

**SKAGIT COUNTY COMMISSIONERS
RECORD OF THE PROCEEDINGS
TUESDAY, MARCH 19, 2002**

8:30 a.m. – 9:00 a.m.	Work Session – Operations Division Manager/District Maintenance Supervisors
*T 9:00 a.m. – 10:00 a.m.	<u>Public Works Department – Chal Martin, Director</u> <ol style="list-style-type: none">1. Signature – Resolution Establishing County Road Project (CRP) No. 42410-3, LaConner - Whitney/Chilberg Road Intersection Project2. Signature – Personal Services Agreement with Reid Middleton (Preliminary Engineering Services for LaConner -Whitney/Chilberg Road Intersection Project3. Discussion – DRAFT Resolution in the Matter of the Skagit River Flood Protection/Salmon Restoration Project4. Discussion – Department of Ecology FCAAP Grant Agreement – Skagit River Flood Protection/Salmon Restoration Project5. Miscellaneous
*T 10:00 a.m. – 11:00 a.m.	<u>Planning & Permit Center – Tom Karsh, Director</u> <ol style="list-style-type: none">1. Deliberations – Planning Commission Recorded Motion on “90-Day” Compliance Issues in Western Washington Growth Management Hearings Board Case No. 00-2-0046c2. Discussion – Agricultural Advisory Board3. Miscellaneous
11:00 a.m. – 11:30 a.m.	Bid Opening – Skagit County “Larry E. Moller” Public Safety Building Alterations
2:00 p.m. – 3:00 p.m.	Public Hearing – To Consider Testimony Regarding Skagit County Interim Ordinance No. R20020037 Establishing Interim Controls on RMI-Designated Properties, Imposing Interim Controls on Certain Properties Within the Big Lake Rural Village, Restricting Application for the Open Space Reserve CaRD Designation Pursuant to SCC 14.18.310, Restoring the Lot Aggregation Provisions of Former SCC 14.04.190(5) and Restricting County Action on Comprehensive Plan Amendments
3:00 p.m. – 3:30 p.m.	Bid Opening – Collins Road Signalization Project
3:30 p.m. – 4:30 p.m.	Work Session – Northern State Recreation Area/Helmick Road/Hansen Creek Projects

The Skagit County Board of Commissioners met in regular session on Tuesday, March 19, 2002, with Commissioners Don Munks, and Ted W. Anderson present. Commissioner Dahlstedt was excused during the first portion of the meeting and arrived at 9:10 a.m.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

- 1. Signature – Resolution Establishing County Road Project (CRP) No. 42410-3, LaConner-Whitney/Chilberg Road Intersection Project.**

Steve Flude, Assistant County Engineer, reported. He presented a resolution for the approval of the board to authorize funding in the amount of \$75,000 for the preliminary engineering for the

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intersection of La Conner Whitney Road with Chilberg Road. This project is part of the six year Transportation Improvement Program.

Commissioner Anderson motioned to approve a resolution establishing a County Road Project for the La Conner Whitney/Chilberg Road Intersection Project No. 42410-3. Commissioner Munks seconded the motion, which was carried. **Resolution No. 20020020093**

2. Signature – Personal Services Agreement with Reid Middleton (Preliminary Engineering Services for LaConner-Whitney/Chilberg Road Intersection Project.

Steve Flude presented a Personal Services Agreement for the approval of the Commissioners relative to Preliminary Engineering Services for the La Conner -Whitney/Chilberg Road Intersection Project. The scope of work is for preliminary engineering services not to exceed a maximum amount payable of \$20,340.00.

Mr. Martin added that there is an issue to provide underground utilities. He said he thinks this is the time to do it if it is going to occur. Nothing significant will be done to Morris Street in the next twenty years and if there is an opportunity to receive funding for underground utilities it might be worth it to wait to begin the project.

After further discussion, Commissioner Anderson motioned to approve a Personal Services Agreement with Reid Middleton not to exceed \$20,340. The agreement will commence on March 20 2002 and continue until December 31, 2002. Commissioner Munks seconded the motion, which was carried. **Agreement No. C20020102**

3. Discussion – DRAFT Resolution in the Matter of the Skagit River Flood Protection/Salmon Restoration Project.

Mr. Martin presented a draft resolution relative to the Skagit River Flood Protection/Salmon Restoration Project for discussion by the Commissioners.

Commissioner Dahlstedt said that at the present time they are still in the environmental impact phase. There won't be a recommendation to the Board until that is complete.

Mr. Martin said they are still in the planning phase. The county has funded the feasibility study primarily through the River Improvement Fund. That is ongoing and those expenditures will occur over an 8 to 10 year period. 3.2 million is projected for the overall project, which includes the amount that has already been spent.

Commissioner Anderson said it requires a vote of the Commissioners to expend this funding and if it is to be increased it also requires a vote of the Commissioners. "This might be a good time to discuss where we're going with this and the two alternatives." He said it was his thinking that a diversion channel would be less expensive and have a lot less financial implications. He said he is not convinced that salmon mitigation should be part of this project. Because of the incredible costs and the fact that this will go to the taxpayers, he said it is his belief that this project will never happen. The Corps' budget was cut dramatically. He emphasized that the decision to do an Environmental Impact Statement should include both options. There should always be an alternative. He said his position would be to take the fish component out of it.

Commissioner Dahlstedt asked Dave Brookings how long the study group worked on this?

Mr. Brookings said they worked for approximately 18 months. There was a wide cross-section of people. There were representatives from DOE, Fish and Wildlife, local diking districts, representatives of the cities, etc.

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Commissioner Anderson said the original report talked about a diversion channel.

Mr. Brookings said that, basically, some of the options were possibilities. There is still a lot of information out there and they are not sure whether it would work. He agreed with Commissioner Anderson, there needs to be more information. They are in the process of getting that information.

Commissioner Anderson made some further remarks, stating that the dry option belongs in the resolution for consideration.

Commissioner Dahlstedt said there are many people who would be happy to have them spend the \$15,000,000 to do the study. He said he thought that sometimes there are too many studies and nothing gets done. He suggested that an emergency plan be developed because there is no such plan in place at this time.

Commissioner Anderson interjected that this full time channel was not one of the options that came out of the study. He said there should be an economical model that would be affordable to the citizens of Skagit County.

Mr. Martin said about a year ago the thinking was that perhaps they could combine this with the buffer ordinance. That really set the path. The issue of whether or not the property inside the proposed diversion channel can be farmed or not is still out there. The resource agencies don't want that to be farmed.

Commissioner Anderson said he wants to see it farmed and still on the tax role.

Mr. Martin said one of the things about this is the options have been narrowed down. Focusing the effort is absolutely necessary. The levy setback option and diversion channel option are the two options being studied.

Commissioner Anderson said this discussion should have happened earlier and emphasized his earlier points. He said he would be more enthusiastic about full time if the tribe supported it.

Commissioner Munks said he feels like this project takes a look at what is best for the county. He said all the options are being looked at and nothing has been decided. "As we get into the EIS we will take a more focused look at these options." He said it is irresponsible to take a look at one option without studying the others. "Whether it has a fish component or other components, we need to look at all facets to make sure we are not excluding the best alternative. Ultimately, our decision is to give the voters the best options."

After the discussion Commissioner Anderson said he would support the proposed resolution if the dry option were included in the EIS.

Commissioner Dahlstedt said it is important to look at all of it. He said that when he and Commissioner Munks took office they inherited the buffer project. If there were a way to solve two problems with one solution it would be more economical. He also cited some of the court cases relative to buffers and the expense to the county.

Commissioner Anderson said he thinks that is fair. He said he voted against the Critical Areas Ordinance. Relative to the buffer program we have no assurance this project will effect the buffer program. He said he wants to preserve the farming industry and make it viable.

Commissioner Munks said it is important to continue the process and look at the options to correct the flooding issues. "We need to step forward and say where are we going for the future." He emphasized that fish restoration is a huge issue and if these can be combined and be less

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costly we need to look at that. Ultimately, the voters will decide, but we need to put all of the costs together.

Commissioner Dahlstedt said there has been a lot of contact with the community at large in order to receive input.

Mr. Martin said he would revise the resolution and bring it back to the board for the Consent Agenda.

4. Discussion – Department of Ecology FCAAP Grant Agreement – Skagit River Flood Protection/Salmon Restoration Project.

Mr. Martin said it took a long time to put this together because of the coordination of funding. The Corps is working to supplement the initial agreement of 3.9 million dollars. This has already been granted to the county but the agreement had to be worked out. He said he would bring the agreement to the board for the Consent Agenda for approval next week. Mr. Brookings pointed out that this is good work that has been done through Surface Water Management. Skagit County is one of the largest recipients for this grant. At the end of the process they will update and adopt a flood management plan.

Mr. Martin will bring this back for the Consent Agenda next week.

Commissioner Anderson thanked Chairman Munks for the opportunity to debate this issue.

5. Miscellaneous.

There were no miscellaneous Public Works items.

PLANNING & PERMIT CENTER – Tom Karsh, Director

Mr. Karsh said these issues are for review and there will be no need to take action on the items.

1. Deliberations – Planning Commission Recorded Motion on “90-Day” Compliance Issues in Western Washington Growth Management Hearings Board Case No. 00-2-0046c.

Linda Kuller explained this includes corrections. She asked that a date be scheduled to look at this. It should be done as soon as possible as it is a compliance issue. This matter will be placed on the agenda for Tuesday, April 2 during the Planning and Permit Center calendar.

2. Discussion – Agricultural Advisory Board.

Gary Christensen, Assistant Director, Planning and Permit Center, reported. He referred to a resolution relative to establishment of an Agricultural Advisory Board and provided some of the history that led up to the decision to establish an Ag Board. He talked about some of the conflicts of interest relative to having the Conservation Futures Advisory Board also serve as an Agricultural Advisory Board.

Commissioner Anderson interjected that he favors the 9-member board but he thinks that someone should be represented from each district - three from each commissioner district. There are diverse interests.

Mr. Christensen clarified that if there were nine appointments there would be three from each commissioner district, with each commissioner making his own appointments.

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Commissioner Munks said he would favor that approach and that each commissioner should make their selection based on who would be most representative.

Mr. Christensen said this has really been of interest to the agricultural community for some time. WSU and Skagitonians have been advocating that an Agricultural Advisory Board be established. It is important to give the farmers a voice on issues that face their livelihood and life. It will be helpful to receive input from this group as policy is formed, etc.

Commissioner Anderson agreed there is a huge interest out there.

Chairman Munks said that in January 2001 they all discussed the need for this.

Mr. Christensen said he has talked to Dan Berentson about doing some press releases about this. Also, there could be an announcement that the commissioners will receive letters of interest.

Commissioner Anderson asked that these be broken down by district.

Commissioner Dahlstedt said he is glad this is finally coming to fruition.

Mr. Karsh said that Bob Rose has been instrumental in finding more information about this and contacting other communities with regard to their how their committees work.

Mr. Rose said that as this resolution is established it is important to know that there is a staffing requirement. Section Two of this resolution speaks to advising the board on Ag policies and programs. It is important that the Commissioners state clearly the substance of the resolution when they adopt it. The Ag community's effort is to speak with one voice. If there is a sense that a policy could have a negative impact on agriculture that recommendation should be taken quite seriously.

3. Miscellaneous.

- 1) Mr. Karsh mentioned that Rod Liming, Building Inspector, was attacked by dogs during one of his site visits and is still recovering from that incident.
- 2) Relative to the Bayview Ridge Sub-area planning process, they have met with the Citizen Advisory Committee about this and their work is almost complete. What has been driving this is not only the need to get done but also the Hearings Board order that granted the 16th time extension. It looks like September is the absolute deadline date. Great progress has been made. Bill Knutson has been unable to participate because of illness and he has asked that someone else step in. He has recommended that Larry Wellman serve in his place on a temporary basis.
- 3) Kendra Smith, Assistant Director, Planning and Permit Center, reported briefly on the work of the Forest Practices Committee.

MISCELLANEOUS

Commissioner Dahlstedt motioned to authorize a Call for Public Hearing regarding a Supplemental Budget on Tuesday, April 2, 2002 at 11:30 a.m. Commissioner Anderson seconded the motion, which passed unanimously. **Resolution No. 20020094**

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**BID OPENING – SKAGIT COUNTY “LARRY E. MOLLER” PUBLIC SAFETY
BUILDING ALTERATIONS:**

Roger Howard, Director Facilities Management, opened bids for the Larry Moller Public Safety Building alterations. Mr. Howard explained that several alternates were created in order to stay under budget.

PELCo Construction, Kenmore, Washington	Base Bid \$249,897 plus alternates
Ebenal General, Inc., Bellingham, Washington	Base Bid \$288,000 plus alternates
Roosendaal-Honcoop Construction Inc.	Base Bid \$279,030 plus alternates

Mr. Howard said that several alternates were created so they could make sure they stayed under budget. He explained that \$460,000 was allowed in the budget for hard construction costs, with another \$100,000 or so for soft costs, contingencies, etc. Mr. Howard will come back with a recommendation.

**PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING SKAGIT COUNTY
INTERIM ORDINANCE NO. R20020037 ESTABLISHING INTERIM CONTROLS ON
RMI-DESIGNATED PROPERTIES, IMPOSING INTERIM CONTROLS ON CERTAIN
PROPERTIES WITHIN THE BIG LAKE RURAL VILLAGE, RESTRICTING
APPLICATION FOR THE OPEN SPACE RESERVE CaRD DESIGNATION PURSUANT
TO SCC 14.18.310, RESTORING THE LOT AGGREGATION PROVISIONS OF FORMER
SCC 14.04.190(5) AND RESTRICTING COUNTY ACTION ON COMPREHENSIVE
PLAN AMENDMENTS:**

Chairman Munks was excused from the hearing because of a prior commitment. In his absence, Commissioner Ted Anderson chaired the hearing.

Tom Karsh, Director, Planning and Permit Center, provided a history of the interim ordinance. He said there are a number of issues that need to be settled. The board and staff agreed that it would be better to reach settlement on a number of issues rather than go through the court process. Progress has been made in discussing issues with various parties, including Friends of Skagit County, the tribes, property owners, and the Cities of Mount Vernon and Anacortes. To date settlement has not been reached but progress has been made. The purpose of the hearing today is for public testimony. This is a little unusual as the boards' hands are somewhat tied because the specific language passed on January 28 was by order of the courts.

John Moffat, Civil Division, Prosecutor's Office, explained that two court cases were the County's appeal of Growth Hearings Board decisions. There were two orders from February 6, 2001, which could were scheduled to be heard in Superior Court in January. It was decided to postpone the trial to see if some common ground could be reached between the parties. The court agreed to postpone the trial for four months until the last two days of May. The language in this ordinance was agreed to by all of the parties in January. This was agreed to as common ground until the Commissioners adopt a permanent ordinance dealing with these issues.

Marianne Manville-Ailles, Skagit Surveyors, 806 Metcalf Street, Sedro Woolley spoke. In regard to eliminating the open space reserve provision that affected the ability to preserve unused development rights, she asked the commissioners to address adopting a mechanism to make sure those unused development rights are secure.

Marvin Omdahl, Bow, Washington, said he did not come prepared to testify but noticed there was something about lot aggregation in rural areas. He sat on a committee for the rural element when the original growth management act was being presented about 7 to 10 years ago. "As I recall, we voted on the idea of lot aggregation and the committee unanimously voted against lot aggregation. The reason being it was extremely unfair."

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Commissioner Anderson said they did take that out and that the commissioners have no intention of ignoring this.

Commissioner Dahlstedt motioned to close the public hearing. Commissioner Anderson seconded the motion, which was carried.

Commissioner Anderson said this is one of the most unusual hearings the Commissioners have ever had. He said he thinks they made the right choice to negotiate some of these issues. He thanked everyone for coming and testifying.

Commissioner Dahlstedt said he was in the courtroom when the judge ruled on this. He talked about there being a period of time when plats that were already in place would have a time limit on when they would expire.

BID OPENING - COLLINS ROAD SIGNALIZATION PROJECT :

Luis Ponce and Karen Cade of the Public Works Department were present to open the following bids:

SRV Constructio n	\$234,338.50
Precision Earthworks, Inc.	\$267,818.00
Wilder Construction	\$234,801.10
Trico, Burlington	\$218,939.00
Signal Electric, Inc.	\$349,240.27
Larry Brown Construction, Inc.,	\$278,578.75
Intalco	\$239,613.65

Mr. Ponce advised that the engineer's estimate for the project was \$318,869.20. He stated that after they have an opportunity to review the bids they would come back to the board with a recommendation.

ADJOURNMENT:

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Ted W. Anderson, Commissioner

Jean Terry, Acting Clerk of the Board
Skagit County Board of Commissioners