

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
TUESDAY, MARCH 29, 2011**

The Skagit County Board of Commissioners met in regular session on Tuesday, March 29, 2011, with Commissioners Ron Wesen, Kenneth A. Dahlstedt, and Sharon D. Dillon present.

I. CALL TO ORDER:

Chairman Wesen called the proceedings to order at 8:30 a.m.

II. PLEDGE OF ALLEGIANCE:

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

III. AGENDA:

- a) 8:30 a.m. - 9:30 a.m. Planning and Development Services - Gary Christensen - Director:

Gary Christensen, Director, was present to introduce the agenda items and answer any questions for Planning and Development Services.

1. Deliberation/Possible Action: Adoption of a Revised Fee Schedule for Skagit County Planning & Development Services

Mr. Christensen stated that public notice had been provided regarding the Skagit County Planning and Development Services fee schedule for 2011. He confirmed that the public hearing was held on Tuesday, March 22, 2011, and that public comments have been received and provided to the Board of County Commissioners.

Bill Dowe, Deputy Director, stated that the Board could amend, adopt, or revise the proposed fee schedule.

Commissioner Dillon said that in her opinion, citizens had the right to appeal to the Board of County Commissioners and to the Hearing Examiner. She stated that she would prefer the fees to appeal stay the same or that if they are raised, they should not be raised significantly.

Commissioner Dahlstedt concurred with Commissioner Dillon and said that the average taxpayer should not pay when other people choose to make land use changes.

Chairman Wesen asked how many administrative variances were received per year. Mr. Dowe indicated that since 2007, the Planning and Development Services department had received approximately 20 per year. Chairman Wesen went on to state that the costs for appeals should not be prohibitive.

Mr. Christensen noted that the department is not a for profit business,

and said that the fees merely cover the expenses for staff time. He also said the appeal process could be changed and discussed whether appeals should go to Superior Court once a decision has been made at the local level, as opposed to appellants appealing at the local level and then appealing to Superior Court.

There was a brief deliberation about the costs for administrative special use fees.

A motion was made by Commissioner Dillon to approve the Resolution Revising the Planning and Development Services Fee Schedule, Reenacting the Health Department Fee Schedule, and Rescinding Resolution No. R20090134, with an exception that Appeals to the Board of County Commissioners remain at \$500 and Appeals the Hearing Examiner remain at \$1,000. **(Resolution No. R20110111)** Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

2. Discussion/Update: National Marine Fisheries Service (NMFS)/Federal Emergency Management Agency (FEMA) Biological Opinion

Tim DeVries, Building Official and Floodplain Manager, explained that the Federal Emergency Management Agency (FEMA) implements the National Flood Insurance Program (NFIP), which through the issuance of insurance influences the type and extent of development within the floodplains. He went on to say that in 2008, the National Marine Fisheries Services (NMFS) issued a Biological Opinion finding that NFIP jeopardized the existence of several Puget Sound species listed under the Endangered Species Act.

Mr. DeVries stated that as a Tier 1 floodplain community, Skagit County had been granted an extension for implementation of the floodplain management criteria from September 2010, to September 2011.

He went on to explain that over the next several months, the County intends to hold public meetings. There was a brief discussion held about educating people so that homes would not be built in harms' way and balancing the risks and protecting the resources and habitat.

The Commissioners thanked Mr. DeVries for the update.

3. Miscellaneous

Mr. Christensen requested that the Commissioners allow more time for the public to submit letters of interest for the Shoreline Master Program advisory committee.

Carol Ehlers of west Fidalgo Island was present and spoke about the need to allow for more time.

Kirk Johnson, Project Manager Manger for Envision Skagit 2060, provided a brief update on the project. He discussed the various community, and

informational meetings that have been held by the Envision Skagit 2060 Project.

Mr. Johnson said that a Hispanic and Latino community meeting would be held on Wednesday, April 27, 2011, from 6:00 p.m. to 8:00 p.m. at the Mount Vernon High School Cafeteria. He also mentioned that they would be working on producing materials in Spanish.

Mr. Johnson went on to provide the following information:

Envision Skagit 2060, Futerwise, the Transportation Choices Coalition and the architectural firm GGLO would be conducting a workshop, presentation and discussion, followed by the unveiling of the *Blueprint* visual exhibit and reception on Thursday, April 14, 2011, at the Burlington Public Library, located at 820 East Washington Avenue, Burlington, from 3:00 p.m. to 5:00 p.m.

Ed McMahon, Senior Resident Fellow for Sustainable Development and Environmental Policy or the Urban Land Institute (ULI), would be conducting a presentation entitled "The Dollars and Sense of Sustainable Development" on Thursday, April 28, 2011, from 6:30 p.m. to 8:30 p.m. at the Lincoln Theatre in Mount Vernon.

Mr. Johnson said that the public could obtain more information on the County's website at www.skagitcounty.net/Common/asp/default.asp?d=EnvisionSkagit&c=General&P=main.htm.

Mr. Johnson indicated that the Envision Skagit 2060 Citizens' Advisory Committee would present their recommendations to elected officials by June.

The Commissioners thanked the Citizens' Committee for their hard work on the Envision Skagit 2060 project.

Chairman Wesen recessed the proceedings at 9:30 a.m.

- b) 9:30 a.m. - 9:45 a.m. Budget and Finance - Trisha Logue - Director:

Chairman Wesen reconvened the proceedings at 9:36 a.m.

1. Public Hearing/Possible Action to Consider Testimony Regarding Amendment the 2011 Skagit County Budget

Trisha Logue, Director, provided information to the Board on the supplemental budget. She stated that the amendment was required in order to accurately reflect a change in spending authority based upon closure days, unforeseen expenditures, accommodate new and/or increased revenues between existing line items. She stated that the savings to the general fund was \$816,319, and the savings to the non-general fund was \$710,000.

Chairman Wesen opened the public hearing at 9:45 a.m.

Seeing no public testimony forthcoming, Commissioner Dahlstedt made a

motion to close the public hearing at 9:45 a.m. Commissioner Dillon seconded the motion, which passed unanimously.

A motion was made by Commissioner Dillon to approve the supplemental budget for 2011. (**Resolution No. R20110112**) Commissioner Dahlstedt seconded the motion. The vote passed unanimously.

The Commissioner held a brief discussion regarding the Shoreline Master Program and the need to allow more time to accept letters of interest for the citizens' advisory committee.

A motion was made by Commissioner Dahlstedt to approve extending the time that applicants could submit letters of interest from Thursday, March 31, 2011, to Monday, April 18, 2011. Commissioner Dillon seconded the motion. The vote passed unanimously.

c) 10:00 a.m. - 11:00 a.m. Administrative Services - Tim Holloran - County Administrator:

1. Public Hearing/Possible Action to Consider Testimony Regarding Amending Skagit County Code 7.01.090 "Public Disturbances"

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

Tim Holloran, County Administrator, stated that at the Commissioners' request a code amendment to the "dog bark ordinance" codified at Skagit County Code 7.01.090, had been prepared.

Ryan Walters, Deputy Prosecuting Attorney, indicated that currently, the ordinance prohibits frequent, repetitive, or continuous noise from an animal when it constitutes a public disturbance, and presumes that such noise is a public disturbance if it lasts for 30 minutes or more. He suggested that the ordinance imposed a warning for a first offense, a \$125 fine for second offense, and made a third offense a criminal misdemeanor. He said that kennels and other similar operations are exempted from the ordinance requirements.

Mr. Walters went on to say that, the proposed amendment removed the exemption, and would move the dog bark code section to a new chapter, under Title 7. He said that the change would allow readers of the code to be able to more easily find and reference the provision.

Chairman Wesen opened the public hearing at 10:05 a.m.

Carol Ehlers of 3999 Windcrest Lane on Fidalgo Island stated that she supported the amendment.

Seeing no further public testimony forthcoming, Commissioner Dillon made a motion to close the public hearing at 10:08 a.m., which was seconded by

Commissioner Dahlstedt. The motion passed unanimously.

A motion was made by Commissioner Dahlstedt to approve an Ordinance removing the exemption for kennels and similar operations from Skagit County Code 7.01.090, public disturbances. (**Ordinance No. O20110005**) Commissioner Dillon seconded the motion. The vote passed unanimously.

Carol Ehlers commented on noise disturbances caused by light industry located in close proximity to dense residential areas and schools. She that the County should revise the Skagit County Code to address this issue.

Chairman Wesen recessed the proceedings at 10:12 a.m.

- d) 11:00 a.m. - 11:15 a.m. Presentation: 24th Annual Skagit County Farm Worker March

Chairman Wesen reconvened the proceedings at 11:01 a.m.

Consuelo Guandique of 901 South 21st Place in Mount Vernon, and a member of the Skagit County Farm Worker Solidarity Committee announced that the 24th Annual Skagit County Farm Worker march would be held on May 1st and would begin at Maiben Park in Burlington at 10:00 a.m. and ends at Skagit Valley College at about 2:00 p.m.

The Commissioner thanked Ms. Guandique for the presentation.

Chairman Wesen recessed the proceedings at 11:09 a.m.

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

Chairman Wesen reconvened the proceedings at 11:30 a.m.

Seeing no public comment forthcoming, the public comment period was closed at 11:30 a.m.

The Commissioners discussed the March for Meals program, and the 2011 Tulip Festival.

Chairman Wesen recessed the proceedings at 11:32 a.m.

- f) 1:30 p.m. - 2:00 p.m. Parks, Recreation and Fairgrounds - Brian Adams - Director:
 - 1. Update - Howard Miller Steelhead Park Creek Restoration Project

Chairman Wesen reconvened the proceedings at 1:39 p.m.

Brian Adams, Director, announced that on Saturday, April 9, and Sunday, April 10, 2011, Skagit County will be hosting the Garage Sale at the Skagit County Fairgrounds.

Mr. Adams provided a brief background on the collaborative project between Skagit County and The Skagit Fisheries Enhancement Group (SFEG). Mr. Adams introduced Sue Madsen, Restoration Ecologist Skagit Fisheries Enhancement Group. Ms. Madsen stated that The Skagit Fisheries Enhancement Group (SFEG) has been working with Skagit County Parks and the Public Works departments to develop a project that would route a small-channelized tributary stream in Howard Miller Steelhead Park back into its natural course along the base of the slope in a former side channel of the Skagit River.

Ms. Madsen indicated the project was expected to cost \$220,785. The SFEG received \$186,005 in grant funds for the project. Ms. Madsen suggested that the project would include construction of a boardwalk across the newly created channel and wetland complex in order to ensure that the existing trail system is not impacted. She went on to say that interpretive signs would be installed along the trail and boardwalk.

Commissioner Dillon said the project would be an excellent teaching tool. Commissioner Dahlstedt thanked the SFEG for collaborating with the County on the project. Chairman Wesen concurred that the project would be great teaching tool for the future.

IV. ADJOURNMENT:

Chairman Wesen adjourned the proceedings at 2:01 p.m.

**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Ron Wesen, Chairman

Kenneth A. Dahlstedt, Commissioner

Sharon D. Dillon, Commissioner

ATTEST:

Linda Hammons, Clerk of the Board