

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 30, 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.

Public Work Department – Chal Martin, Director

1. Discussion: Authorization of Road Funds to Purchase Laser Radar Units for Sheriff's Office Traffic Enforcement
2. Discussion: Solid Waste Issues
3. Discussion: McElroy Slough Project
4. Update: Upcoming Public Meeting in Anacortes by the Skagit County Marine Resources Committee
5. Signature: Letter to Washington State Office of Community Development with Comments on Model Critical Areas Ordinance Draft
6. Request for Authorization for Public Works Director to Sign CRP-2 Forms to Apply for CREP (Conservation Reserve Enhancement Program) on County -Owned Properties
7. Signature: Letter to Department of Ecology Northwest Regional Office Requesting Time Extension of Centennial Clean Water Grant #G0000258
8. Miscellaneous Public Works Items

***T** 10:00 a.m. – 11:00 a.m.

Planning & Permit Center, Tom Karsh, Director

1. Discussion and Possible Action- Proposed Interim Ordinance to Repeal Rural Freeway Service (RFS) Designation on Pulley Property
2. Miscellaneous

1:30 p.m. – 3:30 p.m. Retirement Celebration for Vera Sullivan at Human Services Office, 811 Cleveland

2:00 p.m. – 3:00 p.m. Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Tuesday, April 30, 2002 with Chairman Don Munks, Commissioner Kenneth A. Dahlstedt and Commissioner Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1) **Discussion: Authorization of Road Funds to Purchase Laser Radar Units for Sheriff's Office Traffic Enforcement**

Chal Martin reported. He indicated that the money has been budgeted for the purchase of the laser radar units for the Sheriff's Office Traffic Enforcement Division.

Commissioner Anderson motioned to approve the purchase of Laser Radar Units for the Sheriff's Office Traffic Enforcement Division. Commissioner Dahlstedt seconded the motion, which was carried.

2) **Discussion: Solid Waste Issues**

Mr. Martin reported that a letter was sent to the Mayors of the Cities asking them if they intend to renew the Interlocal Agreement until 2013. He said they have no full time scale house attendants and are filling those positions with part-time people who at the present time receive no benefits, which means there is a restriction on how many hours they can work over the course of a year. It was hoped there would be a way to backfill those positions with the transportation tax.

He said those positions should be filled by full-time employees and supplemented by part-time employees. Also, the facility is in need of maintenance. He suggested that minor capital improvements should be done. The previous consultant looked at major capital improvements to the facility, but since that time the vision for solid waste has changed, given the Waste Management proposal to build another transfer station.

Commissioner Anderson asked if it would be better to wait until they hear back from the cities to move ahead. That might indicate the scope of what the consultant would be directed to look at.

Mr. Martin said they could wait, but they could also hear from the cities that they want the study before they sign on until 2013.

Commissioner Munks agreed with Commissioner Anderson, they do not know in what direction the cities will decide to go. The Commissioners won't make a decision until it is determined whether the cities want to extend the Interlocal until 2013 or they don't. It is important to do the study to see how efficient the operation is. Repairs and replacements need to be done. After a response is received from the cities we will know where we are financially.

Chal said it is important to bring the scale house attendants to full-time with a clause included that states that the County anticipates doing an efficiency study there and the positions may go away in the future.

Commissioner Anderson stated that he would be okay with that approach.

Commissioner Munks said he has no problem with that either.

Mr. Martin commented that he sometimes goes to the transfer station on the weekends and receives awfully good help in the public area. He said he is not seeing the inefficiencies, although he would like to see an outside consultant who is skilled in looking at this kind of thing.

Commissioner Munks said the entire program should be studied if money is going to be put into it. The Commissioners want a safe situation for employees and the public.

Commissioner Anderson suggested following up with a letter to the Cities if there is no response in a couple of weeks.

3) **Discussion: McElroy Slough Project**

Dave Brookings, Public Works Administrator, presented historical information about the project. The Blanchard area was suffering with failing septic systems in the 1990's. Around 1998 the Fisheries and Wildlife people came together to help develop a project. A proposal to install a self-regulated tide gate was developed. Skagit Fisheries Enhancement Group has been taking the lead on this project.

A meeting was held with the people who live in the area. At that meeting many questions were answered, but a number were left unanswered. The Public Works Department is now coming before the Commissioners to ask for direction and how they would like to see the project proceed.

Mr. Martin noted that this project does tie in with the buffer issue. He said he was surprised to find that it is the first SRT project in the State of Washington. The project restores habitat but there are statutory issues that have not yet been dealt with. He suggested to the Commissioners that work on the project be suspended until the statutory issues work themselves out. This could be two or three years, although there is a possibility that it could take less time.

The project won't help much with the septic issues but it will help with the minor flooding that occurs in that area. A bigger tide gate would do the same thing.

Commissioner Munks felt the discussion that was held at the Blanchard Community Hall was a good discussion. Everyone says you can't look at an SRT in Edison and say that is what is going to happen in Blanchard. That is true, but there are a lot of problems with Edison in terms of drainage. Drainage is essential to agriculture. The McElroy Slough Project doesn't affect Ag in Blanchard, but it could affect outlying areas.

He emphasized that everything about this project needs to be looked at. He said he does not have a problem with the project as long as it accomplishes and identifies what is going to happen. He has walked the area and some of the outlying the areas, as well as looked at Edison. There is a lot of land around Edison that is not being farmed because the water table is up so high. Letters of concern have been received from people in that area who can't rent the ground. They are concerned about the long-term effect.

Commissioner Anderson said the Ag people are concerned that it will affect their activities with water tables. Several people wanted to see it cleaned out prior to the project until the natural flushing that was discussed would take place. Some of those things may not be possible, but if assurance could be given that land next to it will be monitored for flood levels you may get there from here. He added that he is not entirely sure that is the best vehicle to use.

Dave Brookings suggested that they take this information back and look at it again. The hydrologic analysis that was done did not take into account a higher basin. It would be appropriate to model that basin with the idea of the kind of development that will take place out there. That information is needed for the grants.

Commissioner Dahlstedt said there is a lot of concern about losing grants. He asked if the County has the staff ability to do this job right away?

Mr. Martin said he is anticipating moving ahead with the project with Public Works taking the lead. If that happens a project manager needs to be assigned to the project, which would probably take about 25% of his or her time. The consultant contract will probably need to be revised to get some additional questions answered.

Commissioner Munks said the majority of people at the meeting seemed to have no objection to the project. But he wants to make sure the ramifications of the project are identified. There are not a lot of projects like this around. The only one in Skagit County is the Edison project and there is a different land situation there. He said he agrees it makes a lot more sense to start with a slough that is clean.

Mr. Martin said, at this point, the County is the one making the big investment. There are smaller amounts of money available through grant sources at the State, but it is appropriate that the County takes the lead and works with our partners.

The Commissioners agreed that the issues should be looked at carefully before moving forward.

4) **Update: Upcoming Public Meeting in Anacortes by the Skagit County Marine Resources Committee**

Ric Boge reported that next Thursday there would be a Marine Resource Committee meeting at City Hall in Anacortes. Notice will go out in the newspapers. He then talked about contracts that will be coming before the Commissioners.

Mr. Boge thanked Mike Cawrse who is leaving the County to take another position. He said Mike has handled all of the activities of the Marine Resources Committee. Erin Hansen will be assuming most of Mike responsibilities.

Skagit County Board of Commissioners
Minutes, April 30, 2002
Page 4

Commissioner Anderson wished Mike well, stating that he is sorry he is leaving. Commissioner Munks said, in the short time Mr. Cawrse has been here, he has done a great job of coordinating this project and he appreciates the work he has done.

5) **Signature: Letter to Washington State Office of Community Development with Comments on Model Critical Areas Ordinance Draft**

After some discussion, Commissioner Anderson motioned to approve for signature a letter to the Washington State Office of Community Development with comments on the Model Critical Areas Ordinance Draft. Commissioner Dahlstedt seconded the motion, which was carried.

6) **Request for Authorization for Public Works Director to Sign CRP-2 Forms to Apply for CREP (Conservation Reserve Enhancement Program) on County-Owned Properties**

Carly Ruacho, Assistant Planner, Public Works Department, reported. She said that in reviewing the initial list of eligible properties it was not hard to miss that Skagit County properties are eligible.

She said this will be a way to take advantage of programs and monies that are available to the County and will help show citizens that the County supports buffers. All costs to enroll in the program are reimbursable. There will be a net gain of about \$80,000 over about twenty years if the County enrolls.

She then reviewed the sites in question. They would be a nice demonstration for citizens to go out and see what a CREP buffer looks like.

Commissioner Anderson said he likes the idea of taking people out and showing them the sites. These sites would make excellent demonstration projects.

Commissioner Munks said he has spoken to the Ag community about this in a number of meetings. The County should be taking the lead on this. He said he appreciates the work Ms. Ruacho has done on this.

Commissioner Dahlstedt agreed that the County should be the lead. People oftentimes wonder why government imposes so many restrictions relative to land use.

Commissioner Anderson motioned to approve authorization for the Public Works Director to sign CRP-2 forms to apply for CREP on County -owned properties. Commissioner Dahlstedt seconded the motion, which passed unanimously.

7) **Signature: Letter to Department of Ecology Northwest Regional Office Requesting Time Extension of Centennial Clean Water Grant #G0000258**

Mike Cawrse reviewed a map of the Samish Bay, stating that they are requesting a time extension of the Centennial Clean Water Grant #G0000258. In 1994 a lot of the Samish Bay was downgraded because of illness related to shellfish consumption. He and other County staff looked at the situation and decided to apply for a DOE grant. The grant was received and they began monitoring in 2000.

After monitoring the bay they determined that the birds are the culprits. The map shows all of the sites that were monitored. In terms of the Washington state standards for fecal coliforms, all of the sites except one exceed the standard. A meeting was held with the TAC recently and they have advised how to take care of this monitoring project. They were interested in taking a deeper look at discharge, but due to the dry season are not able to.

In response to a question from Mr. Martin, Mr. Cawrse said the fecal coliforms come from warm-blooded animals, so they could be human or animal. There was some discussion about doing DNA testing to see precisely where it is coming from but it was found that it would be very costly. In addition, the science is not that accurate.

With regard to the budget, a lot less money has been spent than was budgeted.

Commissioner Anderson said the significance of this is to “try and keep our shellfish industry healthy”.

Mr. Cawrse said that is pretty much why the study was done to begin with.

There was then some discussion about budgeting and whether there is enough funding. Commissioner Munks said the budgeting part is going to be the most difficult.

Commissioner Anderson motioned to approve for signature the letter requesting an extension for the Washington State Department of Ecology Centennial grant in support of the Samish Bay Water Quality Monitoring Project.

Commissioner Dahlstedt asked if this part is essential to having a complete study? Mr. Cawrse said it is essential, as the work that has been done so far would then be meaningless.

Commissioner Dahlstedt then seconded Commissioner Anderson’s motion, which passed unanimously.

8) **Miscellaneous Public Works Items**

There were no miscellaneous items.

Planning & Permit Center, Tom Karsh, Director

1) **Discussion and Possible Action - Proposed Interim Ordinance to Repeal Rural Freeway Service (RFS) Designation on Pulley Property**

Tom Karsh said the only official item for business is the repeal of a rural freeway service zoning designation at Bow Hill Road and I-5.

Kirk Johnson, Senior Planner, reviewed the proposed interim ordinance. He explained that it is in response to Growth Management Hearings Board Compliance Order in Case No. 00-2-0049c. The ordinance would re-designate the property to Rural Reserve. This is the only one of the County’s rural freeway service that was not compliant. The tribe now owns the property in question.

Commissioner Anderson was delighted the rest of the county’s rural freeway service was found to be in compliance.

Commissioner Anderson motioned adopt the Interim Ordinance to Repeal RFS Designation on the Pulley Property at the Interstate 5/Bow Hill Road interchange, pursuant to the Western Washington Growth Management Hearings Boards’ January 31, 2002 Compliance Order in Case No. 00-2-0049c. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Ordinance No. R20020137)**

Mr. Johnson noted that the Commissioners would need to schedule a public hearing within 60 days.

2) **Miscellaneous**

a) Mr. Karsh talked about improper impact fees. Apparently, the Permit Center has improperly collected school impact fees in the town of Lyman. Jim Cook, of Lyman, raised questions about why he was being a charged school impact fee for the Sedro Woolley School District. About \$1,400 in school impact fees will be reimbursed. It appears that four people were affected.

b) The City of Burlington is going to be holding a public meeting on May 9 to consider a request by the Skagit Housing Authority to extend city sewer to the Raspberry Ridge Farm Worker Housing Project.

He provided a history of the project as it relates to onsite sewage system or sewer connection to Burlington. The Planning and Permit Center feels that this project meets the intent of both state law and our County Code because that type of housing development goes far towards removing farm workers who are otherwise not housed.

Planning Department staff will attend the City hearing and will recommend that the City of Burlington honor the recommendation of the Housing Authority and allow the sewer to be extended. The City has asked that the County partner with them in terms of future road improvements and share in the costs in some way to upgrade the roads to urban standards. He said they are currently negotiating with the City to enter into an Interlocal Agreement to bring back before the Commissioners.

He said they are also having discussions with the City about a concern the City has that there will be other farm worker housing near that same location. The city is asking the County not to invoke the housing law. They feel that area is flood prone.

Commissioner Anderson said there were at least two letters of concern about ground water contamination if they utilized an on-site sewer system. They want to see the project connected to sewer. Burlington is also concerned about foot traffic.

Commissioner Dahlstedt said he has met with citizens who live around that area and there is a big concern about how that project came about to start with. He said "we need to make sure we are working with the cities when they are engaged in these kinds of projects". There is a need for housing and he is in favor of it, but he hopes it can be completed and will not make something that is difficult worse. Safety and health are critical.

c) Gary Christensen, Assistant Director, referred to the resolution signed by the Board yesterday to establish the Ag Advisory Board. He said they want to use this opportunity to let the television audience know about this. Dan Berentson has drafted a news release in this regard. May 31 is the date by which that information should be submitted to the Commissioners.

d) Mr. Karsh said he would like to set a public hearing, with all three Commissioners present, where there could be discussion and public comment on the proposed Framework Agreement, which establishes the methodology that has been used to work with the cities to determine land use issues relative to County wide planning policies. He said he has been working with the cities that have raised objections and they have drafted a revised Framework Agreement. As soon as La Conner has an opportunity to review the agreement, sometime in May, they will set up a public hearing.

e) It was noted that the Frizzell decision has been rescheduled to Tuesday, May 14 at 11:00 a.m.

f) Mr. Karsh said that Planning staff would like to discuss the 2002 Work Plan with the Commissioners since a number of things will need to be bumped to later years. Commissioner Munks asked that there be some discussion about future recommendations for consultants.

MISCELLANEOUS

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, April 30, 2002, the Board, by a majority vote, did approve for payment those vouchers included in and further described as follows:

Junior District Payroll from Fund 699, Warrants 956997 through 957095 in the total of \$94,015.73.

ADJOURNMENT

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

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Ted W. Anderson, Commissioner

Jean Terry, Acting Clerk