four units per acre, which is what the UGA says – some can have six, some can have three, you can go down to two. The PUD ordinance, as has been previously mentioned, put a virtual moratorium on everybody's ability to develop because it says if you want to go over four you've

got to do a PUD. So they're lots of projects that were already long since been done had you not adopted a development ordinance that required a PUD to develop, which you never put in place.

So now we have an opportunity to look at the transfer of development rights. This is a whole new thing that is just coming forward. Why not take a look at being able to utilize that density transfer? Why not be aggressive? Why not be forward-thinking? This is good stuff that took place. For basically 20 years looking and studying – and I don't know how many thousands, or probably millions, of dollars have been spent on this particular project. It just – if you want to change the interior zoning use that's one thing. Don't mess with the UGA. You'll never get it back. It will not happen, and the UGA is so critical to be able to utilize sewer, to be able to utilize urban development. You're not going to get it back. And I'll tell you, that's – you just are not going to be able to have the densities that you need in Skagit County to handle the increase in Light Industrial. People are going to come here to work. Wouldn't you want to live close by where you're going to work? I would. The price of gas? I mean, that's important stuff. So I'd really urge you guys to think about that.

And then to compound the issue, with the water problems in Skagit County you can't develop in rural Skagit County any longer. You can't drill a well, at least not legally, and use it for – so, I mean. there's another thing to think about is, What impact has occurred since that time that you need as much UGA as you can possibly have? Do not get rid of the UGA boundaries and keep as much Residential as you can up there. The one – that piece that you're keeping is southwest and closer to the airport than the one you're trying to eliminate. That doesn't make any sense to me either. Geographically it's lower. The Knutzen property drops down and it will separate itself from conflicts with the airplanes.

Chair Lohman: If you could conclude.

Mr. Axthelm: Thank you.

Mr. Lisser: What's that?

Mr. Axthelm: You're a minute over still.

Mr. Lisser: Hey, all right! Well, I'm keeping up with everybody else.

(laughter)

Chair Lohman: Thank you.

Mr. Lisser: So, anyway, I urge you to do not mess with the UGA. It's too important.

Chair Lohman: Thank you. Roger Knutzen?

Roger Knutzen: Roger Knutzen, 16505 Peterson Road, Burlington, Washington. It's been mentioned that our family's owned this property since the 1890s. We are not speculators. We're not developers. Speaking as a farmer, the land that we're in question has no agricultural value. We lease it out for cattle. We used to get enough money out of it to pay the taxes. With the taxes going up we don't even get that, so it's a detriment to even own it. It can't be farmed.

As we were talking several years ago, the urban growth area was formed. Agriculture is always jumpy about the water issues, and agriculture wants homes on the hill but we are also concerned about the water. This Planning Commission and Skagit County paid for a plan to solve the drainage issues, then signed an interlocal agreement with Drainage District 14, and then paid the high, high dollars in order to make that happen. And I thank you folks for doing that. Agriculture cannot complain about the water issues that were taken from that because of the efforts that you folks have done and that's very special.

As has been mentioned, the urban growth area has fire protection, power, water from the PUD, city sanitary sewer. In my letter here I'll include a letter from Burlington and the sewer disposal showing from Burlington the substation on Peterson Road, the line that wraps clear around, and they have plans to run that line clear to the Corner Tavern. And this would be just the first section of that. But that's the long range goal. And so Margaret at Burlington has written a letter stating that they're prepared to take that. We're in their area and they would like us to be a part of it.

The school situation has been solved, as we've talked about, and the Port of Skagit County had disappointed me a little bit that the presentation from Skagit County didn't include the last letter. And I'll include the letter with it but I would like to read one statement signed by the three Port Commissioners, and it states: "...certain properties along the north side of Bayview Ridge are" inept "...for industrial or agricultural purposes. Therefore, the most logical use of these properties" are "...residential." That came from the three Port Commissioners. They support homes being in that location. And, again, I'm disappointed that the County didn't present that to you but I will list that in the comments.

With the proper density – and I repeat myself: the proper density – because of the theater-type effect that this ground has, every single home would have a view of Skagit Valley.

Mr. Axthelm: Your time's up. If you could summarize, please.

Mr. Knutzen: And the infrastructure has been created for this housing area to produce people for the light industry that will be hired in that spot. We were told three years ago that this was a good plan. Why would we change it now? Thank you.

Mr. Axthelm: Thank you.

Chair Lohman: Okay. For those people who have not signed up on the sign-in sheet, now is your opportunity to speak. So, sir, you can be first, and then if you will also give your name and your address. So anybody else that would like to speak that hasn't signed up, just come on up to the mic after this gentleman.

Gordon Henderson: My name is Gordon Henderson. I live at – I'm a little slow. My memory's slow – 13814 Bay View Road in Mount Vernon. I have some land up there. It's covered by a land patent and probably no one here knows about that except Pernula and Moore when they're on there. They've attacked me for 40 years, 20 years, trying to get my land away from me with all sorts of excuses and everything else and they haven't made it yet. The last one is they're suing me for \$400,000 to try and do it. But they had Weyrich, who is not a very smart person anyways – he's the Prosecutor – and he won't do anything here for this so he's involved in this, too. And this is – now they think that this is over because they've stopped talking about it. It's

going before the Supreme Court of the United States and that will be coming probably within the next few months.

A land patent is something that when a person homesteaded the land it took you five years to get it passed, and when you did that you had a land patent. But there was also one more on this, and you'll find this in the Homestead Act on your Internet, if that's what you're doing. And your – if you paid a buck and a quarter an acre in 1862 when this came out, you had a land patent that's exempt from permits and taxes. I know that sounds like it's wow, that's something else. Not everybody did it. There's a lot of people here. If you have land that was farm land or something that was done, that'll be it.

Now this County and Pernula, and Pernula and Moore, they attacked me and they had Weyrich sue me. But to show you how smart he was, he went past the statute of limitations and now it's fallen out. Now a long time ago when they first started this I put in a paper. I put it down in Olympia and I brought it up to the Secretary of State then I filed it with the Auditor's office, and that was costing any people that trespassed on my land – not walking in the gate, but trespassing on the land patent was \$1 million a person. They're all in it and they're all be going before the judicial conduct. And this is what this is all about.

Now if you own land, who the hell can take it away from you? It's all paid for and everything else, so this is what I just wanted to say. This is not good. They can't touch my land. They've tried many times. They come up with all sorts of gimmicks and even now they got State Patrol on it. I'm a cripple now and I can't see very good and my memory's going. I was attacked by a trooper for no reason for not wearing a seat belt. I don't wear a seat belt because my shoulder vibrates, so I don't drive a car anymore. I get driven around.

But anyways, this County is pretty corrupt when it gets down to changing things and doing things just to get your money.

Mr. Axthelm: Your time is up. Would you summarize, please?

Mr. Henderson: \_\_\_\_\_ think about. Is my time up?

Chair Lohman: Yep. Your time is up, sir.

Mr. Henderson: Okay.

Mr. Axthelm: Thank you.

Mr. Henderson: That's information for you. The Bureau of Land Management in Portland will give you – if you give them the name and your address they'll tell you whether you have a land patent or not and you'll get an actual paper for – was \$2 for a copy of that.

Chair Lohman: Thank you.

Mr. Henderson: Thank you.

Chair Lohman: Anybody else who has not signed up? Come on up, Ellen.

Ellen Bynum: Good evening. Ellen Bynum, Friends of Skagit County. I just want to give a little bit of background to the Commissioners and to the audience because some of you haven't been here for as long as we've been doing the planning. Friends of Skagit County's been around about 21 years – 22 years next year.

The Bayview Ridge stand-alone UGA is an anomaly in planning. There is only one other urban growth area that stands alone not in a city, not in an incorporated area, without a town in it, and it's in Whatcom County. The history of the Bayview Ridge area is that the Office of Financial Management gives counties when they update their comprehensive plans a population estimate of how many people are projected to be in the next so many years, and I think it's – Dale can probably tell me – it's the next – it's for the seven-year updates, or the ten-year updates. Anyway, in the debate about who was going to come to Skagit, one of the Cities, Anacortes, did not want to take the overage of people and there were 6,000 people – there were 6,000 people slated to be put somewhere in Skagit. And that is how the urban growth area got designated. If we hadn't designated that, I suppose Friends would have said that we were out of compliance because we weren't allocating our population properly.

But one of the things that I want you to be aware of, and possibly for the Commissioners to look at, is: What are the requirements for the expansion of a UGA? I'm assuming – although I don't know this and I'm not an attorney so I can't verify this – I'm assuming that all of the UGAs have a certain process that they go through. Now UGAs are generally around cities, so when the City says it needs to expand its urban growth area it has to do some kind of calculation. It has to do some kind of proof. It has to have something more than just, We'd like to go to the north by so many acres. I don't know if that calculation has been done for this. It was done originally, but the decision was not based on need. It was based on a number and I don't know if that number has changed. So those are just points of information that might help you in your deliberation.

I also wanted to say that one of the goals of the GMA is to – as other people, other speakers, have mentioned – is to provide some amount of certainty and some amount of predictability. And I don't think it was the intent for it to be punitive, and we have a good history of sometimes not doing the right thing in the County. So it's a hard – I think your decision will be informed if you look at some of those historical precedents and some of the existing policies around UGA expansion rules. Thank you.

Mr. Axthelm: Thank you.

Chair Lohman: Thank you. Anybody else who did not sign in? Nobody? Okay. So I guess –

Ms. Mitchell: Madame Chair, may I ask a clarifying question for somebody?

Chair Lohman: Sure.

Ms. Mitchell: Mr. Knutzen.

Chair Lohman: Which one?

Ms. Mitchell: Roger Knutzen. You had referenced a letter. When you said – you were talking about that for the public comments, yes. Are you going to submit that to us for us to review?

Mr. (Roger) Knutzen: Yes, it's in the basket now.

Ms. Mitchell: Thank you very much.

Chair Lohman: I'd like to remind the public that the public hearing – or the public comment period is open until Thursday, October 9<sup>th</sup>, at 4:30, so you still have opportunity if you heard something that sparked your thought or you wanted more additional time, you've got a couple more days.

So we'll move on in our agenda then to –

Mr. Axthelm: Bruce had a question.

Mr. Lisser: Is the public comment still open? I'd like to make one more comment please.

Chair Lohman: Okay. Sure.

Mr. Lisser: Thank you.

Chair Lohman: Come on up.

Mr. Lisser: Bruce Lisser again. I just wanted to back up Mr. Sitkin's comment about the 250-foot building setback. I really think that's an important concept that needs to be rethought. And the way he presented it is spot-on.

Chair Lohman: Okay. Okay, we're going to move on in our agenda.

Ryan Walters: Madame Chair? I just wanted to remind people that if they want to submit comments to submit them to the e-mail address that's specified in the announcement. It's [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us). Comments that get sent to other places, other e-mail addresses, may not make it to us.

Chair Lohman: Thursday, October 9<sup>th</sup>.

Mr. Walters: Thursday 4:30.

Chair Lohman: Carol?

Ms. Ehlers: A query on that: Are you telling us that the only way we can comment is on e-mail?

Chair Lohman: No. No, no.

Ms. Ehlers: There is a legal notice from the Planning Department that –

Mr. Walters: Which says exactly what I just said. If you submit comments via e-mail, submit it to that e-mail address. If you want to submit comments in writing, you can drop them off in the box at the desk out front or by mailing them to the Planning Department.

Ms. Ehlers: Good, because there was another legal notice that only allowed e-mails. I'll raise that with you later.

Chair Lohman: Okay, last call for this subject. We're going to move on to the Deliberations on the Capital Facility Plan in the 2015-2020 Update. Ryan?

Mr. Walters: Shall we wait just a second?

Chair Lohman: Okay. We're going to hold for a moment. Okay, we're going to start with the Capital Facilities Plan and I think I would like to propose that we kind of do this in two parts. It would be the Capital Facilities Plan itself and then the TIP – the Transportation Improvement Program – separately. And then bring them back together since the TIP is incorporated in the Capital Facilities Plan. That way we can keep things straight and we know which part we're talking about. So to get us started, does somebody – would somebody like to make a motion so we can begin discussion?

Ms. Mitchell: I'd like to make a motion that we begin discussion \_\_\_\_\_. Is that good enough?

Chair Lohman: Not quite.

Matt Mahaffie: I move that we adopt the Capital Facilities Plan as written.

Chair Lohman: Is there a second?

Kevin Meenaghan: I'll second it.

Chair Lohman: It's been moved and seconded that we adopt the Capital Facilities Plan as written. So now we can begin discussion, so who would like to –

Mr. Walters: Madame Chair? So the product of your deliberations tonight will be a recorded motion.

Chair Lohman: Right.

Mr. Walters: The recorded motion gets forwarded to the Board and then the Board makes the decision on how to move forward.

Chair Lohman: Right.

Mr. Walters: I think it might be useful if we put the draft recorded motion, the skeleton that we prepared and sent to you, on the screen so that as your discussion moves forward you can see whatever subsidiary motions you make in text on the screen, vote on those, add them to the motion so that you're basically starting with your original motion to adopt and then amending it with each succeeding motion until you get to the end.

Chair Lohman: Yep. Matt, since you were the maker of the motion did you want to open the discussion?

Mr. Mahaffie: I didn't really have any discussion.

Mr. Greenwood: So I'm looking at the top of the – or the bottom of the document. Is there a way we could see either more of the document or the motion that we're talking about in draft form? For some reason, on the screen I'm only seeing the bottom – 9, 10, 11.

Chair Lohman: You're referring to the Findings of Fact?

Mr. Greenwood: Yes.

Ms. Candler: It made it bigger, I think. You wanted it smaller, didn't you?

Chair Lohman: Yeah.

Mr. Greenwood: Or even just start at the beginning.

Ms. Candler: Ryan, you zoomed in. Could you zoom out a little maybe?

Chair Lohman: Well, maybe what we should do is run through what the Findings of Fact are. The first one is it describes the RCW and acknowledges that this is an inventory of publicly-owned facilities, and forecasts a future for future needs. I think we probably agree with that. I didn't see any changes to the first Finding of Fact. Did anybody?

Mr. Greenwood: Okay, so there must be a revision here from the version that was sent to us most recently? Because the previous one I showed had RCW 35.70 referenced, if I'm not mistaken, in the version you sent us. Are you sure that this particular RCW is the one that requires –

Mr. Walters: It's definitely not 35.70 and I'm not \_\_\_\_\_.

Mr. Greenwood: All right. I just wanted to make sure we had the correct RCW reference; otherwise, it doesn't read proper.

Chair Lohman: So everybody agrees with Finding of Fact number 1?

(silence)

Chair Lohman: Okay, then moving on to number 2: "The WAC 365-196-415, (2)(a)(i), recommends a jurisdiction periodically review and update its inventory at least at every periodic comprehensive plan update." Anybody have any trouble with that?

(silence)

Chair Lohman: Okay. The next one is the same WAC, further down in that same WAC. It would be (c)(ii). It recommends a jurisdiction update its six-year financial plan at least biennially. Any problems with that?

(silence)

Chair Lohman: Okay. Next one: Skagit County's most recent update of its Capital Facilities Plan was the 2014-2019 Plan. I think that was true. The next one is "The proposed Skagit County 2015-2020 Capital Facilities Plan improves upon the 2014-2019 plan with an updated inventory, needs assessment, and six-year financing plan, and by incorporating the most recent draft of the Transportation Improvement Program," and that's what we call the TIP. I think that's okay.

"The proposed Plan is consistent with GMA requirements for capital facilities planning described in RCW 36.70A.070, the Skagit County Comprehensive Plan, and the Countywide Planning Policies, and supports the requirements of" Skagit County Code "Chapter 14.28, Concurrency."

Mr. Greenwood: Which one was that – 6?

Chair Lohman: Yep.

Mr. Greenwood: I'd like it to reflect that the language be changed from "The proposed Plan is consistent" with "appears to be consistent with the GMA requirements." Just recognizing that we didn't prepare the document and the volume is such that from our level of inspection it *appears* to be. Anyone agree with that or want to second that?

Ms. Candler: I agree with that.

Several Commissioners: Mm-hmm.

Chair Lohman: So are you proposing to –

Mr. Greenwood: Proposing a revision to that language in Finding of Fact 6 to reflect that the proposed Plan *appears to be* consistent.

Mr. Walters: So how do you want to do this? Do you want me to make edits at the direction of the Chair?

Chair Lohman: Yes, please.

Mr. Walters: So do you want to make this edit?

Chair Lohman: Yes. I saw the majority head-nod.

Mr. Greenwood: Do we need to vote on that to get a revision?

Mr. Walters: You don't need to vote on those. You can sort of –

Mr. Greenwood: Just make a second and –

Mr. Walters: – construct this –

Chair Lohman: Does anybody object to this revision?

Several Commissioners: No.

Mr. Walters: That's how I'd recommend you do that. Do you want to show track changes from this version or shall we just dispense with that?

Chair Lohman: Let's dispense with that. Give me a sign when you're ready for us to move on.

Mr. Walters: Ready.

Chair Lohman: Okay. Finding of Fact number 7: "RCW 35.77.010 requires a County to adopt a 'comprehensive transportation program for the ensuing six calendar years' consistent with the comprehensive plan that 'shall include any new or enhanced bicycle or pedestrian facilities identified pursuant to RCW 36.70A.070(6) or other applicable changes that promote nonmotorized transit'"

Mr. Greenwood: I think this is – I'd like to make the revision that it reflects – Title 35 refers to cities and towns, so it should be changed to RCW 36.81.121, which requires a county to adopt a comprehensive transportation plan.

Mr. Meenaghan: So, Keith, are you saying that RCW that's listed there is –

Mr. Greenwood: Incorrect.

Mr. Meenaghan: – for the cities.

Mr. Greenwood: Correct. It applies to cities and towns.

Chair Lohman: Is the RCW that you quoted identical for the quoted language?

Mr. Greenwood: The language will still work. It's the same language. It just applies to counties instead of cities and towns. That should be verified. I'd be more than happy to –

Chair Lohman: Could you read that RCW?

Mr. Greenwood: It's RCW 36.81.121.

Ms. Candler: So should we do this one maybe as a track change until we verify that?

Mr. Walters: It's right. It's right.

Ms. Candler: It's right. Okay.

Mr. Walters: So I'm going to make that change.

Ms. Candler: Agreed.

Chair Lohman: Okay, everybody agrees with that change? Okay. Thank you, Keith, for catching that.

"The Transportation Improvement Program is incorporated by reference into the Capital Facilities Plan to fulfill the requirement for the" Capital Facilities Plan "...to address transportation."

Mr. Greenwood: That's good.

Chair Lohman: Everybody okay with that?

Mr. Axthelm: Mm-hmm.

Chair Lohman: Okay, number 9: "The proposed Plan includes the County's best efforts to incorporate capital facilities information from special purpose districts throughout the County." I think that's true because that information is voluntarily provided.

Mr. Meenaghan: Right.

Chair Lohman: Okay, item number 10: "The role of the Planning Commission in reviewing the Capital Facilities Plan (and its Transportation Improvement component) is to help the County (both as a municipal government and as a region) plan for capital facilities and public services to be provided to support development at the time development occurs."

Mr. Greenwood: No problem here.

Ms. Candler: I just have a question. When it says – Ryan, when it says "...as a municipal government and as a region..." is it saying that the County is a region? Is that right?

Mr. Walters: Right. The County as a municipal government isn't doing the planning for those special districts, but the goal of the capital facilities plan requirement is to bring all that information together in one place so that the County as a region, all the districts together – the County, the Cities – have access to that information in one place.

Chair Lohman: Everybody okay with that? It's a little bit awkward. I tripped over "and as a region" because it kind of was – because without the narrative it didn't make quite sense to me.

Ms. Mitchell: Yeah, can we clarify that in the writing then so anybody would understand?

Mr. Meenaghan: Is there anything that says we couldn't just – what's in parentheses there we could delete that so it just says "...is to help the County plan..."?

Mr. Walters: No, I don't think there's any reason you couldn't just delete that.

Mr. Greenwood: Well, I think there's a reason for including it, though, in that it requires under capital facilities and transportation planning that you coordinate with other municipalities. So I think it's looking for that as a planning tool to assist in that endeavor. So it's used –

Mr. Meenaghan: If that's the case, then we should say what Keith just said. I mean, it requires us to collaborate with other municipalities.

Chair Lohman: You could either change it here or you can add an additional Finding.

Mr. Walters: I'm proposing something on your screen there.

Mr. Greenwood: Okay. I was just thinking.

Chair Lohman: So if you could look at your screen and look at the red.

Mr. Greenwood: "Facilities and transportation planning" – just to clarify that. It's all part of the same, but...

Mr. Walters: Yeah, transportation *is* capital facilities.

Ms. Candler: I guess I read “region” differently, because are we not talking about any other counties? We’re just talking about our own?

Chair Lohman: Yeah.

Ms. Candler: Okay.

Mr. Greenwood: Cities, state, joint counties – I mean, it allows you to coordinate so you don’t end up with a road that dead ends at your county line.

Mr. Walters: Well, it’s really not targeted at that. It’s targeted at all the fire districts throughout the county knowing what the other fire districts have in terms of capital facilities.

Mr. Greenwood: Well, that too, that too.

Mr. Walters: That is its primary focus because those are the only types of capital facilities other than County-owned \_\_\_\_\_.

Mr. Greenwood: Well, that’s why I’m talking about transportation, too. So I know that there’re several places where the transportation is directed towards coordinated work –

Ms. Candler: That was my concern \_\_\_\_\_.

Mr. Greenwood: – which includes trails – those sorts of things which we’ve been addressing at the last couple meetings.

Ms. Candler: So when we talk about the *region* in the Transportation Plan, it seems like it’s reflecting a larger area and now this is not. So it seems confusing to me. That word.

Mr. Greenwood: Oh, I see what you’re saying.

Chair Lohman: It’s not clear that you’re referring to just the county – within the county boundaries – Skagit County. It does suggest that you’re reaching over the lines.

Ms. Mitchell: Madame Chair? I struggled over the same thing that Tammy did before and that’s why I asked for clarification right away on that. Because when you read different documents, some places – and I can’t remember where it was, GMA or where – would refer – some places would refer to the region as in the county itself, meaning the county was the region. Where – that’s why I wanted clarification because oftentimes we think of region as – like the northwest region. And so if we’re truly saying that this is just for county, that’s why we just need to spell it out specifically, where the lay person would understand too. I understand what you were saying, Tammy.

Chair Lohman: Tammy, do you have an idea how we could reword that?

Ms. Candler: I think as long as we’re including the Transportation Improvement Program in this – which we are – we kind of are dealing with other regions, so just like what Kevin was saying about the trails. So I don’t think that we can just say “throughout the county.” Does that make sense?

Mr. Temples: What about some kind of an addition that basically says “within the boundaries of the county”?

Mr. Greenwood: It depends if that’s – what is the intent? Is the intent –

Mr. Walters: Well, I think the point of this provision is to highlight the GMA requirement. The Transportation Improvement Program is required by a statute that's *not* part of GMA. So this is an attempt to meld those different requirements.

Mr. Greenwood: But it's part of the Comprehensive Plan, though. Is it not?

Mr. Walters: It is not part of the Comprehensive Plan except –

Mr. Greenwood: Required by?

Mr. Walters: – by virtue – it is not required by the Comprehensive Plan.

Mr. Greenwood: Coordinate with?

Mr. Walters: It must be coordinated with.

Mr. Greenwood: Okay.

Mr. Walters: Eventually you hit the right verb.

Mr. Greenwood: I was trying.

Mr. Walters: Yeah, it – let me finish that thought, though, because the Transportation Improvement Program is not by definition a required component of the Comprehensive Plan. It becomes a required component – or it becomes a component of the Comprehensive Plan when it's adopted by reference into this Plan.

Mr. Greenwood: So is this language designed to reflect coordination beyond the county boundaries when it comes to capital facilities and transportation, or no?

Chair Lohman: No. I don't think so.

Mr. Walters: This language it says not.

Mr. Greenwood: So would it then be extending towards cities within the county then? Is that what we're looking at? And districts, perhaps?

Mr. Walters: Well, I think, yeah. Maybe primarily –

Mr. Greenwood: What's the extent of it, I guess?

Mr. Walters: Primarily districts but, to some extent, cities and towns. That's the GMA requirement. The GMA requirement in capital facilities is to coordinate your districts internal to the county.

Mr. Greenwood: Well, then I'm going to suggest, if that's the intent, that we don't need the language in red and we need the strikeout.

Ms. Candler: The strikeout, I think, should go. It's not consistent with the new language. So were you suggesting it *all* go?

Mr. Greenwood: Yeah – everything in red.

Ms. Candler: *Everything* in red.

Mr. Walters: So delete the new additional red text at the end of that sentence?

Mr. Greenwood: I think if that's the intent then – just within the county – then it's already stated in black.

Chair Lohman: I think I agree.

Mr. Walters: Then I guess I would suggest that you *not* capitalize "county."

Chair Lohman: Before where you started the strikeout?

Mr. Walters: But that's sort of subtle.

Ms. Candler: Because?

Mr. Walters: Because it's not just the *county* planning. It's –

Ms. Candler: Oh, county and cities?

Mr. Temples: County and region.

Mr. Greenwood: Oh, no! Don't \_\_\_\_!

Ms. Candler: There's that "region" again!

Mr. Walters: Well, I feel like –

Mr. Axthelm: I think the county – saying "*the county*" when "*the county*" is doing – is taking care of the region and the municipal government. So it's still doing it.

Mr. Mahaffie: No, Ryan's right. If you would strike everything that was in red, "county" needs to be not capitalized.

Mr. Walters: Because it's then "county" as a region –

Mr. Greenwood: Correct.

Mr. Walters: – meaning all of the municipal governments within the region called Skagit County, not just the government entity called Skagit County.

Chair Lohman: Okay, I could go with that.

Ms. Candler: I agree.

Mr. Axthelm: Yeah.

Chair Lohman: What is the will of the Commission?

Several Commissioners: Agreed.

Chair Lohman: Okay. So Ryan's strike and little c. Okay. Then Finding number 11: "Some additional revisions to the proposed Plan could improve the presentation and readability."

Mr. Walters: So basically the idea of the first ten Findings is to lay the groundwork for why we're doing this at all. Finding 11 is to lay the groundwork for whatever further recommendations that you want to make on the Plan. So if you decide to make further recommendations, you may want to come back and add Findings of Fact or Reasons for Action that support that. But here's one that supports the sample ones we provide.

Mr. Greenwood: I think it should stay there until we decide that we do not.

Chair Lohman: Yeah, we may find one or find that we need one as we go through the deliberations.

Okay, then, so moving on in the proposed Recommendation: "The Planning Commission recommends that the Board of County Commissioners adopt the proposed Capital Facilities Plan and Transportation Improvement Program with the following changes: Delete the line for the Worksouce building from the inventory table on page 14." And if you saw the handouts, you would have seen that that building has not been purchased yet and so it was premature to have it in the list. So that one made sense to me.

Rename the "Old Jail" to the "Public Safety Building." That was its – that's its formal name in the projects table on page 15, and I think that's a good change because we're calling it what it should be called.

Mr. Walters: I got some – Dan Fitting couldn't be here tonight, but I got some additional information on that project, too, if anyone is interested.

Ms. Mitchell: I am interested.

Chair Lohman: Go ahead.

Ms. Mitchell: What type of information?

Mr. Walters: The project is listed in the Plan on page 15 for the Old Jail, the current Public Safety Building. There were some questions before about, Why would we be retrofitting the Old Jail? And I think the answer that Dan provided was that well, it won't be the jail anymore but it will be something else. I guess he had a meeting today with some consultants that think we may be able to get state grant dollars for some of that retrofit, and I understand that that retrofit will likely be included in the budget for next year because it needs to occur, because the HVAC

systems are 32 years old when they had an expected life expectancy of 20 years. But they've also looked at redesigning the system so that it'll be quite a bit more modular. They won't replace the domestic hot water system. Instead, what they will do is hold off on that for the time being – the domestic hot water system also needs replacement – but they'll hold off on that for the time being until the facility transitions to whatever its next use is, and then install a more modular domestic hot water system so that if the capacity of the facility doesn't require the whole system that they have now it can be turned on or off. Likely uses of that facility are part Juvenile Detention, and the Sheriff's offices in the facility will stay there. District Court is in the facility. It'll stay there. And then likely other related law and justice functions might be able to be located in that facility.

Chair Lohman: But ultimately is he asking to take it off the list or leave it on as a placeholder?

Mr. Walters: No, he's not asking – he's only asking to rename that project so that it isn't titled "Old Jail" but "Public Safety Building." It's the "Larry Moller Public Safety Building."

Chair Lohman: Okay.

Mr. Axthelm: Question. I understand the system is old. Is it failing?

Mr. Walters: I'm not –

Mr. Axthelm: If it's not failing, then there's no need to switch it out even though it is old.

Mr. Walters: I'm not aware that it's failing, but there's no redundancy and if it fails that's a problem – while the building is occupied.

Mr. Axthelm: Isn't that true to almost any building?

Mr. Walters: Our newer buildings have more redundancy. We recently did a boiler upgrade in the Admin Building that serves Juvenile Detention, and there is now redundancy and modularity so that they can shut down part of the boiler system when the rest of the buildings that use it don't need it, like during the night – whereas Juvenile Detention needs it 24 hours a day. So we're improving on these systems. But – and the jail – the jail must be heated and cooled when it needs it, so it really can't fail.

Chair Lohman: But back to the Capital Facilities Plan, the reference to the jail where he was talking about doing the improvements, they're still on the list as-is, right?

Mr. Walters: Yes.

Chair Lohman: Okay.

Ms. Candler: This is probably outside the scope of this discussion, but that building, you know, was built in a way that most buildings don't need to be built. It's a multi-million-dollar construction. And my suggestion, for what it's worth, would be that that be used in an appropriate way, like you mentioned one of the uses would be a Juvenile Detention facility. It seems like it would be economically a shame to use it for something so much lesser. In which case, obviously, the facilities would need to be updated because of the same reason: If they're housing people there that can't be moved quickly, it needs to be done.

Chair Lohman: But that – what you just said – sounded very similar to what – I can't remember the guy's name –

Mr. Walters: Dan.

Chair Lohman: – Dan told us at our last meeting, right? I think.

Mr. Walters: I guess.

Ms. Candler: He said that, yeah, even though it may not be the jail anymore it's going to be something.

Chair Lohman: Yeah. It's not going to be vacated by the County or surplussed.

Mr. Walters: No.

Mr. Axthelm: I just hate to see a bunch of money spent on it. If we're going to replace the facility and at this point we don't know exactly what's going to go in there, why spend all the extra money on it? But if it's necessary because it's failing, that's one thing.

Mr. Walters: I guess it has by far exceeded its expected lifespan and is – I can't tell you that it's failing. Our Facilities people might, if they were here. They might tell you that. I don't know that that is the case. But it has to continue to – we have to have that system for the other uses that will definitely remain in the facility, like the Sheriff's office, District Court.

Chair Lohman: But none of those other uses were being planned on in the new jail. They weren't going to be moved.

Mr. Walters: Correct. The new jail is really only a jail.

Ms. Mitchell: I'm sorry. Madame Chair, is it – let me try rephrasing it to make sure I'm understanding what we're saying. So what you're saying then is that this building – and from what the gentleman had said last time – is an asset on the books that we have to maintain so it can be used in the future and that's what you're looking for here. Is that correct?

Mr. Walters: I think so.

Ms. Mitchell: Okay.

Chair Lohman: I think we went off the page a bit, because none of us were disputing having the jail in the Capital Facilities Plan. I did not get that impression. And we agree that you should change the name.

Ms. Candler: Agreed.

Mr. Greenwood: But if there's a need for a revision to the Capital Facilities Plan, this would be a place to do it, correct?

Chair Lohman: Right.

Mr. Greenwood: And we heard public testimony, perhaps, to that effect, that Josh brought up.

Mr. Axthelm: No, and that's contrary to what you just said. I'm not questioning that thing specifically. I'm more questioning if it *is* a good system, regardless of the age. Now you can take a mechanical system and it has a 30-year expectancy, and if you maintain it correctly it may last a whole lot longer than that. So, you know, or you can take another system and in ten years it's shot. So if it's a good system right now, why spend the money on it when there's an opportunity to spend that money on something else that may be more needed?

Mr. Walters: Well, and I think that that makes sense in theory, but our Facilities people do try to take care of the facilities and the mechanical systems and I think have done a pretty good job of maintaining those mechanical systems, and it is them that have identified this as a need.

Mr. Axthelm: Okay. I wasn't questioning *them*. I was more questioning just if it's still good.

Mr. Walters: Well, and I think the question is, you know, do those people who maintain it think that it's a need, and they think it's a need.

Mr. Axthelm: Okay.

Mr. Greenwood: But it is 100,000-dollar investment and if we're going to make that and we're insure about the – we don't want to just say, Trust me, or trust the technicians. I think we were perhaps looking for some further review.

Mr. Walters: I think it's a –

Mr. Greenwood: As a recommendation before it gets approved in the budget.

Mr. Walters: I think it's an 800,000-dollar.

Mr. Mahaffie: Madame Chair, point of order.

Chair Lohman: Matt?

Mr. Mahaffie: This is way off topic. We're not here for budgeting.

Chair Lohman: No.

Mr. Mahaffie: This is the Planning Commission.

Chair Lohman: I have to agree.

Mr. Mahaffie: Sorry, Keith.

Chair Lohman: We're back to the Capital Facilities Plan.

Mr. Greenwood: So, point of order then. We are not then to make any recommendations that pertain to particular line items within the tables as recommended and proposed? Or are we just talking about the dollar figure? We're talking about revisions to the tables for clarity. We can't make revisions to the table for further review?

Mr. Mahaffie: Question – I don't think questioning the budgeting of facilities management is our purview. No.

Chair Lohman: No.

Mr. Temples: I'm kind of wondering as I'm listening to all of this going – a lot of this, I suspect, Ryan, has already been brought before the Commissioners? The budget – I mean, this proposal?

Mr. Walters: The budget is being prepared as we speak.

Mr. Temples: For this new improvement on this building's –

Mr. Walters: For the projects that are included in this Plan for the year 2015, the departments will have submitted those projects for this Plan. They will have also submitted those projects for their budget requests, which maybe they've – I'm not – have departments submitted budget requests yet?

Mr. Pernula: Yes.

Mr. Walters: Okay. So budget requests are already submitted. That doesn't mean the budget is fully prepared, except that it is because I saw the Finance Director printing the booklets earlier today. But the budget hasn't been adopted and this Plan and the budget should be harmonious at the time that they do get adopted, at least as far as we're talking about projects that are occurring next year.

Mr. Temples: Well, I guess I'm just concerned about us somewhat micromanaging – is the term I would use – something that's coming before the Commissioners and has not been approved or anything at this point. As far as how much is being spent, we don't have the full proposal?

Mr. Walters: Well, the Commissioners make those budget decisions. Maybe that's what Commissioner Mahaffie was getting at. The *County* Commissioners make those budget decisions. I think the Planning Commission's role is – in the Capital Facilities Plan – is maybe admittedly sort of hard to figure out, because it's got – the Plan has all of these capital numbers in it but you don't allocate funding and the Plan itself doesn't allocate any funding. The Plan is supposed to be a way to demonstrate that we are thinking about what capital facilities we need as we anticipate certain levels of development.

Mr. Temples: I guess as the Planning Commission, I suppose we could perhaps recommend or suggest that we have concerns about the expenditures on that particular item. I don't know how much else we can really do.

Chair Lohman: I think – back to the example of the jail, it has exceeded just a regular maintenance item so it becomes another capital investment, which will be the HVAC and the associated infrastructure inside the building itself. And so I think it's wise planning to have it on a capital facilities plan. It's forward thinking looking into the future and how are we going to fund this. We think it's going to cost about this. And then they were anticipating how they're going to pay for it and then you go off to grants for that possibly, or come up with it from the budget. Is that correct?

Mr. Walters: Yeah.

Chair Lohman: So I think *not* having it on there is *not* good planning.

Mr. Greenwood: However, if we allow items to be put into a plan that then goes to the Commissioners for budget approval, it is forward thinking and planning and it is required, of course, for them to then collect the fees in order to – or impact fees, if you will, on some of these items – in order to get them funded. So if we want to – I hope I don't offend people, but if we rubberstamp plans then there's no need for public input and there's no need for us to review it. If we're just looking at format and flow, you don't need our input. And so I'd like to say that I'd like us to be able to make comments to the specific Capital Facilities Plan as the public has. There's some line items in there that people had some serious questions about the validity for. Maybe some of those correspond more to the transportation plan, but we're giving the approval to that by adopting with this Capital Facilities Plan that transportation plan as well.

Mr. Walters: And I don't think I'm suggesting that your review is limited to format and flow. I think that the limitation on your ability to review line items is more limited to their amounts, which is not an explicit limitation, obviously. But you're not dealing with, you know, project scopes and that kind of things so you don't really have the ability to make determinations, at least on a very micro level as to how much anything should be budgeted for. And I think that's reflected in the general rule that this is not a budget. It's only a planning tool. But I don't – definitely don't mean to suggest that you can't make recommendations on individual line items in the Plan.

Chair Lohman: Well, on the jail/public safety building, did you have an objection to the line item in the chart?

Mr. Greenwood: No. I would just like further inspection of it to see if it's necessary – the necessity of this planned item. And they will do that at budget time. I'm just expressing a concern.

Ms. Mitchell: Madame Chair, I think I know where he's going. And maybe that's exactly why we have this section on recommendations. If we have those concerns or some people have that much concern, that is a place we certainly can use this to put this in because the Board will use those recommendations and understand that there is some concern. So, if that's the fact, then let's make a number 5.

Mr. Greenwood: If there's agreement. If other people don't think it's a concernable item then I would defer that.

Chair Lohman: Well, can you make a proposal then for what you're asking?

Mr. Meenaghan: Can I – I have a question.

Chair Lohman: Go ahead.

Mr. Meenaghan: So one of the questions I had today had to do with page 15, which is the Proposed Projects and Financing, and I could not for the life of me get the numbers on there to add up.

Mr. Walters: I looked at that and I figured it out after a little bit of time.

Mr. Meenaghan: So my thought is – you know, along with what you're saying – maybe they don't necessarily need to, or maybe it's a formatting or the way I'm looking at it, but I think what we're talking about applies to that same page as well – that it's not going to be – it's not a budget. It's a planning tool.

Mr. Walters: The – do you want to hear about the table on page 15?

Chair Lohman: Yes, please.

Ms. Mitchell: Can you put it up? Can you put that page up?

Mr. Walters: Yes. The table on page 15 is the list of projects that the County is planning to undertake for County-owned facilities. And this document is all created in Word so those tables don't automatically update. And Dan Fitting had included a project that was worth less than the threshold. Capital facilities projects aren't included in here unless they're at least \$15,000. So he took that line back out and then didn't update the total; however, there's another complication. So if we go to page 15, there is only one project in this list of projects that has more than one funding source and that's the new jail. So the new jail is listed at the top with a blank line between because the revenues and expenditures can't be added together. You'd be double-counting. So the expenditure line across the top is excluded from the whole total. So if you total everything below that you get the total amount less the project that Dan took back out and didn't update the total.

Mr. Meenaghan: Okay, except that let's look at FY2015 there. If I look at Revenue: Sales/Use and – oh, I'm sorry. If I look at – oh, yeah. Starting with Revenue: Sales/Use and Tax, all the way down that column, that does not equal 3777 at the bottom.

Mr. Walters: Well, I think it was a 2015 project, so the same problem there – that he didn't update the totals at the bottom.

Mr. Meenaghan: Okay.

Chair Lohman: But it should be a larger number.

Mr. Meenaghan: So what you're saying is –

Mr. Axthelm: I thought what you were saying is there's a line item that never got put back in that they took out?

Mr. Walters: He took it out but he didn't update the totals. So the totals need to be updated, I guess. So maybe you can –

Mr. Meenaghan: So can we make that a recommendation then?

Mr. Walters: Yeah.

Mr. Meenaghan: Okay.

Mr. Walters: I mean, we would recommend it anyway, but, yeah, you can recommend it.

Chair Lohman: Well, can we make a recommendation to correct page 15?

Mr. Walters: Yeah.

Chair Lohman: Does that sound like a reasonable –

Ms. Candler: I agree.

Ms. Mitchell: I agree.

Chair Lohman: Maybe we should insert it after number 2?

Mr. Greenwood: I heard at least one person from the public when we heard public testimony, and I'd like to support that notion that what we're spending it's going to double our expenditure at least half of the amount on the table there for expenditures that we invite closer inspection on the need for that jail replacement – heat exchange or replacement. I'd just like to let the Board of Commissioners know that I'm concerned and at least one member of the public is concerned. And if you guys would like to support that, that's fine. If you think we should strike it, that's fine as well.

(Several Commissioners start speaking at the same time.)

Mr. Temples: \_\_\_, you know, we have concerns –

Mr. Greenwood: That's it.

Mr. Temples: – without going into great detail.

Mr. Greenwood: Correct.

Ms. Candler: So you're not asking for those –

Mr. Axthelm: That went along with my concern just with the age of it. It can't just be by age. What is the condition of the existing system? If it does need to be changed, you know, what's the life of it? Can it be pushed off till the new jail's constructed? Or, like you say, if there's not enough redundancy that could be an issue. So, how you word that...They are trying to cover it, it looks like, because it says "possible lower cost alternatives" there.

Mr. Walters: Does that capture that?

Mr. Axthelm: Yep. Perfect. Thank you.

Mr. Greenwood: Thank you.

Ms. Mitchell: Yep.

Mr. Walters: And if we agree, then I will accept this and it will appear in black with the rest of it.

Ms. Candler: I agree.

Mr. Axthelm: Now you've already noted the Worksource remodel – or Worksource – yeah, remodel being taken out. Should we also note that, just for –

Chair Lohman: Yeah, we probably should.

Mr. Walters: What was that?

Mr. Axthelm: To remove the Worksource remodel.

Mr. Walters: What was that?

Mr. Axthelm: To remove the Worksource remodel.

Mr. Walters: What about it?

Mr. Axthelm: Should we make a recommendation based on that? It's shown, but –

Chair Lohman: Yeah, but let's finish the – let's finish this topic and then move on to that one. Okay? Because it's a separate – I'm not cutting you off.

Mr. Axthelm: You're fine.

Chair Lohman: I'm just making sure we're talking the same thing. Okay, anything else on anything on page 15?

(silence)

Chair Lohman: I think we got it pretty good. Okay, now you're on, Josh.

Mr. Axthelm: No, I was just – a matter of –

Mr. Walters: Oh, the Worksource remodel in the projects – take that out.

Mr. Axthelm: Yeah, should we take that out?

Mr. Walters: So, interestingly, Dan wanted to keep that line in the projects table because of our significant confidence that we will acquire the Worksource building, and then it will need a remodel.

Chair Lohman: How soon will that event take place?

Mr. Walters: The acquisition? I think the remodel is scheduled for not next year but the year after.

Chair Lohman: No, no – owning the building.

Mr. Walters: But the acquisition, within the next twelve months if it occurs.

Chair Lohman: But you don't have it.

Mr. Walters: No, but the need, I guess, exists, so even if it's not the *Worksource* remodel it will be the remodel of some other building.

Mr. Axthelm: So switch the term of that thing.

Chair Lohman: Yeah.

Mr. Walters: What's that?

Mr. Axthelm: Instead of "Worksource remodel," term it either "For future acquisition" or "Future —

Ms. Candler: "Worksource with a lowercase "w"?

(laughter)

Mr. Walters: I rather like "Remodel of future acquisition."

Chair Lohman: There you go.

Mr. Walters: Although it might not be exclusively \_\_\_\_\_. "Remodel of new or existing space," because we do have some existing – we own the Salvation Army building over here now. So I might call it a "Remodel of new or existing space."

Mr. Mahaffie: What's the purpose of the remodel?

Mr. Walters: To accommodate department moves. There are two space-planning goals in the Plan that have been in there for quite some time. One is to consolidate all of our operations into two campuses instead of multiple buildings all around town, and the other goal is to make the downtown campus be law and justice. So I think the vision is ultimately that the Public Health Department not be downtown, that it be consolidated with Community Services because it's already been structured that way organizationally, and that it be in a more accessible building. The building that Community Services is currently in has been sold and it has a three-year leaseback provision, so they have a limited period of time in order to get out of that building and get into a permanent home.

Chair Lohman: But if you change that item to a generic remodeling of newer space or soon-to-be acquired space, is the dollar amount allocated in there right?

Mr. Walters: The dollar amount is right for the *Worksource* building. It would be a different dollar amount if it's a different building, but at least we would be planning for it even if we're not planning with the precision that you might want.

Mr. Meenaghan: If this is a planning tool, you know, what's to say then that we couldn't just take that line out? We were talking – it's in FY2016. Why can't we just take that out since it seems to be an unknown?

Mr. Walters: You could take the line out entirely; however, the Department has identified the *need* for it because we've sold the building that Community Services is in, so they need to go someplace.

Ms. Mitchell: What if we used some sort of wording to say – this part that we were talking about – “with the goal in mind of the potential for two campuses,” if that’s what they’re after?

Mr. Axthelm: “Consolidation remodel”?

Ms. Mitchell: Yeah. Would that –

Mr. Walters: Yeah. Well, sort of that’s what I was suggesting – you know, “Remodel of new or existing space for \_\_\_\_.”

Ms. Mitchell: But if we added the part about the two campuses then that understands that that’s what they’re looking for and that’s where they’re headed, so it wouldn’t end up somewhere else. Does that make sense?

Ms. Candler: Well, I think that’s too specific because we don’t know for sure which – I don’t think it needs to be that specific. I think just a generic language that we need some money for remodeling would be best.

Mr. Walters: For department \_\_\_\_.

Ms. Candler: Because we don’t know –

Mr. Walters: For department relocations \_\_\_\_.

Ms. Candler: Part of Community Services is probation which is law and justice. I’m not sure what’s going to move.

Chair Lohman: I’m looking for an example of something that’s not – all the other things in the list are specific. They are something we have or it’s a definite something. If we go to a generic ‘maybe’ kind of thing, are we causing a problem?

Mr. Axthelm: Remodeling an existing space will have \_\_\_\_.

Ms. Candler: I understand your concern, but it seems like to me almost any time a new department comes in there’s some additional something that needs to accommodate the type of work they do so I think it’s important to plan for it.

Chair Lohman: Yeah, okay.

Mr. Axthelm: And a remodel of existing space will basic – a lot of times has the same cost, regardless of the space that you’re in. So there’s a certain cost that’s there.

Mr. Walters: So I proposed some text that hopefully captures what you’re talking about. Does that make sense?

Mr. Greenwood: Yeah, see now this might sound like a flip-flop from me in that since it is a planning tool, I don’t want you to neglect including it as a foreseen or a potential item. So I’d like it to be included, and that allows us to highlight when we suspect that the plan is inappropriate. So if we think that the County has enough buildings, for example, we might say we don’t approve of that, and if it’s not included in the Plan then it just has to be brought up on its own.

So I don't mind having it in there. I don't like miscellaneous items in a budget. This is what it looks like. It looks like we just want some extra money in case, but at least it's identified for a remodel. And then when the budget review comes, if there is no solid plan it doesn't get approved. So I'm okay with the language. Does that make sense, I hope?

Ms. Candler: The new language?

Mr. Greenwood: The new language here.

Mr. Walters: And so this project, it is 2016, right? Yeah, it's 2016 so it would not appear in the County budget anyway because the County only does single-year budgets.

Mr. Greenwood: But it will come up in a budget *sometime*.

Mr. Walters: Right. So the idea here with the six-year plan is to be able to plan over six years, because otherwise there isn't a document that does that. The annual adoption of the budget is only doing the budget, and it's not just a plan. It's actually legal authority to spend the money for one year. And the County doesn't have any other kind of capital budgeting document, even for single facilities. This is it. So it – I think – it clearly makes sense to have projects that are not completely defined in scope and cost because if you had them completely defined you would probably go do them. Of course, more detail is always welcome, but you don't always have it right away. So I guess that was just some background commentary.

Mr. Greenwood: Right, and so was mine. So I guess we've background each other enough. I think we're probably good.

Ms. Candler: So if we are going to put this language in, Ryan, I like what you said better than what you typed – "newly acquired" rather than "new"?

Mr. Walters: Right, because why would you remodel a new building?

Ms. Candler: It doesn't address Keith's concern.

Chair Lohman: What was that?

Ms. Candler: I understood what Keith was saying about the miscellaneous line items, but I think that this is specific enough to –

Chair Lohman: But remember it's not a budget.

Ms. Candler: Right.

Chair Lohman: It's a projection.

Mr. Axthelm: Well, the one concern about generic – it being generic – is that – I understand that it's a projection, but what we don't want is that money all of a sudden every year to be there for any remodels that happen around the County – if this is necessary that we do this based on the relocations that are required because you're losing the lease or a change in the lease requirements. Which building was it that they're going out of?

Mr. Walters: The Moen Building.

Mr. Axthelm: Communities Services building. So because of the Community Services building being changed, we have to relocate these departments.

Mr. Walters: The Brakefield Building, not the Moen Building. Is that right?

Dan Berentson: The Moen Building is being offloaded. The Brakefield Building already sold.

Ms. Walters: This is Community Services?

Mr. Berentson: Right.

Mr. Walters: Yeah.

Chair Lohman: Is the Moen Building the old Parks & Rec?

Mr. Berentson: Yes.

Chair Lohman: Okay.

Mr. Walters: We have trouble with some of the names.

Mr. Axthelm: I just don't want it to be assumed to be a generic fund for any remodels they want to do. Let's make this for necessity, not for...

Mr. Walters: Right. And it doesn't allocate any money.

Mr. Axthelm: Okay.

Mr. Greenwood: It does look pretty generic in that sense. It does look like a slush fund.

Mr. Axthelm: That's it.

Mr. Greenwood: Yeah.

Mr. Walters: Well, it would be helpful if they'd identified what departments they're talking about.

Chair Lohman: Okay.

Mr. Axthelm: (unintelligible)

Chair Lohman: Well, yeah, unless you added words like "imminently newly acquired."

Mr. Greenwood: Just keep it red in the Capital Facilities Plan and it would stick out!

(laughter)

Chair Lohman: Okay, then jumping back to the original list, item number 3 is going to be now number 6: "Include 2014 facilities that were planned and financed in the 2014-2019 Capital

Facilities Plan update." That was to make sure stuff didn't get lost, like you were talking about last time.

Mr. Greenwood: Correct, correct.

Chair Lohman: I like that because then you don't ever have that limbo situation. Okay, then item number 7, formerly item number 4: "Include County employee trend data comparable across years."

Mr. Greenwood: And I think that arose from Dale's reply to a question I had about a change in employee hiring practices – seasonal versus full-time permanent – and I think there was just some reporting that made it look different than it really was. So maybe one of you can address that a little more clearly. Dale?

Mr. Pernula: I don't really think I'm prepared to do it. Why don't you put it on the screen?

Mr. Walters: Where? Where is that?

Chair Lohman: Was it at the end? I thought it was at the end. Wasn't it?

Mr. Greenwood: I could probably find it.

Mr. Walters: Oh, here it is. Yeah, this doesn't have year over year figures, but we could include year over year.

Mr. Greenwood: It was on page 17. Oh, you've got that up. Okay.

Mr. Walters: We could include year over year figures in the future. I think the big change was related to seasonal.

Mr. Greenwood: Well, I was looking – I was comparing it to the 2014 Plan.

Mr. Walters: Right.

Mr. Greenwood: Which has a reduction of 20 part-time employees and adds ten full-time equivalent positions, and I was just asking if that was a change in policy. Did we want to go from part-time employees to a change of more full-time employees for some reason? And I was wondering for the rationale for that.

Mr. Walters: Yeah, and I don't think we have –

Mr. Greenwood: And it may not be an actual change, is what I'm wondering.

Mr. Walters: Yeah, with full-time benefitted employees, I sort of think it probably *is* an actual change. For part-time employees, that may not be a change at all because seasonal employment makes the figures go up quite a bit for part-time. So I think we weren't sure what to do about that – you know, how to – because if you – I think if you look in the 2014 Plan, the employment counts are not from the same month and that lead to some of the incongruity. So we could report an average over the year or something like that.

Mr. Greenwood: Well, that kind of confirms for me my point that I think when we're going to revise a plan it's helpful to have side-by-side so that when you're doing the editing portion you can see those changes and it'll raise the red flag for you. If you're just reading what's there, you can gloss right over it. So if you don't have a comparison with the strikeout version when we're going to go to this new format, then we won't see those changes. And it was in July. It was the same month.

Mr. Walters: Same month?

Mr. Greenwood: Yes. So if you use the same month and you get different numbers, you need to ask yourself why. I would. If there's a reason for it – if there's no reason and it's just statistical information, then that's fine.

Mr. Walters: I do believe that the reason for the chart to be in the document at all is simply to demonstrate that you have x-number of employees, you have y-amount of square footage, and those numbers are not changing at different rates.

Mr. Greenwood: But I would say that there are those who might question trends in government getting larger and they would be resistant to seeing numbers increase, or want some explanation for that. You know, we've had to increase staffing here or there to accommodate work loads or efficiency or something like that.

Mr. Walters: Yeah, and I think that if we had numbers in that table there that went back the last seven years, I think you'll see quite a decline from seven years ago.

Mr. Greenwood: I would imagine some changes – sure.

Mr. Walters: But the last sentence in the paragraph indicates we had 514 full-time employees in 1995 and we only have 578 in 2014. So that probably isn't a huge difference compared to what it is we were doing in 1995. But regardless, still it makes, I think, a lot of sense to have that trend data more than just the –

Mr. Greenwood: Numbers.

Mr. Walters: – the absolute numbers for this year.

Mr. Greenwood: Right. Okay.

Mr. Walters: And I think the other places in the Plan you do have the trend data, like case load statistics for the courts, which makes it a lot easier to see what's happening.

Mr. Greenwood: Right. Okay, so as I read the capacity analysis, just looking for the amount of space for the employees – is that what you're looking at? Is that the purpose of the –

Mr. Walters: Yeah, and we're basically talking office space because there's a lot of other square footage that the County has – transfer station, parks, that kind of thing – that isn't reflected in the office space total.

Mr. Greenwood: Okay. But again, the point will come that we're buying more office space or we're having to remodel to accommodate more staff, and people would want to know why more staff. That's all.

Mr. Walters: Yeah. So do you want to include a recommendation about that, other than what's \_\_\_\_\_?

Mr. Greenwood: Well, Dale's reply, I think, if I'm not mistaken, made some mention of including trend data.

Chair Lohman: Yeah.

Mr. Walters: Well, and that's in the sample recommendation there – number 7 on the screen – to include that in the future.

Mr. Greenwood: Yeah. Okay.

Chair Lohman: The only other thing that I saw had to do with back to the Findings of Fact, which is number 11, and I was talking to you about some readability issues. Because if you do print this out, it is important to keep the integrity of the page, and there were some things that rolled over to the next page that if you didn't know that it followed the column – because it's kind of in a column format – it didn't make sense because it's all by itself on a page, but it's really a trailing something from the page before.

Mr. Walters: Mm-hmm.

Chair Lohman: If you could make sure the spacings can make sure it lands on the page it needs to be attached to?

Mr. Walters: Do you want to include that as a recommendation?

Chair Lohman: I think it's just further illustration of number 11 in the Findings of Fact – that it's not just ease of looking at it online. It's also for those folks who want to print it out. Because it's kind of a dual purpose.

Ms. Candler: Did you want to specify that after the readability? Did you want another sentence that says specifically take a look at the tables, or something like that?

Mr. Walters: Do you want, for example, widows and orphans?

Chair Lohman: Yes.

Mr. Greenwood: Specify: Can you define "widows and orphans," please?

Mr. Walters: Trailing single lines that –

Mr. Greenwood: Okay, that sounds better than just putting "widows and orphans" down there. Not that I'm not concerned, but I'm just – I'm concerned for widows and orphans, but this is different.

Mr. Walters: That type of thing?

Ms. Candler: Single.

Mr. Walters: And other layout –

Chair Lohman: I mean, short of having a printable version versus the online graphic version – like, for example, when you go in and look up an RCW you can print it as a graphic version and it's different. It gets rid of all the pretty stuff. I think we need to make sure that it'll print as-is, the way it should.

Mr. Walters: And if I understand you correctly, what you are talking about is not just a printing issue. It's also reading it on the screen.

Chair Lohman: Readability. Right.

Mr. Walters: But it applies to the onscreen display as well.

Chair Lohman: Right. Because it is kind of a column. If you could put up an example page that has text, like the one you just had. There you go. See? You can see that it's a column and if you have a – I had a better example the other day.

Mr. Walters: Like –

Chair Lohman: There you go.

Mr. Walters: – that one?

Chair Lohman: There it is.

Ms. Mitchell: That's a good example.

Chair Lohman: It's all by itself and you're going, What?

Mr. Walters: So that's an easy fix.

Chair Lohman: Because it's really the first – which column does it belong to?

Mr. Walters: And there may not be very many examples of that in this document.

Chair Lohman: No.

Mr. Walters: I don't think. But there is definitely that one.

Chair Lohman: But for the record, I really, really do like the new format that last year was the roll out. I really think it's easier. Okay, so are we – were there any other issues in the Capital Facilities Plan that somebody wanted to change or bring up or put in the Findings of Fact or the Recommendations?

(silence)

Chair Lohman: Shall we vote on just the Capital Facilities Plan?

Mr. Greenwood: Which does not include the Transportation –

Chair Lohman: Right.

Mr. Greenwood: – portion. Yes.

Mr. Meenaghan: Why would we not do the TIP next and then vote on the one –

Chair Lohman: We could do that.

Ms. Mitchell: I've got one suggestion. If perhaps – I don't know this would happen – only if we ended up dragging it out, perhaps this part could start in the process if we voted it separately. Is that correct? For instance –

Mr. Walters: Not really.

Ms. Mitchell: Not really? Okay. Never mind.

Mr. Walters: Everything gets adopted with the budget, so there's not –

Chair Lohman: But we only really need one vote, right, at the very end? We don't have to formally have this vote on the motion.

Mr. Walters: Yeah. So you have a recorded motion. It's on the Capital Facilities Plan. The TIP is a component of the Capital Facilities Plan. If the TIP weren't a component, you wouldn't be reviewing the TIP at all. You have this recorded motion that addresses all of it, so you have to have a vote on the recorded motion. In the past you have taken subsidiary votes on elements. For instance, when you had multiple Comprehensive Plan amendments you only had one recorded motion for all of them, but you had recorded your roll call votes on each one. So you can do things like that.

Chair Lohman: The motion on the table, though, is – well, the motion before us is that we adopt the Capital Facilities Plan as presented. And then we did these revisions, so that's still accurate.

Mr. Greenwood: So we're not doing the –

Mr. Walters: Yeah.

Chair Lohman: Because it does –

Mr. Meenaghan: Because that language includes the TIP.

Ms. Mitchell: Right.

Ms. Candler: Right. So I think you need to –

Mr. Walters: Just what I need from you is that you generate one recorded motion, that you have a vote at the end, and all the stuff in the middle we can figure out.

Chair Lohman: Okay, so shall we jump to the TIP?

(several sounds of assent)

Chair Lohman: Okay. Who would like to start?

Mr. Greenwood: I don't mind starting. I'd like to see that we address the concerns raised by both the public and those that the Commissioners raised, partly in response to those, if they were actually addressed in the staff report – or – yeah, staff report and response. I was wondering if Mr. Grutter is here, or somebody representing Public Works. Dan, one of the responses I got was – from the staff – was pertinence to the lead – the response was: I think the Planning Commission is believing a Six-Year TIP is something entirely different than what it actually is and what is its intended use. Could you explain that?

Mr. Berentson: Yes, I can. The TIP is a planning tool for the County to help us plan and track federal- and state-funded projects. It's a six-year plan that we – you have a copy of the – I think we presented you with a copy of the TIP. It outlines the projects. Typically projects include new construction or significant improvements, not maintenance. But it's not – the TIP is not prioritized; however, we do look at a number of criteria including safety, congestion, road condition, and grant availability. And it is not prioritized partly because the way our road fund works is about the 17 million dollars we receive every year in the road fund about 11 million dollars is for maintenance. We maintain about 840 miles of roads, 114 bridges. We have a limited amount of money: about 1.2 million dollars for engineering and for leveraging grants. So our primary function is to maintain our existing infrastructure and then the remaining money we have that doesn't go to operating the ferry or some other function is to apply for grants, state and federal dollars, to leverage those dollars for significant improvements, be it replacing a bridge or a major construction project.

Years ago we had a lot more projects on the TIP. Commissioners advised a few years ago to create a realistic list that we actually believed that were going to be constructed during that period of time, or that we needed to have on the list to apply for grant dollars for significant projects. And by nature it's somewhat opportunistic. For example, the Conway roundabout that was recently completed, we had that to a certain design level so it qualified for shovel-ready dollars, and the money became available in a short period of time. We were able to complete that project. We have other projects that we queue up to qualify for grant dollars.

The reason they're not prioritized is because of the uncertainty of the funding and the predictability of whether or not when we apply for a grant they are going to be ranked or we're going to receive those dollars.

Mr. Greenwood: Well, the citation that was used to let us know that – myself, that I don't know what its intended use is is given as RCW 36.81.121 and WAC 136-15, and it says in 136-15 that its purpose is to set planning direction through an anticipated road and bridge construction project, capital ferry expenditures, paths and trails and projects and other specified capital outlays for the following six-year period. It also says that that should include, because this was what you described as the outlines and procedures for preparation, it says it shall include a road fund, revenue and expenditure analysis for the six-year time period and a program listing of specific projects. Now I see a program listing of specific projects but I don't see a revenue and expenditure analysis except for individual projects. It also calls for in 136-15-030 road fund revenue and expenditure analysis – what that should include: should include revenues and

expenditures over each year for the six-year program period. And that has not been summarized. It's been put project by project and, thus, that's when I asked for a summary-type of table which would allow people to look at the entire six-year planning tool, not individual projects.

So one of my questions is, Where is this road fund revenue and expenditure analysis? Also, it calls for, in WAC 136-14-050, certification that would assure that the "priority arrays were available and were consulted during the preparation of the proposed six-year transportation program each year." I've seen and I looked up online every place I could find where the reference to the priority arrays for the County are discussed, but they're unavailable. I don't know if it's one big project table where you've got thousands of projects that you'd like to have a priority for, but it calls for the County to actually approve and adopt those priority arrays. In addition, your specific project forms have a tabular cell for priority. So I didn't make that up. You guys have a priority already itemized there, whether you included it – you didn't include it because they were all blank. So whether it's a reflection of how it fits into the priority array or it's prioritized in the projects that you sent to us, I'd like to see what those priorities are; otherwise, it looks to me like a wish list. If you've got somebody who's conservative, then they'll just give you the absolute minimum, and if you've got somebody who's thinking far enough ahead like maybe, then you start to make the budget as big as possible.

Mr. Berentson: Right. Well, also – I don't know if you received this, but it's our annual construction program for 2015, which lists the projects that we are budgeting to be constructed or designed in the coming year. And then also in regard to – let's take for – I'll use some examples – for example, the Old 99 trestle that we need to replace: It's approximately a 16-million-dollar project. We have 10 million dollars of federal funding secured, so we have that in the queue and we're going to take it to a higher level of design as we seek those additional dollars to move forward, but we won't begin construction until we have secured those dollars. And any of these projects, sometimes the funding comes from multiple sources so we have to piece it together as we go along.

Mr. Greenwood: Right. There's also the reply that it would take up too much staff time to prepare a summary table, and I sent a sample to you and it took me 45 minutes to input the data that you presented in that TIP. So that's not an excessive amount of staff time, in my assessment, but it also allows one to review the projects and sort the projects not by priority, because they were blank, but it allows us to sort them perhaps by funding source and by start year so that we know whether we're just – if there's a ten-million-dollar expenditure that the County has to put out for something, we need to know if it could be deferred or we're doing it because we'll get matching funds. I've seen where there's projects going on that are very large in scope and one might question the effectiveness of the treatment. And just because we got matching funds from the outside we're going to spend quite a bit of money to, for example, replace a bridge on the South Skagit – and we're in the process of doing it now – because we got lots of funding outside.

Mr. Berentson: Actually we're managing that project for Skagit Fisheries Enhancement Group.

Mr. Greenwood: Right.

Mr. Berentson: So it's not a County project. We're managing the project and being compensated through that grant.

Mr. Greenwood: Right. And the County was – and this is where it becomes very important to know if the County is mandated. If the County is mandated to put in a fish-passable structure, if you can get funding outside, even if it might not be the best use of the federal tax monies, the County would be maybe well advised to save its own money and allow the federal folks or an enhancement group to do that.

Mr. Berentson: Well –

Mr. Greenwood: They took on that project because it had funding. There are higher ranking projects that –

Mr. Berentson: Well, in response to that, the state of Washington's Department of Transportation's currently on an under 1.4-billion-dollar injunction for fish passage.

Mr. Greenwood: Right.

Mr. Berentson: And Skagit County over the last fifteen or twenty years has been very proactive in any time we make a road improvement to invest in fish passage, either through grant funding or through our own road fund funding. So I think it's been the direction from the County Commissioners to be proactive in that area, partially for – obviously to allow for better fish passage but also to reduce the risk of litigation going down the road. So in regard to the Day Creek project or the South Skagit Highway project, those were SRFB Board grant dollars awarded to Skagit Fisheries Enhancement Group. We're being compensated to *manage* that project. And obviously we're not the contractor for that project. We're managing the contract. So that's a decision we would have to make. If someone comes to us, whether it be one of the tribes or a conservation group, and wants us to partner a project and it involves a County road right-of-way, more often than not we'll take a close look at it and consider it.

Mr. Greenwood: I cite that, there was opportunity for public comment, I contributed my public comments at the public meetings at that time, and it's going forward, it's being done. I just want – if we prioritize and allow the public and us to review these projects by scope, by size, by necessity, whether it's safety or maintenance or mandated, I think it would help us in making that decision so that we can make recommendations on those uses.

Mr. Berentson: Well, if you would like more specificity to the TIP, we'd be more than glad to provide it per project.

Mr. Greenwood: Well, I think the specificity is there. The summarization allowing for review would be helpful.

Mr. Berentson: Okay.

Mr. Greenwood: And I'd be more than happy to send you what I completed this afternoon –

Mr. Berentson: Sure. You bet.

Mr. Greenwood: – for your review.

Mr. Berentson: And also, too, it's like if you look at the TIP, obviously at the – you know, when we complete projects we take them off, but occasionally we take a project off because we're unable to find funding or our priorities change.

Mr. Greenwood: Right. Right.

Mr. Berentson: Yeah.

Mr. Greenwood: Is there a priority array – a prioritization array? Is – does it exist? Does an array exist for road projects? Is there a priority array that the County has?

Mr. Berentson: No.

Mr. Greenwood: How do we then certify that it has been consulted in the preparation of this document? And it's been certified since 1995 that way. Is it because it doesn't exist or because maybe we've lost it somewhere? Because I can't find it.

Mr. Berentson: I think the issue of why they're not prioritized in order is because they all have – I mean, if they're on the TIP they are a priority, and depending on where they fall on what year and whether we have budget dollars to move forward, we're prioritizing by our capability to make the improvements. Like I said, our primary function is to maintain existing infrastructure – roads and bridges that we have – and as we make capital improvements, you know, we're constantly looking for funding because we aren't able to fund those through our road fund dollars. Or we don't have the capacity to make major improvements with road fund dollars without leveraging state and federal funds. So I'm not quite – I don't know if I quite – I'll have to read that RCW –

Mr. Greenwood: Okay.

Mr. Berentson: – and listen to your interpretation to see if I can give you a better response to that because I don't want to sound defensive. I'm just trying to –

Mr. Greenwood: Well, and I don't want to sound offensive either, and I apologize if I have. I find in the proceedings from the Skagit County Board of Commissioners on April 30<sup>th</sup>, 1985, there was a presentation by – "John Rumsey, Traffic Safety Engineer, presented the 1995 priority array update to the Board and explained the philosophy of the array. Discussion regarding specific roads followed." Where is it? It must exist. We must have a thousand projects that we'd like to do and we're looking for funding sources or we're looking for, you know, a truck to hit a bridge and then we respond. We have to have something that –

Mr. Berentson: Well, we also have emergent funding for, you know, for unpredictable emergencies.

Mr. Greenwood: Right. And I saw that, too. When I looked at the table, when I sorted them by project type, there are several categories of emergent for safety and things like that, and those look like miscellaneous categories too, which – I'm not saying we need to know every little thing that goes in there, but when you're proposing a budget I think we want to be able to not just say, Trust me – you know?

Chair Lohman: Did you find an example with somebody else? Did you find what a priority array would look like?

Mr. Greenwood: Nope. No.

Chair Lohman: Because in a way you could argue that this whole multiple-page table is an array itself.

Mr. Greenwood: No, because it says in our Comprehensive Plan that it chooses these projects for the TIP based upon the priority array, not just level of service. It makes mention of that multiple times. It says we don't just go by level of service. We go by the priority array for the County. So what is that?

Chair Lohman: But you couldn't find a –

Mr. Greenwood: I could not find a priority array.

Chair Lohman: Did you find – maybe from another county to have a –

Mr. Greenwood: No, but I did see where we just approved our motion to – well, the resolution that adopted the last Capital Facilities Plan says that – it references that certification as well.

Mr. Berentson: So, you know, this is the first – this is the first year where we've incorporated the TIP into the Capital Facilities Plan, so obviously most years in the past we've had a community meeting, taken input, presented our TIP to the Board. So in the future years if you want more data, more information we could prepare that for you so you can take a look at it.

Ms. Mitchell: I was going to say maybe for right now we can put in the Recommendations as number 1 is to do that, if the RCW says –

Ms. Candler: What RCW was that? Keith?

Mr. Greenwood: Yes, I can recite those. Actually it was in the response that I got, which lead me to – let's see. The purpose and authority is WAC 136-15-010 and then just the subsequent chapters. And it's 136-14-050 which calls for the certification of the priority arrays.

Mr. Walters: So, Dan, are you certain that we don't have a priority array? Because I do think that I've heard –

Mr. Berentson: I'll have to check with Paul to see if we do. I mean, we're – you know we – in every year the CRAB Board takes a look at what we do and issues us a certificate of good practices based on – the County Road Administration Board – every year. I mean, we're following – we're complying by all the rules of the state on the County roads, but I can check to see.

Chair Lohman: So do you want to make a Finding – or a Recommendation, rather, Keith?

Mr. Greenwood: You're doing good, Ryan.

Mr. Berentson: For example, this coming year the projects that are not grant-funded will potentially be \_\_\_\_\_. There's two left on Bradshaw and Green. We replaced Calhoun Road this year. Those are local roads that have safety issues due to being many, many years old, and those will be resurfaced and chip-sealed. Some of these other projects you'll see on our annual construction list have to do with – a couple of them have to do with, you know, flood damage or washouts on rural roads in the upriver area. Obviously the significant project is the Burlington Northern overpass, and we're beginning design on Josh Wilson Road and other roads that have issues that we'll come to service an area. How we format that for you, we're certainly glad to take some recommendations and create a summary that is easier to interpret that will address the RCW that you read.

Mr. Greenwood: Okay, because what I think will – it doesn't have to be exhaustive in a summary table. It just needs to highlight areas – to go back to the detail information, the documentation. Because, you know, as part of the priorities, too, I see that in your Transportation Systems Plan we have a finance section which caps or sets annual expenditures in the range of 21 to 29 million dollars. So if you have more than that as a – up until 2017, they called for it. And they would identify the historic road – income and as a revenue source so that they could document where they're going to get the money and then they look for the money elsewhere. So having that financial plan should help us in developing the long range.

Mr. Berentson: So you'd like to see the list of potential grant opportunities per project – where we're seeking the funds?

Mr. Greenwood: I don't think so. I think what would be more helpful would just be rather than to have a laundry list of projects with details, to summarize those projects and some of those details. And that would allow for closer inspection so that folks who have, you know, particular issues – which I think will come up yet – pertaining to particular line items.

Chair Lohman: Did you want a recommendation to address this priority array?

Mr. Greenwood: No, I think just bringing that to the attention. I think we should try and get to the bottom of the priority array.

Mr. Berentson: Okay.

Mr. Greenwood: And if it exists, let's not have it be secret. Let's make it public.

Mr. Pernula: You sent in your e-mail on October 2<sup>nd</sup> sample possible format for TIP projects. Did you want it like that or did you say you worked on something else today?

Mr. Greenwood: Well, I just finished it.

Mr. Pernula: Oh, the same one?

Mr. Greenwood: I just filled in the rest of the table.

Mr. Pernula: Okay.

Mr. Greenwood: Yeah. And I took off a section about –

Mr. Pernula: Did you sent that over to us?

Mr. Greenwood: No, but I could.

Mr. Pernula: Okay.

Mr. Greenwood: Any minute – just a quick e-mail.

Chair Lohman: Okay, just to – I'm looking at the clock. I've got five minutes to nine. What is the will of the Commission? Did you want to go longer or did you want to –

Mr. Mahaffie: I'm walking out the door at nine o'clock.

Chair Lohman: Okay, so we have one Commissioner that does not want to stay.

Mr. Meenaghan: It's going to be hard for me to stay much longer.

Ms. Candler: Can we continue this?

Chair Lohman: Yes. So, Dale, what was the continuation date?

Mr. Pernula: The date was – let me see – the 21<sup>st</sup>. We'll have continued deliberations on the Capital Facilities Plan and TIP and beginning of the deliberations on Bayview Ridge and the other Comprehensive Plan amendment.

Chair Lohman: So we would put this ahead of Bayview Ridge?

Mr. Pernula: Yes.

Chair Lohman: Okay, so we will suspend our deliberations and we're going to move on to the rest of the agenda then. And this will be the Department Update.

Mr. Pernula: Okay, in the Department I, in particular, have been working mostly on Bayview Ridge for the last couple of weeks. We're also continuing to work on the Comprehensive Plan Update for 2016. We will be presenting soon to the Board of County Commissioners a scope of work for that project. And, as you know, we have to have it adopted by June of 2016. And that's the update for the Department.

Chair Lohman: Okay. Any questions about that to Dale?

(silence)

Chair Lohman: All right, moving on to the Planning Commission Comments and Announcements. I – I – go ahead.

Mr. Axthelm: I have a question for you, Dale. I was going on the website and noticed that the reference to the Open Space Plan or – sorry – the reference to the Urban Growth Area Open Space Concept Plan has now changed on the website to Open Space Plan. I would like to have that changed back.

Mr. Pernula: The Open Space Concept Plan? Was it changed on the –

Mr. Axthelm: It's changed right here. On the list it says "Open Space Plan," and I've actually seen in a couple other documents that referring – they eliminate "Concept" out of there and it says "Open Space Plan" in some other documents, and I would like to make sure that that is put back as Open Space Concept Plan.

Mr. Pernula: Sure.

Mr. Axthelm: Very different things there.

Mr. Walters: I recently identified that the title on this page wasn't correct so I asked that it be corrected to Skagit County UGA Open Space Concept Plan, so where is it missing the title?

Mr. Axthelm: In – that's the – let's see – right, you'll see the Directory and you go to Planning Department, and off to the right –

Mr. Walters: This here? Right there?

Chair Lohman: Yes.

Mr. Axthelm: Yep.

Mr. Walters: Yeah.

Mr. Axthelm: Yep, and I've seen a couple other documents lately that just had Open Space Plan instead of referring to it –

Mr. Walters: The title is very long so \_\_\_\_\_.

Mr. Axthelm: Yeah, I know, but it's – unfortunately, concept is a very big difference from a plan.

Mr. Walters: Well, and we've been trying to, I think, use the full, complete title since that's a \_\_\_ thing.

Mr. Axthelm: Okay. Thank you.

Mr. Pernula: We will hunt it down and see if we can change them.

Chair Lohman: Okay, the thing I had was there's some required training for the planning commissions and public officials that include the Open Meeting rules and a bunch of other stuff. And I was speaking with Commissioner Dahlstedt and he told me that it's available online, and I asked his secretary to give you the links.

Mr. Pernula: Okay, a couple of things: One, I believe it was the November meeting we were planning on having some Open Meetings Act training. Was that correct?

Mr. Walters: Several months ago, then-Commissioner Easton had mentioned a couple things in our Short Course Supplement memo – if you recall that memo – that he suggested we update, which we thought made sense: Appearance of Fairness Doctrine; what's quasi-judicial, what's

legislative; all that kind of stuff. So there's also this new Open Government Trainings Act requirement that you have specific training. Most of you have had that training. We have one new Commissioner. So what we were talking about doing was at the November meeting or whenever you get done with your regular workload for the rest of this year, going back and revisiting that memo. We have a new draft of the memo that we haven't quite finalized yet that covers some additional topics, so we could cover all those things. You only have to hear Open Public Meetings Act training under the Open Government Trainings Act, but this covers more. It covers records retention and a couple other topics that aren't specifically required for planning commissions.

Chair Lohman: Okay.

Mr. Pernula: Anyway, we're planning on doing that at the November meeting, but I do have those links and I can send them to the Planning Commission for you guys to take a look at. And if you complete that training, let us know and we can record it.

Chair Lohman: Yeah.

Mr. Walters: That is the key. There's currently no requirement that we – that you – there's no enforcement mechanism for this, but we would like to keep track just so that we know that we are in compliance.

Mr. Axthelm: I talked to Annie about that – about the training – because just as a question: Are there requirements for paid officials or elected officials, as compared to us as volunteers?

Mr. Walters: Yes.

Mr. Axthelm: I mean, we don't get paid. We're volunteers.

Mr. Walters: It doesn't turn on whether you get paid or not, but elected officials have records retention requirements and Public Records Act, and various other officials have different requirements.

Mr. Axthelm: Okay, because some of the training can be time-consuming after a while.

Chair Lohman: But it looks, though, too, like on the November 4<sup>th</sup> meeting it could possibly be continuation of deliberations on Bayview Ridge and the other Comp Plan amendment, so that's going to be a fairly potential –

Mr. Pernula: Could be. It depends on what happens in two weeks.

Chair Lohman: Well, it depends on what happens October 21<sup>st</sup>. Right. Okay. Dale?

Mr. Pernula: One other thing on the Planning Commission: Dave Hughes mentioned he wasn't coming tonight. He also mentioned that he was not applying to be reappointed to the Planning Commission, so this would have probably been his last night. I believe his appointment is up early November.

Mr. Walters: November 3<sup>rd</sup>.

Chair Lohman: Was the – I think we should acknowledge his years of service.

Mr. Axthelm: How many years did he serve?

Mr. Pernula: 25, 27 – something like that – upper 20s.

Mr. Walters: We'll find out for sure for the plaque.

Chair Lohman: Okay, is there a motion to adjourn?

Mr. Mahaffie: So moved.

Mr. Meenaghan: Second.

Chair Lohman: (gavel) We're adjourned.