

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JUNE 4, 2002**

**TUESDAY, JUNE 4, 2002:**

- \*T** 9:00 a.m. – 10:00 a.m.      **Board of Health – Peter Browning, Director**
1.      Certificates of Thanks for Health Department Volunteers
  2.      Arsenic in Drinking Water
  3.      Welcome Baby Annual Report
  4.      Miscellaneous
- 10:00 a.m. – 11:00 a.m.      Work Session – Skagit County Public Facilities Leases
- \*T** 11:00 a.m. – 11:15 a.m.      Deliberations & Possible Action – Planning Commission’s Recorded Motion Recommending Approval of the Similk Beach Limited Area of More Intensive Development (LAMIRD)
- \*T** 11:30 a.m. – 12:00 p.m.      Public Hearing – To Review the Proposed Commissioner District Boundary Changes Pursuant to the Provisions of R.C.W. 36.32.020 and 29.70.100 Requiring Commissioner Redistricting Based on 2000 Census Population Figures
- \*T** 1:30 p.m. – 2:30 p.m.      Public Hearing – To Consider Testimony Before Possibly Adopting the “2002 Framework Agreement” Regarding Coordinated Planning, Urban Services, and Countywide Planning Policies
- \*T** 2:30 p.m. – 3:30 p.m.      Public Hearing – To Consider Testimony Before Possibly Adopting an Amended Interlocal Agreement Between Skagit County and the City of Anacortes Setting Forth Administrative and Development Standards Within the City of Anacortes Urban Growth Area
- 3:30 p.m. – 4:30 p.m.      Work Session – East Skagit County Community Resource Center

The Skagit County Board of Commissioners met in regular session on Tuesday, June 4, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

**Board of Health – Peter Browning, Director**

1.      Certificates of Thanks for Health Department Volunteers.

Amy Tidrington, Health Department, stated that a grassroots movement was formed in 1996 to help protect Skagit County children against Hepatitis B. Many organizations supplied funding to purchase Hepatitis B vaccine to immunize 8<sup>th</sup> grade students. It was offered for free and the following year it became a state supplied vaccine so the program continued working their way down to 6<sup>th</sup> grade students. In 2002, 5<sup>th</sup> and 6<sup>th</sup> graders were immunized and it is now required from 4<sup>th</sup> grade on down. During that time over 10,000 students were immunized. Statistically, 600 of those students would have contracted Hepatitis B over the next few years and about twelve of them would have developed liver cancer. It is a great prevention tool and there were many people and organizations involved in making the program a success. Many parents and nursing volunteers also helped.

Ms. Tidrington thanked Linda Speck for her help this year in regard to the Hepatitis B program, even though she retired last July as a Public Health Nurse in the Health Department. She also thanked Val Jensen, who was also a Public Health Nurse who retired in 1993. Since 1996 when

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the program started, she has volunteered with every clinic and has over 1,000 hours of volunteer time.

Peter said people are amazed at how successful this program is. It is a model program.

Commissioner Anderson said this shows that to the employees of the Health Department, it isn't just a job but a passion and they really care about the people of the community.

Sandy Paciotti, Communicable Disease Nursing Supervisor, said Julie Manrique began volunteering for the Health Department in September of 2001 and has logged in over 200 hours through the end of March. She has assisted in many departments and also volunteers at Madison School, even though she has no children of her own. She is very professional in her appearance and her attitude as well as being task orientated. She also grasps knowledge quite quickly, is on-time and very courteous.. Ms. Paciotti said she would be highly recommended for a job to anyone else.

Ms. Paciotti reported that on Sunday evening a fifteen year old Sedro Woolley freshman died of what they suspect to be meningitis. Meningitis is inflammation of the brain and the tissues surrounding the spinal cord caused by viruses and bacteria. Symptoms include headaches, sore neck, vomiting, nausea and a rash, which leads to shock. The virus is housed in the nose and throat. Twenty-five percent of the population carries the germ and why it goes invasive in some and not others is not known. Approximately 25 teachers and students at Sedro Woolley High School are receiving antibiotics as a precautionary measure. More information will not be available until there is laboratory confirmation.

Chairman Munks asked about the recent whooping cough outbreak.

Ms. Paciotti said there have been two confirmed cases of whooping cough and when you have two or more cases confirmed, it is considered an outbreak. About 20 people have been clinically diagnosed. Bacteria are spread from coughing the germs into the air. It is also known as Pertussis and the vaccine only protects for about 3-5 years from the last vaccine. There is a shortage of the Pertusis vaccine, therefore it is being rationed out to area providers. Additional vaccine will be forthcoming. She encourages anyone who has a persistent, spasmodic whooping sound to be evaluated by their physicians. Even with antibiotics, the cough will take one to two months to clear up.

2. Arsenic in Drinking Water.

Corrine Story, Environmental Health Supervisor, reported that the Environmental Protection Agency (EPA) has reduced the maximum contaminant level (MCL) for arsenic in public drinking water systems from 50 ppb (parts per billion) to 10 ppb. It is required that community water utilities come into compliance by January 2006. The current MCL of 50 ppb has addressed acute, short-term illness due to exposures to the higher levels of arsenic. There is some evidence that exposure to arsenic at lower levels over a long period of time may have long-term or chronic health effects.

Ms. Story said that Whatcom and Snohomish Counties samples show levels of arsenic in wells exceeding the current MCL of 50 ppb. Because arsenic in drinking water comes primarily from naturally occurring formations, it is likely we have a similar situation in Skagit County. She stated that to adequately address this issue and to assist water systems in complying with the new requirement, more complete information is needed. As a part of the current efforts to complete sanitary surveys from some Group A and larger Group B water systems, they are beginning to sample these water supply's for arsenic. Ms. Story also said they would be working with Edge Laboratories to re-visit historical data to determine actual levels of arsenic. More information will be provided at next month's Health update.

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3. Welcome Baby! Annual Report.

Jennifer Sass, Child and Family Health Supervisor, reported that the Welcome Baby! program is now four and a half years old this month. The program was originally hosted by SPARC and subsequently adopted by the Skagit County Health Department. The primary focus is a parent education and support program designed to encourage reading to babies.

Ms. Sass indicated there are approximately 1,350 births a year in Skagit County with 50% being Medicaid funded and 10% being non-English speaking families. The program has served over 6,000 infants and toddlers in the community since its inception.

Welcome Baby! hospital visits occur five days a week and occasionally on weekends. As baby is welcomed, parents are congratulated and given a board book to take home and read to the baby. A brief discussion usually follows about the development of language during the baby's first year and parents are encouraged to sign up for the free series of 12 newsletters, the first of which is in their hospital packet. Parents are asked if they would like to receive Washington State's Child Profile materials in a language other than English. Unmet social service needs may be addressed and follow-up may occur at a later date.

Ms. Sass then introduced Meredith Baker, Welcome Baby! Coordinator. Ms. Baker is a mental health professional, a parent educator and is trained in the Neonatal Behavioral Assessment Scale. She pointed out that funding for all book purchases and newsletter postage has come from Kiwanis Clubs, The North Cascades Health Council and private donations. She then introduced several people that have been involved in the Welcome Baby! program.

4. Miscellaneous.

There were no miscellaneous items to discuss.

**DELIBERATIONS & POSSIBLE ACTION – PLANNING COMMISSION'S RECORDED MOTION RECOMMENDING APPROVAL OF THE SIMILK BEACH LIMITED AREA OF MORE INTENSIVE DEVELOPMENT (LAMIRD).**

Tom Karsh, Planning & Permit Center Director, advised that the Similk Beach Limited Area of More Intensive Development (LAMIRD) is the first LAMIRD that has been considered in Skagit County. Because of this, special steps have been taken to work with the Citizen's Advisory Group to hold several public hearings on this matter before it was brought before the Board of County Commissioners. Mr. Karsh added that the Planning Commission had also asked to amend the County's Sewage Code. That will take place in the near future.

Commissioner Anderson moved to adopt the Planning Commission's recorded motion recommending approval of the Similk Beach LAMIRD Comprehensive Plan amendments. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(An Ordinance will be brought forth at a later date.)**

Mr. Karsh said Certificates of Commendation will be brought forward for the Board's signature for all those responsible for bringing this project to fruition. This has been a long-standing issue since the 1970's.

Chairman Munks thanked the Planning Department and the Health Department for their coordinated efforts on this very important process.

**PUBLIC HEARING – TO REVIEW THE PROPOSED COMMISSIONER DISTRICT BOUNDARY CHANGES PURSUANT TO THE PROVISIONS OF R.C.W. 36.32.020 AND 29.70.100 REQUIRING COMMISSIONER REDISTRICTING BASED ON 2000 CENSUS POPULATION FIGURES.**

Alex Von Cube, Population & Health Information Manager for Skagit County, thanked the Commissioners for the opportunity of working with them on the district boundary changes and redistricting, which is mandated every ten years. The process was straight forward and guidelines were used to assure a population balance. District #1 showed a loss of approximately 4,000 people that either moved away or relocated into one of the other districts. Almost a perfect balance was achieved with the proposed redistricting. Commissioner Don Munks' District #1 will now have a population of 34,168, Commissioner Kenneth A. Dahlstedt's District #2 population will be 34,367 and Commissioner Ted W. Anderson's District #3 will have a population of 34,450.

Mr. Von Cube distributed DRAFT redistricting maps to the Board and said the proposed boundary lines would not split any of the voter precincts.

Commissioner Dahlstedt asked if Districts 2 and 3 grew at a faster rate than District 1. Mr. Von Cube said that was exactly what happened. He also noted that the census figures represent the year 2000.

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

An official vote will be taken on Tuesday, June 11 at 11:30 a.m. for the proposed redistricting of Commissioners' districts based on Census 2000 population figures.

**PUBLIC HEARING – TO CONSIDER TESTIMONY BEFORE POSSIBLY ADOPTING THE “2002 FRAMEWORK AGREEMENT” REGARDING COORDINATED PLANNING, URBAN SERVICES, AND COUNTYWIDE PLANNING POLICIES.**

Mr. Karsh reported that the 2002 Framework Agreement is a complete rewrite of a previous agreement with the City of Burlington, the City of Mount Vernon, the City of Anacortes, the City of Sedro Woolley, and the Town of La Conner, dating back to 1992. The agreement is operating under a Growth Management Act (GMA) requirement, which encourages all to coordinate their long-range planning and development in addition to making sure all comprehensive plans and unified development codes are consistent.

In 1992 negotiations with the cities and town were held to institute a framework agreement, which would establish how decisions are made for the purpose of adopting Countywide Planning Policies (CPPs). This agreement worked quite well in the early years and was used to amend the CPP's in 1996. It wasn't until 1998 when it was realized that the agreement needed to be redone. Procedures weren't clarified and there was no direction given as to what would happen if there wasn't unanimous agreement on the issues.

Negotiations with the cities and the town were encouraged by a Superior Court Judge regarding the latest Countywide planning proposals. All of the parties agreed to this and negotiations have been taking place for several months. The proposals have also been posted on the County website for public comment and review. A completely new framework agreement will be written. The prior framework agreement speaks to a Countywide Planning Policies Advisory Committee, which would be replaced by a Growth Management Act Committee for the 2002 agreement.

Mr. Karsh said the new agreement would fine-tune how decisions are made when a consensus is not reached. Consensus needs to be strived for if possible. If that doesn't work then the issue would go before a non-bonding mediation service. In the event that is not effective, it would then

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go to a vote of the super majority (75%) of the population of Skagit County. He said the County is not required to adopt an amendment to the CPP's and the cities are not required to accept changes to them that would affect their UGA or commercial/industrial land currently allocated under them.

Mr. Karsh indicated that staff and legal counsel have reviewed the document. Four of the five jurisdictions have adopted the new agreement. The Town of La Conner is the only one that hasn't yet adopted it but it is expected that they will after their council meeting next Tuesday.

June Kite, 20819 Starbird Road, Mount Vernon, read a letter to the Board as follows:

Dear Chairman and Members of the Board:

I submit these comments on behalf of Friends of Skagit County (FOSC) and myself. We are concerned that Section 8 of the 2002 Framework Agreement does not explicitly address allowing public comment to the Steering or GMA Committees on proposals before they are voted on by the Committee. We request that a procedure for allowing public comment to the Committee be included in the Agreement and that there be agendas for Committee meetings made available to the public (by mailing list and other means) at least 7 days prior to the meetings to allow public comments to be prepared.

We are also concerned that provision of just one week for written public comment is inadequate for public review of this Agreement.

Very truly yours,

Chairman Munks expressed confusion about Ms. Kite's reference to a time-frame in Section 8 of the agreement.

Ms. Kite said Section 8 doesn't establish an explicit time-frame and that each municipality might have established their own procedures.

John Bouslog, 11190 Bayview-Edison Road, Mount Vernon, said he sees no reference to the non-municipal UGA's and how those boundaries will be adjusted with the cities. He doesn't understand how the cities can **NOT** out-vote the County on decisions such as the Bayview UGA.

John Moffat, Prosecuting Attorney, Civil Division, responded that non-municipal UGA's don't have a city council or governing body that covers them but none-the-less, because they are UGA's, they are subject to CPP's, one of which sets the boundaries, acreage and populations for UGAs. Regulations, acreage and zoning govern how businesses and land can be developed, which could possibly have an impact to the cities. He also said the framework agreement governs how CPP's can be amended. The actual substance of individual planning policies would be subject to discussions of the steering committee that is set up by the framework agreement.

Chairman Munks asked if the framework agreement would proceed through to public participation before a decision was made.

Mr. Karsh said it would but added that the independent UGA's would have the same protection as City UGAs in that if a city doesn't want a UGA changed, it wouldn't be changed. If the County has an opposition to a proposal to amend a non-municipal UGA, the same would apply.

Mr. Moffat outlined another procedural step that was omitted when Mr. Karsh presented the background of the prior agreement. He said that in 2000, the old Countywide Planning Policy Committee met to discuss certain amendments, which the County had proposed, which were opposed by some of the cities. The policy committee voted 8-6 to move forward and adopt certain amendments to the CPP's. Those amendments were adopted by the County in July of 2000.

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Consequently, Mount Vernon and Anacortes appealed those decisions to the GMHB and an order was issued in February of 2001, which said that under the 1992 framework agreement, the County couldn't adopt amendments to the CPP's unless every city agreed. According to the GMHB, that was already the situation and the County could not make any changes unless all parties are in agreement. The County then appealed to Superior Court and the case is still sitting there without resolve. The reason is that the County and the Cities believe that instead of internal battles, it would be better to sit down and resolve issues through negotiations. One of the results of the negotiations is to get back on amicable footing with each other and decide how things are going to be done in the future with CPP amendments.

Commissioner Anderson said the Bayview Urban Growth Area is already laid out and the only way this agreement would effect that is by modifying the urban growth boundary. The cities could not just weigh in for the purpose of modifications as it now stands.

Mr. Karsh said that in order to change the allocations, there would need to be a new CPP, which would require a consensus and if that is not possible then mediation. In the event mediation doesn't solve the problem, then a vote of 75% of the County population would need to take place in order to make changes for non-municipal UGAs.

Gary Christensen, Assistant Planning Director, advised that the CPP's do not by themselves draw lines on a map, therefore they will not draw boundaries for either the Bayview Ridge UGA or any of the municipal UGA's. The CPP's are only providing an allocation, both residential in terms of how the UGA would be sized and the amount of commercial/industrial acreage. Ultimately, where the lines are drawn on the maps rests with the Board of Commissioners. The County designates UGA's under the GMA. While the framework agreement talks about a process that would engage the cities and the town to arrive at allocations, it is a later planning process where lines on the map are drawn. This would ultimately come before the Board for ratification or adoption.

Commissioner Anderson asked if there is currently an allocation for the Bayview independent UGA and if that allocation as it currently stands, will not be affected by these policies.

Mr. Christensen said the 2000 amendments were challenged and are now with Superior Court.

Commissioner Anderson asked if one of these amendments included the industrial allocation.

Mr. Christensen said the CPP 2000 amendments allocated some additional acreage to Bayview Ridge for commercial/industrial use.

Commissioner Anderson asked if the Countywide Planning Policy Advisory Committee would have to convene to determine what our allocation should be in the event that because it is being challenged, the judge remands it back to the County.

Mr. Christensen said this would be the process to review and accept whether there would be any changes. Staff believes that as a result of this framework agreement there wouldn't be any opposition to the 2000 year amendments, which not only grant some additional acreage to Bayview Ridge but other jurisdictions as well.

Mr. Moffat said there are a number of things that need to be done. A new framework agreement is something that would result in the cities dropping their opposition to the 2000 CPP's amendments. This would trigger an entry of an order by the court thereby sending it back to the GMHB and finding the 2000 amendments to be balanced.

There being no testimony forthcoming, Commissioner Dahlstedt motioned to close the public hearing. Commissioner Anderson seconded the motion and the public hearing was closed.

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Mr. Moffat pointed out that when the draft of the new framework agreement was originally sent out, it was only after the negotiating individuals from the various cities and the County had discussed and hammered out the final version of the draft proposals, that it was sent around to the various municipalities for comments. Instead of comments, some of the cities went ahead and adopted it. La Conner has certain suggestions or possible language it would like to change. Discussions have been held with them and the issue should be going before the town council on Tuesday. Mr. Moffat suggested postponing deliberation on the 2002 Framework Agreement until the Town of La Conner decides that they plan to do.

The Board will make a decision on this matter Monday, June 24, 2002 at 1:45 p.m.

**PUBLIC HEARING – TO CONSIDER TESTIMONY BEFORE POSSIBLY ADOPTING AN AMENDED INTERLOCAL AGREEMENT BETWEEN SKAGIT COUNTY AND THE CITY OF ANACORTES SETTING FORTH ADMINISTRATIVE AND DEVELOPMENT STANDARDS WITHIN THE CITY OF ANACORTES URBAN GROWTH AREA.**

Mr. Karsh said earlier this afternoon we spoke about a revised framework agreement that is used by the County and the cities to establish CPP's. One of those CPP's encourages the County and a city to enter into an Interlocal agreement that helps administer the County portion of a city UGA. Therefore, each of our major cities have surrounding it a UGA that contains County land. When that land is proposed for development the question is what standards should be used for that development since it is destined to become part of that city within the next 20-year horizon.

The County entered into an agreement with the City of Anacortes in 1996 to figure out how to administer development within the City's UGA. Since then the County has entered into Interlocal Agreements with other cities as well. As part of settlement negotiations that have been taking place, it is hoped that a number of issues between the cities and the County can be resolved. Mr. Karsh said one of those issues dealt with updating the Interlocal Agreement with the City of Anacortes. Many requirements of the 1996 Interlocal Agreement have come and passed. The City of Anacortes has annexed much of their UGA and revenue sharing agreements have no expired. It was felt it that the opportunity to update the agreement should be used, which would become a boilerplate for future Interlocal updates with the cities of Mount Vernon, Sedro Woolley, Burlington, etc.

Mr. Karsh added that no written comments were received. A letter was received after the deadline via fax by Gerald Steele, Friends of Skagit County and as such is not proper to be included in the record. There is a representative here from the Friends of Skagit County who will be able to submit it into the formal record if she desires to do that.

Chairman Munks also received a request from Ian S. Munce, City Attorney for Anacortes, dated June 3, 2002 that says "If there is oral testimony at your hearings to which you think a response from the City of Anacortes would be appropriate, I would respectfully request that the hearing or hearings be continued for this purpose."

Chairman Munks opened the public hearing.

June Kite, 20819 Starbird Road, Mount Vernon, representing herself and Friends of Skagit County, stated that she has the letter that Mr. Karsh also received and won't read it because she understands that because she is here she can submit the letter and it will be a part of the record. The letter address Section 4 of the Interlocal Agreement with Anacortes, which would allow unlimited expansion or redevelopment on developed commercial/industrial parcels in the unincorporated UGA without actually requiring full urban services and will also allow new urban development on vacant parcels without actually requiring full urban services. It also addresses the question of adequate public comment.

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Mr. Karsh added for the record that it is his understanding that the City of Anacortes has reviewed this Interlocal and has approved it prior to this meeting. He spoke to Ian Munce, City Attorney, who would speak in favor of the County adopting this version and should there be any questions, they would be happy to come and explain why they think this is a good document.

There being no further public testimony, Commissioner Dahlstedt moved to close the public hearing. Commissioner Anderson seconded the motion and the public hearing was closed.

Mr. Karsh said one of Commissioner Anderson's recurring issues is traffic impact fees that would be collected. On the first page of the proposed Interlocal Agreement there is a provision that allows the County to enact impact fee schedules consistent with the comprehensive plan. Therefore, the Interlocal Agreement doesn't require impact fees be adopted on behalf of the City of Anacortes but we would in turn look at the comprehensive plan and the CPP's to see if that is something that was agreed upon. A public hearing before the Planning Commissioner is scheduled for June 18, 2002. During that hearing the bi-annual process of updating the city standards of County land within the City UGA's will be discussed, which would in turn result in a recorded motion.

Commissioner Anderson reiterated his concern of the traffic impact fees.

Mr. Moffat said these are the types of issues that can be cleared up through amended Interlocal Agreements. This is precisely why we are going through this process.

Mr. Karsh said when this same issue came up with the City of Mount Vernon, they provided a traffic improvement plan that showed the specific projects that their collection of impact fees would be used for.

Commissioner Anderson said in his opinion, it needs to be relevant to the neighborhood those fees are collected from.

Action on the Interlocal Agreement with the City of Anacortes will take place on June 24, 2002 at 9:45 a.m.

**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Don Munks, Chairman

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Kenneth A. Dahlstedt, Commissioner

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Ted W. Anderson, Commissioner



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ATTEST:

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