

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 4, 2003**

- 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. Discussion – Goldenrod Road Proposal – Baron Development Group
 2. Discussion – Water Rights Planning, Skagit and Samish Basins
 3. Discussion – Samish Island Private Dike Repair
 4. Discussion – Guemes Island Ferry System Cash Handling
 5. Update – Planning/Scheduling for National Association of Counties Legislative Conference, Washington, D.C., February 28 through March 5, 2003
 6. Signature – Personal Services Agreement with Pacific International Engineering and Task Order Assignment No. 1 (Three-Bridge Corridor Project Proposal)
 7. Signature – Personal Services Agreement with GeoEngineers, Inc. (Samish Basin Watershed Plan and Instream Flow Rule)
 8. Signature – Personal Services Agreement with Hydrologic Services (Samish Basin Watershed Plan and Instream Flow Rule)
 9. Miscellaneous
- 10:00 a.m. – 2:00 p.m. Invitation to the Board – Roundabout Demonstration at the County Road Maintenance Shop, 201 East Avon Avenue, Burlington, WA for La Conner Whitney -Chilberg Roads Intersection Project
- ***T** 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Gary Christensen, Interim Director
1. Request for Approval to Apply for Department of Ecology Loan Funds for Skagit County On-Site Septic Repair Funds and for Best Management Practices for Agricultural Uses
 2. Discussion and Possible Action – Water Connection Approvals for Robert and Pamela Jarvis and Brad and Ronda O'Dell for Land Use Approval by Terry Klimpel, District Manager of the Samish Water District
 3. Discussion and Possible Action – Resolution Recognizing the Guemes Island Planning Advisory Committee
 4. Discussion and Possible Action – Proposed Interim Ordinance Establishing New Submittal Procedures for Comprehensive Plan/Zoning Map Amendments Proposing to Change Municipal Urban Growth Area Boundaries
 5. Discussion and Possible Action – Planning Commission Recorded Motion on Mount Vernon and Sedro-Woolley Development Regulations (Submitted by July 15, 2002)
 6. Miscellaneous
- 11:00 a.m. – 11:15 a.m. Approval of 2002 Best PLACE Write-Offs/Refunds

The Skagit County Board of Commissioners met in regular session on Tuesday, February 4, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

PUBLIC WORKS DEPARTMENT – Chal Martin Director

- 1. Discussion – Goldenrod Road Proposal – Baron Development Group.**

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Chal Martin, Director, discussed a proposal by Baron Development Group (BDG) and its investment partners regarding a business development on Goldenrod Road in the vicinity of Interstate 5 and State Route 20. They would like to develop a regional shopping center on properties north of Gages Slough on Goldenrod Road. BDG has proposed several roadway improvements to address potential traffic impacts resulting from the proposed development and have requested an expeditious process for review and approvals concerning the construction of the roadway improvements.

Mr. Martin said the Washington State Department of Transportation (WSDOT), City of Burlington staff and Skagit County Public Works staff has identified a process that can provide timely answers to transportation issues raised by BDG for its retail development on Goldenrod Road. The process is: preliminary design and a traffic study; final contract plans, environmental review and permitting; and finally bid, construction and inspection. He said designation of a lead agency, right-of-way acquisition and project financing are unresolved issues that must be addressed in the next step. The conduct of these activities and the resolution of transportation issues are contingent on funding provided by, or arranged through, BDG for its investment partners. The City, County and WSDOT have no funds at this time for the proposed roadway improvements.

2. Discussion – Water Rights Planning, Skagit and Samish Basins.

Mr. Martin updated the Board on the most recent Samish Watershed 2513 Steering Committee meeting. He then gave an overview of the upcoming schedule of meetings, which will bring forward a County proposal to resolve the unfinished water rights planning issues resulting from the 1996 Memorandum of Agreement regarding utilization of Skagit River basin water resources for Instream and Out-of-Stream purposes. He said the deadline to appeal the Instream Flow Rule is April.

He also said a letter was received last week from Jones Atterberry, Commission President of the Public Utility District No. 1. The letter was sent to representatives of the parties to the 1996 MOA regarding Skagit County water supplies. He said the document appears to be a counter proposal to the agreement in principal that everyone has been working on to complete. In response to Mr. Atterberry's letter, Public Works has drafted a letter back to Mr. Atterberry asked the PUD to reconsider this course of action and stay focused on the issues that have been under discussion between the parties up to this date.

Commissioner Anderson motioned to approve the letter to Mr. Atterberry. Commissioner Munks seconded the motion, which passed unanimously. **(Approved)**

3. Discussion – Samish Island Private Dike Repair.

Mr. Martin next discussed the short-term and long-term plan to address the issue of this failed private sea dike, which protects access to Samish Island. The Commissioners signed an emergency resolution for the repair of the dike on Monday's Consent Agenda. He said even though the dike is on privately owned property, it affects County residents that rely on Samish Island Road to access their property.

Commissioner Anderson asked if the County could be fined for doing an interim repair of the dike. Mr. Martin confirmed that they could. Commissioner Anderson indicated that it would be worth the cost in the long run in order to protect access to the road.

Mr. Martin said the last repair lasted approximately two years. He said the County has an interest in protecting the road and if the private property owner is unwilling to do what needs to be done, then the County needs to step in and do something about it. Commissioner Anderson asked Mr. Martin to begin discussions between the property owner and the diking district to see if a partnership could be developed. It is felt that Samish Island should be included in the diking district.

4. Discussion – Guemes Island Ferry System Cash Handling.

Steve Flude, Assistant Engineer, provided an update on cash handling procedures at the Guemes Ferry operation. He said the State Auditor's office had issued findings in the past on cash handling policies at the ferry terminal. Public Works has been struggling to implement acceptable cash handling practices and several alternatives have been evaluated. All have their good points and all have their drawbacks. A short-term solution to the problem would be to add a fourth person to the ferry crew. This would allow them to pre-load the ferry, pre-sell the tickets and to truly separate the cash handling functions. At the end of the day, there would be a comparison of the number of tickets sold and the number of receipts that were given out. This solution would add approximately \$100,000 a year in wages and benefits.

For a long-term solution, it is suggested that a task force be set up to look at what the State Auditor's are mandating. Mr. Martin indicated that if a fourth person is added to the crew, it would likely pass the muster of the next State audit, while at the same time giving them the flexibility to discuss this issue further as part of the Ferry Management Analysis Implementation effort.

Chairman Dahlstedt feels that whatever solution is reached, the procedure must be user friendly.

5. Update – Planning/Scheduling for National Association of Counties Legislative Conference, Washington, D.C., February 28 through March 5, 2003.

Mr. Martin presented an update to the Board on the progress of the planning arrangements for the upcoming NACo conference. He will also be attending the conference and is in the process of scheduling meetings with various officials in Washington, D.C.

6. Signature – Personal Services Agreement with Pacific International Engineering and Task Order Assignment No. 1 (Three-Bridge Corridor Project Proposal).

Dave Brookings, Public Works Administrator, spoke to the Board about the fact that his department has been directed to pursue federal funding for bridge and levee widening improvements in the Three-Bridge Corridor. This year, Congress will consider reauthorization of the 6-year Federal Transportation Act, which may create an opportunity for our local governments to work collaboratively to obtain funding for these projects.

He said Public Works would like to work with Pacific International Engineering on a task order basis to prepare the required documents and to conduct the overall coordination for this effort. The first task order would focus on development of a new Project Study Plan and focus efforts toward obtaining funding for this phase of the overall project. Future task order assignments would be at the direction of the Board.

Mr. Brookings said that bringing on Pacific International Engineering would not change the budget for this project. The money would be redistributed so that the County would oversee a larger part of the expenditure and technical work. The contract would be for two years for a total of \$200,000.

Commissioner Anderson moved to approve the consultant contract and task order assignment #1, as outlined by Mr. Brookings. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Contract No. C20030036)**

7. Signature – Personal Services Agreement with GeoEngineers, Inc. (Samish Basin Watershed Plan and Instream Flow Rule).

Mr. Brookings introduced a Personal Services Agreement with GeoEngineers, Inc. to provide technical assistance and other technical services on behalf of Skagit County in an effort to produce

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the Samish Basin Watershed Plan and Instream Flow Rule. He said GeoEngineers, Inc. was the key author on the Ground Water Hydrology Evaluation technical report already prepared as part of the Samish Basin Watershed Study. Their detailed knowledge would greatly assist the County and Economic & Engineering Services in an effort to develop and produce the Samish Basin Watershed Plan in an efficient and timely manner.

Commissioner Anderson made a motion to approve the Personal Services Agreement, as outlined by Mr. Brookings, in an amount not to exceed \$10,000. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Contract No. C20030037)**

8. Signature – Personal Services Agreement with Hydrologic Services (Samish Basin Watershed Plan and Instream Flow Rule).

Mr. Brookings presented a Personal Services Agreement with Hydrologic Services to provide technical assistance with other technical services on behalf of Skagit County in an effort to produce the Samish Basin Watershed Plan and Instream Flow Rule. HydroLogic Services was the key author on the Water Resources Evaluation technical report already prepared as part of the Samish Basin Watershed Study.

Commissioner Anderson motioned to approve a Personal Services Agreement with HydroLogic Services, as outlined by Mr. Brookings. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Contract No. C20030038)**

9. Miscellaneous.

There were no miscellaneous items to discuss.

PLANNING & PERMIT CENTER – Gary Christensen, Interim Director

1. Request for Approval to Apply for Department of Ecology Loan Funds for Skagit County On -Site Septic Repair Funds and for Best Management Practices for Agricultural Uses.

Alison Mohns, Planning Department, spoke to the Board about requesting approval to apply to the Department of Ecology for State Revolving Funds that are provided for each state by the federal government. These loan funds are available to property owners in Skagit County for use in the repairs of failing on-site septic systems and for employing new agricultural best management practices.

Ms. Mohns explained that the awarded amounts have increased from \$300,000 to \$1,500,000. The loan funds are administered by the Treasurer's Office and the Planning & Permit Center.

The Board agreed that these funds are critically important and with that Commissioner Anderson motioned to approve an application for 2003 State Revolving Funds, as outlined by Ms. Mohns. Commissioner Munks seconded the motion, which passed with a unanimous vote. **(Approved)**

2. Discussion and Possible Action – Water Connection Approvals for Robert and Pamela Jarvis and Brad and Ronda O'Dell for Land Use Approval by Terry Klimpel, District Manager of the Samish Water District.

Linda Kuller, Senior Planner, presented water connection approvals for Robert and Pamela Jarvis and Brad and Ronda O'Dell. The Jarvis property is located at 18276 Barleen Road. The applicant proposes to connect to the Samish Water District's sewer force main located on the south side of Alger-Lake Samish Road. The O'Dell property is located at 4518 Old Highway 99 North Road. The applicant proposes to connect to the Samish Water District sewer force main located on the east side of Old Highway 99 North Road. There would be no cost to the County.

Commissioner Anderson made a motion to approve the water connections for the Jarvis' and the O'Dell's, as outlined by Ms. Kuller. Commissioner Munks seconded the motion, which passed unanimously. **(Approved)**

3. Discussion and Possible Action – Resolution Recognizing the Guemes Island Planning Advisory Committee.

Gary Christensen, Interim Director, stated that the Guemes Island Planning Advisory Committee has submitted a petition to the County requesting authorization to proceed with the preparation of a Subarea plan for Guemes Island. The Planning and Permit Center has met with and discussed the Subarea planning process with representatives from the committee. Those discussions have led to the drafting of a resolution and if the Board were to approve the draft, it would then be finalized and put on the Consent Agenda for next week. Mr. Christensen indicated that while no initial costs are associated with this proposal, the committee may be eligible for County Subarea plan monies.

Commissioner Munks moved that the Board of County Commissioners recognize the Guemes Island Planning Advisory Committee as the community-based representative for purposes of seeking planning funds and initiating a Subarea plan for Guemes Island, provided that once financial commitments are obtained for doing a Guemes Island Subarea plan, that a scope of work and timeline will be reviewed and approved by the Commissioners before proceeding with further work on the Subarea plan. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(Approved)**

4. Discussion and Possible Action – Proposed Interim Ordinance Establishing New Submittal Procedures for Comprehensive Plan/Zoning Map Amendments Proposing to Change Municipal Urban Growth Area Boundaries.

Kirk Johnson, Senior Planner, explained that this interim ordinance would require applicants who propose to change municipal Urban Growth Area boundaries to first submit their Comprehensive Plan Amendment (CPA) applications to the relevant city/town for review, by the last business day of March. The city/town would be required to forward the CPA application to the County, along with a recommendation for approval or denial, by the last business day of July. This procedure was approved by the Growth Management Act Steering Committee, with the support of the three County Commissioners, on January 15, 2003. The interim ordinance would be sent to the Planning Commission for consideration of permanent adoption.

Commissioner Anderson moved to adopt the proposed interim ordinance regarding the processing of Comprehensive Plan Amendments proposing to change external municipal Urban Growth Area (UGA) boundaries, as recommended by the Planning and Permit Center. Commissioner Munks seconded the motion, which passed unanimously. **(Ordinance No. 020030005)**

5. Discussion and Possible Action – Planning Commission Recorded Motion on Mount Vernon and Sedro-Woolley Development Regulations (Submitted by July 15, 2002).

Mr. Johnson next discussed consideration of approval of a Planning Commission Recorded Motion, with department modifications, recommending adoption of certain Sedro-Woolley and Mount Vernon development regulations; approval of certain technical changes to Skagit County Code 14.02.040 Applicability; and approval of minor technical corrections to SCC 14.02.040 Appendix A. Mr. Johnson indicated that these are submitted twice a year and were submitted by the July 15, 2002 deadline.

The Planning Commission gave approval to the two Sedro-Woolley ordinances. They are: Ordinance No. 1427-0, regarding variances for residences with working septic systems from certain requirements for connection to the sanitary sewer system; and Ordinance No. 1428-0, which

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effectively imposes a six-month moratorium on the ability to subdivide without sanitary sewer or full public right-of-way improvements, but maintains the ability to subdivide property where developers will install such infrastructure. Since Ordinance No. 1428-0 has expired, the Board would have to adopt the Sedro-Woolley renewing ordinance, Ordinance No. 1437-02, by interim ordinance, and then hold a public hearing within 60 days. Ordinance No. 1437-02 expires June 11, 2003.

The Planning Commission also gave approval to Mount Vernon Ordinance No. 3092, which creates the Development Services Department and changes the department's name throughout the Mount Vernon Municipal Code (this would be applicable only to code sections adopted by Skagit County). The Planning Commission transmitted to the Board of Commissioners, without recommendations, Mount Vernon Ordinance No. 3083, regarding credits against sewer facility expansion charges. The Planning Commission recommends that the Board of County Commissioners consider this ordinance following adoption of an updated Interlocal Agreement with the City of Mount Vernon that addresses other sewer connection requirements.

Commissioner Anderson remarked that this issue is tough for him because there are County residents under the auspices of city government. Commissioner Munks agreed with Commissioner Anderson and said when Growth Management Act (GMA) created UGAs, they created expansion and the problem is that those that live in UGAs are County residents until those areas are annexed. Growth has been very restricted, and in some areas it has been restricted to commercial growth only. Commissioner Anderson added that with the whole issue of annexation, the Supreme Court rulings and the slow process the cities have used, it has created a roar with the Board.

Commissioner Munks said that Sedro-Woolley Ordinance No. 1333-99, Section 3, Part 2 on development without sewer service states that residential developments (divisions of four lots and under) which rely on on-site sewage disposal or water systems are subject to particular requirements. Approval of clustered short subdivisions relying on on-site sewage disposal shall be contingent upon approval of a future development plan which demonstrates that the reserve tract can be subdivided to create sufficient lots to comply with Subsection 1. Subsection 1 states that subdivisions of four lots or under, which rely on on-site sewage disposal shall cluster the lots on a portion of the site and create a reserve tract, which will not be available for further subdivision or other development until municipal sewer and water are available. He said that is basically shadow planning and his main concern is that it would restrict development in UGAs unless the developers installed their own sewers and took care of their own street improvements.

Chairman Dahlstedt said the idea of taxation without representation is a hard issue for the County and it has created some difficulties. He thinks it would be a good idea to take a look at modifying the Interlocal Agreement between the County and the City of Sedro Woolley.

Commissioner Anderson moved to adopt the Planning Commission Recorded Motion regarding adoption of certain Mount Vernon and Sedro-Woolley Development Regulation updates, as submitted to the County by July 15, 2002, with the additional technical corrections to Skagit County Code as recommended by the Planning and Permit Center. However, this motion excludes adoption of Sedro-Woolley Ordinance No. 1428-02, as renewed by Ordinance No. 1437-02. The Board of County Commissioners has concerns about adopting this development regulation, which effectively imposes a moratorium on the subdivision of property where land owners are unwilling or financially unable to install sanitary sewer and full public right-of-way improvements. Some of the Commissioners' concerns include:

- Sedro-Woolley's most recent Capital Facilities Plan is dated 1998. The lack of updated Capital Facilities Plans showing how the City will help to extend infrastructure to the UGA to serve the growing population is a concern to the County.
- Apparent failure to facilitate urban development within the unincorporated UGA as required by the GMA and Hearings Board rulings.

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- Apparent unequal treatment of residents inside the City limits versus those in the municipal UGA. This relates to the costs of development and the ability to gain development approval.
- Apparent failure to adequately document the need for and proposed uses for traffic and other impact fees that the City has requested the County to adopt within the UGA.

Commissioner Anderson said that in order to explore these concerns, he propose a three-pronged approach. First, he thinks that with respect to the interim ordinance imposing the moratorium, we should hold a Public Hearing on that, and that the hearing be held in 3 to 4 weeks to give people plenty of notice. This hearing would explore some of the issues discussed above.

Second, because of these concerns, he would suggest that the Board invoke Section 21(D) of the Interlocal Agreement between Skagit County and the City of Sedro-Woolley to mediate a resolution of this issue between the County and the City. This section addresses development within the Urban Growth Area. Subsection (D) reads:

- Mediation. The City and County agree to submit any dispute regarding this section to mediation by a mutually agreed upon Mediator, upon request of either party.

Third, we should reconsider instituting within the Sedro-Woolley UGA the so-called "Shadow Platting" provision from Ordinance No. 16559, Section 10. This effectively allowed partial development on subdivided lots at urban densities but with septic, as long as the developer agreed to connect to sewer when it became available. This allows some development now, but assures that the property will eventually be developed at urban densities and with urban service.

Commissioner Munks seconded the motion, which passed with a unanimous vote. The Public Hearing will be scheduled for Tuesday, March 11, 2003 at 11:00 a.m.

6. Miscellaneous.

Commissioner Anderson motioned to approve a Resolution denying the appeal of Hendrik (Rick) Weynands and upholding the Hearing Examiner's decision denying a variance and conditional use request. Commissioner Munks seconded the motion, which passed with a unanimous vote.

(Resolution No. R20030032)

MISCELLANEOUS.

1. 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, February 4, 2003, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrant number 137548 from Clearing Fund 696 in the total dollar amount of \$3,786.52 (Transmittal No. C-07-03).

2. Chairman Dahlstedt read a Resolution proclaiming honor, respect, and recognition to our astronauts who lost their lives on the Columbia. Commissioner Anderson motioned to approve the Resolution and Commissioner Munks seconded the motion. The motion passed with a unanimous vote. **(Resolution No. R20020033)**

APPROVAL OF 2002 BEST PLACE WRITE-OFFS/REFUNDS.

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Maggie Thompson, Director of Best PLACE, reviewed the list of 2002 write-offs and refunds for the Board's consideration. Ms. Thompson thanked Diane DeVries for keeping the write-offs/refunds to a minimum.

Commissioner Anderson motioned to approve a Resolution approving refunds processed in 2002, as submitted. Commissioner Munks seconded the motion, which passed unanimously.

(Resolution No. R20030034)

Commissioner Anderson also moved to approve a Resolution approving the cancellation of uncollectible Early Learning fees, as submitted. Commissioner Munks seconded the motion, which passed unanimously. **(Resolution No. R20030035)**

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ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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