

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, May 2, 2000**

| | |
|---------------------------|--|
| 7:30 a.m. – 8:00 a.m. | Commissioners' Staff Meeting. |
| 8:00 a.m. – 8:30 a.m. | Executive Session – Personnel, Litigation and Land Acquisition. |
| 8:30 a.m. – 9:00 a.m. | Work Session - Operations Division Manager/District Maintenance Supervisors. |
| *T 9:00 a.m. – 10:00 a.m. | <u>Public Works Department – Chal Martin, Director.</u> <ol style="list-style-type: none">1) Public Hearing – Consideration of Vacation of Unused County Right-of-Way known as Lincoln Avenue, No. 96630.2) Discussion – Puget Sound Ecosystem Restoration Initiative.3) Signature – Amendment to Interagency Committee Project Agreement for Outdoor Recreation Grant Revisions – Revised Critical Areas and Ordinance Adequacy Review.4) Signature – Professional Services Agreement with Skagit Fisheries Enhancement Group.5) Miscellaneous. |
| 10:00 a.m. – 11:00 a.m. | <u>Planning & Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none">1) Discussion – Bayview Ridge Urban Growth Area Subarea Plan Draft Airport Study.2) Miscellaneous. |
| 11:30 a.m. – 1:00 p.m. | Cook Road Luncheon and Tour – Buzz Inn, 1975 Highway 20, Sedro Woolley. |
| 2:00 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, May 2, 2000, with Commissioners Harvey Wolden, Robert Hart and Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Public Hearing – Consideration of Vacation of Unused County Right-of-Way known as Lincoln Avenue, No. 96630.

Steve Flude, Assistant County Engineer, reviewed the exact location of the unused County Right-of-Way known as Lincoln Avenue, No. 96630. He briefly discussed the Engineer's Report. He noted that one letter was received against the proposal. The Department recommended the vacation of this county right-of-way as asked for in a petition received from adjoining neighbors.

Chairman Wolden confirmed the exact location of the proposal and the sloping topography of the area.

Michael H. Dods, 7543 Campbell Place, Concrete, stated that the notice he originally received had the wrong block numbers listed, Blocks 7 and 8. The public hearing concerns Blocks 9 and 10, which contain the subject alley. He detailed his efforts to cancel today's public hearing because of this error, and the need for him to make special arrangements to attend this hearing. He reviewed with the Board pictures of the alley and the general location of the proposed vacation. He explained about the blockages of the alley that have occurred and the

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #2

difficulties he has encountered in keeping the alleyway clear. He detailed the debris found in the alleyway and the blockages that have occurred. He asked that this legal alley be kept open.

Tim Benton, 44950 Dalles Road, Concrete, presented the Board with a letter from an adjoining property owner in favor of the vacation of the alley. Mr. Benton indicated that he has lived on property bordering the alley for three years and has maintained and mowed the grass. He stated that there is very little gravel left. He indicated that he has never blocked Mr. Dods' access or his ability to remove his Fifth Wheel Trailer, stating that the Fifth Wheel has not moved in three years. Mr. Benton stated that Mr. Dods does not live in the neighborhood, but has rental property. Mr. Benton indicated that Mr. Dods has never contacted him directly, but has harassed his wife and children.

Upon query from Chairman Wolden, Mr. Dods explained why he cannot swing his Fifth Wheel Trailer around on his piece of property. He stated that Mr. Benton's vehicles had to be flagged for impoundment by the Sheriff's Office before Mr. Benton would remove them from blocking the alleyway.

Mr. Benton reiterated that he has never met this man (Mr. Dods), and that Mr. Dods has only talked to his wife and children. He admitted that his boat and pick-up had been parked in the alleyway for four months with no problems arising. Mr. Dods never asked him directly to move his vehicles.

Chairman Wolden asked about the posting and Mr. Dods' comments about the incorrect map being sent out. Mr. Flude explained that the map that was originally mailed out to the neighbors was highlighted incorrectly. However, the legal descriptions and postings were correctly submitted.

Commissioner Hart asked about the legal guidelines on vacation concerning access. Chal Martin, Director, indicated that the Department had reviewed the access issues of Mr. Dods, and had determined that there is adequate access. Mr. Martin stated that the traffic technicians reviewed the area in question when it was posted, and determined that there was adequate access before the recommendation to vacate the alleyway was ever brought before the Board.

Chairman Wolden confirmed that the underlying property belongs to the neighbors.

Commissioner Anderson indicated that there is no question that this alley does not see much use. He explained the topography of the area, noting that the property in question is mowed and is basically used as backyards for the adjoining property owners. He stated that he is convinced there is no good reason to leave the alleyway open for the property owners adjoining the alleyway.

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

Commissioner Anderson moved to approve the vacation of unused county right-of-way known as Lincoln Avenue, No. 96630. Commissioner Hart seconded the motion, noting that the cost of \$75 for the hearing publication costs should be reimbursed by the petitioners. The motion passed with a unanimous vote. **(Resolution to be provided by Staff at a later date).**

2. Discussion – Puget Sound Ecosystem Restoration Initiative.

Sky Miller, Surface Water Division Manager, discussed the Puget Sound Ecosystem Restoration Initiative. He advised that Skagit County is working with several Puget Sound counties to get Congress to include the Puget Sound Ecosystem Restoration Initiative in the Water Resources Development Act 2000. This could authorize up to \$100 million (more likely in the \$10 to \$20 million range) for Puget Sound area salmon habitat improvement projects to be constructed by the Corps. Skagit County projects would be very competitive for this funding. Dry Slough is among those projects on the initial list.

After a brief discussion, Mr. Miller produced a letter for the Board's consideration supporting this initiative.

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #3

Commissioner Hart spoke regarding the need to keep the local match at the same levels so that the same group of players would be working for this funding. He indicated that if the local match amount is reduced or eliminated, the County would be subject to split funding among other groups than those currently working on salmon restoration. Commissioner Hart stated that it is likely that the Watershed Council has prioritized what the projects would be.

Chairman Wolden expressed the need to comment and support this initiative.

The Board signed the letter as presented by Mr. Miller

3. Signature – Amendment to Interagency Committee Project Agreement for Outdoor Recreation Grant Revisions – Revised Critical Areas and Ordinance Adequacy Review.

Derek Koellmann, Salmon Recovery Coordinator, requested signature on two grant amendments to two existing grants received from the Governor's Salmon Recovery Board. He explained the specific changes to these grants.

Commissioner Hart moved for the approval of the amendments to the IAC project agreements as explained by Mr. Koellmann. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Contract Nos. 04602 and 04603)**

4. Signature – Professional Services Agreement with Skagit Fisheries Enhancement Group.

Mr. Miller reviewed the ongoing partnership with the Skagit Fisheries Enhancement Group, explaining the various activities to be performed under the terms and conditions of the agreement. The contract would run from January 1, 2000 through December 31, 2000 for a not-to-exceed amount of \$30,000. Mr. Miller stated that Skagit Fisheries Enhancement Group is non-profit and works with private property owners to work through the variety of issues encountered in salmon recovery efforts.

A lengthy discussion ensued regarding the work of the Skagit Fisheries Enhancement Group.

Commissioner Hart moved to approve the Professional Services Agreement with the Skagit Fisheries Enhancement Group as explained by Mr. Miller. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. 04883)**

5. Miscellaneous.

- A. Steve Flude, Assistant County Engineer, reviewed the status of the Guemes Anacortes Parking Lot project. He stated that after the SEPA process was completed, it was discovered that the old brick building on the site had been nominated as a state historic building. Consequently, there are adverse affects on the project going forward, including difficulties in getting the plans approved by WSDOT as well as obtaining federal funding. Mr. Flude stated that there would be a 45-day review and comment period about the building.

Commissioner Anderson asked why this did not come up during the SEPA review. Mr. Flude explained that this just came up, and that Jim Karcher had been making many phone calls to the various state agencies that oversee such nominations, asking about rating criteria and other particulars of the nomination process. Staff has not yet determined what possible mitigation might be required in this regard. The County may be required to upgrade the building or maintain it in some way. Mr. Flude stated that there are many buildings of this same vintage in Anacortes, but as such buildings are destroyed, those existing buildings left bubble to the surface for possible preservation.

Mr. Martin commented that the County would not have purchased the property had the fact of this historic building been brought to light. He stated that if the building is to remain intact, it would require

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #4

maintenance. He noted that perhaps the building would be torn down, and a monument erected noting the area of historic significance to the City.

Commissioner Hart indicated that the City of Anacortes should be advised of this impediment to the completion of the project, and that no work would be done this summer.

Mr. Flude ascertained that the direction from the Board would be to run the process through as required regarding the historical building.

- B. Mr. Flude next discussed the West Bow Hill Road Improvement Project, reviewing a matrix of proposed environmental mitigation on certain portions of the road project.
- C. Mr. Martin discussed the status of the Cook Road Improvement Project, indicating that there are some problems developing in regards to a "mushy" surface in the road bed. After a brief discussion of the problems, Commissioner Anderson stated that it is better to attack these problems now rather than have subgrade problems in the future. Mr. Martin indicated that this may require the contractor to work a few more days than anticipated, with a possible completion date in mid-July. Consequently, Mr. Martin asked that the luncheon and tour of the project scheduled for today be postponed until a more convenient time for the project manager and other staff. The Board agreed to the postponement.
- D. Mr. Flude asked the Board to approve a Resolution calling for bids for the Guemes Ferry Transfer Spans Cleaning and Painting Project. The bids are scheduled to be opened on Tuesday, May 30, 2000, at 2:00 p.m. Commissioner Hart moved to approve the Call for Bids as presented, and Commissioner Anderson seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 17856)**

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Discussion – Bayview Ridge Urban Growth Area Subarea Plan Draft Airport Study.

Tom Karsh, Director, stated that the "airport study" to be discussed is a component of the subarea planning process for the Bayview Ridge Urban Growth Area (UGA).

Mr. Christensen reviewed a memorandum regarding the Bayview Ridge UGA Subarea Plan Draft Airport Study, which summarized the Reid Middleton report in this regard.

Mr. Christensen distributed to the Board a status report that had been submitted to CTED, which provides a synopsis of current status. Mr. Christensen reviewed that last year the County applied for and was awarded a grant to do a subarea plan for the Bayview Ridge UGA to address some outstanding Growth Management Act (GMA) compliance issues. He stated that this provided the County with the funding to evaluate a number of issues that were identified in the interim ordinance, together with accomplishing several tasks.

Mr. Christensen stated that in January the contract from CTED was received and work commenced. A joint planning committee was formed which included representatives from Burlington, Port of Skagit County, and the Planning & Permit Center. In February, the County entered into a Personal Services Agreement with Reid Middleton to address incompatible land use issues and airport safety issues. Later in February, the County convened an informal subarea plan advisory committee, which included a number of stakeholders, to discuss strategy issues and timelines. Members included representatives from the City of Burlington, Port of Skagit County, County Officials and landowners as well as their consultants and/or representatives.

In March and April the joint planning committee met with representatives of Reid Middleton to discuss their findings. In addition, Fire Districts 2, 6 and 12 have met several times to talk about taxation consolidation issues.

In late March the joint planning committee met with Reid Middleton and a CTED Planner to discuss the direction of the airport study and get initial feedback and an unofficial response from CTED. In April, the committee met

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #5

with a transportation planner from the RTPO and DOT officials to look at traffic modeling and future land use forecasts regarding the I-5 and Highway 20 corridors.

As this summary indicates, much work has been accomplished over a short period of time. Mr. Christensen advised that the meeting today would briefly review the findings and recommendations of the committee which will assist with decisions regarding the inclusion of a residential component. He emphasized that framework must be established before completing capital facilities planning, transportation modeling and the land use plan and development regulations.

The airport study attempts to address GMA responsibilities and requirements and look at land use compatibility issues. Mr. Christensen stressed the importance of having landowners involved to review such compatibility issues. General aviation issues were reviewed to allow for the future and current aviation services while addressing public safety concerns and landowner options for residential developments.

Janet Perot, Reid Middleton, explained that they had been tasked with looking at the compatibility of land surrounding the existing airport. She stated that compatibility is an old issue, and that the airport must be protected from encroachment. She stated that an Airport Master Plan was completed in 1995 and was a good base to begin from. Primarily, the focus was on noise and height, with the added issue of safety brought into play by the provisions of GMA. She discussed Reid Middleton's role in looking at all of these compatibility issues. She discussed the particulars of noise, height and safety issues, explaining that the majority of Reid Middleton's work was concentrated on safety issues.

Ms. Perot talked about Skagit Regional Airport and its own unique characteristics. She compared Skagit Regional to Sea-Tac Airport, noting the distinct differences between the two airports. She talked about recommended policies for each of the three compatibility issues, noting that these will most likely be adopted in the Comprehensive Plan as a part of the Bayview Ridge UGA Subarea Plan.

Ms. Perot spoke regarding noise compatibility, stating that the objective is simply to minimize the number of people exposed to frequent or high levels of airport noise. She reviewed a map showing where the high concentration of noise is located. She reviewed the exact location of the prohibition of residential development due to noise intrusion.

She explained that a height compatibility policy would be written to avoid development of land use conditions that impose hazards to flight or increase risk. Air space obstructions or land use that would attract birds, generate smoke, or emit confusing signals to pilots would be prohibited in certain areas. She reviewed a module showing the height proposals. Ms. Perot explained that the Port wants Skagit Regional Airport to be attractive to air use businesses, and to avoid development that would have height hazards. She briefly discussed strategies for limiting construction of buildings or towers that would obstruct flight.

Ms. Perot next discussed safety compatibility issues. She explained that this involves the potential for crashes and the desired safety of people on the ground. The objective is to minimize the risks of potential aircraft accidents and to preserve safety. She reviewed the impact of statistical crash data and the possibility of single engine aircraft crashing close to the airport. Ms. Perot stated that maps have been generated to indicate such safety zones. She indicated that the next step would be to come up with maps that can be used within the Permit Center to overlay to see where noise, height, and safety zones lie.

Mr. Christensen discussed residential density levels, and the desire to move forward in looking at a multi-use land designation and densities in what would be the final proposed Bayview Ridge UGA. He explained the need to look at residential and commercial/industrial allocations based on either acreage or number of people.

Commissioner Hart commented that it is important to maintain the existing airport facility at its current location rather than trying to build a new airport at another location.

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #6

Patsy Martin, Port of Skagit County, stated that the Port Commissioners are very pleased that a plan has worked out that is palatable with the Port and surrounding property owners. She showed the runway protection zone property. She pointed out one area where it was originally zoned for residential, but is now recommended to be zoned commercial/industrial.

Tom Solberg, stated that he is not a stakeholder, but is a civil engineer, and has reservations about residential growth in the area surrounding the airport. He commented on increased traffic as the airport grows, and the need to limit residential growth.

Jon Sitkin, representing John Bouslog, spoke regarding specific concerns of his client.

Chairman Wolden thanked those present for the presentation, and indicated that this is just the beginning of a long process with many details to be worked out.

2. Miscellaneous.

Tom Karsh, Director, indicated that late last week he received a phone call from Commissioner Anderson expressing concern over land division policies and regulations within UGA's, particularly before public facilities such as sewer and water were available for such land division. He stated that a couple of these land divisions had recently surfaced within the Sedro Woolley UGA. He distributed to the Board copies of the specific regulations and County Code in this regard. He advised that changes could be made to the Code if the Board so desired, but that it needs to be ascertained whether the regulations are consistent with the Comprehensive Plan.

Mr. Karsh explained that there is a misconception that when the County adopted City standards, that we also were able to use their codes with no other review required. The problem is that is not what the code says. The County adopted city standards, and in addition, the restriction for development within a plat is to be within a density of one dwelling unit per acre. Two applications are pending that appear to meet the Sedro Woolley land division standards, but are not compatible to density requirements of the County. In other words, the applicant is restricted to one dwelling unit per acre until the area is annexed and sewer made available. Mr. Karsh stated that this particular restriction has been with us since June of 1997.

Commissioner Anderson expressed his distaste for interim ordinances. He stated that the intent of the Urban Growth Element of the Comprehensive Plan was not to allow people to be held hostage in developing their land until the City decides to extend the sewer system. He stated that such landowners should be able to provide on-site sewer systems with the understanding that when the public sewer system becomes available, they would be required to hook up. He commented on the frustration of going through the short plat process and then being told no houses could be built.

Chairman Wolden stated that the City is not going to run the sewer out to the properties in question, and that it would be up to the property owners to request annexation.

Commissioner Hart explained his view of the required criteria, stating that a compromise was reached that landowners could plat to City standards and use the additional lot for installation of their septic system, with a density of one unit per acre. Then when city services are available and the property is annexed, the remaining lots could be sold for housing.

Commissioner Anderson reiterated that the interim ordinance does not reflect the provisions of the Comprehensive Plan.

Mr. Karsh briefly explained the history of how this matter was dealt with during the time the County was under invalidity. He stated that loosening these requirements would not be in the best interests of the County at this point in time.

Commissioner Anderson stressed the need to change these regulations at the earliest possible time.

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #7

Mr. Karsh expressed the need to convert these interim regulations into permanent regulations and let the public have a chance to comment on them. He stated that he was not in disagreement with Commissioner Anderson, and that perhaps the regulation is more restrictive than necessary.

Pat Hayden, City Attorney for Sedro Woolley, spoke to the need for standards to be site specific in some cases. He spoke to the particular specifics of one such application. He stated that the applicant wanted the City to pay for the sewer extension to this development. He stated that the sewer is available to anyone who wants to pay for the mains, but that the applicant in this case does not want to pay and has chosen not to pay. He commented on a recent meeting held with County Planning Staff and the cooperation that was prevalent. He stated that the City has no complaint with the process and appreciates the interaction with the County Planning Department.

Sharon Dillon, Mayor of Sedro Woolley, stated that she and the Council have instructed staff to work closely with the County to gain direction on interpretations for future developments.

Chairman Wolden expressed his appreciation to Sedro Woolley for coming in and stating their position in this regard.

Ms. Dillon stated that the fear is that if developments are allowed outside of city limits, all would have to have septic systems, and then they would not want to annex into the City.

Commissioner Anderson stated that the individual taxpayer has been left out of the picture. He indicated that the City is only worried about their own concerns and tax base. He pointed out that during this process, the County still maintains those roads, and people still pay into County road taxes. He stated that he would never vote for another interim ordinance, because there is oftentimes no consistency with the Comprehensive Plan. Commissioner Anderson stated that ultimately the person that loses is the individual taxpayer, and such taxpayer never asked to be included in the urban growth areas. He said that if the cities do not want to provide any services, they should prepare themselves for no growth.

Mr. Karsh stated that permanent regulations need to be prepared that are concurrent with the Fall and/or Spring packages for adoption in June, or the next round of items received from the Planning Commission.

Chairman Wolden added that the UGA boundaries were originally established by the cities.

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**

Harvey Wolden, Chairman

Robert Hart, Commissioner

Ted W. Anderson, Commissioner

RECORD OF THE PROCEEDINGS

Tuesday, May 2, 2000

Page #8

ATTEST:

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