

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JULY 9, 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. Discussion – Petition to Green Road Repairs
2. Discussion – City of Anacortes Watershed Control Plan
3. Discussion – Cooperative Agreement with the Skagit Conservation District
4. Project Update – Skagit River Flood Protection/Salmon Restoration Project Update

\*T 10:00 a.m. – 11:00 a.m.

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

1. Discussion/Possible Action – Resolution Appointing a Capital Facilities Coordinating Committee
2. Set Date and Time – Review of Planning Commission Recorded Motion on City Development Regulations
3. Bayview Ridge Urban Growth Area and Subarea Plan: Personal Services Agreement #004771 with Reid Middleton
4. Review and Discussion – Draft Request for Proposal: Review of Forest-Natural Resources Lands Designations, Policies and Development
5. Discussion – Proposed Changes to the Flood Damage Prevention Ordinance
6. Miscellaneous

\*T 11:00 a.m. – 11:30 a.m.

Bid Opening – Concrete Family Resources Center

11:30 a.m. – 12:00 p.m.

Consideration of the Planning Commission’s Recorded Motion for Various Open Space Applications

2:00 p.m. – 3:00 p.m.

Work Session – Samish Watershed In-Stream Flow

3:00 p.m. – 4:00 p.m.

Work Session – Forest Practices Drainage

The Skagit County Board of Commissioners met in regular session on Tuesday, July 9, 2002, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson’s absence was excused.

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

1. Discussion – Petition Received in Reference to Green Road Repairs.

Steve Flude, Assistant Public Works Director, summarized the history of the proposed repairs to Green Road. He stated that Commissioner Anderson received a letter earlier this year from several Green Road property owners requesting repairs to their road. On May 16, 2002, Public Works staff met with approximately 10-12 Green Road property owners and at that time four alternatives for fixing the road were presented. Of those in attendance, some wanted the road repaired and some didn’t feel it should be fixed at all.

Commissioner Dahlstedt said he took a look at Green Road this past weekend and asked if it would be possible to repair the road from Dahlstedt Road to Kelleher Road, as well as the intersection.

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Chairman Munks feels this particular solution would be a good compromise between the residents living along Green Road.

Leland Fox, Kelleher Road, spoke in favor of improving Green Road. He asked the previous Board to do repairs to it but his request was declined.

Mr. Flude indicated that it would be too late this year to start such a project, but it certainly could be done next year. He will send out correspondence to the affected property owners informing them of the proposal.

2. Discussion – City of Anacortes Watershed Control Plan.

Chal Martin, Public Works Director, stated that the City of Anacortes has submitted a letter dated June 12, 2002 to Skagit County requesting our financial participation in their development of a Watershed Control Plan per WAC 246-290-135. The City of Anacortes and Skagit Public Utility District No. 1 are currently partnered to fund the \$25,000 study. It is anticipated that the study would be completed by December 31, 2002 and would provide the following information:

- a) Watershed description and inventory, including location, hydrology, land ownership and activities that may adversely affect source water quality.
- b) An inventory of all potential surface water contamination sources and activities, including identification of site locations and owner/operators, located within the watershed and having the significant potential to contaminate the source water quality.
- c) Watershed control measures, including documentation of ownership and relevant written agreements, and monitoring of activities and water quality.
- d) System operation, including emergency provisions.
- e) Documentation of water quality trends.

Mr. Martin added that the motivation behind this study is the 1996 Federal Safe Drinking Water Act that mandates States to implement Source Water Assessment Programs. A study has not been done up to this point.

Chairman Munks said he doesn't particularly care to get financially involved with the study.

Commissioner Dahlstedt added that the City of Anacortes and PUD #1 should look to the ratepayers that benefit from the services, as a source of revenue as opposed to the County.

Mr. Martin indicated he would draft a letter to Bob Hyde, Anacortes Public Works Director, in which further inquiries to the request would be made.

3. Discussion – Cooperative Agreements with the Skagit Conservation District.

Ric Boge, Natural Resource Program Manager, reviewed the two new proposed Interlocal Agreements with the Skagit Conservation District. They are as follows:

- a) A new Interlocal Agreement similar to the one that expired on June 30, 2002, for continued field staff assistance from the District to the County for the Samish Bay Watershed Water Quality Monitoring Project, a Department of Ecology grant funded project recently extended to October 1, 2003.
- b) Amend an existing Interlocal Agreement, the "CREP Promotion Interlocal Agreement", in order to provide additional County support to the District for the purpose of acquiring voluntary participation in CREP to help achieve the requirements of SCC 14.24.120, as currently written. The financial support to the District from the County for this purpose expires this month. The proposed additional support would be non-financial, in the form of planting materials and a used vehicle, to further assist the District to adequately deal with the demands placed on the District resulting from the CREP promotion.

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Mr. Boge added that the planting materials mentioned in the seconded proposal were purchased last year in anticipation of these materials being needed to begin installing the Managed Agriculture Riparian Plan buffers late last year and early this year. Now, given the changes in direction for SCC 14.24.120, these planting materials are no longer needed by the County, but can be used by the District. He also indicated that the used vehicle is a 1992 Ford F-150 pickup from the County's fleet. It is being replaced and is scheduled to be surplus.

Chairman Munks feels it is important to utilize the planting materials that have been purchased for the buffer program. He also thinks it would be wise to sell the surplus vehicle to the District.

Mr. Martin said they will look into the matter further to make sure all of the legalities are considered.

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

Don Dixon, Surface Water Manager, provided a status report for the Skagit River Flood Protection/Salmon Restoration Project. He stated that Battelle Labs has submitted a draft Scope of Work for the Padilla Bay/Eel Grass studies. PenTec has submitted a draft sediment analysis and while there were problems with some of the assumptions, the analysis demonstrated that there would be very little sediment transported by the By-Pass to the Swinomish Channel. A Personal Services Agreement with TetreTec for additional hydraulic studies related to an interim plan is being routed for review.

Mr. Dixon noted that total spending to date totals \$1,945,940.73. The 1997 agreement set the County's share of the cost at \$1,985,000.

5. Miscellaneous.

Discussion was held regarding the La Conner Morris Street Improvement Project. The project is ready to get underway, however, a few details still need to be worked out with Verizon. They have agreed to sell the County a portion of their right-of-way. Mr. Martin indicated that it would be ideal if the Morris Street project could be combined with a "roundabout" project, located in the same area, for bidding purposes. He feels that if the two projects were bid together as one package, it would save 20-40 percent, rather than bidding them separately. He said the Town of La Conner is anxious to move forward with the projects.

Mr. Flude gave a brief update on the Guemes Ferry Survey that is currently being conducted. The surveys were sent out about a week ago with approximately two weeks left before they are required to be turned in.

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

1. Discussion/Possible Action – Resolution Appointing a Capital Facilities Coordinating Committee

Gary Christensen, Assistant Planning Director, stated that his Department has prepared a draft resolution appointing an intra-departmental Capital Facilities Coordinating Committee. The Committee would provide for an efficient and standardized annual Capital Facilities Plan (CFP) update process, and also would provide for year-to-year continuity so that the annual update can proceed even if personnel that were once involved in the process move on to other jobs.

The CFP Coordinating Committee would be made up of Directors, or their assignees, of the Planning & Permit Center, Public Works, Parks & Recreation, Sheriff, Facility Management, and Budget & Finance. These departments have been contacted regarding the formation of this committee.

Due to the fact that a Personal Services Agreement with Henderson, Young & Company for consultation services relating to the 2003-2008 CFP update has been signed by the Board and stipulates that work will

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begin immediately, the work of the CFP Coordinating Committee will also have to begin as soon as possible.

Mr. Christensen said the Department estimates that it will incur an additional administrative cost of managing the Henderson, Young & Company contract, of approximately 10% or \$6,000, which was not planned for as part of the Department's annual budget allocation. This amount would go towards general administrative costs and a temporary re-classification to senior planner for Guy McNally, the Department's assigned project manager, for additional duties and responsibilities not covered under the purview of an associate planner. He said that based on discussions with Brad Whaley, Budget & Finance Director, the Department will be addressing these matters separately, through a supplementary budget allocation and through the requirements of the Personnel Policies and Procedures Manual.

Commissioner Dahlstedt said because the dike and drainage systems are critical infrastructure, they need to have representation on the committee as well.

Chairman Munks agreed and said another candidate would need to be added that specifically spells out the establishment of dike and drainage issues.

Mr. Christensen said the intent this year was to have the firm assist the County and the special purpose districts in the overall plan of the CFP update. The proposed Resolution would only be for the establishment of the County departments that will be involved in the process.

Commissioner Dahlstedt feels it is a coordinating committee and not a policy making committee. Therefore, special purpose districts need to have representation.

Mr. Christensen indicated that a more specific proposal will be brought back for further review.

2. Set Date and Time – Review of Planning Commission Recorded Motion on City Development Regulations.

Kirk Johnson, Planning Department, presented the Board with the Planning Commission's June 18, 2002 recorded motion regarding adoption of City and Town development regulation updates within the urban growth areas of Burlington, Concrete, Mount Vernon and Sedro Woolley. These updates are now processed twice yearly by the County.

Consideration of the recorded motion will take place on Tuesday, July 23, 2002 at 1:30 p.m.

3. Bayview Ridge Urban Growth Area and Subarea Plan – Personal Services Agreement No. 004471 with Reid Middleton.

Mr. Christensen next discussed a proposed amendment to the Personal Services Agreement with Reid Middleton, which is currently under contract with Skagit County to perform personal services related to the Bayview Ridge Urban Growth Area and Subarea Plan. The Department is recommending that the contract be amended to include additional tasks that are associated with the expanded scope and level of analysis in the Bayview Ridge Subarea Plan Draft Environmental Impact Statement. The Subarea Plan and Development Regulations must also be consistent with each other and GMA compliant. The cost for completing the tasks would not exceed \$8,000. These costs are to be applied toward state grant monies for which Skagit County has already been awarded.

Chairman Munks and Commissioner Dahlstedt both concurred that if the amendment is a necessary component of completing the project, it should be routed for the necessary signatures and placed on a future consent agenda.

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4. Review and Discussion – Draft Request for Proposal: Review of Forest-Natural Resource Lands Designations, Policies and Development.

Guy McNally, Associate Planner, stated that pursuant to previous discussions regarding the need to review Forest-Natural Resource Land designation criteria, the Board instructed the Department to prepare a Request For Proposals (RFP) for consultation services to assist the County in completing this long-standing task. The description of the project and Request For Proposals would read as follows:

Skagit County is requesting proposals for qualified professional services to review Skagit County's Forest-Natural Resource Lands designation criteria and mapped areas, and to propose revisions as necessary to address certain previously identified issues relating to designating Forest-Natural Resource Lands. The review will also include an analysis of the relevance of the Forest-NRL land use/zoning designations in carrying out the goals and objectives of the Comprehensive Plan, and in protecting natural resource lands of long-term commercial significance.

Chairman Munks indicated that he would like to add another item to the requirements for submissions of qualifications. He would like to add language that includes written examples of similar work performed for Skagit County in particular.

Mr. McNally advised that the modification would be made and a final Request for Proposal would be brought before the Board for review.

5. Discussion – Proposed Changes to the Flood Damage Prevention Ordinance.

Bill Dowe, Skagit County Building Official, stated that changes to the Flood Damage Prevention Ordinance are necessary to comply with directives from FEMA as part of the official Community Assistance Visit. He then reviewed the proposed changes. Mr. Dowe also advised that the Ordinance that outlines how the process occurs also gives the Board permission to skip the Citizen's Advisory Committee and go directly to the Planning Commission for direction.

Commissioner Dahlstedt said the intent is not to leave people out of the process, it is merely a timing issue.

Chairman Munks concurred and added that the biggest obstacle facing the County is that we are not eligible for some FEMA money at present. If the Ordinance is restructured, then perhaps the County would be in compliance with the Growth Management Act and therefore funds would be made available.

6. Miscellaneous.

Tom Karsh, Planning & Permit Center Director, spoke of the Board's decision yesterday to change some of the language regarding 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 Provision of Former SCC 14.04.190(5) and Restricting County Action on Comprehensive Plan Amendments. The current Interim Ordinance is due to elapse on July 15, 2002. Due to the fact that the Board will be out of town July 11-18, 2002, Mr. Karsh feels it is imperative to make the necessary changes and bring the Ordinance back before the Board later today.

Chairman Munks advised that today, July 9, 2002 and 4:00 p.m., the proposed changes to Interim Ordinance No. R20020113 will be discussed and voted on.

**BID OPENING – CONCRETE FAMILY RESOURCE CENTER.**

This bid opening had been previously rescheduled to take place on Tuesday, July 23, 2002 at 11:00 a.m.

**CONSIDERATION OF THE PLANNING COMMISSION'S RECORDED MOTION ON OPEN SPACE APPLICATIONS.**

Commissioner Dahlstedt motioned to approve Resolutions concerning open space applications for the following applicants:

1. Open Space Application of Joyce Grimby, PL01-0539. **(Resolution No. R20020237)**
2. Open Space Application of Michael J. Cotton, PL01-0874. **(Resolution No. R20020238)**
3. Open Space Application of Tom H. Foulds, PL01-0506. **(Resolution No. R20020239)**
4. Open Space Application of Christy Garlinghouse, PL01-0820. **(Resolution No. R20020240)**
5. Open Space Application of Robert H. Keller, PL01-0972. **(Resolution No. R20020241)**
6. Open Space Application of Todd Wood and Judith Gamble, PLOO-0506. **(Resolution No. R20020242)**
7. Open Space Application of Joe Niderost, Jr., PL01-0974. **(Resolution No. R20020243)**
8. Open Space Application of David Niderost, PL01-0973. **(Resolution No. R20020244)**
9. Open Space Application of Louis Auriemma, PL01-0526. **(Resolution No. R20020246)**
10. Open Space Application of Christopher Goelz and Joanne Abelson, PL01-0968. **(Resolution No. R20020247)**

Chairman Munks seconded the motion, which was carried.

**MISCELLANEOUS.**

The Board reconvened for the purpose of reviewing an Interim Ordinance Reaffirming the Provisions of Ordinance No. R20020113, Establishing controls on RMI-designated Properties, Imposing 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.

Mr. Karsh then read the section of the proposed Ordinance that was changed by the direction of the Board. It reads as follows:

WHEREAS, the Board of County Commissioners met on July 8 and 9, 2002 to consider the testimony and written correspondence, to deliberate on the interim ordinances and to reaffirm Ordinance No. 20020113 in its entirety. Based upon that public input, the Board of County Commissioners makes the following additional findings:

1. Skagit County is committed to good faith negotiations and is desirous in arriving at an expeditious and amicable resolution with all parties of record on these matters.
2. The language in Section 4 of the attachment shall not be read to preclude the County from consideration of amendments to the comprehensive plan that are to address statutory requirements or outstanding Growth Management Act compliance issues, which are before the Western Washington Growth Management Hearings Board, such as, but not limited to the following Skagit County planning processes: the Bayview Ridge UGA and Subarea Plan; the Fidalgo Island Subarea Plan; the Transportation System Plan; the Non-motorized Transportation Plan; the Capital Facilities Plan; the Solid Waste Management Plan; and, any chapters of the comprehensive plan affected by these planning processes.

Commissioner Dahlstedt moved to approve the Interim Ordinance with the additions as outlined by Mr. Karsh. Chairman Munks seconded the motion, which passed unanimously. **(Ordinance No. R20020236)**

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**ADJOURNMENT.**

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

ATTEST:

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