

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 25, 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 Works Department – Chal Martin, Director

1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way East of North Shore Drive Between Phipps Drive and Osborne Drive
2. Presentation – Certificate of Commendation for the Retirement of Jack Hack- Scalehouse Attendant
3. Discussion – Green Road Repair Petition
4. Discussion – Request for Transfer of Skagit County Property Adjacent to River Front Park to City of Sedro-Woolley
5. Discussion/Possible Action – Resolution Regarding 2002 Gravel Road Conversion Program
6. Update – Skagit River Flood Protection/Salmon Restoration Project
7. Signature – Grant Application to the Northwest Straits Commission for Marine Resource Committee Administration
8. Discussion/Possible Action- Resolution Defining Skagit County Expectation of Outcomes for the Samish Basin Watershed Instream Flow Planning Process
9. Miscellaneous

*T 10:00 a.m. – 11:30 a.m.

Planning & Permit Center – Tom Karsh, Director

1. Public Hearing - To Consider Testimony Regarding the Renewal of Skagit County Interim Ordinance No. R20020113 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
2. Public Hearing - To Consider Testimony Regarding the Following Codes: 2000 Uniform Plumbing Code; 2001 Washington State Energy Code; The International Building Code, International Fuel Gas Code, International Fire Code and International Mechanical Code, 2000 Editions as Alternate Methods; The International Residential Code Except Chapters 25 Through 40 Inclusive as an Alternate Method; An Official Snow Load Map; An Increase in Design Stretcher Size for an Elevator in Certain Occupancies; Amend Certain 1997 Uniform Fire Code references, Amend Date References for the Board of Appeals for the Uniform Building Code, Amend References in the Code Regarding the Installation of Manufactured Homes
3. Set Date and Time for Consideration of Western Peterbilt Binding Site Plan

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4. Signature – Resolution of the Skagit County Board of Commissioners Setting Forth a Plan and Timeline to Revise the Anadromous Fish Protection/Agriculture Buffer Portions of the County Critical Areas Ordinance, in Particular Skagit County Code (SCC) 14.24.120 Ongoing Agriculture on Agricultural Lands
5. Review and Discussion – Appointments to the Agricultural Advisory Board
6. Review and Discussion – Personnel Services Contract with Henderson, Young & Company for Capital Facilities Planning
7. Miscellaneous

*T 11:30 a.m. – 11:45 a.m. Deliberation – Adoption of Proposed New and Amended Precinct Boundary Changes Pursuant to the Provisions of R.C.W. 29.04.040 and 29.04.050

11:45 a.m. – 12:00 p.m. Work Session – Farmland Protection Program Grant

The Skagit County Board of Commissioners met in regular session on Tuesday, June 25, 2002, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson's absence was excused.

PUBLIC WORKS – Chal Martin, Director

1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way East of North Shore Drive Between Phipps Drive and Osborne Drive.

Steve Flude, Assistant County Engineer, reviewed the exact location of the proposed vacation of the unopened County right-of-way located east of North Shore Drive between Phipps Drive and Osborne Drive. 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. Seven letters were received expressing opposition to the proposal due to concerns of surface water runoff that future developments might create.

John McClure, a property owner along North Shore Drive, stated that the previous public hearing held regarding the proposed vacation addressed surface water runoff concerns as well. Property owners don't have any assurance that the proposed development will be managed properly. He said Mr. Robert Lakey has in the past not taken the surrounding property owners into consideration with any development he has done so far.

Ursula Mass, also a North Shore Drive property owner, read a letter of concern into the record. She feels that her property as well as twenty other improved lakefront lots located downhill directly across the road from the fifteen acres in question, will be greatly impacted by the development of said acreage.

Another gentleman spoke of flooding that has happened on two occasions, which warranted sandbagging. Between 5-10 inches of silt has accumulated in the lake due to the runoff.

Dennis Katte, a property owner along West Shore Drive, read his letter into the record, expressing many worries over development of the property.

Robert Morrow, representing Mr. Robert Lakey, stated that they have been through a preapplication visit with the Public Works Department as well as a site visit with the Department of Fish and Wildlife. While he appreciates the concerns shown by the neighboring property owners, it is felt that the surface water runoff issues were most probably caused by Neilson

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Logging. Mr. Lakey's proposal would redirect the runoff through his own private lakefront property. The water would also be treated before it reached the lake.

Robert Lakey, 2210 44th Avenue SW, Seattle, introduced himself as the person responsible for the development. He said he as tried to be as environmentally sensitive as possible. Instead of building a community center on his personal lot, a single family residence will be erected instead. He stated that there have been no denials of any permits on the property and a preapplication has already been approved.

There being no further public testimony forthcoming, Commissioner Dahlstedt moved to close the public hearing. Commissioner Munks seconded the motion, and it carried unanimously. The public hearing was closed.

Commissioner Munks announced that a final decision for the proposed County right-of-way would be rendered on Monday, July 8, 2002 at 4:00 p.m.

2. Presentation – Certificate of Commendation for the Retirement of Jack Hack – Scalehouse Attendant.

The Board presented a Certificate of Commendation to Bernard "Jack" Hack in recognition of dedicated public service for his 26 years with Skagit County. The majority of his years have been spent as a Scalehouse Attendant.

When Mr. Hack began employment with Skagit County in 1976, they averaged fifteen tons of garbage per year. That total is now up to eighty-five tons per year. He will be greatly missed and the Board wished him the best of luck in his retirement.

3. Discussion – Green Road Repair Petition.

Mr. Flude next discussed a letter received in 2002 by Commissioner Ted Anderson from several Green Road property owner,s in which they requested that Green Road be repaired. The property owners asked that the quality of travel on the road be improved. They noted that the condition of the road is a detriment to their vehicles and property values.

On May 16, 2002, Public Works Staff met with Green Road property owners at the Grange located on Cook Road. Eleven property owners attended and four alternatives for fixing the road were presented. Some wanted the road fixed but most of those in attendance wanted to leave the road the way it is.

There is concern that an improved road will bring increased traffic and that gravel pit operations will utilize Green Road instead of the road they normally would use. Mr. Flude said that unless you overcome the many drainage hurdles and face the fact that it would be an expensive fix, he suggests doing nothing. He did note that it is the worst riding roadway in the County.

Commissioner Dahlstedt asked about the cost of the project and what the traffic impacts would be. He worries that it would become a thoroughfare to Avalon Golf Course. The property owners all seem to have a different take on what the problem is and given the constraints, it would be impossible to make everyone happy.

Chal Martin, Public Works Director, suggested a minimum of \$125,000 for road improvements and drainage would remain status quo.

The Board decided to continue the discussion when Commissioner Anderson can be present. At that time, the Department will provide preliminary costs associated with the project.

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4. Discussion – Request for Transfer of Skagit County Property Adjacent to River Front Park in Sedro Woolley.

Mr. Martin reviewed a request received from the City of Sedro Woolley to transfer Skagit County property to Sedro Woolley. The property was purchased with Skagit County and FEMA money during the Hazard Mitigation Buyout Program in the late 1990's. The property is located near the Skagit River adjacent to River Front Park.

Mr. Martin said the process required to do this transaction is a bureaucratic process and one that would be very time consuming.

Commissioner Munks asked what the City wants to use the property for.

Mr. Flude said it has been determined that the uses would be very limited.

Commissioner Munks indicated that he would be receptive of the idea of holding discussions with the City of Sedro Woolley to arrive at an agreement and to see what the intended use for the property is.

Due to the fact that it is in the vicinity of River Front Park, Mr. Flude surmises that the City would like to expand the park.

Further discussions will be held in the near future on this subject.

5. Discussion/Possible Action – Resolution Regarding 2002 Gravel Road Conversion Program.

Commissioner Dahlstedt motioned to approve a Resolution to Establish County Road Project No. 17210-1, the 2002 Gravel Road Conversion Program. Commissioner Munks seconded the motion and the motion was carried. **(Resolution No. R20020213)**

6. Update – Skagit River Flood Protection/Salmon Restoration Project.

Dave Brookings, briefed the Board on the current status of activities associated with the Skagit Flood Damage Reduction and Ecosystem Restoration Project. Updates were given on the following:

- a) Existing conditions Hydraulic Models of Skagit River System.
- b) Evaluation of Impacts to the Padilla Bay National Estuarine Research Reserve.
- c) Feasibility Study Cost Share Control Record Correction.
- d) Financial Status of Feasibility Study.

7. Signature – Grant Application to the Northwest Straits Commission for Marine Resource Committee Administration.

Commissioner Dahlstedt moved to approve signing the grant application to the Northwest Straits Commission for Marine Resource Committee Administration. Commissioner Munks seconded the motion, which was carried. **(Approved)**

8. Discussion/Possible Action – Resolution Defining Skagit County Expectation of Outcomes for the Samish Basin Watershed Instream Flow Planning Process.

Mr. Brookings presented a DRAFT Resolution that clearly states the outcomes Skagit County expects from the Samish River basin in-stream flow planning process. The study and facilitation is grant funded and administered by the Skagit Council of Governments. The total SCOG budget for the technical study and facilitation is \$950,000.

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Mr. Martin advised that a formal resolution will be presented for signature in the near future.

9. Miscellaneous.

Ric Boge, Natural Resource Project Manager, reminded the Board about the public meeting taking place this evening at the Skagit Valley College cafeteria from 6:30 p.m. to 8:30 p.m. The purpose of the meeting is to take input for the rewrite of Skagit County Code Section 14.24.120 "Ongoing Agriculture on Agricultural Land.

Mr. Martin explained that because Skagit County is not compliant with the Growth Management Act, they will not be considered for the Hazard Mitigation Grant Program.

The Board suggested a portfolio be sent to the State of Washington Department of Emergency Management Division containing information on the Virginia Doty property located on the Sauk River. The thought is that if perhaps they saw pictures of the said property, they might reconsider their decision.

PLANNING & PERMIT CENTER – Tom Karsh, Director

1. Public Hearing – To Consider Testimony Regarding the Renewal of Skagit County Interim Ordinance No. R20020113 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.

Tom Karsh, Director, reviewed the history of Interim Ordinance No. R20020037 that was originally adopted on January 28, 2002 to provide greater clarity on what interim rules should apply to those situations that are the subject of Skagit County Superior Court Case Nos. 01-2-00423-1 and 01-2-00424-0. In those cases, Skagit County appealed certain aspects of two Growth Management Hearings Board Cases (Nos. 00-2-0046 and 00-2-0049c).

On January 18, 2002, Judge James H. Allendorfer signed orders in each of the Superior Court cases continuing the trial to allow the parties the opportunity to pursue settlement. Those continuance orders included certain interim ordinance provisions to address Rural Marine Industrial-designated properties, portions of the Big Lake Rural Village, Open Space Reserve CaRD, lot aggregation, and County action on comprehensive plan amendments.

Mr. Karsh stated that Staff is recommending the renewal of Interim Ordinance No. R20020037. There have been no written comments received to date.

Chairman Munks opened the public hearing for testimony.

George Theodoratus, 37921 Highway 20, Concrete, stated that he began a project in November of last year and has been unable to get it off the ground due to the current interim ordinance. He would like to see changes made to the ordinance that would enable him to finish what he began last fall.

Mr. Karsh indicated that unlike many ordinances the Board approves, modifications are limited on this one because of what Superior Court has handed down. The ordinance has already been in place for six months and it is recommended that it stay in place for another 3-4 months.

Commissioner Dahlstedt said one of the challenges with the aggregation is that people have had lots for years that they will be unable to build on. It is critical to resolve the issue very soon.

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There being no further public comment forthcoming, Commissioner Dahlstedt moved to close the public hearing. Commissioner Munks seconded the motion, which was carried. The public hearing was closed.

Deliberation shall take place on Monday, July 8, 2002 4:30 p.m.

2. Public Hearing – To Consider Testimony Regarding the Following Codes: 2000 Uniform Plumbing Code; 2001 Washington State Energy Code; The International Building Code, International Fuel Gas Code, International Fire Code and International Mechanical Code, 2000 Editions as Alternate Methods; The International Residential Code Except Chapters 25 Through 40 Inclusive as an Alternate Method; An Official Snow Load Map; An Increase in Design Stretcher Size for an Elevator in Certain Occupancies; Amend Certain 1997 Uniform Fire Code References, Amend Date References for the Board of Appeals for the Uniform Building Code, Amend References in the Code Regarding the Installation of Manufactured Homes.

Bill Dowe, Building Official, stated that the Building Division proposes some minor changes this year to the Code changes and references. Since the International Codes have not yet been adopted by the State of Washington, most of the codes will remain as they have been since 1998. He then outlined the proposed changes to the Uniform Building and related codes.

Mr. Dowe also indicated that the Building Division and Emergency Services requested a change of the minimum elevator car size requirements of Section 3003.5 of the Uniform Building Code. This request is to increase the design stretcher size so that an elevator will accommodate modern stretchers and gurneys.

There being no public testimony forthcoming, Commissioner Dahlstedt moved to close the public hearing. Commissioner Munks seconded the motion, which was carried. The public hearing was closed.

Deliberation shall take place on Tuesday, July 23, 2002 at 10:00 a.m.

3. Set Date and Time for Consideration of Western Peterbilt Binding Site Plan.

Brandon Black, Associate Planner, requested a date and time be set for the final signature by the Chairman of the Board on the Western Peterbilt Binding Site Plan. Western Peterbilt is a ten lot development located within the Urban Growth Area for the City of Mount Vernon.

Consideration of Western Peterbilt Binding Site Plan will take place on Monday, July 1, 2002 at 1:30 p.m.

4. Signature – Resolution of the Skagit County Board of Commissioners Setting Forth a Plan and Timeline to Revise the Anadromous Fish Protection/Agriculture Buffer Portions of the County Critical Areas Ordinance, in Particular Skagit County Code (SCC) 14.24.120, Ongoing Agriculture on Agricultural Lands.

Mr. Karsh next reviewed a DRAFT resolution setting forth a plan and timeline to revise the anadromous fish protection-agriculture buffer portions of the County Critical Areas Ordinance. He said in order to succeed in this effort, it is essential to have an adequate allocation of staff and dollars. Public Works and the Planning Department will continue to jointly administer and manage the project and those personnel tentatively assigned to the project team will be identified. Once the new ordinance is drafted, it is likely that outside consultants will be necessary to conduct a final scientific, legal, and SEPA review. This should be accounted for in the 2003 budget.

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Mr. Karsh indicated that legal counsel has approved the proposed resolution. He then outlined the work plan action/event and dates for the revision of SCC 14.24.120, Ongoing Agriculture on Agricultural Lands.

Commissioner Dahlstedt moved to approve the proposed resolution adopting a plan and timeline to revise the ag buffer ordinance. Commissioner Munks seconded the motion, which was carried.

A final resolution will be brought before the Board for signature in the near future.

5. Review and Discussion – Appointments to the Agricultural Advisory Board.

Gary Christensen, Assistant Director, reported that discussions were held before the Board two weeks ago on appointments to the Agricultural Advisory Board. A press release was also sent out to alert individuals that may want to serve on the panel. Staff also included selection criteria including specific qualifications. There were a total of sixteen applicants and from those, the Ag Leaders Group recommended nine of those individuals to serve on the Board.

A letter was received from Steve Sakuma indicating that the Ag Leaders Group met with representatives from Skagitonians to Preserve Farmland, the Farm Bureau, the Cattlemen's Association, the Dairy Federation and Western Washington Ag Association, which supported the nine applicants selected. Bob Rose, the only candidate and representative of Skagitonians to Preserve Farmland, was present and voted at the meeting. Although his name was not among the nine individuals chosen, it was felt that Skagitonians should be represented on the panel.

Commissioner Dahlstedt remarked that if it was the intent that each organization be represented on the Board, then the Ag Leaders Group would need to reconvene and revise their selections. The intention is to have a well balanced diverse group with a broad based knowledge and expertise represented on the Ag Advisory Board. The questions is "does the Board want to endorse the recommendation of the Ag Leaders Group or do they need criteria on the sixteen applicants".

Commissioners Munks and Dahlstedt agreed that each name should be studied as each commissioner must make three selections. All ag groups need to be represented and it needs to be made clear what group the applicant is representing.

Dyvon Havens, Cooperative Extension, added that no one on the list represents finance or real estate. Perhaps there should be a second call for applications or the Commissioners could quite possibly recruit their own candidates.

Mr. Christensen stated he would compile a matrix of the expertise of the candidates and bring it before the Board.

6. Review and Discussion – Personnel Services Contract with Henderson, Young & Company for Capital Facilities Planning.

Mr. Christensen next discussed the draft Personal Services Agreement with Henderson, Young & Company that was presented before the Board on June 11, 2002, for consulting services related to the update of the County's Capital Facilities Plan. During that discussion, the Board directed the Department to investigate the possibility of expanding the scope of work to include consultation services to assist special purpose districts, particularly dike and drainage districts, in completing their capital facilities plans. This effort would provide better coordination and integration of these special purpose district's Capital Facilities Plans with the County's.

In consultation with the Public Works Department, the Planning Department contacted Henderson, Young & Company to negotiate these additional tasks. Given the Department is somewhat behind schedule in kicking off this years CFP update effort, they propose that the

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additional work relating to special purpose district Capital Facilities Plans be phased into the next fiscal year. In this way, the County can concentrate on meeting its own Capital Facilities requirements, while also assisting the special purpose districts with their own efforts.

The revised scope of work proposes that, this year, much of the effort relating to special purpose districts would concentrate on holding workshops for special district personnel, consulting with them as they complete their facilities inventories and reviewing their work. The remaining phases would be completed after the first of next year.

Mr. Christensen stated that the total cost of consulting services for the expanded scope of work is approximately \$60,000. In addition to the proposed consulting work, it is understood that the project will be managed and coordinated by the Department. As these additional staff responsibilities were not accounted for in the Department's annual budget, they are requesting an additional supplemental budget allocation in the amount of \$6,000.

Mr. Karsh said that when the legislature allowed us to postpone a number of GMA mandates until 2005, that decision freed up Guy McNally, Associate Planner, to take on this new assignment. The additional monies will be used to cover the temporary reclassification of Mr. McNally to senior planner for the remainder of the current year.

Chairman Munks asked if this task is one that can only be completed by a senior planner.

Mr. Karsh indicated that after looking at the job descriptions, the scope of work does not fit with an associate planner. The additional \$6,000 not only covers an increase in salary for Mr. McNally but overhead costs associated with the project as well.

Commissioner Dahlstedt asked if some of the additional costs could be passed on to the junior taxing districts.

Randy Young, Senior Partner with Henderson, Young & Company, replied that each junior district would have their own Capital Facilities Plan, however, there would be certain criteria that would be needed in order to fulfill the requirements. Each district would most probably hire their own engineers and consultants to obtain the required information, therefore, would incur costs associated with it. They would also be provided with a template indicating what should be submitted for review.

Mr. Christensen said a resolution will be brought forth listing the components of the additional \$6,000 being asked for.

Brad Whaley, Finance Director, indicated that this is a decision that would need to be reviewed by the Salary Review Committee and could not be decided individually by the Board of County Commissioners.

7. Miscellaneous.

Mr. Karsh reported that Kendra Smith, Assistant Director, has been working on the Critical Areas Ordinance, particularly the ag buffer/salmon section.

Ms. Smith stated that this has been a complex issue that the Department has been dealing with for the last four years. She reviewed the various individuals that have taken the lead on particular aspects of the project.

She also informed the Board of the work session that will be taking place on Tuesday, July 9, 2002 at 3:00 p.m. regarding Forest Practices drainage.

**DELIBERATION – ADOPTION OF PROPOSED NEW AND AMENDED PRECINCT
BOUNDARY CHANGES PURSUANT TO THE PROVISIONS OF R.C.W. 29.04.040
AND 29.04.050.**

Commissioner Dahlstedt motioned to approve the adoption of proposed new and amended precinct boundary changes as outline by Erika Kubischta, Elections Supervisor. Commissioner Munks seconded the motion, which was carried. **(Resolution No. R20020215)**

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, June 25, 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 123475 through 123534 from Clearing fund 696 in the total amount of \$306,353.98 (Transmittal No. C-52-02);

Warrant number 123535 from Clearing Fund 696 in the total amount of \$147.27 (Transmittal No. C-53-02).

ADJOURNMENT.

Commissioner Dahlstedt made a motion to adjourn the proceedings. Commissioner Munks 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