

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, APRIL 15, 2003**

- 8:30 a.m. 9:00 a.m. Work Session – County Road Supervisors
- \*T** 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director
1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way off West Shore Road (Guemes Island)
  2. Public Hearing – Consideration of Revision of the 2003-2008 Transportation Improvement Program
  3. Resolution Regarding Adoption of the Amended 2003 Annual Construction Program
  4. Miscellaneous
- \*T** 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Gary Christensen, Interim Director
1. Deliberation and Possible Action – Consideration of Planning Commission Recorded Motion on Interim Ordinance No. O20030002, Dealing with Required Lot Sizes for Public Safety Facilities
  2. Bayview Ridge Subarea Plan Update
  3. Department Recommendations on 2001 and 2002 Comprehensive Plan Amendments
  4. Discussion of Pleasant Ridge Zoning Map Error
  5. Miscellaneous
- 11:00 a.m. – 11:15 a.m. Bid Opening – Nookachamps Bridge Repair Project NO. ES40001-1
- 11:15 a.m. – 11:30 a.m. Consideration of the Hearing Examiner’s Recommendation for Approval for the Following Timber Open Space Application – Robert Adelman for Property Located in the Bow Area (C/U TTR 8-2002)
- 11:30 a.m. – 11:45 a.m. Discussion/Possible Action – Resolution to Accept Bids for the Bond Sale

The Skagit County Board of Commissioners met in regular session on Tuesday, April 15, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

**PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR**

**1. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way off West Shore Road (Guemes Island).**

Steve Flude, Assistant Director, reviewed maps illustrating the area under consideration. He shared a letter received from Mr. Lowell Ashbach supporting the vacation. Public Works is recommending that the right-of-way be vacated at no cost, except for those incurred to hold the public hearing.

As there was no public testimony, Commissioner Munks moved to close the public hearing. Commissioner Anderson seconded the motion, which carried unanimously. The public hearing was closed.

Chairman Dahlstedt asked about access to the property if a parcel was sold. Mr. Flude stated that it would be up to a potential buyer to conduct a title search and obtain an easement.

Commissioner Munks moved to approve the Public Works recommendation to allow vacation of the unopened County right-of-way north of Eden Road and east of West Shore Road on Guemes Island with no costs except \$100 for the public hearing. Commissioner Anderson second and the motion carried unanimously.

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**2. Public Hearing – Consideration of Revision of the 2003-2008 Transportation Improvement Program.**

Mr. Flude, reported on the revisions to the 2003-2008 Transportation Improvement Program (TIP). The update is being made to indicate grants and new projects, and to remove completed projects so that current information is reported to the Regional and State TIP. Mr. Flude read a list of projects and grants that were added and removed from the six-year plan.

There being no public testimony forthcoming, Commissioner Munks moved to close the public hearing. Commissioner Anderson seconded the motion, which carried unanimously.

Commissioner Anderson moved to accept the revisions of the 2003-2008 TIP as presented. Commissioner Munks seconded and the motion carried unanimously. **(Resolution No. R20030128)**

**3. Resolution Regarding Adoption of the Amended 2003 Annual Construction Program.**

Mr. Flude next reviewed the following project changes to the 2003 Annual Construction Program as a result of the changes to the Six-Year Transportation Program:

- Asphalt overlay was added to finish the Edison Drainage Project.
- Burlington Alger Bridge #40112 was added – BRAC funding received.
- Casino Drive reconstruction was added so that work can begin on the project.
- Eastlake Drive was added so that the project can be done this year.
- Guemes Terminal dolphin repair was added.
- McFarland Road realignment was added.
- North Texas Road realignment was added.

Commissioner Anderson moved and Commissioner Munks seconded the motion for adoption of the amended 2003 Annual Construction Program. The motion carried unanimously. **(Resolution No. R20030128)**

**PLANNING & PERMIT CENTER – GARY CHRISTENSEN, INTERIM DIRECTOR**

**1. Deliberation and Possible Action – Consideration of Planning Commission Recorded Motion on Interim Ordinance No. O20030002, Dealing with Required Lot Sizes for Public Safety Facilities.**

Linda Kuller, Senior Planner, presented background on the proposed ordinance, which deals with required lot sizes for public safety facilities. An Interim Ordinance was adopted on January 14, 2003, and a public hearing was held on March 13, 2003. The only comments made at the public hearing were favorable. The Planning Department is recommending adoption of the staff findings and conclusions, and the adoption of the Interim Ordinance as a permanent Ordinance.

Commissioners Anderson and Munks both agreed that as funding gets tighter for rural fire departments this action is critical. Chairman Dahlstedt commented on the strong support from the Planning Department for the ordinance.

Commissioner Anderson moved to approve the Planning Department's findings and conclusions and to adopt the Interim Ordinance dealing with required lot sizes for public facilities as permanent; Commissioner Munks seconded and the motion carried unanimously. **(Ordinance No. O2003009)**

**2. Bayview Ridge Subarea Plan Update.**

Gary Christensen announced that the drafts of the Bayview Ridge Area Subarea Plan, and the impact statement and standards have been released for public review and comment. Connie Randall, Project

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Planner, reported on the review process. There will be an open house on May 1, 2003 at the Fredonia Grange, from 5 -7 p.m. for public review and input. A public hearing before the Planning Commission is scheduled for Tuesday, May 20, 2003. Written comments will be accepted until May 30. In June, the department will review and respond to the comments.

**3. Department Recommendations on 2001 and 2002 Comprehensive Plan Amendments.**

Kirk Johnson, Senior Planner, provided background information on the Planning and Permit Center's recommendations on the 2001 and 2002 Comprehensive Plan Amendments (CPA). The items have been held in abeyance due to a Superior Court imposed CPA processing ban. The 2001 requests were referred by the Commissioners to the Planning Department for a public hearing. The 2002 applications will be held for future consideration. The Commissioners have 15 days to make a decision regarding the amendments.

Commissioner Anderson had questions regarding an application submitted by Clay Imhof. He asked about the timeline for the Rural Village in Big Lake. He stated that Mr. Imhof's property should not have been zoned residential. He questioned why this matter was being addressed in this manner instead of as a mapping error.

Mr. Christensen stated that there is not to be any redesignation of property in a Rural Village based on the Comprehensive Plan. The other issue is the 410 acres of rural commercial industrial allocation. This will be addressed later this year in the Comprehensive Plan update. He stated there was not any quick remedy.

Commissioner Anderson asked about the Master Planned Resort timeline affecting the proposal by Don Clark.

Mr. Christensen indicated that the department is prepared to bring a consultant on Board to develop a Master Planned Resort (MPR) Ordinance. The proper sequence is to adopt the regulations because if changes are needed it is difficult to know what rules to apply if they are not developed. The three properties that would benefit by a MRP Ordinance are: Skagit River Clark Cabins; Bow Hill Casino; and Guemes Island Report. He estimated it would take just short of a year to implement the whole process.

Commissioner Anderson had questions about the request by Judy Anderson regarding a pit that is owned in partnership with Tom Higgins. The Commissioners made the determination that this was mapping error, which was challenged. This property has an active gravel business and the 2005 timeline is not reasonable.

Mr. Christensen said there were a couple other mineral resource applications and the preference is to deal with those collectively. The department is trying to deal with the big picture, but could be directed to proceed individually on this application.

Commissioner Anderson felt the Iva Ewing property should be rural resource and feels it is clearly a mapping error. All the surrounding areas are designated rural resource.

Mr. Christensen stated that there is a consultant looking at natural resource land criteria. He asked if the department should go back and look at the Ewing property based on existing criteria or base it on the consultant's work.

Guy McNally gave an update on the consulting process for natural resource land. The consultant is gathering data and may look at alternatives to the secondary forest designation, and conduct a re-analysis of the Rural Resource designation. There has been discussion about creation of another designation that would address the smaller residential foresters.

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Commissioner Munks stated that this process just keeps going on. There were 24 amendments, 5 were forwarded to cities and 3 were withdrawn, leaving 16. Eight applications were recommended for approval and eight were recommended for denial. Commissioner Munks agreed with Commissioner Anderson that a few of those denied were mapping errors. That is an administrative decision. He asked for an explanation of the Small-Scale Recreation/Tourism in relationship to Don Clark's property. He stated he was concerned about limitations for development.

Mr. Johnson said that the 2000 GMA provided two designations other than a Master Plan Resort, and there is nothing in between. One of the requirements for Small-Scale Recreation/Tourism was that it had to be tied to a scenic feature. This was considered the best fit for this property since Master Plan Resorts typically are much larger.

Mr. Christensen stated that there are development opportunities with the existing code at Clark Cabins. The best opportunity for this property would be under a Master Resort Ordinance.

Commissioner Anderson felt it was important to speed up this process. Mr. Clark is one of the largest employers in the upper valley, and a center piece to attracting people to this side of the mountains.

Mr. Christensen stated this matter is not a GMA compliance issue and the County can move forward to benefit river communities in a proactive way.

Commissioner Munks stated that he has seen language from other counties, and he would like to create something internally and design a plan so that some of these applicants can move forward.

Commissioner Dahlstedt commented on the four applications in the 410 acres non-designated areas to meet future needs. He stated that this is a frustrating process as this is evidence of people that wanted the economic benefit of the rural economic commercial designation, which was denied by the Hearings Board.

Mr. Johnson stated that when the Hearings Board reviewed the analysis of the 410 acres of non-designated rural commercial designation, their fundamental issue was that the analysis was not appropriate or correct.

The Commissioners had a lengthy discussion on the possibility of appealing the decision, and the need for economic vitality for the County.

The Board will address the 2001 and 2002 Comprehensive Plan Amendments at the next Planning and Permit Center agenda on Tuesday, April 29, at 10:00 a.m.

**4. Discussion of Pleasant Ridge Zoning Map Error.**

Mr. McNally next provided information on an error in designation/zoning in the Pleasant Ridge area as a result of a misinterpretation of the original zoning maps. He stated that these types of errors can be corrected by the department administratively, however, this case is unique. The request for administrative interpretation was made by one property owner, but the decision would impact approximately ten other property owners.

Commissioner Anderson had questions about existing residences on the affected properties. He would like to physically look at the property, prior to making a decision, due to his concerns that the change in zoning might change the dynamics of the area.

The Board will address the Pleasant Ridge zoning map error at the next Planning and Permit Center agenda on Tuesday, April 29, at 10:00 a.m.

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**5. Miscellaneous.**

Mr. Christensen commented on discussions with Bob Rose regarding an informal committee to explore the feasibility of a transfer of the Bowman Rights program in Skagit County.

Mr. Christensen reported on the Fidalgo Island Subarea Plan. There are GMA compliance issues and a commitment needs to be initiated on the schedule and funding. There are several citizens who wish to serve on the advisory committee. The County is required to submit a notice of their actions to the Hearing Board by May 1. Mr. Christensen would like to address this matter with a resolution as part of their regular agenda in two weeks.

Another outstanding compliance issue is rural signs. Mr. Christensen requested a study session on this matter in two weeks.

Tom Karsh, Director of Natural Resources, reported that the County is working toward revising the Critical Areas Ordinance to protect habitat and ongoing agriculture activities. Staff is working with the Planning Commission to review comments regarding recent release of the proposal. All comments have been favorable. A public hearing to renew the interim ordinance will be held on May 6 at 10:00 a.m. The Ordinance must become effective May 20, 2003.

**BID OPENING – NOOKACHAMPS BRIDGE REPAIR PROJECT NO. ES40001-1.**

Barb Hathaway and Karen Cade proceeded to open bids for the Nookachamps Bridge Project. Bids were received as follows:

KLM Construction, Inc.  
1011 East Main, Suite 301  
Puyallup, WA 98372  
Bid Bond Enclosed  
Total Bid Price: \$44,657.00

One Way Construction, Inc  
215 N. Reed Street  
Sedro-Woolley, WA 98284  
Bid Bond Enclosed  
Total Bid Price: \$49,630.00

Quantum Construction, Inc.  
12761 Quantum Lane  
Anacortes, WA 98221  
Bid Bond Enclosed  
Total Bid Price: \$53,211.00

Diamaco, Inc.  
40 Lake Bellevue, Suite 100  
Bellevue, WA 98005  
Bid Bond Enclosed  
Total Bid Price: \$54,400.00

Christian Anker, Inc.  
34904 State Route 20  
Oak Harbor, WA 98277  
Bid Bond Enclosed  
Total Bid Price: \$59,260.10

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Leewens Corporation  
P.O. Box 2549  
Kirkland, WA 98083  
Bid Bond Enclosed  
Total Bid Price: \$71,794.52

Artus Construction Company  
6214 196 SW, Suite "C"  
Lynnwood, WA 98036  
Bid Bond Enclosed  
Total Bid Price: \$73,000.00

McConnell Construction  
194 Protection Ridge Road  
Port Townsend, WA 98368  
Bid Bond Enclosed  
Total Bid Price: \$78,102.00

David L. Sack Construction Co. Inc.  
456 SW 155<sup>th</sup>  
Seattle, WA 98166  
Bid Bond Enclosed  
Total Bid Price: \$82,240.00

Interwest Construction, Inc.  
651 N. Hill Blvd.  
Burlington, WA 98233  
Bid Bond Enclosed  
Total Bid Price: \$85,428.00

Ms. Hathaway indicated that a bid award recommendation would be forwarded to the Board within the next few weeks.

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL FOR THE FOLLOWING TIMBER OPEN SPACE APPLICATION – ROBERT ADELMAN FOR PROPERTY LOCATED IN THE BOW AREA (C/U TTR 8-2002).**

Linda White from the Assessor's Office was present to answer any questions the Board may have had. The Board stated they had reviewed the materials and with that, Commissioner Anderson moved to approve the Resolution for the timber open space application. Commissioner Munks seconded and the motion carried unanimously. **(Resolution No. R20030131)**

**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, April 15, 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 142268 from Clearing Fund 696 in the total dollar amount of \$2,914.60  
(Transmittal No. C-43-03)

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**DISCUSSION/POSSIBLE ACTION – RESOLUTION TO ACCEPT BIDS FOR THE BOND SALE.**

Brad Whaley, Budget and Finance Director, reported that bids were closed on the sale of \$5.3 million in County bonds. The lowest bid received was 3.19%, which results in a net savings to the County of \$210,000. Mr. Whaley presented a Resolution for the Board's approval to accept the bids for the bond sale.

Commissioner Anderson moved and Commissioner Munks seconded the motion to approve the Resolution Fixing the Final Principal Amounts and Interest Rates of the Limited Tax General Obligation and Refunding Bonds, 2003 Authorized by Resolution No R20030110 and Accepting a Bid for the Purchase of Said Bonds. The motion carried unanimously. **(Resolution No. R20030130)**

**ADJOURNMENT**

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

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Kenneth A. Dahlstedt, Chairman

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Ted W. Anderson, Commissioner

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Don Munks, Commissioner

ATTEST:

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Shirley Knapp, acting Clerk of the Board  
for JoAnne Giesbrecht  
Skagit County Board of Commissioners