

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 10, 2005**

- 8:00 a.m. – 8:45 a.m. Work Session – County Commissioners
- 8:45 a.m. – 9:30 a.m. Work Session – County Administrator
- *T 10:00 a.m. – 10:30 a.m. Decision – The Establishment of Yokeko Point, Dewey Beach and Quiet Cove Areas as an “Area of Special Concern”
- *T 10:30 a.m. – 11:00 a.m. Decision – Regarding a Request From the Housing Authority of Skagit County to Invoke RCW 35.83 (The Housing Cooperation Law) to Waive Certain Land Use Regulations to Facilitate the Expansion of the Low Income Housing Development Known as Raspberry Ridge in Burlington
- 11:00 a.m. – 11:30 a.m. Consent Agenda and Miscellaneous Items
- 11:30 a.m. – 11:45 a.m. Public Comment Period
- 1:30p.m. – 2:00 p.m. Decision – Closed Record Appeal No. PL05-0559, Submitted by Michael Fohn, Regarding the Hearing Examiner’s Decision Approving Special Use Permit No. PL05-0002 for Katie and Amy Carson
- 2:30 p.m. – 4:00 p.m. Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Monday, October 10, 2005, with Commissioners Don Munks, Kenneth A. Dahlstedt and Ted W. Anderson present.

DECISION – THE ESTABLISHMENT OF YOKEKO POINT, DEWEY BEACH AND QUIET COVE AREAS AS AN “AREA OF SPECIAL CONCERN.”

Steve Olson, Environmental Health Specialist, presented a letter to the Board which entailed written comments received on this issue.

Chairman Munks thanked the Health Department for a job well done.

Commissioner Dahlstedt motioned to approve the Resolution as outlined by staff. Commissioner Anderson seconded the motion, which carried. **(Resolution No. R20050357)**

DECISION – REGARDING A REQUEST FROM THE HOUSING AUTHORITY OF SKAGIT COUNTY TO INVOKE RCW 35.83 (THE HOUSING COOPERATION LAW) TO WAIVE CERTAIN LAND USE REGULATIONS TO FACILITATE THE EXPANSION OF THE LOW INCOME HOUSING DEVELOPMENT KNOWN AS RASPBERRY RIDGE IN BURLINGTON.

Tom Karsh, Special Projects, stated that public comments were received, which consisted of 22 documents, mostly letters of support and signed by 72 persons. Mr. Karsh explained that the basic argument was in favor of the proposal based on farmworker housing needs in Skagit County and the success of the existing Raspberry Ridge development. He said the concerns expressed focused on the flooding potential of the site, on-site sewage system failure, and general public infrastructure needs in the area, as well as impact on the adjacent property values and safety.

Commissioner Dahlstedt explained that a meeting took place at the City of Burlington on September 16, 2005, which Jon Smith and other city officials met to better understand the issues.

Without further discussion, Commissioner Dahlstedt motioned to approve the resolution. Commissioner Anderson seconded the motion, which passed unanimously. **(Resolution No. R20050358)**

**RECORD OF THE PROCEEDINGS
MONDAY, OCTOBER 10, 2005
PAGE NO. 2**

CONSENT AGENDA.

Commissioner Dahlstedt motioned to approve the Consent Agenda for Monday, October 10, 2005, items 1 through 16. Commissioner Anderson seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, October 3, 2005.

ASSIGNED COUNSEL:

2. Personal Services Agreement with the Snohomish County Public Defender's Office to provide defense/legal services for an aggravated murder case pending in Skagit County Superior Court. The agreement shall commence on September 7, 2005, and continue until December 31, 2007. Compensation is not to exceed a total of \$20,000. **(Contract No. C20050432)**

DISTRICT COURT:

3. Personal Services Agreement with Lynn J. Miner to represent clients for drug/alcohol involuntary commitment hearings as assigned by the Skagit County District Court. The agreement shall commence on August 2, 2005, and continue until June 30, 2007. Compensation varies from \$225 to \$300 per case/appeal. **(Contract No. C20050433)**

FARMLAND LEGACY PROGRAM:

4. Grant Deed of Conservation Easement to Skagit County through a short plat process by Fred and Shirley Boonstra for approximately 52.3 acres near Sedro-Woolley. **(Contract No. C20050434)**
5. Grant Deed of Conservation Easement to Skagit County through a short plat process by Darlene G. Krangnes for approximately 39 acres in Mount Vernon. **(Contract No. C20050435)**

PUBLIC HEALTH DEPARTMENT:

6. Resolution AND Interagency Agreement between Skagit County, by and through the Public Health Department, and Northwest Educational Service District 189, which will provide funding for Child and Family Health staff to offer parent/infant/toddler groups and home visits as appropriate to families with infants and toddlers in Skagit County. This fee for service contract has a total contract reimbursement of \$20,136. The agreement shall commence on September 8, 2005, and continue through February 28, 2006. **(Resolution No. R20050359 AND Contract No. C20050436)**

INFORMATION SERVICES:

7. Information Technology Purchase Primary Agreement between Skagit County and the State of Washington Administrative Office of the Courts for equipment reimbursement to support District Court, Superior Court and the Superior Court Clerk. The agreement shall commence upon the date of execution and continue indefinitely. **(Contract No. C20050437)**

PLANNING AND DEVELOPMENT SERVICES:

8. Personal Services Agreement with Mark Personius to provide professional services in connection with the Alger Community Plan. The agreement shall commence on October 1, 2005, and continue through December 31, 2006. Compensation is not to exceed a total of \$30,000. **(Contract No. C20050438)**

**RECORD OF THE PROCEEDINGS
MONDAY, OCTOBER 10, 2005
PAGE NO. 3**

9. Resolution denying the appeal (PL05-0430) of Luke Lumina and Thelma Palmer-Lumina, and upholding the Hearing Examiner's decision approving Special Use Permit (PL05-0061). **(Resolution No. R20050360)**
10. Resolution re-appointing William Stiles, III to the Skagit County Planning Commission for a period of four years beginning October 26, 2005, and expiring on October 25, 2009. **(Resolution No. R20050361)**

PROSECUTING ATTORNEY:

11. Resolution authorizing the execution of an Interlocal Cooperative Agreement with the Administrator of Courts so that the Skagit County Court System can seek reimbursement for electronic access to public court records. **(Resolution No. R20050362)**
12. Resolution providing a defense to Gary Shand and his marital community, and to Cathy Smith, ARNP, and her marital community in a lawsuit by Julia Rasmussen, Trisha Mersereau and Cheyenne Dillard. **(Resolution No. R20050363)**

TREASURER:

13. Addendum No. 5 to License Agreement **No. 04743** with Balanced Action, Inc., which adds an additional software investment module to the CASHTAX 2000/INVESTMENTMGR2000 License at a cost of \$5,000. All other terms and conditions of the original License Agreement shall remain in effect. **(Amendment No. A20050165)**

YOUTH & FAMILY SERVICES:

14. Personal Services Agreement with Northwest Youth Services to provide specialized juvenile offender evaluations, treatment (group and/or individual), consultations and monitoring for juveniles and/or their families referred for treatment. It also provides for Aggression Replacement Therapy, providing youth with group training in social skills, anger control and moral reasoning. The agreement shall commence on October 1, 2005, and continue through September 30, 2007. Compensation is not to exceed a total of \$11,250. **(Contract No. C20050439)**

PUBLIC WORKS DEPARTMENT:

15. Resolution amending Resolution No. R20050032, appointing members to the Skagit County Marine Resources Committee, which updates the membership list and adds Christine Woodward and Scott Schuyler to the Committee. **(Resolution No. R20050364)**
16. Resolution AND Grant Agreement between Skagit County and the Washington State Department of Ecology on behalf of the Skagit Marine Resources Committee. The no-match grant in the amount of \$160,000 will be used for general administrative costs for the Skagit MRC, including costs associated with monitoring, education and public outreach, Guemes Island shoreline inventory and blueprint development, educational materials, and creosote inventory and removal. The agreement shall become effective July 1, 2005, and continue through June 30, 2007. **(Resolution No. 365 AND Contract No. C20050440)**

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.

**RECORD OF THE PROCEEDINGS
MONDAY, OCTOBER 10, 2005
PAGE NO. 4**

As of this date, October 10, 2005, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$65,836.31 (Transmittal No. C-129-05); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$53,809.15 (Transmittal No. C-130-05); and

Warrant number 207227 from Clearing Fund 696 in the total dollar amount of \$2,150.84 (Transmittal No. C-131-05); and

Warrant number 207228 from Clearing Fund 696 in the total dollar amount of \$5,500 (Transmittal No. C-132-05); and

Warrants numbered 207229 through 207654 from Clearing Fund 696 in the total dollar amount of \$4,018,810.16 (Transmittal No. C-133-05); and

Payroll warrants numbered 174210 through 175019 from Clearing Fund 696 in the total dollar amount of \$1,042,243.98 (Transmittal No. P-38-05); and

Payroll warrants numbered 968009 through 968153 in the total dollar amount of \$195,626.24 (Transmittal No. P-39-05); and

PUBLIC COMMENT PERIOD.

No one was present for the public comment period.

DECISION – CLOSED RECORD APPEAL NO. PL05-0559, SUBMITTED BY MICHAEL FOHN, REGARDING THE HEARING EXAMINER’S DECISION APPROVING SPECIAL USE PERMIT NO. PL05-0002 FOR KATIE AND AMY CARSON.

Commissioner Anderson commented that he had reviewed the record, the testimony, and the information submitted by Michael Fohn.

Commissioner Dahlsted said that he also looked at both the original record as well as the information brought forth during the closed record appeal. Commissioner Dahlstedt stated that the Hearing Examiner’s decision appears to provide that the County’s criteria for a home based business is not subject to a clear test. He also said that this record contains sufficient evidence to show that the applicant showed that the home based business is clearly incidental and secondary to the use of her property for dwelling purposes. Commissioner Dahlstedt then stated that the Board of Skagit County Commissioners makes the following supplemental findings and conclusion in support of the Hearing Examiner’s decision:

Supplemental Finding 1: The office will take up about 320 square feet and is located in an area of the residence, the summer kitchen that was added to the main residence. The summer kitchen is separated from the main residence by a short breezeway. The summer kitchen will also serve as a personal office space. The total area of the residence is approximately 1,827 square feet.

Supplemental Finding 2: The design area in the barn is not much bigger than a home workshop.

Supplemental Conclusion 1: The separate facets of Carson’s home based business – storage, deliveries, shipments, and minor fabrication are similar to normal agricultural operations in the Agricultural – NRL zone. This business, predominately storage and minor assembly, does not constitute major manufacturing and there is no evidence that the business will impact the use of the property as a dwelling any more than the agricultural activities that will continue to be

**RECORD OF THE PROCEEDINGS
MONDAY, OCTOBER 10, 2005
PAGE NO. 5**

pursued on the Carson farm. The home based business is clearly secondary and incidental to the use of Carson's property for dwelling purposes.

With that said, Commissioner Dahlstedt motioned to uphold the Hearing Examiner's decision. Commissioner Anderson seconded the motion, which carried.

A resolution will be presented at a later time.

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:

Melissa Collins, Assistant, Clerk of the Board
Skagit County Board of Commissioners