

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
TUESDAY, NOVEMBER 13, 2001**

- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/District Maintenance Supervisors
- 9:00 a.m. – 9:45 a.m. Public Works Department – Chal Martin, Director
1. **Public Hearing – Consideration of Vacation of County Right-of-Way Known as East Lake Drive, No. 06750**
2. Discussion – Part 3 of the Application Guidelines for the Regional Road Maintenance Endangered Species Act Program
3. Signature – (A) Resolution Authorizing Execution of Interlocal Cooperative Agreement with the University of Washington Center for Streamside Studies (B) Interlocal Cooperative Agreement with the University of Washington Center for Streamside Studies
4. Miscellaneous
- 9:45 a.m. – 10:00 a.m. Commissioners’ Work Break
- 10:00 a.m. – 10:45 a.m. Planning & Permit Center – Tom Karsh, Director
1. Discussion on Scope of Work for Washington Office of Community Development Awarded Grant for FY 2002-2003
2. Discussion – Public Hearing Testimony and Written Comments Regarding 2002 – 2008 Planning & Growth Management Tasks
3. Miscellaneous
- 10:45 a.m. – 11:00 a.m. Commissioners’ Work Break
- 11:00 a.m. – 11:30 a.m. **Consent Agenda and Miscellaneous Items**
- 11:30 a.m. – 11:45 a.m. Public Comment Period
- 11:45 a.m. – 12:00 p.m. Work Session – Parks Department

The Skagit County Board of Commissioners met in regular session on Tuesday, November 13, 2001, with Commissioners Ted W. Anderson and Don Munks present. Commissioner Kenneth Dahlstedt’s absence was excused.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1. **Public Hearing – Consideration of Vacation of County Right-of-Way Known as East Lake Drive, No. 06750.**

Steve Flude, Assistant Public Works Director, explained to the Board that a petition was filed by Mike Weynands to vacate a County right-of-way known as East Lake Drive #06750. The right-of-way area is located south of Old Day Creek Road, east of State

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Route 9, and west of Wayward Way. Mr. Flude said the Public Works Department recommends that the right-of-way be vacated as requested. Because the County did not purchase the right-of-way, they also recommend that the Commissioners give their consent to waive the land cost fees to the property owners.

Mr. Flude said there were several reasons given as to why the said portion of the road right-of-way be vacated to the adjacent property owners. They are:

- The right-of-way is located beyond the end of the existing public roadway, East Lake Drive.
- The right-of-way is enclosed on the east and west sides by one property owner and its vacation will create more logical property boundaries.
- The right-of-way is of no benefit to the public as a County roadway and should be returned to the adjacent property owners.

Chairman Anderson opened the public hearing.

Merle Fox, 24379 Fox Road, Sedro Woolley, said he is opposed to the vacation as it is east of his property, which has been in his family for over 70 years. Mr. Fox currently accesses his property off of the Beaver Lake Road. He states that an appraiser was recently in the area and informed Mr. Fox that the property located at the end of the right-of-way was worth a lot of money. He feels that if the right-of-way is given to Mr. Weynands, he will have no access to the property. Mr. Fox feels the County is representing Mr. Weynands and he needs to have some time to hire an attorney to represent him.

Mike Weynands, 12816 East Lake Drive, Sedro Woolley, concurred with the Public Works Engineering Department as to the waiver of land costs to him. He agreed that he would be responsible for the \$75 fee charged for the public hearing. He said Mr. Fox is concerned about access to his property off of the right-of-way. He thinks there should be a better access someplace other than through his property. Mr. Weynands states that the right-of-way doesn't access the hillside property of Mr. Fox.

Chairman Anderson said he is familiar with the property and the County road is not on the right-of-way. He thinks Mr. Fox would have better access across the Browning property.

Carl Browning, 12761 East Lake Drive, Sedro Woolley, agreed with Mr. Weynands. He said it is not practical to continue the road into the right-of-way as the other side is very steep. Mr. Browning feels another access would be the best solution to the problem.

Nathan Sloniker, 24379 Fox Road, Sedro Woolley, thinks that if it were possible to gain public access from another area, that would be the most feasible solution. If the Board agrees to grant the vacation, he would like to see another public access opened up.

Commissioner Munks moved to close the public hearing, and Chairman Anderson seconded the motion. The motion carried and the public hearing was closed.

At the request of Chairman Anderson, the public hearing will be continued on November 27, 2001 @ 9:00 a.m.

2. Discussion – Part 3 of the Application Guidelines for the Regional Road Maintenance Endangered Species Act Program.

Chal Martin, Public Works Director, discussed Part 3 of the above-referenced program guidelines. He said they had heard that the program was being terminated, however, Cliff Butler attended a meeting last week and said the manual for the program will now be published in the federal register. Mr. Martin thinks the Department of Transportation may have decided to participate.

Mr. Flude, said that in his mind, the Tri-County plan was too perfect.

Cliff Butler, Public Works, said he had talked to several people and this is the first time the manual has been put on the federal register with only 60 days given to make public comments. He feels that just because Skagit County did not submit an application in the beginning does not mean the County cannot apply for the program at a later date. Mr. Butler would like to see the plan completely finalized with all of the bugs worked out before the County enters into the program.

Mr. Martin said they would like to take no action at this time.

Chairman Anderson said no action is good action.

3. Signature – (A) Resolution Authorizing Execution of Interlocal Cooperative Agreement with the University of Washington Center for Streamside Studies (B) Interlocal Cooperative Agreement with the University of Washington Center for Streamside Studies.

Ric Boge, Natural Resources Project Manager, brought before the Board a Resolution and Interlocal Agreement with the University of Washington Center for Streamside Studies. The Agreement would enable a joint scientific study comparing the performance of smaller buffer widths to the County's Managed Agriculture Riparian Plan (MARP) buffer, which has a 75-foot width. The University, via its Center for Streamside Studies, would provide a graduate student to help design a defensible study, analyze the data, and draw credible conclusions over a two-year time period. Over the same time period, the County would provide funding to the University for the work of the graduate student on this project in an amount not to exceed \$35,000.

Mr. Boge said that credible results from a scientific study such as this have the potential to provide significant justification for making changes to the required MARP buffer width. He said that if it could be scientifically shown that a 50-foot buffer on streams in

agricultural areas performs essentially the same as a 75-foot buffer, the County would be in a good position to initiate changes to MARP in that regard.

The funds to pay for the Agreement would come from the State's grant of \$1.5 million for the purpose of initial implementation of section 14.24.120 of Skagit County Code.

Chairman Anderson said the comparison should begin from zero buffers to a 125-foot buffers.

Commissioner Munks concurred. He would actually like them to identify what the effects would be from zero buffers to 200-foot buffers.

Mr. Boge indicated that zero buffers are not an allowed activity under the Ordinance and the focus on this study would be using established buffers.

Chairman Anderson and Commissioner Munks both agreed that they would be interested in seeing the exact scope of work that is being proposed by the University. The study needs to address the issues the County wants addressed. They feel that if the study is going to be started with pre-conceived notions, it doesn't make for good, real science. "Good science is making no assumptions".

Mr. Martin said his department would work with the University to re-craft the scope of work to include zero buffers.

4. Miscellaneous.

Steve Flude discussed a Summary of Offer for the final Cook Road Improvement Project parcel. Just compensation for the designated real property is \$30,000. Mr. Flude said they would like to proceed according to established right-of-way procedures with the acquisition of said real property.

Commissioner Munks motioned to approve the Summary of Offer in the amount of \$30,000. The motion was seconded by Commissioner Anderson, and passed unanimously. **(Contract No. 05525)**

PLANNING & PERMIT CENTER, Tom Karsh, Director

1. Discussion on Scope of Work for Washington Office of Community Development Awarded Grant for FY 2002 – 2003.

Gary Christensen, Assistant Director of the Planning & Permit Center, discussed the scope of work for Washington Office of Community Development (OCD) awarded grant for FY 2002-2003. He stated that in October, 2001, the Department received a letter from the OCD indicating that Skagit County had been awarded a GMA Update grant in the amount of \$78,750. The GMA Update grant is contingent upon an agreement between Skagit County and OCD based on a "statement of work" that describes the tasks

and products as specified in the grant application. A “statement of work” was recently submitted to OCD for their review. They are to respond in approximately two weeks and will draft a contract for Skagit County’s review. The County can then decide whether to accept the grant and its contractual obligations.

The Department ‘s GMA Update grant “statement of work” reflects work programs that have been previously discussed with the Board. There are four major tasks and they are identified below:

- Develop and Adopt Growth Management Indicators Program
- Adopt New 20-year Growth Forecasts and Allocation
- Reassess Natural Resource Land Designations, Policies and Regulations
- Review the Skagit County Comprehensive Plan and development regulations to ensure compliance and consistency with GMA

Mr. Christensen stated that the total cost for the four tasks is \$120,000. The OCD grant would cover almost \$79,000 of the total, leaving about \$41,000 to be covered by other County funding sources. Additionally, significant Department staff time would be dedicated to these various projects, estimated in the amount of \$151,759 through the end of 2002.

Chairman Anderson asked what the other County funding sources would be. Mr. Christensen indicated the money would come out of the general fund.

Chairman Anderson said a review of the Comprehensive Plan regulations must take place and if OCD wants to provide money to help that happen, the County would be happy to accept it. He encouraged Mr. Christensen to talk to the Finance Director, Brad Whaley, when the funding arrives.

2. Discussion – Public Hearing Testimony and Written Comments Regarding 2002 – 2008 Planning & Growth Management Tasks

Tom Karsh, Director, reviewed the comments that were received regarding the Fidalgo Island and Guemes Island Sub-area plans, which are currently scheduled for 2004. Most everyone wanted to do these projects sooner rather than later.

Chairman Anderson stated that there are six sub-area plans in one area or another and commitments have already been made to the Alger and Bayview sub-areas. The Board would like to allocate \$20,000 - \$25,000 to hire a consultant to work on each plan, get them all started as soon as possible and complete them.

Commissioner Munks said realistically, all of the projects need to move forward.

3. Miscellaneous.

A. Mr. Christensen informed the Board that the 2000 Comprehensive Plan Amendments that were approved, proceeded through the appeal period with no appeals filed.

B. Tom Karsh presented a Resolution dismissing appeal no. P100-0743, which was submitted by Sinclaire Association, Inc. The Sinclair Association was unhappy with the decision by the Hearing Examiner about an air strip on Sinclaire Island. The association appealed the decision to Superior Court and as a result of that, they no longer feel they need to come before the Board of County Commissioners. John Moffat, Prosecuting Attorney, felt the Board needed to sign the Resolution in order to close the case.

Commissioner Munks moved to approve the Resolution which would dismiss the appeal submitted by Sinclaire Association, Inc. Chairman Anderson seconded the motion, which carried. **(Resolution No. 18490)**

C. A date was set for the purpose of considering final plat approval for two plats. Consideration will take place on Tuesday, November 27, 2001 at 10:00 a.m. during the Planning Department's regular agenda time.

D. Mr. Karsh introduced Bill Dowe, Building Official, who will administer the Unified Building Codes and will act as the lead person for complaints as well as oversee the support service staff at the front counter.

E. Mr. Karsh stated that they received a stack of annual updates to the City Comprehensive Plan from the City of Anacortes that was sent to the Department of Community Development. The Planning Department has reviewed the materials and it looks like they are relatively minor updates.

Chairman Anderson asked for a summary of the updates.

Mr. Karsh said the City of Anacortes provided a summary and it will be forwarded to the Board. He advised that updates are also coming in from other cities as well.

Commissioner Munks said they would like a summary of "changes" only.

F. Brad Whaley, Finance Director, asked for an update on the forestry position.

Kendra Smith, Assistant Director, explained that they came before the Board last June with recommendations and when they met with the forester group, they had asked if the County would be funding the positions. The Board decided to hire one person. There was a question as to who was going to fund that position. Ms. Smith said when the position was proposed, there was not title for it.

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Chairman Anderson remarked that the title was supposed to be “Forester” and not “Environmental Planner”. He said the position will now be revised and a forester will be hired to do the job.

CONSENT AGENDA

Commissioner Munks moved to approve the Consent Agenda for Tuesday, November 13, 2001, items 1 through 30. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS’ OFFICE:

1. Record of the Proceedings for Monday, November 5, 2001.
2. Record of the Proceedings for Tuesday, November 6, 2001.
3. Resolution Re-Appointing Bryan Baker to the Developmental Disabilities Administrative Board for the term November 23, 2001 through November 22, 2004. **(Resolution No. 18478)**
4. Resolution Appointing Fred DeVries to the Dike District #20 and Drainage Improvement District #20 for the term November 13, 2001 through November 12, 2005. **(Resolution No. 18479)**
5. Resolution Appointing Harry Ota to the Skagit County Planning Commission for the term November 13, 2001 through November 12, 2005. **(Resolution No. 18480)**
6. Resolution Setting the Guidelines for the Establishment of the Skagit County Citizen’s Commission on Salaries for Elected Officials. **(Resolution No. 18481)**
7. Resolution Appointing Roger LaRue, Brian Wetcher, Stephen Buckles, Ross Brydges, Larry Walrod, Ryan West, Ray Sizemore, Brock Stiles, John Janicki and John Garner to the Skagit County Citizens’ Commission on Salaries for Elected Officials. **(Resolution No. 18482)**
8. Resolution Adopting the Findings and Recommendation of Hearing Examiner and Approving Open Space Application of First Marine Division Association, OS 00 0864. **(Resolution No. 18483)**
9. Resolution Adopting the Findings and Recommendation of Hearing Examiner and Approving Open Space Application of Robert Keller, OS 98 0065. **(Resolution No. 18484)**

10. Out-of-State Travel Request for Roy Atwood to attend a conference in Baltimore, MD titled "Governing Managing Performance 2001" from October 7 through October 13, 2001. Total cost shall be \$2,500. **(Approved)**

HEALTH DEPARTMENT:

11. County Program Agreement with the State of Washington Department of Social and Health Services (DSHS) to provide funding in the amount of \$85,225 for intensive follow-up services with TAKE CHARGE family planning clients. This will help ensure client success with this new program. The term of the Agreement shall begin on November 1, 2001 and end on June 30, 2003. **(Contract No. 05512)**

INFORMATION SERVICES:

12. Vendor Services Agreement with Electric West to install additional power supply for network computer systems in Skagit County's computer operations center. In addition, network cable tray and lighting retrofit will be added to optimize the expansion of the computing infrastructure. The project shall provide enough power to fully utilize the floor space available. The Agreement shall commence after November 5, 2001 and continue until either party terminates. Compensation shall be \$24,500 with a not-to-exceed amount of \$24,999. **(Contract No. 05513)**

PARKS AND RECREATION DEPARTMENT:

13. Resolution for the Purchase of Facility Easement for Swinomish Boat Launch Project by the Skagit County Parks, Recreation and Fair Departments. The perpetual easement encumbers 6600 square feet of surface and subsurface for access, construction, maintenance, repair, and operation of the new restroom septic drain field. The property owners will be offered fair market value. The real estate transaction must be completed by November 30, 2001 or the project may be in jeopardy of violating contract compliance terms. **(Resolution No. 18485)**

PLANNING & PERMIT CENTER:

14. 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. **(Ordinance No. 18486)**

PROSECUTING ATTORNEY:

15. Out-of-State Travel Request for Gail Sundean to attend the Damion Annual Conference and Project Manager's Workshop in San Francisco, CA from

September 30, 2001 through October 3, 2001. The total cost will be \$946.20.
(Approved)

16. Resolution providing a defense to Tom Karsh and Diana Barnett in a lawsuit by Randy Previs and Katie Previs; Seavestco, Inc., a Washington Corporation; Lakewood Park, LLC. **(Resolution No. 18487)**

YOUTH AND FAMILY SERVICES:

17. County Program Agreement for the BECCA Contract Renewal with the State of Washington Department of Social and Health Services (DSHS) to provide Child in Need of Services (CHINS), At Risk Youth (ARY), and Truancy Petitions for eligible youth. The Agreement shall commence on July 1, 2001 and continue through June 30, 2003. The amount of this action shall be \$284,637. **(Contract No. 05514)**
18. Amendment No. 2 to Personal Services Agreement with Paul Douhanll to add “training” to one of the functions being performed at a rate of \$70 per hour. The Amendment shall begin on September 1, 2001 and end on December 31, 2001. **(Contract No. 04799)**
19. Personal Services Agreement with Ann Simonton to present a workshop titled “Sex, Power and the Media” on December 7, 2001. Total cost of the workshop shall be \$2,800, which includes supplies, travel and hotel. **(Contract No. 05515)**
20. Personal Services Agreement with Meda Chesney-Lind to present a workshop titled “Girls, Delinquency and Juvenile Justice” on January 11, 2002. Total cost of the workshop shall be \$2,150, which includes hotel, airfare and shuttle. **(Contract No. 05516)**
21. Personal Services Agreement with Whibey Institute – Power of Hope to present a workshop titled “Empowering Girls Through the Arts” on January 25, 2002. Total cost of the workshop shall be \$1,600, which includes supplies and travel. **(Contract No. 05517)**
22. Personal Services Agreement with Joseph Stone, Ph.D. to present a workshop titled “Integrating Spirituality and Culture into the Prevention and Treatment for First Nations Girls and Women” on February 8, 2002. Total cost of the workshop shall be \$1,000, which includes travel. **(Contract No. 05518)**

PUBLIC WORKS DEPARTMENT:

23. Quit Claim Deed from Skagit County to the Town of La Conner. The property was purchased by the County on the Town’s behalf in conjunction with the Morris Street Improvement Project, ES 9700-3. Public Works staff mistakenly

- listed the County as the Grantee rather than the Town of La Conner. This Quit Claim Deed will correct this oversight. **(Contract No. 05519)**
24. Resolution Requesting Statement of Qualifications Engineering and Land Surveying Services 2002 Consultant Roster. (Submittal deadline: December 20, 2001 @ 4:00 p.m.) **(Resolution No. 18488)**
 25. Resolution Calling for Bids for One New/Demo Latest Model Street Sweeper. Bids will be opened on December 4, 2001 at 11:45 a.m. **(Resolution No. 18489)**
 26. Personal Services Agreement with Express Personnel to provide staffing on an as needed basis for clerical, office and accounting support. The term of the Agreement shall commence on September 1, 2001 and continue until December 31, 2003. The total amount payable for the contract period will not exceed \$50,000. **(Contract No. 05520)**
 27. Vendor Services Agreement with GeoTest Services, Inc. to provide material testing services for the Morris Street Improvement Project ES9700-3. The County, through its Public Works Department, has agreed to manage the project on behalf of the Town of La Conner. The Town of La Conner and Skagit County entered into Interlocal Agreement No. 005052 in September of 2000. Through the Agreement, the County agreed to be the Certifying Agent and manage the project. The Agreement shall commence on November 12, 2001 and continue until either party terminates. Compensation shall not exceed a total of \$2,000. **(Contract No. 05521)**
 28. Local Agency Standard Consultant Agreement with David Evans and Associates, Inc. to provide right-of-way acquisition services in connection with the Morris Street Improvement Project. The maximum amount payable shall not exceed \$31,000 and work shall be completed by December 31, 2002. **(Contract No. 05522)**
 29. Advertising Agreement with Skagit Valley Publishing Company to provide advertising space for the Public Works Department in the Argus, Courier-Times, Anacortes American and Fidalgo This Week. The space will be used to advertise recycling education projects as well as by other Public Works Departments, as needed. The Agreement shall commence on November 1, 2001 and expire on October 31, 2002. The dollar amount of the Agreement is estimated to be \$1,400. **(Contract No. 05523)**
 30. Construction Contract with TRICO Contracting, Inc. for the Snee-oosh Point Drainage Improvement Project. The Contract provides for the furnishing and installation of 1280 lineal feet of 12-inch to 36-inch storm sewer pipe, culverts, tide gates, and other work. The project was included in the adopted 2001 budget. Construction is scheduled to commence in October or November of 2001. A base bid of \$268,208.67 was submitted, which is below the engineer's estimate of

\$355,568.12. Funding will come from the Skagit County Drainage Utility Fund.
(Contract No. 05524)

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, November 13, 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 108263 through 108682 from Clearing Fund 696 in the total dollar amount of \$3,640,392.04 (Transmittal No. C-75-01);

Warrants numbered 108683 through 108716 from Clearing Fund 696 in the total dollar amount of \$255,465.23 (Transmittal No. C-76-01);

Warrants numbered 108717 through 108717 from Clearing Fund 696 in the total dollar amount of \$18,799.42 (Transmittal No. C-77-01);

Payroll warrants numbered 956034 through 956107 in the total dollar amount of \$80,960.07 (Transmittal No. P-43-01);

Payroll warrants numbered 86945 through 87904 in the total dollar amount of \$975,044.33 (Transmittal No. P-44-01);

Payroll warrants numbered 87905 through 87905 in the total dollar amount of \$335.34 (Transmittal No. P-45-01).

PUBLIC COMMENT PERIOD

Tom Solberg, 19019 Minnie Road, Alger, spoke about his concerns regarding the fee structure for burning permits. He would like to see the fees kept to a minimum.

Chairman Anderson told Mr. Solberg that his issue is with Northwest Air Pollution Authority (NWAPA), not the Board of Commissioners. They are the ones that want to control what burning takes place. He explained that the Department of Natural Resources has been in charge of the program and NWAPA is planning to take it over.

Mr. Solberg also mentioned that he was pleased with the Board's decision to hire a consultant to help get the six sub-area programs moving ahead.

Randy Good, Sedro Woolley, talked about the streamside studies being contemplated by the Board. Mr. Good said there was a group that offered to do a study at no charge to the County. He also stated that the Cattleman's Association has done testing that shows what we have in place is adequate.

ADJOURNMENT

Commissioner Munks made a motion to adjourn the proceedings. Chairman Anderson seconded the motion, which 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