

**SKAGIT COUNTY COMMISSIONERS  
RECORD OF THE PROCEEDINGS  
TUESDAY, JANUARY 22, 2002**

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 County Right-of-Way Known as Fox Road, No. 06490.
- 2) Signature: Personal Services Agreement Timmers Appraisal Services (Conduct appraisals, etc., for Skagit River Flood Reduction Feasibility Study; Evaluation Areas per Critical Areas Ordinance; Salmon Recovery Projects).
- 3) Miscellaneous.

\*T 10:00 a.m. – 11:00 a.m.

**Planning & Permit Center – Tom Karsh, Director**

- 1) Discussion and Possible Action on Washington State Office of Community Development (OCD) Grant and Contract for Growth Management Act Related Work
- 2) Discussion on Consultant Submitted Proposals to Provide Professional Services Related to OCD Grant and Contract
- 3) Discussion on Granting Extension of Time for Bayview Ridge Citizen Advisory Committee to Complete its Work
- 4) Miscellaneous

11:00 a.m. – 11:30 a.m.

**Consent Agenda and Miscellaneous Items**

11:30 a.m. – 11:45 a.m.

Public Comment Period

\*T 2:00 p.m. – 2:30 p.m.

Public Hearing – Authorizing Property Taxes for Budget Year 2002

2:30 p.m. – 3:00 p.m.

Closed Record Hearing for the Port of Skagit County Binding Site Plan – Phase 2 Master Plan and Division 1 of Phase 2

3:15 p.m. – 4:15 p.m.

Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Tuesday morning, January 22, 2002, with Commissioners Don Munks and Ted W. Anderson present. Commissioner Kenneth A. Dahlstedt's absence was excused.

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

**1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Known as Fox Road, No. 06490.**

Steve Flude, Assistant Director, reviewed the exact location of the proposed vacation of the unopened County Right-of-Way known as Fox Road, No. 06490, located at the east end of Big Lake Boulevard in Mount Vernon. The Department recommended that the vacation of the unopened Right-of-Way be approved as presented. He showed a photograph of the area in question.

Chairman Munks opened the public hearing. As no testimony was forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Munks seconded the motion, and it was carried. The public hearing was closed.

Commissioner Anderson moved to concur with the Public Works Department's recommendation and allow the vacation of the unopened County Right-of-Way known as Fox Road, No. 06490. The motion was seconded by Chairman Munks and was carried. **(Resolution to be provided at a later date)**

**2. Signature – Personal Services Agreement with Timmers Appraisal Services.**

Mr. Flude discussed a Personal Services Agreement with Timmers Appraisal Services to conduct appraisals, appraisal reviews, title searches, and other related real estate services. The scope of the contract allows for the use of sub-consultants. Allowable work is limited to the following projects:

- Skagit River Flood Reduction Feasibility Study.
- Evaluation Areas per the Critical Areas Ordinance (Skagit County Code Title 14).
- Salmon Recovery Projects.

The Agreement shall commence on January 22, 2002 and continue through December 31, 2002. Total compensation for the Agreement will not exceed \$65,000.

Commissioner Anderson moved to approve the Personal Services Agreement between Timmers Appraisal Services and Skagit County, which allows the consultant to conduct appraisals, appraisal reviews, title searches, and other related real estate services for the County. Chairman Munks seconded the motion, which was carried. **(Contract No. C20020019)**

**3. Miscellaneous.**

Mr. Flude presented three letters for the Board's signature regarding property owned by Ms. Virginia Doty. On January 7 and 8, 2002, Ms. Doty was the unfortunate victim of Sauk Rover bank erosion that occurred during the recent high water episode. About 50 feet of her land was eroded in this event by the river. Her well is now just 12 feet from the 25-foot bluff that has been cut by the river. She may lose her home entirely in the near future, depending on the migration and continued erosion by the river. The main river channel was once as much as 2,000 feet from this home.

The letters ask for any source of relief, such as a government funded buy-out program, to purchase Ms. Doty's property.

Commissioner Anderson moved to approve sending the letters to Dave Quall, Jeff Morris, and Harriet Spanel of the House of Representatives, as well as Kirk Pierson and Val Stevens of the 39<sup>th</sup> District. Chairman Munks seconded the motion, which was carried. **(Approved)**

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

**1. Discussion and Possible Action – Washington State Office of Community Development (OCD) Grant and Contract for Growth Management Act Related Work.**

Gary Christensen, Assistant Director, explained to the Board that in a previous memorandum, the Department informed the Board of County Commissioners (Board) that in October, 2001, the Department received a letter from the WA Office of Community Development (OAC) indicating that Skagit County had been awarded a GMA Update grant in the amount of \$178,750.

The GMA Update grant is contingent upon an intergovernmental agreement (contract) between Skagit County and OCD based on a "statement of work" that describes the tasks and products as specified in the Skagit County grant application. The contract's scope of work reflects four work program tasks that have been previously discussed with the Board. They are as follows:

1. Develop and Adopt Growth Management Indicators Program
2. Adopt New 20-year Growth Forecasts and Allocation
3. Reassess Natural Resource Lands Designations, Policies and Regulations

4. Review the Skagit County Comprehensive Plan and development regulations to ensure compliance and consistency with GMA.

Mr. Christensen said the total cost for tasks 1-4 above is \$120,000. The CTED grant will cover almost \$79,000 of this total, leaving about \$41,000 to be covered by other County funding sources. Additionally, significant Department staff time will be dedicated to these various projects, estimated in the amount of \$157,759 through the end of 2002.

Commissioner Anderson motioned to approve entering into an agreement with Washington State Department of Community, Trade and Economic Development to complete tasks and products as specified in the Skagit County grant application in the amount of \$157,759 through the end of 2002. Chairman Munks seconded the motion, which passed. **(Contract No. C20020020)**

**2. Discussion - Consultant Submitted Proposals to Provide Professional Services Related to OCD Grant and Contract.**

Mr. Christensen next discussed the consultant submitted proposals to provide professional services related to OCD grant and contract for GMA related work. He outlined what has taken place so far. In October, 2001, Skagit County issued a public notice requesting a "statement of Qualifications" (SOQ) from firms/individuals who would be interested in providing professional consulting services for matters related to growth management and comprehensive planning. As a result, over 40 SOQ's were submitted to the County.

In November, 2001, the Department prepared four RFP's (Request for Proposals) based on the "scope of work" for a WA State Office of Community Development (OCD) grant application and subsequent contract. The major tasks for the RFP's are listed below:

1. Develop and Adopt Growth Management Indicators Program
2. Adopt New 20-Year Growth Forecasts and Allocation
3. Reassess Natural Resource Lands Designations, Policies and Regulations
4. Review the Skagit County comprehensive Plan and development regulations to ensure compliance and consistency with GMA

Based on the SOQ's that were on file with the Department, the Department transmitted one or more RFP's to qualified consultants. The RFP's were to be submitted to the Department by mid December, 2001. Each RFP sought information from the consultants about: their business; understanding of the project; background, qualifications, roles and responsibility of staff likely to work on the project; relevant project experience; proposed scope of work; and, a budget.

Not all consultants responded to the RFP's. Some chose to respond to more than one. The Department then proceeded to review and objectively evaluate each of the RFP's. A matrix was created based on the criteria/factors that each consultant was asked to respond to. This allowed for a quick comparison between one consultant's proposal and that of another. Cost for each proposal was not a factor as each firm indicated that it would complete such work for the Department's estimated budget.

Mr. Christensen said that the Department, after diligent review of each RFP, recommends that the below identified consultants be selected to complete such work and that the County begin negotiations with each firm for professional services.

- Earth Tech – Develop and Adopt Growth Management Indicators Program
- Berryman & Henigar – Adopt New 20-year Growth Forecasts and Allocation
- David Evans & Associates – Reassess Natural Resource Lands Designations, Policies and Regulations
- Berryman & Henigar – Review the Skagit County Comprehensive Plan and development regulations to ensure compliance and consistency with GMA

**RECORD OF THE PROCEEDINGS  
TUESDAY, JANUARY 22, 2002  
PAGE NO. 4**

Chairman Munks said he would like to set up a work session with the Planning Department to discuss criteria for hiring consultants as well as options and choices.

Mr. Christensen said that would be helpful and that their Department would provide, in advance, all of the RFP's that were received for the Board to look over prior to the work session.

Commissioner Anderson remarked that they would like to give preference to local firms that know the area well and have intimate knowledge of the plan because they work and live here. He feels they should be given a chance to compete.

It was decided that a work session will be held on Friday, January 25, 2002 at 10:00 a.m. for further discussion.

**3. Discussion – Granting Extension of Time for Bayview Ridge Citizen Advisory Committee to Complete its Work.**

Mr. Christensen informed the Board that Resolution No. 18065 established a Citizen Advisory Committee (CAC) for the Bayview Ridge Urban Growth Area Subarea Plan and Development Regulations. The Board of Skagit County Commissioners in adopting Resolution No. 18065 appointed nine citizens to serve on the CAC and also established roles, responsibilities and a date by which the CAC was to complete its work.

The CAC met several times over a three month period to review and offer comments on a draft Bayview Ridge Subarea Plan and Development Regulations. The CAC was to have completed its work in early 2001, and it last met in March, 2001. Since then, the Planning and Permit Center, with assistance from the Port of Skagit County, the City of Burlington and the County's consultant, Reid Middleton, have been preparing a Draft Environmental Impact Statement (DEIS) on the Subarea Plan and Development Regulations. In addition, this planning team has been revising and amending the draft documents based on CAC comments. The next CAC meeting is tentatively scheduled for Wednesday, January 30, 2002, to review and discuss the DEIS and the revised planning documents.

Mr. Christensen said the Planning Department would recommend that the Board of County Commissioners grant a 120 day extension so that the CAC may complete its work.

Chairman Munks asked if the nine members of the CAC are willing to continue on with their roll as they have done in the past.

Mr. Christensen said he has not received any correspondence from any of them saying they are not willing to serve.

Commissioner Anderson made a motion to approve granting an extension of 120 days so that the CAC may complete its work on the Bayview Ridge Urban Growth Area Subarea Plan and Development Regulations. Chairman Munks seconded the motion and it was carried. **(Approved)**

**4. Miscellaneous.**

Kendra Smith, Assistant Director, Planning Department, discussed Skagit County's Shoreline Master Plan, which is in need of being updated. Ms. Smith said the Department of Ecology has a Coastal Management Grant that the Planning Department could apply for in order to get started on updating the plan. She said the average dollar amount per grant is \$20,000, which the County could match with funds saved in lieu of staff time. If given the go ahead, their Department needs to pursue it by the first of February, 2002.

Commissioner Anderson said he would like to see what the criteria of the grant is and to look at what strings are attached to it.

**RECORD OF THE PROCEEDINGS**  
**TUESDAY, JANUARY 22, 2002**  
**PAGE NO. 5**

Chairman Munks added that he doesn't want to apply for any grant that would lock the County into a process. The Shoreline Master Plan is an un-funded mandate. It is just like every other State un-funded mandate. The County doesn't have the money to complete these mandates and if the State cannot give us the money, then we simply cannot fulfill them.

The Board felt the Shoreline Master Plan definitely needs to be update. Commissioner Anderson noted that if the County could obtain money to at least start the process with our scope of work in mind, it would be a positive move.

**CONSENT AGENDA:**

Commissioner Anderson moved to approve the Consent Agenda, items 1-14, for Tuesday, January 22, 2002. Chairman Munks seconded the motion, which was carried.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, January 14, 2002.
2. Record of the Proceedings for Tuesday, January 15, 2002.
3. Record of the Proceedings for Thursday, January 17, 2002.

**FACILITIES:**

4. Vendor Services Agreement with Evergreen Security to monitor and service fire alarm panels at 210 W. Washington Street and at 108 Broadway Street in Mount Vernon, Washington. The Contract shall commence on November 1, 2001 and continue until November 1, 2002. The County will compensate the Contractor \$576 with a not-to-exceed total of \$900. **(Contract No. C20020021)**

**HUMAN SERVICES:**

5. Amendment No. 1 to Personal Services Agreement **No. 05390**, with Sea Mar Community Health Centers to provide additional services at no extra cost. The original Agreement with the agency began on July 1, 2001 and continues until June 30, 2003. It was based on the 1999-2001 award because the Legislature was late in passing the 2001-2003 biennial budget. It brings the agency up-to-date with the 2001-2003 allocations and client requirements. The amount of the original Agreement was \$45,000. **(Amendment No. A20020006)**

**INFORMATION SERVICES:**

6. Resolution to transfer surplus computer equipment to the Burlington-Edison School District for use in the Burlington-Edison High School. Due to the upgrades of the County computer network and the advancement of new systems, the equipment has become obsolete. No money changes hands in this transaction. **(Resolution No. 20020017)**

**PUBLIC WORKS DEPARTMENT:**

7. Resolution to Call for Bids for rental equipment as needed for various projects during the time period beginning April 1, 2002 through March 31, 2003. The bid opening will take place on Tuesday, February 26, 2002, at 9:00 a.m. **(Resolution No. R20020018)**
8. Final Order of Vacation for unopened County right-of-way known as Sunrise Street. The Board of County Commissioners waived the land charges on January 8, 2002, when approving this vacation, therefore no land costs are shown on the Final Order. **(Resolution No. R20020019)**

**RECORD OF THE PROCEEDINGS**  
**TUESDAY, JANUARY 22, 2002**  
**PAGE NO. 6**

9. Ordinance amending S.C.C. 10.04.030 to establish a maximum speed limit on Bow Hill Road #21200 at M.P. 0.00 to M.P. 0.95, to 35 miles per hour. **(Ordinance No. R20020020)**
10. Vendor Services Agreement with Guyline Fence Construction, Inc. to repair the security fence blown down around the Burlington Public Works complex. The Agreement shall commence on December 17, 2001 and continue through December 17, 2002. The County will compensate the Contractor an estimated \$800, with a not-to-exceed total of \$1,000. **(Contract No. C20020022)**
11. Local Agency Standard Consultant Agreement with Lisser & Associates, PLLC. The scope of work for this Agreement will provide re-establishing the original survey monuments of short Plat No. 86-78 in connection with the Cook Road Improvement Project. The County will re-establish the original Northwest and Northeast survey monuments that were removed during the project. The Agreement shall commence in January, 2002 and continue until January 31, 2002. The maximum amount payable is \$625. **(Contract No. C20020023)**
12. Supplement No. 1 to Local Agency Standard Consultant Agreement **No. 05522** with David Evans and Associates, Inc. to provide for additional right-of-way acquisition outside of the original scope in connection with the Morris Street Improvement Project. The original amount of the Agreement was \$31,000 and the total of this action is \$10,250.20, for a new maximum amount payable of \$41,525, with work to be completed by December 31, 2002. **(Amendment No. A20020007)**
13. Supplement No. 1 to Local Agency Standard Consultant Agreement **No. 05476** with Widener & Associates to provide environmental services (Phase II of the stormwater treatment wetland) in connection with the Morris Street Improvement Project. The original amount of the Agreement was \$9,800 and the total of this action is \$22,674, for a new maximum amount payable of \$32,474, with work to be completed by December 31, 2002. **(Amendment No. A20020008)**
14. Supplement No. 1 to Professional Services Agreement **No. 04503** with Ranger Marketing Communications to extend the term of the existing Agreement from December 31, 2001 to December 31, 2002. The company provides design and typesetting services for Solid Waste printed materials, such as the Construction Demolition Recycling brochure. These brochures must be updated each year. The original Agreement states that compensation will be a not-to-exceed limit of \$1,000. The amount spent until now is \$485, with a balance of \$515. The limit per year is a maximum of \$250. **(Amendment No. A20020009)**

**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, January 22, 2002, the Board, by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 112999 through 113425 from Clearing Fund 696 in the total dollar amount of \$904,928.23 (Transmittal No. C-04-02);

Warrants numbered 113426 through 113443 from Clearing Fund 696 in the total dollar amount of \$21,975.27 (Transmittal No. C-05-02)

2. On behalf of the Public Works Department, Staff presented Supplemental Agreement No. 4 to the Local Agency Standard Consultant Agreement **No. 05149** with Perteet Engineering, Inc. The scope of work shall be amended to add the preparation of Plans, Specifications and Engineer's

**RECORD OF THE PROCEEDINGS  
TUESDAY, JANUARY 22, 2002  
PAGE NO. 7**

Estimate to the existing agreement. The new maximum amount payable is \$553,738.90, an increase of \$177,096. The term of the agreement shall remain the same.

Commissioner Anderson moved to approve the Supplemental Agreement with Perteet Engineering, Inc. to allow for additional services. Chairman Munks seconded the motion, which was carried. **(Amendment No. A20020010)**

The Board met in regular session on Tuesday afternoon, January 22, 2002, with Commissioners Don Munks, Ted W. Anderson and Kenneth A. Dahlstedt present.

**PUBLIC COMMENT PERIOD:**

Ray Sizemore, Anacortes City Councilman, who also serves as the Chair for the Anacortes Public Safety Committee, discussed with the Board the need for major decisions that need to be made over the coming months and years relative to emergency medical services (EMS) in Skagit County. He states that Anacortes is the only city in Skagit County that actually uses paramedic firefighters. They feel the situation may be in jeopardy. The Anacortes City Council feels that while EMS has done a good job over the years, it is now time to become involved in the direction the EMS council is headed.

Dean Maxwell, Mayor of Anacortes, concurred with Mr. Sizemore. He believes the current system that is in place right now works well and would like to keep it that way.

Chairman Munks requested a work session be held on Friday, January 25, 2002 at 2:00 p.m. in Anacortes to discuss emergency medical services in Skagit County.

Maryann Manville, Skagit Surveyors and Engineers, shared a map of Skagit County public water systems that shows groundwater movement for a one, five and ten year period. There is some confusion as to these wells being placed on the critical areas maps. When landowners apply for permits, particular waivers must be signed. Ms. Manville said the affected landowners need to be notified when their property is placed on these maps.

Commissioner Anderson said he has never seen a map such as the one Ms. Manville produced before the Board. He feels the Commissioners need to be notified as well.

Louie Requa, Skagit Surveyors and Engineers, added that corrections need to be made to the Critical Areas Ordinance that would let the affected landowners know where they stand.

Stoney Bird, Mount Vernon, spoke of several concerns related to public health.

Chairman Munks asked Mr. Bird to present any information he might have regarding his concerns in writing before the Board.

**PUBLIC HEARING – AUTHORIZING PROPERTY TAXES FOR BUDGET YEAR 2002:**

Brad Whaley, Budget Director, outlined the proposed property tax increases for 2002 for the Emergency Medical Services levy in the amount of \$2053,000; the Conservation Futures property tax levy in the amount of \$494,000; the County Road levy in the amount of \$8,800,000; and the 2002 General Property Tax levy, including new construction, in the amount of \$13,800,000.

There being no public testimony forthcoming, Commissioner Dahlstedt moved to close the public hearing. The motion was seconded by Commissioner Anderson and passed unanimously. The public hearing was closed.

Commissioner Anderson moved to approve Resolutions authorizing the property tax increases for 2002 as explained by Mr. Whaley. The motion was seconded by Commissioner Dahlstedt and passed with a unanimous vote. **(Resolution Nos. R20020021, R20020022, R20020023, R20020024)**

**CLOSED RECORD HEARING FOR THE PORT OF SKAGIT COUNTY BINDING SITE PLAN –  
PHASE 2 MASTER PLAN AND DIVISION 1 OF PHASE 2:**

Marge Swint, Community Development Planner, reviewed the Findings of Fact, Conclusions of Law, and Recommendation of the Skagit County Hearing Examiner in the matter of the application of the Port of Skagit County.

The Port of Skagit County proposes a Master Binding Site Plan for Phase 2 of Bayview Business and Industrial Park to consist of approximately 46 lots for industrial and aviation uses on 478 acres. The plan is intended to give a general schematic idea of where the port proposes to locate their leasable lots and to show where identified critical areas are located.

The plan divides the area into six different divisions. With the Master Plan, is an application for final approval of Division 1 containing approximately 263 acres with 13 proposed lots. As demand is created for tenants, the other divisions will be submitted for final approval. A large portion of the Master Plan area is covered with wetlands. These have been formally delineated. Under the Master Plan, 218 acres of wetlands and buffers will be dedicated as Protected Critical Area easements. This is about 82% of Division 1.

The Master Plan Phase 2 area is located south of the Port's Regional Airports and the present Bayview Business and Industrial Park, north of the Burlington Northern railroad tracks that run parallel to State Route 20, east of the Farm to Market Road and west of Higgins Airport Way. This area is currently vacant and has been used in recent years for cattle grazing.

Division 1 is located along the eastern boundary of Master Plan Phase 2 adjacent to Higgins Airport Way. There are three different zoning designations within the proposed binding site plan: Bayview Ridge Industrial, Bayview Ridge Heavy Industrial, and Aviation Related. The Division 1 lots will be connected to the Skagit County Public Utility District No. 1 water main and will be provided with sewer service through the City of Burlington's system. Provisions for drainage will conform with the State Department of Ecology's Stormwater Management Manual for the Puget Sound Basin.

Quantification of fill and grading material will occur as individual lots are developed within the Master Plan. As each lot is developed, fill and grade permits will be applied for and obtained from the Planning and Permit Center. The amount of impervious surface created cannot be determined until the lots are developed.

An Environmental Checklist under State Environmental Policy Act (SEPA) was prepared for this proposal. The County issued a mitigated determination of non-significance, which was not appealed. The conditions relate to compliance with state stormwater management requirements. The intention is to conduct further SEPA review as necessary when the details of individual projects within the Master Plan area become known.

Finally, the Planning and Permit Center circulated the proposal to other appropriate County departments and reviewed it for compliance with SCC 14.18.500. Status letters dated October 30, 2000 and October 5, 2001, identified various items to be shown on the plat map and various actions that needed to be taken. All conditions listed in the status letters have now been satisfied. The Hearing Examiner recommends approval.

Commissioner Anderson motioned to uphold the Hearing Examiner's recommendation to approve the Phase 2 Master Binding Site Plan and the specific plan for Division 1 thereof. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020025)**



**ADJOURNMENT:**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Don Munks, Chairman

\_\_\_\_\_  
Kenneth A. Dahlstedt, Commissioner

\_\_\_\_\_  
Ted W. Anderson, Commissioner

ATTEST:

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