

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 23, 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. Public Hearing – Consideration of Amending Resolution No. 9487 Establishing Buchanan Lane, No. 7825, as a County Road by Extending the Length of the Road to MP 0.26
2. Public Hearing – Consideration of Vacation of a Portion of Unopened County Right-of-Way Known as First Street in La Conner
3. Discussion – Request From Texaco Oil Spills Natural Resource Trustees for Services From the Skagit County Marine Resources Committee
4. Discussion – Solid Waste
5. Update – Water Rights Negotiations
6. Miscellaneous

***T** 10:00 a.m. – 11:00 a.m.

Planning & Permit Center – David Blane, Director

1. Initial Department Recommendation on 2003 Comprehensive Plan Amendment Applications
2. Miscellaneous

The Skagit County Board of Commissioners met in regular session on Tuesday, September 23, 2003, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson, and Don Munks present.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Public Hearing – Consideration of Amending Resolution No. 9487 Establishing Buchanan Lane, No. 7825, as a County Road by Extending the Length of the Road to MP 0.26.

Steve Flude, Assistant County Engineer, reviewed the exact location of the subject roadway under consideration for extension. He commented briefly on this change being generated as it is functioning as a County road and therefore, seems prudent to include it into the system. All of the residents along the roadway were petitioned and no comment was received. Mr. Flude advised that the Public Works Department recommended approval of the extension of the existing Buchanan Lane by 0.16 mile.

Fred Evans, 23265 Buchanan Street, expressed concerns over the water runoff that runs past his residence and through his yard. Mr. Flude indicated that as with all roads, if there is a problem it will be addressed and corrected.

There being no further public testimony forthcoming. Commissioner Anderson moved to close the public hearing. Commissioner Munks seconded the motion. The motion passed with a unanimous vote, and the public hearing was closed.

Commissioner Anderson moved to amend Resolution No. 9487, establishment of Buchanan Lane #7825 as a County Road, as outlined by Mr. Flude. The motion was seconded by Commissioner Munks, and passed unanimously. **(Resolution to be provided by Staff at a later date)**

2. Public Hearing – Consideration of Vacation of a Portion of Unopened County Right-of-Way Known as First Street in La Conner.

Mr. Flude reviewed the exact location of the proposed vacation of the unopened County right-of-way known as First Street in La Conner. The Department recommended that the vacation of the unopened right-of-way be approved as presented. He showed a photograph of the area in question.

Jerry Heller, Executive Director of the Port of Skagit County, indicated that the Port requested this vacation as part of the process of doing a binding site plan in the area.

There being no further public testimony forthcoming, Commissioner Anderson moved to close the public hearing. Commissioner Munks seconded the motion, and it carried unanimously. The public hearing was closed.

Commissioner Anderson moved to concur with the Public Works Department recommendation and allow the vacation of the unopened County right-of-way known as First Street. The motion was seconded by Commissioner Munks and passed unanimously. **(Resolution to be provided by Staff at a later date)**

3. Discussion – Request From Texaco Oil Spills Natural Resource Trustees for Services From the Skagit County Marine Resources Committee.

Ric Boge, Skagit Marine Resources Committee (SMRC) Coordinator, stated that Dan Doty of the Washington Department of Fish and Wildlife's Oil Spills Unit called to inquire about the Skagit MRC and its potential involvement in forage fish habitat restoration projects. Mr. Doty is coordinating the activities of the Texaco Oil Spills Natural Resource Trustees to restore or enhance at least 600 feet of degraded forage fish habitat in the Fidalgo Bay area. The Trustees are comprised of the Nooksack Indian Tribe, the Lummi Nation, the Swinomish Indian Tribal Community, the Suquamish Indian Tribe, the US Fish and Wildlife Service and the Washington State Department of Ecology.

The Washington State Department of Fish and Wildlife and the Washington State Department of Natural Resources are responsible to oversee appropriate compensation for four oil spills by the Texaco Anacortes Refinery in the early 1990s, the largest of which occurred in Fidalgo Bay on February 22, 1991. Monies for the compensation, including associated administrative costs, are currently held in a federal court restoration fund titled the "Texaco Restoration Fund" created in 1998 following a Consent Decree and the signing of a Memorandum of Agreement between the Trustees and Texaco. The Trustees have the authority to spend these funds, but not an administrative structure with which to work from. They are seeking assistance from the Skagit County Marine Resources Committee to recommend and carry out the restoration purpose of the funds.

Mr. Boge introduced members of the Skagit MRC. He indicated that the committee has been studying forage fish and providing surveys for years. This year their project is to identify sites for habitat improvement. After Mr. Doty's phone call, it occurred to Mr. Boge that the committee might be a perfect match for making recommendations to the Trustees. The committee is seeking support from the Board of County Commissioners to draft a formal agreement between the County and the Washington State Department of Fish and Wildlife, representing the Texaco Oil Spills Natural Resource Trustees.

Commissioner Anderson said he is in agreement with the project. Commissioner Munks concurred and said the Skagit MRC would be the perfect lead entity working on this project. Chairman Dahlstedt asked what funding is involved. Mr. Boge indicated that approximately \$180,000 is dedicated to beach improvements for forage fish habitat. He then thanked Mr. Boge and the committee members for volunteering and dedicating their time to this important cause.

4. Discussion – Solid Waste

Gary Sorenson, Public Works Staff, briefed the Board on the proposed materials to be used for the upcoming City and Town Council presentations related to solid waste. He said it would take approximately one month to conduct these meetings and he then provided a proposed draft presentation to the Board for their comments and suggestions.

Commissioner Munks said he appreciated the information that Mr. Sorenson put together. He stated that the County presently has a solid waste management plan that doesn't include more than one transfer site. There has been a lot of effort to take a look at more options. He feels that as presentations are made to the cities, it is better to leave open as many options as possible for consideration. "Flexibility is the key to reaching an agreement that is best for all, whether people reside in urban or rural areas" stated Commissioner Munks.

Commissioner Anderson stated that in the interlocal agreement between the County and the cities, it has verbiage included in Section 1 that reads " An ordinance directing all solid waste collected within its jurisdiction to be disposed in the solid waste disposal facility designated by the County." He would like to see that language stricken from the presentation. Commissioner Anderson also cited a sentence under a recommendation made by SWAC that states "Allow only one transfer station; County continue to operate facility to 2013." He also asked that this be taken out of the presentation materials. Item 2 in the City Recommendations states "Cities extend interlocal agreement; provide recommendation for single or multiple transfer stations." Commissioner Anderson would like to see the sentence changed to read as follows: "Cities extend interlocal agreement."

Chairman Dahlstedt said solid waste has been a challenging topic for Skagit County to deal with over the years and everyone has made an effort to do their best. Because our contract goes until 2013, he challenges the cities to step up to the plate and partner with us. "If we don't have a good system that is affordable to handle this, the repercussions affect the entire community" stated Chairman Dahlstedt. He indicated that in 2013, perhaps the County needs to consider a Request For Proposals.

Commissioner Anderson added that you only make progress by taking one step at a time. When planning for the future, you must get the cities to indicate to us what their desires are. It is critical because the County isn't going to spend millions of dollars upgrading and gaining efficiencies without some assurance that we will maintain the same flow that we currently have. This has been a long process and he would like to see this carried out in weeks instead of months.

Commissioner Munks agreed and said he doesn't want to have this discussion again next year. He feels it is time to move ahead with a system that will benefit everyone.

Mr. Sorenson indicated that a meeting will be set up with the municipalities on October 30, 2003. Commissioner Anderson asked that all city council members receive a notice of the meeting as well.

5. Discussion – Water Rights Negotiations

Mr. Sorenson next gave an update on the Samish Basin Watershed Plan. The Department had a recent meeting with Whatcom County regarding some of the draft plan recommendations for actions to mitigate future use. Part of the Samish Basin goes into and around Lake Samish in Whatcom County and some of those recommendations may have significant impacts to that particular area. Mr. Sorenson said the council was receptive to the information, however it was all new to them. If Whatcom County were to approve the recommendations, ordinances would be required. It is their desire to hold more meetings and gather further information before they vote on the proposal.

Chairman Dahlstedt said it is critical to engage Whatcom County Executive, Pete Kremens, in any discussions as the council will not be the ones making the decisions. He said we need an engagement and a commitment on the timetable or else a commitment that they are unable to give us a timetable.

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Commissioner Anderson stated that he wants all policies consistent throughout the process or else it will be a beauracratc nightmare.

6. Miscellaneous.

There were no miscellaneous items to discuss.

PLANNING & PERMIT CENTER – DAVID BLANE, DIRECTOR

1. Initial Department Recommendation on 2003 Comprehensive Plan Amendment Applications.

Gary Christensen, Assistant Director, reported that the Planning and Permit Center received 17 Comprehensive Plan Amendment (CPA) applications by the July 31, 2003 deadline for the 2003 docket. Under Skagit County Code 14.08.030(1), the Department is required within 45 days of that deadline to forward a recommendation to the Board of County Commissioners as to which of the applications should undergo further consideration by the County. Mr. Christensen said the Department is not asking the Board to take official action on what has been transmitted. They are only being asked to schedule a date and time for a public hearing.

Commissioner Anderson requested that each applicant receive a copy of the Department's recommendations as well as a notice of the date of the public hearing.

Kirk Johnson, Senior Planner, stated that for the first time, proposals to modify municipal Urban Growth Areas (UGAs) were considered by the respective cities and towns, prior to being forwarded to the County. Fourteen of the seventeen proposals address municipal UGAs. The level of information provided in these proposals varies widely. As a result, a number of these proposals contain insufficient information to make a recommendation at this time. Applicants are being informed of the specific additional information that must be provided by October 7 to enable a recommendation to be made.

Commissioner Anderson said the City of Anacortes proposes to add 44 acres at Sharpe's Corner to its UGA. The property, located just west of the SR 20 turnoff to Oak Harbor, is part of 50 acres of land owned by the City in the immediate area. Six of the acres are in the UGA and the subject 44 acres are outside. The proposed City zoning is Light Manufacturing. The property will be subdivided for sale or lease to new light manufacturing businesses. The City states it has adequate Commercial/Industrial acreage allocation from the 1996 version of CPP 1.1 to include the subject 44 acres in the UGA. He said this is bound to have an impact on private property owners that are looking for a clear designation.

A discussion ensued regarding UGAs and Commercial/Industrial allocations. Mr. Johnson indicated that the line needs to be held on significant UGA expansions until the 2005 update.

Chairman Dahlstedt thanked Mr. Johnson for doing a great job in preparing the materials brought forth today. He asked that when updates are received on the status of an application that the matrix be modified to show these changes. It is critical for the Board to be aware of any modifications in the event they are contacted by citizens.

Commissioner Anderson motioned to schedule a public hearing on the 2003 Comprehensive Plan Amendment applications on Tuesday, October 7, 2003 at 1:30 p.m. Commissioner Munks seconded the motion, which carried unanimously.

2. Miscellaneous.

Marge Swint, Associate Planner, stated that a public meeting needs to be set as part of the final plat process for approval of Elysian Meadows, which is owned by Port Gardner Timber Company. The plat is the division of 95.38 acres into eight 5+ acres lots and one 48+ acre lot. The property is located on the east side of Cape Horn Road and east of Wilde Road.

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Commissioner Anderson made a motion to hold a public meeting for final plat approval of Elysian Meadows on Tuesday, October 7, 2003 at 10:00 a.m. The motion was seconded by Commissioner Munks and passed unanimously.

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