

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 17, 2006**

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| 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. – 10:00 a.m. | Presentation – 2006 Verizon Tulip Festival Telephone Book Cover |
| *T 10:00 a.m. – 11:00 a.m. | Transmittal and Brief Summary of Growth Management Act (GMA) Steering Committee Members' Comments on December 7, 2005, "Draft Steering Committee Final Comprehensive Plan Elements" |
| 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 11:45 a.m. – 12:00 p.m. | Public Hearing – To Consider Public Testimony Regarding a 2005 Budget Amendment For Various Funds |
| *T 1:00 p.m. – 1:30 p.m. | Decision – Preliminary Plat of Windsong Ranch (PL05-0457), a 13-Lot CaRD That Has Been Conditioned and Recommended For Approval by the Hearing Examiner |
| 2:00 p.m. – 2:30 p.m. | Decision – Closed Record Appeal (PL05-0814) Submitted by Michael E. Haffey of Special Use Request (PL05-0065) Submitted by Kimberly Johnson |
| *T 2:30 p.m. – 3:30 p.m. | <u>Planning and Development Services – Gary Christensen, Director</u> <ol style="list-style-type: none">1. Selections of Citizens to Serve on the 2006 Critical Area Ordinance (CAO) Update Citizens Advisory Committee2. Miscellaneous |
| 3:30 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 17, 2006, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

PRESENTATION – 2006 VERIZON TULIP FESTIVAL TELEPHONE BOOK COVER.

Skagit County Tulip Festival Director Cindy Verge thanked the Commissioners for their continued support of the Festival as it allows the ability to showcase our beautiful corner of the world. Ms. Verge indicated that many events are planned for this year's Festival, including activities in Sedro-Woolley, La Conner and Anacortes.

Ms. Verge then presented the first print of the annual Tulip Festival poster and introduced Krishna Mathison and Sissy Chan, representatives from Verizon. They both agreed that Skagit County is becoming a destination point, not only for its beauty, but also for the large events that are held with high caliber entertainment.

The Board agreed that the Tulip Festival has really put Skagit County on the map nationwide. It has far reaching effects that brings a tremendous amount of revenue into the County. They thanked Ms. Verge for her continued efforts.

**TRANSMITTAL AND BRIEF SUMMARY OF GROWTH MANAGEMENT ACT (GMA)
STEERING COMMITTEE MEMBERS' COMMENTS ON DECEMBER 7, 2005, "DRAFT
STEERING COMMITTEE FINAL COMPREHENSIVE PLAN ELEMENTS."**

Kirk Johnson, Senior Planner, stated that Planning and Development Services provided GMA Update and Public Outreach Steering Committee members with the opportunity to submit individual written comments on the proposed update of the Comprehensive Plan developed with their assistance. Comments were requested by December 30, 2005, although Steering Committee members were later informed that they could submit their written comments through January 8, 2006. The following six of the 15 Steering Committee members submitted comments:

1. Mike Crawford, Minerals
2. Mike Fohn, Commissioner District 1 At Large
3. Ellen Gray, Environmental Conservation
4. Paul Kriegel, Forestry
5. Sharon Stewart, Commissioner District 3 At Large
6. Sandy Dixon, Commissioner District 2 At Large

Mr. Johnson said the three issue areas that received the greatest attention in the written comments – and in the Steering Committee meetings themselves – are 1) protection of natural resource lands, 2) development in the rural area, and 3) flood hazard prevention.

The written comments reflect a strong feeling that natural resource lands and industries are part of the fundamental character of Skagit County. However, Steering Committee members have different philosophies on how those lands and industries can best be protected. Summaries show that some would rely on incentives and compensation as the primary means, while others believe regulations are more in order.

Opinions were also split on development in the rural area, and that certain existing rural development options should be curtailed. Other advocate increased development in the rural area as a way to promote affordable housing, respect private property rights, and provide lands for development that are outside of natural resource lands and the floodplain.

According to Mr. Johnson, the issue with the greatest consensus was the need to reduce development potential in the floodplain, which corresponds closely with the area designated Agriculture-Natural Resource Land (Ag-NRL). The comments reflect a belief that allowing continued development in the floodplain will only worsen the inevitable disaster resulting from a 100-year or greater flood.

Planning and Development Services Director Gary Christensen spoke about the Growth Management Act Comprehensive Plan and Development Regulations review and adoption process, which was required to be updated by December 1, 2005, to assure consistency with the Growth Management Act. As part of this state-mandated requirement, the Board appointed a 15-member Citizen Advisory Committee to assist with the update work program.

Mr. Christensen said that on December 7, 2005, the GMA Update and Public Outreach Steering Committee issued its 2005 GMA Update – Draft Steering Committee Final Comprehensive Plan Elements. Upon review of the GMA Update draft policies, the Department has found that certain draft Comprehensive Plan policies raise issues or questions as to whether, upon adoption, such policies could be immediately implemented, or even viable as public policy.

Therefore, the Department has recommended a two-step review process, which will allow all of the policy recommendations to be heard and addressed. Mr. Christensen said the Group A policies are those that are believed to be straight forward; they're either policy, map or code amendments proposed to be adopted that are timely and ready for public release and adoption. Many of them include minor editorial fixes, need reorganization or rewording. These new policies will also have code written to accompany them and can be reasonably implemented. Also, they are unlikely to trigger a SEPA determination of

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significance. The map amendments will also be consistent with designation criteria as they already exist or as they've been recommended for amendments.

Mr. Christensen said six Group B policies were identified – two in agriculture, three in for forestry and one in the environment element. Group B category policies are those that are premature or otherwise not ready for adoption at this time, but nonetheless are being released for public review to:

- Gauge public opinion;
- Further define the SEPA scope of potential impacts; and
- Further assess the feasibility of implanting such a policy or map amendment.

Group B policies are NOT proposed to be adopted because one or more of the following may apply:

- Further review, analysis, or massaging would further delay adoption of the GMA Update;
- The implications cannot be fully understood without further information, studies, or research;
- They would require a SEPA determination of significance (an EIS); or
- Do not have implementing code language written, for the reasons above.

Until these issues or questions are resolved, Mr. Christensen said the Department recommends the Group B policies be placed on a separate review tract.

Mr. Christensen said this two-tract review process differs from the typical review cycle of annual Comprehensive Plan amendments. He provided the Commissioners with a report explaining the reasons and rationale for this, including a list of recommended Group B policies. Mr. Christensen said the Department takes great care to avoid undermining the ultimate viability of any of the Group B policies, or the credibility and intentions of those who have proposed such policies. The intent of the report is to apprise the Commissioners of the potential implications of forwarding these policies for possible adoption.

Commissioner Munks said he likes the two-step review process and the way it has been presented.

Commissioner Anderson stressed the importance of making sure there is public participation and the public process is followed.

Chairman Dahlstedt raised concerns about secondary forest resource lands.

Following a lengthy discussion, Mr. Christensen asked the Board to give further thought to all of the information that was presented during this session. He noted that the Department is scheduled to receive comments from the Commissioners on Monday, January 23, 2006, at 10:00 a.m.

CONSENT AGENDA.

Commissioner Anderson motioned to approve the Consent Agenda for Tuesday, January 17, 2006, items 1 through 17. Commissioner Munks seconded the motion, which passed unanimously.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Monday, January 9, 2006.
2. Record of the Proceedings for Tuesday, January 10, 2006.
3. Record of the Proceedings for Thursday, January 12, 2006.

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FACILITY MANAGEMENT:

4. Vendor Services Agreement with Evergreen Security Systems to perform annual test of fire alarm systems at various County locations. Total compensation is not to exceed \$8,670. The agreement shall commence on January 1, 2006, and continue through December 31, 2007. **(Contract No. C20060023)**

HEALTH DEPARTMENT:

5. Vendor Services Agreement with NW Medical Teams International to provide the mobile dental van with driver to be used for the school-based sealant program during 2006. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Compensation is not to exceed \$12,800. **(Contract No. C20060024)**

HUMAN SERVICES:

6. Resolution AND Grant Acceptance Letter between Skagit County and the National Association of Counties Research Foundation (NACoRF), which provides \$5,000 to the Skagit County Human Services Department for support of training law enforcement officers in Skagit County to help identify the most appropriate methods of dealing with individuals with mental illness and educate them about the resources available to either re-direct individuals who have not committed a crime or minimize incarceration time for those individuals who have been arrested. The agreement shall commence upon the date of execution and continue through December 15, 2006. **(Resolution No. R20060019 AND Contract No. C20060025)**

PLANNING & DEVELOPMENT SERVICES:

7. Personal Services Agreement with Mark Personius to develop and implement a joint framework for evaluating Urban Growth Area (UGA) boundary modification proposals and review existing UGA amendment procedures and criteria. The agreement shall commence on January 1, 2006, and continue through June 30, 2007. Total compensation is not to exceed \$30,000. **(Contract No. C20060026)**

SENIOR SERVICES:

8. Amendment No. 2 to the Corporation for National and Community Service Grant **No. C20050009**, which was awarded to assist Skagit County Senior Services in carrying out a national service program authorized by the Domestic Volunteer Service Act of 1973. The amendment awards an additional \$63,959 for second quarter of 2006, for a new grant total of \$127,918. **(Amendment No. A20060003)**
9. Resolution AND Interlocal Agreement between Skagit County and the City of Burlington, which allows Skagit County Senior Services to annually provide staff, equipment and materials for the delivery of community-based services to the senior citizens of Burlington. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Compensation is not to exceed a total of \$15,629. **(Resolution No. R20060020 AND Contract No. C20060027)**

SHERIFF'S OFFICE:

10. Resolution AND Memorandum of Understanding between Skagit County and the Bureau of Alcohol, Tobacco, Firearms and Explosives, which will provide law enforcement agencies with a paperless firearm trace submission system and trace analysis module that is readily accessible through the Internet. The agreement commenced on November 8, 2005. **(Resolution No. R20060021 AND Contract No. C20060028)**

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SUPERIOR COURT:

11. Personal Services Agreement with Karen Lerner to act as the Court Commissioner for Mental Health and Involuntary Commitment hearings for Skagit County Superior Court. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Compensation will be paid at the rate of \$2,000 per month. **(Contract No. C20060029)**

PUBLIC WORKS DEPARTMENT:

12. Resolution calling for bids for the overhaul of the MV Guemes Island Ferry spare outdrive. The bid opening will be held on Monday, February 6, 2006, at 10:30 a.m. **(Resolution No. R20060022)**
13. Signature for Summary of offer for the property on which to build the pond to complete the Edison Storm Water Drainage Project. **(Resolution No. R2000023)**
14. Resolution amending Resolution **No. R20050048** regarding the Solid Waste Advisory Committee (SWAC) membership to show the updated membership for 2006. The SWAC Chair for 2006 will be Scott Sutherland and the 2006 Vice-Chair will be Leo Jacobs. **(Resolution No. R20060024)**
15. Resolution calling for public hearing regarding revision No. 1 to the 2006-2011 Six-Year Transportation Improvement Program. The hearing is scheduled for Tuesday, February 7, 2006, at 9:00 a.m. **(Resolution No. R20060025)**
16. Resolution to authorize payment for private property located on Ivy Street, located in the Dawn Addition, Fidalgo City. Determined value of the property is \$3,500. **(Resolution No. R20060026)**
17. Personal Services Agreement with Financial Consulting Solutions Group, Inc., which will provide assistance to develop Interlocal Agreements between Skagit County and the Drainage Districts surrounding Bay View Hill that specify funding and other responsibilities for drainage improvements, and develop Interlocal Agreements with the incorporated areas of the county for their participation in funding the Clean Water Program. The agreement shall commence on December 27, 2005, and continue through December 31, 2007. Total compensation is not to exceed \$75,000. **(Contract No. C20060030)**

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, January 17th, 2006, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 213682 through 214289 from Clearing Fund 696 in the total dollar amount of \$968,604.92 (Transmittal No. C-04-06); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$46,594.21 (Transmittal No. C-05-06); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$110,898.81 (Transmittal No. C-06-06).

PUBLIC COMMENT PERIOD.

No one was present for the public comment period.

PUBLIC HEARING – TO CONSIDER PUBLIC TESTIMONY REGARDING A 2005 BUDGET AMENDMENT FOR VARIOUS FUNDS.

Budget Administrator Trisha Logue outlined the final quarterly budget amendment for 2005. Ms. Logue indicated that Skagit County has received additional funds in the form of grants and payments for services subsequent to the budget adoption. Also, the General, Public Health, Fairgrounds, Human Services, County Roads, Medic 1, Communication System, Low-Income Housing, Homeless Housing & Assistance and Skagit County EMS Funds will incur expenditures in categories and amounts other than anticipated in the adopted budget. In order to accurately reflect a change in spending authority based upon reallocation in revenue, additional grants, and unforeseen expenditures, Ms. Logue said the impacted budgets must be amended.

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

Commissioner Anderson made a motion to approve a resolution authorizing a supplemental budget for 2005. The motion was seconded by Commissioner Munks and passed unanimously. **(Resolution No. R20060027)**

DECISION – PRELIMINARY PLAT OF WINDSONG RANCH (PL05-0457), A 13-LOT CaRD THAT HAS BEEN CONDITIONED AND RECOMMENDED FOR APPROVAL BY THE HEARING EXAMINER.

Commissioner Anderson said he felt that the issues that were previously discussed have been resolved. With that, he motioned to approve the Preliminary Plat of Windsong Ranch, as submitted. Commissioner Munks seconded the motion, which passed unanimously. **(A resolution will be placed on the Consent Agenda for Monday, January 23, 2006)**

DECISION – CLOSED RECORD APPEAL NO. PL05-0814, SUBMITTED BY MICHAEL E. HAFFEY OF SPECIAL USE REQUEST NO. PL05-0065, SUBMITTED BY KIMBERLY JOHNSON.

Commissioner Anderson stated that after a through review of the records, he is not in favor of approving something that would adversely impact the neighborhood. Although the Commissioners have approved several special use requests, Commissioner Anderson said he wouldn't want this type of enterprise next door to him. He also stated that the record does not establish that Kimberly Johnson's application meets a list of requirements her neighbors have complained about. Therefore, he feels the Hearing Examiner's approval of the Johnson application is clearly erroneous because it does not conform to the requirements of the Skagit County Code and it is a commercial enterprise that is not incidental to the use of the Johnson property as a residence.

Commissioners Dahlstedt and Munks agreed and noted that home-based businesses are good; however, they must conform to the neighborhood.

Commissioner Anderson motioned to overturn the Hearing Examiner's decision, which was seconded by Commissioner Munks. The motion passed with a unanimous vote. **(A resolution will be brought forth at a later date)**

PLANNING AND DEVELOPMENT SERVICES – GARY CHRISTENSEN, DIRECTOR

1. Selections of Citizens to Serve on the 2006 Critical Area Ordinance (CAO) Update Citizens Advisory Committee.

Deputy Director Oscar Graham introduced the topic of the selection of a Citizens Advisory Committee (CAC) for the Critical Area Ordinance (CAO).

Ann Bylin stated that on November 28, 2005, Planning and Development Services requested and was granted authorization by the Board of County Commissioners to proceed with the formation of a CAC to assist with the 2006 CAO Update.

A public service announcement was broadcast on the local radio stations and placed in local newspapers inviting citizens to participate on the CAC. Seven letters of interest were received with applicants representing a broad variety of interests, including members of the Washington Cattleman's Association, a former government employee and resident of Guemes Island, a tribal biologist, a critical areas consultant, and a research biologist for the College of Forest Resources at the University of Washington.

Ms. Bylin said staff would have like to have seen more applicants. She asked if the Board would consider sending out another public service announcement to solicit more response.

Mr. Graham indicated that the notice was sent out early in December and perhaps timing wasn't the best. He said they are looking for a balanced group that can represent the citizens at large.

Commissioners Anderson and Munks agreed and said a diverse group of people are needed to sit on the committee.

Chairman Dahlstedt concurred with the decision and said it would be better to have the CAC in place sooner as opposed to later.

Mr. Graham said the Department would send out another public service announcement with a recruiting period of 10 days. He suggested looking at the Growth Management Steering Committee, the Ag Advisory Board and/or the Forest Advisory Board to see if one of those members would care to serve. Mr. Graham also indicated that recruitment from the consulting community would be beneficial when looking at the nuts and bolts of the actual ordinance.

2. Miscellaneous.

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

MISCELLANEOUS.

Deputy Prosecutor Arne Denny presented a resolution delegating authority to sign an application for an appeal bond and authorizing the County to reimburse the insurance provider should the County default on the bond. Mr. Denny indicated that this action concerns the Saben appeal.

Commissioner Anderson motioned to approve the resolution as outlined by Mr. Denny. Commissioner Munks seconded the motion, which passed unanimously. **(Resolution No. R20060028)**

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ADJOURNMENT.

Commissioner Anderson made a motion to adjourn the proceedings. Commissioner Munks 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