

**SKAGIT COUNTY COMMISSIONERS  
RECORD OF THE PROCEEDINGS  
TUESDAY, JULY 24, 2001**

- 8:30 a.m. – 9:00 a.m.                      Work Session – Operations Division Manager/District Maintenance Supervisors
- 9:00 a.m. – 10:00 a.m.                      Public Works Department – Chal Martin, Director
- 1)            Bid Opening – South Fork Bridge Seismic Retrofit
  - 2)            Signature: Personal Services Agreement with bljDesign for Preparation and Delivery of Presentation Graphics
  - 3)            Documents for Signature regarding: Fredonia Business Park (Bayview Ridge Urban Growth Area-Utility/Road Extension): a) Voluntary Assessment Agreement between G & D Wallace, Inc., RLGW Wallace Ventures, LLC and Skagit County including the Mortgage for Security Purposes; b) Final Contract between Washington State Community Economic Revitalization Board (CERB) and Skagit County
  - 4)            Signature: Personal Services Agreement with Paul Schissler, Inc. for Grant Writing Services
  - 5)            Miscellaneous
- 10:00 a.m. – 11:00 a.m.                      Planning & Permit Center – Tom Karsh, Director
- 1)            All-Staff Meeting scheduled for August 2, 2001
  - 2)            Discussion – Raspberry Ridge Project
  - 3)            Discussion – Proposed County-Initiated 2001 Comprehensive Plan Amendments
  - 4)            Miscellaneous
- 11:00 a.m. – 11:30 a.m.                      Public Hearing- Consideration of Proposed Speed Limit Revision on a Portion of Lake Cavanaugh Road, No. 00200
- 11:30 a.m. – 12:00 p.m.                      Public Hearing – Consideration of Proposed Speed Limit Revision on a Portion of Ershig Road, No. 23210
- 1:30 p.m. – 2:30 p.m.                      Work Session – Planning Department Work Program
- 2:30 p.m. – 3:00 p.m.                      Planning – Consideration of Planning Commission’s Recommendations on the Year 2000 Comprehensive Plan Amendments
- 3:00 p.m. – 4:00 p.m.                      Public Hearing – Adoption of the Food Code Revisions

The Skagit County Board of Commissioners met in regular session on Tuesday, July 24, 2001, with Commissioners Ted W. Anderson, Kenneth A. Dahlstedt and Don Munks present.

**PUBLIC WORKS DEPARTMENT – Chal Martin, Director**

1) **Bid Opening – South Fork Bridge Seismic Retrofit**

Barbara Hathaway, Public Works Department, opened the following bids:

Concor Construction, Inc.  
2306 Butler Creek Road  
Sedro Woolley, WA 98284  
Bid Bond Enclosed  
Base Bid: \$99,641.00

Diamaco, Inc.  
40 Lake Bellevue, Suite 100  
Bellevue, WA 98005  
Bid Bond Enclosed  
Base Bid: \$139,900

Island Construction, Inc.  
749 SE Pioneer Way, #202  
Oak Harbor, WA 98277  
Bid Bond Enclosed  
Base Bid: 160,195.28

Crest Inc.  
P. O. Box 2150  
Mount Vernon, WA 98273  
Bid Bond Enclosed  
Base Bid: 195,426.00

Ms. Hathaway stated she would evaluate the bids and get back to the Board with a recommendation within two weeks.

2) **Signature: Personal Services Agreement with bljDesign for Preparation and Delivery of Presentation Graphics**

Chal Martin, Public Works Director, presented the Board with a Personal Services Agreement with bljDesign. The Agreement allows the Contractor to prepare unique presentation graphics that will be used to present complex concepts to government agencies and the public. The consultant will use existing information to create digital scenes and animated sequences of flooding on the Skagit delta. Additionally, the consultant will create a subsequent product that shows the same flood with a flood control project in place. These powerful tools will aid with educating and securing funding support from government agencies and the public. The contract shall not exceed \$20,000 and will continue through December of 2002.

Commissioner Munks moved to approve the Agreement and Commissioner Dahlsted seconded the motion, which passed unanimously.

3) **Documents for Signature regarding: Fredonia Business Park (Bayview Ridge Urban Growth Area-Utility/Road Extension): a) Voluntary Assessment Agreement between G & D Wallace, Inc., RLGW Wallace Ventures, LLC and Skagit County including the Mortgage for Security Purposes; b) Final Contract between Washington State Community Economic Revitalization Board (CERB) and Skagit County**

Steve Flude, Public Works Assistant Director, explained to the Board that the County applied for and was awarded a grant (\$150,000) and loan (\$850,000) on behalf of G & D Wallace, Inc. and RLGW Wallace Ventures, LLC to finance the construction of a portion of the improvements, including the storm drainage system, water lines, sewer lines and road fill for the Fredonia Business Park project. The road and storm drainage system within the road right-of-way will be dedicated to Skagit County. The sanitary sewer system will become the property of the City of Burlington and the water lines will become the property of Skagit County PUD #1.

Commissioner Munks motioned to approve the Voluntary Assessment Agreement, Mortgage (for security purposes) and the Final Contract between CERB and Skagit County for the Fredonia Business Park (Bayview Ridge Urban Growth Area – Utility/Road Extension) Project ES9700-0. Commissioner Anderson seconded the motion, which passed unanimously. **Contract Nos. 05382, 05383)**

4) **Signature: Personal Services Agreement with Paul Schissler, Inc. for Grant Writing Services**

Mr. Flude presented a Personal Services Agreement with Paul Schissler Associates, Inc. to provide grant-writing services in connection with the Morris Street Improvement Project, Skagit County Ag Buffer Program, Skagit River Flood Bypass Project, and other Public Works projects, as needed. The maximum amount payable is \$50,000, with services to be completed by July 31, 2003.

Chairman Anderson explained his concerns regarding the Agreement. He is not happy with how the contract reads as it includes hourly rates for Mr. Schissler's assistants, as well as direct non-salary costs. He said he feels there needs to be justification provided for these expenses.

Mr. Martin said their department would renegotiate with Mr. Schissler and bring something back to the Board by next week.

5) **Miscellaneous**

A. Mr. Martin presented to the Board for their signature, a letter to Congressman Rick Larson asking for his assistance in moving along with the Guemes Island Ferry Parking Lot Project in Anacortes.

Commissioner Munks made a motion to approve signing the letter and Chairman Anderson seconded the motion, which passed unanimously. **(Approved)**

B. Mr. Martin provided an update on the Ag Buffer Program. He said a letter was drafted to several large property owners along the Samish and Skagit River Basins regarding the Conservation and Reserve Enhancement Program (CREP).

Chairman Anderson suggested the Public Works Department decide on a date and location in the East County to lay the whole plan out to the people in District No. 3. He suggested Carolyn Kelly from the Conservation District should be in attendance to quell any rumors that may be circulating.

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Mr. Martin suggested the possibility of the County sweetening the pot with regard to CREP, such as a sign-up bonus. He thought it might be a reasonable investment and would be happy to pursue it and present something before the Board at a later date.

Chairman Anderson asked about the availability of increased funding from the State. He doesn't want to see the County participating in the Ag Buffer Program and feels it should be at the federal level. He feels the owners need to be compensated for those buffers.

Mr. Martin spoke about buying plants for the buffers. The County would receive a grant from the Conservation District that would basically let us buy \$100 worth of plants for \$25. He feels the County should move forward on this. Mr. Martin didn't have an exact amount to be spent but felt we would need to spend at least \$25,000 to buy \$100,000 worth of plants. He states there is risk involved but because it is a test program, no one knows how successful it will be until it is implemented.

C. Mr. Martin reported to the Board that they now have a copy of the baseline-monitoring plan. It is very nice work from the Science Advisory Panel as well as countywide technical staff. The plan has twenty-seven sites scattered throughout Skagit County and all public access sites, at which the baseline samples will be taken.

### **PLANNING & PERMIT CENTER – Tom Karsh, Director**

#### **1) All-Staff Meeting Scheduled for August 2, 2001**

Tom Karsh, Director, Planning & Permit Center, explained that their department would be closed to walk-in customers from 8:00 a.m. until 10:00 a.m., Thursday, August 2, 2001, for a quarterly staff meeting. Phone lines will remain open for calls to reception and transfers to employee voice mail. Regularly scheduled inspections and service will resume at 10:00 a.m.

#### **2) Discussion: Raspberry Ridge Project**

Kendra Smith, Assistant Director, Planning and Permit Center, presented an update on the Raspberry Ridge Project. She reviewed the process to date with the Board.

Last fall John Smith, Executive Director, Housing Authority, came before the Board to present a proposal for migrant housing. A resolution was drafted indicating that the project would not be required to adhere to County codes, therefore, Planning waived a local code that allows SEPA to go before the Hearing Examiner. The property proposed for the project is located just east of Burlington's UGA.

There are still a number of requirements to be met. Discussion and deliberation have ensued about the proposed extension of Burlington sewer lines, with the vote in favor of extending the lines. Other requirements to be met are issues regarding extending outside of the GMA, and the flood damage prevention ordinance requirements that have to be met, etc.

The City of Burlington has also requested that representatives of the Planning and Permit Center be present at a City Council meeting to answer questions about the project.

Tom Karsh, Director, Planning and Permit Center, stated that the Housing Cooperation Law, on the State books since the 1960's, gives quite a bit of latitude when working with housing authorities to waive a lot of the rules when providing housing for low-income people. Local laws, such as zoning, changes in the SEPA process, etc., have been waived.

The County's legal counsel said that County codes could be waived, but not State requirements.

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Commissioner Anderson stated that if there is a Growth Hearings Board decision and a court decision, and if you can legitimately build a project like this and have sewer, it is in the County's best interests for public health and safety to build a sewer.

Corey Schmidt, Building Official, stated that there is a provision in the flood ordinance that discourages using fill material, which is a local provision, not required by State law. He suggested that this requirement could be waived. Mr. Karsh said he would be happy to prepare an ordinance for the Commissioners amending the first resolution, etc.

Mr. Smith said that the Housing Cooperation Law allows a jurisdiction to work with the Housing Authority to create needed housing and to waive nearly every local law. The law hasn't been extensively used and has not been tested.

Margaret Fleek, City Planner, City of Burlington, said they were approached on two occasions about extending the sewer lines. She said there are projects out there now that would like to connect to the extended sewer system. Relative to the septic alternative for the project, just because something perks today does not mean it will perk during a high water table. If the septic system failed, it would be a hazard.

Mike Youngquist agreed that it is better to have a sewer system hooked up to the site than a septic system. He said was concerned about the misconceptions in the community about this project, and that some people are concerned about the height of the project as it will be on higher ground than most residential neighborhoods in Burlington.

Bill Asslin, Burlington City Council member, said he wants the Commissioners to know about Burlington's concerns. For example, there are safety issues relative to flooding at this site.

John Moffat, Prosecutor's Office, said he would encourage the Commissioners to hold a public hearing for further input so that interested people can submit comments and information that will be part of the public record. This is important in the event there is a legal challenge.

Commissioner Anderson wondered why there would be a public hearing to decide whether to approve of the project, when it has already been decided. The project is not in the City of Burlington, and so it is a County issue, therefore, the Sheriff would serve the people in that location. There needs to be affordable housing and it needs to be built someplace. He said he does not see a need to open this all back up and that the project should move forward.

Commissioner Munks said that the purpose of another public hearing would be to allow the public to submit information for the public record. It would not be for litigation purposes.

Commissioner Anderson said, the point is, there has already been a hearing with a number of people in attendance who were allowed to comment prior to a vote being taken.

Mr. Moffat emphasized that there is a lot more information now for people to comment on.

Mr. Karsh stated that the issue that is still pending is the fact that the project was approved with onsite sewage. The real desire is to hook into Burlington's sewer and, therefore, the SEPA needs to be amended. He said if it is decided to change the SEPA from on-site sewer, he is not averse to having a public hearing on those issues. He would be opposed to reviewing the entire project again.

Commissioner Dahlstedt stated that there has been a concern all along about the flood risk. He pointed out that the County is making every effort to address the risk.

Mr. Smith said he knows the risk of flooding and does not believe it is more of a risk than it was a year ago. The Housing Cooperation Act does not require a public hearing. All of the issues have

been voiced to the Board approximately a year and a half ago. Another hearing would delay the financing and jeopardize the project.

Commissioner Anderson said his vote is to amend the SEPA to include the option of sewer.

Mr. Smith said that amending the SEPA would jeopardize the funding. He said he does not see why the County SEPA needs to be revised.

Mr. Karsh said there needs to be some legal fine tuning, with the issue then brought back before the Commissioners. He said he would not be supportive of issuing the permit for onsite sewage and then having the City extend their sewer.

Commissioner Munks said he agreed that the project needs to move forward, but feels there needs to be a public hearing because of the new proposal to take sewer out into a rural area.

Commissioner Dahlstedt motioned to waive the requirements in the Skagit County Code that prevent the sewer extension and that a septic site proposal be submitted to the County that waive 200<sup>th</sup>'s of a foot. Commissioner Anderson seconded the motion stating that there should be a net increase of flood requirements and that the Housing Authority should submit an onsite sewage plan. The motion was carried with a 2-1 vote, with Commissioner Munks voting no.

3) **Discussion: Proposed County-Initiated 2001 Comprehensive Plan Amendments**

Gary Christensen, Assistant Director, Planning & Permit Center, presented several proposed County-initiated Comprehensive Plan Amendments for the Year 2001 Annual Review Cycle for the consideration of the Board. Like other applicants, the County must identify and submit County-initiated amendments by the July 31, 2001 deadline. The proposed amendments are as follows:

- 2001 Update of Transportation Systems Plan (TSP)
- 2002 Comprehensive Plan Update (Required Under GMA)
- Miscellaneous Comprehensive Pan/Zoning Map Corrections

Mr. Christensen said that if the Board needs to add anything to the list, they would need to let the Planning Department know before the July 31, 2001 deadline.

4) **Miscellaneous**

Mr. Christensen spoke to the Board regarding city annexations and the Boundary Review Board (BRB). An application was filed with the BRB for the Neilsen annexation. The Planning Department has until August 7, 2001 to respond back to the BRB as to whether or not to proceed. They will bring their decision before the Board for their review.

**PUBLIC HEARING – CONSIDERATION OF PROPOSED SPEED LIMIT REVISION ON A PORTION OF LAKE CAVANAUGH ROAD, NO. 00200**

Steve Flude, Assistant Director of Public Works, provided an Engineer's Report recommending an increase in the speed limit on Lake Cavanaugh Road #00200, from milepost 3.599 (Granstrom Road) to the end of the road (North Shore Drive), from 35 mph to 45 mph. Mr. Flude said the study involved the entire length of Lake Cavanaugh Road and was divided into three segments.

Mr. Flude stated that Traffic Engineering had received a service request asking Public Works to raise the speed limit on all, or portions of, Lake Cavanaugh Road. Similar requests were received in 1992 and 1994. Both of these requests were denied. While the denials acknowledged that the

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operating speeds of the roadway were significantly higher than the posted speed limit, the denials were based on the need to sign the majority of the roadway with advisory speeds due to its curvature. The requestor believes that the speed limit is unrealistically low, and that the Sheriff's Department uses this area to write an overabundant number of tickets.

Lake Cavanaugh Road, #00200, serves primarily as a collector road for lower classification roadways and the largely seasonal community of Lake Cavanaugh. As such, the roadway facility should provide safe unrestricted traffic flow. The speed characteristics of the traffic stream shows that the 85<sup>th</sup> percentile speeds are far above the current posted speed. Therefore, the roadway is not signed correctly for its operating speed.

Chairman Anderson opened the Public Hearing.

Brett Linnert, 34683 North Shore Drive, stated that he is a second-generation property owner and has been driving on the road for over twenty years. He concurs with raising the average speed limit to 45 mph.

Joyce Chris, 3447 South Shore Drive, explained that she has been driving Lake Cavanaugh Road since the late 1950's. She feels the road is now comparable to Highway 9, which has a 50 mph speed limit. She would like to see the speed limit increased to 45 mph as the road warrants a higher speed than 35 mph.

Chairman Anderson moved to close the Public Hearing. Commissioner Dahlstedt seconded the motion, which was carried.

Upon completion of scheduled resurfacing of Lake Cavanaugh Road in the summer of 2001, Traffic Engineering recommends the following:

- No change to the current speed limit on Lake Cavanaugh Road Segment 1 (MP 0.00 to 3.599).
- Change the current speed limit on Lake Cavanaugh Road in Segments 2 & 3 (MP 3.599 to 10.237) to 45 mph to more accurately reflect the operating speed of the roadway.
- Update the signing on the facility to properly sign the curvature with the necessary speed advisories.
- Install at least two "Watch For Ice" signs in each direction of Lake Cavanaugh Road. They should be seasonally changed out with "No Littering" signs.

Commissioner Dahlstedt motioned to approve the recommendations of the Public Works Department and Commissioner Munks seconded the motion, which passed unanimously.  
**(Approved)**

### **PUBLIC HEARING – CONSIDERATION OF PROPOSED SPEED LIMIT REVISION ON A PORTION OF ERSHIG ROAD, NO. 23210**

Steve Flude, Assistant Public Works Director, provided an Engineer's Report recommending an increase in the speed limit on Ershig Road #23210, from milepost 0.00 (SR 11) to milepost 1.52 (Allen Road), from 35 and 50 mph to 45 mph.

Mr. Flude stated that Traffic Engineering had received a service request asking Public Works to raise the speed limit on the portion of Ershig Road north of Field Road to Allen Road. Similar requests were received in 1987, 1996, and 1998. Opposing requests (from those wanting the speed limit increased) were received in 1987 and 1996. These opposing requests wanted an increase in the speed limit from SR 11 to Field Road from the current 35 mph to 50 mph.

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The speed characteristics of the traffic stream in Segment 1 show that the 85<sup>th</sup> percentile speeds are far above the current posted speed. Therefore, the roadway is not signed correctly for its operating speed. The significant difference between the posted and operating speeds of this facility may lead to a greater opportunity for accidents. A speed limit that is realistic encourages the majority of drivers to comply, which makes unreasonable violators more obvious to law enforcement and enables pedestrians to more accurately judge the speed of traffic.

Chairman Anderson opened the Public Hearing.

Gene Willet, 7686 Ershig Road, Bow, stated that he only found out about the public hearing last evening. The signs that were posted were not visible and he feels the hearing should have been held at Allen school where you would receive more input from the residents living on Ershig Road. He has tried to get the speed limit reduced in the past, with no success. His driveway turns off Ershig Road, which is in the 50 mph zone and has almost been rear-ended on several occasions. There are no shoulders on the road, which makes it a dangerous situation. Mr. Willett is opposed to the 50 mph speed limit and suggests it be reduced to 35 mph with more enforcement.

Gail Smith, 7727 Ershig Road, Bow, agrees with Mr. Willett and thinks the speed limit should be consistent. There are no shoulders, a lot of farm traffic, children riding their bikes and many accidents have taken place on the roadway.

John Sandell, 8357 Ershig Road, Bow, presented a list of people who would like to see the speed limit reduced to 35 mph on Ershig Road from Bow Hill Road to the Samish River Bridge and Chuckanut Drive.

Joan DeVries, 8885 Ershig Road, Bow, agrees that the speed limit should be 35 mph due to the tractor traffic and children present.

Bob Price, 7065 Ershig Road, Bow, would like to see the speed limit increased in 50 mph. The states there were several people who signed a petition for the increase, however those petitions were allegedly stolen.

Commissioner Munks moved to close the Public Hearing and Commissioner seconded the motion, which was carried

Traffic Engineering recommends the following:

- Raise the current speed limit on Ershig Road Segment 1 (MP 0.00 to 0.93) to 45 mph to more accurately reflect the operating speed of the roadway.
- Lower the current speed limit on Ershig Road in Segment 2 (MP 0.93 to 1.52) to 45 mph to be consistent with the similar roadway characteristics and access density of Segment 1.
- Update the signing on the facility to reflect the change in posed speed limit and location.

Commissioner Dahlstedt motioned to lower the speed limit f rom Field Road North to Allen Road from the current 50 mph to 35 mph. Commissioner Munks seconded the motion, which passed unanimously.

### **PLANNING: CONSIDERATION OF PLANNING COMMISSION'S RECOMMENDATIONS ON THE YEAR 2000 COMPREHENSIVE PLAN AMENDMENTS**

Kirk Johnson, Planning & Permit Center, presented the Board with the Skagit County Planning Commission Recorded Motion on Year 2000 Comprehensive Plan Amendments.



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Commissioner Munks made a motion to approve the recommendations made by the Planning Commission and Commissioner Dahlsted seconded the motion, which passed unanimously.

**PUBLIC HEARING – ADOPTION OF THE FOOD CODE REVISIONS**

Corinne Story, Environmental Health Department Supervisor, gave the Board an overview of the food code revision for food service establishments. The Skagit County Food Code was last revised in the early 1980's. A Food Advisory Committee, made up of eight representatives from several different food services establishments across Skagit County was established in the fall of 2000. The proposed changes are as follows:

- Definitions.
- Suspension and/or revocation of permits.
- Operation and Maintenance of on-site sewage disposal system serving a food service establishment.
- Water system serving a food system establishment.

Chairman Anderson opened the Public Hearing:

Kerry Wagner, 103 Sea Pines Lane, Bellingham, spoke of the experience she has had with various food programs and food handlers. She supports Skagit County with the code changes as they will protect public health and are easier to read. Ms. Wagner said the revised code elaborates more on the point value for health risks for establishments that warrant closure.

Commissioner Munks moved to close the Public Hearing and Commissioner Dahlstedt seconded the motion, which was carried.

Commissioner Munks made a motion to approve the revisions to the Food Code. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. 18339)**

**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

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Kenneth A. Dahlstedt, Commissioner

\_\_\_\_\_  
Don Munks, Commissioner

ATTEST:

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JoAnne Giesbrecht, Clerk of the Board  
Skagit County Board of Commissioners