

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 15, 2009**

The Skagit County Board of Commissioners met in regular session on Tuesday, September 15, 2009, with Commissioners Kenneth A. Dahlstedt, Sharon D. Dillon, and Ron Wesen present.

I. CALL TO ORDER:

Chairman Dahlstedt called the proceedings to order at 8:05 a.m.

II. PLEDGE OF ALLEGIANCE:

Chairman Dahlstedt led the gallery in the salute to the flag.

III. AGENDA:

- a) 8:00 a.m. - 9:00 a.m. Public Works Department - Public Hearing and Possible Action to Consider Vacation of a Portion of County Right-of-Way Known as Gunderson Road

Ann Marie Gutwein, Programs Section Manager, briefed the Board regarding vacating a portion of County right-of-way known as Gunderson Road. The road was realigned in 1988 to improve the conditions of the intersection with Goldie Lane. The County received this request from Lance and Jane Fisher. The County will receive the assessed value of the County right-of-way property (\$3,773.48) if the Commissioners approve the vacation.

Lance Fisher, 23916 Gunderson Road, was present for the public hearing. He owns the property on either side of the County right-of-way. Mr. Fisher stated that the County right-of-way has been an abandoned road-way and he no longer sees any need for it. Mr. Fisher is comfortable with the settlement agreement, and he understands that the utility easements will remain.

The Commissioners discussed their hesitation to vacate County property. However, they did not see any reason why this County right-of-way was still necessary.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing, which was seconded by Commissioner Wesen. The motion passed unanimously.

A motion was made by Commissioner Dillon to approve the execution of the Final Order of Vacation of a portion of County right-of-way known as Gunderson Road (#06000). **(R20090385)** Commissioner Wesen seconded the motion, which passed unanimously.

Commissioner Dillon brought forward a Resolution to Appoint Members to the Skagit County Emergency Medical Services Commission. The members' terms will begin October 1, 2009.

A motion was made by Commissioner Dillon to approve the Resolution Regarding the Appointment of Members to the Skagit County Emergency Medical Services Commission. **(R20090386)** Commissioner Wesen seconded the motion, which passed unanimously.

Chairman Dahlstedt recessed the proceedings at 8:20 a.m.

- b) 9:00 a.m. - 9:45 a.m. Public Works Department - Public Hearing and Possible Action to Consider Adopting the Resolution regarding the Solid Waste Disposal Rates

Chairman Dahlstedt reconvened the proceedings at 9:03 a.m.

Kevin Renz, Section Manager, briefed the Board on the proposed rate schedule for the solid waste disposal rates. The current rate schedule in effect was set in 2000. Mr. Renz discussed the research performed and the reasons for the proposed rates increase. If approved, the new rates would be scheduled to take effect on January 1, 2010. This rate change would make Skagit County's rates comparable to the other local municipalities.

Phyllis McKeehen of 12576 Josh Wilson Road in Mount Vernon, was present for the public hearing. Ms. McKeehen read a letter to the Commissioners which she had written opposing the increased solid waste disposal rates.

Chairman Dahlstedt thanked Ms. McKeehen for her time and comments. The Commissioners asked Mr. Renz for some clarification about the proposed new rates.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing, which was seconded by Commissioner Wesen. The motion passed unanimously.

A motion was made by Commissioner Wesen to approve the Resolution to adopt the Solid Waste Disposal Rates. **(R20090387)** Commissioner Dillon seconded the motion, which passed unanimously.

Chairman Dahlstedt recessed the proceedings at 9:26 a.m.

- c) 10:00 a.m. - 10:30 a.m. Planning and Development Services Department - Presenting Ordinance adopting Miscellaneous Code Amendments (Phase I)

Chairman Dahlstedt reconvened the proceedings at 10:01 a.m.

Carly Ruacho re-briefed the Board on the history of the Code Amendments and presented the Ordinance adopting the Miscellaneous Code Amendments (Phase I) which contain 100 of the 119 total Code Amendments.

A motion was made by Commissioner Dillon to approve the Ordinance Adopting Phase I Miscellaneous Skagit County Code Amendments. **(O20090010)** Commissioner Wesen seconded the motion, which passed unanimously.

Chairman Dahlstedt recessed the proceedings at 10:11 a.m.

- d) 10:30 a.m. - 11:30 a.m. Public Works Department - Public Hearing and Possible Action to Consider Reauthorizing and Amending the Budget and Finance Charges for the Skagit County Clean Water (Shellfish Protection) Program

Chairman Dahlstedt reconvened the proceedings at 10:32 a.m.

Tom Ballard, interim Public Works Director, introduced Dan Berentson, Communications Director, to brief the Board on the Clean Water Program. The funding for the current Clean Water Program ends this year. There are two alternatives to choose from to replace the current program. Mr. Berentson presented the history of the Clean Water Program. He then stated that there are funding issues with the Clean Water Program. The Public Works Department will be requesting additional funds. Mr. Berentson outlined the funding requests.

Rick Haley, with the Public Works Department, briefed the Board on the water quality testing sites and reported that the Samish Basin had a high count of fecal coliform pollution which has closed multiple shellfish beds. Skagit County will be identifying the pollution sources and following up with the land owners responsible. When pollution problems are found, the land owners will be referred to agencies who will be able to help them correct the problem. Mr. Haley reported that since April 2008, 10 shellfish farm closures have been mandated and/or requested by the State Office of Shellfish.

Chairman Dahlstedt opened the public hearing. Due to the amount of people wishing to comment, Chairman Dahlstedt asked each person to keep their comments to 2 - 3 minutes in length.

Pete Haase from Bow was present for the public hearing. He is an employee with Skagit Conservation Education Alliance (SCEA) and wanted to comment on the funding issues. Mr. Haase requested that the funds be increased for this project. SCEA receives some funds from the County for their work. SCEA is active in the community and educates the public and local business owners on how to keep our waters clean.

Anne Brooks Middleton of 12694 Josh Wilson Road, was present for the public hearing. Ms. Middleton is a Board Member with SCEA. She requested that the funding be renewed and increased.

Randy Good of 25512 Minkler Road, was present for the public hearing. Mr. Good shared his idea with the Board: by re-evaluating the present fund amount set for the project, Mr. Good believes that the job could be completed without increasing the amount of money spent.

Shirley Solomon, with Skagit Watershed Council, was present for the public hearing. Ms. Solomon thanked Skagit County for their partnership.

Carolyn Kelly, with Skagit Conservation District, was present for the public hearing. Skagit Conservation District has been working on water quality issues for many years and they would like to continue their partnership with Skagit County and they would like the funds to be reinstated and increased. The current funding amount is not enough, which makes it difficult to help with public. Increased funding would help their organization and the citizens.

Bill Dewey was not present for the public hearing, but requested that Carolyn Kelly read his written comments. Mr. Dewey manages shellfish beds in the Samish Bay area. He expressed concerns about the fecal contamination and wanted to make a variety of points. Shellfish Farms in Samish Bay gross over \$3.25 million and employ 36 full time employees paying them \$1,134,150 in wages annually, much of which stays in Skagit County. Most of their product is sold outside Skagit County. The shellfish farms attract tourists. Many local restaurants depend on their shellfish supply. Imagine the damage to our County if a sign needed to be posted regarding the unsafe shellfish due to pollution.

Alison Studley, with the Skagit Fisheries Enhancement Group, was present for the public hearing. She encouraged reauthorization funding for this project. She briefed the Board on what Skagit Fisheries Enhancement Group is able to do with the funds they receive from the County and what their ideas are for the future. Ms. Studley lives in the Samish Bay area and would like to be able to harvest shellfish with her children one day.

Nels Lagerlund of 9147 Green Road in Burlington, was present for the public hearing. Mr. Lagerlund is a dairy farmer. There are many problems with the Samish River. Mr. Lagerlund briefed the Board on the RCW's regarding shellfish protection, and he wants the County to be sure to use the funds collected for protection of the shellfish beds. The money is not be used for fish habitat restoration. The funds need to be focused on the water problems that are endangering the shellfish. Mr. Lagerlund would like to keep program going, fix the problem, and focus the money on the shellfish. Annual reports which show where the money is gong for the program are needed, and a sunset clause in the new program should be required.

Rebecca Ponzio, with Puget Sound Partnership, was present for the public hearing. Puget Sound Partnership would like the County to reauthorize this program since it helps support so many important programs.

Jack Middleton, from Bayview, supports the County's efforts. However, he would like to be sure that the Commissioners focus only on the Samish River. Mr. Middleton found data comparing fecal contamination from populated areas to natural areas when raining. The Samish River contamination is clearly from people (septic and animals), not from any wild creatures in their natural habitat.

Steve Olson, with Skagit County Public Health, is the on-site Sewage Program Lead. He focuses on problem septic systems. He is dependent on the data collected by Skagit County and the other entities that the Clean Water Program helps fund. When Mr. Olsen has data, he can move forward to fix problems. Mr. Olson urged the Commissions to continue and increase the funding for the Clean Water Program. The Health Department offers classes to citizens regarding septic systems. They have taught 125 classes to date and have approximately 40 - 50

people that attend each one. The Health Department also manages a fund that helps homeowners fix failing septic systems. Skagit County now has 7 marine recovery areas and 3 sensitive areas. It is important to find the failing septic systems and fix the pollution problem.

Seeing no further public testimony forthcoming, Commissioner Wesen made a motion to close the public hearing, which was seconded by Commissioner Dillon. The motion passed unanimously.

Commissioner Wesen stated he is a dairy farmer who is familiar with the need to keep the water clean. It is important to identify sources and locate problems. The State will help, but it really comes down each resident doing their part to fix the problem.

Commissioner Dillon agreed with everything said and she believes in the program but wants to make sure that a good action plan is in place. We want to fix the problem, we need to re-authorize, we do care about the shellfish. It will be important to set benchmarks and show that we are following the plan.

Chairman Dahlstedt commented that clean water is important to everyone. We are not here to punish people. The problems need to be identified and fixed. Nobody likes increased taxes, but it may be necessary in order to move forward with a plan.

The Commissioners decided to render a decision on the Clean Water Program next week, September 22, 2009, at 10:45 a.m.

Written comments will be accepted through Friday, September 18, 2009.

Regarding the 1:30 p.m. Agenda Item: it has been stricken due to action that was taken earlier today at 10:00 a.m. when the Commissioners approved the Ordinance Adopting Phase I Miscellaneous Skagit County Code Amendments.

Chairman Dahlstedt recessed the proceeding at 11:22 a.m.

- e) 11:30 a.m. - 11:45 a.m. Public Comment Period

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

Chairman Dahlstedt opened the public hearing at 11:33 a.m. Seeing no public present for comment, Commissioner Dillon made a motion to close the public comment period, which was seconded by Commissioner Wesen. The motion passed unanimously.

Chairman Dahlstedt recessed the proceedings at 11:34 a.m.

- f) 11:45 a.m. - 12:00 p.m. Planning and Development Services Department - Discussion and Possible Action - Closed Record Public Meeting for the Final Plat Approval of the Revised Plat of Lekcinton Acres (PL08-0330)

Chairman Dahlstedt reconvened the proceedings at 11:45 a.m.

Present from the Planning and Development Department was Marge Swint who briefed the Board on the closed record public meeting hearing for the final plat

approval of the Revised Plat of Lekcinton Acres (PL08-0330). The plat was revised to remove the building envelopes on the residential lots as shown on the previously recorded plat. The final plat approval was in 2005. The developer would like to extend the setbacks to the minimum setback lines. An open record hearing was held and approved.

A motion was made by Commissioner Wesen to approve that the Board of County Commissioners approve the Revised Plat of Lekcinton Acres (PL08-0330) submitted by Glen and Karen Nickel. Commissioner Dillon seconded the motion, which passed unanimously.

- g) 1:30 p.m. - 2:30 p.m. Planning and Development Services Department - Public Hearing and Possible Action to Consider Renewal Of Ordinance No. O20090002 - Moratorium on Acceptance of Applications to Permit Solid Waste Utilities in Zoning Districts Not Specifically Designated For Such Uses

This item was stricken due to action that was taken earlier today at 10:00 a.m. when the Commissioers approved the Ordinance Adopting Phase I Miscellaneous Skagit County Code Amendments. **(O20090010)**

IV. ADJOURNMENT:

Chairman Dahlstedt adjourned the proceedings at 11:54 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Kenneth A. Dahlstedt, Chairman

Sharon D. Dillon, Commissioner

Ron Wesen, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board
Skagit County Board of Commissioners