

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
MONDAY, AUGUST 20, 2001**

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| 8:00 a.m. – 9:00 a.m. | Executive Session – Personnel, Litigation, and Land Acquisition |
| 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. – 10:30 a.m. | Work Session – Clerk of the Board & Admin. Coordinator |
| 11:00 a.m. – 11:30 a.m. | Consent Agenda and Miscellaneous Items |
| *T 11:30 a.m. – 12:00 p.m. | Discussion on Planning Commission Recommendations on “90-Day Compliance Issues” in Western Washington Growth Management Hearings Board Case Nos. 00-2-0046c, 00-2-0049c, and 00-2-0050c. |
| 1:30 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, August 20, 2001, with Commissioners Ted W. Anderson, Kenneth A. Dahlstedt, and Don Munks present.

CONSENT AGENDA

Commissioner Munks moved to approve the Consent Agenda for Monday, August 20, items 1 through 13 and items 15 through 20. Commissioner Dahlstedt seconded the motion, which passed unanimously. Item No. 14 was pulled from the agenda for further clarification.

COMMISSIONERS’ OFFICE:

1. Record of the Proceedings for Monday, August 13, 2001.
2. Record of the Proceedings for Tuesday, August 14, 2001.
3. Resolution in the matter of the election to receive National Forest related safety-net payments under P.L. 106-393. **(Resolution No. 18365)**

BEST SELF:

4. Resolution approving **and** Interlocal Cooperative Agreement with the Burlington-Edison School District to sustain the preventative summer enrichment program called Best SELF. The term of the Agreement shall be from June 1, 2001 through August 31, 2001. **(Resolution No. 18366 and Contract No. 05412)**
5. Resolution approving **and** Interlocal Cooperative Agreement with the Sedro Woolley School District to sustain the preventative summer enrichment program called Best SELF. The term of the Agreement shall be from June 1, 2001 through August 31, 2001. **(Resolution No. 18367 and Contract No. 05413)**
6. Resolution approving **and** Interlocal Cooperative Agreement with the Anacortes School District to sustain the preventative summer enrichment program called Best SELF. The term of the Agreement shall be from June 1, 2001 through August 31, 2001. **(Resolution No. 18368 and Contract No. 05414)**

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7. Resolution approving **and** Interlocal Cooperative Agreement with the Mount Vernon School District to sustain the preventative summer enrichment program called Best SELF. The term of the Agreement shall be from June 1, 2001 through August 31, 2001. **(Resolution No. 18369 and Contract No. 05415)**

INFORMATION SERVICES:

8. Resolution to request proposals for the Guemes Island Ferry Ticketing System. **(Resolution No. 18370)**
9. Vendor Services Agreement with NetVersant Northwest to install, configure and test a Wireless LAN at the Skagit County Transfer Station on Ovenell Road in Mount Vernon. The Contractor will also provide services and parts. The term of the Agreement shall commence on July 23, 2001 and continue until either party terminates. Total compensation will be \$4,999. **(Contract No. 05416)**
10. Personal Services Agreement with Cevian Technologies to provide geographic information research, development and implementation. The term of the Agreement shall be from August 13, 2001 through December 31, 2002. Compensation will be at the discounted rate of \$90 per hour for services rendered. **(Contract No. 05417)**

PLANNING & PERMIT CENTER:

11. Resolution establishing a Citizen Advisory Committee to address the adoption of Forest Practice Regulations for Skagit County. **(Resolution No. 18371)**

PROSECUTOR'S OFFICE:

12. Resolution to provide a defense to Tom Karsh and Diana Barnett in a lawsuit by Randy Previs and Katie Previs; Seavestco, Inc., and Lakewood Park, LLC. **(Resolution No. 18372)**

YOUTH & FAMILY SERVICES:

13. Amendment No. 1 to Interlocal Agreement – Juvenile Accountability Incentive Block Grant with DSHS. This Amendment shall reflect the revised start date of May 1, 2000, with an estimated completion date of August 31, 2001. The Statement of Work is also amended, however the maximum compensation amount of \$30,412 over the term of the Agreement shall remain the same. **(Contract No. 05105)**

PUBLIC WORKS DEPARTMENT:

14. Resolution amending Resolution No. 18010 bid award to Washington Culvert Company, Inc. for fabrication and delivery of a corrugated metal pipe for installation in Aldon Creek. Sales tax was not shown to cover the freight costs in the original bid specifications. This Resolution would include sales tax on freight in the amount of \$232.96 for a total bid award amount of \$38,864.62. **(This item was removed from the agenda pending further clarification.)**
15. Resolution to allow Skagit County Public Works to perform maintenance services on F & S Grade Road for the City of Sedro Woolley. Interlocal Cooperative Agreement No. 3344 between Skagit County and the City of Sedro Woolley was approved by the Board of Commissioners January 13, 1997. The cost of the road maintenance to the City of Sedro Woolley will be one dollar (\$1.00). **(Resolution 18373)**

16. Resolution modifying Resolution No. 17909 pertaining to Imprest Cash Funds for the County Solid Waste Fund No. 401. The modification shall be to the custodian portion of the Fund, by naming the custodian at each site as Site Attendant. It increases the amount of cash at the Ovenell Recycling and Transfer Station Scale House by \$150, for a new total of \$500. It also increases the Clear Lake Compactor by \$30, for a new total of \$60. This change brings the overall total to \$710 and is due to the increase in customers. **(Resolution No. 18374)**
17. Local Agency Standard Consultant Agreement with David Evans and Associates, Inc. for right-of-way acquisition in connection with the Collins Road/SR 20 Traffic Signal Project, ES63310-1. The maximum amount payable is \$13,000 with work to be completed before August 31, 2003. **(Contract No. 05418)**
18. Interagency Agreement and Procurement Certification Form between the State of Washington Department of Ecology and Skagit County Public Works for the upcoming DOE Community Litter Cleanup Grant. The grant begins July 1, 2002 and continues through June 30, 2003. The grant will provide up to \$62,225 to the Skagit County Solid Waste Section for the cleanup of litter and illegal dumpsites in the County. In addition, the grant includes \$2,680 for the purchase of certain equipment specified necessary to perform the cleanup for a total grant amount of \$64,905. There are no matching funds required for this grant. **(Contract No. 05419)**
19. Vendor Services Agreement with AAA Rent-A-Pottee to clean porta potties from July 23, 2001 through July 23, 2002. Maximum compensation shall not exceed \$1,000. **(Contract No. 05420)**
20. Vendor Services Agreement with GeoTest Services, Inc. to provide inspection and material testing services for the South Fork Seismic Retrofit Project ES40008-2. The Agreement shall commence on August 20, 2001 and terminate on August 20, 2002. Compensation shall be a not-to-exceed total of \$8,000. **(Contract No. 05421)**

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, August 20, 2001, the Board, by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 102808 through 103261 from Clearing Fund 696 in the total dollar amount of \$1,208,375.30 (Transmittal No. C-55-01)

2. Commissioner Munks motioned to approve an Interagency Agreement between the Washington State Department of Agriculture and the Skagit County Noxious Weed Control Board to conduct control work on Spartina infestations. The period of performance shall be from July 1, 2001 through June 30, 2003. Compensation shall not exceed \$80,000. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 05422)**
3. Commissioner Munks motioned to approve the Donor Agreement regarding the Skagit Regional Public Facilities District. The Agreement is between the M.J. McIntyre and Shirley McIntyre Charitable Foundation and Skagit County. In consideration of the County's agreement to form the PFD and approve the issuance of bonds, the Donor agrees that it will donate six million dollars. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 05423)**

DISCUSSION ON PLANNING COMMISSION RECOMMENDATIONS ON “90-DAY COMPLIANCE ISSUES” IN WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD CASE NOS. 00-2-0046C, 00-2-0049C, AND 00-2-0050C

Chairman Anderson brought forward for the purpose of clarification that Meyer Sign submitted documents regarding the proposed sign code revision. He wanted it on record that he did not review the documents until after he read the Planning Commission’s recommendations. Commissioners Munks and Dahlstedt said they had not reviewed Meyer Sign documents at all.

Tom Karsh, Planning Director, said that two weeks ago the Board expressed concern about the quantity of material being presented to them on this issue. The Board felt it had not had enough time to thoroughly review the documents. This is a continuation of that meeting.

Gary Christensen, Assistant Planning Director, explained to the Board that the Planning and Permit Center recommends approval of the Planning Commission’s recommendations as stated in the Recorded Motion, with one exception. The Department would be recommending not to adopt any of the cities’ impact fees at this time. Additionally, there were two items included in the public review and comment period which the Planning Commission forwarded no recommendation that the Department believes the Board of County Commissioners should incorporate into the final ordinance. They are as follows:

- Timetable for Completion of Fidalgo Island Sub-Area Plan. The Planning Commission chose not to make a recommendation on this matter. The Department recommends that based on the Work Program discussions with the Board of County Commissioners, the Fidalgo Island Subarea Planning Process be initiated as part of the 2002 Year Planning and Permit Center Work Program. The planning process should be completed within a two-year timeframe. Therefore, the Fidalgo Island Subarea Planning Process would begin concurrent with the 2002 Comprehensive Plan Update, but would not be completed within the timeframe required by that update (or by September 1, 2002). This recommendation represents a combination of the two options proposed for public review and comment.
- Rural Freeway Service Designations at Cook Road. The Planning Commission also forwarded no recommendation on the RFS-designated properties at Cook Road due to a lack of a quorum to consider the matter. Five Planning Commission members were present for the Planning Commission’s July 24, 2001 deliberations and recommendations on RFS designations. One of those Planning Commission members, William Stiles III, recused himself of consideration of any of the Cook Road properties because of a family ownership interest in a portion of one of the RFS-designations and in property immediately adjacent to that designation. The Department recommends that all currently designated RFS properties at the Cook Road/I-5 Interchange be retained in RFS designation. The Department further recommends that the Stiles property to the north of the current RFS designations not be added to the RFS designation.
- Cook Road/I-5 Interchange, NE Quadrant. For the NE Quadrant of the Cook Road interchange with Interstate 5, the roads that partially define the logical boundaries existed on July 1, 1990. Sewer commitments since the 1970’s have been paid for these properties, and the County in a 1980 Interlocal Agreement with the Sewer District acknowledged these sewer service commitments. Sewer lines that would serve these properties are located within the road rights-of-way and were there on July 1, 1990. The Hearings Board has previously upheld the northern drainage swale as a ‘logical’ boundary in Case No. 00-2-0049c, and the County sees no reason to extend the RFS boundary beyond that boundary at this time.

The Hearings Board gave the County 90 days to comply with some of the noncompliance issues. Mr. Christensen then reviewed the ten issues, including:

- Set a specific timetable for, and firm commitment to, the timely completion of the Fidalgo Island Subarea Plan.
- Change the amendments to CP Policy 7A-4.2(a) to make it clear that annexations are to occur as soon as feasible within municipal Urban Growth Areas (UGA’s) to facilitate the efficient phasing of urban infrastructure and development.

- Set much stricter parameters for rural signage to protect the rural character of the County and conform to RCW 36.70A.030(14)(a) and RCW 36.70A.070(5)(c).
- Remove the uses allowed in NRL's listed in SCC 14.16.400, SCC 14.16.410, SCC 14.16.420, and SCC 14.16.430 which do not comply with the Supreme Court's opinion of the proper interpretation of the Act's goals and requirements as set forth in King County v. Central Puget Sound Growth Management Hearings Board, 142 Wn2d 543 (2000).
- Either clarify SCC 14.16.400(2)(e) to prohibit commercial composting of municipal yard waste on pre-existing concrete pads within the Ag-NRL lands, or adopt safeguards to ensure that this non-agricultural use is temporary with priority always given to agricultural uses. No leaching of toxins from urban yard debris is allowed to contaminate the agricultural soil. Ensure that additional truck traffic will not interfere with ongoing agricultural uses.
- Amend SCC 14.10.020(1) to be similar to the County's proposed amendment at page 58 of its Responding Brief.
- Amend SCC 14.04.020 to be similar to the County's proposed amendment at page 59 of its Responding Brief.
- Place a minimum density note on the UGA map for Concrete consistent with other UGA maps.
- Adopt current city regulations for use within the unincorporated UGA's and keep them current.
- Review the challenged Rural Freeway Service designations and eliminate all those areas that do not comply with the interpretation of RCW 36.70A.070(5)(d) included in the Final Decision and Order.

Chairman Anderson expressed concern regarding the sign ordinance. He said he would refuse to sign anything that did not include a grandfather clause for existing signs located throughout Skagit County. He said the ordinance would have to be totally rewritten before he could support it. Commissioners Munks and Dahlstedt agreed with Chairman Anderson

Discussion and possible action is scheduled to take place on Tuesday, August 21, at 10:00 a.m. during the Planning Department's regularly scheduled agenda items.

ADJOURNMENT

Commissioner Munks motioned to adjourn the proceedings. Commissioner Dahlstedt seconded the motion, which passed unanimously

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Ted W. Anderson, Chairman

Kenneth A. Dahlstedt, Commissioner

Don Munks, Commissioner

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ATTEST:

JoAnne Giesbrecht, Clerk of the Board
Skagit County Commissioner' Office