

**Skagit County Planning Commission
Continued Deliberations: Capital Facilities Plan 2015-2020 Update
Deliberations: 2013 Comprehensive Plan Amendments
October 21, 2014**

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

Staff: Dale Pernula, Planning Director
Ryan Walters, Civil Deputy Prosecuting Attorney
Dan Fitting, Facilities Management Supervisor
Brian Adams, Parks and Recreation Director
Kirk Johnson, Senior Planner

Public Remarks
Commenters: Carol Ehlers

Others: John Semrau, Parks and Recreation Board

(NOTE FROM TRANSCRIPTIONIST: Because Ms. Candler and Ms. Mitchell sound very similar on the recordings of these meetings, I may inadvertently have ascribed some of their statements to the wrong person. I apologize if that has occurred.)

Chair Annie Lohman: (gavel) Okay, I call to order the special meeting of the Skagit County Planning Commission. It's October 21st, 2014, and it's 6 p.m. And we have two Commissioners missing – Commissioner Mahaffie and Commissioner Hughes – but we still have a quorum so we can still conduct business. So if you could review the agenda and offer up any changes or additions...

(silence)

Chair Lohman: Okay, seeing none we'll move to the Public Remarks. And I'd like to remind the public that this is an opportunity for you to speak to the Planning Commission about any topic except those that are on the agenda that are scheduled for a public hearing that same day, or items that have had a public hearing and the Planning Commission is deliberating. So that means the 2013 Comp Plan Amendments, which is the Bayview Ridge, and the – I'm blanking on the name, but the other one.

Kevin Meenaghan and several other Commissioners: Capital Facilities.

Chair Lohman: And the Capital Facilities Plan. So you can talk about anything else except those items. And we ask that you limit your speaking to three minutes per speaker and we will allocate about 15 minutes. And we have been very generous on the time, so if you could respect us and summarize when you get close to the three minutes. So who's up first? Carol?

Carol Ehlers: Can this be shown? I'm Carol Ehlers from West Fidalgo Island, and I have a topic for the future. You will be talking over the next number of months of a number of what you call public facilities, like shoreline access, the development of parks, trails, and such, and there is an RCW that has caused many of us a good deal of difficulty that I want to bring to your attention. I've given the Planning Commissioners and staff a copy of the part of it that is crucial as far as my experience and the experience of South Fidalgo Island is concerned. It's RCW 9A.52 on Trespass, and I'm going to use – it deals with burglary and theft, but I'm going to use the term "robbery" because I think we all understand what a robbery is, and burglary and theft are very carefully delineated legal terms.

According to state law – and I've listened to Sheriff Goodman tell this at large mass meetings on Fidalgo Island and I've had a County Sheriff's deputy tell me this – the public is allowed to trespass on any piece of property that is not enclosed by a fence. They're not supposed to encroach on cropland, but I've heard tell more than once here that they do. They're not supposed to tear down fences, but I've heard discussion from Planning Commissioners and others that they do. Since there is freedom to trespass, there is also freedom to vandalize, freedom to take, freedom to harass, and other freedoms that – including defecating – that many people find offensive when it's unmanaged.

All of these are supposed to be *public* access. All of these are to be managed by the public and enforced by the Sheriff's deputies. I've brought this up to the Planning Department at least in 2008 and three other times, but it's not the Planning Department that deals with these problems. It's the Sheriff's deputies. And it was a Sheriff's deputy that told me when I was trespassed on in a fully landscaped, fully improved two parcels, deep in the middle of a subdivision with a private lane and then another private lane to get there, that unless I had a fence entirely around the property and a gate that could lock and a No Trespassing sign that, in effect, you couldn't convict. And with that Sheriff at that time, if you couldn't convict he wouldn't deal much with it. That changes, I think, depending upon the Sheriff and the Sheriff's understanding of community policing. But at that time I was told that the vandalism – there wasn't any use for me to do anything. And what stuns us all is that improvement – if you read the definition of "improvement" –

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

Ms. Ehlers: – seems to deal with buildings. But it's the sort of thing most of us don't understand. So I would request that the Planning Commission and the Planning Department – before you make decisions on some of these things – have a Sheriff's deputy come talk to you and tell you what the current rules are and what the risk is for the neighbors. Thank you.

Chair Lohman: Thank you, Carol. Anybody else for Public Remarks? Nobody? Ellen, were you – okay, so we're going to close the Public Remarks and we'll move on to the next item of business which is our Continued Deliberations on the Capital Facilities Plan – the 2015-2020 Update. So we left off and we were working on the recorded motion, and the last item that I had written down was including a recommendation number 8, which was to include a summary table of projects and revenues in the TIP. But just to get – could we backtrack a little bit, with your

permission? On the number 5 where we have “Rename the Worksource remodel” item on page 15, I wanted to ask if we have that sufficiently bookended it so it’s not just a catch-all slush fund for any old project, that it is not just a – that it really is for something very specific, but because the Worksource building is in flux we wanted to kind of take it off but hold it there because you’re going to be replacing it soon. Do you think we have it sufficiently –

Keith Greenwood: Well, I know that was a concern that we had. We wanted to make sure we addressed it.

Chair Lohman: So I was going to propose that maybe – that we add after the Worksource – “Rename Worksource remodel” to include some language that was specific to it’s the Worksource replacement or remodel of something else for that. Because it’s supposed to be for that project, right?

Dale Pernula: Correct.

Ryan Walters: Mr. Fitting is here from Facilities if you want to hear from him as to what the uses were.

Chair Lohman: Come on up, if you will, because I don’t want to cause trouble.

Dan Fitting: Dan Fitting, with Facilities Management. Yeah, the key, I think, with this one is the potential Worksource remodel. So the money was a placeholder for that *potential* negotiation for purchase, since that doesn’t look like it’s going to be the case. I think that newly remodeled acquired or existing space for department relocations is sufficient. Worksource – the potential for Worksource existed because we have a need. So we will still pursue that need in some form or fashion, and I think the word verbiage is tight enough that it would be specified for that same need met differently as opposed to pursuing Worksource – if that helps or makes sense.

Mr. Walters: I guess the one additional detail is that since we last talked about this we think we probably *won’t* be acquiring the Worksource building.

Chair Lohman: So we need to strike it?

Mr. Walters: I think you already did.

Chair Lohman: No, we kept it.

Mr. Axthelm: We struck it as Worksource but we left something in there so that – because, from our understanding, there was a need because of relocating from a different facility.

Mr. Walters: Right, you already struck the Worksource from the inventory and you struck Worksource as the title of this project from the projects list. So now the only remaining question is, Would we still have a need for remodeled space if we don’t acquire the Worksource building? Maybe Dan can answer that.

Mr. Fitting: Yes, the need is still there. Remodeling newly acquired or existing space – remodel might be tricky. It might be that that space is met through building an already-owned property or something like that. So remodeling does kind of pin us into a corner but that need still does exist and we’re still pursuing options to meet that need for departmental moves and shifts and space.

Tammy Candler: Is there some title or tag we can give it that will trigger that it is for your current purpose that you're trying to – that we could specify the department name or some way of – I think the Commissioners' concern was that it just is so general it could be used for any number of remodels the way that it's worded.

Chair Lohman: Right.

Ms. Candler: Is there some title we can give it?

Mr. Fitting: We could. I'd be hesitant, though, to assign it department-specific because that would – if we find a setup that works better for a certain department over another, that kind of makes a bit of a domino effect with certain departments. So if we specify it specifically for, say, Facilities – say my department was to move – Facilities Management, right? – it might be that my facility, my department fits better in the existing space from another department, and then a found facility that we could remodel, that department can move, right? So I don't want to attach this money to a department, but, yeah, department needs in general, facilities needs in general, because we're trying to follow a Facilities Needs and Analysis Plan that we're currently developing and that would give us more focus and more attention behind what we're doing with said funds.

Ms. Candler: So from your perspective it's better to leave it general so that you have flexibility. Is that correct?

Mr. Fitting: Yeah. I think if it makes everyone more comfortable then I think it's probably wise to leave it for the need but not for the department-specific that will come up with that need, because we don't know that entirely. Because if we move – if we find something ideal for a certain department – because it's not like we're sitting here saying, We have to move department X. That's nearly the case. It's that certain – many departments have needs, and so if we can meet a large space need for a department and their existing space can be then met by a previous, so we'd have a domino effect if that's possible. So specifying this for a specific department, I think, is a bit risky.

Chair Lohman: But – go ahead, Robert.

Robert Temples: Well, so am I hearing from you that you've identified the need but you haven't identified where it's going, so to speak?

Mr. Fitting: Yes, so to speak. Yes. The potential for Worksource fit a need, fit a large need. That's where that money was, but that has been a potential all along and I guess I kind of jumped the gun in putting it in the Capital Facilities Plan. That's why you guys decided to strike it out. I think it was wise to do. It's not that strong of a potential any longer, since we last spoke, but that need still exists. We still have that need to relocate a few departments to get a more cohesive campus, if you will, downtown and things like that, and to better serve the community with certain departments.

Mr. Temples: So if we were to strike it out, so to speak, it would be like saying, We may have to need a new bridge somewhere but all it is at this point is a need. We haven't identified where or that kind of thing.

Mr. Fitting: Yeah, we don't have – we no longer, with that potential – or a decreased potential for Worksource we no longer have a specific location or place in sight, but the need still does exist for _____.

Chair Lohman: But in the context of the Capital Facilities Plan, I'm having trouble having it in there at all then because I was under the impression there was bricks and mortar imminent to be bought or remodeled and you didn't know where it was, and there would be possibly some other. Well, now it sounds like it's almost just a slush fund. But I thought that the capital facilities inventory was what we actually do have.

Mr. Walters: I think an important consideration here is that whether this item is or is not in the Plan is not a constraint on the County's ability to build or remodel or purchase a facility. This is simply a plan and the objective of the plan is to demonstrate that we are planning for future needs. If we strike this, then we might be susceptible to a claim that we're *not* planning for future needs. I think as a practical matter it doesn't matter that much. But whether – but the important consideration is whether or not the item is in the Plan does not prevent or enable the County to pursue that project.

Mr. Temples: But could we identify it? Instead of saying as a remodel project we could simply say something along the line of "funds have been allocated" or, you know, future, instead of not tagging "remodel" to it.

Mr. Walters: Well, it doesn't allocate funds either, because this is a plan and not a budgeting document. So I think it's important to keep everything in the mindset of the objective, which is that the point of this document is to demonstrate that we are planning for those needs. We have a whole set of needs for all the services that are required to be provided by GMA that are identified as services in the Plan, and this is one of them – our Community Services or whatever other departments might use this space. And if we don't have sufficient capacity with our existing buildings, then we have a need and then we need to plan for it. So this item or other items like it are intended to demonstrate that we are planning for it. It's not a budget, but it communicates to the people who write the budgets that we've thought about this need, that this is approximately what the magnitude of the need is in dollars, and that we need to be figuring out budgets to match that need.

Mr. Axthelm: Could we say "relocation costs due to lease termination"?

Mr. Walters: Oh. And, yes, last time when Dan wasn't here I mentioned Community Services' lease is terminating, and you might have some more additional information about that. I mentioned that the lease – that we sold the building as a three-year leaseback and eventually we'll need a new space for them.

Mr. Fitting: Yes. They're, I believe, February – I hesitated to put that on as absolute but, yes, we do have a lease agreement through February. We are looking to move sooner than that, though, to get out of that building, get out of the rental industry, if _____, if you will. So, yeah, there's definitely a need. I guess like tagging it for funds for associated costs with moving and things like that –

Chair Lohman: Well, it seems like a shift in what the line item is, because in the notes in the description it talks about to support Public Health and Community Services, and now it's almost

like a – wide open to any department that might need to be remodeled or you might want to shift around. And I don't think that was your intent. Is it?

Mr. Fitting: It was for that – like I said earlier, we have needs to move some certain departments, right? And that potential purchase of Worksource met those two departments pretty well and so they were highlighted as the would-be suitors for that space. But I don't think that we're going to move forward saying we need to find a space specific for this need. I think we need to maintain a little bit more broader vision. What could possibly – what other solutions are out there for what other departments that could – the shift could occur slightly differently. So like I said, maybe another department can find a space or other people's existing space would better suit Public Health or Community Services, and then therefore we would find a different space for a different department and then the switch would occur.

Chair Lohman: Dale?

Mr. Pernula: Do you have the specific amount of square footage that's needed? We can just identify that we need 10- or 20,000 square feet – we've identified 20,000 square feet that's needed within three years and we're planning for that ____.

Mr. Fitting: Yeah, actually I was just involved in an e-mail thread today regarding that – the moving forward with – because that was specific for Public Health and Community Services – that potential Worksource location was. With that being gone, they're looking – we've pursued another avenue. I was actually asked that question today: What is the kind of departmental needs regarding square footage for those two – for Public Health and Community Services? They're currently in about 16,000 square feet, give or take. Worksource gave a potential of about 13,000 but it was a much more efficient 13,000 that met their needs quite a bit better so they __ to go from there. So I'm not going to say – I won't speak for the department needs specifically without being in that department, but my – that was my suggestion to them. They're currently in about 16,000 square feet. You highlight an area about 13,000 that would have worked well. So, yeah, so we do have a vision and an understanding of the space that we need. And so there's – that's out there. People are investigating that.

Chair Lohman: Dale?

Mr. Pernula: It just seems to me if we don't know – because departments could be moved around with different – to be in conjunction with other departments. Why don't we just identify that we need something like 30 square feet of space within three years and leave it at that?

Mr. Fitting: So then that would be the new line? This was a remodel for a newly acquired or –

Mr. Pernula: I don't know what else to do if we don't know specifically which departments or –

Chair Lohman: Because everything else is pretty specific, and this is like an odd duck. ____ in the list.

Mr. Fitting: Irregardless (sic) of Public Health and Community Services – I mean, we do want to relocate them, but not to the point where it's like it has to be *only* them and has to be them and has to – I'm hesitant to say that's the solution in and of itself. So, yeah, so highlighting a square footage and your money associated with that square footage need would be a safer, broader way to go.

Mr. Axthelm: So if it's specific for Public Health and Community Services, could we just put instead of "Worksource remodel," say, "Relocation costs for Community Services and –

Mr. Fitting: Yeah, they're termed together.

Mr. Axthelm: Yeah. And that's it. Just leave it at that.

Mr. Greenwood: I – can I ask a question? Where's the need that you just outlined in the Capital Facilities Plan? What page is that on? Because I'm looking at the – maybe I'm looking at the wrong summary, but I was thinking it was "Capacity Analysis," which says –

Chair Lohman: What page are you on?

Mr. Greenwood: I'm sorry. I'm on page 17 which says, "Proposed projects: Skagit County Administration, Facilities Management, and the Director of the Public Health and Community Services are considering options for the co-location of the department's two divisions, Community Services and Public Health." Otherwise had no capital facility projects proposed, anticipated or needed. So are you just looking to consolidate campuses? Is that what the expressed need is?

Mr. Fitting: Yeah. Yeah, for just a quick explanation, I mean, downtown we have a very heavy kind of criminal justice, if you will, and law campus. In the middle of that, we have Public Health and Community Services and those – the space is needed there for continuing of the law and justice. That space is better suited on that campus, if you will, for law and justice, and it might be that we can better serve – our Public Health and Community Services can be better suited in another location and that their existing square footage can then be given to further that campus of law and justice. So that's essentially where that's coming from. That's essentially that's the motive. That's still being hashed out, if you will – that exact idea. We're still – we don't want to sit there and go, Well, this campus has to be this way and just put definitions down and fit in. But essentially that's where the idea's coming from.

So, yeah, so it *is* Public Health and Community Service-driven, and Worksource highlighted that. I think it would be – you would be safe to say then, if you wanted to keep this money specified then for Public Health and Community Services, I think you would be safe in doing so because that's still what we're looking at. But, like Ryan said, it is a planning tool so it wouldn't bind us. If another opportunity – more efficient or less expensive or whatever the case may be – another opportunity came up for a different kind of departmental shift. Maybe another Community – like, there would be a – we have several – you know, we have several different buildings all over ___ departments and if another building came up that meant a different department's need and then that vacated space could better meet Public Services and Community Health – or, I'm sorry – Public Health and Community Services. So I'm just hesitant to, I guess, back us into a corner with specifically assigning it without having a location met to both Health and Community Services. But like Ryan said, it's just a planning tool. So if it's not binding on that we could actually meet Public Health and Community Services' need via another avenue. Then, yeah, I think it's fine.

Mr. Greenwood: Well, then this is – you know, I've heard it's a planning tool, but I'll make the analogy that it's a little bit like bringing the cat home and showing your mom so that she likes it and then dad has to decide whether you're going to keep it or not after everybody's got tears in

their eyes. So if we put it in the Plan, then it goes before the County Commissioners and they have to decide yes, no, maybe. So it'd be nice to actually know what our need is going up front. So I think the tool of a plan needs to be vetted at the beginning.

Mr. Fitting: Sure.

Mr. Greenwood: And it has to – the express need has to be clear, which brings me back to maybe my point last meeting that I *would* like to have some form of a summary which shows: Are we increasing the amount of capital facilities? Are we at 2 million? We're at 2.5 and we're looking to increase to 3? What is our overall capital facility asset bank? And then I'm thinking, too, the incorporation of something that deals with the maintenance aspect of it. And this came up in a recent presentation. I think some of the candidates were talking about the need for considering – you like to look ahead. If I've got an old building, I need to turn it over. I need to get rid of it if it's costing me too much. So I'm thinking maybe for future purposes to look at these capital facilities and look how much they're costing you. Because at some point you replace a car when it costs you too much and you've got the capital to buy a new car. Otherwise you may end up continuing to pay for it. And if we're just moving the shells around a little bit and people don't know what the numbers are, they just kind of go glassy-eyed and say, Yeah, go ahead.

Chair Lohman: Well, and then it doesn't match – page 17 doesn't match the table then, because on one you said – on 17 you said no proposed, anticipated, or needed – no capital facility projects yet you have a line item there that's definitely a capital facilities project of some sort. So you need to have them together.

Mr. Walters: Well, it says *otherwise*, no projects.

Chair Lohman: But you do have one known because you have it itemized in the table.

Mr. Walters: Well, I think that's why it says "otherwise." Because the sentence immediately preceding that is that they're considering options for co-locating the two divisions.

Chair Lohman: Oh. All right – sorry.

Mr. Greenwood: And that would meet with the goal number 2 under Space Planning Goals on page 13, right? Is that correct, Dan?

Mr. Fitting: Yes.

Mr. Walters: It would actually meet 1, too.

Ms. Candler: I have a suggestion. Would it be more specific, or would you guys – what would you think of language that said because it's a plan and they're telling us that it needs to be in there, a combination for anticipated loss of 16,000 square feet due to end of lease agreement? Something specific to the loss, not to the unknown space it's going to go to. Would that make more sense?

Mr. Filling: Just to clarify, too: The lease is for about 4300 square feet.

Ms. Candler: Oh. I thought you said 16,000.

Mr. Filling: No, the department – Public Health, the entire department takes about 16½, I think, thousand square feet. So between the – their current setup – the third floor in the Admin Building, where Public Health is and Community Services is then in the leased space. We're going to consolidate Public Health and Community Services so Community Services is in about 4300 leased square feet.

Chair Lohman: Why don't you just call it a reconfiguration then? Because isn't that what it is? And that opens it up to be –

Ms. Candler: It is and it isn't, because there is going to be a loss of some square footage. So if they reconfigure and that works, okay. But there may need to be a gain or an acquirement.

Chair Lohman: Maybe I shouldn't have opened the box, but it just seemed a little too open to me.

Mr. Temples: So, actually, reconfiguring – yeah. I've been space planning for years and it really involves both loss and gain, so it's part of a balance when you reconfigure. But it sort of kind of takes us back to the same issue of it sounds nebulous. But that's the process you've got to go through.

Ms. Candler: I think as long as you're explaining that the need is based on an anticipated loss takes some of the nebulous out of it, does it not?

Mr. Temples: It could raise a red flag to somebody, too.

Mr. Axthelm: On the proposed financing, the description states: "Alterations needed to support Public Health and Community Services." So, really, it *is* pretty specific from that.

Mr. Temples: If you put it that way, I kind of like it better. All the departments, so to speak, are added to the line item. Because right now it just says Worksource."

Chair Lohman: It *is* in there.

Mr. Axthelm: Move the description over to the project, is what I just – move it over to the project and then it's specific to those departments.

Mr. Greenwood: I've come back full circle to the point of thinking that the original suggestion to strike it makes sense more in the case of if we don't know how we're going to do it, let's just leave them as goals, and when they make sense to propose them to – you're going to lose a building, you're going to add a building. I don't want to see us add additional costs just so we have another building. So it has to have a tradeoff, and I think that's what you were talking about was you're going to lose one; then we can fill that space. But until we know we're going to lose one – some square footage – and we still need it, then perhaps we don't really have a plan. We're still looking for a way to solve that goal.

Mr. Meenaghan: Okay, so if the building plan gets solved in January, then the Board of Commissioners is going to simply budget the money and make the money happen as they need to in whatever month next year that they need to do it. And we have not added – and by what you're saying then, we have not added language then that kind of gives them the planning tool

to do that with. So I still think that we need to have some kind of language in there that – so that – not that they need to have permission, but it gives them that language, that idea, that we've at least thought about the fact that we'll be doing – you know – doing some kind of building remodel or purchase or whatever it is. Does that make sense?

Mr. Greenwood: A little bit, except that you lost the – you know, we're on Plan B and we don't have a Plan B yet. We just have Plan A that we lost.

Mr. Meenaghan: Yeah.

Mr. Greenwood: So just expressing the need clear enough to where it should be an offsetting thing? Like with any budget, if you've got so many millions to work with you're going to take something out to put something in. If you're going to add something, you've got to take something out. Because this is – I know it's a plan, but it's also a budget on some level. It might be an overarching, but at some point departments are going to say, Okay, I got your plan. Cut it by 30%. How are you going to do that? Across the board is the way a lot of times they get done.

Mr. Meenaghan: And the Board's going to do that regardless of what we say.

Mr. Greenwood: Right, right.

Chair Lohman: Right.

Mr. Temples: I'm kind of concerned that every – I think you mentioned, Ryan, that you had some language there that sounded like we sort of need to identify it. I think – but we're trying to – what I'm hearing here, too, is it's like it's not *clearly* defined. And I think it kind of still needs to be there but I think you need to define it a little better.

Chair Lohman: Well, everything else in the list is pretty definite.

Mr. Temples: Yeah, straightforward.

Chair Lohman: And some of them are, you know, very specific. And this one is fairly –

Mr. Walters: And this one was, I think, fairly specific when we thought we were acquiring the Worksource building. It sounds like they actually had quite a specific plan for the Worksource building, but if we're not acquiring the Worksource building – and all signs point that we are not acquiring the Worksource building, or at least that deal will not go through – then we'll need to do something if we do intend to terminate the lease on the other building.

Mr. Fitting: It's not entirely driven because we're losing space from the lease. We want to be out of the leasing business, is one thing. But 4300 square feet doesn't necessarily equate to the need for 16,000. So part of it is also a drive for a better, more efficient use of their space, so the space that they're in could be much better suited by a different department than they have. So there's that motivation or that aspect of it, too. So it's not just we're losing space, we've got to find space. It's not entirely that. And this money was specific for the needs for Worksource. And it was very, very early on. They almost – when it came time to do the Capital Facilities Plan, that potential also appeared almost simultaneously. And so it was very early – when this money was placed in there – it was very early in the process. And as that process continued down the road, it looked like it would have been much less. So we don't have to hold on to this 350 number.

Because we're changing, I guess, the path doesn't mean we need to stick on to that same number. I mean, if that's a very – that's a very large number and it was specific to Worksource and it was specific to structural needs and some other things. It wasn't just some windows and doors. There were some structural things that would have taken place that were high-dollar items. I can't sit here and say it'll be – the next place will be less expensive. I can't say it'll be more. But I do know that 350 is a large number, and we don't necessarily have to hold on to that number specifically if we're not going to be specific for Worksource. We can change that specific number for Worksource as well to more to what you guys would consider a more reasonable number. I mean, but the need is still there. We still have a need, and I can't sit here and say it's a \$350,000 need. I can't do that. I can't say it's a \$10,000 need, if that makes sense.

Chair Lohman: What is it, Commissioner Mitchell? Any proposals?

Kathy Mitchell: I guess what we're struggling with is because it's a need – I think what you're saying is because it's a need it needs to be in the Plan.

Mr. Fitting: That's right.

Ms. Mitchell: And if that's the case, then I think it needs to be in the Plan. So we need to figure out what to call it or we need to strike it, but you're saying you don't want it stricken. Right?

Mr. Fitting: Yeah. No, we will continue to pursue a solution for the need. We will definitely continue.

Ms. Mitchell: Right, and that needs to be in the Plan.

Mr. Fitting: Yes.

Ms. Mitchell: It needs to be here.

Mr. Fitting: Yes.

Chair Lohman: So I think I like – I really like Josh's suggestion that we take the alterations needed to support Public Health and Community Services and move that into the title of the project. Because ultimately isn't that what's driving the whole point of having it? And it ties into the dialogue over there on page 17 and 13. Right?

Mr. Meenaghan: You know, I think most everything else that's in there is based on what we know right now.

Chair Lohman: Right.

Mr. Meenaghan: And I think in order to say that with this, what we know right now is that there is going to be a change made with the buildings. I can't possibly reiterate what you've said, Dan. But we need to maybe just say that – with, you know, Public Health and Community Services is going to move and, therefore, associated with that there's going to be some kind of remodel cost. Maybe we should just specify that.

Mr. Axthelm: Well, that's the ___ description. It says "alterations needed to support Public Health and Community Services." Then just stop. Just call it that.

Mr. Meenaghan: Yeah, and leave (it) at that.

Chair Lohman: Mm-hmm.

Mr. Walters: One alternative to that is some reference to space planning goal 2.

Mr. Axthelm: Department consolidation?

Chair Lohman: Oh, you mean like where they did above on the Juvenile Detention cells where they kind of put a number of units they were thinking? Are you thinking of something like that? So in this case it would be square footage?

Mr. Walters: Well, I was suggesting a reference to space planning goal 2. Space planning goal 2 is "Consolidate operations into two campuses": one, law and justice downtown, and everything else up here on Continental.

Chair Lohman: But maybe you could put that in the notes and description.

Mr. Walters: To support space planning goal 2?

Chair Lohman: Mm-hmm. But ultimately, though, isn't it Public Health and Community Services?

Mr. Walters: Well, I think, as Dan said, it may or may not end up being. If we had acquired –

Chair Lohman: That's almost like Christmas. I mean, I have a lot of needs when it comes close to Christmas.

Mr. Walters: Well, I think this is somewhat less difficult to understand than it may appear. I'll tell you a bunch of things which are not the official position of the Facilities Department, and then Dan is not on the hook. The Prosecutor's office, criminal division, is in a cramped space. The Auditor and Assessor and Treasurer are currently next to each other, which they sort of need to remain next to each other. They cannot move individually. The Prosecutor's office could move to a different floor in the Admin building, but the Admin building has Public Health on the third floor. Public Health used to be much bigger because Environmental Health was on the third floor. Environmental Health is now in the Continental building and then the two departments, Community Services and Health, were consolidated into a single department but they are not currently co-located because Community Services is in the Community Services building – that's the one where the lease is ending – and Environmental Health is at Continental. And Public Health is on a wholly different location on the third floor where the Prosecutor's office, criminal division, could go if that space were cleared out. Also there're a couple Records staff members up there because that was a convenient place to put them because they're in the basement, which is where you don't want records because if it floods then you lose all those records because they're at the lowest part of the floor.

Mr. Greenwood: We need to find an airport hangar and stick you all in it.

Mr. Walters: You see how this starts to snowball if you start to move one.

Mr. Temples: ___ as space planning needs are identified.

Ms. Mitchell: That sounds better.

Mr. Temples: It's that you're just – you're rattling off all these different department changes so they're all like balls up in the air. I can see the problem.

Mr. Walters: The catalyst is still, I think, Community Services, even though the remodel may not happen for them. Does that make sense? Because they are in the leased space that we're trying to exit.

Mr. Temples: Well, it sounds like they may be the first issue that has to –

Chair Lohman: Then maybe make a trailing sentence with it: "...and reconfiguration of other departmental campuses" – something like that. But paramount is your Public Health and your Community Services somehow is really at the front of the train, right?

Mr. Walters: / think so. Dan?

Mr. Fitting: Yes, they're – I mean, they're the obvious one to pull _____.

Chair Lohman: I want to make sure they stay at the front of the train, I guess is the –

Mr. Fitting: Yeah, they are the obvious one. They are the ones with lease space terminating and the lease space that we want to get out of. They're the ones that are now going to be crammed into a much, much tighter space, hopefully temporarily. They are the one who sit in really high demand space to begin with, as well. So they are crowded and they are in very, very high demand space that they don't really necessarily need to be in.

Mr. Temples: That sounds like that's the – like you say – that's the primary dictate on this, and maybe all these other things – maybe we shouldn't even bring up because we don't know what they really are going to be and when.

Mr. Walters: So I typed something on the screen for your consideration: "Remodel newly acquired or existing space to accommodate the termination of the Community Services leased space," which doesn't necessarily mean you're remodeling *for* Community Services but it indicates that Community Services and the termination of their lease –

Chair Lohman: There you go.

Mr. Walters: – will kick off the –

Chair Lohman: I could live with that.

Mr. Temples: You cut your loss.

Ms. Candler: Thank you. What does Keith think? He's not liking it, I can tell.

Mr. Greenwood: No, I like that better.

Ms. Candler: Okay.

Mr. Greenwood: I just wanted to see something attached to it. I don't like to see square footage increase over time. I don't want to see assets increase over time. I don't want to see maintenance costs increase over time, except for cost of living. So if we're going to do something that makes sense, let's have it make sense financially – and/or it's just more efficient or something. We can save the public money. It might be more efficient. But that's a wish.

Ms. Candler: I think that's indicating a reason at least.

Mr. Temples: Yeah, I think that gives it a reason.

Mr. Axthelm: Shall we go with that? Yep.

Chair Lohman: Okay. So moving on to the next thing we haven't explored – anything else that you saw that you wanted to add for the Recommendation in the Capital Facilities Plan?

Mr. Greenwood: I would just like to recommend that we consider in this planning process in the future a maintenance item – maintenance costs associated with the capital facilities, so we can evaluate whether it's the maintenance that is too much, in association with the asset – are we going to trade those out and upgrade. Just so we can have a better handle on the whole Plan as a tool. It's not required, I know, but it allows us to evaluate it.

Mr. Walters: Right. I was going to point out that it's not standard or required, but that doesn't mean it couldn't be in here as a tool. I think I would just require significant thought about how that would work.

Mr. Greenwood: Okay, then we've got some time.

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

Mr. Greenwood: I would, if you guys are okay with that.

Chair Lohman: Can you word it out how you would like it? But it would be back on the Capital Facilities Plan, not the TIP, so it would be – we'd have to renumber.

Mr. Greenwood: Well, I think on both would be appropriate. Transportation and capital facilities.

Mr. Walters: So "Consider inclusion..."

Mr. Greenwood: Inclusion of maintenance costs?

Mr. Walters: "...an evaluation of maintenance costs of..."

Mr. Greenwood: Associated with capital facilities and transportation.

Mr. Walters: "...with County-owned..."

Mr. Greenwood: And that's the same thing with the – remember we talked about having the limbo items – the ones that were already in process and then those that are proposed. There's a gap between the inventory and the proposal so we've got those that are in flux, and so we talked about incorporating those next time around.

Mr. Walters: The ones that are currently under construction, or under construction in the current year?

Mr. Greenwood: Correct.

Chair Lohman: But is that appropriate to have in the Capital Facilities Plan?

Mr. Walters: It is definitely not required by statute, but if it makes sense and helps inform decision-makers and is something that can be accomplished, it could be in there.

Mr. Greenwood: I think it fills the gap for this new format. Because you get something clean all the time and you don't know what was changed from the previous. So to have this communication tool between the old and the new will make it easier to evaluate.

Mr. Temples: All of this, I believe, still goes before the Commissioners for their yea or nay, so I think it's – I think your idea is very informative and I hope they find it necessary, so we'll see where it goes.

Mr. Greenwood: If you guys are supportive of it. I don't want to make work for people, but I want the public and myself to be able to evaluate without having to construct additional items.

Ms. Mitchell: I can't help but thinking anything that makes it more clear is better.

Chair Lohman: Okay, was it the will of the Commission to leave that in there? Number 8. Okay, any last call on the Capital Facilities Plan? Then we're going to jump over to the TIP because number 9 pertains to the TIP.

(silence)

Chair Lohman: Okay, now we're on the TIP. So I don't remember who – the suggestion is to include a summary table of projects and revenues in the TIP. Was that you?

Mr. Greenwood: Yeah, that was me.

Chair Lohman: Okay. Okay, anything else in the TIP?

Ms. Candler: Yeah, what – do we want to put anything about the priorities that we were talking about last meeting?

Mr. Greenwood: I was going to mention that next. I'd like to see some evaluation of priorities. And my thoughts since then have been along the lines of how those projects fit into the County's priority of projects overall, referred to as the "priority array." So if we have one – because we say we're using one – then if there's – and I saw reference to 153 projects in an old set of minutes, so if there's 153 projects and this is item number 6 out of 153 then let's put it in that

way. So it could be item 6 out of 153, and if it's 2000 it could be – that way we can tell whether we're nipping off the top or just the ones that, you know, fit.

Chair Lohman: In the time between the last meeting and now, did you find out anything about priority array?

Mr. Greenwood: Only that it's referenced many, many times. I found another in Capital Facilities Plan – oh, shoot; I don't remember which one this was, but it's on page 39 of it. It does say, "Skagit County now uses both a level of service methodology and a priority array methodology for road project programming. Beyond the legal requirements, the use of these two types of methodologies provides a more balanced approach." So we have one, we made reference to it in the last Six-Year TIP. We had the Commissioners sign a resolution that said that they considered the priority array when they forwarded that list of projects.

Chair Lohman: Is the fellow from Transportation here?

Mr. Greenwood: Dan?

Chair Lohman: I don't think it's Dan.

Mr. Greenwood: Berentson.

Chair Lohman: Is it Bob?

Mr. Temples: So is it kind of European that – it sounds like it's been mentioned in the past. Is it something we want to make as a recommendation that this should be done?

Ms. Mitchell: And visible.

Mr. Temples: And visible.

Ms. Mitchell: Where we can see it – yeah.

Mr. Greenwood: We either need to use it or discard it, not use it as a reason for project selection.

Ms. Mitchell: I can't help but thinking that the priority list of being able to see it couldn't do anything more than help to understand which projects really are in need of being in line first and taken care of first.

Mr. Greenwood: I know, too – just for clarification, too – and Dale and I talked about this before – I know projects are selected – if you have 153 of them, if there's a bridge out you're going to replace it if it's a safety thing, sometimes regardless of how much it costs. But there are other projects that will move ahead of the line because of matching funds. So just because it's on the list at the top doesn't mean it's going to get done. So we have to pick and choose from that list. But if we're down doing 153 and 152 and 151 and we're still not getting done those top ones, I'd like to know what those are and how we can get them done.

Ms. Candler: So why would we *not* want – maybe Dale –

Mr. Pernula: _____. Makes sense to me.

Chair Lohman: I think we – maybe the recommendation – Keith, if you want to come up with some language – would be how you determine the priority, or require a priority – at least a tentative priority list.

Ms. Mitchell: Even within sections. I think the gentleman the very first night had mentioned that there were different areas, and even within the different areas – let's say bridges and roads versus – I can use something else – buildings and something or other – that they could be prioritized even within those groups. But we need to have something that tells us.

Mr. Temples: Well, especially with the state legislature basically not funding very well any of the transportation projects going on at any county, and these poor folks trying to come up with grants and every other financial mean to get something done, it would be nice to see it, yes, identified and prioritized to the best of their ability. I mean, it's going to suddenly kind of bring a lot of this to the surface and, you know, some of us could probably sit back and just say, Whoa, why isn't this getting done? Well, they don't have the money to do it.

Mr. Greenwood: I'm thinking if we could just – I'm thinking of language that says clarify how these projects fit within the priority array for the County. And then they get to find out what it is. Because I think I know what it is but I still haven't seen one.

Ms. Mitchell: Right.

Chair Lohman: Well, if it's referenced –

Mr. Walters: Do you need that larger?

Chair Lohman: There you go.

Mr. Greenwood: That's good for me.

Mr. Temples: You got it.

Chair Lohman: Okay, anything else on the TIP?

Ms. Candler: I mean, this will probably effectively accomplish it but I would think you would also want to know where – how the priority array is accomplished. But I think that will cover it ultimately.

Chair Lohman: Remember we're a recommendation body to the Commissioners. We don't get to make the decisions.

Ms. Candler: No, I just didn't know if we wanted to add language that would say –

Ms. Mitchell: I think you're right. I think she's right because just because somebody does make the priorities we'd like to know how it was arrived at that decision. It's not that we're nit-picking how it was done by any means, but you need to know how you got there.

Mr. Greenwood: How about a presentation before us, Dale, perhaps, that describes that methodology? Because we say that under GMA Skagit County's required to use a level of service standards and the prioritization of transportation projects, and then it goes on to say we then use both of these two methodologies, level of service and the priority array methodology. So if we can, I mean, get a brief presentation on those methodologies from the Transportation Department that'd be cool. It would be helpful.

Mr. Pernula: From Public Works?

Mr. Greenwood: Yeah, from Public Works.

Mr. Pernula: Okay.

Mr. Walters: I typed some language that maybe gets at some of that.

Mr. Greenwood: Okay.

Ms. Mitchell: That's better.

Mr. Temples: Yeah, that's good.

Mr. Greenwood: And I was going to say on an unrelated but the same project, similar to the capital facilities recommendation, I'm looking at an Operations Division Manager's Report that shows the total budget for maintenance, and I know maintenance is not included in the Six-Year Program but I think it should be incorporated for clarity. And that could be for the next time around. It doesn't have to be this time, but I want them to consider incorporating maintenance in subsequent reports.

Mr. Walters: So did we hit that in 8 here with the inclusion of transportation facilities?

Mr. Greenwood: Yes. Okay, good. Thank you. Because I found a report that showed that total expenditures for 2013 covering 800 miles of County-responsible roads was a maintenance of ten million dollars. So that's like \$12,000 a mile. So that's a pretty high expense, which would motivate one to either consider vacating some roads or changing the standard of some roads. There's something to look at there. And you don't know that unless you can see what the maintenance costs are. Then you could start to decide if we're spending too much money on maintenance for the wrong standard of road.

Mr. Pernula: So this is a capital facilities plan –

Mr. Greenwood: Correct.

Mr. Pernula: – one you're going to spending on capital facilities and not maintenance necessarily.

Mr. Greenwood: Right.

Mr. Pernula: But we might – what we might be looking at is what I think architects call "life cycle costs."

Mr. Greenwood: Yes.

Mr. Pernula: And that's more what we're looking at rather than strictly maintenance costs.

Mr. Greenwood: Right. I think that's more accurate. Sure.

Mr. Walters: Well. So then are you asking for life cycle costs to be included with projects on the project list, or are you asking for maintenance costs for the inventoried items?

Mr. Greenwood: Well, if we're going to plan for investment in the capital facility of transportation, we need to know what the ongoing maintenance is and maybe incorporate life cycle as well. I'm thinking that's all part of it. You know, ongoing expenses and then life cycle, too. So if we put in – say if we chip-seal a road, you know, it has certain maintenance costs and those keep going up as the roads start to come apart. Maybe the time is – okay, it's only good for 15 years. Now we're going to make it a rock road instead and we'll just chip it up. Otherwise, we keep patching and patching and patching. So I'm just trying to think of an asset evaluation tool. When is it time to replace an asset or change an asset or – you know, we're making a plan for these improvements. How are we doing on the overall asset?

Ms. Mitchell: Well, that is a definite part of how you make the decisions on anything that you do. For our neighborhood it makes a difference on how we maintain the roads for planning, so I don't see how it's any different for this.

Mr. Greenwood: It helps in the decision process, I guess is what I'm thinking, when you're planning. But if it's not clear, we can – we've got time to think about it.

Mr. Pernula: You know, this is a capital facilities plan. We're looking at the facilities and the needs, and I think just a statement that the life cycle costs should be considered when we're considering what in our planning.

Chair Lohman: Maybe add that as a last sentence on item 8 because it's all relevant to that.

Ms. Mitchell: Even if it were in a, like, in an appendix for information, for further information, since it's sort of a subset. Would that be okay?

Mr. Greenwood: Can you put "maintenance and life cycle costs"? Is that –

Mr. Walters: Yeah. Um –

Mr. Greenwood: Because I'm not differentiating them that well.

Mr. Walters: Another idea is to add a goal or policy to evaluate life cycle costs. You don't really see the capital facilities goals and policies because they're contained in the Comprehensive Plan, not this document. But as we move into the 2016 Update, we might be looking at consolidating these into one document, and if that happens then you would see them all the time. But also you just make that recommendation here because this document can update that one. So, I don't know. Maybe you just leave it as sort of as-is maintenance and life cycle costs and then we just sort of figure out how to address it.

Mr. Greenwood: I think that's fine.

Chair Lohman: Well, then it goes back to our belaboring on page 15 in the table. It's consistent.

Mr. Greenwood: Yeah.

Chair Lohman: We are consistent – belaboring it! Okay, anything else? There were a lot of comments about the trails within the TIP plan. Anybody have anything they want to talk about that?

Ms. Candler: Yeah.

Ms. Mitchell: Mm-hmm.

Ms. Candler: I just want to address, basically, what the majority of the comment was about getting rid of the pavement projects. I guess I have some questions about what speci – I don't know who is here to address that, but I kind of want to know what the – it sounded like the pavement projects were on the list at least not maybe primarily but in part because of grant money. Is that fair to say? Who's going to address this?

Chair Lohman: Come on up. Brian?

Brian Adams: Brian Adams, Parks and Recreation Director. I'd like to acknowledge my Board that's here as well. Ralph Rowland, John Semrau, Mike Elde, Mark Dobie, I see Chris Allen and Liz McNett Crowl. Thank you for coming out.

And, yes, I realized there's going to be some questions and I asked Ms. Chairman if we could also bring Chair John Semrau up to a mic here in case there's any questions that might pertain to someone that has as much history as John does on the Board. He's been around for 27 years. So, John, could you join us as well at a mic?

And the specific question about grants: As far as the pavement project is concerned, it isn't necessarily a priority. It's a placeholder. And I think decisions come forth to me and aren't made just myself. I know that we have a County Commissioner that doesn't want to – wants to make sure that some of those folks in her district are represented and some of those areas aren't forgotten and some of those communities are represented. So I think some of those projects that might come to me are also all about what's important maybe to that particular district.

Ms. Candler: So that gets more, I think, to my question. What is the impetus, or who is thinking that paving the trail – the Cascade Trail, I'm talking about specifically – is a good idea? Who wants this done? Anybody? I mean, he could answer, if it's more appropriate.

Mr. Adams: John, would you like to answer that?

John Semrau: Well, there's users out there who'd like to see the whole trail, but there's other users that use horses and mountain bikes. I mean, we have road bike users, we have mountain bike users, we have a wide range of people. But closer to the urban area where we tend to see more street bikes in the city, you know, there's more call for additional paved trails. If there wasn't a call from the public we wouldn't have seen it paved. I mean, the County Commissioners were hearing the ear of the public that were wanting to see it paved. Otherwise, they wouldn't have earmarked the money for it.

Ms. Candler: Okay. Who specifically put it on the TIP?

Mr. Semrau: Well, I don't know that.

Mr. Adams: The Public Works Department writes the TIP. Where was the conduit or why did it come to – I would say that we all took phone calls from those that are above us that thought it was maybe important to have that placeholder in place because we're all opportunists when those, you know, monies become available. But again, it's a placeholder and it's someone that cares about their community, cares about their district, and someone that wants to make sure that that area isn't forgotten when we're making considerations.

Ms. Candler: So my follow-up question, I guess, to that is if you have these different uses for this trail – you've got equestrian, you've got bikes – it seems to me that they're contrary uses. How do you decide one over the other? I mean, how do you decide whether it should be paved or not when you've got the public talking about wanting two different things? Who makes that call?

Mr. Semrau: Well, some of that is dealt with by the Parks Board and, unfortunately, I didn't bring our Comp Plan. But we did have discussions in regard to that and because we do have the Northern State facility and so, you know, there's definitely a change in use of that trail to the east and to the west. And, you know, where do you bring in the equestrian? You know, we've got the rodeo grounds right there. We've got plans for possibly doing additional horse facilities on the Northern State property. I don't think we fully know because not everything's been done, but there are quite a few planning documents. We have a master plan for the Northern State facility. We also have our Comp Plan. And we've dealt with that over the years. When we first got the facility, I mean, we even had a proposal from the Administrator – I think it was Woodmansee at the time – that was wanting to see the whole trail paved, and the Parks Board didn't think that was a good idea. So, I mean, there's not a lot of money been available to Parks to make some of those decisions, but we do have all the uses kind of – we deal with those on a regular basis, especially in our Comp Plan. And I believe that wording is in the newest Ccomp Plan that we did. So I just – I don't have a copy with me.

Ms. Mitchell: Madame Chair, I looked through the Comp Plan and took some notes from it and there are lots of needs and requests for trails. That's for sure. But even on page 158 you've got a graph where you had a questionnaire and a survey. It was probably the biggest one that was relied on in the most recent Comp Plan. And in this graph – it's question 4. It says "More interest in trails with unpaved surfaces" – and this is from the 2011 survey. And so it does say that the top request was trails with unpaved surfaces. And we've done a lot of trail uses in the past all over the country and elsewhere and it does get difficult when you're looking at multiuse, and you can understand why there're certain needs for paved ones and ones for others. But this comes back down to the priority list question. When we have so much funds to be able to use certain places and try to maintain them as best we can, the question that comes to my mind is, perhaps even by what was going – what was said in the Comp Plan, if I'm understanding this correctly, multiuse trails would be the most used and that would not be paved.

Mr. Semrau: I mean, there is the ability to pave a portion of the trail. I mean, in Snohomish County the Centennial Trail's very specifically you've got the paved path and then you have the path for the horses. And some of the Cascade Trail we don't have – we're not going to have that opportunity. Certainly our portions of the Centennial we're not going to have those opportunities.

We don't have a wide enough corridor. So we will have to make those decisions. But the Cascade Trail most likely we're going to – because of the amount of population we have up through the Northern State Park, you know, paved trail up to that point is probably something we can all justify.

Mr. Adams: We probably have as many as 100 miles of trail and 7/10s of a mile is paved currently.

Chair Lohman: Of all the trail, only 7/10s?

Mr. Adams: Yeah. Most of our trails are what we consider primitive trails that grew out of potentially even social trails. But, yes, we've got 7/10s of a mile that's paved.

Ms. Mitchell: You said "social" trail?

Mr. Adams: Social trails – you know, one of the ways we weigh the needs of trails, sometimes people are just out there walking towards different destinations and they create trails and we formalize those trails essentially over time as we try to define and make one path in some of those parks to make sure that, you know, we have a little bit of control over where people are walking. But, yes, you know, use patterns are a way people are surveyed or the way we analyze needs a little bit, and then we define those trails.

Chair Lohman: But I saw several photos that the public presented where there were some serious maintenance issues and the trail in actually pretty poor condition, it appeared in the photo.

Ms. Mitchell: There was a section that was paved that was buckled, and if it was buckled already then certainly the ground is – I'm not going to say unstable – maybe there's clay underneath that makes a difference. But if we try to pave some of those sections again it's going to be a maintenance cost issue.

Mr. Adams: On that 7/10s of trail that we've paved there's some buckling? I haven't seen that.

Ms. Mitchell: I don't know – if you look in the public comment section, there were – one of the people that made the comments had submitted some photos from the trails, and within those stretches –

Mr. Adams: I can't answer that.

Ms. Mitchell: The Cascade Trail. Take a look at those and you'll see.

Mr. Adams: You know, there're certainly some areas – I don't think they're paved areas – but there are certainly areas that, you know, need regular maintenance.

Mr. Axthelm: For clarification, some of those – you said 7/10s of a mile. You're talking in County. So where those trails go and connect into the city and go through they may be paved even more. Is that –

Mr. Adams: Currently there's 7/10s of a mile that's paved of our County Parks Department trails in the Fruitdale Road area. It's the first mile of the Cascade Trail essentially.

Ms. Candler: So the current proposal for eight miles: Where would that take it?

Mr. Adams: You know, I think that was four miles, was it not?

Ms. Candler: I think it said eight, but I've lost it.

Ms. Mitchell: I thought it said eight, too.

Mr. Adams: Okay. I think the idea behind that was to continue east from its current – where it currently ends, which is at Fruitdale Road.

Mr. Axthelm: Now I could see that the asphalt would actually help the maintenance because it can control and define that trail a lot better. The concern I would have is with the use, like horses. Is that a good thing to have horses on the asphalt?

Mr. Adams: Right. Oftentimes – and, you know, this is a plan and I don't think there's been any kind of defined thought into that, but generally you have a section of paved trail. If you're talking about what Snohomish County has done recently and other counties that are doing long, linear stretches of paved trail, there is a section also set aside for horses. So there's maybe a two-foot area on the shoulder of the paved section of trail to accommodate equestrian use.

Mr. Meenaghan: I'm going to ___ in here because I've used the Centennial Trail in Snohomish County and there are portions of it that are pavement only, and then there are other portions that are – that have a two-foot wide piece off to the side where your horse can use. And then there's other portions of it where there's a ten-foot wide piece that's grassed for the horses to go up on and there are signs that direct them up there. So as far as a trail that is paved being multiuse, I think that it *can* be multiuse. I also kind of assume that some of those pictures that Josh was referring to of the gravel part that's, you know, that's close to the river that's sliding, you know, when this actually comes to – if it ever comes to fruition, I think the County's probably going to look at maybe moving the trail before it actually gets paved so it lessens that maintenance. Is that right?

Chair Lohman: I don't –

Mr. Adams: There would absolutely have to be some pre-planning going into any project such as this. And again, you know, I mean, this is just a planning tool and this is something that's important to our District 1 County Commissioner and it's something that came forward out of that process.

Ms. Mitchell: You know, I can really respect that and I understand that. That's a beautiful area out there and that Commissioner cares a lot and that's perfectly clear.

Mr. Adams: That's District 3. I'm sorry.

Ms. Mitchell: I think everybody will agree with that. One of the things I come back to is the practicality for our priorities and where our budgets will go for the timing. It's not that maybe somewhere in the future something like that couldn't be done, but right now the priorities are questionable. For instance, some of that area's right along the river. We know that that floods frequently. If we were to put in the maintenance – well, the funding to have it done, however that

came to be, and then to maintain it, one of the first things comes to my mind is the flooding. We never know where that's going to happen or how much it's going to be. And we have other parks – maybe it's part of the Centennial Trail, for example, or some other trails that are already in place that we could focus those energies and those monies on to keep them in the best condition possible where they may not have problems with flooding or maintenance issues where they get wiped out shortly thereafter. We don't know what's going to happen.

Mr. Adams: John, you have better ideas of flooding and floodplains. I certainly don't have as much knowledge as you. He can answer a better idea of where those floodplains are. But I respect your comments.

Ms. Candler: Another concern that I had was in reading the comments that Kathy was talking about a minute ago some of the comments that I read was that people were really enjoying the wildlife viewing, the wild nature of it, and one of the specific requests was that less signage or fewer signs – signs be taken down and minimized. And I just have a hard time thinking that this is something that's –

Mr. Adams: Well, and I would like to stress again we have many miles of trails and many of those trail systems don't have signs. Many of those – there's really three types of trail systems. There's loop trails, there's destination trails, and there's transportation trails – there's linear trails. And really when we're starting to talk about where signage is more apt to be located and where you're more apt to have a paving project, it'd be more of a linear transportation corridor. And I would say that I'm sensitive to that too. My career started out in – my public career started out in the Anacortes Community Forestlands where I was very sensitive to those 50 miles of trails and, you know, making sure that people had an experience where they weren't getting lost in the signs. You know, I think it's important to make sure that they're getting out there and enjoying the whatever else there is – the wildlife viewing or the bird watching or whatever else – and aren't getting lost in other experiences. So I'm sensitive to that. I think we've done a pretty good job of accommodating a lot of primitive use-type trails.

Ms. Candler: Well, in your view, is this 22 ½-mile Cascade Trail, is this a – what type of trail are you viewing this? Is this a transportation trail, or what is this?

Mr. Adams: Well, it crosses a lot of land and I think where the mile of trail that we've already paved it's more in an urban setting, so certainly that has a difference. And I think where we are looking at maybe extending further out or where a Commissioner thought it was important, it's connecting communities. It's connecting Lyman, Hamilton, Sedro-Woolley area – those smaller communities. When you get stretched out to the east from there, you do start seeing – it's a little less of a connection from community to community. It's a little less of an urban trail system and you're getting out to some rural corridor where I think it becomes more primitive and there is less information on the trails.

Ms. Mitchell: Well, there's another thing. In the Comprehensive Plan on page 113 – actually it was section 11-3 because if you see it on PDF, the pagination's different – they said the safety of trail – what it said is the safety of trail users continued to be a priority. And I do believe that that's true, but we have problems all over the county, just like anybody anywhere, with people who will vandalize and misuse. Out where we are is out on – near Chuckanut and we have a lot of trouble with the same kind of thing. And what we experienced in the past is when we see vandalism, we see trespassing, we see garbage, people being accosted verbally by other people who are down there. There's vagrants and transients as well. Sometimes that's the

issue, and sometimes it's just kids having a grand time on a weekend. But there are issues with it being a public thing and it's very difficult to ensure the safety. And when you see a long stretch of like this, that's one of the concerns I have because you start getting out into an area that is – it is more rural and it's very difficult to ensure those protections. And I know from our own personal experiences that when you report situations they don't always go into the records. I feel for our sheriffs and everything else. They've got many, many things to do. So I do believe that there's more incidents that actually happen than are recorded. And so here's the back to the thing, is how do we ensure the safety of the trail users? And there's also the question about who actually owns the trails, because there was another section in there where people were talking about quit claim deeds. And I'd like for you to address both those issues, please.

Mr. Adams: Ryan?

Mr. Walters: I don't think I'm well-positioned to address the safety issue, except I guess by saying that the trail already exists, so the question is just, I guess, related to safety plus or minus if the trail were paved.

Ms. Mitchell: Right. Well, it's one of those things where in the Comp Plan it says specifically, "The safety of trail users will continue to be a top priority." I do believe that but how do you ensure that?

Mr. Adams: As far as safety goes, well, I can't address that to any more extent than I can guarantee you there's been a lot of issues on Highway 20 and there's been a lot of casualties and a lot of accidents, and I can't even begin to, you know, say that there's been any kind of that on the Cascade Trail. It is an alternative means of transportation. You know, has there been any crimes? I certainly don't hear of any coming from our Sheriff's Department, from our deputies, from our users. I'm not getting that kind of information. I know that there was a little bit of information put out there about a section of trail or an area across from the Sedro-Woolley High School. The problem there is it's not a trail. It's vacant land and it's 30 acres. Most of it belongs to a private party. We've got a small section in there and I think that – you know, if there were actually people walking it and it actually was being used as a trail I could guarantee you there wouldn't be the kind of vagrancy or any kind of issues that we're seeing maybe on that land and the neighboring 30 acres.

Mr. Walters: With respect to the ownership issues, I think that I would summarize for your purposes by saying that there really are no latent ownership issues that you need to be concerned about. There were a number of claims raised in the public comments related to how the County acquired the interest in the trail, and, put briefly, the railroad quit claimed its interest in the trail to the County in exchange for some sum of money – a couple hundred thousand dollars, I think it was – and the County now has that interest in the trail. There are a couple of landowners, some of which are repeatedly noticed in the comments, who filed suit against the County associated with their interest in the property adjoining the trail and they lost. They lost repeatedly. They filed multiple lawsuits, none of which resulted in them having a property interest in that trail that prevented the trail from, well, being in existence today. Because the Cascade Trail is there today.

I think the other thing about that is that if an adjoining landowner to a piece of County property has some dispute with the County over the County's work on its property or whether or not the County owns that piece of property that the County has a claim to, then those landowners know how to get ahold of us. They can call the Commissioners' office, they can file a lawsuit, and they

can call Risk Management. They can figure out their property claim. The appropriate forum for figuring that out is not the development of a plan to pave an existing trail. You see that there are a number of problems with that. The trail already exists. We're only talking about paving it. And even if the trail didn't already exist, which is the case with the Centennial Trail, we're talking about acquiring right-of-way in fee or as an easement where necessary to make the trail work. So it's really not a question that is appropriate for the litigation – the *continual* litigation, because this has been going on since 2000 or earlier – of whether or not the County has a property interest in the land underlying the trail. Now we can go into more depth about that but I really think that that summary is all that you – all that, really, that you need, because this has been litigated in court multiple times. It's also been contested before this Planning Commission multiple times – not these members here but in prior versions of the Capital Facilities Plan and TIP. So I can answer more questions about it but –

Ms. Mitchell: Well, I've got two –

Mr. Walters: Okay.

Ms. Mitchell: – that come to mind, if you don't mind. I read the results of those lawsuits that were included and even though they were dismissed, whether it would be called a technicality or whatever, doesn't mean that they lost, they lost. It meant that it was not in the appropriate court. So the question still remains: Do they have a valid claim or not? I don't know. It's hard to tell. But there was enough concern that that's where I'm raising the issue now. If somebody is that concerned about it, I find it hard-pressed that they'd keep hiring attorneys and trying to litigate something that they didn't believe was true. And so that was why the question comes back to what was the quit claim thing – quit claim deed – and how the County would have done that. And if you go back to the Skagit Parks and Trails Comprehensive Plan, there was a section on page 31, which would be 3-8, where it was actually under the Centennial Trail and it was just this one line that caught my attention. It said the Cascade Trail, which is a Rails-to-Trails conservancy as per federal legislation, this property has been purchased outright. That's good, but that also comes back to – says unlike the Cascade Trail – so unlike the Cascade Trail, so that brings back a question that if there is a concern with property owners out there that there's an issue with who actually owns it or not. It's the question of the appearance and the question of the concern. And so from that standpoint what I'd like to understand is why isn't it just simple for the County to be able to show clear ownership?

Mr. Walters: Well, I think that – I guess to start from the beginning of your two questions there: First, whether or not someone has an ownership interest is totally not driven by whether or not they *believe* they have an ownership interest. So I'm sure that litigants who lost the lawsuits that you mentioned there believed – or even if they didn't, I'll give them the benefit of the doubt – that they believed in their ownership claim at the time that they filed those lawsuits. But they did lose those lawsuits. And whether they lost them on a technicality or not, if they do, in fact, have a claim of ownership they could file a lawsuit today and establish their ownership right. They won't be doing that, though, I would predict, because they do not have a claim, any legitimate claim.

So let me talk a little bit about the difference between the Centennial and the Cascade Trail and that line there. The Cascade Trail was a railway operated by Burlington Northern. Burlington Northern decided to discontinue their use of the railway under the federal Rails-to-Trails program, the Trails Act. The federal government said that when a railroad discontinues their use we don't want them to completely abandon their use, which in many instances would have an

easement revert back – or, in some cases, maybe even property held in fee – revert back to the underlying or adjoining landowner or whoever it is that conveyed that interest to begin with. The federal government said instead, what we will say is that the trails are not abandoned when the railroad discontinues their use. Instead, there is an interim use and that interim use is the trail – hence the rail-to-trail. Now you might want to argue, or the landowner might want to argue, about whether or not that is a legitimate construction of what abandonment is, but it doesn't really matter because Congress said that that's not abandonment and Congress's act there trumps whatever state law might say to the contrary.

So the statement here in the Comp Plan is that unlike the Cascade Trail – the Cascade Trail was the Rails-to-Trails project – the Centennial Trail was also a railroad but it was abandoned and the Rails-to-Trails did not affect it because it was abandoned before Rails-to-Trails. So for every section of the Centennial Trail the County needs to acquire that either as an easement or in fee. With the Cascade Trail, the County *already* acquired that when it purchased from the railroad the right to that interim use, which is a trail. And the overlying principle or policy objective of the Rails-to-Trails Act is that the federal government did not want to lose all of this railroad right-of-way that had been established because they saw railroads getting out of the railroad business or abandoning all these different feeder lines or other lines that, for whatever reason, it wasn't using and the federal government wanted to retain all of that linear right-of-way. Because it's very difficult to get it back later because you would be negotiating with all these different landowners. And at the moment, we don't see that we will need the railroad right-of-way back to move goods and services across the country. But if we do, we can get it back for those trails that are banked under the Rails-to-Trails program.

So I think that's sort of some helpful background on how that works. But for the purposes of these two projects, there aren't legitimate claims that impede the paving of the trail. If there were property claims that were legitimate against the County's interest in the trail, then someone could bring them right now because the trail's already there. All we're talking about is improving it or doing a project to pave it. So I'm not sure how that really informs your discussion here.

Mr. Axthelm: So what you're saying is that the railway or the trail, the issues with the ownership is already resolved for the most part.

Mr. Walters: Yes.

Mr. Axthelm: Yeah.

Mr. Walters: Yeah. And if someone had an issue, this would not be the appropriate forum to adjudicate it.

Mr. Adams: John, you've been through many of these processes over the years and many of these Planning Commission meetings. Did you want anything to add, as well?

Mr. Walters: Oh, and before you get to that, the last part of your question was, Why can't the County just show clear title? And I think the answer to that question is, you know, with property we don't have a registration system for title that – well, I guess actually we do, but no one uses – like there is for vehicles. So for a vehicle you transfer a title; it's all maintained at the state; and the state knows exactly who owns a car at any given point. For land there is a whole system of deeds and you have to track those back, and for the purposes of Cascade Trail there are a whole bunch of adjoining property owners so there are a whole bunch of deeds. First,

transferring the interest in the property to the railroad and then transferring the interest from the railroad to the County, and then any transfer of interest along the way that might have tried to affect those interests. So for any one particular piece of property you could get a title report and the title report would give you to some certainty what the County or anyone else's interest is in that piece of property. But for the entire trail you would be getting a lot of different title reports. So while we could do that we don't really see the need to because no one is contesting that interest.

Ms. Mitchell: Are you saying the one, then, that I think it was – was it Jim Cook, maybe? – that one of the ones was in there had a title report said that they had ownership of that trail. That was included in the comments. So is that not true?

Mr. Walters: So there's one included in the public comments, Jim Cook's piece of property –

Ms. Mitchell: I think that was the name.

Mr. Walters: – and the – that is – and the Parks Department is aware of that particular parcel. If you look at the title report, the title report says something akin to unlike all the other parcels along the trail, this one is a little bit different. And the Parks Department, I think, has recognized that and I don't know exactly what it is they've done in response to that or if the property interest has changed hands, because that title report is quite a while ago. But maybe I'll try to find that line here while John answers the rest of that question.

Mr. Adams: Those agreements were made with Mr. Cook long before I was the Director, but I know that there was some agreements made with Mr. Cook.

Mr. Semrau: So I'll just start with most railroad right-of-ways are easement right-of-ways, and when you have easement right-of-ways those right-of-way rights are reversionary. If the railroad's abandoned, that property goes back to the underlying owner when those lines are abandoned. Regulated railroads are not allowed to just abandon a rail line. They have to request that permission from the governing agency. At the time it was the Interstate Commerce Commission which now has been switched to the Surface Transportation Board. That termination occurred in 1995. So we started with the Interstate Commerce Commission and now we're under the Surface Transportation Board.

What's happened on the Cascade Trail – actually the underlying ownership, most of the rail line was owned in fee by the rail company. So there's two types. There's easement right-of-way and there's in ownership/in fee. The Cascade Trail – when Burlington Northern went through the process, it wasn't abandoned. It was banked. And in the rail banking legislation these rail lines are not abandoned and so therefore the reversionary rights don't take effect, so all the rights that the railroad has as a right-of-way are still intact by federal law because it hasn't been abandoned. So reversionary rights only occur if it's abandoned, but since this is banked there are no reversionary rights at this time.

But we have looked at the underlying ownership. In some cases the reversionary rights are – you divide them between the state of Washington and Skagit County. But Jim Cook's property is one that we've definitely looked at in the past. But I think the easiest way to understand how to look at the Cascade Trail – I look at it more in terms of Skagit County as being the steward of that facility. Skagit County has all the obligations that the railroad had in operating that. We have responsibility to manage it as a corridor, as an interim trail that could be reverted back to rail

use. So when we give access easements across there and regulate how the individual property owners cross over that and what improvements they're allowed to make, we're carrying the same obligations that the railroad had in doing that. Because Skagit County, if the railroad comes back and says they want to re-establish the line, Skagit County has to give it back. If Skagit County says that they want to stop operating it as a trail, it still doesn't get abandoned. It goes back – actually, our agreement is with the Rails-to-Trails conservancy. They have the opportunity to find some other public agency or somebody else to give it to and be the steward of that facility. That could be a land trust. That could be a state park. That could be a federal agency. It could be just a – any environmental agency that – or public non-profit that wants to operate a trail in this location could become the same steward that Skagit County is.

The decision that we basically made as a County and as a Parks Board and Parks Department was we decided we were the best stewards for that facility. It's through our County. We can best manage the interests of our people in doing that as opposed to, say, a utility company or somebody else that maybe could have the control of that. Because these linear corridors are still available through this banking __ for it to be used in the future for rail. It can also be used for utility uses because these linear corridors, the public has invested a huge amount of money giving these things and buying these things for the rail companies. That's why we're just not willing to just let them go because they're very expensive to acquire in the future. And there are resources in our county that may – even in 50 years or 100 years we may be needing rail resources as opposed to continuing to drive vehicles on our roads as much as we do today. They may be – our public transportation facilities may not be a lot larger and they may be used by personal people as opposed to other resources. I mean, we don't know. We do know that we have the opportunity as a county to take this and to turn it into something good and use it as a trail facility for the benefit of the people of this county, and I think Skagit County has done a great job of managing that. I mean, there's a lot of things to manage. There's a lot of people that Skagit County has to partner with along this corridor, and I think it's a great facility.

Mr. Greenwood: I'm a little bit familiar with rights-of-way and easements, and a lot of times maybe some of the older ones didn't have conditions associated with them. But how did the federal government deal with the fact that a lot of easements would be for a specific use? And when we say we're going to be responsible for what the railroad was responsible for, that's for trains going back and forth. And when we change the use, a lot of times it has some different implications, some different responsibilities perhaps, or different effects of the adjoining landowners. When a person gives an easement through their property and it's for a train, they're expecting to see a train go by. You know, maybe people who ride the rails once in a while but, for the most part, they're not seeing people. And when we turn it into a trail I'm sure that the federal government when they did the Rails-to-Trails they considered what those different uses – even an interim use – might – how it might impact the adjoining properties.

Mr. Semrau: Well, I'm not sure I can – I'm not familiar enough with the legislation itself to be able to answer that question. I actually don't know how the federal law deals with that. From the standpoint of this facility, most of it's already – was acquired in fee by the railroad so it really doesn't matter. Now there is the U.S. Court of Claims. When they did this rail banking, they set up this U.S. Court – they made a process for people with reversionary rights to go and be compensated for their claims. So there is a process through the federal system. And that's been – and I don't know the exact number of lawsuits. I think there's – as of 2003 there had been like six lawsuits on this – in regard to this trail. A lot of the questions have been: Who compensates for those changes and loss of rights? And the decisions of all these court cases have been it's the federal government's responsibility and you have to go to the U.S. Court of Claims. It's not

the County's responsibility for that change. And it's been through Washington courts and all the way up to the Supreme Court. But what you're – the question you're asking that I can't answer, those differences in those claims are to be dealt with at the federal level. The federal government is responsible for compensating those people that have those rights that have been changed through this.

Mr. Greenwood: We just might be responsible for the consequences of our intervening use, or responsible for the impacts of that intervening use. If we wanted it to be a park there might be a different use than there would be if we decided we'd have a strip mall – real narrow, you know, all the way down there. So when there's a change in land use, usually the proponent of the change is the one responsible. If that's the federal government then I think that's fine.

Mr. Semrau: And that is the case. It is the federal government. They're responsible for it. They're the ones that pay and compensate for that, but you do have to go to the federal court in order to do that. The specifics I don't know.

Mr. Walters: Well, and just to clarify a little bit there: You don't have to go to the federal Court of Claims. You file a claim with the Surface Transportation Board. If you disagree with their analysis, then you have to go to the federal Court of Claims. So you don't necessarily have to begin with filing a law suit.

Mr. Axthelm: I think Keith brings up an interesting point, is that here you take a corridor that was not publicly accessible – and I'm familiar with it because I live on the dike – if you take that corridor, it's not publicly accessible, it's either a maintenance corridor or for rails – you know what's in your backyard. The train goes through people's backyards. So now you take that out and you put in a publicly accessible corridor and the public goes right through your backyard. So I can understand some of these concerns that people have with the crime and the issues that come along with that. So I think the Parks Department and the County itself could solve a lot of these problems by putting together plans for policing and for maintaining and for cleaning up. You know, when people throw garbage, is the County going to go through and clean it up or is the landowner going to be responsible to do the cleanup on that? Security: Is the landowner going to have to have the security for that or is the County going to take care of it? If the County has the rights to the use for it, even if it is an interim use, are they going to take responsibility for it and police that? Or are they going to say, it's not my responsibility – it doesn't belong to me?

Mr. Adams: The County Parks and Recreation Department has been maintaining that trail corridor. We do have one ranger on staff and we utilize deputies as necessary, and we don't hear about the crime that you're referring to. It's hard for us to speculate on crimes that aren't brought to the attention of a deputy. I mean, I – if that's what you're referring to, Kathy. Or maybe we just don't hear about it because it's brought to the deputy's attention and they don't file a report. Is that what you're saying?

Ms. Mitchell: From what I understand from reading the different comments and things like that is that – and having experience with what it's like in our neighborhood, because there's plenty of unexpected public access. Let me put it that way. It's not unusual if you put a report out for something like that that you – that somebody doesn't come and check on it until much, much later if, in fact, they do. And it's not a fault – I'm not faulting the Sheriff or any of our other guys because they have their hands full. They really do. They're doing a lot of other things. And so they end up being lower down on the priority chain for coming up for calls. If you look at the

iMap that we have now for the county, if you just look to see what incidents are out that direction there's quite a bit of things all over the place, and if even those – you've seen that before?

Mr. Adams: Well, I've seen the crime map that's associated with ___.

Ms. Mitchell: And I'm not saying that it's the same thing, but there are those kind of things that happen repeatedly out there. And I don't think people are telling stories about break-ins into their homes and pictures of garbage in their places or their fence that's knocked down. I don't believe that they're just doing that just for the grins. I do believe that those things actually happen. But the thing is that we can't police everything. That's very difficult. And when you look at the long stretches of trails, there are a lot of people that are conscientious, law-abiding citizens and then there are others that aren't. And so the next question that comes to mind – we're looking at long stretches of trails – how does the County have facilities? For instance, restroom facilities? We know in our area – and it's happened more than once – where somebody has done their business right there. And that's not a pretty sight. People don't like to talk about it, but it's what happens.

Mr. Adams: Yeah, we have port-a-potties along the trail and in Lyman there's a flush toilet now that we helped fund many years ago. But, yes, I hear you.

Ms. Mitchell: I know, and that's the things that people need to know what facilities are out there and what kind of maintenance it would entail. Because when you look at the extra step – at least this is the way I'm looking at it at this point – when you look at the extra step for paving it and accepting more maintenance for long term, this is why it keeps coming back down to the question of how we budget ourselves now and how we maintain what we have well. And there are – we've got lots of good park facilities and lots of good trails that we want to maintain well. And if we were to take this next step, my concern is what we've already discussed on a number of issues, but that's another big chunk. And if there was a liability question, if there is something – let's just take the Jim Cook property, for instance – there's one piece out of the chunk that the County would have to get settled out. Why would we, the County, take it upon ourselves to take on that liability unless it was crystal clear?

Mr. Axthelm: That's what I'm asking for – making sure that they are either policed or maintained and taken care of so that people, they feel better about it. I mean, you don't –

Ms. Mitchell: You want public buy-in and you want people to feel good about it and want it to be the best that it could be. Is that right, Josh?

Mr. Axthelm: Yeah, and I think it would resolve a lot of those concerns by having some of that in your Plan. *How* are you addressing those? Not just we have a County or park ranger. Do you actually have something set aside specifically for the trails or directly addressing the trails?

Chair Lohman: But some of that is ongoing – the constant pollution. You're not going to call the Sheriff for the constant that you have to patrol your perimeter and pick up the litter or whatever.

Mr. Adams: But we've set up adopt-a-trail programs or we've got buy-in, I think, from different groups that go in and take on a mile of trail here and there and adopt a park, and that's where we've been able to get a little bit of community buy-in.

Chair Lohman: But maybe there needs to be a bit of public education, too, that just because there's a cute little calf out in a neighboring farmer's field that it's not an opportunity for you to take the family and climb the fence and go pet the little junior and, you know, trespass. And I understand the draw to something like that, and I'm a farmer and they're irresistible. But it's total disregard for a lot of things, and I think the public, while there're some people that are well-meaning, there are unintended consequences of their action.

Mr. Adams: And I think there's also some benefits where during flood situations that trail is utilized for a corridor out of that flood zone and there's areas where it's become an asset for the neighbors out there as well. So I think that there's a little bit of a two-way road there.

Mr. Greenwood: I just want to mention that I use these trails – several Rails-to-Trails – and I enjoy them. I just want to mitigate or offset my impacts. And perhaps I need to volunteer to clean some of them up as well. If that's going to be a use that I like, I'd like to go with Josh and I'd like to see us have an effective mitigation.

Mr. Adams: Perhaps the Planning Commission would want to take on a mile of Adopt-a-Trail.

Mr. Greenwood: I can't volunteer everybody else! We could make a recommendation.

Ms. Mitchell: We're already having to clean up around *our* place!

Ms. Candler: Sorry to belabor this, but I want to know what does "pave" mean within the context of this in terms of, Have there been any – has there been any discussion? Or I don't know how far along this is, but is there discussion about impervious versus pervious surfaces – that kind of thing?

Mr. Adams: In this particular section of trail, I can say that there has been a lot of discussion. As far as our Parks and Recreation Comprehensive Plan and the ongoing updates that we've done, there's been a huge amount of discussion over the years on what's important. And we all know that trails and water access are the most two important items that we can do for the public, and I think it comes up over and over again in our Needs Analysis – that that's what people want.

Ms. Candler: Right. People want that but what I think is sort of getting lost in this discussion is that we're not – there's a trail. The question is paving it, right? I mean, we're not talking as much lately about whether we should pave it or not as much as just trails in general. So is there – has there been some overwhelming input from your perspective that requires paving?

Mr. Adams: The discussion is always – when we're going to pave – we need to focus on those areas where there's rural villages, where there's communities, where there's little towns, and creating those connectivities. And that's been an ongoing, you know, discussion as far as how important that is to make sure that those communities are connected.

Ms. Candler: Okay, so these two phases are approximately ten miles of a 22 ½-mile trail and there would still be a little over ten miles left in between the two projects, right? Would it be the overall idea that it would that it would someday eventually all be paved or is some of this going to be left natural?

Mr. Adams: You know, it again – that isn't – as far as what's been a placeholder and a priority in my mind, right now we're focused on the Centennial Trail Big Rock to Clear Lake area, and that's my primary priority. Again, I have my own big picture as a director of a parks department, but there are people over me that have even a broader picture based on, you know, their constituents, their – you know, the fact that they've been elected to office, the fact that they're trying to do everything that they can to bring a corridor, whether it's recreation, whether it's economic – whatever it might be – to those communities. And I think this particular project was important enough to our District 3 Commissioner that she wanted to make sure that we included it in this process.

Chair Lohman: But maybe what's lacking is we increase public access and requirement for public access. We had quite a bit of discussion in the Shoreline Update and we're going to have more. Here is another desire for public access but what's missing is the respect for the property owners that are adjoining those public access – or where public access is going through private property. And maybe we need to incorporate that kind of piece where we haven't been before, and that's where the collision is.

Ms. Mitchell: Maybe I can make a recommendation then, because I think I know what you're saying. And if what you're telling us is the top priority on this case right now is the Centennial Trail – and that's a great trail –

Chair Lohman: But that's not on the list.

Ms. Mitchell: I know it's not the same thing. But if that – if we had so much money, so many projects, so many things to maintain, and there're so many questions on this, I mean the thing that Tammy had just mentioned about asking about paved versus impervious, we just three weeks ago sat through a stormwater class presentation where the idea was to do less impervious surfaces. And it was rather ironic at the time, seeing the slides and going through that presentation and understanding how important that is, yet a lot of this is right close to the river and so you're talking about more runoff and things like that. And so I keep coming back to the idea that the trail is already there. It is a multiuse trail now – is that correct?

Mr. Adams: It is.

Ms. Mitchell: And so if we paved it that would change things. We do have connectivity – which I think Liz had said was very important – we do have connectivity. There is the new bike that has been put through. Granted, that is on the roads. But until something like this could be really looked at into in the future, I would recommend that this be pulled off for this TIP for this year and let these things be settled out. Because we have other projects that are really much more important and I'd rather see – personally, I'd rather see the Centennial Trail be done well and focus on that rather than just have this for maybe capturing some more grant money later. And if it's something that comes to pass where it's more important later then revisit it down the road.

Mr. Greenwood: Kathy, I'm just going to note that both of these phases are covered by state funds and so there are no local funds to be expended. So –

Ms. Mitchell: What about maintenance, though?

Mr. Greenwood: Well, I know, so that's why before you buy a boat you need to know how much it's going to cost to maintain it.

Ms. Mitchell: Right.

Mr. Greenwood: Otherwise – you know, someone'll give you a free horse –

Ms. Mitchell: Right. I know.

Mr. Greenwood: – but you still have to feed it.

Ms. Mitchell: And heaven forbid –

Chair Lohman: But is it money in hand now?

Ms. Mitchell: No, because I think the guy told us originally that this was on the wish list. Is that correct?

Mr. Adams: It's on the Plan and it needs to be on the Plan in order for us to be opportunistic to go after funds when they become available.

Mr. Axthelm: How wide is the trail?

Mr. Adams: What's that?

Mr. Axthelm: How wide is this trail at this area, this section?

Mr. Adams: The section that we paved between Fruitdale and where we started the trail where there's not a road intersection was ten feet.

Mr. Axthelm: Okay. And are provisions being made here in this location for equestrian or horses?

Mr. Adams: In that area there is an area for equestrians. There's a hardened surface on the outside. Most of that is grass-covered. But the rail width was wider than actually the trail surface so there's a hardened surface where equestrian use is – horses have been utilizing that area.

Mr. Axthelm: And the Cascade Trail, along that location is that also –

Mr. Adams: In the area that we're referring to in that set of mileage, again, the rail corridor and the bed is generally wider than the paved area that we slated for paving, so generally there's an area that can be utilized and extended out and hardened for equestrian use. In this particular case, you know, as far as I know we haven't gone through that much planning. That would have to be something that we'd have to do later on. This is, again, a placeholder and a lot of analysis hasn't been done further than just thinking that there needs to be something there.

Mr. Axthelm: Okay. I think it's important that the public understands that, so thank you.

Ms. Mitchell: Well, I can't help but thinking that there is a lot of important trail projects. We love our parks and we love our trail use. That's for sure. And I would like to make the best of them that we can be, and I know that our current Commissioners feel very much the same way. But we do have time and things can move along and that's where – there's no questions on this

piece that – let's focus where we really need to focus to maintain things well instead of something else that doesn't need to be tended to right now, especially is it's just a placeholder.

Mr. Greenwood: Could we – can I make a suggestion that we treat it as we did with the – we were talking about the old jail facility – make a recommendation that they look at it from the ongoing maintenance aspect of before we propose it? I know there was some controversy about whether we should nit-pick particular items or not, but, you know, if we consider this project and then raise some concerns about the ongoing maintenance assoc – and responsibility associated with those paving projects since they are in the planning process in consideration only at this point. Then we can leave them in the Plan but have a recommendation that they be considered from the impervious standpoint – evaluate from that standpoint, as well as the long-going maintenance costs.

Ms. Candler: Well, my concern with that is that it sort of looks like we're trying to move it forward as opposed to putting it on the back burner, so it's kind of doing – I'm concerned it will have the opposite effect of what – I'm with Kathy. I would like to see it removed. And I don't think that drawing attention to it and putting more work into it accomplishes that. I think it might do the opposite.

Chair Lohman: Could you offer up a recommendation/suggestion for us to get something on the paper so that we can decide if we want it or not?

Ms. Candler: I recommend that the two Cascade Trails be removed from the TIP. And we can even indicate – because trails are so important – we could even indicate that the Centennial – this could be done so that a priority could be given to the other trail – or if that's what you want to do.

Ms. Mitchell: This is for this year, right?

Mr. Adams: No, six –

Mr. Meenaghan: Remember this is in the part that talks about new projects are being *considered* for inclusion. It doesn't mean that it's in the Plan. It doesn't mean there's any money being allocated towards it. So I again come back to I don't know what's wrong with leaving it where it is.

Ms. Mitchell: Well, here's –

Mr. Meenaghan: Go ahead.

Ms. Mitchell: Here's the question. You guys probably know better than I do at this point, but if something were to stay on the Plan does that come back to the Planning Commission or public perusal and those kind of things again later if something were to happen, or does it just – let's say that it somehow gets grant money. Then what? What is the public process from there? I'm concerned just from the standpoint if there's this many questions on this and we've got other places to focus, if this just stays on by fiat – you know, just as a just-in-case – then it could just have legs and run without having the work gone into it that would really need to be deep. Do you understand what I'm saying?

Mr. Adams: Yeah. I hear what you're saying. I don't think – you know, I have enough respect and understanding and confidence in my Parks and Recreation Advisory Board that if we got to that point and – you know, I know that they would weigh in on what's important to them, where monies could be focused, where monies could be utilized. And I have enough confidence in our County Commissioners that their thoughts are going to be weighed in pretty heavily to those final projects and how they'll move forward.

Mr. Walters: I've got a couple other clarifying comments. One, the first page of the TIP says: "These new projects are being considered for inclusion on the 2015-2020 Six-Year Transportation Improvement Program." That's maybe in artful language the Public Works Department added. If the County Commissioners approve the TIP, they are on the TIP. So although that line there says they're being considered for inclusion, the document that is adopted would not have that line. So Commissioner Meenaghan suggested that they may or may not be on – if they're on the document when it gets adopted, then they're on the document.

Mr. Greenwood: And that's where I think it goes from the Plan to the budget, and then whether we see it or not may not be the case. I think once you approve it as a Plan, then we're stamping or approving.

Ms. Mitchell: Then it goes. Then it goes, right?

Mr. Meenaghan: But when it gets to that point and they include it on the Plan, then at some point all those things that we're all talking about – the maintenance and all that – has to get vetted, right? So this is not a be-all, end-all decision if it was approved by the Board.

Mr. Walters: No. I think that's correct. The projects get added to the Plan. The Plan then moves – well, then if the Plan is adopted the Plan is adopted and the projects are on the Plan. The Board will need to authorize actually doing the projects. If the projects are to get done, the Board will have to authorize them separately to actually get done because putting them on the Plan does not give Brian the authority to show up with – well, whatever you do to asphalt a trail, and asphalt it.

Mr. Adams: Everything is ultimately signed by the County Commissioners.

Mr. Walters: Now the, I think, secondary question that Commissioner Mitchell had was what public process might be associated with doing everything else between Plan and actually laying down pavement. And if there are permits required, then there would be a permit process. If SEPA is required, then there would a SEPA process. But there is no public works commission, so there is no prescribed public process for every project the County does. The County does lots of projects without additional, specific pathway for public input, which is not to say that the public can't weigh in because we have comment periods, you can get a hold of your County Commissioner whenever you want, et cetera. But it wouldn't come back to this body and it wouldn't go to any other formal body other than through the normal permitting process. Now there is the Parks Board and the Parks Board is purely advisory.

Mr. Adams: And the County Commissioners have to sign on to – generally there's a process in which they have to agree to every grant. Every step of the way, essentially, they've got to authorize it.

Mr. Walters: The County Commissioners have the contracting authority for everything over \$5000.

Mr. Axthelm: We make recommendations –

Mr. Walters: No, no, not – not –

Mr. Axthelm: So we aren't necessarily changing anything. We're just making recommendations to them. So in this aspect, I think giving them the recommendation that, Okay, if they're on there, we recommend that you have things in place for policing and for maintenance or for – those things are strongly considered in that process.

Chair Lohman: So you want to give some recommendation ___ number 11 then? Is that what you're suggesting?

Mr. Axthelm: Just recommend that safety and cleanup and the connection between the trails – so you don't have a section of trail that's developed, fully developed, and another section there's nothing there.

Ms. Mitchell: Well, I keep coming back to that this is a placeholder. It's – this is really a wish list compared to everything else that we want to have done and if, in fact, that this thing is important enough that it'll come back again another day. And so knowing that, I would take it off now. We've got other things to attend to. And when the Commissioners – if they want this to be looked at again then it can. Because as I understand from what you're saying now, the public process – if this were to come alive, because it was put on the TIP anyway – would take on a life of its own.

Mr. Walters: And I wanted to clarify that. There are public comment periods every week before the Board. There's no specific public comment period on projects from moving forward.

Ms. Mitchell: Right, and that's one of my concerns and that's one of the reasons I don't want to belabor this too much, but there was enough input on this – a lot of concern, a lot of people took the time and effort for it – if this is such an issue and there's such a question – it brings me back to the dike issue days when Josh and his folks had to wrestle with those with public access. If you've got that much concern and there's that much issue with it, let's put our focus and our energies on something that we know that everybody's agreeing on and wants to do.

Chair Lohman: Josh, whisper in my ear or something. Go ahead.

Mr. Axthelm: Yeah. No, I was just proposing that whether as a commission that we take a vote on whether those items should come off or stay on. It just seems like they're so significant right now.

Mr. Greenwood: With the consideration that we're talking about a modification or a recommendation that suggests looking at the items of concern associated with those?

Mr. Axthelm: Yeah.

Chair Lohman: Yeah.

Mr. Axthelm: So could we just take a vote on those two items?

Chair Lohman: Yes.

Mr. Axthelm: One to take it off, the other one to have the considerations.

Chair Lohman: I don't think we need a motion, because we're going to have a motion at the very end to accept it. I think for while we're hashing it out we can just decide.

Mr. Greenwood: Straw-poll it?

Chair Lohman: Yeah. So you want to just start at one end and go down the other?

Mr. Temples: What are we voting on?

Chair Lohman: Whether to remove the two Cascade Trail projects from the TIP.

Mr. Walters: Basically the language that is on the screen.

Chair Lohman: And then it sounds like there's the potential of adding some further recommendations to that, but let's just do the first part, which is to remove the two Cascade Trails.

Mr. Axthelm: So what you're proposing is automatically add the remove the two trails and then add the other about recommendations?

Mr. Greenwood: That'd be separate consideration.

Mr. Axthelm: Yeah, that's what I'm thinking, too.

Chair Lohman: Yeah.

Mr. Axthelm: Okay.

Ms. Candler: I would want to remove the two – I like that language.

Ms. Mitchell: I do too.

Mr. Axthelm: I think they're already there so I would say recommend some considerations for them.

Chair Lohman: So are you saying remove or keep?

Mr. Axthelm: Keep.

Chair Lohman: I say remove.

Mr. Greenwood: I'm for keeping them.

Mr. Meenaghan: Keep.

Mr. Temples: I'm going to abstain.

Ms. Mitchell: So it's 3-3.

Mr. Meenaghan: And there's nothing says that we can't put in our notes to the Commissioners – to the Board – that we have a tie vote here, and that we're concerned about it.

Chair Lohman: Okay. Can we do that, please, Ryan? And then now let's go to the underlying recommendations of *why* that's on there as a recommendation.

Ms. Mitchell: And that could be for almost any of the projects that come up, is really the maintenance concerns that involve for long term and understanding priorities –

Chair Lohman: Do you want them as a separate item number 12, or do you want them as a – like a sub-a, sub-b, sub –

Mr. Walters: It sounds like you don't have an item 11 yet. If you want to convey that there was a tie vote on removing the two Cascades, I would put that on a separate line, not in the list of recommendations since it's _____.

Mr. Axthelm: I would like to say something. Property rights are very important to me. And in this situation the trail is already there and so if it's already there, something needs to be done about it to maintain it and keep it up. I think a lot of the problems come about from not maintaining it or not taking care of it. If it's already publicly accessible now, we aren't going to change that. And so that's why I voted the way I did – because to me removing it is not addressing it at all.

Chair Lohman: But you're not removing the trail. You're removing the paving project.

Mr. Axthelm: Okay.

Ms. Candler: For me – if I could address that – there's competing uses and when you – okay, so it's an expensive project, I would think, and, yes, we might get some funds. We're not necessarily looking at getting funds for maintenance, so that's going to be expensive in the long term. And you have people who want to – you have people who for the use that they have been currently using it for is actually going to be – this is going to be a detrimentally –

Ms. Mitchell: It'll take it down.

Ms. Candler: It will diminish their use. So if you have these competing uses, why are you going to take on an expensive project like this without more consideration about that?

Ms. Mitchell: Especially when you do have other paved trails to do the same kind of thing. Yes, it's a different location, but this Cascade Trail is still open and being used and by removing it from the TIP it's not saying that we're jettisoning what's there. It's just that we're saying we're not going to pave it.

Ms. Candler: And you have the questions about – you know, we spent a lot of time when we were doing the Shoreline Management Act about impervious surfaces, and you've got a project that is basically – if it's a paving project, it's 100% -

Ms. Mitchell: Impervious.

Ms. Candler: – impervious.

Mr. Adams: In the view – oh, I'm sorry.

Mr. Temples: I would say this. You're trying to – it sounds like you're trying to kill the project.

Ms. Candler: The *paving* project. Not the trail.

Ms. Mitchell: Not the trail.

Mr. Temples: I know. That's what I'm saying. I think what we need to do is approach it more, as you started out to say, as a recommendation to consider the paving project and any and all maintenance required with that project.

Ms. Candler: And the competing uses.

Mr. Temples: I don't think we can tell them, Get rid of it, but I think we can suggest to them that they at least think about it.

Ms. Mitchell: Why couldn't we ask them to remove it from the – the paving?

Mr. Temples: Because they requested it.

Mr. Axthelm: Brian, is there another way to phrase this that we could take the paving out of there but maybe get into some development of it? Either Brian or Ryan?

Chair Lohman: But it's already gone through the initial level as this, right? And I don't think we can, can we? We can't change the scope of the project.

Ms. Mitchell: No, but we can make recommendations.

Mr. Walters: Yeah, you can make a recommendation for more or less anything you want really. If there's something that's outside the scope of what has been noticed to the public, then the Board needs to have an additional comment period. That's your general rule for all of your legislative proposals. In this case, the Board will have a public hearing on the budget. The TIP and CFP are adopted with the budget so the Board could very easily extend that public hearing on the budget to also include the CFP and TIP. So that's clearly not an obstacle to ___.

Chair Lohman: Well, even though it's not pretty, I would like the County Commissioners to know that a recommendation was put forth and considered by the Planning Commission to remove the Cascade Trail paving projects from the TIP, and it was a tie vote with one abstained, and there was a lot of discussion about maintenance and pervious surface and priorities and a whole myriad of sub-subjects. And I think that's what we need to put forward, because we could go around and around till nine o'clock on this same thing because we're already deadlocked.

Mr. Walters: So I would suggest you putting that in in just a separate paragraph.

Chair Lohman: But it is the *Planning Commission's* recommendation, not Ryan Walters' and Brian Adams' recommendation. It's this body's recommendation. So if that is the will of the Commission – is that what you guys would like to do?

Ms. Candler: I think exactly how you said it – if Ryan was making notes.

Chair Lohman: Okay. Sorry to assert, but I don't want to be here past my bedtime.

Mr. Greenwood: Good assertion.

Chair Lohman: Okay, anything else on the TIP for the recommendations to the Planning Commission? Or to the County Commissioners?

Mr. Axthelm: Do we need to have that text put in there now?

Chair Lohman: Yes.

Mr. Walters: I'm working on it. Go about your business and give me a few minutes.

Mr. Axthelm: Okay.

Chair Lohman: So anything else on the Six-Year TIP?

Mr. Axthelm: I guess a general comment: With overlaying the roads, just a general concern to make sure that they consider the use of those roads when they overlay them – that they overlay them – well, one of the issues we have like out on Dike Road is they overlaid it but the chips they used on it were so large that you go on it with your bikes and it's just way too rough. You can't run on it. And so to make sure that they're doing a –

Mr. Adams: A 5/8 minus, or are we at least way in from _____?

Mr. Axthelm: Yeah, way in what it's used for.

Mr. Adams: I can guarantee you Liz McNett Crowl will make sure that we use the right surface on anything we do because she knows what a wrong surface will do, and I think that we've –

Mr. Axthelm: Fir Island Road especially. You take Fir Island Road and there's a lot of people that go out there.

Mr. Adams: Right. Right.

Mr. Axthelm: You know, making sure it's decent.

Mr. Adams: If there's nothing left for me – I've been to a lot of good Sounders games that have ended in a tie, as well, so I'm going to have a seat. Thank you.

Chair Lohman: Thank you, Brian. Thank you. You know, you're really on the spot, Ryan, typing under pressure with everybody watching you breathing down your neck, so I commend you for your help here.

Mr. Walters: _____ as I can listen *and* type. What was there? Was there any maintenance costs?

Chair Lohman: Just to bring it back, I think Josh –

Ms. Candler: Impervious surfaces and competing uses. Sorry.

Chair Lohman: I think Josh's comment, though, was about roads and not necessarily trails, too.

Mr. Axthelm: Oh, that one. That was about roads. You saying _____.

Ms. Candler: He said through something else.

Mr. Axthelm: So I was going on to Fir Island!

Chair Lohman: Yeah, so I wanted to make that transition so that everybody followed it.

Ms. Mitchell: And that impervious surface thing's pretty important. If they – they said we're – they're going to come back to us more with the stormwater projects, right? In the near future?

Mr. Walters: The one thing I'd say about the impervious surface is that I think Ecology treats gravel as very similar to pavement in terms of impervious surface. And the concern about impervious surface in like an urban setting is the chemicals and garbage and pollution that is created from uses like cars. So I'm not sure that that is actually a significant concern associated with the trails like this.

Ms. Candler: But erosion would be, it seems. Not the chemicals but the erosion and things like that.

Chair Lohman: There's no carts going behind the horses. I'm just saying...

Ms. Candler: That's true.

Chair Lohman: I mean, you can't say that it's going to be a pristine trail whether it's pervious or impervious because it's not.

Ms. Mitchell: Right – not to mention dogs and everything else.

Mr. Walters: Well, and I think that goes to the fact that it's not a pervious surface now, because gravel is –

Chair Lohman: But, I mean, I think we need to just say the obvious sometimes, and there I went. So excuse me. Anything else on the recommendations? How is that?

Unidentified female voice in the audience: Could you read it out, please?

Mr. Walters: "The Planning Commission considered a recommendation to remove the two Cascade Trail projects from the Transportation..."

Chair Lohman: Paving projects.

Mr. Walters: What's that?

Chair Lohman: Sorry. Paving.

Ms. Candler: Paving, because it's just – yeah, we don't want to say take the trail out.

Mr. Walters: “The Planning Commission considered a recommendation to remove the two Cascade Trail paving projects from the Transportation Improvement Program with significant discussion about the maintenance costs of trails, safety concerns about trails, impervious surface, and competing uses – for example, equestrian uses. The discussion ended in a 3-3 tie vote with one abstention.”

Ms. Candler: I'd like to see “ongoing” added in front of maintenance.

Mr. Greenwood: I would include as an additional element maybe the initial one about the ongoing impacts, or you could say negative impacts or adverse impacts. And then comma, maintenance costs.

(sounds of assent)

Ms. Mitchell: Well, there's one more piece to it, too. The Plan's really loose. You know, if something like that comes up in the future, more clear-cut what the plans would be?

Ms. Candler: Are you saying that you'd like to add language that says if – if any project remains, there should be further investigation into...

Ms. Mitchell: Because at this point, we don't even have a decent map of what's going to be done. That wasn't given either. And where these sections are, it's not clear. And I think that's because it is a place – it was told to us that it was a placeholder, so if they were we'd have to know a lot more about it. And I also would recommend that it somehow comes before the public for their input, as well. Because the Commissioners –

Mr. Axthelm: Ryan, could you put, like, public education in there as well? Something in there basically so they have considering public education on trails as people start to use them – educating them on respect for the neighboring properties and people around them.

Chair Lohman: Well, “public education” – that doesn't tell them anything.

Mr. Axthelm: Well, I'm trying to think – maybe there's a better word for it, but I'm thinking when people use the trail, making sure – or educating them to respect –

Chair Lohman: Regarding respect of adjacent property owners.

Mr. Axthelm: Exactly.

Mr. Temples: You ever try that on a teenager?

Chair Lohman: So if you could insert “public education.”

Mr. Axthelm: Then you could define it more later. I was just trying to get that in there as a note.

Ms. Mitchell: But one of the pieces I'm still concerned about is if something like this were to continue I still don't understand, Would there or wouldn't there be public information or input further on? I heard such competing information I wasn't sure how that settled out.

Mr. Walters: I don't think you heard *competing* information. There would not be a formal process –

Ms. Mitchell: There would *not* be a formal process.

Mr. Walters: – for public input apart from any permitting process that may or may not be required.

Ms. Mitchell: Okay.

Mr. Walters: But there are always opportunities for public input but only as in the ordinary course of business for everything the County does.

Chair Lohman: But keep in mind it's about doing a paving activity. It's not going out and striking out and establishing a brand new trail which *would* have, I am assuming, a lot of public comment if it was – like if you were going to go establish a brand new trail somewhere, or buy easements and put something in. Right?

Ms. Mitchell: Well, that's probably true, but –

Ms. Candler: The reason it's not open for comment is it's a Public Works project at that point.

Mr. Temples: Well, I think in this we voiced a very strong statement to the Commissioners – I mean, about as well as you can say, other than saying, Don't do it.

Mr. Axthelm: Well, and they have access to the public comments, as well, and I'm sure –

Chair Lohman: I know this one Commissioner watches the tape. Anything else for the recommendations?

Mr. Meenaghan: Can I ask Ryan one question? Ryan, didn't you say, though, that when the budget – which CFP and TIP will be incorporated into the budget – isn't there a public hearing on the budget before it's approved?

Mr. Walters: It is not incorporated *into* the budget. It is approved simultaneous *with* the budget because of the direction of GMA to do it that way.

Mr. Meenaghan: Okay. So if the public wants – you know, after this – wants to make a public comment about TIP or CFP, the time to do it is prior to the budget? Is that right?

Mr. Walters: The Board may or may not advertise a comment period on the CFP and TIP. They will advertise a comment period on the budget.

Mr. Meenaghan: Okay. And that's their – that's the public's opportunity to address them about anything that's in CFP or TIP. Right?

Mr. Walters: Well, let me put a fine point on it, though. If the Board doesn't advertise that they're requesting comments on the CFP or TIP, they may take comments on the CFP or TIP but generally they advertise what they want to receive comments on. And there are only, at this stage, I only know for sure that they're going to advertise a comment period on the budget.

Mr. Meenaghan: Okay.

Mr. Greenwood: And that's why we had a hearing on this Plan now and that's why it's important for us to evaluate it and consider those comments now, because now's the time to, before it gets melded into something bigger and then it becomes a finer and finer detail.

Ms. Mitchell: Can I say one final, quick thing, please?

Chair Lohman: Mm-hmm.

Ms. Mitchell: I did want to thank the Parks guys. I know you guys do a lot of good, hard work.

Chair Lohman: Okay, anything else on the TIP part of the Plan? Any further recommendations?

(silence)

Chair Lohman: All right. Seeing none, we have gone over the Capital Facilities Plan with a fine-toothed comb it feels like, and the TIP, so the motion – the original motion on the table was to accept the Capital Facilities Plan and the incorporated TIP with the following list of Recommendations and Finding of Fact – Finding of Fact and Recommendation – right? So I'll call for the vote. So all those in favor, as we have it presented there, if you want to look through...

Mr. Greenwood: We're not all abstaining, are we?

(laughter)

Mr. Walters: We need a roll call vote.

Chair Lohman: I'll start at this end this time with Mr. Temples.

Mr. Temples: Okay. I'll approve – support.

Mr. Greenwood: Support.

Chair Lohman: Support.

Mr. Axthelm: Support.

Ms. Mitchell: Support.

Mr. Walters: You're going too fast. Where were we there?

Mr. Axthelm: Josh Axthelm. I'm a support.

Ms. Mitchell: Kathy – support.

Ms. Candler: Support.

Chair Lohman: Okay, and what's going to happen now is Ryan is going to take all this and put it – make it all nice. And are you going to correct the –

Mr. Walters: It's all nice. It's all done.

Chair Lohman: Well, but we're going to – well, we have to sign it.

Mr. Axthelm: But that stays the same. We made a recommendation but that stays the same.

Chair Lohman: But were you going to correct the title on the top of the TIP?

Mr. Walters: Oh. Okay, so what happens now is that we print this after we get it to a computer that can print it. We hand it to you. You sign it. It goes to the Board. The Board will then decide which ones of these recommendations that you made, or any other recommendations that they want to be integrated into the document and then that document comes back to the Board. And if there is a substantial change from the original proposal to that document then they will have to have another opportunity for public comment. Otherwise they can adopt it. So it's up to the Board at this point as to which if any of these recommendations get ____.

Chair Lohman: Because we have some new Commissioners that haven't done a recorded motion before, I wanted to make sure that we explained the process. So I will be reviewing it to make sure that it is exactly what we went through laboriously here, and then, as the Chairman, sign it and then it goes to the County Commissioners. So it does get looked at one more time, so it just doesn't fall through the cracks.

Okay, so we're going to move on on our agenda. So I'll give everybody a moment to switch folders or get out the packet. We were going to go into deliberations of the 2013 Comprehensive Plan Amendments. There are two. Is the Airport Environs actually considered a separate Comp Plan amendment or is it incorporated into Bayview Ridge?

Mr. Pernula: I think it's incorporated into Bayview Ridge. Isn't that correct?

Chair Lohman: Because you have it as a separate bullet point, but that kind of caught me funny when I saw it.

Mr. Walters: Well, technically it's not a Comp Plan amendment. It's –

Chair Lohman: It's just an element of the Bayview Ridge –

Mr. Walters: It changed the development regulations. It's just all packaged up together because they're all interrelated.

Chair Lohman: Okay. So the two Comprehensive Plan proposals is PL13-0302, which is a map amendment proposal submitted by Kim Yong Ho. So let's work on that one first. This is to redesignate and rezone parcel P21180 which is approximately 2.65-acre parcels at SR-20 and La Conner-Whitney Road. It would go from Rural Reserve to Small Scale Business, and the applicant is Kim Yong Ho.

Mr. Walters: So we provided to you some Findings of Fact and Reasons for Action that you can review and modify and add to, just like you did the recorded motion on the last proposal. And you'll notice there's a separate set of Findings and Recommendations for each element here of this whole package, so there's one for the Kim Yong Ho map amendment, and then there's one for the Bayview Ridge Subarea Plan, then there's one for the Bayview Ridge development regulations, and finally there's one for the AEO Update.

Chair Lohman: Oh. Okay, when we did the last one we did one single motion for the Capital Facilities Plan and the incorporated TIP. We didn't have separate motions for – we didn't have three motions. I think we should have this separated out because they're apples and oranges and one could be very simple, one may be very complex. So I would like to propose that we have a motion – somebody make a motion to do the Kim Yong Ho map amendment proposal.

Mr. Walters: So my recommendation here is that you have the one document, which is your recorded motion, and you have your – we can include a reflection of what your votes are on individual elements within the whole document. Does that make – does that comport with what you're suggesting?

Ms. Candler: Are we having separate documents with these two bullet ones?

Chair Lohman: Huh?

Ms. Candler: Are we having separate documents for these two bullet points? The –

Chair Lohman: Are you saying that you want one giant recommendation?

Mr. Walters: I'm suggesting one recorded motion for the whole package but that if you have differing opinions on each of the four elements –

Ms. Mitchell: The same thing we just did is what you're saying.

Mr. Walters: Basically. But like you had the reflection of a separate vote on one element in your last one, we could have that here.

Ms. Mitchell: Right.

Chair Lohman: So what is the will of the Commission?

Mr. Greenwood: I agree. I think we need to handle them in blocks. Otherwise we won't know where we left off. Some are pretty simple and some are more complex, so that way it would allow us to mark our progress.

Chair Lohman: I agree with you and I realize it's contrary to what you like, Ryan. But at the end we can have an overall motion that says something about the 2013 Comprehensive Plan Amendments as amended.

Mr. Walters: Well, I'm not sure that we're disagreeing. I'm just strongly advocating one document for the whole thing.

Chair Lohman: Well, I'm anticipating we're going to need to make a break, and so if we had it separated it would be easy to make a break and convene again.

Mr. Greenwood: He has it separated in the motion as drafted, right?

Chair Lohman: Yep.

Mr. Greenwood: And he's got it into four groups and he's got approve, reject, and recommend, and Findings of Fact are separated for each one so I think he set it up the way we'd like it to be.

Chair Lohman: I think he does, too. So that's how we're going to do it.

Mr. Meenaghan: Except were you trying to actually put a voting block at the end of each –

Chair Lohman: Yeah.

Mr. Meenaghan: – that could be on the whole piece and then another voting block at the end of the ____.

Chair Lohman: So that we know where we are because there –

Mr. Walters: I have no problem with that.

Chair Lohman: Okay. So I need a Planning Commissioner to make an opening motion.

Mr. Meenaghan: Just split them up?

Mr. Greenwood: No. No.

Mr. Meenaghan: The first one?

Chair Lohman: So we can deliberate – so we can talk.

Ms. Candler: To move to the Comp Plan information.

Mr. Greenwood: I can initiate a motion.

Chair Lohman: We have a lot of folks learning parliamentary procedure here. So what I need is somebody to make a motion something like, I move that we accept the Comp Plan Amendment proposal PL13-0302, the Kim Yong Ho map amendment, as amended, or as – something like that. But I can't make it. I'm the Chair.

Ms. Candler: Okay. I move that we adopt the PL13-0302 map amendment proposal by Kim Yong Ho.

Chair Lohman: Is there a second?

Ms. Mitchell: Second.

Chair Lohman: Okay, it's been moved and seconded, so discussion? So on the table we have the Findings of Facts and the Reason for Action and in the draft suggested language we have the proposal is to redesignate and rezone P21180, an approximately 2.65-acre parcel from Rural Reserve to Small Business – Small Scale Business. The parcel is located on the south side of SR-20 just east of La Conner-Whitney Road and an existing Shell gas station that is zoned Rural Business. The land immediately south of the subject parcel is zoned Ag-NRL.

So it would be really helpful if you could pull up your map – if you have it – of this.

Kirk Johnson: Do you want the aerial or the Comp Plan map?

Chair Lohman: There you go.

Mr. Johnson: Or both?

Ms. Mitchell: Make it bigger, please?

Mr. Greenwood: Which one do you want?

Mr. Johnson: Well, do you prefer the aerial or the Comprehensive Plan map?

Chair Lohman: I think the Comp Plan to start with. It's a little bit... Okay, there's the triangle. The white triangle is what we're looking at.

Mr. Meenaghan: So I have a question. This is currently a Rural Reserve. Is that right? And the statement here says that it is being taxed at a higher rate – it's being taxed at some rate and their going to Small Scale Business will actually reduce the taxation. Why is it being taxed at a higher rate at this point than Rural Reserve ought to be taxing it at?

Ms. Mitchell: Good question.

Mr. Johnson: So I don't think the memo says that if it goes to Small Scale Business the tax rate would be lowered, but it does say that the property – when the Shell station was built in '97 this property's tax rate jumped as well.

Mr. Meenaghan: Due to that – due to the Shell being there?

Mr. Johnson: That's what it would appear.

Mr. Meenaghan: And so if I was this owner, I'd have a complaint against the Assessor's office, I can tell you that. That's craziness. So, okay, we don't necessarily have the facts on why that is or why he hasn't complained. Kirk, on your comments last time I didn't get the impression that we – I mean, we know the owner's Korean but it didn't sound like we were really in touch with

him or the representative, or really have any idea about what their intent is. And so, frankly, that makes me very skeptical of this whole idea. So I'd just like to know more about what –

Chair Lohman: So in the – if you could refer to the August 28th memorandum that Kirk gave us.

Mr. Meenaghan: Mm-hmm.

Chair Lohman: The owner – they're seeking commercial zoning yet the proposed zoning – it almost sounds like he won't be able to do that anyway.

Mr. Meenaghan: Exactly.

Chair Lohman: It doesn't remedy his problem.

Mr. Johnson: Well, yeah. So he wouldn't be able to do what he or his representative wrote in the application, but that doesn't mean that he wouldn't be able to do something consistent with Small Scale Business zoning. Typically when something like this comes forward the applicant makes a much better and stronger case for him- or herself than they have here.

Chair Lohman: Did you have a language barrier?

Mr. Johnson: You know, I – like I said, there was a consultant who was working with the property owner who got very sick I think – I don't know – if it was a year or so ago, after this was submitted. And I did call before the hearing to ask if somebody would be there to make a statement in support of this and I received a voicemail back, I think the day of the hearing, saying, I'm sorry; I have a conflict. I can't be there. Just let them know that my property taxes went up when the – you know, back in 1997 or when the Shell station went in. Now he spoke with a Korean accent but whether there's a language barrier I really – I don't know.

Chair Lohman: So when the County was drafting their maps because of GMA back in the day, there was a flurry of a lot of things happening. So it almost appears to me that it's here you've got an island, a piece of property that probably should have been the same as the blue, the Rural Business. So why isn't the staff proposal to do Rural Business? Because it just seems kind of weird, especially when you look at what the criteria is for Small Scale Business.

Mr. Johnson: So our Comprehensive Plan policies, as I said at the night of the hearing, were drawn very specifically from the Growth Management Act and what it allows, and we tried to allow as much flexibility within the Comprehensive Plan as the Growth Management Act allows. So the Growth Management Act allows you to – I'm trying to see if there's a quote from the policy here – basically to recognize and acknowledge businesses that were in existence when the Growth Management Act was adopted, which was 1990. The County didn't adopt its Comprehensive Plan until 1997 and so we said, Well, we'll – okay, so here's the policy at the bottom of the first page and the top of the second page, and this is straight out of the designation criteria: "The Small Scale Business designation may be applied to existing or new businesses whereas the Rural Business designation applies only to businesses that were established as of June 1, 1997." So, quite simply, there was not a business there on June 1, 1997, and so to comply with our policies we cannot give that a Rural Business designation, even though logically it might make sense to give it a designation that's consistent with the Shell station to the left. Now if it had been designated as a Rural Center, as I think we at least discussed with the Planning Commission at the time, then that could have had Rural Center

zoning and there's nothing that says you can't provide Rural Center zoning to a parcel that doesn't have a Rural Business. Or if we had Rural Freeway Service designations on Highway 20, but we don't. Rural Freeway Service designations are only on I-5.

Chair Lohman: Then why do you have "or new businesses"?

Mr. Johnson: "Small Scale Business designation may be applied to existing or new businesses, whereas Rural Business applies only to businesses that were established as of June 1, 1997."

Chair Lohman: See and that just seems so weird that you can't do anything after 1997. I think that's problematic and I have a problem with that. Because as – when I was at a public meeting on something else I had somebody – a similar thing where we were handcuffed to something that happened in the past. And a farmer whispered in my ear, Thank God we got rid of the horse. And I have never forgotten that analogy, because while it is really simple and stupid, that's exactly what that is.

Mr. Johnson: Well, under the Growth Management Act and the Comprehensive Plan policies that were developed and implemented and adopted to implement them, and that were fought tooth and nail by Friends of Skagit County at the time, you can have new businesses in cities or their urban growth areas and you can have new businesses in designated Rural Villages and designated Rural Centers and designated – areas that are designated as Rural Freeway Service, and you could have new businesses that are Small Scale Business that primarily are not your retail commercial businesses, and you can have new businesses that are Small Scale Recreation and Tourism, and you can have new businesses that are Natural Resource Industrial. But you cannot have new businesses that are general kind of retail commercial that are popping up around the landscape because that, under the Growth Management Act, was the definition of sprawl – that you'd have one here and one 200 feet down the road and one 500 feet down the road, and before you know it it looks like the area between Burlington and Sedro-Woolley. So –

Chair Lohman: So but you have an orphan piece of property, in a way.

Mr. Johnson: Right.

Ms. Candler: This looks like an exceptional piece of property, right?

Mr. Johnson: You know, the Planning Commission if it wants to recommend choosing an exceptional route here could propose it to be Rural Business and we can take that forward to the Board of County Commissioners and explain the tradeoffs and the GMA requirements, and they can decide what to do there. But, you know, we're just trying to be very transparent as to what the designation criteria require and what this person is asking for, and I think our basic view is it's really not a very useful piece of property as Rural Reserve. Small Scale Business is something that there can be new designations of, and if it's granted Small Scale Business then the property owner will need to find a use that is consistent with Small Scale Business. If you want to make a recommendation otherwise, then I think you're free to do that.

Mr. Pernula: I was just going to say it appears as though Rural Business makes sense, but I have a concern that if we do it we're just going to get ourselves in some sort of a legal bind because it conflicts with GMA and it conflicts with our own Comprehensive Plan policies. And I'd like a reading from the Prosecuting Attorney's office: Do you think that it's defensible at all?

Mr. Walters: I don't recommend adjusting the map inconsistent with the policies, first of all. You could recommend, I suppose, also to adjust the policies, but if you do that then you run into conflicts with GMA.

Chair Lohman: Well, I have a question then. Because the Comp Plan Update is up and we're going to be working on that in the future – near future – is this the kind of thing that we can look at?

Mr. Pernula: Well, I think the last statement that Mr. Walters just said is that it has to be consistent with the Growth Management Act, and if you make that kind of a change it wouldn't be.

Mr. Johnson: If you just said, you know, we're going to designate this Rural Business because it makes more sense then, yeah, that would not be consistent with GMA. You might be able to say in a situation where there's a very small parcel that's adjacent to other parcels that are Rural Business, and there's not a really good use, then the County may consider applying a Rural Business designation to that. I think, you know, the County could make an argument to do something like that. That really would be up to the County Commissioners. They just recently approved putting out a scope of work for the 2016 Update that is trying to keep it very focused on what we're required to do and not a lot of discretionary stuff. So they would need to decide whether this was significant enough to put on the scope for that.

Mr. Axthelm: Well, and this project isn't significant necessarily because with the shape of the land, but then you take the neighboring projects and you say, Okay, right beside it there's a road. What's stopping the next property owner from developing and keeping going? So where does it stop? In this situation, it's such a sliver, it's so small, I could understand it. But it sets a precedent.

Mr. Johnson: And that's kind of the whole basis when you identified – when we identified areas that were in existence as of 1990 or 1997, we were required to draw logical outer boundaries that are limited and dependent primarily on the built environment that existed as of 19 – so, yeah, I mean, there are – you would have to be very surgical to try to make something like that work because what the Growth Management Act's not trying to do is allow avenues for sprawl, particularly along major transportation corridors.

Mr. Greenwood: Can I make a comment?

Chair Lohman: Go ahead.

Mr. Greenwood: I'm in support. I've looked at his application. I'm in support of making some sort of change in the zoning designation so that he can at least do something with the property. My main concern arises pertaining to the encroachment upon ag land. Currently it's a vacant lot with nobody on it – a couple of old cars and an RV or something – so there's no impact from that neighbor to the neighboring farm. So he can have activities, and whether that's weed control or tilling during whatever times he's not going to inconvenience that land. Now if his intent, as depicted in his future plan, calls for commercial, now we've got a parking lot, now we've got cars and we've got buildings. Now we've got issues where this little piece jets in as a land use conflict because now we've got dust, and then – I remember a guy putting in a – what was it? – a miniature golf course right across from our industrial facility. It was across the

freeway, but because there was dust we're out there sucking the dust out of his rain gutters all the time. And it didn't make sense.

Chair Lohman: But in Kirk's report to us, he has – back to that August 28th – in the Department Recommendation he has, "The County Assessor's office has been assessing the property at high commercial rates since the construction of the Shell gas station that's immediately adjacent." So we've got a disconnect there with what the property really is as its current zoning and what it's been taxed at, right? Is that what you're suggesting there?

Mr. Johnson: Yeah, that's what's suggesting. You know, I went back to look at that, I think, after the last – after the hearing and the Assessor's website wouldn't come up and I haven't gone back since then, so I don't want to – but I do recall looking back at the property history and the property tax paid jumped quite a bit in 1997.

Mr. Walters: I checked on that. Actually it's a little bit more complicated than that. This parcel – and parcel numbers can shift around so we don't necessarily know exactly what we're talking about. But this parcel between 1997 and 1999 had an \$800,000 building on it that now is not there and hasn't been there since. So I, without further information, think we should sort of ignore those three years because they are really odd. They may be just an anomaly – maybe that.

Mr. Greenwood: What year was that?

Mr. Axthelm: Was the property split?

Mr. Johnson: Yeah, I think probably what happened was it was one parcel and the gas station was built and then...

Mr. Walters: So that's quite possible. So then after 1999 the property taxes were zero for building, indicating no building, and the land market value went down 162,00 and then it jumped up to 405 for the 2007 tax year, which is basically where it has sat until this year when it went down to 109. So I think the moral of the story is there's no explaining the Assessor's office, and it's not actually really relevant to the zoning anyway – to the question of what you should zone it.

Mr. Axthelm: So it's a moot issue for us.

Chair Lohman: So for the Finding of Fact number 1, does the Planning Commission agree or like to edit?

Ms. Mitchell: I've got another question for Kirk first. So with what he recommended or said he would like to do and what the recommendations are – I think most people would like to help businesses if they possibly could – does this set the County up for any kind of liability because he didn't really say what he was going to do? Or would that all to be taken care of under permitting later?

Mr. Johnson: Well, it should and would be taken care of at permitting later. He would come in for a pre – application of pre-development meeting and would be told, Well, this is what you can do with this zoning. And if he, you know, had a proposal that was not consistent with that then that would be pointed out. What I'm – what I'm frankly not sure about – and Dale and Ryan might know better than I – is let's say he'd then move forward with a building and a business

that was consistent with Small Scale Business but then it went out of business two years after that and he put it up on the market and somebody bought it and decided to do more of a retail use. If there wasn't a significant change to the building that needed to be done, I'm not sure the County really regulates use and so it might –

Ms. Mitchell: It could morph.

Mr. Johnson: – migrate toward, you know, a Rural Business-type use over time without any control by the County over it.

Mr. Walters: That might happen but that wouldn't be legal.

Chair Lohman: I don't see any advocate for this project.

Mr. Axthelm: But we can't assume that he's going to do that. I mean, if he goes in and he says, I want to do Small Scale Business and it's allowed, then there's no reason we should deny it.

Mr. Temples: Except it goes against GMA and also might make the County liable. Is that what I heard?

Mr. Walters: I think what you heard from Mr. Johnson is that Small Scale Business is all right. Rural Business is not. Rural Business would be inconsistent with GMA. And that wouldn't give rise to liability on the County's part, but it would mean that we could end up before the Growth Management Hearings Board and be back here in several months changing it back.

Mr. Axthelm: But he didn't ask for Small Scale Business. He asked for commercial.

Mr. Johnson: No, I made it quite clear to his representative that Small Scale Business was a possibility, a legal possibility, and Rural Business was not. And so the actual request is for Small Scale Business. Whether or not that was carried through in terms of what – you know, the site plan and the like.

Mr. Axthelm: If that's what he requested then I would recommend we approve it. If it's fully within his opportunity – his – if that's what he requested and it's – I think we should approve it, if that's what he's asking for.

Mr. Meenaghan: How many would agree?

Mr. Axthelm: It's not against the GMA. I mean, we're making the assumption that he's going to do something there that's not allowed. If he does Small Scale Business, which is what he's asking for, then, I mean, we have to apply that. So I think that we can't make the assumption that he's doing something different.

Ms. Mitchell: And that was the question that came back to the permitting thing because then that's how that would be controlled. Is that yes or no?

Mr. Johnson: Right. When he came in for a building permit or whatever development permits he needed, he would have to provide, you know, more detail on what he planned to do, and if it appeared that it was inconsistent with the zoning he would be told that and wouldn't be able to move forward until he modified his plans.

Chair Lohman: But I have a hard time doing anything at all other than to reject it outright because in your report, again, you recognize that the application materials it appears that the applicant may be thinking of developing general, commercial retail. So it's almost leading you to believe that he has different expectations, even though you told him you can't do this, we can't designate it that. There's a disconnect here with this applicant. And he didn't participate in the public hearing. You have been the only advocate and you're only telling what you think you know because that's all you can do.

Mr. Johnson: I'm not sure I'd say I'm an advocate. I mean –

Chair Lohman: Well –

Mr. Johnson: You know, we looked at the designation criteria and say we think that Small Scale Business is – can be legally granted there. But I think it's an – it *is* a very odd situation where you don't have somebody – an applicant who you can speak to. And it frankly made it very hard when the land use consultant was no longer in the picture. And I didn't have somebody to point out to in person that there's a – yeah, there's a discrepancy between what you're asking for and what you're saying you want to do with the property.

Ms. Mitchell: So what would happen if we were to recommend rejecting it then? Would he have the ability to go back and revise his application to meet whatever needs to be, or would we be just going round and round and back in the same spot again?

Mr. Johnson: Well, he wouldn't have the opportunity to revise it as a part of this docket cycle. He'd have to reapply. And there's basically a grace period – and I don't know if it's a one-year grace period or a seven-year grace period – where once you've applied and your project has been docketed but then turned down, you're precluded from applying again for a certain period of time.

Mr. Axthelm: You know, with architecture, when you draw – when you do conceptual plans those are conceptual at this point. So he doesn't have all the details there. When he gets it approved, or when he goes in to start to get the building permit then those things will be addressed at that point. All we should address at this point is the zoning. And if he's within the law for zoning, then, I mean, it really isn't something we should deny.

Chair Lohman: But in the application he's asking for something different than the zoning that is suggested, and that's where I'm having heartburn.

Mr. Axthelm: We just make a comment to that effect.

Mr. Meenaghan: I think that if I, as a property owner or home owner said – went to – you know, in my case – the City of Anacortes and said, Hey, City Council, I want to rezone where I'm living to some other zone, they would want to know details about what I'm doing and what my plan is. And I don't think, although he has provided maps and he says, you know, commercial, retail kind of thing, I just don't think we have that detail. Maybe the thing we could do is recommend rejection of this but also recommend that before this is approved or goes before the Board of Commissioners that he has some opportunity to provide some detail to them. And maybe then they'll have the – you know, they could say, Okay, we got it, and they could make a decision at that point.

Ms. Candler: So it would be – we would be asking – from my perspective, we should be asking him whether he understands that what he asked for or what is available to him is not meshing with what he's thinking.

Mr. Temples: Well, we need to vote on this before we can ask him anything. We're not going to be asking.

Ms. Candler: Right.

Mr. Axthelm: We need a –

Ms. Mitchell: So we don't have that avenue?

Mr. Greenwood: No.

Ms. Candler: No.

Mr. Greenwood: I see no ambiguity in what he's – his application – if his application stands alone, there's enough misunderstanding, and I think maybe he's going – now I'm speculating on what his interpretation's going to be, but if his application doesn't match the zoning requirements then he's asking for something that doesn't exist – is unavailable to him, I should say. He's asking for Rural Business. He's been told that you can't do that, but this is the closest you can get. But his proposal initially was Rural Business and he shows drawings to that effect. So I'm thinking he's added too much information to his application which tends to poison the water for him. Because he's revealed that what he wants doesn't match with what the final conclusion was.

Mr. Axthelm: Because if we reject it, he has to wait at least another year before he can do anything with it, and that's where – if you approve it with the stipulation that he has to have that zoning or the use within the zoning so that it matches the zoning, so note to him that his plans or his use is inconsistent with what the zoning is or appears to be – that those plans need to be revised. See, we're not evaluating the plans at this point. That's – that's –

Chair Lohman: Yeah, but that's not our purview.

Mr. Axthelm: – the Building Department. Yeah, that's not our job.

Mr. Pernula: I would – in general I'd never take too close a look at particular plans for a rezone. I've seen it so many times when somebody showed a project, got a rezone, did something totally different than what they ever showed you. And in this case, it's a little bit different. They showed something *beyond* what's permitted in the zone. It just shows his misunderstanding of what's permitted in the zone to begin with. So, anyway, I would just totally toss that aside other than to note that he has a misunderstanding perhaps of what's permitted in the zone. And just one other point: I have a concern that he has a piece of land that would be difficult to have any reasonable use applied to it. So I'm really concerned about that.

Mr. Greenwood: Other than agriculture.

Chair Lohman: No.

Ms. Candler: Not even agriculture.

Chair Lohman: Not even that.

Mr. Greenwood: It's adjacent to existing agriculture, isn't it?

Chair Lohman: Yeah, but that's not –

Mr. Johnson: Yeah, it's Rural Reserve and it's – I think the site is pretty well compacted from having stored trailers and stuff like that on it.

Ms. Candler: You mean if we don't do this – or are you saying regardless of what we do?

Mr. Pernula: I think if you do the – if you approve the proposal, he would have a reasonable use of his property available to him. It may not be what he has in his plans or what he's contemplating right now, but it's at least something. Right now it's just kind of a useless piece of land and it appears that way.

Mr. Meenaghan: And whatever it is, it's probably a better use than what it is right now.

Mr. Pernula: Yes.

Mr. Meenaghan: Yeah.

Mr. Walters: I think that if you look at his application, he doesn't – unless I'm missing it – he doesn't really say a whole lot that is in conflict with the Small Scale Business zone. He talks about it being commercial and the commercial opportunities available to the motoring public, and that's not really quite what Small Scale Business is for, but he also doesn't say anything more that I see there that is significantly in conflict with Small Scale Business. So he could use Small Scale Business to do things that would be commercial, that would generate income. Small Scale Business allows small retail and service businesses, provided that retail sales are limited to products produced primarily onsite or which are accessory to products produced onsite. Small scale production or manufacture of products and goods including food products, furniture, apparel, artwork, metal products, and wood products, wholesale nurseries and greenhouses. So there're a couple different uses allowed in the zone that he might be able to do.

Now he may have a vision for something else that wouldn't be allowed in Small Scale Business, but the fact of the matter is he did ask for Small Scale Business and his – I don't think his application is really wholly in conflict with that zone.

Mr. Johnson: Yeah. I mean, if it had said "provide small scale business to the surrounding communities," that would – you know, that would be quite consistent. I think maybe I'm just overly sensitive to what, you know, this distinction between Small Scale Business and Rural Business. But where it talks about commuting communities and highway bypass motorists it kind of sounds like – it sounds to me it's starting to sound like sort of a retail commercial use. But I would agree with Ryan. It's just a few words. Because if it's small scale business to the surrounding communities, I mean, there are lots of things that could be done there. You've got

good access to those surrounding communities. So, I mean, it's really *my* words there that say "store or mini-mart service station," and I may have had too active an imagination there.

Mr. Greenwood: So if he builds a building with a parking lot and there's no name on it – there's just a big fan in the window – it could be approved that way without describing how it's used. Is that correct or no?

Mr. Pernula: No. He would have to describe what the use will be as he gets his building permit. We issue the building permit. Then if he changes it to another use that conflicts with that, if we get a complaint about it we would require him to come into compliance.

Chair Lohman: Robert?

Mr. Johnson: And that's actually happened. Quite a few produce stands have evolved into selling all sorts of things, and we've, you know, worked to put them back in the box.

Chair Lohman: Robert?

Mr. Temples: Do you think you would be willing to entertain a motion at this point on this subject?

Chair Lohman: Well, it's not my – you can. Go ahead.

Mr. Temples: I'd like to make a motion regarding PL13-0302, Kim Yong Ho map amendment proposal. And I recommend that we reject it.

Chair Lohman: Well, the motion on the table is that we accept it. So you can't –

Ms. Candler: So we could vote – we could vote –

Ms. Mitchell: You'd get the same result.

Mr. Walters: You could amend it. You could amend. You actually will not get the same result. You could amend that motion to strike –

Chair Lohman: Are you recommending that we change our motion to being that we reject it.

Mr. Temples: No, ma'am. Not at this time.

Chair Lohman: Because we could all vote no.

Mr. Axthelm: Well, at this point there's no – it's approve/slash/reject.

Chair Lohman: Right. So are you guys ready to vote? I think we've gone over the reasons, and there's only one proposed recommendation, which is either approve or reject. So shall we – could somebody – are you ready to vote?

Ms. Candler: I'm ready to vote.

Chair Lohman: All right, let's vote.

Ms. Candler: I'll vote that we approve.

Several Commissioners: Approve.

Mr. Pernula: Excuse me – approve the motion or approve the project?

Chair Lohman: The motion is to approve.

Mr. Meenaghan: The motion is to approve it as written.

Ms. Candler: _____ options?

Mr. Pernula: Yeah, if you approve –

Mr. Axthelm: That's the recommendation, is what we're going off of.

Chair Lohman: Right.

Ms. Mitchell: Shall we start again?

Ms. Candler: I don't know. What's the words on the paper? Approve? Does that work for you?

Mr. Axthelm: "...recommends the Board of County Commissioners to approve or reject the proposed plan _____."

Chair Lohman: And it would be to rezone it to Small Scale Business.

Ms. Candler: Yes. I vote yes.

Ms. Mitchell: Yes.

Mr. Axthelm: Yes, approve.

Chair Lohman: Yes.

Mr. Greenwood: Approve.

Mr. Meenaghan: Yes.

Chair Lohman: You can say "no."

Mr. Temples: Huh?

Chair Lohman: You can say "no."

Mr. Temples: We're approving this is what we're saying?

Chair Lohman: Yeah.

Ms. Candler: Yes or no.

Mr. Temples: Which lets it go forward.

Several Commissioners: Right.

Mr. Temples: I'll say no.

Chair Lohman: Okay, so we have six approve, one reject. Okay, it is almost five minutes after nine. What is the will of the Commission? Would you like to adjourn on the Comp Plan Amendments and reconvene for deliberations and move on to the rest of the agenda?

Ms. Candler: I would. I would like to.

Chair Lohman: I think I would like to, too. And I would like to recommend that we do not have back-to-back deliberations on things like this because it's too long of a docket.

So moving on on the agenda, we've got the Department Update.

Mr. Pernula: I don't really have anything to report. I did go to a Washington American Planning Association conference in Spokane last week. It was a well-attended conference. A lot of it dealt with urban planning issues rather than rural, with the exception of some issues regarding marijuana, marijuana production and a lot of the potential litigation – those kinds of things – and that was pretty important for me to attend that part. That's all I have to report right now.

Chair Lohman: Okay. I suppose it would fall under our – you have – in the scheduled meetings, you have November 4th reserved for possible continuation, which I think we all knew that we be moving over to November 4th, so is that a firm date? I printed it out last month from the County website.

Mr. Pernula: Yes, and, in fact, that is your regularly scheduled meeting date so, yes.

Chair Lohman: Can we just have it a very light agenda other than the deliberations?

Mr. Pernula: We could. We were talking about doing some training either November or December. We could do a short training period at the beginning, if that's okay, or if you just want to have deliberations –

Mr. Axthelm: Could we do it at the end?

Chair Lohman: No.

Mr. Axthelm: Could we do the short training at the end?

Mr. Walters: We could not do the training. We could do the training in December, or we could be prepared to do the training whenever you've got the time. I don't anticipate your deliberations next month will be short, though, so...

Chair Lohman: I think they're going to take the lion's share of the meeting and I'd like to make it

—.

Mr. Pernula: Okay, we'll have that just on the agenda solely.

Chair Lohman: Yeah.

Ms. Candler: Thank you.

Ms. Mitchell: Thank you.

Chair Lohman: And the Airport Environs Overlay, as well. And then what will happen is we will come back and approve both Comp Plan Amendments. So while we're kind of suspending deliberations, we will start off like we did today at the beginning.

All right, next item on the agenda: Planning Commission Comments and Announcements.

Mr. Greenwood: I have a question. Did the Commissioners approve the scope of work for the Comp Plan?

Mr. Pernula: No, they've just released it to the public and they have a comment period. When do they have it scheduled for?

Mr. Johnson: Is November 17 – is that a Monday? So a public hearing November 17th. So that's before the Board of County Commissioners and then the public comment period runs through Thursday the 20th.

Mr. Greenwood: Okay, so currently we're in the public comment –

Mr. Johnson: Yes, we are.

Mr. Greenwood: – period on that proposal by the Department.

Mr. Johnson: Yeah.

Mr. Greenwood: Okay. Because we've heard some comments from the public on that – or I have – and the question arises about the use of the Planning Commission for being the advisory representative. And I just have some concerns about that, so maybe as the time comes either I can make that a formal comment or – I just think some of those items on that list would best be served by being addressed by advisory committees. A couple of them that stick out to me.

Mr. Axthelm: Other volunteers.

Mr. Greenwood: What's that?

Mr. Axthelm: I say, other volunteers.

Mr. Greenwood: Oh, yeah. People who are very invested in some of those things.

Chair Lohman: Was the – I mean, during all the budget crisis the Planning Commission opted not to take any stipend or any mileage, and so your Planning Commission is serving free – no mileage, no anything. Was the Planning Commission ever compensated in any way?

Mr. Pernula: You're getting mileage.

Mr. Meenaghan: I get mileage.

(several Commissioners talking at the same time)

Mr. Axthelm: I think mileage is still – you can say no to being reimbursed.

Mr. Walters: I think what you're referring to is there was a proposal at one point to see if you wanted to be compensated, but no one indicated that they did, I don't think.

Chair Lohman: Did they ever?

Mr. Walters: To my knowledge, the Planning Commission has never been compensated.

Chair Lohman: Other than mileage.

Mr. Walters: *This* Planning Commission, other than mileage, which is, I think, a reimbursement.

Chair Lohman: So maybe we should cogitate on whether we – if those of us that aren't getting mileage would want to start.

Mr. Pernula: You can put in for it.

Chair Lohman: Because there's an awful lot of work to participate and I just want to make sure that we're all on the same page.

Ms. Candler: Especially on a two-week cycle.

Chair Lohman: It's difficult to talk about pay and money on TV.

Mr. Walters: Well, and consideration of the time in that mileage is actually sort of more difficult to process administratively than a stipend.

Chair Lohman: If you had simpler forms...

Mr. Walters: Right.

Mr. Johnson: I think Linda has it down pretty well now.

Mr. Walters: Yeah.

Mr. Temples: It's a pretty simple form.

Mr. Axthelm: Just your mileage from your home. You don't have to go through and write it down every time.

Chair Lohman: Because I think we were – we never filled the form out the same way twice in the past because it wasn't intuitively obvious what you were supposed to do.

Mr. Axthelm: I'd like to say thank you to the Planning Department for changing the Urban Growth Area Open Space Concept Plan and doing that quickly. I appreciate that, because that misunderstanding sometimes goes a long ways and it makes a difference. And I thank you for taking care of it so quickly.

Chair Lohman: And I appreciate all the big, large maps.

Mr. Pernula: We'll bring them back in two weeks!

Chair Lohman: But I really think that we shouldn't try to do too much on the agenda like that. It's just too hard. Okay, is there a motion to adjourn?

Ms. Candler: I do then.

Mr. Axthelm: Second.

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