

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, October 31, 2000**

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| 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 – To Consider Testimony regarding the Establishment of a County Road known as Wayward Way, #06899.2) Public Hearing – To Consider Testimony regarding the placement of a community identification sign on Skagit County right-of-way along Bayhill Drive, No. 30060.3) Presentation – Certificate of Retirement for Robert Hammond (May 1, 1972 through October 31, 2000).4) Signature – Summary of Offer Right-of-Way Acquisition (Revised Parcels) regarding West Bow Hill Road, No. 21180, Improvement Project.5) Signature – Resolution Calling for Public Hearing for the Proposed Formation of Skagit County Lake Management District No. 3 for Lake Erie and Lake Campbell.6) Miscellaneous. |
| 10:00 a.m. – 11:00 a.m. | <u>Planning & Permit Center – Tom Karsh, Director.</u> <ol style="list-style-type: none">1) Miscellaneous Planning Items. |

The Skagit County Board of Commissioners met in regular session on Tuesday, October 31, 2000, with Commissioners Harvey Wolden, Robert Hart, and Ted W. Anderson present.

MISCELLANEOUS.

Sandy Paciotti, Communicable Disease Nurse, updated the Board on the receipt of flu vaccine at the County Health Department. She stated that the flu vaccine had not arrived and would not be available for another 2-3 weeks. She urged concerned citizens to call the Influenza Hotline at 419-3315. Ms. Paciotti reviewed the schedule for flu shots at the various Senior Centers throughout the County.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. **Public Hearing – To Consider Testimony regarding the Establishment of a County Road known as Wayward Way, #06899.**

Steve Flude, Assistant Director/Assistant County Engineer, reviewed the exact location of the proposed establishment of a County Road known as Wayward Way. He advised that the Department is recommending that the citizen-requested roadway establishment be approved.

Chairman Wolden opened the public hearing.

RECORD OF THE PROCEEDINGS

Tuesday, October 31, 2000

Page #2

Linda Larrabee, a property owner in the area, spoke regarding problems with traffic speeding along Wayward Way. She reported that the current posted speed limit is 15 mph, and asked what it would be posted at once the County accepted the road as a County road. Mr. Flude stated that the roadway is scheduled to be posted at 35 mph. Chal Martin, Director, indicated that the lowest speed limit possible on a County roadway is 25 mph.

Commissioner Anderson stated that it is the residents that live along the roadway who have requested that the County take over maintenance of the road. He indicated that if speeding does become a problem, the County does have a traffic emphasis division that would be available to patrol the area.

Chairman Wolden verified the exact location of the proposed County jurisdiction.

Ms. Larrabee spoke to the difficulties of sight on the hill at the entry of the road.

Commissioner Anderson stated that the County would provide appropriate signage to warn users of the road to sight limitations.

There being no further public 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 establish a County Road to be known as Wayward Way, #06899, with an established speed limit of 25 mph. Commissioner Hart seconded the motion, which passed unanimously.

(Resolution to be provided by Staff at a later date)

2. Public Hearing – To Consider Testimony regarding the placement of a community identification sign on Skagit County right-of-way along Bayhill Drive, No. 30060.

Mr. Flude reviewed the exact location of the proposed community identification sign on Skagit County right-of-way along Bayhill Drive. Commissioner Anderson clarified that this request came from the community, who wanted to locate a sign that would not propose a threat to the motoring public. Mr. Flude reviewed pictures of the proposed signage at its proposed location.

Commissioner Anderson commented on the receipt of one letter from a neighboring property owner regarding the placement of the sign. Mr. Flude read the letter into the record.

Phil Siemens, 12387 Bayhill Drive, explained that other developments along Peterson Road have their signs on Peterson Road. He stated that the signage for Bayhill is proposed to be 200 feet from the main roadway (Peterson Road). He indicated that he did not understand the purpose of the sign, as normally such signs are put in place to help sell new houses, and this development is sold out. He voiced other concerns including vandalism and property damage. He indicated that the proposed sign would be 25-35 feet behind his home, and expressed concern for the reduction in value to his home to a future perspective buyer.

Martha Fishel, 12163 Bayhill Drive, Burlington, indicated that the homeowners' committee had endeavored to place the sign along Peterson Road, but could not obtain permission from the homeowner. When the community was being developed, the original plot plan from the developer was at this location, and, consequently, it seemed like a logical place for the sign. She indicated that Mr. Siemens had been contacted and the sign placement had been discussed with him. She spoke to the letter received from the Thibeau's and her and the committee's attempts to discuss their concerns. However, they had no response to the letters send or the phone calls placed to Mr. & Mrs. Thibeau. She stated that the Thibeau's home was considered when deciding on the placement of the sign. She reviewed a photograph showing that the sign would be off to the side of the Thibeau's property, rather than directly in view of the Thibeau's front door and driveway. Ms. Fishel indicated that 58 people in the Bayhill Community had contributed to the financing of the sign. She stated that it was felt that a community identification sign would show pride in their neighborhood, and described the exact location of the sign and the proposed additional landscaping.

RECORD OF THE PROCEEDINGS

Tuesday, October 31, 2000

Page #3

Ted Minursky, Bayhill, spoke in favor of allowing the community identification sign. He stated that this is the most likely and best place to put the sign so everyone can appreciate living in the Bayhill community.

Bill Reinard, Bayhill, indicated that the committee we will do everything they can do to make the sign and adjacent area as aesthetically pleasing as possible. He stated that the committee would like this sign to reflect the quality of their community.

Lanny Wixon, Bayhill, had several people in the audience stand to show their support for the placement of the community identification sign.

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

Commissioner Hart moved to allow for the placement of a community identification sign on County right-of-way as requested, and asked that landscaping be done to make such sign as aesthetically pleasing as possible. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Resolution to be provided by Staff at a later date)**

3. Presentation – Certificate of Retirement for Robert Hammond (May 1, 1972 through October 31, 2000).

Andy Shaw, Assistant Operations Supervisor, introduced Bob Hammond, noting that Mr. Hammond was due to retire today. Mr. Shaw reviewed Mr. Hammond's work history with the County, stating that he came to work in May of 1972. He reviewed Mr. Hammond's duties over the years, and presented him with a plaque memorializing his years of service to the County.

Mr. Hammond briefly outlined his plans for retirement.

4. Signature – Summary of Offer Right-of-Way Acquisition (Revised Parcels) regarding West Bow Hill Road, No. 21180, Improvement Project.

Mr. Flude presented a revised Summary of Offer for right-of-way acquisition regarding the West Bow Hill Road Improvement Project. Commissioner Hart verified that this involves a \$40 change in the acquisition cost. Commissioner Hart moved to approve the Summary of Offer as presented by Mr. Flude, and Commissioner Anderson seconded the motion. The motion passed unanimously.

5. Signature – Resolution Calling for Public Hearing for the Proposed Formation of Skagit County Lake Management District No. 3 for Lake Erie and Lake Campbell.

Chal Martin, Director, reported that the requested public hearing is part of the continuing process of the formation of Lake Management District No. 3 for Lake Erie and Lake Campbell. The public hearing purpose is to hear comments from the public at large about the formation of the district. The public hearing will be held on Tuesday, November 28, at 11:00 a.m. Commissioner Hart moved to approve the Call for Public Hearing as explained by Staff. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Resolution No. 18036)**

6. Miscellaneous.

A. Mr. Flude presented a Summary of Offer for the Farm-to-Market Road Improvement Project, with construction scheduled to begin in the summer of 2002. The estimated cost is \$145,700 for the parcels of land on the stretch of roadway from Ovenell Road to Josh Wilson. Commissioner Hart moved to approve the Summary of Offer as presented, and Commissioner Anderson seconded the motion. The motion passed unanimously.

RECORD OF THE PROCEEDINGS

Tuesday, October 31, 2000

Page #4

- B. Mr. Flude next presented two Interlocal Agreements for the Board's consideration for projects in two local jurisdictions. He explained that the first agreement is with the City of Sedro Woolley for the SR 20 Intersection Improvement Project. Commissioner Hart moved for approval of the Resolution and Interlocal Agreement with the City of Sedro Woolley as presented by Mr. Flude. Commissioner Anderson seconded the motion. The motion passed unanimously. **(Resolution No. 18037, Contract no. 05093)**

The second Interlocal Agreement was with the Town of Concrete for the Main Street, Dillard Avenue and Baker River Bridge Rehabilitation project. Commissioner Anderson moved for approval of the Resolution and Interlocal Agreement as presented, and Commissioner Hart seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 18038, Contract No. 05094)**

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Miscellaneous Planning Items.

Kendra Smith, Assistant Director, reported that the Planning Commission deliberated the previous evening on the agricultural buffers with a full Commission present. She stated that this deliberation session was necessary because two members, Louie Requa and Dave Hughes, had been absent the previous meeting. She stated that Mr. Hughes aligned himself with the agricultural community, which felt that the buffers were too large, and that other issues unclear were drainage of the delta area, saltwater intrusion into the fields, and compensation. Mr. Requa felt strongly that we were being asked to do more than what we should do under the Growth Management Act ("GMA") and that the Hearings Board had pushed the County too far. Mr. Requa also talked about salt intrusion and studies as to what salt would do to crops and the resultant outcome to farming if drainage ditches were not left open.

Ms. Smith stated that the Planning Commission did agree to take out one exemption for the sunset clause after a two-year period. She reviewed the particulars of that clause. She indicated that a lengthy discussion ensued about specific issues of the ordinance, and the need for full compensation for land being taken away.

Ms. Smith reported that the final vote on the ordinance was 3-3, with 1 abstention, which means that there is no recommendation coming forward to the Board of Commissioners. Upon query from Commissioner Anderson, Ms. Smith indicated that Planning Commissioner Bill Schmidt was the abstaining vote. She indicated that there was a consensus on the edits made to the ordinance and that the Planning Commission fully understood what they were voting on. She stated that the sticking points were funding, the unknown parameters of the implementation of the Endangered Species Act, and the definition of on-going agriculture.

Commissioner Hart stated that the County has tried to make it possible for agriculture to continue and not have federal guidelines imposed.

Commissioner Anderson concurred, stating that if the County does nothing, the federal government will implement the 4D rule and we will have a minimum of 125-foot buffers.

Commissioner Hart stated that if the ordinance, with Planning Commission edits, is brought back before him, he would be willing to pass it. He stated that he was uncertain whether it would comply with GMA, but that it is the County's best shot at compliance.

Chairman Wolden reviewed his efforts in finding funding for this program, and that such funding will be lost because of the disagreements over details. He noted the difficulties that will be felt by farmers if the National Marine Fisheries overlay is applied.

Commissioner Anderson concurred, saying that the choices are either for the proposed 75-foot buffers, or the minimum 125-foot buffers proposed by the federal government, or an expensive visit to court.

RECORD OF THE PROCEEDINGS

Tuesday, October 31, 2000

Page #5

Ms. Smith noted that Skagit County is so much further ahead than other jurisdictions that it would be a shame to lose ground now.

Tom Karsh, Planning Director, indicated that one of the concerns of the Planning Commission was whether it would be compliant with the parameters of the Endangered Species Act. A brief discussion ensued regarding this concern.

Commissioner Anderson commented on the attitudes at King, Pierce and Snohomish Counties that it is too expensive to reclaim habitat, and that it is better off to spend money protecting existing habitat. He stated that Governor Locke is going to stand behind that premise and support those counties. He stated that it would be counties like Skagit that would bear the brunt of this type of thinking.

Ms. Smith added that the County has some funding available now to start compensating farmers, but that such funding may not be available if we have to wait any longer.

After a brief discussion, it was decided to consider this matter on Monday, November 6, at 11:00 a.m.

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

ATTEST:

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