

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, AUGUST 21, 2007**

The Skagit County Board of Commissioners met in regular session on Tuesday, August 21, 2007, with Commissioners Sharon D. Dillon, Don Munks, and Kenneth A. Dahlstedt present.

I. TUESDAY, AUGUST 21, 2007:

A. 8:00 a.m. - 9:00 a.m. Work Session - Cockreham Island Potential Buy-Out and Restoration

Chair Dillon welcomed all those present and opened the work session regarding the potential buy-out and restoration of Cockreham Island.

Jeff McGowen, Public Works, moderated the discussion.

B. 9:00 a.m. - 10:00 a.m. Public Works Department - James E. Voetberg, P.E., Director/County Engineer

a) 1. Public Hearing - Consideration of Adoption of the 2008-2013 Six-Year Transportation Improvement Program

Ann Marie Gutwein, Projects Manager, provided an overview of the projects to be considered under the 2008-2013 Six-Year Transportation Improvement Program. Ms. Gutwein stated that should the Commissioners approve these projects, the next step would be to obtain approval from the RTPO Board and the State Transportation Improvement Program Board.

Chair Dillon opened the public hearing.

Ms. Gutwein reported on comments received from several citizens, including officials from the City of Burlington.

Jeff Miller, Mount Vernon, asked how many of the 43 projects are contracted out to private businesses and how many are County projects?

Per Ms. Gutwein, most of the major construction projects are contracted out due to the size and equipment needed for them. She said she would be happy to review the projects with Mr. Miller.

There was no further public comment forthcoming.

A motion was made by Don Munks to close the public hearing. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to adopt the proposed 2008-2013 Six-Year TIP. **(Resolution No. R20070418)** Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

b) 2. Certificate of Retirement Commendation - John Fishbourne, Maintenance

Tech V, District 3

Cliff Butler, Manager of Road Operations for Public Works, said it is his pleasure and honor to introduce long term County employee John Fishbourne. Mr. Fishbourne started working for Public Works in 1975 and has held jobs in nearly every part of the Road Maintenance Division. Mr. Butler said Mr. Fishbourne is ending his career as the top equipment operator/lead man for Road District Three.

Mr. Fishbourne said he's enjoyed working for Skagit County for the past 32 years and appreciates the opportunity that has been given to him.

The Commissioners thanked Mr. Fishbourne for his years of service and presented him with a Certificate of Retirement Commendation.

c) 3. Certificate of Commendation - Barbara Hathaway, Project Manager, Engineering Division

Jeff Miller, Assistant Public Works Director, introduced Barb Hathaway who came to work for Skagit County Public Works in 1988. She started as a Mapping Technician Staff Assistant and was promoted in 1997 to Field Engineer after becoming certified as a bridge inspector. Ms. Hathaway currently serves as Project Manager for the Engineering Department.

Ms. Hathaway thanked everyone for all their fine words. She's appreciated working for Skagit County as this has been her family. Ms. Hathaway said she has accepted a job as a Project Team Leader for the Washington State Department of Transportation.

Gene Sampley, Public Works, thanked Ms. Hathaway for her commitment and her passion and said she's a tremendously hard worker, extremely productive, a great leader and well respected.

The Commissioners thanked Ms. Hathaway and presented her with a Certificate of Commendation.

d) Miscellaneous

1. Mr. Sampley, Natural Resources Division, said he felt the work session held earlier this morning regarding Cockreham Island was productive and the Department will be following up on the direction given from the Board, particularly the definition of the project. Mr. Sampley also indicated the levee would be repaired and the necessary paperwork to accomplish it will be forthcoming.

2. Chair Dillon announced that Steve Cox has been moved from Ferry Manager to Project Manager.

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, 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 Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$129,744.73 (Transmittal No. C-126-07)

C. 10:00 a.m. - 11:00 a.m. Presentation - Wild and Scenic River Designation and its Effects

Greta Movassaghi of the Mt.Baker-Snoqualmie National Forest reviewed the Skagit Wild and Scenic River designation, spoke about building on past successes with future collaboration and shared problem solving, and clarified Forest Service contacts.

The Commissioners thanked Ms. Movassaghi for her presentation.

D. 11:00 a.m. - 12:00 p.m. Work Session - GMA Update

Gary Christensen, Director of Skagit County Planning and Development Services, welcomed those in attendance and made a few introductory comments.

Kirk Johnson, Team Leader, Senior Planner and Project Manager, led the work session.

Mr. Johnson informed the Commissioners what their options were regarding the Planning Commission's Recommendations and Trailing Issues.

The Commissioners congratulated everyone on the Planning Commission for their many hours of hard work.

A motion was made by Don Munks to approve the Planning Commission's recommendation on the 2006 Comprehensive Plan Amendment docket to redesignate Parcel 70105 (Van's Properties II, LLC, File No. PL06-0695), on the Comprehensive Plan/Zoning Map, from Rural Reserve to Rural Business. This recommendation is contained in the Planning Commission Recorded Motion dated June 28, 2007. Because this affects only a single, small parcel, Commissioner Munks further moved that this map redesignation take effect immediately upon signature of an ordinance by the Board of County Commissioners. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to accept and acknowledge the Recommendations and Trailing Issues contained in the Planning Commission's Recorded Motion, with the exception of the recommendation for a six-month moratorium on habitat enhancement and restoration projects within the Agricultural-Natural Resource Land zone, with findings indicating that any further action on those issues will be subject to further work program discussions between the Board, the Planning and Development Services Department, and perhaps the Planning Commission. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to reject the Planning Commission's recommendation No. R10 in the Planning Commission's Recorded Motion to impose a 6-month moratorium on certain habitat restoration projects in

Agricultural-Natural Resource Land (Ag-NRL). Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to replace that recommendation with habitat enhancement or restoration projects within the Ag-NRL zone that involve the alteration of landscape and/or the alteration of hydrology, instead be processed as a Hearing Examiner special use subject to existing special use procedures and criteria found in Skagit County Code 14.06 and 14.16.900(2).

In processing such special use permit applications, the Planning and Development Services Department shall request information from the applicant necessary to evaluate the proposed project's effects on the water table and surficial hydrology on the subject and adjacent properties and any drainage infrastructure. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to convene a working group, as recommended in Planning Commission recommendation No. R10, involving all interested parties to develop special use review procedures and criteria specific to these types of projects and that this working group report its recommendations back to the County within 6 months of its appointment, unless a time extension is granted by the Board of County Commissioners. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to adopt the amendments to the Countywide Planning Policies as recommended by the Skagit County Planning Commission on page 8 of its Recorded Motion, dated July 9, 2007, and as indicated in Attachment 1 to that Recorded Motion. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to reject the Planning Commission's recommended change to Comprehensive Plan policy 3C-4.2, which would have the effect of allowing Small-Scale Recreation and Tourism designations in Industrial Forest Natural Resource Land. Commissioner Munks also motioned to strike Finding No. 49 on page 12 of the Recorded Motion, which provides the Planning Commission's rationale for this proposed change. In place of the Planning Commission recommendation, policy 3C-4.2 will remain as it was originally released for public review and comment in February, 2006. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to restore to the Utilities Element and Utilities Profile the water policies and water-related narrative that is contained in the current (2000, as amended) Skagit County Comprehensive Plan but that was moved, removed, or edited for brevity in the proposed update of the Comprehensive Plan. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to adopt the proposed revisions to the Skagit County Comprehensive Plan as indicated on page 21 of the Planning Commission Recorded Motion, and as included as Attachment 2 to that Recorded Motion, with the exception of:

- a) the Planning Commission's proposed change to Small Scale Recreation and Tourism policy 3C-4.2 as addressed by the previous Board motion.

b) and with the restoration of current water policies and water-related narrative to the Utilities Element and Utilities Profile as addressed in the previous Board motion.

This motion does not propose adoption of Planning Commission Recommendation numbers R1 through R9 on pages 19 through 21 of the Recorded Motion, which will be addressed through a separate motion or motions. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to reject the Planning Commission's recommendation to amend Skagit County Code 14.16.410 to eliminate the requirement that a residence is only allowed in Industrial Forest-Natural Resource Lands if it is located within 200 feet of an existing County road or State highway, and if it is an accessory use to timber resource management activities. With approval of this motion, Skagit County Code 14.16.410(3)(c)(i) through (vii) shall remain unchanged from the original proposal released for public review and comment in February 2006. Commissioner Munks further motioned to delete Recorded Motion finding No. 95, which provides the rationale for the Planning Commission's recommended change. (See Attachment A for code text that would result from this motion.) Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to reject the Planning Commission's recommendation to reduce the building setback requirement in Industrial Forest-NRL (SCC 14.16.410(6)) and Secondary Forest-NRL (SCC 14.16.420(5)) from 100 feet to 50 feet. With approval of this motion, these setbacks shall remain at 100 feet as they are in the current Skagit County Code and in the proposal as released for public review and comment. Commissioner Munks further motioned to delete Recorded Motion finding No. 96, which discusses this Planning Commission recommendation. (See Attachment B for code text that would result from this motion.) Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to reject the Planning Commission's recommendation to eliminate the requirement that the owner of non-resource land adjacent to Industrial Forest-Natural Resource Land, who is seeking a waiver from the requirement for a 200-foot setback from resource land (SCC 14.16.810(7)), must obtain the approval for that waiver from the adjacent Industrial Forest-NRL landowner. With approval of this motion, the waiver requirement for Industrial Forest-NRL shall remain as it is in current Skagit County Code and as released for public review and comment. Commissioner Munks also moved to delete Recorded Motion finding No. 99, which provides the rationale for this Planning Commission recommendation. (See Attachment C for code text that would result from this motion.) Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to amend the Planning Commission's recommendation regarding public notice requirements in SCC 14.06.150(1) to also include a requirement that notice be sent to all physical addresses located within 300 feet of all subject property lines as well as to owners of record as currently recommended. (See Attachment D for code text that would result from this motion.) Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to adopt the proposed revisions to the Skagit

County Code as indicated on page 27 of the Planning Commission Recorded Motion, and as included as Attachment 3 to that Recorded Motion, with the exception of those Planning Commission recommendations rejected by the Board through the previously approved motions. This motion does not propose adoption of Planning Commission Recommendation Numbers R10 through R13 on page 26 of the Recorded Motion, which will be addressed through a separate motion or motions. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to reject the Planning Commission's recommendation on CPA05-87, known as "Kopp-Carbert-Dickson," to redesignate this property from Agricultural-NRL (Ag-NRL) to Rural Freeway Service. Instead, this property should remain designated Ag-NRL as it currently is and as it was proposed in the "Preferred Alternative" map released for public review and comment in February 2006. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to overturn the Planning Commission's recommendation on CPA05-93, Town of LaConner, which was to deny the requested redesignation of this property from Ag-NRL to Urban Growth Area. Instead, this property should be de-designated from Ag-NRL and redesignated as Urban Growth Area, as proposed in the "Preferred Alternative" map released for public review and comment in February 2006. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to adopt the proposed revisions to the Skagit County Comprehensive Plan Land Use/Zoning Map (included with Attachment 2 of the Recorded Motion), including the proposed revisions to the Mineral Resource Overlay, as recommended on pages 46-47 of the Planning Commission Recorded Motion and indicated in Attachment 4 to the Recorded Motion, with the exception of the Planning Commission's recommendations on the Kopp-Carbert-Dickson and LaConner UGA properties, which were overturned by the previous motions by the Board of County Commissioners. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks to approve the Planning Commission's recommendations (for approval, denial, or deferral) on all remaining map amendments considered through the 2005 GMA Update, as indicated in Appendix B to the Recorded Motion. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

A motion was made by Don Munks that the effective date of these changes to the Skagit County Countywide Planning Policies, Comprehensive Plan, Skagit County Code, and Comprehensive Plan Land Use and Zoning Map, be 30 days following the Board of County Commissioners' signature of an ordinance adopting these changes. This is to provide the Planning and Development Services Department time to update its various planning documents, to provide training to Department staff, and to inform the community of the upcoming changes. The "notice of adoption" shall be published in the Skagit Valley Herald the week following the Board of County Commissioners' signature of an ordinance adopting these changes. Kenneth A. Dahlstedt seconded the motion, which passed unanimously.

Commissioner Dahlstedt said it is important to articulate to the Planning

Commission why there was agreement and some disagreement. Director Christensen agreed that would happen.

Several members of the audience asked questions and provided additional testimony.

E. 1:30 p.m. - 3:30 p.m. Work Session - GMA Update

This session was cancelled due to the fact that all items were addressed during the 11:00 a.m. to 12:00 p.m. 2005 GA Update work session.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chairman

Don Munks, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

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