

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 21, 2010**

The Skagit County Board of Commissioners met in regular session on Tuesday, December 21, 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 8:45 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) *7:00 a.m. - 8:45 a.m. Skagit Conservation District Annual Partnership Meeting (Best Western Cotton Tree, 2300 Market Street, Mount Vernon)
- b) 8:45 a.m. - 9:00 a.m. Budget and Finance - Trisha Logue, Director:

- 1. Public Hearing to Consider Testimony Regarding the 2010 Budget Amendment

Trisha Logue, Budget and Finance Director, was present to discuss the Resolution to Approve the 2010 Budget Amendment. Ms. Logue explained each amendment to the Board and stated that line items are being corrected so that the budget remains balanced. No taxes are being raised. The Board thanked Trisha for her work.

Chair Dillon opened the Public Hearing at 8:49 a.m.

Seeing no public present, Commissioner Wesen made a motion to close the public hearing, which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

A motion was made by Commissioner Dahlstedt to approve authorizing the supplemental budget at presented. **(R20100445)**. Commissioner Wesen seconded the motion. The vote passed unanimously.

Chair Dillon recessed the proceedings at 8:50 a.m.

- c) 9:00 a.m. - 9:30 a.m. Budget and Finance - Trisha Logue, Director:

- 1. Public Hearing to Consider Testimony Regarding the 2011 Levy Rates

Trisha Logue, Budget and Finance Director, gave a brief presentation on

taxes before the public hearing was opened. Ms. Logue stated that the Commissioners have authority to set just under 25% of the total taxes collected. Ms. Logue outlined the proposed 2011 levy amounts and reiterated that tax increases are limited to 1%. This limitation was set by an initiative (Initiative 747) which passed in 2001. Ms. Logue estimated what annual taxes would be for a \$250,000 home with the 1% tax amount increase. An additional \$4.07 to \$8.26 would be collected. This varied amount depends on whether or not the property pays into the County Road Fund.

Commissioner Wesen clarified that levy's can only be set once a year. Chair Dillon clarified that the 1% increase is the amount of the total taxes collected. It is not an increase on each household evaluation.

Commissioner Dahlstedt wanted to point out that over the last few years Skagit County has lost between 60 and 70 employees. And, for 2011, Skagit County is reducing employee salaries by \$1 million dollars.

Chair Dillon opened the public hearing at 9:03 a.m.

Mike Newman, 17247 Blodgett Road in Mount Vernon, brought some documents with him to discuss with the Commissioners. He stated that according to the Revised Code of Washington (RCW), the Commissioners should have held this public hearing regarding the 2011 budget before adopting the 2011 budget. Mr. Newman named RCW 36.40.071. Mr. Newman went on to say that two-thirds of Skagit County residents do not support tax increases. He believes the Commissioners did not hear the message.

Lynn Torset, 9414 Soren Road in Sedro-Woolley, stated that Skagit County has a 10% unemployment rate and that there are more home foreclosures than ever. He stated that an increased cost of living cannot be afforded. He recognizes the budget difficulties but he believes that the county should give up more before asking it of the people.

Robert Peter, 9477 Soren Road in Sedro-Woolley, stated that he is retired and does not get any raises. He stated that the cost of living is going up. He stated that taxes are going up. Mr. Peter wondered with all of the new houses and people moving to the area, isn't the tax base larger, and if so, why would taxes need to be raised?

Chair Dillon asked if anyone else wanted to speak. No one replied.

Seeing no further public testimony forthcoming, Commissioner Wesen made a motion to close the public hearing at 9:14 a.m., which was seconded by Commissioner Dahlstedt. The motion passed unanimously.

Chair Dillon announced that a decision by the Commissioners would not be made until Tuesday, December 28, 2010.

Chair Dillon recessed the proceedings at 9:15 a.m.

d) 10:30 a.m. - 11:30 a.m. Planning and Development Services - Gary Christensen, Director:

1. Discussion and Possible Action: Special Use Modification Request (PL10-0471) for the Hillside Motel Expansion to Extend the Permit Expiration Timeframe (PL07-0407, Condition No. 13) by Two Years

Chair Dillon reconvened the proceedings at 10:30 a.m.

Brandon Black, Senior Planner; and Michele Szafran, Associate Planner; were present to discuss condition No. 13 of the Hillside Motel expansion.

Michele Szafran re-briefed the Commissioners of the history of the application and project. She reiterated that the applicant was in violation of some of the conditions set by the Hearing Examiner and Board.

Commissioner Dahlstedt wanted to be sure that the Board was present to look at the present economic climate and decide if they will allow a two-year extension, or if Planning and Development wanted them to re-review the Hearing Examiner's decision.

Mr. Black stated that they are recommending approval of Condition No. 13. Planning and Development Services also felt it necessary to review the other conditions which were in violation. Planning and Development requires the applicant take steps to correct and meet the conditions that have been put in place by the Hearing Examiner and Board.

John Ravnik, civil engineer for the Hillside Motel project, was present and discussed each of Planning and Development's comments on the projects status and current violations. He went on to discuss the importance of a two-year time extension for the project due to the economic situation.

Mr. Ravnik went on to discuss the disturbed construction site which is publicly visible and the condition to screen it from view with tree plantings. Mr. Ravnik originally suggested a row of pyramidalis trees. Planning and Development requested a variety of native plantings be used and planted in a larger space in a "V" pattern. Mr. Ravnik does not object to screening the construction site with plantings, however, he stated that they would prefer to do a simple row of plants for now instead of a larger "V" planting area for construction purposes. Mr. Ravnik offered to plant a row of trees 6 feet tall and fill it in with more plants later.

Mr. Ravnik discussed Planning and Development staff condition No. 5. He would be happy to provide a report on the status of the project, however he stated that he would not want someone

dissatisfied with their progress. He went on to say that the request seems a little unusual.

Commissioner Dahlstedt asked Mr. Ravnik if project status reports have been requested from him in the past.

Mr. Ravnik stated that these have never been asked of him before. He stated that this project has received a lot of scrutiny and review. He is happy to submit reports, but he stated again that he would not want someone to be dissatisfied with their progress.

Commissioner Wesen asked Planning and Development for more clarification on the tree planting request.

Mr. Black stated that the department wanted the trees planted with enough width to properly grow and screen the area. The initial planting can be staggered. After the building permit with full landscape plan is submitted and reviewed, it can be discussed further. The department would like more than just a row of pyramidalis trees.

Commissioner Dahlstedt asked if there have been other projects which have had certain landscaping requirements.

Mr. Black answered that the Commissioners and the Hearing Examiner required the additional plantings as they wanted it screened. He went on to say that, yes, the department does require certain landscaping be done on projects and any other conditions imposed by the Board.

Chair Dillon stated that she remembers that they were adamant about the plantings. They thought it would be a great project, but they wanted to be sure that some of the land was restored as well as help out the neighbors.

Commissioner Dahlstedt stated that these are hard times and many businesses are under pressure. He stated that things need to be fair, consistent, and reasonable. He wants to be sure to help businesses succeed, and at the same time not compromise the application process. Commissioner Dahlstedt requested that the legal department review Planning and Development's specific requests.

Chair Dillon stated that businesses need to be assured that they can move forward in these times and believes that a two-year extension would be a step in the right direction.

Clarence Katwijk was present and stated that he had no objection to the motel project. He does have a dispute over a boundary line. Before he could continue, Chair Dillon clarified with Mr. Katwijk that the Commissioners have no jurisdiction over property

lines and that they cannot rule on such a matter as it is a civil matter.

Commissioner Dahlstedt requested that the applicant review the resolution before being signed by the Commissioners.

Chair Dillon stated that a decision would then be made on December 28, 2010, at 10:00 a.m.

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

Chair Dillon reconvened the proceedings at 11:30 a.m. and excused Commissioner Dahlstedt. Chair Dillon requested that an item come before the Commissioners before comments from the public.

Kendra Smith, Natural Resources Coordinator, was present to discuss two miscellaneous items for their consideration and signature. The first, a Notice of Grant Agreement between Skagit County, the U.S. Environmental Protection Agency, and The Nature Conservancy regarding the Wylie Conservation Easement Acquisition. This Agreement places notice on record of Skagit county's obligation to endure the long-term conservation of the protected Wylie property, Skagit County Contract No. C20100448, AF No. 201009280087.

A motion was made by Commissioner Wesen to approve the Agreement between the between Skagit County, the U.S. Environmental Protection Agency, and The Nature Conservancy regarding the Wylie Conservation Easement Acquisition. **(Contract No. C20100632)** Chair Dillon seconded the motion.

The vote passed unanimously. Commissioner Kenneth A. Dahlstedt's absence was excused

The second is a Conservation Easement Deed between Skagit County and Maynard Axelson to extinguish three development rights on 157.85 acres comprised of Parcels P15911, P15913, P15909, and P15910 in the amount of \$395,000. The United States Department of Agriculture will reimburse Skagit County a total of \$197,500. If the Washington State Recreation and Conservation Office receives funding from the State Legislators by December 21, 2011 for its Washington Wildlife Recreation Program, then it will contribute one-half of the funds(\$197,500) to Skagit County and become a third party beneficiary. The Easement shall commence on the date of execution.

A motion was made by Commissioner Wesen to approve the Conservation Easement Deed between Skagit County and Maynard Axelson to extinguish three development rights on 157.85 acres. **(Contract No. C20100633)** Chair Dillon seconded the motion.

The vote passed unanimously. Commissioner Kenneth A. Dahlstedt's absence was excused

Ed Johnson, of 2545 Lake Cavanaugh Road, discussed addressing issues as well as problems he and his neighbors are having with people accessing property by their gates and other neighborhood problems. He went on to discuss the economy and shared news that he has recently received two employer interviews. He urged everyone to be vigilant and know your neighbors.

Betty Carr, of Minkler Lane, discussed the Washington State University's Beach Watcher Program and Friends of Skagit Beaches. She stated they are celebrating their fifth year, thanked the Commissioners for their support, and invited them to their celebration on January 19, 2011.

Chair Dillon recessed the proceedings at 11:46 a.m.

- f) **3:00 p.m. - 3:30 p.m. Presentations: Certificates of Commendation for Jerry Jewett, Skagit County Planning Commission and Paul Koetje, Skagit County Board of Equalization**

Chair Dillon reconvened the proceedings at 3:00 p.m.

Gary Christensen, Director of Planning and Development Services, stated that members of the Planning Commission are appointed by the Commissioners from their respective districts. Jerry Jewett has been a member since 2002 and everyone at Planning and Development wish him well in his future endeavors.

Commissioner Dahlstedt thanked Mr. Jewett for his eight years of service and on a job well done.

Chair Dillon thanked Mr. Jewett for his years of service and his many long hours. He has served cheerfully and willingly.

Commissioner Wesen thanked Mr. Jewett for his years of service. He has taken time away from his family in order to help the county. Commissioner Wesen read the Certificate of Commendation in Recognition of Dedicated Public Service rendered on behalf of the people, the community, and the public interest, faithfully and unselfishly by Jerry D. Jewett from October 21, 2002, to October 20, 2010.

Mr. Jewett felt that it was a necessary job which someone had to perform and eight years is about right.

Tim Holloran, County Administrator, stated that Jerry Jewett is a giver. He managed Safeway for years, many people in the community know him. He is a wood worker, he supports Special Olympics, he is always willing to give his time and effort to something important. Mr. Holloran thanked Mr. Jewett.

Next, Betta Spinelli, the Clerk of the Board of Equalization, described the role of the Board of Equalization. She stated that the Board makes decisions about disputed property assessments. She said that while Paul Koetje is quite a character, he is smart and asks the right questions when the Board has to make the right decisions. Paul Koetje also gardens and hunts.

Commissioner Dahlstedt is impressed that Mr. Koetje has been doing this for thirteen years and he has been committed and treated everyone fairly. He has been proud to have Paul serve. It can be a tough job.

Commissioner Wesen read The Certificate of Appreciation in recognition of dedicated public service rendered on behalf of the people, the community, and the public interest, faithfully and unselfishly by Paul Koetje for thirteen years of serve.

Paul Koetje shared something an appellant once said, was that he didn't get what he wanted, but he learned something about how it works. They were able to convince him that the valuation was, indeed, acceptable. Mr. Koetje liked to do the job. It had many ups and downs, but it was easy to step into the position with the other two gentlemen, Phil and Bill.

Chair Dillon recessed the proceedings at 3:17 p.m.

g) 3:30 p.m. - 4:30 p.m. Planning and Development Services, Gary Christensen, Director:

1. Continuance: Closed Record Hearing to Consider the Hearing Examiner's Recommendation for Denial Regarding Variance Request PL10-0298 by Victor Benson to allow modification of Variance V88-002

Chair Dillon reconvened the proceedings at 3:31 p.m.

Gary Christensen, Director, introduced Grace Roeder, Senior Planner, who presented the Hearing Examiner's decision regarding the denial of the variance request PL10-0298 by Victor Benson to allow modification of variance V88-002. Ms. Roeder discussed the materials submitted to the Board. The property is located on Stackpole Road, is 26 acres, and is zoned as Agricultural land. On July 23, 2010, Mr. Benson applied for a variance to rescind Condition No. 2 of V88-002 that restricts residential development on Lot 2 of Short Plat 13-88. After a Public Hearing was held on November 13, 2010, the Hearing Examiner issued a decision recommending denial. Now the Board of County Commissioners must decide on the matter.

Ms. Roeder discussed the history of the two parcels. Mr. Benson intends to combine them for total of 46 acres. The combined parcels and acreage will then make the property eligible for

residential development.

The variance was granted in 1988 in order to relieve property owners of tax burdens. There was no indication that this condition could or would ever be rescinded. And now, since 1988 the zoning restrictions have become more restrictive. Ms. Roeder stated that if the condition was rescinded, it would not go along with current procedures of protecting farmland. Planning and Development Services suggests that the Board uphold the Hearing Examiner's recommendation for denial and sign the attached resolution doing so.

Commissioner Wesen and Ms. Roeder discussed reasons for doing land splits in 1988 and Ms. Roeder stated that there were probably about fifty conversions performed in 1988 and many more before then.

Commissioner Dahlstedt wondered about the smaller parcels surrounding Mr. Benson's land and wondered about homes on them.

Chair Dillon reminded those present that this was a closed record hearing and that no new evidence could be submitted.

Applicant, Victor Benson, was present. He stated that Skagitonians to Preserve Farmland was present at the last meeting and upset him. He wondered where they were when he lost his other two farms. Mr. Benson discussed the troubles he has had farming the property. He stated that he receives all of the water from the roadway which allow his neighbors to better raise their crops. He just wants to put up one house for him and his wife to live in. He paid \$1,200 to apply for this and he hopes that is request is seriously considered. He has farmed the property for 50 years. The area where the house would be built is a sandy spot that cannot be farmed.

Commissioner Dahlstedt asked if a lot certification was performed on the other parcel.

Seeing no further testimony forthcoming, Commissioner Dahlstedt made a motion to close the Closed Record Hearing, which was seconded by Commissioner Wesen. The motion passed unanimously.

Chair Dillon stated that the Commissioners will make their decision on January 4, 2011.

2. Discussion and Possible Action: Planning Commission Recommendation on the Guemes Island Subarea Plan

Carly Ruacho, Senior Planner, presented the recorded motion from the Planning Commission regarding the Guemes Island Subarea Plan. The plan has been reviewed by multiple boards and departments. Ms. Ruacho stated that Mark Personius would discuss the plan in more detail and that she and Mr. Personius would answer any questions the Commissioners had.

Mark Personius stated that this is the first subarea plan which was put together by a volunteer committee. There are over 100 policies in the plan. The plan is 100 pages long and received public comments 102 pages long. Mr. Personius stated that the people on the island care about what happens on the island. The plan includes a well-head protection map, a build-out development map, and a map of the public and private open space areas. The shoreline management plan was discussed.

A discussion was held regarding the proposed designation change to many parcels from rural reserve to rural intermediate. Chair Dillon noticed that many changes in the plan were to the word "should" and "shall". They seem to go back and forth.

Ms. Ruacho stated that when GIPAC reviewed the plan they preferred the word "shall". When the County reviewed the plan, they preferred "should". The Planning Commission went item by item and decided on which issues would say "should" and which would say "shall". Now the document is a mix of both words.

Commissioner Wesen thanked everyone for their work on the plan.

Commissioner Dahlstedt said it can be a challenge with words like "shall" and "should" and he wants to be sure that there are not promises made which cannot be kept.

Chair Dillon stated that it is nice to see a citizen driven plan come through to them. Chair Dillon looks forward to signing the plan by the end of the year. She prefers the "shalls" but can live with the "shoulds". She has no changes.

Mark Personius was thanked for his work.

The Commissioners asked Planning and Development Services for a clean copy of the plan to put on the consent calendar for signature on December 28, 2010.

Commissioner Wesen asked if they would be able to have a clean copy ready for signature on the 28th.

Gary Christiansen stated that a clean copy will come forward to the Commissioners for signature as they see it today.

Commissioner Dahlstedt asked on the policy 5.7 on the

Commercial aquaculture. Is that "shall" or "should"?

Mr. Personius answered that as it reads today, it is "shall be prohibited". Staff recommends that it be changed to "should be prohibited". This would require the Board's vote.

A motion was made by Commissioner Wesen to approve the change in policy 5.7 from shall to should to be consistent with Skagit County's Code. Commissioner Dahlstedt seconded the motion.

The vote passed unanimously.

3. Miscellaneous

IV. ADJOURNMENT:

Chair Dillon adjourned the proceedings at 4:33 p.m. and wished everyone a Merry Christmas and a Happy New Year.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board