

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, March 12, 2001**

9:00 a.m. – 9:30 a.m.	Work Session – County Administrator.
9:30 a.m. – 10:00 a.m.	Work Session – Commissioners' Staff Meeting.
10:15 a.m. – 11:00 a.m.	Department Head Meeting.
11:00 a.m. – 11:15 a.m.	Consent Agenda and Miscellaneous Items.
11:30 a.m. – Noon	Presentation of 2000 Inventory.
*T 1:30 p.m. – 2:30 p.m.	Appeal by Dike Districts 1 and 12 of the Hearing Examiner's Decision regarding the Skagit County Non-Motorized Transportation Plan Determination of Non-Significance (AP-00-0685)
2:30 p.m. – 3:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.

The Skagit County Board of Commissioners met in regular session on Monday, March 12, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

DEPARTMENT HEAD MEETING.

Chairman Anderson opened the meeting with a discussion about the recent earthquake and the need to have a definite plan in place for such events in the future.

Mike Hackett, WSU Cooperative Extension, discussed the recent approval of an MBA Program through Washington State University at the Learning Center. He briefly discussed the branch campus at Skagit Valley College and the availability of the Distance Degree Program.

Tom Sheahan, Emergency Management, reviewed the response of his Department to the earthquake of February 28. He discussed the Department's procedure in contacting the 911 Center, State Department of Emergency Management, Seattle City Light, Puget Sound Energy and all of the area schools. He indicated that the two major concerns are the schools and the condition of the dams.

Mr. Sheahan concurred with Chairman Anderson's earlier comments regarding the need to update emergency plans for not only disasters but also other emergencies.

Mike Almvig, Information Services Director, added that consideration needs to be given to the aspects of the computer systems in that there would be a high likelihood that our computer system would be lost.

Mr. Sheahan stated that the County might want to look at utilizing another County's computer system, preferably on the other side of the mountains, in the event our system goes down. He indicated that Mr. Almvig would be a key part of the planned analysis.

Phyllis Coole-McKeehen, County Clerk, indicated that Snohomish County had supplied 72-hour emergency packets for all of their employees, and asked if Skagit County might consider doing the same.

Mr. Sheahan suggested that individuals should take stock of their own supplies both at home and at work, which is probably more efficient than the government taking care of individuals. He indicated that he was not sure of the cost of such 72-hour emergency packets, and that it would be difficult for the Board to ascertain their willingness to provide same without cost information.

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Chairman Anderson commented on the timely completion of the courthouse foundation work, and the need to work on a plan and drill for future emergency situations.

Mr. Sheahan added that employees should be trained on how to handle possible intruder situations also, learning where to go and what to do in such emergencies.

Various scenarios were discussed and suggestions made for quick employee notification on computer screens.

Commissioner Dahlstedt asked that employees report any damage from this earthquake directly to Roger Howard, Facilities Director, or Mr. Sheahan.

Tom Karsh, Planning Director, queried the Board about their recent trip to Washington, D.C.

Chairman Anderson stated that the Board held productive meetings with various legislators, attempting to access CREP funding for the agricultural buffers program. However, the news coming out of Washington may be bleak for obtaining such funding. He stated that, on the positive side, they had had a good meeting about retaining Job Corps in Skagit County. He reviewed the efforts the Board took in trying to make elected officials aware of the situation in Skagit County regarding agricultural buffers and fish mitigation.

Commissioner Dahlstedt indicated that the Board tried to give the elected officials an update on the potential of flood projects, and that information gathered by Public Works had been distributed.

Commissioner Munks spoke to the various energy issues that were discussed. He also noted that he and Commissioner Dahlstedt had been appointed to two of NACO's national committees. Consequently, Skagit County is one of the few counties across the nation to have all three commissioners on such national committees.

Chairman Anderson stated that having Roy Atwood on Board was a great asset to the Board back in Washington, D.C.

CONSENT AGENDA.

Commissioner Dahlstedt moved to approve the Consent Agenda for Monday, March 12, 2001. Commissioner Munks seconded the motion, which passed unanimously.

ADMINISTRATIVE SERVICES

1. Resolution Modifying the Timeline to Submit Applications Under the Skagit County Distressed County Economic Development Public Facility Program. **(Resolution No. 18184)**
2. Memorandum of Understanding to Current Collective Bargaining Agreement (2000-2001) between Skagit County and the Courthouse Teamsters Local #231, dated January 1, 2000 through December 31, 2001, provides for additional agreements between the parties concerning the Collective Bargaining Agreement. The parties agree to amend Attachment A, the Index of Job Title by Salary Range, to include the classification of Court Services Assistant – Lead at Range 9. (For your information, attached is a copy of the Index of Job Title by Salary Range non-exempt (WSWA) jobs). **(Contract No. 04908)**

COMMISSIONERS' OFFICE:

3. Record of the Proceedings for Monday, February 26, 2001
4. Record of the Proceedings for Tuesday, February 27, 2001

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FACILITIES

5. Amendment to Agreement to Marc Estvold's architectural service contract for additional work he was asked to do during the Judge's Bench project and to complete the Courthouse remodel project which in the original contract scope of service was limited to programming, schematic design and cost estimates. **(Contract No. 03514)**
6. Personal Services Agreement between Skagit County and Leonard, Boudinot and Skodje, Inc. for civil engineering and land surveying services for the East County Community Resource Center. This project will be funded by a Community Development Block Grant (CDBG) and requires certain language in the Agreement. The Agreement shall commence on the date of signing and continue until December 31, 2002. Fee for land surveying services will be \$5,300, the fee for the geotechnical report will be \$3,600, with a total fee not to exceed \$8,900. **(Contract No. 05222)**
7. Agreement between Skagit County and Paragon Construction relative to the remodel in the Administration Building for the Treasurer's new office. Final completion date is May 31, 2001. The contract sum shall be \$62,000.00. **(Contract No. 05223)**

HUMAN SERVICES

8. Personal Services Agreement Amendment #4741-1 between Skagit County and Skagit Adult Day Services. This amendment extends the period of performance from 12/31/00 to 12/31/01 and adds a maximum compensation amount of \$4,650.00 and also adds professional liability. Skagit Adult Day Services provides services to adults with developmental disabilities. **(Contract No. 04741)**

INFORMATION SERVICES

9. Addendum to the current Agreement #004903 made and entered into between Skagit County and Northwest Regional Council so Northwest Regional Council may receive technology services and use of property from Skagit County. The technology services are defined in a service level agreement between Skagit County and Northwest Regional Council. The agreement remains in full force until terminated by either party. **(Contract No. 04903)**

YOUTH & FAMILY SERVICES

10. Personal Services Agreement between Robert Fleming and Skagit County to provide specialized child, adolescent, evaluation with written reports. The agreement will commence on the 15th day of February 2001 and continue until December 31, 2002. Compensation is at the rate of \$100.00 per hour. **(Contract No. 05224)**

LAW LIBRARY

11. Personal Services Agreement Between Skagit County and Gerald T. Osborn to supervise and review legal research performed by Law Library staff on behalf of post-conviction inmates incarcerated in the Skagit County Jail. This agreement shall not in any way be construed to include representation of or legal advice to any inmate who participates in this program. **(Contract No. 05225)**

PLANNING AND PERMIT CENTER

12. Personal Services Agreement between Water and Wastewater Services and Skagit County regarding management of the Edison Subarea Wastewater Facility Operation and Maintenance. The contract is \$5,700 per year (and hourly emergency fees). The agreement will commence on January 1, 2001 and will continue under December 31, 2002. **(Contract No. 05226)**

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PROSECUTING ATTORNEY

13. Addendum No. 2 to Personal Services Agreement #004597 between Skagit County and Candace J. Ashbrook to do independent interviews of children who may be victims of sexual assault. This is done at the request of law enforcement. She provides a transcript of interviews and may appear in court. Compensation is at the rate of \$833.00 per month. The term of the agreement shall be extended commencing on the 1st day of January 2001 and will continue through December 31, 2001. **(Contract No. 04597)**

PUBLIC DEFENDER

14. Personal Services Agreement between Corbin Volluz and Skagit County to handle District Court caseload not to exceed 50 cases per month. Shall commence on February 15, 2001 and continue until terminated. **(Contract No. 05227)**

ASSIGNED COUNSEL

15. Personal Services Agreement between Mark Seitter and Skagit County to provide indigent defense. Cases referred to Contractors are considered to be conflict of interest cases for the Skagit County Public Defender's Office. Case referrals will be from Superior Court, Juvenile Court, and District Court. A list of compensation rates is attached to the agreement and shows rates for adult felony and misdemeanor cases as well as juvenile felony and misdemeanor cases. **(Contract No. 05228)**

PUBLIC WORKS DEPARTMENT

16. Out-of-State Travel Request for Don McKeehen to travel to Denver, Colorado, March 25-27, 2001 to the annual Lifesavers conference. This is the largest conference of its kind, offering a variety of workshops covering all aspects of traffic safety. Information gathered at this conference will be helpful in planning and executing traffic safety programs for Skagit County. **The Washington Traffic Safety Commission is paying all costs for this conference. (Approved)**
17. Resolution Establishing the Eligibility List for Rental Equipment. County representatives will rent equipment from these supplies, subject to the needs of the County and the availability of the equipment needed. **(Resolution No. 18185)**
18. Professional Services Agreement between Skagit County and Chinook Enterprises with respect to grounds maintenance service at the Skagit County Recycling and Transfer Station and the Skagit County Road Maintenance Shop in Burlington. This agreement is in effect from March 1, 2001 to October 31, 2001. The amount of compensation is unchanged from previous agreement.
19. Correction Quit Claim Deed between Washington Department of Ecology and Skagit County. The deed was written to correct a clerk's error in the original quit claim deed that conveyed ownership of a primitive boat launch to DOE. The correction changes the word "Easterly" to "Westerly" in the fifth line of the main text of the deed. There are several other small corrections to upgrade language. The error was discovered when DOE granted a 15-foot easement to Skagit County for the Josh Wilson Road drainage project. **(Deed No. 0470)**

SHERIFF

20. Resolution for to Call for Public Hearing To Consider an Interlocal Agreement Between Skagit County and the Town of La Conner Relating to Law Enforcement Services. **(Resolution No. 18186)**

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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, March 12, 2001, 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 90715 through 91052 from Clearing Fund 696 in the total dollar amount of \$500,808.59 (Transmittal No. C-15-01);

Warrants numbered 91053 through 91497 from Clearing Fund 696 in the total dollar amount of \$3,533,149.96 (Transmittal No. C-16-01);

Payroll warrants numbered 954689 through 954753 in the total dollar amount of \$62,606.21 (Transmittal No. P-09-01); and

Payroll warrants numbered 70227 through 71149 in the total dollar amount of \$782,534.19 (Transmittal No. P-10-01).

2. Staff presented a Memorandum of Agreement with the Humane Society to act as the Animal Control Authority pursuant to Skagit County Code Chapter 7.06, charged with the duties of investigating and processing complaints about dangerous dogs. The agreement term is January 1, 2001 through December 31, 2002, with monthly reimbursement set at \$6,200 for this period. Commissioner Munks moved to approve the Memorandum of Agreement as presented, and Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote. **(Contract No. 05229)**
3. Staff presented a Memorandum of Agreement with the Humane Society to provide food, shelter and humane treatment to animals falling within the purview of the police powers of Skagit County pursuant to Skagit County Code Chapter 7.04. The County agrees to pay \$6,167 per month of the service rendered under the terms of this Agreement effective January 1, 2001, increasing the amount to \$7,500 per month effective January 1, 2002. The agreement term is January 1, 2001 through December 31, 2001. Commissioner Munks moved to approve the Memorandum of Agreement as presented. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract no. 05230)**
4. On behalf of the County Fair, Staff presented a Vendor Services Agreement with Silver Hammer Roofing, Inc. for the tear-off, re-sheet and installation of a Snap-Loc Roof on Building C for the not-to-exceed amount of \$6,338.64. The contract term is March 14, 2001 through April 1, 2001. Commissioner Munks moved to approve the Agreement as presented, and Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote. **(Contract No. 05231)**
5. Staff presented for the Board's consideration Supplement No. 1 to an Interlocal Agreement with the Sedro Woolley School District #101 expanding the scope of work to include the installation of permanent lighting at the Janicki Playfields. The District agrees to install the permanent lighting, and to keep it maintained for the Sedro Woolley School District and citizens throughout the County. Skagit County, in consideration for the installation of permanent lighting at the Janicki Playfields by the District, agrees to increase the financing amount in the original agreement from \$45,000 by \$50,000, increasing the County's total commitment under this Agreement to \$95,000. Commissioner Munks moved to approve the Supplement as presented, and Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote. **(Contract No. 04545)**
6. On behalf of the Public Works Department, Staff presented a Resolution Establishing an Eligibility List for Procurement of Maintenance Materials. Commissioner Munks moved to approve the Resolution as

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presented, and Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote. **(Resolution No. 18187)**

7. On behalf of the Public Works Department, Staff presented a Resolution containing a Request for Proposals for Engineering Services for the Goldenrod Bridge and Road Improvement Project, Job No. ES9700-4. Commissioner Munks moved to approve the Resolution as presented. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. 18188)**
8. Tom Sheahan, Emergency Management Director, advised the Board of the need to declare a disaster in Skagit County due to the effects of the earthquake of February 28th. By doing so, there is a possibility that the County could obtain federal monies to assist with the cost of public damage. The Board indicated that they would approve such a Resolution once formally presented to them.
9. Chris Stamey, Budget/Finance Department, presented two documents for the Chairman's signature regarding the County's new mail machine. These included a postage meter rental agreement and an Equipment Service Agreement pertinent to the previously signed documents with Ascom Leasing. Commissioner Munks moved to approve the documents as presented by Mr. Stamey, and Commissioner Dahlstedt seconded the motion. The motion passed with a unanimous vote. **(Contract No. 05218)**

PRESENTATION OF 2000 INVENTORY.

Chris Stamey, Budget/Finance Department, presented the Board with a compiled physical inventory for Skagit County for the period January 1 – December 31, 2000. He advised that the items listed are over \$500 in value. He reviewed the particular sections of the inventory, and discussed the procedure for the disposition of items. Mr. Stamey stated that everything on the inventory was properly accounted for, and detailed the three losses that had occurred. Commissioner Munks moved to accept the full and complete inventory as outlined by Mr. Stamey of the personal property owned by Skagit County. The motion was seconded the Commissioner Dahlstedt, and passed with a unanimous vote.

APPEAL BY DIKE DISTRICTS 1 AND 12 OF THE HEARING EXAMINER'S DECISION REGARDING THE SKAGIT COUNTY NON-MOTORIZED TRANSPORTATION PLAN DETERMINATION OF NON-SIGNIFICANCE (AP-00-0685).

Chairman Anderson reviewed the ground rules for the appeal hearing, indicating that we would begin with a Staff report, and a presentation by the appellants. He stated that only official parties of record would be allowed to speak thereafter, and he read the list of such parties into the record.

Tom Karsh, Director of the Planning & Permit Center, advised that on September 21, 2000 the Planning Department issued a Determination of Non-Significance regarding the Skagit County Non-Motorized Transportation Plan, which is part of the process for reviewing plans under the Comprehensive Plan. He explained that the Non-Motorized Plan is contained in the Comprehensive Plan under the Transportation Element. Such a plan provides for non-motorized transportation, including bicycle paths, footpaths, etc. The plan was put together by our County Public Works Department and a consultant, ALTA Transportation Consulting. He advised that the consultant was present and could answer questions if so needed. Mr. Karsh reviewed that the Planning Department's role is mostly procedural in making sure that this appeal is properly heard. If the Board upholds the Hearing Examiner's decision, which in turn upheld the Planning Commission's Determination of Non-Significance, the Department would package this Non-Motorized Transportation Plan and schedule a public hearing before the Planning Commission. Consequently, whatever issues there may be concerning that plan, could be addressed by the Planning Commission. The Planning Commission will then forward the plan on to the Board of County Commissioners with their recommendation for approval. The Board would have their usual options at that time.

Mr. Karsh clarified that this is a closed record hearing, meaning that no new evidence can be provided, and only parties of record can testify. He indicated that the Board had been provided with a copy of the Hearing Examiner's Decision and other pertinent documents.

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John Shultz, attorney representing Dike District Nos. 1 and 12, stated that these are not the only dike districts to oppose this plan, however, his comments would be limited to these two identified districts. He stated that the districts have submitted materials showing that there are a number of significant environmental impacts that were not addressed in the plan. The dike districts are not opposed to the trail plan for transportation purposes, however, there is an attempt to make this a recreational trail, which the districts do oppose. He cited liability issues, the statutory considerations and responsibilities of dike districts, and property rights issues, which were not considered in the findings by the Hearing Examiner.

Mr. Shultz reviewed the specific locations of the dike districts and the properties they include. He stated that it is important to note that the dike districts are not like a property owner where a trail can be placed on their property and get approval. Dike districts are mandated by statute with duly elected commissioners, mandated for flood control for protection of life and property. He reported that there is no mandate to open up the dikes for any other purposes, and that if the dike districts agreed to allow trails on their dikes, the elected commissioners could be sued or recalled. These issues, however, were not addressed in the DNS, and were totally disregarded by the Hearing Examiner.

He next spoke to the issue of liability, stating that there have already been a number of incidences on the dikes consisting of dog bites, assaults and criminal activities and drug use. Mr. Shultz indicated that information in this regard had been submitted from the County Sheriff with the report that allowing trails would increase crime. These facts, however, were not addressed in the DNS according to Mr. Shultz.

Mr. Shultz discussed the property ownership of the dikes. He reported that most of the dikes have authority based on rights-of-way and easements. The districts have a specific limited use of the dikes for flood control purposes and to use such dikes for trails would exceed mandated statutory authority. For example, in Dike District 12, one easement (deed) says that if the dike is used for trail purposes it reverts back to the property owner. Mr. Shultz stated that if you had trails on dikes going over and through the hodge-podge of ownership, there would be no way possible to have a continuous trail on the dike unless you had every single property owner in agreement. In essence, having trails on the dikes is a physical impossibility. This fact was not addressed in the DNS or the Hearing Examiner's findings.

Mr. Shultz stated that in looking at the DNS and the subsequent decision of the Hearing Examiner, it is obvious that the decisions were erroneous and based on procedural flaws. He stated that there were a number of issues critical to the issuance of the DNS that the Hearing Examiner did not consider. He reported that when the County prepared the DNS, they did not contact a single dike district commissioner for their input regarding the impacts to the dikes of trails. No consideration was given regarding feasibility or design standards of the trails. The issues of paving, equestrian usage, asphaltting, water quality and liability were not addressed. The Hearing Examiner subsequently ignored these same issues in his decision after they were raised at the hearing before him. Mr. Shultz stated that the most glaring example of this cavalier attitude is that if you look at the DNS, it says it is based on a review of the environmental checklist. However, Mr. Shultz pointed out, out of a total of 90 questions, 71 were answered "n/a." Three answers were left blank. He stated that if an individual submitted a list like this for a permit, the chances of getting that permit would be very slim. He asked the Board to consider this inadequate environmental checklist when making their ruling.

Mr. Shultz reiterated that the dike districts are not opposed to the trail plan, but it is obvious that a dike district is in the floodplain, and is subject to surface water discharge. These facts were not adequately addressed in the DNS. He commented that it had been determined that no Environmental Impact Statement was required. He stated that the DNS is not only inadequate, it is profoundly inadequate. He indicated that the County has said that this is a non-project-specific DNS. In the Hearing Examiner's decision, the County uses as a basis that this is non-specific by citing that Non-Motorized Transportation Plan does not list dikes at all. The Hearing Examiner agreed that in Finding of Fact No. 6, in no place does the Skagit County Non-Motorized Transportation Plan contain any recommendation for the construction of trails or other plans on dikes. He referenced specific portions of the plan in this regard, noting that the plan is littered with references to dikes.

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Mr. Shultz stated that the County has said that they can issue this DNS because it is non-project-specific. He explained that the problem with this is that when the County issues the DNS, it basically gives a free pass, and is a huge threshold determination. The Feasibility Plan also states this fact, and the Hearing Examiner did not address it. The Feasibility Plan says that review will occur on a case-by-case basis. To allow the County at this time to have a blanket DNS removes a significant burden for the County and removes environmental scrutiny that should be required. If the Commissioners' uphold the Hearing Examiner's decision, it would affect 34 dike districts, and would basically say that there is no need to get an EIS, address water runoff, paving, dumping of trash, resultant pollution of the river, and Army Corps of Engineers standards. We are asking for simple fairness, which should apply to any citizen. He stated that trails are desirable in the County, but that the liability issues to the dike districts must be addressed. He spoke to maintaining the integrity of the dikes. He added that the Dike District Commissioners take their duties seriously, together with their mandate to protect life and property.

Mr. Shultz stated that if you look at face of the DNS, it says that this decision was made after a completed environmental checklist. The environmental checklist was simply a cursory review and was essentially ignored. He reiterated again the deficiencies in the Hearing Examiner's decision and the adverse affects to the dike districts.

Mr. Shultz asked the Board to revoke the DNS, sending it back for a full environmental analysis and investigation of the impacts of trails on the dikes. He stated that if the DNS is upheld, it should be upheld for full County effect, but not specifically to the individual dike districts. He emphasized that dike trails should be analyzed on a case-by-case basis.

A discussion ensued about a potential trail proposed by the Burlington Parks & Recreation Department consisting of a trail from the railroad trestle to the Gardner Road Boat Launch.

Phil Miller, Alta Transportation Consultants, 6519 152nd Avenue NE, Redmond, spoke to the background of the Non-Motorized Transportation Plan and why it addressed issues of trails on dikes and trails in general. He stated that the first conclusion of the Dike Trail feasibility Study and the Non-Motorized Transportation Plan, is that individual diking districts are under no obligation to participate or allow a trail on property under their control. When the Nonmotorized Plan was first drafted, that draft included a rather extensive inclusion of trails on dikes. As a subsequent bi-product, many private property owners and dike districts came forward and asked for reconsideration. When Mr. Miller's firm was brought on board by the County, they were asked to address these issues. The major product that came forward was the Feasibility Study. These issues included liability, design standards, and the applicability of trails on dikes in the context of transportation. There is a parks and open space plan that includes trails on dikes. The Nonmotorized Transportation Plan cannot amend or change that adopted plan. That same plan said that recreational trails are primary and transportation is secondary. Mr. Miller clarified that the Non-Motorized Transportation Plan mentions dikes, but that there are no specific projects proposed on any dike. In the original draft of 1994, each and every proposal to put a trail on a dike was removed and never replaced. Mr. Miller stated that this was addressed at the specific request of the dike district commissioners. It is not the primary purpose of the dike districts to build trails. They are not precluded in being involved so long as the primary mandate is being met. Dike districts throughout the US have participated in the development of trails, according to Mr. Miller.

Chuck Bennett, Dike District No. 12 Commissioner, 17755 Bennett Road, addressed a query of Commissioner Dahlstedt about a proposed trail in Burlington. He stated that the City came to the dike district and asked for limited access to the river. Technically it is not a "trail," but is for people attending nearby athletic events to come over the dike. He stated that this access would not attach to other trails as this would nullify the agreement reached with the City.

Randy Good, 25512 Minkler Road, Sedro Woolley, indicated that the best way to develop a DNS is through the public process and the public has been left out in this circumstance. He reviewed the activities in this regard of the RTPO Technical Committee and the previous County Parks Director, specifically mentioning the Cascade Trail. He stated that no environmental concerns were talked about. He showed the difference between the testimony in favor of the Nonmotorized Plan and against the Nonmotorized Plan. He stressed the need for total revisions to include citizen input addressing property rights, compliance with comprehensive plans and environmental issues.

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Darrell Burke, 12109 SE 185th Street, Bellevue, spoke regarding his concern for the Swinomish Gun Club if a trail was developed along the Swinomish slough. He stated that the main concern is liability, as the Gun Club has had the right to hunt that area since the late 20's and early 30's. He commented that shotguns and people do not mix. He stated that the Gun Club owns the low mean tide area in front of the dike as well, and people walking in this area during hunting season would not be safe. He also expressed concern for the welfare of their constructed blinds and the possibility for vandalism.

Gary Jones, P.O. Box 1245, Mount Vernon, stated that he represents Dike 3, 9 and 17, and expressed concern at the DNS minimized the consequences of the proposals. He indicated that Mr. Shultz's critique presented to the Board appropriately addressed the issues. He commented on the need to utilize the Dike Trail Feasibility Study, saying it was inconceivable that the conditions set forth therein were not included in the DNS. Previous work identified many important and environmental issues for trail use on dikes. He reiterated that no individual dike district is under any obligation to provide for trails. He emphasized that the concept of approval on a case-by-case basis is in keeping with the best interests of the districts and the County. The confusion between the public recreation aspect and the transportation aspect is only going to be resolved by looking at these case-by-case examples. He stated that dike districts would like to be involved in this review prior to public monies being spent. He encouraged the Board to look at the Dike Trail Feasibility Study so that any DNS could be mitigated by the requirements contained therein.

Mr. Shultz concurred with Mr. Jones' remarks, saying that it is inconceivable that the DNS was issued without reference to the Feasibility Study. He reiterated that any project dealing with the dikes must be evaluated on a case-by-case basis. Environmental concerns should be addressed at that point. He stated that the Hearing Examiner's decision now gives a free pass and is inconsistent with the management requirements of the dikes.

After a brief discussion with Staff, Chairman Anderson announced that the Board would render their decision in this matter on Thursday, March 15, at 3:00 p.m.

Chairman Anderson commented on the public process in this type of Plan, and the need for cooperation to be successful. He stated that it seems feasible that such a plan should be reviewed on a regular basis, and projects reviewed on a case-by-case basis.

Commissioner Dahlstedt reviewed that he has had contacts with individuals regarding the proposal to have trails on dikes since January. He stated that he has indicated that such individuals need to contact the dike district commissioners as they are the legislative authorities and it is not appropriate for the Board of Commissioners to usurp their authority.

Commissioner Munks agreed that this is an issue that does not follow the process it should have. The Dike Districts have elected officials that are to be responsible for the areas they are elected to protect, and that the dikes are there for the protection of the entire County. In that respect, the process has to include the dike commissioners, and that is the way the process should have run.

ADJOURNMENT.

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

BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

ATTEST:

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