

Skagit County Planning Commission
Deliberations: 2020-2025 Capital Facilities Plan Update
November 26, 2019

Planning

Commissioners: **Tim Raschko, Chair**
 Kathy Mitchell, Vice Chair
 Mark Lundsten
 Annie Lohman
 Amy Hughes (absent)
 Joe Woodmansee
 Tammy Candler (absent)
 Martha Rose

Staff: **Mike Cerbone, Assistant Planning Director**

Chair Tim Raschko: (gavel) Good evening and welcome to the November 26th, 2019, meeting of the Skagit County Planning Commission. Have we all reviewed the agenda?

(sounds of assent from the Commissioners)

Chair Raschko: No changes? Okay. We have no public so we will dispense with Public Remarks and go right to our main agenda item, which is Deliberations on the 2020-2025 Capital Facilities Plan and Transportation Improvement Program.

Michael Cerbone: Good evening, Chair, Commissioners. My name is Mike Cerbone. I'm the assistant director for Skagit County Planning and Development Services. Please accept the following staff report for the proposed 2020-2025 Capital Facilities Plan Update.

We held a public hearing on September (sic) 19th, 2019, to receive testimony regarding the plan. Nobody attended and provided testimony then. Between that time and the ending of the comment period, which was September (sic) 21st at 4:30, there were no comments received from our partner SEPA agencies nor from Department of Commerce or any of the public. So we got no comments. There was no oral testimony submitted. There were the three written comments that were provided to you as part of the November 5th staff report, and so those three written comments were in reference to the Transportation Improvement Program, which is part of what we're here to review this evening and would potentially be adopted by reference if that was a recommendation you made to the Board and they acted upon that. Given the conclusion of the comment period, staff concludes that this year's update to the Capital Facilities Plan and Transportation Improvement Program are both consistent with the Land Use element of the Comprehensive Plan because the proposed financing for those needed facilities *will* be able to support the plan at the adopted levels of service. Skagit County Planning and Development Services therefore *recommends* the Planning Commission forward a recommendation to the Board of County Commissioners to adopt the proposed updates to the 2020-2025 Capital Facilities Plan and Transportation Improvement Program.

So that's just a basic summary of what's happened since we started this process. What you have before you – there's a couple of items that are before you. There's a draft motion worksheet. That

was just to help you guys out. There's a motion in favor. There's a motion in opposition. The bottom one gives you a draft motion to be able to take notes if you wanted to move in favor with amendments. So we just give you a way to be able to organize your thoughts before you did that.

What you also have before you is a draft recorded motion. So this is the formal process in which you as a board make a recommendation to the Board of County Commissioners. You would make a motion to vote on that. We would go through and record it and then we would forward that on to the Board of County Commissioners for their consideration. What I've done is I've taken the liberty of drafting findings in support of a motion in favor, if that's what you so choose. And so I do have Findings of Fact and Reasons for Action identified here. They are fairly similar to what we've done the last two years in terms of those Findings of Fact. I did add an additional Findings of Fact for the ability to use excise tax funds. That would be number 8. That would be a new finding that this body has not seen before. And basically what it does is it identifies the fact that the state allows us to use excise tax funds for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation or improvement of facilities for those experiencing homelessness, and affordable housing projects. And so that was the big change for the Capital Facilities Plan for this year from previous years that you've seen it, aside from updating figures and numbers and the inventories. So what you have done as a commission in past years that I've seen is you have provided additional findings, so that is something we could consider, and if you did want to do that I would actually walk across and sit down because I can actually print from that computer as opposed to I can't print from this computer.

So that would be the conclusion of my staff report.

Chair Raschko: Great. Thank you. Are there any questions for staff at this point?

Commissioner Mark Lundsten: I have a question about the staff report's list of – the little laundry list. The first one of Findings of Fact, it was also in the previous staff report and I'm just having a hard time summarize – I can't summarize the language so I know I don't understand it.

Mr. Cerbone: Okay.

Commissioner Lundsten: A requirement to reevaluate the Land Use element. What does that mean?

Mr. Cerbone: So let's see. We're talking about –

Commissioner Lundsten: I'm sorry. It's in the paragraph number one ____, halfway down.

Mr. Cerbone: I just want to make sure everybody's following. So, yeah, we're talking about this first one here that I just highlighted up on the screen.

Commissioner Lundsten: Yeah.

Mr. Cerbone: And so that state law requires the Comprehensive Plan include a capital facilities planning element; provides an inventory of publicly-owned capital facilities; a forecast of future needs, identification of the local location and capacity of expanded or new facilities, a six-year financing plan for additional projects necessary to support development, and a requirement to reevaluate the Land Use element if financing falls short for meeting those existing needs.

Commissioner Lundsten: I get it all except the very last one. I just – the language is opaque to me. I'm sorry.

Mr. Cerbone: Yeah, so how about I give you maybe an example of how that might be carried out?

Commissioner Lundsten: That would help.

Mr. Cerbone: So, for instance, if, you know, we were looking at, you know, increasing density somewhere in the community and we needed to upgrade our transportation system in order to support that density for concurrency needs but we weren't capable of funding that, then we may look at that Land Use element and actually look at actually downzoning that density because we wouldn't be able to provide the facility that was needed to be able to support that. That same example could be used in terms of, like, a sanitary sewer treatment plant or putting in a sanitary sewer line that has enough capacity to be able to support development. Because we don't necessarily deal with a lot of those issues in the county – we do have water and sewer lines out there that are provided by other entities – we don't typically find ourselves in that situation. So I think reevaluating that Land Use element would be something that you would probably see in a more urban setting that relies upon a lot more infrastructure to be able to support that. In our instance, we don't feel that we found ourselves in that place because we feel like the infrastructure that we've identified is going to support what we have in the Comprehensive Plan. And the primary thing that we did this year was really just update our understanding of what the costs are associated with those projects and what that next six-year period of spending is going to be. This type of analysis would typically occur at a more comprehensive update of the Comprehensive Plan, so we're in one of those intervening years where we're just looking to update that Capital Facilities Plan. Does that help?

Commissioner Lundsten: So the Land Use – you're talking about reassessing – to reevaluate the Land Use element means that if some capital facility will change the – may change the way we want to legislate land use because it will limit or enhance something we already have. And we have to – it will physically limit what we can do.

Mr. Cerbone: It would primarily be tied to if we need a capital facility like a sewer line or a transportation improvement to be able to allow for development of that property at the level envisioned in the Comp Plan –

Commissioner Lundsten: Got it.

Mr. Cerbone: – and we weren't able to fund that, then we might have to go back and look at the level of development we were considering on that property. It's really put in place to make sure that when we have vacant land, especially in our UGAs, that we plan for providing services to those lands, and not just plan for them but actually program in the ability to fund the improvements necessary to allow those to develop at urban densities.

Commissioner Lundsten: I knew it was something about the right hand and the left hand but I wasn't sure exactly what, and you've clarified it. Thank you.

Mr. Cerbone: It makes sure that what we're putting out in our Comprehensive Plans we've put thought into it and we've put, you know, financing behind the infrastructure necessary to support that level of development.

Chair Raschko: Okay. All right, why don't we begin the deliberations then? Does anybody care to start with a motion? Don't need to?

Vice Chair Kathy Mitchell: Annie does.

Commissioner Annie Lohman: I do. I move that we recommend the Planning Commission recommend to the County Board of Commissioners to adopt the proposed 2020-2025 Capital Facilities Plan and the 2020-2025 Transportation Improvement Program as a technical appendix to the Skagit County Comprehensive Plan.

Vice Chair Mitchell: Second.

Chair Raschko: It's moved and seconded. We will begin discussion. Has anybody discussion?

Vice Chair Mitchell: I was going to say it looks like the report's real complete this year. Thank you.

Chair Raschko: Okay.

Commissioner Lohman: I didn't see any _____.

Commissioner Joe Woodmansee: No, I reviewed the meeting that the staff went over it with the Commissioners and I thought it was really well presented and easy to follow and understand.

Chair Raschko: Okay. Well, with that then, all those in favor of the motion, say "aye."

Multiple Commissioners: Aye.

Chair Raschko: And those opposed, say "nay," please.

(silence)

Chair Raschko: So that passes unanimously. Great. So we need to turn then to Findings of Facts and Reasons for Action. We have been kindly provided with a good starting point. We'll open this up for discussion.

Yes?

Vice Chair Mitchell: Mr. Chair? I think that we should keep in the Findings of Facts and Reasons for Actions the RCWs and the WACs. So that would be numbers 1, 2, and 3. And I'm still looking at the others again.

While people look at everything else, the one thing that comes to my mind that we might want to talk about addressing or not: From the three public comments, is there anything that anybody would like to wish – would like to add in our Findings of Fact and Recommendations, as pertains to the public remarks?

Commissioner Martha Rose: I thought the three public comments were pretty general. You know, I didn't see anything in there.

Vice Chair Mitchell: Okay.

Chair Raschko: Okay.

Commissioner Lohman: I would like to just clarify. When you say “inventory,” that we maybe put “capital facilities inventory” so that we know what we’re talking about. Because “inventory” is too generic to me.

Mr. Cerbone: Which item specifically said that?

Commissioner Lohman: Sorry, number 2.

Mr. Cerbone: Okay.

Commissioner Lohman: Just insert “capital facilities inventory.”

Mr. Cerbone: Mm-hmm.

Vice Chair Mitchell: That sounds good.

Chair Raschko: For number 8, can you clarify where that pertains to? The particulars of this Capital Facilities Plan?

Mr. Cerbone: Yeah, I'll do it. So this is the redlined Capital Facilities Plan that we sent out for comment and provided. So in here – this is under the Public Health section – we added all this underlined language right here. So that dealt with homelessness and affordable housing developments, and in this section – this was, like I said, this was probably the biggest change from the Capital Facilities Plan last year to this year aside from updating some of the numbers and then just actual years and schedules. This is something that the legislature allowed the County to do. And so what they've allowed us to do is actually impose additional excise tax on the sale of real property and keep that money to be able to be used for homelessness and affordable housing projects. And so this section pretty much describes why and how we are doing that. And then we had a list of actual projects that was forwarded. So these are, you know, a series of projects that again have that 2020-2025 threshold, and so we've identified, you know, years that we may spend some money on those projects. And the first one was a low-barrier shelter. The next one was Housing Authority of Skagit County, some family housing project. There's a project they're working on for downtown townhomes in Anacortes. There's the – I know I'm going to butcher that one – Digwalic Recovery Housing, with the Swinomish Indian Tribal Community. There's the Olsen Building Redevelopment, which is with the Anacortes Housing Authority. And then there's the Swinomish La Conner Housing project with the Swinomish Tribal Indian Community. And so those are the projects that they've identified that they may want to spend that money on and in order to be able to do that it needs to be in our Capital Facilities Plan.

Chair Raschko: Okay, thank you.

Mr. Cerbone: Yep.

Chair Raschko: Any more discussion?

Vice Chair Mitchell: Yes. I think we should keep numbers 4, 5, and 6 and 7 as is.

Chair Raschko: Okay. Is there anything that anybody would want to add?

Several Commissioners: No.

Chair Raschko: Okay. Well, would anybody then be prepared to make a motion that we accept the Findings of Facts and Reasons for Action as presented?

Commissioner Rose: I would be happy to do that. So I move that we accept the Findings of Fact and Reasons for Action that have been presented here as they are with the changes.

Vice Chair Mitchell: Second.

Chair Raschko: Okay, so it's been moved and seconded. Further discussion?

Mr. Cerbone: I just – there was one amendment that Commissioner Lohman suggested, so I just wanted to make sure that that is part of your motion, and that was adding the term “capital facilities” before “inventory” on number 2.

Commissioner Lohman: But I heard you say something about minor changes at the end of your trailing end, but I couldn't quite hear it.

Commissioner Rose: Okay, so I'll restate the motion. I move that we accept the Findings of Facts and Reasons for Action as presented to us as is, with the exception of item number 2 to insert “capital facilities” before the word “inventory.” The rest of it is fine as is.

Vice Chair Mitchell: Second.

Chair Raschko: That's been moved and seconded. I'd repeat it.

Commissioner Rose: You want me to repeat it?

Chair Raschko: No, I don't.

(laughter)

Chair Raschko: I said I would repeat it but I'm not going to try. So anymore discussion?

(silence)

Chair Raschko: If not, all those in favor, say “aye.”

Multiple Commissioners: Aye.

Chair Raschko: All those opposed, say “nay,” please.

(silence)

Chair Raschko: So that passes.

Commissioner Lohman: Mr. Chair?

Chair Raschko: Yes?

Commissioner Lohman: I just – I really like how we're doing the Capital Facilities update and the Transportation plan with the strike changes because it makes it a heck of a lot easier for us to follow along when you're presenting. Because you guys are very familiar because you've been working on it, but I think it's really good for the public as well because it's transparent. And that's why we're not really finding a lot because at our workshops we went over it and we had an opportunity to see things early in the sausage-making time rather than waiting to the end. And I like doing things upfront rather than at the end. And I just want to say thank you.

(sounds of concurrence)

Chair Raschko: Anything else?

(silence)

Chair Raschko: If not, we'll go to the Department Update, please.

Mr. Cerbone: I've got a very brief Update for you. We are in the process of hopefully bringing on a new stormwater review technician. We're just in the final stages and so I'm optimistic that the next time we meet I'll be able to tell you who that person is and when they'll be starting. We're also in the process of waiting. Part of what we did this evening, you know, was make a recommendation in support of the budget process because this information can be used by the Board of County Commissioners as part of the budget adoption this year. We're anxiously waiting to get through the budget adoption process because we're anticipating the ability to add an additional staff member as part of that budget process, specifically in our natural resource team to assist with our critical areas review process, which is something that has been lagging – holding up building permit review timelines. And so we're optimistic that on December 9th that will be approved and we'll be able to add some additional staff and be able to provide better services to the community.

So that would be our Department Update. Hal apologized for not being able to be here this evening. He had some personal issues he had to attend to.

Chair Raschko: Thank you. Any questions of staff?

(silence)

Chair Raschko: Okay, we'll go to Planning Commissioner Comments and Announcements.

Commissioner Rose: Well, I have a question about the retreat, which is next week, right?

Chair Raschko: Correct.

Commissioner Rose: Since I have out-of-town guests, are they invited?

(laughter)

Chair Raschko: They have to buy their own food.

Mr. Cerbone: It's open to the public, so certainly they could come and see you in action.

Commissioner Rose: They may not want to come. It's all being played by ear but I didn't know if that was an option that was on the table.

Mr. Cerbone: Yeah. No, it's open to the public. We made sure we had enough space because we do have a – we figured we'd probably have maybe at least one member of the public show up because we have had a – you know, a person showing up for most of our meetings. And so it is a public meeting. It is open to the public. Anybody's welcome to attend. The County has only agreed to pay for your food and nonalcoholic refreshments, though, so if anybody else attends they'd be responsible, you know, for their own tab.

Commissioner Rose: Sure.

Mr. Cerbone: It is also a nice place where they could hang out downstairs while you're having your meeting and you guys could get together afterwards as well.

Commissioner Rose: Okay, thank you for that.

Chair Raschko: Mark?

Commissioner Lundsten: I actually have a question that I should have asked on the Department Update or after our deliberations, so forgive me for the misplacement of the question. I'm just wondering about why we're just interested in – why we just deal with the Capital Facilities Plan and the Transportation Improvements. As I understand it, it's because the Planning Commission works on a legislative level only really. We're dealing with land use issues and that consistency I was – you answered my question about is an example of the kind of thing we deal with, whereas the Board deals with other costs like what kind of cars you buy, or whether or not you – you know, the various maintenance policies and so on. But the capital facilities are part of what we look at.

Mr. Cerbone: So the capital facilities are required to be included in the Comprehensive Plan, and so that is – you know, that's one of the documents you as a group, you know, help foster the changes to. Right? So the Comprehensive Plan, and then our development code is primarily the work that comes before you as a board. The Transportation Improvement Program, that's an interesting question because that is something that Public Works takes the lead on because, obviously, they manage our roadway assets and that's primarily what that is: our roadway assets, and there are stormwater facilities and things like that. We have an interaction with that Transportation Improvement Program because that is a list of capital facilities for the county. So we're not necessarily adopting it directly as we are adopting that current version as a reference in the Comprehensive Plan. It is a little convoluted and I think, you know, from, you know, a citizen's perspective they're like, Well, why is the Planning Commission doing this. I went to this, you know, meeting with Public Works and Public Works had a separate public hearing to adopt that Transportation Improvement Program. And, in fact, that'll potentially – if all goes as planned, that would be adopted before the Board acted on your recommendation to adopt this. And so the way that that would work is that would be then an adopted capital facilities plan that then we reference within our Capital Facilities Plan. And if you look back, we've gone through and we have identified the current capital facilities plans for the Cities and Towns in our jurisdiction as well. So we also have those adopted by reference as well in there. And that's something – that's part of what we're supposed to be doing, is coordinating our work with the Towns' and Cities' as well.

So I don't know if that helped to answer it.

Commissioner Lundsten: The reason – the question sprung from looking at the long document you have with all the expenditures and so on, and what buildings are going to need maintenance and so on. And I noticed there was HVAC, for example, on a few of them, and I thought: Well, how far does that go? What we decide on. And suddenly the lines kind of got squishy so I had to ask what – you know, and I read the first one here where the first Finding of Fact is that the – we're required that the Comprehensive Plan include a capital facilities. And I just wanted to ask a question. I wanted to open the door and kind of look in and see how it got that way, that's all, and then where it ends. And it was the HVAC that prompted me –

Mr. Cerbone: Because it wasn't very specific because HVAC could be different things. Yeah.

Commissioner Lundsten: Well, it was, like, well, it's the ventilation system – the heating and air conditioning and so on – in this building. And how much of that do we – what are we deciding about that? It just dawned on me: How far does our decision go?

Mr. Cerbone: Yes, yeah, that's actually – that's a different dynamic than what I was thinking from your original question but that is a good question. I mean, I think your decision, you know, is whether this information is right to be able to be included in the Comprehensive Plan. Because a lot of these decisions that are in there, you don't have the full background on exactly what they are, but the theory is in order to get things into the Comprehensive Plan this body needs to make a recommendation. And so the work to make sure that we have what we have in the Capital Facilities Plan is accurate and meets what it needs to meet is a coordination item that happens internally, mostly with staff but with some outside agencies as well. So we work closely with our facilities – our interim facilities director to compile that list and then folks from Public Works and folks from Public Health and other people who operate their own facilities to be able to gather that information. But, yeah, it is a good question.

Commissioner Lundsten: Thank you.

Chair Raschko: Okay. Anybody else?

Vice Chair Mitchell: I'd like to know if you could tell us a little bit about the meeting next week and what to expect for the retreat.

Chair Raschko: Well, I was going to do that. Why don't we finish going down the line first, though? Annie, have you anything?

Commissioner Lohman: No.

Chair Raschko: Joe?

Commissioner Woodmansee: No, I'm good.

Chair Raschko: Okay. Everybody should have gotten the agenda for next week's retreat, and I really appreciate everybody's effort to be there – you know, inviting extended family and everything else. That's great! I think it's a really important retreat we're going to have. I'm not even going to call it a meeting. And hopefully it will be informal and with a lot of give and take, and not a directed type of event. There is a program. The things I really wanted to cover is – and our attorney will be helping us with it – an explanation of the ex parte contact that is allowed. In other words, what we can do communicating with each other without breaking the Public Meetings Act, and being able to conduct ourselves in a way that's perfectly legal and yet be able to do our jobs

better. And also, then, following that, an explanation that will be prepared by our attorney of the enabling act that created this commission and why it created it and what our work is supposed to be. And then finally a discussion of what the different roles are for the different people.

I would really appreciate it if people took some time, though, thinking about these things and write their thoughts down – what questions they might have or comments they might have or opinions you might have. And, you know, if you're not moved to actually bring these things out when we're actually meeting, that's fine. You can keep it in your pocket. But it'd be really good, I think, if people had prepared things that they've been thinking about or have questions about, or what they would like to see as far as information provided, or how people conduct themselves. And I think that if we really put some work and effort into this and have some open discussion without any fear or anything, I think we can really move forward and work in a lot more efficient and better manner – you know, to do the work of the County. So if you can give it some thought, I think it'd be very good and be very well appreciated.

Any comments about this upcoming meeting? Yes?

Commissioner Lohman: So far does it look like we'll have everybody?

Chair Raschko: I haven't heard from Ms. Candler nor Amy Hughes.

Mr. Cerbone: She is planning on being there – Commissioner Hughes. Yeah.

Chair Raschko: Okay.

Commissioner Lohman: Have you heard from Tammy?

Mr. Cerbone: I will double-check but I don't – I believe we did check. Kim called – our administrative assistant called everybody to see, so I will – I can double-check on that.

Commissioner Lohman: Because I think it's very important that we all, if at all possible, can be there.

Chair Raschko: I think one of the real values of this is having this information presented and everybody in the process is hearing the same thing.

Commissioner Lohman: Right.

Chair Raschko: And I think that would be very, very useful. I'll try to talk to her myself but she's hard to reach because her voice mailbox is full!

Mr. Cerbone: Yeah, so Tammy did get back and say that she was available.

Chair Raschko: Well, that'll be good.

Mr. Cerbone: And she did say that she was not available this evening.

Chair Raschko: Okay.

Vice Chair Mitchell: Thank you.

Chair Raschko: You're welcome. Anything else? About anything.

(silence)

Chair Raschko: Okay. Well, then we will stand adjourned (gavel).