

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MAY 18, 2010**

The Skagit County Board of Commissioners met in regular session on Tuesday, May 18, 2010, with Commissioners Sharon D. Dillon, Ron Wesen, and Kenneth A. Dahlstedt present.

I. CALL TO ORDER:

Chair Dillon called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

Chair Dillon led the gallery in the salute to the flag.

III. AGENDA:

a) 8:30 a.m. -9:00 a.m. Public Works- Thomas G. Ballard, Interim Director:

1. Presentation: Certificate of Good Practice for 2009 from the County Road Administration Board to the Skagit County Engineer

Thomas Ballard, Interim Director, informed the Commissioners that every year the County Road Administration Board (CRAB) issues certificates of good practice to counties which have met certain criteria. He reported Skagit County received the certificate for the 2009 year. This certificate is transmitted to the State Treasurer and assures continued distribution of the monthly state gas tax allotment from the Office of the State Treasurer.

Mr. Ballard said he is the acting County Engineer, but he believes that recognition for receiving this Certificate of Good Practice should be given to Cliff Butler, Operations Manager, Paul Randall-Grutter, Senior Project Engineer, Ann Marie Gutwein, Transportation Planning Services Section Manager, Marie Henry, Accountant, Mike Elde, ER&R Fund Coordinator, and Rachel Beck, Interim Ferry Manager.

The Commissioners agreed with Mr. Ballard and said that they appreciate all of the employees in Public Works who made this possible.

Commissioner Wesen read the Certificate of Good Practice awarded to Skagit County for the year of 2009 by the Country Road Administration Board, and the Commissioners presented the certificate to Public Works.

Chair Dillon recessed the proceedings at 8:40 a.m.

2. Miscellaneous

b) 9:00 a.m. - 9:15 a.m. Discussion/Possible Action: Planning Commission's

Recommendation Regarding Updates to the Drainage Code 14.04, 14.32 and 14.44 for Compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II Permit

Chair Dillon reconvened the proceedings at 9:00 a.m.

Gary Christiansen, Director of Planning and Development, shared the Planning Commission's recommendations regarding changes to the Skagit County Codes for compliance with the National Pollutant Discharge Elimination System (NPDES) Phase II Permit requirements. In 2009, an interim ordinance was adopted by Skagit County. Since the adoption of the interim ordinance, the Planning Commission has held a public hearing and made changes to the ordinance. Mr. Christiansen explained that Exhibit 1 shows the changes made to the ordinance. Changes to the following areas were made: definitions, the drainage ordinance, and enforcement and penalty provisions.

Michael See, Project Manager with Public Works, acknowledged the Public Works Surface Water Team, and Ryan Walters, legal counsel, for helping this along. Mr. See briefed the Board on the background of this permit and the requirements of Skagit County. Changes to the ordinance and to our code will satisfy the permit requirements set by the Federal and State Governments. Mr. See informed the Board that the Planning Commission voted six to two on this final ordinance. The Planning Commission had concerns about some of the agricultural lands and would protest where applicable.

Commissioner Dahlstedt stated that he is concerned regarding the amount of agricultural land that is included in the boundaries of this plan. He also asked for clarification on a paragraph on page four that was deleted in Exhibit 1. Commissioner Dahlstedt stated he did not feel that you can place urban expectations on agricultural lands and he is frustrated with the Department of Ecology.

Michael See explained why the paragraph was deleted on page four of Exhibit 1 and also informed the Commissioners that the boundaries cannot be changed by Skagit County, but perhaps at the federal level.

Commissioner Wesen stated that 6,100 acres of agricultural land is included in the boundaries of this plan. He asked if there were any exemptions for the agricultural land and asked what someone would have to do if they wanted to build on land included in these boundaries.

Shane Whitney, Engineering Technician in Public Works, answered Commissioner Wesen. If a building was built on agricultural land within the boundaries, a stormwater review and application of the code would be performed which may mean that the builder may need to provide more storage for water before it could be released off of the property.

Commissioner Wesen is concerned about the potential higher cost to the agricultural land owners within the boundaries. Commissioner Wesen wants to be sure that the 6,100 acres of agricultural land is not regulated to the point that it cannot be farmed.

Chair Dillon stated that it would be nice to be able to re-draw the boundaries. The Federal Government thinks they know better than Skagit County. She is hoping that there is enough in the ordinance to keep our agricultural lands farming.

Commissioner Dahlstedt stated that these were not county decisions but Federal and State requirements that have to be followed. He is not pleased that these requirements create an inequity within the agricultural community.

Gary Christiansen, Director of Planning and Development Services, pointed out that the agricultural land included in the boundaries was exempt regarding agricultural practices, but not agricultural buildings.

Commissioner Wesen stated that the Commissioners would be sending a letter to the Department of Ecology, which addresses their concerns.

A motion was made by Commissioner Dahlstedt to approve an Ordinance Amending Skagit County Code 14.04, 14.32, and 14.44 to Prohibit Non-Stormwater Illicit Discharge into Skagit County's Municipal Separate Stormwater System. Commissioner Wesen seconded the motion. The vote passed unanimously.

Chair Dillon recessed the proceedings at 9:22 a.m.

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

Chair Dillon reconvened the proceedings at 11:30 a.m.

Bill Schmidt of 6939 Gallagher Road in Concrete was present to inform the Commissioners about Mr. and Mrs. Lennox of Concrete. He said he has a lot of respect for the Lennox's as people and as stewards of the land and he is bothered by the recent declarations showing up in stores in Concrete regarding access to Lake Shannon. They have created a hostile environment.

Mr. Schmidt thinks that a settlement with the Lennox's would be an easy and inexpensive way to take care of this situation.

Mr. Schmidt approached the Commissioners to show them a book that was written in France about Mr. Lennox, who is a war hero. Mr. Schmidt then wanted to give each of the Commissioners a Settlement Agreement. The Commissioners informed Mr. Schmidt that they could not accept the document and that the attorney for the Lennox's should send it directly to Skagit County's attorney, Will Honea.

Mr. Schmidt understood and believes the situation has been blown out of proportion. He stated that he was happy to help with the settlement process and thanked the Commissioners.

The Commissioners shared with the public that on Saturday, May 22, 2010, Skagit County Community Action Agency is holding their Have a Heart Run to raise funds for their programs. The Commissioners will be walking the two mile section.

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 11:42 a.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chair

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

ATTEST:

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