

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 12, 2005**

- 8:45 a.m. – 9:00 a.m. Bid Opening – 2005 Aggregate Crushing Project C.C.P. 122-9
- *T 9:00 a.m. – 9:30 a.m. Call For a Public Hearing Regarding the Revision of Schedule of Charges For the Skagit County Health Department
- *T 9:30 a.m. – 10:00 a.m. Proclamation – 2005 Washington State Arbor Day
- *T 10:00 a.m. – 11:00 a.m. Planning & Development Services – Gary Christensen, Director
1. Discussion/Possible Action – Variance Request PL04-0710 by Snow Goose Produce to Reduce the Required Setback From 35 Feet to 18 Feet Off of the Front Property Line Adjacent to Fir Island Road
 2. Signature – Ordinance to Adopt Permanent Urban Growth Area (UGA) Development Regulations
 3. Discussion/Possible Action – Amending the Fee Schedule to Add Several New Permit Types Created by Newly Adopted Permanent Development Standards For the Unincorporated Portions of the Anacortes, Burlington, Concrete, Mount Vernon and Sedro-Woolley Urban Growth Areas
 4. Update – State of the Department
 5. Miscellaneous
- 11:00 a.m. – 12:00 p.m. Work Session – Conservations Futures Committee
- 1:30 p.m. – 2:30 p.m. Work Session - Skagit River Feasibility Study
- 5:30 p.m. 4th Annual Local's Only Night at Tulip Town (Bradshaw Road, Mount Vernon)

The Skagit County Board of Commissioners met in regular session on Tuesday, April 12, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

BID OPENING – 2005 AGGREGATE CRUSHING PROJECT C.C.P. 122-9.

Barb Hathaway and Karen Cade of Public Works opened the following bids for the 2005 Aggregate Crushing Project C.C.P. 122-9:

DeAtley Crushing Company
P. O. Box 759
Lewiston, ID 83501
Bid Bond Enclosed
Total Bid: \$727,250

Rinker Materials
P. O. Box 2037
Everett, WA 98213
Bid Bond Enclosed
Total Bid: \$540,434.14

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Tastad Construction, Inc.
10615 190th Street SE
Snohomish, WA 98296
Bid Bond Enclosed
Total Bid: \$373,800

Wilder Construction
1525 East Marine View Drive.
Everett, WA 98201
Bid Bond Enclosed
Total Bid: \$555,300

Ms. Hathaway said that after the bids are reviewed, a recommendation will be forthcoming.

CALL FOR A PUBLIC HEARING REGARDING THE REVISION OF SCHEDULE OF CHARGES FOR THE SKAGIT COUNTY HEALTH DEPARTMENT.

Public Health Director Peter Browning and Environmental Health Supervisor Corinne Story explained the revisions to the proposed Schedule of Charges. Updating the fee schedule will allow the recovery of up to 75% of the cost of service in the Environmental Health Division. It will revise categories for food and solid waste programs to reflect recent code changes; add dye-testing fees to the liquid waste program; reduce fees for mobile home parks to reflect staff time; increase civil penalties and fines; and better reflect costs of service in Personal Health.

Mr. Browning stated that any substantial increases could be spread out over three years. Net changes in the Environmental Health Division would increase annual revenue by approximately \$10,000.

Commissioner Dahlstedt motioned to call for a public hearing to adopt revisions to the Skagit County Health Department Schedule of Charges on Monday, May 16, 2005, at 10:00 a.m. The motion was seconded by Commissioner Anderson and passed unanimously.

PROCLAMATION – 2005 WASHINGTON STATE ARBOR DAY.

Carolyn Kelly of the Skagit Conservation District introduced fellow District employee, Kristi Carpenter. Ms. Carpenter indicated that this is the 133rd anniversary of Arbor Day and explained the history of the annual celebration.

Ms. Kelly provided cedar saplings to the Commissioners and staff members.

Commissioner Dahlstedt read a proclamation proclaiming April 13, 2005, as Arbor Day in Skagit County.

PLANNING & DEVELOPMENT SERVICES – GARY CHRISTENSEN, DIRECTOR

1. Discussion/Possible Action – Variance Request PL04-0710 by Snow Goose Produce to Reduce the Required Setback From 35 Feet to 18 Feet Off of the Front Property Line Adjacent to Fir Island Road.

Brandon Black, Planning and Development Services, explained that Snow Goose Produce filed a Variance request #PL04-0710 from Skagit County Code section 14.16.400(5)(a)(ii) to reduce the required setback from 35 feet to 18 feet off of the front property line adjacent to Fir Island Road. In addition, the Variance application was accompanied by a Special Use Permit modification request #PL04-0709 to allow for the expansion of the land use for the retail sale of produce, flowers, bulbs and seafood. The Special Use Permit modification was approved by the Hearing Examiner who in turn recommended that the Variance be approved. Mr. Black said the subject property is located at 15170 Fir Island Road, Mount Vernon.

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Commissioner Dahlstedt made a motion to approve the Variance as outlined by Mr. Black. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050140)**

2. Signature – Ordinance to Adopt Permanent Urban Growth Area (UGA) Development Regulations.

Senior Planner Kirk Johnson reviewed the Ordinance to adopt permanent UGA development regulations as approved by the Board of County Commissioners on March 28, 2005. Mr. Johnson said the Department had intended to transmit the document for signature on the Consent Agenda; however, several additional technical issues arose that he felt would be better addressed directly with the Board. He said these technical amendments are not substantive in nature and do not require additional public review. Mr. Johnson indicated that the Ordinance will still take effect upon Board adoption.

Commissioner Dahlstedt motioned to accept staff recommendations regarding technical changes to the previously approved UGA Ordinance, which was seconded by Commissioner Anderson. The motion passed unanimously. **(Ordinance No. O20050007)**

3. Discussion/Possible Action – Amending the Fee Schedule to Add Several New Permit Types Created by Newly Adopted Permanent Development Standards For the Unincorporated Portions of the Anacortes, Burlington, Concrete, Mount Vernon and Sedro-Woolley Urban Growth Areas.

Commissioner Dahlstedt moved to approve setting Tuesday, April 26, 2005, at 8:30 a.m. to hold a public hearing and discussion/possible action on proposed amendments to the Planning and Development Services Fee Schedule. Commissioner Anderson seconded the motion, which passed unanimously.

4. Update – State of the Department.

Mr. Christensen reported that Phase 2 of a multi-phased approach to reorganize the Department is now complete. He announced that Dan Cox and Brandon Black have been selected and promoted to Senior Planner, Team Leader positions. Mr. Cox will be in charge of the Interdisciplinary Team and Mr. Black will be in charge of the Community Development (Project Review) Team. They will join Brent Morrow and Kirk Johnson as the other Department Team Leaders.

Deputy Director, Oscar Graham, said it has been a pleasure working with Dan and Brandon since they were hired as interns in the mid 1990's.

5. Miscellaneous.

Mr. Graham stated that the County is currently engaged in the 2005 Comprehensive Plan update, which includes an update to Development Regulations including the Critical Areas Ordinance. The County is required to update the Ordinance according to best available science. Mr. Graham said the Department will be bringing forth an amendment to the Personal Services Agreement with Berryman & Heniger, Inc. to provide additional services associated with these updates.

WORK SESSION – CONSERVATION FUTURES COMMITTEE.

Curtis Johnson, Chairman of the Conservation Futures Advisory Committee, provided an update on the efforts and accomplishments of the Farmland Legacy Program, whose focus is farmland protection. Advisory Committee members David Hedlin, Randall Good, Mike Hulbert, Carolyn Kelly, Alan Merritt, and Keith Wiggers were also in attendance.

Mr. Johnson said the Conservations Futures Advisory Committee oversees, and makes recommendations on, the acquisition of development rights on agricultural lands in Skagit County. The Committee also occasionally comments on land use issues that have a direct impact on the farmland protection efforts spearheaded by the Skagit County Commissioners and the Conservation Futures Committee.

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The Committee is comprised of one representative from each of the three Commissioner Districts, an “at-large” representative, and representatives from the Skagit Land Trust, Skagit Conservation District, and Skagitonians to Preserve Farmland. All of these representatives are appointed by the Skagit County Commissioners.

Mr. Johnson said that just over a year and a half ago, in August 2003, the Program underwent a transition to a new director – the second director in the program’s nearly 10-year history. The Program was beginning to pick up speed around the time of the transition, and the director anticipates the Farmland Legacy Program will break its 5,000-acre milestone before August 2005 – more than doubling the acreage in the Program. The Conservation Futures Advisory Committee estimates that the Farmland Legacy Program could be protecting 3,000 acres annually, if more funding and staff were available.

The Program has made significant strides in the last year and a half in protecting two of the community’s most valuable resources: farmland and farmers.

- **Statistics**
 - 4,280+ total acres protected to date
 - 56 development rights purchased and retired
 - Cost of \$4,367,968.45
 - 14 donated easements, covering 677 acres

- **Funding**
 - \$9 million appropriation request for the 2006 federal budget
 - \$408,950 grant award in 2004 for farmland protection through USDA
 - \$615,575 grant request for farmland protection through USDA, made April 1st
 - New County fund to accept private donations for farmland protection that will go directly for farmland development right acquisition projects

- **Outreach**
 - Release of “It’s Not Farmland Without Farmers” bumpersticker
 - Unveiling of new “Private Land, Public Legacy” signs identifying farmland protected through the Farmland Legacy Program
 - Event at a north Burlington farm to celebrate the unveiling of the identification signs, hosted by the Conservation Futures Advisory Committee, featuring speeches from County Commissioners Munks and Dahlstedt, and Congressman Rick Larsen

Carolyn Kelly stated that the issues the Committee deals with are related to conserving farmland and farming and they are continually looking for ways to further that goal. There is a concern that there isn’t an accurate accounting of how much agricultural land is left in the County. Ms. Kelly said ag land has been converted over to wildlife habitat conservation areas and when that occurs, many times it stays on the tax rolls as ag land even though it isn’t being used for that purpose. She said the Committee would like the County to work on a new designation for those lands, perhaps Habitat Natural Resource Lands. Ms. Kelly said this would clearly indicate what the current land use designations are.

Mr. Johnson said if ag land is going to be converted, then it is imperative that a classification designation be created so that there is an accurate tally of how much farmland there is. He doesn’t think land that is converted to salmon habitat should be considered ag land.

Chairman Munks said the Committee should talk with the Department of Planning and Development Services to see what designations are actually in place and discuss the possibility of creating a new designation.

Commissioner Anderson said the designation should reflect the usage; however, he wants to keep ag land in its current use and not convert it, due to our critical land mass and overall farm economy.

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Alan Merritt asked the Commissioners if the Committee is being heard when an issue is brought forth that lies outside of their parameters. He said they haven't always felt like the message has gotten to where it needs to go.

Chairman Munks assured Mr. Merritt that everything brought forward to them is listened to. He stated that all three Commissioners place great value on the importance of farms and farmers.

Mr. Johnson said the answer should be a resounding no to the proliferation of Special Use Permits, or requests thereof, by people who want to have a business located in the ag zone because they think it is cheaper than having it located in town, which is where they belong.

Commissioner Anderson said he is all for farmers being able to market their produce at roadside stands. However, currently there are no size restrictions for these operations and there should be.

Randy Good stated that one of the finer aspects of the Farmland Legacy Program is that it is a voluntary program. He feels that Director Allison Deets is outstanding as she wants to preserve the farmland and the farmer and those are the very goals that everyone agrees on.

Commissioner Anderson said it might be time to ask the citizens of Skagit County if they are willing to increase the allotment on their property taxes for the Farmland Legacy Program so that more revenue can be generated. He also feels the Program should be accelerated in order to keep up with growth.

Mr. Johnson said if Senator Jacobson's bill is passed, the tax allotment would be raised from 6.25 cents per thousand to 12.5 cents per thousand. He said the Committee would certainly favor putting the proposal in front of the voters. Mr. Johnson feels this is one Program that the people of Skagit County support.

Mr. Merritt thanked the Commissioners for their support and vision. He said this Program has raised the optimism of adjoining landowners. Mr. Johnson also commended the Board for their unwavering support and open communication as it means a lot to the Committee members to know that County government is on their side.

Commissioner Dahlstedt thanked the Advisory Committee members as they are the ones that volunteer their time to preserve something they truly believe in. He said the financial battles will always be the number one challenge.

Mr. Johnson informed the Board that private donations can be made to the Farmland Legacy Program through the Conservations Futures Committee.

WORK SESSION – SKAGIT RIVER FEASIBILITY STUDY.

Chal Martin, Public Works Director, gave a PowerPoint presentation regarding the history of the Skagit River Feasibility Study. He also provided a spreadsheet explaining the revenues and expenditures to date totaling \$6.5 million for the project.

A lengthy discussion ensued regarding the roles that have been played by Pacific International Engineering, Puget Sound Energy, the U.S. Army Corps of Engineers, our Congressional delegation, Congressman Rick Larson and several attorneys, in the ongoing battle for additional flood storage space in the Baker system.

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ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Ted W. Anderson, Commissioner

ATTEST:

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