

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 3, 2006**

- 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 9:30 a.m. – 9:45 a.m. Public Hearing – To Consider Public Testimony to Change the Skagit County Health Department Fee Schedule to Include a Civil Fine for Violation of the Clean Indoor Air Act and Add STD Clinic Charges
- *T 9:45 a.m. – 10:00 a.m. Discussion/Possible Action - Call for Public Hearing to Establish and Require Septic System Inspections at Time of Property Transfer
- Discussion/Possible Action – Call for Public Hearing to Adopt the Recommended Standards and Guidance for On Site Septic System Proprietary Treatment Products
- *T 10:00 a.m. – 10:30 a.m. Appointments - Chairman of the Board and Committee Assignments
- 10:30 a.m. – 11:00 a.m. Bid Opening – Overhaul of the MV Guemes Island Spare Out Drive
- 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. Planning and Development Services – Gary Christensen, Director
1. Introduction of New Employees – Steve Kramer, Residential Plans Examiner, and Bob VanderLinden, Building Inspector
 2. Discussion – Transfer of Development Rights (TDR) Feasibility
 3. Discussion – Urban Growth Area (UGA) Methodology
- 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 Tuesday, January 3, 2006, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson's absence for most of the sessions was excused as he was participating in a conference call.

Public Hearing – To Consider Public Testimony to Change the Skagit County Health Department Fee Schedule to Include a Civil Fine for Violation of the Clean Indoor Air Act and Add STD Clinic Charges.

Public Health Director Peter Browning explained that Initiative 901 charged local health departments with enforcing compliance with the Clean Indoor Air Act on businesses. The law states that local health departments must call upon their attorney or the city or town attorney to maintain an action for an injunction to enforce RCW 70.160.050. Mr. Browning indicated that his department is working with the Prosecutor's Office on how to implement this piece of the law. At this time, the Prosecutor's opinion is to have the Skagit County Health Department include this fee into their schedule, while the details of enforcement are worked out.

Mr. Browning said the change in charges for STD's (Sexually Transmitted Diseases) would be for out-of-county clients, which will aid in the recovery of costs associated with providing this service. Because Island County and Whatcom County have decided to no longer host STD clinics, Mr. Browning said Skagit County shouldn't be subsidizing them any longer.

**RECORD OF THE PROCEEDINGS
TUESDAY, JANUARY 3, 2006
PAGE NO. 2**

Chairman Munks opened the public hearing. There being no public testimony forthcoming, Commissioner Dahlstedt motioned to close the public hearing, which was seconded by Chairman Munks. The public hearing was closed.

Commissioner Dahlstedt said that when other counties discontinue clinic services, which in turn forces clients to obtain those services in different county, they should be responsible for paying the fees accordingly.

Chairman Munks agreed and noted that Skagit County has a hard enough time trying to find money to enforce unfunded mandates. He said the Clean Indoor Air Act will be costly to monitor and feels the Skagit County Health Department's fee schedule needs to be revised to include this fine.

Commissioner Dahlstedt suggested that Mr. Browning send a letter to Island and Whatcom Counties asking them for funding since they are no longer offering STD clinics. Mr. Browning agreed that he would.

Commissioner Dahlstedt motioned to adopt the new fee schedule for the Skagit County Health Department as amended. Chairman Munks seconded the motion, which carried. **(Resolution No. R20060001)**

Discussion/Possible Action - Call for Public Hearing to Establish and Require Septic System Inspections at Time of Property Transfer.

Steve Olsen, Environmental Specialist, stated that the Washington State Administrative Code (WAC) 246-272A, On-Site Sewage Systems Rules and Regulations, which was adopted by the Board of Health on July 13, 2005, requires inspections of septic systems at the time of property transfer. The new WAC also requires counties bordering Puget Sound to develop a written plan regarding development and management activities for all on-site septic systems by July 2007.

According to Mr. Olsen, the Skagit County Health Department already has the resources to implement this portion of the code. These resources include the certification of operations and maintenance specialists, an inspection procedure and summary report form, and a database to maintain and retrieve records of inspection activities. The requirement is supported by the real estate industry as evidenced by the number of inspections currently being done and by a presentation made to the North Puget Sound Association of Realtors on September 15, 2005.

Mr. Olsen asked the Board to approve a resolution calling for a public hearing to consider requirement of septic system inspections at the time a property is transferred.

Discussion/Possible Action – Call for Public Hearing to Adopt the Recommended Standards and Guidance for On-Site Septic System Proprietary Treatment Products.

Mr. Olsen next discussed a resolution calling for a public hearing to adopt the Recommended Standards and Guidance (RSG) for on-site septic system proprietary treatment products. He stated that proprietary treatment products are brand name components of septic systems that are approved and require annual registration with the Washington State Department of Health.

These products include aerobic treatment units, packed bed filters and upflow media filters. In order for them to be approved and registered, they need to meet performance standards for treatment of wastewater. Mr. Olsen said the performance standards are only met with proper operation and scheduled routine maintenance. The RSG provides guidelines to the local health departments, which can be adopted into local code in order to insure the septic systems are maintained properly and perform as designed to protect public health and water quality.

By adopting the RSG for treatment products, the Skagit County Health Department will be able to enforce their current on-site sewage code, which requires property owners to have a perpetual operation and

**RECORD OF THE PROCEEDINGS
TUESDAY, JANUARY 3, 2006
PAGE NO. 3**

maintenance contract between the user and a service company. Without adoption of the RSG, many septic systems with proprietary treatment products will not receive the service they require and; therefore, not meet operational performance standards. Without routine maintenance, the septic system will likely fail and require the homeowner a much more costly repair.

Commissioner Dahlstedt motioned to adopt a resolution calling for a public hearing to require septic system inspections at the time of property transfer. The motion was seconded by Chairman Munks, and passed. The public hearing will be held on Tuesday, February 14, 2006, at 10:00 a.m. (**Resolution No. R20060002**)

Commissioner Dahlstedt motioned to approve a resolution calling for a public hearing to adopt the Recommended Standards and Guidance for on-site septic system proprietary treatment devices. Chairman Munks seconded the motion, which carried. (**Resolution No. R20060003**)

Appointments - Chairman of the Board and Committee Assignments.

Commissioner Anderson joined the other two Board members for this item.

Commissioner Anderson motioned to appointment District Two Skagit County Commissioner Kenneth A. Dahlstedt as the new Chairman of the Board for 2006. Chairman Munks seconded the motion, which passed unanimously.

Commissioner Munks motioned to approve the committee assignments for 2006, as prepared by the Clerk of the Board. Chairman Dahlstedt seconded the motion, which was carried.

Commissioner Anderson excused himself for the remainder of session.

Bid Opening – Overhaul of the MV Guemes Island Spare Out Drive.

Guemes Island Ferry Manager Steve Cox advised the Commissioners that no bids had been received for the Model 370 DF out drive overhaul for the M/V Guemes Island. Mr. Cox indicated that he would ask the Board to sign a resolution under a future consent agenda requesting bids for the necessary repair work.

CONSENT AGENDA.

Commissioner Munks motioned to approve the Consent Agenda for Tuesday, January 3, 2006, items 1 through 11. The motion was seconded by Chairman Dahlstedt and passed.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, December 19, 2005.
2. Record of the Proceedings for Tuesday, December 20, 2005.

ADMINISTRATIVE SERVICES:

3. Resolution appointing John A. (Jack) McCormick to the Upper Skagit Library District Board of Trustees effective January 1, 2006, and ending on December 31, 2010. (**Resolution No. R20060004**)

BUDGET & FINANCE:

4. Resolution to authorize Hotel/Motel Tax funding allocations for 2006. (**Resolution No. R20060005**)

**RECORD OF THE PROCEEDINGS
TUESDAY, JANUARY 3, 2006
PAGE NO. 4**

5. Resolution calling for a Public Hearing to amend the 2005 budget. The hearing will be held on Tuesday, January 17, 2006, at 11:45 a.m. **(Resolution No. R20060006)**

PROSECUTING ATTORNEY:

6. Personal Services Agreement with Summit Law Group to provide, at the request and direction of either Skagit County counsel, the Human Resources Director or the Risk Manager, representation and assistance on matters related to employment law, labor relations/negotiations and litigation. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Compensation is not to exceed a total of \$25,000. **(Contract No. C20060002)**
7. Personal Services Agreement with Buck and Gordon, LLP to provide consultation, legal services and litigation support on selected issues relating to the Growth Management Act and other land use and environmental issues. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Compensation is not to exceed a total of \$350,000. **(Contract No. C20060001)**

SHERIFF'S OFFICE:

8. Resolution to call for a Public Hearing for consideration of an Ordinance adopting amendments to Chapter 7.01 of the Skagit County Code to minimize the exposure of citizens to the harmful nuisance, physiological, and psychological effects of excessive noise. The hearing will be held on Monday, January 23, 2006, at 9:30 a.m. **(Resolution No. R20060007)**

PUBLIC WORKS DEPARTMENT:

9. Resolution calling for a Public Hearing to consider a vacation of unopened county right-of-way known as Pacific Street near the City of Concrete, south of State Route 20 and west of Concrete Sauk Valley Road. The hearing will be held on Monday, January 23, 2006, at 1:30 p.m. **(Resolution No. R20060008)**
10. Resolution amending Resolution **No. R20030146**, which amends the Skagit County Purchasing and Contracting Guidelines to provide delegation of authority for approval of sole source resolutions for contract amounts payable less than \$5,000. **(Resolution No. R20060009)**
11. Resolution for Declaration of Emergency for the repairs of the Guemes Island Ferry engine and generator during the 2005 haul out and dry docking. Repairs were made beginning on September 19, 2005, and continued through October 22, 2005, in order to remedy the oil leak found on inspection. **(Resolution No. R20060010)**

MISCELLANEOUS.

1. Deputy Civil Prosecutor Melinda Miller brought forth a resolution authorizing the execution of a Mediation Agreement with the Swinomish Indian Tribal Community, the Washington Environmental Council, the Western Washington Agricultural Association, the Washington Department of Fish and Wildlife, and other involved parties.

Ms. Miller explained that Skagit County is currently engaged in litigation, Swinomish Indian Tribal Community v. Skagit County, Case No. 02-2-0012c, before the Western Washington Growth Management Hearings Board and/or Swinomish Indian Tribal Community v. Western Washington Growth Management Hearings Board, Case No. 76339-9, before the Washington Supreme Court. Both cases involve the County's Critical Areas Ordinance in relation to Agricultural-NRL and Rural Resources-NRL.

According to Ms. Miller, the County and several of the involved or affected Parties wish to attempt to resolve this litigation through mediation, pursuant to the Uniform Mediation Act, and have

**RECORD OF THE PROCEEDINGS
TUESDAY, JANUARY 3, 2006
PAGE NO. 5**

agreed on a mediator to help facilitate mediation between the parties. A resolution would need to be approved for the Board in order for that to happen.

Chairman Dahlstedt said he would approve the resolution contingent on it being signed by all of the other Parties.

Commissioner Munks motioned to approve the resolution, as outlined by Ms. Miller. Chairman Dahlstedt seconded the motion, which carried. **(Resolution No. R20060011)**

2. 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, January 3, 2006, 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 \$427,577.46 (Transmittal No. C-165-05); and

ACH Transfer Request Form and Certification to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$280.50 (Transmittal No. C-166-05); and

Warrants numbered 212513 through 212930 from Clearing Fund 696 in the total dollar amount of \$971,291.92 (Transmittal No. C-167-05); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$118,619.59 (Transmittal No. C-168-05); and

Warrants numbered 212931 through 213293 from Clearing Fund 696 in the total dollar amount \$969,205.11 (Transmittal No. C-169-05); and

Payroll warrants numbered 179011 through 178232 from Clearing Fund 695 in the total dollar amount of \$1,026,590.13 (Transmittal No. P-49-05); and

Payroll warrants numbered 968806 through 968984 from Clearing Fund 695 in the total dollar amount of \$206,091.50 (Transmittal No. P-50-05).

PUBLIC COMMENT PERIOD.

Craig Cole, 6127 Wilkerson Lane, Sedro-Woolley, expressed concerns about dogs running loose in his neighborhood. He asked the Board to develop an ordinance, which would require animal owners to keep their pets on their own property. Mr. Cole said this is an ongoing problem that needs to be addressed.

PLANNING AND DEVELOPMENT SERVICES – GARY CHRISTENSEN, DIRECTOR

1. **Introduction of New Employees – Steve Kramer, Residential Plans Examiner, and Bob VanderLinden, Building Inspector.**

Al Jongsma, Planning and Development Services, introduced two new employees that have replaced two former employees of the Department. Mr. Jongsma said Steve Kramer, Residential Plans Examiner, was previously employed by the Department of Labor and Industries. Bob VanderLinden, Building Inspector, most recently worked for the City of Oak Harbor.

2. **Discussion – Transfer of Development Rights (TDR) Feasibility.**

**RECORD OF THE PROCEEDINGS
TUESDAY, JANUARY 3, 2006
PAGE NO. 6**

Planning and Development Services Director Gary Christensen briefed the Commissioners on the Transfer of Development Rights (TDR) Program Feasibility Study.

Mr. Christensen stated that the County Commissioners indicated interest in giving further consideration to the possible development and adoption of the TDR program. The program might be based on the premise that development rights could be transferred from substandard lots in the natural resource land (agriculture (Ag-NRL), forest (IF and SF-NRL), rural resource (RRc)), Rural Residential (rural reserve (RRv) and Rural Intermediate (RI)) zoning districts, and critical areas and/or habitats, plus historic sites to urban residential areas (urban growth areas) or other specifically designated or authorized "receiving areas" within the county. Additional consideration may be given to establishing a TDR program that would allow transferring development rights from natural resource and rural lands to other designated "receiving areas" regardless of lot size.

According to Mr. Christensen, Skagit County published a Request For Proposals to conduct a study on the feasibility of a TDR program. Planning and Development Services, in consultation with the County's Natural Resource Lands Policy Coordinator and the Farmland Legacy Program Director, have reviewed submitted proposals and selected Ag Prospects (Mary Heinrich) to prepare the Skagit County TDR Feasibility Study. The 2006 project is budgeted at \$40,000 and will take approximately a year to complete.

Ag Prospects proposes a multi-disciplinary and multi-phased approach in assessing the feasibility of establishing a TDR program in Skagit County. The approach, which is sequential in concept, begins with a nation-wide literature review and research on TDR programs. Mr. Christensen said this assessment will provide baseline information about other TDR programs and may provide useful data as to the practicality and/or feasibility of developing and implementing a TDR program in Skagit County. Later phases include stakeholder focus groups, interviews and an economic analysis. If the assessment concludes that a TDR program in Skagit County has public benefit, has practical applications and may be economically viable, then a TDR program would be drafted for public review, comment, and possible implementation.

Mr. Christensen noted that if a TDR program was developed, it would be complimentary to the extremely successful Farmland Legacy Program, which always faces funding challenges.

The Board said they were enthused about the proposal and wholeheartedly support it, along with the company that has been hired to conduct the study.

3. Discussion – Urban Growth Area (UGA) Methodology.

Kirk Johnson, Senior Planner, reported that a \$30,000 grant was received from the Washington State Department of Community, Trade and Economic Development to develop more detailed application and review criteria for Urban Growth Area expansion proposals. Mr. Mark Personius has been hired for this project and will be working with cities and towns through the Skagit Council of Governments (SCOG) at the January 6, 2006, SCOG planners meeting.

Mr. Johnson said it is expected that a preliminary criteria will be developed by early summer, 2006. The proposed criteria will undergo review by the Board of County Commissioners and the County-City Growth Management Act Steering Committee, prior to their inclusion in the Skagit County Comprehensive Plan in time for the 2006 amendment review cycle.

The Department believes this process and the resulting criteria will lead to better documentation in support of UGA expansion proposals, a more transparent review process, and more defensible final decisions, said Mr. Johnson.

Chairman Dahlstedt and Commissioner Munks commended Mr. Johnson for his efforts in securing grant funding for this project. They also spoke of the need to partner with the cities to try and prevent continued sprawl.

**RECORD OF THE PROCEEDINGS
TUESDAY, JANUARY 3, 2006
PAGE NO. 7**

Mr. Christensen said it would be a good idea to convene the GMA Steering Committee, the Skagit County Board of Commissioners and the mayors of the three municipalities to talk about regional issues that involve everyone.

4. Miscellaneous.

There were no Planning and Development Services miscellaneous items to discuss.

ADJOURNMENT.

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

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Ted W. Anderson, Commissioner

Don Munks, Commissioner

ATTEST:

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