

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, September 7, 1999**

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|--------------------------|--|
| 7:30 a.m. – 8:30 a.m.    | Commissioners' Staff Meeting.  |
| *T 8:30 a.m. – 9:00 a.m. | Work Session – Operations Division Manager/District Maintenance Supervisors.   |
| 9:00 a.m. – 10:00 a.m.   | <u>Public Works Department – Chal Martin, Director.</u><br>1) Signature – Easements and Agreement re: Upper Samish Pit (Bloedel Timberlands Development, Inc.; James and Lorraine Ensley; William Ensley; Jesse and Georgia Galbreath; Thomas and Patricia Galbreath).<br>2) Signature – Professional Services Agreement with Northwest Chinook Recovery.<br>3) Miscellaneous. |
| 10:00 a.m. – 11:00 a.m.  | <u>Planning &amp; Permit Center – Tom Karsh, Director.</u><br>1) Set Date and Time for Public Hearing on Renewal of Urban Growth Area Development Regulations for Mount Vernon, Burlington, and Sedro Woolley.<br>2) Miscellaneous.  |
| 11:00 a.m. – 11:30 a.m.  | Executive Session – Personnel, Litigation and Land Acquisition.  |
| 11:30 a.m. – 11:45 a.m.  | <b>CONSENT AGENDA<br/>MISCELLANEOUS</b>  |
| 1:30 p.m. – 2:00 p.m.    | Decision – Appeal by Dena Blatt of the Hearing Examiner's Decision under an Administrative Appeal filed with the Skagit County Planning & Permit Center following a Determination of the Skagit County Building Official for Denial of a Building Permit for Property located at 1274-A Marine Drive, Anacortes.   |
| *T 2:00 p.m. – 2:30 p.m. | Proclamation – United Way Campaign in Skagit County, September 10- November 19, 1999.  |
| 3:00 p.m. – 4:00 p.m.    | Executive Session – Personnel, Litigation and Land Acquisition.  |

The Skagit County Board of Commissioners met in regular session on Tuesday, September 7, 1999, with Commissioners Ted W. Anderson, Harvey Wolden and Robert Hart present.

**PUBLIC WORKS DEPARTMENT – Chal Martin, Director.**

1. **Signature – Easements and Agreement re: Upper Samish Pit (Bloedel Timberlands Development, Inc.; James and Lorraine Ensley; William Ensley; Jesse and Georgia Galbreath; Thomas and Patricia Galbreath).**

Chal Martin, Director, spoke regarding a lease agreement with several property owners, concerning access to the Upper Samish Pit. After a brief discussion, Commissioner Wolden moved for approval of a Lease Agreement with Bloedel Timberlands Development, Inc., James and Lorraine Ensley, William Ensley, Jesse and Georgia

Galbreath and Thomas and Patricia Galbreath. Commissioner Hart seconded the motion, which passed with a unanimous vote. **(Contract No. 04570)**

**2. Signature – Professional Services Agreement with Northwest Chinook Recovery.**

Sky Miller, Surface Water Management Division, reviewed the proposed scope of services with Northwest Chinook Recovery involving the protection of salmon habitat along Dry Slough.

Commissioner Wolden moved for approval of a Professional Services Agreement with Northwest Chinook Recovery for a maximum amount of \$99,900. Commissioner Hart seconded the motion, which passed unanimously. **(Contract No. 04571)**

**3. Miscellaneous.**

Mr. Martin spoke regarding the Cook Road project and a the need to obtain acquisition of a parcel that has gone into bankruptcy. He reviewed the particulars of the property and the various options available to the County to obtain the land.

**PLANNING & PERMIT CENTER – Tom Karsh, Director.**

**1. Set Date and Time for Public Hearing on Renewal of Urban Growth Area Development Regulations for Mount Vernon, Burlington, and Sedro Woolley.**

Gary Christensen, Assistant Director, spoke regarding the need to re-adopt interim controls and development regulations for Mount Vernon, Burlington and Sedro Woolley. He reviewed the particulars of such regulations for each jurisdiction.

Commissioner Hart moved to set a public time for Tuesday, September 21, at 10:00 a.m. to consider the renewal of urban growth area development regulations for Mount Vernon, Burlington and Sedro Woolley. Commissioner Wolden seconded the motion, which passed with a unanimous vote.

**2. Miscellaneous.**

Kendra Smith, Assistant Director, stated that September 20 would be a public hearing for the Critical Areas Ordinance (CAO). She spoke regarding the formation of a citizens group called Agriculture for Skagit County (ASC) and the group's work in drafting a proposal that will satisfy all sides. She stated that, unfortunately, this proposal would probably not be able to be rolled into the document for the September 20 public hearing. Ms. Smith confirmed upon query from the Board that the September 20 date is related to a Western Washington Growth Hearings Board (WWGMHB) order to bring two sections of the CAO into compliance. Commissioner Hart confirmed that this will be an interim ordinance and will have a period of time for revision and modification. Commissioner Wolden indicated that, in his opinion, the WWGMHB would be understanding when good efforts are being taken to formulate mutually-agreeable proposals. Commissioner Hart commented on the need to avoid invalidity, and to keep working on proposals while obtaining the best science possible in this regard.

Mike Woodmansee, County Administrator, stated that there would be a refined proposal to be considered, but that it would most likely be at the last possible minute. He reviewed the future meetings of ASC with the Tribes and others regarding land issues. He stated that he believed the Board would have a proposal from this group that would meet the intent of the Growth Management Act (GMA) or come very close.

Chairman Anderson summarized that if the farm community comes up with a proposal, then he would like to see a public hearing in the future so that all citizens would have the opportunity to comment on the standards that have been developed.

Ms. Smith commented on the need to come up with the best available science and best management practices regarding buffer areas.

Commissioner Wolden stated that ASC is trying to develop a record that is supportive of their position.

A discussion ensued on buffer widths and requirements, and that need to develop a habitat plan rather than default buffer areas.

**CONSENT AGENDA.**

Commissioner Wolden moved to approve the Consent Agenda for Tuesday, September 7, 1999, items 1-18. Commissioner Hart seconded the motion, which passed unanimously.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, August 30, 1999.
2. Record of the Proceedings for Tuesday, August 31, 1999.
3. Record of the Proceedings for Wednesday, September 1, 1999.
4. Resolution Extending the Due Date of Project Proposals related to Distressed County Public Facilities to be Funded by Distressed County Sales and Use Tax to October 1, 1999. **(Resolution No. 17556)**

**PUBLIC WORKS DEPARTMENT:**

5. Cook Road Improvement Project – Summary of Offer. **(Approved)**
6. Resolution Calling for Bids to Supply and Install One 40-foot long 30-ton Weigh Scale at the Sauk Transfer Station, with the bid opening scheduled for September 28 at 11:00 a.m. **(Resolution No. 17557)**
7. Resolution Establishing C.R.P. No. 94710-1, Medford Road. **(Resolution No. 17558)**
8. Resolution Establishing C.R.P. No. 82010-1, North Starbird Road. **(Resolution No. 17559)**
9. Resolution Establishing C.R.P. No. 53490-1, Coal Bunker Road. **(Resolution No. 17560)**
10. Personal Services Agreement with Graham-Bunting & Associates to provide on-call environmental studies on several small projects beginning with the 1999 Guardrail and Peterson Road projects. Compensation will be at the rate of \$75 per hour for Principal, Associate and Biologist, and \$25 per hour for Staff Support. The contract begins on the date of execution and expires August 31, 2001. **(Contract No. 04573)**
11. Maintenance and Land Use Agreement with Kenneth Wayne Kite and June Kite regarding the Fisher Creek Crossing of Starbird Road. Kites will provide access and a staging area for materials and equipment and will grant right-of-entry to County personnel and agents for the purpose of inspection in the construction of a fish passage project at the intersection of Fisher Creek and Starbird Road. **(Contract No. 04574)**

HEALTH DEPARTMENT:

12. Agreement and Release with Rodney and Sara Dalseg for the decommission of a private well down-gradient of Sinnes landfill. The County will compensate Dalsegs for an estimated cost of using PUD water for ten years of dry season irrigation of lawn or garden to the amount of \$1,618 to be paid in one sum within 90 days of well decommissioning. **(Contract No. 04575)**
13. Resolution and Interlocal Agreement with Public Utility District #1 of Skagit County to utilize the services of John Wilson in the Environmental Assessment and Final Application for the Marblemount water system. The County agrees to pay the estimated \$4,550 contract fee for Mr. Wilson to prepare an Environmental Assessment and Final Application. **(Resolution No. 17561, Contract No. 04576)**
14. Amendment No. 3 to the Consolidated Contract with the State Department of Health reducing the contract amount by \$4,579 for a new maximum consideration not to exceed \$385,260. **(Contract No. 04201)**
15. Personal Services Agreement with Michael Dickneite to serve as a Medicaid Client Outreach Worker for the period June 24, 1999 through December 31, 1999, with compensation at the rate of \$11 per hour plus a \$15 bonus for each client Contractor successfully enrolls in Healthy Options. There is no mileage reimbursement. **(Contract No. 04577)**

PARKS, RECREATION & FAIR:

16. Personal Services Agreement with Northwest Logging for removal of drift debris on the Skagit River railroad bridge near SR9. The work will be performed between September 15, 1999 and October 15, 1999 for a total bid amount of \$71,148. **(Contract No. 04578)**

PLANNING & PERMIT CENTER:

17. Amendment No. 1 to Personal Services Agreement with Wheeler Consulting Group, increasing the scope and costs in the preparation of the DEIS for the Belleville site. The contract will increase by \$10,539. The original contract amount was \$82,070. **(Contract No. 04446)**

SENIOR SERVICES:

18. Amendment No. 2 to the Contract with Northwest Regional Council changing the amount of funds in the project budget for the Senior Nutrition Program. The contract will be reduced by \$11,822, for a revised contract amount of \$195,285. **(Contract No. 04186)**

MISCELLANEOUS:

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, September 7, 1999, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 52115 through 52403 from Clearing Fund 696 in the total dollar amount of \$1,212,474.35 (Transmittal No. C-65-99)

2. Staff presented Amendment "B" to an agreement with Burns International Security Services wherein the hour compensation would be increased from \$9.81 per hour to \$10.85 per hour for the recovery of the increase in the minimum wage. This increase would be effective September 1, 1999. Commissioner

Wolden moved to approve the Amendment as presented by Staff, and Commissioner Hart seconded the motion. The motion passed unanimously. **(Contract No. 03035)**

**DECISION – APPEAL BY DENA BLATT OF THE HEARING EXAMINER’S DECISION UNDER AN ADMINISTRATIVE APPEAL FILED WITH THE SKAGIT COUNTY PLANNING & PERMIT CENTER FOLLOWING A DETERMINATION OF THE SKAGIT COUNTY BUILDING OFFICIAL FOR DENIAL OF A BUILDING PERMIT FOR PROPERTY LOCATED AT 1274-a MARINE DRIVE, ANACORTES.**

Commissioner Wolden stated that after reviewing all of the materials and testimony, he felt that the matter needs to be remanded back to the Hearing Examiner for additional review and study regarding the variance issues and property line issues. Commissioner Wolden moved to remand the matter to the Hearing Examiner.

Commissioner Hart stated that if it was not for the issue of property ownership, he could see no problem in overturning the Hearing Examiner and granting a permit subject to the receipt of triple fees. However, with the question regarding the property line and ownership, such a decision cannot be made. Commissioner Hart stated that in reality, the County needs to find a way to allow the building to be permitted by dealing with fire code and health and safety issues, together with the necessary shorelines concerns.

Commissioner Wolden concurred on the need to solve the property line situation so that the necessary variances could be granted. He stated that the property line issues do not allow the Board to give Ms. Blatt any relief at this time.

After a brief discussion, the motion was seconded by Commissioner Hart to remand the matter to the Hearing Examiner to look at mitigation for the health and safety issues, fire code issues, finding a variance for the shorelines issues, and resolving the property boundary line issues.

Upon call for the question, the motion passed unanimously.

John Shultz, attorney for Ms. Blatt, asked about the possibility of waiving variance fees and/or enforcement fees at this time. The Board indicated that such a waiver is not appropriate at this time, and Chairman Anderson suggested that Mr. Shultz request such a waiver in writing at the end of the proceedings.

Mr. Shultz clarified with Staff that at the point when the permit is finally issued that there would be double permit fees

**PROCLAMATION – UNITED WAY CAMPAIGN IN SKAGIT COUNTY, SEPTEMBER 10 – NOVEMBER 19, 1999.**

Glen Ash, United Way Chairman, expressed his excitement at the start of the 36<sup>th</sup> annual United Way Campaign, hoping to raise \$675,000.

Commissioner Wolden read the Proclamation into the record, and moved to adopt same. Commissioner Hart seconded the motion, and it passed with a unanimous vote.

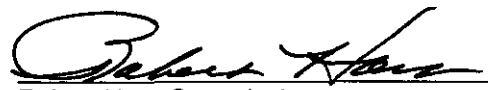
ADJOURNMENT.

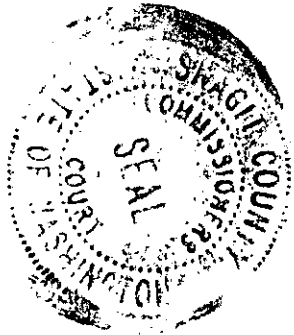
Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON


  
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Ted W. Anderson, Chairman

  
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Harvey Wolden, Commissioner

  
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Robert Hart, Commissioner



ATTEST:

  
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Patti J. Chambers, Clerk of the Board  
Skagit County Board of Commissioners