

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Monday, March 13, 2000**

10:00 a.m. – 10:15 a.m.	Public Comment Period.
	<b>CONSENT AGENDA. MISCELLANEOUS.</b>
10:30 a.m. – 11:30 a.m.	Public Hearing – Consideration of Proposed Special Assessment Roll of Rates and Charges for Proposed Treatment of Lake McMurray with Sonar Herbicide for the Eradication of Eurasian Watermilfoil Skagit County, Lake Management District No. 2 – Lake McMurray.
1:30 p.m. – 2:00 p.m.	1999 Fixed Asset Inventory Certification.
2:00 p.m. – 3:00 p.m.	Public Hearing – To Consider Testimony re: the Renewal of Two Interim Ordinances: <ol style="list-style-type: none"><li>1) Interim Ordinance No. 17568. This ordinance established an interim urban growth area for Bayview Ridge and established use restrictions and requirements for public facilities and services and a commitment to complete a subarea plan for the area.</li><li>2) Interim Ordinance No. 17569. This ordinance renewed Interim Ordinance No. 17419, thereby giving continued regulatory effect to Skagit County Code 14.04.153, Personal Wireless Service Facilities, and certain related amendments to Skagit County Code 14.04.150(2). These provisions provide specific regulations for the placement, construction and modification of personal wireless service facilities.</li></ol>
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 Monday, March 13, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

**PUBLIC COMMENT PERIOD.**

Jamie Lanning, 13084 State Highway 9, Mount Vernon, spoke regarding street improvements in Clear Lake. He made several suggestions for these improvements.

R.W. ("Bob") Rohrs, 4012 Pueblo Heights, Mount Vernon, registered a complaint about the Prosecuting Attorney, and the lack of return correspondence or phone calls from the Prosecutor's Office. He stated that he has taken this matter up with the Attorney General and the U.S. Department of Justice. He indicated that the Attorney General suggested that he go to the Washington State Bar Association with his concerns or to the media. He asked the Board to make inquiries on his behalf to try to get a response from the Prosecutor.

Carol Ehlers, 3998 Windcrest Lane, Fidalgo Island, spoke regarding the need to establish a central location for documents and materials for County Staff to use as a resource. She emphasized that the County had spent \$500,000 on a document that Staff was unaware existed. She next discussed the need for coordination of documents in the preparation of the non-motorized transportation plan. Ms. Ehlers stated that representatives from the City should not be making decisions for the future of what would be developed in the unincorporated

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areas. She lastly pointed out legal notices regarding Holmes Harbor, an area not annexed into the City of Anacortes.

Dan Griffiths, 33479 West Shore Drive, Lake Cavanaugh, talked about the debris in the creek near his property. He presented the Board with a photocopy of a document from 1973 wherein the County had estimated the cost of the clean-up to be \$73,000. He commented on his efforts to contact DNR and Fish & Wildlife, noting that Fish & Wildlife told him he would have to clean up the creek at his own expense. He asked the Board to waive permit and dump fees to accomplish this clean-up. He stated that a fish enhancement group is trying to assist in this regard, making this an Earth Day project. The Board ascertained that the contact at Fish & Wildlife was Bob Everett.

Tom Solberg, 19019 Minnie Road, Alger, spoke regarding farm housing. He stated that if the bulb company request for farmworker housing is granted, it would be time to begin the transfer of development rights program. He stated that population density should be spread evenly. He then discussed County Administrator, Mike Woodmansee, asking how much vacation Mr. Woodmansee has taken so far, and how much does he have remaining for the publicized climb of Mount Everest.

Chal Martin, Public Works Director, asked the Board for authorization to spend up to \$200,000 to install a traffic signal on Highway 9 in conjunction with the Cook Road project. After a brief discussion, the Board indicated their approval of this expenditure, noting the need to stay in close coordination with the City of Sedro Woolley.

### CONSENT AGENDA.

Commissioner Hart moved to approve the Consent Agenda for Monday, March 13, 2000, items 1-15. Commissioner Anderson seconded the motion, which passed unanimously.

### COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Wednesday, March 8, 2000.
2. Resolution Amending Resolution No. 17775 providing a defense to County Employees in Lawsuit by Michael J. Major and Mark R. Major. This amending resolution adds Laure Bergsma and Chris Kennedy as defended employees in the subject lawsuit, and removes Sarah S. Rice as she was serving in her capacity as a Guardian Ad Litem. **(Resolution No. 17800)**

### DISTRICT COURT:

3. Probation Services Agreement with the City of Sedro Woolley effective for Calendar year 2000 at the rate of \$80.88 per service unit. **(Contract No. 04807)**

### YOUTH & FAMILY SERVICES:

4. Personal Services Agreement with Erik L. Hopp, Ph.D., to provide specialized child, adolescent, adult and family assessment, evaluation and as required. Contractor will be reimbursed at rates ranging from \$85 per hour for individual therapy or evaluation to \$20 per hour for travel. The contract begins January 1, 2000 and will terminate on December 31, 2001. **(Contract No. 04808)**
5. Personal Services Agreement with the Follman Agency for the period January 1, 2000 through December 31, 2001, wherein Contractor will provide specialized child, adolescent, adult and family assessment, evaluation and treatment as required. Rates range from \$100 per hour for evaluations with written reports to \$20 per hour for travel. **(Contract No. 04809)**

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6. Personal Services Agreement with Amanda Light, M.A., to provide specialized child, adolescent, adult and family assessment, evaluation and treatment as required for the period January 1, 2000 through December 31, 2001. Reimbursement rates range from \$70 per hour for group therapy to \$20 to hour for travel. **(Contract No. 04810)**
7. Personal Services Agreement with Gregory A. Merrill, M.S.W., to provide specialized child, adolescent, adult and family assessment, evaluation and treatment as required for the period January 1, 2000 through December 31, 2001. Reimbursement rates range from \$900 for Psycho-Sexual Evaluations to \$20 per youth for group counseling sessions. **(Contract No. 04811)**

### HEALTH DEPARTMENT:

8. Personal Services Agreement with Francisca Ramon to provide Medicaid Outreach services under the direction of the Skagit County Medicaid Outreach Coordinator. Contract shall be paid at a rate of \$100 per hour and will also be paid a \$15 bonus for each client Contractor successfully enrolls in Healthy Options. There shall be no mileage reimbursement. Total compensation shall not exceed \$2,000. The contract term is February 22, 2000 through March 31, 2000. **(Contract No. 04812)**
9. Guest Speaker Contract with Dennis Torres to provide an HIV/AIDS Workshop for a fee of \$50. **(Contract No. 04813)**

### PUBLIC WORKS DEPARTMENT:

10. Out-of-State Travel Request for Vicki Griffiths to attend the Northwest Pavement Management Association Spring Conference in Bend, Oregon, April 13-14, 2000 for a total cost of \$227. **(Approved)**
11. Resolution Establishing the Eligibility List for Rental Equipment for the period April 1, 2000 through March 31, 2001. **(Resolution No. 17801)**
12. Resolution Clarifying Skagit County Lake Management District No. 2 for Lake McMurray Boundary. **(Resolution No. 17802)**
13. Resolution Awarding Bid for the Cook Road 63000 Improvement Project, Contract No. ES63000-6, ES63000-7. **(Resolution No. 17803)**
14. Interagency Agreement with the State of Washington Department of Ecology effective January 1, 2000 through June 30, 2001 to provide \$49,500 to the Skagit County Solid Waste Division for the cleanup of litter and illegal dumpsites in Skagit County. In addition, the grant includes \$21,000 for the purchase of a vehicle for this program. There are no matching funds required for this grant. **(Contract No. 04814)**

### RISK MANAGEMENT:

15. Memorandum of Understanding with Public Utility District No. 1 of Skagit County wherein Skagit County will pay estimated costs of \$95,890 for the installation of a waterline as part of the mitigation regarding the Inman Landfill. The waterline will be installed by August 31, 2000. **(Contract No. 04815)**

### 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.

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As of this date, March 13, 2000, the Board, by a majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Payroll warrants numbered 952802 through 952860 in the total dollar amount of \$63,920.07 (Transmittal No. P-9-00);

Payroll warrants numbered 48953 through 49721 in the total dollar amount of \$722,171.14 (Transmittal No. P-10-00); and

Warrants numbered 65516 through 65916 for Clearing Fund 696 in the total dollar amount of \$903,322.83 (Transmittal No. C-20-00).

2. On behalf of the Skagit County Farmland Legacy Program, Staff presented a Grand Deed of Conservation Easement permanently protecting approximately 25.02 acres of farmland on Lafayette Road, east of the City of Burlington, at a cost of \$46,679.11. Commissioner Hart moved to approve the Easement as presented, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote. **(Contract No. 04816)**

### **PUBLIC HEARING – CONSIDERATION OF PROPOSED SPECIAL ASSESSMENT ROLL OF RATES AND CHARGES FOR PROPOSED TREATMENT OF LAKE MCMURRAY WITH SONAR HERBICIDE FOR THE ERADICATION OF EURASIAN WATERMILFOIL, SKAGIT COUNTY LAKE MANAGEMENT DISTRICT NO. 2 – LAKE MCMURRAY.**

Jennifer Aylor, Surface Water Management Division, explained that the purpose of this hearing is for people to submit written comments on a list of parcels within the proposed lake management district boundary. Ms. Aylor indicated that she had received some correspondence, and read such letters into the record. The letters were from Betty Kyte (2 letters), Lowell Jonson, George & Dolores Gamble, Glen W. Kensmoe, Harry & Betty Schneider, Leif Erikson Recreation Association, Don & Kay Gordon, and Terry & Pat Doran.

Ms. Aylor indicated that there would be additional public hearings regarding the Lake Management District, and that the assessments would be approved at a future public hearing pursuant to RCW 36.61.120.

She reviewed RCW 36.61.200 which states that "Objections to a proposed special assessment roll must be made in writing, shall clearly state the grounds for objection, and shall be filed with the governing body prior to the public hearing. Objections to a special assessment or annual special assessments that are not made as provided in this section shall be deemed waived and shall be considered by the governing body or a court on appeal." Therefore, no verbal testimony would be taken during this public hearing.

Chairman Wolden confirmed with Ms. Aylor that the Board can confirm the treatment and adoption of the assessment that was approved on the evening of February 4<sup>th</sup>. He stated that there was a vote taken with 45 people in attendance, and that on the last vote taken there were no dissenting votes.

Commissioner Anderson stated that it was his understanding that the fee structure can be changed at this hearing if it is found to be inequitable. He spoke to some of the unfairness mentioned in the letters read by Ms. Aylor and the need to make some minor changes in this regard.

Chairman Wolden commented that the County has received a grant and if the district does not move forward, the grant monies would be lost.

A discussion ensued on particular examples of inequities concerning the Norway Park area.

The Board and Ms. Aylor reviewed the specific requests contained in the letters read into the record. After such review, the following changes were suggested.

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1. Include Parcel No. 17293
2. Delete one parcel of 18306 or 18385; and delete 18353 or 61951. Owner Glen Kensmoe.
3. Include secondary tier of Lake McMurray Estates, Tracts 8-16, at \$30 each.
4. Include Lakeside Estates at \$30 per parcel.
5. Include Parcel 18300 owned by Chester A. Cook at the rate of \$120.
6. Look into the legal consequences of polluting a lake with milfoil.
7. Include all 105 houses Norway Park parcels at \$30 each.
8. Remove Parcel 17291.

Commissioner Anderson moved to adopt these changes, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote.

Commissioner Hart moved to close the public hearing. Commissioner Anderson seconded the motion, which passed unanimously. The public hearing was closed.

### **1999 FIXED ASSET INVENTORY CERTIFICATION.**

Chris Stamey, Accountant, presented the Board with the 1999 Fixed Asset Inventory, explaining the listings of equipment, and the process of obtaining the inventory data.

Commissioner Hart moved to certify the 1999 Fixed Asset Inventory as presented by Mr. Stamey. Commissioner Anderson seconded the motion, which passed unanimously. The Board signed the Certification Form.

### **PUBLIC HEARING – TO CONSIDER TESTIMONY RE: THE RENEWAL OF TWO INTERIM ORDINANCES:**

#### **1) INTERIM ORDINANCE NO. 17568. THIS ORDINANCE ESTABLISHED AN INTERIM URBAN GROWTH AREA FOR BAYVIEW RIDGE AND ESTABLISHED USE RESTRICTIONS AND REQUIREMENTS FOR PUBLIC FACILITIES AND SERVICES AND A COMMITMENT TO COMPLETE A SUBAREA PLAN FOR THE AREA.**

Gary Christensen, Assistant Director, stated that it is the Department's recommendation that the Board continue in effect this interim ordinance regarding the Bayview Ridge Urban Growth Area (UGA), and containing provisions committing the County to a subarea process. He reviewed the first community open house/orientation that was held at the Port regarding the subarea planning process.

A discussion ensued on the airport environs designation and the implications therefrom.

Commissioner Anderson confirmed that the subarea process would determine and finalize the boundaries and restrictions of this zone.

Mr. Christensen reiterated the Department's recommendation is to keep this interim ordinance in place. He added that many items contained in this interim ordinance are being addressed in the formation of the Unified Development Code. Mr. Christensen stated that no written correspondence was received regarding the proposal to extend this interim ordinance.

A discussion regarding the conveniences afforded the public due to the passage of this interim ordinance ensued.

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Jon Sitkin, Railroad Avenue, Bellingham, thanked Gary Christensen and Mike Woodmansee for the efforts at subarea planning in the Bayview Ridge area. He commented on the frustration of the WSDOT study regarding airport environs, and asked the Board to go on record saying that there is no credence to the WSDOT study, except as to noise and height.

There being no further public comment forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Hart moved to readopt Interim Ordinance No. 17568 as recommended by Staff. Commissioner Anderson seconded the motion, and it passed unanimously. **(Ordinance No. 17804)**.

**2) INTERIM ORDINANCE NO. 17569. THIS ORDINANCE RENEWED INTERIM ORDINANCE NO. 17419, THEREBY GIVING CONTINUED REGULATORY EFFECT TO SKAGIT COUNTY CODE 14.04.153, PERSONAL WIRELESS SERVICE FACILITIES, AND CERTAIN RELATED AMENDMENTS TO SKAGIT COUNTY CODE 14.04.150(2). THESE PROVISIONS PROVIDE SPECIFIC REGULATIONS FOR THE PLACEMENT, CONSTRUCTION AND MODIFICATION OF PERSONAL WIRELESS SERVICE FACILITIES.**

Guy McNally, Planning & Permit Center Staff, reviewed the renewal of Interim Ordinance NO. 17569 regarding the regulation of personal wireless services. He explained that the regulations established are currently a matter of review before the Planning Commission as part of the Unified Development Regulations. He stated that the Planning Commission did discuss these issues recently, so the process is moving forward. He stated that no written correspondence was received by the Department, and that the Department recommended approval of the renewal of the interim ordinance.

There being no public testimony forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Hart seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Anderson moved to re-adopt and renew Interim Ordinance No. 17569 as recommended by Staff. Commissioner Hart seconded the motion, which passed unanimously. **(Ordinance No. 17805)**

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Harvey Wolden, Chairman

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Robert Hart, Commissioner

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Ted W. Anderson, Commissioner

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ATTEST:

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