

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
TUESDAY, NOVEMBER 2, 2010**

The Skagit County Board of Commissioners met in regular session on Tuesday, November 2, 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 9:30 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) 9:30 a.m. - 10:00 a.m. Public Hearing/Possible Action: Consideration of Testimony, Confirming and Approving the Roll, Rates, and Charges for the Skagit County Lake Management District No. 3 for Lakes Erie and Campbell

Henry Hash, Director, introduced Tracy Alker, Water Resources Technician. Ms. Alker provided background of the Lake Management District No. 3 (LMD 3). She said the LMD 3 was originally formed in 2001 after the majority of waterfront property owners voted to implement a special assessment for the treatment of aquatic weeds. The primary goal of the District was to eradicate the invasive Eurasian Milfoil (*Myriophyllum spicatum* L.). She went on to say that, LMD 3 would expire on May 29, 2011. After the majority of affected landowners voted in favor of reforming the District, the Board of Skagit County Commissioners adopted Ordinance No. O20100005, which reformed the LMD 3 on August 9, 2010. On August 12, 2010, a Notice of Adoption was published in the Skagit Valley, which signaled the start of a 40-day appeal period. No appeals were received. The public hearing is the next step in the reforming process.

Chair Dillon opened the public hearing at 9:37 a.m.

Carol Ehlers of West Fidalgo Island spoke in support of approving the special assessment roll, rates, and charges for Skagit County LMD 3 for Lakes Erie and Campbell. She also spoke about drainage problem from the western part of Lake Erie. Ms. Ehlers went on to discuss the need for County Departments to work together to carry out the integration of Skagit County Codes.

Seeing no further public testimony forthcoming, Commissioner Wesen made a motion to close the public hearing at 9:43 a.m., which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

A motion was made by Commissioner Wesen to approve the resolution confirming and approving the roll, rates, and charges for Skagit County Lake Management District No. 3 for Lakes Erie and Campbell. (**Resolution No. R20100372**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Chair Dillon recessed the proceedings 9:49 a.m.

- b) 10:00 a.m. - 10:30 a.m. Decision: Closed Record Appeal PL#10-0388 of the Hearing Examiner's Decision, Dated August 23, 2010, Submitted by Scott Waldal, Skagit Hill Recycling, Inc., and Avis, LLC

Chair Dillon reconvened the proceedings at 10:00 a.m. Heather Shand, attorney for the appellant, was present in the gallery.

Chair Dillon stated the Commissioners could affirm and uphold the decision of the Hearing Examiner, return the decision to the Hearing Examiner, or affirm and modify the Hearing Examiner's decision. She went on to say that based upon the whole record and the evidence in the record, the Board found that the Hearing Examiner's findings of fact are supported by substantial evidence in the record and were not clearly erroneous. The Board found that the Hearing Examiner's conclusion of law number 3, which addressed an administrative stay, and conclusion of law number 11, which provided an alternative conclusion, were ambiguous and should be modified.

A motion was made by Commissioner Wesen to approve a Resolution denying the appeal (PL10-0388) of Avis LLC and Scott Waldal and upholding the Hearing Examiner's decision regarding notices of violation (PL08-0688 and PL10-0199) (**Resolution No. R20100373**) Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

Chair Dillon recessed the proceedings at 10:05 a.m.

A motion was made by Commissioner Wesen that Skagit County Board of Commissioners hereby finds that the revision to conclusion of law number 3 is necessary to clarify any ambiguity in the Hearing Examiner's decision about the length of the stay afforded to appellants under Skagit County Code 14.44.140 (2). He further resolved, that the Skagit County Board of Commissioners finds that the revision to conclusion of law number 11 is necessary to clarify any ambiguity about the Hearing Examiner's conclusion that any pre-existing, nonconforming right to use the property for solid waste handling was abandoned. Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

Chair Dillon recessed the proceedings at 10:10 a.m.

- c) 11:00 a.m. - 11:30 a.m. Public Works - Henry Hash, Director:

Chair Dillon reconvened the proceedings at 11:00 a.m.

- 1) Update: National Pollutant Discharge Elimination System (NPDES) Phase II Permit

Henry Hash, Director; Dan Berentson, Natural Resource Manager; Michael See, Stormwater Program Permit Coordinator, were present to provide information.

Mr. See provided a PowerPoint presentation and discussed the current requirement to obtain a National Pollutant Discharge Elimination System (NPDES) Phase II Permit. He stated that the Phase II Permit requires Skagit County to meet a number of obligations in the areas of public education and outreach, public involvement, illicit discharge detection and elimination, runoff control, pollution prevention, and staff training. He went on to say these permit requirements have mandatory deadlines that are phased into the schedule to fully implement the Stormwater Management Plan by February 2012.

The Commissioners thanked Public Works staff for the update.

Chair Dillon recessed the proceedings at 11:26 a.m.

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

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

Randy Good of 25512 Minkler Road in Sedro-Woolley commented on flooding in Skagit County. He stated that property and ten homes were damaged during the January 2009 flood. Mr. Good discussed his disappointment that the Hansen Creek Flood Control Zone. He went on to comment on the fact that the lower segment, known as Reach 5 between Highway 20 and Minkler Road, had been left out of the Alluvial Fan planning process. Mr. Good requested the Commissioners help to protect their property, livelihood, safety, and welfare from imminent flooding threats.

Carol Ehlers of West Fidalgo Island commented on the preservation of farmland. Ms. Ehlers presented the Commissioners with two articles "Throwing Away our Food" and "The Farm of Future", dated September 25-26, 2010, *The Wall Street Journal*.

Steve Sanchez of 17461 West Big Lake Blvd in Mount Vernon, commented on the Burgess Family Trust property. He stated that his neighbor had committed a serious violation of Skagit County Code, by allowing several campers to dwell on their property, located at 17475 West Big Lake Blvd. He said sanitation at the property was not adequate and the neighbors created constant noise during the summer months. Mr. Sanchez said that he filed a formal complaint with the Skagit County Planning Department on August 16, 2010, and was not satisfied with the timelessness of the response from the Planning Department.

Tom Chahary of 25499 Minkler Road in Sedro-Woolley requested a report on the future of the Alluvial Fan at Hansen Creek.

Chair Dillon recessed the proceedings at 11:54 a.m.

e) 1:30 p.m. - 2:00 p.m. Public Hearing/Possible Action: Consideration of Testimony Regarding the Clarification and Revision of the Drainage Utility Rate Structure

Chair Dillon reconvened the proceedings at 1:30 p.m.

Henry Hash and Dan Berentson were present to answer questions. Mr. Berentson stated that the purpose of the public hearing was to revise and clarify the Drainage Utility rates.

Jan Flagan, Surface Water Section Manager, discussed the recommended changes for assessment for Class of Property No. 3, which included parcels containing apartments of more than four residential units, commercial parcels, industrial parcels, institutional establishments or agricultural land. The increase would be \$0.01259 for the first 10,000 square feet of impervious surface, plus \$0.007 for each additional square foot of impervious area, plus \$0.5531 per acre. Ms. Flagan stated, that if approved, revisions would go into effect in 2011.

Chair Dillon opened the public hearing at 1:35 p.m.

Seeing no public testimony forthcoming, Commissioner Dahlstedt motioned to close the public hearing. Commissioner Wesen seconded the motion, which passed unanimously.

A motion was made by Commissioner Dahlstedt to approve the resolution authorizing revision of the Drainage Utility Rate structure. (**Resolution No. R20100374**) Commissioner Wesen seconded the motion. The vote passed unanimously.

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 1:40 p.m.

**BOARD OF COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

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Sharon D. Dillon, Chair

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Ron Wesen, Commissioner

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Kenneth A. Dahlstedt, Commissioner

ATTEST:

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