

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
TUESDAY, OCTOBER 30, 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. Public Hearing – Consideration of Vacation of Unopened Portion of County Right-of-Way
 2. Signature – Agent Designation for Hazard Mitigation Grant Program Application
 3. Signature – Marine Resources Committee Action Grant Application
 4. Signature – Personal Services Agreement – Express Personnel (Clerical, Office, and Accounting Support)
 5. Update – Initial Implementation of the Agricultural Land Stream Buffer Program (SCC 14.24.120)
 6. Miscellaneous
- 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Tom Karsh, Director
1. Discussion and Possible Action – Adoption of Amendments to the Strategic Plan for Protecting Wild Salmonids to be now entitled Enhancement Actions and Programs as a Section in the Critical Area Ordinance (CAO)
 2. Continued Consideration of Proposed Ordinance Revising Skagit County Code 14.02.040 Appendix A to reflect updated City Codes for Implementation within the Urban Growth Areas as Adopted by Skagit County through Ordinance No. 18375
 3. Final Plat Approval for the Plat of Merimbula, located east of Big Lake on the West Side of Highway 9, approximately .5 mile South of the Intersection of Highway 9 and West Big Lake Boulevard
 4. Miscellaneous
- 11:00 a.m. – 11:45 a.m. Work Session – Update Guemes Ferry Capital Facilities Plan
- 1:30 p.m. – 2:30 p.m. Work Session –1996 Memorandum of Understanding Regarding Utilization of Skagit River Basin Resources for In-Stream and Out-of-Stream Purposes
- 2:30 p.m. – 3:00 p.m. Work Session – City of Anacortes Annexation
- 3:00 p.m. – 5:00 p.m. Budget Work Session

The Skagit County Board of Commissioners met in regular session on Tuesday, October 30, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1. **Public Hearing – Consideration of Vacation of Unopened Portion of County Right-of-Way**

Steve Flude, Assistant Public Works Director, gave an overview of the proposed vacation of an unopened County right-of-way. The area is located south of Buchanan Avenue, between Teak Lane and Buchanan Lane. Because the County did not purchase the right-of-way, it is recommended that there be no charge for the land.

Chairman Anderson opened the public hearing.

Rich McKay stated that he is concerned about the one lane road going up and down the hill.

Commissioner Anderson asked him whether his property adjoins the right of way.

Mr. McKay responded that he is on Honeybee Land, but uses Teak Lane, although he believes it is unsafe.

Bill Rimmer noted that there is one more parcel to be accessed off of Teak Lane and that Buchanan Lane is also accessible.

Since there was no further public comment, Commissioner Munks motioned to close the public hearing. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Commissioner Munks motioned to approve the vacation of an unopened portion of County right-of-way. Commissioner Dahlstedt seconded the motion, which passed unanimously.

2. **Signature – Agent Designation for Hazard Mitigation Grant Program Application**

Dave Brookings, Public Works Administrator, presented a grant application to purchase frequently flooded properties in the Skagit River Basin. The grant monies are available through the Washington Department of Emergency Management for FEMA funding to buy residential property that experiences repetitive flooding. The property will then be converted to open space. Many property owners have expressed interest in the program. The grant application is for \$2.5 million dollars to buy as many houses as possible. The County will have to come up with 12.5% of the funding.

Commissioner Munks motioned to approve for signature the agent designation for Hazard Mitigation Grant Program Application. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

3. **Signature – Marine Resources Committee Action Grant Application**

Dave Brookings presented, for the boards' approval, a Marine Resources Committee Action Grant Application, which would fund three projects undertaken by the MRC. Mr. Brookings explained that Skagit County joined the Northwest Straits Commission on May 4, 1999 per Resolution 17433 by establishing a Marine Resources Committee (MRC). The purpose of the MRC is to discuss marine resource issues in Skagit County. The total amount of the grant is \$45,000 with no local match required. The grant source is the Department of Eulogy Coastal Zone Management 310 fund.

Commissioner Munks stated that he has reviewed all of the documents and feels it is a good project. He then motioned to approve of the Marine Resources Committee Grant Application. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Approved)**

4. Signature – Personal Services Agreement – Express Personnel (Clerical, Office, and Accounting Support)

Dave Brookings presented a Personal Services Agreement to the Commissioners. The agreement would be for staff to help out with office, clerical and accounting duties. He said he feels it would be helpful to have an ongoing agreement with Express Personnel to cover these kinds of situations in the future.

Commissioner Anderson said he would like to coordinate with the County Administrator on this before it is signed.

Commissioner Dahlstedt asked if this would be ongoing throughout the year or just one, two or three weeks at a time?

Mr. Brookings said they would only be used for peak mailings or research projects, which could take a longer period of time.

The Commissioners asked that Mr. Brookings contact Roy Atwood, County Administrator, for concurrence.

5. Update – Initial Implementation of the Agricultural Land Stream Buffer Program (SCC 14.24.120)

Ric Boge, Natural Resources Project Manager, Public Works Department, presented an update on the initial implementation of the Ag Land Stream Buffer Program.

Commissioner Anderson and Commissioner Munks both stated that they have received calls from people who are trying to sign up for the CREP Program and are being told they do not qualify. They wondered if the mapping should be looked at.

Mr. Boge stated that as of the day before, approximately 45 landowners have signed up or are seriously interested in signing up for CREP. The acreage involved could be 500 to 600 acres. One person has officially signed up for MARP and two custom buffer plans have been submitted.

The Commissioners questioned Mr. Boge about the proportion of property involved.

Commissioner Anderson suggested that the deadline be extended so that people will be more successful with the program.

Commissioner Dahlstedt agreed with Commissioner Anderson for the reason that it has taken some time to get the program going.

Commissioner Munks also agreed, saying that he would like to hear more justification in regard to the program. It should be extended to November 27, although it may be difficult to do that.

Commissioner Anderson said it might not be easy, but it doesn't mean it can't be done.

Commissioner Munks said he feels a lot of things have changed and the County is trying to do the right thing. Fish restoration was a big issue and now science has proved we are not doing things the right way. He said he does not want to see the County doing things for the wrong reasons and committing people to the wrong course of action. This should be delayed in order to incorporate everything that has happened.

**RECORD OF THE PROCEEDINGS
TUESDAY, OCTOBER 30, 2001
PAGE NO. 4**

Mr. Boge said a letter was received wherein the main concern was once the November 27 deadline occurred, it needed to be in a program or subject to default. The land needs to be available for farming.

Carolyn Kelly of the Soil Conservation District said that she sees that the people who are ineligible would be eligible for CREP.

Commissioner Munks asked if the Board created the deadline?

Mr. Boge said they did. If it were extended in order to get answers to critical questions, it would be a good thing.

Commissioner Dahlstedt emphasized that it is the goal of the Commissioners to work with the property owners. Puget Sound Energy is doing great things to increase the salmon species without significant changes in habitat. It is the responsibility of the County to help people and extending the deadline could do that.

Mr. Boge talked about man made ditches, stating that it is a tricky issue. That language needs to be addressed if it is going to be changed.

Jeff McGowen presented a brief update on the evaluation areas. Feasibility studies have been done on all twelve sites. The next step with the consultant is to provide a pre-draft, which will provide suggestions and drawings. The final report is due in January. A decision will then be made about where to go with it.

Chal Martin said the County's best efforts are being made to move this forward.

Mr. Boge said he believes that the custom buffer plan will be a popular option, as will CREP. There is not a lot of interest in the MARP Program.

Commissioner Anderson said he has spoken to people about this and there is a lot of confusion.

Commissioner Dahlstedt emphasized the need to explore all options and expressed the hope that the deadline can be extended.

6. Miscellaneous

Don McKeehen, Traffic Safety Coordinator, presented an update on the Safety bus. He said he has been looking for a garage to house the safety materials. He also reminded the Commissioners of the public kickoff of the Traffic Safety Program this weekend at the Cascade Mall.

Planning & Permit Center – Tom Karsh, Director

1. Discussion and Possible Action – Adoption of Amendments to the Strategic Plan for Protecting Wild Salmonids to be now entitled Enhancement Actions and Programs as a Section in the Critical Area Ordinance (CAO)

Tom Karsh, Director, Planning and Permit Center, stated that, unfortunately, legal counsel is not available. Also, Chal Martin has been working on this section of the Interim Ordinance. He suggested that staff be directed to complete a final ordinance to present to the Board for a final vote in the very near future.

Chairman Anderson stated that he is familiar with the topic. The Commissioners held a public hearing and he would like to move ahead with the amendments.

Mr. Karsh said there are some minor corrections to the draft that the Commissioners have not received. He requested that this matter be placed on the agenda at a later date.

2. **Continued Consideration of Proposed Ordinance Revising Skagit County Code 14.02.040 Appendix A to reflect updated City Codes for Implementation within the Urban Growth Areas as Adopted by Skagit County through Ordinance No. 18375**

Mr. Karsh reviewed the above, noting that there was a lot of discussion about this the previous week. The problem is they do not know if it was ever adopted by Mount Vernon. No city staff has been able to prove that it is in the code. There is no regulation that requires the pre-annexation agreement to be signed, but because the County has been requiring it, they will notify Mount Vernon that it is no longer required.

Commissioner Anderson asked if by adopting this agreement the Commissioners would also be approving the new annexation agreement.

Mr. Karsh said they would not. The City of Mount Vernon would also probably like to have discussions with the County to gain a better understanding of the meaning of the change. The property owners that have been told to sign the pre-annexation agreements need to be updated on this new development. For the people who have already signed, it is no longer in effect or never has been in effect. He said that the County really needs legal counsel on this.

Commissioner Munks motioned to approve an Ordinance Revising Skagit County Code 14.02.040 Appendix A to reflect updated City Codes for Implementation within the Urban Growth Areas as Adopted by Skagit County through Ordinance No. 18375. Commissioner Dahlstedt seconded the motion, which passed unanimously.

It was noted that the Ordinance would be brought before the board the following week for signatures.

3. **Final Plat Approval for the Plat of Merimbula, located East of Big Lake on the West Side of Highway 9, approximately .5 mile South of the Intersection of Highway 9 and West Lake Boulevard**

Marge Swint, Associate Planner, presented to the Board a proposed Ordinance Revising the Skagit County Code 14.02.040 Appendix A to reflect updated City Codes for Implementation within the Urban Growth Areas as Adopted by Skagit County through Ordinance No. 18375. She then reviewed the staff findings.

Commissioner Munks motioned to approve an Ordinance Revising the Skagit County Code 14.02.040 Appendix A to reflect updated City Codes for Implementation within the Urban Growth Areas as Adopted by Skagit County through Ordinance No. 18375. **(Ordinance No. 18472B)**

4. **Miscellaneous**

There were no miscellaneous 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

ATTEST:

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