

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 20, 2002**

8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/Road 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 West of State Route 11
2. Continuation of Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Known as Hill Street
3. Public Hearing – Consideration of the Acceptance of the Extension of Ridge Place, No. 63320, as a County Road
4. Public Hearing – Consideration of Revision of the 2002-2007 Six-Year Transportation Improvement Program
5. Discussion – Facilitation of the Skagit River In-Stream Flow Agreement
6. Update – Skagit River Flood Protection/Salmon Restoration Project
7. Discussion – Synopsis of Proposed 2003 Public Works Budget
8. Miscellaneous

*T 10:00 a.m. – 11:00 a.m.

Planning & Permit Center - Tom Karsh, Director

1. Review and Discussion – Consultant Selection Process for the Review of Skagit County's Forest Natural Resource Lands
2. Set Date and time for Deliberations on the Planning Commission's Recorded Motion Regarding Skagit County's Non-Motorized Transportation Plan
3. Signature – Adoption of an Interim Ordinance Amending SCC 14.32.040, the Drainage Ordinance, for Forest Practice Conversions and Conversion Option Harvest Plans, and Amending SCC 14.04, the Definitions of Development
4. Miscellaneous

11:00 a.m. – 11:15 a.m. Consideration of Planning Commission's Recorded Motion on Pulley Re-Designation

11:15 a.m. – 12:00 p.m. Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Tuesday, August 20, 2002, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director

1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way West of State Route 11.

Steve Flude, Assistant County Engineer, reviewed the exact location of the unopened County right-of-way lying west of State Route 11, as petitioned by Lloyd Remington. He explained the history surrounding the property and stated that all of the adjoining parcels have access to the County road. Mr. Remington would not own the right-of-way, if it were vacated. It would revert back to the heirs of Ms. Gordon, the owner of the thirty foot strip in question. Mr. Flude recommended vacation of the right-of-way as the County has little use for it.

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Lloyd Remington, 6218 Chuckanut Drive in Bow, said he was the current property owner. He has tried to find the heirs of Ms. Gordon, however, his efforts have not been fruitful. He disagreed with some of the background provided by Mr. Flude.

Marilyn Carlson, 14883 Sunset Road, Bow, objects to the vacation due to the fact that if it was granted, her property would be devalued.

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

Discussion ensued as to whether the property was zoned rural reserve and if the right-of-way was of a substandard width.

Commissioner Anderson motioned to reject the proposed vacation due to a lack of information. Commissioner Dahlstedt seconded the motion, which passed unanimously.

The Public Works Department will gather additional information and bring the proposed vacation before the Board in the near future.

2. Continuation of Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Known as Hill Street.

Mr. Flude then discussed the continuation of a public hearing for the consideration of an unopened County right-of-way known as Hill Street, located west of Big Lake Boulevard and south of Little Mountain Road. During the previous public hearing held on July 23, 2002, Brent and Linda Barker stated that they would not have access to their property if the vacation was allowed.

Mr. Flude reported that he has since gone out and viewed the Barker's property as well as Hill Street. The grades on the road were checked and they are steeper than what County road standards permit. The Department's recommendation is to vacate the right-of-way, as a road could not be built to meet the current standards.

Linda Barker, 1010 5th Street, Mukilteo, stated that she and her husband are against the right-of-way. They continue to feel that they would not have access to one of their three lots.

Bill Vaux, representing Port Gardner Timber Company, said they have no objections to the vacation. The road that accesses that particular area has no impact on the rest of the property owned by the timber company.

Bill Allen, Attorney for Richard and Susan Clayton, indicated that it is his client's sundeck that is encroaching on the County unopened right-of-way. He noted that during the last public hearing, the engineer's report clearly stated that Hill Street road could not be built. The vacation of the public right-of-way has nothing to do with any of the existing private easements. There may be a private easement access that the Barkers could pursue if they ever wanted to develop Lot G.

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

Commissioner Anderson made a motion to vacate the unopened County right-of-way known as Hill Street, as outlined by Mr. Flude. Commissioner Dahlstedt seconded the motion, and it was passed unanimously. **(Resolution to be provided by Staff at a later date)**

3. Public Hearing – Consideration of the Acceptance of the Extension of Ridge Place, No. 63320, as a County Road.

Mr. Flude next discussed accepting Ridge Place No. 63320 as a County road. He reviewed the location of the extension of the existing County road, located north of State Route 20 and east of Collins Road. The Department's recommendation is to accept the extension of Ridge Place as a County road. He showed a photograph of the area in question.

Dennis Caron, Sedro Woolley, stated that Ridge Place road was put in without the knowledge of any of the surrounding property owners. He was informed that the developer never obtained the proper permits to build the road. Mr. Caron objects to adding the road as an addition of the Rolling Ridge development.

Mr. Flude said the developer elected not to retain Ridge Place as a private road. County regulations state that if a road is brought up to County road standards, it is permitted.

There being no further public testimony, Commissioner Dahlstedt motioned to approve closing the public hearing. Commissioner Anderson seconded the motion, which passed unanimously. The public hearing was closed.

Commissioner Anderson made a motion to approve the acceptance of Ridge Place No. 63320 as a County road, as outlined by Mr. Flude. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20020301)**

4. Public Hearing – Consideration of Revision of the 2002-2007 Six-Year Transportation Improvement Program.

Mr. Flude outlined the proposed revision to the 2002-2007 Six-Year Transportation Improvement Program, explaining that this is a program put together annually, which gives a six-year rolling snapshot of construction projects to be built. He reviewed the particulars of the one recommendation being proposed for the Board's consideration. It consists of adding item #40, which is Concrete-Sauk Valley Road #8000. Work has been done to stabilize slides at Mileposts 9.3 and 9.5. It is now necessary to establish a project to fix the slide problem.

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

Commissioner Anderson moved to accept the revision as presented by the Public Works Department on the one project, as explained by Mr. Flude. The motion was seconded by Commissioner Dahlstedt and passed with a unanimous vote. **(Resolution No. R20020302)**

5. Discussion – Facilitation of the Skagit River In-Stream Flow Agreement.

Dave Brookings, Division Manager, reminded the Board of a facilitated discussion with representatives from the Public Utility District #1, Swinomish Indian Tribal Community, Upper Skagit Indian Tribe, Sauk-Suiattle Indian Tribe, City of Anacortes, Department of Fish and Wildlife and the Department of Ecology, which is scheduled to take place on Tuesday, August 27, 2002 at the PUD office from 1:00 p.m. to 4:00 p.m. It will be facilitated by Jim Waldo, Office of the Governor.

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

Mr. Brookings next gave a brief update on the Skagit River Flood Protection/Salmon Restoration Project. He reported that on August 9, 2002, the executive committee met with members of Skagit Systems Cooperative, area Mayors, the US Army Corps of Engineers and others. The three topics discussed were: 1) How to proceed with an environmental assessment on the potential impacts to Padilla Bay; 2) Seek to understand what special protection status Padilla Bay Estuary has; 3) Funding – the County and the

Corps signed a project management plan agreement that stated the total project cost at 3.9 million dollars. Until the plan is updated, additional funding will cease. Mr. Brookings indicated that the Corps has \$175,000 of County funds sitting in a reserve account that they will be sending back to the County. When there is further congressional funding and the project is updated, the Department will ask the Board for further direction.

7. Discussion – Synopsis of Proposed 2003 Public Works Budget.

Chal Martin, Public Works Director, presented a synopsis of the proposed 2003 Public Works budget. The brief outline notes the key elements and strategies for the coming year.

8. Miscellaneous.

Mr. Martin stated that on next week's Consent Agenda, there will two CREP agreements, tied to 2002 funding that will require the Board's approval.

PLANNING & PERMIT CENTER – Tom Karsh, Director

1. Review and Discussion – Consultant Selection Process for Review of Skagit County's Forest Natural Resource Lands.

Guy McNally, Associate Planner, reported that the Department distributed a Request for Proposals (RFP) to review Skagit County's Forest-NRL designations, policies, and development regulations. To address the Board's concern that local firms should be engaged whenever possible, the RFP includes language that indicates a preference for firms who have worked directly with Skagit County, among other requirements. It has generated a few local and regional inquiries.

To help bring assurance to the public that the County's choice of a consultant for this project is the right one, and to ensure that the integrity of the selection process is maintained, the Department recommends broader public participation in the initial screening process through the participation of all, or a select few, of the Forest-Practice CAC.

Mr. McNally presented a list of the criteria specified in the RFP and an example of how the Department recommends that these criteria be applied to the ranking and selection of a consultant to the Board.

Commissioner Anderson stated that he approves the outline for the Consultant Ranking Matrix. In the past, Citizen Advisory Boards have been utilized to make recommendations. He doesn't feel a Board should decide who the consultant should be on these issues. The selection of the consultant should be made by the Planning Department and then reviewed by the Forest Practices Board.

Chairman Munks concurred with Commissioner Anderson. He also stated that local experience has as much weight as non-local experience. He would like to see a consultant hired that knows Skagit County and that would be able to make the right decisions concerning the County.

Commissioner Dahlstedt advised that the Planning Department needs to ultimately bring their recommendation to the Board for approval.

Mr. McNally indicated that the Department is prepared to use that methodology and will bring forth a recommendation.

2. Set Date and Time for Deliberations on the Planning Commission's Recorded Motion Regarding Skagit County's Non-Motorized Transportation Plan.

Kendra Smith, Assistant Director, reported on the Recorded Motion from the Planning Commission on the Non-motorized Transportation Plan (NMTP). She stated that the plan is part of the transportation element in the Comprehensive Plan. County staff has been working on this the last couple of years as part

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of a stipulated agreement in the Abenroth vs. Skagit County WWGMHB Case No. 970209969c. Numerous continuances from the WWGMHB have been received to date.

On July 30, 2002, the Planning Commission deliberated and made the following findings:

1. The Draft plan appears to be more of a recreational plan.
2. Skagit County does not need more than two or three County roads to serve as non-motorized transportation routes.
3. Information about the cities is now out of date and needs to be updated.
4. The Draft NMTP is not consistent with the County's Transportation System Plan (TSP).
5. The Draft NMTP identifies priority non-motorized routes and since desired routes and population changes may occur in the future, the routes should be eliminated and only policy direction should be implemented as to how to choose a route at a later date.
6. The Public Works Department stated that there is no money in the budget for non-motorized transportation and the Draft NMTP appears to be a plan requiring a budget.
7. There is no money in the budget for law enforcement and the routes will need to be patrolled for safety so a NMTP is not appropriate at this time.
8. The NMTP does not show where people can stop and take breaks when they need to rest.
9. Trails and dikes need to be completely eliminated from the NMTP because the Cascade Trail, known as the "Rails to Trails" is not a valid trail and people should not be on dikes for liability purposes.

Commissioner Anderson stated that the Cascade Trail is valid as it was authorized by Congress.

Ms. Smith indicated that Planning Commissioner Bobbi Krebs-McMullen motioned to approve the NMTP with the stipulation to edit the plan to make it consistent with other documents and city plans. The motion died for a lack of a second. Commissioner Carol Ehlers motioned to remand the NMTP back to Planning and Public Works to edit with the following changes:

1. To delete specific projects; and
2. To coordinate with cities to update new relevant information within the NMTP; and
3. To edit inconsistencies between other County documents and timeframes; and
4. To increase information on various funding sources; and
5. To incorporate the two SEPA conditions from the mitigated determination of non-significance into the NMTP.

Commissioner Harry Ota seconded the motion and a vote of five in favor was recorded with one abstaining.

The Board gave their approval to hold a public meeting for this matter on Tuesday, September 3, 2002 at 10:00 a.m.

3. Signature – Adoption of an Interim Ordinance Amending SCC 14.32.040, the Drainage Ordinance, for Forest Practice Conversions and Conversion Option Harvest Plans, and Amending SCC 14.04, the Definitions of Development.

Ms. Smith next discussed an interim ordinance, which would amend Drainage Ordinance, SCC 14.32, and the Definitions, SCC 14.04. This is based on the Board's direction after a public workshop was held on July 9, 2002, followed by a public meeting on July 23, 2002. SEPA has been run on the proposed amendments and two comments were received in favor of the changes. One of those letters also acknowledged that the regulations already in effect will provide the necessary protection for water quality and erosion.

Commissioner Dahlstedt motioned to approve an interim ordinance amending SCC 14.32.040, the Drainage Ordinance, for forest practice conversions and conversion option harvest plans and amending

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SCC 14.04, the Definitions of Development, as outlined by Ms. Smith. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Ordinance No. O20020001)**

4. Miscellaneous.

Tom Karsh, Director confirmed that a community meeting will take place this evening at Dewey Beach Fire Hall to discuss the Fidalgo Island Subarea Plan. It is being sponsored by Evergreen Islands.

Ms. Smith advised the Board that the Department decided to delay accepting the Coastal Zone Management Grant of \$40,000, due to the unavailability of Staff to work on the project. After meeting with the Geographical Information Services Department, it was agreed upon that they would be able to devote the necessary staff time for this two-phased project.

CONSIDERATION OF PLANNING COMMISSION'S RECORDED MOTION ON PULLEY RE-DESIGNATION.

Kirk Johnson, Senior Planner, explained that Skagit County designated several properties as Rural Freeway Service (RFS) in Ordinance No. 17938, adopted July 24, 2002, including one property at the southeast quadrant of the Interstate 5/Bow Hill Road interchange known as the "Pulley" property.

The Western Washington Growth Management Hearings Board found all but one of the RFS-designated properties to be in compliance with the Growth Management Act. The exception was the Pulley property because the "property must meet the criteria for a LAMIRD and there were no man-made structures either on or under the property as of July 1, 1990".

Through Interim Ordinance No. R20020137, adopted April 30, 2002, the Board of County Commissioners repealed the RFS designation on the Pulley property. The ordinance further re-designated the property to Rural Reserve (RRv), consistent with its prior designation and that of surrounding properties.

The Planning Commission held a public hearing on June 18, 2002, to take public testimony on the proposed re-designation of the Pulley property. They then met in public to deliberate on the same, and recommended permanent approval of an ordinance to re-designate the Pulley property from RFS to RRv, based on the following findings and recommendations:

1. The Pulley family, owners of the property at the time of submittal of the binding site plan, has since sold the property to the Upper Skagit Indian Tribe and therefore no longer has an ownership interest in the property or its designation.
2. The Upper Skagit Indian Tribe participated in compliance hearings before the Hearings Board and was aware, when it purchased the property, of the potential that the RFS designation would be found non-compliant with the GMA.
3. The Tribe purchased the property with the understanding that it would retain whatever vested development rights were established by the commercial binding site plan determined to be complete in January 1998.
4. The Tribe submitted no comments on or objecting to the proposed ordinance to remove the RFS designation in response to the Hearings Board's ruling.

Commissioner Anderson motioned to approve adopting a permanent ordinance, as outlined by Mr. Johnson. Commissioner Dahlstedt seconded the motion, which was carried.

Mr. Johnson advised the Board that the ordinance will appear on next week's Consent Agenda.

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ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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