

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 9, 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 Vacation of a Portion of Unopened County Right-of-Way Known as Coots Cove Lane
 2. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Known as Front Street and Short Street
 3. Discussion – Assessment of the Diamond Inert Waste Landfill Site
 4. Miscellaneous
- *T 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Gary Christensen, Assistant Director
1. Deliberation – Renewal of Interim Ordinance No. O20030022, Restoring the Lot Aggregation Provisions, Related to Western Washington Growth Management Hearings Board Case No. 00-2-0046c
 2. Discussion – 2005 Comprehensive Plan/Development Regulations Update Work Program
 3. Miscellaneous
- *T 11:00 a.m. – 11:15 a.m. Presentation – Verizon Tulip Festival 2004 Phone Books
- 11:15 a.m. – 11:30 a.m. Bid Opening - Laundry, Food and Commissary Services for the Skagit County Jail

The Skagit County Board of Commissioner met in regular session on Tuesday, December 9, 2003, with Commissioners Kenneth A. Dahlstedt and Ted W. Anderson present. Commissioner Don Munks was excused to attend a Workforce Development Council meeting.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Public Hearing – Consideration of Vacation of a Portion of Unopened County Right-of-Way Known as Coots Cove Lane.

A public hearing was held to consider vacation of a portion of unopened County right-of-way known as Coots Cove Lane.

Steve Flude, Public Works, stated that the property is located off Big Lake Boulevard in Big Lake. He provided an illustration of the right-of-way to be vacated. The property is 1,319 square feet. Public Works is recommending vacation of the right-of-way at no cost except for the cost of the public hearing.

Bill Vaux 5108 Heather Court, Anacortes, spoke representing Port Gardner Timber Company, who owns property near Coots Cove Lane. He asked about the motivation to vacate the right-of-way and wanted to make sure there would still be access to the drain pipe. Mr. Flude stated that Norma Anderson requested the vacation and that the department does not require a reason.

Commissioner Anderson asked how much right-of way the County would have after the vacation. Mr. Flude stated that there will still be 60 feet of right-of-way and drainage will not be affected.

Norma Anderson, of Marysville, the owner of the property said that her property was divided into three pieces with one parcel ID number. The 0.03 acre in question was deeded to the County in 1920, and it has never been used. She stated that she is just trying to get the little tiny triangle piece back into one piece.

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There is ample easement for development. She does not want to build on this piece, but may want to put a portable shed on it in the future.

Cheryl Stewart, 23357 Oakland Lane, asked the owner if she was planning to build a home there. Ms. Anderson said that she was not planning to build on this piece. She is planning to build on the cliff parcel on the water side of West Big Lake Boulevard.

Commissioner Anderson clarified that the property was a small unused piece of right-of-way.

Chal Martin expressed concerns about the turn radius due to the development on Majestic Ridge. Mr. Flude stated that a site evaluation could be done.

Norma Anderson said that she had the property surveyed, and there is ample room to widen the road. She showed a copy of the survey, and she felt that there was ample room for utilities.

The Commissioners wanted clarification and verification of the site by Public Works before making a final decision.

Commissioner Anderson moved and Commissioner Dahlstedt seconded the motion to close public hearing. The motion carried unanimously.

Commissioner Anderson moved to render a decision on this item on Monday, December 15, at 9:45 a.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

2. Public Hearing – Consideration of Vacation of Unopened County Right-of-Way Known as Front Street and Short Street.

The Board held a public hearing to consider vacation of an unopened right-of-way regarding an opened right-of-way known as Front Street and Short Street located in Rockport. Steve Flude provided information about the location of the property. A survey was done by the individual that made the request for vacation. The area in question is essentially in people's yards.

Barbara Stevens 52677 Railroad Avenue, Rockport, has property on the corner and wanted to know what the intentions were. She said that an elderly gentleman who has property in the area was concerned that the person requesting the vacation would be cutting down trees. She also expressed concerns that people on the other side of the road would lose property.

Mr. Flude said that with vacations people gain property. He said that he did not know the intentions of the person requesting the vacation because the County does not ask that question. The road will stay where it is.

Fred Holderith, 52645 Railroad Avenue, Rockport was concerned that he would be losing property as a result of the vacation of the right-of way.

Mr. Flude said that he would gain property on the other side of the street. Commissioner Dahlstedt stated that essentially Mr. Holderith lost property when the road was constructed.

Commissioner Anderson moved and Commissioner Dahlstedt seconded the motion to close the public hearing. The motion carried unanimously. Commissioner Anderson then moved to consider this matter on December 15, at 9:45 a.m. Commissioner Dahlstedt seconded the motion, which carried unanimously.

3. Discussion – Assessment of the Diamond Inert Waste Landfill Site.

Gary Sorenson, Public Works, provided background information about John Diamond's inert waste landfill site on Highway 9 in Sedro-Woolley. Mr. Diamond has indicated interest in selling this site to the County. County Administrator Gary Rowe asked Public Works to assess his site to see if his site could be

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used for disposal of inert wastes and clean soils by County road crews. A consultant was hired to evaluate the site and prepare a report. His conclusions were that the County has sufficient capacity for disposal at their existing sites and the County has no foreseeable use for Mr. Diamond's site.

Commissioner Anderson questioned why Mr. Diamond was not eligible for the DNR reclamation permit.

Britt Phaff-Dunton said that she does not know all of the DNR permit issues. She said the difference is that at Mr. Diamond's site he can take in asphalt, concrete, and he can fill up his entire pit with those materials. At DNR reclamation permitted sites, only clean soils can be dumped and concrete and asphalt use is limited to stockpiling for recycling into aggregate and for contouring of the site.

John Diamond, 23430 Diamond Road, said his gravel pit has been in existence since the 1920's. The County and the State dumped in his site. He submitted an application for a DNR reclamation permit, but he was denied because his site exceeded the 2,000 yard limit for inert material. He was also denied a fill and grade permit. Many other sites in the area are also over that limit, but the rules do not seem to apply to them. Mr. Diamond stated that he did not have a problem with the process, but it should be applied consistently. He does not understand why the rules apply to him and not to other sites. The only option he was given was to haul everything out to another landfill or permit his site as a landfill. He wants the County to purchase the site. He is willing to take a loss in money just so that he can get rid of the pit.

Commissioner Anderson said that he felt that Mr. Diamond spent a lot of money on the site and he felt that the process should be applied equally and he did not think that happened. Mr. Martin asked if the Commissioner wanted Public Works to research the matter further. Commissioner Dahlstedt said that he agreed that everyone should be held to the same standard. The laws and rules should be followed fairly and consistently. Mr. Martin will follow-up on this matter.

4. Miscellaneous.

Chal Martin presented a resolution to designate the FEMA applicant agent for the recent flood disaster and a letter to the Washington State Transportation Commissioner requesting support for designating State Route 9 as a Highway of Statewide Significance.

Commissioner Anderson moved and Commissioner Dahlstedt seconded the motion to sign the letter to Aubrey Davis, Chair of the Washington State Transportation Commissioner to designate SR20 as a Highway of Statewide Significance. The motion carried unanimously.

Commissioner Anderson moved to approve the resolution to designate Chal Martin as the Applicant Agent for the October 2003 Skagit River Flood. Commissioner Dahlstedt seconded the motion, which carried unanimously. **(Resolution R20030410)**

Mr. Martin alerted the Commissioners that the cycle for several types of grant funding for habitat restoration and clean water projects is approaching. The Upper Skagit Tribe has contacted Public Works staff regarding some potential projects in the vicinity of the Northern State Recreation Area. It appears that there is some good opportunity there. Mr. Martin added that Public Works will provide an update in the future regarding restoration of the facilities that were damaged during the flood.

PLANNING & PERMIT CENTER – GARY CHRISTENSEN, ASSISTANT DIRECTOR

Gary Christensen, Assistant Director, reported that the Growth Management Hearings Board had rendered a decision in the County's favor by 2-1 on the Ag/Fish implementation strategy. The County was found in compliance with some points of clarification that need to be provided within 180 days.

Tom Karsh added that while the County was found to be in compliance; however, the areas that need to be clarified are the same issues that were of the most contention.

1. Deliberation – Renewal of Interim Ordinance No. O20030022, Restoring the Lot Aggregation Provisions, Related to Western Washington Growth Management Hearings Board Case No. 00-2-0046c.

The Commissioners held a public hearing regarding lot aggregation provisions last week and additional time was allowed for public comment on the Ordinance. The department is proposing that the Board extend the Interim Ordinance No. O20030022 for 90 days, with the understanding that a draft lot aggregation code amendment be released for public review within 30 days, and within 60 days a public hearing will be held on the proposal. The Commissioners would also hold a public hearing, and if action is taken it could be remanded to the Planning Commission.

Commissioner Anderson wanted it clearly understood that within 30 days that the document is released for public review. He liked the idea of the Commissioners holding their own public hearing first so that the Planning Commission was aware of the outcome. Commissioner Dahlstedt stated that this has been a lengthy process that has created a great deal of difficulty for the County and citizens.

Commissioner Anderson moved to readopt Interim Ordinance No. O20030022 for 90 days with the understanding that a drafted lot aggregation code amendment is released within 30 days for public review and within 60 days a public hearing will be held on this proposal with a target date of 90 days for the new ordinance. Commissioner Dahlstedt seconded the motion, which carried unanimously.

Kendra Smith stated that once a new Ordinance is adopted, a compliance hearing will be required.

2. Discussion – 2005 Comprehensive Plan/Development Regulations Update Work Program.

Mr. Christensen provided an update on 2005 Comprehensive Plan and development regulations. The process will be carried out in a five-phase program, which will include the following: 1) review of relevant documents and consultant with staff and other to identify policy and code amendments to be addressed; 2) Analysis and final identification of needed revisions; 3) Development of plan, regulation, designation and map revision proposals; 4) agency, environment, and public review; 5) legislation by the Board of County Commissioners.

Commissioner Anderson stated that benchmarks that were established during the flood should be incorporated into the Comprehensive Plan update process.

3. Miscellaneous.

Mr. Christensen discussed the recent decision of the Skagit County Boundary Review Board regarding the Oyster Creek Lane annexation. This annexation is an area that is designated as Industrial Forest. The County has the option to appeal this matter to the Superior Court within 30 days of the December 2 decision. He will monitor this matter to make sure the time does not expire if the Commissioners want to pursue the appeal process.

Commissioner Anderson said that he is opposed to development into industrial forest land due to potential risk of fire to property owners. Commissioner Dahlstedt stated that he does not want intrusion into timber lands and would like to have Commissioner Munks' opinion before making a decision.

Kirk Johnson, Senior Planner, gave an update on the rural sign ordinance. Oscar Graham was hired to review the records and organized the information. He will be developing some revisions to the previous draft looking at the major areas of disagreement. That document will be available within the next two weeks for initial review. It will be presented for public hearing in late January. The goal is have the ordinance completed by March of 2004.

Mr. Christensen reported that Commissioner Munks and he attended the first meeting of the Fidalgo Subarea Planning group. The Bayview Ridge Subarea group will have the final impact statement and

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revised subarea plan and development regulations available for public review by mid-January with a public hearing before the Planning Commission in February.

Kendra Smith gave an update on the Shorelines Master Program process. The County has just received one of the largest grants ever given by the State. She showed a map portfolio that was developed with the County GIS Department, who provided excellent support for this project.

PRESENTATION – VERISON TULIP FESTIVAL 2004 PHONE BOOKS.

Tulip Festival Director Cindy Verge introduced Cissy Chan from Verizon. Ms. Chan presented the 2004 Verizon directory phone book cover that was designed in partnership with the Skagit Tulip Festival.

BID OPENING – LAUNDRY, FOOD AND COMMISSARY SERVICES FOR THE SKAGIT COUNTY JAIL.

Gary Shand, Chief of the Skagit County Jail opened the following bids for laundry, food, and commissary services:

Consolidated Food Management
2448 – 76th Avenue SE #203
Mercer Island, WA 98040-2744

The bidder submitted a letter requesting an extension of the deadline to complete a bid proposal.

Aramark Correctional Services
1801 S Meyers Road – Suite 300
Oak Brook Terrace, IL 60181
The bidder submitted a proposal.

Mr. Shand requested additional time to review the large amount of material contained in the Aramark Correctional Services bid. Provided that the specifications are met, a bid recommendation will be forthcoming.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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