

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 8, 2004**

- 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. Work Session – Operations Division Manager/Road District
Maintenance Supervisors
- *T 10:00 a.m. – 11:00 a.m. Public Works Department – Chal Martin, Director
1. Review – Flood Awareness Week
 2. Signature – Amendment No. 1 to Agreement No. 01130 with the
 Snee-oosh Land Company
 3. Miscellaneous
- 11:00 a.m. – 11:30 a.m. Consent Agenda and Miscellaneous Items
- 11:30 a.m. – 11:45 a.m. Public Comment Period
- *T 1:30 p.m. – 2:30 p.m. Discussion/Possible Action – 2003 Comprehensive Plan Amendments
- 2:30 p.m. – 4:30 p.m. Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Monday, November 8, 2004, with Commissioners Ted W. Anderson, Don Munks, and Kenneth A. Dahlstedt present.

PUBLIC WORKS DEPARTMENT.

1. Review – Flood Awareness Week.

Ric Boge, Surface Water Manager, said Flood Awareness Week was very successful this year. Although preparations were made for a potential flood event, none occurred. During this particular week, the Skagit County Flood Fight Team reviews their flood fight assignments and sector meetings are held throughout the County. Mr. Boge thanked the Emergency Management Department for their support and also thanked Delores McLeod for all of her hard work.

2. Signature – Amendment No. 1 to Agreement No. 01130 with the Snee-oosh Land Company.

Dave Brookings, Assistant Administrator, presented an amendment with the Snee-oosh Land Company, which calls for the County to assume responsibility for providing electrical power and for the maintenance of the Snee-oosh pump and existing pipeline. Mr. Brookings said this is based on the fact that at the time the original agreement was negotiated, the Drainage Utility did not exist. The Company now pays into the Drainage Utility Fund and has requested that the original agreement be amended.

Commissioner Munks motioned to approve the amendment, as outlined by Mr. Brookings. The motion was seconded by Commissioner Dahlstedt and passed unanimously. **(Amendment No. A20040195)**

3. Miscellaneous.

Mr. Brookings mentioned that the negotiating team for the Baker relicensing process has participated in what is hopefully the final negotiating session. A tentative agreement has been

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reached involving all interested parties and the document will be brought before the Board on Monday, November 18, 2004, at 10:00 a.m. for signatures.

Mr. Brookings also announced that staff from the Public Works Department will be giving a presentation this evening to the Anacortes City Council regarding a possible Interlocal Cooperative Agreement regarding the Skagit River Feasibility Study. He is hopeful that the City will find it in their best interest to partner with the County in the pursuit of flood control.

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Monday, November 8, 2004, items 1 through 15. Commissioner Dahlstedt seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, November 1, 2004.
2. Record of the Proceedings for Tuesday, November 2, 2004.

ADMINISTRATIVE SERVICES:

3. Resolution establishing salaries for certain Skagit County elected officials for 2005, as recommended by the Skagit County Citizens' Commission on Salaries for Elected Officials. **(Resolution No. R20040389)**

BUDGET & FINANCE:

4. Amendment No. 2 to Interlocal Cooperative Agreement **No. C20020207** with the City of Burlington. The amendment shall extend the completion date of the Burlington Wastewater Treatment project until June 30, 2005. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040196)**

HEALTH DEPARTMENT:

5. Personal Services Agreement with Vanessa Soderberg for the provision of 'First Steps' nursing services. This contract is funded via Department of Social and Health Services medical coupons, which pay for the services. The contract shall commence on October 1, 2004 and continue through September 30, 2005. This is a fee for service based contract, and as such there is no dollar limit. Based on fiscal history, it is anticipated that the Contractor shall be paid approximately \$19,500. **(Contract No. C20040470)**

HUMAN RESOURCES:

6. Resolution approving compliance with Section 19.2 of the Skagit County Personnel and Procedure manual regarding outside employment. **(Resolution No. R20040390)**

HUMAN SERVICES:

7. Amendment No. 2 to Personal Services Agreement **No. C20030473** with the Skagit County Community Action Agency, which allows the Contractor's employee, Rebecca Clark, who is acting as Skagit County's Mental Health Court Administrator, access to the County network in accordance with the Remote Access to County Network terms. All other terms and conditions of the original contract, including Amendment No. 1 shall remain in effect. **(Amendment No. A20040197)**

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PARKS & RECREATION:

8. 2004-2005 Winter Recreation Program Cooperative/Collection Agreement between the State of Washington, Washington State Parks and Recreation Commission and Skagit County to provide services connected to the Snowmobile and Winter Recreation Programs in Skagit County. The agreement shall commence on December 1, 2004 and continue until May 31, 2005. Compensation shall total \$46,923. **(Contract No. C20040471)**

PLANNING & PERMIT CENTER:

9. Amendment No. 8 to Personal Services Agreement **No. 04771** with Reid Middleton, Inc., which adds an additional \$10,000 to the compensation amount for a new contract total of \$91,142. This is necessary so that the Contractor can help complete the Planning Commission and the Board of County Commissioners review of the proposed Bayview Ridge Subarea Plan. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040198)**

YOUTH & FAMILY SERVICES:

10. Resolution authorizing the execution of an Interlocal Cooperative Agreement with the Swinomish Tribal Community to continue to provide a Tribal Compliance Officer supporting the Swinomish Tribal Court in addressing youth offenses. **(Resolution No. R20040391)**

PUBLIC WORKS DEPARTMENT:

11. Resolution appointing Mrs. Ethel Lind to the Britt Slough Sub-Flood Advisory Committee for a four year term, effective December 1, 2004, and expiring on November 30, 2008. **(Resolution No. R20040392)**
12. Resolution establishing the Guemes Island Ferry Operations and Performance Roundtable. **(Resolution No. R20040393)**
13. Amendment No. 4 to Personal Services Agreement **No. C20020409** with Larry E. Halvorson, counsel for IBU union negotiations. The amendment adds additional language to the Scope of Work. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040199)**
14. Amendment No. 1 to Vendor Services Agreement **No. C20040446** with PrintWise, which adds an additional \$7,500 to the compensation amount for a new contract total of \$17,500. This is necessary to cover unanticipated expenses for the furnishing of ferry tickets. **(Amendment No. A20040200)**
15. Amendment No. 1 to Vendor Services Agreement **No. C20020431** with Overall Laundry Supply, which adds an additional \$5,000 to supplement additional uniform rental and laundry charges. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20040201)**

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, November 8, 2004, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

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ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$45,251.80 (Transmittal No. C-139-04); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$90,126.69 (Transmittal No. C-140-04); and

Warrants numbered 192922 through 183503 from Clearing Fund 696 in the total dollar amount of \$5,064,572.97 (Transmittal No. C-141-04).

PUBLIC COMMENT PERIOD.

Doug Barnett, South Skagit Little League Information Officer, said it is his duty to encourage the community to become interested in baseball, little league, in particular. Mr. Barnett expressed his concerns about the lack of playing fields for the approximately 800 youth that take part in the program. He appealed to the Commissioners to look at the issue and perhaps offer a solution.

Carol Ehlers, West Fidalgo Island, talked about basic communication problems that continue to plague County government. She stated that when a department reorganizes, it is impossible to know who gets shifted where. If a person doesn't know who is in charge, then it makes it difficult to address that individual. Ms. Ehlers also told the Board that she is upset that continued County practices allow processes that operate in secrecy and feels it is not healthy.

DISCUSSION/POSSIBLE ACTION – 2003 COMPREHENSIVE PLAN AMENDMENTS.

Kirk Johnson, Senior Planner, stated that deliberations on the 2003 Comprehensive Plan Amendments (CPAs) were held on October 9, 2004, by a quorum of five members. The Department conducted an extensive public outreach program, including mailings, website announcements, and press releases, all leading up to a public hearing and Planning Commission (PC) deliberations.

Commissioner Munks excused himself from any discussion regarding Project No. 1 for the City of Anacortes as part of the property is land that he personally owns.

Mr. Johnson outlined the six proposals that were approved for further review as follows:

1) City of Anacortes (Sharpes Corner), PL03-0979

The proposed amendment would re-designate approximately 43 acres, city and private land, from Rural Reserve to Urban Growth Area (UGA) with a proposed land use of Light Manufacturing. The number of Commercial/Industrial (C/I) acres proposed to be added to the Anacortes UGA is consistent with Anacortes' allocation of C/I acreage under Countywide Planning Policy (CPP) 1.1. The City has testified to its ability to provide urban services such as sewer and water to the site. The proposal meets some of the Comprehensive Plan criteria for UGA designations.

Public Comment was submitted regarding the anticipated impacts of approving the proposal on adjacent rural property owners, rural character, critical areas, transportation safety and congestion. Further environmental information would be evaluated if a development proposal is submitted under either the County's regulations or City of Anacortes regulations. The proposal would create an urban peninsula surrounded on three sides by unincorporated rural Skagit County.

Since this proposal was evaluated, the County has received an additional proposal to expand the UGA to the south of this property. It is located within the geographic area of the Fidalgo Island Subarea Plan, so a planning study was undertaken to satisfy the findings of the Western Washington Growth Management Hearings Board (WWGMHB) to determine whether additional rural density is appropriate.

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The Planning Commission recommends deferral of the application to be considered with the South Fidalgo Island Subarea Plan.

2) Anacortes (Culbertson), PL03-0711

The application proposes to add two parcels to the Anacortes UGA, under a Light Manufacturing designation. The first parcel is approximately 20 acres in size, is undeveloped, and lies immediately south of Stevenson Road, the existing UGA boundary and city limit. The second parcel is approximately 7.6 acres and is developed with light manufacturing uses. The proposal implements what is known as the "RMI Settlement Agreement," which was signed by the Board of County Commissioners on August 11, 2003.

The proposal is generally consistent with Comprehensive Plan Urban Growth Area designation criteria and the Countywide Planning Policies, including the CPP 1.1 allocation of commercial/industrial acreage to the Anacortes UGA. The City has stated its ability to provide urban services to the property

The Planning Commission had no recommendation as the motion received four votes and one abstention and thus failed for a lack of 5 affirmative votes.

3) Town of La Conner, PL03-0710

The proposal as submitted by the Town, and originally recommended by the Department, would add approximately 44 acres to the Town of La Conner Urban Growth Area, comprising about 350 feet of Chilberg Road as the connection to the existing Town, a 14 acre northerly parcel developed with public facilities, and approximately 30 acres of undeveloped tidelands to the south. The property is located one quarter mile east of the Town limits and is separated by actively farmed Agriculture-Natural Resource Lands (Ag-NRL) property. The 14 acre parcel houses many of the Town's regional public facilities, including a waste water treatment plant, constructed wetland/stormwater treatment system, fire department, and Public Works Department. These facilities are operating on the property as conditional uses.

At least a portion of the area was identified as part of the Town's UGA in La Conner's 1995 Comprehensive Plan, but was not included on the County's 1997 Comprehensive Plan map. The Planning & Permit Center was not presented with evidence in the GMA record that it committed a mapping error in excluding the property from the Town's UGA on the Skagit County Comprehensive Plan/Zoning Map. Designating as UGA a long peninsula of land that juts out into surrounding farmland, as in the original proposal, would appear to conflict with GMA and County policies that require protection of ongoing natural resource activities from conflicting adjacent activities. Following public comment, the Department recommended a revised proposal to omit the tidelands and include only the developed 14 acres plus the Chilberg Road portion.

The Planning Commission recommended deferral of this application and reconsideration with the 2005 Comprehensive Plan update.

4) Mount Vernon School District, PL03-0981

The proposal seeks to add 10 acres of land designated Ag-NRL to the Mount Vernon UGA. The 10 acres is the southerly parcel of several contiguous parcels owned by the Mount Vernon School District. The northerly parcels are in the Mount Vernon UGA and city limits and house the district's bus garage and other facilities. The School District believes that the 10 acres was omitted from the Mount Vernon UGA in error. There is evidence that County, City and school officials thought of the 33 acres as one single property in the context of a stadium proposal that those officials supported in the same general time period. However, the Department did not find evidence in the planning record from the time of a technical mapping error that occurred in the context of comprehensive planning under GMA.

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The School District submitted substantial evidence to the current record that it has planned for the integrated use of the 33 acre property since it first became interested in purchasing the property in 1996. They further submitted evidence to the record that the property has not been in active agricultural use for many years, that it would be expensive to restore the land to agricultural use, and that in the district's opinion, the land could not be profitably farmed.

The Mount Vernon School District appealed the County's original threshold determination and Mitigated Determination of Non-significance. In his Order of October 6, 2004, the Hearing Examiner determined several revised mitigation conditions to satisfy SEPA. Without those mitigating measures, a majority of the Planning Commission would not recommend approval of the proposal. However, they find that these conditions successfully address the proposal's likely negative impacts on the agricultural land base and on adjacent agricultural practices. In fact, these conditions may be viewed as establishing precedents in the consideration of future proposals to expand UGAs while ensuring the protection of agricultural lands and practices.

The Planning Commission recommended approval of application PL03-0981, redesignating Parcel Number P29230 from Agriculture-NRL to UGA.

5) WJY Associates, PL03-0980

The proposal would add to the Mount Vernon UGA approximately 6 acres on the east side of I-5 (4.8 acres north of the Old Highway 99 overpass and 1.3 acres to the south). Each segment of the property is below the 5 acre threshold used as the initial criterion for the agriculture designation. The amendment would change the designation of the parcels from Ag-NRL in the County to City C/I, with anticipated uses being freeway oriented commercial. The proposal falls within Mount Vernon's commercial and industrial acreage allocations under CPP 1.1. The City confirms that urban services are available to the site.

Concerns were raised that converting Ag-NRL designated land to UGA south of Hickox Road would create tremendous pressure to leapfrog Cedardale Road into the large block of contiguous Ag-NRL land to the southeast. The County and the City of Mount Vernon have received other applications to convert agricultural land to the south of this proposal, including the land immediately to the south of the southern Youngsman parcel. The County has begun a process to conduct a comprehensive update to the Comprehensive Plan, including Resource Land designations, with a completion date of December 2005.

Because several motions failed for lack of a second or for the lack of 5 affirmative votes, the Planning Commission gave no recommendation.

6) Koozer, PL02-0433

The proposal seeks to redesignate approximately 12.5 acres from Ag-NRL in the County to Sedro-Woolley UGA, with a Commercial designation. The parcel is located in a notch in the western boundary of the Sedro-Woolley city limits just north of SR 20. The property has been used for many years as an egg farm and a commercial composting facility. The soils no longer meet the criteria for inclusion in the Ag-NRL designation because they are covered with an estimated 75 percent impervious surface, including about 70,000 square feet of buildings used for the egg farm.

Due to the smelly nature of egg farming and commercial composting, the current agricultural use is no longer a viable use on property surrounded on three sides by urban development, including playfields a restaurant, and a proposed shopping center. The proposed addition of the property to the Sedro-Woolley UGA as commercial property is consistent with the 2000 CPP 1.1 urban acreage allocations. The City has provided evidence that it can provide urban services to the property.

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The Planning Commission recommended approval of the proposal, redesignating Parcel Numbers P37331 and P37206 from Ag-NRL to UGA.

Commissioner Munks motioned to postpone a decision on this matter until November 23, 2004, at 10:00 a.m. Commissioner Dahlstedt seconded the motion, which passed 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

ATTEST:

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