

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 18, 2001**

- 8:30 a.m. – 9:00 a.m.                      Work Session – Operations Division Manager/District Maintenance Supervisors
- \*T    9:00 a.m. – 10:00 a.m.                Public Works Department – Chal Martin, Director
1.        Discussion – Hazard Mitigation Grant Application
  2.        Continued Discussion/Possible Action – Science Advisory Panel Vacancies
  3.        Signature – Resolution & Interlocal Agreement with the Soil Conservation District
  4.        Signature – Personal Services Agreement with Silvicultural Engineering
  5.        Signature – Letter to Affected Property Owners Regarding Deadline to Select Buffer Options for Ag Lands
  6.        Signature – Resolution Approving Reimbursement of Attendance Pay Relinquished to Skagit County for Out-of-Area Jury Duty
  7.        Miscellaneous.
- \*T    10:00 a.m. – 11:00 a.m.                Planning & Permit Center – Tom Karsh, Director
1.        Consideration/Possible Action – Invoking Housing Cooperation Law for Sewer Extension for Raspberry Ridge Multi-Family Farm Worker Housing Complex
  2.        Presentation – Initial Recommendations Regarding the 2001 Comprehensive Plan Amendment Proposals
  3.        Discussion – Bayview Ridge Subarea Plan
  4.        Miscellaneous.
- 11:00 a.m. – 12:00 p.m.                      Appeal by Don G. Russell, Par Four Enterprises LLC, c/o Cook Road Tesaro, No. PL 00-0826 of the Hearing Examiner's Decision Regarding Variance of Sign Ordinance
- 1:30 p.m. – 1:45 p.m.                        Bid Opening – Skagit Playfields – Poppe Field Drainage System
- 1:45 p.m. – 2:30 p.m.                        Work Session – Clarification of Public Works Personnel Practices

The Skagit County Board of Commissioners met in regular session on Tuesday, September 18, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

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

1.        **Discussion – Hazard Mitigation Grant Application**

Dave Brookings, Public Works Administrator, was present to discuss the Hazard Mitigation Grant Application and whether or not Skagit County should apply for State grant funds. The Public Works Department has submitted a letter of intent. In the past the County has used these funds for the purpose of purchasing repetitive loss properties, which have been located primarily upriver.

The application is due in October with the County eligible for approximately \$2.5 million dollars with a local match requirement of approximately \$300,000.

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Commissioner Anderson said he believes it is a good idea to help people get out of the flood plain area and that the County should continue with the program. Commissioner Munks and Commissioner Dahlstedt both agreed.

Chal Martin, Public Works Director, recommended that the Public Works Department take the lead on this. The Commissioners were in agreement.

Mr. Martin said that part of the money from the grant would pay for an employee to work on this project.

2. **Discussion/Possible Action – Science Advisory Panel Vacancies**

Ric Boge, Natural Resources Project Manager, was present to talk about appointments to the Science Advisory Panel.

After discussion, Commissioner Munks motioned to appoint Jean Shea to fill the SAP Board vacancy, asking that there be later discussion about an alternate.

Commissioner Dahlstedt seconded the motion to appoint Jean Shea. The motion was carried unanimously.

The Commissioners agreed to discuss the issue of an alternate appointee at a later date.

3. **Signature: Resolution & Interlocal Agreement with the Soil Conservation District**

Ric Boge explained that the item for signature is an Interlocal Agreement with the Skagit Conservation District and a Resolution to Authorize Execution of the Interlocal Agreement.

He provided some background, stating that the Skagit County Code 14.24.120 was signed into law on November 27, 2000. This required that buffer options on streams in Ag lands be chosen by November 27 of this year. He reviewed some of the exceptions in terms of timeline. The ordinance requires implementation of feasible restoration projects in the evaluation areas by November 27, 2002.

There are great advantages to promoting the CREP Program. It is well funded, with a stable funding source, and pays high rental rates of 200% to 210%. The rates will be reviewed next year and may come down. CREP is an established program and satisfies the requirements of the County's ordinance. The proposal on the table is that the County will fund \$40/acre a year signing bonus for a 6 week period today through 10-31-2001. He then reviewed some of the details of the contracts.

From a program management perspective, he said it became clear to him that it was advantageous to the County to take advantage of the CREP Program and even put in some additional monies.

He then discussed the cost of installation and maintenance of the buffers and the cost of the program as well as the advantages to the landowner for participating in the program.

Mr. Boge then compared the MARP Program with CREP.

He stated that he has been in close contact with representatives of the Skagit Conservation District and other agencies who have been assisting him with this project.

Mr. Boge then talked about expenditures for the program.

Commissioner Anderson said the money for the CREP program is there but the money for the County program will have to be found.

Mr. Martin said that the County needs to come up with more money for the MARP Program and he feels this money can be found, but this is uncharted territory and it appears to be a good financial decision.

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Commissioner Anderson commented that the overall focus of our nation and congress has changed. A lot of programs that were discretionary will be put under the hard light of scrutiny. That will play a hand in how things are prioritized.

Commissioner Munks said he is not in favor of buffers, but the County has been mandated and upheld in this decision. If you look at the rental rates it is a very viable financial deal for the farmer.

Commissioner Dahlstedt emphasized that this has been mandated by the feds and the state because of salmon recovery, but with the funding available through CREP, landowners should be encouraged to participate in the program. He recommended that the Commissioners wait a week to make a decision. He suggested contacting Fish and Wildlife and the Department of Ecology to ask them to assist in funding. The state needs to be challenged to step up to the plate. We also need a commitment from them that if we move forward we will find a way to work together.

Commissioner Anderson emphasized that they are running out of time

Mr. Martin suggested that they discuss the rest of the items and add this to the Consent Agenda next Monday.

4. **Signature: Personal Services Agreement with Silvicultural Engineering**

Mr. Boge presented an agreement to the Commissioners with Silvicultural Engineering for assistance in some of the riparian restoration matters regarding buffers as the County proceeds with development of the Managed Riparian Plan (MARF) and implementation of section 14.24.120 of Skagit County Code. He said if MARF goes away we do not need these services.

Commissioner Munks motioned to sign the Personal Services Agreement with Silvicultural Engineering to provide technical support on the riparian restoration to Skagit County. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Agreement # 05452)**

5. **Signature: Letter to Affected Property Owners Regarding Deadline to Select Buffer Options for Ag Lands**

Mr. Martin noted that this letter would be modified to fit the new time schedule and will be followed up with public meetings throughout the County.

Commissioner Munks motioned to sign a letter to the affected property owners regarding the deadline to select buffer options for Ag lands. Commissioner Dahlstedt seconded the motion, which passed unanimously.

6. **Signature: Resolution Approving Reimbursement of Attendance Pay Relinquished to Skagit County for Out-of-Area Jury Duty**

Dave Brookings, Public Works Administrator, presented a Resolution Approving Reimbursement of Attendance Pay Relinquished to Skagit County for Out-of-Area Jury Duty. The Skagit County Personnel Policy does not reflect out of County jury duty service. The reason for the resolution is because the employee, Delores Grubbs, incurred expenses not reimbursed by the Courts for jury duty August 6, 7 and 8.

Commissioner Munks expressed concern about setting a precedent to allow payment for people doing their duty.

Commissioner Dahlstedt agreed that it was a legitimate concern since private citizens are expected to pay

Commissioner Anderson said the likelihood of being subpoenaed to go to court in Seattle is slim.

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Commissioner Munks motioned to not approve the Reimbursement of Attendance Pay Relinquished to Skagit County for Out of Area Jury Duty. Commissioner Dahlstedt seconded the motion, which was carried.

Chairman Anderson voted no to the motion.

7. **Miscellaneous**

- a. Chal Martin presented a letter for signature by the Board for clarification from DOE in regard to water rights issues and low flow.

Commissioner Munks motioned to approve the letter with an amendment. Commissioner Dahlstedt seconded the motion, which passed unanimously.

- b. Ric Boge introduced Carolyn Kelly, Executive Directive of the Skagit Conservation District. She stated that she appreciates the spirit of cooperation, noting that the buffer issue has not been easy for anyone. This is a proactive decision by the County.

Steve Nissley with National Resource Conservation Service stated that he also is pleased that the Commissioners have decided to support the buffer program. It is a voluntary program. He said there might be some need to revisit deadlines in the future.

Rod Hamilton stated that he was one of the lead negotiators with USDA on CREP. He said he knows that the Commissioners have written to Congressman Larsen asking for financial assistance. He said he and his boss are very open to that. They are with the Farm Services Agency.

Ellen Medares, Director of the County Office for Farm Services Agency, expressed her appreciation that they are able to work together with the County and are looking forward to working with the County and landowners to establish the riparian buffers. She said she was a little concerned about the time element as there is a lot of administrative work to put the program together.

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

1. **Consideration/Possible Action – Invoking housing Cooperation Law for Sewer Extension for Raspberry Ridge Multi-Family Farm Worker Housing Complex**

Tom Karsh, Director, Planning and Permit Center, presented a resolution requesting the Board to consider allowing the Raspberry Ridge Farm Worker Housing Project to be connected to Burlington sewer. The Commissioners have discussed this issue in the past, but for the benefit of others he provided a historical perspective.

The Housing Authority requested that the County waive all of the requirements associated normally with a special use permit application. The previous Commissioners adopted a resolution to waive a number of requirements in the County Zoning Code that address special use permit processes. Planning and Permit Center staff have been working with the Housing Authority and their engineers since that time on a development that includes 50 housing units. The Permit Center is poised to issue the permit, but are questioning whether or not it is appropriate for the City of Burlington to extend their sewer service on this project. At the request of the Housing Authority the City recently passed a resolution to extend their sewer service. They acknowledged that sewer would be a better solution long term at the location being used and described some of the reasoning for this at this site. The site has been evaluated by the Health Department and meets the standard for an onsite septic system. The restrictions in state law are relatively new, but

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there is a restriction on extending sewer outside the urban growth boundaries. This site is just barely outside of the urban growth boundary. The County has a policy that this should not occur unless there are public health considerations and it is necessary.

Commissioner Anderson interjected, stating that John Moffat and Jay Derr from Buck and Gordon have reviewed this and have their own set of recommendations. He said that his take is that sewer is the best answer. You can't say there is a public health concern though if the soils meet the requirements. He stated that his goal has always been to have service by sewer. He said he would fall on the side of the recommendation of the County's legal counsel. It would be better to move forward with the permits as they are and in the interim go back to the City of Burlington to see if they would be willing to amend their UGA to include this area.

Commissioner Munks said he agrees there are two problems. One is that sewer is more practical and would serve better than septic would. But septic has been approved in that region and is not considered a hazard, at least right now. The courts have said there has to be a distinguishable health and safety problem in order to change that. The other problem is the City of Burlington does not want to extend the UGA now. He said he agrees with Commissioner Anderson that it would be wise to go ahead and approve this with septic and talk to Burlington in the future about a possible extension of the UGA, which would allow sewer to be put in at some time in the future.

Commissioner Dahlstedt said it is a troubling situation. Once again, the State and the Growth Hearings Board have created a situation that makes it difficult for the County and the City to work together to deal with local problems. He said that he approves of the project and would like to see sewer there, but it is important to look at existing laws and the potential risk if the County approves this plan with sewer.

Commissioner Anderson added that Burlington did approve the sewer so the issue is the UGA. The Housing Cooperation Law would have to be evoked if sewer was to be extended. He said he would not recommend sewer at this time.

Commissioner Dahlstedt and Commissioner Munks agreed and no action was taken.

2. **Presentation – Initial Recommendations Regarding the 2001 Comprehensive Plan Amendment Proposals**

Guy McNally, Associate Planner, presented the Planning Department's recommendations on the 2001 Comprehensive Plan Amendment Proposals. The amendments represent the fulfillment of a requirement in the Skagit County Code that states that within 45 days of the last business day of the year the Commissioners are required to decide whether the amendments should go forward or not. The Commissioners have 15 days to render a decision on the amendment proposals.

He reviewed the information provided to the Commissioners in their packets, noting that the property owned by the Mount Vernon School District is not included. The department recommends that all of the amendments recommended take place and be adopted by the December 2001 deadline.

Commissioner Anderson clarified with Mr. McNally that when the board votes on this it will go back to the Planning Commission where a public hearing will be held for public comment. It will then come back to the Commissioners for final approval, at which time another public hearing will be held.

Mr. McNally advised that during the SEPA review there would also be an opportunity for public comment.

Commissioner Anderson asked where the Commissioners would direct questions.

Mr. McNally said that he and Kirk Johnson would be contacts for this.

Commissioner Anderson said he was most concerned about public process.

Commissioner Munks expressed appreciation for the way the proposed amendments are laid out.

3. **Discussion – Bayview Ridge Subarea Plan**

Mr. Karsh advised that Commissioner Anderson requested that this discussion take place.

Gary Christiansen, Senior Planner, Planning and Permit Center, presented a fax to the Commissioners from John Sitkin, a landowner in the Bayview Ridge area. This letter is very similar to a letter transmitted to the Commissioners back in April this year, in which Mr. Sitkin and his attorneys were asking the County to consider other alternatives for the Bayview Ridge area. Regarding Mr. Sitkin's suggestion that other alternatives are considered, that can be done. In all likelihood the final Environmental Impact Statement may be a mix of the various alternatives available for the area. They will also have discussions with legal counsel about the County's options. As they go through that process, they may choose which alternatives or paths they wish to follow.

In response to their questions, Mr. Christensen assured the Commissioners that there would be plenty of opportunity for the public to be involved and to raise their issues.

Commissioner Dahlstedt emphasized the importance of the community having input on both sides of the issue.

4. **Miscellaneous**

- a) Mr. Karsh introduced Bill Dowe of the Planning and Permit Center who has been appointed interim Building Official. Corey Schmidt is leaving the County and will be the Building Official for the City of Boulder, Colorado. Recruitment will begin for a permanent Building Official soon.

Commissioner Munks motioned to approve appointing Bill Dowe as interim Building Official. Mr. Dowe has been with the County for ten years and is the Assistant Building Official. Commissioner Dahlstedt seconded the motion, which was passed unanimously.

- b) Gary Christensen introduced Connie Bodine, Associate Planner. She is replacing Kirk Johnson, who has been promoted to a Senior Planner with the department. He described some of her qualifications and expertise.
- c) Chairman Anderson said he would allow a couple of public comments.

John Sitkin, Bellingham, Washington, asked to speak to his letter. He said he appreciated it that Mr. Christensen said he thinks additional alternatives should be in the SEPA process. That is why there needs to be additional maps of the alternatives in the EIS. He said they are urging the County to consider the three alternatives as well as additional alternatives.

Tim Crosby, District Manager, Waste Management of Skagit County, thanked the Planning Department for the fulfillment of the unclassified use permit. He said that one of his concerns is that things changed very quickly and he does not want to be left off of the Solid Waste Plan. He then introduced Polly McNeal from Summit Law, who is representing him and who has worked with the Planning Department on this.

Ms. McNeal, spoke, indicating that she is outside counsel for Waste Management. She said they are disappointed with the recommendation, as it seems like a turnaround to them. She said it was their hope that the County's policy would recognize the potential of partnering with the public and private sector when dealing with solid waste. It now seems like the recommendation is based on a policy that precludes the private handling of solid waste. She requested that the Planning Department and the Commissioners look at the basis for the denial.

**APPEAL BY DON G. RUSSELL, PAR FOUR ENTERPRISES LLC, C/O COOK ROAD TESARO,  
NO. PL 00-0826 OF THE HEARING EXAMINER'S DECISION REGARDING VARIANCE OF  
SIGN ORDINANCE**

The public hearing was convened by Chairman Ted Anderson.

Marjorie Swint, Associate Planner, Community Development, Planning and Permit Center, reviewed the area in question, explaining that the project was a variance request to allow a larger free standing business sign and an additional sign. She reviewed the location of the property site, noting that the property is approx. 1.4 acres in size, located at the Cook Road interchange. She then explained the kind of sign that is being requested and the County Code requirements regarding signage.

Ms. Swint reviewed the Hearing Examiner's recommendation. He is in agreement with staff that approving this variance would set an improper precedent.

Commissioner Munks asked about the size of the Texaco sign and requested that Ms. Swint provide that information.

Chairman Anderson opened up the hearing for public comment.

Donald Sitkin of Chmelik, Sitkin and Davis, stated that they have submitted a letter outlining their position on this matter. He said he thinks the Hearing Examiner erred because of an unreasonably narrow interpretation of the provisions. The Examiner impermissibly mixed conditions in such a fashion that unreasonably leads to the denial of the request. He referred to page 4 of the staff report. It is not a differentiation of businesses. The Examiner felt that there was no hardship that differentiates this business from other businesses in the zone. This is an erroneous mix of criteria. Staff said they believe a smaller size is adequate, but did not provide any justification for this.

June Kite, representing Friends of Skagit County, said today's meeting is possible because a public process has been established. The public process has developed the regulations. The Hearing Examiner has outlined sixteen points of review and concurs with Planning in making the decision. She said they chose to locate in rural Skagit County and should accept rural standards. She requested that the Commissioners honor and support the people who have developed these regulations and the Hearing Examiner's decision. They have all worked to give a fair and complete review.

John Moffat, Skagit County Prosecuting Attorney's Office, referred to the code requirements, which have four criteria that all have to be met. This proposal is a 32' square sign and they are asking for a 162 square foot sign, which is a five-fold increase over the code. The third provision of the code is that the sign will be harmonious with other signs there and not injurious to the surrounding area.

Mr. Sitkin responded pointing out that the standard is much broader than you find in a variance. It focuses on what's the reasonable use and you put it in the context of the zoning and the site in question. He said they feel all the criteria have been met.

Ms. Swint said the size of the Texaco sign is 80' tall and 256 square feet. This request was for a second free standing sign

After further discussion, Chairman Anderson advised that a decision would be rendered on September 26 at 9:45 a.m.

**MISCELLANEOUS**

Commissioner Munks motioned to approve a Resolution regarding the Skagit County Public Facilities District, acknowledging the resignation of a Board Member, approving the expansion of the Board to seven

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members, and appointing new Board members. The Board of Commissioners has received the resignation of one original Board member, Rick Epting. Two additional board members are to be appointed in order to achieve a full complement of seven board members. The new members of the board shall be as follows: Mary Scott, District #2, Dennis A. Edmonds, District #2 (replacement), and James Anderson, District #1. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution #18420)**

**BID OPENING – SKAGIT PLAYFIELDS – POPPE FIELD DRAINAGE SYSTEM**

Patrik Dylan, Project Manager, Skagit County Parks, Recreation and Fair Department, was present to review bids for the renovation of Skagit Playfields, Poppe Field Drainage System. One bid was received from Greenfield Systems of Mount Vernon, Washington. A bid security was enclosed for the appropriate amount. There were no addendum for the project. A Statement of Qualifications was completed. The base bid was \$52,546.03. Added to Bid Item No. One was \$646.80 and added to Bid Item No. Two was \$3,826.90 for a total bid of \$57,019.73.

Mr. Dylan will review the bid and make a recommendation to the Commissioners,

**ADJOURNMENT**

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

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Ted W. Anderson, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Don Munks, Commissioner

ATTEST:

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Jean Terry for JoAnne Giesbrecht, Clerk of the Board