

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 29, 2002**

- 7:00 a.m. – 8:30 a.m. Breakfast Meeting with Elected Officials and Washington State Association of Counties/Washington Association of County Officials Representatives (Calico Cupboard – 121B Freeway Drive, Mount Vernon)
- 8:30 a.m. – 9:00 a.m. 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 a County Road Known as Debay’s Isle Road, No. 79100
 2. Update – Skagit River Flood Protection/Salmon Restoration Project
 3. Miscellaneous
- *T 10:00 a.m. – 11:00 a.m. **Planning & Permit Center – Tom Karsh, Director**
 1. Discussion – Meeting of the Growth Management Act Steering Committee (GMASC) on the 20-Year Population Forecast
 2. Deliberations on the Adoption of Updated City Development Regulations in Unincorporated Urban Growth Areas
 3. Update and Status Reports on the Growth Management Indicators (GMI) Program; the Office of Financial Management (OFM) 20-Year Growth Forecasts and Allocations; and the Bayview Ridge Subarea Plan
 4. Miscellaneous
- 11:00 a.m. – 12:00 p.m. Work Session – Board of County Commissioners’ Response to Flood Awareness Week and Flood Issues
- *T 1:30 p.m. – 2:00 p.m. Presentation – The J. Larry Russell Award
- 2:00 p.m. – 3:00 p.m. Work Session – Facilities Management
- 3:00 p.m. – 4:00 p.m. Benefit Presentation by Accordia
- 7:00 p.m. – 9:00 p.m. Public Information Meeting – Guemes Island Ferry System (Guemes Island Community Hall – 7549 Guemes Island Road)

The Skagit County Board of Commissioners met in regular session on Tuesday, October 29, 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 a County Road Known as Debay’s Isle Road, No. 79100.

Steve Flude, Assistant County Engineer, reported that Skagit County is initiating the vacation of the County road known as Debay’s Isle Road, #79100. The Washington State Department of Fish and Wildlife (WDFW) wishes to gate the road near the intersection with Francis Road and can do so if the road is vacated. There is no access to the slough and the road only accesses WDFW property. By gating the road, WDFW can alleviate the problem of people using the road for a garbage dump. Kenneth Johnson has a Land Use Agreement with the WDFW to use Debay’s Isle Road as an ingress and egress to his property.

It is Mr. Flude’s opinion that the County Road known as Debay’s Isle Road is not a necessity and should revert to adjacent property owners.

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Commissioner Anderson stated that the whole issue is about illegal dumping. There should be a better way of policing it. Perhaps the solution to the problem would be the installation of a security camera. If someone is caught illegally dumping garbage, it is a stiff offense which carries a \$500 fine.

Mr. Flude indicated that correspondence had been received from Kenneth Johnson, Mr. and Mrs. Leonard Halverson, Barbara (DeBay) Hoover and Vern Sims.

Chairman Don Munks opened the public hearing.

Leonard Halvorsen, 11558 Sterling Road in Sedro-Woolley, spoke against the proposal. He stated that the DeBay Isle Road crosses the slough with access to both sides for small boats. It is an open arm of the river for most of the year. The road provides access to properties owned by himself, the Department of Natural Resources, Pacifica Poplars, Inc., and Ken Johnson. Mr. Johnson does not have an agreement to use DeBay Isle Road as an ingress and egress to his property. The agreement is for gravel removal from WDFW property previously sold to them by Mr. Johnson.

Jamie Lanning, 13089 Highway 9, Mount Vernon, spoke in opposition for the vacation. He said he has been using the road since 1947. He likes to bass fish with his kids and grandkids and said it has been traditionally a family area for recreation. It is a shame that there is garbage everywhere and he feels Commissioner Anderson's idea of placing a camera there to monitor any activity would be a good solution to the problem.

Ken Johnson, 12917 Magnolia Lane, Mount Vernon, said he farmed the DeBay Island property for 25 years. His property is located on Francis Road, directly across the street from where this action is being proposed and it would become land-locked if the vacation were approved. He believes the vacation would not get rid of the main issue here – garbage. He also feels the Engineer's Report from the Public Works Department contains blatant mistakes.

John Garrett, representing the Department of Fish and Wildlife, is the land manager for Skagit County as well as other local counties. He said it sounds like WDFW are the bad guys promoting the vacation of the road. His people have taken full responsibility of cleaning all of the garbage left in the area, even though the Public Works should be called in to clean up the mess. He sees this as a real effort to stop the dumping and the vandalism that takes place on a daily basis and realizes this is a problem for all access roads. Boat launching would still be available and the site boasts one of the best bird viewing areas in the State of Washington. Mr. Garrett indicated that he is open to looking into any other options, however, the situation must be improved.

Chairman Munks asked if there was a possibility of putting renters back into the rental house that currently sits on the property, at least on a part-time basis. It would certainly deter people from going back in there.

Mr. Garrett said that when WDFW developed the area into a major access site, all of the utilities and infrastructure was removed at that time, therefore, that would not be an option.

Jim Vogelsang, 1404 2nd Street, Mount Vernon, stated that he is on the stewardship committee that keeps the area clean. Every Saturday morning he cleans up the after-effects of the beer parties that take place there the night before. The County only gets involved if a car or appliances are dumped on the site. He would like to see the problem eliminated.

With no further public comments forthcoming, Commissioner Dahlstedt motioned to close the public hearing. Commissioner Anderson seconded the motion and the public hearing was closed.

Commissioner Anderson said he has been a County Commissioner for eight years and it has always been County policy not to maroon a property owner. In this particular case it does. There is not road problem but a garbage problem. If the gate needs to be relocated, then so be it. The

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Pipeline Road in Sedro-Woolley is in the same situation and when you have a remote area that is not being policed at night, dumping will occur. It is not the property owner's problem. Commissioner Anderson said he would be willing to work with WDFW to find a solution for all.

Chairman Munks and Commissioner Dahlstedt echoed those sentiments.

The Board decided to delay a decision on this matter until other solutions could be brought forward.

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

The update on the Skagit River Flood Protection/Salmon Restoration Project will be provided at a later date.

3. Miscellaneous.

- A. Chal Martin, Director, brought forward a Personal Services Agreement with NW Logging and Excavation for debris removal from all piers of the abandoned Burlington Northern Santa Fe Railroad Bridge. The work to remove the debris will be accomplished by either of two methods: Removal of existing debris and stockpile it on the bank; or removal of existing debris and release it to float downstream.

Mr. Martin explained that woody debris removed from the Skagit River would be stockpiled at a location approved by the Skagit County Engineer. Re-introduction of the stockpiled wood debris, per the HPA, is not included in this emergency debris removal Scope of Work. That work would be scheduled at a later date. The maximum amount payable for this action is \$57,350, which includes state sales tax.

Commissioner Dahlstedt motioned to approve the Agreement with NW Logging and Excavation as outlined by Mr. Martin. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Contract No. C20020395)**

- B. An update was provided by Gary Jones on the alarming set of circumstances plaguing Dike District #22, with regard to the failure of an old rusting tide gate at the end of Dry Slough on Fir Island. He asked the Commissioners to provide their support to the Public Works Department in seeking a compromise with the Washington State Department of Fish and Wildlife on this issue.
- C. Mr. Martin reminded everyone about a public meeting being held this evening at the Guemes Island Community Hall at 7:00 p.m. The Guemes Island Ferry System will be the topic for discussion.

SPECIAL SESSION.

The Board called to order a special 15 minute session with Bill Vogler, Executive Director of Washington State Association of Counties and Debbie Wilkie, Executive Director of Washington Association of County Officials. Mr. Vogler reviewed a Local Government Joint Legislative Proposal for the County Commissioners and the viewing public.

PLANNING & PERMIT CENTER – Tom Karsh, Director

1. Discussion – Meeting of the Growth Management Act Steering Committee (GMASC) on the 20-Year Population Forecast.

Kirk Johnson, Senior Planner, reported that on Wednesday, November 6, 2002, the Growth Management Act Steering Committee (GMASC) will meet for the first time to consider selection

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of an updated 20-year Population Forecast for Growth Management Act planning. The GMASC is the replacement of the Countywide Planning Policies Committee and will be formally instituted when all participating jurisdictions have signed the 2002 Framework Agreement. Voting members of the GMASC include the three County Commissioners and the Mayors of Anacortes, Burlington, La Conner, Mount Vernon, and Sedro-Woolley.

Mr. Johnson stated that a presentation will be done by Theresa Lowe, Chief Demographer for the Washington Office of Financial Management, on the State's population projections for Skagit County. This will set the stage for discussion among the County and City elected officials on the appropriate 20-year forecast for the County.

The Planning and Permit Center has consistently represented the Board's interest in selecting a medium-range forecast in meetings of the Skagit Council of Governments planner's group. Mr. Johnson said some of the City representatives have spoken in favor of selecting a number at the lower end of the OFM range. It may require using some of the dispute resolution provisions built into the 2002 Framework Agreement, and addressing some jurisdictions' concerns through the population allocation process, to reach a final decision that satisfies all parties.

2. Deliberations on the Adoption of Updated City Development Regulations in Unincorporated Urban Growth Areas.

Mr. Johnson next discussed proposed adoption of updates to City and Town development regulations. He stated that the Board had expressed interest in expediting approval of proposed development regulation updates for the unincorporated urban growth areas (UGAs) of Burlington and Concrete. Currently, these proposals are part of a package of development regulation updates that also includes proposals from Mount Vernon and Sedro-Woolley. The County Commissioners raised concerns about certain items contained in the Mount Vernon and Sedro-Woolley proposals. They directed the Department to try to address those issues through revised Interlocal Agreements.

Commissioner Dahlstedt motioned to consider separately the proposed development regulation updates submitted by the City of Burlington and the Town of Concrete, from those submitted by the cities of Mount Vernon and Sedro-Woolley. This will allow potential approval of the Burlington and Concrete ordinances while the County works to resolve the Board's concerns over certain provisions contained in the Mount Vernon and Sedro-Woolley proposals. Commissioner Anderson seconded the motion, which passed unanimously.

Commissioner Anderson then moved to approve an Ordinance adopting updates to the development regulations for the City of Burlington and the Town of Concrete for application in each jurisdiction's urban growth area pursuant to SCC 14.02.040 and amending Appendix A, thereto. Commissioner Dahlstedt seconded the motion, which passed with a unanimous vote. **(Ordinance No. O20020008)**

Mr. Johnson presented the Board with a letter from Pat Hayden, Attorney for the City of Sedro-Woolley, regarding the adoption of a Sedro-Woolley Development Code. It contains specific requests that the City has never made before.

Gary Christensen, Assistant Director, advised that the letter is for informational purposes only and is not something that should be considered today. It does include issues that will be brought forward for future discussions.

Commissioner Dahlstedt moved that the Board of County Commissioners should favorably consider adoption of Sedro-Woolley's traffic impact fee Ordinance SWMC 15.60, (Impact Fees for Planned Facilities) after Skagit County and the City of Sedro-Woolley negotiate and adopt an updated interlocal agreement. Among other things, this updated agreement should address transportation planning and annual reporting requirements. Furthermore, monies collected by

Skagit County under the Sedro-Woolley traffic impact fee ordinance, once adopted, shall not be disbursed until the City satisfies the transportation planning and reporting requirements as specified in the updated interlocal agreement. Commissioner Anderson seconded and the motion passed unanimously.

Commissioner Dahlstedt also moved that the Board of County Commissioners should direct Planning and Permit Center staff to negotiate an updated interlocal agreement with the City of Mount Vernon. The agreement should address, among other things, issues of concern regarding development in the South Mount Vernon urban growth area, including sewer service connection requirements, costs, and annexation agreements. The Board will reconsider the proposed package of Mount Vernon development regulation updates once these issues have been resolved through an updated interlocal agreement and possible corresponding revisions to Mount Vernon development regulations. Commissioner Anderson seconded the motion, which passed unanimously.

3. Update and Status Reports on the Growth Management Indicators (GMI) Program; the Office of Financial Management (OFM) 20-Year Growth Forecasts and Allocations; and the Bayview Ridge Subarea Plan.

Mr. Christensen provided a brief update and status report on the Growth Management Indicators Program, the Office of Financial Management 20-Year Growth Forecasts and Allocations, and the Bayview Ridge Subarea Plan.

A discussion ensued regarding the Big Lake Urban Growth Area and the Avigation Agreement with the Port of Skagit County.

Commissioner Dahlstedt stated that it is important to get the proper public input and work to solve problems, not create new ones.

4. Miscellaneous.

- A. Mr. Karsh invited anyone that may have an interest in commenting on a future Environmental Impact Statement that will be part of a rewrite of the Critical Areas Ordinance, to a meeting being held this evening at 7:00 p.m. in Hearing Room C. The consultant hired for this particular task, URS Corporation, will be on hand and will be happy to answer questions at that time.
- B. A Public Hearing is scheduled for Monday, November 18, 2002 at 9:00 a.m. to consider testimony on amending sections of the Critical Areas Ordinance regarding on-going agriculture, specifically SCC 14.24.120(3)(g) and (4)(e), to extend the deadline to select a buffer option to May 20, 2003.
- C. The Board was informed about staff preparing an interim ordinance that would allow public safety buildings to be exempt from lot sizes. This would provide immediate relief to Fire District #6. Draft code language will be brought before them within the next couple of weeks.

PRESENTATION – THE J. LARRY RUSSELL AWARD.

Chairman Munks stated that everyone is here today to recognize outstanding support and dedication to our County's Special Olympics Program through the presentation of the 6th Annual J. Larry Russell Commemorative Award.

Tim Holloran, who voluntarily serves as the coordinator for Skagit County's Special Olympics Program said that Special Olympics is a year-round program of sports, training, and athletic competition in a variety of Olympic-type sports for children and adults with developmental

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disabilities. The community based program is celebrating its 22nd year of sharing skills and friendship throughout the valley.

Currently there are well over 150 special athletes participating in our County's program. Our reputation of being one of the best in the west is due largely to the tremendous support received from residents and area service organizations.

Mr. Holloran introduced Anthony Gegen to the audience and explained that he is one of their very special athletes. He is 21 years old, graduated from Anacortes High School in 2000 and has worked at Blockbuster Video for the past two years. Anthony has been in Special Olympics since the age of eight and trains and competes in basketball, bowling, swimming, soccer, and softball. He's got a huge box of medals at home and is a true friend to many.

Mr. Holloran went on to say that the presentation of this award is an ongoing celebration of a very special person's life and a tribute to the impact he made in our community and our lives. Six years ago, Jimmy Larry Russell passed away at the age of 40. His leadership and advocacy for the Special Olympics program is to be remembered.

Larry Russell, one of the original members of Special Olympics in our valley, was a self-imposed ambassador for the program and always took it upon himself to inform everyone about Special Olympics. Larry was a friend with many special qualities and served as a role model for many.

Commissioner Anderson introduced Larry's mother, Gladys Buhrow. He said the J. Larry Russell Award is presented as our community's appreciation of an individual's or organizations outstanding support of Special Olympics in Skagit County. This award is one of a kind and perhaps the only one in the nation honoring community support for Special Olympics as a tribute to the life and legacy of a Special Olympian.

Mr. Holloran said this year's presentation of the J. Larry Russell Commemorative Award is made in appreciation and recognition of the work of the Ed Gegen family, comprised of Ed, Jeannie, Carlo, Anthony, and Natasha.

The local Anacortes program was started thanks to the energies and leadership of Kristin Murphy. She gave up her coaching commitment to attend school. This is where the Gegen family stepped in. Ed took the reins as a caring and conscientious coach. It soon became evident that he had strong values and instilled them into the program. He soon recruited his entire family to help and together they remain committed to the program. Mr. Holloran thanked the Gegen's for making Special Olympians part of their extended family.

The Board said they would like to acknowledge the Gegen's outstanding support of the Special Olympics Program. It is a pleasure to present them with the 6th Annual J. Larry Russell Commemorative Award.

Mr. Gegan said he is very humbled by the award. The role his family has taken with the program will last a lifetime. They don't see it as a job, it's just fun!

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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