

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
MONDAY, OCTOBER 1, 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
11:00 a.m. – 11:30 a.m.	Consent Agenda and Miscellaneous Items
11:30 a.m. – 11:45 a.m.	Public Comment Period
1:30 p.m. – 2:00 p.m.	Executive Session – Personnel, Litigation and Land Acquisition
2:00 p.m. – 3:00 p.m.	Discussion/Possible Action – Resolution to require applicants for permits affected by the Growth Management Hearings Board’s Final Decision and Order (FDO) in Case Nos. 00-2-0046c and 00-2-0049c to sign waivers and hold harmless agreements with the County as a condition for the County to process their permit applications.
7:00 p.m. – 9:00 p.m.	Conservation Reserve Enhancement Program (CREP) Promotion and Agricultural Buffer Options for Eligible Land Owners (Sedro Woolley Community Center, 700 Pacific Street, Sedro Woolley)

The Skagit County Board of Commissioners met in regular session on Monday, October 1, 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, October 1, 2001, items 1-22. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS’ OFFICE:

1. Record of the Proceedings for Monday, September 24, 2001.
2. Record of the Proceedings for Wednesday, September 26, 2001.

3. Resolution Re-Appointing Marilyn Lupinacci to the Mental Health Advisory Board for the term October 1, 2001 through September 30, 2004. **(Resolution No. 18430)**
4. Resolution Re-Appointing Mary Good to the Mental Health Advisory Board for the term October 1, 2001 through September 30, 2004. **(Resolution No. 18431)**
5. Resolution Appointing Bob Hart to the North Sound Regional Support Network Advisory Board for the term October 1, 2001 through September 30, 2004. **(Resolution No. 18432)**
6. Resolution Appointing Denny LeGro to the Housing Authority of Skagit County Board for the term October 22, 2001 through October 22, 2005. **(Resolution No. 18433)**
7. Resolution Re-Appointing Susan Duffy to the Housing Authority of Skagit County Board for the term October 22, 2001 through October 22, 2006. **(Resolution No. 18434)**

FACILITIES:

8. Vendor Services Agreement with Knutson & Sons, Inc. for the parking lot resurfacing project for a total bid price of \$129,546.50. The Agreement shall commence upon the date of signing and terminate 30 calendar days thereafter excluding Owner approved time extensions. **(Contract No. 05460)**

PLANNING & PERMIT CENTER:

9. Addendum to Interlocal Agreement (Memorandum of Understanding) between the City of Mount Vernon and Skagit County relating to Urban Growth Area Zoning and Development Standards within the City's Urban Growth Area identified in the Skagit County Comprehensive Plan, and specifically implements Section 21 of the MOU relating to Indemnification. The City agrees to indemnify and hold the County harmless from any and all claims, losses, demands, actions or causes of action of any nature in connection with the performance, enforcement or imposition, through the performance of the MOU. **(Contract No. 03755)**

PROSECUTING ATTORNEY:

10. Resolution Providing Defense to Stephanie wood in a Lawsuit by Patricia Hanson. **(Resolution No. 18435)**

SENIOR SERVICES:

11. Resolution authorizing execution of Interlocal Agreement with the City of Anacortes for the provision of senior services for calendar year 2002. **(Resolution No. 18436)**
12. Resolution authorizing execution of Interlocal Agreement with the City of Burlington for the provision of senior services for calendar year 2002. **(Resolution No. 18437)**
13. Resolution authorizing execution of Interlocal Agreement with the Town of Concrete for the provision of senior services for calendar year 2002. **(Resolution No. 18438)**
14. Resolution authorizing execution of Interlocal Agreement with the City of Mount Vernon for the provision of senior services for calendar year 2002. **(Resolution No. 18439)**
15. Resolution authorizing execution of Interlocal Agreement with the City of Sedro Woolley for the provision of senior services for calendar year 2002. **(Resolution No. 18440)**

YOUTH & FAMILY SERVICES:

16. Resolution establishing detention fees for the Skagit County Juvenile Detention Facility in the amount of \$100 per day per child. **(Resolution No. 18441)**

PUBLIC WORKS:

17. Resolution awarding the bid for the Snee-oosh Point Drainage Improvement Project #WA402017 to TRICO Contracting, Inc. of Burlington, for the total bid price of \$268,208.67. **(Resolution No. 18441)**
18. Out-of-State Travel Request for Paul Dinnel, Ivar Dolph and Jim Ramaglia, members of the Skagit County Marine Resources Committee (MRC), and Michelle McConnell, consultant for MRC, to attend a Marine Protected Area workshop in White Rock, British Columbia, October 19-21, 2001. The participants would meet with organizations and individuals that are experienced in establishing Marine Protected Areas. This would allow the department to avoid problems already encountered and ensure participation by all parts of the local community. The total cost is expected to be \$1,064.08. **(Approved)**

19. Construction Easement **and** Temporary Ingress and Egress Construction Easement for the Snee-oosh Point Drainage Improvement Project between Darlene L. Dugdale, individually and as surviving spouse of Gary D. Dugdale, deceased. Rather than receiving direct financial compensation for the temporary easement, the property owner has asked that the project area be restored as nearly as possible to its original condition immediately prior to the County's entry, with the exception of the modifications or improvements made as part of the drainage improvement project. The sum of ten dollars will be paid to the property owner for the permanent easement. **(Contract Nos. 05461 and 05462)**
20. Temporary Ingress and Egress Construction Easement with Leif L. and Gladys H. Rindal for the Snee-oosh Road Drainage Project. Rather than receiving direct financial compensation for the temporary easement, the property owners have asked that the project area be restored as nearly as possible to its original condition immediately prior to the County's entry, with the exception of the modifications or improvements made as part of the drainage improvement project. The sum of ten dollars will be paid to the property owners for the permanent easement. **(Contract No. 05463)**
21. Temporary Ingress and Egress Construction Easement with Duane A. and Sandra L. Palmgren for the Snee-oosh Road Drainage Project. Rather than receiving direct financial compensation for the temporary easement, the property owners have asked that the project area be restored as nearly as possible to its original condition immediately prior to the County's entry, with the exception of the modifications or improvements made as part of the drainage improvement project. The sum of ten dollars will be paid to the property owners for the permanent easement. **(Contract No. 05464)**
22. Temporary Ingress and Egress Construction Easement with Snee-oosh Land Company for the Snee-oosh Road Drainage Project. Rather than receiving direct financial compensation for the temporary easement, the property owners have asked that the project area be restored as nearly as possible to its original condition immediately prior to the County's entry, with the exception of the modifications or improvements made as part of the drainage improvement project. The sum of ten dollars will be paid to the property owners for the permanent easement. **(Contract no. 05465)**

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, October 1, 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 105725 through 106089 from Clearing Fund 696 in the total dollar amount of \$745,873.49 (Transmittal No. C-65-01);

Payroll warrants numbered 955767 through 955866 in the total dollar amount of \$93,213.76 (Transmittal No. P-37-01);

Payroll warrants numbered 84097 through 85045 in the total dollar amount of \$899,162.35 (Transmittal No. P-38-2001)

2. Staff presented a Resolution which would amend Resolution No. 18421 relating to a ballot proposal regarding a Partial-County Library District within the unincorporated boundaries of the Concrete School District. (**Resolution No. 18443**)

PUBLIC COMMENT PERIOD

Tom Solberg brought in a video tape for the Board to look at that exposed the salmon slaughter that is currently happening at the Samish Fish Hatchery. He reported that last year about 7,000 Chinook were clubbed and sold for pet food. This year the harvest is expected to yield 10,000 fish. The small dam, which was built in 1895, prevents the Chinook from going up-stream and spawning.

Chairman Anderson asked why the native Chinook salmon were not weeded out and deposited on the other side of the dam so they could go up-stream and spawn.

Mr. Soldberg replied that it is because the fins of the fish do not get clipped, therefore, the wild stock and the hatchery fish all blend in. He stated it was not all about the fish. It is also about the required land buffers due to the lack of fish. However, Mr. Solberg said that after viewing the tape, it is hard not to notice that there are plenty of fish.

DISCUSSION/POSSIBLE ACTION – RESOLUTION TO REQUIRE APPLICANTS FOR PERMITS AFFECTED BY THE GROWTH MANAGEMENT HEARINGS BOARD’S FINAL DECISION AND ORDER (FDO) IN CASE NOS. 00-2-0046C AND 0-2-0049C TO SIGN WAIVERS AND HOLD HARMLESS AGREEMENTS WITH THE COUNTY AS A CONDITION FOR THE COUNTY TO PROCESS THEIR PERMIT APPLICATIONS

John Moffat, Prosecuting Attorney, presented a Resolution to the Board for possible action.

On February 6, 2001, the Western Washington Growth Management Hearings Board (GMHB) issued Final Decisions and Orders(FDO) in Case Nos. 00-2-0046c and 00-2-

0049c relating to County actions in Ordinance No. 17938, adopted July 24, 2002, which among other things, implemented the Unified Development Code (UDC) which adopted new land use regulations in the Skagit County Code. In those FDOs, the GMHB found various provisions of Skagit County's UDC non-compliant with the Growth Management Act (GMA 36,70A). Skagit County was ordered to take action to amend the non-compliant UDC regulations within certain time periods

In response to the FDOs, Skagit County, with respect to some of the regulations found non-compliant, adopted new ordinances to amend the regulations found non-compliant by the GMHB; with respect to other non-compliant regulations the County did not adopt amendatory regulations but instead appealed the FDOs; and the respect to yet other non-compliant regulations the County has remanded proposed changes to those regulations back to the Planning Commission for further review.

The County's appeals are currently pending in Skagit County Superior Court and are scheduled for trial in January of 2002. In light of the potential liability to the County of processing applications based on regulations found non-compliant by the GMHB but which were not amended during the remand period, and recognizing the interest of permit applicants to move forward with their plans, therefore be it resolved that the Planning and Permit Center afford to applicants for permits affected by regulations found non-compliant by the GMHB FDOs and not amended within the remand period the option either to:

- Defer all permit processing of these applications until the uncertainty is resolved by the County's pending court appeals or;
- Agree to processing of the permit applications pursuant to previous applicable code provisions, subject to the applicant signing a waiver of any right to bring a claim for damages against the County as a result of processing the applications under such earlier regulations.

The Resolution shall take effect immediately and shall apply to all applications currently pending in the Planning and Permit Center.

Commissioner Munks motioned to approve the Resolution and Commissioner Dahlstedt seconded, which passed unanimously. **(Resolution No. 18444)**

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:

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