

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, OCTOBER 12, 2004**

- 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. Discussion and Possible Action – Resolution Extending the Hours of Operation at the Sauk Transfer Station
 2. Proclamation – Flood Awareness Week – October 24 – 30, 2004
 3. Signature – Resolution Appointing the 2004/2005 Flood Fight Coordinators
 4. Discussion – FEMA Flood Insurance Rate Map Modernization Program
 5. Discussion – Update Regarding the Baker Hydroelectric Project Relicensing Flood Storage
 6. Miscellaneous
- *T 10:00 a.m. – 11:00 a.m. Discussion and Possible Action – Adoption of a Permanent Ordinance on Lot Certification
- *T 11:00 a.m. – 11:15 a.m. Discussion and Possible Action – Interlocal Agreement with the Skagit Conservation District

The Skagit County Board of Commissioners met in regular session on Tuesday, October 12, 2004, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson's absence was excused.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Discussion and Possible Action – Resolution Extending the Hours of Operation at the Sauk Transfer Station.

Dave Brookings, Public Works Administrator, presented a Resolution, which authorizes the extension of hours of operations at the Sauk Transfer Station, located on Sauk Landfill Road in Concrete. The site is currently open to the public on Thursday, Saturday and Sunday from 9:00 a.m. until 5:00 p.m. Due to increased numbers of customers and the amount of tonnage received at the Sauk Transfer Station, it is necessary to open the Station on additional day. Mr. Brookings indicated that Friday, from 9:00 a.m. to 5:00 p.m., has been chosen due to customer requests, unless that day falls on a holiday.

Commissioner Dahlstedt motioned to extend the hours at the Sauk Transfer Station to include Friday of each week. Commissioner Munks seconded the motion, which carried. **(Resolution No. R20040364)**

2. Proclamation – Flood Awareness Week, October 24-30, 2004.

Commissioner Dahlstedt read a proclamation proclaiming October 24 through October 30, 2004, as Flood Awareness Week in Skagit County, and then motioned to approve it. Commissioner Munks seconded the motion, which carried.

Delores McLeod furnished a draft proposed list of events that will be scheduled during the month, including coordination meetings with local Dike Districts, the Department of Emergency Management, cities and other agencies. She indicated that scheduled activities aim at preparing Public Works staff for flood fight operations in the case of a flood event. The week's events will also provide educational information to the public regarding actions that can be taken by citizens to help reduce flood damages.

3. Signature – Resolution Appointing the 2004/2005 Flood Fight Coordinators.

Ms. McLeod next discussed a Resolution appointing Flood Fight Coordinators for the 2004/2005 flood season.

Commissioner Dahlstedt made a motion to appoint Dave Brookings and Steve Flude as the Skagit County Flood Fight Coordinators for the 2004/2005 flood season. Commissioner Munks seconded the motion, which carried. **(Resolution No. R20040365)**

Communications Director, Dan Berentson, presented a Flood Awareness flyer that will be distributed to over 44,000 households, through the Skagit Valley Herald. It should be arriving on October 22 or October 24, prior to flood week.

Mr. Berentson also mentioned that he and Larry Kunzler have been researching flood events in the local newspapers that have occurred during the last 60 years, beginning in 1909. Their discoveries have been compiled into a book that will be distributed to Dike Districts and public libraries.

Commissioner Dahlstedt thanked Mr. Berentson, Mr. Kunzler and his son Joseph for their efforts. He said the information will be a very valuable resource for those that are interested in flooding events. Mr. Dahlstedt said, "If we don't learn from our mistakes in the past, we might make them again."

4. Discussion – FEMA Flood Insurance Rate Map Modernization Program.

Mr. Brookings advised that the National Flood Insurance Program, which is managed by the Federal Emergency Management Agency (FEMA), is embarking upon a nationwide effort to modernize the maps frequently used by local governments to establish building elevations and designated floodways. Skagit County is a high priority in Washington State, so Mr. Brookings said we can expect to see our mapping effort get underway in early 2005.

Current flood insurance maps were done in 1985 and there have been many horror stories about how inaccurate they are, as well as how hard they are to read. Mr. Brookings said Congress recently authorized millions of dollars over the next 5-10 years to update these maps.

Ms. McLeod was asked how many flood insurance policy holders there are in Skagit County and she indicated that there are approximately 35,000.

Mr. Brookings said it is important for the County to decide what kind of role we want to play. FEMA has contracted with the U.S. Army Corps of Engineers to develop the flood insurance maps, but the County has yet to decide whether they want to proceed with the Corps or work directly with FEMA. It could be possible that the Corps could review the technical information that is provided; however, the County would be in charge of the program.

Mr. Brookings also noted that Ms. McLeod has updated our community rating system and the County continues to be certified as a Class 6.

Commissioner Munks stated that by having an accurate system in place, it would speed up the process for rebuilding after a flood event.

5. Discussion – Update Regarding the Baker Hydroelectric Project Relicensing Flood Storage.

Mr. Brookings advised that Public Works Director, Chal Martin, has a meeting with Puget Sound Energy (PSE) and other stakeholders this morning. They will be discussing the progress of ongoing efforts to incorporate the Memorandum of Understanding language between PSE and Skagit County, into the settlement agreement.

**RECORD OF THE PROCEEDINGS
TUESDAY, OCTOBER 12, 2004
PAGE NO. 3**

Commissioner Munks said, "It is our job to protect the entire County and we will continue to do so. If we do our job right, we will protect fish and create security for all citizens of Skagit County and at that point, the Commissioners will have done their job."

The Board thanked the Public Works Department for creating the tentative agreement and indicated that flood storage is only one piece of the process with PSE.

6. Miscellaneous.

There were no miscellaneous items to discuss.

DISCUSSION AND POSSIBLE ACTION – ADOPTION OF A PERMANENT ORDINANCE ON LOT CERTIFICATION.

Planning and Permit Center Director, Gary Christensen, stated that the Planning Commission has taken action on a draft Recorded Motion regarding lot certification and they are recommending that a permanent Ordinance be adopted. The Board of County Commissioners must take action on a permanent Ordinance by October 21, 2004, pursuant to a June 23, 2004, Western Washington Growth Management Hearings Board (WWGMHB) compliance order.

Mr. Christensen next summarized what has taken place thus far. On March 22, 2004, the Skagit County Board of Commissioners adopted Interim Ordinance No. O20040006, governing development on substandard Lots of Record and readopting the provisions of Interim Ordinance No. O20030032. This action was taken until the GMHB could find Ordinance No. O20040006 in compliance with the Growth Management Act (GMA). The Hearings Board found the County in continuing noncompliance due to the interim nature of Ordinance No. O20040006 and ordered the County to adopt a permanent Ordinance regulating development on substandard Lots of Record.

The Planning Commission received written comments on this proposed Ordinance from August 5, 2004, until August 23, 2004, and held a public hearing on the proposed permanent Ordinance on August 24, 2004. The Planning Commission then met with staff and legal counsel and deliberated on the merits of the proposed revisions to the permanent Ordinance as well as the possibility of extending the existing Interim Ordinance and considered the public comment and testimony on August 31, and September 14, 2004.

The Planning Commission approved a Recorded Motion recommending the Interim Ordinance be extended to provide time to meet and deliberate on recommendations for a permanent Ordinance.

Associate Planner, Carly Ruacho, stated that the Ordinance in front of the Board today is a permanent version of the Interim Ordinance originally adopted in March and recently extended, which allowed the County to take full advantage of the Hearings Board timeline of October 21, 2004, for action to adopt the permanent Ordinance. This Ordinance replaces the historic lot aggregation provisions with a more performance-based standard. This will allow citizens who have made investments towards development to go forward with that development and have those lots stand alone rather than use the historic lot aggregation provisions, which based the decision on whether a lot could stand alone strictly on ownership patterns.

Ms. Ruacho said this Ordinance will not provide relief to all citizens of the County who found themselves stuck under the aggregation provisions. However, many land owners will regain those perceived development rights that they thought were lost under aggregation. Some land owners will have the same number of development rights; and in a few cases, land owners will have less rights than they had under aggregation. That will mostly be in natural resource lands due to the provisions that are in the Ordinance to protect those lands. Ms. Ruacho said this approach allows the greatest number of land owners to achieve relief from aggregation without putting the County in jeopardy of violating the GMA requirements.

**RECORD OF THE PROCEEDINGS
TUESDAY, OCTOBER 12, 2004
PAGE NO. 4**

The staff report details changes from the interim version. Ms. Ruacho said most are minor in nature and were made to correct typographical errors or references that were found to be incorrect in addition to clarifying the language. Significant changes include: honoring all previously issued lot certifications if they were in compliance with the aggregation regulations that were in effect at the time they were issued; clarification of the reasonable use section, which further details when a land owner will or will not need to aggregate to receive the exception; and a provision was added to the Boundary Line Adjustment section to allow adjustments between lots in order to bring them each up to standard size. This would not be viewed as the creation of additional lots.

Ms. Ruacho indicated that in the original adoption of the Interim Ordinance in March, the Commissioners directed staff to look at the following three items:

- 1) Consider a Transfer of Development Rights Program. This has been addressed through a Resolution that was adopted on August 2, 2004, which included a work program. The budget associated with that work program is included in the Planning and Permit Center's budget for 2005.
- 2) Consider the potential of additional exemptions in the agricultural zone, depending on the soils and specific agricultural operations. There is a finding in the Planning Commission's Recorded Motion that addresses this stating that due to the magnitude of that research and potential impacts, it would be best addressed in the 2005 Comprehensive Plan and Unified Development Code updates.
- 3) Research the numbers and the effect of the rural and natural resource lands to consider honoring all previously issued lot certifications. A GIS analysis was performed and it was discovered that the number and location of previously issued lot certifications that have not been developed was not at a significant level to warrant taking away that initial decision.

Ms. Ruacho said that during deliberations held by the Planning Commission, extensive findings were produced. These findings clarify why each action was taken for this ordinance and the justification for each.

Commissioner Dahlstedt expressed concerns that would restrict residential development on the smaller-sized agricultural parcels. He feels it is more important to protect 20 to 40 acre parcels for farming.

Commissioner Munks indicated that he is not totally happy with the permanent Ordinance; however, it is a compromise. To him it is important to have a concise message and concise practices for the people of Skagit County.

Carol Ehlers, Fidalgo Island, stated that more than a year ago, the Planning Commission unanimously rejected the previous version of this Ordinance because of the secret negotiations that led to it and its total inadequacy to deal with things from previous hearings that they knew were important. This time the Planning Commission has unanimously approved the Ordinance because most of the members have the same caveats as Commissioner Munks. Ms. Ehlers said she doesn't like this Ordinance, but prefers it over its predecessor as it provides a great deal more predictability.

Ms. Ehlers said the Ordinance would not have been passed without the constructive cooperation of Carly Ruacho and Tadas Kiselius, an attorney for Buck & Gordon, who went out of their way to listen to what the Planning Commission was trying to get across in the findings. This was so the findings would provide the background for the Ordinance. Tom Karsh was crucial in explaining to the Planning Commission why certain things had been done and needed to continue to be done. Ms. Ehlers feels this is a prime example of how cooperative constructive work by staff can make a significant difference on how a group of laymen understand and respond to something which they instinctively do not like.

**RECORD OF THE PROCEEDINGS
TUESDAY, OCTOBER 12, 2004
PAGE NO. 5**

Marianne Manville-Ailles, Skagit Surveyors and Engineers, 806 Metcalf Street, Sedro-Woolley, agreed that the work of the staff has been excellent. Some of the areas are still contentious but she encouraged the County and the WWGMHB to go forward with this Ordinance and address the issues as they arise.

Commissioner Dahlstedt asked Mr. Christensen if there would be a problem if the Board delayed making a decision on this matter until next Tuesday, due to the fact that Chairman Anderson is out of town on business. Mr. Christensen said a postponement would be fine.

Commissioner Dahlstedt motioned to delay a decision on the adoption of a permanent Ordinance for lot certification until next Tuesday, October 19, 2004, at 10:00 a.m. Commissioner Munks seconded the motion, which passed.

Commissioners Munks and Dahlstedt thanked everyone for all of their efforts.

DISCUSSION AND POSSIBLE ACTION – INTERLOCAL AGREEMENT WITH THE SKAGIT CONSERVATION DISTRICT.

Tom Karsh, Administrative Services, stated that on August 9, 2004, the Board of County Commissioners directed staff to file a public notice, as required by Public Law 106-393, to use Title III money to fund an Interlocal Cooperative Agreement with the Skagit Conservation District for the purpose of fire prevention activities and related projects. The notice was properly filed and published in the Skagit Valley Herald on August 12, 2004. Mr. Karsh said that no public comments were received.

Mr. Karsh indicated that a special reserve fund was created in 2001 for Title III monies, which included six categories for which counties are required to limit the use of this money. Until the Conservation District came forward with a proposal, no one could figure out how to spend that money. However, Mr. Karsh advised that this particular proposal falls under Title III Category 5, which is fire prevention and county planning.

Carolyn Kelly, Manager of the Skagit Conservation District, said this funding in the amount of \$35,000 will go towards community wildfire protection planning in the Concrete/Marblemount/Rockport area. The District will be working with the Department of Natural Resources and Skagit County Emergency Management Services for obtaining mapping in that area for wildfire hazards. These areas are extreme hazard zones for wildfires, which could lead to loss of property and lives. This planning effort and coordination with the local fire departments will help to assess a mitigation plan to lessen the hazards of wildfires in that area.

Commissioner Dahlstedt said this is a great effort and a good project for the Title III category. Commissioner Munks said he is appreciative of the coordinated effort to find a solution to this fire risk.

A motion was made by Commissioner Dahlstedt to authorize a Resolution executing an Interlocal Cooperative Agreement between Skagit County and the Skagit Conservation District for the purpose of fire prevention activities and projects. Commissioner Munks seconded the motion, which passed unanimously. **(Resolution No. R20040366)**

Commissioner Dahlstedt moved to approve the Interlocal Cooperative Agreement with the Skagit Conservation District as presented, which was seconded by Commissioner Munks and passed. **(Contract No. C20040447)**

**RECORD OF THE PROCEEDINGS
TUESDAY, OCTOBER 12, 2004
PAGE NO. 6**

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

ATTEST:

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