

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, JUNE 10, 2008**

The Skagit County Board of Commissioners met in regular session on Tuesday, June 10, 2008, with Commissioners Don Munks, Kenneth A. Dahlstedt, and Sharon D. Dillon present.

I. AGENDA:

- A. 8:00 a.m. - 8:30 a.m. Consent Agenda and Miscellaneous Items
- B. 8:30 a.m. - 9:30 a.m. Planning & Development Services - Gary Christensen, Director
 - 1. Discussion/Possible Action - Proposed Code Amendments Relating to School Siting Within the Bayview Ridge UGA (Urban Growth Area) Community Center Zone

Carly Ruacho, Senior Planner, summarized the proposed amendments to the Skagit County Code relating to: compliance issues relating to Western Washington Growth Management hearings Board (Hearings Board) Case No. 07-2-0002; and to address inconsistencies in Chapter 14.28, concurrency; and to ensure that the Skagit County Code provides adequate options for siting a school within the Bayview Ridge Urban Growth Area consistent with the Burlington-Edison School District's needs and desires.

Jeroldine Halberg, Senior Planner, summarized the letters received during the public comment period.

Ms. Hallberg noted the Burlington-Edison School Board's request to waive the requirement for the School District to investigate alternative sites. Kirk Johnson, Senior Planner, stated due to the revised proposal, the Planning and Development Department recommends extending the public comment period.

A motion was made by Commissioner Dahlstedt to postpone a decision on the proposed codes amendments relating to school siting within the Bayview Ridge UGA (Urban Growth Area) community center zone until Tuesday, July 8, 2008, at 2:00 p.m. to allow additional public comments on the proposed changes. Commissioner Dillon seconded the motion, which passed unanimously.

- 2. Briefing - Status of Bayview Ridge Proposal 2

Ms. Hallberg provided a brief background of the the Planning Commission's deliberated motion on Bayview Ridge Proposal 2 and recommended approval of the proposal, with minor modifications.

Ms. Hallberg requested the Commissioners schedule its deliberations on the Bayview Ridge Proposal 2 on June 24, 2008.

A motion was made by Commissioner Dahlstedt to approve scheduling its deliberations on the Bayview Ridge Proposal 2 beginning on June 24, 2008, from 8:30 a.m. to 9:30 a.m. Commissioner Dillon seconded the motion, which passed unanimously.

3. Miscellaneous

Brandon Black, Senior Planner, requested the Commissioners schedule Monday, June 16, 2008, at 11:45 a.m. for review of the Hearing Examiner's Preliminary Plat approval recommendation #PL06-0668 for the Long "CaRD" Plat of Challenger Ridge Estates. He stated the project proposal includes the division of approximately 60 acres into twelve (12) single family residential lots, and one open space lot, through the Conservation and Reserve Development process.

A motion was made by Commissioner Dahlstedt to approve setting Monday, June 16, 2008, at 11:45 a.m. to review the Hearing Examiner's Preliminary Plat approval recommendation #PL06-0668 for the Long "CaRD" Plat of Challenger Ridge Estates. Commissioner Dillon seconded the motion, which passed unanimously.

C. 9:30 a.m. - 10:30 a.m. Skagit Hill Recycling Appeal of the Health Officer's Decision Denying an Inert Waste Landfill Permit

Environmental Public Health Manager, Corinne Story, requested a continuance of this appeal because of a change in attorney for Skagit Hill Recycling. Ms. Story stated the Health Department is working with all the parties to arrange a date for a continuance of the appeal.

The Commissioners agreed to the continuance.

D. 10:30 a.m. - 11:30 a.m. Department Head/Elected Officials Meeting

1. Automated External Defibrillator Demonstration

Sharon DuBois of the Risk Management Department demonstrated the use of an Automated External Defibrillator (AED). She reported AED machines will be placed in all of Skagit County's facilities. She went on to say approximately 50 Skagit County employees have been trained on using the AED machine.

2. Presentation on Top 2 Primary

Skagit County Auditor Jeanne Youngquist gave a PowerPoint presentation on the top 2 primary election and the general election.

3. Facilities Update, Continental Building

Deputy Administrator Tim Holloran gave an update on the expansion project of the administration building located at Continental Place. Mr. Holloran noted the estimated completion of date of the project is August 2009. He went on to say the total cost of the project is approximately \$3.9 million and the funds will come from the Real Estate Excise (REET) funds. Mr. Holloran stated REET funds can only be spent on capital projects.

Information Services Director, Mike Almvig, discussed the completion of the new data center.

4. Miscellaneous

Mr. Holloran noted the Skagit County employee picnic will be held on Friday, July 18, 2008, at the Skagit County Fairgrounds.. Linda Eiford of District Court Probation mentioned July 13, through 19, 2008, is National Probation Parole and Community Supervision Week.

5. Next Meeting - Tuesday, August 12, 2008, at 10:30 a.m.

E. 11:30 a.m. - 11:45 a.m. Public Comment Period

There was no one present for the public comment period.

F. 1:00 p.m. - 2:00 p.m. Continuation of Closed Record Appeal to Review the Hearing Examiner's Decision to Deny Special Use Application No. PL07-0407 for the Redevelopment and Expansion of the Existing Hillside Motel, per Skagit County Code SCC 14.16.150(4)(d)

Chairman Munks stated there will be no oral arguments heard from either party.

Chairman Munks stated Hillside proposes to rebuild and expand its existing hotel under the provisions of Skagit County Code (SCC) 14.16.150, which, generally speaking, allows for the limited expansion of Rural Business in existence prior to the enactment of the Growth Management Act.

He also noted, as permitted use under SCC 14.16.150, applicants are allowed a 50 percent increase in building footprint; and a 1500 square foot increase in gross floor area.

He went on to say as a hearing examiner special use, applicants can go above the 1500 square foot increase in gross floor area if the Hearing Examiner finds the expansion will meet a series of subjective criteria. Chairman Munks said generally speaking, these criteria are there to ensure that the expansion will not create visual and other impacts inconsistent with its location.

Commissioner Dillon stated it is a hard and fast rule under our code that the expansion cannot be larger than 50 percent of the existing footprint. She also said the specific question presented by this appeal is how the Board of Commissioners are to interpret the code sections that limit Hillside's ability to expand its total floor area.

Commissioner Dillon went on to state the Hearing Examiner simply concluded that the code creates a hard and fast limit on gross floor area expansion in addition to the 50 percent footprint limitation, an interpretation with which the Board disagrees.

Commissioner Dillon also noted because of the Hearing Examiner's erroneous interpretation of the code, the Hearing Examiner's decision failed to include any analysis of the relevant subjective criteria, or any findings of fact in their support.

Commissioner Dahlstedt stated for these reasons, the Board concludes that the Hearing Examiner's decision is clearly erroneous, and we will remand the decision for further factual findings. He also said in doing so, we want to make it clear the Board is not specifically approving or endorsing Hillside's expansion plan or building design as it presently exists. He stated it is our expectation that any proposed design will comply with the criteria in SCC 14.16.150(4)(d). He further stated we would encourage the applicant to work with our Planning and Development Services Department to that end, and bring this back forward to the Hearing Examiner.

A motion was made by Commissioner Dahlstedt to find the Hearing Examiner's decision clearly erroneous, and remand the decision for analysis and factual findings consistent with SCC14.16.150(4)(d). Commissioner Dillon seconded the motion, which passed unanimously.

- G. 2:00 p.m. - 3:00 p.m. Closed Record Appeal No. PL08-0257 Submitted by Marjorie Sundberg of the Hearing Examiner's Denial of Special Use Permit No. PL06-0994 and Reconsideration Request No. PL08-0181 to Allow for the Operation of an Existing Facility for Breeding Approximately 150 Toy Breeds as a Home Based Business 2

Senior Planner Marge Swint noted that this has been a particularly difficult application to process. She stated when reviewing applications such as this, one has to take their personal feelings out of the analysis process and rely on the regulations in place. She went on to say unfortunately, with the lack of regulations, it made reviewing this request that much harder. Ms. Swint also said the staff would like to note, that there is no doubt in their mind that the applicant does care about the welfare of these animals. Ms. Swint also provided a background information of the Special Use Permit submitted by Marjorie Sundberg.

Philip Bastian who is the attorney representing the appellant, of 1604 Hewitt Avenue in Everett, addressed the incidental and secondary use of the property for residential purposes. He also stated he felt the Sundberg property had no adverse impacts upon the neighborhood.

Mr. Bastian went on to read excerpts from the materials he presented to the Commissioners. He requested the Commissioners either adopt their own findings and conclusions and grant the appellants a Special Use Permit which would allow them to continue their kennel business, or approve the request for reconsideration and remand it to the Hearing Examiner for additional hearing.

Ms. Swint stated the Planning Department continually asked the appellant for

letters supporting her home-based business. Ms. Swint noted the Planning Department was not provided with the letters in a timely manner. Ms. Swint also requested the letters the appellant's attorney referenced not be considered as part of the record.

A motion was made by Commissioner Dahlstedt to approve setting Monday, June 16, 2008, at 9:30 a.m. in the Skagit County Commissioners' Hearing Room to render a decision on the Closed Record Appeal No. PL08-0257 Submitted by Marjorie Sundberg of the Hearing Examiner's Denial of Special Use Permit No. PL06-0994 and Reconsideration Request No. PL08-0181 to Allow for the Operation of an Existing Facility for Breeding Approximately 150 Toy Breeds as a Home Based Business 2. Commissioner Dillon seconded the motion, which passed unanimously.

II. CONSENT AGENDA:

A motion was made by Commissioner Dahlstedt to approve the Consent Agenda for Tuesday, June 10, 2008, items 1 through 22. Commissioner Dillon seconded the motion, which passed unanimously.

a) COMMISSIONERS' OFFICE:

1. Record of the Proceedings for Tuesday, June 3, 2008. **(Approved)**
2. Resolution authorizing approval of payment to Braun Northwest, Inc. for the purchase of two re-mounted ambulances, not to exceed a total of \$120,000 each. **(Resolution No. R20080270)**

b) ADMINISTRATIVE SERVICES:

3. Resolution re-appointing Mark Lione and Bob Evans to the Skagit County Ferry Advisory Committee for another four-year term, which expires on December 31, 2011. **(Resolution No. R20080271)**
4. Resolution appointing Martha Fernandez to the Board of the Housing Authority of Skagit County, effective May 14, 2008, through May 31, 2013. **(Resolution No. R20080272)**
5. Personal Services Agreement with River Oaks Communications Corporation to provide review by the consultant of current cable franchise agreements with Comcast, Wave Broadband, Millennium Digital Media and any other cable providers in the County. It is estimated that an additional \$500,000 in cable franchise revenue could be realized by Skagit County as a result of the scope of work to be performed. The Contract shall commence upon the date of execution and continue through December 31, 2008. Compensation is not to exceed a total of \$44,000. **(Contract No. C20080367)**

c) BUDGET & FINANCE:

6. Interlocal Cooperative Agreement between Skagit County and the City of Anacortes, which awards Economic Development Public Facilities Projects funding in the amount of \$250,000 to the City for their Short Plat Development Project. The Agreement shall commence upon the date of execution and continue for 24 months. **(Contract No. C20080368)**

d) FACILITY MANAGEMENT:

7. Amendment No. 1 to Vendor Services Agreement No. C20080030 with Evergreen Security Systems to provide annual fire alarm tests, annual monitoring of fire alarm panels and conduct daily communications testing at 1700 East College Way, Mount Vernon, and 201 Lila Lane, Burlington. Compensation is increased by \$2,328 for a new contract total of \$10,998. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080109)**
8. Amendment No. 1 to Vendor Services Agreement No. C20080163 with Tri County Recycling, Inc. to provide weekly recycling services and commercial mixed services to 1700 East College Way and 1714 South 2nd Street in Mount Vernon. Commercial mixed services will also be provided to 1800 Continental Place, 309 South 3rd Street and 315 South 1st Street in Mount Vernon. An additional \$500 is added to the Agreement, for a new contract total of \$12,500. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080110)**

e) FARMLAND LEGACY:

9. Ordinance adopting an amendment to Ordinance No. 16380 for the Conservation Futures Property Tax Fund to qualify term limits of board members. **(Ordinance No. O20080006)**

f) HUMAN SERVICES:

10. Resolution un-appointing Pam Reff as a Designated Mental Health Professional as she is no longer employed with Compass Health Skagit. **(Resolution No. R20080273)**
11. Resolution un-appointing Pam Reff as a Designated Crisis Responder as she is no longer employed with Compass Health Skagit. **(Resolution No. R20080274)**

g) INFORMATION SERVICES:

12. Resolution adopting index standards for electronic document identification and directing use of these standards in the development and procurement of automated data systems. **(Resolution No. R20080275)**
13. Resolution authorizing the transfer of surplus computer equipment to Skagit Valley College. **(Resolution No. R20080276)**

14. Resolution directing the competitive procurement of network security equipment to replace systems no longer supported. **(Resolution No. R20080277)**

h) PARKS & RECREATION:

15. Resolution authorizing a revised user fee schedule for Howard Miller Steelhead Park and Clear Lake Beach Park, effective June 10, 2008. **(Resolution No. R20080278)**

i) PROSECUTING ATTORNEY:

16. Amendment No. 1 to Personal Services Agreement No. C20080278 with Perkins Coie LLP, which increases total compensation from a not-to-exceed amount of \$100,000 to \$300,000. The Contractor provides legal counsel, representation and negotiation services related to Cimarron litigation and other solid waste issues as directed. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080111)**
17. Resolution ratifying Amendment No. 1 to Personal Services Agreement with Bart Freedman and Kirkpatrick & Lockhart Preston Gates Ellis LLP to provide legal counsel, representation and negotiation services regarding flood control issues. **(Resolution No. R20080279)**
18. Amendment No. 1 to Personal Services Agreement No. C20080110 with Bart Freedman and Kirkpatrick & Lockhart Preston Gates Ellis LLP to provide legal counsel, representation and negotiation services regarding flood control issues. The start date of the original agreement is amended to reflect a new start date of November 1, 2007, to cover work performed from November 1, 2007, to December 31, 2007, that was not billed until 2008. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080112)**

j) PUBLIC WORKS DEPARTMENT:

19. Amendment No. 1 to Vendor Services Agreement No. C20070508 with Northwest Logging and Excavation, which increases the contract amount by \$50,000 for a new total not to exceed \$140,000. In addition, the scope of work is changed and includes the removal and/or dislodging of drift and woody debris that has accumulated at various locations within the Skagit River. Logs selected by Skagit County shall be stockpiled above ordinary high water. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080113)**
20. Vendor Services Agreement with Lakeside Industries to provide gravel, rock and mixed asphalt products for road maintenance beginning April 1, 2008, through March 31, 2009. Compensation is not to exceed a total of \$600,000. **(Contract No. C20080369)**
21. Amendment No. 1 to Interlocal Cooperative Agreement No. C20080218

between Skagit County and the Washington State Department of Ecology (Grant No. G0800491) for 2007 Puget Sound watershed protection and restoration. The amendment extends the expiration date from June 15, 2008, to August 31, 2008. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080114)**

22. Supplement No. 2 to Local Agency Standard Consultant Agreement No. C20050234 with Abeyta & Associates, which replaces the 2007 Rate Schedule with an updated 2008 Rate Schedule. This will allow the consultant to continue right-of-way services for Skagit County projects. All other terms and conditions of the original contract shall remain in effect. **(Amendment No. A20080115)**

III. **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, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:
 - a) ACH Transfer Request Form and Certification to Trusteed Plans Service Corporation from Clearing Fund 696 in the total dollar amount of \$114,092.87 (Transmittal No. C-67-08); and
 - b) Warrants numbered 274904 through 275368 from Clearing Fund 696 in the total dollar amount of \$2,007,561.11 (Transmittal No. C-68-08); and
 - c) Warrants numbered 275428 through 275369 from Clearing Fund 696 in the total dollar amount of \$105,176.76 (Transmittal No. C-69-08); and
 - d) Payroll warrants numbered 226519 through 227361 in the total dollar amount of \$1,216,984.95 (Transmittal No. P-21-08); and
 - e) Payroll warrants numbered 979468 through 979645 in the total dollar amount of \$253,240.30 (Transmittal No. P-22-08).
- 2) Resolution to authorize ratification of a Vendor Services Agreement with Lakeside Industries. **(Resolution No. R20080280)**.
- 3) Resolution pertaining to the Closed Record Appeal in Appeal Number PL08-0025 regarding a Special Use Permit Application for the Hillside Motel. **(Resolution No. R20080281)**.
- 4) Emergency Resolution for Skagit County Drainage and Irrigation Improvement District No. 19. **(Resolution No. R20080282)**.

A motion was made by Commissioner Dahlstedt to enact an emergency resolution, declaring an emergency with respect to certain drainage ditches located in the vicinity of Peterson and Avon Allen Roads, within Drainage

and Irrigation District No. 19. Commissioner Dillon seconded the motion, which passed unanimously.

- 5) Resolution appointing Michael W. Ellis to the Skagit County Law and Justice Council. **(Resolution No. R20080283).**

A motion was made by Commissioner Dahlstedt to approve appointing Michael W. Ellis to the Skagit County Law and Justice Council. Commissioner Dillon seconded the motion, which passed unanimously.

IV. ADJOURNMENT:

Chairman Munks adjourned the proceedings.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Don Munks, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

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