

**RECORD OF PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 14, 2004**

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| 8:00 a.m. – 8:45 a.m. | Work Session – Commissioners |
| 8:45 a.m. – 9:30 a.m. | Work Session – County Administrator |
| 9:30 a.m. – 10:00 a.m. | Bid Opening – Reconstruction of a Portion of Main Street in the Town of Concrete |
| 10:00 a.m. – 10:15 a.m. | Discussion/Possible Action – Determination of Non-significance Issued by the Washington State Department of Fish and Wildlife for the 2004-2005 Puget Sound Commercial and Recreational Salmon Fisheries |
| 11:00 a.m. – 11:30 a.m. | Consent Agenda and Miscellaneous Items |
| 11:30 a.m. – 11:45 a.m. | Public Comment Period |
| 1:15 p.m. – 1:30 p.m. | Closed Record Hearing for Preliminary Plat Approval of Lekcinton Areas (PL03-0319) Submitted by Glen and Karen Nickel |
| 1:30 p.m. – 2:00 p.m. | Public Hearing – To Consider Public Testimony Regarding a Proposal for State of Washington Department of Community Trade and Economic Development (CTED) Community Development Block Grant (CDBG) Planning Only Grants by Skagit County and the Town of Hamilton for the Purpose of Community Services/Facilities Planning and for Flood Relocation Planning |
| *T 2:00 p.m. – 3:00 p.m. | <u>Board of Health – Peter Browning, Director</u> <ol style="list-style-type: none">1. Public Hearing - To Consider Public Testimony Regarding a Revised Skagit County Code (SCC) 12.16, Solid Waste Handling and Facilities2. Update – Healthy Communities Grant3. Discussion - Leif Erikson Recreational Association Appeal |
| 3:00 p.m. – 3:30 p.m. | Consideration of the Hearing Examiner’s Recommendation for Approval for the Following Timber Open Space Applications: <ol style="list-style-type: none">1. Kenneth N. Schultz for Property Located at 5882 Honeysuckle Lane in Marblemount (C/U TTR#2-2004)2. Kenneth D. Osborn for Property Located Near Milepost #43, Highway 9, Tract 4 of Short Plat 88-80 (C/U TMB #1-2003)3. Mark and Cheryl Lutz for Property Located Near Campbell Lake, Tract A of Short Plat 13-81 (CU/TMB #2-2003)4. Wallace and Betty Hoback for Property Located Near the Bacus Hill Area, Tract 49 (CU/TMB #3-2003)5. Robert and Irene Dale for Property Located Near the Campbell Lake Area (CU/TMB #4-2003)6. Chris Feringer for Property Located in the Bow Hill Area (CU/TMB #5-2003)7. Roger and Catherine Hoesterey for Property Located East of Beaver Lake (CU/TMB #6-2003)8. Grace Johnson for Property Located in the Bayview-Edison Area (CU/TMB #7-2003) |

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9. Scott Morgan and Deymian Lesar for Property Located Along Indian Road Outside the City Limits of La Conner (CU/TMB #8-2003)

3:30 p.m. – 4:30 p.m.

Work Session – Conservation Futures Advisory Committee

The Skagit County Board of Commissioners met in regular session on Monday, June 14, 2004 with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

BID OPENING – RECONSTRUCTION OF A PORTION OF MAIN STREET IN THE TOWN OF CONCRETE.

Staff members from the Public Works Department opened the following bids for the reconstruction of a portion of Main Street in the Town of Concrete:

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| 1. | Snelson Companies, Inc.
601 W. State Street
Sedro Woolley, WA 98284 | \$1,134,900.75 |
| 2. | Trimaxx Construction Incorporated
1023 Alderwood Lane
Sedro Woolley, WA 98284 | \$1,170,234.80 |
| 3. | Interwest Construction, Inc.
651 N. Hill Blvd.
Burlington, WA 98233 | \$1,172,897.30 |
| 4. | SRV Construction, Inc.
P. O. Box 481
Oak Harbor, WA 98277-0481 | *\$1,187,172.80 |

* Minor corrections were calculated using SRV Construction's Unit Price bid amount adjusting their original bid of \$1,187,745.20 to \$1,187,172.80.

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| 5. | Soto & Sons Construction LLC
7730 Goodwin Road
Everson, WA 98247 | \$1,190,819.50 |
| 6. | G. G. Excavation, Inc.
9669 Padilla Heights Road
Anacortes, WA 98221 | \$1,193,366.15 |

* Minor corrections were calculated using G. G. Excavation's, Inc. Unit Price bid amount adjusting their original bid of \$1,194,986.10 to \$1,193,366.15.

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| 7. | TRICO Contracting, Inc.
P. O. Box 409
Burlington, WA 98233 | \$1,257,685.00 |
| 8. | Callen Construction Company, Inc.
P.O. Box 498
Custer, WA 98240 | \$1,279,805.00 |

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9.	Henifin Construction LLC 3857 Hannegan Road Bellingham, WA 98226	\$1,291,815.00
10.	Herman Hobbick Trucking, Inc. P. O. Box 249 Mount Vernon, WA 98273	\$1,402,442.50
11.	Wilder Construction Company 3876 Hannegan Road Bellingham, WA 98226	\$1,489,975.00

The bids will be reviewed and a recommendation will be forthcoming.

DISCUSSION/POSSIBLE ACTION – DETERMINATION OF NON-SIGNIFICANCE ISSUED BY THE WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE FOR THE 2004-2005 PUGET SOUND COMMERCIAL AND RECREATIONAL SALMON FISHERIES.

Tom Karsh, Natural Resource Policy Administrator, reviewed the proposed Resolution commenting on the proposed 2004-2005 Puget Sound Commercial and Recreational Fisheries Determination of Non-significance (DNS). Contained in the Resolution are the following points that the Commissioner's have asked to weigh in on:

1. The Washington State Department of Fish and Wildlife and the NOAA Fisheries are urged to extend the comment period on this DNS and postpone targeted harvests of a listed salmon stock until escapement goals are sure to be met and until more detailed analyses are provided for these and other issues and questions posed below.
2. The science is becoming increasingly clear that current management philosophy of allowing pre-terminal harvest has not worked. Historically, most salmon were harvested in the terminal areas but now communities are being asked to make necessary habitat sacrifices while distant communities are enjoying the economic gains associated with harvest. Local communities protecting riparian habitat should enjoy the fruits of their sacrifices before allowing pre-terminal fisheries enjoyed by distant communities.
3. County is supportive of fishing for tribal ceremonial purposes, but opposes direct or incidental netting of listed salmon for commercial purposes until such time as escapement goals are sure to be met.
4. County is concerned about the netting in the rivers. County is concerned that there is inadequate research into the effect of netting on incidental catch of other species. The proposed DNS documentation is inadequate to justify netting in the rivers.
5. Proposed DNS documentation is inadequate to quantify with reasonable certainty, that effects of harvest in the salt water are not harmful to Chinook.
6. Explain with specificity where netting will occur in each reach of the Skagit River; when and how many fish of what species are targeted for catch; what netting methods will be used; how many incidental fish are expected to be caught; what release techniques will be used for incidental catch; and what mesh size will be used in the nets.
7. Explain specifically what the targets are for threatened wild Chinook, and how this action helps to recover the species, for each Skagit Chinook run; how many returning spawners vs. target returning spawners; how many redds vs. targeted redds; how many recruits vs. target recruits; how many smolts vs. target smolts.

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8. Project how this plan will affect returning spawners 3, 4, and 5 years hence. Comment on exploitation rates and why this rate is appropriate. Comment on saltwater fishing and explain how reduced Canadian fishing seemed to result in record runs in the Skagit that same year.

Commissioner Dahlstedt said it is critically important how the Board of County Commissioners weigh in on this issue. Efforts have been made and millions of dollars have been spent in this County to try and enhance these fisheries. To allow harvesting with nets without examining the nets' negative impacts on the fisheries in general is absurd. We need to hold the State accountable for the same things they are holding the cities and the counties accountable for. Commissioner Dahlstedt said he agrees with the Resolution and feels the State has been pretending that this netting is not having negative impacts on the resources. It is time that someone stands up and tells the truth. We certainly want healthy salmon and steelhead but we also want to have the ability for people to enjoy this resource.

Commissioner Munks said it is important to preserve the salmon but he also thinks it is important to preserve our inherent rights. All the burden of saving salmon is on habitat and yet there are endangered and/or threatened species that are being netted in the Skagit River.

Larry Carpenter, owner of Master Marine Services, Inc. and Checkered Flag Marine, Inc., explained that the "action" for public review under the SEPA process is the non-Indian fisheries in Puget Sound (all fisheries in marine and freshwater areas); including sport-fishing in the Skagit River directed at healthy stock of wild and hatchery Coho. It does not involve any fishing directed at Endangered Species Act (ESA) listed Chinook stocks. It is the entire Puget Sound package for the 2004-2005 season that will commence in the Skykomish River, Areas 10, 11, and 13 on June 16, 2004 and then the San Juan's on July 1, 2004.

Mr. Carpenter feels it would be disastrous for the Commissioners to challenge this fishery plan, disastrous from the economic point of view for all the related businesses involved in fisheries related activities, and disastrous from the point of view of public process negating the investments of time and energy by volunteers like himself working with the State to construct meaningful recreational opportunities within a fishery plan that puts Skagit River Chinook conservation first.

The fisheries that are allowed under this one-year fishing plan are only those that are directed at healthy and harvestable populations such as hatchery stocks and Skagit wild Coho that have been returning in record numbers in recent years. The fishing plan does not include the tribal fisheries, only non-Indian and mostly sport fisheries, such as the San Juan recreational fishery beginning on July 1, 2004, which targets Fraser River origin fish.

Mr. Carpenter said this plan is only for one year. NOAA Fisheries has approved this fishing plan under the provisions allowing incidental take under the ESA. It would be a positive opportunity for Skagit County to begin construction engagement in a watershed-wide forum with all habitat, harvest and hydro related interests, directing their joint efforts toward achieving common objectives and an understanding that the recovery of these listed Chinook stock will not be accomplished by attacks from one sector to another.

Mr. Carpenter thinks Puget Sound Chinook are rebuilding and urged the Commissioners not to challenge this process.

Don Colvin, Treasurer of the Wildcat Steelhead Club, said everyone is preaching about habitat; however, the real problem is over fishing. He is supportive of the Resolution but feels it will be a long time before this problem is resolved. Netting needs to be banished from the oceans and rivers and it is a severe issue. Mr. Colvin also asked to go on record as opposing bubble fisheries.

Mr. Karsh said when he contacted the State Fish and Wildlife personnel; they offered to appear before the Board to explain this entire issue. Bob Warner, a local Fish and Wildlife official, has advised that there is no specific proposal for direct take of Chinook salmon within the Skagit system.

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Chairman Anderson stated that whole mess is all political and has nothing to do with science. One of the factors for a healthy salmon run is escapement. When the nets went into the Skagit River, it was the beginning of the end of salmon stock.

Commissioner Dahlstedt asked what would happen as a result of sending this Resolution to the State.

Mr. Karsh said they will receive it as a comment on their DNS and then under State SEPA laws, the Department of Fish and Wildlife will determine whether the comments they have received should result in the determination being withdrawn and additional studies done. They could also direct that research be conducted and analyzed on specific issues that the County has brought forth, or they could say thank you for your comments, but we've already considered those in a broader comprehensive plan and we think the issues are being addressed.

John Higgins, Helmick Road in Sedro-Woolley, stated that a couple of years ago he watched someone take 57 wild steelhead from the Skagit River and then threw 24 dead ones from the net back into the river. He took the rest to Diamond Bar, gutted them, took the eggs, threw the carcasses back into the river and then proceeded to sit in a tavern all day. What happened to the eggs? Mr. Higgins said you cannot net the nursery and that's all the Skagit River is.

Commissioner Munks motioned to adopt the Resolution as outlined by Mr. Karsh. Commissioner Dahlstedt seconded the motion, which passed unanimously. **(Resolution No. R20040190)**

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Monday, June 14, 2004, items 1 through 29. Commissioner Dahlstedt seconded the motion, which passed unanimously. Kirk Johnson pointed out a technical correction to Item 13.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, June 7, 2004.
2. Resolution re-appointing Maxine Williams and Barbara Lee to the Northwest Senior Services Advisory Board effective July 1, 2004 and expiring on June 30, 2007. **(Resolution No. R20040191)**

BUDGET & FINANCE:

3. Memorandum of Agreement between Skagit County and the North Cascades Chamber of Commerce to promote tourism and awareness by constructing public restrooms at the North Cascades Chamber facility in Marblemount. The effective date of the agreement is May 17, 2004 with a completion date of December 31, 2004. Compensation shall total \$7,252.08. **(Contract No. C20040250)**
4. Funding Agreement, per Resolution No. R20040093, between Skagit County and the Housing Authority of the City of Anacortes to distribute \$94,000 in low-income housing funds pursuant to Substitute House Bill 2060. The agreement shall commence on the date of execution and continue for one year. **(Contract No. C20040251)**
5. Amendment No. 1 to Interlocal Cooperative Agreement **No. C20020159** between Skagit County and Washington State University for funding in the amount of \$500,000 for the WSU Research and Extension Unit Project. The amendment will extend the agreement to June 30, 2006. All other terms and conditions shall remain in effect. **(Amendment No. A20040106)**
6. Funding Agreement, per Resolution No. R20040093, between Skagit County and the Skagit Valley Family YMCA to distribute \$15,000 in low-income housing funds pursuant to Substitute

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House Bill 2060. The agreement shall commence on the date of execution and continue for one year. **(Contract No. C20040252)**

7. Resolution amending Resolution **No. R20040180** accepting recommendations of Economic Development Public Facilities Project Advisory Committee for projects submitted in April 2004. The amendment corrects the project listed as the Port of Anacortes to the Port of Skagit County. **(Resolution No. R20040192)**

FARMLAND LEGACY:

8. Resolution appointing Ann Marie Lohman and Kim D. Mower to the Agricultural Advisory Board effective June 15, 2004 and expiring on June 30, 2007. **(Resolution No. R20040193)**
9. Conservation Easement granted by Daniel H. Miller, Carol J. Miller, and Sterling Hill, LLC to Skagit County. The easement will permanently protect 410.31 acres of farmland located on the Cook Road north of Burlington, at a cost of \$775,000. **(Contract No. C20040253)**

HUMAN RESOURCES:

10. Resolution authorizing the transfer of sick leave for an employee in the Assessor's Office. **(Resolution No. R20040194)**

INFORMATION SERVICES:

11. Resolution authorizing the transfer of surplus computer equipment to the City of Mount Vernon. **(Resolution No. R20040195)**

PARKS & RECREATION:

12. Resolution calling for a Public Hearing to review the proposed naming of the Sares Bluff property. The hearing will be held on Monday, June 28, 2004 at 10:30 a.m. **(Resolution No. R20040196)**

PLANNING & PERMIT CENTER:

13. Ordinance adopting a new Skagit County Sign Code, SCC 14.16.820, in response to Findings of Invalidity by the Western Washington Growth Management Hearings Board in Case No. 00-2-0046c. **(Ordinance No. O20040010)**
14. Amendment No. 1 to Personal Services Agreement **No. C20030367** with Mark Personius, which corrects the Contractor's address, timeline General Ledger Code and extends the contract expiration date to December 31, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040107)**

PROSECUTING ATTORNEY:

15. Amendment No. 2 to Personal Services Agreement **No. C20030507** with Buck & Gordon, which reflects a personnel change in attorneys and paralegals but not a change in rate. It also increases the maximum compensation amount an additional \$100,000 for a new contract total of \$280,000. **(Amendment No. A20040108)**

YOUTH & FAMILY SERVICES:

16. Personal Services Agreement with Scott Graham and Associates, LLC to provide specialized child, adolescent, adult and/or family assessment, evaluation, and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony and training, as referred by the Department. The agreement shall commence on May 1, 2004 and continue until June 30, 2006. Maximum annual reimbursement shall not exceed \$10,000. **(Contract No. C20040254)**
17. Interlocal Cooperative Agreement, Per Resolution **No. 17300** between Skagit County and the La Conner School District, which will allow for the expansion of At Risk Intervention Services (ARIS) in Skagit County School Districts an additional 20 hours per week, including the provision of academic support to the youth of Kulshan Creek Neighborhood through an after school bilingual tutoring program. The agreement shall commence on June 1, 2005 and continue through May 31, 2005. Compensation shall not exceed a total of \$45,696. **(Contract No. C20040255)**

PUBLIC WORKS:

18. Resolution calling for bids for the 2004 Bridge Painters Maintenance Cleaning and Painting Project, Dalles Bridge #ES40090-1 and Skagit North Fork Bridge #ES40037-4. The bid opening will be held on Monday, June 28, 2004 at 2:00 p.m. **(Resolution No. R20040197)**
19. Resolution rejecting all bids for the purchase of two portable buildings for the Guemes Island Ferry. **(Resolution No. R20040198)**
20. Change Order No. 3 for the Baker River Bridge Rehabilitation Project, ES9700-6, to provide for changes to the project work including: approach slab design revisions, additional work necessary to install the storm drain at the eastside of bridge and installing luminaries. The change order also increases the maximum amount of compensation by \$73,853.19 for a new total of \$1,581,191.05. **(Contract No. C20040256)**
21. Emergency Resolution authorizing the use of County property and resources to clean up a rock slide that occurred on State Route 20 in the winter of 2003-2004 in the vicinity of Falls Creek at milepost 121.5. **(Resolution No. R20040199)**
22. Construction Contract with Advanced Construction, Inc. for the Guemes Ferry/Anacortes Parking Lot Construction Project, ESMC 991-1 for the low bid of \$591,184.50. **(Contract No. C20040257)**
23. Supplement No. 1 to Local Agency Standard Consultant Agreement **No. C20040052** with Shearer Design, which amends the scope of work and increases compensation by \$24,100 for a new contract total of \$71,950. All other terms and conditions shall remain in effect for structural engineering services for the Baker River Bridge Rehabilitation Project, ES9700-6. **(Contract No. C20040258)**
24. Amendment No. 1 to Vendor Services Agreement **No. C20040208** with the Wizards of Ooze, which amends the compensation amount by \$2,000 for a new contract total amount of \$16,400. All other terms and conditions shall remain in effect. **(Amendment No. A20040109)**
25. Vendor Services Agreement with Skagit Valley Glaspro to provide repairs and replacement of glass for County vehicles and equipment from June 1, 2004 through May 31, 2005 for a total not to exceed \$20,000. **(Contract No. C20040259)**

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26. Vendor Services Agreement with Louis Auto Glass to provide repairs and replacement of glass for County owned vehicles from June 1, 2004 through May 31, 2005 for a total not to exceed \$20,000. **(Contract No. C20040260)**
27. Resolution AND Interlocal Cooperative Agreement between Skagit County and Concrete School District #11, which will allow the Skagit County Public Works Department to provide materials, equipment rental, and perform work for the District. The agreement shall commence on June 7, 2004 and continue through December 31, 2008. **(Resolution No. R20040200 AND Contract No. C20040261)**
28. Local Agency Standard Consultant Agreement with ENTRANCO, Inc., which will allow for construction engineering services, including preparing a load rating report for the rehabilitated existing Baker River Bridge. The agreement shall commence on the date of execution and continue through March 31 2005. Compensation is expected to total \$13,354. **(Contract No. C20040262)**
29. Resolution AND Interlocal Cooperative Agreement between Skagit County and Drainage District #15, which allows the Skagit County Public Works Department to provide materials, equipment rental, and perform work for the District. This agreement shall be from calendar year period 2004 through 2008. **(Resolution No. R20040201 AND Contract No. C20040263)**

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, June 14, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$98,316.75 (Transmittal No. C-75-04); and

Warrants numbered 172319 through 172405 from Clearing Fund 696 in the total dollar amount of \$304,100.05); and

Payroll warrants numbered 146366 through 147144 in the total dollar amount of \$948,876.82 (Transmittal No. P-21-04); and

Payroll warrants numbered 963040 through 963182 in the total dollar amount of \$173,735.44 (Transmittal No. P-22-04); and

Warrants numbered 172406 through 172622 from Clearing Fund 696 in the total dollar amount of \$837,364.05 (Transmittal No. C-77-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$65,084.36 (Transmittal No. C-78-04).

2. Tom Karsh, Natural Resources Policy Administrator, presented Resolution No. R20040190 relating to the Determination of Non-significance issued by the Washington State Department of Fish and Wildlife for the 2004-2005 Puget Sound commercial and recreational salmon fisheries for signature.
3. Mr. Karsh presented a copy of a recorded motion of the Skagit County Planning Commission relating to an amendment to SCC 14.24.120 (4) Required Watercourse Protection Measures for

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Ongoing Agriculture. The Planning Commission approved the amendment 8-1, with Harry Ota in opposition.

Commissioner Munks moved to hold a public meeting on June 21, 2004, from 9:30- 10:00 a.m. to discuss and possible take action on the Planning Commission's recommendation on SCC 14.24.120. Commissioner Dahlstedt seconded the motion, which carried unanimously.

PUBLIC COMMENT PERIOD.

Ed Johnson, 3308 E College, Mount Vernon spoke about a variety of concerns including problems with public access to Big Lake, and the dock at Cardinal Cove. He also feels the County needs a staff person to address air pollution issues, and a staff person to provide support for the Court computers. In addition he would like to see Alex Von Cube involved with provide statistical data to the State.

Homer Hughes, 35023 Walders Road, adjacent to Hamilton, inquired about citizen participation in the Puget Sound Energy relicensing since he feels this is a backdoor tax. He also spoke about bikers damaging and riding on his property. (He left a letter regarding this issue). Mr. Hughes also expressed concerns regarding paying taxes on a portion of his property that he is unable to use.

Commissioner Anderson said it might be possible to hold a public meeting regarding the relicensing process and asked for Mr. Hughes' phone number in order to respond to his other issues.

Jamie Lanning, 13089 Highway 9, Mount Vernon inquired about road work being done on Beaver Lake Road and in Clear Lake. He also asked if the County could mow the right-of-way in Clear Lake where they park their vehicles across from the store.

CLOSED RECORD HEARING FOR PRELIMINARY PLAT APPROVAL OF LEKCINTON AREAS (PL03-0319) SUBMITTED BY GLEN AND KAREN NICKEL.

Commissioner Anderson opened the closed record hearing the preliminary plat approval of Lekcinton Acres, which was submitted by Glen and Karen Nickel.

Marge Swint, Associate Planner, provided a map of the property and background information. The property is not in the flood plain. The project property is zoned Rural Resource, which has a 40 acre minimum. The property is 111 acres and is located on the south side of the South Skagit Highway east of the intersection of Cape Horn Drive. There will be a total of 11 lots; 10 one acre lots, and the remaining 101 acres will have a one-acre development right and the remaining acreage will be an open space preservation area. There will be individual wells and onsite septic. The road will be private and constructed to private road standards. The project has been reviewed by the County. Only one concern was received by Skagit System Cooperative. They were concerned about private wells. They did not comment at the public hearing. The Hearing Examiner issued an order recommending approval, subject to the conditions contained in the order. Ms. Swint recommended approval.

Commissioner Munks moved to approve the preliminary plat of Lekcinton Acres (PL-03-0319). Commissioner Dahlstedt seconded the motion, which carried unanimously.

PUBLIC HEARING – TO CONSIDER PUBLIC TESTIMONY REGARDING A PROPOSAL FOR STATE OF WASHINGTON DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT (CTED) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PLANNING ONLY GRANTS BY SKAGIT COUNTY AND THE TOWN OF HAMILTON FOR THE PURPOSE OF COMMUNITY SERVICES/FACILITIES PLANNING AND FOR FLOOD RELOCATION PLANNING.

Paul Schissler, 1101 Harris Avenue, Bellingham, provided handouts of the proposal and explained that the State of Washington Department of Community, Trade and Economic Development (CTED) recently offered to provide two grants of up to \$50,000 each to help address the problems in and around the Town

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of Hamilton. These CDBG Planning-Only (PO) Grants can only be offered to cities, towns and counties. For grants of more than \$35,000, CTED requires two jurisdictions to cooperate in proposing the project to be funded with the CDBG PO funding.

Mr. Schissler said that in this case, he believes it makes sense for Skagit County and the Town of Hamilton to join in an application for CDBT PO funds to help the town and its immediate surrounding areas assess the need for community services and facilities and for flood mitigation and relocation planning. Because CDBG funds must principally benefit low- and moderate-income persons, these grants present an opportunity to address the issues of the Town of Hamilton's low- and moderate-income citizens and the community at large.

With these proposed CDBG PO grants, local governments can work with citizens in the area over the next several years to demonstrate the importance of community facilities and flood mitigation planning and assistance as part of a well-rounded strategy for community development and economic revitalization. These steps could also position a number of important projects for significant federal and state funding. Recently, federal and state agencies have acknowledged again the many challenges that the Town of Hamilton is facing as it makes plans to relocate at least half of its residences out of frequently flooding areas within the Skagit River floodplain.

As evidence of that renewed commitment from state and federal agencies, FEMA and the Washington State Department of Ecology together granted the Town over \$350,000 last month to help the Town with flood mitigation projects. Also, the Town recently completed an award-winning public water system improvement project that replaced a water source prone to floodwater contamination by developing a secure groundwater well located outside of the floodplain.

Mr. Schissler stated that these projects demonstrate the Town's commitment and ability to face many challenges; however the Town needs financial assistance to plan for solutions to these problems. Therefore, the offer of up to \$100,000 in two \$50,000 CDBG PO grants can make a tremendous difference for the Town residents and for the community at large.

Chairman Anderson opened the public hearing.

Bill Shuler, Director of the Skagit County Community Action Agency, said they have been aware for years about the needs of the Towns of Lyman and Hamilton when flooding occurs. He spoke in favor of applying for the grants.

There being no further public comment, Commissioner Munks motioned to close the public hearing, which was seconded by Commissioner Dahlstedt. The public hearing was closed.

Commissioner Munks made a motion to approve partnering with the Town of Hamilton for two \$50,000 CDBG PO grants. Commissioner Dahlstedt seconded the motion, which passed unanimously.

BOARD OF HEALTH – PETER BROWNING, DIRECTOR

1. Public Hearing – To Consider Public Testimony Regarding a Revised Skagit County Code (SCC) 12.16, Solid Waste Handling and Facilities.

Corinne Story, Environmental Health Supervisor, stated that in 2003, Washington State adopted a new regulation for solid waste handling, Washington Administrative Code 173-350, Solid Waste Handling Standards. This regulation replaces the State regulation that has been in effect since 1988, WAC 173-304, Minimum Functional Standards for Solid Waste Handling. Chapter 173-350 requires local health jurisdictions to adopt the State standards within 12 months. The Skagit County Health Department has substantially revised their solid waste code, Skagit County Code 12.16, Solid Waste Handling and Facilities to adopt the 173-350 WAC and to address deficiencies in our local code.

Britt Pfaff-Dunton summarized the main differences between the existing code and the proposed revision.

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Chairman Anderson opened the public hearing.

Ed Little, 4506 San Juan Avenue, Anacortes, said the Solid Waste Advisory Committee as it presently exists, is heavily peopled by public employees. He doesn't agree with those employees being judge, jury and executioner and would like to see more personal representation on the committee. He urged the Board to retain personal control in that area.

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

Commissioner Munks made a motion to render a decision on this matter, Monday, June 21, 2004 at 1:00 p.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

2. Update – Healthy Communities Grant.

Liz McNett-Crowl, Coordinator for the Mount Vernon Healthy Communities Project, gave a PowerPoint presentation on the Healthy Communities Grant that was recently awarded to the City of Mount Vernon. She said two years ago a grant application was sent to the Centers for Disease Control with the hope of bringing planning dollars and then implementation funds into our community to address inactivity and obesity. Mount Vernon is the second pilot site in the State of Washington to be chosen.

3. Discussion – Leif Erikson Recreational Association Appeal

Ms. Story explained that the Leif Erikson Recreation Association (LERA) has been asked to be exempt from licensing as a Camping Vehicle Park (CVP) under Skagit County Code 12.20, based on exemption language in the code. The Health Officer denied this appeal as the appellant's interpretation of this language was not the intent of the code. Similarly structured CVP's such as the Elks Park, KOA campgrounds and Thousand Trails are licensed throughout the County. Ms. Story said the appellant raised the issue about recreational vehicles being located on properties nearby. Investigation revealed that these are RV's owned by property owners, their families and invited friends.

Ms. Story gave the Board the following three options to choose from when considering this request:

1. Uphold the Health Officer's denial of the appeal.
2. Direct County staff to review pertinent Skagit County Codes regarding multiple RV's used by property owners on their own property.
3. Overturn the Health Officer's determination and allow LERA to operate without a Skagit County Health Department CVP permit.

John Olsen of the Leif Erickson Recreation Association read a statement to the Board regarding the position of LERA. He feels they should be exempt from this licensing as it is his opinion that they fall under the exemption in SCC 12.20(1) "Jurisdiction; Organized camps and parks that are not primarily intended to serve camping vehicles are exempt under this chapter." Mr. Olsen's argument is that LERA is not primarily to serve the camping vehicles that utilize the park, but that LERA is primarily for the residents who have homes as part of the Association, and that the camping vehicle park is a lesser part of the organization.

The Commissioners expressed confusion over what the actual issue is that is being considered. Therefore, Commissioner Munks motioned to postpone a decision on this matter until Monday, June 28, 2004 at 2:00 p.m. Commissioner Dahlstedt seconded the motion, which passed unanimously.

**CONSIDERATION OF THE HEARING EXAMINER'S RECOMMENDATION FOR APPROVAL
FOR THE FOLLOWING TIMBER OPEN SPACE APPLICATIONS.**

Linda White, Current Use Specialist, reviewed the following new Timber Open Space applications, including one transfer application for Kenneth N. Schultz:

1. Kenneth N. Schultz for Property Located at 5882 Honeysuckle Lane in Marblemount (C/U TTR#2-2004) **(Resolution No. R20040202)**
2. Kenneth D. Osborn for Property Located Near Milepost #43, Highway 9, Tract 4 of Short Plat 88-80 (C/U TMB #1-2003) **(Resolution No. R20040203)**
3. Mark and Cheryl Lunz for Property Located Near Campbell Lake, Tract A of Short Plat 13-81 (CU/TMB #2-2003) **(Resolution No. R20040204)**
4. Wallace and Betty Hoback for Property Located Near the Bacus Hill Area, Tract 49 (CU/TMB #3-2003) **(Resolution No. R20040205)**
5. Robert and Irene Dale for Property Located Near the Campbell Lake Area (CU/TMB #4-2003) **(Resolution No. R20040206)**
6. Chris Feringer for Property Located in the Bow Hill Area (CU/TMB #5-2003) **(Resolution No. R20040207)**
7. Roger and Catherine Hoesterey for Property Located East of Beaver Lake (CU/TMB #6-2003) **(Resolution No. R20040208)**
8. Grace Johnson for Property Located in the Bayview-Edison Area (CU/TMB #7-2003) **(Resolution No. R20040209)**
9. Scott Morgan and Deymian Lesar for Property Located Along Indian Road Outside the City Limits of La Conner (CU/TMB #8-2003) **(Resolution No. R200402010)**

Commissioner Munks motioned to adopt the Hearing Examiner's recommendations for each of the aforementioned applications. Commissioner Dahlstedt seconded the motion, which passed unanimously.

Ms. White also explained that a piece of property had put into the Timber Open Space category years earlier; however, a taxation agreement was never recorded. The property has since been sold and the new owners are anxious to have it reclassified from forest to open space timber.

Commissioner Munks motioned to approve the authorization of a taxation agreement for new property owners, Chris Walker and Susan DeLana. Commissioner Dahlstedt seconded the motion, which carried unanimously.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ted W. Anderson, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

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ATTEST:

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