

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, APRIL 19, 2005**

- 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 – Guemes Island Ferry Finances
 2. Discussion – Cockreham Island Levee Repairs, Enhancement and Maintenance
 3. Discussion/Signature – Personal Services Agreement with Geo Engineers for the Cockreham Island Flood Hazard Reduction Buy-Out Study
 4. Discussion – Martin Slough Public Access
 5. Signature – Anderson/LaVenture Road Connection Design Consultant Local Agency Agreement
 6. Miscellaneous
- *T** 10:00 a.m. – 10:30 a.m. Update – Parks and Recreation Department
- *T** 10:30 a.m. – 11:30 a.m. Work Session – Solid Waste Rates and Efficiency Study Presented by HDR Engineering
- *T** 11:30 a.m. – 12:00 p.m. Deliberation/Possible Action – Proposed Master Planned Resort Ordinance

The Skagit County Board of Commissioners met in regular session on Tuesday, April 19, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Discussion – Guemes Island Ferry Finances.

Director Chal Martin discussed the current financial status of the Guemes Island Ferry operations. Mr. Martin said expenses would reach beyond normal operations over the next five years and those costs will be substantial.

Commissioner Anderson reviewed the expenditures for 2004, which resulted in a net loss of \$1,854,823. He said it would be shocking to analyze the costs that are being spent on County roads by residents, as opposed to the costs being spent for the roads on Guemes Island.

2. Discussion – Cockreham Island Levee Repairs, Enhancement and Maintenance.

Ric Boge, Surface Water Manager, discussed the need for proceeding with repairs and enhancement of the training levee on Cockreham Island. Mr. Boge said the levee was constructed by the County in 1959 and its intent was to prevent the Skagit River from cutting through the Island – not to keep flood waters off the Island. He stated that a work list of tasks, generated from an onsite meeting with the U.S. Army Corps of Engineers in February, including the following recommendations: surveying the levee, including the newly rocked area intended to be about one foot lower than the levee to the north; grading and leveling the levee, adding additional rock on the waterward side of the newly rocked area; creating a substantial yet gradual back slope from the newly rocked area to provide a smooth sheet flow of flood water onto the Island that does not erode away the back side of the new levee; adding top soil and vegetation where appropriate; and re-establishing two rock groins that jut into the water to help deflect some of the flow away from the levee.

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Mr. Boge said the price estimate for these repairs and improvements, utilizing fill material on-hand and County crews as much as possible, are between \$180,000 and \$200,000.

Commissioner Dahlstedt asked where the source of funding would come from for the repairs and Mr. Boge indicated that it would come from the Drainage Utility Fund. Mr. Boge said it is his intent to proceed aggressively to protect the levee and make the necessary improvements to it.

3. Discussion/Signature – Personal Services Agreement with Geo Engineers for the Cockreham Island Flood Hazard Reduction Buy-Out Study.

Mr. Boge next discussed a Personal Services Agreement with GeoEngineers, Inc., which calls for the consultant to provide engineering services related to the Cockreham Island Flood Hazard Reduction Buy-out Study. The consultant will investigate feasibility of floodplain buy-out through Cockreham Island and will evaluate the risk/advantages with discontinuing maintenance of the existing dike and repetitive flood repairs. Mr. Boge said the amount of the agreement would be \$131,083.

Mr. Martin added that Environmental Restoration Funding for this area might be a possibility.

Commissioner Dahlstedt made a motion to approve the agreement with GeoEngineers, Inc., as outlined by Mr. Boge. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. C20050180)**

4. Discussion – Martin Slough Public Access.

Stephanie Woollett of the Public Works Department discussed the problems associated with unrestricted vehicle access on a County-owned property enrolled in the Conservation Reserve Enhancement Program (CREP). Ms. Woollett stated that provisions for continued vehicular access to the County's property near Martin Slough have been called into question because of illegal dumping on the site and the potential for damage to the riparian buffer, which was established through CREP. She said any damage to that area could be costly.

Ms. Woollett provided an aerial map of the area in question. She discussed the alternatives to solving this problem, which would be to take no action whatsoever; relocate plantings to allow continued vehicular access to the Skagit River shoreline; or install a gate at the property boundary near SR 530 and redirect vehicular traffic to nearby State of Washington Department of Fish and Wildlife public access located on Martin Road. Ms. Woollett said staff recommends gate installation as the preferred alternative to prevent vehicle access to the County-owned property.

Commissioner Anderson suggested that the site be completely cleared of cars and garbage prior to the gate being installed. Commissioners Munks and Dahlstedt said they were supportive of the action, but feel it is too bad it is necessitated by illegal dumping.

5. Signature – Anderson/LaVenture Road Connection Design Consultant Local Agency Agreement.

Mr. Martin presented a Local Agency Standard Consultant Agreement between Skagit County and OTAK Inc. for the Anderson/LaVenture Road Extension Project. He said the agreement includes engineering, environmental, right-of-way services, and bid assistance associated with the project. Mr. Martin indicated that the agreement totals \$1,456,521.00 and the project will proceed even though all of the funds haven't been obtained. Mr. Martin said it is a good project that will attract a significant amount of money, perhaps through the Transportation Improvement Board.

Commissioner Anderson asked why Skagit County is the lead agency for this project. Mr. Martin advised that the County has the expertise the project needs and it also lies with the County's jurisdiction. He also said money is available to begin the project and the goal is to have it ready to bid by April, 2007.

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Commissioner Dahlstedt motioned to approve the agreement as outlined by Mr. Martin. Commissioner Anderson seconded the motion, which passed unanimously. **(Contract No. C20050181)**

6. Miscellaneous.

- a) Mr. Martin discussed a structural deficiency that was recently discovered at the Transfer Station located at Ovenell Road. He explained the situation and announced a possible solution to the problem would be, which is estimated to cost between \$60,000 and \$80,000 to repair. The Board gave approval to follow through with any necessary repairs.
- b) Mr. Martin informed the Board that access to Lake Shannon would be provided on the upper road in time for opening day of fishing season. He said the County would arrange for flaggers to be posted at the top and bottom of Shannon Road in times of heavy traffic, which would be restricted to one-way traffic with radio communication.

UPDATE – PARKS AND RECREATION DEPARTMENT.

Parks and Recreation Director Bob Vaux commended Lauren Woodmansee, Recreation Coordinator, for receiving the coveted Washington Recreation and Park Association scholarship at their recent conference. Mr. Vaux explained that Ms. Woodmansee was unable to attend the conference; therefore, he is presenting this prestigious award to her today. He feels Ms. Woodmansee is a hard-working, well-deserving County employee.

Mr. Vaux next explained that he and his staff have been working with a group known as Skagit Artists Together (SAT) over the last year to study the concept of putting artistic benches in area parks for a year. He said the Parks Foundation was also supportive of the program and Administrative Coordinator Tawni Helms has acted as the liaison between the Parks Department and SAT. Ms. Helms also served as a juror for the art selection in the parks.

Mr. Vaux said the official community celebrations are happening on Saturday, May 14th, from 10 a.m. to 11:00 a.m. Specifically, three simultaneous events are taking place in each of the Commissioner districts as follows:

District No. 1 – Schoolhouse and Young’s Parks on Guemes Island
District No. 2 – Skagit Valley Playfields
District No. 3 – Howard Miller Steelhead Park

Mr. Vaux indicated that there will be a ribbon cutting ceremony, along with food, music and art.

DELIBERATION/POSSIBLE ACTION – PROPOSED MASTER PLANNED RESORT ORDINANCE.

Gary Christensen, Director of Planning and Development Services, introduced Mark Personius, the Department’s consultant for the drafting of the Master Planned Resort (MPR) Ordinance. Mr. Personius worked with the Citizen Advisory Committee that the Board appointed to assist the Department in drafting the proposed regulations.

Mr. Christensen advised that there are three options the Board can consider in making their decision, which are: approve the Planning Commission recommendation and their associated findings; remand the ordinance back to the Planning Commission for further discussion; or defer review and action on this matter to a later date.

Mr. Christensen said the Board most recently met on this matter on December 21, 2004, to review and deliberate on the Planning Commission recommendation. Based on discussions that occurred during those deliberations, there were some legal and vested rights issues, in particular with an existing resort that emerged. As a result, Mr. Christensen said he recommended that the Board’s decision be postponed

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so that these issues could be researched and addressed. Since the Board's last meeting, staff from the Department, Mr. Personius, legal counsel and the affected party met to discuss existing County land use approvals, current County regulations and provisions of the proposed MPR Ordinance. As requested by the Board, these issues are addressed in a memo dated March 18, 2005. Also of record is the Planning Commission Recorded Motion and a packet of draft regulations that constitute the Planning Commission recommendation on a proposed new section of Skagit County Code - Title 14, Zoning, to implement the existing MPR policies of the Comprehensive Plan, as referred to as Exhibits A through E.

Mr. Christensen said the Department recommends that the Planning Commission recommendation, findings and associated exhibits be adopted.

Chairman Munks asked Mr. Christensen to explain what permitted issues were to be allowed in the Hearing Examiner's decision regarding Clark's Skagit River Cabins. Mr. Christensen referred back to the memorandum dated March 18, 2005, which addressed Conditional Use Permit (CUP) #170, Small-Scale Recreation and Tourism (SRT) zoning and MPR Development Regulations. As part of the approval of CUP #170, there were certain uses that were specified, which the Hearing Examiner determined in a later review that those uses do in fact have vested development rights, but cabins are not permitted. He added that this Ordinance offers expanded use above what the current Ordinance allows and doesn't take away anything that is currently there.

Commissioner Anderson questioned Mr. Christensen on allowed uses for existing resorts and the MPR regulations, which allow other uses. Mr. Christensen responded that the MPR Ordinance would allow uses beyond those which the current code allows today, including expanded and more intensive uses. There could also be additional facilities of different types. Mr. Christensen said it doesn't take away anything that has been previously granted under CUP #170.

Commissioner Dahlstedt asked if the current proposal would withstand a challenge from the Growth Management Hearings Board. Mr. Christensen indicated that it is deemed GMA (Growth Management Act) compliant and according to legal counsel, would be defended in court.

Commissioner Anderson said he's convinced that the MPR Ordinance would allow the Clark family to do more with their property than what they are currently allowed to do.

Mr. Christensen said it is a matter of choice whether to operate under the current rules or the new rules. He stated that while the Ordinance may or may not impose burdens with regard to the existing resort, it does provide some guidance on destination resorts and expanded recreational opportunities. He believes that with these regulations in place it will help encourage, promote and accommodate these kinds of developments in the future.

Don Clark, Skagit River Resort, said that Washington State law specifically addresses existing resorts, which allows Skagit County to develop a code for them. He said the code that is being proposed today is for new resorts and has nothing to do with existing resorts. Mr. Clark said years ago his resort was zoned CLI, which is the most open zone that Skagit County has ever had. MRP is not as open as CLI and SRT is far more restrictive than CLI. Mr. Clark said he is asking that their resort be restored to a zone that they've already been approved to be, which is CLI. Mr. Clark said the way the proposed code is written, he wouldn't be able to obtain a rezone until there is a Master Plan is agreed to and a development agreement is in place. He feels that only then he'll be able to obtain the original zoning that was taken from him.

Mr. Clark continued to explain the hoops he would have to jump through in order to obtain a rezone. According to him, this code as it stands will not allow him to add even one cabin to his existing resort as he had already exceeded the number of cabins allowed when he was put into the SRT zone. Mr. Clark said this is the same code that the Commissioner's rejected in December and feels they should reject it now.

Commissioner Anderson said the Commissioners have spent countless hours with some of the best legal attorneys in the world to try to figure a way to get through this. He said he didn't vote for the Comprehensive Plan when it was adopted in 1997. Commissioner Anderson said there are people all over

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the County that had Commercial/Industrial zoning that previously had Agricultural zoning. To belabor the point about going back and getting what the Clark's had simply doesn't make sense. Commissioner Anderson told Mr. Clark that they have a Conditional Use Permit that will allow them to do certain things.

Commissioner Anderson said won't continue to spend hours of staff time and countless dollars on something that would be appealed by every group in the County. He said the Growth Management Hearings Board would throw it out and send it back to the County to redo it. He asked Mr. Clark how much sense that would make.

Mr. Clark accused Commissioner Anderson of misunderstanding their intent. He said they are convinced they are not going back to what they had before. Mr. Clark said he is as frustrated as Commissioner Anderson and has also spent countless hours and a lot of money on this issue. He said he has to cross too many bridges in order to obtain a rezone opportunity with the code that is being proposed

Mr. Christensen pointed out that in the proposed ordinance, as recommended by the Planning Commission, Section 14 does address a Master Plan for existing resorts. He said it is difficult to rezone property with no true intention or proposal. Part of this process is based on collaboration with the proponent and putting together what it is they want to do under a MPR. Mr. Christensen said that then becomes effectuated by a development agreement, which is really a contract between the proponent and the County as to what kind of uses, how much and where at. He said it is an interactive process that one needs to go through. It's not as if we can approve it in advance and then ask for the details later. It is something that needs to be known and addressed up front through this MPR Ordinance.

Mr. Christensen pointed out that the MPR Ordinance would allow cabins as well as a wide-range of other uses that today are not allowed under current County code. He thinks there are opportunities and other alternatives that would allow something more than what exists today.

Commissioner Dahlstedt motioned to approve the Skagit County Planning Commission Recorded Motion recommending approval of the Master Planned Resort Ordinance with the associated findings. Chairman Munks seconded the motion.

Commissioner Anderson asked what harm it would do to bring the proposal back in a week or two. He wants to have a clear understanding of what a development agreement is.

Mr. Personius provided some clarity by saying that under the Ordinance, the first step in the process would be for the applicant to get a MPR Comprehensive Plan designation. In the Clark's case, they have a pending Comprehensive Plan amendment that would be docketed presumably upon adoption of these regulations, which would let them move forward. The next step is to implement that Comprehensive Plan designation, which could be done either with a development agreement or a Special Use Permit. The rezone would occur simultaneously with the Comprehensive Plan designation but the regulations would still require either a development agreement or the Special Use Permit.

Mr. Christensen said that when the Board adopted the ordinance for the Comprehensive Plan, which put in place the Master Planned Resort Policies, they did so with a waiver to any Comprehensive Plan amendment petition that would need to be submitted to give the MPR designation. So, there are no fees associated with getting the MPR designation.

After the clarification, the Skagit County Board of Commissioners passed the Master Planned Resort Ordinance.

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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