

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
Tuesday, September 3, 2002**

**TUESDAY, SEPTEMBER 3, 2002:**

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|----------------------------|---|
| 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.  | <b><u>Public Works Department – Chal Martin, Director</u></b> <ol style="list-style-type: none"><li>1. Discussion - Public Records Request – City of Anacortes</li><li>2. Discussion - Lake McMurray Water Level</li><li>3. Skagit River Flood Protection/Salmon Restoration Project Update</li><li>4. Miscellaneous</li></ol>  |
| *T 10:00 a.m. – 11:00 a.m. | <b><u>Planning &amp; Permit Center, Tom Karsh, Director</u></b> <ol style="list-style-type: none"><li>1. Discussion and Possible Action – Interim Ordinance Amending Chapter 14.34, Flood Damage Prevention, of the Skagit County Code</li><li>2. Deliberations – Planning Commission Recording Motion on the Skagit County Non-Motorized Transportation Plan</li><li>3. Discussion – Agriculture Advisory Board</li><li>4. Discussion – Guemes Island Planning Advisory Committee</li><li>5. Miscellaneous</li></ol> |
| 11:00 a.m. – 11:30 a.m.    | <b>Consent Agenda and Miscellaneous Items</b>   |
| 11:30 a.m. – 11:45 a.m.    | Public Comment Period   |
| 2:00 p.m. – 4:00 p.m.      | Executive Session – Personnel, Litigation, and Land Acquisition   |

The Skagit County Board of Commissioners met in regular session on Tuesday, September 3, 2002. Commissioner Ted Anderson was excused. He was in Olympia representing the Commissioners and the County at a meeting of the Washington Board of Natural Resources.

**Public Works Department – Chal Martin, Director**

Chairman Munks opened the Public Works Department session. Present were Director Chal Martin, Assistant Director Steve Flude and Public Works Administrator Dave Brookings.

1. **Discussion - Public Records Request – City of Anacortes**

Mr. Martin reported on a public records request received from Foster Pepper, the firm working for the City of Anacortes. They have requested all of the records on the flood project and on in-stream flows related to the Skagit River.

Mr. Martin described the enormity of the work involved in pulling all of the records together. The law prohibits disclosing any documents related to executive sessions. In this case he estimates that 80 hours of staff time is involved. Two copies of documents are copied so the County has a file of those documents that have been copied for the requestor. Many other departments were asked for the same information.

He said he wants to make sure that the Anacortes City Council realizes how much time has been spent on this.

## 2. **Discussion - Lake McMurray Water Level**

Mr. Martin said the Public Works Department has been struggling with this issue for quite some time. The outlet is a sloppy marshy area which over the years has been filled in with sediment and debris, largely due to beaver activity. The County has a hydraulic permit to get into this area and hand remove the debris from the beaver dam. Staff found a fairly large beaver dam that appeared to be raising the lake level. They cleared a little of the debris, which allowed some water to flow through. This is a recurring problem. There has been discussion about the possibility of installing beaver receivers, little culverts that go through the beaver dams. The beavers "have shown themselves to be much better engineers than we are".

A call was also received about a problem along Lake Creek. The lady who called indicated that the beaver dams there have caused a backup on her property. The lake level on McMurray can be a problem when there are late rainfalls because the lake can go up another foot, which a number of houses cannot afford.

Commissioner Munks commended Chal and staff. He stated that he visited the area and found there is a tremendous amount of territory to walk through. It takes a lot of time to figure out where the problems are coming from. He asked if Fish and Wildlife is to control the predator population?

Mr. Martin said that in the past some of the residents have tried to keep it down, but there was less beaver activity at that time. Many of the residents are now getting up in years and are less able to do this. Also, there are safety issues.

Commissioner Dahlstedt asked Mr. Martin about a long term solution. He suggested that a public meeting be organized at Lake McMurray to discuss the situation with them.

Mr. Martin said the citizens are very willing to try anything if "we can come up with an idea and a permit".

## 3. **Skagit River Flood Protection/Salmon Restoration Project Update**

Dave Brookings presented a brief update on the Skagit River Feasibility Study. A document was received from Steven Babcock of the Corps of Engineers. They have recently completed a study, which was done by an independent consultant to study the hydraulic model. "This model is critical to our whole study." The review has been completed and the findings are very minor. It will determine the effects of the proposed diversion. Managing this whole effort will be done incrementally. It could be very expensive. The Executive Committee decided to go to one site at a time and as information is gathered decisions will continue to be made on how to proceed.

The Corps is currently conducting a legal analysis regarding any special protections that might be afforded to Padilla Bay. Steven Babcock has asked legal counsel to study this and based on feedback it will be used as a starting point to start discussions with Ecology and NOA. He has also pulled together the study costs associated with the project and which will be used to finalize the plan. He mentions that the Swinomish Tribe has requested a meeting with Colonel Graves sometime in October, even though they have no specific issues to discuss. Their goal is to formalize a working relationship with Colonel Graves. At their request a meeting will be held at the Nature Conservancy on September 12. The purpose of the meeting is to explore areas of mutual interest as it regards the Skagit River.

In a previous session Cliff Butler talked about how his crew is starting to transition and their oiling crews are preparing for winter. Administration is also in that mode and last week they began to talk about Flood Awareness Week.

Commissioner Munks said the interviews with candidates for Commissioner that were in the newspaper last week showed that one question was how to resolve the flood issues. He said there is a lot of misconception about what should or should not be done. He suggested that a short presentation be prepared so people can understand what the County is facing, especially with the issue of debris and the fact that the State is mandating that more and more debris be put into the river.

Commissioner Dahlstedt emphasized that it is the responsibility of the Commissioners to protect all of the citizens of Skagit County. There are flooding events occurring throughout the world that people didn't think would occur again. Skagit County has had a 100 year flood in the past and will have a 100 year flood again in the future. "We need to take a preventative approach."

4. **Miscellaneous**

Mr. Martin reported on the following Miscellaneous Public Works items:

- a) Call for Bids Morris Street- Commissioner Dahlstedt motioned to approve a resolution to Call for Bids for the Morris Street Improvement Project. Bid opening to occur on September 23, 2002 at 9:30 a.m., or as soon thereafter as possible. Commissioner Munks seconded the motion, which was carried. **R20020318**
- b) Hydro-geologist position – This position is a Range 27 and is funded 25% from Health, 25% from Planning, and 50% from the General Fund. Mr. Martin recommended that they move forward and fill this position, which is to replace the position filled by Michael O'Connor. It is important to maintain the correct level of professional competence relative to staff. He said they have also been down to one water quality position rather than two, which they previously had.

Commissioner Munks and Commissioner Dahlstedt agreed that it is a critical position at this time and they support filling it.

- c) Mr. Martin reported on the Guemes Ferry operation and a situation that occurred last Wednesday night when the ferry quit operating and a few people were stranded on both sides. He explained that in the last few months there has been discussion with the Coast Guard about crew fatigue. The Coast Guard does not want the crew to work over 12 hours a day. He said he is not aware that the Coast Guard has as yet required that this be implemented, but crew members are worried that they could lose their licenses. He discussed the schedule further with the Board and emphasized that they are going to look more aggressively at schedules.

Relative to the State Auditor's findings, they asked that a fourth deckhand be brought on to verify that the vehicle entering the ferry paid. He said he does not think the State Auditor really expected that a fourth person would be brought on, but there is a Coast Guard requirement that the three people who currently staff the ferry be on duty at all times. He said he is not sure if they have as yet fixed the issue relative to counting money, but the traffic seems to increase a little more each summer and the time may come when they will have to man the ferry with four people. The operation is run safely but people are not very happy when they are left behind because of some administrative constraints.

Commissioner Munks agreed there are problems. The islanders don't want increased costs, but they want more service. The County wants to accommodate those people coming and going on the island as it is part of the County road system. He said he rode on the ferry on Saturday and felt that it was run very efficiently.

- d) Mr. Martin showed the Board the new traffic indicator, which shows the miles per hour that people are traveling on County roads. Requests are often received for an emphasis patrol. When concerns are heard from citizens this is one thing that can be done.

Commissioner Munks said he has seen a number of these machines put out throughout the county and it really does get your attention.

Commissioner Dahlstedt talked about Josh Wilson Road, noting that since the school was built it has become a dangerous area.

Commissioner Munks agreed that the survey done by Public Works showed the average speed going down hill at 65 mph and going uphill at over 55 mph. That area wasn't designed to have a school. He said he appreciates the double line installed by Public Works.

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

Director Tom Karsh, Assistant Director Gary Christensen, Assistant Director Kendra Smith and Assistant Building Official Al Jongsma were present.

#### **1. Discussion and Possible Action – Interim Ordinance Amending Chapter 14.34, Flood Damage Prevention, of the Skagit County Code**

Tom Karsh spoke about the adoption of an Interim Ordinance relative to Flood Damage Prevention. He stated that Al Jongsma was present to answer any questions the Commissioners may have. Basically, the County is required to be in compliance with Federal regulations to continue to be eligible for flood insurance as well as to receive the most favorable rating when it comes to flood insurance rates. The County flood prevention ordinance has been deemed to have been out of compliance with the flood standards related to how we deal with recreational vehicles in our floodways and flood plains. He said they are recommending the Board consider passing this as an interim ordinance, which would require a public hearing in 60 days. The reason for the interim action is that without bringing our local ordinance in compliance with the required State and Federal standards, if there was an early flood event the County could be in jeopardy.

Commissioner Munks announced that Commissioner Anderson is in Olympia on official business for the County.

Mr. Jongsma said the language has been adopted straight from FEMA and on their recommendations. The square footage is more specific and it talks about the length of time or the fact that the vehicle be ready for use and on its wheels. The language will be specific about how recreational vehicles should be stored on property.

Commissioner Dahlstedt motioned that an Interim Ordinance Amending Chapter 14.34 relative to Flood Damage Prevention be approved. Commissioner Munks seconded the motion, which was carried.

**0020020003**

Mr. Karsh clarified that the public hearing will take place before the County Planning Commission within the next 60 days.

#### **2. Deliberations – Planning Commission Recorded Motion on the Skagit County Non-Motorized Transportation Plan**

Kendra Smith updated the Commissioners on the Skagit County Non-Motorized Transportation Plan. She said this has been a joint effort between Planning and Public Works and has been a long term postponed issue. She reviewed the history of the formation of the plan, stating that the Planning Commission has recommended modification of the plan.

She then reviewed the Commissioners' options and recommended that the Commissioners remand the plan back to the Planning and Public Works Departments to make some further modifications and correct inconsistencies. It can then be brought back to the Commissioners for a public hearing.

Ms. Smith said the Planning Department and the Planning Commission have different opinions on this. The Planning Commission doesn't want the projects actually listed in the document. They think two routes need to be addressed in Skagit County for a transportation corridor.

Commissioner Munks spoke, stating that he is a firm believer in using the system that is in place, and that is the Planning Commission. He said he has reviewed this as much as possible and agrees with the Planning Commission on a lot of their points, although there are a few he is unsure of. He also knows there is not a lot of time to hold public hearings. His preference would be to send it back to the Planning Commission to look at these issues. Staff can work with the Planning Commission to help reconcile what their concerns are. In reviewing the projects it appears this is more of a recreational plan than a transportation plan. Any legal issues the Planning Commission hasn't addressed should go back to them where they can work with the legal division and with staff.

Ms. Smith asked the Commissioners if there is a timeframe they would like to have the Planning Commission adhere to in order to meet the deadline for completion of the plan. This is a substantial change to this ordinance and it could take several months.

Commissioner Munks said there needs to be a transportation plan and not a recreation plan. "We are after a non-motorized transportation plan."

Ms. Smith said to receive funding there are certain criteria that need to be followed. It is somewhat loose. There are a lot of projects and some could be removed.

Commissioner Munks again emphasized that he would like to see the Planning Commission work on that.

Commissioner Dahlstedt said he would like time for the Commissioners to deliberate further on this.

This matter will be brought back to the Commissioners on Tuesday, September 17, 2002 at 10:00 a.m. during the Planning and Permit Center agenda time.

Commissioner Munks requested that someone from legal be present at that time.

### **3. Discussion – Agriculture Advisory Board**

Gary Christensen reported on the Agriculture Advisory Board and the efforts made to create the board. The Agriculture Advisory Board is a board appointed by the County Commissioners through Resolution No. R2020134. The board is a 9-member board who will be asked to put together agriculture policies and programs in Skagit County and also look at promotion of agriculture in the region. He said it is his understanding that the Commissioners would like some additional people appointed to the board and that there are also some funding issues to be resolved. He then asked for further direction from the Commissioners.

Commissioner Munks said he wants a board in place that both the community and the Commissioners bring issues to. They feel there is an imbalance in the makeup of the board and there needs to be additional people to balance it. There also has to be staff involvement, which means a budget of some kind. He wants to make sure this is done right.

Commissioner Dahlstedt agreed and that one of the issues was to have some balance in representation with, possibly, someone from the financial industry, feed and grain and the support industry in general.

He has no problem with some of the names brought forward but it would be in everyone's best interests to expand it a little bit.

Commissioner Munks said he didn't have a problem with the names brought forward but wants to make sure it is done right.

Steve Sakuma, a farmer in Burlington, spoke. He said he is on the board of the Western Washington Agriculture Association and President of the Skagitonians to Preserve Farmland. He explained to the Commissioners that the process was fairly simple. The leaders of the farm agencies were all part of that process. They met as leaders and then solicited input from their organizations. They looked at the information, made their selections, and then went back to each of the boards where they went through their process. The leadership then came back and met with Planning Department staff and attempted to respond to some of the Commissioners' issues. He said that in their minds they thought they had accomplished what they were asked to accomplish. They also believe that they represent those groups. "Will it represent everyone's individual interests? No, that won't happen."

The second issue is to staff and resource it. The last point is the issue of, if you are looking for a panacea there is no right number out there. The first year will be an organizational effectiveness drill, but it will also be the issue that agriculture is important in this county, as stated by the County Commissioners. That is the point they are trying to get across. A lot of people will be watching to see about how serious people are about making Ag a priority in the county. If the Commissioners believe this is a good first start, they would like to see it get going.

Mr. Christensen said he would put some material together for the Commissioners to review.

Commissioner Munks said they are also looking at some additional names besides the 9 brought forward by the farm groups.

#### **4. Discussion – Guemes Island Planning Advisory Committee**

Mr. Christensen clarified that he is only a conduit relative to this agenda item. The Commissioners have received a petition from the Guemes Island Planning Advisory Committee who has submitted a proposal to initiate a sub-area planning effort on Guemes Island. They have requested some time before the Board to discuss this. He said he contacted representatives of the Planning Committee and they are in attendance today.

Joost Businger spoke. He stated that he lives on Guemes Island and represents the Guemes Island Planning Advisory Committee. He appreciates the work Mr. Christensen has done with their committee and the contact they have had with Commissioner Munks. It is his hope that the Commissioners will accept their petition to move forward with the sub-area plan. The reason they are requesting this is because the island has a number of important issues for which resolution will be of value to the county as a whole. "In the face of ongoing development it is important to deal with it as soon as possible."

The major issue is growth and its consequences. The population on the island has grown substantially in the last ten years and the rural character and quality of life have been threatened. Because of this the island is faced with saltwater intrusion. The deterioration of water quality can be caused by human activity. "We need to inventory and protect the aquifer areas." There is also a need to protect wetlands and other sensitive areas on Guemes Island as well as space. They want to do this and minimize the financial burden on the County.

Commissioner Munks asked Mr. Christensen, if the Commissioners authorize this, does it allow the committee on Guemes to apply for funding outside of the County, either in grants or private monies; and to go ahead with the process of developing their sub-area plan.

Mr. Christensen said it is his belief if there was some formal recognition by the County it would allow the Guemes Island Planning Advisory Committee to proceed in obtaining some grant funding. He suggested that if the Commissioners approve of this, that a resolution be drafted that would lay out some of the guidelines and the issues that need to be laid out as a part of the sub-area process. The Department would not be able to provide any support unless there was additional budget. Giving the group recognition would enable them to go out and find grant funding.

Commissioner Munks said that when they reviewed the budget constraints, Planning came up with a budget of just under \$1,000,000 to deal with the items that need to be accomplished. If the Guemes Island Advisory Committee is taking it upon itself in terms of financing and it gets the County closer, he commends the committee for that.

Commissioner Dahlstedt said he thinks the key is looking at prioritizing County projects. "If we approve this then we probably will have other organizations come in and request the same thing." He encouraged them and would encourage others as well.

Mr. Businger said they are unique as they are an island. He added that they have the talent on the island to do it well and could be an example to the County for other areas.

Commissioner Dahlstedt said he recently attended a community meeting at Lake McMurray and they want their plan done immediately as well.

Mr. Christensen suggested that perhaps when meeting with the Commissioners on some of these work programs they can prioritize those areas where the County could provide some assistance. He would like to give some credit to the Guemes Island Advisory Committee in their desire to plan for their future and to acknowledge their hard work; and also look to it as a model for other communities to bring forward.

Commissioner Munks said he thinks the next step is to look at where the County is going with the budget and where GPAC is going to go with their budget items and how it correlates with the County.

## 5. Miscellaneous

a. Senior Planner Kirk Johnson brought forward population information relative to the Population and Employment Allocations Project to the Commissioners for their review. The time is approaching for the first major decision about this project and for the County to submit a 20-year population projection by October 1. He suggested that some time be scheduled before the Commissioners prior to the next SCOG meeting on September 20.

In response to a question from Commissioner Munks, Mr. Johnson said they would work in conjunction with the cities. He then reviewed some of the projected population statistics. When first reviewing projections with the SCOG planners it seemed to make sense to select some of the middle projections. Anacortes Planner Ian Munce said he is considering the bottom range because of the economic downturn, etc.

Commissioner Munks pointed out that more homes are being built now than last year. There are also more rentals now than there were two years ago. This must be an indication that a lot of people are coming to the area, economic downturn or not. He requested that this be discussed further on September 17 during the next scheduled Planning Department agenda.

Commissioner Dahlstedt said he would rather take a middle of the road approach because "if we don't we are more likely to get in trouble".

Mr. Christensen said that as of April 1, 2002 the best estimate is 105,100 from OFM, with 110,000 in 2010. The County is pretty close, based on projections we made back in 1995.

Commissioner Munks said his concern is how this is being tracked. He said he also looks at building. There was a low last year, with a big increase this year.

b) Mr. Karsh said he is seeking clarification from the Board on how the Commissioners wish the Planning and Permit Center and Public Works Department to handle notice of intentions from the Boundary Review Board that there is an annexation pending. Carole Korelin, the planner for the BRB brought the Commissioners a proposed process for pending annexations. He then gave the Commissioners a copy of the proposal.

Mr. Karsh then reviewed process options and said the problem is the process has, in the past, been inconsistent. This was an attempt by the BRB to make the process seamless and more consistent in the future.

Commissioner Munks suggested that the discussion be continued later when Commissioner Anderson is present. He asked about the impact and requested that both departments provide a synopsis of the issues. It was agreed that this discussion will take place on Monday, September 9, 2002 at 9:30 a.m.

### **Consent Agenda**

Commissioner Dahlstedt asked about the scanning project for the Clerk's Office and whether it is budgeted.

Information Services Director Mike Almvig said it has been budgeted. The cost estimate was a little over \$400,000 and the estimate now is about \$280,000 or \$290,000.

Commissioner Dahlstedt motioned approval of the Consent Agenda for Monday, September 3, 2002 items 1 through 17. Commissioner Munks seconded the motion, which was carried.

### **COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, August 26, 2002.

### **EMERGENCY MANAGEMENT**

2. The Board of Commissioners adopted Ordinance No. 15129 on November 23, 1993, creating a new chapter of the Skagit County code requiring burning permits and imposing fees for burning permits. On November 23, 1993, the Board of Commissioners adopted Resolution No. 15130 which established pile size and burning permit fees for written burning permits. An individual must have a valid burning permit, obtained from the Fire Warden, to kindle or maintain any fire over four feet in diameter. This resolution is to distinguish between residential and commercial burning permit fees, establishing \$20.00 for 7 days for a residential permit and \$50.00 for 7 days for a commercial permit. The resolution also establishes the imposition of penalties for infractions. The maximum Civil Infractions of this resolution are: Land Clearing Burning – Class 1 Civil Infraction: \$500.00; Residential Fires – Class 2 Civil Infraction: \$250.00; Recreational Fires Class 2 Civil Infraction: \$50.00; and Storm/Flood Debris Fires – Class 2 Civil Infraction \$50.00. **R2002010**
3. Amendment No. 1 to Original Agreement No. 005520 with Express Personnel and Skagit County to allow the Department of Emergency Management to use the contract which began on September 1, 2001 and will continue until December 31, 2003. Compensation is the same as in the original agreement for office services at a rate of \$18.76 to \$19.82 per hour and for Accounting/Finance at the rate of \$23.24 to \$33.25 per hour. **A20020107**



### INFORMATION SERVICES

4. Resolution Requesting Proposals for a UNIX system for Information Services to replace outdated hardware. **R20020311**
5. Transfer of Surplus Computer Equipment to the Anacortes Housing Authority. The equipment consists of 5-Compaq Deskpro EP 350 Computers, 3-Compaq Deskpro EP 400 Computers and 4-Compaq 17" Color Monitors. The value of the computer equipment is less than \$200.00. **R20020312**
6. Personal Services Agreement between Skagit County and ImageSource, Inc. for implementing the Skagit County Superior Court Clerk's Document Management System (CDMS). The CDMS will provide the ability to scan images into a repository with index information stored automatically from the State of Washington Courts SCOMIS System. The contract includes the ability to provide court images to Skagit County Prosecutors, Sheriff, Public Defender, Assigned Council, Superior Court Judges, and any other Skagit County department resident on Skagit County's private computer network. The Contract begins on September 1, 2002 with no specific end date. The amount of the Contract is a total of \$263,701 + \$29,125 per year. **C20020325**

### PLANNING AND PERMIT CENTER

7. "Ordinance Repealing the Rural Freeway Service (RFS) Comprehensive Plan and Zoning Designation on the Pulley Property at the Southeast Quadrant of the Interstate-5/Bow Hill Road Interchange, Pursuant to the Western Washington Growth Management Hearings Board's (WWGMHB's) January 31, 2002 Compliance Order in Case No. 00-2-0049c." The subject property is re-designated to Rural Reserve, consistent with its prior designation and that of surrounding properties and the Skagit County Comprehensive Plan/Zoning Map is amended accordingly. **O20020002**

### PROSECUTOR'S OFFICE

8. Out of State Travel Request for Gail Sundean to attend the Damion User's Group Annual Conference in San Diego, California September 23, 24, 25, 2002. The total cost is \$1000.50, with 50% paid by the Prosecutor Travel and 50% paid by Information Services. This is the second user's conference Gail will attend for the Damion case management system implemented in December 2001. She will be sent to this conference at a minimum of every other year after this, depending on budget restrictions.

### SENIOR SERVICES

9. Resolution Authorizing Call for Bids for Installation of Windows at the Mount Vernon Senior Center. **R20020313**

### SHERIFF'S OFFICE

10. Out of State Travel Request for Jennifer Sheahan-Lee to attend the School of Polygraphy at Western Oregon University, Monmouth, Oregon from July 8, 2002 through August 30, 2002. The cost of the training is \$8695.00. The purpose of the schooling is to become an experienced polygraph examiner. Polygraphs are required as part of the hiring process for the department. It is also used as an investigative tool. (Commissioners, there was a mix-up in terms of getting this in ahead of time as they thought it had been submitted already.)

**PUBLIC WORKS DEPARTMENT**

11. Vendor Services Agreement between Skagit County, through the Public Works Department, and Geiger's Custom Cleaning for one time window cleaning service at a cost of \$350.00. **C20020326**
12. Resolution Calling for Public Hearing Regarding the Sale of County Surplus Property. The public hearing will be held September 17, 2002 at 9:00 a.m. for the purpose of considering the disposal of surplus property. (Passenger vehicles, pickup trucks, equipment, various other miscellaneous shop equipment and parts, and miscellaneous office equipment and furniture.) **R20020314**
13. Resolution to Call for Vendor List for the Procurement of Maintenance Materials. Such materials include aluminum flood gates, concrete catch basins, crack sealer compound, culvert products, dust inhibitor/road binder, ecology blocks, jersey barricades, explosives, parking curbs, grader blades, lumber products, rock products, gravel products, mixed asphalt products, traffic signs, Portland cement products, ready-mix concrete, etc. **R20020315**
14. Resolution to establish a County Road Project for the Concrete Sauk Valley Road Slide Repair Project. This resolution authorizes funding for the planning, design, and permits for the construction of retaining walls and the reconstruction of the roadway. The total cost is \$450,000.00, paid for from the County Road Fund. **R20020316**
15. Change Order No. 1 related to the 2002 Aggregate Crushing Project No. ES 40039-2 with Rinker Materials. This Change Order, in the amount of \$112,500.00, allows for better use of gravel resources at Butler Pit, and reduces the reject material from 70% to 30%. The estimated contract total after this change order is \$739,842.00. **A20020108**
16. Order Vacating County Right of Way known as Hill Street petitioned by Richard and Susan Clayton. This vacation is located west of Big Lake Boulevard, South of Little Mountain Road, and is around 1470 feet in length and 40 feet in width. **C20020327**
17. Resolution to Award bid for a tractor with a mower/brushcutter attachment to Coastline Ford Tractor of Everett, Washington at a cost of \$72,452.70. **R20020317**

**Miscellaneous Items**

1) John Moffat, Chief Civil Deputy, Prosecuting Attorney's Office, brought forward, per the request of Commissioner Anderson, discussion regarding challenging the Washington Environmental Council lawsuit filed on July 12, 2002 against the Washington Commissioner of Public Lands, DNR, etc. The lawsuit alleges violations of the State Environmental Policy Act and breach of trust in connection with management of public trust forests of Washington State. Skagit County would be an additional intervenor-defendant in this case and it would not cost the County anything to participate. If the Washington Environmental Council were to win this case, it would cause a serious loss in funding to the County.

After discussion, Commissioner Dahlstedt motioned to approve for signature a Resolution authorizing Joint Representation with American Forest Resource Council and Perkins Coie LLP for the purpose of asserting their mutual interests and joining in intervention to defend the plan for management of Washington's public trust land forests by Washington's Commissioner of Public Lands, etc. Commissioner Munks seconded the motion, which was carried. **R20020319**

2) Commissioner Dahlstedt motioned to approve for signature a resolution Calling for Bids to provide for improvements to Morris Street from the Swinomish Channel to the east town limits and

reconstruction of the intersection La Conner-Whitney Road and Chilberg Road, located at the east end of Morris Street. Commissioner Munks seconded the motion, which was carried. **R20020318**

- 3) 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, September 3, 2002 the Board, by a majority vote, did approve for payment those vouchers included in and further described as follows:

Warrants 127493 through 127867, Clearing Fund 696, in the amount of \$1,391,148.86.  
**(C-73-02)**

- 4) Commissioner Dahlstedt motioned to approve for signature a Personal Services Agreement between Appraisal Northwest and Skagit County to prepare an appraisal to meet the requirements of a market use value, for the purchase of land to place the third phase of a drain field that serves the Edison Sub-area Clean Water District. The appraisal is to include crop loss, loss of income, opinion of use value and historic comparison sales for market use value and market value. Invoicing for this appraisal will be covered by the Department of Ecology Grant GO100087. The Edison Advisory Board voted to approve the appraisal on June 26, 2002. Commissioner Dahlstedt seconded the motion, which was carried.  
**C20020328**

#### **Public Comment Period**

Carole Ehlers 3998 Windcrest Lane, Anacortes, spoke. A lawsuit has been filed between two of her neighbors relating to something that came up relative to the non-motorized transportation plan. There was a dispute between the Planning Commission and an assistant director of the Planning and Permit Center about whether something should be included in the Non-motorized Transportation Plan before it was adopted. The assistant director said that it was not necessary, but the attorney agreed with the Planning Commission. All that is needed is for one sentence to be added to the document. The situation with the neighbors is that there is a hearing examiner document that applies to each of them that was never carried through on the public record. The second neighbor never knew she was 4 to 6 inches over on the neighbor's property. Ms. Ehlers said this is because there isn't a clear connection between all of these decision makers. If it is happening here it is happening elsewhere.

She said she asked Gary Christensen to stay for this time period so he would be aware of this. It is the kind of administrative issue that causes problems to the County.

Ms. Ehlers said she also wants to follow up on the question of sub area planning. There is an example of the kind of drainage issue that she stated she has brought up at every meeting. She referred to a creek drainage situation that works pretty well normally, but sometimes has problems. There are two drainage documents, one by Anacortes and one by the County.

She said she is pushing for some kind of coordinated planning out there. The County should look at what is being planned for Anacortes and comment on it.

Jeff Thibeau, 12026 Bayview Drive, Burlington, spoke about the problems with finals relative to building permits. He asked if the Permit Center is allowing people to move in without finals. Commissioner Munks said he spoke to them and told them they need to be concise on what they are doing.

Mr. Thibeau said something needs to be done about this and that it is a legal issue. There are safety issues relative to this and the County may be in jeopardy liability wise.

Mr. Jim Vogelsang said he would like to speak during the next Public Comment period next Monday when Commissioner Anderson is present.

**ADJOURNMENT**

A motion was made and carried to adjourn the proceedings

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Don Munks, Chairman

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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Ted W. Anderson, Commissioner

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Jean Terry, Acting Clerk of the Board