

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 23, 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. – 10:00 a.m. Public Hearing – To Consider Public Testimony Regarding an Ordinance Amending Chapter 7.01 of the Skagit County Code
- *T 10:00 a.m. – 11:00 a.m. Discussion/Possible Action to Authorize Release of 2005 GMA Update Proposal
- 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 1:00 p.m. – 1:30 p.m. Public Hearing – To Consider Public Testimony on the Provisions of Interim Ordinance No. O20050010 and Its Extension
- *T 1:30 p.m. – 2:30 p.m. Public Works Department – Chal Martin, Director
1. Public Hearing – To Consider Public Testimony Regarding the Vacation of an Unopened County Right-of-Way Known as Pacific Street
 2. Discussion – Hansen Creek Sub-Flood Control Zone – Emergency Dredging at the Confluence of Hansen Creek and Red Creek
 3. Discussion – Development of Programs and Funding Strategy for a Countywide Flood Control Zone District
 4. Discussion – Guemes Ferry
 5. Miscellaneous
- *T 2:30 p.m. – 3:00 p.m. Retirement Recognition for Donna Sitts – Employee of Skagit County Senior Services
- *T 3:00 p.m. – 3:30 p.m. Briefing – Recent Flooding on the Samish and Skagit Rivers
- 3:30 p.m. – 4:30 p.m. Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Commissioners met in regular session on Monday, January 23, 2006, with Commissioners Kenneth A. Dahlstedt, Ted W. Anderson and Don Munks present.

PUBLIC HEARING – TO CONSIDER PUBLIC TESTIMONY REGARDING AN ORDINANCE AMENDING CHAPTER 7.01 OF THE SKAGIT COUNTY CODE.

Civil Prosecutor Arne Denny stated that he had worked with a task force to address the animal noise issue, which has been a long-standing problem in Skagit County. The biggest change to the ordinance is the fee structure that provides for a tiered enforcement mechanism. Mr. Denny said there is an exception for livestock and lands used for agriculture.

Undersheriff Wayne Dowhaniuk stated that complaints of barking dogs have increased every year. There has been no enforcement action taken other than sending registered letters to the owners of the animals. Mr. Dowhaniuk indicated that this amended ordinance will make it easier to enforce the laws and eliminate most of the complaints.

Chairman Dahlstedt opened the public hearing.

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Several audience members spoke in favor of the revised ordinance; however, Karmen Williams of Sedro-Woolley expressed concerns about the fines. She is a dog trainer and feels barking is natural for dogs. Ms. Williams said oftentimes neighborhood feuding causes the dogs to be victims and for the most part, people aren't aware their dogs are even barking.

Phyllis McKeehen, Bayview, commended the task force and said she appreciates seeing a reference regarding the psychological effects of excessive noise. She asked that the proposed ordinance be changed to reflect alternate hours. People who sleep during the day should have the same rights as those who sleep at night.

Len and Carol Torset of Sedro-Woolley complained that the ordinance is overkill, especially for those living in rural areas.

Commissioner Anderson said the ordinance is not aimed at people with dogs that bark occasionally at cougars or coyotes. It is for habitual offenders that ignore the warnings.

Commissioner Munks agree and stressed the importance of being responsible animal owners. Excessive disturbance is what is being addressed here. He said this isn't just a dog ordinance, but also a noise ordinance.

There being no further 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 render a decision on this matter on Monday, February 6, 2006, at 9:30 a.m. The motion was seconded by Commissioner Munks, and passed unanimously.

DISCUSSION/POSSIBLE ACTION TO AUTHORIZE RELEASE OF THE 2005 GMA UPDATE PROPOSAL.

Gary Christensen, Director, and staff of Planning and Development Services, discussed several items related to the 2005 GMA (Growth Management Act) Update in preparation for releasing the proposal for public review and comment in early February.

Carly Ruacho, Associate Planner, stated that the Department is recommending a series of amendments to the Unified Development Code for consideration as part of the 2005 GMA Update. The proposed code changes were developed by Planning and Development Services, as well as other County staff and affect numerous sections of the County Code. Ms. Ruacho said staff worked closely with various Advisory Boards, Steering Committees and members of the public to ensure that their concerns and suggestions were incorporated.

The priority task for the Update, as it relates to the development regulations, is to review the existing regulations for consistency, both internally and with the Comprehensive Plan policies. The Growth Management Act requires that jurisdictions maintain consistency between the overall goals for growth as stated in a Comprehensive Plan and the development regulations designed to direct and regulate growth so as to achieve those goals.

Ms. Ruacho said that further changes are proposed in an effort to continue refinement of the code by clarifying processes and requirements. Other edits that are minor in nature and can be classified as "house-keeping" are also included to address such things as typographical errors and inadvertent additions or omissions.

Ms. Ruacho highlighted some of the more substantive proposed changes as follows:

- Introduction of a Special Use process for Habitat Enhancement/Restoration Projects on Ag-NRL zoned lands.

- Modification of regulations pertaining to Accessory Dwelling Units to allow mobile/manufactured homes to be utilized.
- Clarification of several codes affecting uses and dimensional standards in the Ag-NRL zone – in some cases expanding allowances and restricting activity in other cases.
- Codification of a zoning use table to provide for a quick-reference, user-friendly tool for staff and the public.
- Clarification of regulations pertaining to CaRD land divisions including setbacks and cluster requirements.
- Implementation of a Special Use tracking system requiring annual self-certification from all Special Use permit holders.

Guy McNally, Associate Planner, briefly updated the Board on two matters relating to the re-evaluation of the Mineral Resource Overlay (MRO). The first is a follow-up to a previous discussion regarding the effect of a potentially larger MRO on Conservation and Reserve Development (CaRD) density limits. Secondly, the Department will present the outcome of MRO field verification, which may significantly reduce the number of acres of additional MRO.

1) CaRD Density Bonuses and the Mineral Resource Overlay (MRO)

Mr. McNally stated that in a previous discussion with the Board, the Department advised that Rural Resource –NRL property owners on or within $\frac{1}{4}$ mile of an MRO would be precluded from receiving a CaRD density bonus. This is incorrect. For all practical purposes, the restriction on density bonuses would only apply to rural Reserve areas within $\frac{1}{4}$ mile of the MRO.

Skagit County code 14.18, Land Divisions, defines the circumstances under which a density bonus may be allowed, subject to certain restrictions, but does not call out the specific zoning districts in which a density bonus would not be granted because of the proximity to an MRO. Rather, the effect of this relationship is found in an exception to the maximum allowed CaRD densities.

14.18.310 General approval provisions – CaRD

...Residential gross densities for lands that are designated as Mineral Resource Overlay (MRO) or are within one-quarter mile of designated MROs, shall be no greater than 1 residential dwelling unit for 10 acres...

Mr. McNally said the intent of this provision is to reduce the potential for land-use conflicts by restricting the overall density of all lands within $\frac{1}{4}$ mile of the MRO to 1 residential unit per 10 acres. In principle, this would apply to any surrounding lands with a density of “1 to 10” or greater, but in effect, the restriction applies only to Rural Reserve lands. This is largely because the MRO is not designated within $\frac{1}{4}$ mile of Rural Intermediate areas or Rural Villages.

The Department, with the assistance of GIS/Mapping Services, determined the number of Rural Reserve parcels within $\frac{1}{4}$ mile of the MRO that would potentially be disqualified from a CaRD density bonus. The analysis looked at Rural Reserve parcel sizes, the number of potential development rights, with or without, a CaRD, the number of development rights used, whether potential development rights could be transferred to the non-MRO portion of the property, as well as other factors.

In summary, out of the 2,587 Rural Reserve parcels within $\frac{1}{4}$ mile of the MRO, 257 (9%) of those would potentially be disqualified from a CaRD density bonus. The analysis did not determine the number of these parcels which are already adjacent to an existing MRO (would experience no change in circumstances). Other potentially mitigating factors could not be easily determined, such as: how many may be already extinguished or do not currently have development rights; how many may not be developed at full potential due to environmental or other site constraints; or simply how many landowners do not wish to develop further. Mr. McNally showed a map of the graphical results of the analysis.

2) Field Verification: Confirming or Removing MRO Areas

In a previous meeting, the Department advised the Board that some 68,000 additional acres of new MRO areas were identified as a result of the Kleinfelder Geologist's initial research. Since then, further analysis, field work and expert consultation have reduced this number by potentially thousands of acres. Mr. McNally reviewed the areas to be removed. John Cooper, Geologist, was available for questions.

Mr. Christensen spoke about the Department's January 17, 2006, discussion with the Board with reference to reviewing certain proposed Comprehensive Plan policies on a separate track. The six identified Group B policies would be released for public review and comment and initial SEPA (State Environmental Policy Act) scoping along with the remainder of the 2005 Update Proposal (Group A), but those six policies would not be on the same final adoption track. Instead, following the first round of public review and comment, they could be further refined and developed for consideration as part of a future Comprehensive Plan annual amendment cycle.

Mr. Christensen asked the Board to authorize release for public review and comment of the 2005 GMA Update Proposal, which would follow the timeline approved by the Commissioners in Resolution No. R20050449. Based on the current status of the proposal, Mr. Christensen believes it will be ready for public release in the first or second week of February.

Commissioner Anderson moved to approve the proposed two-track review process, which would allow for public review and comment on policies which are not proposed for adoption at this time, as identified in a discussion with Planning and Development Services. Commissioner Munks seconded the motion, which passed unanimously.

The Commissioners thanked everyone involved in the Comprehensive Plan Update.

Commissioner Munks was excused for the rest of Monday's business.

CONSENT AGENDA.

Commissioner Anderson motioned to approve the Consent Agenda for Monday, January 23, 2006, items 1 through 14. Chairman Dahlstedt seconded the motion, which passed.

COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, January 17, 2006.

ADMINISTRATIVE SERVICES:

2. Resolution re-appointing Terry Knutzen to the Civil Service Commission for a six-year term beginning January 1, 2006, and ending December 31, 2012. **(Resolution No. R20060030)**

CORONER'S OFFICE:

3. Personal Services Agreement with Sigmund Menchel, MD to perform autopsy services as directed by the Skagit County Coroner. The agreement shall commence on January 1, 2006, and continue until December 31, 2007. Compensation shall not exceed \$200,000. **(Contract No. C20060035)**

FACILITY MANAGEMENT:

4. Owner – Contractor Agreement between Skagit County and Roosendaal-Honcoop Construction Inc., for the remodel of the Coroner and Sheriff's Office Remodel located at the Skagit County Larry E. Moller Public Safety Building. The agreement commences upon the date of execution.

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The contractor submitted the lowest bid of \$157,000 for this project. **(Contract No. C20060036)**

HUMAN SERVICES:

5. Personal Services Agreement with Compass Health to provide Mental Health Court access to non-Medicaid eligible clients. The purpose of Skagit County Mental Health Court is to promote public safety and reduce recidivism among mentally ill offenders through an intensive program of evaluation, treatment and frequent monitoring of compliance. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Total compensation is not to exceed \$10,000. **(Contract No. C20060037)**

PLANNING & DEVELOPMENT SERVICES:

6. Resolution adopting the Findings and Recommendation of the Hearing Examiner and approving the Preliminary Plat Application of Aloha Lumber for Windsong Ranch (PL05-0457). **(Resolution No. R20060031)**

PROSECUTING ATTORNEY:

7. Personal Services Agreement with Richard Yarmuth, Scott T. Wilsdon and Yarmuth, Wilsdon & Calfo PLLC to provide legal counsel, representation and services for solid waste issues as requested. The agreement shall commence on January 1, 2006, and continue until December 31, 2006. Total compensation shall not exceed \$20,000. **(Contract No. C20060038)**

PUBLIC DEFENDER:

8. Personal Services Agreement with Robert S. Jones for representation on behalf of the Skagit County Public Defender for mental health and involuntary commitment hearings including jury trials as calendared by the Superior Court Clerk's Office. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Total compensation shall not exceed \$100,000. **(Contract No. C20060039)**

SENIOR SERVICES:

9. Signature for final report of annual review between the Skagit Senior Nutrition Program and Northwest Regional Council. **(Approved)**

SHERIFF'S OFFICE:

10. Personal Services Agreement with C. Maxwell Inc., dba Inslee, Maxwell & Associates to provide mental health services to jail and juvenile detention inmates. The agreement shall commence on January 1, 2006, and continue through December 31, 2006. Compensation shall not exceed \$75,000. **(Contract No. C20060040)**

YOUTH & FAMILY SERVICES:

11. Personal Services Agreement with Paul Douhan MSW to provide specialized child, adolescent, adult and family assessment, evaluation and treatment (group and/or individual and/or families), consultation, education classes, monitoring with written reports as required, court testimony, and training as referred by the County. The agreement shall commence on January 1, 2006, and continue until December 31, 2007. Compensation shall not exceed \$25,000. **(Contract No. C20060041)**

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PUBLIC WORKS DEPARTMENT:

12. Resolution AND Interlocal Cooperative Agreement between Skagit County and the Town of La Conner for reimbursement of costs associated with the disposal of contaminated soils discovered during the Morris Street Improvement Project. The term of this agreement shall be from December 31, 2005, through December 31, 2007. The Town shall repay the County \$60,000 plus interest for these costs. **(Resolution No. R20060032 AND Contract No. C20060042)**
13. Resolution delegating authority for approval of Washington Traffic Safety Commission funding for Skagit County's DUI/Community Traffic Safety Programs Coordinator Biennial Grant. **(Resolution No. R20060033)**
14. Personal Services Agreement with Art Anderson Associates, Inc., to provide a present and future value financial analysis of the Guemes Ferry boat and terminal facilities in Anacortes and on Guemes Island. The contractor will analyze the value of the infrastructure and the value of using the vessel for 25 years. The agreement shall commence upon the date of execution and continue until September 30, 2006. Total compensation shall not exceed \$47,010. **(Contract No. C20060043)**

MISCELLANEOUS.

1. County Administrator Gary Rowe presented a resolution regarding implementation by Skagit County of WAC Chapter 173-505 adopted by the Washington Department of Ecology. According to Mr. Rowe, this is a regulation establishing minimum instream flows for the Stillaguamish River.

Following a brief discussion, the Commissioners agreed to delay making a decision on this matter.

2. Staff brought forth a resolution appointing Gene Ashe to the Civil Service Commission effective February 1, 2006, and expiring on December 31, 2012.

Commissioner Anderson motioned to approve the resolution as presented, which was seconded by Chairman Dahlstedt. The motion carried. **(Resolution No. R20060034)**

3. 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 23, 2006, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Purchase Card Electronic Payment Certification Form to JP MORGAN CHASE from Clearing Fund 696 in the total dollar amount of \$45,736.53 (Transmittal No. C-07-06); and

Warrants numbered 214290 through 214891 from Clearing Fund 696 in the total dollar amount of \$1,779,035.89 (Transmittal No. C-08-06); and

ACH Transfer Request Form and Certification to Xpress Flex from Clearing Fund 696 in the total dollar amount of \$379.50 (Transmittal No. C-09-06); and

ACH Transfer Request Form and Certification to Premera Blue Cross from Clearing Fund 696 in the total dollar amount of \$93,050.30 (Transmittal No. C-10-09).

PUBLIC COMMENT PERIOD.

Bob Hilton, Mount Vernon, spoke of his concerns regarding building in the flood plain and zoning issues.

PUBLIC HEARING – TO CONSIDER PUBLIC TESTIMONY ON THE PROVISIONS OF INTERIM ORDINANCE NO. O20050010 AND ITS EXTENSION.

Mr. Christensen stated that on July 26, 2005, the Board of County Commissioners adopted Interim Ordinance No. O20050010 under the provisions of RCW 36.70.390. The statute allows interim ordinances to be in effect for no longer than 6-months (or up to a year if there is a work program developed for related studies), but may be renewed for one or more 6-month period if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Interim Ordinance No. O20050010 adopts interim development regulations for single-family residences in the Industrial Forest-Natural Resource Land (IF-NRL) zoning district that are located outside of an existing fire district boundary. The interim development regulation precludes the filing of an application for permits for the construction of a single family residence in the IF-NRL zone that are located outside of the boundaries of fire districts as they existed on July 26, 2005. Skagit County Code 14.16.410(3)(c)(ii) has been amended to effectuate the interim development regulations.

By renewing the interim ordinance, Mr. Christensen said Skagit County will be afforded the opportunity to give further consideration to comprehensive plan policies and possible additional code amendments to address the issue without undermining or jeopardizing future land use options that might otherwise be moot if the interim regulations were not in effect. The ordinance provides time for further study; additional public comment; and incorporation into the County's GMA comprehensive plan and development regulation update process, which is currently underway. If the provisions of Interim Ordinance No. O20050010 are adopted under the GMA update process, they would become permanent development regulations.

Chairman Dahlstedt opened the public hearing.

Jack Cross, Lake Cavanaugh, testified that he is against the ordinance in its present form.

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

Commissioner Anderson made a motion to renew Interim Ordinance No. O20050010 for one year, unless extended, and that the matter be considered as part of the work program during Skagit County's comprehensive plan and development regulation update, pursuant to the requirements under RCW 36.70A.130(4). Chairman Dahlstedt seconded the motion, which was carried. **(A resolution will be brought forth at a later date)**

PUBLIC WORKS DEPARTMENT – CHAL MARTIN, DIRECTOR

1. Public Hearing – To Consider Public Testimony Regarding the Vacation of an Unopened County Right-of-Way Known as Pacific Street.

Burton Reanier, Assistant Department Manager for Engineering Services, brought forth a request for the vacation of an unopened County right-of-way known as Pacific Street. He provided a map of the area in question, which is located on Highway 20 near Concrete. Mr. Reanier recommended that the said portion of the right-of-way be vacated to the adjacent property owners because there are other roads of equal utility for public use and it is of no benefit to the public as a County right-of-way.

Chairman Dahlstedt opened the public hearing.

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Karen Smith, Concrete, presented a petition signed by adjoining neighbors currently involved in a boundary dispute. She's afraid this action might affect the dispute.

Clay Learned, Concrete, said he owns lots 1-8 and is the original petitioner. Mr. Learned said the vacation would have no affect on the boundary line dispute.

There being no further public comment forthcoming, Commissioner Anderson motioned to close the public hearing, which was seconded by Chairman Dahlstedt. The public hearing was closed.

Commissioner Anderson made a motion to render a decision on this matter on Monday, February 13, 2006, at 10:00 a.m. The motion was seconded by Chairman Dahlstedt and passed.

2. Discussion – Hansen Creek Sub-Flood Control Zone – Emergency Dredging at the Confluence of Hansen Creek and Red Creek.

Mr. Reanier advised the Commissioners that the Hansen Creek Sub Flood Control Zone Advisory Board would be meeting today with the Department of Fish and Wildlife to finalize the mitigation requirements for emergency repair work. Mr. Reanier said the Zone Advisory Board has been asked to consider deferring the streambed dredging until July so that the current salmon spawning cycle can finish.

Commissioner Anderson asked Mr. Reanier to keep the Commissioners apprised of any decisions the Advisory Board makes in the future.

3. Discussion – Development of Programs and Funding Strategy for a Countywide Flood Control Zone District.

Tom Karsh, Public Works, advised that in response to increasing demands to protect the health and safety of the public from extreme flooding events, the Department of Public Works is proposing to develop a strategy for possibly funding countywide flood control projects through the existing Flood Control Zone District (FCZD).

Skagit County approved a FCZD in 1970, but to date has only used the monies collected to fund the development of the existing County Drainage Utility. RCW 86.15 allows a Flood Control Zone District to implement countywide programs and projects for flood control, to enter into management agreements with water related special purpose districts and cities, and to use special assessments and/or taxes to fund its activities.

Mr. Karsh provided information about existing FCZD programs in Whatcom, Yakima and King Counties, which are being considered as models for Skagit County. If the County decided to collect \$1,000,000 to \$2,000,000 a year, the levy rates would be approximately 9 to 17 cents per \$1,000 assessed value, respectively.

Commissioner Anderson said it is not fair that the rural taxpayers of Skagit County continue to bear the brunt of all new taxes. He thinks it would be a good idea to involve the cities, as they are the largest sources of pollution.

Chairman Dahlstedt concurred with Commissioner Anderson and asked Mr. Martin to see if Mount Vernon, Burlington and Sedro-Woolley would be interested in participating.

4. Discussion – Guemes Ferry.

Mr. Martin reviewed 2005 revenues and expenses for the Guemes Island Ferry. He indicated that expenses are expected to decrease in 2006.

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5. Miscellaneous.

There were no miscellaneous Public Works items to discuss.

RETIREMENT RECOGNITION FOR DONNA SITTS – EMPLOYEE OF SKAGIT COUNTY SENIOR SERVICES.

Tim Holloran, Senior Services Director, welcomed everyone in the audience attending the retirement reception for Donna Sitts. Ms. Sitts is being honored and recognized for her outstanding 32-year career with Senior Services. She began her career in 1973 and is widely admired by her clients, co-workers and peers.

Tom Hulsher, State Director for the Corporation for National Service, presented Ms. Sitts with a Certificate of Appreciation and thanked Ms. Sitts for her dedicated community service.

Amy Hilzman-Paquette, Washington State RSVP Directors Association, spoke of Ms. Sitts leadership, mentorship and friendship and noted that her legacy will continue.

Chairman Dahlstedt and Commissioner Anderson presented a plaque to Ms. Sitts and thanked her for enriching the lives of so many friends in Skagit County.

BRIEFING – RECENT FLOODING ON THE SAMISH AND SKAGIT RIVERS.

Tom Sheahan, Director of the Department of Emergency Management, presented a slide show and briefing on recent flooding events that have taken place in the Skagit and Samish River areas.

MISCELLANEOUS.

Commissioner Anderson motioned to approve a Personal Services Agreement with Paul Schissler Associates, Inc. to provide grant writing and planning services particular to the State of Washington Community Services Facilities Grant Program, the Washington Community Development Block Grant Program or other funding sources for several projects or facilities. The agreement shall commence upon the date of execution and continue through December 31, 2006. Compensation is not to exceed a total of \$15,000.

Chairman Dahlstedt seconded the motion, which was carried. **(Contract No. C20060044)**

ADJOURNMENT.

Commissioner Anderson 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

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Don Munks, Commissioner

ATTEST:

JoAnne Giesbrecht, Clerk of the Board
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