

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Monday, March 26, 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.
10:00 a.m. – 11:00 a.m.	Department Head Meeting.
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items.
11:30 a.m. – Noon	Decision – Appeal by Landex Associates (Ken Wolcoski) of the Hearing Examiner's Decision regarding Special Use Permits for an RV Park and Riding Arena near Turner's Bay (PL00-0109 and PL00-0110).
1:30 p.m. – 3:30 p.m.	Executive Session – Personnel, Litigation and Land Acquisition.
3:30 p.m. – 4:00 p.m.	Review and Possible Action on the Planning Commission's Recorded Motion regarding Properties known as Mathis and Cook in Western Washington Growth Management Hearings Board Case No. 99-2-0016.

The Skagit County Board of Commissioners met in regular session on Monday, March 26, 2001, with Commissioners Ted W. Anderson, Don Munks, and Kenneth A. Dahlstedt present.

DEPARTMENT HEAD MEETING.

Peter Browning, Health Department Director, reported on cases of measles occurring within the County, and reviewed the activities of the Health Department in this regard.

Ron Feld, Mediation Services, reviewed a large mailing recently sent on the functions and activities of Mediation Services in an effort to obtain additional business and to solicit for volunteers to assist the agency with mediation. He commented on the availability of Mediation Services to resolve differences, and urged other department to utilize their services.

JoAnne Angevine, Human Services, discussed the availability of Chinook Enterprises individuals to perform part-time jobs for County Departments. She asked her colleagues to consider offering such jobs to these disabled individuals. She commented that Commissioner Anderson has been very active with Chinook Enterprises.

Chairman Anderson explained the job training procedure of Chinook Enterprises, and the resultant increase in self-esteem and life structure. He emphasized the need to carve out a niche where jobs fit the skill level of such people.

Tim Holloran, Director of Senior Services, suggested that perhaps there are jobs set aside for summer interns that might lend themselves to disabled individuals, and that Department Heads should consider this when planning summer job coverage.

Ms. Angevine advised that there is a "no-fare" program with SKAT for disabled individuals to allow them to commute to such jobs at no personal expense.

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Commissioner Munks spoke briefly to the energy and water crises and the conceivable prospect of brown-outs in the Northwest. He urged Department Heads to develop policies to address the possibility of such developments. He emphasized that it is necessary to think about a plan of action if there is no power available.

Mike Almvig, Information Services Director, added that the County's emergency generators would not allow continued work at individual workstations.

Commissioner Munks reiterated that thought needs to be put into a plan before an emergency situation arises in the future.

Commissioner Munks next discussed the proposed Multi-Modal Center of the City of Mount Vernon. He reviewed that the Center would be located just east of the County campus, and that there would be the possibility that 139 County employee parking spaces would be eliminated. The question becomes, should the County lose that lot, where would such employees be required to park. He stated that parking 6-7 blocks away from a County Building is not acceptable, and many employees may end up parking on the Revetment. He stated that the County needs to start thinking about the issue of parking, and a possible shared parking facility within the County's complex.

Commissioner Anderson indicated that Mount Vernon's Comprehensive Plan prohibits adding any more parking spaces in the downtown area. He stated that he had conveyed to Mount Vernon that if they in fact take approximately 135 parking spaces from the County, they would need to replace those spaces, spot-by-spot. He stated that he had assured the SKAT Board and Mayor Richendrfer that a legal challenge would be issued should the County lose its 135 parking spaces for County employees.

Commissioner Anderson next discussed a meeting he had last Friday in Concrete with Puget Sound Energy (PSE). He explained that PSE has a very aggressive plan for the development of co-gen plants. He reviewed PSE's efforts in this regard. He stressed the need for increased conservation.

Tom Karsh, Planning & Permit Center Director, added that the County's zoning ordinance contains three sizes of such facilities, and that inquiries have been forthcoming about the feasibility of such development.

Chal Martin, Public Works Director, reported on the work being done with the U.S. Army Corps of Engineers on a flood feasibility study for the Skagit River. Mr. Martin stated that this process began after the 1990 flood and has been moving along relatively slowly. At this point, the County has engaged a local group of experts to help identify potential ways to mitigate floods in the Skagit Valley. He displayed a map showing a possible Flood Bypass structure that might be constructed to help in this regard, which is a rather simple option that would help alleviate flooding and enhance fish habitat. The bypass would also contain a recreation element by providing a series of trails along its banks. Mr. Martin stated that there are other alternatives, including changes to the existing dike system such as overtopping, dike setbacks, and getting the 100-year flow of the Skagit out to the mouth of the Skagit. He discussed the financing of such major public works projects, with the assumption being that one component would be to have funding through a special levy. Currently, the working cost estimate for this project is \$280,000,000, which includes money to purchase property and to build the levees on both sides of the structure. He stated that once the vegetation was established, it would be difficult to ascertain that it was a flood bypass structure. He reviewed that there would be many steps to go through, including a significant environmental process.

Chairman Anderson commented that Commissioner Dahlstedt came up with the idea of tying salmon habitat restoration with the maintenance of a planned floodway. He stated that the County can no longer just fight floods when they occur, but must mitigate the potential damaging effects.

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Commissioner Dahlstedt indicated that, with big push for salmon recovery, there might be a good opportunity to obtain Federal or State funding for this type of project. He stated that the Corps of Engineers would provide 65% of funding for flood and salmon recovery projects. Commissioner Dahlstedt indicated that if the project can address the concerns of the Tribes and State Salmon Recovery mandates, there would be the possibility to obtain increased Federal funds. He spoke to the many recreational opportunities that would be afforded by this project, including hiking and bicycle trails, among other things. He further spoke to the efforts to bring Padilla Bay representatives on board to accept fresh water into the Bay, and also to address the concerns of the environmental community. Commissioner Dahlstedt stated that it is hoped to be able to fund 75-80% of the project through federal, state and tribal dollars.

Mr. Martin, upon query from Ms. Angevine, reviewed what the project would look like.

Geoff Almvig, GIS/Mapping, stated that his Department has been working with Public Works and the Corps of Engineers to come up with models for such a project. He talked about overlaying flood result maps with regular maps to show which areas would be most affected by a major flood event. He stated that color renderings of such maps would be available within the next week.

A discussion ensued wherein it was stated that the project would take years to accomplish, but would be of great benefit to the citizens of Skagit County.

Commissioner Munks discussed needed partnerships with private industry, particularly along the Highway 20 corridor.

Commissioner Dahlstedt spoke to the impacts to farming and that the purchase of farmland would be a blessing for some landowners to receive the value for their land.

In this regard, Chairman Anderson reviewed the specifics of the County's agricultural buffer program and the efforts to obtain CREP funding while the Board was in Washington, D.C. He stated that the Board would not mortgage the County to adhere to the adopted buffer program if funding is not available.

Mike Almvig, Information Services Director, discussed doing business more efficiency by utilizing electronic forms and other efforts.

Chairman Anderson thanked those in attendance for their input.

CONSENT AGENDA.

Commissioner Munks moved to approve the Consent Agenda for Monday, March 26, 2001, items 1-17, and item 19, removing number 18 until it is brought forward by the Public Works Department at a regular agenda session. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, March 19, 2001.
2. Record of the Proceedings for Tuesday, March 20, 2001.
3. Record of the Proceedings for Thursday, March 21, 2001.
4. Amendment No. 2 to Interlocal Agreement with the Skagit Conservation District extending the term of the agreement to June 30, 2001. The maximum consideration payable to the Skagit Conservation District remains the same at \$62,500. **(Contract No. 03239)**

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PROSECUTING ATTORNEY'S OFFICE:

5. Quit Claim Deed to Quiet Title for William and Peggy Kirkpatrick for property on Guemes Island. Both the Assessor and Public Works concur that this property belongs to the Kirkpatricks. **(Deed 0471)**

PLANNING & PERMIT CENTER:

6. Resolution Affirming the Hearing Examiner's Decision AP-00-0685) following a closed Record Hearing to consider an Appeal from Dike Districts #1 and #12 relating to a SEPA Determination of Non-Significance issued for a proposed Skagit County Non-Motorized Transportation Plan. **(Resolution No. 18202)**
7. An Ordinance Amending the Comprehensive Plan Map/Zoning Map for Properties known as "Portis" and "Colson" in Response to Final Decision and Order No. 2 fo the Western Washington Growth Management Hearings Board in Case No. 99-2-0016. **(Resolution No. 18203)**

HEALTH DEPARTMENT:

8. Personal Services Agreement with Dental Personnel Services, Inc. to assist dentists and dental hygienists in dental screening and applying dental sealants to 2nd and 3rd grade students. The contract term is February 26, 2001 through May 31, 2001, with a not-to-exceed compensation amount of \$1,584. **(Contract No. 05238)**
9. Personal Services Agreement with Northland Cable to air 30-second commercials addressing the issue of illegal dumping in Skagit County. The contract term is January 1, 2001 through December 31, 2001 for a not-to-exceed amount of \$5,000. **(Contract No. 05239)**
10. Personal Services Agreement with Schell Design Group to assist with the development of ad campaign messages and tags that tie the various media together (print, video, and radio). Schell Design Group will also develop poster and printed ad concepts and layout resulting in a poster that can be used for newspaper and billboard advertising. The contract begins February 1, 2001 and will terminate on December 31, 2001, with compensation not-to-exceed \$3,000. **(Contract No. 05240)**
11. Personal Services Agreement with AT&T Broadband to write, produce, air and deliver up to three 30-second commercials addressing the issue of illegal dumping in Skagit County. The term of the contract is January 1, 2001 through December 31, 2001, with compensation not-to-exceed \$10,000. **(Contract No. 05241)**
12. Personal Services Agreement with Cascade Radio Group to write, produce, air and deliver up to 10 commercials addressing the issue of illegal dumping in Skagit County. The term of the contract is January 1, 2001 through December 31, 2001, with compensation not-to-exceed \$10,013. **(Contract No. 05242)**

HUMAN SERVICES:

13. Interagency Work Order Amendment with DSHS – Division of Developmental Disabilities, which adds \$2,580 to the 1999-2001 biennial contract for the community access program. The Work Order increases from a maximum of \$1,398,107 to \$1,400,687. **(Contract No. 04490)**

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YOUTH & FAMILY SERVICES:

14. Personal Services Agreement with Diane J. Lowry to provide specialized child, adolescent, adult and family assessment and evaluation for the period February 25, 2001 through December 31, 2002. Hourly rates range from \$60 for individual therapy with a written report to \$20 for travel. **(Contract No. 05243)**

BEST PLACE:

15. Addendum No. 2 to Professional Services Contract with Skagit Valley YMCA changing monthly compensation from \$5,888 per month to \$6,888 for the after school and Saturday Late-night Programs. The Contractor will also be compensated up to \$25,000 to provide summer programs and activities for adolescents. The Contractor may be reimbursed prior to summer for any costs associated with the implementation of said programs. **(Contract No. 05038)**

PUBLIC DEFENDER:

16. Addendum to Contract with Robert S. Jones changing his monthly compensation from \$2,000 per month to \$2,500 per month effective March 1, 2001. **(Contract No. 04209)**

PUBLIC WORKS:

17. Resolution authorizing funding for preliminary engineering and consultant preparation of design and environmental documentation for the scour repair of the Skagit County North Fork Bridge No. 40037. **(Resolution No. 18204)**
18. Resolution regarding compensation for the Science Advisory Panel in support of Skagit County Code 14.24.120. Members of the Science Advisory Panel not directly employed by Federal, State, or Local Resource agencies or otherwise paid to participate as a panel member would be compensated at a rate of \$100 per meeting for those meetings attended. **(REMOVED FROM CONSENT AGENDA)**
19. Resolution approving and Interlocal Cooperative Agreement with the City of Bellingham, which would allow Skagit County to perform reimbursable work, provide materials and equipment rental to the City of Bellingham for five calendar years. **(Resolution No. 18205, Contract No. 05244)**

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 26, 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 92090 through 92656 from Clearing Fund 696 in the total dollar amount of \$1,446,367.39 (Transmittal No. C-18-01);

Payroll warrants numbered 954754 through 954852 in the total dollar amount of \$83,154.39 (Transmittal No. P-11-01); and

Payroll warrants numbered 71150 through 72081 in the total dollar amount of \$874,250.41 (Transmittal No. P-12-01).

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2. On behalf of the Senior Services Department, Staff presented an Out-of-State Travel Request for Christine Carlson to attend the National Association of Nutrition & Aging Services Program Annual Conference in Nashville, Tennessee, June 6-9, 2001. The total cost for Ms. Carlson's attendance is \$1,546. Commissioner Munks moved to approve the Out-of-State Travel Request as presented, and Commissioner Dahlstedt seconded the motion. The motion passed unanimously. **(Approved)**

DECISION- APPEAL BY LANDEX ASSOCIATES (KEN WOLCOSKI) OF THE HEARING EXAMINER'S DECISION REGARDING SPECIAL USE PERMITS FOR AN RV PARK AND RIDING ARENA NEAR TURNER'S BAY (PLOO-0109 and PL00-0110).

Chairman Anderson advised those in attendance that since he had not attended the appeal hearing, he would not be voting on this issue, but he would conduct the meeting.

Commissioner Munks moved to uphold the Hearing Examiner's Findings of Fact, Conclusions of Law and Decision in Case Nos. PL00-0109, PL00-0110, PL00-0387 and PL00-0391 regarding the applications of Landex Associates, Inc. for special use permits for an RV Park and Riding Arena near Turner's Bay and relating to the SEPA determination. He stated that he found the Hearing Examiner's decisions were supported by substantial evidence in the record. Commissioner Munks stated that Conclusion of Law 8 entered by the Hearing Examiner requires the Applicant to pay for an additional study by a consultant regarding storm drainage, specifically evaluating the capability of the proposed storm drainage control system to remove fecal coliform and nutrients and any variability in this capacity during various storm events. The report is to provide an informed prediction as to the likelihood that the system will effectively function to prevent such pollutants from migrating off-site in stormwater in amounts exceeding baseline levels. Based on that report, the Planning & Permit Center is to provide a reconsidered recommendation for action on the Special Use Permit for the equestrian facility.

Commissioner Munks added that he does not like seeing permit applicants spending money for a study without some assurance that if the study turns out favorably, the project would be approved. He stated that the Hearing Examiner indicated in his decision that if future testing and studies show that feared pollution potential will be realized, the application will be denied. By the same token, it was Commissioner Munks' expressed belief that if the studies and testing show that the feared pollution would not be realized, the permits should be approved.

The motion was seconded by Commissioner Dahlstedt, and passed with a unanimous vote. **(Resolution to be provided by Staff at a later date).**

REVIEW AND POSSIBLE ACTION ON THE PLANNING COMMISSION'S RECORDED MOTION REGARDING PROPERTIES KNOWN AS MATHIS AND COOK IN WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD CASE NO. 99-2-0016.

Guy McNally, Associate Planner, reviewed that on February 13, 2001, the Planning Commission voted to forward recommendations on the Mathis and Cook Properties in the final Decision & Order No. 2 of the Western Washington Growth Management Hearings Board in Case No. 99-2-0016. On February 20, 2001, during a regular public meeting, the Planning Department informed the Board of the recommendation and set today for the Board's review and possible action.

He reviewed the specific recommendations of the Planning Commission, noting that they felt it was appropriate to give relief to Messrs. Cook and Mathis. Mr. McNally reviewed the specific findings of the Planning Commission, advising that they voted 5-1 to retain the rural reserve designation for both properties.

Chairman Anderson indicated that, in his opinion, this was the right thing to do.

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Commissioner Munks asked if the decision to leave both properties in rural reserve would result in the County being found in invalidity with the Growth Management Hearings Board decision.

Mr. McNally responded that the Planning Commission believed that there is some flexibility with the WWGMHB designations, based on new circumstances presented. He advised that the WWGMHB order was issued on August 10, 2000, and that indeed circumstances had changed since that time. He explained such circumstances in detail, reviewing surrounding property divisions and rural commercial designations in the area.

Mr. McNally reported that Staff was originally opposed to the properties retaining their rural reserve designation, feeling that subarea planning should come into play at some point.

After a brief discussion of the surrounding property designations, Commissioner Munks moved to affirm the Planning Commission recommendation for the Cook and Mathis properties, retaining their rural reserve designation. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote.

(Resolution No. 18206)

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