

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 17, 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 – To Consider Testimony Regarding the Disposal of County Surplus Property
  2.        Discussion – Guemes Island Ferry "12-Hour" Rule
  3.        Miscellaneous
- \*T 10:00 a.m. – 11:00 a.m.                Planning and Permit Center – Tom Karsh, Director
1.        Discussion – Capital Facilities Finance Plan with Henderson, Young & Co.
  2.        Discussion – 2002 Comprehensive Plan Amendment Petitions
  3.        Discussion – State Office of Finance Management Population Projections
  4.        Continued Deliberations – Planning Commission Recorded Motion on the Skagit County Non-Motorized Transportation Plan
  5.        Discussion/Possible Approval – Issue a Request for Proposals for Development of a Programmatic Environmental Impact Statement for Skagit County's Critical Areas Ordinance
  6.        Miscellaneous
- 11:00 a.m. – 11:15 am.                      Bid Opening – Window Replacement for the Mount Vernon Senior Center
- 11:15 a.m. – 11:30 a.m.                      Announcement – Legislative Reception, October 9, 2002 at Skagit Valley College

The Skagit County Board of Commissioners met in regular session on Tuesday, September 17, 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.        Public Hearing – To Consider Testimony Regarding the Disposal of County Surplus Property.**

Dub Queen, Equipment Rental and Revolving Fund Coordinator, outlined the need for disposal of County surplus property that has been replaced or is in excess of the County's needs. There are several County vehicles as well as various types of office equipment that will be available.

Chairman Munks opened the public hearing.

As no testimony was forthcoming, Commissioner Dahlstedt moved to close the public hearing. Chairman Munks seconded the motion, and the public hearing was closed.

Commissioner Dahlstedt motioned to approve a Resolution for the disposal of County surplus property as outlined by Mr. Queen. Chairman Munks seconded the motion, which was carried. The auction will take place on Saturday, October 12, 2002 at 11:00 a.m. at the County road

maintenance complex located on Highway 20 and Avon Street in Burlington. (**Resolution No. R20020314**)

**2. Discussion – Guemes Island Ferry “12-Hour” Rule.**

Chal Martin, Director, reported that a meeting was recently held with the U.S. Coast Guard regarding the 12-Hour Rule as it applies to the M/V GUEMES. There are concerns about crew fatigue as it relates to scheduling and the requirements of federal law. The rule prohibits employees from working more than twelve hours per day. They currently work a 12.5-hour schedule. In order to carry out the new requirement, changes would have to be made to crew scheduling and possibly the sailing schedule.

Mr. Martin indicated that he has not had a chance to look at the repercussions of such a change. The Coast Guard should be mailing a letter to the Public Works Department with a clear compliance directive very soon as they are requiring compliance by November 1, 2002. As soon as the letter is received, a meeting with the Inland Boatman’s Union (IBU) will need be arranged to renegotiate the current contract.

Max Benjamin, Guemes Island, voiced his concern about changing a contract before it expires. He asked where, in the current contract with IBU that expires on December 31, 2002, does it state that it may be altered or changed before the term is completed. He would like to know if the County could approach the Coast Guard about extending the mandate until the end of the year.

Mr. Martin said the Coast Guard originally wanted to implement the change by October 1 but decided to lengthen it to November 1, 2002.

Mr. Benjamin said the way the system is currently being managed shows poor management skills. Many feel the ferry system is being run for the benefit of the crew and not for the people it is supposed to serve.

Allen Bush, Guemes Island, also expressed unease about the way the service is being run. He has lived on the island for 48 years and has never seen such a mess.

Mr. Martin stated that as soon as the County obtains direct guidance from the U.S. Coast Guard, a new plan will be implemented.

**3. Miscellaneous.**

a) Mr. Martin said he received a letter from Janicki Cove Owners Association asking when the County planned on clearing debris from the Highway 9 railroad bridge. There has been some thought on letting the debris go for a year to see if it would free itself with the fluctuation of the water flow. The Parks Department was in the process of putting together a contract for continued removal, however, when the Project Manager left to take another position outside Skagit County, the process stalled.

Mr. Martin said a contract could still be put together to rid debris at the bridge for a cost of approximately \$30,000 to \$50,000.

Chairman Munks pointed out that the actual logjam could not be removed from the Skagit River. It would have to be broken apart and sent down the river to the next catch basin. The question is who becomes liable for the debris that ends up at the North and South forks of the river. The cost could end up being \$100,000 to \$200,000 by the time the debris gets to that point.

Commissioner Dahlstedt said it is becoming a huge safety issue. He is concerned that significant damage including flooding could occur if the blockage is left in place. The County is ultimately responsible for any damage that may occur. A maintenance contract should be put into place as

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the cost would be less if the removal was done on an ongoing basis. Any additional costs incurred after the initial cleanup efforts, should be paid for by the State.

Mr. Martin will discuss the proposal and work with staff to develop a periodic contract instead of a one-time-only contract.

2. Mr. Martin gave a brief update on the community rating system as it relates to the All Hazards Plan being worked on by Tom Sheahan, Emergency Services Director. It appears our flood rating is likely to go up, which would reduce flood insurance premiums that are being paid. The All Hazards Plan was to be produced by November, 2003, however, notice has been sent that the deadline has been extended to 2004. The Emergency Management Department and Dike District #12 are currently working on the plan.

Commissioner Dahlstedt noted that he doesn't want to see the plan completed by November of 2003 only to find it obsolete by 2004.

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

**1. Discussion – Capital Facilities Finance Plan with Henderson, Young & Co.**

Guy McNally, Planner, gave a brief account of the current status of the Capital Facilities Plan. He introduced Randy Young and Bill Henderson, principal partners of the firm Henderson, Young & Company, who have been hired to assist with the Capital Facilities Plan update for this year. They have also been working with special purpose districts to include dike and drainage infrastructure into the plan.

Mr. Young discussed the Draft proposal in detail. The document consists of an accounting of proposed capital projects needed to serve the County's population for the years 2003-2008, based on levels of service for each of the County's departments, and the revenue sources to finance them.

Mr. McNally stated that a follow-up discussion will be held on Tuesday, September 24, 2002 from 2:00 to 3:00 p.m.

**2. Discussion – 2002 Comprehensive Plan Amendment Petitions.**

Kirk Johnson, Senior Planner, presented the Department's Summary and Recommendations regarding the 2002 Comprehensive Plan Amendment (CPA) applications. Skagit County Code 14.08.030(1) requires the Department, within 45 days of the CPA submission deadline, to forward a recommendation to the Board as to which of the submitted amendments the Department recommends for further consideration by the County. This initial recommendation shall be based primarily on procedural or technical considerations, not on the substantive merits of a particular proposal.

Mr. Johnson stated that the process is unusual this year because the County has agreed not to process any CPAs while engaged in certain settlement discussions. These involve several non-compliance issues in Western Washington Growth Management Hearings Board case numbers 00-2-0046c and 00-2-0049c. The County has appealed these issues to Superior Court, but the County and other parties to the court appeals are pursuing possible settlement of the matters.

Given the County's own prohibition on processing CPAs, the Department recommends that no further action be taken on any of the six 2002 CPA applications at this time. To process these proposals would violate the terms of Interim Ordinance No. R20020236.

The Department proposes one exception to the recommendation. During the 2001 round of CPAs, the County initiated a proposal to revise its Transportation Systems Plan. House Bill 1487

requires the County to amend the 1997 plan, which required jurisdictions planning fully under the Growth Management Act to include additional details about state-owned transportation facilities in their Comprehensive Plans' transportation element.

Commissioner Dahlstedt motioned to table the six CPA proposals, and stop the processing clock specified in Skagit County Code 14.08, until the County repeals its prohibition on processing CPA applications, with the exception of the Transportation Systems Plan. Chairman Munks seconded the motion, which was carried.

Because the Transportation Systems Plan addresses a state statutory requirement, HB 1487, and is specifically mentioned in Ordinance No. R20020236 as one of the exceptions to the prohibition on processing of CPAs, Commissioner Dahlstedt motioned to re-initiate consideration of Skagit County's Transportation System Plan as outlined by Mr. Johnson. Chairman Munks seconded the motion, which was carried.

**3. Discussion – State Office of Finance Management Population Projections.**

Tom Karsh, Director, asked the Board for their preliminary preference in selecting a low, medium, or high population growth forecast for the 20-year Population and Employment Allocations project that is currently underway. Skagit County must adopt an updated forecast, based on the projections recently issued by the State Office of Financial Management (OFM), by October 1, 2002.

Initial discussions among the Skagit Council of Governments (SCOG) planners appeared to indicate a preference for selecting an updated number for 2022 based on OFM's medium forecast. This is similar to what was done in developing the 1997 Comprehensive Plan. The City of Anacortes suggested considering a number closer to the low end of the range, based on the current economic downturn and a reduced population growth rate as compared to the last decade.

Mr. Karsh stated that selection of the population forecast influences many things, from Urban Growth Area sizing to capital facilities planning and financing needs. One risk of selecting a forecast that is too high is that cities may be unwilling to expand their UGA boundaries or increase densities to accommodate the projected population increase. A forecast that is too low could leave the County and local jurisdictions unprepared for higher population growth, if it materializes.

Commissioner Dahlstedt said it is important to be as accurate as possible. The Board feels the population forecast should be at a medium range, as it is a more realistic number.

Mr. Karsh noted that the Department will be meeting with SCOG planners on September 20, 2002 to learn what elected officials in the various cities are considering and to report on the Board of County Commissioners' likely direction.

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

Mr. Karsh explained that the Board met on September 3, 2002 to discuss the Recorded Motion by the Planning Commission on the Skagit County Non-Motorized Transportation Plan (NMTP). It was the recommendation of the Planning Commission that the Draft NMTP not be approved as submitted.

Pursuant to Skagit County Code 14.08, the Board of County Commissioners has the following options:

1. Accept the Planning Commission's recommendation and remand the Draft NMTP to the Public Works or the Planning Department for a re-write.
2. Remand the NMTP back to the Planning Commission with specific issues to address.
3. Hold their own public hearing and adopt their own findings, since this is a Growth Management Hearings Board compliance issue.
4. Request Public Works or the Planning Department to make some modifications to the Draft NMTP and send it back to the Board of County Commissioners to hold their own public hearing.

Mr. Karsh noted that either way the Board chooses to proceed, the public will be able to let their thoughts be known.

Chairman Munks said he prefers sending the Draft NMTP back to the Planning Commission as there is no time to initiate their own public hearing.

Carol Ehlers, Planning Commission member, stated that this was one issue the Planning Commission unanimously agreed upon. It is felt that a revision to the plan is a major job and that editing would be a more subtle way of handling it. However, she feels the Planning Commission is not the best at editing and someone else should be responsible for undertaking the task.

Phil Miller, representing ALTA Transportation Consulting, stated that editing the NMTP would be far better than revising the document. He went on to discuss the characterization of recreation and transportation. He feels that many factual changes in the text of the document have changed and the plan needs to reflect those changes.

John Moffat, Civil Attorney, indicated that under the Growth Management Act, the County was supposed to adopt its NMTP when it adopted its Comprehensive Plan in 1997. The County was challenged on that issue because the adoption didn't happen. The County is now on about its 18<sup>th</sup> extension order from the Growth Management Hearings Board to adopt a NMTP, so it should be adopted expeditiously.

Mr. Moffat also stated that in response to the Board's direction that staff work with the Planning Commission on "edits" to the NMTP, if there are differences of opinion between staff and the Planning Commission on what the re-edits of the NMTP should say, then there should be drafts of each option, such as a staff version and a Planning Commission version. These would then go to the public as part of the public hearing notice when the plan next goes before the Planning Commission so the public can comment on all versions. That way, when the Planning Commission's recommendation goes before the Board, the Board can pick and choose whichever version it wants on whatever issues there was a difference of opinion on without having to hold a new hearing, since the public already has already had a chance to comment on all versions.

Commissioner Dahlstedt made a motion to remand the Draft NMTP back to the Planning Commission. Chairman Munks seconded the motion, which was carried.

**5. Discussion/Possible Approval – Issue a Request for Proposals for Development of a Programmatic Environmental Impact Statement for Skagit County's Critical Areas Ordinance.**

Mr. Karsh next discussed a draft Request for Proposals for a State Environmental Policy Act (SEPA) consultant. As part of the County's ongoing efforts to satisfy the Growth Management Act (GMA), staff will be recommending changes to the existing regulations relating to ongoing agriculture and fish protection. Such a regulatory response to GMA would require compliance with the SEPA.

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The proposals are due by October 1, 2002. Upon selection, the consultant will provide weekly progress reports to County staff. They must also include a preliminary estimate for the proposed scope of work.

Commissioner Dahlstedt motioned to approve a Request for Proposals to select a consulting firm to assist County staff in conducting an anticipated Environmental Impact Statement for any significant environmental impacts, as outlined by Mr. Karsh. Chairman Munks seconded the motion, which was carried.

**6. Miscellaneous.**

Mr. Karsh reminded the Board that there would be a public information meeting at the Skagit Valley College Cafeteria on Monday, September 23, 2002 at 6:30 p.m. The meeting will involve the rewriting of Skagit County Code 14.24.120 of the Critical Areas Ordinance. Everyone is welcome to attend.

**BID OPENING – WINDOW REPLACEMENT FOR THE MOUNT VERNON SENIOR CENTER.**

Tim Holloran, Senior Services, was present for the bid opening for window replacement at the Mount Vernon Senior Center. The following bids were opened:

H. B. Hansen Construction, Inc.  
4833 Rock Road  
Sumas, WA 98295  
Base Bid: \$28,100

Lyndale Glass  
106 West Fir Street  
Mount Vernon, WA 98273  
Base Bid: \$17,950

Ebenal General, Inc.  
P. O. Box 31548  
Bellingham, WA 98288  
Base Bid: \$19,000

RSE Construction, Inc.  
17506 51<sup>st</sup> Street Ct East  
Sumner, WA 98390  
Base Bid: \$28,121

Valhalla Construction LLC  
14056 22<sup>nd</sup> Avenue NE  
Seattle, WA 98125  
Base Bid: \$21,000

Mr. Holloran indicated that upon review of the bids, he will bring forth a recommendation. He also noted that \$18,500 was budgeted for the window replacement, with the Senior Center raising approximately \$10,000 of that amount.

**ANNOUNCEMENT – LEGISLATIVE RECEPTION, OCTOBER 9, 2002 AT SKAGIT VALLEY COLLEGE.**

David Wilder, People First of Skagit County, informed the Board of a Region 3 Legislative Reception that will take place on Wednesday, October 9, 2002 from 4:00 p.m. to 7:00 p.m. at the Skagit Valley College Cafeteria. The reception will be open to the public and there will be discussions regarding special needs, including transportation, employment, education and housing. State representatives from Skagit, Island, Whatcom and Snohomish Counties will be in attendance, as well as federal representatives. It will be a panel discussion with a question and answer forum.

**ADJOURNMENT.**

Commissioner Dahlstedt made a motion to adjourn the proceedings. Commissioner 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