

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, June 28, 2004**

The Skagit County Board of Commissioners met in regular session on Monday, June 28, 2004 with Commissioners Ted W. Anderson, Don Munks and Kenneth A. Dahlstedt present.

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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 |
| *T 9:30 a.m. – 10:30 a.m. | Closed Record Appeal of the Hearing Examiner’s Decision Regarding a Critical Areas Variance Application (PL03-0663) Submitted by Lucille Dodd. |
| *T 10:30 a.m. – 10:45 a.m. | Public Hearing – Proposed Naming of the Sares Bluff Property, Adjacent to Sharpe Park on Southwest Fidalgo Island |
| *T 10:45 a.m. – 11:00 a.m. | Public Hearing – Road Name Change of a Portion of County Road Known as Panoramic Lane #19279 to South Beach Lane #19279 |
| 11:00 a.m. – 11:30 a.m. | Consent Agenda and Miscellaneous Items |
| *T 11:30 a.m. – 11:45 a.m. | Public Comment Period |
| *T 11:45 a.m. – 12:00 p.m. | Settlement Agreement with the Samish Indian Nation Regarding Campbell Lake Property |
| *T 1:15 p.m. – 1:30 p.m. | Decision – Revised Skagit County Code (SCC) 12.16, Solid Waste Handling Facilities |
| 1:30p.m. – 1:45 p.m. | Review and Signature of Final Binding Site Plan for Skagit Regional Airport Master Plan Phase 2 Division 2 (PL04-0091) |
| 1:45 p.m. – 2:00 p.m. | Review and Signature of Final Plat request for the Bay Ridge Business Park Binding Site Plan #PL03-0706 for Bouslog Investments LLC |
| *T 2:00 p.m. – 2:30 p.m. | Decision – Leif Erickson Recreation Association Appeal of Health Officer’s Denial of Waiver to be Exempt From SCC 12.20 – Camping Vehicle Parks |
| *T 2:30 p.m. – 3:30 p.m. | Closed Record Appeal (PL04-0296) of the Hearing Examiner’s Decision Regarding Aggregation Submitted by Charles and Lorraine Saunders |

CLOSED RECORD APPEAL OF THE HEARING EXAMINER’S DECISION REGARDING A CRITICAL AREAS VARIANCE APPLICATION (PL03-0663) SUBMITTED BY LUCILLE DODD

Commissioner Anderson announced that the Board would be holding a closed record appeal of the Hearing Examiner’s decision relating to a critical areas variance Application PL-03-663 submitted by Lucille Dodd for property located on the Bayview Edison Road.

Leah Forbes, Associated Planner, provided background information. Ms. Dodd, the appellant applied for a variance to allow her to construct a 3500 square foot residence, a drainfield, and two parking stalls within the 150 foot standard buffer of a Category I wetland. The parcel of land is approximately 70 feet by 190 feet. The original staff recommendation was to deny the variance application and request that the

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Hearing Examiner make a determination as to a possible reasonable use exception. The Department is recommending that the Board uphold the Hearing Examiner's Decision that the critical areas variance be denied.

Craig Cammock, Attorney for the appellant, stated that the property in question is the southern most lot of the Seaburg Lane area. The property has a wetland created by the Bayview-Edison Road culvert on the lower portion of the property. Ms. Dodd would like to build a home set into the hill to avoid any disturbance to the wetland. He said that the appellant recognizes that there are wetlands and code issues, but she is willing to mitigate and avoid the impacts by not building on the lower portion of the property, by using appropriate technology to create a trail, and to have parking at the top of the hill and the septic system by Bayview-Edison Road. Mr. Cammock said that there was an application for reasonable use, but they did not have a ruling at this time. He asked to Board to allow Ms. Dodd to construct a home with the most minor impacts to the property as possible.

Commissioner Anderson questioned the separation of the critical areas variance and the reasonable use exception and asked if the applicant was advised about that process early on in the project. Ms. Forbes said that the appellant was aware of both processes and the Hearing Examiner had requested additional information prior to review of this issue.

David Livingston, Corvallis, Oregon, said that he owns the property directly to the north. He said that the applicant's plan does not meet the criteria for the variance. Mr. Livingston stated that the appellant cited Skagit County Code 14.64.160 (2) concerning "reasonable economically viable use" of the property assuming that a large home at the top of the slope is the most reasonable use for this property. He believes that the proposal is an extreme use rather than a reasonable use. He added that in order to do the construction, which would involve moving tons of soil, they would have to cross a wetland on his property. He said that the applicant had previously filled their wetland illegally, and the fill had to be removed at his expense. Mr. Livingston said that the proposed access path does not meet the code for a driveway, and an overhand is being proposed that will damage even more wetland. He also has concerns that his family water well is directly down the slope of the septic system.

Roger Pederson, Bayview Cemetery Road, Mount Vernon said that his family has historically owned property in the area and they continue to own the land south of the Dodd and Livingston property. He said that there are questions about the boundary lines of the property. Mr. Pederson said that the upper hillside property was a County roadbed in the 1950's and he believes that his family has claim to that land. He wanted to make the County aware that the parcel in question may actually be even smaller. It was confirmed that Mr. Pederson was part of the Hearing Examiner's process.

Mr. Cammock added that the Livingstons and the Dodds are relatives, and that there is an ongoing litigation regarding the boundary dispute. He asked that the Commissioners not be distracted by the issues between the parties. He stated that Ms. Dodd just wants to build a house and that the County does not have any issues with past activity on the property.

Commissioner Munks confirmed that any health issues would be addressed during the permitting process.

Mr. Livingston commented on a review of the plan, which did not include the current submittal of the 15 foot retaining wall. He said that a reasonable plan for the property would be placing an RV pad at the top of the property, which would not require a septic system. He also stated that there were serious stability problems that have not been addressed.

Mr. Peterson added that the erosion concerns are prompted by runoff from the culvert above. This needs to be addressed since it contributes to the so-called "wetlands." He said that he hopes that reasonable people can solve these problems.

PUBLIC HEARING – PROPOSED NAMING OF THE SARES BLUFF PROPERTY, ADJACENT TO SHARPE PARK ON SOUTHWEST FIDALGO ISLAND

Director of Parks and Recreation Bob Vaux outlined the process leading up the proposed naming of the Sares Bluff property. It has taken two years of work to acquire to property. The County partnered with the San Juan Preservation Trust, who raised \$600,000 including \$50,000 from the Ann Wolford to purchase the property. Part of the fundraising strategy was to allow a private individual to name the parcel, if they made a donation of \$100,000.

Tim Siefert, Executive Director of the San Juan Preservation Trust said this was by far one of the most difficult projects they had undertaken. He added that project would probably not have been successful without the Duban/Montgomery support.

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

Commissioner Dahlstedt moved to approve the resolution to name the Sares Bluff property Montgomery-Duban Headlands Park. Commissioner Anderson seconded the motion, which carried unanimously. **(Resolution No. R20040222)**

Commissioner Munks said that he felt this was a great project, but he had known the property as Sares since he was a child.

PUBLIC HEARING – ROAD NAME CHANGE OF A PORTION OF COUNTY ROAD KNOWN AS PANORAMIC LANE #19279 TO SOUTH BEACH LANE #19279

Steve Flude, Public Works, said that the department received a petition by property owners for the proposed name change. Only was complaint was received by the Guemes Fire Department. Their main concern was that road has been renamed several times and it would be confusing to responders.

Ed Thompson, Guemes Island, said that he was one of the first families to build a home on this road. He stated that the people living on the road are all in favor of the name change. Commissioner Munks moved to close the public hearing. Commissioner Dahlstedt seconded the motion, which carried unanimously.

Commissioner Munks moved to approve the name change from Panoramic Lane to South Beach Lane. Commissioner Dahlstedt seconded the motion, which carried unanimously.

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Monday, June 28, 2004, items 1 through item 16. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for June 21, 2004. **(Approved)**

ADMINISTRATIVE SERVICES:

2. Advertising Agreement with the Skagit Valley Herald for all County advertising. The agreement is effective from July 1, 2004 through June 31, 2005. Compensation will vary based on display rates, and shall not exceed \$50,000. **(Contract No. C20040272)**
3. Amendment No. 1 to Interagency Agreement **(Contract No. C20040176)** with the State of Washington Conservation Commission for reimbursement of County expenses related to the

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completion of a salmon intertidal habitat restoration process. Compensation will be increased by \$5,000 for a new total of \$18,000. All other terms and conditions shall remain the same.

(Amendment No. A20040116)

AUDITOR

4. Resolution and Interlocal Agreement with the Office of the Secretary of State for disbursement of funds allocated for the new Washington State Primary. Compensation to the County shall be \$178,870.00. **(Resolution No. R20040223) (Contract No. C20040273)**

BUDGET & FINANCE:

5. Resolution to Call for a Public Hearing to amend the 2004 budget. The hearing is scheduled for July 12, 2004, at 10:45 a.m. **(Resolution No. R20040224)**

HEALTH:

6. Program Agreement with State of Washington Department of Social and Health Services for continuation of the Public Health Nursing Program for the period of July 1, 2004 through June 30, 2005. Compensation shall be \$17,784. **(Contract No. C20040274)**

HUMAN RESOURCES:

7. Resolution to approve a sick leave transfer for an employee of the Auditor's office. **(Resolution No. R20040225)**

HUMAN SERVICES:

8. Amendment No. 2 to **Contract No. C20030289** with the State of Washington Department of Social and Health Services Division of Alcohol and Substance Abuse to decrease the reimbursement amount by \$4,573, due to a change in the formula of the Medicaid reimbursement rate, and a change in on-site monitoring language. All other terms and conditions shall remain in effect. **(Amendment No. A20040117)**

PROSECUTING ATTORNEY:

9. Resolution concerning litigation on the Morris Street Improvement Project and the Town of LaConner. **(Resolution No. R20040226)**
10. Request for Full Reconveyance by the Housing Authority of Skagit County for a Deed of Trust dated December 31, 1996. **(Approved)**

SENIOR SERVICES:

11. Resolution to increase the revolving fund for the Retired Senior Volunteer Program from \$2,200 to \$3,000. **(Resolution No. R20040227)**

TREASURER:

12. Resolution approving the updated Skagit County Cash Collection Policy No. 26. **(Resolution No. R20040228)**

PUBLIC WORKS:

13. Resolution to call for bids for the purchase of one latest model self-propelled street sweeper. The bid opening is scheduled for Monday, July 12, at 9:30 a.m. **(Resolution No. R20040229)**

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14. Resolution to award the bid for one latest model wheel loader to be used by the Operations Division. **(Resolution No. R20040230)**
15. Vendor Services Agreement with United Rentals to provide equipment rental for various projects. The contract shall commence on April 1, 2004 and continue through March 31, 2005. **(Contract No. C20040275)**
16. Resolution and Quit Claim Deed to transfer Skagit County property to the City of Sedro-Woolley for purposes of expanding Riverfront Park. This property was purchased with FEMA Hazard Mitigation grant funds. **(Resolution No. R20040231) (Contract No. C20040276)**

MISCELLANEOUS.

As of this date, June 28, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 173433 through 173433 from Clearing Fund 696 in the total dollar amount of \$74,124.00 (Transmittal No. C-83-04).

Warrants numbered 173434 through 173874 from Clearing Fund 696 in the total dollar amount of \$2,783,343.00 (Transmittal No. C-84-04).

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$51,114.34 (Transmittal No. C-85-04).

Payroll warrants numbered 147145 through 147952 in the total dollar amount of \$940,793.05 (Transmittal No. P-23-04).

Payroll warrants numbered 963183 through 963361 in the total dollar amount of \$179,812.78 (Transmittal No. P 24-04).

Budget and Finance Administrator Trisha Logue presented a Resolution to rescind the award of \$100,000 of low-income housing funds for 2004 to the Skagit Valley Family YMCA and to award the \$100,000 to Northwest Youth Services. Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve the Resolution as outlined. The motion carried unanimously. **(Resolution No. R20040232)**

PUBLIC COMMENT PERIOD.

Bill Knuth, Alexander Street, Sedro-Woolley, spoke about his concerns about subdividing land and logging in the watershed. He also spoke about his frustration in trying to obtain an easement from the County for a portion of his property that has flooding problems.

SETTLEMENT AGREEMENT WITH THE SAMISH INDIAN NATION REGARDING CAMPBELL LAKE PROPERTY

County Administrator Gary Rowe outlined an agreement that has been reached after long negotiations between Skagit County and the Samish Indian Nation to address the feeder trust application submitted by the Tribe for transfer of property at Campbell Lake. The County appealed the feeder trust application because they wanted standards that would apply to the development that were equal to what the County requires. This agreement covers a proposal to construct 26 housing units on the property in accordance with County standards and required inspections. The agreement has a mechanism for dispute resolution and includes a Waiver of Sovereign Immunity.

The Commissioners all expressed their opinions that this was a step in the right direction, and that the development of the property should be consistent with the standards that apply to other County residents.

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Commissioner Munks moved to approve the Settlement Agreement with the Samish Indian Nation. Commissioner Dahlstedt seconded the motion, which carried unanimously.

DECISION – REVISED SKAGIT COUNTY CODE (SCC) 12.16, SOLID WASTE HANDLING FACILITIES

This matter has been tabled until further notice.

REVIEW AND SIGNATURE OF FINAL BINDING SITE PLAN FOR SKAGIT REGIONAL AIRPORT MASTER PLAN PHASE 2 DIVISION 2 (PL04-0091)

Brent Morrow provided background information and presented the final binding site plan for Skagit Regional Airport Master Plan Phase 2 Division 2. Commissioner Munks moved and Commissioner Dahlstedt seconded the motion to approve and sign the binding site plan. The motion carried unanimously.

REVIEW AND SIGNATURE OF FINAL PLAT REQUEST FOR THE BAY RIDGE BUSINESS PARK BINDING SITE PLAN #PL03-0706 FOR BOUSLOG INVESTMENTS LLC

Brandon Black, Associate Planner, presented an 8-lot binding site plan for the Bay Ridge Business Park. Commissioner Munks moved that the Board approve and sign the Bay Ridge Business Park Binding Site Plan #PL-03-0706. Commissioner Dahlstedt seconded the motion, which carried unanimously.

DECISION – LEIF ERICKSON RECREATION ASSOCIATION APPEAL OF HEALTH OFFICER'S DENIAL OF WAIVER TO BE EXEMPT FROM SCC 12.20 – CAMPING VEHICLE PARKS

The Commissioner held a public hearing regarding the appeal by the Leif Erickson Recreation Association of the Health Officer's Denial of a waiver for exemption from Skagit County Code 12.20 – Camping Vehicle Parks on Monday, June 14, 2004.

Commissioner Munks moved to uphold the Health Officer's denial of the waiver. Commissioner Dahlstedt seconded the motion, which carried unanimously.

CLOSED RECORD APPEAL (PL04-0296) OF THE HEARING EXAMINER'S DECISION REGARDING AGGREGATION SUBMITTED BY CHARLES AND LORRAINE SAUNDERS

Paul Taylor, Attorney, asked for a continuance of the Closed Record Appeal of the Hearing Examiner's decisions submitted by Charles and Lorraine Saunders.

Commissioner Munks moved to continue the Closed Record Appeal to July 26, 2004 at 1:00 p.m. 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

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Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

Shirley Knapp, Acting Clerk of the Board