

**SKAGIT COUNTY COMMISSIONERS  
RECORD OF THE PROCEEDINGS  
TUESDAY, DECEMBER 11, 2001**

7:00 a.m. – 8:00 a.m.	Skagit Conservation District Board Annual Partnership Meeting (New Life Brethren Church-123 E Evergreen - Mount Vernon)
8:30 a.m. – 8:30 a.m.	Work Session – Operations Division Manager/District Maintenance Supervisors
*T 9:00 a.m. – 9:45 a.m.	<u>Public Works Department – Chal Martin, Director</u> <ol style="list-style-type: none"><li>1. Signature - Resolution Adopting the 2002 Annual Construction Program</li><li>2. Signature – Resolution Approving the Guemes Island Ferry Capital Facilities Plan 2001-2015</li><li>3. Signature – Contract Amendment No. 1 to Silvicultural Engineering Personal Services Agreement No. 005452 – Technical Support on Riparian Restoration for Development of the Managed Agriculture Riparian Plan (MARP)</li><li>4. Miscellaneous</li></ol>
9:45 a.m. – 10:00 a.m.	Commissioners’ Work Break
*T 10:00 a.m. – 10:45 a.m.	<u>Planning &amp; Permit Center – Tom Karsh, Director</u> <ol style="list-style-type: none"><li>1. Discussion on 2001 –2002 Work Program</li><li>2. Discussion on Requests for Proposals Regarding Growth Management Act Related Work</li><li>3. Miscellaneous</li></ol>
10:45 a.m. – 11:00 a.m.	Commissioners’ Work Break
*T 11:00 a.m. – 11:45 a.m.	Presentation – Northern State Recreation Area Task Force Master Plan Update
11:45 a.m. – 12:00 p.m.	Commissioners’ Work Break
1:30 p.m. – 3:30 p.m.	Commissioners’ Work Break
*T 3:30 p.m. – 3:45 p.m.	Presentation – 4-H Winner of the Theme for the 2002 Skagit County Fair

The Skagit County Board of Commissioners met in regular session on Tuesday, December 11, 2001, with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

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

**1. Signature – Resolution Adopting the 2002 Annual Construction Program**

Steve Flude, Assistant Public Works Director, presented the Board with a Resolution to adopt the 2002 Annual Construction Program. Also attached was the estimated capital equipment list purchases from the 2002 preliminary budget and a copy of the 2002 to 2007 Six-Year Transportation Improvement Plan.

Commissioner Munks moved to approve the Resolution and Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. 18509)**

**2. Signature – Resolution Approving the Guemes Island Ferry Capital Facilities Plan 2001-2015**

Steve Flude presented a Resolution to approve the Guemes Island Ferry Capital Facilities Plan for 2001 – 2015. Commissioner Munks motioned to approve the Resolution and Commissioner Dahlstedt seconded the motion, which passed unanimously. (**Resolution No. 18510**)

**3. Signature – Contract Amendment No. 1 to Silvicultural Engineering Personal Services Agreement No. 005452 – Technical Support on Riparian Restoration for Development of the Managed Agriculture Riparian Plan**

Ric Boge, Natural Resources Project Manager for Public Works, presented the Board with Contract Amendment No. 1 with Silvicultural Engineering to provide additional technical support on riparian restoration to Skagit County for the development of the Managed Agriculture Riparian Plan (MARF). To date, the contractor has provided guidance in development of the MARF planting plan and used computer models to simulate development of the planting schemes into the future. These provide the basis for determining long-term management strategies needed to provide sufficient large woody debris to meet MARF performance standards.

Tasks include additional computer modeling to determine the optimum management actions to meet MARF Large Wood standards in a timely and cost-effective manner. Also, additional support to refine the MARF Adaptive Management Program.

Mr. Boge then spoke about the buffer program. He asked if it was the desire of the Board to have County staff, with limited consultant assistance, work on completing the ‘record’ such that MARF meets the best available science (BAS) test by March 15, 2002, as specified by the recent Court opinion.

Mr. Boge went on to provide the current status of the CREP program. There are currently 135 landowners signed up for CREP. The estimated maximum cost for the County-funded CREP signing bonus on current signups is \$800,000. He spoke about an amended Interlocal Agreement under development with the Conservation District. The amended agreement would extend the deadline for the County bonus to 05/24/02, extend the termination date to 09/30/03, add a clause offering a County-conducted CREP monitoring program for CREP participants that signed on prior to 09/24/01, and reduce the not-to-exceed amount to \$1 million dollars. Mr. Boge said there are seven landowners that selected the MARF option and they have been notified to select another option by 05/24/02, which is the new deadline established in the Interim Ordinance for SCC 14.24.120 for eligible landowners to select a buffer option.

Mr. Boge said it is the Court’s opinion that the record as it now stands is that MARF is not satisfactory in meeting the needs BAS test. The Court finds the exceptions enumerated by Skagit County’s MARF to be too broad and too numerous to provide the adequate protection required by the GMA to preserve or enhance anadromous fisheries and those exceptions should be narrowed. He said it was also the Court’s opinion that the Court remand the buffer case back to the Growth Management Hearings Board to require Skagit County to provide within 120 days the specificity required by the opinion. The Hearings Board should then determine if the MARF’s, as detailed, conform to the BAS as required by GMA.

The “Cons” for completing the MARF record to meet the BAS test are as follows:

- No guarantee that Skagit County’s effort will be good enough.
- Lack sufficient funding to implement MARF on a large scale.
- Does not address the Court’s issue of ‘exceptions too broad and too numerous’.

The “Pros” for completing the MARF record to meet the BAS test are as follows:

- Staff has a plan of action to provide the Hearings Board the specificity required by 03/15/02 for the MARF record to meet the BAS test, which include MARF performance

- standards, planting and maintenance plan, monitoring program, and an adaptive management program.
- State AFW caucus has proposed a 75' buffer similar to what the County has been working on over the past several years.
  - The work to complete scientific justification for 75' buffers likely to be useful now, or in the future, even if not specifically for MARP.

Mr. Boge again said the question to the Board is whether they desire County staff to work on completing the 'record' such that MARP meets the BAS test by March 15, 2002 as specified by the recent Court opinion and would the Board be interested in County staff preparing a proposal to apply limited County resources to help offset landowner costs associated with the developing and/or implementing custom buffer plans.

Chairman Anderson said he would like for Mr. Boge to bring a proposal forward for the Board to look at and then make a decision.

Commissioner Munks feels there is true proven science which shows that 75' buffers are not needed to cool the stream waters for fish restoration. He is a proponent for fish restoration, however, does not agree with the huge buffers that are being required.

Chairman Anderson queried John Moffat, Prosecuting Attorney, about whether the information would be an asset for Skagit County. Mr. Moffat said once the information is presented, it would be entered into the County records. He noted, however, that information collected would not be useful for current appeals.

Commissioner Munks moved to approve Contract Amendment No. 1 to the Personal Services Agreement with Silvicultural Engineering, which allows the contractor to provide additional services, not to exceed a maximum of \$20,000. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Contract No. 05452)**

#### **4. Miscellaneous**

There were no miscellaneous items brought forth.

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

#### **1. Discussion on 2001 – 2002 Work Program**

Tom Karsh, Planning and Permit Center Director, discussed the List of Major Skagit County Planning and Growth Management Tasks matrix dated December 4, 2002, that was prepared in response to on-going discussions between his department and the Board on proposed 2001/2002 work program tasks, public comment on the proposal, and the implications of the Board's issued Preliminary Expenditure Budget 2002.

Mr. Karsh outlined useful information to aid in the discussion of this matter. He said his department is seeking clarification and direction from the Board as to which tasks (mandatory and discretionary) are to be initiated and/or completed in 2002 and to confirm that necessary resources will be made available to fulfill such obligations. This will create better public expectations as to which tasks are to be addressed next year. The Department has prepared the work program task matrix with a column that allows for simple task-by-task review and approval.

Chairman Anderson said state mandated tasks should be given first priority over discretionary tasks.

Mr. Karsh said estimated funds for mandatory tasks total \$285,000. Estimated funds for discretionary tasks total \$483,500.

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Chairman Anderson said he is worried about what will happen if in order to meet the mandatory tasks, money must be taken out of the reserve funds in the general account in order to complete the tasks. He suggests taking the draft and checking the appropriate box, which will confirm what tasks the County will initiate and/or complete for 2002.

Mr. Karsh said more detailed information on the proposed tasks will be available from Staff.

Gary Christensen said costs may be reduced by looking at prioritizing the sub-area plans and then implementing them at the beginning of the year and stretching them out over several years.

Chairman Anderson disagreed with that plan as it clearly not what the public would like to see. He added that it might be an good opportunity for the public to vote on which projects are important to them.

Commissioner Munks said he thinks the projects all need to be prioritized.

Commissioner Dahlstedt said it is frustrating to try to meet the needs of the public in lieu of I-747. He said the County needs to be careful that promises are not being made to the citizens that are unrealistic.

Mr. Karsh said they will work closely with Brad Whaley, Finance Director, to look at how his department is dealing with GMA costs. This discussion will be continued at the first of the year.

**2. Discussion on Requests for Proposals Regarding Growth Management Act Related Work**

Gary Christensen, discussed the four requests for proposals and said they are a companion to the scope of work for the Office of Community Development grant application, for which the County has applied for and has received confirmation from the State that we will be awarded approximately \$80,000. The State is preparing a contract which will be transmitted to Planning at a later date which will be brought before the Board to consider whether or not you want to consider entering into contractual obligations that go along with the grant.

Mr. Christensen said the four Request for Proposals deal with four different tasks. They are:

- Develop an adopted growth management indicators program.
- Look at new 20 year growth allegations and forecast, which the Office of Financial Management will be issuing in January.
- Reassessing natural resource land designation policies and regulations. There have been past issues with mineral resource overlay areas, particularly the Day Creek area and there have also been concerns about some of the forest land designations. This would be an analysis of those issues.
- The Growth Management Act requires a comprehensive update to the Comprehensive Plan Development Regulations in the year 2002.

Mr. Christensen said the Request for Proposals need to be transmitted to the Planning Department by December 18, 2001. They will review and discuss them with their consultants and then bring them before the Board for review.

**3. Miscellaneous**

A. Mr. Karsh discussed Amendment No. 3 for 2001 Personal Services Agreement with Buck & Gordon to increase compensation by \$30,000 for a total contract amount of \$235,000 to cover expected legal fees associated with appeals for 2001. He also discussed the proposed Personal Services Agreement with Buck & Gordon for the year 2002. The total budget limit on this Agreement would be \$150,000. These items will be brought before the Board on December 17, 2001.

B. Mr. Karsh gave an update on the Similk Beach LAMIRD. He said Staff has been meeting with the Citizens Advisory Committee, which was appointed by the Board. There are three issues the committee would like to address. The first issue is concerns accessory dwelling units. These units consists of a complete separate smaller home that is built where there is already an existing home. Those units are allowed countywide, but not allowed at Similk Beach. If they were allowed in that area, the sewage treatment site would have to be expanded. The second issue is whether or not to ask the Board for a building moratorium. The more people that are allowed to build new homes with expensive on-site systems, the more reluctant they will be to abandon those systems and hook into the sewer line that runs by their land. The third issue that the Board is being asked to weigh in on is the concept that there are a many lots at Similk Beach that are smaller than the required 12,500 feet. Under the current code they could not be built upon due to their size. The question is what to do with the small lots. Mr. Karsh said the previous Citizen's Advisory Committees have come up with plans to have the smaller lot owners reach out to some of the other smaller lot owners, purchase their development rights and if the square footage of the combined properties exceeded 12,500, they would qualify for sewage systems.

C. Mr. Christensen said he has sent correspondence to Jeroldine Halberg, City Planner for Sedro Woolley, in response to the City's issued SEPA threshold determination on the Pre-Annexation Agreement and the Development Agreement for adjacent planned residential developments, Sauk Mountain North and South. Mr. Christensen said the Planning Department concludes that residential densities proposed for Sauk Mountain View Estates – North and South, are consistent with the Skagit County Comprehensive Plan and the Growth Management Act.

**PRESENTATION – NORTHERN STATE RECREATION AREA TASK FORCE MASTER PLAN UPDATE:**

Louis Requa, Chairman of the Northern State Recreation Area Task Force Committee, discussed the issues that are before the Board of Commissioners regarding the Northern State Recreation Area. Mr. Requa said the NSRA Task Force does not agree with an article that was published in the Skagit Valley Herald last week, which stated the Board had decided to put a hold on the project. They feel it did not reflect what actually happened.

Mr. Requa gave a brief review of what the NSRA Task Force is all about. The NSRA property was acquired from the State of Washington in December of 1991. In 1992, the Skagit County Parks and Recreation Department conducted a series of public forums across the County to receive input as to what uses the 726 acres should be put to. This resulted in the 1994 Master Plan for NSRA. The plan weathered the entire GMA comprehensive plan review process. The unfortunate happened when nothing was initiated, not one of the elements of the plan was put into action and it became very evident that if anything was going to get started it would be necessary to take a new approach.

In 1998 the NSRA Task Force was formed out of a Sedro-Woolley Rotary Club Liaison Committee. The liaison committee had been struggling with several hurdles, such as the GMA process, critical areas, and inclusion of the property within an urban growth area. The first NSRA Task Force meeting took place in November of 1998. It was very well attended by a broad based countywide group of concerned citizens. The first few monthly meetings involved 20 to 30 people working toward a common goal, which was to get something started at the NSRA site. It has always been the philosophy of the Task Force that this future recreation area would, without a doubt, be regional in nature. The NSRA Task Force decided to take on two tasks of the 1994 Master Plan. They WERE the Ball Field Complex and the Multi-Use Center. Over a period of more than a year, preparations were made to make a presentation to County officials that would not only be the catalyst to get things moving on the NSRA, but that it would be a project everyone could stand

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behind (the Ball Field Complex). Presentations were made to the Skagit County Parks and Recreation Advisory Board, the Real Estate Excise Tax Advisory Board, and the Skagit County Board of Commissioners. The results of the presentations fully sanctioned the concept of the Ball Field Complex and funding was approved by the Board of Commissioners in January of 2000. This effort was the culmination of hundreds of hours of the Task Force and the County's time.

Mr. Requa said that at that point in time, the permit process should have begun, however, the Task Force found out it still had more hurdles facing it. One was the Hanson Creek/Red Creek Fish Enhancement and Flood Damage Prevention Project and the other was the upcoming Charette planning process. The hurdles have now been overcome and the results of each are shown on the map that is currently on display.

In the packet of materials presented to the Board, Mr. Requa included a copy of a letter from the Skagit County Parks and Recreation Advisory Board, which shows their support for the youth fields at Northern State and also a copy of a previous document the Task Force presented to the Board explaining how the NSRA fulfills many of the goals of the Growth Management Act. The document is important as it clearly indicated that the 1994 plan was made a part of the Parks Department's element of the Skagit County Comprehensive Plan. Mr. Requa asked the Board to move the newly revised NSRA Master Plan forward through the public participation process as one of the 2002 updates to the comprehensive plan.

The NSRA Task Force is respectfully requesting the Skagit County Board of Commissioners to continue their support of moving the permitting process forward for the Adult/Youth Ball Field Complex. Now that the Charette has been accomplished and the siting of the Ball Field Complex is complete, the Task Force is ready to resume the permitting process. The Hanson Creek/Red Creek Flood Drainage Prevention and Fish Enhancement Program was made an integral part of the Charette planning process and was successfully incorporated into the new MSRA Master Plan.

The Task Force is well aware of the current down turn in the economy and other budget constraints and the loss of support revenues facing the County. The Task Force wants to make it very clear that they do not intend to rely on General Fund County monies to move the permit process for the ball fields forward. It has been successful at obtaining considerable amounts of Non-General Fund monies through grants and other donations and pledges that amount to over three million dollars. It is with those funds that will allow the permitting process to move forward without using County General Fund monies. The Task Force also pledges its full support in helping move the permitting process forward.

Mr. Requa said they have obtained commitments from other outside entities, which have pledged help and support to build the ball fields. They will be seeking other grants, private donations, volunteers' pro-bono professional services, pro-bono gifts of labor and materials as well as foundation donations, tournament user fees and money from WA-CERT.

The 1994 Master Plan was approved with an adult softball complex included in it. It was also approved showing youth playfields associated with the High School complex, which is not a part of the NSRA plan anymore. Even with the addition of the Cook Road/Janicki Field ball fields, the most recent needs assessment showed 19 little league fields needed in Skagit County by 2015. Four are being proposed.

Bob Vaux, Director of the Parks and Recreation Department, said from the beginning they have tried to stress the need for alternative funding. If this project is to succeed as well as other parks projects, alternative funding is a must.

Patrik Dylan, Project Manager, presented draft information on costs/revenues associated with the ball field portion of the Northern State property. All of the cost/revenue information is based on actual Skagit Playfields information broken down to a per field number, and then extrapolated up for a lump number for Northern State. The information contains the ball field complex estimate,

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a maintenance and operations cost estimate, a cost recovery estimate, and community economic benefit estimate.

Sharon Dillon, Mayor of Sedro Woolley, said she is very enthusiastic about the plan. She appreciates the hard decisions the Board has to make but says the Task Force vows to go out and find funding sources.

Several other Skagit County residents spoke in support of proceeding with the process.

John Semrau, Chairman of the Parks Advisory Board, asked the Commissioners to address the issue of adequately taking care of existing parks facilities.

Chairman Anderson thanked everyone for attending today's presentation. He said one of the issues being juggled all of the time is the lack of money and what to do about it. The previous Board made a commitment to use a part of the Real Estate Tax money that is collect to proceed with the NSRA process. He maintains that this project is economic development in the highest sense of the word. Chairman Anderson suggested that a grant be submitted for the infrastructure at Northern State. He thinks it would be given the highest consideration. If so, it would release some of the REET funds, which could get other projects started.

Commissioner Munks added that he has been fully supportive of the Charette process as it is a good community effort in identifying the needs of the public. The lack of money is what it all boils down to and not just for this project but all of the parks projects. He would like to see them all move ahead and be completed so that they don't create a liability for the County. Commissioner Munks feels comfortable with his decision to proceed with the project.

Commissioner Dahlstedt reviewed the Resolution to authorize support for the development of the Northern State Recreation Area, which was signed on January 18, 2000 by Harvey Wolden and Robert Hart. It reads as follows:

WHEREAS, On February 12, 1992, Skagit County purchased approximately 721 acres of land near Sedro Woolley, on the site formerly known as Northern State Hospital, for recreational purposes; and

WHEREAS, The Skagit County Board of Commissioners recognized the need for facilities which provide a positive recreational opportunity for citizens and particularly for youth; and

WHEREAS, The Parks and Recreation Comprehensive Plan adopted on June 25, 1998 by Ordinance No. 17030, references the master plan of the Northern State Recreation Area (NSRA) Site, which serves as a guide for the future development of the site; and

WHEREAS, On December 7, 1999, the NSRA Task Force, a Skagit County non-profit community action organization, presented a proposal to the Board for development of a segment of the NSRA site for youth playfields; and

WHEREAS, On July 2, 1990, the Board passed Ordinance No. 12555 imposing a one-quarter percent (1/4%) real estate excise tax as authorized by RCW 82.46, which has primarily funded recreational capital improvement projects throughout Skagit County; and

WHEREAS, An advisory committee was established by Resolution No. 12556 on June 2, 1990 to review projects and recommend projects for funding approval from the one-quarter percent (1/4%) real estate excise tax.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED, that Skagit County Board of Commissioners supports the development of the Northern State Recreational Area site in the amount of \$3,000,000 to be distributed over a ten year period. The Northern

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State Recreational Area project shall be reviewed by the advisory committee in keeping with the policies established by Resolution No. 12556. Skagit County's contribution to this project development will vary annually dependent upon other capital improvement needs and available real estate excise tax monies.

Commissioner Dahlstedt says his only concern is that the Task Force should have sat down after the Charette with the REET Advisory Committee and the Parks Advisory Board. Those groups should have then come before the Board to inform them that they were united in their decision.

Commissioner Munks motioned to approve sending the final NSRA Master Plan Update through the process of updating the County's comprehensive plan. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Commissioner Munks motioned to approve letting the NSRA Adult/Youth Ball Field Complex begin the permitting process although recognizing the funding restrictions that have been placed on them and to work in conjunction with the Parks and Recreation Department. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**PRESENTATION – 4-H WINNER OF THE THEME FOR THE 2002 SKAGIT COUNTY FAIR**

John Yengich, 4-H Program Coordinator for Skagit County, said that October's Skagit County Fair Board meeting, the 4-H group, because of their centennial in 2002, asked them if they would be interested in having the 4-H kids help poll a contest to arrive with a theme for the 2002 Skagit County Fair. The Fair Board agreed and there were approximately 16 kids that entered the contest with their theme. Mr. Yengich said at the November meeting, the Fair Board chose those from those applications do decide who the winner was.

Mr. Yengich introduced Shelby Hansen, the winner of the 2002 fair theme, who thanked the Board for inviting her to come and receive the award.. Shelby said she got her idea from all the animals at the fair and from the America flag in lieu of what happened on September 11, 2001.. Her theme is "Preserving the Past....Providing the Future".

Ted said it is a wonderful theme and Shelby did a great job with it.

Commissioner Munks said he is very proud that 4-H came up with a slogan that represents everything just talked about and is glad Shelby participated. He said the slogan will be a big part of the 2002 Skagit County Fair.

Commissioner Dahlstedt also congratulated Shelby on her award. He said it is nice to see young people out working with livestock and learning about that type of a business. He said there are a lot of kids in the community that are looking for opportunities with 4-H and he is hoping that Skagit County will be able to reach out and make those opportunities available for a lot more kids.

**MISCELLANEOUS:**

Staff presented a Resolution to Call for a Public Hearing to consider the lease of County owned property at Concrete Senior Center, 45821 Railroad Avenue, Concrete, WA by the Saturday Community Market Association. The Public Hearing will be held on Monday, January 7, 2002 at 10:30 a.m.

Commissioner Munks motioned to approve the Resolution as presented by Staff. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. 18511)**



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**ADJOURNMENT:**

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

**BOARD OF 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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JoAnne Giesbrecht, Clerk of the Board  
Skagit County Board of Commissioners