

**SKAGIT COUNTY BOARD OF COMMISSIONERS  
RECORD OF THE PROCEEDINGS  
TUESDAY, MARCH 11, 2003**

8:30 a.m. – 9:00 a.m.

Work Session – Operation Division Manager/Road District Maintenance Supervisors

\***T** 9:00 a.m. – 10:00 a.m.

Public Works Department – Chal Martin, Director

1. Discussion and Decision – Proposal to Reduce the Speed Limit on a Portion of Best Road, No. 44010, from Milepost 5.50 to the End of the Road, Milepost 6.37, from 50 mph to 40 mph
2. Discussion – La Conner-Whitney and Chilberg Road Intersection Roundabout Project
3. Signature – Memorandum of Agreement to Advisory Council on Preservation Pursuant to 36 CFR 800.6(a) Regarding Guemes Ferry/Anacortes Parking Lot
4. Signature – Resolution Establishing the Guemes Island Ferry Schedule and Fare Task Force to Provide Policy Recommendations to the Board of County Commissioners Pursuant to the Guemes Island Ferry Operations Management Analysis
5. Signature – Resolution Appointing the Members of the Guemes Island Ferry Schedule and Fare Task Force
6. Miscellaneous

\***T** 10:00 a.m. – 11:00 a.m.

Planning and Permit Center – Gary Christensen, Interim Director

1. Set Date and Time for Consideration of Planning Commission Recorded Motions for Open Space Items:
  - A. PL98-0474, San Juan Preservation Trust, Guemes Island
  - B. PL99-0725, Diana Davis, Babcock Road
  - C. PL01-0982, William Mundt, Beaver Lake Road
  - D. PL99-0722, John Klein, Utopia & Hoehn Roads
  - E. PL01-0966, Tim Northern, Bulson Road
  - F. PL02-0217, Skagit Conservation District, Between Skiyou Slough and the Skagit River
  - G. PL02-0143, Eugene Ekblad, Best Road Near the North Fork Bridge
2. Discussion of Proposed 2025 Population Forecast and Allocations in Advance of March 19<sup>th</sup> Growth Management Act Steering Committee Meeting
3. Discussion and Possible Action – Lot Aggregation Settlement
4. Miscellaneous

\***T** 11:00 a.m. – 12:00 p.m.

Public Hearing – To Receive Public Comment on Skagit County's Proposed Adoption of Sedro-Woolley Ordinance No. 1428-02, as Renewed by Ordinance No. 1437 -02, Which Imposes Certain Requirements on the Subdivision of Property Within the Sedro-Woolley Urban Growth Area

The Skagit County Board of Commissioners met in regular session on Tuesday, March 11, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

**PUBLIC WORKS DEPARTMENT – Chal Martin, Director**

**1. Discussion and Decision – Proposal to Reduce the Speed Limit on a Portion of Best Road, No. 44010, From Milepost 5.50 to the End of the Road, Milepost 6.37, From 50 mph to 40 mph.**

Steve Flude, A ssistant Engineer, reviewed the Traffic Engineering proposal to reduce the speed limit on a portion of Best Road #44010, from milepost 5.50 to the end of the road, milepost 6.37, from 50 mph to 40 mph. A public hearing was held on February 18, 2003 with regard to this proposal.

Commissioner Munks motioned to revise the speed limit on a portion of Best Road #44010 from Milepost 5.50 to the end of the road to 40 mph. Commissioner Anderson seconded the motion, which passed with a unanimous vote. **(A Resolution will be brought forward at a later date)**

**2. Discussion – La Conner-Whitney and Chilberg Road Intersection Roundabout Project.**

Mr. Flude provided the Board with an update on the La Conner-Whitney and Chilberg Road Intersection Project. Since the last discussion with the Board in December, Public Works staff has conducted a roundabout information fair in La Conner and a demonstration of the roundabout laid out to scale at the County road maintenance shop in Burlington. Mr. Flude then presented a video, which was produced from the roundabout demonstration.

Commissioner Munks said there have been curbing concerns, which he understood would be taken care of by having a sloped curb, which would provide a visual break along with a vertical break.

Commissioner Dahlstedt asked if it would be cost effective to construct the roundabout. Mr. Flude indicated that it would, especially because it is being combined with the Morris Street Improvement Project. He also added that it is on schedule to begin later this year.

**3. Signature – Memorandum of Agreement to Advisory Council on Preservation Pursuant to 36 CFR 800.6(a) Regarding Guemes Ferry/Anacortes Parking Lot.**

Mr. Flude presented a Memorandum of Agreement regarding the Guemes Ferry/Anacortes Parking Lot, pursuant to 36 CFR 800.6(a) for the 4(f) documentation. It will provide mitigation for the demolition of the Apex warehouse building. The building must be removed to accommodate the construction of the proposed Guemes Ferry Parking Lot. Local, State, and Federal agencies will be signatories to this Agreement. The total fiscal impact would be approximately \$60,000.

Commissioner Munks motioned to approve the Memorandum of Agreement regarding the Guemes Ferry/Anacortes Parking Lot. Commissioner Anderson seconded, and the motion passed. **(Contract No. C20030108)**

**4. Signature – Resolution Establishing the Guemes Island Ferry Schedule and Fare Task Force to Provide Policy.**

Mr. Flude next presented a Resolution establishing the Guemes Island Ferry Schedule and Fare Task Force. They would be responsible for providing policy recommendations to the Board of County Commissioners pursuant to the Guemes Island Ferry Operations Management Analysis.

Commissioner Munks moved to approve the Resolution as outlined by Mr. Flude. Commissioner Anderson seconded the motion, which was approved unanimously. **(Resolution No. R20030074)**

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**5. Signature – Resolution Appointing the Members of the Guemes Island Ferry Schedule and Fare Task Force.**

A Resolution appointing a variety of on-island and off-island residents, business and private interests, and local government representatives who will serve on the newly created Guemes Island Ferry Schedule and Fare Task Force.

Commissioner Munks made a motion to approve the Resolution as outlined by Mr. Flude. Commissioner Anderson seconded and the motion was carried. **(Resolution No. R20030075)**

**6. Miscellaneous.**

- a) Chal Martin, Director, reported that Public Works Department has submitted a National Pollution Discharge Elimination System permit application to the Department of Ecology. This will affect the way our stormwater program is managed within the geographic boundaries of the new Metropolitan Planning Organization.
- b) Mr. Martin indicated that the Department will be meeting with the U. S. Corps of Engineers next week for a flood project executive committee meeting to discuss the Baker Dam flood storage issue. He informed the Board that the County may need to take the lead on a proposed study regarding this issue and funds may need to be authorized to hire a consultant to oversee this effort.
- c) Mr. Martin next discussed the replacement of the railroad bridge over the Skagit River between Mount Vernon and Burlington. Design work needs to begin and there may be the possibility of receiving either State or Federal money to start this task.

Commissioner Anderson moved to instruct the Public Works Director to do a Request for Proposals for the removal of the Highway 9 railroad bridge. Commissioner Munks seconded the motion, which was passed with a unanimous vote.

**PLANNING AND PERMIT CENTER – Gary Christensen, Interim Director**

**1. Set Date and Time for Consideration of Planning Commission Recorded Motions for Open Space Items:**

- A. PL98-0474, San Juan Preservation Trust, Guemes Island**
- B. PL99-0725, Diana Davis, Babcock Road**
- C. PL01-0982, William Mundt, Beaver Lake Road**
- D. PL99-0722, John Klein, Utopia & Hoehn Roads**
- E. PL01-0966, Tim Northern, Bulson Road**
- F. PL02-0217, Skagit Conservation District, Between Skiyou Slough and the Skagit River**
- G. PL02-0143, Eugene Ekblad, Best Road Near the North Fork Bridge**

Commissioner Anderson made a motion to set March 25, 2003 at 10:00 a.m. as an open meeting to consider the above noted Open Space items. Commissioner Munks seconded, and the motion was carried.

**2. Discussion of Proposed 2025 Population Forecast and Allocations in Advance of March 19<sup>th</sup> Growth Management Act Steering Committee Meeting.**

Gary Christensen, Interim Director, submitted for consideration the recommended 2025 population forecast and allocation numbers developed by the Skagit Council of Governments planner's group, along with the help of Berryman & Henigar. The Growth Management Act Steering Committee will consider the approval of these numbers at its March 19<sup>th</sup> 2003 meeting.

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Mr. Christensen stated that the population forecast of 149,080, is essentially the mid-point between the OFM low and medium projections. Based on the 80%/20% goal for new growth, this would result in 105,750 urban residents and 43,330 rural residents in 2025. Proposed allocations among urban jurisdictions are based on the assumption that 80% of future urban growth will occur along the I-5 and close-in SR20 corridors. Minor modifications were made to meet various jurisdictions' needs, including Skagit County's at Bayview Ridge UGA. According to SCOG planners, the recommended forecast and allocation numbers are supported by all other GMASC jurisdictions. Mr. Christensen indicated that the Planning and Permit Center recommends approval as well.

Commissioner Anderson expressed concern that all of the cities needs would be met, however, the report doesn't show any rural allocations. Mr. Christensen assured him that the table would be amended to show the rural population.

It was suggested that GMASC adoption of these numbers would allow the population and employment allocations project to move forward, making efficient use of consultant dollars and staff time. Selecting accurate future population and employment numbers will allow Skagit County and other jurisdictions to do effective long-range land use and capital facilities planning. Mr. Christensen said the Bayview Ridge UGA allocation of 5,600 residents (maximum development capacity per draft Subarea Plan/EIS) would bring substantial revenues and service costs to the County.

These figures will continue to be monitored on an annual basis with a more comprehensive review occurring in five to seven years.

**3. Discussion and Possible Action – Lot Aggregation Settlement.**

John Moffat, Prosecutor's Office, stated that on February 25, 2003, lot aggregation ruling were discussed. Concerns were raised by members of the real estate community regarding the proposed language. The Board directed staff to meet with the Realtor's Association, which took place the week of March 3, 2003. The proposed settlement language includes proposed development code revisions that would allow development on substandard lots of record that meet certain criteria. During those discussions a number of concerns that the realtors previously raised were addressed, as well as the possibility of using different language. Mr. Moffat said the parties have not reached complete agreement as there is still a problem with the disclosure requirement.

Commissioner Anderson said he is inclined to go with the present language in the agreement and send it to the Planning Commissioner for review, even if it isn't exactly what everyone agrees.

Mr. Christensen indicated that there have been a lot of private discussions about how the County plans to deal with the lot aggregation issue. By sending the proposal to the Planning Commission, it would allow for public input through a public hearing conducted by the Planning Commission.

Several citizens then outlined their objections to some of the provisions of the settlement.

Jan Ellingson, North Puget Sound Association of Realtors, criticized the proposal's requirement that property owners tell buyers that the lots they're selling may be undevelopable. She feels that would be redundant because sellers of vacant land must already fill out a state form for disclosures that cover developability of the land.

Tom Glade, Evergreen Islands, said the real estate agents should have been involved in the process before. While their concerns are legitimate, he said they have entered the process too late to ask for changes to fit their special interests.

Attorney Mike Winslow said the policy would simply slow down or stop deals when buyers get nervous after reading the legalese the County wants to require.

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The County will release a new draft proposal for fixing the lot aggregation policy in the last week of March. The Skagit County Planning Commission will hold a hearing on the issue Thursday, April 10, 2003.

Mr. Moffat then presented a Settlement Agreement with Randy and Katie Previs, which would permanently resolve the status of lots at Lakewood Park that they own, with respect to lot aggregation.

Commissioner Anderson motioned to move forward with the Previs Settlement Agreement as presented by Mr. Moffat. Commissioner Munks seconded the motion, which passed unanimously. **(Contract No. C20030109)**

**4. Miscellaneous.**

- a) Mr. Christensen informed the Board that the Planning & Permit Center will be staffing a booth during the Skagit-Island Counties Builders Association Home Show, running March 21 -23 at the Cascade Mal. There will be public displays and in an effort to better inform the public, Staff will be available to answer any questions.
- b) Kendra Smith, Assistant Director, spoke about two department policies that are currently in effect of which the public should be made aware. The involve Low-Flow Mitigation requirements and the Shorelines Master Program.

**PUBLIC HEARING – TO RECEIVE PUBLIC COMMENT ON SKAGIT COUNTY’S PROPOSED ADOPTION OF SEDRO-WOOLLEY ORDINANCE NO. 1428-02, AS RENEWED BY ORDINANCE NO. 1437-02, WHICH IMPOSES CERTAIN REQUIREMENTS ON THE SUBDIVISION OF PROPERTY WITHIN THE SEDRO-WOOLLEY URBAN GROWTH AREA.**

Kirk Johnson, Senior Planner, provided opening comments. Ordinance No. 1428-02 requires developers who create new lots either by short plat, subdivision, binding site plan, or planned unit development to install sewer and street infrastructure or provide funding through bonding or payment. It does not obligate persons constructing a single-family residence on an existing lot to install sewer or street infrastructure. The Board of County Commissioners expressed concerns about this ordinance and voted to hold its own public hearing about Ordinance No. 1428-02 and several related Sedro Woolley development issues including:

- 1) The outdated nature of the City’s capital facilities plans,
- 2) Higher costs and more difficulty gaining development approval in the Urban Growth Area (UGA) than in the City, and
- 3) Failure to document the need for and proposed uses of traffic and other impacts the City has asked the County to adopt.

The Board asked to receive public comment on two “shadow platting” options for development within the Sedro-Woolley UGA. “Shadow Platting” allows partial development on sub-divided lots with septic as long as the developer agrees to connect to sewer when available. The two options are Skagit County Ordinance No. 16659, Section 10, and Sedro-Woolley Municipal Code 16.16.24.

Following the public hearing, the Board could:

- 1) Take action on one or more of the proposed ordinances or code provisions.
- 2) Schedule deliberations for a later date.

Chairman Dahlstedt opened the public hearing.

Sharon Dillon, Mayor of Sedro-Woolley began the public comment portion stating that she believes in growth. She expressed concerns about homeowners being able to come up with money to pay for infrastructure after purchasing homes in outlying areas of the UGA. She feels the City should be proactive and have the infrastructure in place when neighborhoods are being developed.

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Jeff Ingman, Mt. Vernon, owns a 2 ½ acre piece of property on Wicker Road. He wants to short-plat his property. He agrees with the “shadow platting” as others in his surrounding area were given the opportunity to subdivide and develop their property, but he was told by the City that was not possible.

Jeroldine Halberg, Planning Director for the City of Sedro-Woolley, distributed a map. She stated that for “shadow platting” to work it requires consent of all the neighbors. They would have to vote to participate and is politically impractical due to the platting pattern on the east side of Sedro-Woolley. Urban density equals urban infrastructure. Single lot construction is always possible. Some development may have to wait. The City is trying to be fiscally responsible and to serve the existing residents.

Bob Helton, Mt. Vernon, spoke about the cost of growth. He stated he is in favor of having developers cover the costs. He provided data regarding additional costs to taxpayers.

Dave McLaughlin, Skagit Surveyors & Engineers and property owner within Sedro-Woolley City limits, spoke about a parcel at the end of Garden of Eden Road. He said that this area would most likely not receive sewer services for another 20 years. He also has a short plat within the City that does not yet have sewer services. He stated that the proposal only deals with parcels of four sub-divisions or less. He also represents Les Frances another property owner. He stated that it’s really difficult to amortize costs on a four lot subdivision.

Marianne Manville-Ailles, Skagit Surveyors & Engineers, wanted to emphasize that this proposal only affects developments of four lots or less. She spoke about Growth Management Act (GMA) requirements, particularly the Capital Facilities Plan. She said that the City’s Capital Facilities Plan for 1995- 2000 has a list of projects that is nowhere near completion, and they haven’t updated their plan. She also stated that the entire City limits are not currently served by urban services. She was in favor of “shadow platting.”

Louis Requa, Skagit Surveyors & Engineers, stated that five or more units will continue to put in the infrastructure. He also spoke about the history of short platting process, which came about due to the costs of amortizing the costs on a few lots. He addressed the fairness issue, stating that the City is not fair in that it costs approximately \$14,000 to annex if you are in the UGA. He said that the City does not represent those people they are represented by the County. He provided results of research he did on the City’s statement of emergency for passing an interim ordinance. He said there is no justification. There are only about 1.5 new residences per year. Mr. Requa added that there have only been a total of seven new building sites in the last five years.

Commissioner Anderson excused himself from the rest of the public hearing due to another commitment.

Foster Fair, Sedro-Woolley resident and property owner on Fruitdale Road, and has been interested in developing his property over the years. He commented on additional costs for LID assessments, stating that the mortgage gets easier as time goes by. He questioned the fact of developing to urban standards if sewer service is not available. He said if more building lots were available it would be a better tax base for the City.

Kirby Hoskinson, Sedro-Woolley, spoke about half-street improvements and emphasized that there is no way to amortize costs on short plats.

Dave Eernisse, Mount Vernon, spoke about his experience with short platting within the City of Sedro-Woolley. It was going to cost \$100,000 per unit for him to construct a four-plex on his property. Mr. Eernisse was in favor of “shadow platting” stating that it makes more sense.

Pat Hayden, City Attorney for Sedro-Woolley, spoke about the index of exhibits that he provided to the Planning Department documenting the financial calculations and the fundamental documents that justify the City’s decision to adopt this ordinance and the traffic impact fees. He said that the information provided by the Planning Department contradicts Mr. Requa’s statement that there are only 1.5 new residences per year. That information states there were 85 new residential permits issued between 1995 and 2001. He stated that state law allows several ways that the City can raise money for infrastructure,

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two of which the County has declined to adopt. They are infrastructure for development, such as onsite sewer, and the impact fees permitted by law. He provided an interim ordinance to prevent new requests for short-platting from vesting until the City's Comprehensive Plan can be updated, and provided history of the County's actions on UGA regulations. He stated that the developers in the UGA area need to comply with the same costs as developers within the City. He asked that the County adopt the fees that the City is requesting.

Ellen Gray, representing Thousand Friends of Washington a statewide public interest group, said they work to support and strengthen the Growth Management Act to prevent sprawl, to insure livable urban areas, and to protect farm, forest, and rural lands. That group is recommending that the County adopt Sedro-Woolley's ordinance so that the urban infrastructure is built at the same time as it happens and that the costs are built into the cost of the development. She feels Sedro-Woolley should be supported in their efforts to comply with the GMA. Urban services should be built and paid for concurrently with development inside these UGAs. She feels they are trying to be fair to their residents. By not passing this ordinance, it will pass the costs on to the general taxpayer. Residential growth never pays for itself. According to studies, for every dollar of tax money that comes from residential growth the services demands range from \$1.25 to \$1.50. Commercial use can bring in more tax dollars, but residential use does not. The City is trying to raise the money to be able to provide urban services so that people will want to live there.

Tom Glade, representing Evergreen Islands, stated the basic issue here is health. He spoke about the health issues related to septic systems on Fidalgo Island. He supports Sedro-Woolley's contention that sewer services need to be in place in the beginning, and had that been done on Fidalgo Island they would not be facing the problems that they are facing today.

Patrick Huggins, Sedro-Woolley resident and member of Sedro-Woolley Planning Commission stated that he owns a piece of property in the affected UGA and is in support of the City's ordinance. He believes that eventually the sewer has to be hooked up for health reasons and to meet GMA requirements. He feels that the costs of putting in the sewer should be paid at the time of construction by developers and owners. Sedro-Woolley does not have the tax base of Mount Vernon and Burlington. They must pay for services through property taxes and LIDs, which are not popular and in the past has caused residents to move because they could not come up with the money. Existing citizens should not subsidize those who are moving in. Builders are moving outside the City in the urban areas to save money. They should pay the same costs. He said that probably fifty percent of the growth in the urban area will be subdivisions of four lots or less. He urged the Board to adopt the Sedro-Woolley ordinance because if it isn't adopted, even more homes will be built without services.

Mr. Requa asked to be allowed to clarify a statement made by Pat Hayden mentioning him by name. He said that his statistics were based on the information provided by the Planning Department that this ordinance does not affect single-family homes on existing lots. That would mean 1.5 lots per year over the last five years, not 85.

Commissioner Munks asked if has been any development taking place inside the City of Sedro-Woolley that is without sewer. Pat Hayden stated that after the passage of Ordinance 1428-02 nine months ago no subdivisions were allowed to develop without sewer or connection to infrastructure. Prior to that there were variance requests, but he was not sure if any were granted.

Commissioner Munks moved to close the public hearing and Chairman Dahlstedt seconded the motion. The Board of County Commissioners will render their decision on March 25, 2003 at 10:00 a.m.

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**ADJOURNMENT.**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Kenneth A. Dahlstedt, Chairman

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Ted W. Anderson, Commissioner

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Don Munks, Commissioner

ATTEST:

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