

April 21, 2009

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 8:01 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Dahlstedt led the gallery in the flag salute.

III. AGENDA:

A. 8:00 a.m. - 9:00 a.m. Public Works Department - David Sheridan, Director

1. Public Hearing - To Consider Vacating a Portion of County Right-of-Way Known as Concrete-Sauk Valley Road, #08000

Ann Marie Gutwein of the Public Works Department outlined the proposed vacation as requested by George and Lois Theodoratus, which consists of three portions of right-of-way along Concrete-Sauk Valley Road #08000, located near Concrete, totaling 2.08 acres.

It is the opinion of Paul Randall-Grutter, P.E., County Engineer, that the three portions of the right-of-way are not a necessity and should be vacated.

Ms. Gutwein showed photographs of the area to be vacated, which is located at the intersection of Concrete-Sauk Valley Road and South Skagit Highway.

Chairman Dahlstedt opened the public hearing.

George Theodoratus, 37921 State Route 20, Concrete, stated he has owned the property for over 30 years. Following a brief discussion, Mr. Theodoratus submitted a letter requesting partial relief of the costs incurred to hold the public hearing.

There being no further public testimony forthcoming, Commissioner Dillon motioned to close the public hearing. Commissioner Wesen seconded the motion, which passed. The public hearing was closed.

A motion was made by Commissioner Dillon to postpone a decision on this matter until Monday, April 27, 2009, at 11:45 a.m. Commissioner Wesen seconded the motion, which passed unanimously.

2. Miscellaneous

There were no miscellaneous items to discuss.

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- B. [9:00 a.m. - 10:00 a.m. Closed Record Appeal No. PL09-0122 of the Hearing Examiner's Decision No. PL08-0610 and Decision on Reconsideration No. PL09-0034 Regarding Code Enforcement Case No. CE04-0262 Submitted by Beverly and Marvin Macken](#)

Chairman Dahlstedt reconvened the proceedings at 9:04 a.m.

Gary T. Jones, Attorney for the Appellants Beverly and Marvin Macken, provided opening comments.

Mr. Jones said the appeal stems from a decision by the Hearing Examiner upholding the Notice and Order to Abate a Public Nuisance issued by the Skagit County Planning Department on September 30, 2008. Prior to the Notice, numerous letters, plans and investigations by the Mackens, their consultants Pat and Larry Larson, the Skagit Conservation District and representatives of the Washington Department of Ecology were completed.

Following his briefing to the Board, Mr. Jones asked for dismissal of the Notice and Order to Abate a Public Nuisance.

Ryan Walters, Skagit County Deputy Prosecutor, submitted his response to the Appellant's brief, filed by Mr. Jones. He stated Skagit County has invested substantial time, effort and money into the development of its Watercourse Protection Measures code section, which is at issue in this case, and into the code enforcement process. The County should uphold the language of its Watercourse Protection Measures and give full effect to the protection they provide to waterbodies at a significantly minimal burden to landowners.

Given the standard of review, the clear facts of the case and the clear language of both Skagit County Code and the relevant NRCS standards, Mr. Walters said Planning and Development Services requests that the Board of County Commissioners reject the Mackens' appeal and uphold the Hearing Examiners' decision and the Planning and Development Services Department's Notice and Order to Abate of September 30, 2008.

Mr. Jones provided rebuttal remarks.

Mr. Walters provided his rebuttal remarks.

Commissioner Wesen queried Mr. Walters on several aspects of the appeal.

Following a brief discussion, Commissioner Dillon motioned to close the hearing and schedule the date and time to render their decision on May 12, 2009, at 11:00 a.m. Commissioner Wesen seconded the motion, which passed unanimously.

- C. 10:00 a.m. - 10:30 a.m. Status Report - Climate Action & Sustainability Task Force

Ryan Walters, Deputy Prosecutor, explained the Climate Action and Sustainability Taskforce (CAST), established by Resolution No. R20080304, consists of 14 residents from

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throughout the County, appointed and tasked by the Board of County Commissioners with developing a Climate Action Plan by the end of 2009.

The Taskforce is divided into four workgroups, which also include non-appointed representatives from County staff, business groups and local Tribes.

The four workgroups are: Energy, Green Purchasing, Land Use & Transportation, and Outreach & Education. Several members of the workgroups were present to discuss their responsibilities.

According to Mr. Walters, the Climate Action Taskforce is one piece of several ongoing initiatives to respond to the looming problem of climate change. Additionally, Skagit County is participating in the Swinomish Tribe's study of projected sea-level rise in the La Conner area and conducting an "Alternative Futures" project that will consider the effects of climate change as it develops a fifty-year land use vision for Skagit County.

Mr. Walters indicated the group would be meeting with the Commissioners again later this summer to review their accomplishments.

- D. [10:30 a.m. - 10:45 a.m. Proclamation - April 23, 2009, as Denim Day in Skagit County in Recognition of Sexual Assault Awareness Month](#)

Chairman Dahlstedt reconvened the proceedings at 10:43 a.m.

Emily O'Conner, Executive Director of Skagit Domestic Violence and Sexual Assault Services, was present to explain the history behind "Denim Day."

In 1998, an Italian Supreme Court decision overturned a rape conviction because the victim wore jeans, reasoning she must have helped her attacker remove them. People all over the world were outraged, so wearing jeans became an international symbol of protest against erroneous and destructive attitudes about sexual assault.

According to Ms. O'Conner, last year on Denim Day, an unprecedented 600,000 individuals and organizations signed up to wear jeans in support of raising awareness about the need to end sexual violence.

Commissioner Dillon read a proclamation declaring Thursday, April 23, 2009, as Denim Day in Skagit County in recognition of Sexual Assault Awareness Month. They encouraged all citizens to honor this special observance.

- E. [11:30 a.m. - 11:45 a.m. Public Comment Period](#)

Chairman Dahlstedt reconvened the proceedings at 11:31 a.m.

No one was present for the public comment period.

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IV. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 11:33 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

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