

**Skagit County Planning Commission  
Continued Deliberations: 2013 Comprehensive Plan Amendments  
November 4, 2014**

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

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

**Public Remarks**

**Commenters:**       **Connie Munsey  
Lori Scott  
Cambria Hurlimann  
Carol Ehlers**

**Others:**               **Jon Sitkin, Attorney for John Bouslog,  
John Bouslog, Bayview Ridge Property Owner  
Roger Knutzen, Bayview Ridge Property Owner**

Chair Annie Lohman: (gavel) Okay, I call to order the regular meeting of the Skagit County Planning Commission. It is November 4, 2014. It's a little bit after 6 p.m. and it's election night. I see that everybody is here except Commissioner Kevin Meenaghan, Tammy Chandler and Josh Axthelm, but we do have a quorum. So if you could look over the agenda and offer up any corrections or adjustments. There are some agendas that have on item number 3 – they have it in a different order. The order that we're going to be discussing this are PL13-0302, map amendment proposal submitted by Kim Yong Ho, which we worked on last time, followed by the Airport Environs Overlay, and then the Bayview Ridge Subarea Plan and development regulations. Some of the agendas had that – the Airport Environs last, but we're going to do them before we do Bayview Ridge.

I'd like to introduce a new Planning Commissioner, Amy Hughes. You can say a few remarks, if you'd like.

Amy Hughes: Good evening, and thank you for letting me join you.

Chair Lohman: You're welcome aboard.

Ms. Hughes: Thanks.

Chair Lohman: Okay, first item on the agenda is Public Remarks. And I'd like to remind the public that this is your opportunity to speak with the Planning Commission. You can talk about any topics except those scheduled on the agenda for a public hearing or items that have had a public hearing and are still under Planning Commission deliberation. So that means anything on item number 3 you can't talk about in Public Remarks.

Public Remarks, which is not part of the formal public participation process for any development regulation or Comprehensive Plan amendment project, is limited to three minutes per speaker and up to 15 minutes total. So if you could introduce yourself and where you're – and your address – so come on up and the microphone's right up here.

Connie Munsey: Good evening, everyone. My name is Connie Munsey. I live at 2411 Skyline Way in Anacortes. And since I always believe the purpose of government is to level the playing field for all citizens this is the place to start with this issue. My husband and I have known Bob and Lori Scott for a long time through our unsubsidized and economically viable hobby of boating, unlike bicycling. I had to get that dig in. They know that I've been a citizen activist and I've got some experience, so Lori called to talk about this problem she has. I was happy to help them network through the property rights community. Their issue is currently – the Planning Department is currently involved in this, but as it is one property owner taking advantage of a situation at the peril of others we felt it needed to be brought to your attention.

You've heard the saying that "Life is what happens when you're making other plans." Well, this is exactly what's happened in an Alger neighborhood. The issue is marijuana. It's no surprise that because we have such a rich agricultural land base that when I-502 passed that there would be a significant interest in growing marijuana here. To that end, the Planning Department issued a memorandum to address where producers, processors, and retail outlets could locate. Within this document, on page 7, there's an explanatory paragraph about indoor marijuana production that begins – the is quote: "In determining whether a land use fits within one of the uses listed in the County's development code, the County's Administrative Official examines the impacts on the neighborhood, landscape, and resources. Indoor marijuana production – which requires buildings, significant energy use, fans, and security systems – has potential impacts on the surroundings that may not be compatible with the purpose and character (of) the land use zones where agriculture is allowed, or the expectations of the people that live in those zones."

The grower in this case does not consider their operation as indoor so the County didn't feel they needed to examine the site. This particular neighborhood has families with small children, as well as vulnerable senior citizens, all who have a significant financial as well as emotional investment in their properties. The security required by the state implies that such an operation is likely to be a draw for ill-intended persons trespassing across private property. It's a logical conclusion that property values could take a dive and this county cannot withstand additional loss of property tax revenues. Would you want to pay top dollar to live next door to a marijuana farm that's disguised as Fort Knox? Marijuana is just not just another crop. If it was, why did we need a statewide initiative to change its legal status? To determine whether or not any grow operation, indoor or outdoor, fits a neighborhood the Planning Administrator ought to have the authority to examine all sites. If that requires a County ordinance in addition to the state requirements for a license, this less government citizen says go for it. At the very least we need to require posted notices of land use proposals so that the neighborhoods know what is going on in advance.

Josh Axthelm: Connie, your time's up. If you could summarize \_\_\_.

Ms. Munsey: Thank you.

Kathy Mitchell: You can summarize.

Ms. Munsey: Oh, okay. If this industry takes off, you can bet there will be more cases like this one that become controversial from lack of clear requirements. So I urge you to fast-track on to your agenda. Thank you.

Chair Lohman: Thank you. Anybody else – public remarks? Come on up.

Lori Scott: Hi. Thanks for hearing us. My name is Lori Scott. I live at 3351 Old Highway 99 North in Burlington, Washington, which is out in the Alger community. My husband Bob and I purchased our property back in 1987 so we've been here a long time. Lori and Paul Lindsay, our next door neighbors, are developing a marijuana producing facility on their property next door, and there are a group of us neighbors who are adjacent to the grow site and we are all extremely concerned. The Lindsays applied for a state license and met with Skagit County in December of 2013 for a pre-development meeting. We were not informed by the County or the Lindsays of this, but in July when we saw security-type fencing – it's black plastic, it's over six feet high – it's eight feet high, to be exact – with two rows of wire and video cameras going up we decided to find out what was going on. The neighbors that are affected met together and we all decided that we really needed to look into it. We were concerned for our safety. The state Liquor Control Board requires the over-height fences, which is why they're there, and an obscure grow site, so hence the black plastic and cameras, and all of these things suggest to us that it is not like growing corn or peas. Because each of us lives directly next to it, the access to their property is through us.

We're also concerned about some other things: water and environmental. There are four wells of each of us that are within a thousand feet of the grow site, and our wells are already deep. They're going to be using well water and, in additionally – so we're concerned about our water quantity. We're also concerned about the runoff from watering the marijuana and whether any pesticides or whatever else is involved, because they actually – Butler Creek, which is a fish stream, runs behind their property.

We're also concerned about the nuisance issues that may occur. They have large greenhouses and Connie's put up some pictures here, and there's going to be lighting in the greenhouses, as well as perimeter lighting for safety, and those – the lights and the cameras are mounted all along my fence and all along my neighbor's fence, whose backyard was one of the pictures you saw with the swing set right next to all of this. Additionally, they're going to have guard dogs roaming the property. And the last thing is that experts say that the odor when marijuana is harvested can be very strong and offensive. We're also concerned about a decrease in property values, and I think Connie mentioned that.

So after we learned about this we did contact some attorneys to try to figure out where we went from here, and it's certainly something we'd prefer to avoid, and we wanted to go to you all first before we do anything else and make sure that we had let the state know as well as, you know, what we see going on.

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

Ms. Scott: So that's why we're here. We're just here to alert you that we feel there are a number of issues that weren't sufficiently looked into before this all happened, and we really would like to see if there could be specific ordinances created on this issue so it doesn't happen in someone else's backyard as well. We want to thank you –

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

Ms. Scott: Okay – and I just wanted to thank you and I do have packets for each of you so that the additional information can be there.

Mr. Axthelm: Thank you.

Chair Lohman: Thank you very much. Okay, next?

Cambria Hurlimann: My name's Candria Hurlimann. I'm speaking on behalf of my husband who couldn't make it. And I'm a neighbor of the – Lori. If you want to pass that around, I've got a photo in there that I'll be referencing.

My name is Larry Hurlman. My wife, myself, and our children ages six and ten have lived at our residence on Highway 99 for over 8 ½ years. The two-and-a-quarter-acre property that we live on shares a southeast property line with the Lindsays, as well as our south property line being shared with their long driveway. The greatest concern we have with the proposed 12,000 square feet of recreational marijuana production is the personal safety of myself, my wife, and our two small children. The photo I have here is from an online article dated July 23, 2014, titled "Where Does Your Local Weed Come From?" The photo shows an outdoor grow somewhere in the Wenatchee area. In the photo there are no neighboring residential homes in sight. In contrast, the Lindsay's property shares property lines with seven private property owners with lot sizes between approximately two to five acres, with most of them having residential homes within 500 feet of the Lindsay's property. When considering the concern for personal safety of those neighbors closest to the Lindsay's property, the perspective of the educated and motivated criminal must be taken. With the Lindsay's grow operation being outdoors, west of the Cascades, the growing season is limited with limited harvest times in September or October. The educated criminal can easily predict approximate harvest time. With an influx of employees during harvest time and actual visibility of the plants, harvest times can be pinpointed more precisely. The area east of the Lindsay's property consists of a heavily wooded area both on the Lindsay's property and neighboring property. The area would provide excellent cover for potential criminals to get a firsthand look at the Lindsay's grow operation. With the mobile units – commercial coaches – visible above the eight-foot fences and diagramed out in their business plan as the drying location, it is an identifiable target for criminals. With the drying facilities containing possibly over 100 pounds at a time at a street value of over \$5,000 per pound, criminals would get creative on how to get in and out to take a large value of inventory that would be easily marketed by them. The passing of Initiative 502 has made it easier for criminals to market stolen marijuana.

I would also like to provide a few statements from the "Where Does Your Weed Come From" article to help support my concerns about personal safety. These are a couple quotes that I took out of the article. Most of them are from the perspective of the grower of the large production in eastern Washington, and these are in quotes.

"I don't want it to look like a prison, but after the guy jumped the fence I called the fence people to install razor wire."

“The grower, he predicts they will be about 10 to 12 feet tall by harvest in October.”

And then: “Given the heavy state regulations and risk of burglary, I asked why it’s worthwhile to try such an untested system for growing pot. I’ll make a million dollars in the first year. That’s why.”

And then the last one: “He may not have a gun, but Dietz’s security system is as tight as an airport’s – 38 cameras, 15-foot walls, and a secured entry system.”

So these are the concerns that we have for something that’s, you know, deemed as agricultural but doesn’t seem to fit the same type of growing operation as peas or orchids or things like that. And our biggest concern is the personal safety of our family. Thank you.

Chair Lohman: Thank you very much. Okay, we have time for one more person.

Carol Ehlers: Carol Ehlers, West Fidalgo Island. I think what we’ve just heard and what we’ve seen elsewhere should lead everybody to pay attention to the scoping meeting on the 17<sup>th</sup> of November regarding the County Comprehensive Plan. There are also mentioned, I understand, in a document that’s not complete and what’s been given out for code changes. And I certainly have some to suggest.

What I have here – and I’ve given it to the Planning Commission and the Planning Department – is something that comes from the forest board document that Keith has told us about in some length for the forestry production. It’s in section M, chapter 16, page ten, which you can find on the Internet. It is the only public document that I have managed to find in ten years that admits that water is not only on top of a slope but inside of it. And, as you see, the water is coming out here. Keep in mind that this is glacial territory. Keep in mind that there were three sets of glaciations: the glaciers came and went; came and went; came and went. So many of the cliffs which were cut by the glaciers, such as those on the saltwater islands, have multiple layers of alternating in miscellaneous order sand, gravel, loam, and clay. Some of the clay is hardpan – really impermeable. That’s what they refer to here as less permeable material. What we have seen during the 1990 horror – November 1990 – how many of you were here then? Raise your hand, would you? – who were here in 1990, November? Well, you see how many don’t remember what happened. There were two floods back-to-back, Veteran’s Day week-end and Thanksgiving Day week-end, and there were two sets of landslides in many places in the county – on the east side of Fidalgo, the south side of Fidalgo, the west side of Fidalgo in numerous places. Because the center of Fidalgo is high till, the water landed and started flowing off of it. Because the center of Bayview Ridge is high till, the water started and flowed off of it. And Jess Knutzen and Carol Ehlers were the two who led the fight to get a drainage utility. Now it doesn’t do any good to have a drainage utility if the County tries to pretend in its shoreline ordinance that this water in the submersible area doesn’t exist. There was a discussion about the slope stability a month or so ago in here, and Matt Mahaffie did a wonderful job of pointing out the kind of geology after geology after geology that the County needed to pay attention to, but the authorities have not authorized Betsy Stevenson to have any geologic help. And all the references for the saltwater shorelines that I have found from the Department of Ecology aren’t in the document that was published and given to us. So at this point I’m having to go on the assumption that Skagit County wants to admit that water comes over the top and wants to hold anybody who lives here totally responsible for what happens to that cliff there.

Mr. Axthelm: Carol, your time’s up.

Ms. Ehlers: I've had enough time to say when it comes to the shorelines and to any other cliff, don't just look at what you can see on top. Thank you.

Chair Lohman: Okay, thank you. Okay, we're going to move on to item number 3, which is our Continued Deliberations on the 2013 Comprehensive Plan Amendments. We have already done item PL13-0302 map amendment proposal submitted by Kim Yong Ho, and I believe the vote was seven in favor of the recommended change. So we're going to move on to the Airport Environs Overlay. Okay, somebody to get us started – does somebody want to offer a motion?

Keith Greenwood: I'd like to move that we accept the Airport Environs Overlay as amended.

Chair Lohman: Is there a second?

Robert Temples: I'll second.

Chair Lohman: Okay, it's been moved and seconded that we accept the Airport Environs Overlay as amended. So, discussion? Keith, did you want to start discussion?

Mr. Greenwood: I do. You know, I took some checks on some of the measurements and it looks like the measurements seem to fit the handbook guidance for dimensions based upon future – anticipated future lengthening of the runways. And so I think an adjustment to the overlay was warranted. And I think it fits the current situation out there.

Chair Lohman: Okay. I have a question for staff. It's my understanding that by the Planning Commission accepting the Airport Environs Overlay as presented that we're accepting all of the restrictions within the various zones as it's presented by the DOT manuals that were referenced. Is that correct?

Dale Pernula: We – well, first of all, in the packet is the map and I think there's a copy of it on the board over here – that does expand some of those areas, as Keith mentioned. But also we have a number of amendments to the code related to the AEO zone that are consistent with the guidelines.

Mr. Greenwood: Those mostly pertain to heights and reflective structures and – is –

Mr. Pernula: Yeah, there's a number of things that are in there and they are shown in the draft ordinance and it's covered in the staff report, as well.

Ryan Walters: To expand on that, there's nothing in the AEO ordinance that would adopt wholesale the WSDOT guidelines. It's just the text that you see in the ordinance is consistent with the guidelines.

Chair Lohman: Okay. I didn't see any language like that per se, but I wanted to make sure that it wasn't implied that we were just –

Mr. Pernula: No. Nope, we're not.

Mr. Greenwood: Am I correct in understanding that – well, there're several documents, I'm sure, referenced, but in crafting this code we used the handbook for guidelines – of guidelines in that handbook of airport environs.

Mr. Pernula: Correct. We did. Yes.

Mr. Greenwood: And in that document they make recommendations, suggestions, processes. There's a whole host of things in that handbook and they don't tell you what kind of zoning or any of that kind of stuff necessarily. They tell you what types of uses they deem to be compatible and less compatible, and processes to go through with public input and the like.

Mr. Pernula: And it is a guidebook. It is not something that's mandatory. It's a guidebook that was recommended to us by the Port.

Ms. Mitchell: I've got a question, if somebody could answer. The FAA also had guidelines that they were recommending. Is there a reason that there's more emphasis placed on the Washington DOT guidelines versus what the FAA might say?

Mr. Pernula: The reason is that the basis of the proposed changes to Bayview Ridge is based on the resolution that was adopted by the Port of Skagit, and that resolution referenced the guidebook. I could go over that, if you wish.

Ms. Mitchell: Yeah, please.

Mr. Pernula: Here's what it says in the resolution. Item number 2 says as follows: "The Port Commission is committed to public safety and endorses the safety zone dimensions recommended by the WSDOT in the 'Airport and Compatible Land Use Guidebook' and therefore urges Skagit County to complete an update to the AEO to adopt the most current WSDOT-recommended safety overlay zone dimensions and to amend the language...to: (1) bring it current with FAA and WSDOT guidance on airport compatibility issues and (2) to provide the necessary protection of the airport to ensure its future vitality."

Mr. Walters: Additionally, state law requires us to – through development regulations – discourage the siting of incompatible uses adjacent to general aviation airports, and they specifically ask that – or direct – that we consult with a number of people – airport operators, et cetera – and the Aviation Division of the Department of Transportation. And this document, the guidelines from WSDOT, is their recommendation.

Mr. Temples: So, Ryan, the County, from what I'm hearing, is basically adopting the state regulations.

Mr. Walters: Or the state guidelines are – yeah, it's not regulations. It's a guidebook. But we are making changes to our AEO code – because we already had an AEO code – that would be consistent with the latest edition of their guidelines.

Mr. Temples: But does the FAA have any other level that has to be met?

Mr. Walters: The FAA? Not to my knowledge, in terms of *our* development regulations.

Mr. Temples: So they're more concerned about safety and airport efficiency and all that kind of stuff.

Mr. Walters: Well, I think as a general matter, the FAA regulates the airport but it doesn't direct us to adopt development regulations.

Mr. Temples: Okay. Thank you.

Chair Lohman: The requirement for Port of Skagit review of development regulations: This would be *any* regulations and it basically would cover pretty much the entire ridge. It would expand beyond the topic of our discussion, wouldn't it, the way that's written? Or would it only be germane to Bayview Ridge?

Mr. Walters: Do you mean Section 4?

Chair Lohman: Yes.

Mr. Greenwood: They're talking about applications, not regulations, right?

Chair Lohman: Right – development applications.

Mr. Walters: Right. That's applications. It's within the entire Airport Environs Overlay zone, so not just Bayview Ridge, and it requires the Department – the Planning Department – to send the development proposal to the Port of Skagit. But it doesn't give them any authority to say yea or nay. All it does is make sure that it gets sent there and that we wait to hear back from them at least ten days.

Ms. Mitchell: I can read a little piece from one of the FAA circulars that addresses a little bit of that, if it helps. There's an FAA circular, 150/5780.7, Airport Planning Process, 10 November 2004, page 62(e): "All decisions should be based on an evaluation of current data, a review of aviation activity, airport characteristics, socioeconomic factors, land use patterns, and surface access should determine the extent to which this information needs to be updated. Surface transportation planning and land use planning initiatives should also be considered since changes in their status may influence airport planning decisions."

Mr. Greenwood: What are you thinking, Kathy – how that might affect this proposal? Do you see some influence of that requiring some change?

Ms. Mitchell: No, not really. It's so open for what that interpretation would be, from the different documents that I can read. And I've read a lot of the FAA work, a number of circulars, and dug through the airport transportation plan – master plans – and other documents you can get through the Port Authority and other places, and I'm a little bit puzzled as to why there's so much reliance on the WSDOT most recent piece. Now having said that, I *do* see the need for future planning for the airport and for how that goes. I really don't see a conflict, but it does make it a little bit difficult for us to come through and make much of a determination. It seems like the airport's doing what it needs to do. But at this point, in my opinion, is that they're asking for some zoning that certainly helps the airport situation, with the airport overlay in mind, but it still puzzles me on how that really impacts our decision-making on zoning. It's one of the tools there's other tools in the chest that they can use. They can use noise abatement procedures. They can use contracts with people buying property as in having notices and things like that where people can see and sign something when they buy a home or a property. There's ways if there's new bills on to help with indoor insulation for taking care of noise in those situations, which certainly is helpful. That doesn't help you with outside. But when you look at the noise contour maps that the airport aerial overlay shows now, all of the noise that would be concerning – which is, you know, 65 decibels or higher – is contained within the airport property as it is. And so when you reach out to the very outer outskirts of Zone 6, that's where I start

having question marks on what to do. Because when you get that far out, it's no different than when airplanes, helicopters, or something like that flies over our property – and we're several miles north – and the same as any place else. So the FAA and WSDOT, they do say what Dale said – that they're guidelines, and that's pretty much the gist of it – is they're guidelines. And then they leave the planning and the zoning up to the local people.

Mr. Greenwood: Right, and yet – am I correct? – I think I read that the Board of Commissioners suggested that we use that handbook as well. Was that in part of their resolution or guidance to us? I'd have to reread that, but I was thinking that they suggested that we make some changes to the airport environs and subsequent Bayview Ridge area Plan to accommodate that change in guidance.

Mr. Pernula: I don't have their resolution in front of me or their action directly in front of me, but it was basically to implement what was being requested by the Port.

Mr. Greenwood: Oh, in the resolution from the Port?

Mr. Pernula: Yeah, and here's what it – here's – it was the very next item that was included in the resolution and it was written like this, and these are the two major changes that are being made. It says: "The Port Commission respectfully suggests that Skagit County review land use within the Bayview Ridge UGA and, where appropriate, adopt additional industrial land use designations for land in the UGA between the Skagit Regional Airport and existing urban density residential development on Bayview Ridge."

That was part of it and then the other part I read in item number (2), which asked us to follow the – essentially the WSDOT guidelines, which has recommendations on residential development within each of the zones. The zones that are mostly in this area are Zones 4 and 6, and within both of those the guidelines recommend residential development – I better pull it out here – within urban areas. Within Zone 6, for example, to be – it says: "promote high density and intensity mixed use development 15 or more dwelling units per acre." For rural areas, if it's outside of an urban growth area it says one dwelling unit per five acres. Those are the compatible – are the recommended densities within Zone 6 for urban and rural areas.

Mr. Greenwood: Is that coming from Table F-1?

Mr. Pernula: That is coming from Table F-1. I've got a copy, if you want to take a look at it.

Mr. Greenwood: I have it.

Ms. Mitchell: With those two tables – that was one of the things that was confusing between the first table and later on – I've got to tell you that really puzzles me. After reading through the California Master Plan Guidelines that they have, then the Washington State ones, the FAA ones, and then look at that. The recommendations are not the same from document to document and so it seems like it leaves it open for interpretation, but I sure would like some help with that.

Mr. Pernula: Under Residential, I'd – maybe you're talking about the next table, which is F-2.

Ms. Mitchell: Yeah, that's it.

Mr. Pernula: It says in urban development – that means within – well, it says residential single-family dwelling up to 12 dwelling units per acre. Then it says “L,” which is limited, and then two to four family dwelling units limited and then 15 or more permitted. And I asked the representative from WSDOT Aviation Division what that meant and he said, well, he would refer back to table F-1 to give more precise information on it. The reason why it was limited is that in some areas it could be less than one dwelling unit per five acres, or in some other zones it might be 15 dwelling units or more.

Ms. Mitchell: Yeah, and that’s where I still get confused because then you compare it to the FAA one and that one was – seemed to be different. I’m trying to find it right now, but I think it was five to six dwelling units per acre. Does that sound familiar?

Mr. Pernula: We’ve been totally going with the WSDOT guidelines since that was our direction, directive.

Ms. Mitchell: Okay.

Mr. Greenwood: So are we talking about the airport environs, Kathy? Is that the concern – the dimensions and the environments that have been listed here? Or are you more concerned about the then-prescribed zones as a result of that?

Ms. Mitchell: More of the zones. If you look at the aerial airport overlay – the one that’s being changed now – it doesn’t look like it’s significantly different from what was there before. There’s a little more bump out to the northeast because of that runway extension that goes southwest-northeast.

Mr. Greenwood: Right.

Ms. Mitchell: And so that’s – looks like it’s the biggest piece on that side. There are extensions up to the northwest for the longer runway that we hadn’t seen before, but I’ve not seen any concern about that area over there, unless that still has to come forward. So I don’t see that that’s that big of a problem with the way the aerial overlay plan goes, but I do wonder how that affects what comes up with the zoning next.

Mr. Temples: I think in part, too, we’re almost dealing with – we’re almost a little conflicted because we’re trying to deal with zoning and all those type of issues, and what you’re talking about are primarily just guidelines.

Ms. Mitchell: Right.

Mr. Temples: Am I kind of speaking for some of the others here?

Ms. Mitchell: And I keep coming back to the – all the main FAA documents – and, ultimately, they’re the ones that hold the purse strings in the long run for the grants and everything else. It looked like it was over 90% of what they help with making – helping airports with their runways and their extension programs and those kinds of things – seem to have the most influence for what the airport does, yet, in this instance, the Washington DOT has a lot of influence since this document came out. And that’s the puzzlement to me, is why the shift in the power for consideration of their guideline versus what the FAA might say.

Mr. Pernula: I couldn’t answer that question.

Ms. Mitchell: Yeah, that's why I'm puzzled, so I –

Mr. Temples: I think – because I dealt with the FAA a number of years back – I think what they did is they basically had to submit – WSDOT had to submit everything to the FAA for blessing, and I remember seeing a letter that sort of basically said that – that, yes, we support what you're promoting, you know, with your guidelines. But beyond that I think they're sort of letting the local communities work it out.

Ms. Mitchell: That was my impression too, is that with all the books and everything else, regardless of what they make for recommendations later on, always start off with a caveat saying local planning, local cities/counties, those kinds of things are the ones that really have the say.

Mr. Temples: I mean, I had a book somewhere that I picked up – don't ask me why; a friend of mine gave it to me. There's, like, several hundred airports in the state of Washington. I mean, everything from a pasture to a, you know, SeaTac. So, you know, it's like they're all different sizes and shapes and locations.

Ms. Mitchell: Yeah. And so from that standpoint, truly, the footprint for what the new airport overlay looks like is very, very similar – so close that it's hard to argue with that. It's just that back to what the toolbox says for the different documents between the FAA and the Washington DOT themselves, and then the California manual that they cited, as well, everything says that they have a whole bunch of tools in that toolbox to use to help them plan for the long range, and so then they come back and ask the local folks to – their primary interest is to do zoning first, and that, quite frankly, is probably the easiest way to do that. But in doing that there's also the caveat – they even say so in other documents. You go back through FAA circulars from a long time ago, they will tell you you have to be very careful because you will step over into takings. And in doing that – I'm not a lawyer so I can't speak to what that's going to mean, but I just want people to be aware that that is a fact and they knew that years ago. And so when it comes back down to when the first thing out of the toolbox – if it's to use zoning then we need to really be careful on what we do with zoning and how we look at things, and so that's why I'm asking for folks to be cautious and look at it carefully, because there are so many other things in the toolbox to use. For instance, in one of the graphs when there was a lot of noise complaints in, I think it was 2000 and 2005 and 2006 – I was one of those complaints, incidentally, although I don't think it went on record because up in our area, which is on the very north end of the county, when the helicopter flying school started they were all over all the place all the time and they hovered right over top and they'd pass over and it was very noisy. And so with learning some more information, it turns out that the bulk of the complaints – the noise complaints – that they've had are usually with helicopters or piston engines, which tend to be louder. And when those complaints came in in 2005 and 2006, the airport was wonderful with working and learning ways and finding ways to mitigate that situation. And what they did is they moved the helicopter takeoff areas and such and worked with the pilots to have fly-friendly zones. And so there's many tools in that box to help learn to do things and airports all over the place are very good about using that, and ours is, as well. And so I would like to put emphasis down in any recommendations that we do is to be able to use those different things to the nth degree. Because zoning isn't always the be-all, end-all. Zoning can change, as we've seen.

Mr. Greenwood: Right, and I – you know, just – I don't want this to just be between you and me. I do think that guidelines are guidelines. We've been going through the Shoreline Master Program and there's a lot of guidelines in there, and we want to have some flexibility so that we

can adapt it to our local situation. And we want to do the same thing here. I'm just looking at the overlay in the sense that it accommodates for planning ahead, and quite a ways ahead, so that we can maintain a functional and efficient and effective airport for the county in expanding. And I really want to try to encourage us – and I've tried to encourage myself, too – to look at the full build-out. We want to see what would happen if we do things that we sometimes don't foresee, like full build-out on the railroad capacity. When we make those kind of changes and we don't anticipate those we can make mistakes on the front end. So if we don't anticipate the airport having more than just a couple of little airplanes once in a while, we tend to start growing without thinking about how it's going to be, you know, affected in the long run.

Ms. Mitchell: Well, exactly. That's one of the things that the FAA very heavily was recommending. That's why they were asking them to have these master plans. And some places have the interim plans, if you will, like five-year, ten-year. The master plans that they usually ask for are 20-year plans and they ask for the updates. And the one for our local airport, as I understand it, is going to be due 2017. And so they're trying to plan ahead, and the threshold seems to be the 500 operations. And when you read through the documents and things like that – when I first read "operations," I thought that meant every time an airplane comes in and leaves. We have FedEx that uses it, we've got corporate jets that use it, we've got private planes that use it, helicopters that use it – which is great, but one of the things that we need to keep in mind is that an operation is either a takeoff or a landing. And so when we're looking at a threshold for 500 operations – is what they're looking for to build to, which makes sense – remember that's takeoffs and landings. And so when you look at the statistics, they're going from something like a .46 planes per day to something like 1.3. I could look that up for you. I've written it down. But it's somewhere in that ballpark. And so it is important. We need that. We need the business. We need the airport to be ready to do that the best that they can. And I agree with you and the FAA's recommendation for making the planning. It's just I do want people to be cautious on how they do the zoning.

Chair Lohman: In the DOT information – I finally found my piece of paper – it boils down to a compatibility issue. And if this was an urban airport the compatibility seems to prefer a high density, where what's classified as a rural airport it seems like the preferred compatibility tends to be large – *against* large lots and also either a very, very large lot like one per five or very dense, and nothing in between. And here we're in Skagit County and our local people seem to prefer something in between. We don't want this high density, crowded city, urban-type build-out, it seems, when you talk to people, but they don't want the one in five, either. And yet when you look at the DOT recommendation in the chart or stumbling on that Zone 6 recommendation

Ms. Mitchell: It seems opposite of what you would think it would be.

Mr. Greenwood: Yeah, I see what you're saying.

Ms. Mitchell: Do you see? But –

Mr. Greenwood: And yet a lot of the examples in the DOT Guidebook point to Bellingham. They keep showing pictures of Bellingham and I'm looking at their airport and I'm thinking, That doesn't look very good –

Ms. Mitchell: It's a poor example – yeah.

Mr. Greenwood: – in the sense that they've had some constraints that they were working with to start with. So we have fewer constraints, which is kind of nice, so when you're planning – I remember one person came up and was, I think, citing – I could be wrong, but maybe they say it as a bad example but I thought they cited the Wenatchee Airport as a good example. When I looked at it from an aerial picture I went, Whoa, that looks terrible! Because they've got houses right backed up next to one of the runways. And so we don't have that yet so now is a great time to get the – you know – the concerns on paper and then we can apply them to proper compatibility zoning.

Chair Lohman: But I do like in the proposed Airport Environs Overlay the disclosure documents that you ask people to sign if they're going to be within that Overlay. I think signing something like that is – and I don't recall right off if you have it recorded like you do for the Ag – if you're in the Ag zone, it has to be recorded. Do you require it to be recorded?

Mr. Pernula: I believe so, yeah.

Chair Lohman: I think that's – I think it's a great idea because then everybody's on the same page. They know where they're living is – they're within an airport zone, and I think that's a great tool.

Ms. Mitchell: In some of the old FAA circulars – and when I say “old” it's some that are back in the 1980s, and I also had those as the current ones – when they talk about ways to deal with noise and other kinds of things they also suggest easement as part of the toolbox, and easements with – not just with, you know, when people would sign a waiver or when they bought a piece of property – however you phrase that – that says that they're aware that there's an airport nearby. But airports also have the ability to purchase easements or to have the agreements in writing to where people understand that there's going to be the noise easements. And they said that there's two problems that could come out of that, or at least things you should be aware of. When you have – when they sign those easements for the noise thing, that means people are aware and they can help mitigate the noise inside, but outdoors it's always going to be there. But they were feeling that – it sounded like they were feeling like if you have the easement agreements in place then people are much more amenable to saying, Yes, I had agreed to that and I know that there's going to be some noise occasionally outside. And fortunately for the Zone 6, there shouldn't be a whole lot of that. But I would encourage that, as we go through this, to put that in with the Recommendations as well.

Chair Lohman: But we're also talking about the Airport Environs goes way beyond the Bayview subarea.

Ms. Mitchell: It's huge.

Chair Lohman: If you look on the map, it extends quite a bit beyond, especially to the northwest and a bit to the southeast.

Mr. Temples: Well, I'm staring at something here I just find kind of interesting that I printed off yesterday, and it's a list of any airport accidents over the last 13 years. And of everything they show on this report, over 13 years there has been three crashes that involve fatalities – and one of them was three fatalities on a plane – and with – basically what I'm seeing here is almost all these reported conditions are on the airport itself –

Ms. Mitchell: Bingo.

Mr. Temples: – so it's not, you know, going out of the airport. One Piper plane crashed in a farm land but it was non-fatal. And there's a whole bunch of other ones that are, like, 1.5 miles away. That was actually – three were killed in that one. And here's one on the Knutzen farm, two miles. That was non-fatal. Just a Piper Cub plane landed in their property. So as far as anything that's a major jet, I only see one on here that was listed as a Boeing jet but, again, it was on the airport.

Ms. Mitchell: Right, and –

Mr. Temples: Who knows? It could have been a flat tire or anything.

Ms. Mitchell: And that's the interesting thing, is that if you do go through those records like you're doing, you can look up and see case by case exactly what happened, because it does make a difference in knowing the details of those things. And the one with the fatality was an awful one, yet it happened. It wouldn't have made a difference how long the runway was at all. There were visibility issues and unfortunately when the plane chose to land – try to land – at our airport instead of going down to Boeing Field, on the second pass ended up clipping a tree – a six-inch-thick tree – and those results were awful. But, again, that had nothing to do with the length of the runway.

Mr. Greenwood: Do you see any opportunity for negligence if you have specific dimensions in the Guidebook and then you don't adopt those specific dimensions – like 10,000 feet from the end of the runway? I'm wondering about that myself just in the overlay itself. If we – what we do within the overlay, you know, is something that gives people – when you have one, I think it gives people the notion of somebody knows what's going on and what might happen in this particular region, so that you can avoid conflicts and avoid real problems. And so by expanding some of these zones, it might keep you from putting a school within – say if the red dotted line or dash line indicates where the old Zone 6 would be, now we've expanded that Zone 6. That might keep us from doing something that we might regret. So that's – I don't have a problem with the overlay. I just want to look at – as you do – at the flexibility within those particular environs.

Ms. Mitchell: Same here – and to make sure that everything is being used to help mitigate the problems that the airport's concerned with. And they're rightfully concerned with those things. I still get so upside down in my mind on the notion of recommending increased density housing units in those areas versus places that are farther and fewer between. That still puzzles me.

Mr. Greenwood: Well, one of the recommendations talks about clustering. I think that's what they're talking about is being able to put the populations in an area where they – you know, they even talk about CaRD clustering so that you could put the houses in one particular area maybe and you're –

Ms. Mitchell: Right. So they had open avenues.

Mr. Greenwood: – offsetting that with more open ground in between. And it gives – you know, if you've got houses spread out all over versus clustered, maybe there's more of a target, if you will, to avoid. You know, if you've got a safety issue, land open space rather than –

Ms. Mitchell: Yeah, and if you talk to most of the pilots – and most pilots are really good, conscientious folk and most good pilots, barring something really strange, can land a plane if

something goes wrong. And they'll look for those open spaces. They'll look for the open field. They'll look for the open road. They'll look for the water, you know, if they have to. But they'll look for those open spaces, and that's where – I would hope – that we have some choices with the zoning options where we can recommend –

Mr. Temples: I was just thinking to myself that one thing, Kathy, maybe we should just – you're concerned about the zoning options but at the same token we're just following and making a recommendation, and yet when they go into final review that's what Dale's department is going to be doing, and everything is going to be gone over, like, with a fine tooth comb so –

Chair Lohman: Well, I'm not – excuse me, not to tread on you Robert –

Mr. Temples: No, go ahead.

Chair Lohman: – but I'm of the opinion that we're doing this in basically two parts. The details are going to be in the next step when we go to the Bayview Ridge Subarea Plan and development regulations. This is adopting the overlay and acknowledging that it's based on the DOT's latest recommendations, right?

Mr. Pernula: Correct.

Chair Lohman: But that doesn't mean that we can't tweak it to fit our circumstance, correct?

Mr. Pernula: I think that if you adopt this you still have the ability to make some changes in the Bayview Ridge Subarea Plan.

Mr. Walters: Madame Chair? I would point out that I don't think that you are actually talking very much about the Airport Environs Overlay proposal at this point. It sounds to me like you are actually talking about the zoning proposal related to Bayview Ridge.

Chair Lohman: Well, I think our caution is that we don't want to say, Okay, we accept this and then we put handcuffs on us.

Mr. Walters: Well, you are not handcuffed at all, though, because you're putting together one recorded motion. So, you know, you can go back at any point –

Mr. Greenwood: That's what I was hoping.

Mr. Walters: – until you pass it off to the Board.

Chair Lohman: Yeah.

Mr. Greenwood: I was going to suggest that we maybe even not vote on this one but, rather, move on to the next one so that we don't –

Ms. Mitchell: Make a mistake.

Mr. Greenwood: – step on it. You know, in case – I don't want to make a – if we make a recommendation and adjustment of the Subarea Plan and this constrains us, I want to be able to have it not constrain us.

Mr. Walters: It really does not constrain you for a couple of reasons, the first reason being you're looking at this whole thing as a package. So it is, in fact, all interrelated and you're looking at it in an interrelated way and you're putting together one recorded motion for the whole package. So, you know, if you get to some other document in the package and decide you want to go in a different direction, then we'll just – we'll make it all fit together.

Ms. Mitchell: I think that's why we want to be so cautious at this point. Because it is still interrelated.

Mr. Greenwood: Could we not also table the motion, move on to the motion, and then come back to it if we felt we needed to?

Chair Lohman: Yes, we can. Yes. In your packet we have some suggested Findings of Fact and Reasons for Action, and we can make our recommendations. So did you want to jump and do your recommendation while it's fresh or did you want to jump back over to the Bayview Ridge and then come back to that?

Mr. Greenwood: Well, I didn't have a recommendation so I – on the Airport Environs portion.

Ms. Mitchell: I wouldn't mind tabling this and moving on so we can discuss the Bayview Ridge and the zoning and then come back to this as a final piece. They are so interrelated and so integrated that it's very difficult to separate them out.

Mr. Walters: And maybe what you want – the way you want to approach it is not to actually talk about the individual documents. Maybe you just want to have some high level discussion. Because the document – the AEO document – doesn't address density, and it sounds like you want to talk about density. So maybe you –

Chair Lohman: Well, it does because it refers to the Table F or –

Ms. Mitchell: Yeah, it does. It does, because it does make that reference and we still have to keep that in mind, right?

Mr. Walters: No. I mean, the document – the AEO document – does not *impose* Table F.

Mr. Greenwood: And Table F has some breadth within it, I think.

Ms. Mitchell: Mm-hmm, I do too. I think that was open for –

Mr. Greenwood: It's a case of overlap.

Chair Lohman: Well, you can't work at the table in isolation because you have to read all the appendices, as well.

Mr. Greenwood: Right.

Ms. Mitchell: Yep, and they make a difference, too.

Chair Lohman: Okay. So why don't we – okay, we're going to switch over to the Bayview Subarea Plan.

Ms. Mitchell: Do we all have to agree on the tabling or something?

Chair Lohman: Do we want to agree? Do you agree, Matt? I think we can – it looks like everybody's saying, Let's do that.

There are some suggested Findings of Fact and Reasons for Action starting on page 2 of your packet. Go ahead, Dale.

Mr. Pernula: Concerning the Bayview Ridge Subarea Plan, I think at the very highest level – and it might be the thing that you should be looking at first – there's two major elements. The first one is the extension of Light Industrial zone further to the east. We're moving it off of some of the Port property and on to private property to the east, all the way to the existing Residential development. That's the first high level change to the Plan.

The second high level proposal of the Plan was – in order to make it compatible with the guidelines, the rest of the Residential area is being proposed to be removed from the Subarea – from the urban growth area. Excuse me.

So those are the two highest level things, and I think you ought to think about those first. First of all, whether or not it's appropriate to extend the Light Industrial zoning; the second is removal of the Residential area to the northeast from the UGA.

Mr. Greenwood: Do we need to start with a motion, by chance?

Chair Lohman: Yes, we can. Did you want to make it?

Mr. Greenwood: I don't want to be on record on this one. This one's a little tougher. The other one was easy.

Chair Lohman: Does somebody want to get us started?

Mr. Greenwood: Well, I'm going to qualify it then if I'm going to do it. I'm going to recommend that we accept the Subarea Plan revisions with revision.

Ms. Mitchell: I'll second that.

Chair Lohman: Okay, there's a motion to accept the Bayview Area Sub – the Bayview Subarea Plan with revisions and it was seconded.

Mr. Temples: I don't understand this qualifying. It's like saying "maybe."

Chair Lohman: Well, he knows we're going to change stuff so he's just being preemptive.

Mr. Temples: Well, I kind of agree with Dale that I think – personally, I think the expansion of the Industrial portion of this has real potential and probably is a more logical direction, based on everything that's in our economy that's been going on now for the last umpteen years. And only – probably in the last several years has commercial and industrial development even been starting to pick up again. Residential's still pretty quiet. And I think it's also a good use to be that close to the airport and adjacent to it and also provide services, perhaps, to the airport community – such as UPS, those kind of carriers.

Chair Lohman: But I don't think it's just limited to airport use.

Mr. Temples: Oh, no, it's not.

Chair Lohman: There's other Light Industrial activities going on.

Mr. Greenwood: Well, you know, Kathy brought a lot of these things up earlier in talking about flexibility within. And my concern, I think, follows – of the Light Industrial moving adjacent to existing Residential, I think my concern comes where we're introducing a land use conflict and I want to be able to accommodate that land use conflict. I've driven around, I've looked on maps, I've tried to find within the county places where you have either Commercial or Industrial adjacent to Residential, and I see problems. I see issues of land value. I see issues of – just some incompatibility issues. Some of them come over a period of time. You know, you've got situations where you've got houses 30 feet from buildings – commercial buildings – and there're 50-foot tall walls, you know, in their backyard. Okay, that's pretty extreme. I understand that.

Mr. Temples: Well, my understanding – Dale, correct me if I'm wrong, but weren't there supposed to be buffers between that zone and Residential?

Mr. Pernula: In looking at the Light Industrial regulations, you may remember we put on the board our existing buffering that would be required between Residential and Light Industrial uses. I also took a tour of the site and found that not everywhere but very much for a very large area along that Residential and proposed Industrial boundary there's a lot of existing trees. It's pretty thick. So in the proposed code we recommended a few things: expanding those buffers, and we actually left it open a little bit. We made a suggested width but we also allowed for some increases or decreases according to whatever the Planning Commission wishes. But we also allowed the use of the existing vegetation to meet those requirements, if they meet that requirement. So that's the way we addressed it. If you don't believe those buffers are substantial enough, that's fine. We can adjust those. Or if you want some other interim uses, that can also be done.

Mr. Greenwood: Yeah, and I recognize that they're in there. I just wanted us to recognize that there is a land use compatibility issue with Light Industrial and the flexibility of Light Industrial as it pertains to adjacent to Residential. And what I think we have is we have – and I took a picture or got it from Google that shows that particular area on some level of 3D. So you can kind of see that green strip that you were talking about. And this is just along Peterson Road. You can see Peterson there and Sunrise to the – it runs to the north – I think is the one across from it. There's a couple of roads there. I think that's Sunrise right there.

(several sounds of assent)

Mr. Greenwood: Okay. So what I'm thinking – the red line that goes through the green buffer there is – that's 200 feet, as I measured it. There's a 200-foot strip – a 250-foot strip down at the bottom that's red, and that'll show you what a 200-foot strip would be from those Residential homes. And what I want to make clear is that these people were already here and when they bought a house they bought next to low intensity ag, so for us to introduce something that decreases their value is a concern to me. I know that not allowing the landowner to fully develop his property, you know, as the opportunity presents itself, is somewhat of a difficulty for that individual as well, but I don't want to – all the places I went to – like I said, I drove around in Mount Vernon, I drove around in Burlington, and where I see if it doesn't have a railroad track with green buffer or a creek or a major road between the two, it just really doesn't look like a

very nice place to live. So I want to make sure that we accommodate those folks because they were there and if we introduce something we're going to buffer it significantly enough to not have them feel like they're out of place and need to sell their property.

Ms. Mitchell: I understand what you're saying and your concern. Are you suggesting possibly in that first lower section that you're looking at then maybe finding another – if it's not just buffers, then maybe rezoning that versus Light Industrial as it gets closer to the other Industrial area? Is that one of the suggestions?

Mr. Greenwood: I think there're several solutions there potentially. You know, I maybe mentioned a couple of them, but if we understand the conflict then we're more likely to propose something that is appropriate there. If we were to accommodate or accept the buffer setback of 50 feet, for example – that's the shortest red line on that graduated bar there – so what we would be saying is that a 50-foot setback would mean that perhaps all the vegetation or some new vegetation would be required to be left between those homes and the new structure. So I don't – the way I see it – I don't see 50 feet being enough.

Ms. Mitchell: There are some places with zoning which might be a possibility, depending on what the height of the buildings would be for that area – like Burlington and some of the other places, and I think up in Whatcom did the same thing. If they had a building that was over 35 feet high, then it was another two feet setback for every foot taller the building would be, and so it might make a difference on the height of the buildings.

Mr. Greenwood: Okay. Well, you know, Industrial can have a variety of activities, right? So height of the building isn't the only thing for sure. Hours of operation, lights –

Chair Lohman: But even a structure can become a buffer for noise and activity because maybe the back side of a building would be – act as a wall, if you will, and with some landscaping. And so you could – I could see ways that you could be less than that 250 feet.

Mr. Greenwood: Well, here's a couple of pretty picture I took of buffers or lack thereof. That doesn't show up very well but there's a building that might not have a sound problem but you've got – these are people's homes right here, and then this is the structure with a – I think it's like 35-foot – maybe it's 40-foot-tall wall there. So you don't have sound but you probably don't want that in your backyard.

Ms. Mitchell: Keith, is that Burlington?

Mr. Greenwood: That is Burlington.

Ms. Mitchell: Okay.

Mr. Greenwood: All of these pictures here that you can see, those are all Burlington. Those are different streets. This is looking down the street towards the building – the Industrial building. It's Commercial back there. I wanted to show you a couple more, too, that – maybe show you – here's Industrial adjacent to Residential, but you have these green strips in the area that tend to be a geographic and vegetative buffer, allowing those kind of things to be somewhat adjacent to one another on a map but not necessarily in practice. Here's the picture that shows – that's that building that I was showing you with the alley, and these are the homes in Burlington with the Commercial next to them. And you can kind of see, if you look in a little bit closer, this is a 50-foot line right there, so that would be a 50-foot distance. So these almost have a 50-foot buffer

on them already, but that's not very much. And here, this one is 100 and 150, I think, and then 250 is this long one going up the street.

Mr. Temples: Well, one thing I might suggest along those lines, in several jurisdictions – I know Lynnwood, Redmond and Bellevue have adopted these – primarily what they're doing is they're requiring – they give a whole set of design criteria to developers and builders and basically they have to make their buildings look attractive to the residential community, and there's many ways they can do it. I saw the manual and it was very extensive. I don't know who put it together. I'm not saying we would adopt something like that. I'm just saying, yeah, there are some.

Ms. Mitchell: It's certainly possible. And one of the things with the Burlington area, which was – I was a little surprised about. Maybe it's because it's so much older and in place. But most of the places the setbacks were zero, zero, zero.

Mr. Greenwood: Okay. This one has 150-foot. Just for a visual so you can see what 150 feet looks like, this is a truss plant facility that's behind this Residential here. So out their backyard you've got 150-foot setback but the operations themselves are pretty substantial – and this is looking from the street through their – you know, across their yard, and then they have, you know, activities in the background. So I just want us to think about what those types of impacts might be and if the buffer widths are appropriate or not. And that's why I wanted to get a visual on that.

This one happens to be in Mount Vernon. This is – I think this is Willow Street. But this is surrounded by kind of a Commercial. This is the green waste facility yard that Mount Vernon has. And so if you drive down this street here you'll kind of see what has developed into a pretty rough little subdivision as far as compatibility goes. I put some red lines on there, too, to show you some distances. Again, I think I've got – there's a 50-foot setback, which isn't very much, the way I see it. And then there's a 250-foot setback. If you were to have a setback or a buffer, traffic, or whatever we settle on there, that'd be a 250-foot distance there.

Mr. Walters: Madame Chair? If I might be so bold, I suggest that the Planning Commission try to impose a little bit more structure on your discussion.

Chair Lohman: Yes.

Mr. Walters: You have several hundred pages of documents to work through and you have jumped from the Subarea Plan to the development regulations. I think to the extent that your buffer discussion informs whether you want to change zoning, then maybe you're still on topic, but you might also not be because this might be a secondary topic to add later.

Chair Lohman: The main question is, Do we accept the proposal, which would be to create an additional Light Industrial area and reduce the Residential area?

Matt Mahaffie: Madame Chair, if I may?

Chair Lohman: Go ahead, Matt.

Mr. Mahaffie: Just to put it out there before you dig into the weeds of revisions: There's no amount of revisions to this that I'm going to vote for. It's gone from a community to a County industrial park and no amount of discussion – I don't know if anybody else feels the same as I do, but I can't approve it as it sets. Mr. Lisser's testimony was spot on for how I feel about this.

Ms. Mitchell: Could you elaborate a little bit, please?

Mr. Mahaffie: We had the start of a town, a community. That's what 20 years of input, that's what the City of Burlington dedicated themselves to, that's what Skagit PUD has dedicated themselves to. It's all been wiped out. There's no housing. It's just an industrial park. If that's what the Board wants, that's what the Board wants, I guess, but that's not what I've come to believe in watching this develop since the '90s. So that's my two cents on this whole process. As far as I'm concerned it could stop right now.

Mr. Greenwood: Could I just – I wanted to frame it a little bit just so that I could maybe make a pitch. I wanted us to understand what we're doing when it comes to buffer, but I didn't want to get into the weeds of – necessarily of what change we wanted to make. But I'd like to make a suggestion that we on this higher level zoning, if we can, and I don't think it'll appease Mr. Mahaffie because his intentions are, I think, right. I think things have changed over time. I believe, though, in the sense that what was a good plan has had some things happen to it – some plans for industrial expansion, airport expansion, some activity pertaining to constraints about a school, some airport environs guidelines that have changed, as well as the railroad traffic. So all those things put together tell us that we can't build out the community and accommodate the number of additional people. I don't know if it's safe or not, but from the school standpoint that was one of the key points that stopped us early on where they could not locate a school. The other was that we were going to have a problem, if I remember correctly, with the PUD ordinance.

So this is what I'm thinking might help us and maybe help the landowners and help these residents – would be to propose that we take this particular line and go off of Sunrise Road and make this Residential, Bayview Ridge Residential.

Chair Lohman: Excuse me. Can I interrupt you a second?

Mr. Greenwood: Sure.

Chair Lohman: We've got these great big maps that are a lot easier to kind of orient ourselves to. Can you –

Mr. Greenwood: Sure.

Chair Lohman: – go there?

Mr. Greenwood: Yeah.

Chair Lohman: You might have to project towards the mic, if you can.

Mr. Greenwood: Okay. This is our current situation, right? So I'm thinking if we can take this and make this Rural Residential, that would allow these people who are existing in \_\_\_ Zone 6 to build out Residential with the knowledge that they're going to be next to Light Industrial. And then we could have the buffers crafted on both sides of the fence so that they understand what they're getting into. And I think it's in the safest part of the airport environs. I think it allows us to use some of the existing infrastructure. These are the people that have their backyard right up against the Light Industrial. These I don't think we can buffer necessarily the same. This is golf course. I'm less concerned about having a building next to a golf course because when I play

it'll go off the building and come back into play, so that'll be a good thing! But these are a little bit larger lots up here, and I just don't know if the same thing necessarily applies there so maybe the standard buffers would make sense there. That's just all I was thinking. If we could have this Rural Residential, that would allow these people to build it out, and then have Light Industrial.

Ms. Mitchell: Can I ask a quick question while you're standing up there, and somebody might – maybe it's somebody in the audience that knows that might be able to help. The pipeline cuts through there right there. Is there somebody that can show us where on that parcel it cuts through, because that makes a difference too.

Unidentified male voice in the audience: \_\_\_\_\_. You can't have Rural Reserve Residential in a UGA, so what you're talking about is not feasible.

Mr. Greenwood: Why can't we do that?

Same unidentified male voice: Because –

Chair Lohman: It's not allowed in a UGA.

Mr. Pernula: In a UGA, you have to have at least four to six dwelling units per acre.

Mr. Greenwood: And the airport guidance does not allow that?

Mr. Pernula: It doesn't – it would not allow it but, once again, it *is* a guideline. As Rural Residential, what –

Mr. Greenwood: Not Rural Residential but Bayview Ridge – I'm sorry.

Mr. Pernula: Okay, that would be four to six dwelling units per acre. Okay.

Mr. Greenwood: I'm sorry.

Chair Lohman: So you're thinking of shrinking that Industrial area back like on the overhead here. You would take out the proposed switch to Light Industrial and go back?

Mr. Greenwood: That's one thought I had. If 50 acres – this is 50 acres here. If you took 50 acres and made it, is that going to be too many residents to where you have to have a school? That would be a limiting factor.

Ms. Mitchell: That's what I'd like to know, and for the benefit of our new Commissioner, as well. And I don't know because I didn't have the history the rest of you guys had. What triggers – at what density does it trigger the PUD thing?

Mr. Pernula: The proposal that – well, not the proposal – the existing, the current Bayview Ridge Residential zone would require any residential development to go through the PUD process. Under this new proposal, since it's mostly only infill, we weren't even proposing to go ahead with the adoption of a PUD ordinance.

Mr. Walters: Also, if you wanted to see the pipeline map, it is on the monitor – if they switch to the monitor.

Ms. Mitchell: Well, I think what Keith's getting at has been one of my frustrations as well. When you look at the zoning options other counties have, a lot of other counties have more options to be able to take care of special situations and ours seem to be somewhat limited. And just at this point, I'm really frustrated at being able to do something to accommodate what the plans have worked for. I think what Matt said is excellent. I agree. Twenty years of planning such has been very important for knowing what the expectations were. And I am personally frustrated at this point on finding something that seems to work.

Mr. Mahaffie: I'll say just because the environs change doesn't mean you can't adopt the existing Plan. You don't have to stay constrained in the same boundary. I mean, it was – if you're going to change things, change things, not just take White-out to what's already there. And, I mean – a question for Ryan – I mean, if this ended up before the Hearings Board to me it just looks like a giant land-grab for Industrial. Are they going to go for that?

Mr. Walters: Well, if there are appeals to the Hearings Board we would deal with the appeals based on whatever the issues and claims are and –

Mr. Mahaffie: I mean, is it defensible from the County's standpoint?

Mr. Walters: Yeah. I mean, the Department wouldn't be proposing it if we didn't think it was defensible. This might be a good point to pause and talk a little bit about some of the other constraints. So the four to six units per acre is the existing BR-R zoning. The limit of at least four units per acre – the lower limit of at least four units per acre is what we typically would need to accomplish under GMA. It's a GMA requirement that if you're doing urban – so inside a UGA – that you're doing at least four dwelling units per acre. Now if you're outside the UGA, then we should be talking about one per five – so one house for every five acres and not more dense than that. Now there are other zones. For instance in Skagit County we have a zone called Rural Intermediate, which is one for two-and-a-half. That's a LAMIRD. It's a limited area of more intense rural development, and it's not available here because it's a zone that is intended to address pre-existing development that exceeds what would typically be allowed in a rural zone. So that's why the Department didn't propose one for two-and-a-half outside the UGA boundary.

So that is, I think, just a snapshot of your constraints here. The proposed zone for outside the UGA boundary is Rural Reserve, which is one per ten. But through a CaRD cluster development, you can accomplish one per five. Now that's the average zoning. Through a CaRD you would do one-acre lots but you would reserve the remainder in one of the Open Space designations.

Chair Lohman: I guess the frustration – I have to agree with Matt, and to me it speaks to our subarea planning really doesn't work because they take too long and some of the information becomes obsolete, because we've never made a decision or we've never gotten to the touchdown. The angst I have is taking – people had an expectation. They were inside the UGA. Now they're outside the UGA. Now you have an airport overlay that has some suggested densities and it's conflicting with if they're in the UGA or out of the UGA, or if they're in Zone 6 or just barely outside of Zone 6, and then you have the tension of a lot of people in that area said they do not want high density, packed-in type residential development.

Ms. Mitchell: Yeah, that's pretty clear. Yeah.

Chair Lohman: But I have a hard time believing that categorically that Rural Intermediate is completely off because I couldn't find any reference anywhere that says it's only for pre-existing. Where is that caveat?

Ms. Mitchell: I didn't either. I looked for two days and I couldn't find it, so I'd like to know.

Chair Lohman: And I thought it was interesting –

Mr. Walters: It's GMA.

Chair Lohman: But I thought it was interesting that that particular zoning was highlighted as a shining example of rural flexibility, and to me that here we're saying, oh, but that doesn't count here. Well, maybe this would be a place that would be a *good* place to call it Rural Intermediate because it would be almost like a transitional area. It isn't going to be farm land. It's on a slope. People have said, We don't want lots of apartments and high, packed in that you'd have to have if it was in the UGA. And so I don't know what to do here.

Ms. Mitchell: Yeah, because –

Chair Lohman: You've got us between a rock and a hard place.

Ms. Mitchell: And the choices are really slim. But if you look at the Rural Intermediate, if you go down the list of what's in there there's an awful lot of things that would look like they would fit well in there. And I still don't understand why that wouldn't work.

Mr. Walters: Well, so let's back up. GMA at its highest level, I think, seeks to eliminate suburbs. Its goals are to have rural areas and to have urban areas, but not to have suburban areas at this sort of medium density. The theory there being that urban areas are efficient. They're expensive to serve because you provide a lot of services. You know, you provide sewer. You provide piped water. You provide streets – not just roads, but streets and sidewalks and all of that stuff. But they're efficient to serve because they're packed in. You have enough density to be able to afford those services. Contrarily, rural is less expensive to serve because they don't get any services. Rural residents don't have garbage pickup unless they contract specially. They don't have – yes?

Ms. Mitchell: Can I interject? We pay for everything. You pay for your garbage. You pay for your water. You pay for everything one way or another.

Mr. Walters: Yes, but –

Ms. Mitchell: It's all – it ends up being –

Mr. Walters: No. No, no – let me back up a little bit. Rural residents are not receiving those services from the local government as a general rule. Rural residents are not receiving water from the County. Rural residents are not receiving sewer and, in fact, it's prohibited in GMA. They don't receive fire service even from the local government. They receive fire service from fire districts, but that's a little bit separate. And they're not receiving, you know, any number of services that the Cities provide, and it's a good thing because the Counties do not have mechanisms to charge for those services. So that's sort of the theory there. But the other reason that Counties do not have those mechanisms and that they do not provide those services for rural residents is because it's too expensive to provide those services because

they're farther apart so you don't have enough people – I mean, it's much more expensive to drive a garbage truck two miles to the next residence than it is thirty feet to the next resident.

Chair Lohman: Well, hold on. I think you're using a poor analogy because it is our prerogative in the rural area to have garbage pickup or not. You have the options. To say they're not serviced is not true. We are serviced in the rural area. So I would like to change the topic a little bit and suggest that – I lost my train of thought. Have you done any research that says that we could possibly explore using Rural Intermediate?

Mr. Walters: We looked at this issue. We do not recommend – my office does not recommend Rural Intermediate. Rural Intermediate, if you look at our Comprehensive Plan, is described as a LAMIRD zone. The Growth –

Chair Lohman: But how do you explain then that whole area falls within the urban density zone that the federal government uses – that urban overlay?

Mr. Walters: Well, I'm not sure exactly what you're referring to, but if you're referring to the census block –

Chair Lohman: The census overlay – there you go.

Mr. Walters: Right. That is completely disconnected from our land use rules. We've talked about that before, I think, in the context of NPDES because they lump people together in the census-designated place – in those blocks – but it's –

Chair Lohman: Because that area, it's encapsulated in that rural-urban designation.

Mr. Walters: Yes, but if we went to the – if we were to designate this Rural Intermediate and were challenged and went to the Growth Board, we would not be able to use the census definition as justification. We would have to look to GMA, and GMA provides that we must establish that there is a logical outer boundary of the area that we designate Rural Intermediate and that it was characterized by urban growth as of a date certain that's listed in GMA, which I think is June 1, 1990, or something like that.

Ms. Mitchell: So what are we really left with for the choices that we could use? I've looked at old maps and seen how it's progressed over time, and I realize that things have changed since this first started, so what tools do we have to this day and time that we can use that would work? I think that's part of the frustration again, is we're supposed to be able to – our county is supposed to be able to make its own land uses and still within the GMA guidelines, yet then we're being told that we can't.

Mr. Walters: Well, no. You're being told that there are some constraints on what you can do. I mean, Rural Reserve is a Skagit County land use zone that Skagit County created. And it could be different. And, in fact, this Planning Commission could recommend some zone other than Rural Reserve. In fact, you could recommend Rural Intermediate. I'm just saying that that's unlikely to happen or, if it does happen, it's likely to be challenged and we're likely to lose.

Ms. Mitchell: Aren't we possibly going to be challenged no matter what decision that we make anyway?

Mr. Walters: Yes, but that is not the consideration. The consideration is what we can defend. Anyone can challenge us at any time we change the development regulations of a subarea plan, but we make decisions based on what is defensible, not on whether or not we will be challenged.

Mr. Greenwood: Can I ask a question? If this were not – if this were no longer an urban growth area, would we then be allowed to use Rural Intermediate?

Mr. Pernula: No. Because, as Mr. Walters was saying, it's – a Rural Intermediate is a LAMIRD and those are based on existing development, not on new development like this.

Ms. Mitchell: So anything adjacent is still considered? As soon as you move out of that one neighborhood, then everything is new is what you're saying?

Mr. Pernula: Yeah, I think I'm saying that. Unless you had some area that was – I don't know how much it would have to be surrounded by existing development of that density, but it would have to be substantial in that area and it's not. We actually looked at it one time.

Mr. Temples: And I'm going to ask again, because I know you mentioned this the very beginning of all of this. You said there was, like, two major blocks to consider and the first one, you said, was the acceptance or consideration of the Light Industrial expansion.

Mr. Pernula: That's just at the highest level. The two big things that we're talking about here is, first of all, the shift of the Industrial to include the privately-owned lands that are up on top of Bayview Ridge. The second would be to remove a large area of Residential area from the UGA.

Mr. Temples: And the reason for that was because of the future expansion of the Port, right?

Mr. Pernula: Well –

Mr. Temples: Flight path and all that?

Mr. Pernula: Kind of. Much of that area is currently in Zone 6, but we had a request that we bring our development standards in accordance with the WSDOT guidelines.

Mr. Temples: Okay.

Mr. Pernula: If they're going to be in accordance with the WSDOT guidelines in Zone 6 and if it's going to be Residential, it's either got to be one dwelling unit per five acres or less, or 15 dwelling units per acre or more. If you – you have other options, but they may not be compatible with those WSDOT guidelines. You could leave it in the UGA and leave it zoned as it is now, which would be four to six dwelling units per acre. And you gave that option, but it would not conform with the guidelines.

Mr. Mahaffie: I can't get over the guidelines just being wrong. Nobody could have put that together with any logic.

Ms. Mitchell: Right.

Mr. Mahaffie: Fifteen or more, or one per five? There's zero logic there.

Ms. Mitchell: Right.

Chair Lohman: Well, it isn't a safety issue though. It's a complaint-driven issue.

Ms. Mitchell: And that's the thing, is that you go back to the complaints on them and you can see where they are and they're pretty local, with the exception of just a few that were in the Country Club. But most of the complaints that were noise-driven were right over airport proper. And so by extrapolation – this may be what Matt's getting at – if you look at these other areas as we go out into this other rim that we're really talking about, that's not where, you know, the complaints necessarily would be. And if you go back to the different tools that you can use to help mitigate those issues and those problems then there might be something.

Mr. Mahaffie: My hypothesis would be 15 would be – well, those are apartments and –

Ms. Mitchell: Right.

Mr. Mahaffie: – who cares what people in apartments say?

Ms. Mitchell: Right.

Mr. Mahaffie: So, you know, they're not taxpayers. So that's where that number came from.

Ms. Mitchell: Right. They're also bigger targets.

Mr. Mahaffie: I don't know if that's true but –

Mr. Temples: Well, where I'm trying to kind of ask the question here between Mr. Walters – if we were just to think of those two areas – I mean, right now the whole package has been that plus all the Residential area, right?

(sounds of assent from several Commissioners)

Mr. Temples: So I'm just doing the what-if: What if the Residential part of it's sort of – is taken out of the mix?

Ms. Mitchell: What do you mean?

Chair Lohman: I'm not following you.

Ms. Mitchell: What do you mean? Yeah.

Mr. Temples: Well, there's been discussion about – we were supposedly in the beginning trying to create a community where there's no community other than the existing suburban developments. So it's like we know Industrial could probably be beneficial. We know trying to deal with areas of property where the complaints and all that you're saying to the north there. But do we have to accept the entire thing? In other words, does the whole thing got to be approved or can we recommend that that part be dropped out of it at this time?

Mr. Pernula: I think you can make a recommendation – whatever you think is appropriate.

Chair Lohman: I'm not sure I'm following you, Robert.

Mr. Temples: Well –

Mr. Greenwood: You're talking about that little corner – well, it's not a *little* corner – big corner to the northeast?

Mr. Temples: Yeah. Well, I'm – the corner's the second part of it.

Mr. Greenwood: Okay.

Mr. Temples: But the first part is the Industrial – Light Industrial – expansion right around the airport.

Mr. Greenwood: Sure.

Mr. Temples: And I personally don't see a problem with that if it's properly built. But then there's some other issues up in that corner and I can't speak to that because I've not been here long enough, but it seems kind of logical. But then the whole rest of it – yes, maybe it – maybe it needs to kind of remain zoned as it's been zoned. I don't know.

Mr. Greenwood: But what about the schooling challenge, or the school problem? Is that – that's pretty big.

Mr. Mahaffie: The school said not to even worry about it. They'll figure it out.

Mr. Temples: Yeah.

Ms. Mitchell: Say that again.

Mr. Mahaffie: That's not an issue.

Mr. Greenwood: They said don't worry about it?

Mr. Mahaffie: Yeah.

Ms. Mitchell: Matt, could you repeat that louder, please?

Mr. Mahaffie: The School District has said not to let them hinder our decision. That's part of what school districts have to deal with in every community. This is by no means unique

Ms. Mitchell: And they've decided to not do there regardless of the decision, correct?

Mr. Mahaffie: And Burlington's very different anyway. They're not held to neighborhood schools. You can live downtown and have your kids bussed to Edison. I mean, they're very unique in how they handle that and I'm not going to base my decision –

Mr. Temples: I'm not saying no to Residential development. I'm just saying, Are we jumping too far ahead?

Chair Lohman: Well, I guess for me – this is maybe to help clarify you – is I'm having trouble with the property that we took out of the UGA more than I am with the property that you suggest

to have as Light Industrial. I agree that you have to respect the neighborhoods that are already established and have some kind of buffer there because they are already long-established and there's already some expectation that they've enjoyed there. But there was that same sort of expectation for the people that have been in the UGA for a long time and then just a few months ago they're outside of it. And that's the part that's causing me the most loss of sleep because I'm not sure how I'm going to have to handle it. Because if they're in then they have urban rules for density – some of them they don't want – driven by what the airport is recommending – that high density.

Ms. Mitchell: And I'm with you on that and I'll take it one step further and I don't mind going out on a limb and saying this.

Chair Lohman: Well, let me finish my thought.

Ms. Mitchell: Sure.

Chair Lohman: If you set aside the airport's recommendation and you stuck with the four to six, I think that I could live with that. But the airport recommendation is the part that's sticking here and giving me a lot of heartburn.

Ms. Mitchell: And I'll agree with everything that she said and I come back down to the point where we've been working with the Port Authority all along. Is that correct? All these years?

Mr. Pernula: Yes.

Ms. Mitchell: Okay, so I get really puzzled when we're at the end of 2013's crossing to 2014, having all the agreements in place, and then somebody comes back and says, Oh, by the way, these are the recommendations that you should use off a report guideline – and they repeat "guideline" many times – from 2011. And it just feels like we've got a monkey wrench thrown into the whole thing that doesn't seem appropriate. The Port Authority would have known about the documents all along. They're sharp people and they can stay on top of things left and right, and so I'm really puzzled as to why this recommendation is so strong at this point to topsy-turvy everything.

Chair Lohman: I think we can go around and around. I think we need to kind of start making some progress here. So, Matt, you started out and said that you are opposed to the proposal – the Light Industrial and the whole new proposal, correct?

Mr. Mahaffie: Mm-hmm.

Ms. Mitchell: So are you addressing the motion on the table?

Chair Lohman: The motion is to –

Mr. Greenwood: The motion is flexible.

Chair Lohman: Yes, because it had amendments – the word "amendments" there.

Mr. Mahaffie: I mean, in my humble opinion I think the Department needs to go back to the drawing table. And I think they just took it too far – the recommendations. I understand where the Board was coming from and I understand the guidance but I think it just went too far. The

idea's to have a city someday. That's going to be under the County's wing forever. You know, it's always going to be part of the County. The goal isn't there of what's always been promoted publically – is that to be a town, an incorporated town, at some point.

Mr. Greenwood: How do we not introduce land use conflicts in this situation? We've introduced some already in that airports are not that compatible with high density Residential.

Chair Lohman: No, they aren't.

Mr. Greenwood: They aren't. Industrial's not all that compatible with Residential and that's why we put an industrial park in a lot of towns and that's why we put the car dealerships all in one place – because we don't like them, perhaps. I don't know. We want them all in one spot. You know, we want people to say what-can-we-do-to-put-you-in-this-car all in one place. We want industrial in one place. We want railroads to not be in our way. We want to have our kids not be bussed to Edison. I think by building a town there we have to think it through all the way, How many people is that going to be? If it's four per acre, you've got four people per house. You take that by 50 acres you've got 200 dwellings, you've got – I don't know how many people, but that's a lot of people and how are we going to – are we prepared to handle that level? I think we're prepared to handle the Internet and the sewer and the power and perhaps even the water, but I'm not sure we can handle all the other conflicts, if you will.

Mr. Temples: Except for historically.

Ms. Mitchell: What do you mean?

Mr. Temples: Historically – take Sedro-Woolley, for example. It wasn't there until they built a sawmill. And you could go all over this state and find the same situation. It's like something comes in and causes a reason for people to be employed and to want to come there and live. And this one seems like, well, we're trying to figure out who's going to come and where they're going to live and all this, and we haven't even brought – if we're trying to make a city out of it, it seems backwards to me.

Chair Lohman: But I'm not sure that that's a universally held goal – to have a town – particularly.

Mr. Temples: No, there's places in Dakota right now where there's communities of about 30,000 people living in trailers that are working on the oil lines. So they're not really cities. They're just huge blocks of communities.

Chair Lohman: So, Dale, what triggers the PUD? Is it new Residential, or what triggers having to have the PUD ordinance component?

Mr. Pernula: As I said, under this proposal since there's not a lot of additional Residential we weren't going to put in a requirement for a PUD ordinance. If you introduce a substantial amount of Residential lands back into the Plan, then I would recommend that we go ahead and complete the drafting of the PUD ordinance and adopt it. That's actually what's holding up the development right now. As you know, we've got an adopted Subarea Plan for this area right now. The only thing that's holding it off is the adoption of PUD regulations to allow development to occur.

Ms. Mitchell: Could you explain that to us that don't know: What stopped that anyway? Or what put a halt to that?

Mr. Pernula: I don't have the exact language in there right now. You can develop your property right now, but the maximum amount of development you can do per lot is either to divide it into four or fewer lots, or four or fewer buildings. Is that essentially correct?

Mr. Walters: I think it's a constraint on subdivision.

Mr. Pernula: It's not on – I thought it was the numbers of buildings, numbers of dwelling units as well.

Mr. Walters: I think it's a constraint on subdivision.

Mr. Pernula: Okay.

Ms. Mitchell: What does that mean?

Mr. Pernula: You can – if you have a parcel of land, you can divide into up to four lots until there's a PUD ordinance adopted, according to the currently adopted regulations.

Ms. Mitchell: And if that happened, what's next?

Mr. Pernula: That's it. We've actually drafted it. It's been looked at a number of times. It's in pretty good shape. We just need to go through it again and have it adopted to implement the *current* Plan.

Chair Lohman: So that constraint of subdivision really favors somebody with a small lot and disfavors somebody that has a large acreage, correct? Say you had 100 acres –

Mr. Pernula: You would have the ability to develop a larger portion of your property if it's smaller – yes.

Mr. Walters: The constraint on buildings that you mentioned, I think is for multifamily.

Chair Lohman: Well, what's the wishes of the Planning Commission here?

Mr. Greenwood: I'm kind of leaning towards Matt a little bit in this, just in that I appreciate his perspective and I don't mind going back and reworking stuff. I feel somewhat reluctant to do that in that there's so many folks who have been counting on some resolution to this. But if we don't have a good resolution then whether we want a city or plan on having a city or not, we at least need to get to the bottom of what we really want up there. And if we're not sure what we want, it's pretty hard to make a recommendation.

Mr. Temples: Well, that's why I was trying to see if we could somehow pare the thing down to what seemed the most logical possibility of development in the near future. Now after that happens – and, like I said, I was proposing perhaps the Light Industrial area expansion as planned and perhaps that one corner, if it's necessary. But beyond that, maybe things kind of stay as they are or to a limited – like you say, four or five units. Whatever's accepted.

Ms. Mitchell: Well, I don't exactly have the answer either but I don't like what I see on the table overall.

Mr. Temples: The what?

Ms. Mitchell: I don't like what I see on the table overall – for what is proposed as \_\_\_.

Mr. Temples: I have great concerns about it, too. That's like I said. It seems very aggressive. I've thought that since the day I got here. And it's like, How do you plan an entire city?

Chair Lohman: Well –

Mr. Temples: And get everybody to agree on it?

Chair Lohman: Thinking about the PUD that we did get a look at, there are a lot of things in there that I didn't like because it was a consultant's vision of Skagit County and I felt like it was pretty grand. But we never really got to get into that. We started to and then it changed – all of a sudden it became *this* Plan. But I don't – I'm having trouble with putting a large population up there and – how do we take care of them? I think it's inevitable.

Mr. Mahaffie: We've heard a lot of comments over the last year about lack of development pressure in Skagit County right now. I think people's heads are really in the sand right now. Development is *booming* twenty miles south. Personally I'm just a one-man show. I've worked on over 1200 units last year. I mean, it's insane. It's just as hot as it ever was, you know, seven, eight years ago. It will be here. It will be here soon. With the moratorium on water, people want to live here.

Mr. Temples: It's just like in Seattle. I mean, my God, look at all the people that are pouring into South Lake Union because Amazon decided to build a whole bunch of buildings, along with Paul Allen.

Mr. Mahaffie: That's why we plan for population growth.

Ms. Mitchell: Well, the other thing is it's been planned for how long now? Twenty-some odd years? And hasn't all the infrastructure been worked on and planned in that goal?

Mr. Mahaffie: Skagit PUD spent millions –

Ms. Mitchell: You've got the fire station. You got sewer, water. You've got electric. You've got –

Mr. Mahaffie: All our utilities have spent our rate payer dollars, our taxpayer dollars, to put infrastructure up there for residential development.

Ms. Mitchell: Not to mention the dike districts – what they've put in to be ready, and others.

Mr. Mahaffie: Drainage.

Ms. Mitchell: Drainage.

Mr. Greenwood: Are we introducing a land use conflict or not, though, by introducing urban expansion up there next to the airport?

Chair Lohman: Well, I think that –

Mr. Axthelm: But it's already there.

Ms. Mitchell: It's already there.

Mr. Axthelm: And, actually, if you look at it – the overlay – is that the area that they're expanding in – the Residential development they're trying to take out of the urban growth area is –

(several Commissioners speaking at once)

Mr. Axthelm: It's not any closer than what the existing Residential is already there.

Ms. Mitchell: Exactly.

Mr. Greenwood: Yeah, but it's on a runway there. I mean –

(several Commissioners speaking at once)

Mr. Axthelm: Well, it's still off of it the same way, isn't it?

Ms. Mitchell: And remember the planning for that for what the airport was doing to underlie some of that is that they're planning and need to hold their space for the future so that's what they were trying to do. Their main runway is still the other, and if you look back on what they expected for their extension plans – and it's extension versus expansion; I just learned the difference between the two – and it's literally extending that runway. And they'd be still using that main runway more than anything else. And it comes back to hand-in-hand working with the airport with that area. And I'll agree with them that the urban area has already been out there. In Zone 6 is the furthest place out and –

Mr. Greenwood: So would you then be saying that if – perhaps if you kept the urban growth boundary where it currently is and left that Bayview Ridge Residential, you guys would be happy with that or no?

Chair Lohman: The yellow then, if you –

Mr. Greenwood: Yeah, the yellow.

Chair Lohman: – \_\_\_ kept it back in.

Mr. Greenwood: If you kept that in, would that alleviate your concerns about the proposal? Because the proposal is to reduce the amount of urban growth in that area. You'd still have to have the PUD ordinance to implement that.

Mr. Mahaffie: And you're still missing a few components.

Chair Lohman: Ryan, can you show the map that shows the current versus proposed areas of change?

Mr. Walters: For zoning?

Chair Lohman: Yeah.

Ms. Mitchell: What were the components you said are still missing?

Mr. Mahaffie: Aah. From the RCW: "...appropriate medical, governmental, institutional, commercial, service, retail, and other non-residential uses have to be accounted for or not." Those are all missing that were there in some fashion before.

Chair Lohman: But aren't they in close proximity?

Mr. Mahaffie: Well, we had the Community Center and we had the different thing going up Peterson Road there that went back and forth a little bit that accommodated that.

Ms. Mitchell: Why would there have to be a Community Center?

Mr. Mahaffie: That was a previous designation of zoning. That's what it was called, but we had –

Chair Lohman: But you would still have a Community Center but it's quite a bit smaller – right? – around the fire hall.

Mr. Pernula: Let me point out the Community Center doesn't mean a building – a community center. Community Center is a zone that allows mixtures of uses. So it wasn't the best term to use, but that's what was used.

Mr. Mahaffie: I mean, I understand if you take all the Residential out that you don't need any retail or – you know, you don't need a corner store or anything like that. But it *is* in the definition of our urban growth area that all those have to be accounted for.

Ms. Mitchell: Is it *have* to be, or *could* be? Because that would make a big difference, wouldn't it?

Mr. Walters: It needs to accommodate the projected urban growth.

Mr. Mahaffie: So, yeah, if you don't have Residential you probably wouldn't need it. But if you – you can't just add Residential back in there and not have a discussion about accommodating those other needs. That's the whole point of an urban area. You don't have an urban area and then have to drive to another city to get your milk.

Ms. Mitchell: We have to drive a half-hour to get our milk.

Mr. Mahaffie: That's the point of an urban growth area. I mean, if you want to live in a rural area that's your choice. I drive 25 minutes to get my milk, too. But if you live in town you expect to be able to – there's a point to being in an urban environment. And, again, go back to Skagit County and the residents, you know, having a perception. If you look around at what's developed now, young professionals don't want big yards; they want really nice houses – they will pay for really nice houses; they don't want yards; and they want to be close to everything. They want to be close to their work. They want to be able to ride their bike to the store. They want to be able to

hop on the freeway. They don't want to have to go through lights and interchanges. That is what a young professional or a younger family wants these days.

Ms. Mitchell: Well, if that were developed, aren't we still just one mile – or is it a mile-and-a-half – from Burlington proper? Is that right?

Mr. Mahaffie: Yeah, that's not an urban –

Mr. Greenwood: That's kind of defeating the purpose a little bit.

Mr. Mahaffie: Yeah.

Mr. Greenwood: You're just putting them on an island and then having them ferry back and forth to get their groceries and to go to school, perhaps, and then to do –

Mr. Mahaffie: That's a suburb.

Mr. Greenwood: Yeah, that's different.

Ms. Mitchell: And we're not allowed to have suburbs. Is that what I was hearing?

Mr. Greenwood: Well –

Mr. Temples: It's frowned upon!

Mr. Mahaffie: There's always going to be a conflict. We're in the middle of a giant floodplain and we have to accommodate growth. Your choices are really limited, and the same conflicts are also your same benefits. You're close to everything. You're close to your transportation. You're close to industrial jobs. Proper planning couldn't alleviate those issues.

Ms. Mitchell: So is it safe in saying –

Chair Lohman: But this isn't the last place that you can have Residential in the county. I mean, we have other ridges and other areas outside of the floodplain for Residential, so it isn't like it's the last high ground for Residential, if you're just going to talk Residential. But there is a limitation on the amount of property available for Light Industrial that *is* out of the floodplain, that *is* close to the freeway – all those amenities you were talking about for Residential.

Mr. Mahaffie: Yeah, if I was just stuck on Residential I'd put it in Conway somewhere.

Ms. Mitchell: That's exactly what I was going to say. Since you brought it up, when we first moved here those interchanges were worked on big time. The infrastructure was put there to accommodate growth and it's not grown. I don't know why.

Mr. Greenwood: Is that Fisher and Carpenter Ridge drainage areas?

Ms. Mitchell: I don't think –

Mr. Mahaffie: It still creates a – you'd have a suburb, though. Everybody's hopping on the freeway and going somewhere else.

Chair Lohman: But even Bow Hill. I've lived out there more than 25 years and it has grown a lot up on Bow Hill under the current zoning.

Mr. Axthelm: I look at this and I say if you restrict it to, let's say, one unit per five acres, the land isn't – from my understanding – isn't really farmable. It's sloped. So it lends itself really good to a tighter Residential, you know, when you take it and you split it up into larger lots. I mean, I've seen a lot of five-acre parcels that just aren't kept up because they're just not usable. So it seems to me that you'd want a little bit higher density Residential, or want to allow that. And also it'd be more compatible with what's already there right next to it.

Chair Lohman: Dale?

Mr. Pernula: I should make it clear what would be permitted in the Rural Reserve. It's ten-acre lots, but if you go through the CaRD process then you can have one dwelling unit per five acres, but the minimum – the lot size – maximum lot size would be one-acre. So you'd have much smaller lots with a large open space.

Mr. Axthelm: Okay.

Mr. Pernula: You wouldn't have any five-acre lots.

Mr. Axthelm: Okay, so it's allowing the one-acre lots but it's requiring –

Mr. Pernula: Right, clustering. Yes.

Mr. Axthelm: Okay.

Ms. Mitchell: Well, wouldn't that make the airport folk happy if you've got clustering and they still have avenues that are open?

Chair Lohman: But that being said, they wouldn't be able to utilize the sewer or the PUD water, right?

Mr. Pernula: PUD water's okay. If it's outside the UGA they're not allowed to have the sewer. If they're inside the UGA they *have* to have the sewer. And if they're inside the UGA it's got to be at least four dwelling units per acre.

Ms. Mitchell: Oh, it sounds so unbelievably restrictive. Wow.

Chair Lohman: The motion to review is to accept the proposal as amended.

Mr. Temples: Would you like to accept, Madame Chair, some amendments?

Chair Lohman: Yes. How about some amendments? Let's get some stuff written down – recommendations.

Mr. Temples: Do the amendments have to be seconded, I assume?

Ms. Mitchell: Okay, I've got a recommendation then. I don't know if it qualifies for fitting or not.

Chair Lohman: Are you ready to write, Ryan?

Ms. Mitchell: I don't know if I'm doing this right or not. The recommendation that I would have then is that they go back to what was approved in 2013 – December 2013.

Mr. Walters: That recommendation is simply to not adopt.

Mr. Greenwood: Right. That would just be a vote against the motion, I would think.

Mr. Walters: No, not necessarily. So you could have a recommendation to adopt and you could vote against it, but the alternative is a recommendation to not adopt, which is –

Mr. Greenwood: But you don't amend a motion to accept by making it to not adopt, do you? Is that a recommendation?

Chair Lohman: We could vote.

Mr. Axthelm: You could not adopt and recommend that it goes back to the drawing boards, or make some recommendations.

Chair Lohman: Do you guys want to vote on the amendment and then –

Ms. Mitchell: We could maybe vote on the amendment and \_\_\_ really what's right and start again.

Chair Lohman: Is that what you want to do? Or you want to just void that motion?

Mr. Greenwood: I'm not going to vote for it if we don't make some changes. And if people aren't willing to make changes that'll be acceptable then there's really no – I mean, it'd be elementary or just an exercise to vote as it exists because we'd all be against it.

Ms. Mitchell: Okay –

Mr. Temples: The one amendment that I would like to propose, is the fact that the Light Industrial area is expanded as proposed. And I will leave it at that as the only portion that I would like to amend.

Chair Lohman: Well, I like the – it's really not my – it's not my property, but I really – I understand the rationale with the Light Industrial and the airport-related Industrial. I understand the rationale for that and I agree with that part, too. I have to agree with you, Roger – or Robert – on that. And then it jumps to the regulations where you get the buffering between the Residential and the Light Industrial to accommodate the folks that are already there, and I can support that. But it's – the Residential in or out of a UGA – that is the most troublesome for me.

Ms. Mitchell: That's pretty aggressive.

Mr. Greenwood: Well, let's make a motion that amends that UGA boundary or leaves it like it is. Amend the recommended UGA boundary to return to the existing, the current.

Chair Lohman: So is that what we want to put down as a recommendation, is to return – to return to the current UGA boundary?

Ms. Mitchell: That's one of the pieces that I think is very important. And I don't know if this is the right place to mention it or not, but back to the Light Industrial for where it is – if that were to go – if the whole project were to go that way, (it) would be okay if – and there's a lot of ifs – the setbacks have to be in question. Even in the staff replies, didn't the staff agree that 250 feet was too much? I believe that was in the staff reply to comments?

Mr. Pernula: Are you talking about – in the Light Industrial zone what we recommended is that there be no maneuvering for trucks within 250 feet. The property owner suggested that if a building backs up towards the Residential zone that that should be reduced. We agreed with that.

Ms. Mitchell: Right. It's those kinds of details, and that's where I don't know how this works right now, but –

Chair Lohman: We haven't gotten into the development code.

Ms. Mitchell: Okay.

Chair Lohman: The regulations. We're on the bigger picture.

Mr. Greenwood: The UGA boundary, right?

Mr. Axthelm: Well, and the Plan that's already adopted has already accepted the Light Industrial right next to Residential.

Ms. Mitchell: Right.

Mr. Axthelm: So that's already been accepted.

Ms. Mitchell: That was in the 2013, correct?

Mr. Axthelm: Yep.

Mr. Greenwood: Wait, wait, wait, wait – where? I'm sorry. The Light Industrial's next to Residential but not currently developed Residential.

Mr. Pernula: That's correct.

Mr. Greenwood: That's different. That's different than existing Residential, in my mind. It might not be in the code, but it is in practice.

Chair Lohman: Because it's – Josh, it would be the darker \_\_\_\_ BR-R.

Mr. Greenwood: That flex area, right? Because if you're developing side-by-side you can accommodate those uses, I think, better than if you've got an existing. Then, I think, you have some conflicts that you're needing to deal with.

Mr. Temples: So do we have two amendments?

Chair Lohman: The recommendation is to return to the current UGA boundary. That's the only one I have.

Mr. Temples: What about – I was amending or suggesting the expansion of the Light Industrial as planned.

Mr. Mahaffie: Madame Chair? I think there might be a little confusion versus – amendments versus recommendations after a vote.

Mr. Temples: We haven't voted.

Mr. Mahaffie: I know.

Chair Lohman: Because we vote at the end.

Mr. Mahaffie: The word amendment and recommendations are being interchanged.

Mr. Greenwood: We're omitting the motion, right?

Mr. Mahaffie: Are we?

Chair Lohman: No.

Mr. Greenwood: Oh, you're talking about recommendations.

Mr. Temple: Well, you recommended to recommend.

Mr. Greenwood: I made a motion to approve with recommendations or change, amendments – or with amendments. So I'd like to see what those amendments are before we vote on it. Maybe we're not making amendments to the motion but we're looking at the recommendations first. Does that clarify?

Mr. Mahaffie: Recommendations would come after the vote.

Mr. Temples: Gotcha.

Mr. Pernula: I would just suggest that you have a motion on the table, and then if you're going to amend that motion that you make a motion to amend it. And it sounds like there's two that are being suggested. I would suggest that one of you make that motion to amend each of those provisions that you're talking about.

Mr. Greenwood: I think it's somebody else's idea to keep the UGA boundary where it is. Go for it.

Mr. Mahaffie: I would call that a recommendation after the vote, not an amendment to your motion. Then you're approving everything else.

Chair Lohman: I don't think we really want to *amend* the motion. I think we want to vote on it yea or nay. And then our recommendations get into the – what we say.

Jon Sitkin: \_\_\_\_\_ you have a motion on the floor – and, frankly, your motion's a little vague –

Mr. Greenwood: I left it that way.

Mr. Sitkin: I know, but that's the problem. So I would say have a precise motion and then either accept motions to amend before the vote or accept a friendly amendment to the motion on the floor. That's – under Robert's Rules – that's how you need to proceed. And that's, I think where your \_\_\_\_.

Chair Lohman: Could somebody make a motion that we strike the words "as amended"?

Mr. Greenwood: I could. That'd be a friendly adjustment to my motion – that we just accept it as it is? Fine. And if you want to vote on it like that, throw it in the fire – that's fine, but you can –

Mr. Sitkin: \_\_\_\_ accept a friendly amendment or someone has to move to amend the motion that's on the table.

Mr. Walters: Well, strictly speaking, friendly amendments are not allowed. I would suggest you just accept it by unanimous consent unless there's an objection to the amendment.

Chair Lohman: So the motion is to accept the Bayview Ridge Subarea Plan as proposed.

Mr. Greenwood: Okay. And where's the second now? Nobody wants to do that.

Mr. Walters: Ah, see now this makes – so if you have a motion to accept as proposed and there's no second then that motion's dead, and then you need to start over with a new motion. And then you start over with a motion – for instance – a motion to reject the Plan or to adopt it with some proviso. So spell that out.

Chair Lohman: So, Kathy, maybe the recommendation would be to return to the current UGA boundary.

Mr. Walters: So –

Chair Lohman: Somebody make a motion.

Mr. Greenwood: I can do it again. I can probably foul this one up just as well. But I'd like to make the motion that we accept the Plan with the return to the original UGA boundary, and I would like the Light Industrial not to extend adjoining the existing Residential. And that's what I tried to describe to you. Where it cuts off, I think we could be more precise on it.

Mr. Temples: So that just basically goes back to the original.

Mr. Greenwood: Not necessarily.

Mr. Walters: Okay, so I've written that motion on the screen.

Chair Lohman: I don't –

Mr. Mahaffie: I don't think we can do that.

Chair Lohman: It's not workable, as you said.

Mr. Mahaffie: It's much, much, much too vague.

Mr. Greenwood: Do you want me to show you – I'll show you where I think it should go to.

Mr. Temples: No.

Chair Lohman: No.

Mr. Temples: We don't need that. I think we – Dale?

Mr. Pernula: Is your intention to have that zoned Bayview Ridge Residential?

Mr. Greenwood: Yes.

Mr. Pernula: What I would suggest is that you make it wide enough for two tiers of lots and a road. Because what you would do is – a developer would probably build a road and have a tier of lots on each side. It might be 250, 270 feet – I don't know.

Mr. Greenwood: Right.

Mr. Pernula: But that's what it would probably be – something on that order.

Chair Lohman: In the proposal it's identified as 106.3 acres.

Mr. Greenwood: Well, there's a 50-acre parcel there – roughly – that could be fully developed or partially developed to Residential, and I think that would accommodate the concerns of those existing residents and accommodate the airport.

Mr. Sitkin: Keith, \_\_\_\_\_. What you were saying is the extension south of Sunrise.

Mr. Greenwood: Correct.

Mr. Sitkin: I would tell you the area to the right of an extended Sunrise to existing Residential roughly – cowboy math – is about 15 acres. I'm not saying we –

Mr. Greenwood: Sure. Right.

Mr. Sitkin: – support it but just trying to – what you were saying was extending Sunrise south –

Unidentified male: It can go north, too.

Mr. Sitkin: But from here \_\_\_\_\_, extending Sunrise south, putting Residential – Bayview Ridge Residential – to the east of that, and it would be LI to the west of that extended Sunrise \_\_\_\_\_. That's what you were –

Mr. Greenwood: That's what I was describing. Correct.

Mr. Walters: Keith, do you want to reflect that on the screen then? Is that your motion?

Chair Lohman: I think we need to clean up the motion.

Mr. Temples: Yes, I agree.

Chair Lohman: Bcause it's – you don't have a map. It's just wildly – we need to come up with an idea. Do you either want to accept the Plan as proposed by the Department, do you want to return to the original proposal, or do you want to send it all the way back and say, This needs to be worked on for something in between, and let the Department figure it out? But we need a more clearer thing. But trying to draw pictures and write on the fly here is not – I don't think that's our task here.

Mr. Temples: Madame Chair, could you – could we – if we were to go back and all agree to the Plan – the previous one – we're not approving this – and then we give recommendations of the items that are concerns to us, that could be edited after the vote, or could it not? I mean, it has to be logged in before the vote.

Chair Lohman: Well, the proposal that went through the public hearing is the new Plan.

Mr. Greenwood: Right. Right. That's right. So strike the number 2, Ryan, if you would. That's just an idea to show concern. I think the rest of the proposal, unfortunately, addresses some of the details that don't accommodate for the UGA boundary being where it is, because we've removed the PUD ordinance and there's a lot of elements that were removed because we removed the Bayview Ridge – well, we still have the Bayview Ridge Residential sections, don't we, in this proposal, if I remember correctly?

Ms. Mitchell: Yeah, because there were some zoning changes with it, right?

Mr. Pernula: Well, we did remove a lot of the Residential provisions in the new Subarea Plan. That doesn't mean – but, remember, you've already got those in our *current* Bayview Ridge Subarea Plan.

Mr. Greenwood: Right.

Mr. Pernula: What's in the current Subarea Plan could be transferred into the amended Plan. It would not be easy but it could be done.

Mr. Walters: And you don't have to identify all those things, because if this were your recommendation it would go to the Board. The Board would decide if they want to move forward with your recommendation or not, and, if they do, then we would go back and find all those things and put them in.

Mr. Pernula: And the same goes, in my mind, with that area that you're talking about to the west, just not adopting that Light Industrial for that area – keeping it as it's currently zoned.

Mr. Temples: Or we allow it to be expanded, which would probably take a motion to be added on to this, correct?

Mr. Greenwood: I don't believe.

Mr. Temples: Well, you made a motion to return it back to the –

Chair Lohman: No, but it would just – the yellow area on the map would come back in.

Mr. Temples: No, that's fine. I've got no problem with that. I'm talking about Light Industrial.

Mr. Mahaffie: Have you finished your motion? Have you been seconded.

Mr. Greenwood: I think I'm finished.

Chair Lohman: It died.

Mr. Greenwood: Is that okay? I mean, that's okay with me.

Mr. Mahaffie: I'm just lost.

Mr. Greenwood: That's okay. I'll leave it there.

Mr. Temples: But I would like to add to it.

Mr. Axthelm: I think we have some major conflicts here, because the public says one thing – they want the Residential to be in there, or the landowners – and then you have the airport that wants to have the overlay, and there's enough conflict here I think it needs to go back to the County. I think it needs to go back to the Planning Department and a better compromise between the two needs to –

Mr. Greenwood: The overlay?

Chair Lohman: No.

Mr. Greenwood: Or just the Subarea Plan revisions?

Chair Lohman: The Subarea Plan revisions.

Mr. Axthelm: The Subarea Plan revisions. The overlay is what it is.

Mr. Greenwood: I think it is.

Mr. Axthelm: And, you know, there are safety issues and it's a big concern but it doesn't mean we have to adopt everything within that. So I think it needs to go back to the Planning Department and determine – or to come up with a little better solution.

Chair Lohman: Yep.

Mr. Pernula: This is the direction that the Board of County Commissioners gave staff. We went ahead and drew it up and threw it out and held a public hearing on it. If you want staff and the County to look at some alternative, I'd like to have a direction so I can take it to the Board to let them know that this is the direction you want to go.

Chair Lohman: And I think that's where the recommendations come in. Right?

Mr. Temples: That's why I was willing to make a motion to that effect.

Mr. Greenwood: So are we then looking to recommend to not accept the proposal, and we make Findings of Fact why not to, and then –

Mr. Mahaffie: Correct.

Chair Lohman: Yes.

Ms. Mitchell: Yes.

Mr. Greenwood: – not to and then recommend it.

Mr. Mahaffie: Do you have a second for your motion?

Mr. Greenwood: There isn't one. But we can start over, right?

(several sounds of assent from the Commissioners)

Chair Lohman: Matt, can you make the motion?

Mr. Mahaffie: May I? I move that we disapprove the proposed 2014 revised Subarea Plan as written.

Ms. Mitchell: Second.

Chair Lohman: Okay, it's been moved and seconded to disapprove the revised Subarea Plan as written. And it's been seconded. Are we ready to vote?

Mr. Temples: Again? I'd like to add a motion part to that that says that we accept the proposed expansion of the Light Industrial area – or as a recommendation to the Commissioners.

Ms. Mitchell: So would that piece come after the vote then?

Mr. Temples: No, I think it has to go with the vote.

Mr. Walters: Not necessarily.

Mr. Temples: It just gets added on to, is my understanding.

Mr. Axthelm: That's an alternate.

Mr. Walters: Not as an alternative. I feel like you're having a lot of Robert's Rules troubles right now.

Chair Lohman: Yes.

Mr. Walters: You make a motion and then you can amend the motion. So the motion on the table, I thought, was to approve but retain the UGA boundary, but you have apparently –

Mr. Temples: So I'm recommending \_\_\_.

Mr. Walters: Well, hold on. You have now – the body has accepted an alternative motion, which is to disapprove the proposal, so you can vote on that if you get to that point, or you can amend that to say disapprove *but*. Because if the motion is to disapprove or reject – it's a little bit unclear –

Chair Lohman: I think it would be cleaner if he offered it up as a separate, stand-alone motion after we vote on this first one.

Mr. Walters: And you can do that but you can also amend.

Chair Lohman: The first one is to disapprove the Plan as revised. What?

Mr. Walters: You can do that, but it would be proper to amend it as well.

Chair Lohman: But we're struggling with amending so let's just do it as two pieces. So disapprove the Plan as revised and it's been seconded. Okay, all those in favor, say aye.

All Commissioners except for Amy Hughes: Aye.

Chair Lohman: All those opposed?

(silence)

Chair Lohman: Now you can make your –

Mr. Temples: Amendment?

Chair Lohman: Yes. No, you can make just a motion.

Mr. Temples: Okay.

Mr. Mahaffie: A separate, stand-alone motion.

Mr. Axthelm: Do you want to mark how many approved on the vote?

Chair Lohman: Okay, one abstain. Did you want to record that?

Mr. Walters: Well, it sounds to me like you're going to have a lot of these so I wasn't planning on it.

Chair Lohman: All right. Okay.

Mr. Temples: I would like to make a motion that the proposed expansion of the Light Industrial area as has been submitted by the Planning Department be approved.

Chair Lohman: Okay, there's a motion that the proposed expansion of the Light Industrial area be approved. Is there a second?

(silence)

Chair Lohman: Seeing none, then the motion dies.

Mr. Temples: Okay.

Chair Lohman: Okay, recommendations. Matt, did you want to start?

Mr. Mahaffie: I don't know where to start honestly. I could do it, but it would take days. That's what staff is for. That's what the Department's for.

Ms. Mitchell: That's right, but they want us to have recommendations now.

Mr. Mahaffie: I know.

Ms. Mitchell: Well, do we have a Finding of Fact that would make – some Findings of Fact that would make it helpful?

Mr. Mahaffie: I think it was pretty clear the majority of the public that spoke was in favor of Residential in some capacity – more than what was proposed. And, again, that was, you know, really what started my hang-up with this, was the complete cut-out of the Residential.

Chair Lohman: But they also were very loud that they didn't want *dense* Residential, and I think there's room in the PUD –

Mr. Mahaffie: And I never – yeah, and I never got a definition. This is – what? – a year-and-a-half ago when we really – two years ago? – when we really dug into the density portion of it. People said they didn't want dense, but nobody could correlate numbers to what they actually thought. You know, shown pictures. You know, we went on the tour and such – you know, what density really looked like.

Ms. Mitchell: I've come from places that are pretty dense and I know you've seen them, too, and what comes to my mind on something like that are apartment buildings and townhouse or condominium clusters that are pretty small and dense.

Mr. Mahaffie: Yeah.

Ms. Mitchell: There are some that can be done much lighter and more spread out, of course, but that's what it sounded like people were objecting to. Is that right?

Mr. Mahaffie: It is, and I – it was never also made clear – you know, people didn't want it but were they prospective buyers? Were they developers? You know, those were questions that were – or answers that were never given. From my experience, nice ones – honestly, there aren't a lot in Skagit County of higher density that I would consider nice; down south there are, and they're sold before the framing's done. And they're also selling condominium houses for \$400,000. So, I mean, it's a different standard that I'm used to as well. So, yeah, I don't perceive condominium houses in Bayview Ridge, but four to six per acre isn't particularly dense.

Mr. Walters: I think we also estimated back when we were talking about the PUD ordinance that the existing development in the Country Club, by some calculations, is at about four to six units per acre, if you exclude the golf course, which, obviously, you would need to do to calculate density.

Mr. Pernula: The development in the north area – I can't remember the name of it – but it – Bay Hill?

Mr. Mahaffie: Bay Hill.

Mr. Pernula: I think it was at 3.2 dwelling units per acre. Isn't that correct? Yeah, 3.2. So it'd be slightly higher density than that.

Chair Lohman: So maybe the recommendation would be to reconsider the Residential portion of the original Plan?

Mr. Mahaffie: And I'm – I still go back to your Table F-1. It says *promote* 15 units. Does it really have to be taken literally as it's black and white line: 15 or nothing? It says *promote*.

Ms. Mitchell: That was my objection, too.

Mr. Temples: Would it be appropriate that I make a *recommendation* regarding Light Industrial?

Mr. Mahaffie: Yes, that's what we're asking for.

Mr. Temples: Okay, I would like to recommend that we consider the proposed Light Industrial expansion.

Chair Lohman: As it was drawn up?

Mr. Temples: As it was drawn up in this later Plan.

Mr. Greenwood: See, and I can't support that. I don't.

Mr. Mahaffie: Yeah, I don't think you're going to find consensus on that –

Chair Lohman: No.

Mr. Mahaffie: – in its entirety.

Mr. Temples: Okay.

Mr. Axthelm: Perhaps not an entirety, but –

Mr. Greenwood: I don't mind expanding it, but –

Mr. Axthelm: Some of the areas that they're taking out of Light Industrial, they still want to have more Light Industrial. I think there are areas that lend themselves very well to allowing the Light Industrial expansion where – but then also allowing the Residential.

Mr. Temples: Well, I honestly think it's – we're going to be revisiting this down the road.

Mr. Greenwood: Well, without a doubt.

Chair Lohman: But we need to give them a direction, so –

Mr. Axthelm: I understand your concern with the proximity of the Light Industrial to the Residential. And, you know, as an – with architecture, that's my concern, too. But yet I think there's a way to do that. Pick up some of the Light Industrial areas and also pick up that Residential corner.

Mr. Greenwood: I think so too. I think that's something that we can –

Chair Lohman: Well, make it in a recommendation and put it into a couple of sentences to recommend to the Commissioners what you want to do with that proposed in the map – that kind of medium blue color.

Mr. Greenwood: Well, I then would recommend that we review the Light Industrial expansion to appropriately accommodate for land use conflicts. I know we talked about buffers. That's one way that's been proposed already. The other would be to maybe make the line a little bit different so we don't have this hard line right up against it existing –

Chair Lohman: Keith? Keith, you're going a lot up into narrative and you went off the recommendation.

Mr. Greenwood: Yeah. Okay.

Chair Lohman: So review the Light Industrial to accommodate the Residential –

Mr. Greenwood: The existing Residential.

Chair Lohman: The existing Residential development, and maybe –

Kirk Johnson: Potential conflicts?

Mr. Greenwood: Thank you, thank you.

Mr. Temples: And I could definitely second that.

Chair Lohman: Okay, the rest of the Commission on that recommendation. Did you get that one?

Mr. Walters: You want me to type?

Chair Lohman: Review the Light Industrial to accommodate existing Residential and potential conflicts.

Mr. Walters: Okay, I don't think we should write that down because I'm not sure what that means. Review the Light Industrial – the proposed expansion?

Mr. Temples: Yes.

Chair Lohman: Yeah.

Mr. Walters: The proposed expansion of Light Industrial to avoid potential conflicts with Residential? Is that where we were going?

Mr. Greenwood: Yes – *existing* Residential.

Chair Lohman: It may mean shrinking the proposed LI and increasing the Residential in that spot.

Mr. Walters: So does that imply you also support expanding the LI? Because you haven't actually said that.

Mr. Greenwood: Yes.

Mr. Walters: So consider expanding BR-LI, but review the proposed expansion to avoid potential conflicts with existing Residential, which may mean shrinking the proposed BR-LI. Does that capture it?

Chair Lohman: Yes.

Mr. Greenwood: That's a lot of words, but –

(Several Commissioners express assent.)

Mr. Greenwood: It's close.

Mr. Temples: Consider expanding *but*?

Mr. Walters: Well, it could be *and*.

Mr. Temples: Thank you. That would make me happier.

Mr. Axthelm: So you're saying that we would propose that there be maybe more stringent requirements as far as buffering?

Mr. Greenwood: See, that's the tradeoff I've been wrestling with. Is –

Mr. Axthelm: Yeah.

Mr. Greenwood: Is it the buffer changes or is it the zoning? Combination.

Chair Lohman: Yeah.

Mr. Pernula: I've kind of been wrestling with this myself. Usually in a city – where I've mostly worked – what you have is a residential area and an industrial area, and you might have a tier of – stepping down of a couple of zones. You might have a higher density zone, then an office zone or something like that.

Mr. Greenwood: Right.

Mr. Pernula: At a remote area like this that we're not sure what's going to happen in some of these areas, it's difficult to anticipate what the market's going to be for some of those buffering uses. So I really couldn't come up with a good buffer zone between the two.

Mr. Greenwood: Right. And that's why my tendency when I looked at the proposal was to hedge towards the wider, wider buffer because you have existing Residential. In a planned system you can make those adjustments for: I've got Residential and I've got Industrial coming – how am I going to accommodate those things? When you already have one in place, how do you shove this one against it without adversely affecting the one that's already there? And that's

been my struggle. And I don't have the answer. Wider buffers or planning? Don't use existing. Plan it.

Ms. Mitchell: I'd vote for planning. But it depends.

Mr. Greenwood: That's what we're supposed to do, right?

Ms. Mitchell: I know, but it still – right – but it still keeps coming back down to – we don't have that crystal ball and it does make a difference on what kind of business would go in there, or businesses would go in there.

Chair Lohman: Well, and it *is* somebody's property that you've basically taken off limits.

Mr. Greenwood: And yet – I could be wrong, but I think they started out with range land. And I – you know, I'm all for property rights but –

John Bouslog: (unintelligible)

Mr. Greenwood: Has it? Okay.

Mr. Bouslog: The property's been zoned Residential since 1966. So, I mean, you're coming to the party a little bit late \_\_\_\_\_. This is – you know, you and I need to go for a drive, and you'll learn some things.

Mr. Greenwood: Well, I was six years old in 1966 and I wasn't quite – you know, at least I was thought of past then.

Chair Lohman: Okay, let's get back to recommendations. We're bogging down because we're having trouble with this Plan.

Mr. Walters: I don't think you've approved number 2 yet either.

Chair Lohman: Number 2?

Mr. Temples: I seconded it.

Chair Lohman: What's the will of the Commission on number 2?

Mr. Axthelm: Well, it doesn't mean it's an end answer. Consider expanding and review the proposed expansion. So we're making some recommendations.

Ms. Mitchell: That's a good recommendation.

Mr. Axthelm: Yeah, I think it's great.

Chair Lohman: Okay.

Mr. Greenwood: I'm not trying to say that they didn't already consider that, so that's why I'm looking at that. It makes it look like they never considered it. I think the proposal already considers it.

Ms. Mitchell: But we're asking to revisit.

Mr. Greenwood: We're asking to consider it in a different way.

Ms. Mitchell: Yeah, yeah.

Mr. Axthelm: Yeah, exactly.

Mr. Mahaffie: I would agree with Keith. I mean, it's a lot different to buy a house next to a warehouse than to have a warehouse built in your backyard. That's a pretty big difference.

(Sounds of assent from several Commissioners)

Ms. Mitchell: But it still comes back down to what People's expectations were. Is this wrong in thinking: Going back to the GMA thing, that was reason we wanted certainty – for expectations?

Mr. Greenwood: I don't know. I'm late to the party.

Ms. Mitchell: Me too. I was born in 1960, as well.

Chair Lohman: All right, guys – recommendation. We've said we want to reject the Plan. What are the recommendations? Matt?

Mr. Mahaffie: It's hard for me to make recommendations when I thought it was pretty good before it got changed. I mean, that *is* kind of my recommendation. I mean, if it needs to be tweaked a bit, so be it. But there was a lot of work. It was a consensus that took a long time to put together.

Ms. Mitchell: Right, and if we have capability to do zoning within the county in making our own zoning, which we do – right, Ryan? The County has that ability?

Mr. Walters: We have. All of the zones are not prescribed. They are created.

Ms. Mitchell: So keeping that in mind, if this area is such a struggle – it's a pretty special area – and then perhaps we can find something that's accommodating for four to six units or something like that, and keep it the Residential that the expectations were for the long time.

Chair Lohman: Okay, Matt, is your –

Ms. Mitchell: It keeps coming back to those things that we were asked to address from the airport were guidelines, and again it was guidelines that came late and they were asking us to go back and revisit. So –

Mr. Mahaffie: Well, as far as a recommendation, I think the consensus was to add the Residential back in there. So...

Roger Knutzen: But could I clarify a point here, Kathy? The airport did not come up with these guidelines.

Ms. Mitchell: No, no. WSDOT did.

Mr. Knutzen: It's the WSDOT. The airport has always – or their document says four to six homes to the acre Residential is suitable. But there's a real difference there.

Ms. Mitchell: And I think the FAA said the same thing.

Mr. Knutzen: Pardon me?

Ms. Mitchell: I think the – one of the FAA documents said the same thing for plane use and planning.

Chair Lohman: Okay. We've got to –

Mr. Knutzen: \_\_\_\_\_. The Port is supposed to be a \_\_\_\_\_ –

Mr. Greenwood: You know, we're reopening the hearing.

Mr. Knutzen: – process, along with the County. The WSDOT is merely an advisory \_\_\_\_.

Chair Lohman: Okay, Matt, what's your recommendation?

Mr. Mahaffie: However you want to write it, but put the UGA boundary back where it was and add in –

Ms. Mitchell: The Residential.

Mr. Mahaffie: – Residential. But then that kind of opens up a bit of a can of worms on services and what-not.

Mr. Temples: PUD, you'd have to –

Mr. Mahaffie: What's the other things that are required in a PUD ordinance?

Mr. Temples: You know, we're just recommending at this point.

Mr. Axthelm: I think at some point they're going to have to consider the services anyway.

Mr. Temples: Yeah.

Ms. Mitchell: Exactly.

Mr. Axthelm: Because of the industrial build-out up here, I think at some point they're going to have to consider those services.

Ms. Mitchell: Well, in any place in any other county, any other city, anywhere this kind of situation comes up we have to figure out the services sooner or later.

Chair Lohman: Okay, so –

Mr. Mahaffie: But they were there before, so that's –

Chair Lohman: So number 3, then: Is it return to the –

Ms. Mitchell: Return to.

Chair Lohman: – return the UGA boundary?

Mr. Axthelm: Yep.

Mr. Walters: So your number 1 is to just disapprove of the proposal as written –

Chair Lohman: Right.

Mr. Walters: – which you can't return to the – I mean, it *is* the UGA boundary.

Chair Lohman: So then, Matt, are you then – are you –

Mr. Axthelm: So we've already done that. We've already returned to the UGA boundary.

Mr. Mahaffie: For my personal recommendation, it's just disapprove it and walk away.

Mr. Walters: Maybe – if I might suggest – maybe Commissioner Mahaffie is suggesting that the *reason* for your action is that you think preservation of the UGA – the current UGA boundary – is important because of expectations...

Chair Lohman: Yeah.

Mr. Walters: Is that helpful? Because I think it's important to communicate to the Board (a) what you want to do or what you want them to do, but (b) also why.

Chair Lohman: But I think you're alluding to that you want to return to the original Plan and revisit some of the things that caused angst, and maybe do a little more work on the original Plan.

Mr. Mahaffie: I mean, if things need to be shuffled around in the existing boundary, that's a lot different than just striking things.

Mr. Axthelm: So we're returning to the original Plan, but then you might have items like this AVR-L that might need to be added and then allow some expansion of the Light Industrial at the same time.

Chair Lohman: But I think there's room in your –

Ms. Mitchell: But that would follow necessarily anyway, wouldn't it?

Mr. Mahaffie: Yeah.

Chair Lohman: Yeah. So let's put it down on paper and a recommendation to them what we're trying to say.

Mr. Mahaffie: Give me a keyboard and ten minutes but...

Mr. Axthelm: The AVR-L was put in there for part of that safety area, right? That's why the Light Industrial isn't developed at the end where the blue is?

Mr. Pernula: There's a number of reasons why. One is that a lot of that's wetlands, but our Light Industrial allocation was put on those lands so the idea was to take that allocation and shift it to the private lands, and in the AVR-L lands just allow 20 acres of additional development because that's as much uplands that they have available on those lands. But we found out how much land that we had that we could transfer, and that's what we transferred.

Chair Lohman: Oh.

Mr. Pernula: You *could* transfer less than that.

Mr. Mahaffie: What is the status of their fill permit? And we know it's a twenty-year permit for filling on the wetlands up there.

Mr. Pernula: I couldn't tell you. I don't know.

Mr. Mahaffie: It seems like their propensity of moving forward with that is pretty low and the County's kind of bearing the brunt of their not moving forward with that.

Ms. Mitchell: Could you repeat that, please?

Mr. Mahaffie: The Port has a fill permit for an extensive amount of wetlands that are onsite up there. They haven't moved forward with quite a bit of it. So they had land that was zoned and they're only kind of piecemealing going through. So we've moved a lot of Light industrial off the airport property.

Ms. Mitchell: Because they wouldn't infill?

Mr. Mahaffie: And they haven't – well, they wouldn't infill, they wouldn't – they're not following through with their permit.

Ms. Mitchell: Well, that's interesting.

Mr. Mahaffie: So I understand it's an economic – they don't have a drive for it at the moment – why spend money? But the permit will expire.

Mr. Temples: How does that have to do with what we're –

Chair Lohman: It doesn't.

Mr. Mahaffie: Okay. Sorry.

Ms. Mitchell: So do we need to say anything about that AVR-L?

Mr. Greenwood: Well, I do think –

Mr. Axthelm: Well, I think you've already covered it because we consider expanding BR-LI, so we've already got the considered expansion, but also at the end of the zones that allow them to do that portion of the change, where they're converting that Light Industrial to the AVR-L.

Chair Lohman: Well, make it as a recommendation. It sounds like what you're doing, we're going back to the original Plan so then you want them to –

Mr. Axthelm: Allow them to make – what I'm saying is go back to the original Plan, but there are aspects of the newer Plan that –

Chair Lohman: So make it as a recommendation. I mean, what do you want them to do?

Mr. Axthelm: Okay. So that goes right along, though, with the expanding the BR out – the Light Industrial – is that with expanding the Light Industrial you also take some of that land, the AVR-L, and add that back into the Plans. How do I say that?

Chair Lohman: Consider the recommendation for the AVR-L land?

Mr. Axthelm: Yep.

Ms. Mitchell: Moving forward with that.

Mr. Axthelm: Mm-hmm.

Mr. Walters: Well, what do you want? All of that AVR-L or the corresponding amount to the BR-LI expansion?

Ms. Mitchell: Boy, that sure looks like it's around the proposed runway extension.

Mr. Axthelm: Yeah. I see what you're saying.

Ms. Mitchell: I would leave it AVR-L because it is right at the end of that runway extension.

Mr. Axthelm: But they're trading that on purpose, right? They're trading that land on purpose for that designation?

Mr. Walters: Right. The idea is that there will basically be no development in AVR-L. Currently that's BR-LI.

Mr. Axthelm: Yeah, except for that small amount. Yeah.

Mr. Walters: So to move BR-LI further east you make that what is essentially a no-development zone with limited exceptions.

Mr. Axthelm: Yeah.

Chair Lohman: It basically takes –

Mr. Axthelm: Which is logical because it goes along with the Airport Overlay.

Mr. Walters: That's actually not driving it. The Airport Overlay, though, is not driving it because the airport controls all of that property anyway. What's driving it is that we have a Countywide Planning Policy allocation of Commercial-Light Industrial land – Commercial-Industrial land –

and last year we allocated all of the remaining Industrial up at Bayview Ridge, so now if you want more Industrial you need to shift it around. So that's what this does.

Chair Lohman: It's basically an allocation exercise. Right?

Mr. Walters: Yes.

Mr. Temples: Since we basically in our number 2 motion there basically said, you know, accept it the way it's being planned.

Ms. Mitchell: And that's it.

Mr. Axthelm: And number 2 covers it.

Ms. Mitchell: Yep.

Mr. Temples: It covers it. Of course, it's a recommendation.

Mr. Greenwood: You know, I guess –

Chair Lohman: The recommendation is to revisit the original Plan and rework some of the elements.

Mr. Temples: Mm-hmm.

Mr. Greenwood: Yeah, and maybe it's not our job – I think someone said that – but I hate to just poke fingers in the eye of something and say it's not acceptable without coming up with some – at least some solutions – you know, some direction on solutions, rather than just I don't like it; revisit it. I mean, it seems like we're saying that a little bit.

Ms. Mitchell: Perhaps, but if it would ease your mind a little bit that was a hard fight to get to that decision for the December 2013 agreement to that point.

Mr. Axthelm: Well, I think we are making some direction because we're saying allow some expansion of the Light Industrial, so we're not necessarily nixing the whole thing.

Mr. Greenwood: Okay.

Mr. Mahaffie: It's just too big.

Mr. Greenwood: Too much of a change? Too big of a swing?

Mr. Mahaffie: It's just too big of a plan for us to start getting all into. If we have recommendations, staff is here that think they kind of understand.

Mr. Temples: Well, that's why I kind of thought if we chewed off some small sections and let them at least see if that can develop some progress in there, then revisit the other later.

Ms. Mitchell: I think we've pretty well chewed it.

Mr. Axthelm: I think we've said what needs to be said.

Mr. Temples: Okay.

Mr. Axthelm: I mean, until you go to the public and the public has their opinion and states their opinion at the hearings, the Planning Department doesn't know exactly what the public's going to say. So I think we're just being the mouth of the public right now and the public says, Hey, we would like to see more Residential here.

Chair Lohman: Well, but the original is already accepted.

Ms. Mitchell: It is accepted.

Mr. Axthelm: Okay.

Mr. Greenwood: Well, I do think that there are – just recognize that we don't want to ignore that some things have changed since 1997 when the Plan was – we talked about the length of time. There's just been enough changes to where the original Plan may have been a good idea but there's need for revision. Okay, I just – I don't want us to ignore the fact that the public has already spoken in numerous forums as to what they like and what they don't like, and this most recent hearing was pertaining to the proposed language and development regulations, but it's not like the public hasn't had opportunity to talk about what they want at Bayview Ridge. There's a lot of information on that, right? We've just had some changes. We've had some changes in direction from the County Commissioners and we've had some change in direction in resolution from the Port of Skagit, and we're trying to incorporate those into the previous Plan.

Mr. Temples: Let me ask – see if this is following your trend and we can maybe even make a recommendation to that effect. We could say and recommend to the Commissioners that this area has been studied for however many years it's been studied and we cannot accept the proposed plan as it's being presented to us; however, we would like the Commissioners to rethink what has transpired in this lengthy period of time as to how maybe it needs to be rethought somehow to, How do you really want to develop this without it being, quote, “a new city or urban area”?

Mr. Greenwood: That's –

Chair Lohman: But wouldn't those details be within the PUD?

Mr. Greenwood: Well, I mean I think that's still disapprove because you don't like the solution?

Mr. Temples: Well, I kind of like what he was saying, that, you know, we say we're disapproving but we don't tell them why.

Mr. Greenwood: I'm finding trouble \_\_\_\_\_.

Mr. Axthelm: But we have.

Ms. Mitchell: We have – yeah.

Mr. Axthelm: And I think the public has said why, too.

Ms. Mitchell: Unless, Robert, you mean literally more explanation right here. Is that what you want?

Mr. Temples: Well, yeah.

Chair Lohman: It is twelve minutes to nine.

Mr. Axthelm: Okay.

Mr. Temples: Okay, if we just leave it at that they can read into it, I guess, what they're going to read into it. And if nothing else, they could watch us on tape.

Chair Lohman: I'm sure they will.

Ms. Mitchell: I think they are.

Mr. Axthelm: So what do we need here to finish it up?

Mr. Temples: We need to vote.

Chair Lohman: So this means that the proposed zoning code would be moot, right?

Mr. Greenwood: Not necessarily. We're recommending that that happen.

Mr. Pernula: This is your recommendation to the Board of County Commissioners and it would be to disapprove this proposal, yet leaving it open to consideration of potential expansion of the Light Industrial area but not as far as this Plan proposed.

Ms. Mitchell: Right.

Mr. Walters: If you want to leave it at just disapproving of the Subarea Plan then maybe we should say "disapprove of the proposed revisions of the Subarea Plan and the proposed revisions to the development code." Because you have four pieces here including the AEO and that Comp Plan amendment that we talked about last week, or two weeks ago.

Ms. Mitchell: Yes. Thank you for the reminder.

Mr. Walters: So is that what we want to see here? Do we want it to say – I mean, change the heading to not just be Subarea Plan but Subarea Plan and proposed development regulations?

Chair Lohman: Well, wouldn't number 1 then be – would we have to go back to the –

Mr. Walters: Yes, I would fix those things if that is what you want.

Mr. Greenwood: Well, remember our format. Annie, weren't we going to go through and say, piece by piece, we were going to –

Chair Lohman: Yes, we were going to vote on the three parts.

Mr. Greenwood: – address them as units and then we would have an overall motion. I'm fine with that.

Chair Lohman: We were going to do the Airport Environs Overlay –

Mr. Greenwood: Right, which we tabled.

Mr. Axthelm: Mm-hmm.

Chair Lohman: – and we did that. And then we were going to do the Bayview Subarea Plan and then the regulations.

Mr. Greenwood: Okay.

Mr. Walters: I'm just saying you don't *have* to do that if you don't want to.

Mr. Greenwood: I'd like to do that. I'd like to do it in pieces, you know.

Mr. Temples: Well, that's what we decided.

Chair Lohman: All right, so –

Mr. Greenwood: So leave it like it is and we could go to the overall – we can vote on that motion –

Chair Lohman: In the packet, they are segregated.

Mr. Greenwood: Right.

Mr. Walters: Yes, we need to address in the recorded motion each of the four components, but if you want to have one sentence that says you reject two of the four components, that's fine.

Chair Lohman: Well, let's be more specific than on number 1. Number 1 would be the proposed Bayview Ridge Subarea Plan –

Mr. Greenwood: And development regulations.

Chair Lohman: – and development regulations –

Mr. Walters: So to accomplish that, I think we'll say "Subarea Plan amendments and proposed development regulation amendments."

Mr. Greenwood: And that doesn't include the Airport Environs in that?

Mr. Walters: Not unless you tell me it does.

Mr. Greenwood: I don't. Okay, because I don't want it to.

Chair Lohman: No.

Mr. Walters: And we'll change number 1 to "disapprove the proposed Subarea Plan changes and development regulation amendments."

Chair Lohman: So what are your wishes with the Airport Environs?

Mr. Greenwood: I still believe our motion.

Ms. Mitchell: Which was?

Chair Lohman: To accept.

Mr. Greenwood: Which was to accept it as written.

Ms. Mitchell: I didn't see any real big changes that seemed objectionable. Did anybody else?

Chair Lohman: I didn't.

Mr. Walters: So to review: The big changes are the lines change. The school as an allowed use is removed. So that's, I think, a significant change. There's the Port of Skagit review which is changed. I think that was in there before. I can bring up the –

Ms. Mitchell: Would you, please? Yeah.

Chair Lohman: Great. Guys, it's getting close to nine o'clock. Do you want to just keep going?

Mr. Greenwood: I think we're awfully close to being done.

Ms. Mitchell: I think we could finish this part.

Chair Lohman: I think we can, too.

Mr. Walters: Exhaust plume, stormwater manual – a couple of other things like that. So if you are – if you want to reject both the Plan and the development regulations, as is currently written on the screen, then I'll go ahead and delete the separate development regulation section that's below, because now it's incorporated above.

Mr. Axthelm: Unless – do we want to make any recommendations on the development regulations, or is that it?

Mr. Greenwood: Are there any of those Findings of Fact that would still pertain if we recommend a rejection?

Chair Lohman: Well, number 2 would be gone.

Mr. Sitkin: It might be helpful if you suggest they reconsider under number 2 – identify what the regulations you asked them to consider \_\_\_\_\_.

Chair Lohman: If you pull up your code language, there's quite a bit of striking out in the existing language.

Mr. Greenwood: Well, I don't see any of these Findings of Fact that pertain any longer to a rejection.

Mr. Axthelm: Yeah. And maybe it needs to come back anyway.

Ms. Mitchell: It probably would, wouldn't it?

Mr. Axthelm: Yep.

Mr. Greenwood: Yeah, I think the recommendation stands, unless we want it to support our recommendation any further with narrative or bulleted items.

Mr. Axthelm: We covered some of it with the conflicts – “to avoid potential conflicts.”

Mr. Greenwood: Yeah.

Mr. Axthelm: So, I mean, our interest is shown.

Chair Lohman: When you look through the code, all the strikeouts are pretty much relevant to *this* Subarea proposal.

All right? So I guess number 3 would be to accept the Airport Environs Overlay as proposed, right?

Mr. Walters: Well, there's a whole other section for that, so I would suggest just leaving that with its own Findings.

Chair Lohman: All right. You told us you wanted one vote and then I said, well, they're broken out, and then you said, Well, we want one vote at the end, so we've been going back and forth and I –

Mr. Walters: Well, one vote at the end on the whole package.

Chair Lohman: All right. All right, all right.

Mr. Greenwood: We can vote on the Airport Environs. Is that acceptable, Annie?

Mr. Temples: It's so we can vote on the whole thing at once.

Mr. Greenwood: I know, I know. We're doing it in pieces and they're doing it all at once –

Mr. Temples: Okay.

Mr. Greenwood: – the way I think we set it up.

Chair Lohman: All right, Ryan. Can you – where do you want us – we already voted on the Kim Yong Ho \_\_.

Mr. Walters: Yeah. So you've got – I just wanted to review the whole document with you – you've got all of your Kim Yong Ho map amendments stuff that you went over two weeks ago. Then you've got your Bayview Ridge Subarea Plan amendments, and the new heading here also includes proposed development regulations. And you have those Findings of Fact, and those are exactly as drafted with this addition there – just another fact that the RCW requires the County to discourage the \_\_. So you haven't gone through those Findings of Fact that are

drafted. You can wipe those out or you can delete individual ones or add additional – whatever you want to do there, but you should review that before voting on the entire recorded motion.

Chair Lohman: All right, so if you can jump to page 2 of your packet where they begin.

Mr. Greenwood: Number 4, I think, needs to go away, unless somebody disagrees.

Mr. Walters: I'll track those in strikethrough so that the numbers don't change. I assume 5, as well?

Chair Lohman: So is that in agreement with everybody?

Mr. Greenwood: I think 5 – I think you're right. Strike.

Chair Lohman: I think number 6 stays.

Mr. Temples: Yeah, same thing for 2.

Mr. Axthelm: Mm-hmm.

Mr. Temples: 7 should probably stay.

Mr. Greenwood: I want to keep 8.

Mr. Axthelm: I think 7's fine.

Mr. Temples: Yeah. Number 9 would be what we're voting down, right?

Chair Lohman: Number 9 would go.

Mr. Temples: Yeah.

Mr. Greenwood: Yeah, I agree.

Mr. Temples: And so would 10.

Chair Lohman: 10 would go.

Mr. Axthelm: We have 11.

Mr. Greenwood: Yep. It goes away.

Ms. Mitchell: 12 would go.

Mr. Greenwood: Does 12 stay?

Ms. Mitchell: Go.

Mr. Greenwood: Or go?

Mr. Temples: Yeah.

Mr. Axthelm: 13 would go.

Mr. Temples: 13 would stay.

Mr. Axthelm: "Owners of property previously inside the UGA."

Mr. Mahaffie: That has to go.

Ms. Mitchell: Yeah, what was it before?

**(Skip remainder of the discussion on the Findings of Fact because it's mostly unintelligible.)**

Chair Lohman: Okay, thank you. So we accept the Airport Environs Overlay and these five Findings of Fact, and the recommendation is to approve – correct?

Mr. Greenwood: Have we voted yet?

Ms. Mitchell: No.

Chair Lohman: Are you ready to vote?

Mr. Greenwood: We could. I don't think it would take long.

Ms. Mitchell: Should we make a motion to approve?

Chair Lohman and Mr. Greenwood: We already did.

Chair Lohman: The motion is to disapprove the Plan as revised.

Mr. Greenwood: Right.

Mr. Walters: No. The motion is what's on the screen, which is all four of those components.

Mr. Temples: Yeah, but I saw you strike out "reject."

Mr. Walters: Yes.

Mr. Temples: So you're saying we're approving to reject?

Chair Lohman: There we go.

Mr. Temples: Thank you.

Mr. Walters: You're approving the AEO proposal that's under the AEO heading, and rejecting the Bayview Ridge proposal.

Mr. Temples: Thank you. Thank you for clarification.

Chair Lohman: Right.

Mr. Axthelm: So in the end we're approving what we did above. Is that right? I'm just – this is so confusing.

Chair Lohman: So we're voting on the AEO by itself.

Ms. Mitchell: Are we or are we not just on the AEO piece right now?

Chair Lohman: Yes. All right, all those in favor, say "aye."

Mr. Axthelm, Mr. Temples, Chair Lohman, Mr. Mahaffie, Ms. Mitchell and Mr. Greenwood: Aye.

Chair Lohman: All those opposed?

(silence)

Ms. Hughes: Abstain.

Chair Lohman: You want to abstain?

Mr. Walters: So now you need a vote on the complete package, which is to – if I recall correctly – approve that one map amendment, whatever that was called.

Chair Lohman: Kim Yong Ho.

Mr. Walters: Yeah. Reject the Subarea Plan and development regulation proposal, and approve the AEO.

Ms. Mitchell: One more time for certainty, please, Ryan.

Mr. Walters: So you've got four components here. The first is the – whatever that map – what was it?

Ms. Mitchell: Kim Yong Ho.

Mr. Walters: Kim Yong Ho map amendment, and that's written here on the recorded motion as an approval. I can roll through them if you want. So the Planning Commission recommends the Board of County Commissioners approve the proposed map amendment. And then for the Subarea Plan and development regulations, you have several Findings. We deleted those. And then your recommendation on that is to disapprove the proposed Subarea Plan changes and development regulation amendments as written, but consider redesignation to AVR-L as proposed and consider expanding BR-LI and review the proposed expansion to avoid potential conflicts with existing Residential, which may mean shrinking the proposed BR-LI so you do actually approve of that portion. And then you've got your AEO. The Findings of Fact we went through and your recommendation to approve the AEO proposal. And now you have a vote on the whole document.

Mr. Greenwood: Does it seem a little odd to you that we would be voting on the whole when Robert voted against the first one? I mean, he said no on the first Comp Plan amendment – the map amendment – and now we're asking him to vote support or opposed to the whole package. It seems a little –

Mr. Walters: Well, that's frequently the case with legislation. You vote for it before you vote against it or you vote against it before you vote for it, as the legislation is constructed. However, we did note right after the recommendation on the map amendment that Commissioner Temples voted no.

Mr. Greenwood: Right.

Mr. Walters: Right there we recorded that vote there, simply for posterity.

Chair Lohman: I don't know why we need an all-encompassing vote, because it's what we – we've got a mixed bag here.

Mr. Walters: Well, as I've advised before, you can note your individual – although I think you actually did put together your recommendations on Bayview Ridge and AEO by consensus. I think actually the only outstanding no is on the map amendment. We don't have reflections of the areas of disagreement that you had on Bayview Ridge. For instance, I think Commissioner Temples suggested simply just expanding BR-LI and we didn't go for that, but we didn't reflect that. You have one recorded motion so I would like you to have a vote on the whole recorded motion for the whole package of Comprehensive Plan Amendments and associated development regulations.

Mr. Greenwood: What do you want to do? It's not going to change anything for me.

Mr. Axthelm: It doesn't mean we're agreeing or disagreeing with anything, or with any of those again. We've already voted on them, is what you're saying. We've already made recommendations.

Mr. Temples: Well, except for Bayview separately, but we – if we're voting for the whole thing it's going to cover it anyway.

Mr. Axthelm: We're just accepting the document as we stated it.

Mr. Greenwood: Okay.

Mr. Walters: I mean, the Chair of the Planning Commission has to sign this document, and so, in my view, there should be a vote indicating to the Chair that it reflects the will of the Planning Commission.

Ms. Mitchell: Well, we've agreed to what we've written for each piece. Is that correct?

Chair Lohman: Yeah.

Mr. Axthelm: Mm-hmm.

Ms. Mitchell: Okay.

(sounds of assent from several Commissioners)

Ms. Mitchell: Okay, then let's finish.

Mr. Greenwood: Want to call for a vote?

Chair Lohman: Yep. All those in favor, say “aye.”

Mr. Axthelm, Mr. Temples, Mr. Greenwood, Ms. Mitchell and Mr. Mahaffie: Aye.

Chair Lohman: All those opposed, say “nay.”

(silence)

Chair Lohman: I voted aye.

Mr. Walters: Is there an abstention?

Chair Lohman: Amy is, right? You were –

Ms. Hughes: Abstaining.

Mr. Greenwood: Well, that was pretty easy to change from “Dave Hughes” to “Amy Hughes.”

Ms. Mitchell: Yeah.

Ms. Hughes: But that is an abstain.

Chair Lohman: I hope we don’t – aren’t this messy on the next thing we do.

Mr. Greenwood: It seemed clear before we got here.

Mr. Axthelm: Mm-hmm.

Mr. Greenwood: I appreciate the way you set it up because I do want to be able to handle them in pieces. It just allows you to keep moving.

Chair Lohman: Yep. Okay, the next item on the agenda is Department Update.

Mr. Pernula: Okay, we had one item that’s fairly long so I won’t go into that one. December – the December 2<sup>nd</sup> meeting, it will include training on the Open Meetings Act. Also the public hearing on the Comprehensive Plan scope will be November 17 at 11 a.m. and the written comments will be allowed until Thursday, the 20<sup>th</sup>, at 4:30 p.m. That’s all I had.

Chair Lohman: But the public hearing is not ours.

Mr. Pernula: It’s the Board of County Commissioners’.

Ms. Mitchell: What was the date on that, Dale?

Mr. Pernula: November 17 at 11 a.m.

Ms. Mitchell: Thank you.

Chair Lohman: Great. Planning Commission Comments and Announcements.

Mr. Mahaffie: Question. Robert's Rule of Order training: Is that anywhere in the near future?

(laughter)

Mr. Pernula: Certainly could be.

Mr. Mahaffie: We did that in the past several years ago. It was very helpful. And I think we've had about a 75% –

Mr. Pernula: Is that when the women who came up here and did it – Jurassic Parliamentarian, or something like that? I think we *do* have a video of that.

Mr. Greenwood: I have a video of it.

Mr. Axthelm: Matt, did you get the book?

Mr. Mahaffie: I know we had to pay for her to be here but I know for a while, at least, it was very helpful.

Ms. Mitchell: Especially for the new crew.

Mr. Mahaffie: Yep.

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

Mr. Mahaffie: So moved.

Mr. Axthelm: Second.

Chair Lohman: All right (gavel).